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COLONY AND PROTECTORATE OF KENYA

ORDINANCES

ENACTED DURING THE YEAR 1960

Containing

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ORDINANCES, 1960

CHRONOLOGICAL TABLE

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3	Detained and Restricted Persons (Special Provisions)	8–1–60	11–1–60	12
4	Firearms (Amendment)	8–1–60	9–1–60	18
5	Stamp Duty (Amendment)	21–1–60	s. 9: 16–1–61; s. 10: 1–10–58; Remainder: 2–2–60	27
6	Excise Tariff (Amendment)	21–1–60	1–10–60	30
7	Crop Production and Livestock (Amendment)	21–1–60	2–2–60	32
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9	Widows' and Orphans' Pension (Amendment)	11–4–60	ss. 2 and 3: 1–1–51; ss. 8 and 12: 1–1–52; s. 5: 1–1–54; Remainder: 12–4–60	35
10	Corneal Grafting	11–4–60	12–7–60	54
11	Credit to Africans (Control) (Repeal)	11–4–60	12–4–60	56
12	Native Liquor (Amendment)	11–4–60	12–4–60	57
13	Specific Loan (International Bank for Reconstruction and Development)	17–5–60	17–5–60	61
14	Traffic (Amendment)	6–6–60	7–6–60	65
15	Consolidated Fund (No. 2)	13–6–60	14–6–60	67
16	Law Reform (Miscellaneous Provisions) (Amendment)	13–6–60	14–6–60	74
17	Debts (Summary Recovery) (Amendment)	13–6–60	14–6–60	75
18	Customs Tariff (Dumping and Subsidies)	13–6–60	14–6–60	77
19	Appropriation	13–6–60	14–6–60	79
20	Lake Victoria Fisheries (Reapplication of Laws)	13–6–60	30–6–60	88
21	Central Housing Board (Vesting of Loans)	13–6–60	1–1–55	90
22	Guarantee (High Commission Posts and Telecommunications Loan)	13–6–60	14–2–61	92
23	Prevention of Crime (Amendment)	1–7–60	5–7–60	97
24	Finance	1–7–60	ss. 6, 7, 8 and 9: 28–4–60; s. 10 (1): 1–5–60; s. 10 (2): 1–1–61; Remainder: 5–7–60	98

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26	Coffee	1–7–60	5–7–60	123
27	Books and Newspapers	1–7–60	19–7–60	149
28	Hindu Marriage and Divorce	*	19–7–60	160
29	Exchequer and Audit (Amendment)	19–8–60	30–8–60	171
30	Paymaster General	19–8–60	30–8–60	178
31	Africans' Arms (Amendment)	19–8–60	30–8–60	179
32	King's African Rifles (Reserve of Officers)	†	By Notice	181
33	Prisons (Amendment)	11–11–60	22–11–60	187
34	National Loans	11–11–60	ss. 5 and 6 (2): 1–7–60 Remainder: 15–11–60	189
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36	African Courts (Validation)	11–11–60	15–11–60	194
37	Education (Amendment)	11–11–60	15–11–60	195
38	Road Authority (Amendment)	25–11–60	6–12–60	201
39	Aerodrome Regulation	25–11–60	6–12–60	203
40	Special Pensions	25–11–60	6–12–60	206
41	Election Offences (Amendment)	25–11–60	6–12–60	208
42	Housing (Amendment)	25–11–60	6–12–60	209
43	Law of Contract	25–11–60	1–1–61	212
44	Rules of Court	3–12–60	13–12–60	215
45	Public Collections	3–12–60	13–12–60	216
46	Insurance Companies	3–12–60	By Notice	224
47	Agriculture (Amendment)	3–12–60	By Notice‡	268
48	Legislative Council Elections	19–12–60	24–12–60	337
49	Crown Lands (Amendment)	§	ss. 1, 6, 7, 14, 15: 28–12–60; Remainder: 1–1–61	361
50	Egerton Agricultural College (Amendment)	22–12–60	23–12–60	372
51	Control of Imports and Exports (Amendment)	22–12–60	23–12–60	374
52	Guarantee (High Commission Railways and Harbours Loan)	22–12–60	By Notice	376
53	Public Order (Amendment)	29–12–60	1–2–61	381
54	Penal Code (Amendment)	29–12–60	31–12–60	400
55	Admiralty Police	31–12–60	1–2–61	421
56	Native Lands Registration (Fort Hall District) (Special Provisions)	29–12–60	31–12–60	426

*This Ordinance was reserved for Her Majesty's Assent, which was signified on 28–6–1960—L.N. 324/60.

†This Ordinance was reserved for Her Majesty's Assent, which was signified on 14–10–1960—L.N. 476/60.

‡Certain provisions brought into operation on 3–1–1961 and on 17–1–1961.

§This Ordinance was reserved for Her Majesty's Assent, which was signified on 20–12–1960—L.N. 626/60.

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58	Police	31–12–60	1–2–61	431
59	Water (Amendment)	31–12–60	31–12–60	462
60	Local Authorities (Revenue)	31–12–60	1–2–61	472
61	Tea	31–12–60	By Notice	476
62	Eviction of Tenants (Control) (Mombasa) (Amendment)	31–12–60	31–12–60	489
63	Special Districts (Administration) (Amendment)	31–12–60	31–12–60	491
64	Vasey Pension	31–12–60	31–12–60	497
65	Consolidated Fund (No. 3)	31–12–60	31–12–60	498
66	Dangerous Petroleum Tax (Amendment)	31–12–60	31–12–60	504
67	Detention Camps (Amendment)	31–12–60	24–1–61	506
68	Statute Law (Repeal)	*	17–1–61	509

*This Ordinance was reserved for Her Majesty's Assent, which was signified on 6–1–1961—L.N. 31/61.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
12 of 1927	King's African Rifles Reserve of Officers ..	Repealed	32*
13 of 1931	Bowring Pension	Repealed	68†
24 of 1932	Morris Pension	Repealed	68†
48 of 1934	German Missions (Revesting)	Repealed	68†
5 of 1937	Kenya Defence Force	Repealed	68†
25 of 1939	Military Units	Repealed	68†
24 of 1940	Alienation of Immovable Property to Enemy Subjects (Restriction)	Repealed	68†
18 of 1942	King George the Fifth Memorial Fund ..	Repealed	68†
4 of 1944	Coffee Industry (Financial Assistance) ..	Repealed	68†
7 of 1947	Kenya Defence Force (Temporary Suspension)	Repealed	68†
8	Debts (Summary Recovery)	Ss. 13 (6), 15 amended. S. 12 (1), s. 13 (1) replaced. S. 3 repealed	17
24	Penal Code	Paras. (5) and (6) of and provisos to s. 179 repealed	45
		Definition of "felony", s. 17, s. 28 (1), (4) and (5), marginal note to s. 57, s. 58 (1) and (2), s. 91A, s. 126A, s. 227, s. 228, s. 229, s. 230, s. 233, s. 263 (2), s. 306 (1) and (2) amended; definition of "property", s. 36, ss. 53, 53A, 54, 55, 56, 233A, marginal note to s. 263, s. 263 (1) replaced; definitions of "premises", "print", "prohibited publication", "public officer", "unlawful society", ss. 24A, 46A, 57 (4), 75A, 86A, 90A, 92A, 103A, 107A, 126B, 204A, 339A inserted; definition of " 'person' and 'owner', and other like terms", ss. 21, 34, 52, 60, 91B repealed	54

*Not yet in operation.

†W.e.f. 17–1–1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
27	Criminal Procedure Code	Entries re ss. 54, 58 (1), 58 (2), 91A, 126A, 233A in 1st Schedule amended; entries re ss. 46A, 58 (10), 58 (11), 75A, 86A, 90A, 92A, 103A, 126B, 339A inserted in 1st Schedule; s. 326, entry re s. 91B repealed	54
38	Legislative Council	Repealed	48
42	Emergency Powers	Repealed	2
43	Lighting Control	Repealed	68*
45	Special Districts (Administration)	S. 8 replaced	LN. 442/60
		S. 17, s. 22 (2) amended. definition of "tribesman" in s. 4, ss. 18, 22 (1) replaced; definition of "permit" in s. 4, ss. 15A, 15B, 15C, 16 (2) and (3), 18A, 22A, 22B inserted	63
52	Refugees	Repealed	68*
53	War Refugees (Control and Expulsion)	Repealed	68*
57	Repatriation of Ex-Prisoners of War	Repealed	68*
59	Vagrancy	Repealed	1
61	Deputy Provincial Commissioners	Repealed	68*
73	Widows' and Orphans' Pension	Ss. 4 (1) (*h*), 7, 12 (3) (*a*) and (*c*) and (4) (*d*), 13 (1) amended; ss. 15, 18A (2), Schedules A and B replaced; ss. 3 (5), 3A, 4 (1) (i), 17 (4) and (5) inserted; s. 36 repealed	9
76	Kenya Police Force Reserve	Repealed	58†
78	Prisons	Ss. 62 (1), 65 amended; s. 63 (1) replaced	33
80	Detention Camps	S. 9A inserted	67‡
84	Control of Fugitive Belligerents	Repealed	68*
94	Abolition of the Legal Status of Slavery	Repealed	68*
102	African Property Preservation	Repealed	68*

*W.e.f. 17-1-61.

†Date of commencement: 1-2-1961.

‡Date of commencement: 24-1-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Tile	How Affected	Ordinance of 1960
104	Credit to Africans (Control)	Repealed	11
106	Native Liquor	Ss. 19, 44 (4) amended; ss. 25, 34 (2) and 42 replaced; ss. 22 (3A), (5), (6) and (7), proviso to s. 34, s. 34A inserted; ss. 12 (2), 14, 28, 34 (3), 35 repealed	12
107	Africans' Arms	S. 2 amended	31
108	Africans (Life Assurance Control)	Repealed	46*
136	Municipalities	Para. (*a*) and sub-para. (i) of para. (*b*) of s. 96 (6) replaced	60†
146	Matrimonial Causes (War Marriages)	Repealed	68‡
149	Hindu Marriage, Divorce and Succession	Ss. 3 to 8 (incl.) and 12 repealed	28
155	Crown Lands	Ss. 32, 33, 35 (3), heading of Pt. X, ss. 111 (1), 164, 2nd Schedule amended; ss. 24 (*e*), 31, 34, 81, 82, 111A, 111B, 174 replaced; proviso to s. 33, s. 35 (3) and (4), item (11) in 4th Schedule inserted; ss. 24 (*c*), 35 (2), 108, 109, 109A, 110, 111 (3) and (4), 111C, item VIII in 9th Schedule repealed	49§
177	Fruit Trees Preservation	Repealed	68‡
182	Farmers Assistance	Repealed	68‡
194	Sugar	Repealed	68‡
201	Coffee Industry	Repealed	26
202	Coffee Marketing	Repealed	26
205	Crop Production and Livestock	S. 5 amended; s. 6 inserted	7
215	Royal National Parks of Kenya	S. 8A inserted	57
217	Fish Protection	Ss. 4, 6, 9, 10 amended	20
233	Motor Vehicles Insurance (Third Party Risks).	S. 5 (*a*) replaced	46†

*Not yet in operation.

†Date of commencement: 1–2–1961.

‡W.e.f. 17–1–1961.

§Date of commencement: Ss. 1, 6, 7, 14, 15: 28–12–1960; Remainder, 1–1–1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
239	Currency Loan	Repealed	68*
247	Imperial Loan	Repealed	68*
260	Revenue Collection (Transfer)	Repealed	29
266	Liquor	Repealed	68*
268	Dangerous Petroleum Tax	S. 3 amended	24
		S. 6 amended; proviso to s. 3, s. 5 replaced; s. 4 repealed	66
273	Rebate and Refund of Customs and Excise Duties	Repealed	68*
310	Book and Newspaper Registration	Repealed	27
317	Diplomatic Privileges (Extension)	Pt. III of the Schedule added to	35
79 of 1948	Police	Repealed	58†
16 of 1950	Tea	Repealed	61‡
26 of 1950	Public Order	Long title, definitions of "meeting", "Minister", "private premises", "public meeting", "public place", "public procession" in s. 2, ss. 6 (2), 6A, 7, 8 replaced; headings Pt. I and II, definitions of "hours of darkness", "hours of daylight", "offensive weapon", "premises", "public gathering", "school" in s. 2, Parts III to VII, s. 13A inserted; definition of "Commissioner" in s. 2, s. 4, s. 5 repealed	53†
		S. 5 repealed	54
64 of 1950	Road Authority	S. 10 (2) (*b*) replaced	24
		Definition of "the Fund" in s. 2 amended; s. 3 replaced	38
		Para. (*a*) of s. 10 (2) replaced	60†

*W.e.f. 17-1-61

†Date of commencement: 1-2-1961.

‡Not yet in operation.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
56 of 1951	Water	Ss. 6 (7), 17 (1), 33, 63 (1), 74, 87 (2) (*c*) and (*d*), 87 (3) (*a*), 89, 120 (1) and (3), 167, 178 (1) amended; definition of "body of water" in s. 2 (1), ss. 6 (3), 25 (3), 64 (3) marginal note to s. 64, ss. 84 (6), 87 (2) (*a*), 96, 99, 123 replaced; definition of "Local Water Authority" in s. 2 (1), ss. 3 (3), 22A, 29(2), 57 (2), 58 (2), proviso to s. 60, ss. 63 (2), 86 (3), 88 (4), 97 (2), 110 (2), 120 (4), 134 (1A), 146 (2), 178 (1) (*t*) inserted	59
65 of 1951	African Courts	S. 18 (1) amended	54
67 of 1951	Legislative Council (Temporary Provisions)	Repealed	48
23 of 1952	Trade Unions	Marginal note to s. 52 amended; definition of "to intimidate" in s. 51, para. (*b*) of s. 52, s. 53 repealed	54
30 of 1952	Local Government (County Councils)	S. 143 (1) replaced; sub-para. (vi) in para. (*a*) of s. 140 (1) inserted; sub-para. (ii) of para. (*b*) of s. 140 (1) repealed	60*
58 of 1952	Education	S. 19 (*b*), marginal note to and s. 28 (1), marginal note to s. 29, ss. 44 (*c*), 58 (1), 62 (1), 66 (1), 68 (1), (2) and (3), 80 (1) amended; ss. 33 and 70 replaced; definition of "unlawful society" in s. 2, ss. 40A, 51A and 58 (1) (*h*) inserted; definition of "Minister" in s. 2 repealed	37
17 of 1953	Housing	Long title, definition of "dwelling" in s. 2, ss. 19 and 20 amended; s. 5 replaced; definition of "Minister" in s. 2 repealed	42
39 of 1953	Traffic	S. 48A inserted	14
		Paragraphs (*a*), (*b*), (*c*), (*e*), (*f*) and (*g*) in 1st Schedule replaced	24
40 of 1953	Firearms	Ss. 5 (1), (2), (4), (5), (6) and (7), 6 (2), 7 (2), (3), (6) (*c*), (8), 11 (*a*) and (*c*), and 12 (*a*), (*b*) and (*c*), 9 (1), proviso to s. 12 (1), ss. 13 (1), (2) and (3), 14 (2), 15 (1), (2) and (4), 16 (1) and (2), 17 (3), 18 (4), 26 (1), (4) and (5), 27 (2) and (9), 28 (1) and (5), 29 (1) and (4) (*a*) and (*d*), 36 (6) (*a*), 37 (2) amended; definition of "licensing officer" in s. 2, ss. 3, 10 and 11, 24 (1), 42 replaced; definition of "approved servant" in s. 2 inserted	4

*Date of Commencement: 1-2-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
5 of 1954	Excise Tariff	S. 6A inserted	6
		S. 2 (2) amended; definition of "wine" in s. 2 (1), item 7 in 1st Schedule inserted	24
8 of 1955	Agriculture	Ss. 5 (1) (*d*), 7, 37 (1), 39 (1), second proviso to s. 40 (1), ss. 44 (1), 45 (2), (3) and (4), 47 (1), 52, 55 (1), heading of Parts IV and VI, ss. 58, 83, 93, 98 (1), sub-heading A of Part VIII, ss. 117, 118 (1), 119, 120, 123, 124 (1), 125 (1), 127, 130 (4), 133 (1), heading to Part IX, ss. 141, 145, 152, 158, 173, 188 (3) amended; definitions of "agricultural land" and "Board (Non-scheduled Areas)" in s. 2 (1), ss. 22 (1), 26, 39 (3), 45 (1), 54, proviso to s. 82, ss. 97, 99, 100, 109 (2), 113, 114, 115, 116, 138 (*d*), (*e*) and (*f*), 144, Third Schedule replaced; definitions of "approved settlement scheme", "assisted owner", "essential crops", "Fund", "Production Approval", "special crop", "tenant farmer" in s. 2 (1), proviso to s. 7, ss. 39 (1) (*a*), 98A, 137A, 137B, 138 (2) and (3), 141 (2) and (3), 146 (*f*) and (*g*), Parts, XA, XB, XC, XD, ss. 193A, 193B, 193C, 202A and 6th Schedule inserted; definition of "Highlands" in s. 2 (1), ss. 27 to 33, 39 (1) (*d*), 46 (1), proviso to s. 46 (3), ss. 51, 53, 76, 151, 153 repealed	47*
13 of 1955	Exchequer and Audit	Long title, definition of "revenue" in s. 2, ss. 7 (1), 15, heading of Pt. V, ss. 31, 36 (1) amended; definition of "Appropriation Ordinance" in s. 2, ss. 11 (2), 17, 22 (1), 23 (1), 24 replaced; definition of "consolidated fund service" in s. 2, ss. 7 (2), (3) and (4), 15 (2), 26, 36 (2) and (3) inserted; ss. 7 (2), 12 (1) (*d*), 12 (3), 21, 26 to 30, 31 (3), 34 (2) repealed	29
15 of 1955	Specific Loan	Repealed	68†
19 of 1955	Tax Reserve Certificates	S. 5 amended	34

*Certain provisions brought into operation on 3–1–1961 and on 17–1–1961.
†W.e.f. 17–1–1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1960—(*Contd.*)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1960
21 of 1955	Egerton Agricultural College	Definition of "College" in s. 2, ss. 3, 4 (3) (*e*) (i), 5 (1), 6 (5) and (7), 18, 19 amended; s. 4 (4), 6 (11) inserted	50
38 of 1955	European Agricultural Settlement	Repealed	47*
55 of 1955	Control of Imports and Exports	S. 10 (6) amended; paras. (*a*), (*b*), (*c*) and proviso to s. 10 (1) replaced	51
4 of 1956	Legislative Council	Repealed	48
10 of 1956	Legislative Council (African Representation)	Repealed	48
48 of 1956	Law Reform (Miscellaneous Provisions) ..	Proviso to s. 8 (2) repealed	16
61 of 1956	Eviction of Tenants (Control) (Mombasa)	Para. (*a*) of s. 4 (4) replaced; proviso at end of para. (*c*) of s. 5 (1), s. 5 (1A) inserted	62
1 of 1958	Legislative Council (African Representation) (Amendment and Transitional Provisions).	Repealed	48
10 of 1958	Prevention of Crime	Ss. 1, 2, 3 amended; s. 1 (2) inserted	23
11 of 1958	Election Offences	S. 11 (1) amended; s. 7 (2) inserted	41
		Definition of "election" in s. 2 (1) amended	48
27 of 1958	Customs Tariff	Items 69 (*a*), 79 (*a*) and (*b*), 88 (*b*), 118 (*b*), 132 (*a*), 152 (*a*), in 1st Schedule amended; items 136 (*a*), 138 (*c*), 165 (*e*), 175 (*c*), 43, 51A, 62, 68, 95, 99, 100, 101, 102, 103, 142, 144, 146, 166 in 1st Schedule, item 79 (*b*) in 2nd Schedule replaced; s. 5A, items 47 (*h*), 58 (*n*), 25A, 39A, 140A in 1st Schedule inserted; item 39 (*b*) repealed	24
31 of 1958	Stamp Duty	Ss. 6 (5) and (6), 20 (3), 23, proviso (*a*) to s. 95 (1), ss. 96 (1), 98 (*g*) (iv), 117 (1), paras. (2) and (3) of item 21 of Schedule amended; s. 5 replaced	5
50 of 1959	Companies	Heading of Pt. III of 6th Schedule amended; s. 386 (6) inserted; para. 23A added to Pt. III of 6th Schedule ..	46†
	The Indian Contract Act, 1872	Ceased to apply to the Colony and Protectorate of Kenya w.e.f. 1-1-61	43

*W.e.f. 3-1-1961.
†Not yet in operation.

COLONY AND PROTECTORATE OF KENYA

THE VAGRANCY ORDINANCE, 1960

No. 1 of 1960

LM. 469/60

Date of Assent: 8th January, 1960

Date of Commencement: 9th January, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.
2—Interpretation.
3—Powers of arrest.
4—Powers of court.
5—Warrants.
6—Fingerprints.
7—Places of detention.
8—Assistance to obtain employment.
9—Discharge by Minister.
10—Disposal of vagrants after detention.
11—Provision in regard to children.
12—Expenses.
13—Rules.
14—Repeal.

AN ORDINANCE TO MAKE PROVISION FOR DEALING WITH VAGRANTS

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

1. This Ordinance may be cited as the Vagrancy Ordinance, 1960. Short title.

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

"court" means a subordinate court of the first, second or third class or an African court within the meaning of the African Courts Ordinance, 1951; No. 65 of 1951.

"place of detention" means premises declared by the Minister under section 7 of this Ordinance to be a place of detention;

"police officer" includes a tribal police officer;

"vagrant" means—

(*a*) any person having neither lawful employment nor lawful means of subsistence such as to provide him regularly with the necessities for his maintenance; or

(*b*) any person having no fixed abode and not giving a satisfactory account of himself; or

(*c*) any person wandering abroad, or placing himself in any public place, to beg or gather alms, or procuring or encouraging any child or children so to do; or

(*d*) any person offering, pretending or professing to tell fortunes, or using any subtle craft, means or device by palmistry or otherwise to deceive or impose upon any person;

(*e*) any person living or lodging in any place or area which the Minister for the time being responsible for health has declared, by notice in the Gazette, to be unfit for living in.

(2) For the purposes of paragraph (*b*) of the definition of "vagrant" in subsection (1) of this section, any person lodging in or about any verandah, pavement, sidewalk, passage, outhouse, shed, warehouse, store, shop or unoccupied building, or in the open air or in or about any cart or vehicle, shall, without prejudice to the generality of the expression "fixed abode", be deemed to be a person having no fixed abode.

Powers of arrest.

3. A police officer may without warrant arrest any person who is apparently a vagrant or who he has reasonable grounds to believe has committed an offence against this Ordinance, and shall take such person before a court as soon as possible.

Powers of court.

4. (1) Where any person is brought before a court as being apparently a vagrant, the court shall inquire into his circumstances, and if, after such inquiry, it finds as a fact that such person is a vagrant the court may—

(*a*) order him to be detained in a place of detention; or

(*b*) if satisfied that such person has a home, order him to be taken to the district in which his home is situated and not to leave that district for a period of three years thereafter unless he has been issued with a permit in accordance with the provisions of subsection (2) of this section.

(2) A District Officer may issue to a person in respect of whom an order has been made under paragraph (*b*) in subsection (1) of this section a permit in writing authorizing such person to leave the district to which he is limited by the order and to remain outside the district for such purpose, for such period and on such terms and conditions as the District Officer may specify.

(3) Any person who, having been ordered under paragraph (*b*) in subsection (1) of this section to be taken to a particular district, at any time after his arrival therein leaves such district in contravention of the terms of such order, or who contravenes any of the terms or conditions of a permit issued to him under subsection (2) of this section, or who, while outside such district, fails to produce such a permit, on demand, to a police officer or administrative officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months for a first offence or two years for a second or subsequent offence, and a magistrate convicting any person of an offence under this subsection may, in addition to any penalty imposed therefor, terminate the aforesaid order and make a fresh order under the said paragraph, to take effect either immediately or, where the offender is sentenced to imprisonment, on his release from prison.

(4) A court may order a person brought before it as being apparently a vagrant to be detained in a place of detention for such period, not exceeding fifteen days, as it may consider necessary to enable enquiry to be made into his circumstances as provided by subsection (1) of this section.

(5) A court may order a vagrant to be detained in a place of detention—

(*a*) pending his return to the district in which his home is situated; or

(*b*) for the purpose of ascertaining whether he has committed an offence under subsection (3) of this section:

Provided that no person shall be so detained under an order made under this subsection for a period exceeding twenty-eight days.

(6) (*a*) Any person aggrieved by the making of an order against him under subsection (1) of this section by a subordinate court of the first, second or third class may appeal to the Supreme Court, and the provisions of Part XI of the Criminal Procedure Code, in so far as they relate to appeals, shall apply *mutatis mutandis*: Cap. 27.

Provided that the execution of an order made under paragraph (*b*) in the said subsection shall not be suspended pending the hearing of the appeal:

Provided further that the decision of the Supreme Court shall be final.

Cap. 27.

(*b*) The provisions of Part XI of the Criminal Procedure Code, in so far as they relate to revision, shall apply in respect of proceedings before a subordinate court of the first, second or third class under subsection (1) of this section:

Provided that the decision of the Supreme Court shall be final.

Warrants.

5. A court may issue such warrants as may be necessary to carry into effect any order issued by it under section 4 of this Ordinance, and a vagrant when held under such a warrant shall be deemed to be in lawful custody.

Finger-prints.
No. 79 of 1948.

6. The proviso to subsection (1) of section 34 of the Police Ordinance, 1948 (which relates to the destruction of finger-print and other records) shall not apply in relation to a person found under subsection (1) of section 4 of this Ordinance to be a vagrant.

Places of detention.

LN 25/60 p81
LN. 391/60 p832

7. (1) It shall be lawful for the Minister to declare any premises to be a place of detention for the accommodation of vagrants or of any class of vagrants.

(2) The Minister may from time to time appoint such superintendents and medical and other officers for the management of such places of detention as he may think fit.

(3) Every person lawfully detained in a place of detention shall be deemed to be in lawful custody.

Assistance to obtain employment.

8. The superintendent of every place of detention shall use his best endeavours to obtain suitable employment outside such place for the vagrants detained therein, and, in the event of such employment being found for and accepted by a vagrant so detained, shall discharge him from detention to enable him to take up his employment.

Discharge by Minister.

LN. 101/60 p 232

9. The Minister may at any time order the discharge of a person detained in a place of detention.

Disposal of vagrants after detention.

LN 67/60

10. (1) The superintendent of a place of detention shall as soon as possible report in writing to the Minister whenever a vagrant of the type referred to in paragraph (*b*) in subsection (2) of this section is committed to the place of detention, in order that the Minister may make such arrangements as may

be possible for the removal of the vagrant from the Colony at the expiration of the period specified in that subsection.

(2) If within three months from the committal of a vagrant to a place of detention no suitable employment has been obtained for and accepted by him, then—

(*a*) if the vagrant is a person who is a member of or one of whose parents is or was a member of a tribe or community indigenous to the Colony, or a Somali indigenous to the Colony, or a person who is the holder of or is entitled to be granted a resident's certificate under the Immigration Ordinance, 1956, No. 35 of 1956. he shall be discharged from the place of detention;

(*b*) if the vagrant is not in any of the categories specified in paragraph (*a*) of this subsection, his detention shall be forthwith reported to the Minister, who shall without unnecessary delay either order him to be removed from the Colony, or order his discharge from the place of detention.

(3) A person who is removed from the Colony under paragraph (*b*) in subsection (2) of this section shall be removed to the place whence he came, or, with the approval of the Minister, to a place in the country to which he belongs or to any place to which he consents to be removed if the Government of such last-mentioned place consents to receive him.

(4) An order made under this section for the removal of a vagrant from the Colony shall be carried into effect in such a manner as the Minister may direct, and any such order and directions may at any time be varied or revoked by the Minister.

(5) A person against whom an order for his removal from the Colony is made under this section may, if the Minister so directs, while awaiting removal and while being conveyed to the place of departure, be kept in prison or police custody, and while so kept shall be deemed to be in lawful custody.

(6) The master of a ship or aircraft, the guard of a train, or the person in charge of a public service vehicle, due to call at any port or place outside the Colony, shall, if so required by any public officer acting pursuant to an order for the removal of a vagrant from the Colony under this section, receive on board such ship, aircraft, train or vehicle the

person against whom the order has been made and shall afford him, on due payment, a passage to or towards his final destination, and properaccommodation and maintenance during the passage.

(7) Any person who fails to comply with the provisions of subsection (6) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

(8) Any person who, having been removed from the Colony under this section, returns or attempts to return to the Colony without the permission in writing of the Minister, or having returned to the Colony in pursuance of such permission contravenes any of the terms or conditions of such permission, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding five thousand shillings or to both such imprisonment and fine, and to be removed from the Colony again under this section.

Provision in regard to children.

11. (1) Any person apparently under the age of sixteen years who is not in regular employment nor resident with his parents or other lawful guardian shall, on being found wandering about or upon any premises without the consent of the owner or occupier, be taken before a court, which may make an order for his return to the custody of his parent or guardian, and thereupon he shall be handed over to the custody of such parent or guardian as soon as practicable.

(2) Should any person who has been returned to the custody of his parent or guardian pursuant to an order made under subsection (1) of this section leave such custody without being in regular employment and again be found wandering about or upon any premises without the consent of the owner or occupier, he shall be guilty of an offence and liable to be dealt with in one of the ways specified in section 16 of the Juveniles Ordinance, 1934:

No. 22 of 1934.

Provided that nothing in this subsection shall affect the power of a court to make an order for the return of a person under subsection (1) of this section as often as may be found necessary.

Expenses.

12. Any expenses incurred by the Minister in carrying out the provisions of this Ordinance shall be defrayed out of moneys provided by the Legislature.

13. The Minister may make rules generally for the better carrying out of the objects of this Ordinance, and more particularly, but without prejudice to the said generality, for— Rules.

(*a*) the regulation, staffing and management of places of detention;

(*b*) the search of the person and clothing of any person admitted to a place of detention;

(*c*) the medical examination of such persons, and measures for the preservation of health in places of detention;

(*d*) the segregation of different types of persons in places of detention;

(*e*) the recording of particulars of identity of such persons;

(*f*) prescribing, subject to the approval of the Chief Justice, the forms of warrant, order and permit, and other forms, to be used under this Ordinance;

(*g*) prescribing penalties for the breach of any rules made under this section, and, without derogation from the exercise by a court of the power to try any offence created thereby, empowering the superintendent of a place of detention to inflict such punishment for any breach of the rules, not exceeding one week's confinement or one week's reduced diet, or both, as may be prescribed.

14. The Vagrancy Ordinance is hereby repealed. Repeal. Cap. 59.

THE PRESERVATION OF PUBLIC SECURITY ORDINANCE, 1960

No. 2 of 1960

Date of Assent: 8th January, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.
2—Interpretation.
3—Public security regulations.
4—Special public security regulations.
5—Incidental and supplementary provisions in regulations.
6—Application and effect of regulations.
7—Proof of documents.
8—Repeal.

AN ORDINANCE TO MAKE PROVISION FOR THE PRESERVATION OF PUBLIC SECURITY

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

Short title and commencement.

1. This Ordinance may be cited as the Preservation of Public Security Ordinance, 1960, and shall come into force on such day as the Governor may by notice in the Gazette appoint.

Interpretation.

2. In this Ordinance, the expression "public security" includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice.

Public security regulations.

3. (1) If at any time the Governor is satisfied that it is necessary for the preservation of public security so to do, he may, by notice in the Gazette, declare that the provisions of subsections (2) and (3) of this section shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Governor, by further notice in the Gazette, directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.

(2) Subject to the provisions of subsection (3) of this section, the Governor may for the preservation of public security, by regulation—

(*a*) make provision for the prohibition of the publication and dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;

(*b*) make provision for the prohibition, restriction and control of assemblies;

(*c*) make provision for the prohibition, restriction and control of the residence, movement and transport of persons, the possession, acquisition, use and transport of moveable property, and the entry to, egress from, occupation and use of immovable property;

(*d*) make provision for the regulation and control of food and liquor supplies, medical supplies, clothing supplies, fuel and lubricant supplies, chemical supplies, supplies of arms, ammunition and explosives, hospital, health, medical and nursing services, conservancy and sanitation services, water, gas and electricity services, fire services, posts and telecommunications services, wireless and broadcasting services, railway services, road transport services, port, dock and harbour services, airport, air and meteorological services, and the production, manufacture, importation, exportation and bulk, wholesale and retail distribution of such supplies and distribution and performance of such services;

(*e*) make provision for, and authorize the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in the Colony.

(3) Regulations made under this section shall not make provision for any of the matters set out in subsection (2) of section 4 of this Ordinance.

Special public security regulations.

4. (1) If at any time the Governor is satisfied that the situation in the Colony is so grave that the exercise of the powers conferred by section 3 of this Ordinance is inadequate to ensure the preservation of public security, he may by notice

in the Gazette declare that the provisions of subsection (2) of this section shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Governor by a further notice in the Gazette directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.

(2) The Governor may, for the preservation of public security, make regulations to provide, so far as appears to him to be strictly required by the exigencies of the situation in the Colony, for—

(*a*) the detention of persons;

(*b*) requiring persons to do work and render services.

Incidental and supplementary provisions in regulations.

5. Regulations made under section 3 or section 4 of this Ordinance may—

(*a*) make provision for the payment of compensation and remuneration to persons affected by the regulations;

(*b*) make provision for the apprehension and trial of persons offending against the regulations, and, notwithstanding the provisions of paragraph (*e*) of section 31 of the Interpretation and General Provisions Ordinance, 1956, for such penalties as the Governor may think fit for offences thereunder;

No. 38 of 1956.

(*c*) make provision for suspending the operation of, or for amending, any written law other than an imperial enactment;

(*d*) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;

(*e*) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;

(*f*) contain such other incidental and supplementary provisions as appear to the Governor to be necessary or desirable for the purposes of such regulations:

Provided that nothing in the foregoing provisions of this section or in the provisions of section 3 or section 4 of this Ordinance shall authorize the making of any regulations providing for the trial of persons by military courts.

Application and effect of regulations.

6. (1) Any regulations made under this Ordinance may be made to apply to the Colony or to any part thereof, and to any person or class of persons or to the public generally.

(2) Any regulation made under this Ordinance, and any order or rule made under such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than an imperial enactment, and to the extent of any such inconsistency any such written law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force.

Proof of documents.

7. Every document purporting to be a regulation, order, rule, licence, permit, certificate, direction, authority, or other document made, granted or issued by the Governor or any other authority or person in pursuance of this Ordinance or any regulation made under this Ordinance or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor or that authority or person.

Repeal. Cap. 42.

8. The Emergency Powers Ordinance is hereby repealed.

THE DETAINED AND RESTRICTED PERSONS (SPECIAL PROVISIONS) ORDINANCE, 1960

No. 3 of 1960

Date of Assent: 8th January, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION
1—Short title and commencement.
2—Interpretation.
3—Regulations.
4—Proof of documents.
5—Effect of this Ordinance.

AN ORDINANCE TO MAKE PROVISION FOR THE CONTINUANCE OF POWERS TO CONTROL CERTAIN PERSONS FOR THE PURPOSE OF SECURING THE PUBLIC SAFETY AND THE MAINTENANCE OF PUBLIC ORDER, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

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

Short title and commencement.

1. This Ordinance may be cited as the Detained and Restricted Persons (Special Provisions) Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

Interpretation.

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

"area of restriction" means any area, not being a place of detention, prescribed by or under regulations made under this Ordinance as an area for occupation by specified persons under restriction as to residence in pursuance of such regulations;

"place of detention" means any place prescribed by or under regulations made under this Ordinance for the detention of specified persons;

"place of origin", in relation to any person, means the place in which he has or last had his home, or, if he has and has had no home, the place in which the community to which he belongs resides, or, if he belongs to no community, such place as the Governor may determine in that behalf;

"rehabilitated", in relation to any person, means that that person has genuinely and permanently renounced any adherence to and association with any and every specified unlawful society and all unlawful aims thereof, and that, to the satisfaction of the Governor, the return of that person to his place of origin will not materially prejudice the public safety or the maintenance of public order; and "rehabilitation" has a corresponding meaning;

"specified person" means—

(*a*) any person in respect of whom, immediately prior to the commencement of this Ordinance, a detention order made under regulation 2 of the Emergency Regulations, 1952, was in force, whether or not the operation of such detention order had been suspended under that regulation and whether or not such person was, or had at any time previously been, detained in pursuance thereof; or G.N. 1103 of 1952.

(*b*) any person in respect of whom, immediately prior to the commencement of this Ordinance, an emergency restriction order made under regulation 2A of the aforesaid Regulations was in force; or

(*c*) any person declared under subsection (2) of this section to be a specified person for the purposes of this Ordinance;

"specified unlawful society" means the unlawful society commonly known as *Mau Mau*, the unlawful society commonly known as *Kiama Kia Muingi*, and any other unlawful society which the Governor may, by notice in the Gazette, declare to be, by reason of the similarity of its unlawful aims, objects, activities or practices to those of *Mau Mau*, a specified unlawful society for the purposes of this Ordinance;

"unlawful society" means a society which has been declared under paragraph (ii) of subsection (2) of section 69 of the Penal Code to be a society dangerous to the good government of the Colony, and a society which is an unlawful society within the meaning of section 9 of the Societies Ordinance, 1952. Cap. 24. No 52 of 1952.

(2) If on the commencement of this Ordinance the Governor is satisfied with respect to any person—

(*a*) that such person is for the time being outside the Colony; and

(*b*) that, if such person entered the Colony, it would be necessary for securing the public safety and the maintenance of public order to exercise control over such person,

he may, by notice published in the Gazette not later than seven days after the commencement of this Ordinance, declare such person to be a specified person for the purposes of this Ordinance.

Regulations.

LN. 17/61 1/64

3. (1) The Governor may, for securing the public safety and the maintenance of public order, make regulations to provide, so far as appears to him to be strictly required by the exigencies of the situation in the Colony, for—

(*a*) the detention of specified persons;

(*b*) the prohibition, restriction and control of the residence and movement of specified persons;

(*c*) the prohibition, restriction and control of the possession, use, acquisition and disposal of movable property by specified persons while in detention or under restriction of residence or movement in pursuance of the regulations, their association and communication with other persons, and the receipt and despatch by them of postal, telegraphic and other communications:

Provided that, if regulations providing for any of the matters aforesaid are made under this subsection, provision shall likewise be made requiring that a review of the case of each person detained or restricted in pursuance of such regulations shall be carried out by the Governor, or by a reviewing authority appointed by the Governor, at least once during every successive period of twelve months so long as such person remains detained or restricted in pursuance of such regulations, and that such review shall be directed to securing the termination of such detention or the removal

or relaxation of such restrictions if and as soon as such termination, removal or relaxation can in the opinion of the Governor be effected without serious prejudice to the securing of the public safety and the maintenance of public order, due regard being had to the progress of such person in rehabilitation and to the likely effects, if any, of such termination, removal or relaxation on the continued progress of other specified persons in rehabilitation and towards eventual release from detention or restriction under such regulations.

(2) Regulations made under subsection (1) of this section may, so far as appears to the Governor necessary or desirable for the purposes of such regulations—

(*a*) make provision for the registration, and the maintenance of records and particulars of specified persons, and for the taking of photographs and fingerprints of such persons;

(*b*) prescribe the conditions on which members of the families of specified persons, and any other persons not under restriction of residence in pursuance of such regulations, may reside in areas of restriction;

(*c*) make provision for the management, administration and supervision of places of detention and areas of restriction, and for the regulation and control of entry thereto, egress therefrom, any matters affecting health, hygiene or sanitation therein, the discipline of specified persons detained and of public officers serving in places of detention, the residence and movement of any persons within areas of restriction, trading by and other occupations of any persons within areas of restriction, and the possession, use, acquisition and disposal of movable property by any persons within areas of restriction;

(*d*) make provision for requiring specified persons in places of detention and areas of restriction, and other persons within areas of restriction, to keep their accommodation, furniture and utensils clean, and to maintain their places of residence and the surrounds thereof, or, as the case may be, their places of detention, in good order and in a clean, hygienic

and sanitary condition, and, in places of detention, and where, in places of restriction, they are provided by the Government with rations for communal feeding, to prepare food;

(*e*) make provision for the regulation and control of assemblies within areas of restriction;

(*f*) make provision for the regulation and control of the tenancy, occupation, use and cultivation, by specified persons and other persons, of Crown land situated within areas of restriction, the irrigation and conservation, and the maintenance and improvement of the productivity, of such Crown land;

(*g*) make provision for the prohibition of the production, publishing, sale, supply, distribution and possession by and to specified persons of matter, and of publications containing matter, prejudicial to the public safety or the maintenance of public order or otherwise calculated to retard the rehabilitation of such persons and their progress towards release from detention or restriction in pursuance of such regulations;

(*h*) make provision for such penalties for offences against any regulations made under this Ordinance as the Governor may think fit:

Provided that no such penalty of imprisonment shall exceed one year, no such penalty of fine shall exceed two thousand shillings, and no such penalty of both imprisonment and fine shall exceed imprisonment for one year and a fine of two thousand shillings;

(*i*) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;

(*j*) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;

(*k*) make provision for such other incidental and supplementary matters as may appear to the Governor to be necessary or desirable for the purposes of such regulations.

Proof of documents.

4. Every document purporting to be a regulation, order, rule, licence, permit, certificate, direction, authority or other document made, granted or issued by the Governor or any other authority or person in pursuance of this Ordinance or any regulation made under this Ordinance or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor or that authority or person.

Effect of this Ordinance.

5. The provisions of this Ordinance, and of any regulations made thereunder, and of any order or rule made under any such regulation, shall be in addition to and not in derogation of the provisions of any other written law.

THE FIREARMS (AMENDMENT) ORDINANCE, 1960

No. 4 of 1960

LN 3[illegible]

Date of Assent: *8th January, 1960*

Date of Commencement: *9th January, 1960*

AN ORDINANCE TO AMEND THE FIREARMS ORDINANCE, 1953

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

Short title.

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance, 1960.

Amendment of section 2 of Ordinance No. 40 of 1953.

2. Section 2 of the Firearms Ordinance, 1953, hereinafter referred to as the principal Ordinance, is amended—

(*a*) by substituting for the definition of "licensing officer", which appears therein, a new definition as follows—

"licensing officer" means the chief licensing officer and every licensing officer appointed under section 3 of this Ordinance;

(*b*) by inserting immediately after the definition of "approved carrier", which appears therein, a new definition as follows—

"approved servant" means an employee approved by a licensing officer;.

Replacement of section 3 of the principal Ordinance.

3. There shall be substituted for section 3 of the principal Ordinance a new section as follows—

Appointment of licensing officers.

3. The Commissioner of Police shall, by notice in the Gazette, appoint a chief licensing officer to perform the duties and exercise the powers imposed and conferred by this Ordinance, and may appoint any number of licensing officers who shall be subject to the directions of the chief licensing officer.

Amendment of section 5 of the principal Ordinance.

4. Section 5 of the principal Ordinance is amended—

(*a*) in subsection (1) thereof, by deleting the words "for the area in which the applicant resides", which appear therein;

(*b*) in the proviso to subsection (2) thereof, by adding at the end thereof the words ", or who has not satisfied a licensing officer that he will at all times keep the

firearm securely and in safe custody and in a safe condition and take all reasonable precautions to ensure that the firearm is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same";

(*c*) in subsections (4) and (7) thereof, by substituting for the words "the licensing officer for the area in which the holder resides", which appear therein, the words "a licensing officer";

(*d*) in subsection (5) thereof, by substituting for the words "The licensing officer for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the firearm certificate is held", which appear therein, the words "A licensing officer may at any time by notice in writing vary the conditions subject to which a firearm certificate is held"; and

(*e*) in subsection (6) thereof, by substituting for the words "the licensing officer for the area in which the holder for the time being resides", which appear therein, the words "a licensing officer".

Amendment of section 7 of the principal Ordinance.

5. Section 7 of the principal Ordinance is amended—

(*a*) in subsection (2) thereof, by substituting for the words "a servant", which appear therein, the words "an approved servant";

(*b*) in subsection (3) thereof, by substituting for the words "a warehouseman, or a servant", which appear therein, the words "a bank licensed under section 4 of the Banking Ordinance, 1956, or an approved servant";

No. 62 of 1956.

(*c*) in paragraph (*c*) of subsection (6) thereof, by inserting therein, immediately after the word "Superintendent", which appears therein, the words "or from a licensing officer";

(*d*) in paragraphs (*a*) and (*c*) of subsection (11) and paragraphs (*a*), (*b*) and (*d*) of subsection (12) thereof, by substituting for the words "the licensing officer for the area in which he resides" and the words "the licensing officer for the area in which the holder resides", which appear therein, in each case the words "a licensing officer".

Replacement of sections 10 and 11 of the principal Ordinance.

6. There shall be substituted for sections 10 and 11 of the principal Ordinance two new sections as follows—

Production of firearm certificate or permit.

10. (1) Any police officer, customs officer or licensing officer may demand from any person whom he believes to be in possession of a firearm or ammunition the production of any firearm certificate or of any permit granted under subsection (11) or subsection (12) of section 7 of this Ordinance at or before such time, at such place and to such police officer, customs officer or licensing officer as he may specify.

(2) Such demand may be made orally or in writing.

(3) If any person upon whom a demand is so made fails to produce any certificate or permit granted to him or to allow the officer to read the same, or to show that he is entitled by virtue of this Ordinance to have the firearm or ammunition in his possession without holding a firearm certificate or permit, the officer may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(4) If any person upon whom a demand is so made fails, without reasonable cause, to produce any certificate or permit granted to him, or to allow the officer to read the same, or refuses so to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Production of and accounting for firearms and ammunition.

11. (1) Any police officer, customs officer or licensing officer may demand from any person who holds a firearm certificate or a permit under subsection (11) or subsection (12) of section 7 of this Ordinance the production of any firearm or ammunition to which it relates at or before such time, at such place and to such police officer, customs officer or licensing officer as he may specify.

(2) Any such officer may demand from any person who has within the last preceding five years held a firearm certificate or such a permit as aforesaid the production of any firearm or ammunition to which it relates, or an account of its whereabouts, at or before such time, at such place and to such police officer, customs officer or licensing officer, as he may reasonably specify.

(3) A demand under this section may be made orally or in writing.

(4) If any person fails without reasonable cause to comply with such a demand as aforesaid, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Amendment of section 12 of the principal Ordinance.

7. The proviso to subsection (1) of section 12 of the principal Ordinance is amended by substituting for the words "the licensing officer for the area in which the auction is held", which appear therein, the words "a licensing officer".

Amendment of section 13 of the principal Ordinance.

8. Section 13 of the principal Ordinance is amended—

(*a*) by substituting for subsection (1) thereof (excepting the proviso thereto) the following words—

(1) For the purposes of this Ordinance, the chief licensing officer shall keep in the prescribed form a register of firearm dealers in which, subject as hereinafter provided, he shall cause to be entered the name of every person who applies to be registered as a firearms dealer and furnishes the prescribed particulars:;

(*b*) in subsection (2) thereof—

(i) by deleting the words "in any area", which appear therein; and

(ii) by deleting the proviso thereto;

(*c*) in subsection (3) thereof, by deleting paragraph (*b*) thereof.

Amendment of section 14 of the principal Ordinance.

9. Subsection (2) of section 14 of the principal Ordinance is amended by deleting the words "in any area" and the words "for that area", which appear therein.

Amendment of section 15 of the principal Ordinance.

10. Section 15 of the principal Ordinance is amended—

(*a*) in subsection (1) thereof, by deleting the words "in any area", the words "within the area" and the words "for that area", which appear therein;

(*b*) in subsection (2) thereof, by deleting the words "in any area", the words "in that area" and the words "for that area", which appear therein;

(*c*) in subsection (4) thereof—

(i) by deleting the words "for the area in which that place is situated", which appear in paragraph (*a*) thereof; and

(ii) by substituting for the word "a", which appears in paragraph (*b*) thereof, the word "the".

Amendment of section 16 of the principal Ordinance.

11. Section 16 of the principal Ordinance is amended—

(*a*) by deleting paragraph (ii) of the proviso to subsection (1) thereof;

(*b*) in subsection (2) thereof, by deleting the words "by whom the certificate was issued", which appear therein.

Amendment of section 17 of the principal Ordinance.

12. Subsection (3) of section 17 of the principal Ordinance is amended by inserting therein, immediately after the word "officer", in both places where it appears therein, the words "or licensing officer".

Amendment of section 18 of the principal Ordinance.

13. Subsection (4) of section 18 of the principal Ordinance is amended by substituting for the word "two", which appears therein, the word "five".

Amendment of section 24 of the principal Ordinance.

14. Section 24 of the principal Ordinance is amended by substituting for subsection (1) thereof a new subsection as follows—

(1) This Part of this Ordinance applies to all firearms as defined in section 2 of this Ordinance and to all safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, except—

airguns, air-rifles, air-pistols and safety, toy and alarm pistols which are not of a type declared by the Minister, by notice in the Gazette, to be specially dangerous or potentially dangerous.

15. There shall be substituted for subsection (1) of section 26 of the principal Ordinance a new subsection as follows— Amendment of section 26 of the principal Ordinance.

(1) It shall not be lawful for any person, other than a person in the service of the Crown acting in his capacity as such or a person authorized in writing in that behalf by the Minister or a person of a class for the time being authorized in that behalf by the Minister by notice in the Gazette, to sell, transfer, purchase, acquire, or have in his possession—

(*a*) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed or until the magazine containing the missiles is empty; or

(*b*) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or

(*c*) any ammunition containing, or designed or adapted to contain, any such noxious thing; or

(*d*) any firearm or ammunition specified, or of a class or type specified, by the Minister by notice in the Gazette; or

(*e*) any accessory or attachement, of a kind specified by the Minister by notice in the Gazette, which is designed or adapted for use with or as part of a firearm.

16. Subsection (9) of section 27 and subsection (5) of section 28, of the principal Ordinance are amended by substituting for the words of the subsection in each case the following words— Amendment of sections 27 and 28 of the principal Ordinance.

In this section "firearm" includes safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, and "ammunition" means ammunition to which Part I of this Ordinance applies.

17. Section 29 of the principal Ordinance is amended— Amendment of section 29 of the principal Ordinance.

(*a*) in subsection (1) thereof, by substituting for the words "the licensing officer for the area from which such

firearm or ammunition is to be removed or transported", which appear therein, the words "a licensing officer"; and

(*b*) in subsection (4) thereof—

(i) by substituting for the words "or a servant", which appear in paragraph (*a*) thereof, the words "or an approved servant"; and

(ii) by deleting the words "in the same area" in both places where they appear in paragraph (*d*) thereof.

Amendment of section 36 of the principal Ordinance.

18. Paragraph (*a*) of subsection (6) of section 36 of the principal Ordinance is amended by substituting for the words "the licensing officer by whom the firearm certificate or permit was granted", which appear therein, the words "the chief licensing officer".

Amendment of section 37 of the principal Ordinance.

19. Subsection (2) of section 37 of the principal Ordinance is amended by substituting for the words "or customs officer", which appear therein, the words ", customs officer or licensing officer".

Replacement of section 42 of the principal Ordinance.

20. There shall be substituted for section 42 of the principal Ordinance a new section as follows—

Service of documents, notices, etc.

42. Save where otherwise expressly by this Ordinance provided, any demand or notice required or authorized by this Ordinance to be made of or given to any person shall be served either—

(*a*) by delivering it to the person to whom it is addressed; or

(*b*) by sending it by registered post addressed to that person at his last known postal address; or

(*c*) in the case of a registered firearms dealer, by delivering it to him at any place of business in respect of which he is registered or by sending it by registered post addressed to him at his last known postal address.

Amendment of certain other provisions of the principal Ordinance.

21. The following provisions of the principal Ordinance are amended by substituting for the words "Chief Secretary", in each place where they appear therein, the word "Minister"—

(*a*) subsection (2) of section 6;

(*b*) subsection (8) of section 7;

(*c*) subsection (1) of section 9;

(*d*) subsections (4) and (5) of section 26;

(*e*) subsection (2) of section 27;

(*f*) subsection (1) of section 28.

THE STAMP DUTY (AMENDMENT) ORDINANCE, 1960

No. 5 of 1960

Date of Assent: *21st January, 1960*

Date of Commencement: *The whole Ordinance except sections 9 and 10—2nd February, 1960*
Section 9—By Notice
Section 10—1st October, 1958

AN ORDINANCE TO AMEND THE STAMP DUTY ORDINANCE, 1958

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

Short title.

1. This Ordinance may be cited as the Stamp Duty (Amendment) Ordinance, 1960.

Replacement of section 5 of Ordinance No 31 of 1958.

2. There shall be substituted for section 5 of the Stamp Duty Ordinance, 1958 (hereinafter referred to as the principal Ordinance) the following section—

Liability to stamp duty.

5. Subject to the provisions of, and to the exemptions contained in, this Ordinance and any other written law, every instrument specified in the Schedule to this Ordinance, wheresoever executed, which relates to property situate, or to any matter or thing done or to be done, in the Colony, shall be chargeable with the stamp duty specified in the said Schedule.

Amendment of section 6 of the principal Ordinance.

3. Section 6 of the principal Ordinance is amended—

(*a*) in subsection (5) thereof, by substituting for the words "liable for stamping", the words "responsible for stamping";

(*b*) in subsection (6) thereof, by substituting for the word "liability", in each of the first two places where it appears in that subsection, the word "responsibility".

Amendment of section 20 of the principal Ordinance.

4. Subsection (3) of section 20 of the principal Ordinance is amended by substituting for the words "any decision", the words "the decision".

Amendment of section 23 of the principal Ordinance.

5. Section 23 of the principal Ordinance is amended by deleting the words "to which it would have been liable if it had been executed in the first instance within the Colony", and by substituting therefor the words "chargeable thereon in accordance with this Ordinance".

Amendment of section 95 of the principal Ordinance.

6. Proviso (*a*) to subsection (1) of section 95 of the principal Ordinance is amended by substituting for all the words which appear therein after the word "Ordinance" the words "been stamped with a particular stamp denoting either that it is not chargeable with any duty or that it is duly stamped; but, where, by reason of this proviso, a fee has been paid under the said section in respect of the stamping of such an instrument, no fee shall be payable under the said section in respect of the stamping of any further instrument of transfer or assignment between the existing company and the transferee company where the conditions under which such further transfer or assignment takes place are those under which the transfer or assignment in respect of which the fee was paid took place; and".

Amendment of section 96 of the principal Ordinance.

7. The proviso to subsection (1) of section 96 of the principal Ordinance is amended by substituting for all the words which appear therein after the word "Ordinance" the words "been stamped with a particular stamp denoting either that it is not chargeable with any duty or that it is duly stamped; but, where, by reason of this proviso, a fee has been paid under the said section in respect of the stamping of such an instrument, no fee shall be payable under the said section in respect of the stamping of any further instrument of conveyance or transfer between the same companies where the conditions under which such further conveyance or transfer takes place are those under which the conveyance or transfer in respect of which the fee was paid took place".

Amendment of section 98 of the principal Ordinance.

8. Subparagraph (iv) of paragraph (g) of section 98 of the principal Ordinance is amended by substituting for the words "want or enrolment", the words, "want of enrolment".

Amendment of section 117 of the principal Ordinance.

9. (1) Subsection (1) of section 117 of the principal Ordinance is amended by substituting for paragraph (*d*) thereof the following two paragraphs—

(*d*) any transfer of shares in the stock or funds of the Government, the High Commission, the Government of the Protectorate of Uganda or the Government of the Trust Territory of Tanganyika;

(*dd*) any conveyance or transfer of any stock or marketable security in any company incorporated in the Protectorate of Uganda or the Trust Territory of

Tanganyika, if such conveyance or transfer has been duly stamped in accordance with the law of the territory in which the company was incorporated.

(2) This section shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

Amendment of Schedule to the principal Ordinance.

10. (1) Item 21 (which relates to leases and licences) of the Schedule to the principal Ordinance is amended by substituting for paragraphs (2) and (3) thereof the following paragraphs

(2) For any definite term of not less than one year but not exceeding three years, where the rent is at a rate or average rate—

Not exceeding Sh. 2,000 a year, for every Sh. 500, and also for any fractional part of Sh. 500, of such rate or average rate...Sh. 2/50

Exceeding Sh. 2,000 a year, for every Sh. 1,000, and also for any fractional part of Sh. 1,000, of such rate or average rate ... ... Sh. 5

(3) For any other definite term, or any indefinite term, where the rent is at a rate or average rate—

Not exceeding Sh. 2,000 a year, for every Sh. 500, and also for any fractional part of Sh. 500, of such rate or average rate ... Sh. 5

Exceeding Sh. 2,000 a year, for every Sh. 1,000, and also for any fractional part of Sh. 1,000, of such rate or average rate ... ... Sh. 10

(2) This section shall be deemed to have come into operation on the 1st day of October, 1958.

THE EXCISE TARIFF (AMENDMENT) ORDINANCE, 1960

No. 6 of 1960

LN 469/60

Date of Assent: *21st January, 1960*

Date of Commencement: *By Notice*

AN ORDINANCE TO AMEND THE EXCISE TARIFF ORDINANCE, 1954

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

Short title and commencement.

1. This Ordinance may be cited as the Excise Tariff (Amendment) Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

1-10-60

LN 43/60

Amendment of Ordinance No. 5 of 1954.

2. The Excise Tariff Ordinance, 1954, is amended by inserting, immediately after section 6 thereof, a new section as follows—

Remission of duty on spirits.

6A. Notwithstanding the provisions of section 3 of this Ordinance, the Commissioner shall remit the duty on any spirits—

(*a*) if he is satisfied that they have been used in the manufacture of specially denatured spirits by a denaturer at that denaturer's factory, and if he is further satisfied that such specially denatured spirits have been delivered from such factory, in such quantities as he may determine, to a person, and for a purpose, approved by him; or

(*b*) if he is satisfied that they have been used by a denaturer at his factory for the manufacture of methylated spirits in accordance with the provisions of the Act; or

(*c*) if he is satisfied that they have been delivered direct from a distillery or distiller's warehouse, in such quantities and under such conditions as he may determine, to a person who will use them in an industry or manufacture (other than the manufacture or preparation of beverages, perfumery or toilet preparations) in

which the use of spirits is required, and if he is further satisfied that the use in such industry or manufacture of denatured or methylated spirits is unsuitable or detrimental; or

(*d*) if he is satisfied that they have been delivered from a distillery or distiller's warehouse, in such quantities and in accordance with such conditions as he may determine, for use for medical, scientific or educational purposes, to one of the following persons—

(i) a medical practitioner, or a dentist registered under the Medical Practitioners and Dentists Ordinance; Cap. 125.

(ii) a registered veterinary surgeon within the meaning of the Veterinary Surgeons Ordinance, 1951; No. 51 of 1951.

(iii) a registered pharmacist within the meaning of the Pharmacy and Poisons Ordinance, 1956; No. 17 of 1956.

(iv) a chemist, holding qualifications approved by the Commissioner, who is in charge of a chemical laboratory approved by the Commissioner;

(v) the curator of a public museum;

(vi) the principal of an educational institution approved by the Commissioner;

(vii) any other person approved for the purpose by the Commissioner by notice in the Gazette.

(e) inserted Act 22/62

THE CROP PRODUCTION AND LIVESTOCK (AMENDMENT) ORDINANCE, 1960

No. 7 of 1960

Date of Assent: 21st January, 1960

Date of Commencement: 2nd February, 1960

AN ORDINANCE TO AMEND THE CROP PRODUCTION AND LIVESTOCK ORDINANCE

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

Short title.

1. This Ordinance may be cited as the Crop Production and Livestock (Amendment) Ordinance, 1960.

Amendment of section 5 of Cap. 205.

2. Section 5 of the Crop Production and Livestock Ordinance, hereinafter referred to as the principal Ordinance is amended by deleting therefrom the words "and shall also be liable to confiscation of any crop or livestock in respect of which the breach was committed".

Insertion of new section 6 in the principal Ordinance.

3. The principal Ordinance is amended by adding at the end thereof a new section as follows—

Forfeiture.

6. (1) The court convicting any person under section 5 of this Ordinance may in addition to or in lieu of imposing any other punishment authorized by law order that the crop or livestock in respect of which the breach was committed, or any part of such crop or livestock, shall be forfeited.

(2) Where any crop or livestock is forfeited under the provisions of subsection (1) of this section it shall be sold or otherwise dealt with as the court shall direct.

(3) Where any crop or livestock is ordered to be sold the court may direct that the proceeds of sale or any portion thereof shall be paid to any person appearing to be the owner of the crop or livestock; subject to any such direction as aforesaid, the proceeds of sale shall be paid into the consolidated fund.

THE CONSOLIDATED FUND ORDINANCE, 1960

No. 8 of 1960

Date of Assent: 31st March, 1960

Date of Commencement: 12th April, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Issue of £951,486 out of the consolidated fund for the service of the year ending 30th June, 1960.

SECTION

3—Appropriation of money voted for supply services.

4—Appropriations in aid.

Schedule.

AN ORDINANCE TO APPLY A SUM OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEAR ENDING ON THE 30TH DAY OF JUNE, 1960.

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

1. This Ordinance may be cited as the Consolidated Fund Ordinance, 1960. Short title.

2. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the service of the year ending on the 30th June, 1960, the sum of nine hundred and fifty-one thousand four hundred and eighty-six pounds. Issue of £951,486 out of the consolidated fund for the service of the year ending 30th June, 1960.

3. The money granted by this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the Schedule to this Ordinance. Appropriation of money voted for supply services.

4. In addition to the sums chargeable to the consolidated fund under section 2, and appropriated by section 3, of this Ordinance, there may be appropriated out of any money directed under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of such sums, the amounts respectively set forth in the last column of the Schedule to this Ordinance. Appropriations in aid. No. 13 of 1955.

SCHEDULE

Vote	*Supply*	*Appropriations in aid*
DEVELOPMENT: —	£	£
Additional sums required for financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1957 - 30th June, 1960.	951,486	1,346

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE, 1960

No. 9 of 1960

Date of Assent: 11th April, 1960

Date of Commencement: Sections 2 and 3—1st January, 1951
Sections 8 and 12—1st January, 1952
Section 5—1st January, 1954
Remainder of Ordinance—12th April, 1960

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

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

Short title.

1. This Ordinance may be cited as the Widows' and Orphans' Pension (Amendment) Ordinance, 1960.

Amendment of section 3 of Cap. 73.

2. (1) Section 3 of the Widows' and Orphans' Pension Ordinance, hereinafter referred to as the principal Ordinance, is amended by adding at the end thereof a new subsection as follows—

(5) Any officer who has claimed exemption from the obligation to become a contributor under this Ordinance under section 3A of this Ordinance and who subsequently becomes ineligible to continue as a contributor to the Oversea Superannuation Scheme, shall become a contributor under the provisions of this Ordinance from the date on which he ceases to be a contributor in the said Scheme unless he is otherwise ineligible or not liable to do so.

(2) This section shall be deemed to have come into operation on the 1st day of January, 1951.

Insertion of new section 3A in the principal Ordinance.

3. (1) The principal Ordinance is amended by inserting, next after section 3 thereof, a new section as follows—

Exemption in case of contributor to Oversea Superannuation Scheme.

3A (1) Any officer who is or becomes a contributor to the Oversea Superannuation Scheme may claim exemption from the obligation to become or to continue to be a contributor under this Ordinance, provided that every such claim shall be made in writing and shall be received by the Accounting Officer of his Ministry or Department

or by the Crown Agents within three months from the date upon which such officer first became a contributor to the said Scheme, or from the commencement of the Widows' and Orphans' Pension (Amendment) Ordinance, 1960, whichever shall be the later.

No. 9 of 1960.

(2) Every such claim for exemption shall take effect from the date upon which the officer first became a contributor to the Oversea Superannuation Scheme, and the amount of any contributions which he shall have made under this Ordinance since that date shall be refunded to him without interest.

(3) As from the date upon which any such claim to exemption shall take effect, the officer by whom the claim was made shall be deemed, in respect of all rights arising from his contributions made under this Ordinance prior to that date, to be subject to the provisions of sections 29, 32 and 35 of this Ordinance to the same extent as if he had left the East African Service on that date.

(2) This section shall be deemed to have come into operation on the 1st day of January, 1951.

Amendment of section 4 of the principal Ordinance.

4. Subsection (1) of section 4 of the principal Ordinance is amended—

(*a*) by adding at the end of paragraph (*h*) thereof the words—

"and all persons appointed permanently or temporarily to the service of the East African Railways and Harbours Administration on or after the 1st day of January, 1955.";

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

"(*i*) contributors to the Oversea Superannuation Scheme for so long as they are required to contribute thereto, unless already contributing under this Ordinance".

Amendment of section 7 of the principal Ordinance.

5. (1) Section 7 of the principal Ordinance is amended by substituting for the words "salary of the definite post", the words "salary, including inducement pay, of the substantitive post".

(2) This section shall be deemed to have come into operation on the 1st day of January, 1954.

Amendment of section 12 of the principal Ordinance.

6. Section 12 of the principal Ordinance is amended—

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

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

(*c*) in paragraph (*d*) of subsection (4) thereof, by inserting next after the word "death" the words "or adoption".

Amendment of section 13 of the principal Ordinance.

7. Subsection (1) of section 13 of the principal Ordinance is amended by substituting for the words "shall, for each default, pay a fine", the words "shall, for each default, be liable, at the discretion of the Governor, to pay a sum".

Replacement of section 15 of the principal Ordinance.

8. (1) The principal Ordinance is amended by substituting for section 15 thereof the following section—

Calculation of pensions and mode of charge.

15. 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 made 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—

(i) the amount of pension to be charged to this Government in respect of that officer shall be the amount attributable to the contributions received by this Government in respect of him and calculated in accordance with the tables applicable to that officer; and

(ii) the amount to be charged to this Government on account of any refund made to or in respect of that officer shall be the total amount of the contributions received by this Government in respect of him, together with any interest thereon, calculated as prescribed by this Ordinance.

(2) This section shall be deemed to have come into operation on the 1st day of January, 1952.

Amendment of section 17 of the principal Ordinance.

9. Section 17 of the principal Ordinance is amended by adding at the end thereof two new subsections, as follows—

(4) A widow whose pension has on her remarriage lapsed or become payable to the children of her marriage with the contributor who are living and of pensionable age—

(*a*) may, if her husband dies in her lifetime, be paid the pension which was payable to her before her remarriage—

(i) as from the date of the death of her husband, or

(ii) as from the date when such children cease to be of pensionable age,

whichever is the later; and

(*b*) may, if she becomes entitled on the death of her husband, being a contributor, to be paid a pension under this Ordinance, be paid such pension till such children cease to be of pensionable age; and may then without prejudice to any rights under this Ordinance of the children of her marriage to her husband, be paid in lieu the pension which was payable to her before her remarriage, if that would be to her advantage.

(5) In subsection (4) of this section references to the husband of a widow are references to her husband by any remarriage.

Amendment of section 18A of the principal Ordinance.

10. Section 18A of the principal Ordinance is amended by substituting for subsection (2) thereof a new subsection as follows—

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

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

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

Repeal of section 36 of the principal Ordinance.

11. Section 36 of the principal Ordinance is hereby repealed.

Replacement of Schedules A and B of the principal Ordinance.

12. (1) The principal Ordinance is amended by substituting for Schedule A and Schedule B thereto, Schedule A and Schedule B to this Ordinance.

(2) This section shall be deemed to have come into operation on the 1st day of January, 1952.

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										Age of husband last birthday
	20	25	30	35	40	45	50	55	60	65	
20	1·176	1·250	1·370	1·515	1·724						20
1	1·122	1·192	1·312	1·452	1·650						1
2	1·070	1·136	1·255	1·389	1·577						2
3	1·020	1·082	1·199	1·327	1·506						3
4	·972	1·030	1·143	1·266	1·437						4
25	·926	·980	1·087	1·205	1·370	1·613					25
6	·881	·931	1·031	1·145	1·305	1·533					6
7	·837	·884	·975	1·085	1·242	1·455					7
8	·794	·838	·921	1·027	1·181	1·379					8
9	·753	·794	·869	·971	1·122	1·306					9
30	·714	·752	·820	·917	1·064	1·235	1·471				30
1	·677	·712	·774	·865	1·006	1·166	1·392				1
2	·642	·674	·731	·815	·948	1·099	1·315				2
3	·609	·638	·691	·767	·891	1·034	1·240				3
4	·578	·604	·653	·722	·835	·970	1·168				4
35	·549	·571	·617	·680	·781	·909	1·099	1·351			35
6	·521	·540	·583	·641	·731	·852	1·032	1·271			6
7	·495	·511	·550	·604	·685	·799	·967	1·194			7
8	·470	·484	·519	·569	·643	·749	·904	1·120			8
9	·446	·459	·489	·536	·604	·702	·844	1·049			9
40	·424	·435	·461	·505	·568	·658	·787	·980	1·235		40
1	·403	·412	·435	·476	·534	·616	·734	·914	1·156		1
2	·383	·390	·411	·449	·502	·576	·685	·851	1·081		2
3	·365	·370	·389	·423	·471	·539	·640	·791	1·009		3
4	·348	·351	·369	·398	·442	·504	·598	·735	·941		4
45	·332	·334	·350	·375	·415	·472	·559	·685	·877	1·163	45
6	·317	·318	·333	·354	·390	·443	·523	·640	·818	1·089	6
7	·303	·303	·317	·335	·367	·416	·490	·599	·764	1·019	7
8	·290	·289	·301	·318	·346	·391	·459	·561	·714	·953	8
9	·278	·276	·286	·302	·328	·368	·431	·526	·668	·891	9
50	·267	·264	·272	·287	·311	·348	·405	·493	·625	·833	50
1	·256	·253	·259	·273	·295	·329	·381	·463	·586	·780	1
2	·246	·243	·247	·260	·280	·311	·359	·435	·550	·732	2
3	·237	·233	·236	·248	·266	·294	·339	·410	·517	·688	3
4	·228	·224	·226	·237	·253	·279	·321	·387	·487	·648	4

SCHEDULE A—(*Contd.*)

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										Age of husband last birthday
	20	25	30	35	40	45	50	55	60	65	
20	16·07	17·08	18·72	20·70	23·55						20
1	15·12	16·07	17·69	19·57	22·24						1
2	14·21	15·09	16·68	18·46	20·95						2
3	13·34	14·15	15·69	17·36	19·70						3
4	12·50	13·25	14·70	16·28	18·48						4
25	11·70	12·38	13·73	15·22	17·30	20·37					25
6	10·91	11·53	12·77	14·18	16·16	18·99					6
7	10·15	10·72	11·83	13·16	15·06	17·65					7
8	9·41	9·93	10·92	12·17	14·00	16·35					8
9	8·70	9·18	10·05	11·22	12·97	15·10					9
30	8·03	8·46	9·22	10·32	11·97	13·89	16·55				30
1	7·39	7·77	8·45	9·44	10·98	12·73	15·20				1
2	6·79	7·12	7·73	8·61	10·02	11·62	13·90				2
3	6·21	6·51	7·05	7·82	9·09	10·55	12·65				3
4	5·67	5·92	6·41	7·08	8·19	9·52	11·46				4
35	5·16	5·36	5·79	6·39	7·34	8·54	10·32	12·69			35
6	4·67	4·83	5·22	5·74	6·55	7·62	9·23	11·37			6
7	4·20	4·33	4·66	5·12	5·81	6·77	8·20	10·12			7
8	3·75	3·86	4·14	4·54	5·13	5·98	7·22	8·94			8
9	3·33	3·42	3·65	4·00	4·50	5·24	6·29	7·82			9
40	2·92	3·00	3·18	3·48	3·92	4·54	5·43	6·76	8·52		40
1	2·54	2·60	2·74	3·00	3·37	3·88	4·63	5·76	7·29		1
2	2·17	2·21	2·33	2·55	2·85	3·27	3·89	4·83	6·13		2
3	1·82	1·85	1·94	2·12	2·36	2·70	3·20	3·96	5·05		3
4	1·49	1·51	1·58	1·71	1·90	2·16	2·56	3·16	4·04		4
45	1·17	1·18	1·24	1·32	1·47	1·67	1·97	2·42	3·10	4·11	45
6	·87	·87	·91	·97	1·06	1·21	1·43	1·74	2·23	2·97	6
7	·57	·57	·59	·63	·68	·78	·92	1·12	1·43	1·91	7
8	·28	·28	·29	·31	·33	·38	·44	·54	·69	·92	8

SCHEDULE A—(*Contd.*)

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										Age of husband last birthday
	20	25	30	35	40	45	50	55	60	65	
20	·85	·80	·73	·66	·58						20
1	·89	·84	·76	·69	·60						1
2	·93	·88	·79	·72	·63						2
3	·98	·92	·83	·75	·66						3
4	1·03	·97	·87	·79	·69						4
25	1·08	1·02	·92	·83	·73	·62					25
6	1·14	1·07	·97	·87	·77	·65					6
7	1·20	1·13	1·03	·92	·81	·69					7
8	1·26	1·19	1·09	·97	·85	·73					8
9	1·33	1·26	1·15	1·03	·89	·77					9
30	1·40	1·33	1·22	1·09	·94	·81	·68				30
1	1·47	1·40	1·29	1·16	1·00	·86	·72				1
2	1·55	1·48	1·37	1·23	1·06	·91	·76				2
3	1·64	1·57	1·45	1·31	1·13	·97	·80				3
4	1·73	1·66	1·53	1·39	1·20	1·03	·85				4
35	1·82	1·75	1·62	1·47	1·28	1·10	·91	·74			35
6	1·92	1·85	1·72	1·56	1·36	1·17	·97	·79			6
7	2·02	1·96	1·83	1·65	1·45	1·25	1·04	·84			7
8	2·13	2·07	1·94	1·75	1·55	1·34	1·11	·90			8
9	2·24	2·18	2·05	1·86	1·65	1·43	1·19	·96			9
40	2·36	2·30	2·17	1·98	1·76	1·52	1·27	1·02	·81		40
1	2·48	2·42	2·29	2·10	1·88	1·62	1·36	1·09	·87		1
2	2·60	2·55	2·42	2·23	2·00	1·73	1·46	1·17	·93		2
3	2·73	2·69	2·56	2·37	2·13	1·85	1·57	1·26	·99		3
4	2·87	2·84	2·71	2·52	2·27	1·98	1·68	1·36	1·06		4
45	3·01	2·99	2·86	2·67	2·41	2·12	1·79	1·46	1·14	·86	45
6	3·15	3·14	3·02	2·82	2·56	2·26	1·91	1·57	1·22	·92	6
7	3·30	3·29	3·18	2·98	2·72	2·40	2·04	1·68	1·30	·99	7
8	3·45	3·45	3·34	3·14	2·88	2·55	2·17	1·79	1·39	1·06	8
9	3·60	3·62	3·51	3·31	3·05	2·71	2·32	1·91	1·49	1·13	9
50	3·75	3·79	3·68	3·49	3·22	2·87	2·47	2·03	1·60	1·20	50
1	3·90	3·96	3·85	3·67	3·40	3·04	2·63	2·16	1·71	1·28	1
2	4·05	4·13	4·03	3·85	3·58	3·22	2·79	2·30	1·82	1·36	2
3	4·21	4·30	4·21	4·04	3·76	3·40	2·95	2·44	1·93	1·45	3
4	4·37	4·48	4·40	4·23	3·95	3·58	3·12	2·59	2·05	1·54	4

SCHEDULE B

INSTRUCTIONS FOR THE USE OF THE TABLES IN SCHEDULE A

Note (1). The registered pension in respect of every married or widowed officer who ceased to contribute before 1st January, 1952, shall continue to be computed on the tables in force on 31st December, 1951.

Note (2). The pension as at 1st January, 1952 ("the original pension") computed on the tables in force on 31st December, 1951, and registered in respect of each married or widowed officer who began to contribute before, and was still a contributor on 1st January, 1952, shall be recomputed as follows:—

(i) The original pension shall be divided into two parts—

(*a*) the part purchased by contributions which fell due on or before 31st December, 1951, and

(*b*) the part to be purchased by contributions falling due on or after 1st January, 1952.

(ii) Part (*b*) shall be recomputed by applying to the tables in Schedule A the contributions falling due on or after 1st January, 1952. (For examples *see* Part G of this Schedule.)

(iii) If Part (*b*) so recomputed is greater than Part (*b*) computed on the tables in force on 31st December, 1951, it shall be added to Part (*a*); otherwise the amount of the original pension shall be retained.

Note (3). (1) Subject to paragraph (2), the tables in Schedule A shall apply—

(i) to all pensions registered in respect of officers who began to contribute on or after 1st January, 1952;

(ii) to all pensions registered in respect of officers who were contributing on 1st January, 1952, for the purpose of computing variations when their rates of contribution rise or fall on or after that date;

(iii) to all pensions registered on marriage in respect of bachelors who marry on or after 1st January, 1952, in relation to contributions paid both before and after marriage; and

(iv) to all pensions registered in respect of widowers, for the purpose of computing variations if they remarry on or after 1st January, 1952.

(2) Where a pension computed in accordance with the tables in force on 31st December, 1951—

(i) was first registered in respect of an officer on or after 1st January, 1952, and before 1st April, 1959, and

(ii) the amount of that pension would have been smaller if computed in accordance with the tables in Schedule A,

the tables in Schedule A shall apply to that pension only for the purpose of computing variations if after 31st March, 1959, the officer's rates of contribution rise or fall, or he remarries.

A.—CONTRIBUTOR WHO BEGAN 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:—

If the contributor began to contribute on or after 1st July, 1936—apply Rule I (*a*) (1) and Rule I (*b*).

If the contributor began to contribute before 1st July, 1936—apply Rule I (*a*) (2) and Rule I (*b*).

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

Rule I (*a*) (1).—For contributors who began to contribute on 1st July, 1936, or later, accumulate the contributions at 6 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.

Rule I (*a*) (2).—For contributors who began to contribute prior to 1st July, 1936, accumulate the contributions at 8 per cent compound interest with yearly rests at each 31st December up to 31st December, 1935. Add simple interest at 8 per cent per annum up to 30th June, 1936. Add simple interest at 6 per cent per annum on the accumulated contributions thus obtained to 31st December, 1936. Accumulate thereafter at 6 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 (as at I (*a*) (1) above). The product gives the registered pension on account of the contribution paid during bachelorhood.

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

Rule I (*b*).—Multiply the amount of the 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 at the date of marriage.

Example:—

Officer born on—4th May, 1924.

Officer began to contribute on—1st January, 1950.

Officer married on—30th September, 1952.

Wife born on—5th September, 1927.

Officer's age last birthday at date of marriage—28.

Wife's age last birthday at date of marriage.—25.

Annual contribution:—

	£	s.	d.
1st January, 1950, to 31st December, 1950 ..	24	0	0
1st January, 1951, to 31st December, 1951 ..	24	0	0
1st January, 1952, to date of marriage ..	30	0	0

Accumulation of contributions paid during bachelorhood:—

Rule I (*a*) (1)

	£	s.	d.
Contributions from 1st January, 1950, to 31st December, 1950	24	0	0
Contributions during 1951	24	0	0
One year's interest at 6 per cent on £24 ..	1	8	10
	£49	8	10
Contributions from 1st January, 1952, to date of marriage	22	10	0
Three-quarters year's interest at 6 per cent on £49 8s. 10d.	2	4	6
Total accumulations	£74	3	4

Quantity found from Table A:—

Husband aged 28 last birthday
Wife aged 25 last birthday } .838

Then the registered pension in consideration of contributions paid during bachelorhood = £74 3s. 4d. × .838 = £62 3s. 0d.

Rule I (*b*)

Annual contribution current at date of marriage—£30.

Quantity found from Table B:—

Husband aged 28 last birthday
Wife aged 25 last birthday } 9.93

Then the registered pension in consideration of annual contribution at marriage = £30 × 9.93 = £297 18s. 0d.

Total registered pension recorded on marriage of the bachelor

	£	s.	d.
By Rule I (*a*) (1)	62	3	0
By Rule I (*b*)	297	18	0
	£360	1	0

(c) Variations of pension consequent on increments to, and decrements from, the 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 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 annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the annual contribution.

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

Example:—

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

Annual contribution increased on 1st June, 1953, from £30 to £36.

Annual contribution increased on 1st February, 1955, from £36 to £42.

Annual contribution ceased on 31st March, 1959.

1st June, 1953, increment to annual contribution—£6.

Quantity found from Table B:—

Husband aged 29 last birthday
Wife aged 25 last birthday 9.18

Then amount to be added to registered pension—£6 × 9.18 = £55 1s. 7d.

	£	s.	d.
Registered pension at date of marriage	360	1	0
Add registered pension purchased by increment of £6	55	1	7
Registered pension at 1st June, 1953	£415	2	7

1st February, 1955, increment to annual contribution—£6.

Quantity found from Table B:—

Husband aged 30 last birthday
Wife aged 27 last birthday } 8.76*

* *See* F which gives the method of calculation of quantities not immediately available from the Tables.

Then amount to be added to registered pension—£6 × 8.76 = £52 11s. 2d.

	£	s.	d.
Registered pension at 1st June, 1953	415	2	7
Add registered pension purchased by increment of £6	52	11	2
Registered pension at 1st February, 1955	£467	13	9

31st March, 1959, decrement from annual contribution due to cessation of payment of contribution—£42.

Quantity found from Table B:—

Husband aged 34 last birthday
Wife aged 31 last birthday } 6.54*

Amount to be deducted from registered pension—£42 × 6.54 = £274 13s. 7d.

	£	s.	d.
Registered pension at 1st February, 1955	467	13	9
Deduct registered pension due to cessation of contribution of £42	274	13	7
Registered pension at 31st March, 1959	£193	0	2

II.—*Second and Subsequent Wife's Prospective Pension*

(*a*) *Variations of pension consequent on increments to, and decrements from, the 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 are as in the example subjoined to Rule I (*c*) except that the first wife, who was born on 5th September, 1927, died on 7th May, 1953, it will 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 5th September, 1927. 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, the registered pension remains the same.

* *See* F which gives the method of calculation of quantities not immediately available from the Tables.

Rule II (*b*).—If the second or subsequent wife is younger or older than the last preceding wife would have been had she survived, 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 last birthday of the husband and of the second or subsequent wife at the date of the re-marriage.

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

Example:—

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

First wife died on—7th May, 1953.

Contributor re-married on—11th January, 1958.

Contributor's age last birthday at date of re-marriage—33.

Second wife born on—30th April, 1937.

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

Age last birthday which the first wife would have attained had she survived to the date of the re-marriage—30.

11th January, 1958.—The second wife being younger than the first wife would have been had she survived, the registered pension of £467 13s. 9d. (*see* Example subjoined to Rule I (*c*)) has to be re-calculated.

Quantity found from Table C:—

Husband aged 33 last birthday
First wife aged 30 last birthday } 1.45

Quantity found from Table A:—

Husband aged 33 last birthday
Second wife aged 20 last birthday } .609

Registered pension at 11th January, 1958 = £467 13s. 9d. × 1.45 × .609 = £412 19s. 10d.

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

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

B.—Contributor Who Began to Contribute While Married

III.—*First Wife's Prospective Pension*

Where an officer began 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 unless there was issue of pensionable age of such former wife (*see* C—Rule V).

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

Rule III (*a*).—Multiply the amount of the 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 contributions.

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

Example:—

Officer born on—2nd May, 1923.

Officer married on—15th April, 1949.

Officer began to contribute on—1st October, 1953.

Annual contribution on 1st October, 1953—£36.

Wife born on—4th February, 1928.

Officer's age last birthday on 1st October, 1953—30.

Wife's age last birthday on 1st October, 1953—25.

Quantity found from Table B:—

Husband aged 30 last birthday
Wife aged 25 last birthday } 8.46

Registered pension in consideration of annual contribution at commencement of contributions = £36 × 8.46 = £304 11s. 2d.

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

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

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

(a) Variations of pension consequent on increments to, and decrements from, the 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 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 Began 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 contributions and died immediately afterwards, and proceed in accordance with Rules III (*a*) and IV (*a*).

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 contributions and died immediately afterwards; then proceed in accordance with rules applicable to the case of officers who began 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 pensionable age, the lump-sum contribution should be accumulated as from the date of payment and treated in accordance with Rule I (*a*) (1) or (2).

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 husbands and wives younger than the youngest or older than the oldest in the tables 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 ages respectively 28 and 26 last birthday.

The quantity for ages 28 and 25 given in Table A is .838.

The quantity for ages 28 and 30 given in Table A is .921.

The addition of five years to the age of the wife results, therefore, in an addition of .083 to the quantity given in the table for ages 28 and 25.

An addition of one year to the age of the wife accordingly results, by proportion, in an addition of one-fith of .083 to the quantity given in the table for ages 28 and 25.

One-fifth of .083 = .017. This figure added to .838 gives .855. .855 is, therefore, the required quantity corresponding to ages 28 and 26.

Similarly the quantity found from Table B corresponding to the ages of a husband and wife aged respectively 30 and 27 last birthday is two-fifths of .76 added to 8.46, which gives 8.76.

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 35 and 33 last birthday.

The quantity for ages 35 and 30 given in Table C is 1.62.

The quantity for ages 35 and 35 given in Table C is 1.47.

The addition of five years to the age of the wife results, therefore, in a deduction of .15 from the quantity given in the table for ages 35 and 30.

An addition of three years to the age of the wife accordingly results by proportion, in a deduction of three-fifths of .15 from the quantity given in the table for ages 35 and 30.

Three-fifths of .15 = .09. This figure deducted from 1.62 leaves 1.53. 1.53 is, therefore, the required quantity corresponding to ages 35 and 33.

G.—RECOMPUTATION OF PENSION REGISTERED IN RESPECT OF A MARRIED OR WIDOWED CONTRIBUTOR AT 1ST JANUARY, 1952

Example (1):—

Officer born on—9th February, 1921.

Wife born on—12th September, 1926.

Annual contribution as at 31st December, 1951—£42.

Registered pension as at 31st December, 1951—£390 3s. 5d.

Quantity found from Table B in force on 31st December, 1951:—

Husband aged 30 last birthday
Wife aged 25 last birthday } 5.207

Therefore the part of the registered pension to be purchased by contributions falling due on or after 1st January, 1952, Part (*b*), is £42 × 5.207, i.e. £218 13s. 11d.

Therefore the part of the registered pension purchased by contributions which fell due on or before 31st December, 1951, Part (*a*), is £390 3s. 5d. minus £218 13s. 11d., i.e. £171 9s. 6d.

Quantity found from Table B:—

Husband aged 30 last birthday
Wife aged 25 last birthday } 8.46

Therefore the amount of registered pension to be purchased by contribution falling due on or after 1st January, 1952, Part (*b*), as recomputed according to the tables in Schedule A, is £42 × 8.46, i.e. £355 6s. 5d.

Part (*b*) as recomputed (£355 6s. 5d.) is greater than Part (*b*) as computed according to the tables in force on 31st December, 1951 (£218 13s. 11d.) and therefore is to be added to Part (*a*). The recomputed registered pension is therefore £355 6s. 5d. plus £171 9s. 6d., i.e. £526 15s. 11d.

Example (2):—

Officer born on—2nd December, 1912.

Wife born on—28th May, 1911.

Annual contribution as at 31st December, 1951—£54.

Registered pension as at 31st December, 1951—£471 12s. 0d.

Quantity found from Table B in force on 31st 31st December, 1951:—

Husband aged 39 last birthday
Wife aged 40 last birthday } 3.602

Therefore Part (*b*) of the registered pension as at 31st December, 1951, is £54 × 3.602, i.e. £194 10s. 2d., and Part (*a*) is £471 12s. 0d. minus £194 10s. 2d., i.e. £277 1s. 10d.

Quantity found from Table B:—

Husband aged 39 last birthday
Wife aged 40 last birthday } 4.50

Therefore Part (*b*) as recomputed according to the tables in Schedule A is £54 × 4.50, i.e. £243 0s. 0d.

This is greater than Part (*b*) as computed according to the tables in force on 31st December, 1951. Therefore the recomputed registered pension is £243 0s. 0d. plus £277 1s. 10d., i.e. £520 1s. 10d.

Example (3):—

Officer born on—19th September, 1903.

Wife born on—5th July, 1901.

Annual contribution as at 31st December, 1951—£36.

Registered pension as at 31st December, 1951—£70 8s. 8d.

Quantity found from Table B in force on 31st December, 1951:—

Husband aged 48 last birthday
Wife aged 50 last birthday } .730

Therefore Part (*b*) of the registered pension as at 31st December, 1951, is £36 × .730, i.e. £26 5s. 7d., and Part (*a*) is £70 8s. 8d. minus £26 5s. 7d., i.e. £44 3s. 1d.

Quantity found from Table B:—

Husband aged 48 last birthday
Wife aged 50 last birthday } .44

Therefore Part (*b*) as recomputed according to the tables in Schedule A is £36 × .44, i.e. £15 16s. 10d.

This is smaller than Part (*b*) as computed according to the tables in force on 31st December, 1951 (£26 5s. 7d.), and therefore the original pension of £70 8s. 8d. is to be retained.

THE CORNEAL GRAFTING ORDINANCE, 1960

No. 10 of 1960

Date of Assent: 11th April, 1960

Date of Commencement: 12th July, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title and commencement.
SECTION
2—Removal of eyes of deceased persons.

AN ORDINANCE TO MAKE PROVISIONS WITH RESPECT TO THE USE OF EYES OF DECEASED PERSONS FOR THERAPEUTIC PURPOSES

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

Short title and commencement.

1. This Ordinance may be cited as the Corneal Grafting Ordinance, 1960, and shall come into operation three months after the day on which it is published in the Gazette.

Removal of eyes of deceased persons.

2. (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize the removal of the eyes from the body for use for those purposes.

(2) Without prejudice to the provisions of subsection (1) of this section, the party lawfully in possession of the body of a deceased person may authorize the removal of the eyes from the body for the purpose aforesaid unless that party has reason to believe—

(*a*) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it; or

(*b*) that the surviving spouse or any surviving relative of the deceased objects to the deceased's eyes being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal

of the eyes from the body and their use for therapeutic purposes; but no such removal shall be effected except by a medical practitioner, who must have satisfied himself by a personal examination of the body that life is extinct.

(4) Authority for the removal of eyes shall not be given under this section if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body.

(5) No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

(6) In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the person having such control and management.

(7) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which would have been lawful if this Ordinance had not come into operation.

THE CREDIT TO AFRICANS (CONTROL) (REPEAL) ORDINANCE, 1960

No. 11 of 1960

Date of Assent: 11th April, 1960

Date of Commencement: 12th April, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.
2—Repeal of Cap. 104.

AN ORDINANCE TO REPEAL THE CREDIT TO AFRICANS (CONTROL) ORDINANCE

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

Short title

1. This Ordinance may be cited as the Credit to Africans (Control) (Repeal) Ordinance, 1960.

Repeal of Cap. 104.

2. The Credit to Africans (Control) Ordinance is hereby repealed.

THE NATIVE LIQUOR (AMENDMENT) ORDINANCE, 1960

No. 12 of 1960

Date of Assent: 11th April, 1960

Date of Commencement: 12th April, 1960

AN ORDINANCE TO AMEND THE NATIVE LIQUOR ORDINANCE

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

1. This Ordinance may be cited as the Native Liquor (Amendment) Ordinance, 1960. Short title.

2. Subsection (2) of section 12 of the Native Liquor Ordinance (hereinafter referred to as the principal Ordinance) is hereby repealed. Repeal of subsection (2) of section 12 of Cap. 106.

3. Section 14 of the principal Ordinance is hereby repealed. Repeal of section 14 of the principal Ordinance.

4. Section 19 of the principal Ordinance is amended by substituting for the words "No person" the words "Subject to the provisions of section 34A of this Ordinance, no person". Amendment of section 19 of the principal Ordinance.

