



COLONY AND PROTECTORATE OF KENYA

ORDINANCES

ENACTED DURING THE YEAR

1938

VOL. XVII (NEW SERIES)

1939

PRINTED BY THE GOVERNMENT PRINTER
NAIROBI

INDEX TO ORDINANCES, 1938

	PAGE
AGRICULTURAL ADVANCES (AMENDMENT)	50
APPROPRIATION	343
ASIAN CIVIL SERVICE PROVIDENT FUND (AMENDMENT)..	324
BILLS OF EXCHANGE (AMENDMENT)	74
COMMISSIONER FOR LOCAL GOVERNMENT (TRANSFER OF POWERS)	307
CONTROL OF FUGITIVE BELLIGERENTS (AMENDMENT) ..	80
CROWN LANDS (AMENDMENT)	97
EIRE AND NORTHERN IRELAND (CONSEQUENTIAL PROVISIONS)	79
ELECTRIC POWER (AMENDMENT)	91
EMPLOYMENT OF SERVANTS	7
EMPLOYMENT OF SERVANTS (AMENDMENT)	293
FINANCIAL OFFICERS (CHANGE OF TITLES)	319
IMMIGRATION RESTRICTION (AMENDMENT).. .. .	58
KENYA DEFENCE FORCE (AMENDMENT)	71
KENYA REGIMENT (TERRITORIAL FORCE) (AMENDMENT) ..	63
KENYA AND UGANDA RAILWAY (AMENDMENT)	328
KEROSENE OIL (REPAYMENT OF DUTY) (AMENDMENT) ..	75
KING'S AFRICAN RIFLES (AMENDMENT)	55
KING'S AFRICAN RIFLES (AMENDMENT No. 2)	260
KING'S AFRICAN RIFLES RESERVE OF OFFICERS (AMENDMENT)	262
LIGHTING CONTROL	53
LIQUOR (AMENDMENT)	263
LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) ..	297
LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) ..	304
LOCAL GOVERNMENT (RATING) (AMENDMENT)	61
MARRIAGE (AMENDMENT)	49
McMILLAN MEMORIAL LIBRARY	269
MUSEUM TRUSTEES	310
NATIVE LANDS TRUST	151
NATIVE LIQUOR (AMENDMENT)	259
NATIVE REGISTRATION (<i>Amendment</i>)	1
NORTHERN FRONTIER PROVINCE POLL TAX (AMENDMENT)	323
PENAL CODE (AMENDMENT)	92
PUBLIC HEALTH (AMENDMENT)	51
PUBLIC HEALTH (DIVISION OF LANDS) (AMENDMENT) ..	308
PUBLIC HOLIDAYS (AMENDMENT)	76
PUBLIC TRUSTEES (AMENDMENT)	52
PYRETHRUM	283
REFUGEES	82
SHOPS IN RURAL AREAS (AMENDMENT)	326
STAMP (AMENDMENT)	54
SUGAR (CONTROL)	67
SUPPLEMENTARY APPROPRIATION	77
TEA (AMENDMENT)	86
TRANSPORT LICENSING (AMENDMENT)	87
WIDOWS AND ORPHANS PENSION (AMENDMENT)	57

ORDINANCES, 1938
CHRONOLOGICAL TABLE

No.	TITLE	Date of Assent	Date of Commence-ment
I	Native Registration (Amendment) 1937	25-3-38	25-3-38
II	Employment of Servants, 1937 ..	25-3-38	25-3-38
III	Marriage (Amendment)	14-5-38	14-5-38
IV	Agricultural Advances (Amendment)	14-5-38	14-5-38
V	Public Health (Amendment)	14-5-38	14-5-38
VI	Public Trustee's (Amendment)	14-5-38	14-5-38
VII	Lighting Control	14-5-38	14-5-38
VIII	Stamp (Amendment)	14-5-38	14-5-38
IX	King's African Rifles (Amendment) ..	14-5-38	By Notice
X	Widows and Orphans Pension (Amendment)	14-5-38	14-5-38
XI	Immigration Restriction (Amendment)	14-5-38	14-5-38
XII	Local Government (Rating) (Amendment)	14-5-38	14-5-38
XIII	Kenya Regiment (Territorial Force) (Amendment)	14-5-38	14-5-38
XIV	Sugar (Control)	13-9-38	13-9-38
XV	Kenya Defence Force (Amendment) ..	13-9-38	13-9-38
XVI	Bills of Exchange (Amendment) ..	13-9-38	13-9-38
XVII	Kerosene Oil (Repayment of Duty) (Amendment)	13-9-38	13-9-38
XVIII	Public Holidays (Amendment)	13-9-38	13-9-38
XIX	1937 Supplementary Appropriation ..	13-9-38	13-9-38
XX	Eire and Northern Ireland (Consequential Provisions)	13-9-38	13-9-38
XXI	Control of Fugitive Belligerents (Amendment)	13-9-38	13-9-38
XXII	Refugees	13-9-38	13-9-38
XXIII	Tea (Amendment)	13-9-38	13-9-38
XXIV	Transport Licensing (Amendment) ..	13-9-38	13-9-38
XXV	Electric Power (Amendment)	13-9-38	31-7-38
XXVI	Penal Code (Amendment)	13-9-38	13-9-38
XXVII	Crown Lands (Amendment)	22-12-38	By Proclamation
XXVIII	Native Lands Trust	22-12-38	"
XXIX	Native Liquor (Amendment)	7-11-38	7-11-38
XXX	King's African Rifles (Amendment) ..	7-11-38	By Notice
XXXI	King's African Rifles Reserve of Officers (Amendment)	7-11-38	7-11-38
XXXII	Liquor (Amendment)	7-11-38	7-11-38
XXXIII	McMillan Memorial Library	30-11-38	30-11-38
XXXIV	Pyrethrum	30-11-38	By Notice
XXXV	Employment of Servants (Amendment)	20-12-38	20-12-38
XXXVI	Local Government (District Councils) (Amendment)	20-12-38	By Notice
XXXVII	Local Government (Municipalities) (Amendment)	20-12-38	"
XXXVIII	Commissioner for Local Government (Transfer of Powers)	20-12-38	"
XXXIX	Public Health (Division of Lands) (Amendment)	20-12-38	"

CHRONOLOGICAL TABLE—(Continued)

No.	TITLE	Date of Assent	Date of Commencement
XL	Museums Trustees	20-12-38	By Notice
XLI	Financial Officers (Change of Titles) ..	20-12-38	1-9-38
XLII	Northern Frontier Poll Tax (Amendment)	20-12-38	20-12-38
XLIII	Asian Civil Service Provident Fund (Amendment)	20-12-38	20-12-38
XLIV	Shops in Rural Areas (Amendment) ..	20-12-38	20-12-38
XLV	Kenya and Uganda Railway (Amendment)	23-12-38	23-12-38
XLVI	1939 Appropriation	23-12-38	23-12-38

**TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION
FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938**

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
<i>Revised Edition</i>			
<i>Cap.</i> 1	Interpretation and General Clauses	Section 2, definition of Crown Lands amended	27
21	Justices of the Peace	Section 12 and schedule, amended	41
30	Public Holidays	Sections 2 and 3, repealed and replaced; schedule amended	18
32	Promissory Oaths	Second schedule, amended	41
36	Police	Accountant-General substituted for Treasurer or Colonial Treasurer	41
57	Stamp	Section 37, repeal and replacement of (a) of proviso; schedule amended	41
57	Stamp	Financial Secretary substituted for Treasurer or Colonial Treasurer	8
62	Immigration Restriction	Part VI, new	41
96	Weights and Measures	Section 12, amended	11
124	Public Health	Section 20, new subsection (3A)	41
127	Native Registration	Section 2, amended; section 6, repealed and replaced; section 8, amended; section 8A, new; sections 9, 12, 13, 14, 15, amended; section 16, repealed; section 17, repealed and replaced; sections 19A and 19B, new	5
131	Natives Trust Fund	Sections 5 and 9, amended	1
139	Employment of Natives	Repealed, with saving clause	41
140	Crown Lands	Section 5, definitions added and definition of "Crown Land" amended; Schedules, new; Part VI, new, section 86, repealed	2
149	Forest	Section 43, amended	27
165	Electric Power	Section 18 (5), proviso added	41
167	Marriage	Section 15, amended; section 21A, new	25
			3

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

FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
7 of 1925	Public Trustees	New section, appointment of commissioners; section 5, repealed; section 7 (3), amended	6
32 of 1925	Coryndon Trust	Accountant-General substituted for Treasurer or Colonial Treasurer	41
13 of 1926	Estate Duty (Consolidation)	Sections 3, 4, 9, 22, amended	41
7 of 1927	Bills of Exchange	Section 60, re-numbered 60 (1); section 60 (2), new	16
12 of 1927	King's African Rifles Reserve of Officers	Section 3, amended; section 10 (1), new proviso	31
15 of 1927	Kenya and Uganda Railway	Section 2, definitions of "Free pass" and "Railways" amended, definition of "Train" repealed and replaced, new definition of "Waterworks" added; section 3, repealed and replaced; section 9 (3), amended; sections 12, 13, 14, 17, repealed and replaced; section 18 (6), new; sections 20, 21, 27 (2), repealed and replaced; section 36 (3), repealed; section 43, repealed and replaced; section 44 (1), amended; sections 45, 46(c), repealed and replaced; section 47, amended; section 49, repealed and replaced; section 50, amended; section 53, repealed; sections 55, 58, repealed and replaced; section 59, amended; section 60, repealed; section 64 (3) and (4), new; section 72 (1), repealed and replaced; section 82, amended; application of sections 15 (1) (2), 32, 34, 44 (1), 49 (j) (k) (l) (m) (n) (g) to aircraft services	45
20 of 1927	Asiatic Widows and Orphans Pension	Sections 12, 15, 16, 17, amended	41
19 of 1928	Local Government (Municipalities)	Section 4, new proviso; section 8, new proviso; section 94 (5), amended; section 99, repealed and replaced	37
20 of 1928	Local Government (Rating)	Section 29, repealed and replaced	12

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)
FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
21 of 1928	Local Government (District Councils)	Section 2, definition of Standing Committee repealed and replaced; sections 6 (1) (c), 25, 26 (1), repealed and replaced; sections 27 (1), 29, amended; section 30A, new; section 34 (3), repealed and replaced; sections 34A, 57 (1A), new; section 57 (5), repealed and replaced; section 66 (10), new; sections 103 (1), 111 (3), amended; sections 119 (1), (2) and (3) repealed and section 119 (1) substituted	36
32 of 1928	Public Health (Division of Lands)	"Commissioner of Lands and Settlement" substituted for "Commissioner for Local Government"	38
32 of 1938	Public Health (Division of Lands)	Section 4, repealed and replaced	39
16 of 1929	Tribal Police	Sections 14, 15, 20, amended	41
35 of 1929	Water	"Commissioner of Lands and Settlement" substituted for "Commissioner for Local Government"	38
9 of 1930	Native Lands Trust	Repealed, with saving section 66	28
10 of 1930	Penal Code	Sections 47, 48, 49, 50, 51, 52, 53, 54, 55, repealed and replaced; sections 166 (4), and 368, amended	26
12 of 1930	Agricultural Advances	Section 7 (3), proviso added	4
12 of 1930	Agricultural Advances	Section 6, amended	41
32 of 1930	Bankruptcy	Section 133, amended	41
36 of 1930	Native Liquor	Section 2, repealed and replaced	29
53 of 1930	Northern Frontier Province Poll Tax	Section 17, repealed	42
58 of 1930	Kerosene Oil (Repayment of Duty)	Section 3 (2), amended and proviso added	17
58 of 1930	Kerosene Oil (Repayment of Duty)	Accountant-General substituted for Treasurer or Colonial Treasurer	41
61 of 1930	Shipping	Sections 82, 101, amended	41
64 of 1930	Police	Accountant-General substituted for Treasurer or Colonial Treasurer	41