5. Section 22 of the principal Ordinance is amended— Amendment of section 22 of the principal Ordinance.

(*a*) by inserting next after subsection (3) thereof the following new subsection—

(3A) The district commissioner may, at any time, in his discretion, revoke in writing an authority granted under subsection (2) of this section.;

(*b*) by adding at the end thereof new subsections as follows—

(5) Any person who, on any farm, shall manufacture, possess or use, without a permit under this section, sprouted grain, liquid yeast or any other materials or apparatus for the manufacture of native intoxicating liquor, whether such liquor is for his own use or otherwise, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(6) In any proceedings against any person under subsection (5) of this section, the proof that the possession or use of sprouted grain, liquid yeast or any other materials or apparatus was not for the purpose of manufacture of native intoxicating liquor shall lie upon the accused.

(7) On conviction of any person for an offence under this section the court may, in addition to any other punishment which it may impose, order the forfeiture and cancellation of any licence issued to such person under this Part together with any permit granted to such person under this section, and shall order the confiscation of all native intoxicating liquor, sprouted grain, liquid yeast or other like fermenting agency and any other materials or apparatus for the manufacture of native intoxicating liquor found on the premises or in the possession of such person.

Replacement of section 25 of the principal Ordinance.

6. The principal Ordinance is amended by substituting for section 25 thereof a new section as follows—

Restriction on sale or supply of liquor.

25. No person who has been granted a licence under this Ordinance shall sell or supply native intoxicating liquor to—

(*a*) any person under the apparent age of 18 years;

(*b*) any drunken person;

(*c*) any person for consumption off the premises, unless such person has in his possession a permit authorizing him to purchase and possess such liquor.

Repeal of section 28 of the principal Ordinance.

7. Section 28 of the principal Ordinance is hereby repealed.

Amendment of section 34 of the principal Ordinance.

8. Section 34 of the principal Ordinance is amended—

(*a*) by substituting for subsection (2) thereof the following subsection—

(2) A declaration under subsection (1) of this section shall not exempt the local authority in whose

favour it is made from the necessity to obtain a licence under this Ordinance, and every such declaration shall have effect only for so long as such licence remains in force.;

(*b*) by deleting subsection (3) thereof;

(*c*) by adding at the end of subsection (4) thereof the following proviso—

Provided that, notwithstanding any such order or the opposition of such local authority to its being granted, a licence under this Part may be granted in respect of the sale of liquor to the members only of any canteen, club, mess or similar institution of—

(i) the armed forces of the Crown;

(ii) the Kenya Police Force or the Kenya Police Reserve;

(iii) the Kenya Prisons Service;

(iv) the Tribal Police Force.

Insertion of new section 34A in the principal Ordinance.

9. There shall be inserted, next after section 34 of the principal Ordinance, the following new section—

Saving for existing licensees.

34A. Notwithstanding the provisions of subsection (4) of section 34 of this Ordinance, in any declaration made under that section the Minister may provide that within such period as may be therein specified every holder of a licence under this Ordinance in the area affected by the declaration shall have the right to choose whether he shall receive from the local authority compensation for the loss of his right to manufacture or, as the case may be, of his right to sell and supply native intoxicating liquor in such area, or whether the right exclusively vested in the local authority shall be subject to the continuing right of such holder during such time as he holds a valid licence under this Ordinance.

Repeal of section 35 of the principal Ordinance.

10. Section 35 of the principal Ordinance is hereby repealed.

Replacement of section 42 of the principal Ordinance.

11. The principal Ordinance is amended by substituting for section 42 thereof a new section as follows—

General penalty for offences.

42. Any person who is guilty of an offence against this Ordinance for which no penalty is otherwise expressly provided shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Amendment of section 44 of the principal Ordinance.

12. Paragraph (4) of section 44 of the principal Ordinance is amended by deleting the words "the strength of 7.5 per centum by weight of absolute alcohol", and by substituting therefor the words "such strength by weight of absolute alcohol as may be prescribed".

THE SPECIFIC LOAN (INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT) ORDINANCE, 1960

No. 13 of 1960

Date of Assent: 17th May, 1960

Date of Commencement: 17th May, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Interpretation.

3—Borrowing from Bank.

4—Moneys to be charged on general revenues and consolidated fund.

5—No other loan to rank in priority.

SECTION

6—Appropriation of Loan.

7—Terms and conditions of the Loan.

8—Guarantee of Loan.

9—Issue of instruments.

SCHEDULE.

AN ORDINANCE TO MAKE PROVISION FOR BORROWING THE SUM OF TWO MILLION POUNDS STERLING OR THE EQUIVALENT IN POUNDS STERLING AND OTHER CURRENCIES OR THE EQUIVALENT IN OTHER CURRENCIES FROM THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, AND FOR THE APPROPRIATION, APPLICATION AND REPAYMENT THEREOF.

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

Short title.

1. This Ordinance may be cited as the Specific Loan (International Bank for Reconstruction and Development) Ordinance, 1960.

Interpretation.

2. In this Ordinance—

"Bank" means the International Bank for Reconstruction and Development;

"Loan" means the moneys authorized by this Ordinance to be borrowed from the Bank by the Governor;

"United Kingdom Treasury" means the Commissioners for the time being of Her Majesty's Treasury in the United Kingdom.

Borrowing from Bank.

3. (1) The Governor is hereby authorized, in the name of the Government, to borrow from the Bank the sum of two million pounds sterling or the equivalent in pounds sterling and other currencies, or the equivalent in other currencies.

(2) The borrowing shall be deemed—

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

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

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

Moneys to be charged on general revenues and consolidated fund.

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

No other loan to rank in priority.

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

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

Appropriation of Loan.

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

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

Terms and conditions of the Loan.

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

Guarantee of Loan.

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

Issue of instruments.

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

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

SCHEDULE

(*Section* 6)

1. The completion of the Government's current programmes for agricultural development, for the three-year period ending 30th June, 1963, under the plan to intensify the development of African agriculture, commonly called the Swynnerton Plan, in those areas in the Native Lands with more than 25 inches of annual rainfall and an altitude of more than 4,000 feet above sea level (hereinafter referred to as "the areas of high potential") including—

(*a*) land consolidation and the establishment of individual land rights on about five million acres;

(*b*) the establishment and improvement of protective forests;

(*c*) the improvement and expansion of agricultural services, including experimentation, demonstration, extension and education, soil conservation and farm planning, to enable African farmers to develop their farms into viable units and to improve their standard of living through increased production of food-crops, improved animal husbandry and production of cash-crops;

(*d*) the improvement and expansion of supporting measures, including the provision of water supplies and the establishment of co-operatives for marketing and processing; and

(*e*) the provision of loans through the Ministry of Agriculture to African farmers and co-operatives for agricultural development.

2. The construction and reconstruction of twenty-three roads, of a total length of approximately 564 miles, serving agricultural sections of the areas of high potential. The general location of such roads and the designs and standards therefor to be as agreed with the Bank.

THE TRAFFIC (AMENDMENT) ORDINANCE, 1960

No. 14 of 1960

LM. 431/60

Date of Assent: 6th June, 1960

Date of Commencement: 7th June, 1960

AN ORDINANCE TO REGULATE THE USE OF FUEL IN MOTOR VEHICLES

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

Short title.

1. This Ordinance may be cited as the Traffic (Amendment) Ordinance, 1960.

Insertion of new section 48A in Ordinance No. 39 of 1953.

2. The Traffic Ordinance, 1953, is hereby amended by inserting therein, immediately after section 48 thereof, a new section as follows—

Only proper fuel to be used in motor vehicles.

48A. (1) No fuel shall be used in any motor vehicle except that specified in the vehicle licence in respect of such vehicle or, in the case of a motor vehicle the motor unit of which is a compression ignition engine, light amber mineral fuel oil:

Provided that the Minister may, subject to such conditions as he may see fit to impose, exempt any specified vehicle, the motor unit of which is a compression ignition engine, from the provisions of this subsection and may specify the fuel which shall be used in such motor vehicle.

(2) If the owner or the driver of any motor vehicle uses any fuel contrary to the provisions of subsection (1) of this section, or if any person sells any fuel having reason to believe that it will be so used, the owner and the driver and such person shall each be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and in addition such vehicle shall be liable to be forfeited.

THE CONSOLIDATED FUND (No. 2) ORDINANCE, 1960

No. 15 of 1960

Date of Assent: *13th June, 1960*

Date of Commencement: *14th June, 1960*

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Issue of £292.15s.86cts. out of the consolidated fund for the service of the year ending 30th June, 1959.

SECTION

3—Issue of £906,470 out of the consolidated fund for the service of the year ending 30th June, 1960.

4—Appropriation of money voted for supply services.

5—Appropriations in aid.

Schedules.

AN ORDINANCE TO APPLY CERTAIN SUMS OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEARS ENDING ON THE 30TH DAY OF JUNE, 1959, AND THE 30TH DAY OF JUNE, 1960.

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

1. This Ordinance may be cited as the Consolidated Fund (No. 2) Ordinance, 1960. Short title.

2. The Treasury may issue out of the consolidated fund of the Colony and Protectorate and apply towards making good the supply granted to the Governor for the service of the year ending on 30th June, 1959, the sum of two hundred and ninety-two pounds, fifteen shillings and eighty-six cents. Issue of £292.15s.86cts. out of the consolidated fund for the service of the year ending 30th June, 1959.

3. The Treasury may issue out of the consolidated fund of the Colony and Protectorate and apply towards making good the supply granted to the Governor for the service of the year ending on 30th June, 1960, the sum of nine hundred and six thousand, four hundred and seventy pounds. Issue of £906,470 out of the consolidated fund for the service of the year ending 30th June, 1960.

4. The money granted by section 2 of this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the First Schedule to this Ordinance, and the money granted by section 3 of this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the Second Schedule to this Ordinance. Appropriation of money voted for supply services.

Appropriations in aid.

5. In addition to the sums chargeable to the consolidated fund under sections 2 and 3, and appropriated by section 4, of this Ordinance, there may be appropriated out of any money directed under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of such sums, the amounts respectively set forth in the last column of the Schedules to this Ordinance.

No. 13 of 1955.

FIRST SCHEDULE

(Section 2)

Vote	Supply	Appropriations in aid
	£ *sh.* *cts.*	£ *sh.* *cts.*
5. Civil Service Commission	9 16 94	1 12 77
D.4–6 Agricultural Services (Swynnerton)	282 18 92	—
TOTAL ..	292 15 86	1 12 77

SECOND SCHEDULE

(Section 3)

Vote	Supply	Appropriations in aid
	£	£
1. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Governor and his staff, and for the maintenance and upkeep of the Government Houses at Nairobi and Mombasa and of the Royal Lodge, Sagana	8,419	860*
3. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Legislative Council and the Constitutional Conference ..	39,268	385*
6. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Civil Service Commission, including allowances payable to members of selection boards and expenses of interviews	970	—

*Deficiency.

SECOND SCHEDULE—(*Contd.*)

Vote	Supply	Appropriations in aid
	£	£
7. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of two other Ministers; the Cabinet Office; the Establishments Division; the Public Relations Office, London; for the shared services in the Central Government Building; for the expenses of elections; for the visit of the Constitutional Adviser; for the remission of rates on Consular property; for a contribution towards the publication of a history of East Africa and for grants in aid to the Imperial Institute, London, the fourth Pan-African Congress on Prehistory and the British Kenya Miocene Expedition; contributions to the Parliament Buildings in Uganda and to the Mauritius Relief Fund, and a subvention to the C.C.T.A. Bureaux	2,001	—
8. The amount required in the year ending 30th June, 1960, to meet the salaries and expenses of the Department of Information and other expenditure in connexion with publicity	1	—
9. The amount required in the year ending 30th June, 1960, to meet the salaries and other expenses in connexion with Broadcasting	1	46,079
10. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	1	1,106
11. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Legal Affairs; of the Law Officers' Department, including the payment of legal expenses incurred by or on behalf of the Government; the salaries and expenses of the Registrar-General's Department, and of the Office of the Commissioner for the Revision of the Laws of Kenya	14,125	13,614*
13. The amount required in the year ending 30th June, 1960, for postages, telegrams and miscellaneous postal services, ex-gratia payments, agents' fees and commissions, loss on realization of investments and various miscellaneous items of expenditure falling under the control of the Treasury	1	—

*Deficiency.

SECOND SCHEDULE—(*Contd.*)

Vote	Supply	Appropriations in aid
	£	£
19. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of African Affairs the Administration General Staff; the Provincial Administration; the Inland Revenue and Road Transport Branches; the Tribal Police; African Courts; the Department of Co-operative Development, including the E.A. School of Co-operation; and for miscellaneous services, including grants in aid to the Rhodes-Livingstone Institute and to the International African Institute; Sanitary Services in Townships; expenses of Liquor Licensing; and expenses of Restrictees	97,964	24,000*
21. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; the expenses of Boards, Committees, Agents, etc., connected with agricultural, livestock and water matters; certain expenditure arising from the Agriculture Ordinance, 1955; agricultural loans, subsidies, refunds and guarantees; for payment of grants and grants in aid to certain agricultural and livestock organizations and international bodies; compensation to stock owners under the Animal Diseases Ordinance; Trade Commission to Rhodesia; wheat railage charges; and the Pyrethrum Enquiry	83,425	132,351
22. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Internal Security and Defence, including the expenses of the Film Censorship Board; the expenses of persons restricted under the Deportation (Immigrant British Subjects) Ordinance, 1949; a contribution towards the cost of the Mega Consulate; the cost of maintenance of boundaries; subventions to the Kenya Rifle Association, the Naval Entertainments Committee and the British Legion	750	—
25. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Kenya Police, the Kenya Police Reserve and civilian staff	40,001	—
26. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Local Government and Lands (excluding Local Government Contributions), including grants to the European Hospital Fund Authority in accordance with the provisions of the Hospital Treatment Relief		

*Deficiency.

SECOND SCHEDULE—(*Contd.*)

Vote	Supply	Appropriations in aid
	£	£
(European) Ordinance, 1951, and grants to the Asian and Arab Hospital Fund Authority; certain minor grants; expenses in connexion with the relief of distress; the audit of the accounts of all Local Government Authorities; Town Planning; and the purchase of civic regalia	17,097	14,065*
27. The amount required in the year ending 30th June, 1960, for the payments of statutory grants to municipalities under the Municipalities Ordinance; to county and district councils under the Local Government (County Councils) Ordinance, 1952, and the Local Government (District Councils) Ordinance; to townships under the Townships Ordinance; and to African district councils under the African District Councils Ordinance, 1950; and for certain non-statutory grants in respect of social services and grants towards the cost of fire rangers, shops in rural areas, drainage schemes and other services	1	676
28. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Health and Welfare; for grants in aid to certain missions and private hospitals and to organizations connected with the promotion of health, hygiene and social welfare; and sundry other services	1	—
29. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Education, and of the ministerial office staff, including the cost of courses of training for Government officers	4,471	200
30. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Education Department, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants in aid and other expenses in connexion with the promotion of education among persons resident in the Colony	20,003	4,850
32. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Lands Department, including the administration of Crown Lands and the registration of all titles and documents relating to land; and for the administration of the Stamp Duty Ordinance, 1958	3,401	2,600

*Deficiency.

SECOND SCHEDULE—(*Contd.*)

Vote	Supply	Appropriations in aid
	£	£
34. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Forest Development, Game and Fisheries, including the development of the Colony's forest estate, both protection and productive forests, tree planting in townships and refunds of royalty on exports of timber; the protection and control of game and the eradication of poaching; the protection of fish and the development of the fishing industry, including fisheries research; and contributions to certain allied organizations and a grant in aid to the Royal National Parks	15,153	534
35. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Commerce and Industry; rent control; the supervision of weights and measures; import and export control; the provision of trade and industrial information; geological surveys; prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; the general development of industry, with related ex-gratia payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry, transportation and telecommunications; a subsidy to the sugar industry and grants to African traders	3,690	26,000
36. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Works; for expenditure in respect of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; for a contribution to the Road Authority; for a contribution to the Development Fund for certain non-recurrent public works; and for sundry other services, payments, grants and contributions	63,002	19,000
37. The amount required in the year ending 30th June, 1960, for the operation and maintenance of Mombasa Water Supply, including payment of interest and overhead administration charges	1	9,999

SECOND SCHEDULE—(*Contd.*)

Vote	Supply	Appropriations in aid
	£	£
38. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Tourism and Common Services, including provision for the promotion of tourism by tourist literature, films, exhibits, advertisements and other means; a subvention to the E.A. Tourist Travel Association; ex-gratia refunds of customs duty on hotel equipment; expenses of the Appeal Tribunal, the Central Hotel Authority and subsidiary Hotel Authorities under the Hotels Ordinance, and of the Tourist Advisory Board	1	—
41. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Supplies and Transport Department	6,400	41,000*
42. The amount required in the year ending 30th June, 1960, for the salaries and expenses of the Ministry of Housing and for certain non-statutory grants in respect of African housing in municipalities ..	12,933	3,957
43. The amount required in the year ending 30th June, 1960, for part of the salaries and expenses of the Ministry of Labour, Social Security and Adult Education	2,573	1,263
	435,339	155,461
DEVELOPMENT:—		
Additional sum required for financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1957 to 30th June, 1960	471,131	44,618
GRAND TOTAL ..£	906,470	200,079

*Deficiency.

THE LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) ORDINANCE, 1960

LN · 348/60 p841

No. 16 of 1960

Date of Assent: *13th June, 1960*

Date of Commencement: *14th June, 1960*

AN ORDINANCE TO AMEND THE LAW REFORM (MISCELLANEOUS PROVISIONS) ORDINANCE, 1956.

Short title.

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

Amendment of section 8 of Ordinance No. 48 of 1956.

1. This Ordinance may be cited as the Law Reform (Miscellaneous Provisions) (Amendment) Ordinance, 1960.

2. The proviso to subsection (2) of section 8 of the Law Reform (Miscellaneous Provisions) Ordinance, 1956, is hereby repealed.

THE DEBTS (SUMMARY RECOVERY) (AMENDMENT) ORDINANCE, 1960

No. 17 of 1960

LN. 519/60

Date of Assent: 13th June, 1960

Date of Commencement: 14th June, 1960

AN ORDINANCE TO AMEND THE DEBTS (SUMMARY RECOVERY) ORDINANCE

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

1. This Ordinance may be cited as the Debts (Summary Recovery) (Amendment) Ordinance, 1960. Short title.

2. Section 3 of the Debts (Summary Recovery) Ordinance, hereinafter referred to as the principal Ordinance, is repealed. Repeal of section 3 of Cap. 8.

3. Section 12 of the principal Ordinance is amended by substituting for subsection (1) thereof a new subsection as follows— Amendment of section 12 of the principal Ordinance.

(1) Subject to the following provisions of this Ordinance, where default is made in paying any money payable by virtue of an order made under this Ordinance, a magistrate may—

(*a*) commit the defaulter to prison for a term not exceeding six weeks or until payment of the sum due (whichever period be the shorter); or

(*b*) order execution of the order, as if it were a decree to which the provisions of the Civil Procedure Ordinance apply, by attachment and sale, or sale without attachment, of any property liable to such form of execution under that Ordinance, or by attachment of debts (including salary accrued or to become due) as provided by that Ordinance. Cap. 5.

4. Section 13 of the principal Ordinance is amended— Amendment of section 13 of the principal Ordinance.

(*a*) by substituting for subsection (1) thereof a new subsection as follows—

(1) A magistrate shall not commit any person to prison in default of payment of any money

payable by virtue of an order made under this Ordinance or for any want of sufficient execution to satisfy any such money—

(*a*) unless a summons to appear and be examined on oath has been served on that person; and

(*b*) unless it is proved to the satisfaction of the magistrate that that person has, or has had since the date of the order, the means to pay the money in respect of which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected to pay it.;

(*b*) in subsection (6) thereof, by substituting for the words "take out execution against the movable property of the person imprisoned", the words "levy execution under section 12 of this Ordinance against the property or debts of the person imprisoned".

Amendment of section 15 of the principal Ordinance.

5. Section 15 of the principal Ordinance is amended by substituting for the words "The Supreme Court may, with the approval of the Governor, issue rules", which appear therein, the words "~~The Rules Committee constituted under the Civil~~ Procedure Ordinance may make rules of court".

Sub. cl
Cl. 36/62

THE CUSTOMS TARIFF (DUMPING AND SUBSIDIES) ORDINANCE, 1960

No. 18 of 1960

Date of Assent: 13th June, 1960

Date of Commencement: 14th June, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and construction.

2—Governor in Council of Ministers may prescribe rates of duty.

3—Governor in Council of Ministers may prescribe circumstances in which duty may be imposed.

SECTION

4—Rates to be in addition to other rates of duty.

5—Power to remit.

6—Orders to be laid before Legislative Council.

AN ORDINANCE TO AUTHORIZE THE FIXING OF THE RATES OF DUTIES OF CUSTOMS IMPOSED WHERE GOODS HAVE BEEN DUMPED OR SUBSIDIZED: AND FOR MATTERS RELATING THERETO AND CONNECTED THEREWITH

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

Short title and construction.

1. This Ordinance may be cited as the Customs Tariff (Dumping and Subsidies) Ordinance, 1960, and shall be read and construed as one with the Customs (Dumping and Subsidies) Act, 1959, of the East Africa High Commission (hereinafter referred to as the Act).

H.C. Act No. 3 of 1959.

Governor in Council of Ministers may prescribe rates of duty.

2. (1) Subject to the provisions of this Ordinance and of the Act, where an order has been made under section 4 of the Act imposing a duty of customs on the import into the Colony of goods of a description specified therein, the Governor in Council of Ministers may, by an order made under this section of this Ordinance and published in the Gazette, prescribe the rate or rates at which such duty shall be charged.

(2) An order made under this section of this Ordinance may prescribe a rate or rates of duty by reference to value or to weight or other measure of quantity.

Governor in Council of Ministers may prescribe circumstances in which duty may be imposed.

3. Where the Governor in Council of Ministers makes an order under section 2 of this Ordinance, prescribing a rate or rates at which duties of customs shall be charged, he may, by the same or any subsequent order published in the Gazette, prescribe the circumstances in which such duty is chargeable or is not chargeable and may make such provisions with regard thereto as may appear to him to be required for the purposes of this Ordinance, and, in particular, may—

(*a*) make provision directing that the duty shall be charged or shall not be charged for any period or periods, whether continuous or not, or without limitation of period, or at different rates for different periods or parts of periods; and

(*b*) make provision, in connexion with the commencement, variation or termination of the imposition of a duty, authorizing repayments in respect of duty where it is shown that the conditions prescribed in such order are fulfilled.

Rates to be in addition to other rates of duty.

4. The rates of duty prescribed by an order made under this Ordinance shall be chargeable in addition to the rates prescribed for any other duty of customs for the time being chargeable.

Power to remit.

5. (1) The Governor in Council of Ministers may, by order published in the Gazette, remit in whole or in part any duty payable by any person on any goods imported which are chargeable to duty by reason of an order made under this Ordinance if he is satisfied that it is in the public interest so to do.

(2) Any such remission may apply either to specific instances or generally in respect of goods imported by specific persons or persons of a specified class.

Orders to be laid before Legislative Council.

6. Every order made under this Ordinance shall come into operation on a day to be specified therein, shall be laid before the Legislative Council without unreasonable delay and, if not approved by the Legislative Council within the next twenty days on which the Legislative Council sits next after such order is laid before it, shall cease to have effect at the expiration of the said twenty days, but without prejudice to anything done or suffered thereunder while such order was in operation.

THE APPROPRIATION ORDINANCE, 1960

No. 19 of 1960

CM. 56d/60

Date of Assent: 13th June, 1960

Date of Commencement: 14th June, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Issue of £42,142,285 out of the consolidated fund for the service of the year ending 30th June, 1961.

SECTION

3—Appropriation of money voted for supply services.

4—Appropriations in aid.

5—Power of the Minister to borrow.

Schedule.

AN ORDINANCE TO APPLY A SUM OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEAR ENDING ON THE 30th DAY OF JUNE, 1961.

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

Short title.

1. This Ordinance may be cited as the Appropriation Ordinance, 1960.

Issue of £42,142,285 out of the consolidated fund for the service of the year ending 30th June, 1961.

2. The Treasury may issue out of the consolidated fund of the Colony and Protectorate and apply towards making good the supply granted to the Governor for the service of the year ending on the 30th day of June, 1961, the sum of forty-two million, one hundred and forty-two thousand, two hundred and eighty-five pounds.

Appropriation of money voted for supply services.

3. The money granted by this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the Schedule to this Ordinance and for no other service or purpose.

Appropriations in aid.

No. 13 of 1955.

4. In addition to the sums chargeable to the consolidated fund under section 2, and appropriated by section 3, of this Ordinance, there may be appropriated out of any money directed, under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of such sums, the amounts respectively set forth in the last column of the Schedule to this Ordinance.

Power of the Minister to borrow. No. 14 of 1955.

5. (1) Notwithstanding the provisions of the General Local Loans Ordinance, 1955, the Minister may at any time or times not later than 30th June, 1961, borrow within the Colony or in the United Kingdom, or partly in one and partly in the other, any sum or sums not exceeding in the whole forty-two million, one hundred and forty-two thousand, two hundred and eighty-five pounds, and that by way of loan or advance, the issue of bills, or bank overdraft, and on such terms and conditions as the Minister may deem expedient.

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

(3) Any money borrowed under this section shall be subject to repayment not later than 30th June, 1961; and any sum required for the repayment of any money so borrowed, and of any interest payable thereon, shall be charged upon and paid out of the consolidated fund.

SCHEDULE

(*Section* 3)

Vote No.	*Supply*	*Appropriations in aid*
	£	£
1. The amount required in the year ending 30th June, 1961, for the salary and expenses of the Governor and his staff, and for the maintenance and upkeep of the Government Houses at Nairobi and Mombasa and of the Royal Lodge, Sagana	47,940	5,325
2. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Court of Appeal for Eastern Africa; of the Supreme Court of Kenya; of Resident Magistrates and special magistrates; and for other expenses in connexion with the administration of justice in the Colony, including payments to assessors, counsel, jurors and witnesses. This amount also includes the cost of certain services shared by all departments in the Law Courts Building	158,350	216,734
3. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Legislative Council	119,700	700

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in aid*
	£	£
4. The amount required in the year ending 30th June, 1961, for the expenses of the Council of State and its administrative staff	10,000	—
5. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the department of the Controller and Auditor-General, and a contribution towards the cost of the office of the Director-General of the Overseas Audit Service in London	66,460	68,693
6. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Civil Service Commission, including allowances payable to members of selection boards and expenses of interviews	20,150	1,200
7. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of the Cabinet Office; the Establishments Division; the Central Government Building; the Kenya Trade representative in the Federation of Rhodesia and Nyasaland; the Provincial Administration (including the Tribal Police); African Courts; Inland Revenue Branch; Road Transport Branch; African Lands Branch; Community Development; Colony Youth Organization; Colony Sports Organization; Jeanes Schools; and expenses of restrictees and detainees. The estimate also includes expenses of elections; sanitary services in townships; the Liquor Licensing Ordinance, 1957; recruitment and training; rewards and rations; famine relief; remission of rates on consular property and certain grants-in-aid ..	2,803,402	248,435
8. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Legal Affairs and of the Law Officers' Department, including the payment of legal expenses incurred by or on behalf of the Government; of the Registrar-General's Department; and of the Office of the Commissioner for the Revision of the Laws of Kenya	104,000	52,150

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in aid*
	£	£
9. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Minister for Finance and Development and of the Treasury, including certain expenses of the East African Currency Board	153,670	20,910
10. The amount required in the year ending 30th June, 1961, for Postages, Telegrams and Miscellaneous Postal Services; ex-gratia payments; agents' fees and commissions; administrative loss of the Post Office Savings Bank; and various miscellaneous items of expenditure falling under the control of the Treasury ..	296,275	25
11. The amount required in the year ending 30th June, 1961, for Annuity to H.H. The Sultan of Zanzibar	16,000	—
12. The amount required in the year ending 30th June, 1961, for expenditure on the service of the Colony's funded and unfunded debt, the cost of management of loans administered by the Crown Agents for Oversea Governments and Administrations, for interest charges on short-term borrowings, and for other minor matters concerned with the public debt of the Colony	2,847,234	580,973
13. The amount required in the year ending 30th June, 1961, for contributions to the cost of High Commission Services, including those controlled by the High Commission as the agent of the East African Governments ..	1,567,131	10,711
14. The amount required in the year ending 30th June, 1961, for civil pensions and gratuities, emergency pensions and allowances, increases on widows' and orphans' pensions, and contributions by the Kenya Government to provident and pension funds; and for expenditure on military pensions and gratuities and the expenses of the Pensions Appeal Tribunal	1,395,550	69,260
15. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Internal Security and Defence, including the expenses of the Film Censorship Board; the expenses of persons restricted under the Deportation (Immigrant British Subjects)		

SCHEDULE—(*Contd.*)

Vote No.		*Supply*	*Appropriations in aid*
		£	£
	Ordinance, 1949; a contribution towards the cost of the Mega Consulate; the cost of maintenance of boundaries; subventions to the Kenya Rifle Association, the Naval Entertainments Committee, the British Legion and the Nairobi City Forces Club	83,241	561
16.	The amount required in the year ending 30th June, 1961, for Kenya's share of any residual expenses of the East African Land Forces (including administrative expenses); the salaries and expenses of the Kenya Regiment (T.F.); the cost of compulsory military training under the Compulsory Military Training Ordinance, 1951; contributions in lieu of rates on Crown land occupied by Service Departments; and certain miscellaneous expenses of the King's African Rifles, including a contribution to the expenses of the Kenya Band of the King's African Rifles	224,401	2,000
17.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Kenya Police, the Kenya Police Reserve and civilian staff	4,114,800	211,000
18.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Prisons Department, including the expenses of detention camps established under the Detention Camps Ordinance; a grant-in-aid to Discharged Prisoners' Aid Association; and certain residual expenditure arising from the Emergency Regulations	1,282,300	125,200
19.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	29,000	70,000
20.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Education, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants-in-aid and other expenses in connexion with the promotion of education among persons resident in the Colony	6,166,700	961,610

SCHEDULE—(*Contd.*)

Vote No.		*Supply*	*Appropriations in aid*
		£	£
21.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; soil conservation and dam construction; the Department of Co-operative Development, including the E.A. School of Co-operation; the expenses of boards, committees, agents, etc., connected with agricultural, livestock and water matters; certain expenditure arising from the Agriculture Ordinance, 1955; agricultural loans, subsidies, refunds and guarantees; contributions to agricultural and livestock organizations; subventions to certain local and international bodies and compensation to stock owners under the Animal Diseases Ordinance	1,641,560	1,459,907
22.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Commerce and Industry; rent control; the supervision of weights and measures; import and export control; the provision of trades and industrial information; geological surveys; prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; maintenance of fire/crash services; the general development of industry, with related ex-gratia payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry; transportation and telecommunications; and grants to African traders	353,853	136,825
23.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Health and Welfare; for grants-in-aid to certain missions and private hospitals and to organizations connected with the promotion of health, hygiene and social welfare; for grants to the European Hospital Fund Authority and the Asian and Arab Hospital Fund Authority; and for sundry other services	2,067,300	444,077

SCHEDULE—(*Contd.*)

Vote No.		*Supply*	*Appropriations in aid*
		£	£
24.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Housing, Common Services, Probation and Approved Schools; for certain non-statutory grants in respect of African housing in municipalities; for the salaries and expenses of the Probation Service, Approved Schools and Remand Homes; and for certain grants in aid ..	172,255	7,055
25.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Government Printer's Office; and for the purchase of and repairs to all typewriters and duplicators used by official departments, the the buying and issuing to official departments of their requirements of stationery	137,800	133,150
26.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Government Coast Agency	19,425	15,725
27.	The amount required in the year ending 30th June, 1961, to meet the salaries and expenses of the Ministry of Information and Broadcasting and the Public Relations Office, London ..	175,550	10,500
28.	The amount required in the year ending 30th June, 1961, to meet the salaries and other expenses in connexion with Broadcasting ..	129,340	181,400
29.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Labour, Social Security and Adult Education, including the administration of labour and industrial legislation, and the registration of persons; and for certain grants-in-aid	318,200	25,300
30.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Local Government and Lands (excluding local government contributions) and expenses in connexion with the relief of distress, the audit of the accounts of all local government authorities and some District Education Boards; and Town Planning	170,043	56,800

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in aid*
	£	£
31. The amount required in the year ending 30th June, 1961, for the payment of statutory grants to municipalities under the Municipalities Ordinance; to county and district councils under the Local Government (County Councils) Ordinance, 1952; to townships under the Townships Ordinance; and to African District Councils under the African District Councils Ordinance, 1950; and for certain non-statutory grants in respect of social services, towards the cost of fire rangers, in respect of licensing of shops in rural areas, drainage schemes, burial of destitute persons, maintenance of war graves and other services	1,476,000	4,850
32. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Lands Department, including the administration of Crown lands and the registration of all titles and documents relating to land; and for the administration of the Stamp Ordinance, 1958 ..	131,500	33,300
33. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Survey Department, including the administration of the Survey Ordinance, 1951	173,200	217,000
34. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Tourism, Game, Forests and Fisheries, including the promotion of tourism; for a subvention to the E.A. Tourist Travel Association; for ex-gratia refunds of customs duty on hotel equipment; for the expenses of the Tourist Advisory Board and certain Statutory Authorities under the Hotels Ordinance; the protection and control of game and the eradication of poaching; for the development of the Colony's forest estate, both protection and productive forests and tree planting in townships; for the protection of fish and the development of the fishing industry, including fisheries research; and for contributions and grants-in-aid to certain allied organizations, including the Royal National Parks of Kenya	609,349	344,817

SCHEDULE—(*Contd.*)

Vote No.		*Supply*	*Appropriations in aid*
		£	£
35.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Works; for expenditure in respect of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; for a contribution to the Road Authority; and for sundry other services, payments, grants and contributions	2,801,154	2,256,979
36.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Supplies and Transport Department ..	131,832	120,800
37.	The amount required in the year ending 30th June, 1961, for the operation and maintenance of Mombasa Water Supply, including payment of interest and overhead administration charges	10	355,649
		£32,014,675	£8,449,621
	DEVELOPMENT:—		
	For financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1960, to 30th June, 1963	10,127,610	446,293
	GRAND TOTAL ..	£42,142,285	£8,895,914

THE LAKE VICTORIA FISHERIES (REAPPLICATION OF LAWS) ORDINANCE, 1960

No. 20 of 1960

LN. 111/61

Date of Assent: 13th June, 1960

Date of Commencement: 30th June, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Reapplication of written laws.

3—Amendment of section 4 of Cap. 217.

SECTION

4—Amendment of section 6 of Cap. 217.

5—Amendment of section 9 of Cap. 217.

6—Amendment of section 10 of Cap. 217.

AN ORDINANCE TO APPLY CERTAIN WRITTEN LAWS TO LAKE VICTORIA AND TO MAKE CERTAIN AMENDMENTS TO ONE OF THOSE LAWS.

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

Short title.

1. This Ordinance may be cited as the Lake Victoria Fisheries (Reapplication of Laws) Ordinance, 1960, and shall come into operation on the 30th day of June, 1960.

Reapplication of written laws.

2. The following Ordinances and all subsidiary legislation made thereunder shall, in respect of fish, have effect in relation to Lake Victoria—

Cap. 217. The Fish Protection Ordinance;

Cap. 215. The Royal National Parks of Kenya Ordinance;

Cap. 219. The Trout Ordinance.

Amendment of section 4 of Cap. 217.

3. Section 4 of the Fish Protection Ordinance is amended by deleting therefrom the words—

"no such penalty shall exceed a fine of one thousand shillings for each offence, and in default of payment thereof imprisonment for a period not exceeding three months",

and by substituting therefor the words—

"no such penalty shall exceed, in the case of a first conviction, a fine of three thousand shillings or imprisonment for a term of three months, or both such fine and imprisonment, and in the case of a second or subsequent conviction, a fine of ten thousand shillings or imprisonment for a term of one year, or both such fine and imprisonment".

Amendment of section 6 of Cap. 217.

4. Section 6 of the Fish Protection Ordinance is amended by deleting therefrom the words—

"one thousand shillings and in default of payment thereof to imprisonment for a period not exceeding three months"

and by substituting therefor the words—

"ten thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment".

Amendment of section 9 of Cap. 217.

5. Section 9 of the Fish Protection Ordinance is amended by inserting therein, immediately after the word "committed", the words "and any vehicle or vessel which with the consent or connivance of the owner thereof was used in the commission of the offence,".

Amendment of section 10 of Cap. 217.

6. Section 10 of the Fish Protection Ordinance is amended by substituting for the words "one thousand" the words "ten thousand", and for the words "three months" the words "one year".

THE CENTRAL HOUSING BOARD (VESTING OF LOANS) ORDINANCE, 1960

No. 21 of 1960

Date of Assent: 13th June, 1960

Date of Commencement: 1st January, 1955

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

2—Interpretation.

3—Vesting of rights and benefits in the scheduled loans.

4—Recovery of loans.

5—Allocation of moneys received.

Schedule.

AN ORDINANCE TO PROVIDE FOR THE VESTING OF CERTAIN LOANS MADE TO LOCAL AUTHORITIES IN THE CENTRAL HOUSING BOARD, AND FOR PURPOSES CONNECTED THEREWITH

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

Short title and commencement.

1. This Ordinance may be cited as the Central Housing Board (Vesting of Loans) Ordinance, 1960, and shall be deemed to have come into operation on the first day of January, 1955.

Interpretation.

2. In this Ordinance—

"the Board" means the Central Housing Board established under section 3 of the Housing Ordinance, 1953;

No. 17 of 1953.

"the scheduled loans" means the several loans, particulars of which are set out in the Schedule to this Ordinance, being loans made from moneys supplied out of funds of the Development and Reconstruction Authority, and issued to the local authorities respectively specified in the said Schedule, for the construction of houses for Africans.

Vesting of rights and benefits in the scheduled loans.

3. (1) There shall, by virtue of this Ordinance and without further assurance, become vested in the Board the right, formerly vested in the Local Government Loans Authority under and by virtue of the Local Government Loans Ordinance, 1953, to demand, sue for and recover, and give receipts for, and the benefit of all securities for, the scheduled loans, to the extent to which those loans were outstanding at the commencement of this Ordinance.

No. 9 of 1953.

(2) For the avoidance of doubt it is hereby declared that the reference in subsection (1) of this section to rights formerly vested in the Local Government Loans Authority under and by virtue of the Local Government Loans Ordinance, 1953, shall include the right which was purported to be vested in that Authority by a resolution of the Legislative Council dated 18th February, 1953.

Recovery of loans. No. 17 of 1953.

4. For the purposes of the Housing Ordinance, 1953, the scheduled loans shall be deemed to be loans made or granted by the Board under that Ordinance.

Allocation of moneys received. No. 17 of 1953.

5. All moneys received by the Board on account of the scheduled loans shall be carried to the Housing Fund established under section 6 of the Housing Ordinance, 1953.

SCHEDULE (Section 2)

Local authority to which loan made	*Purpose of loan*	*Year loan authorized*	*Amount of loan sanctioned*
			£
Eldoret Municipal Board	Houses for letting	1951	4,100
" " "	Staff houses	1951	1,150
" " "	Houses for letting	1951	3,000
" " "	" " "	1951	11,150
" " "	" " "	1952	38,743
Thika Township Authority	Houses for letting ("Vasey" scheme)	1951	5,000
" " "	" " "	1951	10,000
" " "	" " "	1952	25,000
Kitale Municipal Board	Staff housing	1949	176
" " "	Houses for letting	1952	10,000
Mombasa Municipal Board	Swahili-type housing, Port Tudor	1952	8,400
Thomson's Falls Township Authority	Houses for letting	1952	16,000
Nakuru Municipal Council	" " "	1953	55,120
" " "	Staff houses	1952	2,070
" " "	Tenant-purchase houses	1953	4,800
Kisumu Municipal Board	Staff houses	1953	50,000
			£244,709

THE GUARANTEE (HIGH COMMISSION POSTS AND TELECOMMUNICATIONS LOAN) ORDINANCE, 1960

No. 22 of 1960

LN. 620/60

Date of Assent: 13th June, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

2—Interpretation.

3—Guarantee of loan.

4—Sums charged on general revenues and assets.

SECTION

5—Provision for payment of money due to stockholders.

6—Certificate by Crown Agents.

7—Certain Ordinances may properly be disallowed.

AN ORDINANCE TO GUARANTEE A LOAN OF THREE MILLION POUNDS STERLING TO BE RAISED BY THE HIGH COMMISSION FOR CERTAIN PURPOSES OF THE EAST AFRICAN POSTS AND TELECOMMUNICATIONS ADMINISTRATION; TO FACILITATE THE INVESTMENT OF TRUST AND OTHER FUNDS IN THE UNITED KINGDOM OR ELSEWHERE IN HIGH COMMISSION SECURITIES ISSUED FOR THE PURPOSES OF THAT LOAN; AND FOR OTHER MATTERS RELATING THERETO AND CONNECTED THEREWITH

WHEREAS the High Commission, by an Act entitled the Loans (Posts and Telecommunications) Act, 1959, is authorized to raise either at one time or by instalments, and either separately or at the same time as any other loan, the sum of three million pounds sterling for the purposes specified in the Schedule to that Act:

AND WHEREAS the principal of and the interest and other charges on such loan are by the said Act charged upon and payable out of the Posts and Telecommunications Fund maintained for the East African Posts and Telecommunications Administration under the provisions of section 97 of the East African Posts and Telecommunications Act:

AND WHEREAS it is expedient that payment of the principal of and the interest and other charges on such loan should be guaranteed out of the general revenues and assets of the Colony and that any sums for fulfilling such guarantee should be charged on the said general revenues and assets:

BE IT THEREFORE enacted by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title and commencement.

1. This Ordinance may be cited as the Guarantee (High Commission Posts and Telecommunications Loan) Ordinance, 1960, and shall come into force on such day as the Governor may by notice in the Gazette appoint.

14 3 61
LN. 109/61

Interpretation.

2. In this Ordinance—

"the Act of 1959" means the Loan (Posts and Telecommunications) Act, 1959, of the High Commission; H.C. Act No. 9 of 1959.

"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;

"High Commission (Posts and Telecommunications Loan) securities" means all securities created or issued by the High Commission for the purpose of raising the loan authorized by the Act of 1959, to which securities for the time being the Colonial Stock Acts, 1877 to 1948, of the United Kingdom apply, and which securities are for the time being registered in the United Kingdom in accordance with those Acts.

Guarantee of loan.

3. Payment of the principal moneys raised by the High Commission under the authority of the Act of 1959 and any interest and other charges thereon, to the extent to which such principal moneys and interest and other charges are not paid out of the Posts and Telecommunications Fund maintained for the East African Posts and Telecommunications Administration under the provisions of section 97 of the East African Posts and Telecommunications Act, is hereby guaranteed out of the consolidated fund: H.C. Cap. 4.

Provided that the principal moneys guaranteed under this Ordinance shall not in the aggregate exceed three million two hundred and fifty thousand pounds sterling.

Sums charged on general revenues and assets.

4. Any sum required for fulfilling the guarantee created by section 3 of this Ordinance shall be charged on the general revenues and assets of the Colony and the Government shall issue out of the consolidated fund and remit to the Crown Agents any such sum; and any sum received by way of repayment of any sum so paid shall be placed to the credit of the exchequer account and shall form part of the consolidated fund.

Provision for payment of money due to stockholders.

5. (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 in respect of any of the High Commission (Posts and Telecommunications Loan) securities, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of the Colony in the hands of the Crown Agents.

(2) Whenever any sum of money is required to be paid to Her Majesty's Government in the United Kingdom under section 7 of the Act of 1959, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of the Colony in the hands of the Crown Agents.

(3) If the sum remitted to the Crown Agents under section 4 of this Ordinance is insufficient for the payment of any sum adjudged or declared to be payable under subsection (1), or required to be paid under subsection (2), of this section, any balance required to meet such deficit shall be charged upon the general revenues and assets of the Colony, and the Governor shall forthwith issue out of the consolidated fund and shall remit to the Crown Agents a sum equal to the amount of that balance; and such sum shall be applied by the Crown Agents in the satisfaction of any such final judgment, decree, rule or order, or of the amount required to be paid as aforesaid.

Certificate by Crown Agents.

6. In order to enable every payment under this Ordinance to be duly made, a certificate under the hands of the Crown Agents, specifying the sums so paid under a final judgment, decree, rule or order of any court in the United Kingdom, or paid to Her Majesty's Government in the United Kingdom, as the case may be, shall be sufficient authority to the Controller and Auditor-General or other officer having the auditing of the accounts of the Crown Agents for passing such sums without further appropriation.

Certain Ordinances may properly be disallowed.

7. If at any time hereafter an Ordinance is passed which appears to Her Majesty's Government in the United Kingdom to alter any of the provisions affecting the High Commission (Posts and Telecommunications Loan) securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, or

prejudicially to affect the right of Her Majesty's Government in the United Kingdom to require repayment of any sums under section 7 of the Act of 1959, that Ordinance may properly be disallowed.

THE PREVENTION OF CRIME (AMENDMENT) ORDINANCE, 1960

No. 23 of 1960

Date of Assent: 1st July, 1960

Date of Commencement: 5th July, 1960

AN ORDINANCE TO AMEND THE PREVENTION OF CRIME ORDINANCE, 1958

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

1. This Ordinance may be cited as the Prevention of Crime (Amendment) Ordinance, 1960. Short title.

2. Section 1 of the Prevention of Crime Ordinance, 1958 (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 1 of Ordinance No. 10 of 1958.

(*a*) by inserting therein, immediately after the words "apply to such areas" the words "and during such hours";

(*b*) by re-numbering the section as subsection (1) thereof, and by adding a new subsection as follows—

(2) A notice under this section may apply the Ordinance during different hours in respect of different areas.

3. Section 2 of the principal Ordinance is amended by deleting the definition of "night". Amendment of section 2 of the principal Ordinance.

4. Subsection (1) of section 3 of the principal Ordinance is amended by deleting the words "at night". Amendment of section 3 of the principal Ordinance.

THE FINANCE ORDINANCE, 1960

No. 24 of 1960

Date of Assent: 1st July, 1960

Date of Commencement:

Sections 6, 7, 8 and 9—28th April, 1960

Section 10 (1)—1st May, 1960

Section 10 (2)—1st January, 1961

Remainder of Ordinance—5th July, 1960

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1—Short title.
2—Construction.

PART II—CUSTOMS

3—Amendment of Ordinance No. 27 of 1958.

PART III—EXCISE

4—Amendment of Ordinance No. 5 of 1954.

PART IV—DANGEROUS PETROLEUM

5—Amendment of Cap. 268.

PART V—MINERAL FUEL OIL

6—Tax on imported light amber mineral fuel oil.

SECTION

7—Refund of customs duty in certain cases.
8—Commencment of this Part.

PART VI—THE ROAD FUND

9—Amendment of Ordinance No. 64 of 1950, and commencment thereof.

PART VII—VEHICLE LICENCES

10—Amendment of Ordinance No. 39 of 1953, and commencement thereof.
11—Refund in respect of certain vehicle licences.

SCHEDULE—The Customs Tariff Ordinance, 1958: First Schedule.

AN ORDINANCE TO IMPOSE CERTAIN DUTIES, TO ALTER OTHER DUTIES AND TO MAKE FURTHER PROVISION IN CONNEXION WITH FINANCE

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

PART I—PRELIMINARY

Short title.

1. This Ordinance may be cited as the Finance Ordinance, 1960.

Construction.

2. Parts II to VII of this Ordinance shall be construed as one with the written laws mentioned in this section respectively, that is to say—

No. 27 of 1958. (*a*) Part II with the Customs Tariff Ordinance, 1958;

No. 5 of 1954. (*b*) Part III with the Excise Tariff Ordinance, 1954;

(*c*) Parts IV and V with the Dangerous Petroleum Tax Ordinance;

Cap. 268.

No. 64 of 1950. (*d*) Part VI with the Road Authority Ordinance, 1950;

No. 39 of 1953. (*e*) Part VII with the Traffic Ordinance, 1953.

PART II—CUSTOMS

Amendment of Ordinance No. 27 of 1958.

3. (1) The Customs Tariff Ordinance, 1958, hereinafter in this section referred to as the Ordinance, is hereby amended by substituting for section 5A thereof a new section as follows—

Remission of duty.

5A. (1) The Governor in Council of Ministers may, by order published in the Gazette, remit in whole or in part any duty payable by any person on any goods imported if he is satisfied that it is in the public interest so to do.

(2) Any such remission may apply to specific instances or generally in respect of specified persons or persons of a specified class.

(2) The First Schedule to the Ordinance is hereby amended—

(*a*) by deleting paragraph (*b*) in item 39 thereof and by relettering paragraphs (*c*), (*d*) and (*e*) therein as "(*b*)", "(*c*)" and "(*d*)" respectively;

(*b*) by adding to item 47 thereof a new paragraph as follows—

Item No.	Article	Import Duty	Suspended Duty
	(*h*) Fabricated constructional material for wall and ceiling frameworks ..	*Ad valorem* 44%.	

(*c*) by adding to item 58 thereof a new paragraph as follows—

Item No.	Article	Import Duty	Suspended Duty
	(*n*) Waste and scrap metal	Free.	

(d) by deleting the words "clip bolts", which appear in paragraph (*a*) in item 69 thereof;

(*e*) by inserting the expression "*Ad valorem* 22%" in respect of paragraph (*a*) in item 79 thereof in the column headed "Suspended Duty" and by deleting the same expression which appears in respect of paragraph (*b*) in the said item in the said column;

(*f*) by substituting for the words "Polished plate, not silvered or bevelled", which appear in paragraph

(*b*) in item 88 thereof, the words "Plate, polished and float, not silvered or bevelled";

(*g*) by substituting for the expression "Per sq. ft., cents 50 (or 22% *ad valorem*, whichever is the greater).", which appears in respect of paragraph (*a*) in item 118 thereof in the column headed "Import Duty", the expression "Per sq. ft., cents 75 (or 22% *ad valorem*, whichever is the greater).";

(*h*) by inserting, immediately after the words "price lists,", which appear in paragraph (*a*) in item 132 thereof, the words "printed work books or question books for educational purposes,";

(*i*) by substituting for paragraph (*a*) in item 136 thereof the following—

Item No.	Article	Import Duty	Suspended Duty
	(*a*) Printing and lithographic inks and powders, printing ink ingredients, roller composition, stamping colours, stencil ink, ink reducers and ink driers	Free.	

(*j*) by substituting for paragraph (*c*) in item 138 thereof the following—

Item No.	Article	Import Duty	Suspended Duty
	(*c*) Visual aids for educational and training purposes	Free.	
	(*d*) Other, n.e.s.	*Ad valorem* 22%.	

(*k*) by substituting for the words "in technical institutions", which appear in paragraph (*a*) in item 152 thereof, the words "in educational institutions";

(*l*) by substituting for paragraph (*e*) in item 165 thereof the following—

Item No.	Article	Import Duty	Suspended Duty
	(*e*) Crown corks	*Ad valorem* 22%.	
	(*f*) Other, n.e.s.	Free.	

(*m*) by substituting for paragraph (*c*) in item 175 thereof the following—

Item No.	Article	Import Duty	Suspended Duty
	(*c*) Street name-plates, road and traffic signs and signals, road and traffic sign materials and street lighting equipment	Free.	

and by adding thereto the new items 25A, 39A and 140A, and by substituting for items 43, 51A, 62, 68, 95, 98, 99, 100, 101, 102, 103, 142, 144, 146 and 166 thereof, the items respectively so numbered in the Schedule to this Ordinance.

(3) The Second Schedule to the Ordinance is hereby amended by substituting for item 79 (*b*) thereof the following—

Item No.	Article	Suspended Duty
79 (*a*)	Bottles and jars, common, empty, of a type specified by the Minister by notice in the Gazette	*Ad valorem* 22%.

PART III—EXCISE

4. The Excise Tariff Ordinance, 1954, is hereby amended— **Amendment of Ordinance No. 5 of 1954.**

(*a*) by substituting in subsection (1) of section 2 thereof, immediately after the definition of "sugar", the following new definition—

"wine" means any liquor which is made from fruit and sugar or from fruit or sugar mixed with any other material and which has undergone a process of fermentation in the manufacture thereof, and includes mead.;

(*b*) by substituting for the words "the expression "sugar" ", which appears in subsection (2) of of section 2 thereof, the words "the expressions "sugar" and "wine" ";

(*c*) by inserting in the First Schedule thereto, immediately after item 6 thereof, a new item as follows—

Item No.	Goods		Rate of Duty
			Sh. cts.
7	Wine—		
	(*a*) Still	Per gallon	6 00
	(*b*) Sparkling	Per gallon	18 00

PART IV—DANGEROUS PETROLEUM

Amendment of Cap. 268.

5. The Dangerous Petroleum Tax Ordinance is hereby amended by substituting for the words "thirty-two cents", which appear in section 3 thereof, the words "thirty-five cents".

PART V—MINERAL FUEL OIL

Tax on imported light amber mineral fuel oil.

6. (1) There shall be charged and levied, and paid by any person importing any light amber mineral fuel oil for use in high speed engines, a tax at the rate of thirty-five cents a gallon on all such fuel oil when it is delivered from Customs control for consumption in the Colony:

Provided that nothing in this Part of this Ordinance shall apply to light amber mineral fuel oil delivered from Customs control for the use of the Government, the Armed Forces of the Crown or the East African Railways and Harbours Administration.

Cap. 268.

(2) Sections 5 and 6 of the Dangerous Petroleum Tax Ordinance shall apply to light amber mineral fuel oil as they apply to dangerous petroleum, and accordingly references in the said sections to "dangerous petroleum" and to "this Ordinance" shall be construed as including references to light amber mineral fuel oil and to this Ordinance.

Refund of customs duty in certain cases.

7. Any person using imported light amber mineral fuel oil for the purpose of supplying motive power to a tractor or stationary engine used on a farm or to a tractor or stationary engine used for the purposes of a current licence, held by such person, to fell and convert timber issued under the Forest Ordinance or any rules made thereunder, the validity of which licence is for more than one year, shall be entitled to a refund of an amount equal to the import duty paid in respect of such fuel oil under the Customs Tariff Ordinance, 1958; and for the purpose of enabling any such refund to be claimed the power to make rules conferred by section 5 of the Dangerous Petroleum Tax Ordinance (as extended by section 6 of this Ordinance) shall be deemed to include a power to make rules for securing such a refund.

Cap. 176.

No. 27 of 1958.

Cap. 268.

Commencement of this Part.

8. This Part shall be deemed to have come into operation on 28th April, 1960.

PART VI—THE ROAD FUND

Amendment of Ordinance No. 64 of 1950 and commencement thereof.

9. (1) The Road Authority Ordinance, 1950, is hereby amended by substituting for paragraph (*b*) in subsection (2) of section 10 thereof a new paragraph as follows—

(*b*) a sum equal to the annual revenues derived from the petrol consumption tax and the light amber mineral fuel oil consumption tax imposed by the Dangerous Petroleum Tax Ordinance and by the Finance Ordinance, 1960, respectively, less any rebate or refund of either of the said taxes duly granted or made under or by virtue of either of the said Ordinances or rules made thereunder;.

Cap. 268.

No. 24 of 1960.

(2) This section shall be deemed to have come into operation on 28th April, 1960.

PART VII—VEHICLE LICENCES

Amendment of Ordinance No. 39 of 1953 and commencement thereof.

10. (1) (*a*) The Traffic Ordinance, 1953, is hereby amended by deleting paragraph (*d*) in the First Schedule thereto.

(*b*) This subsection shall be deemed to have come into operation on 1st May, 1960.

(2) (*a*) The Traffic Ordinance, 1953, is hereby further amended by substituting for paragraphs (*a*), (*b*), (*c*), (*e*), (*f*) and (*g*) in the First Schedule thereto the following—

	Yearly	Three-quarterly	Half-yearly	Quarterly	Monthly
(*a*) For a motor cycle without sidecar .	60 00	51 00	33 00	18 00	7 50
(*b*) For a motor cycle with sidecar ..	80 00	68 00	44 00	24 00	10 00
(*c*) For a motor vehicle of any kind not otherwise specified in this Schedule—					
(i) not exceeding 2,500 lb. tare weight . .	160 00	136 00	88 00	48 00	20 00
(ii) for every additional 250 lb. or part thereof ..	20 00	17 00	11 00	6 00	2 50
(*d*) For a trailer—					
(i) not exceeding 1,500 lb. tare weight	40 00	34 00	32 00	12 00	5 00
(ii) for every additional 250 lb. or part thereof ..	10 00	8 50	5 50	3 00	1 25

(*b*) This subsection shall come into operation on 1st January, 1961.

Refund in respect of certain vehicle licences. No. 39 of 1953.

11. (1) The holder of a vehicle licence in respect of which a fee has been paid in accordance with paragraph (*d*) in the First Schedule to the Traffic Ordinance, 1953, being a vehicle licence issued before, and continuing in force on and after, 1st May, 1960, and being a vehicle licence in respect of a motor vehicle with pneumatic tyres, the motor unit of which uses light amber mineral fuel oil, shall, subject to the provisions of subsection (2) of this section, be entitled to a refund to the intent that the fee for such vehicle licence in respect of any period between 1st May, 1960, and 31st December, 1960, shall be the same as if the fee for such vehicle licence had been paid in accordance with paragraph (*c*) in the said Schedule when such licence was originally issued, regard being had to the period for which it was issued:

Provided that where the refund of fee, calculated in accordance with the provisions of this section, includes part of a shilling, the refund shall exclude such part of a shilling.

(2) Before making any refund by virtue of the provisions of subsection (1) of this section the Registrar may require the production of the registration book in respect of the vehicle to which such vehicle licence relates.

SCHEDULE

(*Section* 3 (2))

THE CUSTOMS TARIFF ORDINANCE, 1958: FIRST SCHEDULE

Item No.	Article	Import Duty	Suspended Duty
25A	Tomato purée	*Ad valorem* 30%.	
39A	Footwear, n.e.s.—		
	(*a*) having rubber or rope soles and uppers of cotton fabric	Per pair, Sh. 1/50 (or 22% *ad valorem*, whichever is the greater).	
	(*b*) not having uppers	Per pair, Sh. 1/50 (or 22% *ad valorem*, whichever is the greater).	
	(*c*) other, of an inside length measured along the centre of the insole—		
	(i) not exceeding 9 inches	Per pair, Sh. 1/50 (or 22% *ad valorem*, whichever is the greater).	
	(ii) exceeding 9 inches	Per pair Sh. 5 (or 22% *ad valorem*, whichever is the greater).	

SCHEDULE—(*Contd.*)

Item No.	Article	Import Duty	Suspended Duty
43	Rope, cordage, fibres and yarn—		
	(*a*) Thread—		
	(i) for sewing sacks and bags ..	Free.	
	(ii) other	*Ad valorem* 22%.	
	(*b*) Fishing lines (but not including anglers' casts or traces)	Free.	
	(*c*) Yarn and synthetic fibres	*Ad valorem* 22%.	
	(*d*) Other	Free.	
51A	Enamel hollow-ware, n.e.s.—		
	(*a*) Cups, mugs, plates and saucers—		
	(i) of a diameter not exceeding 7 cms.	Each, cents 25 (or 30% *ad valorem*, whichever is the greater).	
	(ii) of a diameter exceeding 7 cms. but not exceeding 10 cms. ..	Each, cents 50 (or 30% *ad valorem*, whichever is the greater).	
	(iii) of a diameter exceeding 10 cms.	Each, cents 75 (or 30% *ad valorem*, whichever is the greater).	
	(*b*) Basins and bowls—		
	(i) of a diameter not exceeding 16 cms.	Each, cents 45 (or 30% *ad valorem*, whichever is the greater).	
	(ii) of a diameter exceeding 16 cms. but not exceeding 22 cms.	Each, cents 75 (or 30% *ad valorem*, whichever is the greater.)	
	(iii) of a diameter exceeding 22 cms.	Each, Sh. 1/05 (or 30% *ad valorem*, whichever is the greater).	
	(*c*) Stewpans, saucepans and casseroles, including lids	Each, Sh. 1/25 (or 30% *ad valorem*, whichever is the greater).	
	(*d*) Other	*Ad valorem* 30%.	
62	(*a*) Tractors, including track-laying tractors, winches, pulleys, shovels, grabs, scrapers, dozers, log or pipe handlers, cranes, booms, drag lines, hoes or similar appliances, but not including motive units designed for use with semi-trailers as articulated vehicles, and their appropriate initial equipment	Free.	
	(*b*) (i) Stone crushers, road rollers, compactors, graders, spreaders, scrapers, scarifiers, sweepers, sprayers, gritters, levellers, excavators, rooters, rippers, bulldozers, trenchers, ditchers, mechanical shovels	Free.	
	(ii) Concrete mixers, soil stabilization mixers and pulverizers, pile drivers	Free.	

SCHEDULE—(*Contd.*)

Item No.	Article	Import Duty	Suspended Duty
	(iii) Elevating loaders, earth movers and dumpers, excluding road lorries fitted with tipping bodies	Free.	
	(iv) Excavator, shovel, drag line, clamshell and hoe cranes ..	Free.	
	(*c*) Trailers specially designed for attachment to or for conveyance of the tractors, vehicles and mobile machinery specified in paragraphs (*a*) and (*b*), but not including semi-trailers designed for use with motive units as articulated vehicles ..	Free.	
	(*d*) Parts and accessories specially designed for the tractors, vehicles, mobile machinery and trailers specified in paragraphs (*a*), (*b*) and (*c*), but not including rubber tyres and tubes	Free.	
68	Printers' type, printing blocks, sensitized plates and electros; moulds, matrices and negatives already processed or partly processed and imported for the making of printing blocks; adhesives specially designed for use on printing machinery ..	Free.	
95	Baths, lavatory basins, cisterns, water closets, urinals, sinks and other sanitary ware, but not including portable toilet ware	Free.	
98	Petroleum, crude or partly refined for further refining	Free.	
99	Motor spirit, gasolene and other light oils and other products for similar uses—		
	(*a*) Aviation spirit and similar fuels imported for use in aircraft engines	Free.	
	(*b*) Other	Per imperial gallon at 62°F., cents 75.	
100	Kerosene, lamp oil and white spirit—		
	(*a*) Imported for use in aircraft engines	Free.	
	(*b*) Other	Per imperial gallon at 62°F., cents 20.	
101	(*a*) Oils, heavy, for road or pavement construction	Free.	
	(*b*) Oils, tars, creosotes and other substances (but not including wood preserving ornamental stains) for the preservation of wood and for use in the manufacture of wood preservatives	Free.	
102	Fuel oils, mineral—		
	(*a*) Marine, furnace and similar fuel oils, black, for burning in oil-fired boilers and furnaces	Free.	
	(*b*) For internal combustion engines—		
	(i) heavy, black, for low speed marine and stationary engines	Free.	
	(ii) light, amber, for high speed engines	Per imperial gallon at 62°F., cents 75.	

SCHEDULE—(*Contd.*)

Item No.	Article	Import Duty	Suspended Duty
103	Oils— (*a*) For use in transformers .. .. (*b*) Essential and perfumed and synthetic substitutes for such oils, excluding medicinal, food and flavouring oils and their substitutes .. (*c*) Batching and ingredients thereof, imported or purchased prior to clearance through the Customs solely for use in the manufacture of rope, cordage, twine, sacking and similar material or in tanning or in the spinning of wool or other fibres (*d*) Lubricating, not including castor oil .. .. (*e*) Castor oil .. .. (*f*) Other, including olive and salad oil, n.e.s.	Free. *Ad valorem* 60%. Free. Per imperial gallon, cents 60. Free. *Ad valorem* 22%.	
140A	(*a*) Cameras and accessories thereof .. (*b*) Photographic films and plates, unexposed .. .. (*c*) Binoculars and telescopes and accessories thereof	Free. Free. Free.	
142	Cups, medals, badges, shields and other similar prizes or awards, not being articles of general utility	Free.	
144	Goods imported by passengers arriving from places outside the Territories of the kind, and in the quantities, and subject to the limitations and conditions, specified in the following paragraphs .. .. (1) The goods shall be— (*a*) the property of, and accompany, the passenger, except as provided in paragraph (7) of this item; (*b*) for the personal or household use of the passenger in the Territories; and (*c*) of such kinds and in such quantities as the proper officer may allow. (2) The following goods shall not be exempted under this item and the duty thereon shall be paid or secured in accordance with the Customs laws— (*a*) Alcoholic beverages of all kinds, except as provided in paragraph (6) of this item. (*b*) Fabrics in the piece. (*c*) Motor vehicles, except as provided in paragraph (3) of this item. (*d*) Perfumed spirits, except as provided in paragraph (6) of this item. (*e*) Tobacco and manufactures thereof, as described in Part III of this Schedule, except as provided in paragraph (6) of this item. (*f*) Any trade goods. (*g*) Any goods for sale or disposal to other persons.	Free.	

SCHEDULE—(*Contd.*)

Item No.	Article	Import Duty	Suspended Duty
	(3) Subject to the provisions of paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported as baggage by a person who, the proper officer is satisfied, is bona fide changing his residence from a place outside to a place within the Territories— (*a*) Wearing apparel. (*b*) Personal and household effects of any kind which were in his personal or household use in his former place of residence. (*c*) One motor vehicle which, it is proved to the satisfaction of the Commissioner, the passenger personally has owned and used outside the Territories for at least 12 months between the date on which it was delivered to him outside the Territories and the date of his arrival in the Territories.		
	(4) Subject to the provisions of paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported as baggage by a person who, the proper officer is satisfied, is making a temporary visit not exceeding six months to the Territories— (*a*) All non-consumable goods imported for his personal use during his visit which he intends to take out with him when he leaves the Territories at the end of his visit. (*b*) Consumable provisions and non-alcoholic beverages in such quantities and of such kinds as are, in the opinion of the proper officer, consistent with his visit.		
	(5) Subject to the provisions of paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported as baggage by a person who the proper officer is satisfied, is a resident of the Territories returning from a visit to any place outside the Territories— (*a*) Wearing apparel. (*b*) Personal and household effects which have been in his personal or household use, but not including bicycles, cine or still projectors, gramophones, gramophone records, provisions, sound recording machines and wireless and television sets. (*c*) Instruments and tools for his personal use in his profession or trade.		

SCHEDULE—(*Contd.*)

Item No.	Article	Import Duty	Suspended Duty
	(6) (*a*) Subject to the provisions of paragraph (1) of this item, and subject to the provisions of subparagraphs (*b*) and (*c*) of this paragraph, duty shall not be levied on the following goods imported by and in the possession of a passenger— (i) Alcoholic liquors not exceeding in all one pint. (ii) Perfumed spirits not exceeding in all one pint. (iii) Cigarettes, cigars, cheroots, cigarillos, tobacco and snuff not exceeding in all one half pound in weight. (*b*) These duty free allowances shall not be granted in the case of any passenger who has in his possession any quantity in excess of those specified in subparagraph (*a*) of this paragraph, and duty shall be paid in such cases on the full quantity in the possession of the passenger. (*c*) These duty free allowances shall be granted to all passengers over the age of 16 years except such passengers who are returning to the Territories from visits to countries contiguous to the Territories or from Zanzibar or Pemba.		
	(7) Subject to the provisions of paragraphs (1) and (2) of this item, the exemptions granted in accordance with paragraphs (3), (4) and (5) of this item may be allowed in respect of baggage imported within two months of the arrival of the passenger or such further period as the Commissioner may allow. The duty free allowances granted in accordance with paragraph (6) of this item shall not be allowed in respect of the goods specified in that paragraph imported in unaccompanied baggage. (8) Duty shall be payable by the passenger, at the rate in force at the time of disposal, on any goods exempted under this item as baggage which may be disposed of by the passenger in the Territories within two years of the date of importation.		
146	(*a*) Cinematograph and film strip projectors, epidiascopes, magic lanterns and slides, imported or purchased prior to clearance through the Customs for use in or by scientific, educational or religious institutions (*b*) Film strips of a scientific, educational or religious nature	Free. Free.	
166	Arms and ammunition	Free.	

THE LOCAL AUTHORITIES PROVIDENT FUND ORDINANCE, 1960

No. 25 of 1960

Date of Assent: 1st July, 1960

Date of Commencement: 5th July, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.
2—Application.
3—Interpretation.
4—Establishment of Fund.
5—Establishment of the Board.
6—Powers and duties of the Board.
7—Designated posts.
8—Liability to contribute and amounts of contribution.
9—Method of contribution by contributors.
10—Option to contribute in respect of past service.
11—Profit and loss account and reserve fund.
12—Annual distribution of profits.
13—Closing of accounts.
14—Where account closed on satisfactory termination of service.

SECTION

15—Resignation or dismissal.
16—Reappointment to a designated post within twelve months of ceasing to be employed by a local authority.
17—Transfer to public service.
18—Transfer from public service.
19—Payment on death of contributor.
20—Provident fund managed prior to appointed day.
21—Accounts and audit.
22—Contributions, etc., not to be assigned or attached.
23—Decision of questions, and appeals to the Minister.
24—Presumption of age.
25—Regulations.

AN ORDINANCE TO ESTABLISH A PROVIDENT FUND FOR CERTAIN EMPLOYEES OF LOCAL AUTHORITIES; TO PROVIDE FOR CONTRIBUTIONS TO THE FUND BY SUCH EMPLOYEES AND AUTHORITIES, AND FOR THE ADMINISTRATION OF THE FUND BY A LOCAL AUTHORITIES PROVIDENT FUND BOARD; AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

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

Short title.

1. This Ordinance may be cited as the Local Authorities Provident Fund Ordinance, 1960.

Application.

2. This Ordinance shall apply to every local authority which, with the approval of the Minister, resolves to be bound by the provisions of this Ordinance, and shall in the case of each such authority so apply from the date specified in such resolution.

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

"appointed day", in relation to a local authority, means the date specified in a resolution by that authority made pursuant to section 2 of this Ordinance;

"the Board" means the Local Authorities Provident Fund Board established by section 5 of this Ordinance;

"contributor" means any person—

(*a*) who for the time being is the holder of a designated post, or

(*b*) in respect of whom any amount is standing to his credit in the Fund;

"designated post" means any post for the time being designated under section 7 of this Ordinance;

"the Fund" means the Local Authorities Provident Fund established by section 4 of this Ordinance;

"local authority" means a local authority as defined in section 3 of the Interpretation and General Provisions Ordinance, 1956, an African Locational Council established under section 19 of the African District Councils Ordinance, 1950, and any other authority or class of authority declared by the Minister to be a local authority for the purposes of this Ordinance; No. 38 of 1956. No. 12 of 1950. Revised Edition 1959.

"public service" means service under the Government and such other service as the Minister may determine to be public service for the purposes of this Ordinance;

"salary" means the substantive salary payable to a contributor and does not include any other payment or allowance whatsoever.

4. (1) There is hereby established a fund to be known as the Local Authorities Provident Fund. Establishment of Fund.

(2) There shall be credited to the Fund—

(*a*) all assets transferred to the Fund under the provisions of section 20 of this Ordinance;

(*b*) the amounts contributed each month by contributors and local authorities under the provisions of sections 8 and 10 of this Ordinance;

(*c*) all dividends and interest accruing from investments of the Fund made under the provisions of section 6 of this Ordinance;

(*d*) sums contributed by local authorities towards the expenses of management and administration of the Fund in accordance with the provisions of this section;

(*e*) such other moneys as may from time to time be received by the Board to be credited to the Fund.

(3) There shall be paid out of the Fund—

(*a*) all payments which from time to time fall to be made under or by virtue of the provisions of this Ordinance;

(*b*) the expenses incurred in the management and administration of the Fund.

(4) The expenses of the management and administration of the Fund including the expenses of the annual audit of the accounts of the Board shall be paid in the first instance from the Fund, and as soon as practicable after the 31st day of December in each year the local authorities shall reimburse such payments to the Fund, each contributing proportionately to the number of contributors in its employment.

Establishment of the Board.

5. (1) There is hereby established a board to be known as the Local Authorities Provident Fund Board which shall consist of the following members—

(*a*) the Principal Local Government Financial Officer, who shall be chairman;

(*b*) not less than three and not more than five members, one of whom shall be vice-chairman, to be appointed by the Minister.

(2) Each member of the Board appointed under paragraph (*b*) of subsection (1) of this section shall hold office for the period of three years (or such shorter period as may be specified in his appointment) beginning with the date of his appointment, and shall then cease to hold office, but shall be eligible for reappointment;

(3) All appointments to the Board and termination of appointments shall be notified in the Gazette by the Minister.

(4) In the absence of the chairman from any meeting of the Board the vice-chairman shall exercise the functions of chairman.

(5) The chairman at any meeting shall have a casting vote in addition to a deliberative vote.

(6) If the Board for the time being, inclusive of the chairman, consists of—

(*a*) either four or five members, the quorum shall be three;

(*b*) six members, the quorum shall be four.

(7) The Minister may appoint a secretary to the Board.

(8) The Board shall be a body corporate having perpetual succession and a common seal and may in its corporate name sue and be sued, and may, for and in connexion with the purposes of this Ordinance, purchase, hold, manage and dispose of land and other property and enter into such contracts as it may consider to be necessary or expedient.

(9) The common seal of the Board shall be authenticated by the signature of the chairman or of some other member authorized by the Board to act in that behalf.

(10) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or such other person as the Board may authorize in that behalf.

Powers and duties of the Board.

6. The powers and duties of the Board shall be—

(*a*) to supervise, control and manage all the assets of the Fund;

(*b*) subject to the directions of the Minister, to establish and operate in the name of the Board such bank accounts as it deems necessary or convenient;

(*c*) from time to time to invest the moneys of the Fund which are not for the time being required for any of the purposes of this Ordinance in securities or any form of property in which trustees are authorized by law to invest, or in such other manner as may be approved by the Minister;

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

Designated posts.

7. (1) A local authority may from time to time, by resolution designate any post within its establishment for the purposes of his Ordinance with effect from such date as shall be specified in the resolution.

(2) A local authority may by a subsequent resolution revoke such designation, but may in its discretion allow the

holder of such a post on the date of such revocation to continue to contribute to the Fund for so long as he continues to hold such post.

(3) In the event of a local authority not allowing the holder of a formerly designated post to continue to contribute as provided in subsection (2) of this section, he shall be paid at any time on his request the full amount of the balance standing to his credit in the Fund.

Liability to contribute and amounts of contribution.

8. (1) Every contributor shall, so long as he remains the holder of a designated post, and subject to the provisions of subsection (2) of section 7 of this Ordinance, contribute to the Fund in the manner prescribed by section 9 of this Ordinance, the sum of one shilling and fifty cents for each twenty shillings of his salary.

(2) In the ascertainment of salary for the purposes of subsection (1) of this section—

(*a*) during any period for which the contributor is temporarily in receipt of a reduced salary or no salary he may, in the discretion of the local authority, nevertheless be deemed to be in receipt of full salary:

Provided that where such period exceeds two consecutive months the contributor may, within thirty days after the end of the second month, elect to contribute in respect of the excess of the period at the rate of one shilling and fifty cents for each twenty shillings of the salary which he actually receives;

(*b*) where the salary is not an exact multiple of twenty shillings, then if the residual fraction is less than ten shillings the fraction shall be disregarded, but if it is ten shillings or more it shall be treated as if it were twenty shillings.

(3) Every local authority shall contribute to the Fund monthly, in addition to the sums deducted from its employees pursuant to section 9 of this Ordinance, a further sum equal to the total of such deductions:

Provided that no contribution by a local authority in respect of any one employee under this subsection shall exceed any limits imposed as a condition of the approval of provident funds for income tax purposes by the provisions of the East African Income Tax (Management) Act, 1958.

H.C. No. 10 of 1958.

(4) An account shall be kept in respect of each contributor to which the contributions specified in this section shall be credited as at the 31st day of December in each year, and in the event of an account being closed under the provisions of section 13 of this Ordinance, all contributions received in respect of the contributor since the preceding 31st day of December shall be credited to such account as at the date of closure.

Method of contribution by contributors.

9. (1) Every contribution required to be made under subsection (1) of section 8 of this Ordinance shall be deducted by the local authority from the salary of the contributor on each occasion on which his salary is paid and shall be paid into the Fund within such period as the Board may prescribe.

(2) Notwithstanding the actual date on which the deduction is made pursuant to subsection (1) of this section each contribution shall be deemed for the purposes of this Ordinance to be credited to the contributor's account in the Fund on the last day of the month in respect of which the salary is due.

Option to contribute in respect of past service.

10. A contributor may, with the agreement of the local authority which employs him and subject to the approval of the Minister, make contributions to the Fund by one or more deductions from salary in respect of any period of service with that authority prior to the appointed day, in which event—

(*a*) the amount of his contributions shall be calculated in accordance with subsections (1) and (2) of section 8 of this Ordinance;

(*b*) the local authority shall on each occasion on which any such contribution is made forthwith contribute to the Fund a further sum equal to his contribution;

(*c*) each contribution of the employee and each contribution of the local authority under the provisions of this section shall be deemed for the purposes of this Ordinance to be credited to the contributor's account in the Fund on the last day of the month in respect of which the deduction is made.

Profit and loss account and reserve fund.

11. (1) The annual income from investments of the Fund, together with any profit or loss on realization of investments, shall be carried to a profit and loss account maintained by the Board.

(2) Subject to any special or general directions of the Minister, the Board may from time to time transfer from the profit and loss account to a reserve fund such sums of money as appear to the Board to be reasonably sufficient, and may from time to time, in order to keep such fund within proper limits, re-transfer any sums from the fund to the profit and loss account.

Annual distribution of profits.

12. From the profit and loss account referred to in section 11 of this Ordinance interest shall be credited in respect of each financial year, to contributors' accounts as follows—

(*a*) in the case of a contributor whose contributions commenced after the first day of January in that year, interest shall be credited to his account on the thirty-first day of December in that year at the rate of two and one-half per centum per annum for the period from the date of commencement of such contributions to the said thirty-first day of December, calculated upon the total credit in his account at the said thirty-first day of December;

(*b*) in the case of a contributor whose contributions cease before the thirty-first day of December in any year, interest shall be credited to his account on the date of such cessation at the rate of two and one-half per centum per annum for the period from the first day of January in that year to the date of cessation, calculated upon the total credit in his account at the date of cessation;

(*c*) after payment of the interest provided for in paragraphs (*a*) and (*b*) of this section the balance of the profit and loss account shall be divided among the remaining contributors by credits to their respective accounts as at the close of the financial year, the division being made in proportion to the total accrued benefits shown in each contributor's account respectively as at the first day of January in the same year.

Closing of accounts.

13. (1) Subject to the provisions of this Ordinance, on the death of a contributor or on his ceasing to make contributions to the Fund, his account shall be closed.

(2) Where any account is closed under the provisions of this section, notice of such closure and of the amount standing to the credit of the account shall be given—

(*a*) if the contributor is living, to the contributor; or

(*b*) if the contributor is dead, to the person or persons appearing to the local authority to be entitled to the personal estate of the contributor,

and in either case to such other persons as, in the opinion of the Board, should be given notice.

Where account closed on satisfactory termination of service.

14. Subject to the provisions of this Ordinance, if a contributor leaves the service of a local authority in any of the following circumstances, that is to say—

(*a*) on or after attaining the age of fifty-five years, or such other age as may have been resolved by the local authority and approved by the Board;

(*b*) on retirement on medical evidence which satisfies the local authority that he is incapable by reason of infirmity of mind or body of discharging the duties of his office, such incapacity being likely to be of such duration that the local authority considers retirement desirable;

(*c*) on termination of his service by a local authority by reason of reorganization or redundancy or for any other reason not due to the contributor's misconduct or inefficiency;

(*d*) in the case of voluntary resignation after ten years' contributing service or more,

the full amount of the balance standing to the credit of the contributor's account in the Fund at the date of the closing of the account shall be paid to the contributor or to any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

Resignation or dismissal.

15. (1) Subject to the provisions of this Ordinance, a contributor who voluntarily resigns from, is dismissed, or leaves the service of a local authority for any reason or in any circumstances other than those specified in section 14 of this Ordinance shall be paid such proportion of the balance standing to the credit of his account in the Fund as is specified hereunder, according to the circumstances—

(*a*) in the case of voluntary resignation after more than five years', but less than ten years', contributing

service, three-quarters of the credit balance in the contributor's account:

Provided that in the case of a female contributor who resigns after more than five years' contributing service on or with a view to marriage or who is required to retire on account of marriage after a similar period of service, the Board may, on the recommendation of the local authority, pay to such female contributor the full amount of the balance standing at credit in her account;

(*b*) in the case of voluntary resignation after less than five years' contributing service, one-half of the credit balance in the contributor's account;

(*c*) in the case of dismissal from the service of a local authority for misconduct or inefficiency, one-half of the credit balance in the contributor's account:

Provided that—

(i) where the dismissal is in consequence of an offence of a fraudulent character, or of grave misconduct, the person dismissed shall forfeit all claim to any payment under this Ordinance;

(ii) notwithstanding paragraph (i) of this proviso, the Board may, on the recommendation of the local authority, return to him out of the Fund, or pay to his wife or family out of the Fund, a sum equal to the amount of all his contributions thereto under this Ordinance, or to such part thereof as the local authority shall think fit.

(2) (*a*) In the circumstances specified in paragraphs (*a*) and (*b*) of subsection (1) of this section the sum remaining to the credit of a contributor in his account, after payment to the contributor of such sum as he is entitled to thereunder, shall remain in the Fund for a period of twelve months and thereafter, subject to the provisions of section 16 of this Ordinance, shall be paid to the local authority in whose employment the contributor was serving immediately before his resignation.

(*b*) In the circumstances provided for in paragraph (*c*) of subsection (1) of this section the sum remaining to the credit of a contributor in his account, after payment to the contributor of such sum as he is entitled to thereunder, shall forthwith be paid to the local authority in whose employment the contributor was serving immediately before his dismissal:

Provided that, where the contributor has served more than one local authority as a contributor to the Fund, the sum so remaining shall be allocated to the respective local authorities in proportion to each local authority's contribution to the Fund in respect of that contributor.

Reappointment to a designated post within twelve months of ceasing to be employed by a local authority.

16. Where a contributor ceases (otherwise than by being dismissed for misconduct or inefficiency) to be employed by a local authority to which this Ordinance applies, but within twelve months after so ceasing is appointed to a designated post under the same or another such local authority he shall be entitled, upon repaying to the Fund any payment made to him therefrom, to reckon the period of such former employment as contributing service for the purposes of sections 14 and 15 of this Ordinance.

Transfer to public service.

17. (1) When a contributor transfers from service with a local authority to an office in the public service—

(*a*) his account shall be closed in accordance with the provisions of section 13 of this Ordinance; and

(*b*) the amount of the contributions standing to his credit in his account at the time of closure shall not then be paid to the contributor, but shall be dealt with in accordance with the provisions of subsection (2) of this section:

Provided that notwithstanding that the account is closed, interest on the full amount standing to his credit in his account shall continue to be credited in accordance with the provisions of section 12 of this Ordinance.

(2) Subject to the provisions of this Ordinance, upon termination of such public service in any of the circumstances mentioned in sections 14 and 15 of this Ordinance, the amount standing to the contributor's credit in his account in the Fund up to the end of the month preceding such termination shall be paid out of the Fund in accordance with the provisions of the said sections and for the purposes of those sections any period of public service shall be deemed to be contributing service.

Transfer from public service.

18. When a person in the public service transfers to service with a local authority and becomes a contributor, his period of public service shall be deemed to be contributing service for the purposes of sections 14 and 15 of this Ordinance.

Payment on death of contributor.

19. (1) Subject to the provisions of this Ordinance, on the death of a contributor the Board shall pay the total amount standing to the credit of his account to the local authority by which he was last employed, for payment to be made as follows—

(*a*) if the amount does not exceed five hundred shillings, it shall be paid to such person or persons as may have been nominated for the purpose by the contributor, or if no such nomination has been made to the person or persons appearing to the authority to be entitled to the personal estate of the contributor;

(*b*) if the amount exceeds five hundred shillings, it shall be paid to the legal personal representative of the contributor:

Provided that the authority may make an immediate payment, not exceeding three hundred shillings in any one case, out of the amount aforesaid in order to give immediate relief to the widow or children or other dependants of the deceased if in the opinion of the authority such relief is required.

(2) Any payment made by the Board or a local authority under this section shall be valid and effectual against any demand made upon the Board or such authority by any person in respect of the amount standing to the credit of the contributor's account in the Fund.

Provident fund managed prior to appointed day.

20. Where a local authority has immediately prior to the appointed day, established and managed a provident fund for its employees, such fund shall, with effect from the appointed day, be closed in so far as it relates to employees who on that day are in the employment of the local authority in designated posts, and all moneys, assets and liabilities of such fund, or vested in trustees for the purposes of such fund, pertaining to such employees (including all contributions, by whatever name called, made by such authority to the account of such employees in such fund) shall be thereupon transferred to, and shall invest in, the Fund.

Accounts and audit.

21. (1) The Board shall cause to be kept proper books of account, records and vouchers in relation to all its funds and activities, and shall, within four months (or such longer period as the Minister may approve) after the end of each financial year, cause to be prepared, signed and transmitted to the auditor—

(*a*) a balance sheet;

(*b*) a statement of income and expenditure;

(*c*) the profit and loss account referred to in section 11 of this Ordinance; and

(*d*) such other accounts as the Minister may require.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the auditor, and the expenses of and incidental thereto shall be borne by the Board.

(3) The Board shall, when required by the auditor so to do, produce and lay before the auditor all accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers and servants of the Board such information and explanation as he may deem necessary for the performance of his duties as auditor.

(4) The Board shall, within a period of seven months (or such longer period as the Minister may approve) after the end of each financial year, submit to the Minister a report of its operations during that year, together with the accounts referred to in paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (1) of this section and the auditor's report thereon, and the Board shall, if the Minister so requires, publish such reports and accounts in such manner as the Minister may direct.

(5) In this section—

"auditor" means a person appointed by the Board for the purposes of this section, being a member of one of the professional bodies specified in the Schedule to the Accountants (Designations) Ordinance, 1950; No. 66 of 1950.

"financial year" means the period from 1st January to 31st December in any year, or such other period as the Minister may at any time, by writing addressed to the Board, approve for the purposes of this section.

22. Subject to the provisions of this Ordinance, no benefits under, and no right to receive any money from, the Fund shall be capable of being assigned or transferred to any person, nor of being attached, sequestered or levied upon for or in respect of any debt, claim, judgment or order whatsoever. Contributions, etc., not to be assigned or attached.

Decision of questions, and appeals to the Minister.

23. Any question concerning the rights or liabilities of an employee of a local authority, or of a person claiming to be treated as such an employee, under any of the the provisions of this Ordinance or of any regulations made under this Ordinance, shall be decided in the first instance by the authority concerned, and if the employee or person aforesaid is dissatisfied with any such decision or with the authority's failure to come to a decision, shall be determined by the Minister, and the Minister's determination shall be final.

Presumption of age.

24. Where it appears that there is no satisfactory proof of the correct age of a contributor the Board may, upon such evidence as it thinks fit, determine the age of the contributor, and the age so determined shall be presumed to be the correct age of the contributor for all the purposes of this Ordinance.

Regulations.

25. The Board may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Ordinance, and, without prejudice to the generality of the foregoing, such regulations may provide that a contributor entitled to receive an amount out of the fund may elect to receive it either in a lump sum or by periodic payments, or in such other manner as may be prescribed.

THE COFFEE ORDINANCE, 1960

No. 26 of 1960

Date of Assent: 1st July, 1960

Date of Commencement: 5th July, 1960

ARRANGEMENT OF SECTIONS

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AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE COFFEE INDUSTRY AND THE CONTROL OF THE PRODUCTION, MARKETING AND EXPORT OF COFFEE; AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

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

PART I—PRELIMINARY

Short title.

1. This Ordinance may be cited as the Coffee Ordinance, 1960.

Interpretation.

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

"Advisory Committee" means the Coffee Licensing Advisory Committee established by section 9 of this Ordinance;

"Board" means the Coffee Board or the Marketing Board, as the case may require;

"broker" means a person employed to negotiate sales of coffee between two other persons;

"buni" means coffee dried in the fruit or cherry but does not include hulled buni;

"coffee" means the fruit or any part of the fruit of *Coffea* species, and includes that known as clean coffee, parchment coffee and buni, and roasted berries and ground berries;

"commission agent" means a person employed by a planter as his agent for dealings in coffee;

"conference" means a meeting of delegates of planters in accordance with, and for any purpose specified in, section 12 of this Ordinance;

"co-operative society" means a co-operative society registered, or deemed to be registered, under the Co-operative Societies Ordinance;

Cap. 287.

"dealer" means a person who purchases coffee either for himself or on behalf of a principal residing outside the East African Territories, whether or not for the purpose of resale;

"Director" means the Director of Agriculture;

"East African Territories" means the Colony, the Protectorate of Uganda and the Trust Territory of Tanganyika collectively;

"inspector" means a police officer of or above the rank of Inspector, Grade I, an officer of the Department of Agriculture of or above the rank of Technical Assistant or a person appointed in writing by the Director to be an inspector for the purposes of this Ordinance;

"Joint Committee" means the Standing Joint Committee established by section 10 of this Ordinance;

"Marketing Board" means the Coffee Marketing Board established by section 4 of this Ordinance;

"member", in relation to the Board, does not include a person co-opted to serve on the Board;

"mill" means hull, husk or grade;

"plantation" includes any area of land or group of contiguous areas of land under the same ownership on which coffee plants are grown for sale or for the production of coffee;

"planter" means the holder of a current planter's licence and any person who is deemed to be the holder of such a licence;

"planter's licence" means a licence issued under section 17 of this Ordinance;

"pulping station" means any factory or place where coffee is pulped, fermented or otherwise treated for the preparation of coffee in parchment;

"warehouseman" means a person who conducts a warehouse where coffee is handled and stored for reward.

PART II—BOARDS AND OTHER BODIES

Establishment and constitution of the Coffee Board.

3. (1) There is hereby established a Board known as the Coffee Board consisting of—

(*a*) the Director;

(*b*) two members appointed by the Minister, of whom one shall be a member of the Department of Agriculture;

(*c*) one member appointed annually by the Marketing Board;

(*d*) seven planters elected at a conference by delegates of planters whose plantations lie to the east of the meridian of longitude 36 degrees 25 minutes east of Greenwich;

(*e*) four planters elected at a conference by delegates of planters whose plantations lie to the west of the aforesaid meridian of longitude.

(2) Of the members of the Board referred to in paragraphs (*b*), (*c*), (*d*) and (*e*) of subsection (1) of this section—

(*a*) the members appointed under paragraph (*b*) shall hold office until such time as their appointments are revoked by the Minister;

(*b*) the member appointed under paragraph (*c*) shall be elegible for re-appointment;

(*c*) of the others—

(i) three shall retire every year, but shall be eligible for re-election; and

(ii) the order of retirement shall be by rotation:

Provided that in the case of members who were last elected on the same date the order of their retirement shall be determined by the Board by ballot.

(3) The Board may co-opt to serve on it for such length of time as it thinks fit any person or persons whose assistance or advice it may require, but a person so co-opted shall not be entitled to vote at any meeting of the Board or be counted as a member for the purposes of forming a quorum.

(4) If any member of the Board referred to in paragraph (*d*) or (*e*) of subsection (1) of this section absents himself from three consecutive meetings of the Board without the permission of the Board, the Board may require him to resign from the Board and thereupon he shall be deemed to have resigned accordingly, and the Board may appoint some qualified person to be a member in his place, and such person shall hold office as a member of the Board until such time as the person whom he replaces would have been due to retire.