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)
FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
3 of 1931	Land and Agricultural Bank	Accountant-General substituted for Treasurer or Colonial Treasurer	41
13 of 1931	Bowing Pension	Accountant-General substituted for Treasurer or Colonial Treasurer	41
22 of 1931	Butter Levy	Accountant-General substituted for Treasurer or Colonial Treasurer	41
42 of 1931	Hall Pension	Accountant-General substituted for Treasurer or Colonial Treasurer	41
48 of 1931	Town Planning and Development	"Commissioner of Lands and Settlement" substituted for "Commissioner for Local Government"	38
56 of 1931	Entertainments Tax	Sections 4, 6, 7, 8, amended	41
33 of 1932	Customs Tariff (Amendment)	Section 4, amended	41
24 of 1932	Morris Pension	Accountant-General substituted for Treasurer or Colonial Treasurer	41
45 of 1932	Money-lenders	Section 7, amended	41
48 of 1932	King's African Rifles	Section 46, paragraph A (g) deleted from paragraph (1); section 81 (1), amended; section 85A, new	41
48 of 1932	King's African Rifles	Section 47, repealed and replaced; section 63, amended; section 79, amended, and new proviso added; "carrier" and "carriers" substituted for "machine and Lewis gun porter" and "machine and Lewis gun porters"	9
48 of 1932	King's African Rifles	Sections 56, 85, 96, amended	30
51 of 1932	Native Lands Trust (Amendment)	Repealed	41
8 of 1933	Dangerous Petroleum Tax (Amendment)	Section 2, amended	27
20 of 1933	Shops in Rural Areas	Section 3, repealed and replaced; section 5 (1), amended; section 9, new	41
			44

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)
FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
30 of 1933	Kenya and Uganda Railway (Amendment)	Repealed	45
33 of 1933	Sharland Pension	Accountant-General substituted for Treasurer or Colonial Treasurer	41
46 of 1933	Entertainments Tax (Amendment)	Sections 4 (1) and 4 (2), amended	41
2 of 1934	Transfer of Revenue Collection	Accountant-General substituted for Treasurer or Colonial Treasurer	41
11 of 1934	Sisal Industry	Section 6, amended	41
27 of 1934	European Civil Service Provident Fund	Accountant-General substituted for Treasurer or Colonial Treasurer	41
30 of 1934	Blackwell Pension	Accountant-General substituted for Treasurer or Colonial Treasurer	41
36 of 1934	Native Lands Trust (Amendment)	Repealed	28
46 of 1934	Tea	Sections 3, 15, amended	23
54 of 1934	Coffee Industry	Section 11, amended	41
55 of 1934	Interpretation (Definition of "Native")	Second schedule, amended	1
62 of 1934	Liquor	Sections 2, 10, 19, 20, amended; section 20 (2), new; sections 22, 31, 32, 33, amended; sections 34, 35, repealed and replaced; sections 39, 41, 42, 46, amended; section 46B, new; section 66 (1), repealed and replaced	32
64 of 1934	Asian Civil Service Provident Fund	Providing that members of B.E.A. Meteorological Service may become contributors	43
64 of 1934	Asian Civil Service Provident Fund	Accountant-General substituted for Treasurer or Colonial Treasurer	41
23 of 1935	Sale of Pyrethrum	Repealed	34
62 of 1935	Liquor	Section 66, amended	41
11 of 1936	Control of Fugitive Belligerents	Sections 7 (2), 19(a), 20 (1), 22, 24, amended; section 7, new	21

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)
FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1938

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1938
18 of 1936	Farmers Assistance	Section 3, amended	41
29 of 1936	Savings Bank	Sections 8, 12, 13, amended	41
31 of 1936	Penal Code (Amendment)	Section 5, amended	26
2 of 1937	Native Authority	Sections 32, 36, amended	41
3 of 1937	Widows and Orphans Pension (Amendment)	Section 5, proviso added	10
4 of 1937	Kenya Regiment (Territorial Force)	Sections 8, 11, amended; sections 13, 19 (1), repealed and replaced; section 24, amended; section 29, repealed; section 36, amended	13
5 of 1937	Kenya Defence Force	Sections 8, 9, amended; section 10, marginal note amended; sections 17 (1), 21 (1), repealed and replaced; sections 23, 31 (1), amended; section 9, new	15
6 of 1937	Stamp (Amendment)	Section 2, repealed	8
11 of 1937	Passion Fruit	Section 11, amended	41
12 of 1937	Income Tax	Section 80, amended	41
22 of 1937	Tea Cess	Section 3, amended	41
40 of 1937	Transport Licensing	Sections 3, 12, 15, amended; section 22A, new; section 30, amended	24
41 of 1937	1938 Appropriation	Section 4, amended	41
2 of 1938	Employment of Servants	Section 2, amended; section 4(d), proviso added; section 7 (1), repealed and replaced; section 11, proviso repealed and replaced, and further proviso added; section 18, becomes 18 (1), and (2), added; section 27, proviso added; section 37, repealed and replaced; section 69, amended	35
6 of 1938	Public Trustees (Amendment)	Section 2, amended	41

Colony and Protectorate of Kenya

ORDINANCE No. 1 of 1938

An Ordinance to Amend the Native Registration Ordinance

25th April, 1938

Insd. 36/38. 1. 206 Date of commencement.

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

1. This Ordinance may be cited as the Native Registration (Amendment) Ordinance, 1937, and shall be read as one with the Native Registration Ordinance (Chapter 127 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 127.

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

Amendment of section 2 of the Principal Ordinance.

(a) by deleting the definition of "ink";

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

"'employer' means any person or any firm, corporation or company who or which has entered into a contract of service with any native, and the agent, foreman, manager, or factor of such person, firm, corporation or company, and where a native has entered into a contract of service with the Government of the Colony or with any officer on behalf of such Government, the Government officer under whom such servant is working shall be deemed to be his employer:

Provided that no Government officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith.";

and

(c) by inserting the following new definition:—

“to engage or employ’ means to enter into a contract of service with a native within the meaning of the Employment of Servants Ordinance, 1937.”

No. 2 of 1938

Repeal and replacement of section 6 of the Principal Ordinance.

Endorsement of certificate of employer.

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

“6. (1) Any person who desires to engage or employ a native who under the provisions of this Ordinance is required to be registered shall, before entering into a contract of service with such native, demand from him his registration certificate and if such native fails on demand to produce his certificate or if the registration certificate when produced bears an endorsement of engagement but does not bear an endorsement of discharge it shall be an offence against the provisions of this Ordinance to engage such native.

(2) Every person who engages a native, who under the provisions of this Ordinance is required to be registered, for a longer period than twenty-four hours shall, within forty-eight hours of engaging such native, endorse his registration certificate and forthwith return the certificate to the native.

(3) An employer shall keep such records of natives engaged or employed by him as may be prescribed.

(4) Upon the termination of a contract of service the employer shall endorse legibly on the certificate such particulars relating to the discharge of the native as may be prescribed and shall return the certificate to the native. If at the date of discharge the native is in receipt of a rate of wages different from the rate endorsed on the certificate by the employer when he engaged the native the employer shall make any necessary alteration on the certificate and initial such alteration.

(5) If an employer refuses or omits to endorse a registration certificate on discharge the native shall forthwith report to the nearest Registration Officer who shall take steps to obtain a proper endorsement of discharge from the employer; or if the Registration Officer is satisfied that the endorsement has been omitted through ignorance or mistake and through no fault of the native he may

Sub-section (2) and (3) replaced by Ord. 32/47 p. 132

after reference to the last employer endorse the discharge, affixing such date as may appear to him consistent with the circumstances:

Provided that no such endorsement by a Registration Officer shall be an absolute defence to a prosecution for desertion if it be proved that such offence has been committed by the native.

(b) All endorsements required under the provisions of this section to be made on a registration certificate shall be in English and shall be made in blue or blue-black ink."

4. Section 8 of the Principal Ordinance is hereby amended by deleting the last three lines thereof and substituting therefor the following:—

Amendment of section 8 of the Principal Ordinance.

"shall upon conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

5. The Principal Ordinance is hereby amended by inserting therein the following new section:—

Amendment of the Principal Ordinance.

"8A. (1) Where an employer grants leave of absence to any native whom he has engaged, he shall furnish to such native a leave certificate in the prescribed form stating the number of days leave which he has granted to such native and the date upon which such native is due to return to his employment:

Leave.

(Provided that if an employer wishes to grant leave of absence to any native for a period in excess of one month he shall before granting such leave obtain the written consent of the district commissioner of the district in which he resides.

Section by Ord

The granting of such consent shall be in the discretion of the district commissioner who, if he grants such consent, shall notify the Chief Registrar of Natives in writing specifying in such notification the name and registration number of such native, the number of days leave granted to such native and the name and address of the employer.

*9 N. 295/43
disc natives
death only
suspended the
section*

(2) Any employer who grants leave to a servant for a period in excess of one month without the prior consent in writing of the district commissioner of the district in which he resides shall be guilty of an offence.

(2) A Added by S.N. 169/42, p. 373.

(3) Any native who—

(a) on the termination of his contract of service; or

(b) on the expiration of any period of leave granted to him under the provisions of this section, has not returned to the service of his employer and

is without lawful excuse in possession of his registration certificate bearing an endorsement of employment but no endorsement of discharge, shall be liable on conviction to the penalties prescribed by section 8 of this Ordinance:

Provided that if in a prosecution for an offence against the provisions of this sub-section the Court is satisfied that the person charged is guilty of the offence but that he is in possession of a certificate bearing no endorsement in circumstances which constitute an offence against the Employment of Servants Ordinance, 1937, or of any Ordinance amending or replacing the same, the Court shall acquit the person charged if he has already been convicted of such other offence, but if such person has not already been convicted of such other offence then the Court may convict him of an offence under this sub-section and impose a penalty and such conviction shall operate as a bar to the institution of any proceedings for such other offence against the person so convicted."

No. 2 of 1938

Amendment of section 9 of the Principal Ordinance.

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

(a) by deleting from sub-section (1) thereof the words "administrative officer in charge of the district in which the native is employed" and by substituting therefor the words "Chief Registrar of Natives";

(b) by repealing sub-section (3) thereof and substituting therefor the following:—

"(3) Failure to comply with the requirements of this section shall render the person liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

Amendment of section 12 of the Principal Ordinance.

7. Section 12 of the Principal Ordinance is hereby amended by deleting the last three lines thereof and substituting therefor the following words:—

"of this section shall on conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

1938

Native Registration

No. I

8. Section 13 of the Principal Ordinance is hereby amended:—

Amendment of section 13 of the Principal Ordinance.

(a) by deleting sub-section (5) thereof, and substituting therefor the following:—

“(5) Shall destroy, alter, imitate, mutilate, make a false entry in or in any way improperly tamper with any certificate or container belonging to a native whether such native is in his employ or not; or who shall knowingly engage or employ a native in possession of a registration certificate bearing any of the mutilations, dishonest erasures or additions mentioned in sub-section (6) of section 8 of this Ordinance;”

(b) by deleting sub-section (7) thereof, and substituting therefor the following:—

“(7) Shall engage or employ any unregistered native or any native who does not first produce his registration certificate.”

(c) by deleting the last two lines of the section and substituting therefor the following:—

“hundred pounds or in default of payment to imprisonment for a term not exceeding one year.”

9. Section 14 of the Principal Ordinance is hereby amended by deleting from line nine thereof the words “Central Finger Print Bureau” and substituting therefor the words “office of the Chief Registrar of Natives”.

Amendment of section 14 of the Principal Ordinance.

10. Section 15 of the Principal Ordinance is hereby amended—

Amendment of section 15 of the Principal Ordinance.

(a) by substituting the words “police officer of or above the rank of Assistant Sub-Inspector” for the words “police officer” which occur in the first line of the section; and

(b) by substituting the words “in default of payment to imprisonment for a term not exceeding one month.” for the words “imprisonment of either description for a period of one month or to both.”

11. Section 16 of the Principal Ordinance is hereby repealed.

Repeal of section 16 of the Principal Ordinance.

No. 1

Native Registration

1938

Repeal and replacement of section 17 of the Principal Ordinance.

12. Section 17 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Penalties.

“17. Any person contravening any of the provisions of this Ordinance, for which no special penalty is provided, or of any rules made thereunder, shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment for a term not exceeding three months.”

Amendment of the Principal Ordinance.

13. The Principal Ordinance is hereby amended by inserting, immediately after section 19 thereof, the following new sections:—

No. 11 of 1930.

“19A. Where proceedings are instituted against any person for an offence or for a number of offences against the provisions of this Ordinance, such person may, notwithstanding the provisions of the Criminal Procedure Code, if such offences are of the same kind, be charged with and tried at the same time for any number of such offences.

19B. (1) Where the Chief Registrar of Natives has reason to believe that an offence has been committed against the provisions of this Ordinance, he may institute proceedings in respect of such offence.

(2) Any document purporting to be a certificate under the hand of the Chief Registrar of Natives, certifying that any return required to be made to him under this Ordinance has not been made, may be given in evidence in any proceedings under this Ordinance unless the court having jurisdiction under this Ordinance shall require the Chief Registrar of Natives to be called as a witness.”

Amendment of Ordinance No. 55 of 1934.

14. The Interpretation (Definition of “Native”) Ordinance, 1934, is hereby amended—

(a) by deleting from the First Column of the Second Schedule thereto the words, figures and brackets—
“Sections 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 22 and 23 of the Native Registration Ordinance (Chapter 127 of the Revised Edition)”; and

(b) by deleting from the Second Column of the said Schedule the words “A Somali” where they appear opposite the words, figures and brackets hereinbefore referred to in this section.

For "approved authority" } subord. 56/48
"approved employer" }

New definitions -

"labour inspectors" - "Principal Registrar" - "registration
officer" - "casual labourer" - subord. 56/48

inserted by sec. 2 of Ord. 31/47 p. 129

For "employee" see Ord. 56/48

ORDINANCE No. II of 1938

An Ordinance to Provide for the Control of the Employment of Servants

25th April, 1938

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

1. This Ordinance may be cited as the **Employment of Servants Ordinance, 1938** Short title. *56/48*

2. In this Ordinance when not inconsistent with the context— Interpretation.

“contract of service” means any contract whether in writing or oral, whether expressed or implied, to employ or to serve as a servant for any period of time and any contract of apprenticeship; Contract of service.

“desertion” means absence by a servant without lawful excuse for a period exceeding seven consecutive days from his place of employment; Desertion. *Replaced by Ord. 58/48*

“employer” means any person, or any firm, corporation or company who or which has entered into a contract of service to employ any servant, and includes the agent, foreman, manager, or factor of such person, firm, corporation or company, and, where a servant has entered into a contract of service with the Government or with any officer on behalf of the Government, the Government officer under whom such servant is working shall be deemed to be his employer: Provided that no Government officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith: For the purposes of this definition the word “Government” and the words “Government officer” shall be deemed to include the Kenya and Uganda Railways and Harbours Administration and an officer of the Kenya and Uganda Railways and Harbours Administration respectively; Employer. *See Ord. 35/38. - see Ord. 58/48*

“family” means the wife or wives and the unmarried children, if any, except adult males, of a recruited or forwarded servant; Family.

Amended by Ord. 35/38.

Ord. 35/40.

5/44

27/46

Nov. 37/36, 27/47

Date of commencement.

56/48

Foreign
contract of
service.

"foreign contract of service" means a contract of service made within the Colony and to be performed in all or in part outside the Colony and any contract for service with a foreign state: Provided, however, that a contract for employment of a domestic servant for service in the Uganda Protectorate or in the Tanganyika Territory or within the dominions of the Sultan of Zanzibar ~~beyond the Colony or of a sailor for service on a vessel on Victoria Nyanza or on a vessel calling at the ports of the Colony or of the dominions of the Sultan of Zanzibar beyond the Colony alone shall not be deemed to be a foreign contract of service;~~

35/38

Government.

"Government" means the Government of the Colony and Protectorate of Kenya;

Juvenile.

Replaced by Ord. 16/38
"juvenile" means an Arab, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native, who has ~~not~~ *not reached* the apparent age of sixteen years;

Labour agent.

"labour agent" means any person who acts as agent for an employee in respect of the engaging and forwarding of ~~Arabs, Baluchis~~ born in Africa, Comoro Islanders, Malagasies, Somalis or natives who spontaneously and voluntarily offer their services at the office of such labour agent;

Labour officer.

Replaced by Ord. 11/30
"labour officer" means any person appointed by the Governor ~~to be a labour officer~~ and includes the Principal Labour Officer;

Local authority.
No. 19 of 1928.

Labour inspector see Ord. 16/48
"local authority" means a municipality established under the Local Government (Municipalities) Ordinance, 1928, and a district council established under the Local Government (District Councils) Ordinance, 1928;

No. 21 of 1928.

Medical officer.

Replaced by Ord. 32/38
"medical officer" means a ~~medical practitioner in the service of Government, and for the purposes of sections 40 and 79 of this Ordinance includes an assistant surgeon and a sub-assistant surgeon in the service of Government;~~

Parties.

"Member" see Ord. 16/48
"parties" means the employer and employed under any contract of service;

Piece work.

"piece work" means any work the pay for which is estimated by the amount performed irrespective of the time occupied in its performance;

Private
recruiter.

"private recruiter" means any person who by himself or by a person in his regular, permanent and exclusive employ recruits ~~Arabs, Baluchis~~ born in Africa, Comoro Islanders, Malagasies, Somalis or natives for his own bona fide personal

or business service exclusively, and includes any officer of Government or of a local authority who in the course of his duties recruits ~~Arabs~~, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives for the purposes of performing work or labour for the Government or a local authority;

“professional recruiter” means a person, firm or association, which carries on recruiting as a commercial undertaking for the sake of profit; Professional recruiter.

“recruited servant” means a servant who did not spontaneously and voluntarily offer his services at the place of employment or at the office of a labour agent; Recruited servant.

“to recruit” means to obtain or attempt to obtain the supply of labour of ~~Arabs~~, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives who do not spontaneously offer their services at the place of employment or at the office of a labour agent and “recruiting” includes all operations undertaken with that object in view; To recruit.

“servant” means any ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native employed or engaged by an employer: Provided that the Governor may, by notice in the Gazette, exclude any person or class of persons, whether by name, race or occupation, from this definition and from the operation of this Ordinance; Servant.

“task” means such amount of work as can in the opinion of a labour officer be performed by a servant in an ordinary working day. Task.

Tamparanyika Territory: see Ord. 58/48
FORMATION AND INTERPRETATION OF CONTRACTS.

3. A contract of service which, or a sufficient memorandum whereof, is not in writing and signed by the parties thereto, shall not be in force for a longer period than one month from the making thereof. Contracts not in writing and unsigned.

4. Notwithstanding anything contained in section 3 of this Ordinance, it shall be competent for any person and ~~an Arab~~, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native to enter into a contract of service for the servant to work for the employer for thirty days (in succession or otherwise at the election of the employer) and in such cases— Employer and servant may enter into a contract for performance of thirty days' work within a period of forty-two days.

(a) the employer shall, except when it is impossible for him to do so by reason of any default on the part of the servant, provide thirty tasks for such servant or shall provide thirty days' work for such servant;

- (b) the employer shall provide food for the servant or payment in lieu thereof during the continuance of the contract, except for days on which the servant is absent from his place of employment without lawful cause or the mutual consent of the parties;
- (c) it shall not be necessary, if the contract be in writing, to comply with any of the formalities prescribed by this Ordinance for a written contract;
- (d) the contract shall be known as a "ticket contract" and shall not, save as is provided in section 60 of this Ordinance, extend beyond a period of ~~forty-two~~ ^{thirty} days from the making thereof: On the expiration of such period the servant shall be entitled to the payment of all wages accrued due in respect of the number of daily tasks which he has performed or of the number of days he has worked in the proportion which such number of tasks or days bear to thirty; - *see the proviso*
- (e) where a ticket contract is entered into the employer shall supply the servant with a ticket which shall be in such form as may be prescribed;
- (f) if the servant is absent from work through illness, the employer shall, at his own expense, if the servant is residing on the employer's premises, cause such servant to be properly fed during the period of his illness for the unexpired period of forty-two days.

4 A: ~~Section 5, Ordinance No. 27 of 1938~~

Employer and servant may enter into a special contract for a definite number of days' work in a period not exceeding two years.

5. It shall be competent for any person and an Arab, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native to enter into a contract of service in writing for the servant to work for the employer within a specified calendar period not exceeding one year (or, where the Governor by notice in the Gazette so approves for any class of skilled work, two years) for a definite number of days (in succession or otherwise at the election of the employer) and in such case—

- (a) the employer shall provide work for the servant for such definite number of days;
- (b) the employer shall provide food for the servant or payment in lieu thereof during the continuance of the contract, except for days on which the servant is absent from his place of employment without lawful cause or by mutual consent of the parties;

- see S.N. 510/44, p. 169

added by Ord. 35/38.

* Any employer may, subject to the provisions of section 13
of this Ordinance, enter into a contract of service, in writing,
for the employee to work for him within a specified period
- see Ord. 56/48

- (c) the contract shall be known as a "special contract";
- (d) in all such contracts the number of days for which the servant engages to work and for which the employer engages to provide work shall be not less than five-sevenths of the total number of days of the duration of the contract.

6. (1) No written contract of service, ^{for a longer period than 6 calendar months or 6 trials.} shall be enforced against any servant who is unable to read and understand writing unless it bears an attestation under the hand and seal of a magistrate or of a justice of the peace to the effect that such contract was read over and explained to such servant in the presence of such magistrate or justice of the peace and was entered into by him voluntarily and with full understanding of its meaning.

Attestation of written contract.

^{Provision added by Ord. 56/48}
 (2) A magistrate or a justice of the peace may, when he deems it necessary before attesting any contract, require the employer to give security for the payment of the wages of the servant about to be engaged. Such security may be given by bond in the ^{prescribed} ~~form set out in the Schedule to this Ordinance,~~ or to the like effect, with one or more sureties to be approved by the magistrate or justice of the peace.

Security for payment of wages.