Establishment and constitution of the Marketing Board.

4. (1) There is hereby established a Board known as the Coffee Marketing Board, consisting of—

(*a*) two members appointed by the Minister;

(*b*) one member appointed annually by the Coffee Board;

(*c*) nine planters elected at a conference.

(2) Of the members of the Board referred to in subsection (1) of this section—

(*a*) one of the members appointed under paragraph (*a*) shall retire annually, but shall be eligible for re-appointment;

(*b*) the member appointed under paragraph (*b*) shall be eligible for re-appointment on retirement;

(*c*) one-third of the members elected under paragraph (*c*) shall retire every year, but shall be eligible for re-election; and

(*d*) the order of retirement of the members referred to in paragraphs (*a*) and (*c*) of the said subsection shall be by rotation:

Provided that in the case of members who were last appointed on the same date the order of retirement shall be determined by the Board by ballot.

(3) The Board may co-opt to serve on it for such length of time as it thinks fit any person or persons whose assistance or advice it may require, but a person so co-opted shall not be entitled to vote at any meeting of the Board or be counted as a member for the purpose of forming a quorum.

(4) If any member of the Board referred to in paragraph (*c*) of subsection (1) of this section absents himself from three consecutive meetings of the Board without the permission of the Board, the Board may require him to resign from the Board and thereupon he shall be deemed to have resigned accordingly, and the Board may appoint some qualified person to be a member in his place, and such person shall hold office as a member of the Board until such time as the person whom he replaces would have been due to retire.

Provisions as to meetings of Boards.

5. The following provisions shall have effect in relation to meetings of each Board—

(*a*) the Board shall elect a chairman and a vice-chairman annually;

(*b*) in the absence of the chairman and the vice-chairman from any meeting, a chairman for that meeting shall be chosen by the members present;

(*c*) the chairman of a meeting shall have a deliberative vote, and, in the case of equality of votes, also a casting vote;

(*d*) the Board shall fix the number of members required for a quorum;

(*e*) the Board shall meet not less than once in every three months;

(*f*) the chairman, or, in his absence from the Colony, the vice-chairman, may, in his discretion, at any time convene a special meeting of the Board, and shall, upon receipt of a written request signed by not less than three members of the Board, convene a special meeting of the Board within two weeks after the receipt of the request;

(*g*) the Board may make standing orders for regulating the conduct of business and the procedure at its meetings.

Powers of Boards.

6. (1) The Coffee Board and the Marketing Board shall each be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued, and may purchase, hold, manage and dispose of land and other property for the purpose of performing its functions under this Ordinance.

(2) The Marketing Board may, in any particular financial year, raise or borrow such sums of money for the aforesaid purposes as it may in its discretion think fit, and may secure the repayment of or raise any such sums by charge or lien upon any coffee which has been purchased, or which may be purchased, by the Board under the provisions of this Ordinance in that financial year.

(3) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, such officers and servants as it may consider necessary for the proper and efficient administration of the work of the Board.

(4) The Board may appoint and employ, on such terms and conditions as it may from time to time determine, agents to carry out any of its functions under this Ordinance.

(5) The Board may authorize any member or members thereof, or any officer employed by it, to exercise on its behalf, at any time when it is not meeting, such of its powers as it may from time to time specify.

(6) The exercise of powers under subsection (5) of this section shall, to the extent required by the Board, be reported without unreasonable delay to a meeting of the Board.

Delegation of powers of Marketing Board.

7. The Marketing Board may, by resolution, delegate any of the powers conferred on it by this Ordinance to any of its members, officers or servants or to any committee, whether constituted wholly of members of the Board or of members of the Board jointly with members of any body established in the Protectorate of Uganda, the Trust Territory of Tanganyika or the Belgian Congo and having responsibilities for the marketing of coffee grown there similar to the responsibilities of the Board.

Liability of members of Boards.

8. No member of the Board or person co-opted to serve on the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith and without negligence in the course of the operations of the Board.

Establishment and constitution of the Advisory Committee.

9. (1) There is hereby established a committee known as the Coffee Licensing Advisory Committee consisting of—

(*a*) one person appointed by the Marketing Board, who shall be chairman;

(*b*) three persons appointed annually by the Marketing Board;

(*c*) three persons holding licences under section 13 of this Ordinance, elected annually, of whom two shall be elected by the Mild Coffee Trade Association of Eastern Africa and one by the Hard Coffee Trade Association of Eastern Africa.

(2) The function of the Advisory Committee shall be to advise the Marketing Board upon the issue of licences under section 13 of this Ordinance.

(3) Four members of the Advisory Committee shall form a quorum.

(4) The Advisory Committee may make standing orders for regulating the conduct of business and the procedure at its meetings.

Establishment and constitution of the Joint Committee.

10. (1) There is hereby established a committee known as the Standing Joint Committee, consisting of—

(*a*) a chairman appointed annually by the Minister;

(*b*) three members elected annually by the Marketing Board;

(*c*) three members elected annually by the Mild Coffee Trade Association of Eastern Africa.

(2) The function of the Joint Committee shall be to consider all rules and regulations of the Mild Coffee Trade Association of Eastern Africa relating to conditions of trading in coffee on the Nairobi market.

(3) If the chairman of the Joint Committee is incapacitated by illness, absence or other sufficient cause from performing the duties of his office, the Minister shall appoint some fit person to be a deputy to act for him during his incapacity, and any deputy shall, while so acting, have all the powers and authority of the chairman.

(4) The chairman of the Joint Committee shall have no deliberative vote, but shall have a casting vote which shall be exerciseable only in the event of the votes of the other members of the Joint Committee being equal. A decision of the majority of members present and voting at the meeting (including, in that expression, the chairman where he is entitled to vote) shall be deemed to be the decision of the Joint Committee.

(5) Five members of the Joint Committee, together with the chairman or his deputy appointed under subsection (4) of this section, shall form a quorum.

(6) The chairman of the Joint Committee may at any time convene a meeting thereof, and shall, upon receipt of a written request signed by not less than two members of the Joint Committee, convene a meeting thereof within one week of the date of such written request.

(7) The Joint Committee may make standing orders for the regulations of the conduct of business and the procedure at its meetings.

Establishment and constitution of the Advisory Panel.

11. (1) There is hereby established a panel known as the Advisory Panel, consisting of—

(*a*) two dealers;

(*b*) two commission agents;

(*c*) one miller; and

(*d*) one other person,

all elected by the Mild Coffee Trade Association of Eastern Africa.

(2) (*a*) Two members of the Advisory Panel shall retire in every year, but shall be eligible for re-election.

(*b*) The order of retirement shall be by rotation:

Provided that in the case of members who were last elected on the same date, the order of retirement shall be determined by the Advisory Panel by ballot.

(3) The function of the Advisory Panel shall be to advise the Marketing Board on matters relating to the sale of coffee by that Board, and the Advisory Panel shall attend any meeting of that Board which it is required by the chairman of that Board to attend.

(4) Where the chairman of the Marketing Board requires the Advisory Panel to attend a meeting of that Board, he shall, within a reasonable time before the meeting, cause every member of the Advisory Panel to be notified of such requirement and of the date of the meeting.

(5) Any two or more members of the Advisory Panel may, by notice in writing signed by them, require the chairman of the Marketing Board to convene a special meeting of that Board for the purpose of hearing the advice of the Advisory Panel, and the chairman shall convene a meeting accordingly within a reasonable time thereafter.

(6) At any meeting of the Advisory Panel, four members of the Panel shall form a quorum.

(7) The members of the Advisory Panel present at any meeting thereof shall elect a chairman from among their number, who shall preside at that meeting of the Panel.

(8) If any member of the Advisory Panel is incapacitated by illness, absence or other sufficient cause from performing his duties as a member of the Advisory Panel, the Chairman of the Mild Coffee Trade Association of Eastern Africa may appoint some fit person to act in his place during his incapacity, and such person shall have all the authority of the member of the Advisory Panel for whom he is acting.

Conferences.

12. (1) Each Board or the Boards jointly shall at least once in every year convene a conference of delegates of planters for the purpose of electing the elected members of the Board or the Boards, of considering the reports and accounts mentioned in subsection (3) of section 31 of this Ordinance and of transacting such other business of which notice has been given.

(2) Each Board may also convene other conferences of delegates of planters for such purposes and at such times as it may think fit.

(3) Subject to the provisions of rules made under paragraph (*a*) in subsection (2) of section 38 of this Ordinance, each Board or the Boards jointly may from time to time make standing orders providing for the regulation of the conduct of business and the procedure at conferences.

PART III—LICENSING AND REGISTRATION

Transaction of business in coffee prohibited without licence.

13. (1) No person shall buy, sell, export, mill, warehouse or otherwise deal in or transact any business in coffee unless he is the holder of a current licence thereto authorising him, issued, in its discretion, by the Marketing Board.

Provided that—

(i) a retail seller of provisions may without such a licence—

(*a*) purchase clean coffee from a dealer who holds a current licence under this section; and

(*b*) sell clean coffee in retail quantities not exceeding five pounds in weight at any one time,

if he keeps a register of all purchases so made by him;

(ii) any person may without such a licence, buy coffee from a dealer holding such a licence or from a planter holding a current planter's licence for his own consumption or for planting on his own land;

(iii) a planter may mill coffee produced by him without such a licence;

(iv) the East African Railways and Harbours Administration may warehouse coffee without such a licence.

(2) Any person who transacts any business in coffee contrary to the provisions of subsection (1) of this section, or in contravention of the conditions of any licence granted thereunder, shall be guilty of an offence.

Kinds of licence.

14. Licences under section 13 of this Ordinance shall be of the following kinds—

(*a*) a dealer's "A" licence, authorizing the holder to deal in an export coffee of any country of origin;

(*b*) a dealer's "B" licence, authorizing the holder to deal in the Colony in coffee of any country of origin, but not to export coffee;

(*c*) a dealer's "C" licence, authorizing the holder to deal in and export coffee grown outside the Colony;

(*d*) a buni dealer's licence, authorizing the holder to deal in and export buni of any country of origin;

(*e*) a broker's licence, authorizing the holder to conduct the business of a broker;

(*f*) a commission agent's licence, authorizing the holder to conduct the business of a commission agent;

(*g*) a miller's licence, authorizing the holder to conduct the business of a miller;

(*h*) a warehouseman's licence, authorizing the holder to conduct the business of a warehouseman.

Issue of licences and licence fees.

15. (1) Before issuing a licence under section 13 of this Ordinance, the Board shall consult the Advisory Committee.

(2) The Board shall not issue such a licence to any person unless—

(*a*) it is of the opinion that the person is a fit and proper person to hold such a licence; and

(*b*) in the case of a dealer's "A" licence the Advisory Committee is satisfied that the person has sufficient knowledge or experience properly to conduct the business or employs on the staff of the business a person with such knowledge or experience.

(3) Every licence shall specify the premises upon which the business specified in the licence may be carried on.

(4) Licences issued under section 13 of this Ordinance shall remain in force until the 30th day of June next following the date of issue, unless earlier cancelled.

(5) The following fees shall be payable for the issue of licences—

for a dealer's "A" licence	Sh. 200
for a dealer's "B" licence	Sh. 150
for a dealer's "C" licence	Sh. 5
for a buni dealer's licence	Sh. 100
for a broker's licence	Sh. 150
for a commission agent's licence ...	Sh. 200
for a miller's licence	Sh. 200
for a warehouseman's licence	Sh. 200

Duties of licence holders.

16. (1) The holder of a licence under section 13 of this Ordinance shall—

(*a*) at all times keep on the premises specified therein a register in English or Kiswahili of all purchases and sales of coffee made under the authority of his licence, and within forty-eight hours after each purchase or sale enter in the register the name and address of the vendor or purchaser, as the case may be, the quantity purchased or sold and the date of the transaction:

Provided that if the method of dealing is otherwise than by purchase or sale the licensee shall enter in the register the manner and particulars of the dealing and the date thereof;

(*b*) at all times keep exhibited over the outer door of his shop or place of business, in English characters not less than three inches in size, his name and the words "Licensed Coffee Dealer" in English or Kiswahili;

(*c*) submit such returns at such times and to such persons as may be prescribed;

(*d*) on demand by an inspector, allow the inspector to enter upon his premises and inspect all coffee therein, and produce for his inspection at his request his licence and the register kept under this section.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence.

Planter's licences.

17. (1) No person shall plant coffee plants or maintain any plantation except under and in accordance with the terms and conditions of a current licence issued in respect thereof by the Coffee Board after consultation with the Director.

(2) Where a planter's licence is issued to a co-operative society, then all the members of the co-operative society shall be deemed to have been issued with such a licence for the purposes of this Ordinance and any rules made thereunder.

(3) There shall be payable in respect of every licence issued under this section a fee of thirty shillings:

Provided that no such fee shall be payable in respect of any plantation not exceeding one acre in extent which has been approved by the Director in consultation with the Board as a bona fide experimental plantation.

(4) Every licence under this section shall be issued annually and shall expire on the 30th day of June next following the date on which it was issued.

(5) The Board may, after consultation with the Director, cancel, or suspend for any specified period, a planter's licence.

(6) In the case of a planter's licence issued to a co-operative society, the Board may, after consultation with the Director, cancel, or suspend for any specified period, such licence in respect of a named member of such society.

(7) Any person who contravenes the provisions of subsection (1) of this section or of any term or condition of his licence shall be guilty of an offence.

Pulping station licences.

18. (1) No person shall operate a pulping station unless he is the holder of a current licence issued in respect thereof by the Coffee Board after consultation with the Director.

(2) A pulping station licence may be issued in the form of an endorsement to a planter's licence.

(3) Where the holder of a planter's licence operates more than one pulping station, a list giving the location of each such station shall be endorsed thereon.

(4) Pulping station licences shall expire on the 30th day of June next following the date of issue.

(5) The Board may, after consultation with the Director, cancel or suspend a licence issued under this section in respect of any specified pulping station.

(6) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence.

Registration and duties of coffee millers.

19. (1) No person shall conduct the business of a coffee miller unless he is registered as a coffee miller by the Coffee Board, nor at any other premises than those specified in the register.

(2) The register of coffee millers shall be kept by the secretary of the Coffee Board, who shall not register any coffee miller therein without the approval of the Board.

(3) On registration of a coffee miller, the secretary shall issue to him a certificate of registration specifying the premises at which milling may be carried on.

(4) No fee shall be charged in respect of any registration or certificate of registration made or given under this section.

(5) Every coffee miller registered under this section shall submit such returns at such times and to such persons as may be prescribed.

(6) Any person who contravenes the provisions of subsection (1) or subsection (5) of this section shall be guilty of an offence.

Registration of distinguishing marks.

20. (1) No person offering for sale or exporting coffee shall use any distinguishing mark to mark and identify it as coffee grown by him or by a member of a co-operative society to which he belongs unless the mark is registered as the distinguishing mark of such person or such society by the Secretary of the Coffee Board in a register kept for that purpose.

(2) A person who desires to use, or a co-operative society who desires its members to be able to use, such a mark shall make application for registration thereof to the Secretary of the Coffee Board, who may register the same, or may require the applicant to submit another mark to him for his consideration, or may, without assigning any reason, refuse to register the mark.

(3) Where the Secretary of the Coffee Board registers a mark under this section, he shall issue a certificate of registration thereof to the applicant.

(4) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence.

PART IV—PROVISIONS RELATING TO THE EXPORT, MARKETING AND CURING OF COFFEE

Restriction of export and sale of coffee.

21. (1) Subject to the provisions of this Ordinance—

(*a*) no planter shall export any coffee;

(*b*) no planter shall sell any coffee to any person other than the Marketing Board;

(*c*) no planter shall roast any coffee for sale;

(*d*) no person other than the Marketing Board shall purchase coffee from any coffee planter:

Provided that the Marketing Board may, by order in writing, exempt any person from any of the provisions of this section for such purposes, in respect of such coffee, to such extent and subject to such conditions, as that Board may think fit.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable for a first offence to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both, and for a second or subsequent offence to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

Marketing of coffee by the Marketing Board.

22. The Marketing Board may, in its discretion, purchase and sell any coffee which has been produced in the East African Territories or the Belgian Congo, and for that purpose may make such contracts as it may think fit.

Power of the Marketing Board to require coffee to be cured.

23. (1) The Marketing Board may from time to time, by order in the Gazette, require planters within a specified time to cure the whole or any part of any coffee which is in their possession or to send it to a coffee miller registered under section 19 of this Ordinance for curing.

(2) Any planter who fails to comply with an order made under subsection (1) of this section shall be guilty of an offence.

Statement of coffee cured and sample to be sent to the Marketing Board.

24. (1) Every miller to whom any coffee is sent for curing, and every planter who cures any coffee, shall, within forty-eight hours of the coffee being cured, send to the Marketing Board—

(*a*) a statement in the prescribed form of the coffee cured; and

(*b*) a half-pound sample of each grade of the cured coffee.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence.

Classification of samples by the Marketing Board.

25. (1) Where a sample of coffee has been sent to the Marketing Board under section 24 of this Ordinance, that Board shall classify the coffee of which it is a sample in accordance with the sample, and shall, within seven days after such classification, notify the planter to whom the sample belongs, or his agent, of the class in which the coffee has been classified.

(2) Any planter who is aggrieved by the classification of his coffee under subsection (1) of this section may, within twenty-one days of his notification under the said subsection, appeal in writing against such classification to an Appeal Board constituted in such manner as shall be prescribed.

Marketing Board to purchase all coffee sampled.

26. Subject to the provisions of this Ordinance, the Marketing Board shall purchase all coffee which has been classified under section 25 of this Ordinance, on terms fixed by the Board from time to time, and such coffee shall be delivered to the Board in such manner as may be prescribed.

PART V—FINANCES

Levies.

27. (1) The Minister may from time to time, on the recommendation of the Coffee Board, by order published in the Gazette, impose either or both of the following levies, that is to say—

(*a*) a levy, hereinafter referred to as an export levy, on all coffee, other than buni, produced in the Colony and exported:

Provided that—

(i) the amount of such levy shall not exceed one shilling per hundredweight or part of a hundredweight of coffee;

(ii) trade samples not exceeding ten pounds in weight shall not be liable to levy;

(iii) no such levy shall become operative until the expiration of a period of two months

from the date of the order imposing it, but without prejudice to the validity during such period of any levy previously imposed;

(*b*) a levy, hereinafter referred to as a planter's levy, for a specified period not exceeding three years on all coffee sold to the Marketing Board under the provisions of this Ordinance:

Provided that the amount of such a levy shall not, in the case of any planter, exceed three per centum of the payments due to him from the Marketing Board for coffee purchased from him by that Board.

(2) All moneys due on account of an export levy shall be a debt due to the Coffee Board from the person exporting the coffee, and may be collected by the Commissioner of Customs on behalf of the Coffee Board.

(3) No coffee produced in the Colony shall be exported unless the export levy payable in respect thereof has been paid, and any person who exports or attempts to export any such coffee in respect of which any money is owing in respect of export levy shall be guilty of an offence.

(4) All moneys due on account of a planter's levy shall be a debt due to the Coffee Board from the planter, and may be recovered by way of deduction by the Marketing Board from the moneys due to him from that Board under paragraph (*e*) of subsection (2) of section 29 of this Ordinance, and the Marketing Board shall account to the Coffee Board for all sums so recovered by it.

Coffee levy fund.

28. (1) There is hereby established a fund known as the coffee levy fund, which shall consist of all moneys collected in respect of levies imposed under section 27 of this Ordinance and the fees for licences issued under this Ordinance, and such sums as the Legislature may from time to time provide for the purpose.

(2) The coffee levy fund shall be in the custody of the Coffee Board, and the Commissioner of Customs shall, as soon as practicable after the last day of each month, pay such amounts as have been collected by him on account of any export levy into an account opened in the name of the Coffee Board with a bank approved by the Minister.

(3) The Coffee Board shall apply the coffee levy fund as follows—

(*a*) in payment of the expenses, commission and other charges incurred by the Board or for which the Board may become liable in the course of its business;

(*b*) to the cost of advertising the merits of Kenya coffee and of endeavouring to increase its sale by extending existing markets and exploiting new markets, and of matters incidental thereto;

(*c*) to the cost of research and experimentation;

(*d*) to the remuneration of and the payment of travelling and out-of-pocket expenses to individual members of the Board and persons appointed to serve on the Board at rates approved by the Minister;

(*e*) to the employment of such staff as the Board may consider necessary for the carrying out of its functions;

(*f*) to any other purpose which in the opinion of the Board is calculated to promote the welfare of the coffee industry or the more economic production or preparation of coffee:

Provided that the Board shall not, without the prior approval of the Minister, apply any part of the coffee levy fund to any service under this paragraph if money has during the preceding twelve months been provided by the Legislature to the coffee levy fund.

(4) The Coffee Board may lend any moneys for the time being in the coffee levy fund to the Government, to any public body or to any bank licensed under the Banking Ordinance, 1956, on interest, or may invest in such securities as it may think fit any such moneys which are not immediately required for any of the purposes set out in subsection (3) of this section.

No. 62 of 1956.

Coffee pool.

29. (1) There is hereby established a pool known as the coffee pool, which shall consist of all moneys derived from—

(*a*) the sale of coffee by the Marketing Board;

(*b*) payments made to the Marketing Board under the provisions of this Ordinance or of any rules made thereunder;

(*c*) any other source approved by the Minister in that

(2) The coffee pool shall be in the custody of the Marketing Board, who shall apply the moneys therein to all or any of the following purposes—

(*a*) the remuneration of the officers, servants and agents employed by that Board;

(*b*) the payment of such remuneration to individual members of the Board as may be approved by the Minister;

(*c*) the payment of travelling and out-of-pocket expenses of individual members of the Board at rates approved by the Minister;

(*d*) the payment of insurance, transport, storage, brokerage, commission and any other charges incurred in carrying out the provisions of this Ordinance;

(*e*) paying for coffee purchased by the Board;

(*f*) the creation of reserve funds for such purposes as the Board may think fit;

(*g*) any other purpose approved by the Minister.

PART VI—AUDIT AND REPORT

Accounts and Audit.

30. (1) Each Board shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property, as the Minister may from time to time require; and shall, within a period of four months after the end of its financial year or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

(i) a balance sheet showing in detail the assets and liabilites of the Board; and

(ii) such other statements of account as the Minister may require.

(2) The accounts of each Board shall be examined, audited and reported upon annually by the Controller and Auditor-General or by such other person as the Minister may

appoint, being a person who is a member of one or more of the bodies specified in the Schedule to the Accountants (Designations) Ordinance, 1950.

No. 66 of 1950.

(3) (*a*) Each Board shall produce and lay before the auditor all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Board such information and explanation as he may consider to be necessary for the performance of his duties as auditor.

(*b*) The expenses of and incidental to the audit shall be paid by each Board.

Annual report and publication thereof.

31. (1) Each Board shall, within a period of seven months after the end of its financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, and the yearly balance sheet and such other statements of account as the Minister shall require together with the auditor's report thereon; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(2) The Minister shall lay each Board's report and the auditor's report, together with the balance sheet and such other statements of accounts as he may have required, on the Table of the Legislative Council within fourteen days of receipt of the reports and statements by him, or, if the Legislative Council is not sitting, within fourteen days of the commencement of the next sitting.

(3) Each Board shall submit its report and the auditor's report, together with the balance sheet and such other statements of account as the Minister may have required, to the conference next convened after the same have been submitted to the Minister, being in each case the conference convened for the election of members to that Board.

PART VII—GENERAL

Appeals.

32. Any person aggrieved by the refusal of the Board, or of any person authorized by the Board in that behalf, to issue any licence under this Ordinance, or by the cancellation or suspension of any such licence, or by any decision of the

Marketing Board under the proviso to subsection (1) of section 21 of this Ordinance, may, within thirty days after being notified of such refusal, cancellation, suspension or decision, appeal to the Agricultural Appeals Tribunal established under Part XI of the Agriculture Ordinance, 1955, and the provisions of that Part shall, *mutatis mutandis,* apply in relation to every such appeal. No. 8 of 1955.

Service of notices.

33. Where any notice is required by or under this Ordinance or any rules made thereunder to be served on any person, service thereof may be effected either personally on such person or by registered post; and, where the person to be served is a body corporate or a society or other body of persons, service of any such notice may be effected by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the body corporate, society or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Powers of inspectors.

34. (1) An inspector may require the person in charge, or appearing to be in charge, of the premises of a planter or retail seller of provisions to allow him free ingress to the premises and to produce to him for his inspection any licence issued, and any register kept, in relation thereto under this Ordinance.

(2) Any person who refuses entry to an inspector acting under this section or obstructs him in making entry or in making an inspection thereunder, or who, without reasonable excuse, fails to produce any licence or register, production of which is required of him under this section, shall be guilty of an offence.

Offences by corporations, societies, etc.

35. Where any offence under this Ordinance or under any rules made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that

the offence was being or was intended or about to be committed or that he took all reasonable steps to prevent its commission.

Penalty.

36. Any person who is guilty of an offence under this Ordinance for which no penalty is specially provided shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both.

Additional penalty for certain offences. Cap. 24.

37. (1) Where the holder of a licence under section 13, or any person registered under section 19, of this Ordinance is convicted of an offence under Chapter XXXI of the Penal Code in respect of coffee, the court convicting him may, in addition to imposing any other penalty, order that his licence or certificate of registration, as the case may be, be cancelled with effect from such date as the court considers will enable him to dispose of his existing stock of coffee, and that he be debarred thereafter from obtaining such a licence or from being so registered for such period as the court thinks fit.

(2) A person whose licence or certificate of registration has been ordered, under subsection (1) of this section, to be cancelled may, notwithstanding the provisions of section 348 of the Criminal Procedure Code, appeal against the order to the Supreme Court in accordance with the provisions of Part XI of the said Code.

Cap. 27.

Rules.

38. (1) The Minister may, after consultation with the Coffee Board and the Marketing Board, make rules for prescribing anything which by this Ordinance is required to be prescribed and generally for the better carrying out of the provisions of this Ordinance.

LN. 367/62
LN 393/62
LN. 543/62

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, rules thereunder may provide for all or any of the following matters—

(*a*) prescribing the manner of electing the members of the Boards, the Advisory Committee, the Joint Committee and the Advisory Panel who are required by this Ordinance to be elected, and the manner in which lists of candidates for election shall be published;

(*b*) prescribing the manner in which delegates to represent planters for the purposes of section 12 of this Ordinance shall be elected;

(*c*) prescribing the forms of licences issued under this Ordinance, and the forms and manner of application therefor;

(*d*) prescribing the forms and manner of application for registration under section 19 or section 20 of this Ordinance;

(*e*) prescribing the forms of certificate to be issued under this Ordinance;

(*f*) prescribing the returns, and the forms thereof, to be made by persons holding licences under section 13 of this Ordinance and millers registered under section 19 of this Ordinance;

(*g*) prescribing the areas in which coffee may be planted, and regulating and controlling the variety, the cultural conditions, the method of production and the quality of coffee, and providing for the control of pests and diseases;

(*h*) empowering the Coffee Board, the Marketing Board or the Director to give directions to any planter as to the method of sowing, planting, cultivation, harvesting, collection, movement, pulping, drying or storage of coffee, and to delegate the like powers to any person;

(*i*) prescribing the forms of registers required by this Ordinance to be kept, and the matters to be entered therein;

(*j*) controlling and regulating the purchase and sale of coffee by the Marketing Board;

(*k*) providing for and regulating deliveries of coffee to the Marketing Board;

(*l*) prescribing the services which either Board may render to planters for payment, and the charges to be made therefor;

(*m*) providing for the submission of returns to the Marketing Board relating to the acreages of coffee which are under cultivation, and the quantities of coffee available for sale to that Board;

(*n*) prescribing the forms and procedure for appeals under this Ordinance;

(*o*) providing for the manner of classification of coffee under this Ordinance;

(*p*) prescribing the fees which may be charged for anything to be done under this Ordinance.

Repeal of Cap. 201 and Cap. 202; and savings.

39. (1) The Coffee Industry Ordinance and the Coffee (Marketing) Ordinance are hereby repealed.

(2) Without prejudice to the generality of the application of subsection (3) of section 23 of the Interpretation and General Provisions Ordinance, 1956, the transitional provisions set out in the Schedule to this Ordinance shall take effect on the repeal of the Coffee Industry Ordinance and the Coffee (Marketing) Ordinance.

No. 38 of 1956.

SCHEDULE

(*Section* 37 (2))

TRANSITIONAL PROVISIONS

(1) Every licence granted under section 5, section 8 or section 13, and every registration made under section 14 or section 20, of the Coffee Industry Ordinance, and every licence granted under rule 4 or rule 9 of the Native Lands Coffee Rules, 1951, and in force immediately before the commencement of this Ordinance shall, on such commencement, be deemed for the purposes of this Ordinance to be a licence issued under section 13, section 17 or section 18, or a registration made under section 19 or section 20, as the case may be, of this Ordinance.

(2) The moneys in the coffee levy fund established by section 16 of the Coffee Industry Ordinance immediately before the commencement of this Ordinance shall, on such commencement, be paid into and form part of the coffee levy fund established by section 28 of this Ordinance.

(3) The moneys in the coffee pool established by section 19 of the said Coffee (Marketing) Ordinance immediately before the commencement of this Ordinance shall, on such commencement, be paid into and form part of the coffee pool established by section 29 of this Ordinance.

(4) The several persons who, immediately before the commencement of this Ordinance, were the chairman, vice-chairman, deputy chairman and members of the Coffee Board (hereinafter referred to as the old Coffee Board) and the Coffee Licensing Advisory Committee established by the Coffee Industry Ordinance, and of the Coffee Marketing Board (hereinafter referred to as the old Marketing Board), the Standing Joint Committee and the Advisory Panel established by the Coffee (Marketing) Ordinance, shall, on the commencement of this Ordinance, be deemed to be respectively the chairman, vice-chairman, deputy chairman and members of the Coffee Board, the Advisory Committee, the Marketing Board, the Joint Committee and the Advisory Panel, and shall continue to hold office as such until the time at which they would have ceased to hold office if this Ordinance had not been enacted.

(5) All officers and servants of the old Coffee Board and the old Marketing Board shall on the commencement of this Ordinance be deemed to be those of the Coffee Board and the Marketing Board respectively.

(6) Subject to the provisions of paragraphs (2) and (3) of this Schedule, all the property, assets, rights, liabilities and obligations, and the benefit and burden of all contracts, of the old Coffee Board and the old Marketing Board, shall, on the commencement of this Ordinance, vest in the Coffee Board and the Marketing Board respectively without further or other assurance.

(7) The delegates of planters who attend the first conference held by either Board, or by the Boards jointly, after the enactment of this Ordinance shall be deemed, for the purposes of this Ordinance, to have been duly elected as delegates, notwithstanding that they have not been so elected in accordance with rules made under this Ordinance, if they have been elected in accordance with by-laws for the election of district delegates to the conference made by the old Coffee Board or the old Marketing Board or otherwise chosen in any manner approved by either the old Coffee Board or the old Marketing Board, as the case may require.

(8) At the first conference held by either Board, or by the Boards jointly, after the enactment of this Ordinance, the election of members of each Board may be conducted in accordance with the provisions of subsections (5) and (6) of section 3 of the Coffee Industry Ordinance in the case of the Coffee Board and of subsection (2) and of paragraphs (*b*) and (*c*) in subsection (4) of section 3 of the Coffee (Marketing) Ordinance in the case of the Marketing Board; and in each case in accordance with the provisions of rule 8 of the Coffee Marketing Rules.

Laws of Kenya, 1948; Subsidiary Legislation, VII, p. 2842.

THE BOOKS AND NEWSPAPERS ORDINANCE, 1960

No. 27 of 1960

Date of Assent: 1st July, 1960

Date of Commencement: 19th July, 1960

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AN ORDINANCE TO MAKE PROVISION FOR THE REGISTRATION AND DEPOSIT OF BOOKS AND NEWSPAPERS, FOR THE PRINTING OF BOOKS AND NEWSPAPERS, FOR THE EXECUTION OF BONDS BY PRINTERS AND PUBLISHERS OF NEWSPAPERS, AND FOR MATTERS CONNECTED THEREWITH

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

PART I—PRELIMINARY

1. This Ordinance may be cited as the Books and Newspapers Ordinance, 1960. Short title.

Interpretation.

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

"book" includes any volume, encyclopaedia, magazine, review, gazette, pamphlet, leaflet, sheet of letterpress, sheet of music, map, plan and chart, which is separately published, and any part or division thereof, but does not include a newspaper, visiting or business card, bill-head, letter-heading, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"newspaper" includes any printed matter containing news, or intelligence, or reports of occurrences, of interest to the public or any section thereof, or any views, comments or observations thereon, printed for sale or distribution and published periodically or in parts or numbers at intervals not exceeding three months, but does not include a visiting or business card, bill-head, letter-heading, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"print" means to produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other mode of representing the same in visible form, but does not include the representation of words or pictures by means of cinematography or television;

"register" means a register required to be kept by section 4 of this Ordinance;

"Registrar" means the person appointed to be Registrar of Books and Newspapers under section 3 of this Ordinance, and includes a person appointed under that section to be a Deputy or Assistant Registrar.

Appointment of Registrar, etc.

3. The Minister shall, by notice in the Gazette, appoint a Registrar of Books and Newspapers to perform the duties and exercise the powers imposed and conferred on the Registrar by this Ordinance and any rules made thereunder, and may appoint a Deputy Registrar and any number of Assistant Registrars, who shall be subject to the directions of the Registrar.

Registers.

4. The Registrar shall keep registers in the prescribed forms in which he shall register the returns in respect of books and newspapers made to him under sections 6 and 8, and the

bonds delivered to him under sections 11 and 13, of this Ordinance, and shall enter therein such other particulars and matters as may be prescribed.

PART II—DEPOSIT AND REGISTRATION OF BOOKS AND NEWSPAPERS

Application of this Part and exclusions.

5. (1) This Part shall not apply to or in respect of any book or newspaper printed or published by or on behalf of the Crown, the Government or the High Commission.

(2) The Minister may, by notice in the Gazette, exclude any book or newspaper or any class thereof from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Copies of books to be delivered to the Registrar and returns to be made.

6. (1) The publisher of every book printed and published in the Colony shall—

(*a*) before or within fourteen days after publication of the book, at his own expense deliver to the Registrar such number of copies thereof, not exceeding three in number, as may be prescribed, together with a return in respect thereof in the prescribed form, containing the prescribed particulars and signed by him;

(*b*) if so required by the Registrar by notice in writing not later than one year after publication of the book, deliver to the Registrar, at his own expense and within one month after receipt of such notice, so many additional copies thereof, not exceeding three in number, as may be specified in the notice.

(2) In the case of an encyclopaedia, magazine, review, gazette or other book (not being a newspaper) published periodically or in a series of numbers or parts, a notice under paragraph (*b*) of subsection (1) of this section may relate to any or all issues, numbers or parts thereof which may be subsequently published in the Colony by the publisher to whom the notice is addressed.

(3) All copies of a book delivered under subsection (1) of this section shall be copies of the whole book, with all maps, prints or other illustrations belonging thereto finished and coloured in the same manner as in the best copies of the same published in the Colony, and shall be bound, sewed or stitched together, and of the best paper on which the book is printed.

(4) Nothing in this section shall apply to any second or subsequent edition of a book the required number of copies

of the first or any preceding edition of which have been delivered to the Registrar under this section, unless the second or subsequent edition contains any addition or alteration, whether in the letterpress or in the maps, prints or other illustrations belonging thereto.

(5) Upon receipt of a copy of a book delivered under this section the Registrar shall issue a written receipt therefor.

(6) (*a*) The copies of books delivered to the Registrar under paragraph (*a*) of subsection (1) of this section shall be kept for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as may be prescribed.

(*b*) The copies of books delivered to the Registrar under paragraph (*b*) of the said subsection shall be sent by the Registrar to such persons or institutions as the Minister may from time to time direct.

Copies of newspapers to be delivered to the Registrar.

7. (1) The publisher of every newspaper printed in the Colony shall, upon every day upon which the newspaper is published, at his own expense deliver, or send by registered post, to the Registrar two copies of the newspaper and two copies of every supplement thereto (if any).

(2) Such copies shall be of the paper on which the largest number of copies of the newspaper are printed and published, and shall be in the like condition as the copies prepared for sale or distribution.

(3) The copies delivered to the Registrar under this section shall be kept for the purpose of record in such place or manner, or otherwise dealt with or disposed of in such manner or for such purposes, as may be prescribed.

Returns of newspapers to be made to the Registrar.

8. (1) The publisher for the time being of every newspaper printed in the Colony shall, within fourteen days after the date on which it is first published, and in the month of January in every year thereafter, make, sign and deliver to the Registrar a return in the prescribed form in respect thereof.

(2) If, after any such return has been so delivered and before the next succeeding return in respect of the same newspaper is so delivered, any change occurs in any of the particulars returned, other than a change in circulation, the publisher

for the time being of the newspaper shall, within one month of the change occurring, make, sign and deliver to the Registrar a return thereof in the prescribed form.

Penalties.

9. (1) Any person who—

(*a*) publishes any book printed in the Colony and fails to comply with any of the provisions of section 6 of this Ordinance;

(*b*) publishes any newspaper printed in the Colony and fails to comply with any of the provisions of section 7 or section 8 of this Ordinance; or

(*c*) makes any return under section 6 or section 8 of this Ordinance which he knows to be false or does not believe to be true in any particular,

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

(2) Upon conviction of a person for failure to comply with any provision of section 6, section 7 or section 8 of this Ordinance, the court may, in addition to or instead of imposing a penalty under subsection (1) of this section, order such person to deliver the return or the copies of the book or newspaper, as the case may be, to the Registrar not later than a specified date, or, in the case of failure to deliver copies of a book of the required number or standard, order him to pay to the Registrar the retail price of such copies.

(3) Where the retail price of copies is ordered to be paid to the Registrar as aforesaid, and is so paid, the same shall be applied by him to the purchase of such copies.

PART III—BONDS

Application of this Part and exclusions.

10. (1) This Part shall not apply to, or to or in respect of the printing or publication of any newspaper by or on behalf of, the Crown, the Government or the High Commission.

(2) The Minister may, by notice in the Gazette, exclude any specified person or class of persons from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

Bond to be executed.

11. (1) Subject to subsection (5) of this section, no person shall print any newspaper in the Colony, and no person shall publish any newspaper printed in the Colony, unless there is in force, duly executed, registered and delivered by him to the Registrar in manner hereinafter provided, a bond in the prescribed form in the sum of ten thousand shillings, with one or more sureties as may be required and approved by the Registrar, as security for or towards the payment of any monetary penalty which may at any time be imposed upon or adjudged against him upon his conviction for any offence, under this Ordinance or under any other written law, committed after the execution of the bond, and relating to the printing or publication of such newspaper or of any matter therein, and also for the payment of any damages and costs awarded against him in respect of any libel printed or published in the newspaper after the execution of the bond.

(2) A bond shall be executed—

(*a*) where the person required to execute it is a company, under the common seal of the company;

(*b*) in other cases, in the presence of a magistrate, and of one other witness not being a party thereto, each of whom shall subscribe his name, his place of residence or business and his office, profession or occupation.

Cap. 161.

(3) Every bond shall be registered under the Registration of Documents Ordinance by or on behalf of the person executing it and shall then be delivered to the Registrar for custody.

(4) A person required to execute a bond under this section may appeal to the Minister against any decision of the Registrar as to the number of sureties required in excess of one or disapproving any surety offered by such person.

(5) Where, immediately prior to the commencement of this Ordinance, any person habitually and lawfully printed any newspaper in the Colony or published any newspaper printed in the Colony, that person shall be allowed a period of one month after the commencement of this Ordinance within which to comply with the provisions of this section in respect of that newspaper, and, if he does so comply with such provisions within that period, he shall not be guilty of an offence under section 14 of this Ordinance in respect of the continued printing or publication of that newspaper after the commencement of this Ordinance and before he has so complied with such provisions.

(6) A bond entered into under this section may be enforced before any magistrate in the same manner as a bail bond under the Criminal Procedure Code. Cap. 27.

Withdrawal of surety.

12. If a surety desires to withdraw from a bond, and gives to the Registrar and to all other persons bound thereby not less than one month's notice in writing of such desire, he shall on the expiration of the period of such notice be discharged from his suretyship under the bond:

Provided that the surety shall continue to be liable under the bond in respect of any penalties, damages or costs imposed, adjudged or awarded for and in respect of any offence committed, or any libel printed or published, before his discharge as aforesaid.

New bond in certain cases.

13. Whenever a surety—

(*a*) gives notice of his desire to withdraw from a bond under the provisions of section 12 of this Ordinance; or

(*b*) dies; or

(*c*) leaves the Colony without leaving property therein sufficient and available to satisfy the full sum for which he is bound as a surety; or

(*d*) has a receiving order made against him; or

(*e*) pays the whole or any part of the sum for which he is bound as a surety,

or whenever a bond under this Part is enforced against a printer or publisher liable thereunder as a principal, the printer or publisher, as the case may be, shall, within one month thereafter, execute, register and deliver to the Registrar in the manner provided by section 11 of this Ordinance a new bond for the same purpose and in the same sum, and upon the completion of such execution, registration and delivery the old bond shall be thereby discharged:

Provided that all persons liable, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties, damages or costs imposed, adjudged or awarded for and in respect of any offence committed, or any libel printed or published, before the discharge of the old bond as aforesaid.

Penalty for printing or publication without bond.

14. Subject to subsection (5) of section 11 of this Ordinance, any person who prints a newspaper in the Colony, or publishes a newspaper printed in the Colony, without having complied with the provisions of section 11 or, as the case may be, section 13 of this Ordinance shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART IV—GENERAL

Inspection of register, etc., and provision of copies of and extracts from registers.

15. (1) Any person may, during the usual hours of business and on payment of the prescribed fee, inspect a register, or require to be supplied with a copy of or an extract from any subsisting entry in a register, certified by the Registrar to be a true copy or extract.

(2) Any person may, during such hours, on payment of such fee, and subject to such conditions, as may be prescribed, inspect any book or newspaper kept by the Registrar under this Ordinance for the purpose of record.

Evidentiary value of copies and extracts, and of certificates.

16. (1) Every copy of an entry in, and every extract from, a register, certified under the hand of the Registrar to be a true copy or extract, shall in all legal proceedings be conclusive evidence of the contents of the register so far as the same appear in such copy or extract, and prima facie evidence of the facts appearing therein.

(2) A certificate under the hand of the Registrar stating that he has or has not received any notice or return under this Ordinance or any rules made thereunder, or that he received such a notice or return on, or did not receive such a notice or return by or before, a specified date, shall in all legal proceedings be prima facie evidence of the facts stated therein.

(3) A certificate under subsection (1) or subsection (2) of this section, purporting to be signed by the Registrar, shall be presumed, until the contrary is proved, to have been signed by him.

(4) No process for compelling the production of any book, newspaper, register or document kept by, or in the possession or custody of, the Registrar shall issue from any court except with the leave of that court, and any such process issued with such leave shall bear a statement that it is so issued.

Printed documents to bear the name of printer and publisher.

17. (1) Every book and every newspaper printed within the Colony shall have printed legibly in the English language on its first or last printed page the name and address of its printer and of its publisher and the name of the place in which it is printed and of the place in which it is published.

(2) Any person who prints, publishes, sells, distributes or assists in selling or distributing any book or newspaper which does not comply with the requirements of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in addition the court may order all copies of the book or newspaper in the custody of the court or in the possession of the offender to be forfeited or destroyed.

Printer to keep copy of book or newspaper and to produce same on demand.

18. (1) Every person who prints a book or newspaper shall for a period of six months after the date of the printing thereof keep one copy thereof on which he shall write or print the name and the business, residential or postal address of the person by whom he was engaged to print it, and shall forthwith produce the same to the Registrar or to any court, judge or magistrate if required by the Registrar or such court, judge or magistrate, by notice in writing, so to do.

(2) Any person who fails to comply with the provisions of subsection (1) of this section or of any notice thereunder served on him shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Power to seize certain books, etc., and to search premises.

19. (1) Any police officer may seize any book or newspaper, wherever found, which has been printed or published, or which he reasonably suspects to have been printed or published, in contravention of this Ordinance.

(2) Any magistrate may by warrant authorize any police officer not below the rank of Assistant Inspector, with or without assistance, to enter and search any place where it is reasonably suspected that any books or newspapers printed or published in contravention of this Ordinance are being kept or that any other offence under this Ordinance or any rules thereunder has been, is being or is about to be committed, and to seize any books and newspapers found therein which he reasonably suspects to have been so printed or published,

together with any other evidence of the commission of an offence under this Ordinance or any rules thereunder which may be there found.

(3) If any police officer not below the rank of Assistant Inspector has reasonable cause to believe that the delay which would occur in obtaining a search warrant under subsection (2) of this section would, or would tend to, defeat the purposes of this Ordinance, he may, without warrant, exercise the powers described in that subsection as if he had obtained a search warrant thereunder.

(4) Any book, newspaper or other thing seized under this section shall be brought as soon as practicable before a magistrate, who may, if he is satisfied that the book or newspaper was printed or published in contravention of this Ordinance or any rules thereunder, or that such other thing has been used in the commission of an offence under this Ordinance or any rules thereunder, order that the same be forfeited or destroyed.

Offences by corporations, societies, etc.

20. Where any offence under this Ordinance or under any rules made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Service of notices.

21. Service of any notice under this Ordinance or any rules made thereunder may be effected either personally on the person to whom it is addressed or by registered post; and, where the person to be served is a company or other body corporate, or a society, association or other body of persons, service of any such notice thereon may be effected by serving the same personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the company, body corporate, society, association or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Rules.

22. The Minister may make rules generally for the better carrying out of the purposes of this Ordinance, and in particular may make rules for any of the following purposes—

LN. [illegible]/60
LN. 62/62

(*a*) prescribing the forms of registers, returns, applications, notices and bonds, and other forms, to be used under this Ordinance;

(*b*) prescribing the particulars and matters to be entered in the registers;

(*c*) prescribing the place and manner of keeping copies of books and newspapers delivered to the Registrar under this Ordinance, or the manner in which and purposes for which any such copies shall, consistently with the purposes and provisions of this Ordinance, be dealt with or disposed of;

(*d*) prescribing the information to be furnished to the Registrar by way of periodical return or otherwise;

(*e*) prescribing the particulars and matters to be published by the Registrar and the manner of such publication;

(*f*) prescribing the fees which may be levied under this Ordinance;

(*g*) prescribing penalties for contravention of any such rules, not exceeding in any case a fine extending to five thousand shillings or imprisonment for a term extending to six months or both such fine and imprisonment.

Repeal and saving. Cap. 310.

23. The Book and Newspaper Registration Ordinance is hereby repealed:

Provided that any return made, and any register kept, and any copies of books or newspapers delivered, under any provision of that Ordinance before the commencement of this Ordinance, shall be deemed for the purposes of this Ordinance to be a return made, a register kept or copies delivered under the provision of this Ordinance most closely corresponding to such provision.

THE HINDU MARRIAGE AND DIVORCE ORDINANCE, 1960

No. 28 of 1960

Reserved for the Signification of Her Majesty's Pleasure: 11th April, 1960

L.N. 324/60. *Her Majesty's Assent Signified by Proclamation dated 28th June, 1960*

Date of Commencement: 19th July, 1960

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1—Short title.

2—Interpretation.

PART II—HINDU MARRIAGES

3—Conditions for Hindu marriages.

4—Guardianship in marriage.

5—Ceremonies for Hindu marriages.

6—Registration of Hindu marriages.

SECTION

7—Provisions as to Hindu marriages.

8—Offences.

PART III—MATRIMONIAL CAUSES

9—Matrimonial causes.

10—Grounds of petition for divorce.

11—Grounds for decree of nullity.

12—Judicial separation.

PART IV—REPEAL

13—Repeal.

AN ORDINANCE TO REGULATE THE MARRIAGE OF AND PROVIDE FOR MATRIMONIAL CAUSES BETWEEN HINDUS AND PERSONS OF ALLIED RELIGIONS

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

PART I—PRELIMINARY

Short title.

1. This Ordinance may be cited as the Hindu Marriage and Divorce Ordinance, 1960.

Interpretation.

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

"court" means the Supreme Court of Kenya;

"custom" means a rule which, having been continuously observed for a long time, has attained the force of law among a community, group, or family, being a rule that is certain and not unreasonable or opposed to public policy; and, in the case of a rule applicable only to a family, has not been discontinued by the family;

"Hindu" means a person who is a Hindu by religion in any form (including a Virashaiva, a Lingayat and a follower of the Brahmo, Prarthana or Arya Samaj) or a person who is a Buddhist of Indian origin, a Jain or a Sikh by religion.

"marriage" means a marriage between Hindus and either—

(*a*) solemnized after the commencement of this Ordinance, or

(*b*) a marriage which, immediately before the commencement of this Ordinance, was deemed, under section 3 of the Hindu Marriage, Divorce and Succession Ordinance, to be a valid marriage or which would have been so deemed if it had been solemnized in the Colony, or Cap. 149.

(*c*) a marriage solemnized under the provisions of the Special Marriage Act, 1954, or the Hindu Marriage Act, 1955, of India as amended from time to time and any enactment substituted therefor; No. 43 of 1954. No. 25 of 1955.

"of the full blood" means descended from a common ancestor by the same wife;

"of the half blood" means descended from a common ancestor but by different wives;

"of uterine blood" means descended from a common ancestress but by different husbands.

(2) For the purposes of this Ordinance, the following persons are Hindus, Buddhists, Jains or Sikhs, as the case may be—

(*a*) a person, legitimate or illegitimate, both of whose parents are or were Hindus, Buddhists, Jains or Sikhs by religion;

(*b*) a person, legitimate or illegitimate, one of whose parents is or was a Hindu, a Buddhist, a Jain or a Sikh by religion and who has been brought up as a member of the community, group or family to which such parent belongs or belonged;

(*c*) any person who is a convert or reconvert to the Hindu, the Buddhist, Jain or Sikh religion.

PART II—HINDU MARRIAGES

3. (1) A marriage may be solemnized if the following conditions are fulfilled— Conditions for Hindu marriages.

(*a*) neither party has a spouse living at the time of the marriage;

(*b*) both parties are of sound mind at the time of the marriage;

(*c*) the bridegroom has attained the age of eighteen years and the bride the age of sixteen years at the time of the marriage;

(*d*) where the bride has not attained the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage;

(*e*) the parties are not within the prohibited degrees of consanguinity, unless the custom governing each of them permits of a marriage between them.

(2) For the purposes of this section two persons are within the prohibited degrees of consanguinity if—

(*a*) one is a lineal ancestor of the other;

(*b*) one was the wife or husband of a lineal ancestor or descendant of the other;

(*c*) one was the wife of the father's or mother's brother or of the grandfather's or grandmother's brother of the other;

(*d*) one was the husband of the father's or mother's sister or of the grandfather's or grandmother's sister of the other;

(*e*) they are brother and sister, uncle and niece, aunt and nephew or children of brother and sister or of brothers or sisters; or

(*f*) they have a common ancestor not more than two generations distant (if ancestry is traced through the mother of the descendant) or four generations distant (if ancestry is traced through the father of the descendant).

(3) The relationships referred to in subsection (2) of this section shall include those of the half blood and of uterine blood as well as those of the full blood, and the illegitimate child and adopted child of any person shall be deemed to be respectively the legitimate child and the child of the marriage of such person.

Guardianship in marriage.

4. (1) Wherever the consent of a guardian in marriage is necessary for a bride under this Ordinance the guardian in marriage shall be—

(*a*) the father; whom failing

(*b*) the mother; whom failing

(*c*) the paternal grandfather; whom failing

(*d*) the paternal grandmother; whom failing

(*e*) the brother of the full blood, as between brothers the elder being preferred; whom failing

(*f*) the brother of the half blood, as between brothers of the half blood the elder being preferred, if the bride is living with him and is being brought up by him; whom failing

(*g*) the paternal uncle of the full blood, as between paternal uncles the elder being preferred; whom failing

(*h*) the paternal uncle of the half blood, as between paternal uncles of the half blood the elder being preferred, if the bride is living with him and is being brought up by him; whom failing

(*i*) the maternal grandfather; whom failing

(*j*) the maternal grandmother; whom failing

(*k*) the maternal uncle of the full blood, as between maternal uncles the elder being preferred, if the bride is living with him and is being brought up by him.

(2) No person shall be entitled to act as guardian in marriage under the provisions of this section unless such person has himself attained the age of twenty-one years.

(3) Where the person entitled to be the guardian in marriage refuses, or is for any cause unable or unfit, to act, the person next in order shall be entitled to be the guardian.

(4) If there is no such person as is referred to in sub-section (1) of this section, the consent of a guardian in marriage shall not be necessary.

Ceremonies for Hindu marriages.

5. (1) A marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

(2) Where such rites and ceremonies include the *Saptapadi* (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step has been taken.

(3) Where the marriage is solemnized in the form of *Anand Karaj* (that is, the going round the Granth Sahib by the bride and bridegroom together), the marriage becomes complete and binding as soon as the fourth round has been completed.

Registration of Hindu marriages.

6. (1) The Minister may from time to time make rules requiring and prescribing the manner of registration of all or any marriages solemnized in the Colony.

(2) Separate or different rules may be made with respect to the marriages of Hindus belonging to different castes or communities.

(3) Without prejudice to the generality of the foregoing provisions, any such rules may—

(*a*) require marriages to be compulsorily registered;

(*b*) require the priest or other person performing the marriage ceremony to issue a certificate of marriage in the prescribed form;

(*c*) require any marriage to be registered within the period prescribed by the rules;

(*d*) impose fees for the issue of certificates of marriage and for the issue of copies or translations of certificates of marriage;

(*e*) impose penalties of imprisonment for a term not exceeding six months or a fine of not more than six thousand shillings or both for the breach thereof;

(*f*) provide for the receiving in evidence of entries in the register and marriage certificates and of certified copies thereof.

(4) Notwithstanding anything contained in this section, the validity of a marriage shall in no way be affected by the omission to make an entry in any marriage register nor shall registration render valid any marriage which would otherwise be invalid.

Provisions as to Hindu marriages.

7. (1) A marriage, whether solemnized before or after the commencement of this Ordinance, shall not be capable of being dissolved during the joint lives of the parties otherwise than in accordance with the provisions of this Ordinance.

(2) A marriage solemnized under this Ordinance shall be a marriage within the meaning of the Matrimonial Causes Ordinance. Cap. 145.

(3) A marriage solemnized after the commencement of this Ordinance shall be void if the former husband or wife of either party was living at the time of the marriage and the marriage with such former husband or wife was then in force; and the provisions of section 165 of the Penal Code shall apply Cap. 24. in such a case.

(4) Notwithstanding the provisions of section 15 of the Subordinate Courts (Separation and Maintenance) Ordinance, Cap. 6. the provisions of that Ordinance shall apply in respect of any husband and wife whose marriage at the commencement of this Ordinance is deemed under section 3 (hereby repealed) of the Hindu Marriage, Divorce and Succession Ordinance to be Cap. 149. a valid marriage or would be so deemed if it had been solemnized in the Colony.

(5) Notwithstanding the provisions of section 15 of the Subordinate Courts (Separation and Maintenance) Ordinance, Cap. 6. the provisions of that Ordinance shall apply to the husband and wife of every marriage.

Offences.

8. Whoever solemnizes or procures to be solemnized a marriage in respect of which any of the conditions specified in paragraphs (*c*), (*d*) and (*e*) of subsection (1) of section 3 of this Ordinance has not at the time of the marriage been fulfilled shall be liable—

(*a*) in the case of the condition specified in the said paragraph (*c*) to imprisonment for a term not exceeding fourteen days or to a fine not exceeding five hundred shillings or to both such imprisonment and such fine;

(*b*) in the case of the condition specified in the said paragraph (*d*) to a fine not exceeding one thousand shillings; and

(*c*) in the case of the condition specified in the said paragraph (*e*) to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand shillings or to both such imprisonment and such fine.

PART III—MATRIMONIAL CAUSES

Matrimonial causes. Cap. 145.

9. Except where and to the extent that other provision is made in this Ordinance, the provisions of the Matrimonial Causes Ordinance shall apply to matrimonial causes relating to marriages, and the Matrimonial Causes Ordinance shall, in relation to marriages, be subject to the provisions of this Part of this Ordinance.

Grounds of petition for divorce.

10. (1) A petition for divorce may be presented to the court by either party to a marriage whether solemnized before or after the commencement of this Ordinance on the ground that—

(*a*) the respondent has since the celebration of the marriage committed adultery; or

(*b*) the respondent has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

(*c*) the respondent has since the celebration of the marriage treated the petitioner with cruelty; or

(*d*) the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition; or

(*e*) the respondent has ceased to be a Hindu by reason of conversion to another religion; or

(*f*) the respondent has renounced the world by entering a a religious order and has remained in such order apart from the world for a period of at least three years immediately preceding the presentation of the petition; or

(*g*) a decree of judicial separation has been in force between the parties for a period of at least two years immediately preceding the presentation of the petition, and the parties have not cohabited since the date of the decree;

and by the wife on the ground that her husband—

(*f*) has, since the celebration of the marriage, been guilty of rape, sodomy or bestiality; or

(*g*) in the case of a marriage solemnized before the commencement of this Ordinance—

(i) at the time of the marriage was already married;

or

(ii) married again before such commencement,

the other wife being in either case alive at the date of presentation of the petition.

(2) For the purposes of this section a person of unsound mind shall be deemed to be under care and treatment while he is detained, whether in the Colony or elsewhere, in an institution duly recognized by the Government as an institution for the care and treatment of insane persons, lunatics, or mental defectives, or is detained as a criminal lunatic under any law for the time being in force in the Colony. A certificate under the hand of the Minister that any place is a duly recognized institution for the purpose of this section shall be receivable in all courts as conclusive evidence of that fact.

Grounds for decree of nullity.

11. (1) The following are the grounds on which a decree of nullity of marriage may be made—

(*a*) in the case of a marriage solemnized after the commencement of this Ordinance—

(i) that either party had a spouse living at the time of the marriage, and the marriage with such spouse was then in force; or

(ii) that the parties are within the prohibited degrees of consanguinity, unless the custom governing each of them permits of a marriage between them;

(*b*) in the case of any marriage, whether solemnized before or after the commencement of this Ordinance—

(i) that either party was permanently impotent, or incapable of consumating the marriage, at the time of the marriage; or

(ii) that either party was at the time of the marriage of unsound mind or subject to recurrent fits of insanity or epilepsy; or

(iii) that the consent of either party to the marriage or of the guardian in marriage was obtained by force or fraud in any case in which the marriage might be annulled on this ground by the law of England; or

(iv) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or

(v) that the respondent was at the time of the marriage pregnant by some person other than the petitioner:

Provided that, in the cases specified in subparagraphs (ii), (iv) and (v) of paragraph (*b*) of this subsection, the court shall not grant a decree unless it is satisfied—

(i) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(ii) that proceedings were instituted, in the case of a marriage solemnized before the commencement of this Ordinance, within one year after such commencement, and, in the case of any other marriage, within one year after the date of the marriage; and

(iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds of decree.

(2) (*a*) Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if it had been dissolved, instead of being annulled, on the date of the decree shall be deemed to be their legitimate child notwithstanding the annulment.

(*b*) Paragraph (*a*) of this subsection shall not operate so as to confer on a child any rights in the property of any person other than its parents in any case where, but for this section, such child would have been incapable of acquiring or possessing such rights by reason of its illegitimacy.

(3) Nothing in this section shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

Judicial separation.

12. A petition for judicial separation may be presented to the court by either the husband or the wife on any of the following grounds—

(*a*) on any of the grounds on which a petition for divorce might be presented by that party; or

(*b*) that the respondent has deserted the petitioner without cause for a period of at least two years immediately preceding the presentation of the petition; or

(*c*) that the respondent has since the celebration of the marriage treated the petitioner with cruelty; or

(*d*) that the respondent has failed to comply with a decree for restitution of conjugal rights.

PART IV—REPEAL

13. Sections 3 to 8 (inclusive) and section 12 of the Hindu Marriage, Divorce and Succession Ordinance are hereby repealed. Repeal. Cap. 149.

THE EXCHEQUER AND AUDIT (AMENDMENT) ORDINANCE, 1960

No. 29 of 1960

Date of Assent: 19th August, 1960

Date of Commencement: 30th August, 1960

AN ORDINANCE TO AMEND THE EXCHEQUER AND AUDIT ORDINANCE, 1955, AND TO REPEAL THE REVENUE COLLECTION (TRANSFER) ORDINANCE

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

1. This Ordinance may be cited as the Exchequer and Audit (Amendment) Ordinance, 1960. Short title.

2. The long title of the Exchequer and Audit Ordinance, 1955 (hereinafter referred to as the principal Ordinance) is amended by deleting therefrom the words "AND RECOVERY". Amendment of title of Ordinance No. 13 of 1955.

3. Section 2 of the principal Ordinance is amended— Amendment of section 2 of the principal Ordinance.

(*a*) by substituting for the definition of "Appropriation Ordinance" the following definition—

"appropriation ordinance" means an Ordinance to apply a sum out of the consolidated fund to the service of a financial year;

(*b*) by inserting, next after the definition of "consolidated fund", the following definition—

"consolidated fund service" means a service the expense of which is charged on and payable from the consolidated fund under or by virtue of any Ordinance other than an appropriation ordinance;

(*c*) by deleting from the definition of "revenue" the words "including the proceeds of all loans raised".

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

(*a*) by deleting the second sentence of subsection (1) thereof;

(*b*) by deleting subsection (2) thereof, and by inserting, in place thereof, three new subsections, as follows—

(2) Subject to the provisions of this section, the annual salary of the Controller and Auditor-General shall be at the rate of ~~two thousand nine hundred pounds.~~

(3) The Legislative Council may from time to time by resolution increase the rate of the salary payable under this section, and the person holding the office of Controller and Auditor-General at the date on which such a resolution is passed shall as from that date, or such other date as may be specified in the resolution, be entitled to a salary at the increased rate as if it had been duly granted to him under this section.

(4) The salary payable to the Controller and Auditor-General by virtue of this section shall be charged on and issued out of the consolidated fund.

Amendment of section 11 of the principal Ordinance

5. There shall be substituted for subsection (2) of section 11 of the principal Ordinance the following subsection—

(2) The Controller and Auditor-General shall satisfy himself—

(*a*) that all reasonable precautions have been taken to safeguard the collection of revenue, and that the Ordinances, directions and instructions relating thereto have been duly observed;

(*b*) that all moneys which have been appropriated by the legislature and disbursed have been applied to the purposes for which they were so appropriated, and that the expenditure conforms to the authority which governs it;

(*c*) that all public moneys other than those which have been appropriated by the legislature have been dealt with in accordance with proper authority;

(*d*) that all reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of Government property, including stamps, securities and stores, and that the regulations and instructions relating thereto have been duly observed.

Amendment of section 12 of the principal Ordinance.

6. Section 12 of the principal Ordinance is amended—

(*a*) in subsection (1) thereof, by deleting paragraph (*d*); and

(*b*) by deleting subsection (3) thereof.

Amendment of section 15 of the principal Ordinance.

7. Section 15 of the principal Ordinance is amended—

(*a*) by deleting the words preceding the provisos thereto, and by substituting therefor the following words—

All revenue, and the proceeds of all loans raised, shall be paid at such times and in such manner as the Treasury may direct, to the credit of the exchequer account, and the moneys so paid shall form the consolidated fund;

(*b*) by renumbering the section as subsection (1) thereof, and by adding a new subsection, as follows—

(2) For the avoidance of doubt it is declared that the reference in this section to loans raised does not import any reference to deposits, advances or bank overdrafts.

Replacement of section 17 of the principal Ordinance.

8. There shall be substituted for section 17 of the principal Ordinance the following section—

Granting of credits on the exchequer account.

17. (1) The Controller and Auditor-General shall grant to the Treasury from time to time on their requisitions authorizing the grants—

(*a*) if satisfied of the correctness thereof, credits on the exchequer account not exceeding the amounts becoming payable during the ensuing month for consolidated fund services; and

(*b*) credits on the exchequer account not exceeding in the whole the sums applied by appropriation ordinances to the service of the financial year.

(2) Every credit granted under this section shall be sufficient authority to the bank designated therein to issue from the exchequer account, in accordance with the directions of the Treasury, the amount therein specified.

Repeal of section 21 of the principal Ordinance.

9. Section 21 of the principal Ordinance is hereby repealed.

Amendment of section 22 of the principal Ordinance.

10. There shall be substituted for subsection (1) of section 22 of the principal Ordinance the following subsection—

(1) The Controller and Auditor-General shall grant to the Treasury from time to time on their requisitions authorizing the grants, credits on the exchequer account for investment with a bank either at call or subject to notice not exceeding twelve months or with the Joint Colonial Fund or in any of the investments authorized by the Trustees Ordinance for the investment of trust funds, provided he is satisfied that the Minister has authorized the investment in each case.

Cap. 36.

Amendment of heading of Part V of the principal Ordinance.

11. The heading of Part V of the principal Ordinance is amended by deleting therefrom the words "AND RECOVERY".

Amendment of section 23 of the principal Ordinance.

12. Section 23 of the principal Ordinance is amended by substituting for subsection (1) thereof the following subsection—

(1) Within a period of four months (or such longer period as the Legislative Council may by resolution appoint) after the end of each financial year, there shall be prepared and transmitted to the Controller and Auditor-General—

(*a*) by the Treasury, accounts showing fully the financial position of the Colony at the end of the year, which shall include—

(i) a statement of receipts into and issues from the exchequer during the year;

(ii) the Paymaster-General's balance sheet, being such balance sheet as may be prescribed under section 3 of the Paymaster General Ordinance, 1960;

No. of 1960.

(iii) the summary of statements of revenue, being a summary of all the statements of receipts transmitted by receivers of revenue under paragraph (*c*) of this subsection;

(iv) the summary of appropriation accounts, being a summary of all the appropriation accounts transmitted by accounting officers under paragraph (*b*) of this subsection;

(v) a statement of the amount outstanding at the end of the year in respect of the public debt;

(vi) such other statements as the Legislative Council may from time to time require:

Provided that in respect of the statements and summary referred to in subparagraphs (iii) and (iv) of this paragrah, the period of four months referred to at the beginning of this subsection shall be extended to six months;

(*b*) by each accounting officer, in respect of the financial year and in respect of the votes and moneys for which he is responsible—

(i) an appropriation account showing the services for which the moneys expended were voted, the sums actually expended on each service, and the state of each vote compared with appropriation; each such account shall contain a statement explaining any variation between the expenditure and the sums voted, and shall contain such other information and be in such form as the Treasury may direct, and the statement, as well as the account, shall be signed by the accounting officer;

(ii) a statement of the amounts outstanding at the end of the year in respect of loans issued by the Government;

(iii) a statement of the amounts guaranteed by the Government as at the end of the year in respect of bank overdrafts, loans, public loan issues and other sums;

(c) by each receiver of revenue, a statement of receipts and disbursements during the financial year, in such form as the Treasury may direct.

Replacement of section 24 of the principal Ordinance.

13. There shall be substituted for section 24 of the principal Ordinance the following section—

Reports on accounts.

24. (1) On receipt of the accounts prescribed by section 23 of this Ordinance, the Controller and Auditor-General shall cause them to be examined and audited, and shall, within a period of seven months (or such longer period as the Legislative Council may by resolution appoint) after the end of the financial year to which the accounts relate, certify in respect of each account the result of the examination and audit, and shall within the aforesaid period prepare and transmit to the Minister a report upon the examination and audit of all such accounts, together with copies of the accounts, certified as aforesaid.

(2) The Controller and Auditor-General may at any time if it appears to him desirable transmit to the Minister a special report on any matter incidental to his powers and duties under this Ordinance.

(3) The Minister shall, within fourteen days of the receipt by him of any documents transmitted under this section, lay them before the Legislative Council:

Provided that there shall be excluded from the computation of the said period of fourteen days any days on which the Council is not sitting.

(4) If the Minister fails to lay any document as required by subsection (3) of this section, the Controller and Auditor-General shall forthwith transmit a copy thereof to the Speaker of the Legislative Council, to be by him presented to the Council.

Repeal of sections 26 to 30 of the principal Ordinance.

14. Sections 26 to 30, inclusive, of the principal Ordinance are hereby repealed.

15. There shall be inserted in the principal Ordinance, next after section 25 thereof, the following new section— Insertion of new section 26 in the principal Ordinance.

Power to dispense with examination of certain accounts.

26.(1) Notwithstanding the provisions of section 11, and of subsection (2) of section 23, of this Ordinance, it shall be lawful for the Treasury from time to time, if they see fit so to do, to dispense with the transmission to the Controller and Auditor-General of any accounts relating to the funds and accounts referred to in that subsection, and with the examination and audit of such accounts by him.

(2) Every dispensation under this section shall be signified under the hand of the Permanent Secretary to the Treasury, and copies thereof shall be laid without unnecessary delay before the Legislative Council.

16. Section 31 of the principal Ordinance is amended— Amendment of section 31 of the principal Ordinance.

(*a*) by substituting for the words "statutory board or commission", in each place where they occur therein, the words "statutory board, commission or body";

(*b*) by deleting subsection (3) thereof.

17. Subsection (2) of section 34 of the principal Ordinance is hereby repealed. Amendment of section 34 of the principal Ordinance.

18. Section 36 of the principal Ordinance is amended— Amendment of section 36 of the principal Ordinance.

(*a*) in subsection (1) thereof, by deleting the words "(to be called financial regulations)";

(*b*) by adding the following subsections—

(2) The Minister shall take all proper steps to ensure that any regulations made under this section are brought to the notice of the persons directly affected thereby, but subject as aforesaid it shall not be necessary to publish such regulations in the Gazette.

No. 39 of 1956.

(3) Section 3 of the Rules and Regulations (Laying) Ordinance, 1956, shall not apply in respect of regulations made under this section.

19. The Revenue Collection (Transfer) Ordinance is hereby repealed. Cap. 260. Repeal of

THE PAYMASTER GENERAL ORDINANCE, 1960

No. 30 of 1960

Date of Assent: 19th August, 1960

Date of Commencement: 30th August, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Establishment of office of paymaster general.

SECTION

3—Regulations.

AN ORDINANCE TO PROVIDE FOR ESTABLISHING THE OFFICE OF PAYMASTER GENERAL

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

Short title.

1. This Ordinance may be cited as the Paymaster General Ordinance, 1960.

Establishment of office of paymaster general.

2. (1) It shall be lawful for the Governor, with the advice of the Treasury, to establish and appoint a paymaster general, who shall be subordinate to the Treasury and through whom the Treasury shall control the issue of money to the several Ministries and departments of the Government in such manner as shall be prescribed.

(2) Every appointment to the said office of paymaster general shall be held during the Governor's pleasure.

Regulations.

3. The Minister may make such regulations as he shall see fit for prescribing the functions of the office of paymaster general, and generally for all matters and things relating to the said office, for the safety, economy and advantage of the public service.

THE AFRICANS' ARMS (AMENDMENT) ORDINANCE, 1960

No. 31 of 1960

Date of Assent: 19th August, 1960

Date of Commencement: 30th August, 1960

AN ORDINANCE TO REMOVE CERTAIN RESTRICTIONS ON THE CARRYING OF FIREARMS AND AIRGUNS BY AFRICANS

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

1. This Ordinance may be cited as the Africans' Arms (Amendment) Ordinance, 1960. Short title.

2. Section 2 of the Africans' Arms Ordinance is amended by deleting from the definition of "arms" the words "firearms of every description, airguns of every description". Amendment of section 2 of Cap. 107.

THE KING'S AFRICAN RIFLES (RESERVE OF OFFICERS) ORDINANCE, 1960

No. 32 of 1960

Reserved for the Signification of Her Majesty's Pleasure: 13th June, 1960

Her Majesty's Assent Signified by Proclamation dated 14th October, 1960 L.N. 476/60

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.
2—Interpretation.
3—Establishment of Reserve.
4—Commissioning of officers.
5—Rank of officers.
6—Liability of officer to be called up for actual service.
7—Liability for training.
8—Officers to be deemed to be officers of the regiment.
9—Resignation of commissions and retention in the Reserve when on actual service.
10—Release from the Reserve.
11—Expenses.
12—Regulations.
13—Offences.
14—Repeal.

AN ORDINANCE TO MAKE PROVISION FOR A RESERVE OF OFFICERS FOR THE KING'S AFRICAN RIFLES; AND FOR PURPOSES CONNECTED THEREWITH

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

Short title and commencement

1. This Ordinance may be cited as the King's African Rifles (Reserve of Officers) Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

Interpretation.

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

"actual service" means service with or attachment to any of Her Majesty's armed or police forces engaged in warlike operations against an enemy with whom Her Majesty is in a state of war, or in aiding any of Her Majesty's civil authorities in the protection of life and property, or in the suppression of civil disorder or in any emergency;

"the Commander" means the Commander of the regiment;

"enemy" includes all persons engaged in armed operations against any of Her Majesty's forces and also includes all armed mutineers, armed rebels, armed rioters and pirates;

"land forces commission" means a land forces commission within the meaning of any Order of Her Majesty for the time being regulating the granting of commissions, a commission in the Territorial Army, a commission in the Kenya Regiment and a commission granted by the Governor in the regiment;

"officer" means an officer commissioned in the Reserve;

"the regiment" means the King's African Rifles established by the King's African Rifles Ordinance, 1958; No. 42 of 1958.

"regular forces" means any of Her Majesty's forces wherever raised other than the reserves of such forces or any auxiliary elements of such forces;

"Reserve" means the Reserve of Officers established under the provisions of section 3 of this Ordinance.

Establishment of Reserve.

3. There is hereby established in connexion with the regiment a Reserve of Officers to be styled the King's African Rifles, Reserve of Officers, which shall consist of such number of persons as the Governor may from time to time declare by notice in the Gazette.

Commissioning of officers.

4. (1) Subject to the provisions of this Ordinance, the Governor may, on the recommendation of the Commander, grant a commission in the Reserve to any fit and proper person:

Provided that a commission in the Reserve shall not be granted to any person for the time being holding a commission in the regular forces.

(2) A commission in the Reserve shall, in the first instance, be for a period of three years, and may, on the recommendation of the Commander and with the consent of the officer, be extended for further successive periods of three years.

(3) Applications for commissions in the Reserve shall be made in such manner and in such form as may be prescribed.

Rank of officers.

5. (1) An officer on being commissioned in the Reserve shall hold such rank therein as shall be specified in his commission,

(2) An officer may be promoted in the Reserve or may be removed therefrom by the Governor.

Liability of officer to be called up for actual service.

6. (1) The Governor may, in the prescribed manner, call up any officer for actual service.

(2) Any officer who, under the provisions of any other written law for the time being in force, is liable to be called up for service thereunder in any emergency, shall be exempted from such liability if he is called up for actual service.

(3) Any officer who fails to comply with the provisions of this section shall be guilty of an offence.

Liability for training.

7. (1) Any officer who holds or has held a land forces commission may, in the prescribed manner, be called up for training for a period not exceeding one month in each year.

(2) (*a*) Any officer who has completed the initial period of full-time military training under the provisions of the Compulsory Military Training Ordinance, 1951, shall, on first being commissioned in the Reserve, be liable to be called up, in the prescribed manner, for full-time training for a period not exceeding six months, and shall not thereafter be liable to be called up for any further period of training until he has completed a period of three years in the Reserve.

No. 57 of 1951.

(*b*) Any officer who has completed the initial period of full-time military training under the provisions of the Compulsory Military Training Ordinance, 1951, and who has completed a period of three years in the Reserve, may, in the prescribed manner, be called up for training for a period not exceeding one month in each year.

(3) Any officer to whom neither subsection (1) nor subsection (2) applies, shall, on first being commissioned in the Reserve, be liable to be called up, in the prescribed manner, for full-time training for a period not exceeding six months and thereafter may, in the prescribed manner, be called up for training for a period not exceeding one month in each year.

(4) Nothing in this section shall preclude the Commander from calling up for training for any period any officer who volunteers for or agrees to undergo training for such period.

(5) Any officer who fails to comply with the provisions of this section shall be guilty of an offence.

Officers to be deemed to be officers of the regiment. No. 42 of 1958.

8. Every officer while on actual service or in training shall be deemed for all purposes to be an officer of the regiment, and the King's African Rifles Ordinance, 1958, shall apply to him accordingly.

Resignation of commissions and retention in the Reserve when on actual service.

9. (1) Notwithstanding that the period of his commission has not expired, an officer, except when called up for actual service or in anticipation of being called up for actual service, may, by writing under his hand, tender the resignation of his commission, but he 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.

(2) Notwithstanding that the period of his commission has expired, an officer called up for actual service shall not be permitted to retire from the Reserve without the consent of the Governor.

Release from the Reserve.

10. The Governor may release from the Reserve any officer who is a member of the reserve of any of the regular forces and whose services are bespoken by a Secretary of State.

Expenses.

11. There shall be defrayed out of moneys provided by the Legislature any sums required for the payment of pay or allowances to officers in accordance with regulations made under this Ordinance.

Regulations.

12. The Governor may make regulations for carrying into effect the provisions of this Ordinance, and, without prejudice to the generality of the foregoing, may make regulations prescribing—

(*a*) the conditions to be satisfied by an applicant for a commission in the Reserve;

(*b*) the conditions to which an officer shall be subject for the duration of his commission;

(*c*) rates of pay and allowances for officers called up for actual service or training;

(*d*) the precedence of officers;

(*e*) any other matter or thing which under the provisions of this Ordinance is required to be prescribed.

13. Any person who is guilty of an offence against this Ordinance shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. Offences.

14. The King's African Rifles Reserve of Officers Ordinance, 1927, is hereby repealed. Repeal. No. 12 of 1927.

THE PRISONS (AMENDMENT) ORDINANCE, 1960

No. 33 of 1960

Date of Assent: 11th November, 1960

Date of Commencement: By Notice

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE REMISSION OF SENTENCES AND FOR THE RELEASE ON LICENCE OF PRISONERS; TO AMEND THE PRISONS ORDINANCE ACCORDINGLY, AND TO MAKE A FURTHER MINOR AMENDMENT TO THAT ORDINANCE.

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

Short title.

1. This Ordinance may be cited as the Prisons (Amendment) Ordinance, 1960, and shall, subject to the provisions of section 5 of this Ordinance, come into operation on such day as the Governor shall, by notice in the Gazette, appoint.

Minor amendment to section 62 of Cap. 78.

2. Subsection (1) of section 62 of the Prisons Ordinance (hereinafter referred to as the principal Ordinance) is amended by substituting for the words "kept to labour" the words "required to engage in useful work".

Remission of sentences.

3. There is substituted for subsection (1) of section 63 of the principal Ordinance the following subsection—

(1) Every criminal prisoner under sentence of imprisonment for more than one month, other than a prisoner under sentence of life imprisonment, may earn a remission of one-third of his sentence, by satisfactory industry and good conduct:

Provided that no such remission may be earned so as to reduce the period of imprisonment to a period less than one month.

Release on licence.

4. Section 65 of the principal Ordinance is amended by deleting all the words from the commencement of the section to and including the words "at large in the Colony", and by substituting therefor the words "The Commissioner may in his discretion grant to any prisoner undergoing a sentence of imprisonment for a term of three years or more, who has completed two-thirds of his sentence, a licence to be at large in the Colony".

Transitional arrangements for prisoners already serving sentence.

5. Subject to any forfeiture of remission, and without prejudice to the Commissioner's discretion to withhold, revoke or vary any licence to be at large, each prisoner undergoing a sentence of imprisonment on the day appointed under section 1 of this Ordinance shall be eligible for release in accordance with subsection (1) of section 63 or, as the case may be, section 65, of the principal Ordinance, on such day as the Minister in his discretion may determine, being a day not earlier than the day on which such prisoner would have been due for release if the provisions of this Ordinance had come into operation before his sentence commenced, and not later than the day on which he would have been due for release if this Ordinance had not been enacted.

THE NATIONAL LOANS ORDINANCE, 1960

No. 34 of 1960

Date of Assent: 11th November, 1960

Date of Commencement: The whole Ordinance except section 5 and subsection (2) of section 6: 15th November, 1960

Section 5: 1st July, 1960

Subsection (2) of section 6: 1st July, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Power to raise money for maturing securities.

3—Power to exchange securities.

4—General provisions as to securities.

SECTION

5—Charge of other moneys on the consolidated fund.

6—Tax reserve certificates.

Schedules.

AN ORDINANCE TO PROVIDE FOR THE RAISING OF MONEYS TO REPAY MATURING PUBLIC DEBT, FOR THE EXCHANGE OF PUBLIC DEBT SECURITIES, FOR CHARGING THE SERVICE AND REDEMPTION OF THE PUBLIC DEBT ON THE CONSOLIDATED FUND, AND FOR MATTERS INCIDENTAL TO THE FOREGOING AND CONNECTED THEREWITH

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

Short title.

1. This Ordinance may be cited as the National Loans Ordinance, 1960.

Power to raise money for maturing securities.

2. (1) Any money required for the repayment of any maturing securities issued by the Government under any Ordinance (including this Ordinance) may be raised in such manner, either within the Colony or in the United Kingdom, or partly in one and partly in the other, as the Treasury thinks fit.

(2) For the purpose of raising money under this section the Treasury may create and issue such securities as it thinks fit.

(3) The power to raise money under this section shall be in addition to and not in derogation of any other power to borrow exercisable by the Treasury.

Power to exchange securities.

3. (1) The Treasury may at any time arrange for the exchange (whether on or before maturity, and whether with or without any further payment) of any securities of the Government, not being securities for any of the loans or moneys referred to in paragraphs (*b*) and (*c*) of subsection (1) of section 5 of this Ordinance, for other securities to be issued by the Government, and may, for the purpose of carrying any such arrangement into effect, create and issue such new securities as the Treasury thinks fit.

(2) The Minister may make rules with respect to the exchange of securities in pursuance of any such arrangement.

(3) The Treasury may cancel any securities surrendered to it in pursuance of any such arrangement, and may also undertake to make payments, upon such terms and conditions as it thinks fit, to holders of securities so surrendered.

(4) The Treasury may issue out of the consolidated fund any money required by it for the purpose of carrying out any such arrangement, and any money received by the Treasury in pursuance of any such arrangement shall be paid to the credit of the exchequer account referred to in section 14 of the Exchequer and Audit Ordinance, 1955.

No. 13 of 1955.

General provisions as to securities.

4. (1) Securities issued under this Ordinance shall bear such rate of interest, and be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) The principal of and interest on any securities issued under this Ordinance, and any sums required to be paid into any sinking fund established under this Ordinance, and any expenses incurred in connexion with the raising of money or the issue or redemption of securities under this Ordinance, shall be charged on and issued out of the consolidated fund.

Charge of other moneys on the consolidated fund.
No. 14 of 1950.
No. 14 of 1955.

5. (1) Notwithstanding anything contained in the General Loan and Stock Ordinance, 1950, and the General Local Loans Ordinance, 1955, there shall be charged upon and paid out of the consolidated fund—

(*a*) the principal of and interest on all securities issued or to be issued under the several Ordinances specified in the First Schedule to this Ordinance, and all sums required to be paid into any sinking fund established in connexion with any loan thereunder, and all moneys required for the redemption of such securities or for expenses incurred in connexion therewith;

(*b*) all moneys required to be paid by way of interest on any of the loans specified in the Second Schedule to this Ordinance, or by way of repayment of any such loans, or for any expenses in connexion with such repayment; and

(*c*) all moneys required to be paid by way of—

(i) interest on loans, not exceeding in the aggregate £200,000, made to the Government by the United Africa Company Limited to finance in part the Government 1959-1962 Contractor Finance Road Project, or by way of repayment of such loans, or for any expenses arising in connexion with such repayment; and

(ii) interest payable under the terms of a contract made between the Government and Mowlem Construction Company Limited on 1st June, 1959, on moneys due to that Company.

(2) This section shall be deemed to have come into operation on the 1st July, 1960.

Tax reserve certificates.

6. (1) Save as in this section provided, nothing in this Ordinance shall apply to tax reserve certificates issued under the Tax Reserve Certificates Ordinance, 1955, or to the proceeds of such certificates or to any moneys payable in respect thereof.

No. 19 of 1955.

(2) Section 5 of the Tax Reserve Certificates Ordinance, 1955, is amended by inserting therein, next after the words "tax reserve certificate", where they appear for the second time in that section, the words "and for the payment of any interest thereon".

(3) Subsection (2) of this section shall be deemed to have come into operation on the 1st July, 1960.

FIRST SCHEDULE

(*Section* 5 (1))

Short Title	*Cap. or Ord. No.*
The Specific Loan (No. 3) Ordinance	Cap. 244
The Specific Loan (No. 4) Ordinance	Cap. 245
The Specific Loan (No. 5) Ordinance	Cap. 246
The Local Loan Ordinance	Cap. 248
The General Loan and Stock Ordinance, 1950 ..	14 of 1950
The Development Loan Ordinance, 1950	17 of 1950
The Development Loan Ordinance, 1951	43 of 1951
The Development Loan Ordinance, 1953	13 of 1953

FIRST SCHEDULE—(*Contd.*)

The Specific Loan (Colonial Development Corporation) Ordinance, 1953	44 of 1953
The Local Loan and Conversion Ordinance, 1954 ..	12 of 1954
The Development Loan Ordinance, 1955	6 of 1955
The General Local Loans Ordinance, 1955	14 of 1955
The Development Loan Ordinance, 1956	23 of 1956

SECOND SCHEDULE

(*Sections* 3 (1), 5 (1))

Lender	*Purpose of Loan*	*Amount of Loan*
		£
The United Kingdom Government (Colonial Development and Welfare Vote).	Roads in tea areas.	36,114
The United Kingdom Government (Colonial Development and Welfare Vote).	Trunk telephone development.	13,784
Government of Uganda.	Construction of Hill School, Eldoret.	250,000
Government of Uganda.	School boarding accommodation.	350,000
Barclays Overseas Development Corporation Limited.	Construction of Government Offices.	500,000
Sceptre Trust Limited.	Staff housing.	250,000
Sceptre Trust Limited.	Police housing.	250,000

THE DIPLOMATIC PRIVILEGES (EXTENSION) (AMENDMENT) ORDINANCE, 1960

No. 35 of 1960

Date of Assent: 11th November, 1960

Date of Commencement: 15th November, 1960

AN ORDINANCE TO EXTEND THE IMMUNITIES AND PRIVILEGES AVAILABLE TO CERTAIN OFFICERS AND SERVANTS OF INTERNATIONAL ORGANIZATIONS

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

1. This Ordinance may be cited as the Diplomatic Privileges (Extension) (Amendment) Ordinance, 1960. Short title.

2. Part III of the Schedule to the Diplomatic Privileges (Extension) Ordinance is amended by adding at the end thereof the following paragraphs— Extension of immunities and privileges of certain officers and servants. Cap. 317.

3. Immunity from national service obligations.

4. Immunity from immigration restrictions and alien registration, in respect of officers and servants, their spouses and dependent relatives.

5. The like privileges in respect of exchange facilities as are accorded to officials of equivalent status forming part of diplomatic missions to the Government.

6. The like facilities for officers and servants, and their spouses and dependent relatives, for repatriation in times of international crisis, as are afforded to diplomatic missions to the Government.

7. Exemption from tax or duty on the importation of furniture, personal property and household effects, on an officer or servant first arriving to take up his post in the Colony.

THE AFRICAN COURTS (VALIDATION) ORDINANCE, 1960

No. 36 of 1960

Date of Assent: 11th November, 1960

Date of Commencement: 15th November, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

SECTION

2—Validation.

AN ORDINANCE TO VALIDATE AND CONFIRM THE PROCEEDINGS AND ACTS OF CERTAIN AFRICAN COURTS

WHEREAS subsection (1) of section 6 of the African Courts Ordinance, 1951, empowers Provincial Commissioners by warrant to prescribe the number of members of African Courts which shall constitute a quorum of each such Court:

AND WHEREAS certain standing orders have been issued which purported to alter the quorums of several such Courts, and those orders have been acted upon without formal ratification by warrant in pursuance of the provisions of the said subsection:

AND WHEREAS it is desirable that the proceedings and acts of those Courts shall be validated and confirmed by Ordinance:

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

Short title.

1. This Ordinance may be cited as the African Courts (Validation) Ordinance, 1960.

Validation

No. 65 of 1951.

2. All proceedings prior to the commencement of this Ordinance by or before African Courts established or deemed to have been established under the provisions of the African Courts Ordinance, 1951, and all judgments, decisions, orders, decrees, warrants and other process whatsoever of such Courts, held, issued or made prior to the commencement of this Ordinance, are hereby made and declared to be at all times valid and effective notwithstanding any deficiency in the quorum of any such Court.

THE EDUCATION (AMENDMENT) ORDINANCE, 1960

No. 37 of 1960

Date of Assent: 11th November, 1960

Date of Commencement: 15th November, 1960

AN ORDINANCE TO AMEND THE EDUCATION ORDINANCE, 1952

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

Short title

1. This Ordinance may be cited as the Education (Amendment) Ordinance, 1960.

Amendment of section 2 of Ordinance No. 58 of 1952.

2. Section 2 of the Education Ordinance, 1952 (hereinafter referred to as the principal Ordinance) is amended—

(*a*) by deleting the definition of "Minister", which appears therein;

(*b*) by inserting at the end thereof a new definition as follows—

"unlawful society" means any society which is an unlawful society within the meaning of subsection (2) of section 69 of the Penal Code, and any society which is an unlawful society within the meaning of the Societies Ordinance, 1952.

Cap. 24.

No. 52 of 1952.

Amendment of section 19 of the principal Ordinance.

3. Paragraph (*b*) of section 19 of the principal Ordinance is amended by deleting the words "and not more than nine", which appear therein.

Amendment of section 28 of the principal Ordinance.

4. Section 28 of the principal Ordinance is amended—

(*a*) in the marginal note thereto by substituting for the words "aided schools", which appear therein, the words "schools other than Government schools";

(*b*) in subsection (1) thereof, by substituting for the words "any aided school or group of such schools", which appear therein, the words "any school other than a Government school, or any group of such schools,".

Amendment of marginal note to section 29 of the principal Ordinance.

5. The marginal note to section 29 of the principal Ordinance is amended by substituting for the words "aided schools", which appear therein, the words "schools other than Government schools".

Replacement of section 33 of the principal Ordinance.

6. There shall be substituted for section 33 of the principal Ordinance a new section as follows—

Membership.

33. The members of a District Education Board shall be appointed by the Minister, and shall consist of the following—

(*a*) a chairman;

(*b*) a secretary and executive officer nominated by the Director;

(*c*) four members nominated by the local authority for the area over which the Board has jurisdiction or, where there is more than one such authority, by such of the local authorities and in such proportions as the Minister may direct;

(*d*) four members nominated by the manager or managers of the schools or groups of schools specified in the order establishing the Board;

(*e*) such other members (if any) as the Minister considers appropriate having regard to the circumstances of the area or areas in respect of which the Board is established.

Insertion of new section 40A in the principal Ordinance.

7. There shall be inserted in the principal Ordinance, next after section 40 thereof, the following new section—

Accounts of District Education Boards and audit thereof.

40A. (1) Every District Education Board shall cause to be kept proper books of account and other books in relation thereto in respect of all its transactions, funds and property, and shall prepare such accounts as the Minister may require, including an income and expenditure account for each financial year of the Board and a yearly balance sheet showing the assets and liabilities of the Board at the end of that financial year.

(2) The Minister shall appoint the Controller and Auditor-General or some other auditor who shall inspect, examine and report upon the annual accounts and records of the Board and shall certify whether—

(*a*) the accounts of the Board are correct;

(*b*) the income and expenditure account presents a true and fair view of the surplus or deficiency for the year;

(*c*) the balance sheet presents a true and fair view of the Board's financial position at the end of the Board's financial year;

(*d*) all the information and explanations required by him have been obtained.

(3) The Board shall cause to be produced and laid before the auditor all books and accounts of the Board, with all vouchers in support thereof and all books, papers and writings in its possession and control relating thereto, and the auditor shall be entitled to require from all the members, officers, employees and agents of the Board such information and explanation as he may deem necessary for the performance of his duties as auditor.

(4) On receipt of the auditor's report, the secretary of the Board shall —

(*a*) transmit a copy of the report and of the accounts, certified by the auditor, within fourteen days after their receipt, to the Minister and to any local authority which has contributed, during the year to which the accounts relate, to the funds of the Board;

(*b*) submit the report, together with the accounts so certified, to the Board at its next meeting, which shall be held not later than three months from the date of the receipt of such report and accounts; and

(*c*) forward to the Minister and to any such local authority as aforesaid a copy of the resolution of the Board accepting and adopting the accounts within 14 days of the meeting.

(5) The expenses of and incidental to the audit shall be paid by the Board; and where the accounts require to be completed by the auditor the audit fee may take account of the extra work occasioned thereby.

Amendment of section 44 of the principal Ordinance.

8. Paragraph (*c*) of section 44 of the principal Ordinance is amended by inserting, immediately before the word "eight", which appears therein, the words "not less than".

Insertion of new section 51A in the principal Ordinance.

9. There shall be inserted in the principal Ordinance, next after section 51 thereof, a new section as follows—

Accounts of Regional Education Boards and audit thereof.

51A. Regional Education Boards shall be subject to the like provisions (*mutatis mutandis*) concerning the keeping of accounts and the audit thereof and other provisions as are made in section 40A of this Ordinance in relation to District Education Boards.

Amendment of section 58 of the principal Ordinance.

10. Subsection (1) of section 58 of the principal Ordinance is amended as follows—

(*a*) by deleting the word "or", which appears at the end of paragraphs (*a*), (*b*) and (*c*) thereof;

(*b*) by substituting for the comma appearing at the end of paragraph (*g*) thereof a semi-colon and the word "or"; and

(*c*) by inserting immediately after paragraph (*g*) thereof a new paragraph as follows—

(*h*) any person managing or assisting in the management of any school, or the pupils or a substantial number of them enrolled or attending thereat, is or are, or has or have recently been, engaged in activities prejudicial to peace, good order or good government in the Colony, or that the premises of the school or any part thereof are or have recently been used for activities prejudicial as aforesaid,.

Amendment of section 62 of the principal Ordinance.

11. Subsection (1) of section 62 of the principal Ordinance is amended by substituting for all words appearing therein after the words "any offence" the words "which, in the opinion of the Director, involved dishonesty or fraud or was committed in furtherance of the objects of an unlawful society, or has imparted to any pupil instruction, or is or has recently been engaged in any activities, which the Director considers to be prejudicial to peace, good order or good government in the Colony.

Amendment of section 66 of the principal Ordinance.

12. Subsection (1) of section 66 of the principal Ordinance is amended—

(*a*) by substituting for the words "prescribed by rules made under this Ordinance", which appear therein, the words "prescribed by the Minister by notice in the Gazette";

(*b*) by substituting for the word "order", which appears in the proviso thereto, the words "notice in the Gazette".

Amendment of section 68 of the principal Ordinance.

13. Section 68 of the principal Ordinance is amended by substituting for the words "The Director may by regulation", wherever they appear in subsections (1), (2) and (3) thereof, the words "The Minister may, by notice in the Gazette,".

Replacement of section 70 of the principal Ordinance.

14. There shall be substituted for section 70 of the principal Ordinance a new section as follows—

Prescription of area to be served by school.

70. (1) The Director may, by notice in the Gazette, prescribe the area to be served by any Government school.

(2) No pupil resident within an area prescribed under this section shall attend a Government school other than that specified in the order with regard to that area, except with the written permission of the Director.

(3) It shall not be a sufficient answer to an application under section 77 of this Ordinance, or to any prosecution for failure to obey an order made under that section, to show that a child has been excluded from a Government school by virtue of an order made under this section.

Amendment of section 73 of the principal Ordinance.

15. Subsection (3) of section 73 of the principal Ordinance is amended by substituting for the expression "paragraph (*d*)", which appears therein, the expression "paragraph (*c*)".

Amendment of section 80 of the principal Ordinance.

16. Subsection (1) of section 80 of the principal Ordinance is amended by deleting the words "the amounts and", which appear in paragraph (*h*) thereof.

THE ROAD AUTHORITY (AMENDMENT) ORDINANCE, 1960
No. 38 of 1960

Date of Assent: *25th November, 1960*

Date of Commencement: *6th December, 1960*

AN ORDINANCE TO AMEND THE ROAD AUTHORITY ORDINANCE, 1950

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

Short title.

1. This Ordinance may be cited as the Road Authority (Amendment) Ordinance, 1960.

Amendment of section 2 of Ordinance No. 64 of 1950.

2. Section 2 of the Road Authority Ordinance, 1950 (hereinafter referred to as the principal Ordinance) is amended by substituting for the expression "section 11", which appears in the definition of "the Fund", the expression "section 10".

Replacement of section 3 of the principal Ordinance.

3. (1) There is substituted for section 3 of the principal Ordinance the following section—

Establishment of Road Authority.

3. (1) There is hereby established an Authority to be known as the Road Authority, which shall consist of twelve members appointed by the Governor, as follows—

(*a*) a Chairman;

(*b*) a representative of the Minister for the time being responsible for finance;

(*c*) a representative of the Minister for the time being responsible for public works;

(*d*) a representative of the Minister for the time being responsible for local government;

(*e*) eight members nominated by the Governor in Council of Ministers hereinafter referred to as nominated members, of whom not more than two shall be public officers.

(2) All appointments to the Authority and all changes of such appointments shall be notified in the Gazette.

(3) The members of the Authority, other than nominated members who are not public officers, shall hold office during the Governor's pleasure.

(4) Each nominated member of the Authority, not being a public officer, shall, subject to the provisions of this section, hold office for a period of four years and shall then retire, but shall be eligible for reappointment.

(5) A nominated member of the Authority other than a public officer may resign membership by instrument in writing addressed to the Chairman thereof, who shall forthwith cause it to be forwarded to the Minister, and such resignation shall take effect on the receipt by the Chairman of the instrument of resignation.

(6) In the event of the death or resignation of a nominated member of the Authority, or if for any other reason such member is unable to perform his functions as a member, the Governor may appoint a person nominated by the Governor in Council of Ministers, to be a member of the Authority for the remainder of the term of office of such first-mentioned member.

(2) In respect of each person who was a member of the Authority immediately prior to the commencement of this Ordinance, the amendment effected by subsection (1) of this section shall be deemed to have come into operation on the day when such person became a member as aforesaid, but without prejudice to the validity of any acts of the Authority prior to such commencement.

THE AERODROME REGULATION ORDINANCE, 1960

No. 39 of 1960

Date of Assent: *25th November, 1960*

Date of Commencement: *6th December, 1960*

AN ORDINANCE TO PROVIDE FOR THE MAKING OF REGULATIONS FOR THE CONTROL OF AERODROMES, AND FOR THE ENFORCEMENT OF SUCH REGULATIONS

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.
2—Interpretation.
3—Power to make regulations.
4—Area to be specified.
5—Presumption.
6—Regulations to be displayed.
7—Provisions of regulations to those of other laws.

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

1. This Ordinance may be cited as the Aerodrome Regulation Ordinance, 1960. Short title.

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

"aerodrome" means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft;

"vehicle" includes a motor vehicle, a trailer and any other conveyance used on the road.

3. (1) The Minister may make regulations for the control of aerodromes, and any such regulations may be applied to aerodromes generally or may be restricted in their application to a particular aerodrome or aerodromes. Power to make regulations.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section regulations made under this section may provide for all or any of the following matters—

(*a*) regulating or restricting the admission of persons, vehicles and animals to an aerodrome, or to any part thereof;

(*b*) regulating or restricting the use of vehicles in an aerodrome;

(*c*) regulating or restricting the presence and grazing of animals on an aerodrome;

(*d*) the removal or destruction of any animal which imperils or is likely to imperil the safety of any aircraft or person or any valuable property in or upon an aerodrome;

(*e*) the seizure and disposal of any animal found in an aerodrome not in the proper control of any person, or in respect of which any person has committed an offence against any regulations made under this section;

(*f*) preventing nuisances, obstructions and encroachments in or on an aerodrome, and interference with its use;

(*g*) the preservation of good order and conduct in an aerodrome;

(*h*) securing the safety of an aerodrome or anything erected, growing or being therein or thereon;

(*i*) the disposal of unclaimed property in or upon any aerodrome.

(3) Regulations made under this section may—

(*a*) provide penalties for their breach not exceeding a fine of five thousand shillings or imprisonment for a term of six months or both such fine and imprisonment;

(*b*) provide that a police officer or a security officer in uniform or upon production of his authority may arrest without warrant any person whom he suspects upon reasonable grounds of having committed any specified offence against such regulations:

Provided that any person so arrested by a security officer shall without delay be handed over to a police officer or, in the absence of a police officer, be taken to the nearest police station.

(4) For the purposes of paragraph (*b*) of subsection (3) of this section, "security officer" means a person appointed as such by the Minister by notice in the Gazette, being in the opinion of the Minister a person sufficiently responsible to exercise the powers relating to such appointment.

Area to be specified.

4. Regulations made under this Ordinance shall specify the area of each aerodrome to which they apply and, unless otherwise therein provided, shall apply to the whole of the area so specified, and the Minister shall cause the boundaries of the aerodrome to be demarcated by means of fencing, signposts or any other means which he deems sufficient to indicate the boundaries to the public.

Presumption.

5. Where in any prosecution for an offence against regulations made under this Ordinance, it is proved that the offence took place within the demarcated boundaries of an aerodrome to which the regulations apply, it shall be presumed until the contrary is proved that the act or omission took place within the area specified in the regulations.

Regulations to be displayed.

6. The Minister shall cause copies of all regulations made under this Ordinance to be conspicuously displayed at every aerodrome to which such regulations apply.

Provisions of regulations to those of other laws.

7. The provisions of regulations made under this Ordinance in relation to an aerodrome shall be additional to and not in derogation of those of any other law in force in relation to that aerodrome.

THE SPECIAL PENSIONS ORDINANCE, 1960

No. 40 of 1960

Date of Assent: *25th November, 1960*

Date of Commencement: *6th December, 1960*

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Grant of certain pensions.

SECTION

3—Enhancement of certain pensions.

4—Manner of payment.

Schedules.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF CERTAIN PENSIONS AND TO INCREASE THE AMOUNT OF CERTAIN OTHER PENSIONS, AND FOR PURPOSES CONNECTED THEREWITH

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

Short title.

1. This Ordinance may be cited as the Special Pensions Ordinance, 1960.

Grant of certain pensions.

2. (1) There shall be paid to the persons named in the first column of the First Schedule to this Ordinance the respective pensions specified in the second column of that Schedule, and such pensions shall be deemed to have been payable with effect from the respective dates specified in the third column of that Schedule.

No. 31 of 1950

(2) The provisions of sections 11, 12, 13, 14 and 15 of the Pensions Ordinance, 1950, shall apply in respect of the pensions provided for by this section, as if those pensions were pensions granted under that Ordinance.

Enhancement of certain pensions. No. 31 of 1950.

3. The pensions payable under the Pensions Ordinance, 1950, to the persons named in the first column of the Second Schedule to this Ordinance, of the amounts respectively specified in the second column of that Schedule shall be, and shall with effect from the respective dates specified in the third column of that Schedule be deemed to have been, increased by the amounts respectively specified in the fourth column of that Schedule.

Manner of payment.

4. The pensions and increases of pension respectively payable under this Ordinance shall be paid out of moneys provided by the Legislature.

FIRST SCHEDULE (*Section* 2)

(1) Name	(2) Amount per annum			(3) Effective date
	£	*s.*	*d.*	
Mohamed Bin Akil	60	0	0	1st July, 1958.
Bushere Osman	12	0	0	1st January, 1957.
Mwangi wa Gikonyo	24	0	0	1st July, 1958.
Frances Emily Rosamund Patullo	210	0	0	9th November, 1946.

SECOND SCHEDULE (*Section* 3)

(1) Name	(2) Original amount per annum			(3) Effective date	(4) Amount of increase per annum		
	£	*s.*	*d.*		£	*s.*	*d.*
William Frederick Baldwin	316	14	2	12th August, 1958	167	0	10
Harold Woodhouse Rees	415	5	4	17th June, 1957	37	6	10
Cherono Arap Chepkieng	17	6	8	1st March, 1949	14	0	9

THE ELECTION OFFENCES (AMENDMENT) ORDINANCE, 1960

No. 41 of 1960

Date of Assent: 25th November, 1960

Date of Commencement: 6th December, 1960

AN ORDINANCE TO AMEND THE ELECTION OFFENCES ORDINANCE, 1958

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

Short title.

1. This Ordinance may be cited as the Election Offences (Amendment) Ordinance, 1960.

Insertion of new subsection in section 7 of Ordinance No. 11 of 1958.

2. Section 7 of the Election Offences Ordinance, 1958, hereinafter referred to as the principal Ordinance, is amended by renumbering the existing section as subsection "(1)" and by adding thereto a new subsection as follows—

(2) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person shall be deemed to have voted.

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

3. Subsection (1) of section 11 of the principal Ordinance is amended—

(*a*) by deleting the words ", or aids, abets, counsels or procures the commission of any such offence" which appear in paragraph (*a*) thereof; and

(*b*) by inserting the words "or aids, abets, counsels or procures the commission of or attempts to commit any such offence" immediately before the words "shall be liable" which appear therein.

THE HOUSING (AMENDMENT) ORDINANCE, 1960

No. 42 of 1960

Date of Assent: *25th November, 1960*

Date of Commencement: *6th December, 1960*

AN ORDINANCE TO AMEND THE HOUSING ORDINANCE, 1953

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

Short title.

1. This Ordinance may be cited as the Housing (Amendment) Ordinance, 1960.

Amendment of the long title of Ordinance No. 17 of 1953.

2. The long title of the Housing Ordinance, 1953, hereinafter referred to as the principal Ordinance, is amended by deleting therefrom the words "FOR CERTAIN CLASSES OF THE POPULATION".

Amendment of section 2 of the principal Ordinance.

3. Section 2 of the principal Ordinance is amended—

(*a*) by deleting from the definition of "dwelling" all the words which follow the word "accommodation";

(*b*) by deleting the definition of "Minister".

Replacement of section 5 of the principal Ordinance.

4. There is substituted for section 5 of the principal Ordinance the following section—

Accounts and report of the Board.

5. (1) The Board shall cause to be kept proper books of account, records and vouchers in relation to its funds and activities, and shall, within four months (or such longer period as the Minister may approve) after the end of each financial year, cause to be prepared, signed and transmitted to the auditor—

(*a*) a capital account;

(*b*) a balance sheet;

(*c*) a statement of income and expenditure; and

(*d*) such other accounts as the Minister may require.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the auditor.

(3) The Board shall, when required by the auditor so to do, produce and lay before the auditor all accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers and servants of the Board such information and explanations as he may deem necessary for the purposes of his duties as auditor.

(4) The Board shall, within a period of six months (or such longer period as the Minister may approve) after the end of each financial year furnish to the Minister a report on its operations during that year, the accounts, balance sheet and statement referred to in subsection (1) of this section, and the auditor's report for that year.

(5) The reports furnished under subsection (4) of this section, and the capital account and such accounts and statements as the Minister deems sufficient, shall be laid by the Minister before the Legislative Council within the next fourteen days on which the Council is sitting after they have been so furnished, and shall be published in the Gazette by the Board.

(6) For the purposes of this section—

"auditor" means the Controller and Auditor-General or such other person, being a member of one of the professional bodies specified in the Schedule to the Accountants (Designations) Ordinance, 1950, as the Minister may appoint for the purposes of this Ordinance;

No. 66 of 1950.

"financial year" means any period of twelve months which the Board may adopt as its financial year for accounting purposes;

Provided that, where at any time the financial year of the Board is changed the period between the end of the old financial year and the beginning

of the new shall, for the purposes of this section, be deemed to constitute a financial year and the word "annually" in subsection (2) of this section shall be construed accordingly.

Amendment of section 19 of the principal Ordinance.

5. Section 19 of the principal Ordinance is amended by substituting for the word "Minister" the words "Minister for the time being responsible for local government".

Amendment of section 20 of the principal Ordinance.

6. Section 20 of the principal Ordinance is amended—

(*a*) by substituting for the words "needs of Africans" the words "needs of persons";

(*b*) by substituting for the words "housing of Africans" the words "housing of such persons";

(*c*) by deleting from the marginal note thereto the words "for Africans".

THE LAW OF CONTRACT ORDINANCE, 1960

No. 43 of 1960

Date of Assent: *25th November, 1960*

Date of Commencement: ~~*6th December, 1960*~~

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

2—Application of Indian Contract Act, 1872, repealed.

3—English law of contract to apply in Kenya.

4—No suit maintainable on guarantees or representations of character unless they be in writing and signed by the party chargeable.

Schedule—Modifications.

AN ORDINANCE TO REPEAL THE APPLICATION OF THE INDIAN CONTRACT ACT, 1872, AND TO MAKE PROVISION CONSEQUENT THEREON

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

Short title and commencement.

1. This Ordinance may be cited as the Law of Contract Ordinance, 1960, and shall come into operation on the 1st day of January, 1961.

Application of Indian Contract Act, 1872, repealed.

2. The Indian Contract Act, 1872, shall cease to extend or apply to the Colony and Protectorate of Kenya:

Provided that the said Act shall continue to apply to any agreement made or contract entered into before the commencement of this Ordinance.

English law of contract to apply in Kenya.

3. (1) Save as may be provided by any written law for the time being in force, the common law of England relating to contract, as modified by the doctrines of equity, by the Acts of Parliament applicable by virtue of subsection (2) of this section and by the Acts of Parliament specified in the Schedule to this Ordinance, to the extent and subject to the modifications mentioned in the said Schedule, shall extend and apply to the Colony and Protectorate of Kenya:

Provided that no contract in writing shall be void or unenforceable by reason only that it is not under seal.

(2) After the commencement, and subject to the proviso to section 2, of this Ordinance the provisions of section 74 of the Kenya (Constitution) Order in Council, 1958, shall have

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effect, in relation to paragraph (2) of Article 4 of the Kenya Colony Order in Council, 1921, as if the Indian Contract Act, 1872, had never been applied to the Colony and Protectorate of Kenya.

No suit maintainable on guarantees or representations of character unless they be in writing and signed by the party chargeable.

4. (1) No suit shall be brought whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriages of another person unless the agreement upon which such suit shall be brought, or some memorandum or note thereof, shall be in writing and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized.

(2) No suit shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money or goods, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

(3) For the avoidance of doubt, it is hereby declared that after the commencement of this Ordinance the Statute of Frauds and the Statute of Frauds (Amendment) Act, 1828, shall not apply to the Colony and Protectorate of Kenya. 29 Car. 2 c. 3. 9 Geo. 4 c. 14.

SCHEDULE

(Section 3)

The Law Reform (Married Women and Tortfeasors) Act, 1935. 25 & 26 Geo. 5 c. 30.	Paragraphs (*b*) and (*c*) in section 1 in so far as they relate to contract, debt or obligation (not being a debt or obligation arising out of the commission of a tort).
The Law Reform (Frustrated Contracts) Act, 1943. 6 & 7 Geo. 6 c. 40.	The whole Act: Provided that the reference in paragraph (*c*) in subsection (5) of section 2 to section seven of the Sale of Goods Act, 1893, Cap. 290. shall be construed as a reference to section 9 of the Sale of Goods Ordinance.

SCHEDULE—(*Contd.*)

The Disposal of Uncollected Goods Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2 c. 43.	The whole Act: Provided that the reference in subsection (5) of section 2 to section twenty-six of the Interpretation Act, 1889, shall be construed as a reference to subsection (5) of section 3 of the Interpretation and General Provisions Ordinance, 1956.
No. 38 of 1956.	

THE RULES OF COURT ORDINANCE, 1960

No. 44 of 1960

Date of Assent: 3rd December, 1960

Date of Commencement: 13th December, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.

SECTION
2—Power of Supreme Court to make rules of court.

AN ORDINANCE TO ENABLE THE SUPREME COURT TO MAKE RULES OF COURT

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

1. This Ordinance may be cited as the Rules of Court Ordinance, 1960. Short title.

2. Subject to the provisions of any other written law, the ~~Supreme Court may make rules~~ for regulating the practice and procedure of the Supreme Court and of all other courts which may be established in the Colony. Power of Supreme Court to make rules of court.

THE PUBLIC COLLECTIONS ORDINANCE, 1960

No. 45 of 1960

Date of Assent: 3rd December, 1960

Date of Commencement: 13th December, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.
2—Interpretation.
3—Collections to be licensed.
4—Licences.
5—Unauthorized use of badges, etc.
6—Collector to give name, etc., to Police on demand.
7—Disposal of property obtained by offences.
8—Service of documents.
9—Offences to be cognizable.
10—Offences by corporations, societies, etc.
11—Power to order parent or guardian to pay a fine imposed on person under eighteen.
12—Regulations.
13—Repeal.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF COLLECTIONS OF MONEY AND PROPERTY FROM THE PUBLIC.

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

Short title.

1. This Ordinance may be cited as the Public Collections Ordinance, 1960.

Interpretation.

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

"collection" means an appeal to the public or any section of the public, made by means of visits from premises to premises or of soliciting in public places or at public meetings, or by any or all such means, to give, whether for consideration or not, money or other property, not being money or property due or about to fall due from the donors under or by virtue of any written law, contract or other legal obligation or money or property collected by or under the authority of a recognized representative of a religion or religious community for the upkeep of any recognized place of religious worship or house of prayer or for any purely religious or charitable purpose; and "collector" means, in relation to a collection, a person who makes such an appeal by any of the said means;

"licence" means a licence under section 4 of this Ordinance;

"premises" includes any land, any building and any other place whatsoever;

"proceeds" means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal made;

"promoter" means, in relation to a collection, a person who causes another person to act, whether for remuneration or otherwise, as a collector for the purposes of a collection; and "promote" and "promotion" have corresponding meanings;

"public meetings" means any meeting or gathering in a public place or which the public or a section thereof are permitted (whether on payment or otherwise) to attend;

"unlawful society" means any society which is an unlawful society within the meaning of subsection (2) of section 69 of the Penal Code or within the meaning of section 9 of the Societies Ordinance, 1952. Cap. 24. No. 52 of 1952.

(2) For the purposes of this Ordinance, a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.

(3) For the purposes of this Ordinance, an invitation to any person to join a society, association or other organization, the membership of which implies, or can reasonably be understood from the circumstances of the invitation or the manner in which it is made to imply, an obligation to pay money or property, shall be deemed to be an appeal to give money or property which is not due nor about to fall due.

3. (1) Subject to the provisions of this Ordinance, no collection shall be made unless the requirements of this Ordinance as to a licence for the promotion thereof are satisfied. Collections to be licensed.

(2) If any person promotes a collection, and a collection is made pursuant to his promotion, then, unless there is in force, throughout the period during which the collection is made, a licence authorizing him, or authorizing another person under whose authority he acts, to promote that collection in the area or at the place or on the occasion in, at or on which it is made, and unless the collection is made in accordance with any conditions to which the licence is subject, he shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(3) If any person acts as a collector in any area or at any place or on any occasion for the purposes of a collection, then, unless there is in force, at all times when he so acts, a licence authorizing himself or a promoter under whose authority he acts to promote that collection in that area or at that place or on that occasion, he shall be guilty of an offence.

Licences.

4. (1) Where any person who desires to promote a collection in any district makes to the District Commissioner an application in the prescribed manner specifying the purpose of the collection and the area, place or occasion in, at, or on which the collection is to be made, and furnishes the District Commissioner with the prescribed information, the District Commissioner may, subject to the following provisions of this section and to such conditions as he may think fit to impose, grant to such person a licence authorizing him to promote a collection for that purpose in that area, at that place or on that occasion, as the case may be.

(2) Where any person who desires to promote a collection throughout the Colony or in more than one district makes to the Chief Commissioner an application in the prescribed manner specifying the purpose of the collection and the parts of the Colony within which such collection is to be made, and furnishes the Chief Commissioner with the prescribed information, the Chief Commissioner may, subject to the following provisions of this section and to such conditions as he may think fit to impose, grant to such person a licence authorizing him to promote a collection for that purpose within those parts of the Colony.

(3) A licence granted under this section shall remain in force for such period as may be specified therein, and may, at the discretion of the authority issuing the same, be renewed from time to time.

(4) Every application for a licence shall specify an address within the Colony for service on the applicant of any notice or other document required to be served on him.

(5) A District Commissioner or the Chief Commissioner shall refuse to grant a licence or at any time revoke a licence granted by him, if he has reasonable grounds for believing—

(*a*) that the total amount likely to be applied for the purpose of the collection from the proceeds thereof (including any amount already so applied) is inade-

quate in proportion to the value of the proceeds likely to be received (including any proceeds already received);

(*b*) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;

(*c*) that the grant of a licence would be likely to facilitate the commission of an offence, or that an offence has been committed in connexion with the collection, and, in particular, that any force, threat or compulsion, direct or indirect, is likely to be, or has been, used in order to obtain any contribution for the purpose of the collection;

(*d*) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted, whether in the Colony or elsewhere, of an offence conviction for which necessarily involved or implied a finding that he had acted fraudulently or dishonestly, or of any offence of a kind the commission of which would be likely to be facilitated by the grant of a licence;

(*e*) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorized by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorized with the provisions of this Ordinance or of any regulations made thereunder, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons not so authorized;

(*f*) that the collection is in aid of, or that the promoter or any of the collectors are members of, an unlawful society, or that any purpose of the collection is unlawful or fictitious;

(*g*) that the applicant or the holder of the licence has furnished false information to the District Commissioner or the Chief Commissioner or has refused or neglected to furnish to the District Commissioner or the Chief Commissioner any information which

such officer may have reasonably required for the purpose of informing himself as to any of the matters specified in the foregoing paragraphs of this subsection;

(*h*) that in the area in which the collection is intended to be made persons have recently been engaged in the unlawful collection of money by means of intimidation or undue persuasion; and

(*i*) that a condition of the licence has been contravened.

(6) When a District Commissioner or the Chief Commissioner refuses to grant a licence or revokes a licence which has been granted, he shall forthwith serve written notice on the applicant or the holder of the licence stating upon which one or more of the grounds set out in subsection (5) of this section the licence has been refused or revoked and informing him of the right of appeal given by this section, and the applicant or the holder of the licence may thereupon appeal to the Minister against the refusal or revocation of the licence, as the case may be, and the decision of the Minister on any such appeal shall be final and conclusive.

(7) The time within which any such appeal may be brought shall be fourteen days from the day on which notice of the refusal or revocation of the licence is served under subsection (6) of this section.

(8) If the Minister decides that the appeal shall be allowed, the District Commissioner or the Chief Commissioner, as the case may be, shall forthwith issue a licence or cancel the revocation, as the case may be, in accordance with the decision of the Minister.

Unauthorized use of badges, etc.

5. (1) Any person who, in connexion with any appeal to the public or any section of the public for gifts, subscriptions or contributions of money or other property—

(*a*) displays or uses a prescribed badge or a prescribed certificate of authority other than a badge or certificate which he is authorized, under or by virtue of any regulation made under this Ordinance, so to display or use; or

(*b*) displays or uses any badge, device, emblem, certificate or other document intended, calculated or likely to cause any person to believe that the person display-

ing or using the same is an authorized collector for the purpose of a licensed collection when such is not the case,

shall be guilty of an offence.

(2) Any person who, in furnishing any information for the purposes of this Ordinance or of any regulations made thereunder and relating to the subject-matter of this Ordinance, knowingly or recklessly makes any statement which is false in any material particular shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

Collector to give name, etc., to Police on demand.

6. Any police officer may require any person whom he believes to be acting as a collector for the purposes of a collection to declare to him immediately his name and address, and, if any person fails to comply with a requirement duly made to him under this section, he shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty shillings.

Disposal of property obtained by offences.

7. During or at the conclusion of any trial in respect of an offence under this Ordinance or under any regulations made thereunder and relating to the subject-matter of this Ordinance, the court may make an order for the return to its owner, if known, or for the forfeiture, of any money or other property produced before it or in its custody or in the custody of any police officer or of any other public officer, which the court is satisfied was obtained by or in consequence of the commission of an offence under this Ordinance or under any such regulations as aforesaid, whether by the person charged or by any other person.

Service of documents.

8. Where any order, notice or other document is required by or under this Ordinance or any regulations made thereunder to be served on any person, service thereof may be effected either personally on such person or by registered post; and, where the person to be served is a body corporate or a society or other body of persons, service of any such order, notice or document may be effected by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the body corporate, society or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Offences to be cognizable.

9. Offences under this Ordinance shall be cognizable to the police.

Offences by corporations, societies, etc.

10. Where any offence under this Ordinance or under any regulations made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Power to order parent or guardian to pay fine imposed on person under eighteen.

11. (1) Where any person under the age of eighteen years is convicted by any court of an offence under this Ordinance or under any regulations made thereunder and is sentenced therefor to a fine, the court may order that the fine shall be paid by the parent or guardian of such person as if it had been a fine imposed on such parent or guardian:

Provided that no such order shall be made unless the parent or guardian has had an opportunity to show cause against the making thereof, or if the parent or guardian satisfies the court that he has not conduced to the commission of the offence by neglecting to control the offender.

(2) In this section the word "guardian" includes any person who is shown to the satisfaction of the court to have for the time being the charge of or control over the offender.

Regulations.

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12. (1) The Governor in Council of Ministers may make regulations for prescribing anything which by this Ordinance is required to be prescribed and generally to give effect to the provisions of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations made thereunder may provide for all or any of the matters following, that is to say—

(*a*) for regulating the manner in which licensed collections may be carried out and the conduct of promoters and collectors in relation to such collections;

(*b*) for requiring and regulating the use by collectors of prescribed badges and prescribed certificates of authority, and the issue, custody, production, display and return thereof, and, in particular, for requiring collectors on demand by a police officer or by any occupant of premises visited or by any person solicited to produce their certificates of authority;

(*c*) for the authentication of prescribed certificates of authority and for the clear indication in prescribed badges of the purpose of the collection to which they relate;

(*d*) for prohibiting persons below a prescribed age from acting, and other persons from causing or allowing them to act, as collectors for the purposes of collections;

(*e*) for preventing annoyance to the occupants of premises visited, to persons attending public meetings or taking part in public prosecutions, or to any other members of the public, arising from collections;

(*f*) for requiring information with respect to the purpose, expenses, proceeds and application of the proceeds of collections to be furnished by licensees, or to be published, and for requiring such information to be vouched and authenticated;

(*g*) for imposing a penalty in respect of any breach of the regulations, not exceeding a fine of an amount not exceeding five thousand shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

Repeal. Cap. 24.

13. Paragraphs (5) and (6) of, and the provisos to, section 179 of the Penal Code are repealed:

Provided that the provisions thereof shall continue to apply, after the commencement of this Ordinance, to and in respect of any collection or appeal to which a District Commissioner or the police officer therein prescribed has, prior to the commencement of this Ordinance, given his consent under those provisions, and the provisions of this Ordinance shall accordingly not apply to or in respect of any such collection or appeal.

THE INSURANCE COMPANIES ORDINANCE, 1960
No. 46 of 1960

Date of Assent: 3rd December, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1—Short title and commencement.
2—Companies to which Ordinance applies.
3—Interpretation.

PART II—RESTRICTIONS ON CARRYING ON INSURANCE BUSINESS

4—Minimum requirements.
5—East African companies.
6—Licensing of insurers.
7—Duration of licences.
8—Cancellation of licence, subject to right of appeal.
9—Summary cancellation of licence.
10—Display and custody of licence.

PART III—INSURANCE ADVISORY BOARD AND PROCEDURE ON APPEALS

11—Establishment and constitution of Board.
12—Functions of the Board.
13—Procedure for appeals.

PART IV—ACCOUNTING AND ADMINISTRATIVE REQUIREMENTS

14—Separation of funds relating to certain classes of business.
15—Preparation of annual accounts and balance sheets.
16—Periodic investigation of certain companies by actuary.
17—Statement of business by accident insurance company.
18—Deposit of accounts, etc., with the Registrar.
19—Audit of accounts.
20—Licensed insurers to maintain principal office and appoint principal officer.
21—Notification of changes in prescribed particulars.
22—Local records of external insurers.

PART V—AMALGAMATIONS AND TRANSFERS

23—Provisions as to certain amalgamations and transfers.
24—Statements relating to amalgamation or transfer to be deposited with Registrar.

PART VI—INSOLVENCY AND WINDING UP

25—Margin of solvency.

SECTION

26—Investigation of company of doubtful solvency.
27—Winding up.
28—Subsidiary companies.
29—Supplemental provisions as to winding up.
30—Reduction of contracts as alternative to winding up.

PART VII—SPECIAL PROVISIONS AS TO CERTAIN INSURANCE COMPANIES

31—Unregistered companies.
32—Foreign companies.
33—Guaranteed companies.
34—Bond investment companies.
35—Mutual associations.
36—Revocation of orders.

PART VIII—MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

37—Advertisements, etc., referring to amount of authorized capital.
38—Sums insured, etc., to be stated generally in currency of the Colony.
39—Penalty for falsifying statements, etc.
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41—Penalty for non-compliance with Ordinance.
42—Recovery and application of penalties.
43—Service of notices.
44—Documents deposited with Registrar.
45—Expenses.
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48—Consequential amendments and repeal.

First Schedule—Requirements to be complied with by certain approved associations of underwriters.

Second Schedule—Adaptations for mutual associations.

Third Schedule—Rules for valuing policies and liabilities.

Fourth Schedule—Liquidator's duties as to valuation of liabilities.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF COMPANIES CARRYING ON BUSINESS OF ASSURANCE OR INSURANCE, AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

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

PART 1—PRELIMINARY

Short title and commencement.

1. This Ordinance may be cited as the Insurance Companies Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

Companies to which Ordinance applies.

2. (1) Subject to the provisions of this section, this Ordinance applies to all insurance companies, whether established within or outside the Colony, which carry on within the Colony insurance business of all or any of the following classes, that is to say—

(*a*) life assurance business;

(*b*) industrial assurance business;

(*c*) fire insurance business;

(*d*) accident insurance business;

(*e*) bond investment business;

(*f*) sinking fund business;

(*g*) motor vehicle insurance business;

(*h*) marine, aviation and transit insurance business.

(2) Subject to the provisions of this section, this Ordinance also applies to any insurance company, whether established within or outside the Colony, which carries on within the Colony employers' liability insurance business and no other business of a class specified in subsection (1) of this section.

Cap. 288

(3) A company as defined by section 2 of the Companies Ordinance, which carries on insurance business of a class specified in subsection (1) of this section in any part of the world, other than the Colony, shall for the purposes of that subsection be deemed to be a company carrying on such business within the Colony.

(4) Where this Ordinance applies to an insurance company by reason that it carries on insurance business of a class specified in subsection (1) of this section, and the company carries on employers' liability insurance business, it shall not in relation to its employers' liability business be bound by the provisions of this Ordinance.

(5) This Ordinance does not apply to an association of individual underwriters approved by the Minister, being an association organized in accordance with the system known as Lloyd's, by which system every underwriting member of a syndicate of the association becomes liable for a separate part of the sum assured by every policy subscribed to by that syndicate, limited or proportionate to the whole sum thereby assured, provided that the requirements set out in the First Schedule to this Ordinance and applicable thereto are complied with.

Interpretation.

3. (1) In this Ordinance, except where the context otherwise requires—

"accident insurance business" means the issue of, or the undertaking of liability under, policies of insurance upon the happening of personal accidents, whether fatal or not, disease or sickness, or any class of personal accident, disease, or sickness;

"actuary" except in section 26 of this Ordinance, means an actuary possessing the prescribed qualifications;

"annuities on human life" does not include superannuation allowances and annuities payable out of any fund applicable solely to the relief and maintenance of persons engaged or who have been engaged in any particular profession, trade or employment, or of the dependants of such persons;

"the Board" means the Insurance Advisory Board appointed under section 11 of this Ordinance;

"bond investment business" means, subject to the provisions of subsection (3) of this section, the business of issuing bonds or endowment certificates by which the company, in return for subscriptions payable at periodical intervals of less than six months, contracts to pay the bond holder a sum at some future date, not being life assurance business, industrial assurance business or sinking fund business;

"company" includes a company incorporated or registered under the Companies Ordinance, a corporate body incorporated outside the Colony, and any statutory corporation; Cap. 288

"East Africa" means the Colony, the Trust Territory of Tanganyika and the Protectorates of Uganda and Zanzibar;

"employers' liability insurance business" means the issue of, or the undertaking of liability under, policies insuring employers against liability to pay compensation or damages to workmen in their employment, but does not include any business carried on as incidental only to marine, aviation and transit insurance;

"external insurer" means an insurance company whose head office is not in the Colony;

"financial year", in relation to an insurance company, means each period of twelve months at the end of which the balance of the accounts of the company is struck, or, if no such balance is struck, means the calendar year;

"fire insurance business" means, subject to the provisions of subsection (4) of this section, the issue of, or the undertaking of liability under, policies of insurance against loss by or incidental to fire;

"general business" means insurance business of a class or classes specified in section 2 of this Ordinance, not being long term business;

"industrial assurance business" means the business of effecting assurances upon human life, premiums in respect of which are payable, at intervals not exceeding two months in each case, to collectors sent by the insurer to each owner of a policy, or to his residence or place of work;

"insolvent" means, in relation to an insurance company at any relevant date, that if proceedings had been taken for the winding up of the company, the court could, in accordance with the provisions of sections 167 and 168 of the Companies Ordinance, hold, or have held, that the company was at that date unable to pay its debts;

"insurance company" means a person or body of persons (whether incorporated or not) carrying on insurance business;

"interest" includes dividends;

"life assurance business" means the issue of, or the undertaking of liability under, policies of assurance upon human life, or the granting of annuities upon human life, but does not include industrial assurance;

"life policy" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

"local policy" means a policy issued in or outside the Colony upon an application made or presented to an agent for brokers or an insurance agent at any place in the Colony, and includes a life policy issued outside the Colony and subsequently made payable in the Colony at the request of the owner which the owner has agreed in writing shall be treated as a local policy for the purposes of this Ordinance, but does not include a life policy made payable, after the date of its issue, outside the Colony at the request of its owner which the owner has agreed in writing shall not be treated as a local policy for the purposes of this Ordinance;

"long term business" means insurance business of all or any of the following classes, namely, life assurance business, industrial assurance business, bond investment business and sinking fund business, and includes, in relation to any insurance company, insurance business carried on by the company as incidental only to any such class of business;

"marine, aviation and transit insurance business" means the business of effecting and carrying out, otherwise than

incidentally to some other class of insurance business, contracts of insurance—

(*a*) upon vessels or aircrafts, or upon the machinery, tackle, furniture, or the equipment of vessels or aircrafts; or

(*b*) upon goods, merchandise or property of any description whatever on board vessels or aircrafts; or

(*c*) upon the freight of, or any other interest in or relating to, vessels or aircrafts; or

(*d*) against damage arising out of or in connection with the use of vessels or aircrafts, including third party risks; or

(*e*) against risks incidental to the construction, repair or docking of vessels, including third party risks; or

(*f*) against transit risks (whether the transit is by sea, inland water, land or air, or partly one and partly another) including risks incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance, but not including risks the insurance of which is motor vehicle insurance business; or

(*g*) against any other risks the insurance of which is customarily undertaken in conjunction with or as incidental to any business referred to in the foregoing paragraphs of this definition;

"motor vehicle insurance business" means the business of effecting contracts of insurance against loss of, or damage to or arising out of or in connection with the use of, motor vehicles, including third party risks;

"policy"—

(*a*) in relation to life assurance business or industrial assurance business, includes an instrument evidencing a contract to pay an annuity upon human life, and

(*b*) in relation to accident insurance business, motor vehicle insurance business, marine aviation and transit insurance business or employers' liability insurance business, includes any policy under which

there is for the time being an existing liability already accrued, or under which any liability may accrue, and

(*c*) in relation to bond investment business, includes any bond, certificate, receipt or other instrument evidencing the contract with the company;

"policy holder" means the person who for the time being is the legal holder of the policy for securing the contract with the insurance company or, in relation to bond investment business, means the person who for the time being is the legal holder of the bond, certificate, receipt or other instrument evidencing the contract with the company, and—

(*a*) in relation to life assurance business or industrial assurance business, includes an annuitant, and

(*b*) in relation to accident insurance business, motor vehicle insurance business or marine, aviation and transit insurance business, includes a person to whom, under any policy, any sum is due or a weekly or other periodic payment is payable, and

(*c*) in relation to employers' liability insurance business, includes a person to whom, under any policy, any sum is due or a weekly payment is payable;

"Registrar" means every person appointed by the Minister, by notice in the Gazette, to be the registrar, the deputy or an assistant registrar, of insurance companies;

"registrar of companies" means the registrar as defined in section 2 of the Companies Ordinance;

"sinking fund business" means the business of effecting contracts of insurance whereby one party to such a contract assumes the obligation to pay, after the expiration of a certain period or during a specified period, a certain sum or sums of money to a specified person in return for the payment or the promise of payment from time to time of a certain sum of money by the other party to the contract;

"underwriter" includes any person named in a policy or other contract of insurance as liable to pay or contribute towards the payment of the sum secured by the policy or contract.

(2) References in subsection (1) of this section to damage include references to loss of life and personal injury.

(3) Where, in return for subscriptions payable at periodic intervals of less than six months, a person or body of persons, whether incorporated or not (not being, or being deemed to be, registered under the Trade Unions Ordinance, 1952, or the Building Societies Ordinance, 1956) undertakes, by prospectus or otherwise, to pay to the subscriber at a future date the amount of the subscriptions with interest thereon (with or without a right on the part of the subscriber to the return of his subscriptions in the meantime), that business shall for the purposes of this Ordinance be treated as bond investment business, and the card, book or other document in which receipts of subscriptions are entered shall be treated as the instrument evidencing the contract, and the subscriber shall be treated as the owner of the policy, subject to such modifications of the provisions of the Third Schedule to this Ordinance as may be prescribed for the purpose of adapting to such business as aforesaid the provisions of that Schedule relating to bond investment business.

No. 23 of 1952.
No. 29 of 1956.

(4) A policy shall not be deemed for the purposes of this Ordinance to be a policy of fire insurance by reason only that loss by fire is one of the various risks covered by the policy.

(5) Any business carried on by an insurance company which under the provisions of any special Act of the United Kingdom relating to that company (being an Act which came into operation before the 1st day of July, 1910) is to be treated as life assurance business shall continue to be treated as life assurance business or industrial assurance business, as the case may require, and shall not be deemed to be other business of a class specified in section 2 of this Ordinance.

(6) Where a person who carried on insurance business has, prior to the 4th day of October, 1960, ceased to issue in the Colony new policies of insurance, the receipt of premiums or the making of payments under or in respect of any policy issued before that date shall not be deemed to constitute the carrying on of insurance business for the purpose of this Ordinance.

PART II—RESTRICTIONS ON CARRYING ON INSURANCE BUSINESS

Minimum requirements.

4. (1) Subject to the provisions of subsection (5) of section 2 of, and of the Second Schedule to, this Ordinance, no person shall carry on in the Colony—

(*a*) insurance business of a class specified in subsection (1) of section 2 of this Ordinance; or

(*b*) employers' liability business and no other business of a class so specified,

except a company incorporated, whether under the Companies Ordinance or otherwise, and except under and in accordance with the terms and conditions of a licence for such class of insurance business granted to the company under section 6 of this Ordinance:

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Provided that—

(i) nothing herein contained shall avoid or render unenforceable any contract entered into or policy issued in contravention of this subsection;

(ii) this subsection shall not, for a period of six months after the commencement of this Ordinance, apply to a person who has made written application to the Registrar for a licence and has received an acknowledgment but has not been notified of the grant or refusal of the licence.

(2) If any person contravenes the provisions of subsection (1) of this section, then—

(*a*) in a case where that person is not a body corporate he shall be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

(*b*) in a case where that person is a body corporate—

(i) the body corporate may be wound up by the court under the Companies Ordinance, on a petition by the registrar presented by leave of the court; and

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(ii) any person who at the time of the contravention was a director, manager, secretary or other officer or agent of the body corporate shall be guilty of an offence and shall be

liable to the penalty provided in paragraph (*a*) of this subsection, unless he proves that the contravention occurred without his knowledge or that he used all due diligence to prevent the occurrence thereof.

(3) Rules made under section 286 of the Companies Ordinance may regulate the procedure and the practice to be followed in proceedings under subparagraph (i) of paragraph (*b*) of subsection (2) of this section.

(4) Subject to the provisions of the Second Schedule to this Ordinance, the statutory declaration required by section 95 of the Companies Ordinance to be delivered to the registrar of companies before a company to which that section applies commences business shall, in the case of a company (other than a company to which this Ordinance does not apply) registered after the commencement of this Ordinance, the objects whereof include the carrying on of insurance business of a class specified in subsection (1) of section 2 of this Ordinance, or of employers' liability insurance business and no other insurance business of a class so specified, include a statement that not less than fifty thousand pounds of the company's share capital has been paid up.

East African companies.

5. No company incorporated in East Africa and licensed under this Ordinance shall carry on any business other than insurance business.

Licensing of insurers.

6. (1) An application to be licensed as an insurer in a class of insurance business shall be made to the Registrar in the form prescribed and shall be accompanied by the prescribed fee and such documents as may be prescribed.

(2) If the Registrar is satisfied in respect of the applicant company that—

(*a*) it has a paid up share capital of not less than fifty thousand pounds; and

(*b*) the margin of solvency of the company is not such that the company is deemed under section 25 of this Ordinance to be unable to pay its debts; and

(*c*) the class of insurance business for which the application is made will be conducted by the applicant in accordance with sound insurance principles; and

(*d*) the name of the company is not identical with that of an existing licensee under this section, or of a company which was lawfully carrying on insurance business in the Colony at the commencement of this Ordinance (or so nearly resembles such name as to be likely to be mistaken for it), unless such licensee or company is being or is about to be wound up or dissolved, or is ceasing or is about to cease to carry on insurance business in the Colony, and consents to the licensing of the applicant under the name in question,

he shall license the applicant as an insurer in that class of insurance business, and shall notify the applicant accordingly.

(3) In the exercise of his judgment under subsection (2) of this section the Registrar may in his absolute discretion waive the provisions of—

(*a*) paragraph (*a*) thereof, if the company was, immediately before the commencement of this Ordinance, carrying on in the Colony the class of insurance business for which application for a licence is made;

(*b*) paragraph (*b*) thereof, if he is satisfied from information furnished by the applicant—

(i) in the case of a company whose head office is in a country outside the Colony, that the company has complied with the insurance laws of that country and is solvent;

(ii) in the case of a company which was carrying on insurance business in the Colony immediately before the commencement of this Ordinance and whose head office is in the Colony, that before the expiration of a period of two years after the commencement of this Ordinance (or such longer period as the Registrar may approve) the company is likely to attain a sufficient margin of solvency for the class of insurance business for which the application for a licence is made.

(4) Subject to the provisions of subsection (3) of this section, if the Registrar is not satisfied as to one or more of the conditions expressed in subsection (2) of this section, he

shall notify the applicant in writing that he proposes to reject the application, giving his reasons for so doing, and shall also notify him of his right of appeal under section 13 of this Ordinance.

Duration of licences.

7. Every licence granted under section 6 of this Ordinance, shall, subject to the provisions of this Ordinance, remain in force for a period of one year from the date of issue, but shall, subject as aforesaid, be renewed from year to year on payment of the prescribed fee.

Cancellation of licence, subject to right of appeal.

8. (1) The Registrar shall notify an insurance company in writing that he proposes to cancel its licence as an insurer, and of his reasons for so doing, if at any time—

(*a*) he is satisfied—

(i) that the company would, if it were an applicant for a licence as an insurer, be disqualified in terms of any of the provisions of paragraphs (*a*), (*b*) and (*c*) of subsection (2), but subject always to the provisions of subsection (3), of section 6 of this Ordinance to be licensed as an insurer in the class of insurance business for which it is licensed; or

(ii) that the company has failed to deposit with him any document required to be so deposited in accordance with section 18 of this Ordinance; or

(iii) after examination of any document or accounts submitted to him under any provision of this Ordinance or of any regulations made thereunder, that having regard to its financial record the company is likely to become unable, in terms of section 25 of this Ordinance, to pay its debts; or

(iv) that the company has failed to comply with a provision of this Ordinance or of any insurance law of a country outside the Colony applying to that company, which relates to the maintenance of a life assurance fund or the holding in trust of insurance premiums; or

(*b*) the company is convicted of an offence against section 39 of this Ordinance, and an appeal against the conviction is not brought, or if brought is abandoned or dismissed; or

(*c*) a decree is obtained against the company in any court of the Colony and remains unsatisfied for twenty-one days, and an appeal from the judgment is not brought within twenty-one days of the decree, or if so brought, is abandoned or dismissed.

(2) Where notice has been given to a company under subsection (1) of this section, and the company fails to appeal in accordance with section 13 of this Ordinance, or having appealed withdraws the appeal, or the result of the appeal is the confirmation, with or without variation, of the proposal to cancel the licence, then, subject to any such variation, the Registrar shall cancel the licence and notify the company in writing accordingly.

(3) Notwithstanding the cancellation of its licence under this section it shall be lawful for the insurance company to continue to receive premiums and to meet its obligations in the ordinary course of insurance business, but not to issue any new policies nor to enter into any new contracts as insurers for which a licence under this Ordinance is required.

(4) Nothing in subsection (3) of this section shall be deemed to relieve a company from any criminal liability, other than in respect of the non-possession of a licence under this Ordinance, nor from any civil liability.

Summary cancellation of licence.

9. The Registrar may at any time cancel a licence granted under section 6 of this Ordinance—

(*a*) if proceedings for the winding up of the company so licensed have been commenced; or

(*b*) if he is satisfied that the company so licensed has ceased to carry on insurance business in the Colony; or

(*c*) if the company so licensed, or its liquidator, trustee or judicial manager, so requests, in respect of such class or classes of insurance business as may be specified in the request.

Display and custody of licence.

10. (1) Every licence granted under this Part shall, during the period of its validity, be prominently displayed by the licensee at his principal place of business in the Colony, in a part thereof to which the public have access, and a copy thereof shall be similarly displayed at each of the branches of the licensee in the Colony.

(2) On notification to a licensee that his licence has been cancelled as provided in this Part he shall forthwith surrender his licence and every copy thereof to the Registrar.

(3) Every person who without lawful excuse fails to comply with the provisions of this section, or who displays a licence, or any copy thereof, which is not currently valid, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings.

PART III—INSURANCE ADVISORY BOARD AND PROCEDURE ON APPEALS

Establishment and constitution of Board.

11. (1) The Minister shall, by notice in the Gazette, appoint an Insurance Advisory Board which shall consist of not less than three nor more than five members, of whom at least—

(*a*) one shall be a nominee of the Life Offices Liaison Committee of East Africa; and

(*b*) two shall be nominees of the Insurance Association of Eastern Africa.

(2) The Board shall elect one of its members to be chairman of the Board.

(3) The quorum of the Board shall be three.

Functions of the Board.

12. The functions of the Board shall be to advise the Minister—

(*a*) on any appeal lodged in accordance with section 13 of this Ordinance;

(*b*) generally on the operation of this Ordinance and of any regulations made thereunder.

Procedure for appeals.

13. (1) Any person aggrieved by a proposal of the Registrar to reject an application for a licence or, as the case may be, to cancel a licence, notified under subsection (4) of section 6, or subsection (1) of section 8, of this Ordinance

may within sixty days of such notification appeal to the Minister by memorandum in writing, setting out the grounds and reasons of his appeal.

(2) A copy of the memorandum shall be delivered by the person aggrieved to each member of the Board and to the Registrar not later than the day on which the memorandum is submitted to the Minister.

(3) The Board shall without undue delay meet to consider what advice it shall give to the Minister on the appeal, and for that purpose may require the person aggrieved and the Registrar to furnish such further information as the Board may require.

(4) On receipt of the Board's advice, or, if no such advice is received within twenty-one days of the delivery to the Minister of the memorandum of appeal, within seven days after the expiry of that period, the Minister shall, after considering the memorandum, give his decision on the appeal, and may confirm, with or without variation, or may disallow, the proposal appealed against, and such action by the Minister shall be final and conclusive and shall not be questioned in any court.

(5) The Minister shall notify the Registrar of his decision on the appeal, and the Registrar shall forthwith convey the decision to the appellant.

PART IV—ACCOUNTING AND ADMINISTRATIVE REQUIREMENTS

Separation of funds relating to certain classes of business.

14. (1) Subject to the provisions of this Ordinance, where an insurance company to which this Ordinance applies—

(*a*) carries on, together with other business, insurance business of one only of the classes to which this section applies, or

(*b*) carries on, with or without other business, insurance business of two or more of the said classes,

the receipts of that class of insurance business, or of each of those classes of insurance business, as the case may be, shall be entered in a separate account and shall be carried to and form a separate insurance fund with an appropriate name:

Provided that nothing in this subsection shall require the investments of any such fund to be kept separate from the investments of any other fund.

(2) Subject as aforesaid, a fund of any particular class—

(*a*) shall be as absolutely the security of the policy holders of that class as though it belonged to a company carrying on no other business than insurance business of that class; and

(*b*) shall not be liable for any contracts of the company for which it would not have been liable had the business of the company been only that of insurance of that class; and

(*c*) shall not be applied, directly or indirectly, for any purposes other than those of the class of business to which the fund is applicable.

(3) This section applies to insurance business of the following classes, namely, life assurance business, industrial assurance business, bond investment business, sinking fund business and employers' liability insurance business.

(4) Notwithstanding the foregoing provisions of this section an insurance company may combine its receipts of life assurance business and sinking fund business in one account, and in that event those businesses shall be deemed, for the purposes of this section, to be one class of insurance business.

Preparation of annual accounts and balance sheets.

15. Every insurance company to which this Ordinance applies shall, at the expiration of each financial year of the company, prepare in the prescribed form a revenue account for the year, a balance sheet and, except where the company carries on insurance business of one class only and no other business, a profit and loss account.

Periodic investigation of certain companies by actuary.

16. (1) Every insurance company to which this Ordinance applies, being a company which carries on long term business—

(*a*) shall, once in every five years, or at such shorter intervals as may be prescribed by the deed of settlement of the company, or by its regulations or by-laws, cause an investigation to be made into its financial condition, including a valuation of its liabilities, by an actuary; and

(*b*) when such an investigation has been made, or when at any other time an investigation into the financial condition of the company has been made with a view to the distribution of profits, or the results of which are made public, shall cause an abstract of the actuary's report of the investigation to be made in the prescribed form:

Provided that, in the case of a mutual company carrying on life assurance business or industrial assurance business whose profits are allocated to members wholly or mainly by annual abatements of premium, the abstract of the actuary's report may be made at intervals not exceeding five years.

(2) Where under subsection (1) of this section an insurance company causes an abstract to be made of the report of an actuary on his investigation into the financial condition of the company, the company shall prepare in the prescribed form a statement of its insurance business at the date to which the accounts of the company are made up for the purposes of the investigation:

Provided that if the investigation is made annually, the company may prepare such a statement at any time, so that it be made at least once in every five years.

(3) Every investigation made under paragraph (*a*) of subsection (1) of this section shall include a valuation of the liabilities in respect of the whole of the company's business in each class of long term business, and, at least once in every five years, shall also include a valuation of the liabilities in respect of the company's business in each such class in East Africa:

Provided that where, in pursuance of the provisions of subsection (4) of section 14 of this Ordinance, an insurance company combines its receipts of life assurance business and sinking fund business in one account, those businesses shall be deemed, for the purposes of this subsection, to be one class of insurance business.

(4) Notwithstanding the foregoing provisions of this section, the registrar may in writing require a company which he suspects is not conducting its long term business in accordance with sound insurance principles to prepare and furnish to him within six months valuations of the liabilities referred to in subsection (3), and the abstract and statement referred to in subsections (1) and (2), of this section:

Provided that no such requisition shall be made upon the same company in respect of the same class of business more than once in any year.

Statement of business by accident insurance company.

17. Every insurance company to which this Ordinance applies, being a company which carries on accident insurance business, shall annually prepare in the prescribed form a statement of that business.

Deposit of accounts etc. with the Registrar.

18. (1) Every account, balance sheet, abstract or statement required by the foregoing provisions of this Part to be made shall be printed, and four copies thereof, one of which shall be signed by the chairman and two directors of the company and by the principal officer of the company and, if the company has a managing director, by the managing director, shall be deposited with the Registrar within six months after the close of the period to which the account, balance sheet, abstract or statement relates:

Provided that, if in any case it is made to appear to the Registrar that the circumstances are such that a longer period than six months should be allowed, the Registrar may extend that period by such period as he thinks fit.

(2) The Registrar shall consider the documents deposited under subsection (1) of this section, and if any such document appears to him to be inaccurate or incomplete in any respect he shall require the company to correct any such inaccuracy and to supply such deficiency, and the company shall fulfil such requirement.

(3) There shall be deposited with every revenue account and balance sheet of a company any report on the affairs of the company submitted to the shareholders or policy holders of the company in respect of the financial year to which the account and balance sheet relate.

(4) Where an insurance company registered under the Companies Ordinance in any year deposits its accounts and balance sheets in accordance with the provisions of this section, then, if the company at the same time sends a copy of the accounts and balance sheet to the registrar under that Ordinance— Cap. 288.

(*a*) subsection (3) of section 110 of the said Ordinance (which requires certain documents to be included in the annual return made by a company) shall not apply to that company; and

(*b*) the copy of the accounts and balance sheets so sent shall be dealt with in all respects as if it had been sent in compliance with the said subsection (3).

(5) In the case of a mutual company such as is mentioned in the proviso to subsection (1) of section 16 of this Ordinance, the company shall, where the abstract required by the said subsection (1) is not made annually, include with the copies of each such abstract deposited under this section particulars as to the rates of abatement of premiums applicable to different classes or series of assurances allowed in each year during the period which has elapsed since copies of such an abstract were previously so deposited.

(6) A printed copy of the accounts, balance sheet, abstract or statement last deposited under this section shall on the application of any shareholder or policy holder of the company be forwarded to him by the company by post or otherwise.

(7) In this section references to printed documents include references to documents which have been typed, or which reproduce print or type.

Audit of accounts.

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19. Where the accounts of an insurance company to which this Ordinance applies are not subject to audit in accordance with the provisions of the Companies Ordinance relating to audit, the accounts of the company shall be audited annually in the prescribed manner, and regulations made for the purposes of this section may apply to any such company the provisions of the Companies Ordinance relating to audit, subject to such adaptations and modifications as may appear necessary or expedient:

Provided that in the case of an external insurer it shall be sufficient compliance with this section if the company furnishes evidence which satisfies the Registrar that its accounts are subject to annual audit by an accountant approved by the Registrar.

Licensed insurers to maintain principal office and appoint principal officer.

20. (1) Every insurance company licensed under this Ordinance shall maintain in the Colony a principal office and appoint a principal officer in the Colony.

(2) Every such company shall within twenty-one days of its being licensed notify the Registrar in writing of the situation of its principal office in the Colony, and of the name and postal address of its principal officer in the Colony.

(3) Every change in the particulars referred to in subsection (2) of this section, shall be notified in writing by the company concerned to the Registrar within twenty-one days of the change.

Notification of changes in prescribed particulars.

21. Every insurance company licensed under this Ordinance shall, within six months after the end of its financial year, notify the Registrar in writing of any change which has occurred during such year in any of the matters which may have been prescribed by regulations made under this Ordinance as being matters concerning which notification under this section is required.

Local records of external insurers.

22. Every external insurer shall maintain in the Colony—

(*a*) a record of all local policies issued by him, showing his rights and obligations thereunder; and

(*b*) a record of all premiums received by him in respect of all local policies issued by him; and

(*c*) documentary evidence of his assets in the Colony; and

(*d*) such other records in relation to insurance business in the Colony as may, after consultation with the Committee and Association referred to in section 11 of this Ordinance, be prescribed.

PART V—AMALGAMATIONS AND TRANSFERS

Provisions as to certain amalgamations and transfers.

23. (1) Subject to the provisions of this section, where—

(*a*) it is intended to amalgamate two or more insurance companies to which this Ordinance applies, one or more of which is a local insurer, and any of those companies carries on within the Colony long term business or employers' liability insurance business; or

(*b*) it is intended to transfer such long term business of any class written within the Colony, or employers' liability insurance business written within the Colony, from one insurance company to which this Ordinance applies to another such company,

the directors of any one or more of those companies may apply to the court, by petition, to sanction the proposed arrangement, and the court, after hearing the directors and

other persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection thereto has been established:

Provided that where it is intended, in the case of an insurance company carrying on life assurance business or industrial assurance business, to amalgamate the company with another company or to transfer that business to another company, the court shall not sanction the amalgamation or transfer if it appears to the court that the life policy holders representing one-tenth or more of the total amount assured in the company dissent therefrom.

(2) Before any application is made to the court under this section—

(*a*) notice of the intention to make the application shall be published in the Gazette;

(*b*) except in relation to a transfer of employers' liability insurance business, a statement of the nature of the amalgamation or transfer, together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which the agreement or deed is founded, including a report by an independent actuary, shall, unless the court otherwise directs, be transmitted to each policy holder of each company, being a life, endowment, sinking fund or bond investment policy holder; and

(*c*) the agreement or deed under which the amalgamation or transfer is effected shall be open for the inspection of the policy holders and shareholders at the offices of the companies for a period of fifteen days after the publication of the notice in the Gazette.

(3) Subject to the provisions of this Ordinance, no amalgamation or transfer such as is mentioned in subsection (1) of this section shall take place unless it is sanctioned by the court in accordance with this section.

(4) In this section—

"court" means the Supreme Court;

"local insurer" means an insurance company whose head office is in the Colony.

Statements relating to amalgamation or transfer to be deposited with Registrar.

24. Where an amalgamation or transfer such as is mentioned in subsection (1) of section 23 of this Ordinance takes place, being an amalgamation or transfer to which that section applies, the combined company or the purchasing company, as the case may be, shall, within ten days from the date of completion of the amalgamation or transfer, deposit with the Registrar—

(*a*) certified copies of statements of the assets and liabilities of the companies concerned in the amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer;

(*b*) a certified copy of the agreement or deed under which the amalgamation or transfer is effected;

(*c*) certified copies of the actuarial or other reports upon which that agreement or deed is founded; and

(*d*) a declaration under the hand of the chairman of each company and the principal officer of each company that to the best of their belief every payment made or to be made to any person on account of the amalgamation or transfer is therein fully set out, and that no payments beyond those set out have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

PART VI—INSOLVENCY AND WINDING UP

Margin of solvency.

25. (1) Subject to the provisions of this section, sections 32 and 33 of this Ordinance, and the Second Schedule thereto, an insurance company to which this Ordinance applies shall be deemed, for the purposes of this Ordinance and of section 167 of the Companies Ordinance (which authorizes the court to wind up a company unable to pay its debts), to be unable to pay its debts if it does not possess the margin of solvency specified in subsection (2) of this section:

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Provided that, except for the purposes of paragraph (*b*) of subsection (2) of section 6 of this Ordinance, this section shall not apply to an insurance company unless and until a period of two years, or such longer period as the Registrar may in any case allow, has expired from the date of its commencing to carry on insurance business.

(2) An insurance company shall be deemed to possess the required margin of solvency if—

(*a*) in the case of a company carrying on general business only, the value of its assets exceeds the amount of its liabilities by—

(i) fifty thousand pounds; or

(ii) one-tenth of the general premium income of the company in its last preceding financial year,

whichever is the greater amount;

(*b*) in the case of a company carrying on long term business only—

(i) its liabilities under unmatured life policies do not exceed the amount of its life assurance fund;

(ii) its liabilities under unmatured industrial policies do not exceed the amount of its industrial assurance fund;

(iii) its liabilities under unmatured bond investment policies do not exceed the amount of its bond investment fund; and

(iv) its liabilities under unmatured sinking fund policies do not exceed the amount of the fund maintained in respect of its sinking fund business;

(*c*) in the case of a company carrying on both general business and long term business—

(i) in respect of its long term business it has the respective margins of solvency referred to in paragraph (*b*) of this subsection; and

(ii) the value of its assets in respect of all classes of insurance business carried on by it exceeds the aggregate of the funds referred to in paragraph (*b*) of this subsection and all its liabilities other than the liabilities referred to in that paragraph, by—

(A) fifty thousand pounds; or

(B) one-tenth of the general premium income of the company in its last preceding financial year,

whichever is the greater amount.

(3) For the purposes of this section—

(*a*) in computing the amount of the liabilities of an insurance company, all contingent and prospective liabilities shall be taken into account, but not liabilities in respect of share capital;

(*b*) the general premium income of an insurance company in any year shall be taken to be the net amount, after deduction of any premiums paid by the company for reinsurance, of the premiums received by the company in that year in respect of all insurance business (whether or not being insurance business of a class specified in section 2 of this Ordinance) other than long term business;

(*c*) references to a company's life assurance fund, its industrial assurance fund, its bond investment fund and the fund maintained in respect of its sinking fund business relate respectively to the funds maintained for those classes of insurance business, pursuant to subsection (1) of section 14 of this Ordinance.

(4) Regulations made for the purposes of this section may require that, in every balance sheet prepared under section 15 of this Ordinance by an insurance company, there shall be included a certificate—

(*a*) in such form and signed by such persons as may be prescribed by the regulations; and

(*b*) containing such a statement with respect to the assets and liabilities of the company as may be so prescribed;

and if any such company fails to comply with the regulations so made, the value of its assets shall, in any proceedings under this section for the winding up of the company, be deemed, until the contrary is proved, not to exceed the amount of its liabilities by the amount required by subsection (1) of this section.

(5) Nothing in this section shall be taken as affecting the manner in which, on a winding up, any assets or liabilities are required to be dealt with, whether by virtue of section 14 of this Ordinance or otherwise.

(6) Where, on the application of any insurance company, the Minister is satisfied—

(*a*) that it carries on business wholly or mainly for the purpose of insuring a limited class of persons having a financial or other interest in common; and

(*b*) that, having regard to the limited nature of its business, the provisions of this section are inappropriate or unduly onerous to the company,

the Minister may by order direct that, subject to such conditions as may be specified in the order, this section shall not apply to the company, or shall apply so as to require that the value of the company's assets shall exceed the amount of its liabilities by a less amount than the amount mentioned in this section.

(7) Any order made under subsection (6) of this section may be revoked by the Minister—

(*a*) if he ceases to be satisfied of the matter on the ground of which the order was made; or

(*b*) if he is satisfied that any condition specified in the order has not been complied with.

Investigation of company of doubtful solvency.

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26. (1) The Registrar, by notice in writing served upon an insurance company to which this Ordinance applies, being a company which may be wound up by the court under the provisions of the Companies Ordinance—

(*a*) may require the company to furnish to him within such time as may be specified in the notice such explanations, information, accounts, balance sheets, abstracts, and statements as he considers to be necessary for the purpose of determining whether the company is insolvent, or was insolvent at any date (not earlier than the close of the period to which the accounts and balance sheet of the company last deposited under section 18 of this Ordinance relate) specified in the notice; and

(*b*) may require any such explanations, information, accounts, balance sheets, abstracts, or statements to be signed by such number of the directors and by such officers of the company, and to be accompanied by such copies of documents, as may be specified in the notice, and to be certified as correct by an

auditor approved by the Registrar, or by an actuary so approved, or by both such an auditor and such an actuary.

(2) If, after a notice has been served upon an insurance company under subsection (1) of this section, either—

(*a*) the company does not, before the expiration of the time limited by the notice, comply with all the requirements of the notice, other than such requirements, if any, as may have been withdrawn by the Registrar; or

(*b*) the Registrar, after considering the material furnished pursuant to the said requirements, considers it to be expedient for the purpose aforesaid so to do,

the Registrar may serve upon the company a notice in writing stating that he proposes to appoint one or more inspectors to investigate the affairs of the company and to report thereon in such manner as the Registrar may require, and unless the company within a period of seven days from the date of the service of the notice upon it gives notice in writing to the Registrar that it objects to such an appointment being made, the Registrar may after the expiration of that period make such an appointment.

(3) If the company within the said period gives notice in writing to the Registrar that it objects to such an appointment being made, the Registrar may apply to the court for leave to make such an appointment, and the court shall grant leave unless it is satisfied by the company that such an appointment cannot reasonably be required for the purpose aforesaid and on leave being granted the Registrar may make such an appointment.

(4) Where an appointment is made under this section the provisions of section 136 of the Companies Ordinance shall apply with respect to an inspector appointed under this section in like manner as they apply to an inspector appointed under that section. Cap. 288.

(5) The expenses of and incidental to an investigation carried out by an inspector appointed under this section shall be defrayed by the Registrar out of moneys provided by the legislature of the Colony:

Provided that—

(i) where the court grants leave to make an appointment, the court may, if it thinks fit, direct the company to repay to the Registrar the whole or any part of the said expenses; and

(ii) if an order for the winding up of the company by the court is made at any time within twelve months from the date on which the report of the inspector is made to the Registrar, or, if more than one report is so made, from the date when the first report is so made, the said expenses shall be deemed, for the purposes of the Companies Ordinance, to be expenses properly incurred in the winding up and the amount thereof, after deducting any sum repaid to the Registrar pursuant to a direction given by the court under the foregoing paragraph, shall be paid out of the assets of the company *pari passu* with the taxed costs of the petition.

(6) In this section "the court" means the court having jurisdiction to wind up the company.

Winding up. Cap. 288.

27. (1) The court may order the winding up, in accordance with the Companies Ordinance, of an insurance company to which this Ordinance applies, and the provisions of that Ordinance shall apply accordingly, subject to the modification that the company may be ordered to be wound up on the petition of ten or more policy holders owning policies of an aggregate value of not less than ten thousand pounds:

Provided that such a petition shall not be presented except by leave of the court, and leave shall not be granted until a prima facie case has been established to the satisfaction of the court and until security for costs of such amount as the court may think reasonable has been given.

(2) (*a*) The Registrar may, with the leave of the court, present a petition for the winding up, in accordance with the Companies Ordinance, of an insurance company to which this Ordinance applies, being a company which may be wound up by the court under the provisions of the Companies Ordinance, on the ground—

(i) that the company is unable to pay its debts within the meaning of sections 167 and 168 of the Companies Ordinance, or

(ii) that, an inspector having been appointed to investigate the affairs of the company under section 26 of this Ordinance, any such refusal has taken place as, under subsection (5) of section 136 of the Companies Ordinance, as applied by the said section 26 is, or might be, made the ground of the punishment of an officer or agent of the company.

(*b*) In this subsection "the court" means the court having jurisdiction to wind up the company.

Subsidiary companies.

28. (1) Where the insurance business or any part of the insurance business of an insurance company has been transferred to an insurance company to which this Ordinance applies under an arrangement in pursuance of which the first-mentioned company (in this section called the subsidiary company) or the creditors thereof has or have claims against the company to which the transfer was made (in this section called the principal company), then, if the principal company is being wound up by or under the supervision of the court, the court shall, subject to the provisions of this section, order the subsidiary company to be wound up in conjunction with the principal company, and may by the same or any subsequent order appoint the same person to be liquidator for the two companies, and make provision for such other matters as may seem to the court necessary, with a view to the companies being wound up as if they were one company.

(2) The commencement of the winding up of the principal company shall, save as otherwise ordered by the court, be the commencement of the winding up of the subsidiary company.

(3) In adjusting the rights and liabilities of the members of the several companies between themselves, the court shall have regard to the constitution of the companies, and to the arrangements entered into between the companies, in the same manner as the court has regard to the rights and liabilities of different classes of contributories in the case of the winding up of a single company, or as near thereto as circumstances admit.

(4) Where any company alleged to be subsidiary is not in process of being wound up at the same time as the principal company to which it is subsidiary, the court shall not

direct the subsidiary company to be wound up unless, after hearing all objections (if any) that may be urged by or on behalf of the company against its being wound up, the court is of opinion that the company is subsidiary to the principal company and that the winding up of the company in conjunction with the principal company is just and equitable.

(5) An application may be made in relation to the winding up of any subsidiary company in conjunction with a principal company by any creditor of, or person interested in, the principal or subsidiary company.

(6) Where a company stands in the relation of a principal company to one company, and in the relation of a subsidiary company to some other company, or where there are several companies standing in the relation of subsidiary companies to one principal company, the court may deal with any number of such companies together or in separate groups, as it thinks most expedient, upon the principles laid down in this section.

Supplemental provisions as to winding up.

29. (1) In any proceedings upon a petition to wind up an insurance company presented by the Registrar under subsection (2) of section 27 of this Ordinance, evidence that the company was insolvent at the close of the period to which the accounts and balance sheet of the company last deposited under section 18 of this Ordinance relate, or at any date specified in a notice served under subsection (1) of section 26 of this Ordinance, shall be evidence that the company continues to be unable to pay its debts, unless the contrary is proved.

(2) Where an insurance company to which this Ordinance applies is being wound up by the court, or subject to the supervision of the court, or voluntarily, the value of a policy of any class or of a liability under such a policy requiring to be valued in the winding up shall be estimated in the manner applicable to policies and liabilities of that class provided by the Third Schedule to this Ordinance.

(3) The rules in the Third and Fourth Schedules to this Ordinance shall be of the same force, and may be revoked or amended, as if they were rules made in pursuance of section 286 of the Companies Ordinance; and rules may be made under that section for the purpose of carrying into effect the provisions of this Ordinance with respect to the winding up of insurance companies.

Cap. 288.

Reduction of contracts as alternative to winding up.

30. In the case of an insurance company which has been proved to be unable to pay its debts, the court may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as the court thinks just, in place of making a winding up order.

PART VII—SPECIAL PROVISIONS AS TO CERTAIN INSURANCE COMPANIES

Unregistered companies.

Cap. 288.

31. Every insurance company to which this Ordinance applies, being a company which is not registered under the Companies Ordinance—

(*a*) if it has not incorporated in its deed of settlement section 10 of the Companies Clauses Consolidation Act, 1845, of the United Kingdom, shall keep a shareholders address book in such manner as may be prescribed, and shall, on the application of any shareholder or policy holder of the company, furnish to him a copy of the book, on payment of a sum not exceeding fifty cents for every hundred words required to be copied;

(*b*) shall cause a sufficient number of copies of its deed of settlement to be printed, and shall, on the application of any shareholder or policy holder of the company, furnish to him one of those copies on payment of a sum not exceeding one shilling.

Foreign companies. Cap. 288.

32. (1) The following provisions of the Companies Ordinance, that is to say, section 327 and sections 329 to 334 inclusive, if apart from this section they would not so apply, shall apply in relation to an insurance company constituted outside the Colony which carries on insurance business within the Colony as they apply in relation to the companies referred to in section 326 of that Ordinance.

(2) Regulations made under this Ordinance may provide that, in their application to an insurance company constituted in a country outside the Colony, sections 4, 25 and 33 of this Ordinance shall have effect subject to such adaptations of the references to paid up share capital as appear to the Minister to be necessary having regard to the law relating to companies in force in that country or the currency of that country.

Guaranteed companies.

33. (1) Where, on the application of any insurance company carrying on general business, the Minister is satisfied that it is guaranteed by another insurance company satisfying the requirements for a guarantor set out in subsection (2) of this section, the Minister may by order direct that, subject to such conditions as may be specified in the order, section 25 of this Ordinance shall not apply to the first-mentioned insurance company.

(2) A guarantor shall be required for the purposes of this section to be either—

(*a*) a body corporate which has a paid up share capital of not less than fifty thousand pounds (as required by section 6 of this Ordinance) and the value of whose assets exceeds the amount of its liabilities by the amount required by section 25 of this Ordinance; or

(*b*) an underwriter to whom this Ordinance does not apply by virtue of subsection (5) of section 2 of this Ordinance; or

(*c*) an insurance company which, being itself guaranteed by another insurance company, is the subject of an order under this section;

and for the purposes of this section an insurance company shall be deemed to be guaranteed by another insurance company if, but only if, all its liabilities to policy holders in respect of insurance business of any class specified in section 2 of this Ordinance are reinsured with or guaranteed by the other insurance company.

Bond investment companies.

34. Where an insurance company to which this Ordinance applies carries on bond investment business, the company shall not give the holder of any policy issued after the commencement of this Ordinance any advantage dependent on lot or chance:

Provided that this section shall not be construed as in any way prejudicing any question as to the application to any transaction, whether in respect of a policy issued before, on or after the said commencement, of the law relating to lotteries.

Mutual associations.

35. As respects the mutual associations mentioned in the Second Schedule to this Ordinance the provisions contained in that Schedule shall have effect for adapting the operation of this Ordinance to the special circumstances of those associations.

Revocation of orders.

36. Any order made under this Part of this Ordinance may be revoked by the Minister—

(*a*) if he ceases to be satisfied of the matters on the ground of which the order was made; or

(*b*) if he is satisfied that any condition in the order has not been complied with.

PART VIII—MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

Advertisements, etc., referring to amount of authorized capital.

37. Where any advertisement, notice or other official publication of an insurance company to which this Ordinance applies contains a statement of the amount of the authorized capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Sums insured, etc., to be stated generally in currency of the Colony.

38. (1) In every local policy the sum insured, the premium and every other sum of money mentioned in the policy shall be stated in the currency of the Colony unless the parties to the policy have, at or subsequent to the time of issue of the policy, expressly otherwise agreed.

(2) If the parties to a local policy have agreed that the sum insured, the premium and every other sum of money mentioned in the policy shall be stated in some currency other than the currency of the Colony, that fact and the currency adopted shall be stated in or endorsed on the policy in distinct terms and in printed or typed letters no smaller than, and as legible as, the letters of the other provisions of the policy.

Penalty for falsifying statements, etc.

39. (1) If a person issues any account, balance sheet, abstract, statement or other document required by any provision of this Ordinance, which is false in any material respect, that person and every other person who took part in the preparation or issue of the document or who signed it shall be guilty of an offence, unless it is proved that the person accused, if an individual, or all the persons who acted on behalf of the accused person if he is not an individual, had no knowledge of the falsity of the document when it was issued.

(2) A person guilty of an offence under this section shall be liable, if an individual, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding four years, or to both such fine and imprisonment, or, if the offender is not an individual, to a fine not exceeding twenty thousand shillings.

Persons acting on behalf of unregistered insurers.

40. (1) Any person who causes or induces or attempts to cause or induce another to enter into or make an application to enter into a contract of insurance with a person who, being required to be licensed under this Ordinance, is not so licensed, and who is not a member of an association of underwriters approved under this Ordinance, shall, subject to the provisions of subsection (3) of this section, be guilty of an offence and liable to a fine not exceeding ten thousand shillings.

(2) A person shall, save as is provided in subsection (3) of this section, be guilty of an offence in terms of subsection (1) notwithstanding that—

(*a*) the insurance is placed by an insurance broker; and

(*b*) the contract of insurance is without his knowledge or consent effected with a person who is not a licensed insurer or a member of an approved association of underwriters.

(3) A person who causes or induces a person to enter into a contract of insurance such as is referred to in subsection (1) of this section shall not be guilty of an offence in terms of that subsection if—

(*a*) the insurance as a whole is placed by a broker who is authorized by an approved association of underwriters to place insurance business with members of the association; and

(*b*) a substantial portion of the risk insured is placed with a licensed insurer or with members of an approved association of underwriters or with a licensed insurer and with members of an approved association of underwriters; and

(*c*) the portion of the risk insured which is not placed in accordance with the provisions of paragraph (*b*) of this subsection is placed with an insurer who does not solicit business, either directly or indirectly, in the Colony or advertise his business in any newspaper or other publication in the Colony.

Penalty for non-compliance with Ordinance.

41. (1) Subject to the provisions of this section, any insurance company which makes default in complying with any of the requirements of this Ordinance shall, except where a different penalty is prescribed, be liable to a penalty not exceeding two thousand shillings or, in the case of a continuing default, to a penalty not exceeding one thousand shillings for every day during which the default continues, and every director, manager, secretary or other officer or agent of the company who is knowingly a party to the default shall be liable to a like penalty.

(2) Subject as aforesaid, if any such default continues for a period of three months after notice of default by the Registrar (which notice shall be published in one or more newspapers as the Registrar may, upon the application of one or more policy holders or shareholders, direct), the default shall be a ground on which the court may order the winding up of the company, in accordance with the Companies Ordinance. Cap. 288.

(3) This section shall not apply as respects a default in complying with a requirement contained in any of the following provisions of this Ordinance, that is to say, sections 4 and 10, subsection (4) of section 25, section 26, and the Second Schedule.

Recovery and application of penalties. Cap. 288.

42. Every penalty imposed by section 39 or section 41 of this Ordinance shall be recovered and applied in the same manner as penalties imposed by the Companies Ordinance are recoverable and applicable.

Service of notices.

43. Any notice which is by this Ordinance required to be sent to any policy holder may be addressed and sent to the person to whom notices respecting that policy are usually sent, and any notice so addressed and sent shall be deemed to be notice to the holder of the policy:

Provided that where any person claiming to be interested in a policy has given to the company notice in writing of his interest any notice which is by this Ordinance required to be sent to policy holders shall also be sent to that person at the address specified by him in his notice.

Documents deposited with Registrar.

44. (1) The Minister may direct any documents deposited with the Registrar under this Ordinance, or certified copies thereof, to be kept by the registrar of companies; and any such documents or copies shall be open to inspection, and

copies thereof may be procured by any person on payment of such fees as the Minister may direct.

(2) Every document deposited under this Ordinance with the Registrar, and certified by the registrar of companies to be a document so deposited, shall be deemed to be a document so deposited.

(3) Every document purporting to be certified by the registrar of companies to be a copy of a document so deposited shall be deemed to be a copy of that document, and shall be received in evidence as if it were the original document, unless some variation between it and the original be proved.

Expenses.

45. Subject to the provisions of subsection (5) of section 26 of this Ordinance, any expenses incurred by the Minister and by the Registrar under this Ordinance shall be defrayed out of moneys provided by the legislature of the Colony.

Regulations.

46. The Minister may, after consultation with the Board, make regulations generally for the better carrying out of the purposes of this Ordinance, and in particular, but without prejudice to the foregoing generality, for—

(*a*) any purpose for which regulations are authorised or required to be made under this Ordinance;

(*b*) prescribing fees to be paid for anything done under this Ordinance;

(*c*) prescribing forms, notices and documents required under this Ordinance;

(*d*) regulating the procedure for the application for and the granting of licences under this Ordinance.

Exemptions.

47. Without prejudice to any special power of exemption (however expressed) conferred by the provisions of this Ordinance other than this section, the Governor in Council of Ministers may, by notice in the Gazette, exempt, subject to such conditions, if any, as he may think fit, any company from all or any of the provisions of this Ordinance, and may at any time cancel such exemption or amend any such condition.

Consequential amendments and repeal. Cap. 233.

48. (1) Section 5 of the Motor Vehicles Insurance (Third Party Risks) Ordinance is amended by substituting for paragraph (*a*) thereof the following paragraph—

(*a*) is issued by a company which is licensed under section 6 of the Insurance Companies Ordinance, 1960, to

No. 46 of 1960.

carry on motor vehicle insurance business (or which has been exempted under section 47 of that Ordinance from the necessity to obtain such licence) or by a member of an association of underwriters approved by the Minister under subsection (5) of section 2 of that Ordinance.

(2) Section 386 of the Companies Ordinance, 1959, is amended by adding at the end thereof a new subsection as follows— No. 50 of 1959.

(6) This section shall not apply to any insurance company to which the provisions of the Insurance Companies Ordinance, 1960, as to the accounts and balance sheet to be prepared annually and deposited by such company, apply, if the company complies with those provisions. No. 46 of 1960.

(3) Part III of the Sixth Schedule to the Companies Ordinance, 1959, is amended—

(*a*) by adding at the end of the heading of that Part the words "AND FOR INSURANCE COMPANIES";

(*b*) by adding, next after paragraph 23 of the Schedule, a new paragraph as follows—

23A. An insurance company as defined in the Insurance Companies Ordinance, 1960, which is subject to the requirements of that Ordinance as respects the preparation and deposit with the registrar of insurance companies of a balance sheet and profit and loss account, shall not, so long as it complies with those requirements, be subject to the requirements of Part I of this Schedule, other than— No. 46 of 1960.

(*a*) as respects its balance sheet, those of paragraphs 2 and 3, paragraph 4 (so fas as it relates to fixed and current assets) paragraph 8 (except subparagraph (1) (*a*) and (*d*) and subparagraph (3)), paragraphs 9 and 10, and paragraph 11 (except subparagraphs (4) to (8) inclusive and (10)); and

(*b*) as respects its profit and loss account, those of subparagraph (1) (*h*) of paragraph 12, paragraph 13 and subparagraphs (1), (4) and (5) of paragraph 14.

(4) The Africans (Life Assurance Control) Ordinance is hereby repealed. Cap. 108.

(*Section* 2 (5))

FIRST SCHEDULE

REQUIREMENTS TO BE COMPLIED WITH BY CERTAIN APPROVED ASSOCIATIONS OF UNDERWRITERS

1. (*a*) All premiums received by each member of the association shall be held in trust in the names of trustees for the payment of the underwriting liabilities attached thereto of each member, and the expenses of his insurance business.

(*b*) Premiums received in respect of long term business shall in no case be carried to the same trust fund under this paragraph as premiums received in respect of general business, but the trust deed may provide for carrying the premiums received in respect of all or any classes of long term business and all or any classes of general business either to a common fund or to any number of separate funds.

2. The accounts of every member of an association which in constituted in the Colony shall be audited annually by an accountant approved by the Registrar, and such accountant shall not be an employee, manager or director of the member.

3. The auditor of a member of an association constituted in the Colony shall annually certify to the committee or managing body of the association—

(*a*) that he has obtained adequate information from the books and records of the member;

(*b*) that the accounts of the member have been properly prepared in accordance with the books and records, and with the information given to the auditor by the member;

(*c*) that the balance sheet and profit and loss account give a true and fair view of the member's financial position and of his profit or loss;

(*d*) whether in the opinion of the auditor the value of the assets available to meet the member's liabilities in respect of insurance business is correctly shown in the accounts, and whether or not that value is sufficient to meet the liabilities calculated—

(i) in the case of liabilities in respect of long term business, by an actuary; and

(ii) in the case of other liabilities, by the auditor in accordance with such directions as may have been given to him by the Minister.

4. Where any liabilities of a member of an association are calculated by an actuary under subparagraph (*d*) (i) of paragraph 3 of this Schedule, the actuary shall furnish a certificate of the amount thereof to the committee or managing body of the association, and to the registrar, and shall state in his certificate on what basis the calculation is made; and a copy of his certificate shall be annexed to the auditor's certificate.

5. The committee or managing body of every association shall deposit every year with the registrar—

(*a*) in the case of an association constituted in the Colony, such returns and statements relating to the insurance business carried on by each member of the association as may be prescribed, or as the registrar may specify; and

(*b*) in the case of an association constituted in a country outside the Colony—

(i) a certificate signed by the chairman or principal officer of the association, and by the authority in whom is vested the administration of the law relating to associations of insurance underwriters in that country, that the members of the association have, in respect of the preceding year, complied with the provisions of that law; and

(ii) a certified copy of such returns relating to insurance business carried on by the members of the association, as are required by that law to be prepared and furnished to that authority.

(*Sections* 4, 25, 35)

SECOND SCHEDULE

ADAPTATIONS FOR MUTUAL ASSOCIATIONS

1. (1) Where, on the application of any association of persons, whether incorporated or not, the Minister is satisfied that the association—

(*a*) is carrying on or is about to carry on long term business in the Colony; and

(*b*) is so constituted that the whole of the divisible surplus or profits thereof must, whenever determined or declared, be apportioned or applied for the benefit of the association's policy holders, or such of them as are entitled in accordance with the terms of the policies or any instruments governing the constitution of the association to participate in the profits of the association,

the Minister may by order direct that the following provisions of this Ordinance, that is to say—

(i) subsection (1) of section 4, in so far as it requires a person to be an incorporated company;

(ii) subsection (4) of section 4; and

(iii) paragraph (*a*) of subsection (2) of section 6,

shall not apply to the association on condition that it carries on no business other than long term business and such other business (if any) as may be specified in the order.

(2) Where an order is made under subparagraph (1) of this paragraph in respect of an association, the association shall, before continuing or commencing to carry on long term business in the Colony, deposit with the Registrar the sum of twenty thousand pounds, and shall keep that sum so deposited while it continues to carry on long term business in the Colony.

(3) Where the association is to be incorporated, the deposit may be made by the subscribers of the memorandum of association of the company, or any of them, in the name of the proposed company, and, upon the incorporation of the company, shall be deemed to have been made by, and to be part of the assets of, the company; and the registrar of companies shall not issue a certificate of incorporation of the company until the deposit has been made.

(4) Where the association intends to carry on insurance business of more than one of the classes specified in subsection (1) of section 2 of this Ordinance a separate sum of twenty thousand pounds shall be deposited and kept deposited under this paragraph in respect of each such class of business.

(5) The Registrar shall not accept a deposit under this paragraph except on the certificate of the Minister.

2. (1) Where, on the application of any association of persons, whether incorporated or not, the Minister is satisfied that the association—

(*a*) is carrying on or about to carry on fire insurance business; and

(*b*) is not carrying on or about to carry on that business except for the purpose of the mutual insurance of its members against damage caused to building or other property owned or occupied by them,

the Minister may by order direct that the following provisions of this Ordinance, that is to say—

(i) subsection (1) of section 4, in so far as it requires a person to be an incorporated company;

(ii) subsection (4) of section 4;

(iii) paragraph (*a*) of subsection (2) of section 6; and

(iv) section 25,

in so far as they would have applied to the association apart from the order, shall not apply to the association on condition that it carries on no business other than fire insurance business and business incidental thereto.

3. Where, on the application of any association of persons, whether incorporated or not, the Minister is satisfied that the association—

(*a*) is carrying on or about to carry on either employers' liability insurance business or marine, aviation and transit insurance business; and

(*b*) is not carrying on or about to carry on that class of business except for the purpose of the mutual insurance of its members against risks incidental to their trade or industry,

the Minister may by order direct that the provisions of this Ordinance (other than section 26, subsection (2) of section 27 and subsection (1) of section 29 thereof), in so far as they would have applied to the association apart from the order, shall not apply to the association on condition that it carries on no business other than employers' liability insurance business or marine, aviation and transit insurance business, as the case may be, and business incidental thereto.

Cap. 288.

4. Where a direction under this Schedule is given in respect of a company registered under the Companies Ordinance, being a company which has not commenced business, the statutory declaration required by section 95 of the said Ordinance to be delivered to the registrar of companies before the company commences business shall be accompanied by a copy, certified by the Registrar, of the order of the Minister containing the direction, and that copy shall be filed by the registrar of companies.

5. An order made under this Schedule may be revoked by the Minister—

(*a*) on the application of the association to which it applies; or

(*b*) if the Minister ceases to be satisfied of the matters on the ground of which the order was made; or

(*c*) if the Minister is satisfied that any condition specified in the order has not been complied with.