~~7. (1) Every foreign contract of service shall be in writing, signed by the parties thereto, and shall be approved and attested by the Colonial Secretary or by other duly authorized in writing by the Colonial Secretary to approve and attest such contracts.~~

Foreign contract of service.

^{prescribed}
 (2) Every foreign contract of service shall be in the form ~~in the Schedule to this Ordinance~~ or to the like effect.

8. No contract of service shall be attested by a magistrate or a justice of the peace unless it is due to commence within fourteen days from the attestation thereof and it specifies as accurately as may be—

When contracts of service may be attested.

- (a) the nature and duration of the service;
- (b) the place or limits within which such service is to be performed;
- (c) the remuneration to be paid;
- (d) a stipulation by the employer to pay the wages of the servant monthly or at such other periods as may be specified in the contract unless otherwise expressly desired by the servant;

(e) in the case of a foreign contract of service a stipulation by the employer to provide the servant with sufficient means of returning; and

(f) such other particulars as may be prescribed.

No stamp duty shall be chargeable for the attestation of any contract.

9. Notwithstanding anything to the contrary contained in any law for the time being in force in the Colony, the attestation of any contract entered into under the provisions of this Ordinance shall be exempt from all stamp duty and any attestation fee prescribed by any Rules of Court.

Security in foreign contract of service.

10. When the employer who enters into a foreign contract of service does not reside or carry on business within the Colony, he shall, or where such employer resides in the Colony he may be required by the person attesting such contract to, give security by bond in the form in the Schedule to this Ordinance, or to the like effect, with one or more sureties resident in the Colony and approved of by the person attesting the contract for the due performance of the contract in such sums as such person considers reasonable.

Inducing persons to proceed abroad under informal contract.

11. Any person who—

(a) employs, engages, or knowingly aids in the employment or engagement of, any Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native with the intention that when so employed or engaged such Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native shall proceed outside the limits of the Colony; or

(b) induces or attempts to induce any servant to proceed outside the limits of the Colony,

shall, unless he has, under the provisions of this Ordinance, duly entered into a foreign contract of service with such Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native, or servant, as the case may be, be liable on conviction to a fine not exceeding one hundred pounds, and in default of payment to imprisonment for any period not exceeding twelve months:

~~Provided, however, that an employer of a servant engaged under a contract of service shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such servant to proceed to any place within the Uganda Protectorate or the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony or to any port or Victoria Nyanza.~~

— see the further proviso added by Ord. 35/38.

1938

Employment of Servants

No. 11

12. (1) Every written contract of service shall be made and attested in quadruplicate, the original thereof shall be delivered to the employer and one copy thereof shall be delivered to each of the following persons—

Copies of contract of service.

- L. C. Deplaced by Ord. 56/48*
- (a) the Principal Labour Officer;
- (b) the recruiter or labour agent (if any) as the case may be; and
- (c) the servant or, in the case of a gang of servants, to the headman of such gang.

(2) An attested copy of any such contract of service shall be receivable in evidence without further proof in all courts of the Colony.

13. A written contract of service other than a contract of apprenticeship shall not be ~~valid~~ *valid for a longer period than two years from the date thereof.* *Dec. 56/48*

A written contract not valid for more than two years.

14. Every contract of service wherein no agreement is expressed respecting its duration, not being a contract to perform some specific work without reference to time, shall:—

Determination of contract where duration not expressed.

- (a) if made and to be performed within the Colony be deemed to be—
- (i) in cases where the wages are not fixed by the contract or where the contract is to pay wages at any period or at any rate other than monthly, *or weekly* a contract at will, and determinable by either party at the close of any day without notice;
- (ii) in cases where the contract is to pay wages monthly or at a monthly rate, a contract for one month and determinable by either party *(iii) - Deplaced by Ord. 56/48* at the end of any month without notice;
- (b) if a foreign contract of service, be determinable at any time upon notice of intention to terminate the contract being given by either party to the other one month before the date of the intended termination in cases where wages are by the contract or local custom payable monthly or at longer intervals, or one week before the date of the intended termination in cases where wages are by the contract or local custom payable weekly or at longer intervals, being less than monthly, or in all other cases one day before the date of the intended termination.

No. II

Employment of Servants

1938

Contract
expiring on
journey may
be prolonged.

15. If the period expressed in any contract of service or foreign contract of service for the duration thereof expires, or if a servant seeks to determine any contract wherein no agreement is expressed respecting its duration whilst the servant is engaged in any voyage or journey, the employer may, for the purpose of terminating such voyage or journey, prolong the period of service for a sufficient period to enable the voyage or journey to be terminated: Provided that such extended period shall in no case exceed one month.

Provision of
sections 3 and 14
not to apply to
Government
servants.

16. Neither section 3 nor section 14 of this Ordinance shall apply to a contract of service entered into by a person in the service of the Government, if and so long as special provision is made by law with regard to the duration or the notice required for the determination of such contracts of service.

Task or piece
work.

17. (1) A contract may be entered into under which a task or piece work is to be performed for an agreed remuneration.

(2) When a task has not been completed the servant shall, at the option of his employer, be entitled to be paid by his employer at the end of the day in proportion to the amount of the task which has been performed or to complete the task on the following day in which case he shall be entitled to be paid on the completion of the task.

(3) In the case of piece work the servant shall be paid by his employer at the end of each calendar month in proportion to the amount of work which he has performed during such month or on the completion of such work, whichever date is the earlier.

Penalty for
decoying and
harbouring
servants.

18. (1) Any person—

- (a) inducing or attempting to induce any servant to leave the service of his employer under circumstances that amount to a breach of the contract under which the servant is employed or of any of the provisions of this Ordinance; or
- (b) knowingly engaging, ~~employing or harbouring~~ any servant who has unlawfully left the services of his employer; or
- (c) who, without the permission of the employer, enters upon the premises of such employer with intent to

18A and 18B - Heked by Ord. 53/48

induce or attempt to induce any servant to leave the service of such employer whether before or after the completion of such servant's contract with such employer,

shall be liable, on conviction, to a fine not exceeding one hundred and fifty pounds and in default of payment to imprisonment for a period not exceeding six months.

(2) added by Ord. 35/38.
18A - Servant to produce identity card to prospective employer.
~~APPRENTICESHIP CONTRACTS 1/47/2. 129~~

19. The father, or in the case of a fatherless child the guardian, of ~~an Arab or a native child~~, or of the child of a Malagasy, a Comoro Islander, a Baluchi born in Africa, or a Somali may, if such child is above the age of ~~ten years and~~ under the age of sixteen, with the consent of such child testified by his execution of the deed of apprenticeship, apprentice him to a trade or employment in which art or skill is required, or as a domestic servant, for any term not exceeding five years.

Apprenticeship of children by parents or guardians.

20. Whenever a juvenile is without known relatives, and is without a guardian, a magistrate ~~of the district~~ in which such juvenile resides or is found may authorize such juvenile to be apprenticed to a trade or employment mentioned in the last preceding section, and may appoint some fit person to execute the deed of apprenticeship and to act generally as guardian of such juvenile.

Apprenticeship of children without known relatives or a guardian.

21. ~~An Arab, A~~ Malagasy, a Comoro Islander, a Baluchi born in Africa, a Somali or a native of the age of sixteen years or upwards, not being under a deed of apprenticeship, and subject to the provisions of section 23 of this Ordinance, may apprentice himself for a term not exceeding five years to a trade or employment in which art or skill is required or as a domestic servant.

When persons may apprentice themselves.

22. Every ~~deed~~ ^{contract} of apprenticeship may, with the consent of the parties thereto, and subject to the next succeeding section, be assigned to an approved employer

Assignment of contracts of apprenticeship.

23. (1) Every contract of apprenticeship, and every assignment thereof shall be by deed, and no such deed shall be valid unless attested by ~~and made~~ with the approval of a magistrate having jurisdiction in the district where the person

Contracts and assignments invalid unless by deed approved.

to be apprenticed shall be living, and unless such approval is certified in writing under the hand of the magistrate on the deed of apprenticeship or assignment.

see ord. 11/50

Apprentices not to be removed from the Colony.

(2) Every deed of apprenticeship shall be in one of the forms in the Schedule to this Ordinance, or to the like effect.

25A - Bonds for apprentices - added by Ord. 18/38
24. Whoever removes or attempts to remove from the Colony any person apprenticed under this Ordinance during his apprenticeship without the authority in writing (the proof whereof shall lie on him) of the Colonial Secretary or any officer duly authorized in writing by the Colonial Secretary shall be liable on conviction to a fine not exceeding one hundred and fifty pounds and in default of payment to imprisonment for a period not exceeding twelve months.

Rep. Ord. 18/38

Decoying apprentices.

25. Whoever induces or attempts to induce any person apprenticed under this Ordinance to quit the service of his employer shall be liable on conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment for a period not exceeding three months.

Apprentices retained after expiration of contract entitled to wages.

26. If any person with whom an apprentice under this Ordinance has been placed shall retain such apprentice in his service after the stipulated period of service has expired, without any agreement between the parties for the payment of wages, the apprentice shall be entitled to recover from the person so retaining him wages at the ordinary current rate payable for service similar to that performed by such apprentice.

JUVENILES.

Prohibition against employment of juvenile.

27. No person shall employ a juvenile or cause a juvenile to be employed as a porter, fuel cutter, trolley or rickshaw boy or in any other class of labour for which in the opinion of a Government medical officer he is physically unsuitable. *see the proviso added by Ord. 35/38.*

Employment of juveniles.

Rep. Ord. 18/38

28. (1) No labour agent shall engage, and no private or professional recruiter shall recruit, any juvenile unless such juvenile has obtained a certificate from a district officer, which certificate shall be in the form set out in the Schedule to this Ordinance and shall, if such be the case, state that the permission of the father or guardian of such juvenile has been obtained.

(2) A juvenile who has obtained such a certificate may, subject to the provisions of this Ordinance, enter into a contract of service.

23 B. Approval of employees - added by Ord. 56/48
23 C. Disputes regarding apprenticeship deal - do.

Sections 27, 28, 29 & 30 replaced by Ord. 56/44

(3) A district officer may withhold such certificate for any reason deemed by him to be sufficient:

Provided that—

- (a) when there is a parent or guardian of a juvenile living and when such parent or guardian is unwilling to grant permission to such juvenile to seek employment the district officer shall withhold the certificate;
- (b) no juvenile who appears to be below the age of ten years shall be allowed to enter into a contract of service;
- (c) subject to the provisions of the Employment of Women, Young Persons and Children Ordinance, 1933, and subject to the provisions of paragraph (a) of this proviso, nothing in this section shall apply to any juvenile who is employed by the day only and who is accompanied throughout the duration of such employment by an adult relative.

No. 14 of 1933

29. (1) A district officer of the district in which any juvenile is employed or seeking employment, or a labour officer, may terminate or cancel any contract of service, which has been entered into by a juvenile, on the grounds that the employer is an undesirable character, or that the nature of employment is dangerous, or immoral, or injurious to the health of such juvenile or for any other reasonable cause.

Powers of district officer and labour officer.

(2) Any person aggrieved by the action or by the order of a district officer or a labour officer under the provisions of this section may, within thirty days after the date of such action or such order as the case may be, appeal to the Provincial Commissioner whose decision shall be final.

30. Nothing in sections 17 and 28 of this Ordinance contained shall be deemed to affect or apply to apprenticeship contracts.

Apprenticeship contracts not affected.

30A, 30B, 30C, 30D and 30E. Added by Ord. 56/48
CARE OF SERVANTS.

31. The employer shall at all times at his own expense either provide proper housing accommodation at the place of employment, or pay the rental of proper housing accommodation.

Housing of servants.

32. The employer shall at his own expense cause every servant in his employment to be properly fed and to be supplied with sufficient and proper cooking utensils and means

Feeding of servants.

of cooking unless it has been expressly agreed otherwise between the parties, at the time of entering into the contract of service: Provided that nothing in this section contained shall be deemed to impose upon an employer any liability in respect of any servant during the time such servant is absent from his place of employment without the permission of the employer or without other lawful excuse.

Water for use of servants.

33. Where an employer is required by the provisions of this Ordinance to cause his servant to be housed or fed, he shall provide at the place of employment a sufficient supply of wholesome water for the use of such servant.

Servants to be provided with tent accommodation, blankets, etc.

34. (1) An employer shall when necessary provide sufficient tent accommodation for his porters engaged for a journey.

(2) An employer shall when necessary and if requested by a servant, supply him with a suitable blanket, and in the case of a porter engaged for a journey also with a jersey and water-bottle. In any such case unless expressly agreed to the contrary the reasonable cost of the article or articles supplied shall be paid by the servant and may be deducted from the remuneration of the servant, and until the whole or a portion of such cost shall have been so deducted or otherwise paid by the servant the article or articles shall remain the property of the employer.

Employer to provide medicine and medical attendance.

35. An employer shall provide his servant with proper medicines during illness and also (if procurable) medical attendance during serious illness, and any employer failing so to provide shall, in addition to his liability for breach of this sub-section, be liable to pay any expenses incurred by the Government in providing such medical attendance:

Provided that an employer shall not be held liable under the provisions of this section if he proves that he did not know that the servant was ill and that it would have been unreasonable, in all the circumstances of the case, to have required him to know that such servant was ill.

Employer to notify a magistrate of the death of a servant and to deliver wages, etc., due or belonging to deceased to a magistrate.

36. (1) If a servant dies during the course of his service, his employer shall give immediate notice thereof to the nearest magistrate, together with a medical certificate of the cause of death, or if such certificate is not procurable, with a written report of the circumstances in which the servant died.

(2) The employer shall pay to the magistrate all wages due and deliver to him all property belonging to the deceased servant, for transmission to the representatives of the deceased.

(3) In the event of a servant being killed or incapacitated by injury from work for a period exceeding three days during the course of his employment, the employer shall forthwith send a report in duplicate of the circumstances in which the death or injury occurred to the nearest district officer and on receipt thereof such district officer shall forthwith send a copy thereof to the ~~Principal Labour Officer~~.

~~37. Every employer shall on the termination of the contract of service provide at his own expense a sufficient supply of food for the servant's consumption on the way back to the place of recruitment or engagement or shall supply to such servant such amount of money as will purchase a sufficient supply of food.~~

To supply food for servant's consumption when returning to place of engagement.

RECRUITING.

38. (1) No person other than a professional recruiter or private recruiter shall himself or through agents or messengers, in his own name or otherwise, procure or attempt to procure, seek for engagement, conduct, take charge of, supply, or undertake to supply, ~~Arabs~~, Malagasies, Comoro Islanders, Baluchis born in Africa, Somalis or natives to be employed in work or labour of any kind.

Professional or private recruiter only to procure labour for employment.

(2) Nothing in sub-section (1) of this section contained shall prevent a labour agent from carrying out the functions ascribed to him in section 2 of this Ordinance.

(3) No professional recruiter, private recruiter or labour agent shall forward or cause to be forwarded any ~~Arab~~, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native until such Arab, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native has been recruited or engaged by such recruiter or labour agent for and on behalf of an employer.

~~39. (1) No person shall act as a labour agent or professional recruiter or private recruiter unless he is in possession of a licence issued to him by the Principal Labour Officer in such form and subject to such conditions as the Governor in Council may prescribe: Provided that the Principal Labour Officer shall not issue any such licence in respect of any~~

Recruiting licence.

(4) - added by Ord. 56/48

Sub-sections (1) (2) and (3) replaced by Ord 56/48

province except with the prior consent of the Provincial Commissioner of such province.

Certain securities may be required before a licence is issued.

Repealed by Ord. 18/48

(2) Every application for a licence to act as a labour agent, or a professional recruiter, or a private recruiter shall be made in writing to the ~~Principal Labour Officer~~ ^{Principal Labour Officer} and shall state in full the name and address of the person to whom the licence is to be issued. The ~~Principal Labour Officer~~ ^{Principal Labour Officer} may, before granting any licence under the provisions of this section, require the applicant to execute a bond for such amount as he may deem reasonable conditioned for the due fulfilment and observance of any conditions, subject to which the licence may be issued, and of the provisions of this Ordinance and of any rules made thereunder; and in cases in which the application is for a private recruiter's licence the ~~Principal Labour Officer~~ ^{Principal Labour Officer} may, in addition, require the applicant to furnish financial or other security for the payment of the wages of the servants whom he recruits.

Validity of licences.

(3) The licence shall be issued for a period not exceeding in any case twelve months and shall specify the premises on and the area in which the labour agent, professional recruiter or private recruiter is authorized by such licence to recruit or engage labour.

Conditions regarding the employment of assistant recruiters.

(4) *added by Ord 18/48*
(a) A labour agent or a professional recruiter or a private recruiter shall not employ any person for the purpose of assisting him in his operations except with the permission in writing of a district officer. ^{of Labour Officer} The name of any person in respect of whom permission is accorded (in this section referred to as an ^{employee} ~~employee~~) shall be endorsed by the district officer ^{by Labour Officer} on the licence of such labour agent, professional recruiter or private recruiter as the case may be.

(b) Wherever possible an ^{employee} ~~employee~~ shall receive a fixed salary, but in any case in which he receives remuneration on the basis of a rate per head of servants recruited or engaged, such remuneration shall not exceed an amount to be prescribed by the ~~Governor in Council~~.

(c) A labour agent, a professional recruiter or a private recruiter shall be responsible for any omission of an employee to comply with the requirements of, and for any act by an employee in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions subject to which his licence is issued.

1938

Employment of Servants

No. 11

⁶ (a) The ~~Principal Labour Officer~~ ^{Labour Commissioner} may refuse to issue a licence to any applicant for a labour agent's, professional recruiter's or private recruiter's licence, and may for reasonable cause cancel any licence which has been issued.

Licences may be refused or cancelled.

(b) An appeal from any such refusal or cancellation shall lie to the Governor whose decision shall be final.

⁷ Every person licensed under the provisions of this section shall keep a written record of all servants recruited or engaged by him, showing the name and father's name of each servant, the registration number (if any) of each servant, the rate of wages of each servant, the place where and the date upon which the servant was recruited or engaged, and, if applicable, the place from which and the date upon which the servant was forwarded to the place of his employment.

Written record to be kept.

40. (1) Every ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native who is recruited by a professional or private recruiter or engaged by a labour agent shall be immediately examined at the place of recruitment or engagement, as the case may be, or as near to such place as may be convenient, by a medical officer.

Medical examination of recruited or engaged servants.

(2) If the ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native is passed as physically fit to perform the duties or the work for which he has been recruited, or engaged by a labour agent, as the case may be, such medical officer shall issue a certificate to that effect.

(3) A professional or private recruiter shall at his own expense cause every ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native to be provided with everything necessary for the journey from the place of recruitment to the place where such ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native is, in pursuance of the provisions of sub-section (1) of this section, to be medically examined, including an adequate supply of food, cooking utensils and fuel (if necessary), blankets, sleeping accommodation and reasonable transport, or shall cause such ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native to be provided with an amount of money sufficient to purchase everything necessary for such journey.

(4) Any ~~Arab~~, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native who is rejected as physically unfit for the duties for which he has been recruited shall be returned

to the place at which he was recruited at the expense of the recruiter, or, where the requirements of sub-section (1) of this section have, under the provisions of section 42 of this Ordinance, not been complied with, at the expense of the employer.

Recruited servants to be brought before a magistrate or justice of the peace.

41. Recruited servants shall, as soon as possible after being recruited, be brought before a magistrate or a justice of the peace, as near as may be convenient to the place of recruiting, who before permitting such servants to be taken or transported to the place of employment shall satisfy himself that the requirements of this Ordinance and of any rules made thereunder and of any other law for the time being in force relating to the recruiting of servants have been observed and in particular that the servants have not been recruited by misrepresentation or mistake or by the application of unlawful pressure.

Medical examination may be delayed in certain cases.

42. (1) The ^{L. C.}~~Principal Labour Officer~~ may, except in the case of servants recruited by a professional recruiter or recruited for work outside the Colony, if he is satisfied that it is impossible to comply with the provisions of sub-section (1) of section 40 of this Ordinance and that the recruited servant is fit for the journey and prospective employment and will be medically examined on arrival at the place of employment as soon as possible thereafter, dispense with the requirements of sub-section (1) of section 40 of this Ordinance.

(2) Where the requirements of sub-section (1) of section 40 of this Ordinance have been dispensed with in accordance with the provisions of sub-section (1) of this section the employer shall be responsible for arranging for the immediate medical examination of such recruited servants on their arrival at the place of employment and the provisions of sub-sections (2) and (4) of section 40 of this Ordinance shall apply to such examination and the obligations imposed upon a recruiter by sub-section (3) of that section shall apply to such employer.

(3) No prosecution for failure by a private recruiter to comply with the provisions of sub-section (1) of section 40 of this Ordinance shall be instituted, except on the complaint of the ~~Principal Labour Officer~~. ^{L. C.}~~The Principal Labour Officer~~ may, if he is satisfied that it was impracticable for a private recruiter to comply with the provisions of that sub-section and that, in all the circumstances of the case, it would have been unreasonable to require the private recruiter to have

first obtained the dispensation specified in sub-section (1) of this section, and that all the requirements of sub-section (2) of this section have been fulfilled, may dispense with the requirements of sub-section (1) of section 40 of this Ordinance with retrospective effect.

43. The ~~Principal Labour Officer~~ ^{Labour Commissioner} may, if he considers it necessary, require recruited servants to be medically examined both before departure to, and after arrival at, the place of employment.

Medical examination may be required both at time of engagement and after arrival at place of employment.

44. A recruited servant or servant engaged by a labour agent shall be provided free of charge at the expense of the recruiter or labour agent, as the case may be, with reasonable transport to the place of employment, and on the completion of his contract of service if he so desires to the place of recruitment or engagement as the case may be at the expense of his employer.

Transport of recruited servants.

45. (1) A recruited servant or a servant engaged by a labour agent who—

- From added by Ord. 13/48*
- (a) becomes incapacitated through sickness or accident during the journey to the place of employment; or
 - (b) who is not employed after recruitment or engagement for a reason for which he is not responsible,

shall be returned to the place of recruitment or engagement, as the case may be, at the expense of the employer.

Repatriation of recruited servants.

(2) A recruited servant who is found by a magistrate or justice of the peace to have been recruited by misrepresentation, mistake or unlawful pressure shall be returned to his home or place of recruitment at the expense of the recruiter.

46. The provisions of section 44 of this Ordinance shall apply to the members of the family of a recruited servant, or of a servant engaged by a labour agent, who have been authorized to accompany or follow such servant to the place of employment. The members of such family shall, in the event of the servant (whom they accompany) dying during the journey to the place of employment, be returned to their homes at the expense of the employer.