6. (1) Every sum deposited with the Registrar under paragraph 1 of this Schedule shall be invested by him in such securities as are authorized by law for the investment of trust funds or as may be approved by the Registrar, as the company by whom the sum was deposited may select, and the interest accruing due thereon shall be paid to the company.

(2) A deposit so made in respect of any class of business in respect of which a separate insurance fund is required to be kept shall be deemed to form part of that fund, and all interest accruing due on any such deposit or the securities in which it is for the time being invested shall be carried by the company to that fund.

7. (1) Regulations may be made with respect to applications for certificates, the payment of deposits, and the investment thereof or dealing therewith, the deposit of stocks or other securities in lieu of money, the payment of interest from time to time accruing due on any securities in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

(2) The regulations made under subparagraph (i) of this paragraph in respect of the withdrawal of deposits shall include provision for exempting an insurance company from

the necessity to make a deposit, or for allowing an association to withdraw a deposit already made, if the Minister is satisfied in manner provided by the regulations—

(*a*) in the case of an association carrying on general business, whether with or without long term business, that the value of the association's assets exceeds the amount of its liabilities by the amount required by section 25 of this Ordinance; or

(*b*) in the case of an association carrying on long term business but not general business—

(i) if the association is required to keep a separate fund or funds, that the value of the assets of the fund or each such fund exceeds the amount of the liabilities to which it may be applied and that the excess, or where more than one such fund is kept, the aggregate excess, is not less than fifty thousand pounds;

(ii) if the association is not so required, that the value of the association's assets exceeds the amount of its liabilities by fifty thousand pounds.

(3) In computing liabilities for the purposes of subparagraph (2) (*b*) of this paragraph, all contingent and prospective liabilities shall be taken into account.

(*Sections* 3 (3), 29)

THIRD SCHEDULE

RULES FOR VALUING POLICIES AND LIABILITIES

Life Policies

1. (1) The value of a life policy shall be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus or addition thereto made before the commencement of the winding up, and the present value of the future annual premiums.

(2) In calculating such present values interest shall be assumed at such rate, and the rate of mortality according to such tables, as the court may direct.

(3) The premium to be calculated shall be such premium as according to the said rate of interest and rate of mortality is sufficient to provide for the risk incurred by the office in issuing the policy, exclusive of any addition thereto for office expenses and other charges.

Annuities

2. An annuity shall be valued according to the tables used by the company which granted the annuity at the time of granting it, or where those tables cannot be ascertained or adopted to the satisfaction of the court, according to such rate of interest and table of mortality as the court may direct.

Bond Investment and Sinking Fund Policies

3. (1) The value of a bond investment or sinking fund policy shall be the difference between the present value of the sum assured according to the date or dates at which it is payable, including any bonus or addition thereto made before the commencement of the winding up, and the present value of any future premiums or subscriptions.

(2) In calculating such present values, interest shall be assumed at such rates as the court may direct.

(3) The premium or subscription to be calculated shall be such premium or subscription as, according to the said rate of interest, is sufficient to provide for the sum assured by the policy, exclusive of any addition thereto for office expenses and other charges.

Fire, Accident, Motor Vehicle, Marine, Aviation and Transit Policies

4. The value of a current fire, accident, motor vehicle, marine, aviation or transit policy shall be such portion of the last premium paid as is proportionate to the unexpired portion of the period in respect of which the premium was paid:

Provided that this rule shall not apply to a policy of insurance upon goods, merchandise or property on board a vessel or aircraft, or a policy of insurance against transit risks or risks incidental to transit, but any such policy shall be valued in like manner as it would have been valued if this Ordinance had not been enacted.

5. The present value of a periodic payment under an accident or motor vehicle policy shall, in the case of total permanent incapacity, be such an amount as would, if

invested in the purchase of a life annuity from the National Debt Commissioners through the Post Office Savings Bank, of the United Kingdom, purchase an annuity equal to seventy-five per cent of the annual value of the periodic payment, and, in any other case, shall be such proportion of that amount as may, in the circumstances of the case, be proper.

Employers' Liability Policies

6. The value of a current employers' liability policy shall be such portion of the last premium paid as is proportionate to the unexpired portion of the period in respect of which the premium was paid, together with, in the case of a policy under which any weekly payment is payable, the present value of that weekly payment.

7. The present value of a weekly payment under an employers' liability policy shall, if the incapacity of the workman in respect of which it is payable is total permanent incapacity, be such an amount as would, if invested in the purchase of a life annuity from the National Debt Commissioners through the Post Office Savings Bank of the United Kingdom, purchase an annuity for the workman equal to seventy-five per cent of the annual value of the weekly payment, and in any other case shall be such proportion of that amount as may, in the circumstances of the case, be proper.

(*Section* 29 (3))

FOURTH SCHEDULE

LIQUIDATOR'S DUTIES AS TO VALUATION OF LIABILITIES

Where an insurance company to which this Ordinance applies is being wound up by the court or subject to the supervision of the court, the liquidator, in the case of all persons appearing by the books of the company to be entitled to or interested in policies granted by the company, shall—

(*a*) ascertain the value of the liability of the company to each such person; and

(*b*) give notice of that value to such persons in such manner as the court may direct,

and any person to whom notice is so given shall be bound by the value so ascertained unless he gives notice of his intention to dispute that value in the manner and within a time to be prescribed by a rule or order of the court.

THE AGRICULTURE (AMENDMENT) ORDINANCE, 1960

No. 47 of 1960

Date of Assent: 3rd December, 1960

Date of Commencement: By Notice

AN ORDINANCE TO AMEND THE AGRICULTURE ORDINANCE, 1955, AND TO REPEAL THE EUROPEAN AGRICULTURAL SETTLEMENT ORDINANCE, 1955, AND FOR PURPOSES CONNECTED THEREWITH

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

Short title and commencement.

1. This Ordinance may be cited as the Agriculture (Amendment) Ordinance, 1960, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint; and the Governor may appoint different dates in relation to different provisions of this Ordinance.

Amendment of section 2 of Ordinance No. 8 of 1955.

2. Subsection (1) of section 2 of the Agriculture Ordinance, 1955, hereinafter referred to as the principal Ordinance, is amended—

(*a*) by substituting for the definitions of "agricultural land" and "Board (Non-scheduled Areas)", which appear therein, new definitions respectively as follows—

"agricultural land" means—

(*a*) in the case of land in the Scheduled Areas, all land which is comprised in a holding of twenty acres or more and is either used for the purpose of agriculture or, being land which in the opinion of the Minister ought to be brought into use for agriculture, is designated as agricultural land by the Minister in writing, not being land which, under any law relating to town and country planning, is proposed for use for purposes other than agriculture:

Provided that—

(i) the Minister may, on the advice of any planning authority having jurisdiction under any such law as aforesaid (or, where there is no

such authority, in his discretion), designate as agricultural land any land within the area of such jurisdiction which is comprised in a holding of less than twenty acres, unless the Minister is satisfied that it is used as a private garden or pleasure ground appurtenant to a dwelling;

(ii) no land shall be designated as agricultural land if it is kept or preserved mainly or exclusively for the purpose of sport or recreation, unless the Minister is satisfied that its use for agriculture would not be inconsistent with its use for those purposes and so states in the designation;

(*b*) in the case of land in the Non-scheduled Areas, all land outside townships, trading centres declared under the Trading Centres Ordinance and markets, not being land actually occupied by buildings, or land specifically appropriated, and mainly used, for purposes other than agriculture, or land which, under any law relating to town and country planning, is proposed for use for purposes other than agriculture; Cap. 278.

"Board (Non-scheduled Areas)" means the Board of Agriculture (Non-scheduled Areas) constituted under section 144 of this Ordinance;

(*b*) by deleting the definition of "Highlands", which appears therein;

(*c*) by inserting therein, in their alphabetical positions, new definitions as follows—

"approved settlement scheme" means a scheme of agricultural settlement or resettlement or land utilization prepared and approved by the Land Development and Settlement Board under section 176E of this Ordinance, as from time to time varied under that section;

"assisted owner" means a person, not being a tenant farmer, who has been granted an advance under Part XA of this Ordinance;

"essential crops" means crops declared under section 109 of this Ordinance to be essential crops;

"Fund" means the Agricultural Settlement Fund established under section 176F of this Ordinance;

"Production Approval" means an approval made under section 113 of this Ordinance;

"special crop" means a crop declared under section 176V of this Ordinance to be a special crop;

"tenant farmer" means a person to whom a lease of agricultural land has, under Part XA of this Ordinance or any rules made thereunder, been granted for his life or for a term of years, or a person with whom an agreement for such a lease has been made.

Amendment of section 5 of the principal Ordinance.

3. Paragraph (*d*) of subsection (1) of section 5 of the principal Ordinance is amended by substituting for the words "Production Orders", which appear therein, the words "Production Approvals and Production Orders".

Amendment of section 7 of the principal Ordinance.

4. Section 7 of the principal Ordinance is amended—

(*a*) by substituting for the word "March", which appears therein, the word "February";

(*b*) by adding at the end thereof a proviso as follows—

Provided that, in the case of any particular scheduled crop which is not an essential crop, the price therefor may be fixed at any time before the general beginning of harvesting thereof in the Colony, and may be fixed in the light of the conditions then prevailing.

Amendment of section 22 of the principal Ordinance.

5. Section 22 of the principal Ordinance is amended by substituting for subsection (1) thereof a new subsection as follows—

(1) For the purposes of this Ordinance, the Scheduled Areas shall comprise such areas of land as the Minister shall, after consultation with the Board (Scheduled Areas) and the Board (Non-scheduled Areas), by notice in the Gazette, from time to time declare to be Scheduled Areas.

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6. There shall be substituted for section 26 of the principal Ordinance a new section as follows— **Replacement of section 26 of the principal Ordinance.**

Constitution of Agricultural Sub-committees.

26. (1) For every production area an Agricultural Subcommittee shall be elected, in manner prescribed by rules made under subsection (2) of this section, by the registered owners and occupiers of agricultural land which is, or under section 25 of this Ordinance is determined to be, within the production area.

(2) The Minister, on the recommendation of the Board (Scheduled Areas), may make rules respecting Agricultural Subcommittees—

(*a*) prescribing the numbers of members and their qualifications;

(*b*) empowering the Board (Scheduled Areas), on the application of a particular Agricultural Subcommittee, to vary the prescribed number of members of that Subcommittee;

(*c*) prescribing the manner of election of members;

(*d*) if the Minister thinks fit, regulating the number of votes to which an elector shall be entitled according to the acreage of agricultural land which the voter occupies;

(*e*) regulating the tenure of office of members;

(*f*) providing for the appointment or election of chairmen and deputy chairmen;

(*g*) prescribing the method of voting by companies;

(*h*) making such transitional provision, and providing for such incidental matters, as the Minister may think necessary.

(3) In subsection (1) of this section, the expressions "registered owners" and "registered occupiers" mean respectively owners and occupiers who, at the date of the election, are registered in the register maintained under section 23 of this Ordinance.

Repeal of sections 27 to 33 of the principal Ordinance.

7. Sections 27 to 33 (inclusive) of the principal Ordinance are repealed.

Amendment of section 37 of the principal Ordinance.

8. Subsection (1) of section 37 of the principal Ordinance is amended by substituting for the words "agriculture in its production area", which appear therein, the words "the powers and duties of the Agricultural Subcommittee".

Amendment of section 39 of the principal Ordinance.

9. Section 39 of the principal Ordinance is amended—

(*a*) in subsection (1) thereof—

(i) by deleting paragraph (*d*) thereof;

(ii) by renumbering paragraphs (*a*), (*b*) and (*c*) thereof as paragraphs (*b*), (*c*) and (*d*) respectively;

(iii) by inserting, immediately before paragraph (*b*) thereof (as renumbered), a new paragraph as follows—

(*a*) the District Commissioner of the district, or the respective District Commissioners of the districts, in which the area of the Agricultural Committee lies;

(*b*) by substituting for subsection (3) thereof a new subsection as follows—

(3) An Agricultural Committee may co-opt not more than three persons to be members of the Committee, and any persons so co-opted shall hold office for such term, not exceeding three years, as the Committee shall determine, and shall be members of the Committee for all purposes during such term.

Amendment of section 40 of the principal Ordinance.

10. The second proviso to subsection (1) of section 40 of the principal Ordinance is amended by substituting for the expression "paragraph (*d*) of subsection (1)", which appears therein, the expression "subsection (3)".

Amendment of section 44 of the principal Ordinance.

11. Subsection (1) of section 44 of the principal Ordinance is amended by substituting for the words "agriculture in its production area", which appear therein, the words "the powers and duties of the Agricultural Committee".

Amendment of section 45 of the principal Ordinance.

12. Section 45 of the principal Ordinance is amended—

(*a*) by substituting for subsection (1) thereof two new subsections as follows—

(1) There is hereby constituted a Board, to be known as the Board of Agriculture (Scheduled Areas), which shall consist of the following members—

(*a*) a Chairman appointed by the Minister after consultation with the other members of the Board;

(*b*) the respective Chairmen for the time being of all Agricultural Committees:

Provided that—

(i) any Agricultural Committee may appoint another of its members to be a member of the Board in lieu of its Chairman;

(ii) the membership under this paragraph shall not exceed twelve, and, if there are more than twelve Agricultural Committees, the Minister, after consultation with the Board (Scheduled Areas), shall, so often as may be necessary, direct that two or more particular Committees shall join, in such manner as he shall specify, in the appointment of one member in lieu of the persons who would otherwise have been members under the foregoing provisions of this subsection;

(*c*) the Director of Agriculture, or, on any occasion when he is prevented from attending, an officer of the Agricultural Department deputed by him;

(*d*) the Director of Veterinary Services, or, on any occasion when he is prevented from attending, an officer of the Veterinary Department deputed by him;

(*e*) one person appointed by the Board (Non-scheduled Areas);

(*f*) the Assistant Director of Agriculture, Rift Valley Province;

(*g*) not more than two persons appointed by the Minister;

(*h*) subject to the provisions of subsection (1A) of this section, such associate members as are nominated under that subsection.

(1A) Each of the agricultural and marketing organizations specified in the Third Schedule to this Ordinance may nominate a person to be an associate member of the Board (Scheduled Areas), and the following provisions shall have effect in relation to associate members so nominated—

(*a*) the Chairman of the Board may invite any associate member to attend any meeting of the Board at which is to be discussed an item which he thinks is likely to be of particular concern to the organization which nominated that member;

(*b*) an associate member invited under paragraph (*a*) of this subsection to attend a meeting, and any associate member who thinks that an item which is to be discussed at a meeting is likely to be of particular concern to the organization which nominated him, shall, if he desires to attend that meeting, attend at the beginning thereof, and the Board shall thereupon either disallow his attendance at the meeting (whereupon the member shall leave the meeting) or allow his attendance thereat during the discussion and disposal of such items of agenda as it shall determine, and the associate member so allowed to attend shall during such time be deemed to be a full member of the Board and shall be entitled to vote on such items accordingly.

(*b*) in subsection (2) thereof, by inserting, immediately after the words "(Scheduled Areas)", which appear therein, the words "and the Board (Non-scheduled Areas)";

(*c*) in subsection (3) thereof, by substituting for the word "membership" and the words "a member", which appear therein, the words "associate membership" and the words "an associate member" respectively;

(*d*) in subsection (4) thereof —

(i) by inserting, immediately after the word "members", where it first appears therein, the words "and associate members";

(ii) by substituting for the expression "paragraph (*a*)", which appears in paragraph (*b*) thereof, the expression (paragraph (*b*)";

(iii) by substituting for the expression "a person nominated under paragraph (*b*) of subsection (1) of this section", which appears in paragraph (*c*) thereof, the words "an associate member";

Amendment of section 46 of the principal Ordinance.

13. Section 46 of the principal Ordinance is amended by deleting subsection (1) thereof, and the proviso to subsection (3) thereof.

Amendment of section 47 of the principal Ordinance.

14. Subsection (1) of section 47 of the principal Ordinance is amended by substituting for the words "twice in every year", which appear therein, the words "once in every period of three months running from the first day of the month,".

Repeal of section 51 of the principal Ordinance.

15. Section 51 of the principal Ordinance is repealed.

Amendment of section 52 of the principal Ordinance.

16. Section 52 of the principal Ordinance is amended—

(*a*) by deleting the word "other", which appears therein;

(*b*) by deleting all the words which appear therein after the word "specifically".

Repeal of section 53 of the principal Ordinance.

17. Section 53 of the principal Ordinance is repealed.

Replacement of section 54 of the principal Ordinance.

18. There shall be substituted for section 54 of the principal Ordinance a new section as follows—

Functions of the Board (Scheduled Areas).

54. (1) The functions of the Board (Scheduled Areas) shall be—

(*a*) to exercise the powers conferred, and perform the duties imposed, upon it by or under this Ordinance or any other written law;

(*b*) to advise the Minister on all matters relating to or connected with the exercise of its powers or the performance of its duties;

(*c*) to carry out, on behalf of any other Ministry or Department of the Government, such functions as may, with the consent of that Ministry or Department and of the Board, be allotted to it by the Minister;

(*d*) to carry out any other executive functions allotted to it by the Minister with the consent of the Board;

(*e*) generally to further the objects of this Ordinance within the Scheduled Areas.

(2) The Board (Scheduled Areas) may assign to an Agricultural Committee or an Agricultural Subcommittee the carrying out, within the area of the Committee or Subcommittee, of any function, or any part of any function, allotted to it under paragraph (*c*) or paragraph (*d*) of subsection (1) of this section.

Amendment of section 55 of the principal Ordinance.

19. Subsection (1) of section 55 of the principal Ordinance is amended by inserting, immediately before the word "membership", which appears therein, the word "associate".

Amendment of Parts IV and VI of the principal Ordinance.

20. Parts IV and VI of the principal Ordinance are amended by adding, at the end of the heading thereof, in each case the words "IN THE SCHEDULED AREAS".

Amendment of section 58 of the principal Ordinance.

21. Section 58 of the principal Ordinance is amended—

(*a*) by deleting the words "Powers of the Minister to make", which appear in the marginal note thereto;

(*b*) in subsection (1) thereof, by substituting for the words "or closed areas", which appear in subparagraph (ii) of paragraph (B) thereof, the words, "catchment areas or areas where rules made under paragraph (E) of this subsection are in force";

(*c*) in subsection (2) thereof, by inserting, immediately after the word "empower", which appears therein, the words "an Agricultural Committee, with the approval of the Minister given after consultation with the Minister for the time being responsible for local government and the Board (Scheduled Areas), to make regulations, applicable to its area or a part

thereof, for any of the purposes for which rules may be made under that subsection, and any such rule, and any such regulation, may empower";

(*d*) in subsection (3) thereof, by substituting for the words "Any such rule as aforesaid", which appear therein, the words "Any rule or regulation under this section".

Repeal of section 76 of the principal Ordinance.

22. Section 76 of the principal Ordinance is repealed.

Amendment of section 82 of the principal Ordinance.

23. Section 82 of the principal Ordinance is amended by substituting for the proviso thereto a new proviso as follows—

Provided that the preceding provisions of this section shall not apply where the Minister, after full examination of such facts as are known to him, and after making such inquiries as he thinks fit, and with the concurrence of the Board (Scheduled Areas), gives notice in writing to the person required to comply with the Order that, in his opinion and in that of the Board, such person—

(i) is in a position to raise sufficient moneys on the security of the land concerned, or

(ii) has available sufficient moneys out of the moneys which, on seeking consent (under the law regulating dealings in land) to acquire the land, he declared to be available to him for the development of the land,

to meet any expenditure which would be incurred in complying with the Order, and should be required to use such moneys on complying with the Order.

Amendment of section 83 of the principal Ordinance.

24. Section 83 of the principal Ordinance is amended by inserting, immediately after the word "Order", which appears therein, the words ", or the giving of a notice under the proviso to section 82 of this Ordinance,".

Amendment of section 93 of the principal Ordinance.

25. Section 93 of the principal Ordinance is amended by inserting, at the beginning thereof, the words "Except in so far as may be otherwise provided by rules made under section 98A of this Ordinance,".

Replacement of section 97 of the principal Ordinance.

26. There shall be substituted for section 97 of the principal Ordinance a new section as follows—

When Land Development Loan may be granted.

97. Any owner or occupier of agricultural land may apply for a Land Development Loan—

(*a*) to enable him to comply with the terms of a Land Development Order; or

(*b*) in any case in which such an application may be made by virtue of rules made under section 98A of this Ordinance.

Amendment of section 98 of the principal Ordinance.

27. Subsection (1) of section 98 of the principal Ordinance is amended by inserting, immediately after the word "Loan", which appears therein, the words "under paragraph (*a*) of section 97 of this Ordinance".

Insertion of new section 98 A in the principal Ordinance.

28. There shall be inserted in the principal Ordinance, immediately after section 98 thereof, a new section as follows—

Minister may make rules for the granting of certain Land Development Loans.

98A. The Minister may, with the consent of the Board (Scheduled Areas), make rules to provide for the granting of Land Development Loans to owners and occupiers of agricultural land for purposes other than the purpose of enabling compliance with a Land Development Order, and such rules may provide—

(*a*) for the cases in which such loans may be made;

(*b*) for the areas with respect to which such loans may be made;

(*c*) for the terms and conditions on which such loans may be made;

(*d*) for the procedure for applying for such loans;

(*e*) for such incidental matters as the Minister may think fit.

Replacement of sections 99 and 100 of the principal Ordinance.

29. There shall be substituted for sections 99 and 100 of the principal Ordinance three new sections as follows—

Funds for loans.

99. The Minister may from time to time place at the disposal of the Board (Scheduled Areas), for the purposes of this Part, any moneys, or such portion thereof as he may think fit, provided for such purposes by the Legislative Council or raised under guarantees or credit facilities approved by the Legislative Council.

Agencies for loans.

100. Where, under subsection (2) of section 99 of this Ordinance, the Minister has placed moneys at the disposal of the Board (Scheduled Areas) for the purposes of this Part, the Board may, with the approval of the Minister, appoint such agent as it may think fit in respect of Land Preservation Loans and Land Development Loans made out of such moneys, or may appoint such agents as it may think fit in respect of particular classes of such loans, and such an agent shall, whenever the Board so directs, advance out of such moneys or from credit afforded under section 99 of this Ordinance such sums as may be required for the purpose of making Land Preservation Loans or Land Development Loans (or the particular class thereof, as the case may be) or advances on account thereof.

Disposal of repayments.

100A. Moneys received by the Board (Scheduled Areas) by way of repayment of Land Preservation Loans or Land Development Loans or by way of payment of interest on such loans shall, where the Treasury so directs, be paid by the Board into the consolidated fund, and shall otherwise be retained by the Board for the purposes of this Part.

Amendment of subheading A of Part VIII of the principal Ordinance.

30. Subheading A of Part VIII of the principal Ordinance is amended by substituting for the words "Production Orders", which appear therein, the words "Production Approvals and Production Orders".

Amendment of section 109 of the principal Ordinance.

31. Section 109 of the principal Ordinance is amended by substituting for subsection (2) thereof a new subsection as follows—

(2) In making a declaration under subsection (1) of this section, the Minister may declare a particular variety only of a scheduled crop to be an essential crop.

Replacement of section 113 of the principal Ordinance.

32. There shall be substituted for section 113 of the principal Ordinance a new section as follows—

Production Approvals and Production Orders.

113. (1) Upon receipt of a programme of production and the recommendations thereon of the Agricultural Committee or the Agricultural Subcommittee under section 111 of this Ordinance, the Board (Scheduled Areas) may—

(*a*) approve the programme of production, or approve it with such modifications as it thinks fit; or

(*b*) refuse to approve the programme of production.

(2) Where, under paragraph (*a*) of subsection (1) of this section, the Board has approved, or approved with modifications, a programme of production, it may, at the request of the owner or occupier (as the case may be) who has submitted the programme of production, make and issue to the owner or occupier of the land to which the programme of production relates a Production Approval approving the programme of production.

(3) Where, under section 112 of this Ordinance, the Board has itself prepared a programme of production, it may make and serve on the occupier of the land to which the programme of production relates a Production Order ordering the production on the said land or on a specified part thereof of the essential crops therein specified.

(4) Wherever it appears to the Minister necessary in the national interest to do so, he may, with the approval of the Governor in Council of Ministers, direct the Board in specified cases or classes of cases to make and serve Production Orders in lieu of making and issuing Production Approvals in cases where, but for such direction, Production Approvals would have been made and issued.

(5) Every Production Approval and every Production Order shall be in such form as may be prescribed, and shall be subject to such conditions as may be prescribed and endorsed thereon by the Board.

(6) Where a Production Approval or Production Order is in force in respect of any land, a disposition (including a testamentary disposition), devolution or transmission of the land shall not affect the continued operation of the Approval or Order, and accordingly the Approval or Order shall remain in force and be binding on every person for the time being in occupation of the land as if it had been made so as to relate to every such person as well as to the person in occupation at the date of the making thereof.

(7) The Board may, by resolution, delegate to any officer of the Board the exercise of any of the powers conferred upon the Board by this section, either generally or in any particular case.

Replacement of sections 114, 115 and 116 of the principal Ordinance.

33. There shall be substituted for sections 114, 115 and 116 of the principal Ordinance three new sections as follows—

Variation and cancellation of Production Approvals and Production Orders.

114. (1) The Board (Scheduled Areas) may at any time, by order, cancel any Production Approval or Production Order, or vary the terms thereof, or extend the period allowed thereby for compliance with the terms thereof.

(2) The Board shall give effect to an order made under subsection (1) of this section by serving a copy of the order on the person affected by the Production Approval or Production Order.

Appeal against making of Production Approval or Production Order.

115. Any person who is aggrieved by the making of a Production Approval or Production Order in his respect may, within fourteen days after the issue to him of the Approval or the service on him of the Order, as the case may be, appeal to the Agricultural Appeals Tribunal.

Failure to comply with Production Order or Production Approval.

116. Any person who fails to comply with the terms of a Production Order, and any person to whom a Production Approval has been issued for the production of an essential crop and who, having received an advance under section 125 of this Ordinance, fails to produce such essential crop in accordance with the terms of the Production Approval, shall be guilty of an offence.

Amendment of section 117 of the principal Ordinance.

34. Section 117 of the principal Ordinance is amended—

(*a*) by substituting for the marginal note thereto a new marginal note reading "Additional powers to vary Production Approvals and Production Orders.";

(*b*) in subsection (2) thereof, by inserting, immediately after the words "such person is", which appear therein, the words "issued with a Production Approval or", and by substituting for the words "of vary", which appear therein, the words "or vary";

(*c*) in subsection (3) thereof, by substituting for the words "Production Order", in both places where they

appear therein, the words "Production Approval or Production Order".

Amendment of section 118 of the principal Ordinance.

35. Subsection (1) of section 118 of the principal Ordinance is amended by deleting the words "affected by the Order", which appear therein.

Amendment of section 119 of the principal Ordinance.

36. Section 119 of the principal Ordinance is amended by substituting for the words "a Production Order" and the words "the Order", which appear therein, the words "a Production Approval or a Production Order" and the words "the Approval or the Order" respectively.

Amendment of section 120 of the principal Ordinance.

37. Section 120 of the principal Ordinance is amended—

(*a*) in paragraph (*c*), and proviso (v) thereto, of subsection (1) thereof, and in subsection (4) thereof, by substituting for the words "Production Order", which appear therein, in each case the words "Production Approval or Production Order";

(*b*) in subsection (3) thereof, by substituting for the words "Production Order or Orders", which appear therein, the words "Production Approval or Production Order".

Amendment of section 123 of the principal Ordinance.

38. Section 123 of the principal Ordinance is amended—

(*a*) in subsection (1) thereof, by substituting for the words "is required to produce under the terms of a Production Order", which appear therein, the words "is producing under the terms of a Production Approval or Production Order";

(*b*) in subsection (1A) thereof, by substituting for the words "Production Order", which appear therein, the words "Production Approval or Production Order".

Amendment of section 124 of the principal Ordinance.

39. Subsection (1) of section 124 of the principal Ordinance is amended by substituting for the words "required by the terms of a Production Order to produce", which appear therein, the words "who, under the terms of a Production Approval or Production Order, is producing".

Amendment of section 125 of the principal Ordinance.

40. Subsection (1) of section 125 of the principal Ordinance is amended by inserting, at the beginning thereof, the words "Any person to whom a Production Approval has been issued for the production of, and", and by inserting a comma immediately after the word "produce".

41. Section 127 of the principal Ordinance is amended— Amendment of section 127 of the principal Ordinance.

(*a*) by substituting for the marginal note thereto a new marginal note reading "Effect of cancellation or variation of Production Approval or Production Order on advance.";

(*b*) by substituting for the words "Production Order", which appear therein, the words "Production Approval or Production Order";

(*c*) by substituting for the words "the Order", in all three places where they appear therein, the words "the Approval or Order".

42. Subsection (4) of section 130 of the principal Ordinance is amended by inserting, immediately after the word "person", which appears therein, the words "to whom a Production Approval has been issued or". Amendment of section 130 of the principal Ordinance.

43. Subsection (1) of section 133 of the principal Ordinance is amended— Amendment of section 133 of the principal Ordinance.

(*a*) by inserting, immediately after the words "in respect of which", which appear therein, the words "a Production Approval has been issued or";

(*b*) by inserting, immediately after the words "in accordance with", which appear therein, the words "the Production Approval or".

44. The heading to Part IX of the principal Ordinance is amended by substituting for the words "LAND DEVELOPMENT BOARD (NON-SCHEDULED AREAS)", which appear therein, the words "BOARD OF AGRICULTURE (NON-SCHEDULED AREAS)". Amendment of heading to Part IX of the principal Ordinance.

45. There shall be inserted in the principal Ordinance, immediately after section 137 thereof, two new sections as follows— Insertion of new sections 137A and 137B in the principal Ordinance.

Establishment of Agricultural Subcommittees (Non-scheduled Areas).

137A. (1) A Provincial Agricultural Committee may establish an Agricultural Subcommmittee (Non-scheduled Areas), hereafter in this Ordinance referred to as an Agricultural Subcommittee, for any part of any district in the area in respect of which the Provincial Agricultural Committee is established, after consultation with the District Agricultural Committee established for that district.

(2) The membership and procedure of Agricultural Subcommittees shall be such as the Provincial Agricultural Committee shall prescribe by rules, a majority of the members nevertheless being persons who are farming in the Non-scheduled Areas.

Functions of Agricultural Subcommittees.

137B. The duties of each Agricultural Subcommittee shall be—

(*a*) to nominate one member of the District Agricultural Committee of the district within which its area lies;

(*b*) to advise such District Agricultural Committee in regard to matters concerning the preservation, usage and development of land;

(*c*) to implement within its own area the plans and decisions of such District Agricultural Committee;

(*d*) to advise the Minister, through the District Agricultural Committee and the Provincial Agricultural Committee, on the granting, under section 173 of this Ordinance, of loans to occupiers of land within its area.

Amendment of section 138 of the principal Ordinance.

46. Section 138 of the prinical Ordinance is amended—

(*a*) by substituting for paragraphs (*d*), (*e*) and (*f*) thereof three new paragraphs as follows—

(*d*) two persons appointed by the African District Council having jurisdiction in the district;

(*e*) two persons appointed by the Provincial Agricultural Committee;

(*f*) either—

(i) where one or more Agricultural Subcommittees are established in the district, one person appointed by each Agricultural Subcommittee, and, where such persons are less than six in number, such number of persons who are farming in the District Agricultural Committee's area, appointed by the Provincial Agricultural Committee, as will make up the deficiency; or

(ii) where no Agricultural Subcommittee is established in the district, not more than six persons who are farming in the district, appointed by the Provincial Agricultural Committee;

(*b*) by renumbering it as subsection (1) thereof, and adding immediately thereafter two new subsections as follows—

(2) Members appointed under paragraph (*d*), paragraph (*e*) or paragraph (*f*) of subsection (1) of this section shall each hold office for a term of three years and shall be eligible for reappointment, but those appointed under the said paragraph (*d*) shall cease to be members if they cease to be members of the African District Council before the end of that time.

(3) The Chairman may co-opt any person to be a member of the Committee for a particular meeting of the Committee but without power to vote.

Amendment of section 141 of the principal Ordinance.

47. Section 141 of the principal Ordinance is amended—

(*a*) in paragraph (*e*) thereof, by substituting for the words "paragraph (*e*) of section 138 of this Ordinance", which appear therein, the words "paragraphs (*d*), (*e*) and (*f*) of section 138 of this Ordinance, shall be a person who is farming in the Non-scheduled Areas, and shall be appointed by the Provincial Commissioner";

(*b*) in paragraph (*f*) thereof, by substituting for the words "Provincial Commissioner", which appear therein, the words "Minister after consultation with the Provincial Agricultural Committee";

(*c*) by renumbering it as subsection (1) thereof and adding at the end thereof two new subsections as follows—

(2) (*a*) Members appointed under paragraph (*e*) or paragraph (*f*) of subsection (1) of this section shall each hold office for a term of three years, but those appointed under the said paragraph (*e*) shall cease to be members if they cease to be members of the District Agricultural Committee before the end of that time.

(*b*) Retiring members shall be eligible for reappointment.

(3) A Provincial Agricultural Committee shall have power to appoint committees thereof, constituted in such manner as it may determine, for exercising and performing on behalf of the Provincial Agricultural Committee, subject to any general or specific reservations or directions of such Committee, all or any of the powers conferred and the duties imposed upon such Committee by this Ordinance, without further or other delegation or confirmation by the Committee.

Replacement of section 144 of the principal Ordinance.

48. There shall be substituted for section 144 of the principal Ordinance a new section as follows—

Constitution of Board (Non-scheduled Areas).

144. (1) There is hereby constituted a Board, to be known as the Board of Agriculture (Non-scheduled Areas), which shall consist of the following persons—

(*a*) a Chairman appointed by the Minister after consultation with the other members of the Board;

(*b*) the Director of Agriculture or an officer of the Agricultural Department deputed by him;

(*c*) the Director of Veterinary Services or an officer of the Veterinary Department deputed by him;

(*d*) a person appointed by the Board (Scheduled Areas);

(*e*) not more than twelve persons who farm in the Non-scheduled Areas and are members of Provincial Agricultural Committees, appointed by the respective Provincial Agricultural Committees of which they are members, each Committee appointing two such persons;

(*f*) two persons appointed by the Minister;

(*g*) subject to the provisions of subsection (2) of this section such associate members as are nominated under that subsection.

(2) Each of the agricultural and marketing organizations specified in the Third Schedule to this Ordinance may nominate a person to be an associate

member of the Board (Non-scheduled Areas), and the following provisions shall have effect in relation to associate members so nominated—

(*a*) the Chairman of the Board may invite any associate member to attend any meeting of the Board at which is to be discussed an item which he thinks is likely to be of particular concern to the organization which nominated that member;

(*b*) an associate member invited under paragraph (*a*) of this subsection to attend a meeting, and any associate member who thinks that an item which is to be discussed at a meeting is likely to be of particular concern to the organization which nominated him, shall, if he desires to attend that meeting, attend at the beginning thereof, and the Board shall either disallow his attendance at the meeting (whereupon the member shall leave the meeting) or allow his attendance thereat during the discussion and disposal of such items of agenda as it shall determine, and the associate member so allowed to attend shall during such time be deemed to be a full member of the Board and shall be entitled to vote on such items accordingly.

(3) The Chairman and the Deputy Chairman of any Provincial Agricultural Committee may attend any meeting of the Board during the discussion of any particular item affecting the province, and may take part in such discussion, but shall not be entitled to vote at the meeting.

(4) The Chairman of the Board may invite any person to attend any meeting of the Board during the discussion of any particular item and to take part in such discussion, but a person so invited shall not be entitled to vote at the meeting.

Amendment of section 145 of the principal Ordinance.

49. Section 145 of the principal Ordinance is amended by substituting for the expression "paragraph (*e*), (*f*) or (*g*)", which appears therein, the expression "paragraph (*d*), paragraph (*e*) or paragraph (*f*)".

Amendment of section 146 of the principal Ordinance.

50. Section 146 of the principal Ordinance is amended by adding at the end thereof two new paragraphs, and additional words thereafter, as follows—

(*f*) the policy in regard to production in the Non-scheduled Areas; and

(*g*) matters relating to the annual review conducted by the Minister under section 5 of this Ordinance; and to perform such executive functions as may, with the consent of the Board, be allotted to the Board by the Minister.

Repeal of section 151 of the principal Ordinance.

51. Section 151 of the principal Ordinance is repealed.

Amendment of section 152 of the principal Ordinance.

52. Section 152 of the principal Ordinance is amended—

(*a*) by deleting the word "other", which appears therein;

(*b*) by deleting all the words which appear therein after the word "specifically".

Repeal of section 153 of the principal Ordinance.

53. Section 153 of the principal Ordinance is repealed.

Amendment of section 158 of the principal Ordinance.

54. Section 158 of the principal Ordinance is amended—

(*a*) in subsection (2) thereof, by inserting, immediately after the word "empower", which appears therein, the words "a District Agricultural Committee, with the approval of the Minister given after consultation with the Minister for the time being responsible for local government and the Board (Non-scheduled Areas), to make regulations, applicable to its area or a part thereof, for any of the purposes for which rules may be made under that subsection, and any such rule, and any such regulation, may empower";

(*b*) in subsection (3) thereof, by inserting, immediately after the word "rules", in both places where it appears therein, the words "and regulations".

Amendment of section 173 of the principal Ordinance.

55. Section 173 of the principal Ordinance is amended by substituting for the words ", to any person, or guarantee any credit, required for such development, afforded to any person;", which appear in paragraph (*a*) thereof, the words "or any other agricultural purpose, to any person, or guarantee any credit afforded to any person for such development or purpose;".

Insertion of new Parts XA, XB, XC and XD in the principal Ordinance.

56. There shall be inserted in the principal Ordinance, immediately after Part X thereof, four new Parts as follows—

PART XA—LAND DEVELOPMENT AND SETTLEMENT

Constitution of Land Development and Settlement Board.

176A. (1) There is hereby constituted a Board, to be known as the Land Development and Settlement Board, hereafter in this Part referred to as the Board, which shall consist of the following members—

(*a*) a Chairman appointed by the Minister;

(*b*) six persons, of whom at least two shall be members of the Board (Scheduled Areas), appointed by the Board (Scheduled Areas) after consultation with all the Agricultural Committees;

(*c*) the Chairman for the time being of the Board (Non-scheduled Areas), with the Executive Officer of the Board (Non-scheduled Areas) as alternate member to him;

(*d*) the Director of Agriculture, or, on any occasion when he is prevented from attending, an officer of the Agricultural Department deputed by him;

(*e*) three persons appointed by the Board (Non-scheduled Areas) who, if they are resident in the Scheduled Areas, are registered under section 23 of this Ordinance;

(*f*) one senior technical officer of the Agricultural Department and one senior finance officer of the Ministry, appointed by the Minister;

(*g*) where the Chairman for the time being of the Board (Scheduled Areas) is not appointed a member under one of the preceding paragraphs of this subsection, that Chairman;

(*h*) not more than two other persons appointed by the Minister.

(2) Of the members of the Board appointed under paragraphs (*a*), (*b*), (*e*) and (*h*) of subsection (1) of this section—

(*a*) the member appointed under paragraph (*a*) shall hold office as Chairman and member for a term of three years;

(*b*) two of those appointed under paragraph (*b*), and one of those appointed under paragraph (*e*), being in either case those who have held office the longest, shall retire at the end of each year, and, where it is necessary to decide between persons who have held office for the same length of time, the decision, in default of agreement between such persons, shall be by ballot of the other members of the Board;

(*c*) those appointed under paragraph (*h*) shall hold office for the respective terms for which they are appointed by the Minister;

and retiring members shall be eligible for re-appointment.

Board to be a corporate body.

176B. (1) The Board shall, by the name of the Land Development and Settlement Board, be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued, and, for and in connexion with the purposes of this Part, may purchase, hold, manage and dispose of movable and immovable property, and may enter into such contracts as it may deem necessary or expedient.

(2) The seal of the Board shall be authenticated by the signature of the Chairman of the Board, or of some member of the Board authorized by the Chairman to act in his stead in that behalf, and of the Chief Executive Officer of the Board, or some person authorized by the Board to act in his stead in that behalf, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of

the Chairman of the Board or of any member of the Board authorized by the Board in that behalf or of the Chief Executive Officer of the Board.

Meetings and procedure of the Board.

176C. (1) In the absence of the Chairman from any meeting of the Board a member shall be chosen by the members present at the meeting, from their number, to preside at the meeting.

(2) The Chairman, or the member presiding, shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote; and the decision of the majority of the members present and voting at a meeting of the Board shall be deemed to be the decision of the Board.

(3) At any meeting of the Board seven members shall form a quorum.

(4) The Board may act notwithstanding any vacancy in its membership, and all proceedings and decisions of the Board shall be valid notwithstanding that some person who was not entitled to do so attended any meeting thereof or voted therein or otherwise took part in such proceedings.

(5) Subject to the provisions of this section, the Board shall have power to regulate the conduct of its business and the procedure at its meetings.

(6) Members of the Board who are not in the public service of the Colony may be paid such remuneration by way of fees or allowances or otherwise as may from time to time be approved by the Minister.

Power of Board to appoint committees and delegate powers.

176D. (1) The Board may appoint committees for such purposes as it thinks fit, and may empower any committees so appointed to co-opt persons who are not members of the Board.

(2) The constitution, functions and procedure of a committee shall be such as the Board may determine either generally or specifically.

(3) The Board may delegate to any officer of the Board the exercise, subject to the general or special directions of the Board, of any of its functions under this Part.

Functions of Board.

176E. It shall be the function of the Board, subject to any general or specific directions of the Minister—

(*a*) to prepare in accordance with any rules made under section 176O of this Ordinance, and thereafter approve, and, as the Board may think fit, to vary, schemes of agricultural settlement or resettlement or land utilization, for persons of all races, and to carry into effect, operate and administer such schemes;

(*b*) to develop or improve as the Board may deem necessary and in such manner as the Board may think fit any land acquired by the Board under this Part;

(*c*) to select and train, in such manner as the Board may think fit, persons who wish to engage in agriculture in the Colony, under any approved settlement scheme;

(*d*) to assist in the preparation of schemes by persons other than the Board for agricultural settlement, and to assist in carrying into effect, operating and administering such schemes;

(*e*) to carry out any other activity, whether of a like nature to the foregoing or not, which the Board may deem necessary or desirable for the proper discharge of its duties aforesaid;

(*f*) to do all things necessary to discharge its functions as agent for the Government, if so appointed under section 176N of this Ordinance;

(*g*) to act as paid agent for, and to administer the property of, the trustees referred to in section 176P of this Ordinance, if so desired by such trustees, and in accordance with the general or specific instructions of such trustees;

(*h*) to exercise such other powers as may be conferred on the Board by any other written law.

Agricultural Settlement Fund.

176F. (1) There shall be established an Agricultural Settlement Fund, which shall, subject to any special directions of the Minister, be under the control of the Board.

(2) There shall be paid into the Fund established under subsection (1) of this section—

(*a*) any sums from time to time provided by the Legislative Council for the purposes of the Board;

(*b*) all rentals, interest on advances and repayments of advances or instalments thereof;

(*c*) all moneys derived from the sale of any land acquired by the Board for the purpose of any approved settlement scheme or for any other purpose approved by the Minister;

(*d*) the proceeds derived from the sale of any surplus assets which may have been acquired by the Board in the exercise of any of the powers contained in this Part;

(*e*) all moneys derived from the resale of land;

(*f*) any sum raised by loan under the provisions of subsection (5) of section 176G of this Ordinance;

(*g*) all such sums as the Board may receive from the trustees referred to in section 176P of this Ordinance;

(*h*) all other receipts of whatsoever description derived from or arising out of the operation of any approved settlement scheme;

(*i*) all receipts from any other source approved in that behalf by the Minister.

Financial provisions.

176G. (1) The Board may, subject to any specific or general directions which the Minister may see fit to give, out of the Fund—

(*a*) purchase land required for any approved settlement scheme or land which has been compulsorily acquired under Part XC of this Ordinance, including permanent improvements thereon;

(*b*) expend moneys on—

(i) carrying on the business of agriculture, or establishing permanent improvements, on any land acquired by the Board under or for the purposes of this Part;

(ii) purchasing any livestock and chattels suitable for farming purposes;

(iii) making such advances, for such purposes, for such periods and subject to such conditions as may be prescribed, to any person wishing to become an assisted owner or tenant farmer or to any owner of land in respect of which a settlement scheme has been approved by the Board;

(iv) purchasing any land for resale;

(v) defraying any expenses incurred for any purpose in connexion with the operations of the Board, or in connexion with any approved settlement scheme, or in connexion with the carrying out of any of the provisions of this Part;

(vi) defraying the cost of the administration of the Board;

(vii) paying the expenses of the members of the Board, and paying the salaries, gratuities, pensions and retiring allowances of its officers and employees or, where they are Government servants, reimbursing the same to the Government;

(viii) remunerating any agents or other persons employed by or assisting the Board in the carrying out of its powers, duties, functions, responsibilities or operations;

(ix) repaying any moneys borrowed under this Part, and paying interest on any such moneys;

(x) making any payment for any purpose approved in that behalf by the Minister.

(2) The Board may, with the approval of the Minister, grant relief with regard to repayment of capital of, and payment of interest on, advances, and write off such bad debts as the Board may from time to time determine.

(3) The Board may dispose of any surplus assets which may have been acquired in the exercise of any of the powers contained in this Part, and shall pay the proceeds of any such disposal into the Fund.

(4) The Board may establish a reserve fund, and the sums to be paid from time to time into such a fund and the application thereof shall be such as may be approved by the Minister after consultation with the Treasury.

(5) The Board may, with the prior approval of the Minister, raise or borrow, whether by way of mortgage, bank overdraft or otherwise, such sums of money for or in connexion with the exercise of its functions, powers and duties under this Part and for the purposes of this Part as the Board may deem necessary.

(6) If the Board guarantees any loan made to a tenant farmer by the Government or by any other person, such guarantee shall, for the purposes of this Ordinance, be deemed to be an advance made by the Board to such tenant farmer of an amount equal to the amount of the loan so guaranteed, and the provisions of this Ordinance shall apply accordingly.

Power to employ staff.

176H. Subject to the approval of the Minister, the Board may appoint, at such salaries and upon such terms and conditions as it thinks fit, such officers and employees as it may deem necessary for the proper and efficient conduct of the operations of the Board and may at any time terminate any such appointment.

Accounts and report of the Board.

176I. (1) The Board shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property as the Minister may from time to time require; and shall, within a period of four months after the end of its financial year or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

(*a*) a balance sheet showing in detail the assets and liabilities of the Board; and

(*b*) such other statements of account as the Minister may require.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Controller and Auditor-General.

(3) (*a*) The Board shall produce and lay before the auditor all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Board such information and explanation as he may consider to be necessary for the performance of his duties as auditor.

(*b*) The expenses of and incidental to the audit shall be paid by the Board.

(4) (*a*) The Board shall, within a period of seven months after the end of its financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, together with the yearly balance sheet and such other statements of account as the Minister shall require, and the auditor's report thereon; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(*b*) The Minister shall lay the Board's report and the auditor's report, together with the balance sheet and such other statements of account as he may have required, on the Table of the Legislative

Council within fourteen days after receipt of the reports and statements by him, or, if the Legislative Council is not then sitting, within fourteen days after the commencement of the next sitting.

Security for advances.

176J. (1) All moneys advanced to an assisted owner under this Part, together with interest thereon and all charges incidental thereto and to the repayment thereof, shall be secured by a legal mortgage or charge, or by an equitable mortgage or charge, or otherwise, as the Board may direct; and in addition thereto or in lieu thereof, if the Board so determines, shall be secured on the chattels of the assisted owner by a notification of the advance, made in the prescribed form by the Board and delivered to the Registrar-General, who shall, forthwith upon receipt thereof and without charge, register it as if it were an instrument within the meaning of the Chattels Transfer Ordinance, and such notification shall thereupon take effect as if it were such an instrument, and the provisions of the said Ordinance, as modified by the provisions of this section, shall apply.

Cap. 281.

(2) All moneys advanced to a tenant farmer under this Part, together with interest thereon and all charges incidental thereto and to the repayment thereof, shall be secured on the chattels of such tenant farmer by a notification of the advance, made in the prescribed form by the Board and delivered to the Registrar-General, who shall, forthwith upon receipt thereof and without charge, register it as if it were an instrument within the meaning of the Chattels Transfer Ordinance, and such notification shall thereupon take effect as if it were such an instrument, and the provisions of the said Ordinance, as modified by the provisions of this section, shall apply.

(3) Notwithstanding the provisions of section 10 of the Chattels Transfer Ordinance, registration of a notification under subsection (1) or subsection (2) of this section shall remain in force until cancelled.

(4) The Board may at any time, in writing, consent to any particular chattels of an assisted owner or tenant farmer which are subject to a notification under this section being released from the security thereof, and thereupon those particular chattels shall be discharged absolutely from the security.

(5) In this section, and in any notification thereunder, "chattels" includes all chattels which the assisted owner or tenant farmer, as the case may be, acquires or becomes entitled to after the execution of the notification.

Remedies for recovery of advances made on land.

176K. Where an advance has been made and secured upon any land under the provisions of this Part, the Board, or any person duly authorized by the Board in writing in that behalf, may exercise all such remedies for the recovery of the advance as the Bank is empowered to exercise under the provisions of the Land and Agricultural Bank Ordinance.

Cap. 181.

Limitation Ordinance not to apply. Cap. 11.

176L. Notwithstanding anything to the contrary contained in the Limitation Ordinance or in any other law in force in the Colony, no suit, application or proceeding by the Board shall be rejected or dismissed on the grounds only that such suit, application or proceeding is barred by limitation under any of the provisions of such Ordinance or other law.

Exemption from stamp duty and other charges. No. 31 of 1958.

176M. (1) No duty shall be chargeable under the Stamp Duty Ordinance, 1958, in respect of any instrument executed by, or on behalf of, or in favour of, the Board in cases where, but for this exemption, the Board would be liable to pay such duty.

(2) No registration or other fee or charge whatsoever shall be payable by the Board in respect of any grant, lease or transfer of property (otherwise than by way of mortgage, charge or other security for an advance) to the Board, nor in respect of any search or inspection by or on behalf of the Board in any Register of Titles, deeds registry or other registration office.

Board may act as agent for the Government.

176N. (1) Notwithstanding the provisions of this Part, the Board may be appointed and may act as agent for the Government in the administration of any advances made to farmers or others:

Provided that no expenses of such agency shall fall to be paid from the Fund, and that the Board shall be indemnified by the Government against any losses, costs or expenses which may be incurred or sustained by the Board in the performance of such agency.

(2) The Board when engaged in such agency shall be deemed to be engaged in the business of the Board.

Rules.

176O. (1) The Minister may, with the consent of the Board, make rules—

(*a*) prescribing what shall be, and the terms of, an approved settlement scheme;

(*b*) prohibiting, or controlling and regulating, the growing of any crop, and prescribing what crops shall be grown, by an assisted owner or tenant farmer;

(*c*) prohibiting the keeping of any particular kinds of livestock, and regulating and controlling the number of any kind of livestock which may be kept, and prescribing the kind of stock and the number thereof that shall be kept, by an assisted owner or tenant farmer;

(*d*) prescribing the terms and conditions of any lease granted to any tenant farmer;

(*e*) defining what shall be regarded as the beneficial occupation of land, where that expression is used in connexion with any approved settlement scheme;

(*f*) prescribing the forms of application to participate in an approved settlement scheme, or for an advance under this Part, the person to whom such an application shall

be made, and the details and particulars which an applicant shall give in connexion with such an application;

(*g*) prescribing anything which may be prescribed under this Part;

(*h*) for any other purpose, whether of a like nature to the foregoing or not, which he may deem necessary or desirable for the proper carrying out of the provisions of this Part.

(2) Rules made under subsection (1) of this section may require acts or things to be performed or done to the satisfaction of a specified authority, may prohibit acts or things being performed or done without the prior approval of a specified authority, may empower a specified authority to impose conditions, and may prescribe periods or dates upon, within or before which any such act or thing shall be performed or done or any such condition shall be fulfilled.

Incorporation of trustees.

176P (1) The trustees appointed by, and other trustees for the time being of, the trust deed a copy whereof is contained in the Sixth Schedule to this Ordinance shall, by the name of the Agricultural Settlement Trust, be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued, and, for and in connexion with the purposes of the said trust deed, may purchase, hold, manage and dispose of movable and immovable property, and may enter into such contracts as it may deem necessary or expedient.

(2) The seal of the said trustees shall be authenticated by the signature of any two of the trustees authorized by the trustees in that behalf.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the trustees may be signified under the hand of any one of the trustees authorized by the trustees in that behalf.

Property of the European Agricultural Settlement Board vested in trustees, and powers of trustees. No. 47 of 1960.

176Q. (1) On the commencement of section 56 of the Agriculture (Amendment) Ordinance, 1960, all the movable and immovable property which, immediately before such commencement, in any wise belonged (for whatever estate or interest) to the European Agricultural Settlement Board shall vest, for all the estate and interest of that Board (and with the same benefits, remedies, exemptions, securities and protections in the hands of the trustees as it enjoyed in the hands of that Board) and subject to any incumbrances to which it is subject, in the trustees, and shall be held by the trustees on the trusts and in accordance with the provisions of the trust deed, and the Registrar of Titles and the Registrar-General shall do all such acts and things as may be necessary to give effect to such vesting in the Register of Titles and the register kept under the Chattels Transfer Ordinance respectively.

Cap. 281.

(2) On such commencement, all the debts of the European Agricultural Settlement Board and all the other liabilities to which that Board is then subject shall be transferred to and be those of the trustees.

(3) Notwithstanding any rule of law to the contrary, the trusts declared by the trust deed and the provisions thereof shall continue in full force and effect for so long as may be necessary for the completion of the administration and execution thereof according to the meaning and intent of the trust deed.

(4) In and for the execution of the trusts declared by the trust deed—

(*a*) all of the powers, rights and benefits conferred or purported to be conferred on the the trustees by the trust deed are hereby confirmed unto the trustees; and

(*b*) in addition, the trustees shall, in relation to property vested in them by subsection (1) of this section as well as property subsequently coming into their hands, have all the powers, duties, rights and benefits conferred on the Land Development and

Settlement Board by sections 176J to 176M (inclusive) of this Ordinance as if in those sections there were substituted for references to such Board and references to advances made under Part XA of this Ordinance references to the trustees and to advances made by them under the trust deed or by the European Agricultural Settlement Board under the European Agricultural Settlement Ordinance, 1955.

No. 38 of 1955.

(5) The Minister shall lay the reports and accounts submitted to him under clause 13 of the Trust Deed on the Table of Legislative Council within fourteen days after they have been submitted to him, or, if the Legislative Council is not sitting, within fourteen days after the commencement of the next sitting.

(6) In this section—

"European Agricultural Settlement Board" means the European Agricultural Settlement Board established by the European Agricultural Settlement Ordinance, 1955;

"trust deed" means the trust deed referred to in section 176P of this Ordinance;

"trustees" means the trustees referred to in and incorporated by section 176P of this Ordinance.

PART XB—RULES FOR THE PRESERVATION, UTILIZATION AND DEVELOPMENT OF AGRICULTURAL LAND

Minister may make general rules for the preservation, utilization and development of agricultural land.

176R. (1) The Minister may, on the advice of the Board (Scheduled Areas) in relation to land in the Scheduled Areas and of the Board (Non-scheduled Areas) in relation to land in the Non-scheduled Areas, make general rules for the preservation, utilization and development of agricultural land, either in the Colony generally or in any particular part thereof.

(2) Without prejudice to the generality of subsection (1) of this section, rules made thereunder may—

(*a*) provide for requiring owners (whether or not also occupiers) to manage their land in accordance with the rules of good estate management;

(*b*) provide for requiring occupiers to farm their land in accordance with the rules of good husbandry;

(*c*) provide for regulating, controlling or prohibiting the cultivation of land or the keeping of stock or any particular kind of stock thereon;

(*d*) provide for regulating the kinds of crops which may be grown on land;

(*e*) provide for controlling the erection of buildings and other works on agricultural land;

(*f*) confer upon agricultural workers the right to harvest and remove crops grown by them on land provided by their employer for their use, or to be compensated therefor in lieu;

(*g*) limit the size of the plots of land which may be provided by an employer of agricultural workers for their use for cultivation or for grazing, and require stock grazing on any such land to be branded;

(*h*) provide for the determination by a magistrate of disputes arising out of the provision by an employer of land for the use of any of his workers for cultivation or for grazing;

(*i*) provide for such exemptions or conditional exemptions from the provisions thereof as the Minister may think fit;

(*j*) empower specified persons or authorities to make orders providing for any of the matters specified in the foregoing paragraphs of this subsection, in relation to particular areas of land;

(*k*) empower local authorities generally, or particular local authorities or classes of local authorities, with the approval of the Minister for the time being responsible for local government, to make by-laws for any of the purposes for which rules may be made under this section.

(3) For the purposes of this section and of any rules made thereunder, and of any by-laws or orders made under any such rules—

(*a*) an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is of such a standard as, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof;

(*b*) the occupier of agricultural land shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the land is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) are such that, having regard to the character and situation of the land, the standard of management thereof by the owner (if the occupier is not the owner) and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the land in a condition to enable such a standard to be maintained in the future;

(*c*) "relevant circumstances", in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

(4) The procedure for the making, approval and publication of by-laws made under rules made under this section shall be that prescribed by the law under which the local authority is established, and, for the purposes of the enforcement thereof, such by-laws shall be deemed to be by-laws made under that law.

(5) Orders made, by virtue of the provisions of paragraph (*j*) of subsection (2) of this section, under rules made under this section shall be published in the Gazette, and shall be subject to such provisions in regard to the making and approval thereof as may be contained in the rules.

(6) For the purposes of the disposal of fines imposed for the contravention of by-laws made by a local authority under rules made under this section, the by-laws shall be deemed to have been made under the law under which the local authority is established.

PART XC—DISPOSSESSION OF OWNERS AND OCCUPIERS OF AGRICULTURAL LAND

Minister's powers on persistent contravention of rules.

176S. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, where the Minister is satisfied that an occupier of agricultural land has persistently contravened the provisions of any rules made under section 176R of this Ordinance, and certifies accordingly, then, with the consent of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be—

(*a*) where the occupier is not the owner of the land, the Minister shall have power by order to terminate his interest in the land, or any part thereof specified in the order, as from such date not earlier than three months after the making of the order as may be specified therein, and to require that the owner shall as from the said

date either farm it himself, if he so elects and the Minister approves, or let it to a tenant approved by the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be;

(*b*) where the occupier is the owner of the land, the Minister shall have power either—

(i) by order to direct that as from such date aforesaid the occupier shall give up his occupation of the land, or any part thereof specified in the order, and let it to a tenant approved by the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be; or

(ii) to agree with the owner and all other persons having an interest therein for the purchase thereof, and thereafter to purchase the land accordingly; or

(iii) to acquire compulsorily, in accordance with the provisions of section 176v of this Ordinance, the land or any part of the land.

(2) The Minister shall not give any certificate under subsection (1), subsection (5) or subsection (6) of this section until, after affording to the owner or occupier, as the case may be, an opportunity, within a specified period of not less than one month, of making representations to the Minister, whether in writing or on being heard by the Minister or a person appointed by him, the Minister has given to the owner or occupier notice in writing of the proposal to give the certificate together with such particulars as appear to the Minister requisite for informing him of the grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.

(3) Any person to whom notice of a proposal is given under subsection (2) of this section may, within one month after the service thereof on him, require that the proposal be referred to the Agricultural Appeals Tribunal, which may either con-

firm the proposal, or confirm the proposal subject to such modifications or conditions as it may think fit, or direct that the proposal be not proceeded with, and such a reference shall be deemed to be an appeal for the purposes of Part XI of this Ordinance.

(4) Where, under subsection (3) of this section, the Agricultural Appeals Tribunal confirms a proposal (whether with or without modifications or conditions), the person at whose instance the proposal was referred to the Tribunal may, within one month after the date of the decision of the Tribunal, appeal to the Supreme Court, which shall hear the matter *de novo* and may either confirm the proposal, or confirm the proposal subject to such modifications or conditions as it may think fit, or order that it be not proceeded with, and whose decision shall be final.

(5) Where, under subsection (1) of this section, the Minister proposes to purchase or acquire compulsorily any land, and is satisfied that it is necessary for the purpose of securing the proper management thereof that he should acquire any other land which is being managed by the same person in conjunction with the first-mentioned land, and certifies accordingly, the Minister shall, subject to the provisions of this section, have power to agree for the purchase of that other land or acquire it compulsorily in accordance with the provisions aforesaid.

(6) Where any person having an interest in land, by notice in writing served on the Minister within six months of the giving by the Minister of a certificate under subsection (5) of this section relating to any other land, represents to the Minister that the first-mentioned land was at the time when the certificate was given being managed in conjunction with that other land and that it is not reasonably practicable to manage it except in conjunction therewith, and requires that the Minister shall purchase the said interest, then, unless the Minister is satisfied that the representation is not justified and certifies accordingly before the expiration of the prescribed period, the Minister shall be deemed

on the date on which the said period expires to have been authorized to agree for the purchase of the land or to acquire it compulsorily in accordance with the provisions of this section.

(7) Where an order is made under paragraph (*a*) of subsection (1) of this section—

(*a*) it shall be delivered to the Registrar of Titles for registration in the Register of Titles in accordance with the law under which the title to the land is registered, and shall not take effect until after it has been so registered;

(*b*) if it is made so as to terminate the interest of a tenant in part only of his holding, the tenant shall be entitled to a reduction of rent proportionate to the part to which the order relates.

Power to acquire unoccupied land.

176T. (1) The Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, if it is satisfied, with respect to any agricultural land, that—

(*a*) the land is not in the actual occupation and management of the owner or his manager or a tenant of his or is not being utilized for an agricultural purpose; and

(*b*) having regard to the ecological characteristics of the land and the principles of good land management and good husbandry, the land is not reasonably capable of being profitably farmed without the addition thereto of other land; and

(*c*) it is in the interests of the proper development of the land for agricultural purposes that it should be added to and farmed with particular adjacent agricultural land; and

(*d*) the owner of such adjacent land is willing to acquire it,

may in writing recommend to the Minister that the land be acquired by the Government for the purpose of sale to the owner of the adjacent land.

(2) Where under subsection (1) of this section, the Minister receives a recommendation from the

Board (Scheduled Areas) or the Board (Non-scheduled Areas) for the acquisition of land, and is satisfied that the conditions specified in paragraphs (*a*) to (*d*) of subsection (1) of this section apply, and certifies accordingly, he may agree with the owner and all other persons having an interest therein for the purchase thereof and thereafter purchase the land accordingly.

(3) Where the Minister is unable to agree with the owner and other interested persons for the purchase of any land under subsection (2) of this section, or is unable so to agree without unreasonable delay, he may, after affording to the owner and other persons interested an opportunity, within a specified period of not less than one month, of making representations to the Minister, whether in writing or on being heard by the Minister or a person appointed by him, give to the owner and such persons notice in writing of the proposal to acquire the land compulsorily, together with such particulars as appear to the Minister requisite for informing him of the grounds on which the Minister is satisfied as mentioned in subsection (2) of this section.

(4) Any person to whom notice of a proposal is given under subsection (3) of this section may, within one month after the service thereof on him, require that the proposal be referred to the Agricultural Appeals Tribunal, which may either confirm the proposal, or confirm the proposal subject to such modifications or conditions as it may think fit, or direct that the proposal be not proceeded with, and such a reference shall be deemed to be an appeal for the purposes of Part XI of this Ordinance.

(5) Where, under subsection (4) of this section, the Agricultural Appeals Tribunal confirms a proposal (whether with or without modifications or conditions), the person at whose instance the proposal was referred to the Tribunal may, within one month after the date of the decision of the Tribunal, appeal to the Supreme Court, which shall hear the matter *de novo* and may either confirm the pro-

posal, or confirm the proposal subject to such modifications or conditions as it may think fit, or order that it be not proceeded with, and whose decision shall be final.

(6) Subject to any direction of the Agricultural Appeals Tribunal or the Supreme Court under subsection (4) or subsection (5) of this section, the Minister shall have power to purchase the land or any part of the land compulsorily in accordance with the provisions of section 176v of this Ordinance.

(7) Where land has been purchased or compulsorily acquired under this section, the Minister shall arrange as soon as practicable for the sale thereof to the adjacent owner for sale to whom the land was purchased or acquired.

Minister's powers with respect to land abandoned.

176U. (1) Where the Minister is satisfied that any holding of agricultural land has been abandoned by the owner thereof, and that it is necessary for preventing or delaying the deterioration of the holding to do so, and certifies that he is so satisfied, he may, with the consent of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, make and serve on the owner an order (hereafter in this section called a management order) directing that as from a specified date the holding shall, subject to the provisions of this section, be occupied and managed by the Minister, to the exclusion of the owner.

(2) Where a management order is in force in respect of any holding, the holding shall, except while it is leased or let, and until it is sold, under an order made under subsection (4) of this section, be exclusively occupied and managed by the Minister, his agents and servants of the Government, without liability for any kind of waste committed by them in the course of such occupation and management, but with due attention to the need for careful management, and for such purpose the Minister, his agents and the servants of the Government shall have power—

(*a*) to manage and farm the holding in such manner as they may think fit;

(*b*) to utilize all fixed and other equipment, foodstuffs, manure and fertilizers in or about the holding;

(*c*) to sell the produce (including timber) of the holding;

(*d*) to effect such improvements and to execute such other works and things on or about the holding as they may think necessary or expedient.

(3) The Minister may, at any time during which a management order is in force in respect of any holding, by notice in writing served on the owner, call upon the owner to show cause, within a period of one month after the date of service of the notice, to the satisfaction of the Minister, why an order should not be made by the Minister, with the consent of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, for all or any of the following purposes, namely—

(*a*) ordering that, where any income is produced by the management of the holding under subsection (2) of this section (after deducting all expenses incurred in producing such income and any sums owing to the Government), there be paid to the owner out of the income remaining after such deductions, and so far as such income will extend, a sum equal to a percentage, determined by the Minister with such consent as aforesaid, of the value, similarly determined, of the holding at the time of abandonment, and that the balance (if any) of such income be paid into the consolidated fund;

(*b*) ordering that the holding or a part thereof and all or any of the fixed and other equipment thereon be leased or let to such a tenant, and on such terms and conditions, as may, with the approval of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, be determined by the Minister;

(*c*) ordering that there be paid to the owner, out of any rent received under such a lease or letting (after deducting all expenses incurred in connexion with the lease or letting and any sums owing to the Government) and so far as the rent remaining after such deductions will extend, a sum equal to a percentage, determined by the Minister with such consent as aforesaid, of the value, similarly determined, of the holding at the time of the abandonment, and that the balance (if any) of such rent be paid into the consolidated fund;

(*d*) ordering that the holding or a part thereof, or the interest therein of the owner, and all or any of the fixed and other equipment thereon, be sold at the best price which in the opinion of the Minister may reasonably be obtained for it in the circumstances then prevailing;

(*e*) ordering that the proceeds of such a sale (after deducting any expenses incurred by the Minister in connexion with the sale and any sums owing to the Government) be paid to the owner.

(4) Where, in response to a notice under subsection (3) of this section, the owner does not show cause to the satisfaction of the Minister, the Minister may, with the consent of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, make and serve on the owner an order for all or any of the purposes specified in the notice.

(5) Where the Minister leases, lets or sells any holding under this section, the instrument of lease, letting or sale, and any other instrument necessary or expedient to effectuate the leasing, letting or sale, may be executed by the Minister as if he were the attorney of the owner duly appointed under a power of attorney registered in the Register of Titles.

(6) Where a holding which has been abandoned is subject to a mortgage or charge, or to an equitable mortgage or charge, which has been, or a memorandum whereof has been, duly registered in the

Register of Titles (hereafter in this section referred to as a mortgage), then, notwithstanding the foregoing provisions of this section—

(*a*) if the mortgagee, under his powers as such, is in possession, or has appointed a receiver, of the holding, or has leased the holding, the powers conferred by this section shall not be exercisable by the Minister in relation to the holding for so long as the mortgagee remains in possession or the receiver remains appointed, or the holding remains leased;

(*b*) in all other cases, the Minister may exercise all the powers conferred by this section, in accordance with the provisions thereof, but any money which, under paragraph (*a*) or paragraph (*c*) of subsection (3) of this section, would, but for this provision, have been payable to the owner shall be payable to the mortgagee, and where any moneys are payable to the owner under paragraph (*e*) of the said subsection there shall be paid to the mortgagee thereout all such sums as are owing to the mortgagee under the mortgage, and the balance only shall be paid to the owner;

(*c*) where an order is made under subsection (4) of this section, notice shall also be given to the mortgagee;

(*d*) an instrument of sale executed by the Minister under subsection (5) of this section may, if the Minister thinks fit, be expressed to take effect, and shall then take effect, free from the mortgage, but in such case the Minister shall hold the proceeds of sale in trust to pay thereout (so far as the same will suffice) the moneys due to the mortgagee under the mortgage:

Provided that where a management order is in force in relation to the holding, the mortgagee, if he desires to exercise any of his powers of taking possession or appointing a

receiver of the holding, or of leasing or selling the holding, or of foreclosing his mortgage, may give written notice to the Minister of such his desire, and thereupon the Minister shall make arrangements for the winding-up as soon as practicable of the management, and on completion thereof shall, under subsection (10) of this section, revoke the management order.

(7) Where, under an order made under subsection (4) of this section, any moneys are due to an owner whose present address or whereabouts is not known to the Minister, the Minister shall make diligent enquiry of such address or whereabouts with a view to informing the owner of the moneys due to him, and if, at the end of a period of not less than two years, there appears to the Minister no practical possibility of so informing the owner, he may direct that the money be forfeited and paid into the consolidated fund.

(8) Where a management order is made in respect of any holding, or an order is made under subsection (4) of this section in respect of any holding or a part thereof, or an order is amended under subsection (10) of this section, the owner may, within one month after the date of the service thereof on him, appeal against the order to the Agricultural Appeals Tribunal, and the provisions of subsections (4) and (5) of section 176T of this Ordinance shall apply, *mutatis mutandis*, with respect thereto.

(9) Where the address of an owner or mortgagee on whom the Minister intends to serve an order or notice under this section is not certainly known to the Minister, the Minister may, in addition to or in lieu of any other form of service, publish the notice or order (addressed to the owner or mortgagee, as the case may be) in the Gazette, and such publication shall be deemed to be good service of the notice or order on such person, whether or not some other method of service has also been used.

(10) Any order under this section may be amended by the Minister with the consent of the

Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, or may be revoked by the Minister by a further order served on the owner.

Mode of acquisition

176v. Where land is acquired compulsorily under this Part, it shall be acquired under the Land Acquisition Act, 1894, of India, and the purposes of this Part shall be deemed to be a public purpose within the meaning of that Act.

176w. The Minister, with the consent of the Board (Scheduled Areas) or the Board (Non-scheduled Areas), as the case may be, may make rules generally for carrying into effect the intent and purposes of this Part, and any such rules may provide penalties, not exceeding a fine of an amount not exceeding two thousand shillings or imprisonment for a term not exceeding two months or both, for their contravention.

PART XD—DEVELOPMENT OF CERTAIN CROPS

Special crops.

176x. Where the Minister is satisfied that the development of a particular crop (not being a scheduled crop) which is grown in the Colony for the purpose generally of sale should be promoted or fostered under this Part, he may, after consultation with the Board (Scheduled Areas) and the Board (Non-scheduled Areas) and after giving thirty days' notice in the Gazette of his intention so to do, by order in the Gazette, declare that crop to be a special crop.

Order establishing authority for development of a special crop.

176y. (1) Whenever a crop is declared to be a special crop under section 176x of this Ordinance, the Minister shall, after consultation with the Treasury, by order in the Gazette, establish an Authority for promoting and fostering the development of that crop, for such area, and consisting of such members, as the Minister shall in the order specify:

Provided that nothing in this subsection shall prevent an Authority being made responsible for the development of more than one special crop.

(2) An Authority established under subsection (1) of this section shall, by the name by which it

is established by the Minister, be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued, and, for and in connexion with the purposes of this Part, may purchase, sell, lease or otherwise acquire or dispose of, hold, and manage, movable and immovable property, and may enter into such contracts as may be necessary or expedient.

Contents of order, and amendment and revocation thereof

176z. (1) An order under section 176Y of this Ordinance establishing an Authority may, in relation to the Authority and to the special crop, make provision for all or any of the following matters—

(*a*) the authentication of the seal, the signification of decisions and the execution of documents of the Authority;

(*b*) the appointment of a Chairman of the Authority and the regulation of and procedure and voting at its meetings;

(*c*) the terms of office of members;

(*d*) the remuneration of and allowances to be paid to members;

(*e*) the appointment of committees and the delegation of powers to such committees or to officers of the Authority;

(*f*) the appointment and remuneration of officers;

(*g*) the functions of the Authority, which may include—

(i) the establishment and management of nurseries;

(ii) the purchase and sale of seed and seedlings;

(iii) the control and supervision of cultivation of crops;

(iv) the inspection of growing and harvested crops;

(v) the purchase, transportation and storage of crops;

(*h*) the powers of the Authority, which may include power—

(i) to employ and remunerate agents;

(ii) to borrow money;

(iii) to impose levies on growers for financing its operations and for other purposes approved by the Minister, and to provide for the manner in which and the persons by whom any such levies shall be collected;

(iv) to create and operate price stabilization funds;

(v) to make loans for the purpose of the development of crops;

(vi) to engage in the marketing of crops;

(vii) to regulate and control the marketing of crops by growers and others, including the requiring of growers and others to sell crops to particular persons only;

(viii) to establish or acquire, and to operate, factories for the processing of crops, and to enter into agreements with other persons operating factories for them to purchase or process crops;

(ix) to invest moneys not immediately required for use;

(x) with the approval of the Minister, to do such other things as in the opinion of the Authority will assist in the development of crops in the area for which the Authority is established;

(xi) to do any other thing which is incidental or conducive to the exercise of its powers under this Part;

(*i*) the manner of utilization of profits;

(*j*) the manner in which accounts shall be kept, audited and produced by the Authority;

(*k*) the imposition of a penalty, which shall not exceed a fine of an amount not exceeding one thousand shillings or imprisonment for a term not exceeding one month, for the contravention of any of the provisions of the order.

(2) An order under the said section may make different provision in regard to different special

crops or in relation to different parts of the area for which the Authority is established.

(3) An order under the said section shall not be made so as to conflict with the provisions of any other Ordinance relating to agricultural crops.

(4) The Minister may, by order in the Gazette, amend or revoke an order, and any order of revocation may provide for winding up the affairs of an Authority and for distributing, transferring or otherwise disposing of the property and liabilities of the Authority, and for all such matters as appear to the Minister to be connected with or incidental to the dissolution of the Authority.

Amendment of section 188 of the principal Ordinance.

57. Subsection (3) of section 188 of the principal Ordinance is amended by inserting, immediately after the words "(Non-scheduled Areas)", which appear therein, the words "or the Land Development and Settlement Board or an Authority established under section 176Y of this Ordinance".

Insertion of new sections 193A, 193B and 193C in the principal Ordinance.

58. There shall be inserted in the principal Ordinance, immediately after section 193 thereof, three new sections as follows—

False statements.

193A. Any applicant for an advance under this Ordinance who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true, shall be guilty of an offence and, without prejudice to the imposition of any penalty which he may incur under this Ordinance, shall be liable forthwith to repay all sums advanced to him under this Ordinance together with interest thereon.

Secrecy

193B. Any person having the possession of, or control over, any document, information, return or form relating to applications for advances or the making of advances under this Ordinance who communicates or attempts to communicate such information or anything contained in such document, return or form to any person—

(*a*) other than a person to whom he is authorized to communicate it; or

(*b*) otherwise than for the purposes of this Ordinance,

shall be guilty of an offence.

Protection from personal liability of members and employees of boards, etc.

193C. No matter or thing done by the Chairman or any other member, or any officer or employee, of any board, committee, subcommittee or authority established by or under this Ordinance shall, if the matter or thing be done *bona fide* for the purpose of executing any provision of this Ordinance, render such Chairman, member, officer or employee, or any person acting by his directions, personally responsible to any action, liability, claim or demand whatsoever.

Insertion of new section 202A in the principal Ordinance.

59. There shall be inserted in the principal Ordinance, immediately after section 202 thereof, a new section as follows—

Provisions of rules under this Ordinance to prevail over by-laws No. 30 of 1952. Revised Edition, 1959

202A. The provisions of any rules or regulations made under section 58, section 158 or section 176R of this Ordinance shall prevail over those of any by-laws made by a county district council under the Local Government (County Councils) Ordinance, 1952, or by an African District Council under the African District Councils Ordinance, 1950, to the extent of any inconsistency between the two, or in so far as the subject matter of the rules or regulations and the by-laws is the same.

Replacement of Third Schedule to the principal Ordinance.

60. There shall be substituted for the Third Schedule to the principal Ordinance a new schedule as follows—

THIRD SCHEDULE Sections 45 and 144

AGRICULTURAL AND MARKETING ORGANIZATIONS

No. 24 of 1952. The Wheat Board established by the Wheat Industry Ordinance, 1952.

No. 13 of 1950. The Kenya Meat Commission established by the Kenya Meat Commission Ordinance, 1950.

No. 16 of 1950. The Tea Board established by the Tea Ordinance, 1950.

No. 9 of 1956. The Pyrethrum Board of Kenya established by the Pyrethrum Ordinance, 1956.

Cap. 210. The Pig Industry Board established by the Pig Industry Ordinance.

No. 26 of 1960. The Coffee Board established by the Coffee Ordinance, 1960.

The Sisal Board established by the Sisal Industry Ordinance. Cap. 196.

The Cereal Producers (Scheduled Areas) Board established by the Cereal Producers (Scheduled Areas) Ordinance, 1956. No. 54 of 1956.

The Kenya Dairy Board established by the Dairy Industry Ordinance, 1958. No. 34 of 1958.

The Maize Marketing Board established by the Maize Marketing Ordinance, 1959. No. 6 of 1959.

added in 1963

Insertion of new schedule in the principal Ordinance.

61. There shall be inserted in the principal Ordinance, immediately after the Fifth Schedule thereto, a new schedule as follows—

SIXTH SCHEDULE Section 176P

COPY OF TRUST DEED

THIS TRUST DEED is made the fourteenth day of November One thousand nine hundred and sixty by HOWEL GWYNNE PRETTEJOHN of Post Office Box 14 Naro Moru in the Colony of Kenya ARTHUR JOHN MINCHIN of Post Office Box 69 Kitale in the said Colony ELBERT LUKAS STEYN of Post Office Box 203 Eldoret in the said Colony WILLIAM HUGH HINDLEY of Post Office Molo in the said Colony CENYDD DAVID HILL of Post Office Box 50 Nakuru in the said Colony FORREST LOUDON MEGSON of Post Office Box 1507 Nairobi in the said Colony JAMES ARCHIBALD MACDOUGALL of Post Office Box 30408 Nairobi in the said Colony and LANCELOT DONALD ABEL BARON D.F.C. of the Treasury Nairobi in the said Colony (hereinafter called "the present Trustees")

WHEREAS:

(*a*) by the European Agricultural Settlement Ordinance 1955 (hereinafter called "the Ordinance") there was established a Board known as the European Agricultural Settlement Board (hereinafter called "the Board") with the duty subject to any specific or general directions of the Minister for Agriculture Animal Husbandry and Water Resources *inter alia* to prepare and approve and from time to time as the Board may think fit to vary schemes of

agricultural settlement or resettlement or of land utilization by Europeans and to carry into effect operate and administer such schemes

(*b*) by the Ordinance there was also established a European Agricultural Settlement Fund which subject to any special directions of the Minister is under the control of the Board

(*c*) in pursuance of its said recited duty the Board has formed a private limited liability company known as Lands Limited (hereinafter called "the Company") under the Companies Ordinance with the object *inter alia* of advancing money on the security of land chattels and crops and having an authorized capital of one thousand shares of twenty shillings each all of which have been issued and are fully paid up and form part of the assets of the Settlement Fund (hereinafter defined)

(*d*) legislation is expected shortly to be introduced for the purpose of repealing the Ordinance and vesting all the movable and immovable property of the Board in the present Trustees subject to the liabilities of the Board under legally enforceable contracts or agreements entered into by the Board or its predecessor

(*e*) the present Trustees desire to set out the Trusts upon which they and their successors will hold and administer the Settlement Fund after it has been vested in them and all other property for the time being subject to the trusts of this Deed

NOW THIS DEED WITNESSETH as follows:—

Interpretation.

1. The marginal notes hereto shall not affect the construction hereof and in this Deed unless there is something in the subject or context inconsistent therewith—

(i) "approved settlement scheme" means a scheme which in accordance with the pro-

visions of the Ordinance is or is deemed to be an approved scheme

(ii) "assisted owner" means a person not being a tenant farmer who under the provisions of the Ordinance has been granted an advance which has not been fully repaid at the vesting date and includes the successors of such assisted owner

(iii) "chattels" and "crops" have the meaning assigned to them by section 2 of the Chattels Transfer Ordinance

(iv) "the Settlement Fund" means the European Agricultural Settlement Fund and all other the movable and immovable property of the Board expected to be vested in the Trustees by the hereinbefore recited proposed legislation with all the rights of the Board therein and subject to all the liabili- vested in the Trustees and held by them contracts or agreements entered into by the Board or its predecessor together with all movable and immovable property subsequently coming into the hands of the Trustees for the purposes of this Deed or otherwise subject to the trusts hereof

(v) "land" includes all buildings and other improvements thereon

(vi) "the Land Development and Settlement Board" means the Land Development and Settlement Board expected to be established by the hereinbefore recited proposed legislation or any other body incorporated by Statute in succession thereto which failing the Government of the Colony and Protectorate of Kenya

(vii) "tenant farmer" means any person to whom a lease of agricultural land has under the provisions of the Ordinance or of any regulations made thereunder been granted for his life or for a term of years or any person with whom an agreement for such

a lease has been made which is still subsisting at the vesting date and includes the successors of such tenant farmer

(viii) "the Trustees" means the present Trustees or other the Trustees for the time being hereof

(ix) "vesting date" means the date on which the Settlement Fund is vested in the Trustees by the hereinbefore recited proposed legislation

Declaration of purposes of trust

2. (1) The Trustees hereby declare that subject to the provisions of this Deed and of the hereinbefore recited proposed legislation they will hold the Settlement Fund—

(*a*) UPON TRUST to operate and administer the approved settlement schemes in existence immediately before the Settlement Fund is vested in the Trustees until completion of the said schemes and subject thereto

(*b*) UPON TRUST for the Land Development and Settlement Board

(2) The Trustees shall as soon as practicable after the vesting date and annually thereafter as soon as practicable after the completion of the audit of their annual accounts in accordance with the provisions of clause 13 hereof pay to the Land Development and Settlement Board such sum (if any) as the Trustees shall after proper investigation determine to be in excess of their requirements for the purposes of this Deed as at the date of each such investigation having regard to their estimated future receipts and expenditure and requirements for a reserve fund and liabilities actual and contingent under guarantees or otherwise

Financial powers of Trustees.

3. (1) The Trustees may out of the Settlement Fund expend moneys on—

(*a*) carrying on the business of field and animal husbandry or on establishing permanent improvements on any land acquired by the Trustees for the purpose of this Deed

(*b*) purchasing any livestock and chattels assisted owners or tenant farmers

(*c*) defraying any expenses incurred for any the salaries gratuities pensions and retiring purpose in connection with the operations of the Trustees or of any approved settlement scheme administered by the Trustees or in connection with the carrying out of any of the provisions of this Deed

(*d*) defraying the cost of administration of the Trustees

(*e*) paying the expenses of the Trustees and of suitable for farming purposes for sale to allowances of the Trustees' officers and employees

(*f*) remunerating any agents or other persons employed by or assisting the Trustees in the carrying out of the powers duties functions responsibilities or operations of the Trustees under this Deed

(*g*) remunerating the Trustees on such scale and subject to such conditions as may be approved by the Governor

(*h*) paying interest in respect of any moneys borrowed by the Trustees or for which they are liable under the provisions of this Deed

(*i*) converting to freehold tenure under the provisions of any written law any land ties of the Board under legally enforceable on leasehold tenure and granting additional advances to assisted owners to enable them to convert to freehold tenure as aforesaid any land held by them on leasehold tenure already charged to the Trustees under approved settlement schemes or otherwise under the provisions of this Deed and

(*j*) granting such additional advances to tenant farmers and assisted owners for the purposes of approved settlement schemes for such periods and subject to such conditions as the Trustees may decide

(2) The Trustees may grant relief by deferring capital or interest payments on advances and may with the written approval of the Trustee nominated by the Minister for Finance and Development under paragraph (4) of clause 14 of this Deed write off such bad debts or grant such other relief as the Trustees may from time to time determine

(3) Subject as hereinafter provided the Trustees may dispose of any surplus assets which may have been acquired under the provisions of or in the exercise of any of the powers contained in this Deed and shall hold the proceeds of such disposal upon the trusts of this Deed

PROVIDED that the Trustees shall first give to the Land Development and Settlement Board the opportunity to acquire any land which the Trustees propose to dispose of as surplus land at such price and on such terms and conditions as may be reasonable in all the circumstances PROVIDED ALSO that if the Land Development and Settlement Board do not acquire the surplus land under the proviso hereinbefore contained and the Trustees are unable to dispose of it at a price which in their opinion is reasonable in all the circumtances the Trustees may defer disposal thereof for such period (which shall not except with the consent of the Land Development and Settlement Board exceed five years) as they shall consider expedient and in the meantime the Trustees may either themselves carry on the business of farming the said land or they may let the same on lease for such period as aforesaid and on such rent and on such terms and conditions as they shall determine

Appointment of officers employees and agents.

4. The Trustees may—

(*a*) from time to time appoint at such salaries and upon such terms and conditions as they may think fit such officers and employees as they may deem necessary for the proper and efficient conduct of the business and operations of the Trustees and may at any time terminate any such appointment

(*b*) grant pensions gratuities or retiring allowances to any officers and employees of the Trustees and may require such officers and employees to contribute to any pension or contributory scheme

(*c*) establish and make contributions to a pension or superannuation fund and a medical fund for the Trustees' officers and employees

(*d*) from time to time appoint and employ agents to perform any of the duties imposed upon the Trustees by this Deed

Reserve Fund.

5. (1) The Trustees may establish a reserve fund

(2) The management of the reserve fund the sums to be paid from time to time to the credit thereof and the application thereof shall be such as the Trustees may determine PROVIDED that no part of the reserve fund shall be applied otherwise than for the purposes of the Trustees under this Deed

Power to raise or borrow money and give guarantees.

6. The Trustees may from time to time raise or borrow whether by way of mortgage overdraft from a bank or otherwise such sums of money and may give such guarantees for or in connexion with the exercise of their functions powers and duties under this Deed and for the purpose of this Deed as the Trustees may deem necessary

Guarantees.

7. If the Trustees guarantee any loan made to a tenant farmer by the Government or by any other person such guarantee shall for the purposes of this Deed be deemed to be an advance made by the Trustees to such tenant farmer of an amount equal to the amount of the loan so guaranteed and the provisions of this Deed shall apply accordingly

Powers in respect of the Company.

8. The Trustees may retain the shares in the Company for such period as shall be consistent with the provisions of paragraph (*a*) of clause 2 hereof and may exercise all or any of the following powers in respect of such shares—

(*a*) to carry on or cause to be carried on the business of the Company and for that pur-

pose to exercise all powers given by the ownership of the said shares as if the Trustees were the absolute owners thereof

(*b*) to employ in the business of the Company such part of the Settlement Fund as the Trustees in their discretion think fit which the Trustees may advance to the Company on the security of debentures or debenture stock or without security or by the issue to the Trustees of additional shares whether preference or ordinary shares and the income (if any) from any such debentures debenture stock or shares shall fall into and be applied as income of the Settlement Fund

(*c*) to wind up or concur in the winding up of the Company

(*d*) to agree to any reconstruction of the Company

(*e*) subject to the Articles of Association of the Company to sell upon such terms and conditions and in such manner as the Trustees in their discretion shall decide the whole or such lesser number of the said shares as the Trustees think fit

Investment of the trust funds.

9. Any moneys from time to time retained by the Trustees under the trusts herein contained may in the discretion of the Trustees be invested in any of the investments for the time being authorized by law for the investment by trustees of trust moneys or (with the written approval of the Trustee hereof nominated as aforesaid by the Minister for Finance and Development) in any other investments whether similar to the aforesaid or not which may be approved by the Trustees or may be placed on deposit or on loan at such Bank or with such Discount Company as they may think fit and the Trustees may at any time vary or transpose any such investments for or into any others of a nature permitted by this clause

Miscellaneous powers.

10. The Trustees may—

(*a*) accept the surrender of the interests of any tenant farmer on such terms and conditions as the Trustees think fit

(*b*) consent to the assignment of the interest of any tenant farmer to any other person for the unexpired residue of the tenancy and consent to such person assuming liability for any advance due to the Trustees by such tenant farmer and release such tenant farmer from liability in respect thereof all on such terms and conditions as the Trustees think fit

(*c*) consent to the sale by an assisted owner of property forming the security for any advance due by him to the Trustees and to the purchaser assuming liability for such advance and release such assisted owner from liability in respect thereof all on such terms and conditions as the Trustees think fit;

(*d*) give any other consent which the Board is entitled to give and exercise all the other powers of the Board under the provisions of leases mortgages charges or agreements entered into by the Board or its predecessor and agree to the variation or modification of any such provisions all on such terms and conditions as the Trustees think fit

(*e*) in relation to this Deed act on the advice or opinion of or on any information obtained by the Trustees from any lawyer accountant valuer surveyor broker auctioneer or other expert

(*f*) do such other or incidental things as may be necessary to carry into effect the purpose and intent of this Deed

Powers of Trustees generally.

11. The powers hereby conferred upon the Trustees shall be in addition to the powers from time to time vested in them by the general law of Kenya and not inconsistent herewith

Exercise of powers, etc., in discretion of Trustees.

12. Save as herein otherwise expressly provided the Trustees shall as regards all the powers trusts authorities and discretions hereby vested in them have absolute and uncontrolled discretion as to the exercise or non-exercise thereof and provided they shall have acted honestly and reasonably they shall be in nowise personally responsible for any loss costs damages expenses or inconvenience which may result from the exercise or non-exercise thereof

Accounts and report of the Trustees.

13. (1) The Trustees shall cause to be kept such books of account and other books in relation thereto and to all its undertakings funds activities and property as the Trustee nominated as aforesaid by the Minister for Finance and Development may on behalf of the Government from time to time require and shall within a period of four months after the end of its financial year cause to be prepared signed and transmitted to the auditor

(i) a balance sheet showing in detail the assets and liabilities of the Trust and

(ii) such other statements of account as the aforementioned Trustee may require on behalf of the Government

(2) The accounts of the Trust shall be examined audited and reported upon annually by the Controller and Auditor General or such other auditor as the Trustees with the written approval of the Trustee nominated as aforesaid by the Minister for Finance and Development may appoint

(3) (*a*) The Trustees shall produce and lay before the auditor all books and accounts of the Trust with all vouchers in support thereof and all books papers and writings in its possession or control relating thereto and the auditor shall be entitled to require from all members officers employees and agents of the Trust such information and explanation as he may consider to be necessary for the performance of his duties as auditor

(*b*) The expenses of and incidental to the audit shall be paid by the Trustees

(4) The Trustees shall within a period of seven months after the end of its financial year submit to the Minister for the time being responsible for agriculture a report of its operations during such year and the yearly balance sheet and such other statements of account as are required in accordance with paragraph (1) of this clause together with the auditor's report thereon and the Trustees shall if the Minister so requires publish them in such manner as the Minister may specify.