Transport of families of recruited servants.

47. Where under the provisions of this Ordinance any person is required to provide a servant with transport to the place of employment of such servant, to return a servant to his home or to the place where he was recruited or engaged,

Necessaries during journey to be supplied.

or to return the members of the family of a servant to their homes, the person so required shall, in addition to paying the costs of any necessary transport, provide at his own expense such servant and every member of such family with everything necessary for the welfare of such servant or member of the family during the journey, including adequate and suitable supplies of food, drinking water, fuel, cooking utensils, clothing and blankets or shall supply to such servant such amount of money as will purchase everything necessary for the welfare of such servant and every member of his family during the journey.

Certain classes of recruiting.

48. The following classes of recruiting operations may, except when undertaken by a professional recruiter, be exempted by the Governor in Council from all or any of the provisions of sections 38 to 47 of this Ordinance:—

- (a) operations undertaken by or on behalf of employers who do not employ more than a prescribed number of servants;
- (b) operations undertaken within a prescribed distance from any place of employment; and
- (c) operations for the engagement of personal and domestic servants and servants for the performance of non-manual labour.

BREACH OF CONTRACT AND DISPUTES BETWEEN AND OFFENCES BY EMPLOYERS AND SERVANTS.

Complaint in cases of dispute between employers and servants.

49. Whenever an employer or servant neglects or refuses to fulfil any contract of service, or whenever any question, difference or dispute arises as to the right or liabilities of either party, or touching any misconduct, neglect or ill-treatment of either party, or any injury to the person or property of either party, under any contract of service, the party feeling aggrieved may make a complaint to any magistrate or justice of the peace, who may thereupon issue a summons to the party complained against: Provided that a magistrate holding a subordinate court of the third class or a justice of the peace shall forthwith forward such complaint to a magistrate having jurisdiction to try the case.

Complaints by employers.
No. 11 of 1930.
Cap. 21.

50. (1) Notwithstanding anything contained in the Criminal Procedure Code or the Justices of the Peace Ordinance, any magistrate or justice of the peace may, on receiving from an employer a complaint in the form set out

Ord. 20/1/38

in the Schedule to this Ordinance, issue a warrant for the arrest of any servant therein alleged to have been guilty of desertion.

(2) When a warrant has been issued as aforesaid, such servant may be arrested, wherever found, by any police officer and brought before a magistrate who may remand such servant to a first or second class magistrate of the district in which the services were to be rendered.

(3) On the termination of the hearing of a complaint as aforesaid, the magistrate, if satisfied that the facts stated in the complaint were materially untrue in any particular, may, in addition to any other order for costs, order the complainant to pay into court a sum equivalent to the whole of the expenses incurred by Government in connexion with the arrest and trial of such servant, together with such amount as may be assessed by the magistrate as compensation to such servant for his arrest and trial. If such a sum is not paid forthwith the court may issue a distress warrant against the goods and chattels of the complainant, and goods and chattels taken under the distress warrant shall, unless the complainant pays the amount due by him together with the costs of the distress warrant, be sold and the amount due under the order of the court together with the costs of the distress shall be paid into the revenue of the Colony, and the balance, if any, shall be paid to the complainant.

51. Every magistrate holding a subordinate court of the first or second class shall have jurisdiction, ~~notwithstanding that the person complained against may be a European or an Asiatic, and~~ notwithstanding anything contained in any Ordinance or law respecting the jurisdiction of such magistrate to the contrary, in all cases arising in their respective areas of jurisdiction between employers and their servants, and with reference to their relative rights and duties or to any matter or thing or offence for which provision is made in this Ordinance.

The jurisdiction of magistrate.

52. Whenever a complaint as aforesaid is made to a magistrate holding a subordinate court of the third class or to a justice of the peace, and such magistrate or justice of the peace issues process for the purpose of requiring or compelling the attendance of the party complained against, such process shall be made returnable before a magistrate holding a subordinate court of the first or second class.

A warrant or summons issued by magistrate of third class or justice of the peace to be made returnable before a magistrate having jurisdiction to try the case.

Arrest of
absconding
defendant.

53. If at any time after the laying of the complaint it appears to the magistrate or justice of the peace, by information on oath, that the party complained against is about to abscond, he may cause him to be arrested and detained in custody, unless such party finds security to appear and answer the complaint and to abide by the decision of the court thereon.

Discretionary
powers of
magistrates.

54. (1) Upon any complaint under this Ordinance the magistrate may, in addition to any jurisdiction he might have exercised if this Ordinance had not been made, exercise all or any of the following powers:—

To adjust and
set off claims.

(a) he may adjust and set off one against the other all such claims on the part either of the employer or of the servant arising out of, or incidental to the relation between them, as the magistrate may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages or otherwise and he may direct the payment of such sum as he finds due by one party to the other party;

To direct
fulfilment of the
contract.

(b) he may direct fulfilment of the contract, and, in cases where he might award damages for any breach of contract, he may, in place either of the whole of the damages which would otherwise have been awarded or some part of the damages, direct the party committing such breach to find security to the satisfaction of the magistrate for the due performance of so much of the contract as remains unperformed, and if the party neglects or refuses to find security, he may commit him to prison until he finds it, but the term of imprisonment shall not exceed three months;

To rescind the
contract and
apportion
wages, etc.

(c) he may rescind the contract upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages or other sums due, as he thinks fit;

To impose fines

(d) when no amount of compensation or damages can be assessed, or when pecuniary compensation will not in the opinion of the magistrate meet the circumstances of the case, he may, in addition to rescinding the contract and discharging the parties therefrom, fine either party a sum not exceeding twenty pounds with imprisonment in default of payment for any period not exceeding one month;

(e) where it appears to the magistrate that an employer or servant has been guilty of any offence under this Ordinance, he may, in lieu of or in addition to doing any of the acts or things and to making any of the orders or directions authorized by paragraphs (a), (b) and (c) of this sub-section, pass any sentence or judgment authorized by this Ordinance upon the person so offending, and may make any order or do any act or thing by this Ordinance authorized, or which may lawfully be done for giving effect to such judgment or order.

To pass any sentence or judgment authorized by this Ordinance.

(2) A person shall give security under this section by a written or oral acknowledgment in or under the direction of the court of the undertaking or condition by which and the sums for which he is bound, and such bond shall be forfeited and enforced in the manner provided for the forfeiture and enforcement of bonds under the law for the time being in force relating to procedure in criminal cases.

Form of security.

(3) Save as otherwise provided in this Ordinance, the provisions of the law for the time being in force relating to procedure in criminal cases respecting appeals and references to the Supreme Court by way of revision, confirmation or case stated and the levying of moneys ordered to be paid shall apply to all proceedings and all orders for the payment of money under this Ordinance.

Law relating to criminal procedure ordinarily to apply to proceedings under this Ordinance.

55. Anything in this Ordinance to the contrary notwithstanding, it shall be lawful for any magistrate, having jurisdiction in any proceedings under this Ordinance, whenever he considers that by following or by requiring the complainant to follow the procedure laid down by law for criminal cases the ends of justice will or may be defeated, to adopt or order to be adopted for all or any purpose of the proceedings and at any stage thereof or for the levying of moneys ordered to be paid, all or any of the provisions of the law for the time being in force relating to procedure in civil cases.

When civil procedure may be followed.

56. Whenever any male person appears liable to have any of the orders specified in the last preceding section made upon him, or to be punished in any other manner provided by this Ordinance, if he appears to the court to be under the age of sixteen years and to require punishment in the way of discipline rather than in any other manner, the court may instead of any other punishment order him to be detained

Punishment of juveniles.

for one day in any suitable place of detention, and to be whipped: Provided that in no case shall such whipping exceed twelve strokes.

Joinder in cases of non-payment of wages.

57. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force in the Colony, on a complaint or suit against an employer in respect of wages due to more than one of his servants the magistrate may permit one complaint or one plaint to be made or filed by a labour officer or by one of such servants on behalf of all such servants and their claims to be proved by such labour officer or by such servant accordingly: Provided that the complaint or plaint shall have annexed thereto a schedule setting forth the names of such servants, their addresses and descriptions and the details of wages due to each such servant.

(2) All such claims shall rank equally between themselves, and shall be paid in full, unless the amount recovered from the employer be less than the total amount of the claims with costs, in which case, after payment of the costs, all such claims shall abate in equal proportions among themselves and be paid accordingly. Costs given against the servants shall be paid by such servants or by any of them in such proportions as the court shall direct.

(3) The provisions of section ~~203~~²⁰⁶ of the Criminal Procedure Code shall not apply to any proceedings instituted under this Ordinance for the non-payment of wages to any servant.

PENALTIES.

Offences by servants

58. Any servant may be fined a sum not exceeding one-half of his monthly wages and in default of payment may be imprisoned for a period not exceeding one month if he is convicted of any of the following acts:—

- Repealed by Ord. 50/48*
- (a) if, after having entered into a contract, he fails or refuses without lawful cause to commence the service at the stipulated time;
- (b) if, without leave or other lawful cause, he absents himself from his employer's premises or other place proper and appointed for the performance of his work;
- (c) if, during working hours, he unfits himself for the proper performance of his work by becoming or being intoxicated;

- (d) if he neglects to perform any work which it was his duty to have performed or if he carelessly or improperly performs any work which from its nature it was his duty under his contract to have performed carefully and properly;
- (e) if he uses any abusive or insulting language or is guilty of insulting behaviour to his employer, or to any person placed by his employer in authority over him, calculated to provoke a breach of the peace;
- (f) if he refuses to obey any command of his employer or of any person lawfully placed by his employer in authority over him, which command it was his duty to obey;
- (g) if on entering into or for the purpose of obtaining a contract of service he gives a false name or address.

59. Any servant may be fined a sum not exceeding five pounds and in default of payment may be imprisoned for a period not exceeding six months if he is convicted of any of the following acts:—

Various offences by servants

- (a) if he wilfully or by wilful breach of duty or through drunkenness does any act tending to the immediate loss, damage or serious risk of any property placed by his employer in his charge or placed by any other person in his charge for delivery to or on account of his employer;
- (b) if he, by wilful breach of duty or by neglect of duty or through drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by his employer in his charge, or placed by any other person in his charge for delivery to or on account of his employer;
- (c) if, being employed as a herdsman—
 - (i) he fails to report to his employer the death or loss of any animal placed in his charge at the earliest opportunity after he has discovered, or at the earliest opportunity after he should in the ordinary course of duty have discovered, such death or loss;
 - (ii) he fails, after having received an order from his employer to preserve for the use or inspection of his employer any part or parts of an animal

which he alleges to have died, to preserve such part or parts and is unable to prove to the satisfaction of the court the death of the animal which he alleges to have died;

- (iii) he loses any animal placed in his charge and it is proved by his employer to the satisfaction of the court that such animal could not, in the circumstances of the case, have become irretrievably lost without the act or default of the servant;
- (d) if, being employed in any capacity other than that of a herdsman, he alleges the loss of any property placed in his charge by or for his employer and it is proved by his employer to the satisfaction of the court that the property in question could not have been lost without the act or default of the servant;
- (e) if he is guilty of desertion; ~~A servant employed under a ticket contract or under a special contract may be guilty of desertion;~~
- (f) if, without leave and for his own purposes he makes use of any horse, vehicle, or other property belonging to his employer.

Provisions relating to contract of service when servant is convicted or dismissed.

60. (1) When a servant is convicted of any offence under this Ordinance the following provisions in relation to his contract of service shall apply—

- (a) no wages shall accrue during any term of imprisonment;
- (b) unless the employer otherwise requests the contract of service shall, subject to the provisions of paragraph (a) of this sub-section, remain in full force and effect and any period of imprisonment may in the discretion of the magistrate on the application of the employer be added to the term of service originally stipulated;
- (c) when the offence of which the servant is convicted is that of absenting himself from his employer's premises or other place proper and appointed for the performance of his work, or of desertion, then ^{the} ~~the~~ period of absence or desertion as the case may ~~be~~ ^{be} may, on the application of the employer and at the discretion of the magistrate, be added to the term of service originally stipulated.

*Replace
Oml.*

(2) In any such case it shall be the duty of the magistrate convicting such servant to ascertain at the trial the period of absence, desertion or imprisonment, as the case may be, and to certify the same by some writing under his hand to be delivered to the employer and the period mentioned in such writing shall by all courts and in all places be deemed to be added to the original term of service.

(3) Where a servant is summarily dismissed for lawful cause he shall be entitled to be paid on dismissal his wages up to and including the date of dismissal.

Replaced by Ord. 58/48

(4) - Deleted by Ord. 56/48

61. Where any property of the employer is lost or damaged by means of any act or omission of his servant, the magistrate may, if he thinks fit, fix the amount of compensation for such loss or damage, and make such order as to the payment thereof, either at once or by instalments out of wages to be earned or otherwise, as shall seem to him to be reasonable and just: Provided that no instalment ordered to be paid out of wages shall exceed one-half of the servant's monthly wage, if the instalments are ordered to be paid monthly, or one-half of the servant's weekly wage if the instalments are ordered to be paid weekly.

Loss, etc., of employer's property.

62. Any person who, subject to the provisions of subsection (3) of section 73 of this Ordinance, receives from his employer any wages in advance and who without good reason quits the service of such employer before such advance is fully repaid or worked off, shall be liable on conviction to a fine not exceeding five pounds and in default of payment to imprisonment for a period not exceeding three months.

Penalty on servant leaving service before working off an advance of wages.

63. No servant shall be convicted under any of the foregoing sections of this Ordinance unless the employer makes his complaint within fourteen days after he becomes cognizant of the offence or alleged offence.

The limit within which complaint must be made by employer.

64. (1) An employer shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding six months, if he is guilty of any of the following acts or omissions:—

Penalty on employer.

- (a) if he fails, on demand, to pay any wages to a servant, when such wages are due to such servant;
- (b) if, before or after the expiration of the contract of service, upon demand made and without lawful cause, he refuses to deliver or permit to be taken

Non-payment of wages.

Detaining servant's property.

away any property belonging to such servant lawfully remaining or being upon such employer's land without reasonable and probable cause for believing that the property in question was lawfully detained;

Failing to supply food, etc., stipulated for in any written contract.

(c) if he fails upon demand to supply or deliver to such servant the food, blanket or other articles stipulated for in any written contract of service, or if, without the consent of the servant, he supplies or delivers food, blanket or other articles not conformable to the said contract.

Wages when due.

(2) The times when wages shall be deemed to be due shall be as follows—

(a) in the case of a servant employed on a ticket contract, as provided in paragraph (d) of section 4 of this Ordinance;

(b) in the case of a servant employed on a task, other than on a ticket contract, as provided in sub-section (2) of section 17 of this Ordinance;

(c) in the case of a servant employed on piece work, as provided by sub-section (3) of section 17 of this Ordinance;

(d) in the case of a servant who has been summarily dismissed, as provided in sub-section (3) of section 60 of this Ordinance;

(e) in the case of a servant employed daily, weekly, monthly or on a journey, at the expiration of the day, week, calendar month or journey respectively.

(3) An employer, professional recruiter, private recruiter or labour agent shall be liable on conviction to a fine not exceeding one hundred pounds and in default thereof to imprisonment for a period not exceeding six months if he fails to comply with any of the provisions or requirements of sections 31 to 47 of this Ordinance.

GENERAL.

Defendant not to be compelled to enter the dock except in certain events.

65. No person against whom a complaint is made under this Ordinance, who is not immediately before the hearing of such complaint in actual custody, shall be compelled to enter the dock or place usually assigned for prisoners under trial in the court or shall be otherwise treated as under arrest during the hearing of such complaint: Provided that if, in the opinion

of the magistrate before whom the complaint is heard, it is necessary, in order to secure the attendance of an employer or servant, that he should be placed in custody, it shall be lawful for such magistrate to cause such person to be arrested and detained in custody.

66. When a magistrate imposes any fine or enforces payment of any sum secured by a recognizance or bond, he may direct that such fine or sum when recovered, or any part thereof he thinks fit, shall be applied to compensate any employer or servant for any wrong or damage sustained by him by reason of the act or thing in respect of which the fine was imposed or by reason of the non-performance of the contract of service.

The amount of a fine imposed or a part thereof may be paid to the complaining party.

67. Whenever it appears to a magistrate having jurisdiction to adjudicate upon a complaint made by a servant that such servant has not the means and is otherwise unable to obtain food for himself pending the determination of his complaint, he may cause such servant to be supplied with necessary food at the expense of Government, but in such case the cost thereof shall be a debt due to Government from such servant and may be deducted by the magistrate from any moneys received by him for or on behalf of such servant, or shall otherwise be paid by the servant: Provided that where a magistrate has adjudicated upon a complaint and has given judgment in favour of the servant, or has convicted the employer of any offence under the provisions of this Ordinance or of any rules made thereunder, then in either of such cases he may in his absolute discretion order the employer to pay the cost of any food so provided at the expense of Government; and where such an order has been made the servant shall not be liable for the cost which shall be recoverable from the employer as a civil debt due to Government.

Servant may be fed at Government expense pending hearing of complaint.

The cost to be refunded by servant.

68. In any complaint under this Ordinance the process of the court of the magistrate for compelling the attendance of the party accused and of all necessary witnesses shall not be subject to fees of court: Provided that, if at the trial the complaint shall appear to the magistrate to be frivolous or vexatious, the party complaining shall be liable to a fine not exceeding ten pounds, and to defray the costs of the process and of the witnesses in the case, and in default of payment of such fine and costs, shall be liable to be imprisoned for

Costs of witnesses, etc.

any period not exceeding one month. Such fine and costs may be imposed upon the occasion of such trial and without any fresh action or proceedings for the recovery thereof.

Persons may be proceeded against for any offence punishable under any law in force.

35/38

Saving as to contract of service made abroad.

69. Nothing in this Ordinance shall prevent any employer or servant from being proceeded against according to law for any offence punishable under any other law in force in the Colony, ~~and~~

70. (1) Nothing in this Ordinance shall prevent any employer or servant from enforcing their respective rights and remedies for any breach or non-performance of any lawful contract of service made outside the Colony, but the respective rights of such parties under such contract as well against each other as against third parties invading such rights may be enforced in the same manner as other contracts arising thereout may be enforced and as if this Ordinance had not been enacted: Provided that, whenever any such contract has been executed in conformity with this Ordinance, it shall be enforced in the same manner as a contract entered into under this Ordinance. But no written contract the tenor and execution of which are not in conformity with this Ordinance shall be enforced as against a servant who is unable to read and understand writing. Any such contract shall be deemed to be executed in conformity with this Ordinance if it is signed by the names or marks of the contracting parties and bears, as concerns any illiterate parties, an attestation to the like effect as is prescribed by section 6 of this Ordinance.

(2) (a) If the contract was made in the United Kingdom or elsewhere in His Majesty's dominions or in a British protectorate or in a mandated territory ^{or trust} the attestation may be by any justice of the peace or other officer authorized by law to take affidavits or to attest contracts of service.

(b) If the contract was made in any foreign parts the attestation may be by any judge or magistrate, being authenticated by the official seal of the court to which he is attached, or by any British minister, consul, vice-consul or consular agent.

Magistrate or justice of the peace may enter land or buildings for purpose of Ordinance.

71. Any magistrate or justice of the peace may for any purpose under this Ordinance at any time enter upon any land or into any building where any servant is employed or housed.

but so that no employe or servant shall
be furnished twice for the same office

and the com. ... the Ord 17110

5. Section 73 of the princ
adding the following new s

(5) Nothing in this sec
hibit the deduction by a
wages of any sum due by
to an approved provident
scheme.

~~word~~

For the purposes of t
provident fund or super
a fund or scheme establi
rules made under this Or
(Ord.11 of 1950)

72. Any person who gives or offers to give any money or other gift to any native chief or headman with a view to securing a supply of servants shall, on conviction, be liable to a fine not exceeding twenty-five pounds.

Penalty for giving reward to chief or headman for procuring labour.

73. (1) Save as provided by sub-section (2) of section 34, by paragraph (e) of section 77, of this Ordinance and by section 6B of the Native Hut and Poll Tax Ordinance, 1934, the entire amount of the wages earned by or payable to any servant in respect of any work done by him in pursuance of any contract entered into by him in accordance with the provisions of this Ordinance shall be paid to him in the current coin and/or currency notes of the Colony and not otherwise.

Wages to be in currency.

No. 40 of 1934.

(2) No person shall give or promise to ~~an Arab~~, a Malagasy, a Comoro Islander, a Baluchi born in Africa, a Somali or a native any advance of wages or any valuable consideration upon a condition expressed or implied that such ~~Arab~~, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native or any dependant of his shall enter upon any employment.

Advances of wages.

(3) No employer shall give to a servant any advance of wages exceeding one month's wages of such servant and no such advance or advances shall at any time during the period of the contract exceed in the aggregate one month's wages of such servant.

Revised by Ord. 56/48

(4) Notwithstanding the provisions of any law for the time being in force in the Colony, whenever any attachment has been issued against the property of an employer in execution of any decree against him the proceeds realized in pursuance of such execution shall not be paid by the court to any decree-holder until any decree obtained against such employer in respect of a servant's wages has been satisfied to the extent of a sum not exceeding four months' wages of such servant:

Priority of wages.

Provided that nothing in this sub-section contained shall be deemed to prevent a servant from recovering any balance due on such last mentioned decree, after such satisfaction as aforesaid, by ordinary process of law.

(5) - Added by Ord. 11/50

74. The members of the family of a recruited servant or of a servant engaged by a labour agent may, if they have been authorized by the employer, accompany or follow such servant and reside with him at his place of employment for the duration of the contract of service.

Family may accompany or follow servant and reside with him.

Penalty.

75. Any person who commits an offence against or contravenes or fails to comply with any of the provisions of this Ordinance or of any Rules made thereunder for which no special penalty is provided shall on conviction be liable to a fine not exceeding thirty pounds and, in default of payment, to imprisonment for a period not exceeding three months.

Powers and Duties of Labour Officers

Powers of labour officers.