The Trustees. Number.

14. (1) The number of the Trustees shall not be less than six nor more than eight.

Temporary Trustee.

(2) A Trustee who is prevented by illness or absence from the Colony and Protectorate of Kenya or other cause from exercising his functions as such may with the approval of the other Trustees appoint any person to be a temporary Trustee during his absence and in his place and such temporary Trustee shall be entitled to notice of meetings of the Trustees and to attend and vote thereat accordingly but he shall *ipso facto* vacate office if and when the appointor returns to the said Colony and Protectorate or vacates office as a Trustee or removes the appointee from office and any appointment or removal under this clause shall be effected by notice in writing under the hand of the Trustee making the same

Rotation of Trustees.

(3) Subject to paragraph (5) of this clause the present Trustees shall hold office until the 31st day of December 1963 At the said date and at the 31st day of December in every year thereafter one third of the Trustees or if their number is not a multiple of three the number nearest to but not greater than one third shall retire from office. The Trustees to retire as aforesaid shall be those who have been longest in office since their last appointment but as between persons who became or were re-appointed Trustees on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot A retiring Trustee shall (subject to paragraph (5) of this clause) be eligible for re-appointment.

Appointment of new Trustees.

(4) One of the Trustees shall always be a person nominated by the Minister for Finance and Development by notice in writing to the Trustees (the said LANCELOT DONALD ABEL BARON having been so nominated) PROVIDED that the said Minister may instead of appointing a person by name direct that the person for the time being holding any particular office shall have and exercise the powers and perform the duties of a Trustee hereunder SUBJECT thereto the power of appointing new Trustees to fill vacancies caused by rotational retirement or to fill a casual vacancy or as an addition to the body of Trustees shall be vested in the Trustees PROVIDED that in the case of appointment of new Trustees to fill vacancies caused by rotational retirement under paragraph (3) of this clause such power shall be exercised by the Trustees other than those retiring by rotation and in the case of appointment of additional Trustees such power shall be subject to paragraph (1) of this clause PROVIDED ALSO that notwithstanding that the Trustees may at any time be reduced in number to less than the minimum number fixed by paragraph (1) of this clause the remaining Trustees (other than those retiring by rotation) may exercise the aforesaid power of appointing new Trustees

Vacation of office of Trustee.

(5) The office of Trustee shall *ipso facto* be vacated if a Trustee—

(*a*) commits an act of bankruptcy or

(*b*) becomes of unsound mind or

(*c*) resigns his office by notice in writing to the Trustees signed by him and delivered to the Trustees or

(*d*) shall for more than six months have been absent without permission of the Trustees from meetings of the Trustees held during such period or

(*e*) has attained the age of 70 years

Meetings.

(6) The Trustees may meet together for the dispatch of business and adjourn and otherwise regulate their meetings as they think fit Questions arising at any meeting shall be determined by a

majority of votes In case of an equality of votes the Chairman shall have a second or casting vote. A Trustee may at any time summon a meeting of the Trustees It shall not be necessary to give notice of a meeting of Trustees to any Trustee for the time being absent from the Colony and Protectorate of Kenya

Quorum. (7) The quorum necessary for the transaction of the business of the Trustees may be fixed by the Trustees and unless so fixed at any other number shall be four

Chairman. (8) The Trustees may from time to time appoint any one of their number to be Chairman of the Trustees but if no such Chairman shall have been appointed or if at any meeting the Chairman be not present within five minutes after the time appointed for holding the same the Trustees present may choose one of their number to be Chairman of the meeting

Powers of meeting at which a quorum is present. (9) A meeting of the Trustees for the time being at which a quorum is present shall be competent to exercise all powers and discretions for the time being exercisable by the Trustees

Power to appoint committees. (10) The Trustees may delegate any of their powers and discretions to committees consisting of such number of members of their body as they think fit Any committee so formed shall in the exercise of the powers or discretions so delegated conform to any regulations that may be imposed on them by the Trustees

Proceedings at committee meetings. (11) The meetings and proceedings of any such committee consisting of two or more members shall be governed by the provisions of this Deed regulating the meetings and proceedings of the Trustees so far as the same are applicable and are not superseded by any regulations made by the Trustees under the last preceding paragraph

Validity of acts of Trustees in spite of some formal defect. (12) All acts done by any meeting of Trustees or of a committee of Trustees or by any person acting as a Trustee shall as regards all persons dealing in good faith with the Trustees notwithstanding that there was some defect in the appoint-

ment of any such Trustee or person acting as aforesaid or that they or any of them were disqualified or had vacated office or were not entitled to vote be as valid as if every such person had been duly appointed and was qualified and had continued to be a Trustee and had been entitled to vote

Resolutions in writing.

(13) A resolution in writing signed by all the Trustees for the time being in the Colony and Protectorate of Kenya shall be as effective as a resolution passed at a meeting of the Trustees duly convened and held and may consist of several documents in the like form each signed by one or more of the Trustees

Indemnity of Trustees.

15. Without prejudice to the right of indemnity by law given to the Trustees they and every person appointed by the Trustees hereunder shall be entitled to be indemnified out of the property for the time being subject to the trusts of this Deed in respect of all liabilities and expenses incurred by them or him in the execution or purported execution of the trusts powers and discretions vested in them or him pursuant to this Deed and against all actions proceedings costs charges expenses claims and demands in respect of any matter or thing done or omitted in anywise relating to the premises in priority to any payment to the Land Development and Settlement Board and the Trustees may retain and pay out of the property for the time being subject to the trusts of this Deed the amount of any such liabilities and expenses

Trustee may act in professional or business capacity.

16. Any Trustee may act by himself or his firm in a professional or business capacity for the Trustees and he or his firm shall be entitled to charge and be paid remuneration for professional or business services as if he were not a Trustee

17. Unless earlier determined under the provisions of clause 2 hereof the trusts constituted by this Deed shall continue during the life of the survivor of the issue now living of His Late Majesty King George V and twenty-one years after the death of such survivor and such further period if

any as may be lawful Upon the determination of the said trusts the affairs thereof shall be wound up and subject to the payment of all costs charges and expenses which may then be owing and to provision as the property for the time being subject to the trusts of this Deed will admit for the continued payment of any pensions which are then payable the balance of the said property (if any) shall be held for and paid and made over to the Land Development and Settlement Board

19. This Deed shall be construed and governed in all respects in accordance with the laws of Kenya

IN WITNESS whereof each of the present Trustees has hereunto set his hand and seal the day and year first before written

SIGNED SEALED AND DELIVERED by the said HOWEL GWYNNE PRETTEJOHN in the presence of:—
K. J. Roffey,
Box 1507, Nairobi,
Executive Officer.

H. G. Prettejohn

L.S.

SIGNED SEALED AND DELIVERED by the said ARTHUR JOHN MINCHIN in the presence of:—
John M. Heath,
P.O. Box 210,
District Agent.

A. J. Minchin

L.S.

SIGNED SEALED AND DELIVERED by the said ELBERT LUKAS STEYN in the presence of:—
J. Roye,
P.O. Box 97, Eldoret,
District Agent.

E. L. Steyn

L.S.

SIGNED SEALED AND DELIVERED by the said WILLIAM HUGH HINDLEY in the presence of:—
V. K. H. Channer,
P.O. Box 634, Nakuru,
District Agent,
E.A.S.B.

W. H. Hindley

L.S.

SIGNED SEALED AND DELIVERED by the said CENYDD DAVID HILL in the presence of:—
V. K. H. Channer,
P.O. Box 634, Nakuru,
District Agent,
E.A.S.B.

Cenydd D. Hill

L.S.

SIGNED SEALED AND DELIVERED by the said FORREST LOUDON MEGSON in the presence of:—
K. J. Roffey,
P.O. Box 1507, Nairobi,
Executive Officer.

F. L. Megson

L.S.

SIGNED SEALED AND DELIVERED by the said JAMES ARCHIBALD MACDOUGALL in the presence of:—
I. M. Galway,
P.O. Box 30408, Nairobi,
Stenographer.

J. A. Macdougall

L.S.

SIGNED SEALED AND DELIVERED by the said LANCELOT DONALD ABEL BARON in the presence of:—
Gwladys M. Crowe,
c/o P.O. Box 30079, Nairobi,
Secretary.

Donald Baron

L.S.

Transitional provisions.

62. (1) Where, forthwith upon the commencement of section 5 of this Ordinance, areas of land are, by virtue of the provisions of that section, declared to be Scheduled Areas, being areas of land which, immediately before such commencement, were comprised in the Scheduled Areas then

obtaining, the continuity, in regard to those areas, of the operation of the principal Ordinance in relation to Scheduled Areas (or Non-scheduled Areas, as the case may be) shall not be affected by the provisions of the said section.

(2) Notwithstanding the provisions of this Ordinance, where the composition of any board, committee or other body established by or under the principal Ordinance is altered by the provisions of this Ordinance, the persons who immediately before the commencement of such provisions were members and who are replaced by persons to be appointed by virtue of such provisions shall continue in office as such until such time as the appointments are made and take effect.

Declaration of lawfulness of certain payments. Cap. 158.

No. 38 of 1955.

63. For the avoidance of doubt, it is hereby declared that the payment of the moneys comprising the Agricultural Settlement Fund, established by section 5 of the European Agricultural Settlement Ordinance (which was repealed by the European Agricultural Settlement Ordinance, 1955) to the European Agricultural Settlement Board established by the European Agricultural Settlement Ordinance, 1955, shortly after the commencement of such last-mentioned Ordinance was in all respects lawful and properly made.

Repeal of Ordinance No. 38 of 1955 and saving.

64. The European Agricultural Settlement Ordinance, 1955, is hereby repealed, without prejudice to the provisions of sections 176P and 176Q inserted in the principal Ordinance by section 56 of this Ordinance, and of the trust deed therein referred to.

CORRIGENDUM

Ordinance No. 43 of 1960, page 212, Ordinance Supplement No. 12—

Amend Date of Commencement *to read* 1st January, 1961.

THE LEGISLATIVE COUNCIL ELECTIONS ORDINANCE, 1960

No. 48 of 1960

Date of Assent: 19th December, 1960

Date of Commencement: The day immediately succeeding the date of dissolution of the present Legislative Council

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1—Short title and commencement.
2—Interpretation.
3—Supervisor of Elections and Deputies.
4—Registration officers.
5—Registers of electors.

PART II—ESTABLISHMENT OF CONSTITUENCIES, POLLING AREAS AND POLLING SATIONS

6—Constituencies and allocation of seats.
7—Polling areas and polling stations.
8—Use of schools as polling stations.

PART III—QUALIFICATIONS AND REGISTRATION OF ELECTORS

9—Qualifications of electors.
10—Disqualifications of electors.
11—Registration of elector once only.
12—Electors' cards.

PART IV—INITIAL PROCEDURE FOR THE HOLDING OF ELECTIONS

13—Returning officers and assistant returning officers.
14—Issue of writs for holding elections.
15—Notice of time and place for nomination and candidature papers.
16—Nomination of candidates.
17—Disqualification for nomination or election as members.
18—Withdrawal of candidature.

PART V—PRIMARY ELECTIONS

19—General provisions as to primary elections.
20—Voting rights in primary elections.
21—Method of voting in primary election.
22—Determination of results in primary election.

PART VI—ELECTION OF CONSTITUENCY MEMBERS

23—Election procedure.
24—Election of candidates.

SECTION

PART VII—GROUNDS FOR AVOIDING ELECTIONS

25—Avoidance by conviction of candidate.
26—Avoidance of election on election petition.

PART VIII—ELECTION PETITIONS

27—Constitution of election court.
28—Who may present petition.
29—Relief which may be claimed.
30—Certificate of court as validity of election.
31—Report of court as to corrupt or illegal practice.
32—Time for presentation of election petition.
33—Prohibition of disclosure of vote.
34—Votes to be struck off at scrutiny.
35—Rejection of ballot paper by returning officer to be final.
36—Summary rejection of election petition.
37—Non-compliance with law relating to election.
38—Rules of procedure.

PART IX—MISCELLANEOUS

39—Right to vote.
40—Name and address of counting agents to be transmitted to returning officer.
41—Absence of agents not to invalidate things done.
42—Provisions as to misnomer or inaccurate description.
43—Expenses.
44—Rules.

PART X—AMENDMENT, REPEAL AND REVOCATION

45—Amendment of Ordinance No. 11 of 1958.
46—Repeal and revocation.

First Schedule—Posts or Offices Affecting Entitlement to Registration as an Elector.

Second Schedule—Ordinances Repealed.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF CONSTITUENCIES AND THE ALLOCATION OF SEATS IN THE LEGISLATIVE COUNCIL TO REPRESENT THOSE CONSTITUENCIES: FOR THE QUALIFICATIONS AND REGISTRATION OF ELECTORS, AND THE NOMINATION AND ELECTION OF MEMBERS TO THE LEGISLATIVE COUNCIL; FOR ELECTION PETITIONS; AND FOR MATTERS INCIDENTAL TO THE FOREGOING AND CONNECTED THEREWITH

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

PART I—PRELIMINARY

Short title and commencement.

1. This Ordinance may be cited as the Legislative Council Elections Ordinance, 1960, and shall come into operation on the day immediately succeeding that upon which the present Legislative Council is dissolved.

Interpretation.

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

"candidate" means a person who is nominated under section 16 of this Ordinance as a candidate for election;

"constituency" means a constituency specified in an order made under section 6 of this Ordinance;

"constituency member" means a member of the Legislative Council elected thereto in accordance with this Ordinance and any rules made thereunder to represent a constituency (whether alone or as one of two or more members representing the same constituency);

"corrupt practice" has the meaning assigned to that expression in the Election Offences Ordinance, 1958; No. 11 of 1958.

"election" means an election of one or more constituency members to the Legislative Council, but does not, except in section 3 and Parts VII and VIII of this Ordinance and for the purposes of the Election Offences Ordinance, 1958, include a primary election; No. 11 of 1958.

"election court" means the court duly constituted in accordance with section 27 of this Ordinance for the purpose of trying an election petition;

"election officer" means the Supervisor of Elections, every Deputy Supervisor of Elections, and any other officer appointed under or by virtue of this Ordinance, for the purpose of conducting or assisting in the conduct of any election or primary election or of assisting in the registration of electors;

"elector" means a person whose name is included in a register of electors;

"illegal practice", subject to any rule made under paragraph (*p*) of section 44 of this Ordinance, has the meaning assigned to that expression in the Election Offences Ordinance, 1958; No. 11 of 1958.

"member" means a constituency member;

"open seat" means a seat in the Legislative Council for a constituency member, other than a reserved seat;

"polling station" means any room, place, vehicle or vessel set apart and equipped for the purpose of polling;

"primary election" means an electoral process for the purpose of nominating a candidate or candidates for election to a reserved seat;

"register of electors" means a register of electors prepared pursuant to section 5 of this Ordinance;

"reserved seat" means a seat in the Legislative Council reserved in pursuance of section 6 of this Ordinance.

Supervisor of Elections and Deputies.

3. (1) The Governor shall appoint a Supervisor of Elections who shall—

(*a*) exercise general direction and supervision over the administrative conduct of elections and the registration of electors;

(*b*) enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance and any rules made thereunder;

(*c*) issue to election officers such instructions as from time to time he may deem necessary to ensure the effective execution of the provisions of this Ordinance and any rules made thereunder;

(*d*) execute and perform all other powers and duties which are conferred or imposed upon him by this Ordinance and any rules made thereunder.

(2) The Governor may appoint as many Deputy Supervisors of Elections as he may think fit, and every Deputy Supervisor of Elections, subject to the direction and control of the Supervisor of Elections, shall have all the powers and may perform any of the duties of the Supervisor of Elections.

Registration officers.

4. (1) The Supervisor of Elections shall appoint a registration officer for each constituency and may appoint so many assistant registration officers for each constituency as he may consider necessary.

(2) An assistant registration officer shall have all the powers and may perform any or all the duties of the registration officer whom he is appointed to assist, and any reference in this Ordinance to a registration officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant registration officer.

Registers of electors.

5. Each registration officer shall prepare, publish and revise, in accordance with the provisions of this Ordinance and any rules made thereunder, a register of electors for the constituency for which he is appointed.

PART II—ESTABLISHMENT OF CONSTITUENCIES, POLLING AREAS AND POLLING STATIONS

Constituencies and allocation of seats.

6. (1) For the purpose of the election of constituency members to the Legislative Council, the Governor in Council of Ministers may, by order—

(*a*) divide the Colony or any part thereof into constituencies;

(*b*) specify the name and delimit the boundaries of each constituency;

(*c*) allocate one or more seats, whether open or reserved, to each constituency by specifying the number of members to be returned in respect thereof, and, in the case of a reserved seat, the race of the member to be elected thereto and, in the case of a seat reserved for an Asian, whether that member shall or shall not be of the Muslim faith.

(2) In the allocation of seats to constituencies under subsection (1) of this section—

(*a*) ten seats shall be reserved for Europeans;

(*b*) five seats shall be reserved for Asians not of the Muslim faith;

(*c*) three seats shall be reserved for Asians of the Muslim faith;

(*d*) two seats shall be reserved for Arabs.

Polling areas and polling stations.

7. (1) As soon as may be after the delimitation of a constituency by order under section 6 of this Ordinance, and thereafter whenever any constituency is altered or a new constituency created, the Supervisor of Elections shall—

(*a*) divide each constituency into polling areas, or, in the case of any particular constituency, declare that constituency to be one polling area;

(*b*) assign to each such polling area a distinguishing number;

(*c*) appoint places at which a polling station or stations for each polling area shall be established; and

(*d*) publish in the Gazette a notice specifying—

(i) the polling areas into which the constituency has been divided, or, in the case of a constituency which has been declared to be one polling area, that such is the case;

(ii) the distinguishing number assigned to each polling area; and

(iii) the place or places appointed for the establishment of the polling station or stations for each polling area.

(2) In determining the boundaries of any polling area, the Supervisor of Elections shall have regard to geographical considerations and such other factors as may affect the facility of communication between various places within the polling area.

(3) Subject to the provisions of subsection (2) of this section, the division of a constituency into polling areas may be altered by the Supervisor of Elections as occasion may require, and upon any such alteration being made, the Supervisor shall publish in the Gazette a notice specifying in relation to that constituency the particulars mentioned in paragraph (*d*) of subsection (1) of this section; and any such alteration shall come into effect at the next revision of the register of electors for that constituency and not earlier.

(4) Unless the Supervisor of Elections considers it necessary or expedient in the special circumstances of any case to provide otherwise, there shall be, for each polling area, at least one polling station in that polling area.

Use of schools as polling stations.

8. (1) The Supervisor of Elections may use, free of charge, as a polling station any public school or part thereof.

(2) The Minister shall make good any damage done to, or defray any expenses incurred by the persons having control thereof in making good any damage done to, any public school or part thereof by reason of its being used as a polling station.

(3) In this section "public school" has the same meaning as in the Education Ordinance, 1952.

No. 58 of 1952.

PART III—QUALIFICATIONS AND REGISTRATION OF ELECTORS

Qualifications of electors.

9. Subject to the provisions of sections 10 and 11 of this Ordinance, a person shall be entitled to be registered as an elector if he satisfies the registration officer that, at the date of application for registration—

(*a*) he is a British subject or a British protected person, or a person who, immediately prior to the 5th August, 1960, was registered under any law in force in the Colony as an elector for the purposes of elections to the then existing Legislative Council; and

(*b*) he is of or over the age of twenty-one years; and

(*c*) either he has been ordinarily resident in the Colony—

(i) for a period of not less than one year immediately preceding such date; or

(ii) for a period of not less than four years during the eight years immediately preceding such date; and

(*d*) he has been ordinarily resident, or he has carried on business or been employed, or he has lawfully possessed any land or residential building, in the constituency in which he applies to be registered, for a period of not less than two months immediately preceding such date; and

(*e*) either—

(i) he is able to read and write in his native language or in English or in Kiswahili; or

(ii) he is of or over the age of forty years; or

(iii) he is the holder of any post or office specified in the First Schedule to this Ordinance; or

(iv) he has received income of at least one thousand five hundred shillings from all sources during the twelve months immediately preceding that date, or he is lawfully possessed of property worth at least four thousand shillings at that date:

Provided that, in the case of a married woman, where her husband has received income as aforesaid or is lawfully possessed of property as aforesaid, she shall herself be deemed to have received such income or to be lawfully possessed of such property, as the case may be, for the purpose of this paragraph,

but not otherwise.

Disqualifications of electors.

10. No person shall be registered as an elector in any constituency who—

(*a*) has been, and still is, certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Colony, or is detained under any such law as a criminal lunatic; or

(*b*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth; or

(*c*) is serving a sentence of imprisonment for a term of or exceeding twelve months for a criminal offence of which he has been convicted; or

(*d*) is suffering from any disqualification provided by the Election Offences Ordinance, 1958. No. 11 of 1958.

Registration of elector once only.

11. No person shall at any time be registered as an elector in more than one constituency, nor shall any person be registered as an elector more than once in any register of electors, and any person who—

(*a*) being registered as an elector in any register of electors applies to be registered as an elector—

(i) in any other register of electors, otherwise than in substitution for his subsisting registration; or

(ii) in the same register of electors; or

(*b*) having made an application to be registered in any register of electors, which has not been either granted or rejected, applies to be registered in the same, or in any other, register of electors; or

(*c*) makes simultaneously two or more applications to be registered as an elector,

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

Electors' cards.

12. (1) The registration officer of a constituency, on a person applying to be registered as an elector for that constituency, shall, if he is satisfied that that person is entitled to be so registered, issue to him an elector's card in such form as may be prescribed for electors of the class or category to which that person belongs.

(2) Any person who—

(*a*) prints any document in the form of an elector's card without the authority of the Government; or

(*b*) is in possession of any such document printed without the authority of the Government; or

(*c*) wilfully delivers an elector's card to any person not entitled thereto; or

(*d*) in any other manner misuses an elector's card, or any document in the form of an elector's card, with intent to influence the result of an election or primary election,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

PART IV—INITIAL PROCEDURE FOR THE HOLDING OF ELECTIONS

Returning officers and assistant returning officers.

13. (1) The Governor may from time to time appoint for each constituency a returning officer.

(2) The Supervisor of Elections may from time to time appoint so many assistant returning officers for each constituency as he may consider necessary.

(3) An assistant returning officer shall, subject to the general direction and control of the returning officer whom he is appointed to assist, have all the powers and may perform all

the duties of such returning officer; and any reference to a returning officer in this Ordinance or any rule made thereunder shall, unless the context otherwise requires, be deemed to include a reference to an assistant returning officer.

(4) The Supervisor of Elections shall cause every appointment under this section to be published in the Gazette and in such other manner as he deems necessary in order to bring it to the notice of all persons who may be affected thereby.

Issue of writs for holding elections.

14. (1) For the purposes of any election of members consequent upon a dissolution of the Legislative Council, and for the purposes of the election of any member to supply a vacancy arising from any cause other than dissolution of the Legislative Council, the Speaker shall issue a writ under his hand addressed to the returning officer of each constituency in which a member is to be returned.

(2) For the purposes of any election of members consequent upon a dissolution of the Legislative Council, the Speaker shall issue writs as aforesaid within six weeks after such dissolution, and for the purposes of the election of any member to supply a vacancy arising from any cause other than dissolution of the Legislative Council, the Speaker shall issue his writ as aforesaid within four months after the occurrence of the vacancy.

(3) Every writ shall be forwarded to the Supervisor of Elections for transmission to the returning officer to whom it is addressed.

(4) Every writ shall be in the prescribed form and shall specify—

(*a*) in respect of a primary election—

(i) the day, being not less than seven days after the date of the issue of the writ, for the delivery of candidature papers in accordance with paragraph (*a*) of subsection (2) of section 16 of this Ordinance;

(ii) the day or days on which, if necessary, the poll shall be taken, being not less than ten days after the date of delivery of candidature papers as aforesaid.

(*b*) in respect of an election other than a primary election—

(i) where the election is for an open seat, the day, being not less than fourteen days after issue of the writ, for the nomination of candidates;

(ii) the day or days on which, if necessary, the poll shall be taken, being, in the case of an election for an open seat, not less than fourteen days after the day of nomination, and in the case of an election for a reserved seat, not less than fourteen days after the last day of the poll at the primary election therefor.

(5) Upon receipt of a writ the returning officer to whom it is addressed shall proceed to hold the election in the manner provided by this Ordinance and any rules made thereunder.

Notice of time and place for nomination and candidature papers.

15. Upon receipt of a writ the Supervisor of Elections shall forthwith give notice thereof, and of the day and place fixed for the nomination of candidates or for the delivery of candidature papers, as the case may be, by publication in the Gazette and in one or more newspapers; and the returning officer to whom the writ is addressed shall forthwith on the receipt thereof give further notice of the time and place fixed for the nomination of candidates or for the delivery of candidature papers, as the case may be, by causing notices in the prescribed form to be posted at such places in the constituency as he may deem necessary.

Nomination of candidates.

16. (1) For the purposes of nomination, every candidate for election to an open seat shall be proposed, seconded and supported by not less than seven nor more than eighteen persons other than the proposer and seconder; and shall be nominated by the delivery to the returning officer of the constituency concerned, between such hours on the day fixed for nomination as may be prescribed, of a nomination paper in the prescribed form.

(2) For the purposes of nomination, every candidate for election to a reserved seat shall be proposed, seconded and supported as aforesaid and shall be nominated in the manner following—

(*a*) by the delivery to the returning officer of the constituency concerned, between such hours on the day specified therefor in the writ as may be prescribed, of a candidature paper in the prescribed form; and

(*b*) where in any constituency the number of candidates for election to reserved seats of the same category exceeds the number of those seats, by way of a primary election held in accordance with Part V of this Ordinance.

(3) The proposer, seconder and supporters of any candidate shall be persons registered as electors in respect of the constituency for which the candidate is nominated.

(4) If any person stands nominated as a candidate for election in more than one constituency at the same time all such nominations of that person shall be deemed to be and always to have been void and of no effect.

Disqualification for nomination or election as members.

17. No person shall be qualified for nomination under section 16 of this Ordinance, or for election as a constituency member, who—

(*a*) holds or acts in any office or appointment in the civil employment or service of the Crown or in the employment or service of the Government or the High Commission, whether in an established capacity or not, and whether for the whole or part of his time; or

(*b*) belongs to the regular armed forces of the Crown; or

(*c*) is an election officer:

Provided that a person shall not be so disqualified by reason only of the fact that he is—

(i) a Minister, Assistant Minister, Parliamentary Secretary or Deputy Speaker; or

(ii) in receipt of a pension or other like allowance in respect of such office, employment or service as aforesaid; or

(iii) a special police officer or reserve police officer within the meaning of the Police Ordinance, 1960; or No. 58 of 1960.

(iv) a reservist within the meaning of any Ordinance for the time being in force in the Colony relating to the raising of any naval, military or air forces (whether he is recalled for service for which he is liable under such Ordinance or not); or

(v) an officer on the retired or emergency list of any of the armed forces of the Crown or holding an emergency commission in any of those forces or belonging to any reserve of officers of any of those forces; or

(vi) a naval, army, marine or air force pensioner who is recalled for service for which he is liable as such.

Withdrawal of candidature.

18. At any time before the expiry of the hours prescribed for the delivery to the returning officer of nomination or candidature papers, as the case may be, but not later, a candidate whose nomination or candidature paper has been delivered to the returning officer may, by notice in writing signed by him and delivered to such returning officer, withdraw his candidature.

PART V—PRIMARY ELECTIONS

General provisions as to primary elections.

19. Every primary election shall be by secret ballot, and shall be held in accordance with the provisions of this Part, and of any rules made under this Ordinance.

Voting rights in primary elections.

20. (1) No elector shall vote in respect of more than one constituency in the same primary election, nor except in a constituency in respect of and for which he is registered as an elector.

(2) No elector shall vote in a primary election in respect of a reserved seat unless he belongs to the category of persons for whom that seat is reserved.

(3) Each elector in a primary election shall complete one ballot paper only.

Method of voting in primary election.

21. (1) Every ballot paper in a primary election shall bear the names of all candidates contesting that primary election.

(2) Each elector taking part in a primary election shall complete the ballot paper issued to him by deleting, by means of a horizontal line, the names of such of the candidates shown thereon as he does not wish to support.

(3) For the purposes of this Ordinance (including Part VIII thereof) every deletion made in accordance with subsection (2) of this section shall be deemed to be a vote against the candidate whose name is deleted, and every omission so to delete shall be deemed to be a vote in favour of the candidate whose name is not deleted.

Determination of results in primary election. No. 11 of 1958.

22. (1) Subject to the provisions of this Ordinance and of the Election Offences Ordinance, 1958, the nomination of candidates by way of a primary election shall be determined in accordance with the provisions of this section.

(2) At the count of the poll, the number of supporting votes cast in respect of each separate candidate shall be expressed for the purposes of this section as a percentage of the total number of valid ballot papers.

(3) Every candidate whose percentage of supporting votes is twenty-five or more, shall be declared to be duly nominated.

(4) If only one candidate has a percentage of supporting votes of twenty-five or more, that candidate shall be declared to be duly elected to the seat for which he was a candidate.

(5) If no candidate has a percentage of supporting votes of twenty-five or more, every candidate shall be declared to be duly nominated.

(6) If in a primary election to nominate candidates for election to more than one seat reserved for the same category of persons only one candidate has a percentage of supporting votes of twenty-five or more, that candidate shall be declared to be duly elected to one such seat, and all the other candidates shall be declared to be duly nominated for election to the other such seat or seats.

PART VI—ELECTION OF CONSTITUENCY MEMBERS

Election procedure.

23. (1) The election of constituency members shall be by secret ballot and every election shall be held in accordance with the provisions of this Ordinance and any rules made thereunder.

(2) No elector shall vote in respect of more than one constituency in the same election nor except in a constituency in respect of and for which he is registered as an elector.

(3) Each elector may cast one vote only.

Election of candidates. No. 11 of 1958.

24. Subject to the provisions of this Ordinance and of the Election Offences Ordinance, 1958, the candidate for any seat who polls the greatest number of valid votes cast by the electors in respect of that seat shall be the member for that seat:

Provided that—

(i) if only one candidate or only candidates not exceeding the number to be elected in respect of one category of seat stand nominated in any constituency, such nominated candidate or candidates shall be declared to be the elected member or members for such constituency;

(ii) if the number of candidates standing nominated in respect of one category of seat in a constituency exceeds the number of seats in that category, those candidates, up to the number to be elected in that category, who poll the greatest numbers of valid votes cast by the electors of that constituency shall be the members for that constituency; and

(iii) when an equality of votes is found to exist between any candidates for a constituency, and the addition of one vote would entitle one of the candidates to be elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

PART VII—GROUNDS FOR AVOIDING ELECTIONS

Avoidance by conviction of candidate.

25. The election of a candidate at any election is avoided by his conviction for any corrupt practice or illegal practice at such election.

Avoidance of election on election petition.

26. The election of a candidate at any election shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of the election court, namely—

(*a*) that general bribery, general treating or general intimidation or other misconduct or other circumstances whether similar to those before enumerated or not have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;

(*b*) non-compliance with the provisions of any written law relating to any election, if it appears that the election

was not conducted in accordance with the principles laid down in such written law and that such non-compliance affected the result of the election;

(*c*) that a corrupt practice or an illegal practice was committed in connexion with the election by the candidate or with his knowledge or consent, or by any agent of the candidate;

(*d*) that the candidate was at the time of his election a person disqualified for election.

PART VIII—ELECTION PETITIONS

Constitution of election court.

27. (1) Every election petition in respect of any election to the Legislative Council shall be tried by an election court consisting of two Judges of the Supreme Court.

(2) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in a trial by the Supreme Court in the exercise of its original civil jurisdiction and shall be subject to the same penalties for the giving of false evidence.

(3) (*a*) On the trial of an election petition under this Ordinance the election court may compel the attendance of any person as a witness who appears to the Court to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of a contempt of court.

(*b*) The election court may examine any witness so compelled to attend or any person in court, although such witness is not called and examined by any party to the petition.

(*c*) After the examination of a witness as aforesaid by the election court, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) Unless otherwise ordered by the Chief Justice all interlocutory matters in connexion with an election petition may be dealt with and decided by any Judge of the Supreme Court.

Who may present petition.

28. An election petition may be presented to the election court by any one or more of the following persons, namely—

(*a*) some person who voted or had a right to vote at the election to which the petition relates;

(*b*) some person claiming to have had a right to be returned or elected at such election;

(*c*) some person alleging himself to have been a candidate at such election.

Reliefs which may be granted.

29. (1) All or any of the following reliefs to which the petitioner may be entitled may be claimed in an election petition, namely—

(*a*) a declaration that the election is void;

(*b*) a declaration that the person was not duly elected or ought not to have been returned;

(*c*) a declaration that any candidate was duly elected and ought to have been returned;

(*d*) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

(2) An election court may, in its discretion, award against the petitioner the costs of and incidental to an election petition which is dismissed or rejected.

Certificate of court as validity of election.

30. (1) At the conclusion of the trial of an election petition the election court shall determine whether the candidate whose return or election is complained of, or any other and which person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Speaker:

Provided that—

(i) if the Judges constituting the election court differ as to whether the candidate whose return or election is complained of was duly returned or elected they shall certify that difference and the candidate shall be deemed to be duly returned or elected, and

(ii) if they determine that the candidate was not duly returned or elected but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void.

(2) Upon such certificate being given, such determination shall be final, and the return by the returning officer in respect of the election shall be confirmed or altered accordingly.

(3) If an election court determines that any election was void and so certifies, the Speaker shall, within one month of such determination, issue a writ in accordance with the provisions of section 14 of this Ordinance in respect of the constituency concerned.

Report of court as to corrupt or illegal practice.

31. (1) At the conclusion of the trial of an election petition the election court shall also report in writing to the Speaker whether any corrupt practice or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt or illegal practice, if any; and the names and descriptions of all persons if any who have been proved at the trial to have been guilty of any corrupt or illegal practice.

(2) Before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court under this section, the election court shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3) When an election court reports that a corrupt practice or an illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the said report he had been convicted of that practice, and a person shall be subject to the same incapacities if he was a candidate at the election and the election court reports that such corrupt or illegal practice was committed with his knowledge and consent or by his agent.

(4) The Speaker shall cause a copy of such report to be published in the Gazette, and it shall be the duty of every registering officer forthwith to peruse the report and to delete from the register of electors the name of every person appearing from the report to be incapable of voting at an election.

Time for presentation of election petition.

32. (1) Every election petition shall be presented within fourteen days of the date of publication of the result of the election in the Gazette:

Provided that—

(i) an election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date aforesaid by

the person whose election is questioned or by an agent of that person or with the privity of that person or his election agent in pursuance or in furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such alleged payment or act;

(ii) an election petition questioning the return of the election upon an allegation of an illegal practice may, so far as respects such illegal practice, be presented within the time following, that is to say—

(*a*) at any time within twenty-eight days after the date of the publication of the result of the election in the Gazette;

(*b*) if the election petition specifically alleges a payment of money or other act to have been made or done since the said date by the person whose election is questioned or by an agent of that person or with the privity of that person or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such alleged payment or other act.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of the election court within the time within which an election petition questioning the return or the election upon that ground may be presented.

Prohibition of disclosure of vote.

33. No elector who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

Votes to be struck off at a scrutiny.

34. (1) On a scrutiny at the trial of an election petition the following votes only shall be struck off, namely—

(*a*) the vote of any person whose name was not on the register or list of electors assigned to the polling station at which the vote was recorded or who has not been authorized to vote at such station;

(*b*) the vote of any person whose vote was procured by bribery, treating, or undue influence;

(*c*) the vote of any person who committed or procured the commission of personation at the election;

(*d*) the vote of any person proved to have voted in more than one constituency;

(*e*) the vote of any person, who, by reason of a conviction of a corrupt or illegal practice or by reason of the report of an election court, or by reason of his conviction of an offence under section 3 of the Election Offences Ordinance, 1958, was incapable of voting at the election; No. 11 of 1958

(*f*) votes given for a disqualified candidate by a voter knowing that the candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it were notorious.

(2) The vote of a registered elector shall not, except in the case specified in paragraph (*e*) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register or list of electors.

Rejection of ballot paper by returning officer to be final.

35. On an election petition the decision of a returning officer whether or not a ballot paper shall be rejected, under any written law relating to the election, shall not be questioned.

Summary rejection of election petition.

36. When the election court has received an election petition it shall peruse the petition and, if it considers that no sufficient ground for granting the relief claimed is disclosed therein, may reject the petition summarily.

Non-compliance with law relating to election.

37. No election shall be declared to be void by reason of a non-compliance with any written law relating to such election if it appears that the election was conducted in accordance with the principles laid down in such written law, or that such non-compliance did not affect the result of the election.

Rules of procedure. Cap. 5.

38. The Rules Committee established under the Civil Procedure Ordinance may make rules of court regulating the practice and procedure in relation to election petitions.

111.44/61

PART IX—MISCELLANEOUS

Right to vote.

39. No person shall be entitled to vote at any election, or at any primary election, unless his name is on the register of electors for the time being in force and he produces at the

time of voting an elector's card issued to him under section 12 of this Ordinance, and every person whose name is on that register of electors shall, subject to the provisions of this Ordinance and any rules made thereunder, on so producing such elector's card, be entitled to vote at any election for the constituency in which he is so registered and at any primary election within that constituency at which he is not disqualified to vote by reason of subsection (2) of section 20 of this Ordinance:

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any written law or relieve that person from any penalties to which he may be liable for voting.

Name and address of counting agents to be transmitted to returning officer.

40. (1) The names and addresses of the agents of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at least before the close of the poll and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted notwithstanding that his appointment may be otherwise valid.

(2) Notwithstanding that the names and addresses of agents have been duly transmitted in accordance with subsection (1) of this section the returning officer shall not be obliged to admit more than two agents of a candidate.

Absence of agents not to invalidate things done.

41. Where in this Ordinance or any rules made thereunder any expressions are used requiring or authorizing or implying that any act or thing is to be done in the presence of the agents of the candidates, those expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended, at the time and place where the act or thing is being done and the non-attendance of any agents or agent at that time and place shall not, if the act or thing be otherwise duly done, in any wise invalidate the act or thing done.

Provisions as to misnomer or inaccurate description.

42. No misnomer or inaccurate description of any person or place in any order, notice or other instrument made under or by virtue of this Ordinance shall prejudice the validity of such order, notice or other instrument or the operation of this Ordinance or any rules made thereunder as respects that person or place, if the person or place is so designated as to be commonly understood.

Expenses.

43. There shall be defrayed out of moneys provided by the legislature any expenses properly incurred by the Minister or by any election officer in the performance of his duties under or by virtue of this Ordinance.

Rules.

44. The Governor may make rules generally for the better carrying out of the purposes and provisions of this Ordinance, and in particular, but without prejudice to the generality of the foregoing, such rules may—

(*a*) prescribe the manner in which registers of electors shall be compiled, and the manner of distinguishing therein electors entitled to vote at primary elections;

(*b*) provide for the revision of registers of electors, and for the division of any register into new registers or parts thereof, or for the preparation of new registers;

(*c*) prescribe the procedure for making and determining claims as to the insertion of names in registers of electors, and for dealing with objections to any such insertion;

(*d*) provide for the payment of compensation, not exceeding one hundred shillings in any one case, to any person aggrieved by the making without reasonable cause of an objection to the insertion or inclusion of his name in any register of electors;

(*e*) authorize any registration officer, for the purpose of considering or determining any application, claim, objection or appeal, to summon any person to appear before him and to give evidence on oath, and to administer any oath for such purpose, and to order the production of any document relevant to any issue which such officer is required to consider and determine;

(*f*) provide for the division of constituencies into units for the purpose of the registration of electors;

(*g*) prescribe the amount of any deposit, not exceeding one thousand shillings in any case, to be made by or on behalf of candidates, and the circumstances in which any such deposit may be forfeited;

(*h*) provide for the appointment of officers to preside at polling stations;

(*i*) prescribe the facilities to be provided at polling stations, and the persons who may be admitted to polling stations;

(*j*) prescribe the place and manner in which votes may be cast, and the construction and sealing of ballot boxes and provide for the issue of ballot papers to electors;

(*k*) provide for the manner in which, and the persons by whom, any question as to the identity of any person claiming the right to vote shall be determined;

(*l*) provide for the manner in which a person who is blind or otherwise incapacitated may vote;

(*m*) prescribe the procedure to be followed in the counting of votes and the circumstances in which votes may be rejected by a returning officer as invalid;

(*n*) prescribe conditions for the use of private motor vehicles at elections;

(*o*) prescribe the facilities to be provided for voting by post, the persons entitled so to vote, and the circumstances in which persons may so vote;

(*p*) provide that certain acts are to be deemed to be illegal practices for the purposes of the Election Offences Ordinance, 1958; No. 11 of 1958.

(*q*) prescribe forms, and the fees to be paid upon any application, notice, claim or objection, including the manner in which such fees shall be disposed of.

PART X—AMENDMENT, REPEAL AND REVOCATION

Amendment of Ordinance No. 11 of 1958.

45. Subsection (1) of section 2 of the Election Offences Ordinance, 1958, is amended by inserting, immediately after the words "means an election", which appear in the definition of "election" therein, the words ", including a primary election,".

Repeal and revocation.

46. (1) The Ordinances specified in the Second Schedule to this Ordinance are repealed.

LN. 35/61

L.N. 353/60.

(2) The Legislative Council (Constituency Members) Regulations, 1960, are revoked:

Provided that notwithstanding such revocation every order or rule made under those Regulations, and every act, matter or thing done under those Regulations or under any such order or rule, shall be deemed to have been validly made or done under or by virtue of the corresponding provisions of this Ordinance.

FIRST SCHEDULE (Section 9 (*e*) (iii))

POSTS OR OFFICES AFFECTING ENTITLEMENT TO REGISTRATION AS AN ELECTOR

Members of Local Authorities.

Members of African Locational Councils established under section 19 of the African District Councils Ordinance, 1950. No. 12 of 1950 (revised 1959).

Subchiefs.

Tribal Police.

SECOND SCHEDULE (Section 46)

ORDINANCES REPEALED

The Legislative Council Ordinance.	Cap. 38.
The Legislative Council (Temporary Provisions) Ordinance, 1951.	No. 67 of 1951.
The Legislative Council Ordinance, 1956.	No. 4 of 1956.
The Legislative Council (African Representation) Ordinance, 1956.	No. 10 of 1956.
The Legislative Council (African Representation) (Amendment and Transitional Provisions) Ordinance, 1958.	No. 1 of 1958.

THE CROWN LANDS (AMENDMENT) ORDINANCE, 1960

No. 49 of 1960

Reserved for the Signification of Her Majesty's Pleasure: 19th December, 1960

Her Majesty's Assent Signified by Proclamation dated 20th December, 1960 Legal Notice No. 626.

Date of Commencement: By Notice

AN ORDINANCE TO AMEND THE CROWN LANDS ORDINANCE

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

Short title and commencement.

1. This Ordinance may be cited as the Crown Lands (Amendment) Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint; and the Governor may appoint different dates in relation to different provisions of this Ordinance.

Amendment of section 24 of Cap. 155.

2. Section 24 of the Crown Lands Ordinance (hereinafter referred to as the principal Ordinance) is amended—

(*a*) by deleting paragraph (*c*) thereof;

(*b*) by substituting for paragaph (*e*) thereof a new paragraph as follows—

(*e*) the annual rent to be paid for each farm under the lease and the capital sum to be paid for a grant of the freehold of the land, on due compliance with the conditions thereof, under section 31 of this Ordinance; and

Replacement of section 31 of the principal Ordinance.

3. There shall be substituted for section 31 of the principal Ordinance a new section as follows—

Terms of lease.

31. (1) Subject to the provisions of subsection (2) of this section, every lease under this Part shall, subject to the provisions of this Ordinance—

(*a*) be granted for a term equal in length to the period by the end of which the lessee is required by the lease to have completed the developments thereby required of him;

(*b*) be at a rent calculated at the rate of one per cent on the unimproved value of the land at the commencement of the term; and

(*c*) contain a provision whereby the lessee, on the expiration of the term and on due compliance with the covenants and conditions contained in the lease, shall be entitled to a grant of the freehold of the land on payment to the Government of the unimproved value of the land at the commencement of the term, either—

(i) in one sum before the issue of the grant, or

(ii) with interest at the rate of six and one-half per cent per annum, or, after the 31st December, 1965, at such rate as may be prescribed, by twenty equated yearly instalments of capital and interest in advance, with a right for the grantee at any time to pay to the Government the balance of capital then remaining outstanding with interest to the date of payment:

Provided that land which is to be leased to the lessee of adjoining land comprised in a lease granted before the 1st January, 1961, may, with the consent of the lessee and the approval of the Governor in Council of Ministers, be leased for the term, at the rent and on the conditions which would have been applicable in the case of a lease granted under this Part before that date, and sections 34 and 35 of this Ordinance shall apply to such a lease as though the lease had been granted before that date.

No. 21 of 1902.

(2) Where, at any time before the 31st March, 1961, the lessee of land leased for a term of ninety-nine years under the Crown Lands Ordinance, 1902, or under this Ordinance, has applied to the Commissioner to surrender the term and to be granted a lease of the land under this Part for a term of nine hundred and ninety-nine years, and the Commissioner has approved the application, such lessee may, subject to the terms and conditions of the approval, require to be granted a lease under this subsection, and in such case the provisions of

subsection (1) of this section shall not apply, but instead, subject to the provisions of this Ordinance—

(*a*) the lease to be granted under this Part shall be for a term of nine hundred and ninety-nine years (less the period which has expired of the term of ninety-nine years), and, for the purposes of the rent to be reserved thereunder, the term shall be divided into periods, the first period to expire on the 31st December, 1990, and each period thereafter to expire on the 31st December of every thirtieth year following to the end of the term, and for the first period the rent shall be calculated at the rate of one per cent on the unimproved value of the land in the year 1960, and the Commissioner shall assess such value and shall, not later than the 30th June, 1961, give notice thereof to the said lessee;

(*b*) the lessee shall be entitled to object to the Commissioner's assessment of the unimproved value of the land, and the provisions of section 35 of this Ordinance shall thereafter apply, as if the assessment were a valuation under section 34, and the notice under paragraph (*a*) of this subsection were a notice under subsection (1) of section 35, of this Ordinance; and

(*c*) as regards the remaining periods of the term, the provisions of sections 33, 34 and 35 of this Ordinance respecting periods of leases shall apply to the contemporary periods of the lease, as if the lease were a lease under this Part granted before the 1st January, 1961.

4. Section 32 of the principal Ordinance is amended— Amendment of section 32 of the principal Ordinance.

(*a*) by substituting for the words "For the purposes of the rent to be reserved under a lease under this Part", which appear therein, the expression "For the purposes of the rent payable under a lease under this Part granted before the 1st January, 1961,";

(*b*) by substituting for the figures "1975" and "2005", which appear therein, the figures "1990" and "2020" respectively.

Amendment of section 33 of the principal Ordinance.

5. Section 33 of the principal Ordinance is amended—

(*a*) by inserting, immediately after the word "Part", which appears therein, the words "granted before the 1st January, 1961,";

(*b*) by substituting for the figures "1975", which appear therein, the figures "1990";

(*c*) by adding at the end thereof a new proviso as follows—

Provided that, where the rent so calculated is a sum of shillings and cents, the cents shall not be counted if they amount to fifty cents or less, but shall be counted as a shilling if they amount to more than fifty cents.

Replacement of section 34 of the principal Ordinance.

6. There shall be substituted for section 34 of the principal Ordinance a new section as follows—

Valuation of land for rent.

34. (1) The Commissioner shall, during the years 1960 and 1990 and, after the year 1990, in every thirtieth year until the expiration of the term, cause the land the subject of a lease under this Part granted before the 1st January, 1961, to be valued for the purpose of determining the rent which shall be payable for the land for the second or third period or for a subsequent period of such lease, whichever shall be the next following the period in which the valuation is made, and the rent so determined shall be payable as from the beginning of the period for which it is determined to be payable:

Provided that where, under section 35 of this Ordinance, the lessee successfully objects to the valuation, the rent payable shall, on the determination of the objection, be varied so as to be in accordance with the valuation determined under that section, and the lessee shall be entitled to a refund of the rent overpaid by him.

(2) In the ascertainment of the value of any land under this sub-Part, there shall not be taken into consideration in augmentation of such value

the value of improvements made or done on the land being valued.

Amendment of section 35 of the principal Ordinance.

7. Section 35 of the principal Ordinance is amended—

(*a*) by deleting subsection (2) thereof;

(*b*) by substituting for the words "one month", which appear in subsection (3) thereof, the words "three months", and renumbering the subsection as subsection (2);

(*c*) by adding at the end thereof two new subsections as follows—

(3) Where, within three months after the last day for the service thereof, a lessee satisfies the Commissioner that a notice with which he should have been served under subsection (1) of this section has not been served on him, the Commissioner shall, in the case of that lessee, extend the time for objection by such period as the Commissioner may think necessary to enable an objection to be made.

(4) It shall be no defence to an action for any rent payable under a lease granted under this Part that any notice required by this section to be given to the lessee has not been given.

Replacement of sections 81 and 82 of the principal Ordinance.

8. There shall be substituted for sections 81 and 82 of the principal Ordinance two new sections as follows—

Penalty for non-payment of rent.

81. (1) If any moneys due in respect of any rent, principal, instalment, royalty or other payment under any agreement, lease or licence under this Ordinance, or under any Ordinance repealed by this Ordinance, remain unpaid at the end of a period of ninety days after the same became due, the amount so remaining unpaid shall, at the end of such period, be increased by a penalty equal to one-tenth of the sum so remaining unpaid, or by a penalty of ten shillings, whichever is the greater.

(2) Where a penalty becomes payable under subsection (1) of this section, the Commissioner shall serve on the person in default a notice demanding payment of the penalty in addition to the other moneys then due.

Commissioner may sue for rents, etc., in arrear.

82. Without prejudice to his right to recover in any other way, the Commissioner may sue in the court for any rent, principal, instalment, royalty or other payment, payable under any agreement, lease or licence under this Ordinance, or under any Ordinance repealed by this Ordinance, which is in arrear, and for any penalty payable under section 81 of this Ordinance.

Amendment of Part X of the principal Ordinance.

9. Part X of the principal Ordinance is amended by substituting for the heading "(5) RESUMPTION OF LAND FOR PUBLIC PURPOSES", which appears therein, the heading "(5) ENTRY ON LAND FOR CERTAIN PUBLIC PURPOSES".

Repeal of sections 108, 109, 109A and 110 of the principal Ordinance.

10. Sections 108, 109, 109A and 110 of the principal Ordinance are repealed.

Amendment of section 111 of the principal Ordinance.

11. Section 111 of the principal Ordinance is amended—

(*a*) by substituting for the expression "sections 106 to 110 (exclusive)", which appears in subsection (1) thereof, the expression "sections 106 and 107";

(*b*) by deleting subsections (3) and (4) thereof.

Replacement of sections 111A and 111B of the principal Ordinance.

12. There shall be substituted for sections 111A and 111B of the principal Ordinance two new sections as follows—

Compensation for damage to planted trees and shrubs.

111A. Where any damage or loss has been caused to any land by or as a result of entry thereon under section 106 or section 107 of this Ordinance, or under section 23 of the Crown Lands Ordinance, 1902, by reason of the injury or destruction of trees, bushes or shrubs planted thereon, a reasonable sum, not exceeding the market value of the standing trees, bushes or shrubs, shall be paid by way of compensation for such damage or loss notwithstanding that compensation is not otherwise payable under the provisions of any of the aforesaid sections.

Certain rights of Commissioner not to be exercisable.

111B. Where any conveyance, lease or licence incorporates, by reference thereto, any of the provisions of sections 24, 25 and 26 of the Crown Lands Ordinance, 1902 (which confer certain rights

of entry on the Commissioner), the rights conferred on the Commissioner by those provisions shall not be exercisable.

Repeal of section 111c of the principal Ordinance.

13. Section 111c of the principal Ordinance is repealed.

Amendment of section 164 of the principal Ordinance.

14. Section 164 of the principal Ordinance is amended by deleting the words "in the Colony", which appear therein.

Replacement of section 174 of the principal Ordinance.

15. There shall be substituted for section 174 of the principal Ordinance a new section as follows—

Procedure in arbitration.

174. (1) Where it is provided or agreed that any matter arising under this Ordinance shall be referred to arbitration, then, subject to the provisions of subsection (2) of this section, such reference shall be to a single arbitrator appointed by the Commissioner and the other party, and either party may serve on the other party a written notice to concur, within a period of thirty days after the date of service, in appointing an arbitrator.

(2) (*a*) If an arbitrator has not been agreed upon within the said period, and appointed within fourteen days thereafter, then the reference shall be to two arbitrators, one to be appointed by the Commissioner and one by the other party to the arbitration.

(*b*) If either party fails to appoint an arbitrator within twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration and his decision shall be final and binding on both parties.

(*c*) If the said arbitrators fail to agree upon the matter referred to them within sixty days of the same having been so referred, then the matter so referred shall be decided by an umpire appointed by the said arbitrators, or, in the event of the arbitrators being unable to agree as to the umpire, by a judge of the Supreme Court, whose decision shall be final and binding between the parties.

(*d*) Every such arbitration shall be carried on in the manner prescribed by the Arbitration Ordinance, and be subject to such Ordinance in the same manner as if reference to the arbitration had been made by consent of parties under a written agreement.

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(4) Every party shall pay his or its costs of the reference, and the costs of and incidental to the appointment of an arbitrator or arbitrators or an umpire shall be paid equally by the parties to the arbitration.

Amendment of the Second Schedule to the principal Ordinance.

16. The Second Schedule to the principal Ordinance is amended by deleting the item "Surface soil", which appears therein.

Amendment of Fourth Schedule to the principal Ordinance.

17. The Fourth Schedule to the principal Ordinance is amended by adding at the end thereof a new item as follows—

(11) MUKOGODO

(*For the use and enjoyment of the Il Ngwesi, Mukogodo, Il Ndigirr and Mumonyot Masai tribes*)

PART A

An area of approximately 152,372 acres adjoining the generally southern boundary of Isiolo Native Leasehold Area and the generally western boundary of Mukogodo Forest Reserve, the boundaries of which are more particularly described as follows:—

Commencing at the trigonometrical beacon Reed Buck at the north-western corner of L.R. No. 7367 in the vicinity of Ol Doinyo Pule;

thence by the generally eastern boundary of L.R. No. 3774 (Crown land) on a true bearing of 345° 01′ 17″ and for a distance of 20,743.4 feet to the trigonometrical beacon Musul;

thence by the north-eastern boundary of that portion on a true bearing of 330° 50′ 17″ and for a distance of 17,040.6 feet to the trigonometrical beacon Kimanjo on Ol Doinyo Kimanjo;

thence by the generally northern boundary of that portion on a true bearing of 277° 12′ 57″ and

for a distance of 18,944.6 feet to a beacon New A.I.C. on the north-eastern boundary of L.R. No. 7379;

thence by part of that boundary on a true bearing of 332° 00′ 49″ and for a distance of 1,500.00 feet to a beacon 6 at the northernmost corner of that portion;

thence on a true bearing of 388° 36′ 30″ and for a distance of 306.0 feet to a beacon 79;

thence on a true bearing of 237° 15′ 51″ and for a distance of 17,702.1 feet, through the trigonometrical beacon Line Trig., to a beacon 78;

thence on a true bearing of 243° 14′ 12″ and for a distance of 6,562.6 feet to a beacon Outspan S.E. on the generally eastern boundary of L.R. No. 2693 (Outspan);

thence by part of that boundary on a true bearing of 344° 28′ 17″ and for a distance of 1,045.6 feet to a beacon Outspan N.E.;

thence by the generally northern boundary of that portion on a true bearing of 258° 02′ 06″ and for a distance of 3,187.1 feet to a beacon Outspan Mid N.E., and onwards by the same straight line for a distance of 58 feet to its intersection with the Engare Uaso Nyiro;

thence down-stream by the course of that river, which forms the generally eastern boundaries of L.R. Nos. 3220, 8032 and 8035, to its intersection with the extension of a straight line from the trigonometrical beacon Mukogodo through the trigonometrical beacon Lendili, which is the generally southern boundary of Isiolo Native Leasehold Area;

thence by part of that Leasehold Area boundary easterly by that extended straight line on a true bearing of 96° 30′ 55″ to the trigonometrical beacon Lendili;

thence continuing by that Leasehold Area boundary easterly by the same straight line on a true bearing of 96° 30′ 55″ and for a distance of 68,636.1 feet to the trigonometrical beacon Mukogodo at the northernmost corner of Mukogodo Forest Reserve;

thence by the north-western boundary of that Forest Reserve on a true bearing of 235° 00′ 00″ to a point due north of the highest point of the Lariagorok Hills;

thence by the western boundary of that Forest Reserve due south to that highest point of the Lariagorok Hills;

thence by the south-western boundary of that Forest Reserve to the trigonometrical beacon 11 at the north-western corner of L.R. 2788, being the south-western corner of the Forest Reserve;

thence on a true bearing of 294° 21′ 10″ and for a distance of 61,429.8 feet to the beacon H2 at the north-eastern corner of L.R. No. 7367;

thence by the generally north-eastern boundary of that portion on a true bearing of 294° 21′ 10″ and for a distance of 12,469.9 feet to the trigonometrical beacon Reed Buck at the north-western corner of that portion, being the point of commencement.

PART B

An area of approximately 44,169 acres adjoining the generally southern boundary of Isiolo Native Leasehold Area and the generally eastern boundary of Mukogodo Forest Reserve, the boundaries of which are more particularly described as follows:—

Commencing at the trigonometrical beacon Camp E., at the north-western corner of L.R. No. 6307 being the south-eastern corner of Mukogodo Forest Reserve;

thence by the south-eastern boundary of that Forest Reserve to the summit of Ntantarieni Hill;

thence by the generally eastern boundary of that Forest Reserve to the trigonometrical beacon Sanga;

thence by the generally eastern boundary of that Forest Reserve to the summit of Shurdega Hill;

thence by the north-eastern boundary of that Forest Reserve to the trigonometrical beacon Mukogodo at the northernmost corner of the Forest Reserve, being on the generally southern boundary of Isiolo Native Leasehold Area;

thence by part of that Leasehold Area boundary on a true bearing of 96° 55′ 38″ and for a distance of 40,073.0 feet to a beacon Nda. 1 being on a true bearing of 176° 50′ 42″ and at a distance of 672.5 feet from the trigonometrical beacon Ndare Ford;

thence onwards by the same straight line on a true bearing of 96° 55′ 38″ and for a distance of 78 feet to its intersection with the Ngare Ndare where that river crosses the Isiolo-Kipsing Road;

thence up-stream by the course of that river to the intersection of the north-eastern boundary of L.R. No. 6307;

thence by that boundary on a true bearing of 291° 16′ 23″ and for a distance of 325 feet to a beacon N7;

thence continuing by that boundary on a true bearing of 291° 16′ 23″ and for a distance of 19,834.5 feet to the trigonometrical beacon Camp E at the north-western corner of that portion, being the point of commencement.

The above boundaries are more particularly delineated, and the two areas cross-hatched yellow, on Boundary Plan No. 183/16 which is deposited in the Survey Records Office, Survey of Kenya.

Amendment of Ninth Schedule to the principal Ordinance.

18. The Ninth Schedule to the principal Ordinance is amended by deleting the item "VIII—MUKOGODO NATIVE SETTLEMENT AREA" which appears therein.

THE EGERTON AGRICULTURAL COLLEGE (AMENDMENT) ORDINANCE, 1960

No. 50 of 1960

Date of Assent: 22nd December, 1960

Date of Commencement: 23rd December, 1960

AN ORDINANCE TO AMEND THE EGERTON AGRICULTURAL COLLEGE ORDINANCE, 1955

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

Short title.

1. This Ordinance may be cited as the Egerton Agricultural College (Amendment) Ordinance, 1960.

Amendment of section 2 of Ordinance No. 21 of 1955.

2. The definition of "College" in section 2 of the Egerton Agricultural College Ordinance, 1955, hereinafter referred to as the principal Ordinance, is amended by deleting the word "European" appearing therein.

Amendment of section 3 of the principal Ordinance.

3. Section 3 of the principal Ordinance is amended by deleting the word "European" appearing therein.

Amendment of section 4 of the principal Ordinance.

4. Section 4 of the principal Ordinance is amended—

(*a*) in sub-paragraph (i) of paragraph (*e*) of subsection (3) thereof, by inserting the word "and" after the word "terms", and by deleting the words "and the revocation of any certificate or diploma so awarded";

(*b*) by inserting next after subsection (3) thereof a new subsection as follows—

(4) The Governing Body may—

(*a*) appoint to the College a Patron and not more than two Vice-Patrons;

(*b*) affiliate the College to, or associate it with any university or university system in the Colony or elsewhere.

Amendment of section 5 of the principal Ordinance.

5. Section 5 of the principal Ordinance is amended by deleting the word "purchase" appearing in subsection (1) thereof and substituting therefor the words "acquire by purchase, gift or otherwise, and may".

Amendment of section 6 of the principal Ordinance.

6. Section 6 of the principal Ordinance is amended—

(*a*) by deleting the words "European Elected Members of the Legislative Council from amongst their number" appearing in paragraph (v) of subsection (5) thereof and substituting therefor the words "Land Development Board constituted under Part IX of the Agriculture Ordinance, 1955, or by any board, association or body replacing the Land Development Board under the said Ordinance";

No. 8 of 1955.

(*b*) by substituting for the words "one month" appearing in subsection (7) thereof, the words "three months";

(*c*) by inserting at the end thereof a new subsection as follows—

(11) An *ex officio* member of the Governing Body who is, for any reason, unable to attend any meeting, may nominate any public officer to represent him, and such public officer may thereupon attend and vote at such meeting, and shall be deemed to be a member of the Governing Body for the purposes of and incidental to that meeting.

Amendment of section 18 of the principal Ordinance.

7. Section 18 of the principal Ordinance is amended by inserting at the end thereof the words "or of any asset of the College".

Amendment of section 19 of the principal Ordinance.

8. Section 19 of the principal Ordinance is amended by substituting for the words "and any such investment may be varied from time to time or may be placed on deposit at such banks as the Governing Body may determine" appearing therein, the words "or in any investment approved by the Minister".

THE CONTROL OF IMPORTS AND EXPORTS (AMENDMENT) ORDINANCE, 1960

No. 51 of 1960

Date of Assent: 22nd December, 1960

Date of Commencement: 23rd December, 1960

AN ORDINANCE TO AMEND THE CONTROL OF IMPORTS AND EXPORTS ORDINANCE, 1955

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

Short title.

1. This Ordinance may be cited as the Control of Imports and Exports (Amendment) Ordinance, 1960.

Amendment of section 10 of Ordinance No. 55 of 1955.

2. Section 10 of the Control of Imports and Exports Ordinance, 1955, is amended—

(*a*) in subsection (1), by substituting for paragraphs (*a*), (*b*) and (*c*) thereof, and the proviso thereto, the following provisions—

(*a*) prohibit absolutely or control or regulate the manufacture, treatment, acquisition, keeping, storage, movement, transport, distribution, sale, purchase, disposal, use and consumption of such goods;

(*b*) require any person in possession of any such goods to sell them to a specified person or class of persons, at a specified price not being less than the price at which similar goods are normally sold;

(*c*) provide for any incidental and supplementary matters for which the Minister thinks it expedient for the purposes of the order to provide;

(*d*) empower the Director, the Deputy Director and all Assistant Directors, or any of those persons, subject to such limitations (if any) as may be specified in the order, to issue such directions as may seem to them or any of them necessary in the interests of maintaining, controlling or regulating supplies of any goods which the Minister considers to be essential to the life or well-being of the community, or the equitable

distribution of such goods, for all or any of the purposes referred to in the foregoing paragraphs of this subsection:

Provided that—

(i) the Minister may dispense with such consultation as aforesaid in any case which appears to him to be too urgent to permit of such consultation;

(ii) the Minister shall not act under paragraph (*d*) of this subsection unless he is satisfied that the circumstances render it impossible for him to exercise the necessary control by means of the powers conferred by paragraphs (*a*), (*b*) and (*c*) of this subsection.

(*b*) in subsection (6), by substituting for the words "The Minister" the words "Subject to the provisions of paragraph (*d*) of subsection (1) of this section, the Minister".

THE GUARANTEE (HIGH COMMISSION RAILWAYS AND HARBOURS LOAN) ORDINANCE, 1960

No. 52 of 1960

Date of Assent: 22nd December, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.
2—Interpretation.
3—Guarantee of loan.
4—Sums charged on general revenues and assets.
5—Provision for payment of money due to stockholders.
6—Certificate by Crown Agents.
7—Certain Ordinances may properly be disallowed.

AN ORDINANCE TO GUARANTEE A LOAN OF FIVE MILLION FIVE HUNDRED THOUSAND POUNDS STERLING OR THE EQUIVALENT IN POUNDS STERLING AND OTHER CURRENCIES TO BE RAISED BY THE HIGH COMMISSION FOR CERTAIN PURPOSES OF THE EAST AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION; TO FACILITATE THE INVESTMENT OF TRUST AND OTHER FUNDS IN THE UNITED KINGDOM OR ELSEWHERE IN HIGH COMMISSION SECURITIES ISSUED FOR THE PURPOSES OF SUCH LOAN; AND FOR OTHER MATTERS RELATING THERETO AND CONNECTED THEREWITH

H.C. Act No. 3 of 1960.

WHEREAS the High Commission, by an Act entitled the Loan (Railways and Harbours) Act, 1960, is authorized to raise either at one time or by instalments, and either separately or at the same time as any other loan, the sum of five million five hundred thousand pounds sterling or the equivalent in pounds sterling and other currencies for certain purposes of the East African Railways and Harbours Administration specified in the Schedule to that Act:

AND WHEREAS the principal of and the interest and other charges on such loan are by that Act charged upon and payable out of the Railways and Harbours Fund maintained for the East African Railways and Harbours Administration under the provisions of section 22 of the East African Railways and Harbours Act:

H.C. Cap. 3.

AND WHEREAS it is expedient that the payment of the principal of and the interest and other charges on such loan should be guaranteed out of the consolidated fund and that any sums necessary for fulfilling such guarantee should be charged on the consolidated fund and assets of the Colony:

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

Short title and commencement.

1. This Ordinance may be cited as the Guarantee (High Commission Railways and Harbours Loan) Ordinance, 1960, and shall come into force on such day as the Governor may, by notice in the Gazette, appoint.

Interpretation.

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

"the Act of 1960" means the Loan (Railways and Harbours) Act, 1960, of the High Commission;

H.C. Act No. 3 of 1960.

"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;

"High Commission (Railways and Harbours Loan) securities" means all securities created or issued by the High Commission for the purpose of raising the loan authorized by the Act of 1960, to which securities for the time being the Colonial Stock Acts, 1877 to 1948, of the United Kingdom apply, and which securities are for the time being registered in the United Kingdom in accordance with those Acts;

"the Treasury" means the Commissioners for the time being of Her Majesty's Treasury in the United Kingdom.

Guarantee of loan.

3. (1) The payment of the principal moneys authorized to be raised by the High Commission under the authority of the Act of 1960 and any interest and other charges thereon, to the extent to which such principal moneys and interest and other charges are not paid out of the Railways and Harbours Fund maintained for the East African Railways and Harbours Administration under the provisions of section 22 of the East African Railways and Harbours Act, is hereby guaranteed out of the consolidated fund:

H.C. Cap. 3.

Provided that the principal moneys guaranteed under this Ordinance shall not in the aggregate exceed five million seven hundred thousand pounds sterling.

(2) Without prejudice to the guarantee created by subsection (1) of this section, there is hereby guaranteed to the Treasury out of the consolidated fund, the payment of any sums due to be paid to the Treasury under section 8 of the Act of 1960.

Sums charged on general revenues and assets.

4. Any sum required for fulfilling the guarantee created by section 3 of this Ordinance shall be charged upon the consolidated fund and the assets of the Colony and the Governor shall issue out of the consolidated fund and remit to the Crown Agents any such sum; and any sum received by way of repayment of any sum so paid shall be placed to the credit of the exchequer account and shall form part of the consolidated fund.

Provision for payment of money due to stockholders.

5. (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 in respect of any of the High Commission (Railways and Harbours Loan) securities, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of the Colony in the hands of the Crown Agents.

(2) Whenever any sum of money is required to be repaid to the Treasury under section 8, or to Her Majesty's Government in the United Kingdom under section 9, of the Act of 1960, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of the Colony in the hands of the Crown Agents.

(3) If the sum remitted to the Crown Agents under section 4 of this Ordinance is insufficient for the payment of any sum adjudged or declared to be payable under subsection (1), or required to be paid under subsection (2), of this section, any balance required to meet such deficit shall be charged upon and paid out of the consolidated fund, and the Governor shall remit to the Crown Agents a sum equal to the amount of that balance; and such sum shall be applied by the Crown Agents in the satisfaction of any such final judgment, decree, rule or order or of the amount required to be paid as aforesaid.

Certificate by Crown Agents.

6. In order to enable every payment under this Ordinance to be duly made, a certificate under the hands of the Crown Agents, specifying the sums so paid under a final judgment, decree, rule or order of any court in the United

Kingdom, or to the Treasury or to Her Majesty's Government in the United Kingdom, as the case may be, shall be sufficient authority to the Controller and Auditor-General or other officer having the auditing of the accounts of the Crown Agents, for passing such sums without further appropriation.

Certain Ordinances may properly be disallowed.

7. If at any time hereafter an Ordinance is passed which appears to Her Majesty's Government in the United Kingdom to alter any of the provisions affecting the High Commission (Railways and Harbours) Loan securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, or prejudicially to affect the right of the Treasury, or of Her Majesty's Government in the United Kingdom, to require the payment of any sum under section 8 or section 9 of the Act of 1960, that Ordinance may properly be disallowed.

THE PUBLIC ORDER (AMENDMENT) ORDINANCE, 1960

No. 53 of 1960

Date of Assent: *29th December, 1960*

Date of Commencement: *By Notice*

AN ORDINANCE TO AMEND THE PUBLIC ORDER ORDINANCE, 1950

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

Short title and commencement.

1. This Ordinance may be cited as the Public Order (Amendment) Ordinance, 1960, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint.

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Amendment of Ordinance No. 26 of 1950.

2. The Public Order Ordinance, 1950, hereinafter referred to as the principal Ordinance, is amended—

(*a*) by substituting for the long title thereto a new long title as follows—

AN ORDINANCE TO MAKE PROVISION FOR THE MAINTENANCE OF PUBLIC ORDER, AND FOR PURPOSES CONNECTED THEREWITH;

(*b*) by inserting, immediately above section 1 thereof, the heading "PART I—PRELIMINARY";

(*c*) by inserting, immediately above section 3 thereof, the heading "PART II—QUASI-MILITARY ORGANIZATIONS AND POLITICAL UNIFORMS".

Amendment of section 2 of the principal Ordinance.

3. Section 2 of the principal Ordinance is amended—

(*a*) by substituting for the definitions of "meeting", "Minister", "private premises", "public meeting", "public place" and "public procession" which appear therein, new definitions respectively as follows—

"meeting" means any gathering or assembly of persons convened or held for any purposes which include any political purpose, but does not include any gathering or assembly convened and held exclusively for the lawful purposes of any public body, any gathering or assembly of members of any registered trade union convened and held exclusively for the lawful purposes of such trade

union, or any gathering or assembly convened and held exclusively for social, cultural, charitable, recreational, religious, professional, commercial or industrial purposes to and to the promotion of which any political purpose pursued by or at such gathering or assembly is directly related and limited;

"Minister" means the Minister for the time being responsible for internal security;

"private premises" means premises which are not public places;

"public meeting" means any meeting held or to be held in a public place, and any meeting which the public or any section of the public or more than fifty persons are or are to be permitted to attend whether on payment or otherwise;

"public place" means any place to which for the time being the public or any section of the public are entitled or permitted to have access whether on payment or otherwise, and, in relation to any meeting to be held in the future, includes any place which will, on the occasion and for the purposes of such meeting, be a public place;

"public procession" means any procession in, to or from a public place;

(*b*) by inserting, in their alphabetical positions, new definitions as follows—

"hours of darkness" means the hours between half-past six in the evening and half-past six on the following morning;

"hours of daylight" means the hours between half-past six in the morning and half-past six in the evening;

"offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it in his possession or under his control for such use;

"premises" includes any land, any building and any other place whatsoever;

"public gathering" means a public meeting, a public procession, and any other meeting, gathering or concourse of ten or more persons in any public place;

"school" means any premises or any part of any premises where persons are habitually or for the time being taught, whether in one class or more;

(*c*) by deleting the definition of "Commissioner", which appears therein.

Repeal of sections 4 and 5 of the principal Ordinance.

4. Sections 4 and 5 of the principal Ordinance are repealed.

Amendment of section 6 of the principal Ordinance.

5. Section 6 of the principal Ordinance is amended by substituting for subsection (2) thereof a new subsection as follows—

(2) Any person who contravenes the provisions of any order made under subsection (1) of this section shall be guilty of an offence.

Replacement of sections 6A, 7 and 8 of the principal Ordinance.

6. There shall be substituted for sections 6A, 7 and 8 of the principal Ordinance five new Parts as follows—

PART III—PUBLIC GATHERINGS

Control of public gatherings.

7. (1) A police officer in charge of the police in a province, or a police officer in charge of a police division, may, if it appears to him to be necessary or expedient in the interests of public order so to do, in such manner as he may think fit—

(*a*) control and direct the extent to which music may be played, or to which music or human speech or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means, in public places within the area of his responsibility;

(*b*) control and direct the conduct of all public gatherings within the area of his responsibility, and specify the route by which, and the time at which, any public procession within such area may pass; and

(*c*) for any of the purposes aforesaid give or issue such orders as he may consider necessary or expedient.

(2) No public meeting or public procession shall take place save under and in accordance with the terms and conditions of a licence in that behalf issued under this section, and no such meeting or procession shall be advertised or otherwise publicized unless such a licence therefor has been issued.

(3) Any person wishing to hold, convene, organize or form a public meeting or public procession shall first make application for a licence in that behalf to the District Commissioner of the district in which the meeting or procession is to take place, and if the District Commissioner is satisfied that the meeting or procession is not likely to prejudice the maintenance of public order or to be used for any unlawful or immoral purpose, he shall issue a licence in the prescribed form, specifying the name of the licensee and defining the conditions on which the meeting or procession may take place:

Provided that the District Commissioner may refuse to grant a licence if—

(*a*) the applicant or any person or organization or body of persons associated directly or indirectly with the application or likely in the opinion of the District Commissioner to be concerned in the holding or organizing of the meeting or procession has, in relation to any public gathering, recently contravened the provisions of this Ordinance or of any other written law or any condition of a licence issued under this section or such written law; or

(*b*) the meeting or procession has been advertised or otherwise publicized in contravention of subsection (2) of this section.

(4) (*a*) The District Commissioner may at any time, if it appears to him to be necessary or

expedient in the interests of public order or for preventing the carrying out of any unlawful or immoral purpose so to do—

(i) cancel any licence issued by him under this section; or

(ii) amend the conditions of any such licence.

(*b*) Notice of any such cancellation or amendment shall be given in writing to the licensee or, if he is not steadily accessible for that purpose, to any other person concerned in the holding or organization of the meeting or procession or, failing any such person, by publication in such manner, or by posting in such place or places, as the District Commissioner may think fit.

(5) It shall be a condition of every licence issued under this section that the licensee shall be present at the meeting or procession from the first assembly thereof to the final dispersal thereof, and shall forthwith comply with any directions which may be given to him by any police officer or administrative officer for ensuring the due performance of and compliance with the conditions of the licence and the maintenance of public order throughout the period of assembly, conduct and dispersal of the meeting or procession and the period immediately following dispersal thereof.

(6) Any administrative officer or police officer may stop or prevent the holding of—

(*a*) any public meeting or public procession which is not licensed under this section, or in regard to which any condition of a licence issued under this section is being or has been contravened;

(*b*) any public gathering or other meeting, procession or gathering of persons whatsoever and wheresoever, whether or not required to be licensed, and whether or not licensed, under this section, if the public gathering, meeting, procession or gathering is causing or is, in the opinion of such officer, likely to cause a breach of the peace;

and may, for any of the purposes aforesaid, give or issue such orders, including orders for the dispersal of the meeting, procession or gathering, as he may consider necessary or expedient, and may use or cause to be used such force as may be necessary to stop, prevent the holding of or disperse the meeting, procession or gathering.

(7) (*a*) If an administrative officer or a police officer of or above the rank of Assistant Inspector has reason to believe that a public meeting or public procession which is required to be licensed under this section and is not so licensed is likely to take place or form in any public place he may cause access to that public place and to any other public place adjacent thereto to be barred and to be closed to the public or to any person or class of persons for such time as may be necessary to prevent the meeting or procession taking place:

Provided that no person shall, in pursuance of the provisions of this subsection, be denied access to any place at which he normally resides or has his place of business, work or employment.

(*b*) The closure of any public place as aforesaid shall be notified by means of notices exhibited, or physical barriers erected, at the places of access thereto, or by oral public announcement in the vicinity thereof, or in such other manner as the officer aforesaid may think fit.

(*c*) Any administrative officer or police officer may use such force as may be necessary to prevent any person from entering or remaining in any public place to which access has been closed to him under this subsection.

(8) Any administrative officer or police officer shall, in and in relation to the performance of any duty or the exercise of any power under the foregoing provisions of this section, comply with such general or specific directions in that behalf as may at any time and from time to time be given by or with the authority of the Governor, the Minister, the Commissioner of Police or the Provincial Commissioner of the province concerned.

(9) Where under this section a licence is refused or cancelled, or is issued subject to conditions, or the conditions of any such licence are amended, the applicant or licensee, as the case may be, may appeal to the Governor in writing against such refusal or cancellation or the imposition or amendment of such conditions or any of them, and the Governor may on any such appeal, in his discretion, confirm, reverse or vary the decision appealed against.

(10) Any person who—

(*a*) neglects or refuses to obey any order given or issued under subsection (1) or subsection (6) of this section; or

(*b*) contravenes any condition of a licence issued under this section or suffers or permits any such contravention; or

(*c*) without the permission of an administrative officer or police officer on duty there, enters or remains in a public place to which access has been closed to him under subsection (7) of this section; or

(*d*) prints, publishes, displays, distributes or circulates a notice of, or in any other manner advertises or publicizes, a public meeting or public procession which has not been licensed under this section,

shall be guilty of an offence.

(11) Any—

(*a*) public meeting or public procession which takes place without a licence under this section; or

(*b*) public gathering in which three or more persons taking part neglect or refuse to obey an order given or issued under subsection (1) of this section; or

(*c*) public gathering or other meeting, procession or gathering of persons in which

three or more persons taking part refuse or neglect to obey an order given or issued under subsection (6) of this section,

shall be deemed to be an unlawful assembly, and—

(i) every person who takes or continues to take part in any such unlawful assembly shall be guilty of an offence; and

(ii) every person who holds, convenes, organizes, forms or collects, or assists or is concerned in the holding, convening, organizing, forming or collecting of, any public gathering such as is referred to in paragraph (*a*) of this subsection, or who continues or attempts to continue to hold or conduct, or to direct otherwise than for the purpose of securing obedience to an order given or issued under subsection (1) or subsection (6) of this section, any public gathering such as is referred to in paragraph (*b*) of this subsection or any public gathering or other meeting, procession or gathering of persons such as is referred to in paragraph (*c*) of this subsection after the same has become an unlawful assembly as aforesaid, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

Prohibition of offensive weapons at public meetings and processions.

8. (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a police officer or member of a fire brigade or otherwise in his capacity as a public officer or as a servant of a local authority.

Power to prohibit entertainments and sporting events.

9. (1) If at any time it appears to the Commissioner of Police that serious public disorder is likely to arise at or on the occasion of any race-meeting, sporting event or other entertainment of

any description, he may, by notice addressed to the promoter, organizer or manager thereof, prohibit the holding or continuance thereof in any area or place or on any particular day.

(2) A notice under subsection (1) of this section shall be served on the person, or one of the persons if more than one, promoting, organizing or managing the race-meeting, sporting event or entertainment.

(3) If such race-meeting, sporting event or entertainment is held or continued in contravention of the terms of a notice issued under subsection (1) of this section, any person taking part in the promotion, organization or management thereof shall be guilty of an offence.

(4) Any police officer may give or issue such orders and use such force as may be necessary to prevent the holding or continuance of a race-meeting, sporting event or other entertainment the holding or continuance of which has been prohibited by a notice issued under subsection (1) of this section and to disperse any gathering of persons thereat.

(5) Any person who neglects or refuses to obey any order given or issued under subsection (4) of this section shall be guilty of an offence.

(6) A certificate under the hand of the Commissioner of Police, specifying the terms, and the date and manner of service, of a notice under this section shall be *prima facie* evidence thereof in all legal proceedings.

PART IV—CURFEW ORDERS AND CURFEW RESTRICTION ORDERS

Curfew Orders.

10. (1) The Commissioner of Police or a Provincial Commissioner may, if he considers it necessary in the interests of public order so to do, by order (hereinafter referred to as a curfew order) direct that, within such area (being, in the case of a Provincial Commissioner, within his province) and during such hours as may be specified in the curfew order, every person, or, as the case may be, every member of any class of persons specified in the curfew order, shall, except under and in accordance

with the terms and conditions of a written permit granted by an authority or person specified in the curfew order, remain indoors in the premises at which he normally resides, or at such other premises as may be authorized by or under the curfew order.

(2) (*a*) It shall be a condition of every permit granted under subsection (1) of this section that the holder thereof shall at all times while acting under the authority thereof during the hours of darkness carry a light visible at a distance of twenty-five feet.

(*b*) Subject to paragraph (*a*) of this subsection, a permit under subsection (1) of this section may be granted subject to such conditions, to be specified in the permit, as the authority or person granting it may think fit.

(3) A curfew order shall be published in such manner as the authority making it may think sufficient to bring it to the notice of all persons affected thereby, and shall come into force on such day, being the day of or a day after the making thereof, as may be specified therein, and shall remain in force for the period specified therein or until earlier rescinded by the same authority or by the Minister as hereinafter provided:

Provided that no curfew order which imposes a curfew operating during more than ten consecutive hours of daylight shall remain in force for more than three days, and no curfew order which imposes a curfew operating during any lesser number of consecutive hours of daylight shall remain in force for more than seven days.

(4) Every curfew order shall, forthwith on its being made, be reported to the Minister, and the Minister may, if he thinks fit, vary or rescind the curfew order.

(5) The variation or rescission of a curfew order shall be published in like manner as that provided in subsection (3) of this section for the publication of a curfew order.

(6) Any person who contravenes any of the provisions of a curfew order or any of the terms or

conditions of a permit granted to him under subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(7) A certificate under the hand of the authority making, varying or rescinding a curfew order, specifying the terms, and the date and manner of publication, of such order, variation or rescission shall be *prima facie* evidence thereof in all legal proceedings.

(8) Any person who, without lawful excuse, carries or has in his possession, in any area in which a curfew order is in force and during the hours during which the curfew imposed thereby is operative, any offensive weapon shall be guilty of an offence:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court that he carried or had in his possession the offensive weapon—

(i) solely for domestic or defensive purposes within enclosed premises which he lawfully occupied or in which he was lawfully present; or

(ii) with the authority of his employer and solely for domestic or defensive purposes within enclosed premises in the lawful occupation of his employer.

Curfew restriction orders.

11. (1) A police officer in charge of the police in a province or a police officer in charge of a police division may, if he considers it necessary in the interests of public order within the area of his responsibility so to do, by order (hereinafter referred to as a curfew restriction order) prohibit, during such hours as may be specified in the curfew restriction order, all persons, or, as the case may be, all members of any class of persons specified in the curfew restriction order, from entering, being or remaining, except under and in accordance with the terms and conditions of a written permit

granted by an authority or person specified in the curfew restriction order, in or at any premises specified in the curfew restriction order:

Provided that no person shall, by or in pursuance of a curfew restriction order, be prohibited or prevented from entering, being or remaining in any premises at which he normally resides, or, during reasonable hours of business, work or employment, any premises at which he normally has his place of business, work or employment.

(2) A permit under subsection (1) of this section may be granted subject to such conditions, to be specified in the permit, as the authority or person granting it may think fit.

(3) A curfew restriction order shall be published in such manner as the authority making it may think sufficient to bring it to the notice of all persons affected thereby, and shall come into force on such day, being the day of or a day after the making thereof, as may be specified therein, and shall remain in force for such period, not exceeding twenty-eight days, as may be specified therein or until earlier rescinded by the same authority or by the Commissioner of Police as hereinafter provided.

(4) Every curfew restriction order shall, forthwith on its being made, be reported to the Commissioner of Police, and the Commissioner of Police may, if he thinks fit, vary or rescind the curfew restriction order.

(5) The variation or rescission of a curfew restriction order shall be published in like manner as that provided in subsection (3) of this section for the publication of a curfew restriction order.

(6) Any person who contravenes any of the provisions of a curfew restriction order or any of the terms or conditions of a permit granted to him under subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(7) A certificate under the hand of the authority making, varying or rescinding a curfew restriction order, specifying the terms, and the date and manner of publication, of such order, variation or rescission shall be *prima facie* evidence thereof in all legal proceedings.

PART V—FLAGS, BANNERS AND EMBLEMS

Prohibition of flags, etc., of political organizations.

12. (1) Subject to the provisions of subsection (2) of this section, no person shall—

(*a*) display at a public meeting or at a public procession or at a school any flag, banner or other emblem signifying association with any political organization or with the promotion of any political object; or

(*b*) being the owner, tenant, occupier or person in charge of any premises, knowingly permit the display of any such flag, banner or other emblem on or at those premises in contravention of the provisions of paragraph (*a*) of this subsection.

(2) The Governor in Council of Ministers may, by order, exempt or except any person or class of person or the display of any flag, banner or other emblem from the provisions of subsection (1) of this section, and such order may regulate the manner in which and limit the time during which the display may be made.

(3) Any person who displays or permits the display of any flag, banner or other emblem in contravention of the provisions of this section or of the terms of an order made thereunder shall be guilty of an offence.

(4) No prosecution for an offence under this section shall be instituted without the consent of the Attorney-General.

PART VI—FURTHER PROVISIONS TO SAFEGUARD PUBLIC ORDER

Notified liabilities.

13. (1) The Governor in Council of Ministers may, by order published in the Gazette, declare that any tax, rate, rent, charge, cess, fee or other moneys

legally due or payable to the Government, the High Commission or any local authority, or any class or arrears thereof, shall be a notified liability.

(2) Any person who, in any manner or by whatever means, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability, or who does any act with intent or knowing it to be likely that any person or class of persons will be instigated thereby not to pay or to defer payment of any notified liability, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years:

Provided that the provisions of this subsection do not extend to advice given privately and in good faith by one person to another person with regard to the liability or otherwise of such last-mentioned person under the law to pay any notified liability.

PART VII—GENERAL

Restriction on use of force.

14. (1) Whenever in this Ordinance it is provided that force may be used for any purpose, the degree of force which may be so used shall not be greater than is reasonably necessary for that purpose; whenever the circumstances so permit without gravely jeopardizing the safety of persons and without grave risk of uncontrollable disorder, firearms shall not be used unless weapons less likely to cause death have previously been used without achieving the purpose aforesaid; and firearms and other weapons likely to cause death or serious bodily injury shall, if used, be used with all due caution and deliberation, and without recklessness or negligence.

(2) Nothing in this section shall derogate from the lawful right of any person to use force in the defence of person or property.

Service of documents.

15. Where any order, notice or other document is required by or under this Ordinance or any regulations made thereunder to be given to or served on any person, service thereof may be effected either personally on such person or by registered post; and, where the person to be served is a body

corporate or a society or other body of persons, service of any such order, notice or document may be effected by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or by leaving it or sending it by registered post addressed to the body corporate, society or body of persons at its registered office, or, where there is no registered office, at any place where it carries on business.

Presumption of authenticity of certificates.

16. A certificate under any of the provisions of this Ordinance, purporting to be signed by the Minister or by any other authority specified in that behalf in such provision, shall be presumed, until the contrary is proved, to have been signed by such Minister or other authority.

Penalty.

17. Every person who is guilty of an offence under this Ordinance, or under any regulations made thereunder, in respect of which no special penalty is provided shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Offences by corporations, societies, etc.

18. Where any offence under this Ordinance or under any regulations made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Offences to be cognisable; and consent of Attorney-General.

19. All offences under this Ordinance shall be cognizable to the police, and where it is provided in this Ordinance that a prosecution for an offence thereunder shall not be instituted without the consent of the Attorney-General, a person may be

arrested for and charged with such an offence, and may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until such consent has been obtained:

Provided that no person shall be arrested for or charged with an offence under section 3 of this Ordinance save with the consent of the Attorney-General first had and obtained.

Proof of instigation, lawful authority or excuse.

20. (1) Where it is an offence for a person to instigate another to do or omit to do any act or thing, it is immaterial whether or not the instigation succeeds in its purpose.

(2) For the avoidance of doubt, it is hereby declared that the burden of proving lawful or reasonable excuse or lawful authority shall be upon the person alleging the same and accordingly in any proceedings for an offence under this Ordinance or any regulations made thereunder it shall not be incumbent on the prosecution to prove the lack of any such excuse or authority.

Jurisdiction

21. Notwithstanding anything contained in any other written law, a subordinate court of the first class may try any offence under this Ordinance or under any regulations made thereunder and—

(*a*) if presided over by a Senior Resident Magistrate, or by any Resident Magistrate upon whom the Governor has, by notice in the Gazette, conferred such power, may pass any sentence authorized for such offence other than a sentence of imprisonment for a term exceeding ten years;

(*b*) if presided over by a Resident Magistrate, may pass any such sentence other than a sentence of imprisonment for a term exceeding seven years; and

(*c*) in any other case, may pass any such sentence other than a sentence of imprisonment for a term exceeding five years.

Regulations.

22. (1) The Governor in Council of Ministers may make regulations prescribing anything which may be prescribed under this Ordinance, and generally to give effect to the provisions of this Ordinance.

(2) Notwithstanding the provisions of paragraph (*e*) of section 31 of the Interpretation and General Provisions Ordinance, 1956, regulations under this section may prescribe such penalties as the Governor in Council of Ministers may think fit for the contravention thereof, not exceeding, however, the penalties specified in section 17 of this Ordinance.

No. 38 of 1956.

Insertion of new section 13A in the principal Ordinance.

7. There shall be inserted in the principal Ordinance (as hereby amended), immediately after section 13 thereof, a new section as follows—

Award of compensation to sufferers from misconduct of inhabitants of area declared under section 47 of Ordinance No. 58 of 1960.

13A. (1) If in any area, in regard to which any declaration issued under the provisions of section 47 of the Police Ordinance, 1960, is in force, death or grievous harm, or loss of, or damage to, property has been caused by, or has ensued from, the misconduct of the inhabitants of such area, or of any class or section of such inhabitants, any person who claims to have suffered loss, damage or injury by reason of such misconduct may, within one month from the date of such loss, damage or injury, make an application for compensation to a magistrate appointed under subsection (5) of section 47 of the aforesaid Ordinance or, where no magistrate has been so appointed, to a magistrate having jurisdiction within the district in which the declared area is situated.

(2) Upon receipt of any such claim, the magistrate may, after such inquiry as he may consider necessary, and whether or not any additional police officers have been stationed in the declared area under the provisions of section 47 of the aforesaid Ordinance—

(*a*) assess the amount of compensation, if any, to be paid to such person or persons as he may determine;

(*b*) determine the manner, and proportions, in which such compensation shall be distributed;

(*c*) assess the proportions in which such compensation shall be paid by the inhabitants of the declared area; and

(*d*) order the payment of such compensation:

Provided that the magistrate—

(i) shall not make any assessment or order under the provisions of this subsection, unless he is of opinion that such loss, damage or injury has arisen from a riot or an unlawful assembly within the declared area, and that the person who suffered such loss, damage or injury was himself free from blame in respect of the events which led to such loss, damage or injury; and

(ii) shall, in making any assessment under paragraph (*c*) of this subsection, have regard to the means of the persons ordered to pay compensation.

(3) Before holding any inquiry under subsection (2) of this section, the magistrate shall give notice, either generally with reference to the declared area or particularly with reference to any specified premises, property or person, stating—

(*a*) the time and place at which he proposes to hold his inquiry; and

(*b*) the manner in which any claims for compensation, and any objections thereto and to the payment of compensation, shall be presented to him.

(4) The provisions of sections 9, 10, 11, 12, 14 and 17 of the Commissions of Inquiry Ordinance shall apply to the magistrate and any inquiry held by him in pursuance of this section, as if he had been appointed a commissioner under the provisions of that Ordinance.

Cap. 40.

(5) All moneys payable under the provisions of this section shall be recoverable in the manner provided for the recovery of compensation by sections 173, 331 and 332 of the Criminal Procedure Code.

Cap. 27.

(6) If in any civil suit it is proved to the satisfaction of the court that the plaintiff in such suit has accepted in respect of his claim compensation ordered under subsection (2) of this section to be paid to him, judgment shall thereupon be entered for the defendant.

(7) For the purposes of this section, "inhabitants" means all persons who occupy any building, or part thereof, in the declared area.

THE PENAL CODE (AMENDMENT) ORDINANCE, 1960

No. 54 of 1960

Date of Assent: *29th December, 1960*

Date of Commencement: *31st December, 1960*

AN ORDINANCE TO AMEND THE PENAL CODE AND TO MAKE CERTAIN CONSEQUENTIAL AMENDMENTS TO OTHER LAWS

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

Short title.

1. This Ordinance may be cited as the Penal Code (Amendment) Ordinance, 1960.

Amendment of section 5 of Cap. 24

2. Section 5 of the Penal Code (hereinafter referred to as the Code) is amended—

(*a*) in the definition of "felony", appearing therein, by deleting the words "with hard labour";

(*b*) by deleting the definition beginning with the words " 'person' and 'owner', and other like terms";

(*c*) by inserting therein, in the appropriate alphabetical positions, the following new definitions—

"premises" includes any land, any building and any other place whatsoever;

"print" means to produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or any other means of representing the same in visible form;

"prohibited publication" means any publication the importation of which has been prohibited under section 53 of this Code, and any part, copy or reproduction of any such publication;

"public officer" means any person in the service of, or holding office under, the Crown in right of the Government of the Colony or the High Commission, whether such service be permanent or temporary, or paid or unpaid;

"unlawful society" means any unlawful society within the meaning of section 69 of this Code or of section 9 of the Societies Ordinance, 1952; No. 52 of 1952.

(*d*) by substituting for the definition of "property", appearing therein, a new definiton as follows—

"property" includes any description of movable or immovable property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and also includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise;".

Amendment of section 17 of the Code.

3. Section 17 of the Code is amended by adding at the end thereof the words "nor do any threats excuse the causing of, or the attempt to cause, death".

Repeal of section 21 of the Code.

4. Section 21 of the Code is repealed.

Insertion of new section 24A in the Code.

5. The Code is amended by inserting therein, next after section 24 thereof, a new section as follows—

Offences by corporations, societies, etc.

24A. Where an offence is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Amendment of section 28 of the Code.

6. Section 28 of the Code is amended—

(*a*) by adding at the end of subsection (1) thereof the words "nor, in the case of a person under the age of sixteen years, twelve";

(*b*) in subsection (4) thereof, by deleting the words "a Government Medical Officer, or if no such Medical Officer is available, of a European Officer of the Colony, nor before such Medical or other Officer has", and by substituting therefor the words "a medical officer, or, if no medical officer is available, of a medical practitioner, failing whom, such person as in the opinion of the District Commissioner is sufficiently skilled in the practice of medicine, nor before such medical officer, medical practitioner or person has";

(*c*) in subsection (5) thereof, by substituting for the words "The Medical or other European Officer", the words "A medical officer, medical practitioner or other person competent to certify under subsection (4) of this section".

Repeal of section 34 of the Code.

7. Section 34 of the Code is repealed.

Replacement of section 36 of the Code.

8. There is substituted for section 36 of the Code the following section—

Absolute and conditional discharge.

36. (1) Where a court by or before which a person is convicted of an offence is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order under the Probation of Offenders Ordinance is not appropriate, the court may make an order discharging him absolutely, or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding twelve months from the date of the order, as may be specified therein.

Cap. 79.

(2) Before making an order discharging a person subject to the condition referred to in subsection (1) of this section the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he shall be liable to be sentenced for the original offence.

(3) Where an order discharging an offender under this section is made the court may order him to pay the whole, or any part, of the costs of and

incidental to the prosecution, and of any compensation adjudged under section 31 of this Code.

Insertion of new section 46A in the Code.

9. The Code is amended by inserting therein, next after section 46 thereof, a new section as follows—

Dissuasion from enlistment.

46A. Any person who wilfully dissuades or attempts to dissuade any other person from entering the naval, military, air or police service of Her Majesty in the Colony shall be guilty of an offence, and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment:

Provided that the provisions of this section do not extend to—

(i) comments or criticisms of the policy of Her Majesty or of the Government in relation to any such service as aforesaid made in good faith; or

(ii) advice given privately and in good faith by one person to another person for the benefit of that other person or of anyone in whom that other person is interested.

Repeal of section 52 of the Code.

10. Section 52 of the Code is repealed.

Replacement of sections 53 to 56 of the Code.

11. The Code is amended by substituting for sections 53, 53A, 54, 55 and 56 thereof the following four sections—

Power to prohibit publications.

53. If it appears to the Minister that it is necessary in the interests of public order, health or morals, the security of the Colony, the administration of justice or the maintenance of the authority and impartiality of the judiciary so to do, the Minister may, by order published in the Gazette, and subject to such exceptions and conditions, if any, as may be specified in the order, prohibit the importation of any publication or, in the case of a periodical publication, any or all past or future issues thereof, or any or all past or future publications of any person specified in the order, not being a person who ordinarily carries on for profit or reward the trade or business of a publisher and whose principal activities consist of the carrying on of such trade or business.

Penalty for prohibited publications.

54. (1) Any person who, otherwise than in his capacity and in the course of his duties as a public officer, prints, makes, imports, publishes, sells, supplies, offers for sale or supply, distributes, reproduces or has in his possession or under his control any prohibited publication shall be guilty of an offence and liable to imprisonment for a term not exceeding three years:

Provided that no person who—

(i) forthwith on the importation of a publication being prohibited under section 53 of this Code, delivers to the nearest administrative officer or to the police officer in charge of the nearest police station all copies of such publication in his possession or under his control; or

(ii) by reason of its being sent or delivered to him without his knowledge or privity or in response to a request made by him before the importation thereof was prohibited, comes into possession or control of a prohibited publication, and who, forthwith on the nature of its contents becoming known to him, delivers to the nearest administrative officer or the police officer in charge of the nearest police station all copies of such publication so coming into his possession or control,

shall be convicted of an offence under this section in respect of the copies so delivered by him as aforesaid.

(2) Where in any prosecution under this section it is proved that a person printed, made, imported, published, sold, supplied, offered for sale or supply, distributed, reproduced or had in his possession or under his control a prohibited publication, it shall be presumed that he knew the nature and contents of the publication, unless and until he proves to the satisfaction of the court—

(*a*) that he was not aware of the nature or contents of the publication in respect of which he is charged; and

(*b*) that he printed, made, imported, published, sold, supplied, offered for sale or supply, distributed, reproduced or had in his possession or under his control such publication in such circumstances that at no time did he have reasonable cause to suspect that it was a prohibited publication.

Seizure and disposal of prohibited publications.

55. (1) Any police officer or administrative officer may seize and detain any prohibited publication which he finds in circumstances which raise a reasonable presumption that an offence under the Ordinance has been, is being or is intended to be committed in relation thereto, or which he finds abandoned or without an apparent owner or possessor or in the possession or custody of any unauthorized person.

(2) (*a*) Any—

(i) officer of the East African Posts and Telecommunications Administration authorized in that behalf, whether personally or by reference to a class to which such officer belongs, by the Postmaster General;

(ii) officer of the East African Customs and Excise Department authorized in that behalf, whether personally or by reference to a class to which such officer belongs, by the Commissioner of Customs and Excise;

(iii) police officer not below the rank of Assistant Inspector; and

(iv) any other officer authorized in that behalf, whether personally or by reference to a class to which such officer belongs, by the Minister for Legal Affairs,

may detain, open and examine any article or package which he suspects to contain any prohibited publication, and during such examination may detain any person importing, distributing or posting such article or package or in whose possession such article or package is found.

(*b*) If any prohibited publication is found in any such article or package as aforesaid, the whole article or package may be impounded and retained by the officer, and the person importing, distributing or posting it or in whose possession it was found may be arrested by the officer and delivered to and detained in police custody to be dealt with according to law.

(3) Any prohibited publication which is seized or detained as aforesaid, or which in any other manner comes into the possession or custody of any court or any public officer, shall be forfeited and may be destroyed or otherwise disposed of, as may be directed by such court or by the Commissioner of Police, as the case may be.

Presumptions as to production of publications.

56. Where any publication or part thereof indicates or purports to indicate the name of any person by or on behalf or under the sponsorship of whom, or the place at which or the date on which, such publication or any part thereof was edited, printed or published or any part thereof was contributed, it shall, in any proceedings for any offence under this Ordinance or any other written law or for contempt of any court, be presumed, until the contrary is proved, that such publication or part thereof was edited, printed or published, or that such part thereof was contributed, by or on behalf or under the sponsorship of such person, or at such place or on such date, as the case may be.

Effect of earlier prohibition of publications.

12. Notwithstanding the repeal of sections 53 and 53A of the Code, by section 9 of this Ordinance, any publication the importation of which has been prohibited by order made under either of those sections of the Code and in force immediately prior to the commencement of this Ordinance shall be deemed to be a prohibited publication.

Amendment of section 57 of the Code.

13. Section 57 of the Code is amended—

(*a*) by adding at the end of the marginal note thereto the words "and seditious publication";

(*b*) by adding at the end of the section a new subsection as follows—

(4) A "seditious publication" is a publication containing any word, sign or visible presentation expressive of a seditious intention.

Amendment of section 58 of the Code.

14. Section 58 of the Code is amended—

(*a*) in subsection (1) thereof, by deleting all words after the words "shall be guilty of an offence and liable", and by substituting therefor the words "to imprisonment for a term not exceeding three years; and any seditious publication shall be forfeited";

(*b*) in subsection (2) thereof, by deleting all words after the words "shall be guilty of an offence and liable", and by substituting therefor the words "to imprisonment for a term not exceeding three years; and such publication shall be forfeited".

Repeal of section 60 of the Code.

15. Section 60 of the Code is repealed.

Insertion of new section 75A in the Code.

16. The Code is amended by inserting therein, next after section 75 thereof, a new section as follows—

Subversive activities.

75A. (1) Any person who does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a subversive intention or utters any words with a subversive intention, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(2) No prosecution for an offence under this section shall be instituted without the consent of the Attorney-General.

(3) For the purposes of this section, "subversive" means—

(*a*) supporting, propagating (otherwise than with intent to attempt to procure by lawful means the alteration, correction, defeat, avoidance or punishment thereof) or advocating any act or thing prejudicial to public order, the security of the Colony or the administration of justice;

(*b*) inciting to violence or other disorder or crime, or counselling defiance of or disobedience to the law or lawful authority;

(*c*) intended or calculated to support or assist or benefit, in or in relation to such acts or intended acts as are hereinafter described, persons who act, intend to act or have acted in a manner prejudicial to public order, the security of the Colony or the administration of justice, or who incite, intend to incite or have incited to violence or other disorder or crime, or who counsel, intend to counsel or have counselled defiance of or disobedience to the law or lawful authority;

(*d*) indicating, expressly or by implication, any connexion, association or affiliation with, or support for, any unlawful society;

(*e*) intended or calculated to promote feelings of hatred or enmity between different races or communities in the Colony:

Provided that the provisions of this paragraph do not extend to comments or criticisms made in good faith and with a view to the removal of any causes of hatred or enmity between races or communities;

(*f*) intended or calculated to bring into hatred or contempt or to excite disaffection against any public officer, or any class of public officers, in the execution of his or their duties, or any naval, military or air force for the time being lawfully in the Colony or any officer or member of any such force in the execution of his duties:

Provided that the provisions of this paragraph do not extend to comments or criticisms made in good faith and with a view to the remedying or correction of errors, defects or misconduct on the part

of any such public officer, force or officer or member thereof as aforesaid and without attempting to bring into hatred or contempt, or to excite disaffection against, any such person or force; or

(*g*) intended or calculated to seduce from his allegiance or duty any public officer or any officer or member of any naval, military or air force for the time being lawfully in the Colony.

Insertion of new section 86A in the Code.

17. The Code is amended by inserting therein, next after section 86 thereof, a new section as follows—

Possession of firearms, etc., to the prejudice of public order.

86A. (1) Any person who, without reasonable excuse, carries or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive in circumstances which raise a reasonable presumption that such firearm, ammunition, offensive weapon, incendiary material or explosive is intended to be used or has recently been used in a manner or for a purpose prejudicial to public order shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

(2) Any person who consorts with, or is found in the company of, another person who, in contravention of subsection (1) of this section, is carrying or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive, in circumstances which raise a reasonable presumption that he intends to act or has recently acted with such other person in a manner or for a purpose prejudicial to public order shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

(3) In any prosecution for an offence under this section it shall be presumed, until the contrary is proved, that a weapon having the appearance of a firearm is a firearm.

(4) In this section—

"ammunition" has the meaning assigned to it by the Firearms Ordinance, 1953;

No. 40 of 1953.

"explosive" means any explosive within the meaning of the Explosives Ordinance;

Cap. 303.

"firearm" has the meaning assigned to it by the Firearms Ordinance, 1953;

"incendiary material" means any material capable of being used for causing damage to property by fire and intended by the person having it in his possession or under his control for such use;

"offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it in his possession or under his control for such use.

Insertion of new section 90A in the Code.

18. The Code is amended by inserting therein, next after section 90 thereof, a new section as follows—

Offensive conduct conducive to breaches of the peace.

90A. (1) Any person who in a public place or at a public gathering uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned shall be guilty of an offence, and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) In this section—

"public gathering" means—

(*a*) any meeting, gathering or concourse of ten or more persons in any public place; or

(*b*) any meeting or gathering which the public or any section of the public or more than fifty persons are permitted to attend or do attend, whether on payment or otherwise; or

(*c*) any procession in, to or from a public place.

Amendment of section 91A of the Code.

19. Section 91A of the Code is amended—

(*a*) by adding at the end of paragraph (*c*) thereof the words "or of any lawful authority";

(*b*) by deleting that portion of the section which follows the words "not exceeding", and by substituting therefore the words "three years".

Repeal of section 91B of the Code.

20. Section 91B of the Code is repealed.

Insertion of new section 92A in the Code.

21. The Code is amended by inserting therein, next after section 92 thereof, a new section as follows—

Wrongfully inducing a boycott.

92A. (1) Whenever the Governor is satisfied that any boycott is being conducted or is threatened or likely to be conducted in the Colony with the intention or effect of—

(*a*) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of Her Majesty's Government, the Government of the Colony, the High Commission or any local authority, or of persuading any such body to alter any law or by-law, to appoint any commission or committee or to take any action which it is not by law required to take;

(*b*) endangering public order in the Colony;

(*c*) bringing the economic life of the Colony into jeopardy; or

(*d*) raising discontent or disaffection amongst Her Majesty's subjects or inhabitants of the Colony, or engendering feelings of ill-will or hostility between different classes or different races of the population of the Colony,

he may, by notice published in the Gazette, designate that boycott for the purposes of this section and may, by the same or any subsequent notice so published, specify in relation to a designated boycott any action which he is satisfied is likely to

further that boycott, including (but without prejudice to the generality of that power) any action falling within any of the following classes of action, that is to say—

(i) abstaining from buying goods from or selling goods to any person or class of person; or

(ii) abstaining from buying or selling any goods or class of goods; or

(iii) abstaining from entering or approaching or dealing at any premises at which any person or class of person carries on trade or business; or

(iv) abstaining from dealing with any person or class of person in the course of his trade or business; or abstaining from using or providing any service or class of service; or

(v) abstaining from working for or employing any erson or class of person; or

(vi) abstaining from letting, hiring or allowing the use of any land or buildings to any person or class of person; or

(vii) abstaining from doing any other act which may lawfully be done.

(2) Any person who, with intent to further any designated boycott—

(*a*) by word of mouth publicly; or

(*b*) by making a publication (as defined in subsection (7) of this section),

advises, induces or persuades or attempts to advise, induce or persuade any person or class of person to take any action which has been specified in relation to that boycott shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding six months.

(3) For the purpose of this section in determining whether any words were spoken or any publication was made with intent to further a designated boycott, every person shall, unless the

contrary be proved, be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

(4) Nothing in this section shall be construed so as to make unlawful any action lawfully taken by a party to a trade dispute (as defined in the Trade Unions Ordinance, 1952) in contemplation or in furtherance of that dispute.

No. 23 of 1952.

(5) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General, except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged, so, however, that if that person is remanded in custody, he shall, after the expiration of a period of fourteen days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Attorney-General has consented to such further proceedings as aforesaid.

(6) Any notice published under this section may at any time be amended, varied, suspended or revoked by a further notice so published.

(7) For the purpose of this section a person shall be deemed to make a publication if he prints it, makes it, publishes it, sells it, distributes it, offers it for sale or distribution or reproduces it.

Insertion of new section 103A in the Code.

22. The Code is amended by inserting therein, next after section 103 thereof, a new section as follows—

Tampering with public officers, etc.

103A. Any person who—

(*a*) induces or attempts to induce any public officer, or any sailor, soldier or airman being an officer or member of any naval, military or air force for the time being lawfully in the Colony, or any servant of a local authority, to fail in his duty, or to terminate his services in the discharge of his duty, or to commit a breach of discipline; or

(*b*) with intent to influence any public officer, or any such sailor, soldier, or airman as aforesaid, or any servant of a local authority, in or in relation to the discharge of his duty, or to cause him to fail in his duty, or to terminate his services in the discharge of his duty, or to commit a breach of discipline, refuses or threatens to refuse to deal or do trade or business with, or to supply to render, in the ordinary course of his trade or business, any goods or service to, any person,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

Insertion of new section 107A in the Code.

23. The Code is amended by inserting therein, next after section 107 thereof, a new section as follows—

Contradictory statements.

107A. (1) Where a witness in any judicial proceedings (other than a person accused of an offence in criminal proceedings) has made a statement on oath or affirmation of some fact relevant in the proceedings, contradicting in a material detail a previous statement made on oath or affirmation by the same witness before the same court or any other court or tribunal, such witness shall, if a court is satisfied that either of such statements was made with intent to deceive, be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years.

(2) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of either of the contradictory statements, but, upon proof that both the statements were made by him, the court, if satisfied that the statements, or either of them, were or was made with intent to deceive, shall convict the accused.

(3) At the trial of any person for an offence under this section, the record of a court or tribunal containing any statement made on oath or affirmation by the person charged shall be *prima facie* evidence of such statement.

(4) For the avoidance of doubt it is hereby declared that a person shall be liable to be convicted of an offence under this section notwithstanding that any statement made by him before a court or tribunal was made in reply to a question which he was bound by law to answer, and any such statement shall be admissible in any proceedings under this section.

Amendment of section 126A of the Code.

24. Section 126A of the Code is amended by deleting that portion thereof which follows the words "public officer", and by substituting therefor the words "or any class of public officers shall be guilty of an offence and liable to imprisonment for a term not exceeding three years".

Insertion of new section 126B in the Code.

25. The Code is amended by inserting therein, next after section 126A thereof, a new section as follows—

Destruction, etc., of statutory documents.

126B. (1) Any person who, knowingly and without lawful authority or excuse, destroys, mutilates, defaces, alters, abandons or fails to preserve any statutory document shall be guilty of an offence and liable to a fine of an amount not exceeding five thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Any person who, in any manner or by whatever means instigates, expressly or by implication, any person or class of persons to destroy, mutilate, deface, alter, abandon or fail to preserve any statutory document or any class of statutory documents, or who does any act with intent or knowing it to be likely that any person or class of persons will be instigated thereby to destroy, mutilate, deface, alter, abandon or fail to preserve any statutory document, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(3) In this section, the expression "statutory document" means any licence, permit, identity card, record or return or certificate of or relating to employment, and any other record of or document establishing status, identity, qualifications, service, authorization, eligibility or entitlement, made,

granted, given or issued under and for the purposes of, and in a form prescribed by, any written law, and being of current validity, and includes any part thereof, and any copy thereof made, granted, given or issued as aforesaid.

Insertion of new section 204A in the Code.

26. The Code is amended by inserting therein, next after section 204 thereof, a new section as follows—

Suicide pacts.

204A. (1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other killing himself or being killed by a third person.

(2) Where it is shown that a person charged with the murder of another killed the other or was a party to his killing himself or being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other.

(3) For the purposes of this section "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact.

Amendment of sections 227 and 230 of the Code.

27. Sections 227 and 230 of the Code are amended by adding at the end of each of those sections the words "with or without corporal punishment".

Amendment of section 233 of the Code.

28. Section 233 of the Code is amended by substituting for the word "felony" the word "misdemeanour", and by adding at the end of the section the words "with or without corporal punishment".

Replacement of section 233A of the Code.

29. There is substituted for section 233A of the Code the following section—

Intimidation and molestation.

233A. (1) Any person who intimidates or molests any other person shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

(2) A person intimidates another person who, with intent to cause alarm to that person or to cause him to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, causes or threatens to cause unlawful injury to the person, reputation or property of that person or anyone in whom that person is interested.

(3) A person molests another person who, with intent as aforesaid, dissuades or attempts to dissuade, by whatever means, anyone from entering or approaching or dealing at any premises at which that person carries on trade or business or works or otherwise from dealing with that person, or with any person by whom that person is employed, in the course of his trade or business, or watches and besets any premises where that person resides or works or carries on trade or business or happens to be, or the approaches to such premises, or persistently follows that person or anyone in whom that person is interested from place to place, or interferes with any property owned or used by, or deprives of or hinders in the use of such property, that person or anyone in whom that person is interested.

(4) Nothing in subsection (3) of this section shall apply to any peaceful picketing which is lawful under the provisions of any law relating to trade unions or trade disputes within the meaning of the Trade Unions Ordinance, 1952. No. 23 of 1952.

30. Section 263 of the Code is amended— Amendment of section 263 of the Code.

(*a*) by substituting for the marginal note thereto a new marginal note as follows—

"Definition of stealing.";

(*b*) by substituting for subsection (1) thereof a new subsection as follows—

(1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person, other than the general or special owner thereof, any property, is said to steal that thing or property.;

(*c*) by substituting for the words "A person who takes or converts anything capable of being stolen", which appear in subsection (2) thereof, the following—

A person who takes anything capable of being stolen or who converts any property.

Amendment of section 306 of the Code.

31. Section 306 of the Code is amended—

(*a*) in subsections (1) and (2) thereof, by substituting for the words "shall be forfeited", in both places where they appear therein, the words "may be forfeited";

(*b*) in the proviso to subsection (2) thereof, by deleting the words "consented to the use or employment of such aircraft, vessel or vehicle or was aware that it was so being used or employed", and by substituting therefor the words "was aware that such aircraft, vessel or vehicle was being so used or employed, or, if he was, that he exercised all reasonable diligence to prevent its being so used or employed".

Insertion of new section 339A in the Code.

32. The Code is amended by inserting therein, next after section 339 thereof, a new section as follows—

Sabotage.

339A. Any person who, wilfully and unlawfully, destroys or damages, or does any act with intent to, or knowing it to be likely that such act will, impair the usefulness or efficiency or prevent or impede the working of, any property used or intended to be used in the service of Her Majesty, the Government, the High Commission or any local authority, or for the purposes of any airport or air service or any supply of water or electricity to any person or community of persons, or in the performance of any other service essential to the life of the community, shall be guilty of an offence and—

(*a*) if the offence is committed with intent to endanger life or with the knowledge that it is likely to endanger life, shall be liable to imprisonment for life; and

(*b*) in any other case, shall be liable to imprisonment for a term not exceeding five years.

33. (1) Section 326 of the Criminal Procedure Code is repealed. Amendment of Cap. 27.

(2) The First Schedule to the Criminal Procedure Code is amended—

(*a*) in the entries in relation to sections 54, 58 (1), 58 (2), 91A, 126A and 233A of the Penal Code, by substituting for the words in the fourth column, in each case, the words "Imprisonment for three years";

(*b*) by deleting the entry in relation to section 91B of the Code;

(*c*) in the entry in relation to section 233A of the Code, by adding next after the word "Intimidation", in the second column thereof, the words "and molestation";

(*d*) by inserting therein, in their appropriate numerical places, the new entries contained in the Schedule to this Ordinance.

34. Subsection (1) of section 18 of the African courts Ordinance, 1951, is amended by adding next after the words "corporal punishment", which appear in paragraph (*c*) thereof, the words "which shall not exceed twenty-four strokes, nor, in the case of a person under the age of sixteen years, twelve". Amendment of Ordinance No. 65 of 1951.

35. (1) The following provisions of the Trade Unions Ordinance, 1952, are repealed— Repeals. No 23 of 1952.

(*a*) in section 51, the definition of the expression "to intimidate";

(*b*) paragraph (*b*) of section 52, and the words "and prevention of intimidation" appearing in the marginal note to that section;

(*c*) section 53.

(2) Section 5 of the Public Order Ordinance, 1950, is repealed. No. 26 of 1950.

SCHEDULE

(*Section* 32)

ENTRIES ADDED TO FIRST SCHEDULE TO THE CRIMINAL PROCEDURE CODE

1	2	3	4	5
46A	Dissuasion from enlistment.	May arrest without warrant.	Fine of five thousand shillings and/or imprisonment for six months.	Subordinate court of the first or second class.
58 (10)	Using or attempting to use printing machine which has been confiscated.	May arrest without warrant.	Imprisonment for three years.	Subordinate court of the first or second class.
(11)	Printing or publishing newspaper in contravention of order.	May arrest without warrant.	Imprisonment for three years.	Subordinate court of the first or second class.
75A	Subversive activities	May arrest without warrant.	Imprisonment for three years.	Subordinate court of the first class.
86A	Possession of firearms, etc., to prejudice of public order.	May arrest without warrant.	Imprisonment for five years.	Subordinate court of the first class.
90A	Offensive conduct conducive to breaches of the peace.	May arrest without warrant.	Fine of five thousand shillings and/or imprisonment for six months.	Subordinate court of the first or second class.
92A	Wrongfully inducing a boycott.	May arrest without warrant.	Imprisonment for six months.	Any magistrate.
103A	Tampering with public officers.	May arrest without warrant.	Imprisonment for three years.	Subordinate court of the first or second class.
126B	Destruction, etc. of statutory documents.	May arrest without warrant.	Imprisonment for three years.	Subordinate court of the first or second class.
339A	Sabotage	May arrest without warrant.	Life imprisonment/ imprisonment for five years.	Subordinate court of the first class.

THE ADMIRALTY POLICE ORDINANCE, 1960

No. 55 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

2—Interpretation.

3—Establishment of the Force.

4—Declaration on enlistment.

5—Functions of the Force.

SECTION

6—General powers and privileges of the Force.

7—Powers of arrest.

8—Use of arms.

9—Obstructing the Force, etc.

10—Regulations.

SCHEDULE—Declaration.

AN ORDINANCE TO PROVIDE FOR THE SECURITY, PROTECTION AND REGULATION OF ADMIRALTY PROPERTY AND INSTALLATIONS IN KENYA; FOR THE ESTABLISHMENT, FUNCTIONS, POWERS, DUTIES AND PRIVILEGES OF A FORCE FOR THE BETTER IMPLEMENTATION OF THOSE PROVISIONS; AND FOR PURPOSES INCIDENTAL TO AND CONNECTED WITH THE FOREGOING.

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

Short title and commencement.

1. This Ordinance may be cited as the Admiralty Police Ordinance, 1960, and shall come into operation on such day as the Governor shall, by notice in the Gazette, appoint.

Interpretation.

2. In this Ordinance—

"the Admiralty" means the Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland;

"Admiralty Police Area" means any area declared as such by the Governor in Council of Ministers by notice in the Gazette, being an area which in the opinion of the Governor in Council of Ministers is used as an Admiralty

establishment, base, depot or installation, and includes, but without the necessity for any such declaration as aforesaid, all ships, vessels, vehicles and aircraft of Her Majesty's Navy;

"the Force" means the Admiralty Police Force established under section 3 of this Ordinance;

"the Naval Commander-in-Chief" mean the Senior Naval Officer for the time being appointed by the Admiralty to be in command of the Naval Command in which the Admiralty Police Area is included.

Establishment of the Force.

3. (1) There is hereby established a force to be known as the Admiralty Police Force, which shall consist of an officer in charge and such other officers as the Naval Commander-in-Chief, under the directions of the Admiralty, shall, by notice in the Gazette, from time to time appoint.

(2) The expenses of and incidental to the Force shall be defrayed by the Admiralty.

(3) The officer in charge shall, subject to the directions of the Admiralty, be charged with the control, discipline and administration of the Force.

Declaration on enlistment.

4. Every officer of the Force shall on joining the Force make and sign before a magistrate or before the officer-in-charge of the Force, in English or in some other language which he understands, and in such manner as he shall declare to be most binding on his conscience, the declaration set forth in the Schedule to this Ordinance.

Functions of the Force.

5. Subject to the provisions of this Ordinance, the functions of the Force shall be to maintain the security, protection (including protection against fire and other damage) and orderly regulation of all Admiralty Police Areas in the Colony, and for the performance of such functions officers of the Force may carry arms.

General powers and privileges of the Force.

6. In the exercise of his functions under this Ordinance and any regulations made thereunder, every officer of the Force shall have the like powers and privileges as are by law accorded to police officers in the Colony:

Provided that such powers and privileges shall apply beyond the limits of any Admiralty Police Area only when

the officer is exercising his functions in respect of Her Majesty's property or in respect of persons subject to naval discipline, or when in control or fresh pursuit of a person who is reasonably suspected of having committed an offence in or in relation to an Admiralty Police Area or in respect of any person or property therein.

Powers of arrest.

7. (1) When any person is found committing an offence, or is reasonably suspected of committing or having committed an offence, in or in relation to an Admiralty Police Area, or in respect of any person or property therein, an officer of the Force may demand his name and address, and if he refuses or fails to give such information to the satisfaction of such officer, or if such officer has reasonable grounds for believing that unless arrested the person will escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, such officer may without warrant arrest him forthwith.

(2) An officer making an arrest under this section shall without unnecessary delay make over the person so arrested to a police officer, or in the absence of a police officer shall take such person to the nearest police station.

(3) A police officer having any person delivered into his custody under the provisions of subsection (2) of this section shall without unnecessary delay take such person to the nearest police station.

(4) Where any person has been arrested without a warrant in pursuance of the provisions of this section the officer in charge of the police station to which such person shall have been brought shall deal with the case in accordance with section 35 of the Criminal Procedure Code. Cap. 27.

Use of arms.

8. An officer of the Force may use arms against any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person in an Admiralty Police Area:

Provided that—

(i) resort shall not be had to the use of arms under the provisions of this section unless the officer has reasonable ground to believe that he or any other person is

in danger of grievous bodily harm, and that he cannot otherwise effect such arrest;

(ii) the use of arms under the provisions of this section shall be, as far as possible, to disable and not to kill.

Obstructing the Force, etc.

9. Any person who—

(*a*) knowingly and wilfully obstructs any officer of the Force in the performance of his duty under this Ordinance or under any regulations made under this Ordinance; or

(*b*) knowingly induces or attempts to induce any officer of the Force to neglect or to act contrary to his duty as such officer; or

(*c*) knowingly is a party to, or aids or abets, or incites to, the commission of any act of indiscipline by an officer of the Force, or any act whereby any lawful order given to any officer of the Force or any written law with which it is the duty of an officer of the Force to comply, may be evaded or infringed,

shall be guilty of an offence and may be arrested without warrant by any officer of the Force or any police officer and shall be liable to imprisonment for a term not exceeding three years.

Regulations.

10. (1) The Minister, at the request of the Naval Commander-in-Chief, may make regulations generally for the better carrying out of the objects of this Ordinance, and in particular for all or any of the purposes following, that is to say—

(*a*) the proper administration and control of all Admiralty Police Areas and of all persons and property therein;

(*b*) prohibiting, regulating or controlling entry into any Admiralty Police Area;

(*c*) prohibiting, regulating or controlling traffic within any Admiralty Police Area.

(2) Regulations made under this section may make different provision in respect of different Admiralty Police Areas or different parts of any one such area.

SCHEDULE (*Section* 4)

DECLARATION

I, ..., do hereby swear by Almighty God (*or* do hereby solemnly and sincerely affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve Her Majesty the Queen, Her Heirs and Successors during my service in the Admiralty Police Force; that I will subject myself to all Ordinances, orders and regulations relating to the said Force now in force or which may from time to time be in force and will discharge all the duties of an officer of the said Force according to law, without fear or favour, affection or ill-will.

.....
(*Signature or thumb-print of police officer.*)

Sworn (*or* affirmed) by the said .....
after the declaration had been read over and explained to him in the ..... language which he acknowledged to understand, at ..... this ..... day of ....., 19....

BEFORE ME .....

THE NATIVE LANDS REGISTRATION (FORT HALL DISTRICT) (SPECIAL PROVISIONS) ORDINANCE, 1960

No. 56 of 1960

Date of Assent: 29th December, 1960
Date of Commencement: 31st December, 1960

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.
2—Construction.
3—Power of Minister to make rectification orders.
4—Contents of rectification order.
5—Power of Minister to make confirmation orders.
6—Missing records of existing rights.
7—Ownership of land.
8—Allocation of land where development has taken place.
9—Right to indemnity as in principal Ordinance.

AN ORDINANCE TO MAKE PROVISION FOR THE RECTIFICATION OF THE REGISTER OF TITLE TO LAND FOR THE FORT HALL DISTRICT UNDER THE NATIVE LANDS REGISTRATION ORDINANCE, 1959, AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

WHEREAS the process of land consolidation has been taking place in the Fort Hall District of the Central Province under the Native Lands Tenure Rules, 1956, and the Native Lands Registration Ordinance, 1959:

L.N. 452/56.
No. 27 of 1959.

AND WHEREAS it has been found that the aggregate of the registered acreages of individual holdings in certain areas of the district exceeds the actual acreages of the areas in question:

AND WHEREAS it is desirable to rectify the Register of title to land prepared under the Native Lands Registration Ordinance, 1959, in order to show the correct areas of individual holdings:

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

Short title.

1. This Ordinance may be cited as the Native Lands Registration (Fort Hall District) (Special Provisions) Ordinance, 1960, and shall apply to the Fort Hall District of the Central Province.

Construction.
No. 27 of 1959.

2. (1) This Ordinance shall be read and construed as one with the Native Lands Registration Ordinance, 1959, hereinafter referred to as the principal Ordinance, and, except as hereinafter expressly provided, expressions used in this Ordinance shall have the same respective meanings as those expressions have in the principal Ordinance.

(2) In this Ordinance—

"adjudication section" shall have the meaning assigned to it in section 4 of the principal Ordinance but shall include a unit declared under rule 5 of the Native Land Tenure Rules, 1956, now revoked;

L.N. 452/56.

"confirmation order" means a confirmation order made under section 5 of this Ordinance;

"Record of Existing Rights" has the meaning assigned to it in section 4 of the principal Ordinance but shall include a Record of Existing Rights which came into existence as a result of the operation of the said Native Land Tenure Rules, 1956;

"rectification order" means a rectification order made under subsection (2) of section 3 of this Ordinance.

(3) The provisions of this Ordinance shall take effect notwithstanding anything inconsistent therewith in the principal Ordinance.

Power of Minister to make rectification orders.

3. (1) The Minister shall cause an investigation to be made into every Record of Existing Rights prepared in respect of an adjudication section within the Fort Hall District of the Central Province in order to ascertain whether or not the aggregate of the acreages of the holdings recorded in such Record of Existing Rights, as so recorded, exceeds the actual acreage of the adjudication section to which such Record of Existing Rights applies, to such an extent as, in his opinion, to indicate that some proprietors are improperly registered as holding a larger acreage than should have been recorded in respect of their holdings.

(2) The Minister shall make a rectification order in respect of any adjudication section in which he is satisfied that there is such an excess as aforesaid.

Contents of rectification order.

4. (1) A rectification order made in respect of an adjudication section—

(*a*) may provide that a Record of Existing Rights shall be reopened and objections made thereto by proprietors

named therein only with regard to the number and size of any pieces of land recorded in such Record of Existing Rights and such objections shall be dealt with in accordance with the provisions of the principal Ordinance;

(*b*) may provide that an Adjudication Register shall be reopened and objections made thereto by proprietors named therein with regard to the area of their holdings and such objections shall be dealt with in accordance with the provisions of the principal Ordinance;

(*c*) shall direct that the Register shall be amended in accordance with any alteration made to a Record of Existing Rights or Adjudication Register as a result of the operation of paragraphs (*a*) and (*b*) of this subsection.

(2) Where the Register has been amended in respect of any adjudication section in accordance with the provisions of subsection (1) of this section no further rectification order may be made in respect of the same adjudication section and the entries in the Register, as amended, shall be deemed to constitute first registration for the purposes of the principal Ordinance.

Power of Minister to make confirmation orders.

5. (1) Where in any adjudication section the Minister is satisfied that there is no such excess as is referred to in subsection (1) of section 3 of this Ordinance he shall make a confirmation order, *inter alia,* confirming the Register in so far as it relates to the said adjudication section and thereafter no rectification order may be made in respect thereof.

(2) The Minister may also make a confirmation order—

(*a*) confirming anything done, any document issued, or any consolidation or demarcation carried out by or under the directions of the Adjudication Officer in the Fort Hall District prior to the enactment of this Ordinance, with the object of compiling a new Record of Existing Rights or Adjudication Register or of amending a Record of Existing Rights or Adjudication Register;

(*b*) confirming any draft Record of Existing Rights or Adjudication Register prepared as a result of anything referred to in paragraph (*a*) of this subsection prior to the enactment of this Ordinance;

(*c*) confirming any alteration made to the Register prior to the enactment of this Ordinance as a result of anything referred to in this subsection.

Missing Records of Existing Rights.

6. Where, in respect of any adjudication section, a Record of Existing Rights was prepared prior to the enactment of this Ordinance but can no longer be traced the Minister may, in his absolute discretion, direct that a Record of Existing Rights shall be prepared in accordance with the provisions of the principal Ordinance in respect of such adjudication section in which no name shall be recorded which does not appear in the part of the Register applicable to such adjudication section.

Ownership of land.

7. Notwithstanding anything to the contrary contained in this Ordinance or in the principal Ordinance or in any rectification order, every Record of Existing Rights, every Adjudication Register and the Register shall stand and be final and conclusive in respect of the names of the proprietors therein recorded.

Allocation of land where development has taken place.

8. Where, as a result of the making of a rectification order, a Committee is required, under subsection (2) of section 21 of the principal Ordinance, to allocate any land, the Committee shall have regard, so far as possible, to any development effected on the land by the proprietor thereof prior to the rectification order, and shall, whenever possible, allocate to such person the land containing the development or so much thereof as may be compatible with the interests of other persons entitled to the allocated land.

Right to indemnity as in principal Ordinance.

9. For the avoidance of doubt it is hereby declared that any person suffering loss by reason of the rectification of the Register under the provisions of this Ordinance shall be entitled to be indemnified by the Minister in accordance with the provisions of section 90 of the principal Ordinance.

THE ROYAL NATIONAL PARKS OF KENYA (AMENDMENT) ORDINANCE, 1960

No. 57 of 1960

Date of Assent: *29th December, 1960*
Date of Commencement: *31st December, 1960*

AN ORDINANCE TO AMEND THE ROYAL NATIONAL PARKS OF KENYA ORDINANCE

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

Short title.

1. This Ordinance may be cited as the Royal National Parks of Kenya (Amendment) Ordinance, 1960.

Insertion of new section 8A in Cap. 215.

2. The Royal National Parks of Kenya Ordinance is amended by inserting therein, immediately after section 8 thereof, a new section as follows—

LN. 16/61
LN. Parl. 360/62

Power to surrender control of, and rights in, national reserve.

8A. The Trustees may, by notice in the Gazette, surrender their control of any national reserve and their rights therein, and such national reserve shall thereupon cease to be a national reserve.

THE POLICE ORDINANCE, 1960

No. 58 of 1960

Date of Assent: *31st December, 1960*

Date of Commencement: *By Notice*

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1—Short title and commencement.
2—Interpretation.

PART II—CONSTITUTION AND ADMINISTRATION

3—Composition of the Force.
4—Government of the Force.
5—Force standing orders.
6—Methods of appointment of police officers.
7—Declaration on joining the Force.
8—Certificate of appointment.
9—Police officers prohibited from taking other employment.
10—Prolongation of service in case of war, etc.
11—Restrictions on resignation of inspectors and subordinate officers.
12—Grounds for removal of inspectors and subordinate officers.
13—Surrender of public property on resignation. etc.

PART III—DUTIES, POWERS AND PRIVILEGES

14—Functions of the Force.
15—Obedience to orders and warrants, prevention and detection of crime, etc.
16—Maintenance of order on roads, etc.
17—Unclaimed property.
18—Police station records.
19—Power to lay complaints, apply for warrants, etc.
20—Power to search without warrant in special circumstances.
21—Power to take photographs, fingerprints, etc.
22—Power to compel attendance at police station or office.
23—Power to require bond for attendance at court.
24—Police bail bonds, etc., to issue free of charge.
25—Power to inspect licences and vehicles.
26—Road barriers.

SECTION

27—Prohibition or restriction of traffic.
28—Power to use arms.
29—Powers, etc., whilst engaged on duties of prison officer.
30—Non-liability for act done in obedience to warrant.
31—Notice of action or prosecution.

PART IV—DISCIPLINE

32—Power to deal with disciplinary offences.
33—Power to summon witnesses.
34—Powers of arrest for disciplinary offences.
35—Procedure for grave or repeated offences.
36—Disciplinary action against officers convicted by a Court.
37—Suspension of punishment.
38—Recovery of fines by deduction from salary.
39—Loss or damage to property to be made good by stoppage of pay.
40—Prohibition against police officer being member of trade union.
41—Desertion.
42—Traitorous or disloyal language.
43—Penalty for mutiny and sedition, and for failing to suppress or report same.
44—Interdiction.

PART V—PRIVATE USE OF POLICE AND PROVISION FOR ADDITIONAL POLICE OFFICERS

45—Private use on application.
46—Employment of additional officers on private property.
47—Additional officers for disturbed or dangerous areas.
48—Power to appoint special police officers.

PART VI—SERVICE OUTSIDE THE COLONY

49—Neighbouring territory defined.
50—Power to order service outside Colony.
51—Effect of punishment of police officer in neighbouring territory.

ARRANGEMENT OF SECTIONS—(*Contd.*)

SECTION

52—Provisions as to officers of neighbouring territory serving in the Colony.

PART VII—KENYA POLICE RESERVE

53—Composition of the Reserve.

54—Division of Reserve into classes.

55—Period of service in the Reserve.

56—Reserve police officer to cease to be member of Reserve where called up for national service.

57—Employment and calling out of the Reserve.

58—Disciplinary powers over Reserve officers.

SECTION

PART VIII—GENERAL

59—Unlawful possession of police property, personation, etc.

60—Disorderly conduct in police building, etc.

61—Penalty for causing disaffection, etc., among police officers.

62—Liability of police officers to prosecution under other laws.

63—General penalty.

64—Application of Code of Regulations.

65—Regulations.

66—Repeal of Ordinance No. 79 of 1948 and Cap. 76.

First Schedule—Ranks of the Force in Order of Seniority.

Second Schedule—Oath or Affirmation on Enlistment.

Third Schedule—Treatment of Disciplinary Offences.

AN ORDINANCE TO PROVIDE FOR THE FUNCTIONS, ORGANIZATION AND DISCIPLINE OF THE KENYA POLICE FORCE AND THE KENYA POLICE RESERVE, AND FOR MATTERS INCIDENTAL THERETO

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

PART I—PRELIMINARY

Short title and commencement.

1.2.61

LN. 73/61

1. This Ordinance may be cited as the Police Ordinance, 1960, and shall come into operation on such day as the Governor shall, by notice in the Gazette, appoint.

Interpretation.

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

"arms" includes firearms;

"Commissioner" means the Commissioner of Police;

"Force" means the Kenya Police Force referred to in section 3 of this Ordinance, and includes the Reserve;

"gazetted officer" means a police officer holding rank as such in accordance with the First Schedule to this Ordinance;

"inspector" means an officer of the inspectorate;

"inspectorate" means that part of the Force which contains officers of the ranks comprising the inspectorate specified in the First Schedule to this Ordinance;

"police officer" means an officer of the Force;

"police station" means a post or place appointed by the Commissioner, by notice in the Gazette, to be a police station, and includes any local area policed from such station;

"Reserve" means the Kenya Police Reserve referred to in section 53 of this Ordinance;

"Reserve police officer" means an officer of the Reserve;

"subordinate officer" means a police officer holding rank as such in accordance with the First Schedule to this Ordinance.

PART II—CONSTITUTION AND ADMINISTRATION

Composition of the Force. No. 79 of 1948.

3. (1) The Kenya Police Force established by the Police Ordinance, 1948 (repealed by this Ordinance) shall consist of such number of officers as may from time to time be authorized by the Governor.

(2) The Force shall consist of the ranks set forth in the First Schedule to this Ordinance, and police officers shall have seniority as detailed in the said Schedule.

(3) The Minister may from time to time, by notice in the Gazette, amend the said Schedule. added L.N. 523/61

LN 524/61 523/61

Government of the Force.

4. (1) Subject to the provisions of this Ordinance the Commissioner shall have the command, superintendence and direction of the Force, and may from time to time issue orders for the good government of police officers in relation to such matters as—

(*a*) enlistment, ranks, duties, training, transfer and discharge;

(*b*) places of residence, clothing, arms, accoutrements and equipment, and the distribution and inspection thereof,

and such other orders as he may deem expedient for the promotion of efficiency and discipline in the Force.

(2) The Commissioner shall be responsible to the Minister for the efficient administration and government of the Force.

(3) Subject to the provisions of this Ordinance, the Commissioner may delegate any of the powers conferred upon or vested in him by this Ordinance or, unless a contrary intention appears, by any other written law, to any gazetted officer of or above the rank of senior superintendent.

(4) Without prejudice to the provisions of subsection (1) of this section, the control of the Force in any province,

district, area or place shall be vested in such police officer as may be appointed by or under the directions of the Commissioner for that purpose.

Force standing orders.

5. (1) The Commissioner may issue administrative orders, to be called force standing orders, not inconsistent with the provisions of this Ordinance or of any regulations made thereunder, for the general control, direction and information of the Force.

(2) Force standing orders shall not require to be published in the Gazette.

Methods of appointment of police officers.

6. (1) Gazetted officers shall be appointed by the Governor with the approval of the Secretary of State, and in such manner as the Secretary of State may direct:

Provided that in the absence of such directions they shall be appointed in manner similar to the appointment of other public officers.

(2) Subject to the provisions of this Ordinance and of any regulations made under this Ordinance, the Commissioner may make such appointments and promotions of inspectors and subordinate officers as he may deem fit.

Declaration on joining the Force.

7. Every police officer shall on being enlisted make and sign before some officer authorized by law to administer oaths or before the Commissioner, in English or in some other language which he understands, and in such manner as he may declare to be most binding on his conscience, the oath or the affirmation set forth in the Second Schedule to this Ordinance:

Provided that a Reserve police officer who is not a British subject or a British protected person shall, in lieu of making and signing that oath or affirmation, make and sign such oath or affirmation as may be prescribed in that behalf.

Certificate of appointment.

8. A certificate of appointment in such form as may be prescribed, signed by such gazetted officer as may be authorized by the Commissioner in that behalf, shall be issued to every police officer on appointment, and shall be evidence of his appointment under this Ordinance.

Police officers prohibited from taking other employment.

9. No police officer other than a reserve police officer shall engage himself in any trade, business or employment, or take part in any commercial or agricultural undertaking, outside the scope of his duties as an officer of the Force, except with the authority of the Commissioner.

Prolongation of service in case of war, etc.

No. 2 of 1960.

10. Any police officer whose period of service expires during a state of war or state of emergency or during any time when any regulations are in force under section 3 or section 4 of the Preservation of Public Security Ordinance, 1960, may be retained in the Force and his service prolonged for such further period as the Commissioner may direct, but not for more than six months after the ending of such state or time.

Restrictions on resignation of inspectors and subordinate officers.

11. (1) No inspector shall resign from the Force before the expiry of three months (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

(2) No subordinate officer shall resign from the Force before the expiry of one month (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

Grounds for removal of inspectors and subordinate officers.

12. Subject to the provisions of any regulations made under section 65 of this Ordinance, any inspector or subordinate officer may at any time be removed from the Force by the Commissioner for any of the following reasons—

(*a*) on reduction of the establishment of the Force;

(*b*) if the Commissioner considers that he is unlikely to become or has ceased to be an efficient police officer;

(*c*) if he is certified by a medical officer to be mentally or physically unfit for further service in the Force;

(*d*) for activities or behaviour which the Commissioner considers likely to be prejudicial to peace, good order or good government in the Colony;

(*e*) if the Commissioner considers that it is in the public interest or in the interests of the Force that he should be discharged;

(*f*) in accordance with the provisions of section 36 of this Ordinance.

Surrender of public property on resignation, etc.

13. (1) Every police officer leaving the Force shall forthwith, on ceasing duty as such, deliver to the police officer in charge of the Force at such person's last station of employment in the Force, or to such other person as the Commissioner may appoint for the purpose, all uniforms, arms, accoutrements and equipment supplied to him as public property.

(2) Any person who fails to comply with the provisions of subsection (1) of this section, or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties in the Force, shall be guilty of an offence and liable, whether or not any penalty is otherwise imposed, for the cost of replacing such property, or, as the case may require, for the cost of its repair, and such cost shall be recoverable by the Government by deduction from any moneys due to such person, and shall be a debt due from such person to the Government.

PART III—DUTIES, POWERS AND PRIVILEGES

Functions of the Force

14. (1) The Force shall be employed in the Colony for the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which it is charged.

(2) The Governor may, in case of war or other emergency, employ the Force or any part thereof to serve with Her Majesty's armed forces or otherwise, whether within or without the Colony, in the defence of the Colony:

Provided that, unless the Governor otherwise directs, any part of the Force so employed shall continue to be under the command of the Commissioner or of such other officer as the Commissioner may appoint for that purpose.

Obedience to orders and warrants, prevention and detection of crime, etc.

15. (1) Every police officer shall promptly obey all lawful orders in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) Every police officer shall promptly obey and execute all orders and warrants lawfully issued to him, collect and communicate intelligence affecting law and order and take all steps necessary to prevent the commission of offences and public nuisance, to detect offenders and bring them to justice and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists.

Maintenance of order on roads, etc.

16. (1) It shall be the duty of the Force to regulate and control traffic and to keep order on and prevent obstructions in public places, and to prevent unnecessary obstruction on the occasions of assemblies, meetings and processions on public roads and streets, or in the neighbourhood of places of worship during the time of worship therein.

(2) Any person who disobeys any lawful order given by any police officer acting under the provisions of subsection (1) of this section shall be guilty of an offence, and may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

Unclaimed property.

17. (1) It shall be the duty of a police officer to take charge of unclaimed property handed to him by any other person or found by such police officer to be unclaimed, and to furnish an inventory or description thereof to a magistrate having jurisdiction in the area in which the property is found by, or handed to, him, and such magistrate shall give orders for the detention of the property, and shall cause a notice to be posted in a conspicuous place in his court and at such police stations as he considers necessary, describing such property and requiring any person who may have a claim thereto to appear and establish such claim within six months from the date of the notice:

Provided that—

(i) if the property is liable to rapid decay, or if the magistrate is of the opinion that its immediate sale would be to the benefit of the owner thereof, he may direct it to be sold, or, if he deems it advisable so to do, may cause the property to be destroyed; and

(ii) if the property is a firearm or ammunition the magistrate may order that it shall be disposed of in such manner as the Commissioner may direct.

(2) If no owner establishes his claim to the property within six months from the date of such notice, it may be sold in such manner as the magistrate shall direct.

(3) Where such property has been sold in accordance with this section the proceeds of sale shall be paid to the person who establishes his claim thereto, or, if no lawful claim to it has been established, shall be dealt with in the following manner—

(*a*) such proportion as the magistrate may direct shall be paid to the finder of the property;

(*b*) the balance (if any) shall be paid into the consolidated fund unless the Legislative Council otherwise resolves.

Police station records.

18. (1) Every police officer in charge of a police station shall keep a record in such form as the Commissioner may direct, and shall record therein all complaints and charges preferred, the names of all persons arrested and the offences with which they are charged.

(2) A copy of any entry in a record kept under subsection (1) of this section, certified under the hand of the police officer in charge of the police station to be a true copy, shall be admissible in evidence of its contents in all legal proceedings, and where a copy of an entry purports to be so certified it shall be presumed, until the contrary is proved, that the copy is so certified.

Power to lay complaints, apply for warrants, etc.

19. A police officer may lay any lawful complaint before a magistrate and may apply for a summons, warrant, search warrant or such other legal process as may lawfully be issued against any person.

Power to search without warrant in special circumstances.

20. (1) When an officer in charge of a police station, or a police officer investigating an alleged offence, has reasonable grounds to believe that some thing necessary for the purposes of such investigation is likely to be found in any place and that the delay occasioned by obtaining a search warrant under section 118 of the Criminal Procedure Code will in his opinion substantially prejudice such investigation, he may, after recording in writing the grounds of his belief and such description as is available to him of the thing for which search is to be made, without such warrant as aforesaid enter any premises in or on which he expects the thing to be and there search or cause search to be made for, and take possession of, such thing:

Cap. 27.

Provided that—

(i) the officer shall carry with him, and produce to the occupier of the premises on request by him, his certificate of appointment;

(ii) if any thing is seized as aforesaid he shall forthwith take or cause it to be taken before a magistrate within whose jurisdiction the thing was found, to be dealt with according to law.

Cap. 27.

(2) Sections 119, 120 and 121 of the Criminal Procedure Code as to the execution of search warrants, and the provisions of that Code as to searches, shall apply to a search without warrant under this section.

21. (1) Any magistrate or police officer, and any person appointed by the Governor to give certificates under subsection (2) of section 142 of the Criminal Procedure Code, may take, or cause to be taken in his presence, for the purposes of record and identification, the measurements, photographs, footprints and casts thereof, palm-prints and finger-prints, of any person in lawful custody or who is subject to police supervision:

Power to take photographs, fingerprints, etc. Cap. 27.

Provided that if such person is not charged with an offence punishable by imprisonment or is discharged or acquitted by a court, and has not previously been convicted of an offence so punishable, all records of such measurements, photographs, footprints and casts thereof, palm-prints and finger-prints and any negatives and copies of such photographs or of photographs of such footprints, palm-prints and finger-prints shall forthwith be destroyed or handed over to such person.

(2) The Commissioner may specify the form upon which footprints, palm-prints and finger-prints shall be taken in accordance with this section, and the magistrate, police officer or person appointed by the Governor, as the case may be, shall certify on such form that the footprints, palm-prints or finger-prints have been taken by him, or caused to be taken in his presence, in accordance with the directions contained on such form, and that the particulars entered on such form are to the best of his knowledge and belief accurate and true.

LN·595/62

(3) Any person who refuses to permit his measurements, photographs, footprints and casts thereof, palm-prints or finger-prints to be taken under this section shall be guilty of an offence, and, after conviction, reasonable force may be used to enable his measurements, photographs, footprints and casts thereof, palm-prints and finger-prints to be taken.

22. (1) A police officer may by writing under his hand require any person who he has reason to believe has information which will assist him in investigating an alleged offence to attend before him at a police station or police office in the district in which such person resides or for the time being is.

Power to compel attendance at police station or office.

(2) Any person who without reasonable excuse fails to comply with a requisition under subsection (1) of this section, or who having complied refuses or fails to give his correct name and address and to answer truly all questions that may be lawfully put to him, shall be guilty of an offence:

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

(3) Any police officer may record any statement made to him by any such person, whether such person is suspected of having committed an offence or not, but, before recording any statement from a person whom such police officer has decided to charge or who has been charged with committing an offence, the police officer shall warn such person that any statement which may be recorded may be used in evidence:

Provided that any such statement shall, whenever possible, be recorded in writing and signed by the person making it after it has been read to him in a language which he understands and he has been invited to make any correction he may wish.

Power to require bond for attendance at court

23. (1) A police officer investigating an alleged offence (not being an offence against discipline under section 32 of this Ordinance) may require any person to execute a bond in such sum and in such form as may be required, conditioned on his due attendance at court if and when required so to attend.

(2) Any person who refuses or fails to comply with a requirement lawfully made under subsection (1) of this section shall be guilty of an offence.

Police bail bonds, etc., to issue free of charge.

24. Notwithstanding anything to the contrary contained in any law in force in the Colony, no fee shall be chargeable on any bail bond in a criminal case, recognizance to prosecute or give evidence, or recognizance or personal appearance or otherwise, issued or taken by a police officer.

Power to inspect licences and vehicles

25. (1) Any police officer in uniform, and any police officer not in uniform, who, on being required to do so, produces his certificate of appointment, may stop and detain any person whom he—

(*a*) sees doing any act or thing; or

(*b*) sees in possession of any thing; or

(*c*) suspects of doing any act or thing or of being in possession of any thing,

for which a licence is required under any written law, and may require such person to produce such licence, and may, when in uniform, stop and search any vehicle which he has reasonable grounds for suspecting is being used in the commission of an offence against any written law.

(2) Subject to the provisions of any written law, any person who fails to produce such licence when called upon by a police officer so to do may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person who fails to obey any reasonable signal of a police officer under the provisions of subsection (1) of this section requiring him to stop any vehicle, or who obstructs any police officer in the execution of his duty under that subsection, shall be guilty of an offence, and any police officer may arrest any such person without a warrant, and may cause any such vehicle found by him to have been used for the commission of an offence against any written law to be moved to the nearest police station and there detained until released by the officer in charge of the police station:

Provided that no such arrest shall take place if such person gives his name and address and satisfies such police officer as provided in subsection (2) of this section.

Road barriers.

26. (1) Notwithstanding the provisions of any other law in force in the Colony, any gazetted officer or inspector or any police officer in charge of a police station may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime or for the apprehension of offenders, erect or cause to be erected barriers in or across any road or street or in any public place within the Colony, in such manner as he may think fit.

(2) Any police officer in uniform may take all reasonable steps to prevent any vehicle being driven past any such barrier and any driver of any vehicle who fails to comply with any reasonable signal of a police officer in uniform requiring such persons to stop such vehicle before reaching any such barrier, shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding three thousand shillings or to both.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of any vehicle as a result of the driver of such vehicle failing to obey any police officer acting under the provisions of subsection (2) of this section.

Prohibition or restriction of traffic.

27. (1) Notwithstanding anything to the contrary contained in any law in force in the Colony, the Commissioner

may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, by notice in such manner as the Commissioner may deem fit, prohibit or restrict the driving or use of motor vehicles, or any class of motor vehicles, on specified roads or parts of roads, or in any specified area, either generally or in specified circumstances or subject to specified conditions.

(2) Any such notice may—

(*a*) make different provision for different roads or parts of roads and for different areas and for different days or hours, but no such notice shall apply to the driving or use of any kind of motor vehicle on any road or part of a road or in any area between the hours of half-past six o'clock in the morning and half-past six o'clock in the evening of any day;

(*b*) provide for the issue by the Commissioner, or by anyone authorized by him, of a written permit exempting any motor vehicle or class of motor vehicle or any person or class of persons from the provisions of the notice or any part thereof, either generally or subject to such conditions or in such circumstances as may be specified in any such permit; and the Commissioner is hereby authorized to issue and to authorize the issue of such permits which, to the extent therein specified, shall have effect under this section.

(3) Any person who drives or knowingly uses, or causes or permits to be driven or used, any motor vehicle in contravention of the terms or conditions of any notice given under this section or of a licence issued thereunder shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both.

(4) An offence under this section shall be cognizable to the police.

(5) For the purposes of this section the expressions "motor vehicle" and "road" shall have the meanings respectively assigned to them in the Traffic Ordinance, 1953.

No. 39 of 1953.

Power to use arms.

28. A police officer may use arms against—

(*a*) any person in lawful custody and charged with or convicted of a felony, when such person is escaping or attempting to escape;

(*b*) any person who by force rescues or attempts to rescue another from lawful custody;

(*c*) any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person;

Provided that arms shall not be used—

(i) as authorized in paragraph (*a*) of this section, unless the officer has reasonable ground to believe that he cannot otherwise prevent the escape, and unless he gives warning to such person that he is about to use arms against him and the warning is unheeded;

(ii) as authorized in paragraph (*b*) or paragraph (*c*) of this section, unless the officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm or that he cannot otherwise prevent the rescue or, as the case may be, effect the arrest.

Powers, etc., whilst engaged on duties of prison officer.

29. A police officer engaged in carrying out the duties of a prison officer shall have all the powers, protections and privileges attaching to a prison officer.

Non-liability for act done in obedience to warrant.

30. (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge, magistrate or justice of the peace, the court shall, upon production of the warrant containing the signature of the judge, magistrate or justice of the peace, accept such warrant as prima facie evidence of the due making thereof, and upon the proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.

(2) No proof of the signature of such judge, magistrate or justice of the peace shall be required unless the court has reason to doubt the genuineness thereof, and where such signature is proved not to be genuine, judgment shall nevertheless be given in favour of such police officer if it be proved that at the time the act complained of was committed he believed on reasonable grounds that the signature was genuine.

Notice of action or prosecution.

31. No action shall be commenced or prosecution instituted against any police officer in respect of anything done or purporting to have been done by him under the provisions of this Ordinance, unless at least one month before the com-

mencement of the action or the institution of the prosecution notice in writing of the action or prosecution, and particulars thereof, have been given to the police officer and to the officer in charge of the Force in the place where the act complained of was committed.

PART IV—DISCIPLINE

Power to deal with disciplinary offences.

32. (1) Subject to and in accordance with the provisions of the Third Schedule to this Ordinance, any offence against discipline in the Force may be inquired into, and if the officer empowered so to inquire is satisfied that the offence has been proved he may award against the offender one or more of the punishments respectively prescribed in that Schedule.

(2) Any inspector or subordinate officer who, under this section, is awarded any one of the punishments specified in relation to him in the third column of the said Schedule may appeal to the person or any of the persons specified in that behalf in the fourth column of the said Schedule, within such time and in such manner as may be prescribed, and on appeal the punishment may be confirmed, enhanced, reduced, suspended or set aside:

Provided that nothing in this subsection shall be construed as empowering, on appeal, the award of any greater punishment than might have been awarded by the officer who inquired into the offence.

(3) No appeal shall be allowed in the case of any person who has pleaded guilty, except as to the extent or legality of the punishment.

(4) Any person to whom an appeal lies, under subsection (2) of this section, against the award of any punishment, may call for and examine the record of any inquiry resulting in such an award, for the purpose of satisfying himself as to the correctness, legality or propriety of the award and, after examination of the record, may exercise any of the powers conferred upon him by the said subsection in relation to appeals:

Provided that none of the said powers shall be exercised to the prejudice of any police officer unless he has had an opportunity of being heard in his defence.

Power to summon witnesses

33. (1) Every police officer empowered to inquire into offences against discipline may summon and examine witnesses on oath or affirmation and require the production of relevant documents in any matter he is inquiring into, and may adjourn any such inquiry from time to time as he may deem fit.

(2) Any person summoned as a witness under subsection (1) of this section who fails to attend at the time and place mentioned in the summons, or, having attended, refuses to answer all questions that are lawfully put to him (other than questions which may incriminate him) or fails without reasonable cause to produce any document, shall be guilty of an offence.

Powers of arrest for disciplinary offences.

34. Any gazetted officer or inspector may arrest without warrant, or order the arrest without warrant, of any police officer (not being a police officer of a higher rank) who is accused of any offence against discipline, and any police officer may, on receipt of any such order, apprehend such police officer without a warrant, and shall forthwith bring him before a gazetted police officer or an inspector who may confine such police officer in any building set apart as a guard room or cell.

Procedure for grave or repeated offences

35. (1) In every case where it appears to the officer authorized to investigate any charge of an offence against discipline that such offence, by reason of its gravity or by reason of previous offences against discipline by the police officer charged, or for any other reason, cannot be adequately punished by the imposition of any of the punishments prescribed in the Third Schedule to this Ordinance, such investigating officer shall defer imposing punishment and shall report the proceedings to the Commissioner, who may after returning the report for further inquiry if he deems it necessary, re-hear the case, or, by order in writing, require the police officer charged to be taken before a subordinate court to be dealt with under the provisions of subsection (2) of this section.

(2) Where a police officer is taken before a subordinate court under the provisions of subsection (1) of this section, he shall, if found guilty of the offence of which he is charged, be liable on conviction therefor to imprisonment for a term not

exceeding six months or to a fine not exceeding three months' pay of such police officer, or to both:

Provided that—

(i) no proceedings shall be taken against any police officer under this section in respect of any offence against discipline for which he has already been punished;

(ii) any order purporting to be an order of the Commissioner under subsection (1) of this section shall be accepted by any court as prima facie evidence of the lawful making thereof, and no proof of the signature of the Commissioner on any such order shall be required unless the court has reason to doubt the genuineness of such signature.

Disciplinary action against officers convicted by a Court.

36. (1) The Commissioner may reduce in rank or dismiss from the Force any inspector or subordinate officer who has been convicted of any offence, including any offence against discipline dealt with under subsection (2) of section 35 of this Ordinance:

Provided that any inspector who has been dismissed under the provisions of this subsection may, within seven days after the decision in that behalf has been communicated to him, appeal to the Governor, whose decision thereon shall be final.

(2) Where an inspector or subordinate officer is dismissed from the Force under subsection (1) of this section, he may, before dismissal, be reduced to the rank to which he was appointed on enlistment in the Force.

Suspension of punishment.

37. (1) Any punishment awarded under section 32 of this Ordinance may be suspended for such period not exceeding six months as the Commissioner may determine:

Provided that, if, during the period of suspension, the offender is found guilty of a further offence against discipline, the suspended punishment shall forthwith be carried into execution.

(2) Where any punishment has been suspended under this section, the Commissioner, or such other police officer as may be directed by the Commissioner, shall at the expiration of the

period of suspension review the case, taking into consideration such reports on the conduct of the offender during the period of suspension as may be available; and such reviewing officer may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be carried into execution forthwith.

Recovery of fines by deduction from salary.

38. Every fine imposed by a police officer for an offence against discipline shall be recovered by one or more deductions from the gross monthly salary payable to the officer on whom the fine is imposed, the amount of each such deduction being in the discretion of the officer imposing the fine:

Provided that no such deduction, nor the aggregate of such deductions if more than one such fine is outstanding at the same time, shall exceed one-half of the gross salary payable in any month.

Loss or damage to property to be made good by stoppage of pay.

39. Any inspector or subordinate officer who sells, pawns, loses by neglect, makes away with or wilfully or negligently damages any arms, ammunition, accoutrement, uniform or other article of personal issue, or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible, may, in addition to or in lieu of any other punishment or penalty, be ordered to make good either partially or wholly, the value of such property or the amount of such loss or damage, as the case may be, and the amount of such value or of such loss or damage may be recovered by stoppage from his pay or from any other amount owing to him by the Government.

Prohibition against police officer being member of trade union.

40. (1) It shall not be lawful for any police officer to be or to become a member of—

(i) any trade union, or any body or association affiliated to a trade union; or

(ii) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession; or

(iii) any body or association the object or one of the objects of which is to control or influence the pay, pensions, or conditions of service of the Force,

other than a staff association established and regulated pursuant to regulations made under this Ordinance.

(2) Any police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union, or body or association to which this section applies, the question shall be referred to the Minister, whose decision thereon shall be final and conclusive.

Desertion

41. (1) Any inspector or subordinate officer who absents himself from duty without leave or just cause for a period exceeding twenty-one days shall, unless the contrary is proved, be deemed to have deserted from the Force.

(2) Upon reasonable suspicion that any person has deserted from the Force, any police officer may arrest him without warrant, and shall thereupon take him before a magistrate having jurisdiction in the area in which such person deserted or was arrested.

(3) Any inspector or subordinate officer who deserts from the Force shall be guilty of an offence and liable to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand shillings, or to both.

Traitorous or disloyal language.

42. Any police officer who uses traitorous or disloyal words regarding Her Majesty shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand shillings.

Penalty for mutiny and sedition, and for failing to suppress or report same.

43. (1) Any police officer who begins or joins in any mutiny or sedition among any police officers, or who conspires with any other person to cause any such mutiny or sedition, shall be guilty of an offence and liable to imprisonment for life.

(2) Any police officer who does not use his utmost endeavours to suppress any mutiny or sedition among any police officers, or who, being cognizant of any such mutiny or sedition or intended mutiny or sedition, does not, without delay, give information thereof to his senior police officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

Interdiction.

44. The Commissioner may interdict from duty any police officer, and any gazetted officer may interdict from duty any inspector or any subordinate officer, pending any inquiry into the conduct of any such officer under the provisions of the Colonial Regulations or the Code of Regulations for Officers of the Government Service, or under the provisions of this Ordinance or of any other written law, but such police officer shall not, by reason of such interdiction, cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same discipline and penalties, and to the same authority, as if he had not been interdicted.

PART V—PRIVATE USE OF POLICE AND PROVISION FOR ADDITIONAL POLICE OFFICERS

Private use on application.

45. (1) The Commissioner may on application by any person, hereafter in this section called the applicant, station a police officer for duty at such place and for such period as the Commissioner may approve, and thereupon and for the period aforesaid the applicant shall pay to the Commissioner from time to time when required to do so the cost, calculated in accordance with the rates from time to time specified by the Commissioner by notice in the Gazette, and the applicant shall provide the police officer with such accommodation and sustenance as may be so specified:

Provided that an applicant may, on giving to the Commissioner one month's notice (or such shorter notice as the Commissioner may agree to accept), require that any such officer be withdrawn from such place, and the applicant shall not be liable for any expense incurred after the expiration of such notice in connexion with the employment of such officer.

(2) Any amount due from an applicant under the provisions of this section shall be a debt due from the applicant to the Government.

Employment of additional officers on private property.

46. Where the Commissioner considers that the employment of additional police officers in any place is necessary for the safety of the private property of some person, or in the interests of some person, or that there is a reasonable apprehension of a breach of the peace in connexion with any such

private property, he may, subject to the directions of the Minister, station police officers for duty at such place and for such period as he considers necessary, and such person shall reimburse to the Commissioner the expenses incurred thereby:

Provided that the Minister may remit the whole or any part of such payment.

Additional officers for disturbed or dangerous areas.

LN. 160/62
198/62

47. (1) The Governor may, by notice in the Gazette, and in such other manner (if any) as he may direct, declare that any area in the Colony is in a disturbed or dangerous state, or that, by reason of the conduct of the inhabitants of such area or any class or section of such inhabitants, it is expedient to increase the number of police officers stationed in such area.

(2) Upon publication of a notice under subsection (1) of this section the Commissioner may—

(*a*) by notice in the Gazette or in such other manner as he may consider necessary to bring it to the notice of the persons affected thereby prohibit the possession of arms in the area and order the surrender of all or such arms, by all or such of the inhabitants of the area, as may be specified;

(*b*) station an additional number of police officers in the area, and, subject to the provisions of subsection (5) of this section, the cost of such additional police officers shall be borne by the inhabitants of the area:

Provided that any order made under paragraph (*a*) of this subsection requiring the surrender of arms shall specify the times and places at which, and the persons to whom, such surrender shall be made, and shall provide for the safe custody of all arms surrendered, and for their return upon revocation or termination of the notice under subsection (1) of this section.

(3) If any police officer, in any area in which all or any arms have been ordered to be surrendered under paragraph (*a*) of subsection (2) of this section, has reasonable cause to believe that the delay which would occur in obtaining a search warrant would, or would tend to, defeat the purposes of this section, he may, without warrant, enter and search any land, premises or place in or upon which he has reason to believe

any arms ordered to be surrendered may be found, and may seize any such arms there found:

Provided that a police officer entering any land, premises or place under this subsection shall, if required to do so by the occupier thereof, produce to the occupier his certificate of appointment.

(4) Any person who fails to comply with an order made by the Commissioner under subsection (2) of this section, or who obstructs any police officer in the due exercise of his powers under subsection (3) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand shillings or to both, and may be arrested by a police officer without warrant.

(5) Where any additional police officers have been stationed in any area under the provisions of subsection (2) of this section, the Minister shall, after consultation with the Chief Justice, appoint a magistrate who shall make such inquiry as he may consider necessary, and shall apportion the cost of the additional police officers (or so much thereof as, in his judgment, the means of the inhabitants of the area will reasonably afford) among the inhabitants of the area, according to his judgment as to the respective means of the inhabitants:

Provided that the magistrate may exempt any person, or class of persons, or section of the inhabitants, from liability to bear such portion of the cost as he may determine.

(6) Every notice issued under the provisions of subsection (1) of this section shall state the period for which it is to remain in force, and may, at any time, be withdrawn or continued in force for such further period as the Governor shall, in each case, by notice in the Gazette, direct.

(7) In this section, "inhabitants" means all persons who, by themselves or their agents, servants or tenants, occupy or have a lawful interest in any land within an area specified in a notice issued under subsection (1) of this section.

Power to appoint special police officers.

48. The Commissioner may at any time, if it appears to him to be expedient in the interests of public order and safety so to do, appoint persons to be special police officers for such period and within such area as he may consider

necessary, and every such officer shall during the period of his service as a special police officer, be deemed to be a police officer.

PART VI—SERVICE OUTSIDE THE COLONY

Neighbouring territory defined.

LN. 310/61

49. For the purposes of this Part, the expression "neighbouring territory" means any territory which the Governor may, by notice in the Gazette, declare to be a neighbouring territory for the purposes of this Part:

Provided that no such notice shall be published in respect of any territory unless and until the Governor is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that territory of provisions reciprocal to those of this Part.

Power to order service outside Colony.

50. (1) The Governor may, on the application of the government of a neighbouring territory, order such number of police officers as he may think fit to proceed to such territory for service therein.

(2) Where it appears to the Commissioner, or to a police officer having charge of a province which has a common boundary with the neighbouring territory, that a temporary emergency exists in a neighbouring territory, the Commissioner or such police officer may, on any administrative officer of that territory or any police officer of that territory of a rank equivalent to that of a gazetted officer applying for the temporary assistance of a specified number of police officers of the Colony, order any police officers under his control, not exceeding the number applied for, to proceed to such territory for service therein:

Provided that any police officer acting under this subsection shall whenever possible obtain the prior authority of the Commissioner, and in any case shall report his action to the Commissioner as soon as possible.

Effect of punishment of police officer in neighbouring territory.

51. Where a police officer is punished under the law of a neighbouring territory, or under any provisions of this Ordinance applied by the law of such territory to a police officer whilst serving therein, for any offence (whether against discipline or otherwise) committed while such officer was serving therein in pursuance of an order under section 50 of this Ordinance, he shall be deemed for all purposes to have been so punished in the Colony for a like offence committed within the Colony.

Provisions as to officers of neighbouring territory serving in the Colony.

52. Whenever any police officers from the police force of a neighbouring territory are present in the Colony in response to an application made by the Governor, or by any administrative officer or gazetted officer, for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers—

(*a*) they shall be under the orders of their own officers present with them (if any), subject however to the control of the senior officer present whether he be a member of the Force or of the police force of the neighbouring territory;

(*b*) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Force, and shall for those purposes be deemed to be members of the Force;

(*c*) the provisions of any Ordinance or other law affecting the discipline, punishment or terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in the Colony as if such Ordinance or other law were part of the general law of the Colony:

Provided that—

(i) no such law as aforesaid shall be interpreted in its application within the Colony as conferring any power on any officer of the Force to punish any officer of the police force of the neighbouring territory for any offence against discipline;

(ii) where any such law confers on a court or magistrate of the neighbouring territory jurisdiction to try and punish any such offence as aforesaid, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within the Colony;

(*d*) any contract of service between any such officer and the government of the neighbouring territory may be enforced in the Colony in the same manner and with the like effect as if it were made between the officer and the Government of the Colony.

PART VII—KENYA POLICE RESERVE

Composition of the Reserve. Cap. 76.

53. (1) The Kenya Police Reserve established by the Kenya Police Force Reserve Ordinance (repealed by this Ordinance) shall consist of such persons resident in the Colony (other than serving members of Her Majesty's Armed Forces) as, having attained the age of eighteen years, volunteer for service in the Reserve, or are called up for service in the Reserve under the Compulsory National Service Ordinance, 1951, and are enrolled as Reserve police officers.

No. 19 of 1951.

(2) The Reserve may be employed in the Colony for assisting the Force in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which the Force is charged.

Division of Reserve into classes.

54. The Reserve shall be divided into two classes, namely—

(*a*) Class "A", which shall consist of Reserve police officers who upon enrolment undertake, in writing, to carry out such police duties and training as may be required of them under this Ordinance; and

(*b*) Class "B", which shall consist of Reserve police officers who upon enrolment undertake, in writing, to carry out at times of danger or imminent danger such police duties and training as may be required of them under this Ordinance.

Period of service in the Reserve.

55. Subject to the provisions of section 56 of this Ordinance, every Reserve police officer enrolled under the provisions of this Part shall serve in the Reserve for a minimum period of two years and thereafter may re-engage, for further service, for periods of two years:

Provided that where there is a state of war or a state of emergency, or where regulations are in force under section 3 or section 4 of the Preservation of Public Security Ordinance, 1960, every Reserve police officer shall serve for the duration of the war or emergency, or for as long as the regulations are in force, as the case may be, or for such lesser period as the Commissioner may in any case or class of cases think fit.

No. 2 of 1960.

Reserve police officer to cease to be member of Reserve where called up for national service. No. 19 of 1951.

56. If a Reserve police officer is called up for other service under the provisions of the Compulsory National Service Ordinance, 1951, he shall cease to be a member of the Reserve unless otherwise directed by the Director of Manpower,

Employment and calling out of the Reserve.

57. (1) Any police officer for the time being in charge of the force in any province may, in writing, require any Class "A" Reserve police officer resident in the area under his jurisdiction to perform police duties and training, and, if he considers that any danger has arisen or is likely to arise with which he cannot efficiently deal by use of the police officers under his control, he may, in writing, require any Class "B" Reserve police officer resident in the area under his jurisdiction to perform police duties and training, and in such latter case he shall, as soon as practicable, report to the Commissioner the action he has taken and his reasons therefor.

(2) The Commissioner may, with the consent of the Governor, by notice in the Gazette, call out all or any Reserve police officers during a state of war or a state of emergency or while any regulations are in force under section 3 or section 4 of the Preservation of Public Security Ordinance, 1960, and when so called out they shall remain on duty until released from duty by the Commissioner. No. 2 of 1960.

(3) The Commissioner may require any Reserve police officer called out under subsection (2) of this section to undergo such training as he may determine.

Disciplinary powers over Reserve officers.

58. (1) Every inspector and every subordinate officer of the Reserve who is required to perform police duties or training, or has been called out, under section 57 of this Ordinance, or who otherwise performs or purports to perform any police duties, shall be subject to the disciplinary provisions of Part IV of this Ordinance.

(2) Every gazetted officer of the Reserve who is required to perform police duties or training, or has been called out, under section 57 of this Ordinance, or who otherwise performs or purports to perform any police duties, shall be subject to the disciplinary provisions which, from time to time, apply to gazetted officers of the Force.

PART VIII—GENERAL

Unlawful possession of police property, personation, etc.

59. (1) Any person, not being a police officer, who is found in possession of—

(*a*) any article which has been supplied to a police officer for use in the execution of his duty; or

(*b*) any medal or decoration granted to a police officer for gallantry, service or good conduct.

and who fails to account satisfactorily for his possession thereof, shall be guilty of an offence.

(2) Any person who, without lawful authority—

(*a*) purchases or receives any article which has been supplied to a police officer for use in the execution of his duty, or any medal or decoration granted to any police officer for gallantry, service or good conduct; or

(*b*) aids or abets any police officer in selling or disposing of any such article, medal or decoration as is referred to in paragraph (*a*) of this subsection; or

(*c*) puts on the dress or assumes the name, designation or description of any police officer; or

(*d*) acts as or personates any police officer,

shall be guilty of an offence.

Disorderly conduct in police building, etc.

60. (1) Any person who, in any police building, police office, lock-up or cell behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence.

(2) Any police officer may arrest without a warrant any person who, within his view, commits an offence under subsection (1) of this section.

Penalty for causing disaffection, etc., among police officers.

61. Any person who—

(*a*) causes or attempts to cause or does any act calculated to cause disaffection amongst police officers;

(*b*) induces or attempts to induce or does any act calculated to induce any police officer to commit any breach of discipline; or

(*c*) induces or attempts to induce or does any act calculated to induce any police officer to withhold his services,

shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand shillings or to both, and in addition, if he is a police officer, he shall forfeit all rights to a pension or gratuity and be disqualified thereafter from being a police officer.

Liability of police officers to prosecution under other laws.

62. Nothing in this Ordinance shall exempt any police officer from being proceeded against under the provisions of any other law in force in the Colony in respect of any act or omission constituting an offence under any of the provisions of this Ordinance:

Provided that no police officer shall be punished twice for the same offence.

General penalty

63. Any person who is guilty of an offence under this Ordinance for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred shillings or to both.

Application of Code of Regulations.

64. Every police officer shall be subject to the provisions of the Code of Regulations for Officers of the Government Service for the time being in force, so far as the same are not inconsistent with the provisions of this Ordinance or of any regulations or standing orders made thereunder.

Regulations.

65. The Governor may make regulations, not inconsistent with the provisions of this Ordinance, for prescribing anything which by this Ordinance is required to be prescribed, or relating to any of the following matters— L.N. 74/61

(*a*) the procedure to be followed in removing inspectors and subordinate officers from the Force;

(*b*) the forms of certificates of appointment and other forms to be used under this Ordinance;

(*c*) the disposal, according to law, of personal property of deceased subordinate officers;

(*d*) the conditions under which police may be provided for private purposes;

(*e*) the establishment, operation and administration of police staff associations;

(*f*) discipline, including the definition of disciplinary offences, and the regulation and carrying out of punishment;

(*g*) for enabling the Commissioner to remove from any police officer the powers, privileges and benefits vested in him as a police officer, where the Commissioner considers it necessary, in the interests of the Force, so to do;

(*h*) the enlistment, promotion, leave, resignation, release, dismissal and re-engagement of Reserve police officers;

(*i*) the pay and allowances of Reserve police officers;

(*j*) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous, and the destruction, sale or other disposal of any firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding four years.

Repeal of Ordinance No. 79 of 1948 and Cap. 76.

66. (1) The Police Ordinance, 1948, and the Kenya Police Force Reserve Ordinance are hereby repealed.

G.N. 390/51 and L.N. 38/58.

(2) Notwithstanding the repeal of the Police Ordinance, 1948, the provisions (which are hereby confirmed and validated) of regulation 8 of the Police Regulations, 1951, shall have and continue to have full force and effect as if the same had been enacted in this Ordinance.

FIRST SCHEDULE (sections 2 and 3 (2))

RANKS OF THE FORCE IN ORDER OF SENIORITY

Gazetted Officers:

Commissioner.

Deputy Commissioner.

Senior Assistant Commissioner.

Assistant Commissioner.

Senior Superintendent.

Superintendent.

Assistant Superintendent.

FIRST SCHEDULE—(*Contd.*)

Inspectorate:

Chief Inspector.

Inspector, Grade I

Inspector, Grade II

Cadet Inspector.

Assistant Inspector.

Subordinate Officers:

Sergeant.

Corporal.

Constable.

SECOND SCHEDULE (section 7)

OATH OR AFFIRMATION ON ENLISTMENT

I, ... do hereby swear by Almighty God (*OR* do hereby solemnly and sincerely affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve Her Majesty The Queen, Her Heirs and Successors during my service in the Kenya Police Force; that I will at all times do my utmost to preserve the peace and to prevent offences against the same, and that I will subject myself to all Ordinances, orders and regulations relating to the said Force now in force or which may from time to time be in force and will discharge all the duties of a police officer according to law, without fear or favour, affection or ill-will.

.....
(*Signature or thumb-print of police officer.*)

Sworn (*OR* affirmed) by the said .....
after the same had been read over and explained to him in the ..... language, which he appeared to understand, at ..... this ..... day of ....., 19....

Before me,

.....

THIRD SCHEDULE (section 32)

TREATMENT OF DISCIPLINARY OFFENCES

Officer empowered to inquire into offence and to award punishment	*Officer alleged to have committed the offence*	*Punishments*	*Person appealable to*
Commissioner.	Any Inspector.	Dismissal.	Governor.
Deputy Commissioner. Senior Assistant Commissioner.	Any Inspector or subordinate officer.	Reduction in rank. Deferment or withholding of salary increments. Fine not exceeding 14 days' salary. Reprimand.	Commissioner.
Deputy Commissioner. Senior Assistant Commissioner.	Any subordinate officer.	Dismissal. Confinement to barracks for a period not exceeding 21 days, with or without extra duties and fatigues.	Commissioner.
Assistant Commissioner or Senior Superintendent in charge of a province.	Chief Inspector.	Reprimand.	Commissioner, Deputy Commissioner or Senior Assistant Commissioner.
Assistant Commissioner or Senior Superintendent in charge of a province.	Any other Inspector.	Fine not exceeding 14 days' salary. Reprimand.	Commissioner, Deputy Commissioner or Senior Assistant Commissioner.
Assistant Commissioner or Senior Superintendent in charge of a province.	Subordinate officer.	Any punishment which the Deputy Commissioner or a Senior Assistant Commissioner may award.	Deputy Commissioner or Senior Assistant Commissioner.
Any gazetted officer not specified above.	Any Inspector other than a Chief Inspector	Reprimand.	Assistant Commissioner or Senior Superintendent in charge of a province.
	Subordinate officer.	Reduction in rank (subject to confirmation by a Senior Superintendent).	Deputy Commissioner, Senior Assistant Commissioner, Assistant Commissioner.

THIRD SCHEDULE—(*Contd.*)

Officer empowered to inquire into offence and to award punishment	*Officer alleged to have committed the offence*	*Punishments*	*Person appealable to*
		Fine not exceeding seven days' salary.	Assistant Commissioner or Senior Superintendent in charge of a province.
		Confinement to barracks for a period not exceeding 14 days, with or without extra duties and fatigues. Reprimand.	Assistant Commissioner or Senior Superintendent in charge of a province.
Chief Inspector. Inspector Grade I. Inspector Grade II.	Cadet Inspector or Assistant Inspector.	Reprimand.	A gazetted officer.
Chief Inspector. Inspector Grade I. Inspector Grade II.	Subordinate officer.	Fine not exceeding four days' salary.	A gazetted officer.
		Confinement to barracks for a period not exceeding seven days, with or without extra duties and fatigues. Reprimand.	A gazetted officer.
Assistant Inspector.	Subordinate officer.	Confinement to barracks for a period not exceeding five days.	A gazetted officer.
		Fine not exceeding two days' salary (subject to confirmation by a gazetted officer).	Assistant Commissioner or Senior Superintendent in charge of a province.

THE WATER (AMENDMENT) ORDINANCE, 1960

No. 59 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: 31st December, 1960

AN ORDINANCE TO AMEND THE WATER ORDINANCE, 1951

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

Short title.

1. This Ordinance may be cited as the Water (Amendment) Ordinance, 1960.

Amendment of section 2 of Ordinance No. 56 of 1951.

2. Subsection (1) of section 2 of the Water Ordinance, 1951, hereinafter referred to as the principal Ordinance, is amended—

(*a*) by substituting for the definition of "body of water" which appears therein a new definition as follows—

"body of water" means ground water and water contained in, or flowing in, a spring, stream, natural lake, or swamp, or in, or beneath, a watercourse, or in a zone of saturation and includes the water diverted or abstracted therefrom, or stored therein, by means of works carried out under a licence, sanction or permit, but does not include the water in a spring which is situated wholly within the boundaries of the land owned by any one landholder, and which does not naturally discharge into a watercourse extending beyond the boundaries of such land or abutting on the boundaries of such land;, and

(*b*) by inserting therein, immediately after the definition of "local authority", a new definition as follows—

"Local Water Authority" means a person or persons appointed to be a Local Water Authority under the provisions of section 22A of this Ordinance;,

Amendment of section 3 of the principal Ordinance.

3. Section 3 of the principal Ordinance is amended by adding at the end thereof, a new subsection as follows—

(3) Where the Minister, after consultation with, or on the advice of, the Water Resources Authority, is satisfied that special measures are necessary for the protection

of the water resources in or derived from any area, he may declare such area, or any part thereof, to be a protected catchment area and may, by order, require, regulate or prohibit the doing by any person in such protected catchment area of any act which he considers necessary for the protection of such area or for the protection of the water supply obtained therefrom. Any person so ordered who fails to comply with the provisions of such order shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand shillings.

Amendment of section 6 of the principal Ordinance.

4. Section 6 of the principal Ordinance is amended—

(*a*) by substituting for subsection (3) thereof a new subsection as follows—

(3) The Water Resources Authority shall consist of twelve members appointed by the Minister of whom—

(*a*) one shall be a public officer representing the Minister for the time being responsible for the Provincial Administration;

(*b*) one shall be an officer of the Ministry for the time being responsible for local government;

(*c*) four shall be public officers;

(*d*) six shall be persons who are not public officers; and

(*b*) by deleting the words "nor shall he act as the nominee of the Executive Officer appointed to the Land Development Board (Non-Scheduled Areas)", which appear in subsection (7) thereof.

Amendment of section 17 of the principal Ordinance

5. Subsection (1) of section 17 of this Ordinance is amended by adding at the end thereof the following—

Any person so directed by the Minister who fails to comply with the provisions of such direction shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings.

Insertion of new section 22A in the principal Ordinance.

6. The principal Ordinance is amended by inserting therein, immediately after section 22 thereof, a new section as follows—

Minister may appoint Local Water Authority.

22A. The Minister may appoint any person or any number of persons to be a Local Water Authority for the management and use of water or the drainage or reclamation of lands in any area under a permit granted to it in respect of a community project, and to exercise any powers, duties or obligations that may be delegated to the Local Water Authority by the Water Apportionment Board, and also, subject to the approval of the Minister, to investigate, construct, operate or maintain any community project or any other project for the provision of water within its area.

Amendment of section 25 of the principal Ordinance.

7. Section 25 of the principal Ordinance is amended by substituting for subsection (3) thereof a new subsection as follows—

(3) The applicant and any person who may have objected to the application shall be notified of the decision of the Water Apportionment Board and, in the event of the rejection of an application or objection, as the case may be, of the reasons therefor and may, if aggrieved by such decision, within thirty days after the date of such notification, lodge with the Chairman of the Water Apportionment Board a notice of appeal to the Water Resources Authority against such decision. The decision of the Water Resources Authority on any such appeal shall be final and binding on all parties concerned.

Amendment of section 29 of the principal Ordinance

8. Section 29 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection as follows—

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Ordinance.

Amendment of section 33 of the principal Ordinance.

9. Section 33 of the principal Ordinance is amended—

(*a*) by substituting for the words "a community of landholders", which appear therein, the words "a Local Water Authority"; and

(*b*) by substituting for the words "within their own holdings", which appear therein, the words "within the area in respect of which such Local Water Authority is appointed".

Amendment of section 57 of the principal Ordinance.

10. Section 57 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection so follows—

(2) Any person who contravenes or fails to comply with the provisions of an order given by the Water Apportionment Board under subsection (1) of this section, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings.

Amendment of section 58 of the principal Ordinance.

11. Section 58 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection as follows—

(2) Any owner of a well who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance.

Amendment of section 60 of the principal Ordinance

12. Section 60 of the principal Ordinance is amended by adding at the end thereof the following proviso—

Provided that landholders who drill on their own holdings shall be exempt from the provisions of this section.

Amendment of section 63 of the principal Ordinance

13. Section 63 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof;

(*b*) by inserting immediately after the words "any Conservation Area" which appear therein, the words "and who desires to continue to do so,"; and

(*c*) by adding thereto a new subsection as follows—

(2) Any person who fails to apply for a permit in accordance with the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance.

Amendment of section 64 of the principal Ordinance.

14. Section 64 of the principal Ordinance is amended as follows—

(*a*) by substituting for subsection (3) thereof the following new subsection—

(3) No person shall abstract ground water by mechanical means from any well within any Conservation Area unless he has obtained the necessary permit under the provisions of this Ordinance; and

(*b*) by substituting for the marginal note thereto the following new marginal note—

Construction and use of wells for abstraction of water by mechanical means.

Amendment of section 74 of the principal Ordinance.

15. Section 74 of the principal Ordinance is amended by deleting the word "finally" where it appears therein.

Amendment of section 84 of the principal Ordinance.

16. Section 84 of the principal Ordinance is amended by substituting for subsection (6) thereof a new subsection as follows—

(6) Any licence, sanction or permit may be cancelled or the conditions thereof varied by the Water Apportionment Board if the licensee, sanction or permit holder—

(*a*) contravenes any condition of the licence, sanction or permit; or

(*b*) fails to make beneficial use of the water or any part thereof,

and any such licence, sanction or permit to be so cancelled or varied shall be surrendered to the Water Apportionment Board for cancellation or variation, as the case may be:

Provided that—

(*a*) the Water Apportionment Board may after due enquiry allow the partial use of water without modification of the licence, sanction or permit if the Board is satisfied that such partial use is reasonable;

(*b*) no licence or permit for a public or urban project shall be cancelled or varied except by the Minister with the consent of the Water Resources Authority, but the Water Apportionment Board may, if any water, the subject of a licence or permit for such a project, is not required by the permit holder, grant a permit for the use of such water by some other person for such period as may be specified in such permit, not being greater than the period during which the water will not be so required for the original project.

17. Section 86 of the principal Ordinance is amended by adding at the end thereof, a new subsection as follows— Amendment of section 86 of the principal Ordinance.

(3) Any operator who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance.

18. Section 87 of the principal Ordinance is amended— Amendment of section 87 of the principal Ordinance.

(*a*) by substituting for paragraph (*a*) of subsection (2) thereof, a new paragraph as follows—

(*a*) Any community, or any association of operators other than an appointed water undertaker may submit to the Water Apportionment Board for its approval a scheme for the better storage, distribution and utilization of water resources in any particular area, and, where the Water Apportionment Board approves such scheme, the Minister may—

(i) for the purposes of giving effect to the scheme, cancel, amend, revise or vary any authorization, licence, sanction or permit issued to any operator in that area; and

(ii) impose, by order published in the Gazette, a water rate on all persons owning or occupying land in that area.;

(*b*) by inserting immediately after the word "be" which appears in the second line of paragraph (*c*) of subsection (2) thereof, the word "cancelled,";

(*c*) by inserting immediately after the word "intended" which appears in the fifth line of paragraph (*d*) of subsection (2) thereof, the word "cancellation,"; and

(*d*) by inserting immediately after the word "Minister" which appears in the second line of paragraph (*a*) of subsection (3) thereof, the word "cancels,".

Amendment of section 88 of the principal Ordinance.

19. Section 88 of the principal Ordinance is amended by adding at the end thereof a new subsection as follows—

(4) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence against this Ordinance.

Amendment of section 89 of the principal Ordinance.

20. Section 89 of the principal Ordinance is amended by inserting immediately after the words "refusal or failure of such operator to remove such works," which appear therein, the words "such operator shall be guilty of an offence against this Ordinance, and".

Replacement of section 96 of the principal Ordinance.

21. The principal Ordinance is amended by substituting for section 96 thereof a new section as follows—

Works to be kept in repair.

96. (1) Every operator shall maintain and retain his works in a good, proper and workmanlike manner to the satisfaction of the Water Apportionment Board, so that the same shall, at all times, be of sufficient strength and capacity for the fulfilment of the purposes for which they were constructed, and so that no damage shall occur to any road, property, or work in the vicinity thereof.

(2) If any operator fails or neglects to comply with the provisions of subsection (1) of this section, the Water Apportionment Board shall, within a reasonable time after such failure or neglect has been discovered, serve such operator with notice thereof, and if such operator declines or fails to remedy such failure or neglect he shall be guilty of an offence against this Ordinance and shall be liable, on conviction, to a fine not exceeding ten thousand shillings.

(3) Any fine imposed under the provisions of subsection (2) of this section shall be without prejudice to any remedy for the recovery of damages for any loss, damage or injury sustained by any person by reason of such failure or neglect.

Amendment of section 97 of the principal Ordinance.

22. Section 97 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection as follows—

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance.

Replacement of section 99 of the principal Ordinance.

23. The principal Ordinance is amended by substituting for section 99 thereof a new section as follows—

Water not to be released without notice.

99. Any operator who releases water which has been stored or penned back by him shall be guilty of an offence against this Ordinance unless he shall first have given reasonable notice to all persons whose property may be liable to injury as a result of the release of such water, and such operator shall not, by reason of anything in this Ordinance contained, be relieved from liability for any loss, damage or injury sustained by any person as a result of the release of such water.

Amendment of section 110 of the principal Ordinance.

24. Section 110 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection as follows—

(2) Any operator who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance.

Amendment of section 120 of the principal Ordinance.

25. Section 120 of the principal Ordinance is amended—

(*a*) by deleting the words "natural or unauthorized" which appear in subsection (1) thereof and by inserting therein immediately after the words "as determined by the Water Apportionment Board" the words "and which is not authorized by the Board, and";

(*b*) by deleting the words "natural or unauthorized" which appear in subsection (3) thereof and by inserting therein immediately after the words "as determined by the Water Apportionment Board" the words "and which is not authorized by the Board, and"; and

(*c*) by adding at the end thereof, a new subsection as follows—

(4) Where any person has, without reasonable cause or excuse, failed to comply with an order served upon him in accordance with the provisions of subsection (3) of this section, the Minister may cause entry to be made on the land of such person for the purpose of removing such obstruction and may cause such obstruction to be removed, and may recover from such person the costs necessarily incurred in removing the obstruction, and no compensation or damages shall be payable to such person for any damage occasioned to the land, or any part thereof, or anything thereon, by virtue of the exercise of the powers conferred by this subsection.

Replacement of section 123 of the principal Ordinance.

26. The principal Ordinance is amended by substituting for section 123 thereof a new section as follows—

Penalties for waste.

123. (1) Where the Water Apportionment Board is, after due enquiry, satisfied that any licensee or sanction or permit holder has wasted any water to which his licence, sanction or permit entitles him, the Water Apportionment Board shall order him, in writing, to stop such wastage within forty-eight hours of the receipt by him of such order, and any person so ordered who fails to comply with such order within the time aforesaid shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings.

(2) A licensee or sanction or permit holder who wastes water within twelve months after having been convicted of an offence under subsection (1) of this section or under this subsection, whether or not the Water Apportionment Board has ordered him to stop such wastage, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings, and in addition the Water Apportionment Board may cancel or vary the conditions of his licence, sanction or permit.

Amendment of section 134 of the principal Ordinance.

27. Section 134 of the principal Ordinance is amended by inserting therein, immediately after subsection (1) thereof, a new subsection as follows—

(1A) The Minister may, on the advice of the Water Resources Authority, require any water undertaker, not being a local authority, to deposit with the Minister a guarantee or other security, acceptable to the Minister, for the purpose of securing payment by such water undertaker of any expenses recoverable by the Minister from such water undertaker under the provisions of section 148 of this Ordinance.

Amendment of section 146 of the principal Ordinance.

28. Section 146 of the principal Ordinance is amended—

(*a*) by renumbering it as subsection (1) thereof; and

(*b*) by adding thereto a new subsection as follows—

(2) Where any offence under this section is committed by any company or other body corporate or by any society, association or body of persons, every person charged with or concerned or acting in the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable in accordance with the provisions of subsection (1) of this section, unless it is proved by such person that, through no act or omission on his part, he was not aware that such offence was being or was intended or was about to be committed, or that he took all reasonable steps to prevent its commission.

Amendment of section 167 of the principal Ordinance.

29. Section 167 of the principal Ordinance is amended by substituting for the words "one thousand shillings" which appear therein, the words "five thousand shillings".

Amendment of section 178 of the principal Ordinance.

30. Subsection (1) of section 178 of the principal Ordinance is amended—

(*a*) by adding at the end thereof, a new paragraph as follows—

(*t*) Local Water Authorities; and

(*b*) by substituting for the words "one thousand" which appear therein the words "five thousand".

THE LOCAL AUTHORITIES (REVENUE) ORDINANCE, 1960

No. 60 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Amendment of section 96 of Cap. 136.

3—Amendment of section 140 of Ordinance No. 30 of 1952.

4—Amendment of section 143 of Ordinance No. 30 of 1952.

5—Amendment of section 10 of Ordinance No. 64 of 1950.

AN ORDINANCE TO MAKE FURTHER AND BETTER PROVISION FOR SUBVENTIONS TO MUNICIPAL COUNCILS AND BOARDS, TO COUNTY COUNCILS AND TO TOWNSHIPS AND TO MAKE FURTHER AND BETTER PROVISION FOR THE ROAD FUND

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

Short title.

1. This Ordinance may be cited as the Local Authorities (Revenue) Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

Amendment of section 96 of Cap. 136.

2. Subsection (6) of section 96 of the Municipalities Ordinance is amended—

(*a*) by substituting for paragraph (*a*) thereof a new paragraph as follows—

(*a*) (i) out of the Road Fund established under the Road Authority Ordinance, 1950, a sum based on the cost of construction, reconstruction or maintenance, to such standard as may be approved by the Road Authority, of such roads within the municipality as the Governor in Council

No. 64 of 1950.

of Ministers, on the advice of the Road Authority, may determine:

Provided that, in the event of such roads being constructed, reconstructed or maintained, to a higher standard than that approved by the Road Authority, any additional expense thereby occasioned shall be met from the revenue of the Council or Board concerned;

(ii) in exercising its powers under this paragraph the Road Authority shall have regard to the needs of traffic having its origin or destination outside the municipal boundary.

(*b*) by substituting for sub-paragraph (i) of paragraph (*b*) thereof a new sub-paragraph as follows—

(i) a grant, based on the rate income of the Council or Board for the year in which the grant is made, of an amount, to be calculated by the Minister, which, together with grants made under paragraph (5) of section 13 of the Townships Ordinance and sub-paragraph (vi) of paragraph (*a*) of subsection (1) of section 140 of the Local Government (County Councils) Ordinance, 1952, shall not exceed such sum as shall be equivalent to such percentage, being not less than seventeen and one half per cent, as the Governor in Council of Ministers may determine, of the revenue which accrued to Government from vehicle licences issued under the provisions of the Traffic Ordinance, 1953, during the Council's or Board's previous financial year:

Cap. 133.

No. 30 of 1952.

No. 39 of 1953.

Provided that for the purposes of this sub-paragraph the rate income of a Council or Board for any financial year shall be the total rate charged in that year, excluding any interest charged under the provisions of subsection (3) of section 35 of the

No. 18 of 1956

Local Government (Valuation and Rating) Ordinance, 1956, and excluding contributions in lieu of rates paid by the Crown, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration and the East Africa High Commission, and reduced by all amounts written off as irrecoverable by reason of omission, discount allowed under the provisions of subsection (2) of section 35 of the Local Government (Valuation and Rating) Ordinance, 1956, or otherwise, whether or not the amounts written off were originally charged in that year or in a previous year.

No. 18 of 1956.

Amendment of section 140 of Ordinance No.30 of 1952.

3. Subsection (1) of section 140 of the Local Government (County Councils) Ordinance, 1952, is amended—

(*a*) by inserting immedately after sub-paragraph (v) of paragraph (*a*) thereof a new sub-paragraph as follows—

(vi) a grant based on the rate income of the county council for the year in which the grant is made, of an amount to be calculated by the Minister, which, together with grants made under paragraph (5) of section 13 of the Townships Ordinance and sub-paragraph (i) of paragraph (*b*) of subsection (6) of section 96 of the Municipalities Ordinance, shall not exceed such sum as shall be equivalent to such percentage, being not less than seventeen and one half per cent, as the Governor in Council of Ministers may determine, of the revenue which accrued to Government from vehicle licences issued under the provisions of the Traffic Ordinance, 1953, during the county council's previous financial year:

Cap. 133.

Cap. 136.

No. 39 of 1953

Provided that for the purposes of this sub-paragraph the rate income of a county council for any financial year shall be the

total rate charged in that year, excluding any interest charged under the provisions of subsection (3) of section 35 of the Local Government (Valuation and Rating) Ordinance, 1956. and excluding contributions in lieu of rates paid by the Crown, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration and the East Africa High Commission, and reduced by all amounts written off as irrecoverable by reason of omission, discount allowed under the provisions of subsection (2) of section 35 of the Local Government (Valuation and Rating) Ordinance, 1956, or otherwise, whether or not the amounts written off were originally charged in that year or in a previous year, but including amounts written off relating to contributions in lieu of rates paid by the Crown.

No. 18 of 1956

No. 18 of 1956.

(*b*) by deleting sub-paragraph (ii) of paragraph (*b*) thereof.

Amendment of section 143 of Ordinance No. 30 of 1952.

4. Section 143 of the Local Government (County Councils) Ordinance, 1952, is amended by substituting for subsection (1) thereof a new subsection as follows—

(1) A county council shall distribute between the county council account and every county district council account within the administrative county the payment made to the county council under sub-paragraph (vi) of paragraph (*a*) of subsection (1) of section 140 of this Ordinance. Such distribution shall be in proportion to the rate income accruing to the county council from every county district council, excluding rates and contributions in lieu of rates paid by the Crown, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration and the East Africa High Commission.

Amendment of section 10 of Ordinance No. 64 of 1950.

5. Subsection (2) of section 10 of the Road Authority Ordinance, 1950, is amended by substituting for paragraph (*a*) thereof a new paragraph as follows—

(*a*) The annual revenue derived from all fees in respect of vehicle licences and driving licences issued under the Traffic Ordinance, 1953.

No. 39 of 1953.

THE TEA ORDINANCE, 1960

No. 61 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.
2—Interpretation.
3—Establishment of Board.
4—Powers and functions of the Board.
5—Incorporation of the Board.
6—Procedure and meetings of the Board.
7—Nomination of persons to represent the Board.
8—No planting of tea without licence.
9—Application for planting licences.
10—Planting licence may be cancelled, etc.
11—Planting licence not transferable except with permission of the Board.
12—Board may require licensee to remove tea planted without licence or in breach of licence.
13—No manufacture of tea without licence.
14—Entry and inspection.

SECTION

15—Power to prohibit export of manufactured tea without permit.
16—Penalty for exporting manufactured tea without permit.
17—No export of tea seed without permission.
18—Cess.
19—Application of moneys of Board.
20—Investment of funds and borrowing powers.
21—Audit of accounts.
22—Report and accounts to be submitted to Minister.
23—Penalties.
24—Offences by corporations, societies, etc.
25—Regulations.
26—Appeals.
27—Repeal of Ordinance No. 16 of 1950 and revocation of Government Notice No. 258 of 1953; and transitional provisions.

Schedule—Transitional provisions.

AN ORDINANCE TO REPEAL AND REPLACE THE TEA ORDINANCE, 1950, AND TO MAKE FURTHER AND BETTER PROVISION FOR REGULATING AND CONTROLLING THE PRODUCTION, MANUFACTURE AND EXPORT OF TEA, AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

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

LN 277/61

Short title and commencement.

1. This Ordinance may be cited as the Tea Ordinance, 1960, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint.

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

"Board" means the Tea Board of Kenya established by section 3 of this Ordinance;

"co-operative society" means a co-operative society registered or deemed to be registered under the Co-operative Societies Ordinance; Cap. 287.

"Director" means the Director of Agriculture, and any person authorized by him to carry out the duties of Director under this Ordinance;

"licensee" means the holder of a planting licence;

"Non-scheduled Areas" has the meaning assigned to that expression in the Agriculture Ordinance, 1955; No. 8 of 1955.

"planting licence" means a planting licence issued under section 8 of this Ordinance;

"Scheduled Areas" has the meaning assigned to that expression in the Agriculture Ordinance, 1955; No. 8 of 1955.

"tea" means the plant known botanically as Camellia Thea (Link) and includes its seed;

"territories of East Africa" means the Colony, the Protectorate of Uganda and the Trust Territory of Tanganyika.

3. (1) There is hereby established a Board, to be known as the Tea Board of Kenya, which shall consist of— Establishment of Board.

(*a*) the Director;

(*b*) seven members representing licensees in the Scheduled Areas, to be elected or appointed, as may be prescribed, in such manner as shall be prescribed;

(*c*) three members representing licensees in the Non-scheduled Areas, to be appointed in such manner as shall be prescribed;

(*d*) one member appointed by the East Africa Tea Trade Association; and

(*e*) where an Authority is established in respect of tea under section 176Y of the Agriculture Ordinance, 1955, one member appointed by that Authority: No. 8 of 1955.

Provided that, if he is for any reason unable to attend any particular meeting of the Board, the Director may in writing depute any public officer to attend and vote, on his behalf, at such meeting.

(2) The Board shall elect a chairman and a deputy chairman annually from amongst its members.

(3) The members of the Board referred to in paragraph (*b*) of subsection (1) of this section shall hold office for such period as shall be prescribed.

(4) The members referred to in paragraphs (*c*) and (*e*) of subsection (1) of this section shall hold office for such period as shall be prescribed.

(5) The member referred to in paragraph (*d*) of subsection (1) of this section shall hold office for a period of three years.

(6) Retiring members shall be eligible for reappointment.

Powers and functions of the Board.

4. (1) It shall be the duty of the Board in exercise of its powers and in the performance of its functions to act in such manner as appears to it best calculated to promote the tea industry in the Colony.

(2) The functions of the Board shall include the carrying on of such activities and the doing of such things as are necessary, advantageous, proper or for the benefit of tea growers and the tea industry, and, in particular, but without prejudice to the generality of the foregoing, shall include—

(*a*) the licensing of tea growers;

(*b*) the licensing of tea factories;

(*c*) the regulation, control and improvement of the cultivation and processing of tea;

(*d*) the control of pests and diseases;

(*e*) the control of the export of tea;

(*f*) the investigation of and research into all matters relating to the tea industry.

(3) The Board may authorize any of its members, or any officer employed by it, to exercise on its behalf, at any time when it is not meeting, such of its powers as it may from time to time resolve.

(4) The exercise of powers under subsection (3) of this section shall, unless and so far as the Board may otherwise require, be reported without unreasonable delay to a meeting of the Board.

Incorporation of the Board.

5. (1) The Board shall be a body corporate having perpetual succession and a common seal, and shall have power to purchase, sell, lease or otherwise acquire or dispose of, and hold, movable and immovable property for the purposes of this Ordinance.

(2) The seal of the Board shall be authenticated by the signature of the chairman, or of one member of the Board authorized by the Board to act in that behalf, and of the secretary of the Board.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, or of any member of the Board authorized in that behalf, or of the secretary of the Board.

Procedure and meetings of the Board.

6. (1) The Board shall meet at such times and places as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Board may decide.

(2) The Chairman may at any time call a special meeting of the Board, and shall call a special meeting within seven days after a requisition therefor addressed to him by any two members of the Board.

(3) The chairman, or in his absence the deputy chairman, or in the absence of both a member elected by the Board, shall preside at all meetings of the Board, and the deputy chairman or person presiding at any meeting shall with respect to such meeting or any business transacted thereat have all the powers of the chairman under this Ordinance.

(4) A quorum of the Board shall be five, of whom at least two shall be members appointed under paragraphs (*c*) and (*e*) of subsection (1) of section 3 of the Ordinance:

Provided that if, in relation to any meeting called or to be held in accordance with the provisions of this section, there is no quorum by reason of the fact that two members appointed under the said paragraphs are not present, the meeting shall be adjourned to some other day appointed by

the chairman or deputy chairman, of which due notice shall be given to all the members, and at such adjourned meeting of the Board any five members shall form a quorum.

(5) The chairman, deputy chairman or other person presiding at any meeting shall have a casting vote as well as a deliberative vote, and subject thereto the decision of the majority of the members present and voting at any meeting of the Board shall be deemed to be the decision of the Board.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman, deputy chairman or other person presiding at the next succeeding meeting.

(7) The Board may invite any person to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such person shall have any right to vote at the meeting.

(8) Subject to the provisions of this section, the Board shall have power to regulate its own proceedings, and may delegate to any member, committee of members or officer employed by the Board the power and authority to carry out on behalf of the Board such duties as it may determine.

Nomination of persons to represent the Board.

7. The Board shall have power to nominate four persons, who need not be members of the Board, to represent the Board on any inter-territorial body which may, with the concurrence of the Governments of the territories of East Africa, be set up for the co-ordination of matters relating to the tea industry in those territories.

No planting of tea without licence.

8. (1) Any person who plants or grows any tea otherwise than under and in accordance with the terms and conditions of a current planting licence issued to him by or on behalf of the Board under this section, or transferred to him in accordance with section 11 of this Ordinance, shall be guilty of an offence.

(2) The Board may issue a planting licence subject to such terms and conditions as it may think fit, or, after consultation with the Director, may refuse to issue a planting licence on any ground which may appear to the Board to be sufficient.

(3) Every planting licence shall specify the acreage of land on which tea may be planted or grown pursuant to the licence.

(4) A planting licence may be issued to a co-operative society, to a marketing board established under the Marketing of African Produce Ordinance or, with the approval of the Minister, to any body or authority whose functions include the development of tea; who may, in its turn, subject to the terms and conditions of the planting licence, on behalf of the Board issue planting licences to any other persons, subject to such terms and conditions as the co-operative society, marketing board or body or authority as aforesaid thinks fit, but so, however, that the aggregate of the acreages authorized by planting licences so issued, to be planted does not exceed the acreage specified in the planting licence held by the co-operative society, marketing board or body or authority as aforesaid. Cap. 184.

Application for planting licences.

9. Every application to the Board for a planting licence shall be made in writing in the prescribed form:

Provided that the Board may in any particular case require the applicant to supply any further particulars which it may require for the determination of the application.

Planting licence may be cancelled, etc.

10. The Board may, after consultation with the Director, cancel, suspend for any specified period or vary the terms and conditions of any planting licence, whether issued by or on behalf of the Board:

Provided that the Board shall not be required to consult the Director if such cancellation, suspension or variation is made at the request of the licensee holding the licence to which it relates.

Planting licence not transferable except with permission of the Board.

11. A planting licence shall not be capable of being transferred to any other person, except with the prior permission of the Board endorsed on the licence.

Board may require licensee to remove tea planted without licence or in breach of licence.

12. (1) If any person is convicted of an offence under section 8 of this Ordinance the Board may, by notice in writing, require such person to uproot and remove to such place as the Board may specify any tea so planted, within such reasonable time as the Board may specify in the notice.

(2) If any person fails to comply with any requirement of the Board under subsection (1) of this section, any person duly authorized in writing in that behalf by the Board may upon

production of his authority to any person requiring the same, enter upon the land occupied by such person and uproot and remove any tea which the Board required to be uprooted and removed and the Board may recover the cost of so doing as a civil debt from the person so failing to comply.

No manufacture of tea without licence.

13. (1) Any person who operates a factory for the manufacture of tea otherwise than under and in accordance with the terms and conditions of a current manufacturing licence issued in respect of that factory by the Board shall be guilty of an offence.

(2) The Board may, after consultation with the Director, issue a manufacturing licence, subject to such terms and conditions the Board thinks fit, or may, after such consultation, refuse to issue a manufacturing licence on any ground which may appear to the Board to be sufficient.

(3) The Board may, after consultation with the Director, cancel, vary or suspend any licence issued under this section, or suspend any such licence in respect of a specified factory only.

(4) Every application for a licence under this section shall be made in writing in the prescribed form.

Entry and inspection.

14. (1) Any person duly authorized in writing in that behalf by the Board may, at all reasonable times and on production of his authority to any person requiring, enter upon any land and buildings occupied by a licensee, or by the holder of a manufacturing licence issued under section 13 of this Ordinance, and may make such inspection and inquiries as he thinks fit for ascertaining whether the provisions of this Ordinance, and of any regulations made thereunder, and the terms and conditions of the licence, are being complied with, and may require any person found thereon to give to him such information as he may reasonably require.

(2) Any person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (1) of this section or who fails to give to the best of his ability any information reasonably required of him under that subsection shall be guilty of an offence.

Power to prohibit export of manufactured tea without permit.

15. (1) Subject to the provisions of subsection (3) of this section, the Board may from time to time, by order, prohibit generally for such period as may be specified in such order the export of manufactured tea otherwise than under and in accordance with the terms and conditions of an export permit.

(2) An order made under subsection (1) of this section shall make such provision for supplementary and incidental matters as the Board may think fit.

(3) Nothing in this section shall apply to—

(*a*) the export of manufactured tea by parcel post in packages not exceeding two pounds in weight;

(*b*) the export of samples of manufactured tea in packages not exceeding eight ounces in weight; or

(*c*) the re-export of manufactured tea.

Penalty for exporting manufactured tea without permit.

16. Any person who exports manufactured tea in contravention of an order made under subsection (1) of section 15 of this Ordinance shall be guilty of an offence.

No export of tea seed without permission.

17. Any person who, except with the permission in writing of the Board, exports any tea seed, or any living tea plants, or any living parts of tea plants which are capable of use for the propagation of tea shall be guilty of an offence.

Cess

18. (1) The Minister may from time to time, on the recommendation of the Board, by notice in the Gazette, impose either or both of—

(*a*) a cess on all tea manufactured in the Colony;

(*b*) an annual cess on every acre of land on which tea is growing during the year in respect of which the cess is payable.

(2) A cess imposed by notice under subsection (1) of this section shall be at such rate, and shall be payable to the Board by such persons and at such times (being not earlier than one month after the date of publication of the notice) and in such manner, as are specified in the notice, and shall be recoverable by the Board as a civil debt due to it from the person by whom it is payable.

Application of moneys of Board.

19. The proceeds of any cess imposed under section 18 of this Ordinance, and any other moneys accruing to the Board, may be used for all or any of the following purposes—

(*a*) the remuneration of members of the staff and technical advisers of the Board;

(*b*) the provision of offices, and of houses for members of the staff of the Board, and of furniture and equipment therefor, as the Board may deem necessary;

(*c*) the payment of such remuneration, fees, travelling and other expenses and subsistence allowances to members of the Board on such scale and subject to such conditions as may be approved by the Minister;

(*d*) experiments, investigation and research in connexion with the tea industry;

(*e*) the collection and dissemination of statistics and other information relating to tea and its production, distribution and consumption;

(*f*) the promotion of exhibitions for the display of tea and and the processes for manufacture thereof, and matters incidental thereto;

(*g*) the establishment of libraries, laboratories, experimental stations, workshops and factories, and the provision of facilities ancillary thereto;

(*h*) advertising the merits of Kenya tea and increasing its sale by efforts to extend existing markets and exploiting new markets, and matters incidental thereto;

(*i*) the payment of expenses and other charges incurred by the Board or for which the Board may become liable in the course of its operations;

(*j*) making contributions to the finances of the Tea Research Institute of East Africa;

(*k*) assisting the tea industry of the Colony in such manner as the Board may think fit.

Investment of funds and borrowing powers.

20. (1) The Board may with the approval of the Minister invest any funds which may from time to time be standing to its credit, and which are not immediately required for any of the purposes specified in section 19 of this Ordinance, in such investments as the Minister may approve.

(2) The Board may, with the approval of the Minister, raise or borrow sums of money for the purposes of discharging its functions under this Ordinance, and may, for that purpose, mortgage or charge the whole or any part of its property.

Audit of accounts.

21. (1) The Board shall cause to be kept such books of account and other books in relation thereto and to all its undertakings, funds, activities and property as the Minister may from time to time require; and shall within a period of four months after the end of its financial year or within such longer period as the Minister may approve, cause to be prepared, signed and transmitted to the auditor—

(i) a balance sheet showing in detail the assets and liabilities of the Board; and

(ii) such other statements of account as the Minister may require.

(2) The accounts of the Board shall be examined, audited and reported upon annually by the Controller and Auditor-General, or by such other person as the Minister may appoint, being a person who is a member of one or more of the bodies specified in the Schedule to the Accountants (Designations) Ordinance, 1950.

No. 66 of 1950.

(3) (*a*) The Board shall produce and lay before the auditor all books and accounts of the Board, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditor shall be entitled to require from all members, officers, employees and agents of the Board such information and explanation as he may consider to be necessary for the performance of his duties as auditor.

(*b*) The expenses of and incidental to the audit shall be paid by the Board.

Report and accounts to be submitted to Minister.

22. (1) The Board shall, within a period of seven months after the end of its financial year or within such longer period as the Minister may approve, submit to the Minister a report of its operations during such year, and the yearly balance sheet and such other statements of account as the Minister may require together with the auditor's report thereon; and the Board shall, if the Minister so requires, publish them in such manner as the Minister may specify.

(2) The Minister shall lay the Board's report and the auditor's report, together with the balance sheet and such other statements of account as he may have required, on the Table of the Legislative Council within fourteen days after receipt of the reports and statements by him, or, if the Legislative Council is not then sitting, within fourteen days after the commencement of the next sitting.

Penalties.

23. Every person who is guilty of an offence under this Ordinance in respect of which no penalty is specially provided shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Offences by corporations, societies, etc.

24. Where any offence under this Ordinance or under any regulations made thereunder is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Regulations.

25. (1) The Minister may, with the approval of the Board, make regulations for the protection and promotion of the tea industry of the Colony, and generally for the better carrying out of the provisions of this Ordinance.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1) of this section, provide for—

(*a*) prescribing the areas outside which tea may not be planted, and regulating and controlling the variety, the cultural conditions, the method of production and manufacture of tea and the grading of manufactured tea, and providing for the control of pests and diseases (including requiring the treatment or

destruction of diseased or infested tea and empowering the Board in default of such treatment or destruction to effect such treatment or destruction and to recover from the person in default the cost of so doing);

(*b*) empowering the Board or the Director to give directions to any planter as to the method of sowing, planting and cultivation of tea and the harvesting, collection, movement, processing and storage of tea leaf, and to delegate the like powers to any servant of the Board or public officer;

(*c*) requiring the submission of returns, reports and estimates by the holders of licences and permits under this Ordinance and others;

(*d*) prescribing the periods for which licences shall be issued;

(*e*) prescribing the fees to be paid for anything to be done under this Ordinance;

(*f*) prescribing the forms which may be used under this Ordinance;

(*g*) prescribing anything which under this Ordinance may be prescribed.

Appeals.

26. Any person aggrieved by the refusal of the Board, or of any person having authority in that behalf, to issue any licence or permit under this Ordinance, or by the cancellation or suspension of any such licence or permit, or by the terms and conditions subject to which the licence or permit is issued, or by any variation thereof, may, within thirty days after being notified of such refusal, cancellation, suspension, issue or variation, as the case may be, appeal to the Agricultural Appeals Tribunal established by Part XI of the Agriculture Ordinance, 1955, and the provisions of that Part shall, *mutatis mutandis,* apply in relation to every such appeal.

No. 8 of 1955.

Repeal of Ordinance No. 16 of 1950 and revocation of Government Notice No. 258 of 1953; and transitional provisions.

27. (1) The Tea Ordinance, 1950, is hereby repealed.

(2) The Native Lands Tea Rules, 1953, are hereby revoked.

(3) Without prejudice to the generality of the application of subsection (3) of section 23 of the Interpretation and General Provisions Ordinance, 1956, the transitional provisions

No. 38 of 1956.

set out in the Schedule to this Ordinance shall take effect on the repeal of the said Ordinance and the revocation of the said Rules.

SCHEDULE Section 27 (3)

TRANSITIONAL PROVISIONS

1. In this Schedule "the old Board" means the Tea Board established by section 3 of the Tea Ordinance, 1950.

2. Until such time as the Board holds its first meeting, the old Board shall be deemed to be the Board for the purpose of advising the Minister under paragraph (*b*) of subsection (1), or under subsection (3), of section 3 of this Ordinance.

3. Every licence issued under section 7 of the Tea Ordinance, 1950, or under rule 4 of the Native Lands Tea Rules, 1953, and in force immediately before the commencement of this Ordinance shall, notwithstanding the repeal of such Ordinance and the revocation of such rules, continue in full force and effect according to the terms and conditions thereof, as if the same had been issued under this Ordinance.

4. Any money which immediately before the commencement of this Ordinance is due to the old Board by way of cess under the Tea Ordinance, 1950, shall, on the commencement of this Ordinance, become due to the Board.

5. Notwithstanding the repeal of the Tea Ordinance, 1950, the cess payable under subsection (1) of section 17 of that Ordinance shall, on the commencement of this Ordinance, be payable at the rate at which and in the manner in which the same was payable immediately before such commencement, and shall thereafter continue to be so payable until a cess is imposed by notice under paragraph (*a*) of subsection (1) of section 18 of this Ordinance and the cess becomes payable.

6. All officers and servants of the old Board shall on the commencement of this Ordinance, be deemed to be those of the Board.

7. On the commencement of this Ordinance, all the property, assets, rights, liabilities and obligations, and the benefit and burden of all contracts, of the old Board, shall vest in the Board without further or other assurance.

THE EVICTION OF TENANTS (CONTROL) (MOMBASA) (AMENDMENT) ORDINANCE, 1960

No. 62 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: 31st December, 1960

AN ORDINANCE TO AMEND THE EVICTION OF TENANTS (CONTROL) (MOMBASA) ORDINANCE, 1956

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

1. This Ordinance may be cited as the Eviction of Tenants (Control) (Mombasa) (Amendment) Ordinance, 1960. Short title.

2. Section 4 of the Eviction of Tenants (Control) (Mombasa) Ordinance, 1956, hereinafter referred to as the principal Ordinance, is amended by substituting for paragraph (*a*) of subsection (4) thereof a new paragraph as follows— Amendment of section 4 of Ordinance No. 61 of 1956.

(*a*) A landlord of land may, without the consent of the Board, by notice in writing raise the rent of land—

(i) in the case of land upon which rates payable by the landlord have increased since the land was let to the owner of the house, by an amount equal to such increase;

(ii) in the case of land upon which rates payable by the landlord have become payable since the land was let to the owner of the house, by an amount equal to the amount of such rates,

and the owner of the house may similarly raise any rent payable by a tenant or occupier, and, on service of such a notice, any increase then due shall become payable at the end of one week after the date of such service:

Provided that no tenant or occupier shall be required under this paragraph to pay any increased rent in respect of any rates which were increased or which became payable prior to the commencement of his tenancy or occupancy.

Amendment of section 5 of principal Ordinance

3. Section 5 of the principal Ordinance is amended—

(*a*) by adding at the end of paragraph (*c*) of subsection (1) thereof a proviso as follows—

Provided that a landlord of land shall be deemed to have served a notice on every tenant or other occupier if—

(i) he has caused to be published in two newspapers specified by the Minister by notice in the Gazette, a notice stating that he has received from the owner of the house, in pursuance of subsection (1A) of this section a list purporting to contain the names and addresses of all tenants or other occupiers of the house, and specifying the place at which such list may be inspected, and requiring every person whose name does not appear on the list and who claims to be a tenant or other occupier of the house to lodge his name and address with the landlord within 14 days after the publication of such notice, and

(ii) he has served the notice on every person named on the list furnished by the owner under subsection (1A) of this section and on every person who has lodged his name with the landlord in pursuance of the notice published under paragraph (i) of this proviso;

(*b*) by inserting, immediately after subsection (1) thereof, a new subsection as follows—

(1A) Any landlord of land who proposes to apply for a consent required under subsection (1) of section 4 of this Ordinance may serve written notice on the owner of any house upon such land requiring him to furnish to him the names and addresses of all tenants and other occupiers of the house, and any owner so served who fails to furnish the landlord within two weeks of the date of service with the names and addresses of all tenants or other occupiers of the house shall be guilty of an offence and liable to a fine not exceeding four hundred shillings.

THE SPECIAL DISTRICTS (ADMINISTRATION) (AMENDMENT) ORDINANCE, 1960

No. 63 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: 31st December, 1960

AN ORDINANCE TO AMEND THE SPECIAL DISTRICTS (ADMINISTRATION) ORDINANCE

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

Short title.

1. This Ordinance may be cited as the Special Districts (Administration) (Amendment) Ordinance, 1960.

Amendment of section 4 of Cap. 45.

2. Section 4 of the Special Districts (Administration) Ordinance (hereinafter referred to as the principal Ordinance) is amended—

(*a*) by inserting, next after the definition of "district commissioner", the following new definition—

"permit" means a permit issued under section 15A of this Ordinance;

(*b*) by substituting for the definition of "tribesman", the following definition—

"tribesman", in relation to a district or area to which this Ordinance applies, means a person who is—

(*a*) normally resident in that district or area; and

(*b*) a member of a tribe, or section of a tribe, the whole or part of which has been declared by the Provincial Commissioner, by notice in the Gazette, to be resident in that district or area.

LN. 260/61
LN. 21/62 10/62

Insertion of new sections 15A, 15B, and 15C in the principal Ordinance.

3. The principal Ordinance is amended by inserting therein, next after section 15 thereof, three new sections, as follows—

Permit to enter or remain in certain areas.

15A. (1) No person other than a tribesman or a public officer shall enter or remain in any district or area to which this Ordinance applies, except under and in accordance with the terms and conditions of a permit issued in that behalf by a Provincial Commissioner or District Commissioner.

(2) A Provincial Commissioner or District Commissioner may in his discretion grant a permit, or he may, without assigning any reason therefor, refuse to grant it.

(3) Every permit shall be in the prescribed form and shall be subject to such restrictions and conditions as may be prescribed, or as may be specified in the permit.

(4) A permit issued under this section may be cancelled at any time by a Provincial Commissioner or a District Commissioner, and shall in each such case, and also on the expiry of a permit, be surrendered forthwith to a Provincial Commissioner or District Commissioner.

(5) Any person failing to surrender a permit in accordance with subsection (4) of this section shall be guilty of an offence against this Ordinance.

(6) Any administrative officer, police officer or tribal police officer may at any time demand of any person required under subsection (1) of this section to be in possession of a permit, the production of such permit for inspection, and any such person who fails to produce his permit within a reasonable time of such demand shall be guilty of an offence against this Ordinance.

Penalties for unlawful entry, etc.

15B. (1) Any person who enters or remains in a district or area to which this Ordinance applies in contravention of subsection (1) of section 15A of this Ordinance shall be guilty of an offence against this Ordinance:

Provided that it shall be lawful for a police or tribal police officer, instead of bringing such person to trial, to remove him from such district or area, together with any cattle or goods in his possession, and for the purpose of effecting such removal, to detain him, and any such cattle or goods, for so long as may be necessary to make arrangements for and to carry out the removal.

(2) A police or tribal police officer arresting any person for an offence under subsection (1) of this section may seize any cattle in the possession or under the control of such person, and may detain them pending the trial of the offence.

(3) On the trial of an offence under this section the court may order that all or part of the cattle seized under subsection (2) shall be forfeited.

(4) If any person is convicted of an offence under this section the court may, in addition to any penalty awarded, order that he be removed to such district or area as the Provincial Commissioner may specify.

Harbouring.

15C. (1) Any person who harbours any other person whom he knows or has reasonable cause to believe to be a person who is in a district or area to which this Ordinance applies in contravention of subsection (1) of section 15A of this Ordinance shall be guilty of an offence:

Provided that no person shall be convicted of such offence if he proves that prior to being charged with or accused of the offence he voluntarily gave full information thereof to a police or tribal police officer or to an administrative officer.

(2) For the purposes of this section a person who supplies another with shelter, food, drink, money, clothing or other valuable commodity, or who assists him in any attempt to evade detention, arrest or removal under section 15A of this Ordinance, shall be deemed to harbour him.

Amendment of section 16 of the principal Ordinance.

4. Section 16 of the principal Ordinance is amended by renumbering the section as subsection (1) thereof and by adding two new subsections, as follows—

(2) Every order under this section shall have effect on the day on which it is made, unless otherwise stated in the order.

(3) An order under this section need not be published in the Gazette, but the Provincial Commissioner shall cause notice of the effect thereof to be given without delay, in such manner as he deems necessary and desirable, to the persons affected thereby.

Amendment of section 17 of the principal Ordinance.

5. Section 17 of the principal Ordinance is amended by deleting the words—

Any person who fails to comply with any order or direction given under the provisions of section 16 of this Ordinance, shall be guilty of an offence

and by substituting therefor the following—

Any person who

(*a*) refuses or fails to comply with any order or direction given under section 16 of this Ordinance; or

(*b*) not being a member of the particular tribe or community for which any area or facility has been reserved by an order under paragraph (*a*) of section 16, enters or remains in such area, or uses such facility, except with the written permission of an administrative officer,

shall be guilty of an offence against this Ordinance.

Repeal of section 18 and insertion of new sections 18 and 18A in the principal Ordinance.

6. The principal Ordinance is amended by repealing section 18 thereof, and by inserting in its place two new sections, as follows—

Seizure of strayed cattle.

18. (1) It shall be the duty of an administrative officer, police officer or tribal police officer in a district or area to which this Ordinance applies to take charge of any cattle which do not appear to be in the possession of any person and to furnish a description thereof to a magistrate having jurisdiction in the district or area in which such cattle are found and the magistrate shall give orders for the detention of such property and shall cause a notice to be posted in a conspicuous place in his court, requiring any person who may have a claim to such cattle to appear and establish such claim within two months from the date of such notice.

(2) If, within two months from the date of such notice, no owner establishes his claim to such cattle, the cattle may be destroyed or sold in such manner as the magistrate directs, and the proceeds of such sale shall be treated as a fine and be dealt with in accordance with the provisions of section 26 of this Ordinance.

Destruction of cattle in certain contingencies.

18A. It shall be lawful for an administrative officer, police or tribal police officer in charge of a party or patrol to destroy or order the destruction of any cattle seized, detained or taken in charge by such party or patrol if, in the opinion of such officer, and after exercising all reasonable diligence for the safeguarding of the cattle, it would endanger the party or patrol, or any member thereof, to attempt to retain the cattle alive.

Amendment of section 22 of the principal Ordinance.

7. Section 22 of the principal Ordinance is amended—

(*a*) by substituting for subsection (1) thereof and the marginal note thereto, the following—

Power of arrest.

(1) A police or tribal police officer may arrest without warrant any person whom he suspects on reasonable grounds of having committed or being about to commit an offence against this Ordinance.;

(*b*) in subsection (2) thereof, by substituting for the words "two thousand shillings or to imprisonment for a period not exceeding one year" the words "five thousand shillings or to imprisonment for a period not exceeding three years".

Insertion of new section 22A in the principal Ordinance.

8. The principal Ordinance is amended by inserting therein, next after section 22 thereof, two new sections, as follows—

Power to demand particulars.

22A. (1) An administrative officer or a police or tribal police officer may require any person found in a district or area to which this Ordinance applies to furnish his name, address and tribal particulars, and any person who on demand refuses or fails to comply with such requisition, or who gives any

false information in response thereto, shall be guilty of an offence against this Ordinance.

(2) In any proceedings under this section the onus of proving the correctness of any information shall lie upon the person giving it.

Power to use force in effecting arrest.

22B. (1) It shall be lawful for any administrative officer or police or tribal police officer, in order to overcome forcible resistance to an arrest for an offence against this Ordinance, or to prevent escape or rescue from such arrest, to use such force, extending to the use of lethal weapons as is reasonably necessary for the purpose:

Provided that resort shall not be had to the use of lethal weapons unless warning has first been given of the intention to do so, and the warning has been ignored.

No. 43 of 1953.

(2) The provisions of this section shall apply in respect of any offence against section 4 of the Firearms Ordinance, 1953, and the powers granted by this section shall, in respect of an offence against the said section 4, be exercisable by any member of Her Majesty's forces.

THE VASEY PENSION ORDINANCE, 1960

No. 64 of 1960

Date of Assent: *31st December, 1960*

Date of Commencement: *31st December, 1960*

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Pension to Sir Ernest Albert Vasey.

SECTION

3—Source of payment.

4—Application of certain provisions of Ordinance No. 31 of 1950.

AN ORDINANCE TO PROVIDE FOR THE GRANTING OF A PENSION TO SIR ERNEST ALBERT VASEY, K.B.E., C.M.G.

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

1. This Ordinance may be cited as the Vasey Pension Ordinance, 1960. Short title.

2. (1) There shall be granted to Sir Ernest Albert Vasey, K.B.E., C.M.G., in respect of his former service as a member of the Executive Council with executive responsibility and as a Minister, a pension during his life of the amount of one thousand one hundred pounds per annum, which shall be payable with effect from the eighteenth day of January, 1961. Pension to Sir Ernest Albert Vasey.

(2) In the event of the said Sir Ernest Albert Vasey dying leaving a widow him surviving, being a person to whom he was married at the commencement of this Ordinance, there shall be granted to her, from the date of his death, a pension during her life and widowhood of the amount of four hundred and forty pounds per annum.

3. The pensions provided for by this Ordinance shall be paid out of moneys provided by the legislature. Source of payment.

4. The provisions of sections 11, 12, 13, 14 and 15 of the Pensions Ordinance, 1950, shall apply in respect of the pensions provided for by this Ordinance as if those pensions were pensions granted under that Ordinance. Application of certain provisions of Ordinance No. 31 of 1950.

THE CONSOLIDATED FUND (No. 3) ORDINANCE, 1960

No. 65 of 1960

Date of Assent: 31st December, 1960

Date of Commencement: 31st December, 1960

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Issue of £732,571 out of the consolidated fund for the service of the year ending 30th June, 1961.

SECTION

3—Appropriation of money voted for supply services.

4—Appropriations in aid.

Schedule.

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

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

Short title.

1. This Ordinance may be cited as the Consolidated Fund (No. 3) Ordinance, 1960.

Issue of £732,571 out of the consolidated fund for the service of the year ending 30th June, 1961.

2. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the service of the year ending on the 30th June, 1961, the sum of seven hundred and thirty-two thousand five hundred and seventy-one pounds.

Appropriation of money voted for supply services.

3. The money granted by section 2 of this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the Schedule to this Ordinance.

Appropriations in aid.

No. 13 of 1955.

4. In addition to the sums chargeable to the consolidated fund under section 2, and appropriated by section 3, of this Ordinance, there may be appropriated out of any money directed under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of such sums, the amounts respectively set forth in the last column of the Schedule to this Ordinance.

SCHEDULE

Vote No.	*Supply*	*Appropriations in Aid*
	£	£
2. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Court of Appeal for Eastern Africa; of the Supreme Court of Kenya; of Resident Magistrates and special magistrates; and for other expenses in connexion with the administration of justice in the Colony, including payments to assessors, counsel, jurors and witnesses. This amount also includes the cost of certain services shared by all departments in the Law Courts Building	1,079	2,158
7. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of the Cabinet Office; the Establishments Division; the Central Government Building; the Kenya Trade representative in the Federation of Rhodesia and Nyasaland; the Kenya Office in London; the Provincial Administration (including the Tribal Police); African Courts; Inland Revenue Branch; Road Transport Branch; African Lands Branch; Community Development; Colony Youth Organization; Colony Sports Organization; Jeanes Schools; and expenses of restrictees and detainees. The estimate also includes expenses of elections; sanitary services in townships; the Liquor Licensing Ordinance, 1957; recruitment and training; rewards and rations; famine relief; remission of rates on consular property and certain grants and grants-in-aid	4,507	3,550
8. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Legal Affairs, of the Law Officers' Department, including the payment of legal expenses incurred by or on behalf of the Government; the salaries and expenses of the Registrar-General's Department, and of the Office of the Commissioner for the Revision of the Laws of Kenya	1	—
10. The amount required in the year ending 30th June, 1961, for Postages, Telegrams and Miscellaneous Postal Services; *ex gratia* payments; agents' fees and commissions; administrative loss of the Post Office Savings Bank; refund of duty on mineral fuel oil, and various miscellaneous items of expenditure falling under the control of the Treasury.	34,984	—

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in Aid*
	£	£
15. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Internal Security and Defence, including the expenses of the Film Censorship Board; the expenses of persons restricted under the Deportation (Immigrant British Subjects) Ordinance, 1949; the expenses of persons restricted under the Preservation of Public Security Ordinance, 1960; a contribution towards the cost of the Mega Consulate; the cost of maintenance of boundaries; subventions to the Kenya Rifle Association; the Naval Entertainments Committee; the British Legion and the Nairobi City Forces Club	12,000	—
17. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Kenya Police, the Kenya Police Reserve and civilian staff	1	13,130
18. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Prisons Department, including the expenses of detention camps established under the Detention Camps Ordinance, a grant-in-aid to the Discharged Prisoners' Aid Association; and certain residual expenditure arising from the Emergency Regulations	4	—
19. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	1	2,507
20. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Education, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants-in-aid and other expenses in connexion with the promotion of education among persons resident in the Colony	2	14,520

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in Aid*
	£	£
21. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; soil conservation and dam construction; the Department of Co-operative Development, including the E.A. School of Co-operation; the expenses of boards, committees, agents, etc., connected with agricultural, livestock and water matters; certain expenditure arising from the Agriculture Ordinance, 1955; agricultural loans, subsidies, refunds and guarantees; contributions to agricultural and livestock organizations; subventions to certain local and international bodies and compensation to stock owners under the Animal Diseases Ordinance ..	500	352,653
22. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Commerce and Industry; rent control; the supervision of weights and measures; import and export control; the provision of trade and industrial information; geological surveys; prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; maintenance of fire/crash services; the general development of industry, with related *ex gratia* payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry; transportation and telecommunications; and grants to African traders	1	—
24. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Housing, Common Services, Probation and Approved Schools, and for certain non-statutory grants in respect of African housing in municipalities; for the salaries and expenses of the Probation Service, Approved Schools, and Remand Homes, and for certain grants-in-aid ..	1,850	—
26. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Government Coast Agency	2	—

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in Aid*
	£	£
27. The amount required in the year ending 30th June, 1961, to meet the salaries and expenses of the Ministry of Information and Broadcasting and the Public Relations Office, London ..	1	—
29. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Labour, Social Security and Adult Education, including the administration of labour and industrial legislation, and the registration of persons; and for certain grants-in-aid	1	12,742
30. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Local Government and Lands (excluding local government contributions) and expenses in connexion with the relief of distress, the audit of the accounts of all local government authorities and some District Education Boards and Town Planning	1	312
32. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Lands Department, including the administration of Crown Lands and the registration of all titles and documents relating to land; and for the administration of the Stamp Ordinance, 1958 ..	1	—
34. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Tourism, Game, Forests and Fisheries, including the promotion of tourism; for a subvention to the E.A. Tourist Travel Association; for *ex gratia* refunds of customs duty on hotel equipment, for the expenses of the Tourist Advisory Board and certain Statutory Authorities under the Hotels Ordinance; the protection and control of game and the eradication of poaching; for the development of the Colony's forest estate, both protection and productive forests and tree planting in townships; for refunds of duty and tax on mineral fuel oil and refunds of royalties on exported timber; for the protection of fish and the development of the fishing industry, including fisheries research, and for contributions and grants-in-aid to certain allied organizations, including the Royal National Parks	1	25,000

SCHEDULE—(*Contd.*)

Vote No.	*Supply*	*Appropriations in Aid*
	£	£
35. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Works; for expenditure in respect of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; for a contribution to the Road Authority; and for sundry other services, payments, grants and contributions	208,323	214,999
36. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Supplies and Transport Department	1	35,066*
	£263,261	£606,505
DEVELOPMENT		
Additional sum required for financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1960-30th June, 1963	469,310	—
GRAND TOTAL	£732,571	£606,505

* Deficiency.

THE DANGEROUS PETROLEUM TAX (AMENDMENT) ORDINANCE, 1960

No. 66 of 1960

Date of Assent: *31st December, 1960*

Date of Commencement: *31st December, 1960*

AN ORDINANCE TO AMEND THE DANGEROUS PETROLEUM TAX ORDINANCE

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

Short title.

1. This Ordinance may be cited as the Dangerous Petroleum Tax (Amendment) Ordinance, 1960.

Amendment of section 3 of Cap. 268.

2. (1) Section 3 of the Dangerous Petroleum Tax Ordinance, hereinafter referred to as the principal Ordinance, is amended by substituting for the provisos thereto, a new proviso as follows—

Provided that no tax shall be charged upon—

(i) dangerous petroleum delivered from customs control for the use of the Government, the Armed Forces of the Crown, or the East African Railways and Harbours Administration;

(ii) aviation spirit or similar fuels ordinarily used in aircraft engines and imported for such use;

(iii) dangerous petroleum used by consular officers in respect of which refund of import duty or suspended import duty paid may be made from customs revenue under paragraph (*c*) of subsection (1) of section 5 of the Customs Tariff Ordinance, 1958; and

No. 27 of 1958.

(iv) any petroleum product which the Minister may, by notice in the Gazette, declare to be exempt from the provisions of this Ordinance.

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

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

3. Section 4 of the principal Ordinance is hereby repealed.

Repeal of section 4 of the principal Ordinance.

4. The principal Ordinance is hereby amended by substituting for section 5 thereof the following new section—

Replacement of section 5 of the principal Ordinance.

Regulations.

5. The Minister may make regulations providing for the payment, rebate, remission or refund of the tax imposed under this Ordinance, and generally for carrying this Ordinance into effect.

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5. Section 6 of the principal Ordinance is amended—

Amendment of section 6 of the principal Ordinance.

(*a*) by substituting for the word "rules" wherever it appears therein the word "regulations";

(*b*) by deleting the words "without hard labour" which appear therein; and

(*c*) by substituting for the word "or" which appears in the fifth line thereof, the word "and".

THE DETENTION CAMPS (AMENDMENT) ORDINANCE, 1960

No. 67 of 1960

Date of Assent: *31st December, 1960*

Date of Commencement: *By Notice*

AN ORDINANCE TO AMEND THE DETENTION CAMPS ORDINANCE TO MAKE PROVISION FOR THE REMISSION OF SENTENCES OF DETENTION

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

Short title.

LN 39/61

1. This Ordinance may be cited as the Detention Camps (Amendment) Ordinance, 1960, and shall come into operation on such day as the Governor shall, by notice in the Gazette, appoint.

Insertion of new section 9A in Cap. 80.

2. The Detention Camps Ordinance, hereinafter referred to as the principal Ordinance, is amended by inserting therein, immediately after section 9 thereof, a new section as follows—

Detainees may earn remission and forfeited remission may be restored.

9A. (1) Every detainee under sentence of detention for more than one month may earn a remission of one-third of his sentence by satisfactory industry and good conduct:

Provided that no such remission may be earned so as to reduce the period of detention to a period less than one month.

(2) On the recommendation of the Commissioner of Prisons, the Minister may grant such further remission as he shall determine, on special grounds, such as exceptional merit or permanent ill-health.

(3) For the purpose of giving effect to the provisions of subsection (1) of this section, each detainee, on admission, shall be credited with the full amount of remission he could earn, and shall forfeit such portion of such remission as a punishment for idleness, lack of industry or any other offence against discipline, as the Commissioner of Prisons or the Officer-in-Charge of the detention camp shall determine:

Provided that the Commissioner may restore any forfeited remission in whole or in part.

Transitional arrangements for detainees already serving sentences.

3. Each detainee undergoing a sentence of detention on the day appointed under section 1 of this Ordinance shall be eligible for release in accordance with subsection (1) of section 9A of the principal Ordinance, on such day as the Minister in his discretion may determine, being a day not earlier than the day on which such detainee would have been due for release if the provisions of this Ordinance had come into operation before his sentence commenced, and not later than the day on which he would have been due for release if this Ordinance had not been enacted.

THE STATUTE LAW (REPEAL) ORDINANCE, 1960

No. 68 of 1960

Reserved for the Signification of Her Majesty's Pleasure: 25th November, 1960

Her Majesty's Assent Signified by Proclamation dated 6th January, 1961 L.N. 31/61.

Date of Commencement: 17th January, 1961

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.
SECTION
2—Repeal of certain Ordinances.

AN ORDINANCE FOR PROMOTING THE REVISION OF THE STATUTE LAW BY REPEALING ENACTMENTS WHICH HAVE CEASED TO BE IN FORCE OR HAVE BECOME UNNECESSARY

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

1. This Ordinance may be cited as the Statute Law (Repeal) Ordinance, 1960. Short title.

2. The Ordinances specified in the Schedule to this Ordinance are repealed. Repeal of certain Ordinances.

SCHEDULE

ORDINANCES REPEALED

Number and Year of Ordinance, or Chapter number	*Short Title*
No. 13 of 1931 .	The Bowring Pension Ordinance, 1931.
No. 24 of 1932	The Morris Pension Ordinance, 1932.
No. 48 of 1934 ..	The German Missions (Revesting) Ordinance, 1934.
No. 5 of 1937 ..	The Kenya Defence Force Ordinance, 1937.
No. 25 of 1939 .	The Military Units Ordinance, 1939.
No. 24 of 1940 ..	The Alienation of Immovable Property to Enemy Subjects (Restriction) Ordinance, 1940.
No. 18 of 1942 ..	The King George the Fifth Memorial Fund Ordinance, 1942.
No. 4 of 1944 ..	The Coffee Industry (Financial Assistance) Ordinance, 1944.
No. 7 of 1947 ..	The Kenya Defence Force (Temporary Suspension) Ordinance, 1947.

SCHEDULE—(*Contd.*)

Number and Year of Ordinance, or Chapter number	*Short Title*
Cap. 43	The Lighting Control Ordinance.
Cap. 52 ..	The Refugees Ordinance.
Cap. 53 . ..	The War Refugees (Control and Expulsion) Ordinance.
Cap. 57	The Repatriation of Ex-Prisoners of War Ordinance.
Cap. 61	The Deputy Provincial Commissioners Ordinance.
Cap. 84	The Control of Fugitive Belligerents Ordinance.
Cap. 94	The Abolition of the Legal Status of Slavery Ordinance.
Cap. 102	The African Property Preservation Ordinance.
Cap. 146	The Matrimonial Causes (War Marriages) Ordinance.
Cap. 177	The Fruit Trees Preservation Ordinance.
Cap. 182	The Farmers Assistance Ordinance.
Cap. 194	The Sugar Ordinance.
Cap. 239	The Currency Loan Ordinance.
Cap. 247	The Imperial Loan Ordinance.
Cap. 266	The Liquor Ordinance.
Cap. 273	The Rebate and Refund of Customs and Excise Duties Ordinance.
No. 15 of 1955 ..	The Specific Loan Ordinance, 1955.

ALPHABETICAL LIST OF ORDINANCES (AND HIGH COMMISSION AND APPLIED ACTS) IN FORCE IN KENYA ON 31st DECEMBER, 1960

Notes

1. Ordinances in the 1948 Revised Edition of the Laws (being Ordinances in force on 21st September, 1948) are indicated in each case by the number of the chapter followed by the number of the volume in which the chapter appears, viz. 94/II.

2. Ordinances in the 1926 Revised Edition are indicated in each case by the number of the chapter followed by a reference in brackets to that edition, viz. 176 (1926).

3. All other Ordinances are indicated by the number and year, viz. 8/35; 55/49.

4. A similar method has been used in referring to High Commission Acts, which are distinguished by prefixing each reference with the letters H.C., e.g. H.C. 8 (which refers to Chapter 8 of the 1951 Revised Edition) and H.C. 12/52 (which refers to Act No. 12 of 1952).

5. Appropriation and Consolidated Fund Ordinances are not included.

6. Ordinances repealed by Ordinance No. 68/60 with effect from 17-1-61 are not included.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
A			
Accountants (Designations)		66/50	22/55 21/59
Accountant-General (Transfer of Functions)		20/55	
Administration of Estates by Consular Officers	33/I		
Administration of Estates by Corporations	32/I		
Admiralty Offences (Colonial) Acts, 1849 and 1860	Vol. I, p. xxxix		
Admiralty Police		55/60*	
Adoption		2/58	
Adulteration of Produce	186/III		
Advocates		55/49	43/50 20/52 55/52 49/54
Aerodrome Regulation		39/60	
Aerodromes (Control of Obstructions) ..	227/III		
Affiliation		12/59	
African Christian Marriage and Divorce	99/II		44/55
African Courts		65/51†	2/56 39/56, Sch. 27/59 Sch. 30/59 54/60
African Courts (Validation)		36/60	
African District Councils		12/50 Rev. Edn., 1959	
African Exemption	96/II		
African Foodstuffs	105/II		18/50
African Passes	95/II		
African Teachers Service		3/54	39/56, Sch.
African Trust Fund	103/II		92/48 29/49 54/54 28/57, s. 21
Africans' Arms	107/II		31/60
Africans (Life Assurance Control)‡ ..	108/II		44/58
Age of Majority	10/I		
Agricultural Advances	183/III		
Agricultural Produce (Export)	187/III		3/57

*Date of Commencement: 1-2-1961.

†Placed at beginning of the 1952 Volume of Ordinances.

‡Repealed by Insurance Companies Ordinance, 1960 (No. 46 of 1960)—not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Agriculture		8/55*	39/56, s. 5 (3) and Sch. 58/56 2/59 6/59, Sch. 27/59, Sch. 47/60†
Aliens Restriction	54/I		
Animal Diseases	213/III		48/49 20/50 51/50 47/54 39/56, Sch.
Animals (Prevention of Cruelty) ..	212/III		
"Anzac" (Prohibition of Trade Use of Word)	292/IV		
Application of Applied Indian Acts to Natives	2/I, s. 9		
Applied Indian Acts (*see* Indian Acts Applied).			
Applied British Acts (*see* British Acts Applied).			
Arbitration	22/I		
Arbitration (Foreign Awards)	23/I		
Architects and Quantity Surveyors ..	306/IV		
Asian Civil Servants (Proportionate Pensions)		8/35	
Asian Officers' Family Pensions	75/I		64/51 17/58
Asiatic Widows' and Orphans' Pension ..	74/I		80/48 53/49 42/55 16/58
Auctioneers	309/IV		19/50 39/56, Sch.
B			
Banking		62/56	
Bankruptcy	30/I		50/56 48/59, s. 33
Banks' Title to Land (Amendment of Laws)		36/58	
Bills of Exchange	291/IV		
Births and Deaths Registration	143/II		25/50
Book and Newspaper		27/60	
Boy Scouts	92/II		
Branding of Stock	207/III		24/55
Bread	199/III		

*In force with respect to the whole Colony except the Northern Province: (G.N.897/55.) and the Kikogo Reserve (L.N. 246/59).

†Certain provisions brought into operation on 3-1-1961 and on 17-1-1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
British Acts applied to the Colony*	Vol. I, p. xxxix		
(1) Admiralty Offences (Colonial) Act, 1849.	Vol. I, p. xxxix		
(2) Evidence Act, 1851, sections 7 and 11.	Vol. I, p. xxxix		
(3) Foreign Tribunals Evidence Act, 1856.	Vol. I, p. xxxix		
(4) Evidence by Commission Act, 1859	Vol. I, p. xxxix		
(5) British Law Ascertainment Act, 1859	Vol. I, p. xxxix		
(6) Admiralty Offences (Colonial Act,) 1860.	Vol. I, p. xxxix		
(7) Foreign Law Ascertainment Act, 1861.	Vol. I, p. xxxix		
(8) Conveyancing (Scotland) Act, 1874, section 51.	Vol. I, p. xxxix		
(9) Fugitive Offenders Act, 1881 ..	Vol. I, p. xxxix		
(10) Colonial Prisoners Removal Act, 1884†.	Vol. I, p. xxxix		
(11) Evidence by Commission Act, 1885	Vol. I, p. xxxix		
(12) Colonial Courts of Admiralty Act, 1890, sections 2 (2), (3) and (4), 5, 6, and 16 (3).	Vol. I, p. xxxix		
(13) Colonial Probates Act, 1892 ..	Vol. I, p. xxxix		
(14) Finance Act, 1894, section 20 ..	Vol. V, p. 186		
(15) Merchant Shipping Act, 1894 ..	Vol. I, p. xxxix		
(16) Evidence (Colonial Statutes) Act, 1907.	Vol. V, pp. 121 and 122		
(17) Companies (Consolidation) Act, 1908‡.	Vol. V, pp. 341 and 342		
(18) Copyright Act, 1911	Vol. I, p. xxxix		
(19) Marriage of British Subjects (Facilities) Act, 1915.	Vol. V, p. 272		
(20) Administration of Justice Act, 1920, Part II.	Vol. V, pp. 117 and 119		
(21) Maintenance Orders (Facilities for Enforcement) Act, 1920.	Vol. V, pp. 153 and 155		
(22) Indian and Colonial Divorce Jurisdiction Act, 1926.	Vol. V, p. 284		

**See* also s. 70 and the Third Schedule to the Kenya (Constitution) Order in Council. 1958: L.N. 158/58.

†Attention is drawn to the Colonial Prisoners Removal (Kenya) Order in Council, 1957: L.N. 487/57.

‡The provisions of ss. 34–36 extended to Kenya, and the provisions of ss. 103–105 extended to the Protectorate.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
British Acts Applied to the Colony–(*Contd.*)	Vol. I, p. xxxix		
(23) British Nationality Act, 1948 ..	Vol. V, p. 195		
(24) Merchant Shipping Act, 1954 ..			*L.N. 395/56*
(25) Geneva Conventions Act, 1957 ..			*L.N. 391/59*
British and Colonial Probates	35/I		
British Nationality (Offences and Fees) ..		25/49	
British Standard Portland Cement Company Limited (Bamburi Factory) ..		61/51	60/52 29/57
Brokers	283/IV		
Building Societies		29/56	28/59, s. 17
C			
Canning Crops		27/57	
Cantonments	88/II		27/56
Carriage of Goods by Sea	224/III		
Cattle Cleansing	208/III		
Cavendish-Bentinck Pension		31/56	
Central Housing Board (Vesting of Loans)		21/60	
Cereal Producers (Scheduled Areas) ..		54/56	
Cereals and Sugar Finance Corporation ..		50/55	6/59, Sch. 33/59
Chattels Transfer	281/IV		36/55 31/58 s. 121
Chief Secretary (Incorporation) ..		15/58	
Civil Procedure	5/I		39/56, Sch.
Civil Servants (Proportionate Pensions) ..		11/32	
Civil Service Commission		62/54	48/55 26/58
Coconut Industry	191/III		
Coconut Preservation	190/III		
Coffee		26/60	
Collective Punishment	98/II		
Colonial Prisoners Removal		15/57	
Colonial Treasury Bills	250/III		
Commissions of Inquiry	40/I		
Commissioners of Assize		38/54	
Companies*	288/IV		51/49 34/55 29/56, s. 79 62/56, s. 20 36/58, s. 2
Companies		50/59†	46/60†
Compulsory Military Training		57/51	26/52 57/52, Sch. 7/54
Compulsory National Service		19/51	

*The Companies Ordinance, 1959 (No. 50 of 1959), which is not yet in operation, repeals and replaces this Ordinance.

†Not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Consular Conventions		28/52	
Contract Act (Indian)	Vol. I, p. XL		
Contracts in Restraint of Trade	277/IV		
Control of Detained Persons	81/I		
Control of Imports and Exports ..		55/55	39/56, Sch.; 51/60
Control of Nets (Nyanza Province) ..		45/58	53/59
Conveyancing (Scotland) Act, 1874 ..	Vol. I, p. XXXIX		
Copyright	295/IV		
Copyright Act, 1911	Vol. I, p. XXXIX		
Co-operative Societies	287/IV		36/51
Corneal Grafting		10/60	
Coryndon Trust		32/25	
Cotton	188/III		
Cotton Lint and Seed Marketing ..		50/54	39/56 Sch.
Cotton Tax	269/IV		
Council of Ministers (Consequential Provisions)		15/54	36/54
Courts	3/I		
Courts (Amendment and Validation) ..			45/59
Credit to Africans (Control) (Repeal) ..		11/60	
Criminal Justice		26/57	
Criminal Procedure Code..	27/I		9/51 39/51 42/52 42/54, s. 4 57/55 48/56, s. 11 5/58 33/58 22/59 54/60 L.N. 182/58
Crop Production and Livestock	205/III		47/49 6/59, Sch. 7/60
Crown Agents (Change of Title) ..		39/54	
Crown Fisheries	218/III		
Crown Grants (Execution)	157/II		
Crown Lands	155/II		90/48 34/49 22/51, s. 43 21/53 7/55 36/58, s. 4 58/59 49/60*

*Date of commencement: Ss. 1, 6, 7, 14 15; 28–12–1960; Remainder: 1–1–1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Crown Lands (Discharged Soldiers Settlement)	156/II		
Crown Proceedings		47/56	
Currency Notes	238/III		
Customs (Dumping and Subsidies) ..		H.C. 3/59	
Customs and Excise Revenue Allocation	H.C. 8		H.C. 1/54
Customs Tariff		27/58	16/59
			24/60
Customs Tariff (Dumping and Subsidies)		18/60	
D			
Dairy Industry		34/58	
Dangerous Drugs	129/II		
Dangerous Petroleum Tax	268/IV		64/52
			24/60
			66/60
Debts (Summary Recovery)	8/I		17/60
Deeds of Arrangement	31/I		
Departmental Offences		40/49	
Deportation (Aliens)		36/49	57/50
			21/51
Deportation (Immigrant British Subjects)		37/49	56/50
			21/56
			5/59
Detained Persons Removal	82/I		
Detained and Restricted Persons (Special Provisions)		3/60	
Detention Camps	80/I		67/60*
Development Loan		17/50	25/53
Development Loan		43/51	26/53
Development Loan		13/53	
Development Loan		6/55	
Development Loan		23/56	
Diamond Industry Protection		5/49	9/52
Diplomatic Privileges (Extension) ..	317/IV		35/51
			17/52
			35/60
Distress for Rent	154/II		
Distribution of German Enemy Property		32/51	4/53
			18/55
Domestic Employment (Registration) ..	110/II		
E			
East African Customs Management ..		H.C. 12/52	H.C. 10/55
			H.C. 5/60
East African Excise Management ..		H.C. 13/52	H.C. 5/59
East African Income Tax (Management)		H.C. 10/58	H.C. 7/60
East African Industrial Licensing ..		14/53	G.N. 722/54
			G.N. 1715/55

*Date of commencement: 24–1–1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
East African Posts and Telecommunications	H.C. 4		
East African Power and Lighting Company Limited (Validation and Licensing)		65/50	
East African Railways and Harbours	H.C. 3		H.C. 3/52 H.C. 8/53 H.C. 17/53
Education		58/52	39/56, Sch. 37/60
Egerton Agricultural College		21/55	50/60
Election Offences		11/58	41/60 48/60
Electric Power	174/III		32/50 27/52 39/56, Sch.
Electric Supply Lines	175/III		
Emergency Pensions		46/55	
Employment	109/II		11/50 14/51 39/56, Sch. 16/57 48/59, s. 34
Employment of Women, Young Persons and Children	111/II		35/50 12/56 39/56, Sch. 48/59, s. 35
Enemy Property (Disposal)	176 (1926)		
Entertainments Tax		63/50	14/57 50/58 39/59
Equitable Mortgages	152/II		41/58
Essential Services (Arbitration)		4/50	13/52 48/58
Estate Duty	257/III		9/49 61/52 5/53 2/54 32/55
Estate Duty (Abolition)		43/59	
European Agricultural Settlement		38/55*	
Eviction of Tenants (Control) (Mombasa)		61/56	35/59, s. 39 62/60
Evidence Act (Amendment)	12/I†		
Evidence (Bankers' Books)	13/I		30/49 40/59
Excess Profits Tax	255/III		34/50
Exchange Control		40/50	44/52
Exchequer and Audit		13/55	39/56, Sch. 29/60

*Repealed by Agriculture (Amendment) Ordinance, 1960 (No. 47 of 1960)—3-1-1961.

†This Ordinance amends the Indian Evidence Act, 1872, as applied to the Colony: *See* VOL. I, p. XL.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Excise Duties (Agreements)	274/IV		
Excise Tariff		5/54	28/55 22/58 17/59 6/60 24/60
Explosives	303/IV		30/53
Export of Timber		50/51	
Expulsion from Proclaimed Areas	58/I		
Extradition	29/I		
F			
Factories		38/50	38/51 39/56, Sch. 16/57, s. 24
Fatal Accidents	9/I		49/56
Fees and Royalties	256/III		
Fencing		51/58	
Ferries	236/III		64/50, Sch. 2/52
Finance		24/60	
Firearms		40/53	4/60
Fire Inquiry	41/I		
Fish Protection	217/III		2/49 20/60
Flax Fund		64/54	
Food and Drugs (Adulteration)	127/II		
Foreign Judgments (Reciprocal Enforcement)	15/I		38/58
Foreign Prisoners Detention	83/I		
Foreign Seamen Deserters	223/III		
Forest	176/III		1/49 56/54 27/59, Sch.
Fraudulent Transfer of Businesses	286/IV		
Fugitive Criminals Surrender	28/I		
Fugitive Offenders Act, 1881	Vol. I, p. xxxix		
Fugitive Offenders (Pursuit)	77/I		
G			
Gambling	26/I		
General Loan and Stock		14/50	
General Local Loans		14/55	
Girl Guides	93/II		
Gold Mines Development Loans		18/52	
Government Contracts		44/56	

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Grass Fires (Control)	185/III		18/49
Guarantee (High Commission Posts and Telegraphs Loan)		10/50	59/51
Guarantee (High Commission Posts and Telecommunications Loan)		32/53	
Guarantee (High Commission Posts and Telecommunications Loan)		22/60*	
Guarantee (High Commission Railways and Harbours Loan)		1/50	60/51
Guarantee (High Commission Railways and Harbours Loan)		31/53	4/55
Guarantee (High Commission Railways and Harbours Loan)		57/56	
Guarantee (High Commission Railways and Harbours Loan)		40/58	
Guarantee (High Commission Railways and Harbours Loans) (Supplementary Provisions)		5/55	
Guarantee (High Commission Railways and Harbours Loan)		52/60†	
Guardianship of Infants		7/59	
H			
Hall Pension		42/31	
Harragin Pension		16/34	
Hebden Pension		22/36	
Hide and Skin Trade	209/III		39/56, Sch.
High Commission Posts and Telecommunications Loan		32/53	
Higher Education Loans Fund		49/52	
Hindu Marriage, Divorce and Succession	149/II		1/52 28/60
Hindu Marriage and Divorce		28/60	
Hindu Wills Act (Indian)	Vol. I, p. XL		
His Majesty's Forces (Out of Bounds Areas)	87/II		
His Majesty's Forces Pension	86/II		28/56 39/56, Sch.
Hospital Treatment Relief (Asian and Arab)		57/59	
Hospital Treatment Relief (European) ..		33/51	13/56 39/56, Sch. 13/59
Hotels	275/IV		31/49 41/50 67/52 6/57
Housing		17/53	42/60

*Date of commencement: 14-2-1961.
†Not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Subsidiary Ordinance, G.N. or L.N. No. and Year
I			
Immigration		35/56	39/56, Sch.
Immunities and Privileges (Commonwealth Countries and Republic of Ireland)		37/58	
Income Tax (Rates and Allowances)		11/59	
Indemnity		36/56	
Indian Acts (Amendments)	2/I		H.C. Cap. 4
Indian Applied Acts, Application to Natives (Africans)	2/I		
Indian Acts applied to the Colony:—	Vol. I, p. xi		
(1) Succession Act, 1865—the whole except section 331	2/I		43/56, s. 11
(2) Evidence Act, 1872	12/I		39/52 49/59
(4) Limitation Act, 1877*			
(5) Transfer of Property Act, 1882.			9/59
(6) Land Acquisition Act, 1894.			
(7) Hindu Wills Act, 1870.			
(8) Probate and Administration Act, 1881.			43/56, s. 11
Industrial Alcohol (Manufacture, Sale and Use)†	299/IV		
Industrial Alcohol (Possession)	300/IV		
Industrial Development		63/54	
Industrial Training		48/59	
Insurance Companies		46/60‡	
Interpretation and General Provisions		38/56	39/58
J			
Judgments Extension	14/I		
Justices of the Peace	4/I		47/51 30/58, s. 6
Juveniles		22/34	10/35 25/36 20/44 46/51 12/55, s. 27
K			
Kenya Cultural Centre		69/50	2/57

*Repealed in its application to Colony save in so far as it relates to prescription: Limitation Ordinance (Cap. 11), s. 41.

†The whole in so far as it applies to the manufacture and denaturing of spirits repealed by H.C. Act, 5/59, Second Schedule.

‡Not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Kenya Meat Commission		13/50	8/55, 5th Sch.
Kenya Police Force Reserve*	76/I		86/48 24/49
Kenya Regiment (Territorial Force)	89/II		42/49 7/51 8/54
Kenya Society for the Blind		51/56	
King's African Rifles		42/58	
King's African Rifles Reserve of Officers		12/27†	37/31 20/32 37/37 31/38
King's African Rifles (Reserve of Officers)‡		32/60	
L			
Laibons Removal	46/I		15/56
Lakes and Rivers	234/III		
Lake Victoria Fisheries (Reapplication of Laws)		20/60	
Lamu Boat Registration	226/III		
Land Acquisition Act (Indian)	Vol. I, p. XL		
Land Acquisition (Mombasa Oil Refinery)		35/53	41/55
Land and Agricultural Bank	181/III		28/53 59/56 27/59, Sch. 41/59
Land Control	150/II		38/49 46/50 36/58, s. 3
Land Control (Native Lands)		28/59	
Landlord and Tenant (Shops)		52/56	
Land (Perpetual Succession)	163/II		25/59§
Land Registration (Special Areas)		27/59	
Land Titles	159/II		24/59¶
Law of Contract		43/60	
Law Reform (Miscellaneous Provisions)		48/56	16/60
Law Society of Kenya		10/49	56/52 1/54
Legislation (Application to High Commission)		57/49	
Legislative Council Elections		48/60	
Legislative Council (Powers and Privileges)		25/52	

*Repealed by Police Ordinance, 1960 (No. 58 of 1960)—1-2-1961.

†Repealed by Ordinance 32/60—not yet in operation.

‡Not yet in operation.

§Date of commencement: 1-1-1961.

¶Date of commencement: s 9(1): 30-4-1910; Remainder 1-1-1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Legitimacy		23/30	26/31
Limitation*	11/I		27/59, Sch.
Limited Partnership	285/IV		
Liquor Licensing		20/57	
Liwali for the Coast (Dispensation) Act	H.C. 2		
Loans (United Kingdom Government) ..		34/59	
Local Authority Provident Fund ..		25/60	
Local Authorities (Recovery of Possession of Property)		4/51	32/52
Local Authorities (Revenue)		60/60†	
Local Government (County Councils) ..		30/52	9/53, Sch. 12/53 29/53 17/54 5/56 18/56, Sch. 11/58, 3rd Sch. 27/59, Sch. 56/59 60/60†
Local Government (District Councils) ..	140/II		22/50 64/50, Sch. 9/53, Sch. 19/53 18/54 11/58, 3rd Sch.
Local Government (Eldoret European Hospital Rate)	139/II		18/53
Local Government (Kitale European Hospital Rate)		11/52	41/54
Local Government Loans		9/53	59/54 9/55
Local Government (Valuation and Rating)		18/56	39/56, Sch. 7/57
Local Loan	248/III		
Local Loan and Conversion		12/54	
M			
Maintenance Orders Enforcement ..	16/I		
Maize Marketing		6/59	
Malaria Prevention	132/II		

**See* also the Indian Limitation Act as applied to Colony.
†Date of commencement: 1–2–1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Marketing of African Produce	184/III		46/49 39/55 6/59, Sch.
Marriage	144/II		26/51
Matrimonial Causes	145/II		5/52
Mazrui Lands Trust	101/II		
McMillan Memorial Library	316/IV		
Medical Practitioners and Dentists ..	125/II		25/51 16/53 30/55 47/55
Members of Legislative Council (Salaries and Allowances)		63/56	18/58
Mental Treatment		3/49	37/55
Merchant Seamen Discipline	222/III		
Merchant Shipping Act, 1894	Vol. I, p. xxxix		
Methylated Spirits		49/58	
Mineral Oil	170/III		
Mining	168/III		22/54 27/59, Sch.
Miraa Prohibition (Scheduled Areas) ..		53/51	11/57
Mohammedan Marriage and Divorce Registration	147/II		
Mohammedan Marriage, Divorce and Succession	148/II		
Mombasa Pipeline Board		19/57	
Mombasa Shop Hours		26/49	34/52
Money-lenders	307/IV		36/59
Mortimer Pension		32/56	
Motor Vehicles Insurance (Third Party Risks)	233/III	46/60*	
Mtwapa Bridge		42/59	
Municipalities	136/II		82/48 6/49 2/50 45/50 64/50, Sch. 45/51 4/52 9/53, Sch. 15/53 10/54, s. 6 21/54 17/55 18/56, Sch. 18/57 11/58, 3rd Sch. 60/60†

*Not yet in operation.

†Date of commencement: 1-2-1961

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—*(Contd.)*

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Municipalities (Amendment and Miscellaneous Provisions)		37/59	
Municipalities (Hospital Rate)	138/II		
Municipalities and Townships (Private Streets)		17/51	48/52 20/54
Museums Trustees	315/IV		62/51
N			
National Loans		34/60	
Native Authority	97/II		12/50, s. 54 43/52
Native Lands Trust (*see* Trust Land).			
Native Lands Registration (*see* Land Registration (Special Areas)).			
Native Lands Registration (Fort Hall District) (Special Provisions) ..		56/60	
Native Liquor	106/II		48/54 27/59, Sch. H.C. 5/59, First Sch. 12/60
Native Vessels	225/III		
Non-European Officers' Pensions (War Service)		4/41	
Northern Province Livestock Improvement		22/57	
Notaries Public		3/58	
Nurses and Midwives Registration ..		16/49	9/50 40/51
Nursing Sisters (Retiring Allowances) ..	68/I		5/57
O			
Oaths and Statutory Declarations ..	20/I		42/54 20/56
Official Secrets	64/I		
Oil Production	171/III		34/53 27/59, Sch.
Outlying Districts	44/I		55/59
P			
Palm Wine	192/III		
Partnership	284/IV		
Passion Fruit (Repeal)		54/59	
Patents, Designs, Copyright and Trade Marks (Emergency)	297/IV		
Patents (Registration)	294/IV		11/53
Pawnbrokers	308/IV		
Paymaster General		30/60	

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Penal Code	24/I		81/48 28/50 50/50 42/51 40/52 53/52 12/55, 2nd Sch. 52/55 33/56, s. 13 26/57, s. 3 32/58 45/60 54/60
Pensions*		31/50	54/51 45/54 65/54 39/56, Sch. 43/58
Pensions (Increase)		10/57	
Pensions (Validation)		6/58	
Pensions (War Service)		21/40	
Personal Tax		28/57	10/59 51/59
Petroleum	304/IV		
Pharmacy and Poisons		17/56	39/56, Sch.
Pig Industry	210/III		29/52 25/54
Plant Protection	178/III		16/54
Police†		79/48	29/50 42/50 31/51 37/52 55/54 39/56, Sch.
Police		58/60‡	
Police and Prisons Officers (Gratuities) ..		28/26	
Post Office Savings Bank	121/II		1/55
Preservation of Objects of Archaeological and Palaeontological Interest ..	314/IV		
Preservation of Public Security		2/60	
Press Censorship	311/IV		
Prevention of Corruption		33/56	
Prevention of Crime		10/58	23/60

*Ceased to apply to officers in the service of the High Commission in respect of such service (Pensions Act, H.C. Cap. 9, s. 22), and to a High Commission employee who becomes a depositor under the Provident Fund Act, H.C. Cap. 10, s. 19.

†Repealed by Police Ordinance, 1960 (No. 58 of 1960)—1–2–1961.

‡Date of commencement: 1–2–1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Prevention of Cruelty to and Neglect of Children		12/55	39/56, Sch.
Price Control		1/56	32/59
Prisons	78/I		39/56, Sch. 26/57, s. 4 33/60
Prisons (Amendment)		6/33	
Probate and Administration Act (Indian)	Vol. I, p. XL		
Probate and Administration (Public Trustee)	34/I		
Probation of Offenders	79/I		56/55
Promissory Oaths		30/58	
Protected Areas		28/49	24/53 31/59
Provident Fund		12/51	
Provisional Collection of Taxes and Duties		44/59	
Public Collections		45/60	
Public Health	130/II		39/56, Sch.
Public Health (Division of Lands)	131/II		8/52 27/59, Sch.
Public Holidays	48/I		47/52
Public Officers (Change of Titles)		7/52	
Public Officers' Protection	63/I		
Public Order		26/50	36/50 7/58 53/60 54/60
Public Roads and Roads of Access	229/III		3/51 19/54 51/58, s. 23 27/59, Sch.
Public Trustee	37/I		15/51 33/55
Pyrethrum		9/56	32/57
R			
Rabies	214/III		55/51 2/53 3/59
Records (Disposal)	17/I		
Registration of Business Names		48/51	40/56
Registration of Documents	161/II		24/50 41/56 19/59* 27/59, Sch.
Registration of Documents (Photostatic Copies)†	162/II		

*Date of commencement: 1-1-1961.

†Repealed by Ordinance No. 29 of 1959: 1-1-1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Registration of Documents (Photostatic Copies) (Repeal)		29/59*	
Registration of Persons	50/I		13/51 39/56, Sch.
Registration of Titles	160/II		23/59*
Regulation of Wages and Conditions of Employment		1/51	41/51 63/51 9/54 34/56
Reinstatement in Civil Employment ..		57/52	25/57
Rent Restriction		35/59	
Resident Labourers	113/II		50/49 21/50 16/55 39/56, Sch.
Revised Edition of the Laws	Vol. I p. xix	87/48	30/50
Revision of Laws	39/I		
Road Authority		64/50	3/52 10/54 39/56, Sch. 24/60 38/60 60/60†
Roads Protection	230/III		64/50, Sch.
Royal East African Navy	H.C. 7		H.C. 2/53 H.C. 13/54
Royal National Parks of Kenya	215/III		29/51 60/56 1/59 27/59, Sch. 57/60
Rules and Regulations (Laying)		39/56	
Rules of Court		44/60	
S			
Sale of Goods	290/IV		
Scrap Metal		26/59	
Seeds		53/55	
Sharland Pension		33/33	
Shipping	221/III		47/50
Shop Hours	114/II		13/49 37/56, s. 51
Shops in Rural Areas	115/II		27/59, Sch.
Sisal Bag Industry	197/III		

*Date of commencement: 1–1–1961.
†Date of commencement: 1–2–1961.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Sisal Industry	196/III		77/48 62/50 28/51 11/55 39/56, Sch.
Societies		52/52	26/56 39/56, Sch.
Special Districts (Administration) (A) Special Districts (Administration) (Amendment) (B)	45/I		19/49 6/50 27/51 36/52* L.N. 442/60 63/60
Special Pensions		37/50	
Special Pensions		40/60	
Specific Loan (No. 1)	242/III		
Specific Loan (No. 2)	243/III		
Specific Loan (No. 3)	244/III		
Specific Loan (No. 4)	245/III		
Specific Loan (No. 5)	246/III		
Specific Loan (Colonial Development Corporation)		44/53	
Specific Loan (International Bank for Reconstruction and Development) ..		13/60	
Stage Plays and Cinemas	313/IV		
Stamp Duty		31/58	5/60
Statistics	H.C. 5		H.C. 12/58
Statute Law (Repeal)		68/60†	
Stock and Produce Theft	206/III		4/59
Stock Traders Licences	280/IV		
Subordinate Courts (Separation and Maintenance)	6/I		
Succession Act (Indian)	Vol. I, p. XL		
Suppression of Noxious Weeds	180/III		
Survey		22/51	39/56, Sch.
T			
Tax Reserve Certificates		19/55	
Tea		16/50‡	58/50 26/54
Tea		61/60§	
Telegraphic Press Messages	312/IV		
Town Planning	134/II		27/59, Sch.
Town Planning (Procedure) Regulations (Validation)		31/57	

*Ss. 3–6 and Schedule expired on 30th September, 1953: s. 7.

†Date of commencement: 17–1–1961.

‡Repealed by Tea Ordinance, 1960 (No. 61 of 1960)—not yet in operation.

§Not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Townships	133/II		45/49 9/53, Sch. 18/56, Sch.
Trade Disputes (Arbitration and Inquiry)	118/II		37/54
Trade Marks		51/55	39/56, Sch.
Trade Unions		23/52	11/56 39/56, Sch. 54/60
Traders' Licensing		11/51	
Trading Centres	278/IV		
Trading in Unwrought Precious Metals..	172/III		10/52 53/54
Trading with the Enemy		21/39	23/46
Traffic		39/53	39/56, Sch. 14/58 52/59 14/60 24/60
Transfer and Delegation of Powers ..		31/55	7/56
Transfer of Property Act (Indian) ..	Vol. I, p. XL		9/59
Transport Licensing	237/III Rev. Edn., 1956		39/56, Sch.
Trespass	166/II		41/52
Tribal Police		13/58	20/59
Trout	219/III		22/56 27/59, Sch.
Trust Land	100/II		64/50, Sch. 35/58 27/59, Sch. 38/59
Trustee Investment in Kenya Government Securities	240/III		
Trustees	36/I		85/48 8/56 27/59, Sch.
Trusts of Land	151/II		
U			
United Kingdom Designs (Protection) ..	296/IV		
Uplands Bacon Factory	211/III		
Use of Poisonous Substances		23/57	
V			
Vagrancy		1/60	
Variation of Trusts		47/59	
Vasey Pension		64/60	
Veterinary Surgeons		51/51	12/58
Vexatious Proceedings		4/58	

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(*Contd.*)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
W			
Wakf Commissioners		30/51	
War Loan	249/III		
Water		56/51	39/56, Sch. 24/57 27/59, Sch. 59/60
Wayleaves	153/II		
Weights and Measures		49/51	52/54 39/56, Sch.
Wheat Industry		24/52	4/54 8/55, 5th Sch. 46/56 46/59
Widows' and Orphans' Pension	73/I		11/49 42/56 9/60
Wild Animals Protection		18/51	23/53 12/57 27/59, Sch.
Wireless Telegraphy	H.C. 4		
Witchcraft	25/I		
Workmen's Compensation	119/II		45/55