76. A labour officer may—

- (a) enter, inspect and examine at all reasonable times by day and night any labour encampment or any land, building or other structure whatsoever when he has reasonable cause to believe that any servant, ~~other than a domestic servant~~, is living, residing or is employed thereon or therein and may make such inquiry and examination as may be necessary to ascertain whether the provisions of this Ordinance are being complied with, and may take with him, in any of the cases aforesaid, a police officer or officers;
- (b) at all reasonable times require an employer to produce any servant employed by him and any document relating to the employment of such servant;
- (c) enter, inspect and examine any hospital buildings and all latrines and other sanitary arrangements and any water supply;
- (d) inspect and examine all food provided for the use of servants and take samples thereof and ascertain if reasonable medicines and dressings are provided for the use of servants. Any such sample shall be taken in duplicate in the presence of the employer and shall be sealed in the presence of the employer and one sample so sealed shall be left with the employer;
- (e) order all buildings or premises where servants are housed or employed to be kept in a clean and sanitary condition;
- (f) (i) institute proceedings in respect of any contravention of, or of any offence committed by an employer against, any of the provisions of this

not applicable to [unclear] 10/13

and may require such employee to produce any documents relating to his employment. - Ord. 56/48

Ordinance, or of any Ordinance amending the same and may prosecute and appear in his own name in respect of such proceedings;

(ii) institute or appear or institute and appear on behalf of any servant in any civil proceedings by a servant against his employer in respect of any matter or thing or cause of action arising out of or in the course of the employment, whether such civil proceedings shall be contemplated or instituted by the servant himself or be civil proceedings ordered by a magistrate in lieu of criminal proceedings pursuant to the provisions of section 55 of this Ordinance.

(g) attest all written contracts of service required by law to be attested in all respects as a magistrate or justice of the peace can attest contracts of service under the provisions of this Ordinance.

(h) - Added by Ord. 16/48

77. A medical officer may for the purposes of this Ordinance exercise the powers conferred upon a labour officer by paragraphs (a) to (e) inclusive of section 76 of this Ordinance, and may in addition do all or any of the following matters or things, namely—

Powers of
medical officer.

(a) order any servant who in his opinion is sick and for whom the conditions prevailing at the place of employment are not conducive to the rapid recovery of his health or strength to return to the place of his engagement, or to proceed to a hospital and in any such case the employer shall at the earliest opportunity and at his own expense send such servant to the place of engagement or to a hospital, as the case may be;

(b) condemn food provided for ~~Arabs, Baluchis~~ born in Africa, Comoro Islanders, Malagasies, Somalis, or natives which in his opinion is unfit for human consumption. All food so condemned shall be destroyed forthwith in the presence of the medical officer;

*Replaced by
Ord 16/48*

(c) condemn any labour encampment, building or any other structure whatsoever in which any servant is living or employed if in his opinion such encampment, building or structure is unfitted by its construction, situation or condition for the purpose

to which it is put. No such encampment, building or structure so condemned shall be used for the aforesaid purpose until a medical officer subsequently certifies that the encampment, building or structure may be used for such purpose;

(d) order at the expense of the employer such variety of food for a servant as he may deem necessary:

Provided that the cost of the food supplied under any such order shall not exceed the normal cost of rations ordinarily supplied by employers to servants in that district at the time;

(e) order the employer to supply a servant working under a written contract of service with one or more suitable blankets or with clothing and in any such case the reasonable cost thereof shall be paid by the servant and may be deducted from the remuneration of the servant and until the cost has been paid by, or deducted from, the wages of such servant the blanket or blankets or clothing supplied shall remain the property of the employer;

(f) inspect all drugs and medicines provided for the use of servants.

Offences.

78. Every person who wilfully delays or obstructs a labour officer or a medical officer while such labour officer or medical officer is exercising any power conferred by this Ordinance, or who neglects or fails to comply with any requisition or order of a labour officer or of a medical officer in pursuance of any powers conferred on them respectively by this Ordinance or by any Rules made thereunder, or who conceals or prevents any servant from appearing before or being examined by a labour officer or a medical officer, or who attempts so to conceal or prevent a servant, shall be guilty of an offence against this Ordinance.

Power of Governor in Council to make Rules.

Power of Governor in Council to make Rules.

79. (1) ^{Member, after approval taken with the L.A.B.} ~~The Governor in Council~~ may make Rules providing for all or any of the purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this

not applicable to juvenile : Ord. 10/42

- see The Recruitment & Labour Act, 1938
 - see S.N. 499/38, p. 261.
- see The Employment of Juveniles (Restriction) Act, 1940 - S.N. 281/40, p. 236.
- see Casual Labourers Act - S.N. 415/40, p. 409.

Written Contract Rules

- S.N. 53/44 p. 9.

The Recruitment of Employees (Medical Examination) Rules
1949 - Gov. 289/49 p. 134

The Employment (Contract and Return) Rules, 1949 -
see Gov. 290/49 p. 290

The Juvenciles (Prescribed Forms) Rules 1949 - Gov. 601/49 p. 279

The Employment of Persons (Sanitation) Rules 1949 - Gov. 1145/49

The Employment (Casual Labour) Rules, 1949 - Gov. 1280/49 p. 689

The Employment of Persons (Medical Treatment) Rules 1949
- see Gov. 172/50 p. 70

The Employment of Persons (Record of Employees) Rules 1950 -
- see Gov. 1300/50 p. 545

The Employment of Persons (Medical Treatment) Rules 1957 - see Gov. 1359/57 p. 475

The Trade Testing Rules 1957 - see Gov. 39/57 p. 5

The Employment (Provident Funds and Superannuation Schemes) Rules,
1952 - see Gov. 188/52 p. 52

1938

Employment of Servants

No. II

Ordinance and without prejudice to the generality of the foregoing for all or any of the following purposes—

- (a) controlling the conditions under which servants may be housed or employed, including sanitary arrangements and water supply;
- (b) controlling the feeding of servants in cases where food is to be supplied by the employer under the contract of service, including the amount, kind and variety of food to be supplied;
- (c) regulating the care of sick and injured servants;
- (d) regulating the care of servants in transit between their homes and the place of employment;
- (e) controlling the recruitment and engagement of servants under this Ordinance and the conditions under which they shall work;
- (f) regulating and controlling professional and private recruiting and the engagement of servants by labour agents;
- (g) prescribing the books to be kept and the returns to be rendered by employers, professional recruiters, private recruiters and labour agents;
- (h) prescribing the classes of employment in which juveniles may or may not be employed;
- (i) requiring the steps to be taken by an employer, recruiter or labour agent in respect of the acclimatization of recruited servants and servants engaged by labour agents, and their immunization against disease;
- (j) regulating the recruitment, engagement and embarkation of labour for service out of the Colony;
- (k) prescribing for any period the maximum number of hours during which any servant or class of servants, whether generally or in relation to any particular kind of work or employment, may be required to work;
- (l) prescribing the particulars to be set out on a ticket under a ticket contract, the conditions to be imposed upon the parties to a ticket contract and all matters appertaining thereto; ~~and~~

(m) - Added by Ord. 56/48

²⁵
(1) prescribing all matters which are authorized by this Ordinance to be prescribed; and

(2) - Added by Ord. 27/46/32

(2) Any such rules may impose conditions, require acts or things to be performed or done to the satisfaction of an administrative officer, a medical officer or a labour officer, empower any such officer to issue orders either verbally or in writing requiring acts or things to be performed or done, prohibiting acts or things from being performed or done and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(3) All rules made under this section shall have the same force and effect as if they had been enacted in this Ordinance and shall be laid as soon as conveniently may be before the Legislative Council; and if a resolution is passed within forty days of their being so laid before the Legislative Council praying that any such rule shall be revoked or amended, such rule shall thenceforth be deemed to be revoked or amended, but without prejudice to anything done thereunder.

Exceptions.

Exceptions.

80. (1) The provisions of this Ordinance shall not apply to an agreement entered into under the provisions of section 100 of the Shipping Ordinance, 1930.

No. 51 of 1930.

(2) Save that the provisions of section 38 to 48 inclusive of this Ordinance shall apply *mutatis mutandis* to the recruitment or engagement of a resident labourer within the meaning of the Resident Labourers Ordinance, 1937, the provisions of this Ordinance shall not apply to such resident labourer *unless he is also engaged as an employee*

No. 30 of 1937.

Repeal.

Repeal.
Cap. 139.

81. The Employment of Natives Ordinance (Chapter 139 of the Revised Edition) is hereby repealed.

Provided that all contracts of service subsisting at the date of such repeal shall continue to be of full force and effect and shall be subject to the provisions of this Ordinance as if they had been made thereunder.

56/48

1938

Employment of Servants

No. 11

SCHEDULE

FORM OF BOND

(Under section 6 (2) of the Employment of Servants Ordinance, 1937.)

Schedule deleted by 5/1/88

Be it known unto all men by these presents that we (1) are jointly and severally bound unto (2) and to any one or more of them in the sum of (3) to be paid to the said (4) their and each of their heirs, executors, administrators, and assigns. For which payment well and truly to be made as liquidated damages and not as a penalty, we bind ourselves jointly and severally, and our heirs, executors and administrators, and every one of them firmly by these presents.

Sealed with our seals, dated this day of 19.....

The conditions of the above-written obligation is such that if (5) (hereinafter called "the employer") the employer of the said (6) (hereinafter called "the employed") do pay to each of the employed performing their part of the agreement after-mentioned the several sums of money set opposite to their respective names in the schedule to an agreement made and entered into between the employer and the employed at on the day of, 19....., and attested by (7) in regular (8) payments to be computed from the day of, 19....., and also to find and furnish the said employed with the subsistence set opposite to their respective names in the said schedule at

- (1) Insert names and description of employer and one or more sureties resident within the jurisdiction.
- (2) Name and description of the employed.
- (3) Insert sum, not less than half the total amount (less any advances) due by the contract.
- (4) Repeat names of employed.
- (5) Name or names of employers.
- (6) Name or names of employed.
- (7) Official name of officer before whom agreement is signed.
- (8) Weekly or monthly, etc., as the case may be.

regular ⁽⁹⁾ periods, to commence as aforesaid, as agreed and promised by the said employer in the said agreement, and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of:

(To be signed and sealed by each of the obligants and attested, if practicable, by the officer attesting the relative agreement.)

(9) Weekly or monthly, etc., as the case may be.

FORM OF FOREIGN CONTRACT OF SERVICE.

(Section 7 of the Employment of Servants Ordinance, 1937.)

Memorandum of agreement made this day of 19....., between..... (hereinafter called "the employer") of the one part, and the persons whose names appear in the schedule hereto (hereinafter called "the employed") of the other part.

1. Each of the employed hereby contracts with the employer to serve him at in the capacity of for the period of to be computed from the day of 19.....

2. The employer hereby contracts with the employed that he will during the period aforesaid make to each of the employed the payments and allowances set opposite his name in the schedule hereto, and will at the expiration of the said period provide each of the employed with sufficient means of returning to the place at which he was engaged.

In witness whereof the said parties have hereunto set their hands or made their marks at before the the day and year first above written.

Signature of Employer.

THE SCHEDULE

Name and Marks	Payments per	Allowance for subsistence per

The above-named parties set their hands or made their marks hereto in my presence, the agreement being assented to by them upon the same being read over and explained to them in my presence, and I hereby attest under my hand and seal that the agreement was entered into voluntarily by them with full understanding of its meaning and effect.

FORM OF BOND

(Under section 10 of the Employment of Servants Ordinance, 1937.)

Be it known unto all men by these presents that we
 (1) are jointly and severally bound unto (2)
 and to any one or more of them in the sum of
 (3) to be paid to the said (4)
 their and each of their heirs, executors, administrators and
 assigns. For which payment well and truly to be made as
 liquidated damages and not as a penalty, we bind ourselves
 jointly and severally, and our heirs, executors, and adminis-
 trators, and every one of them firmly by these presents.

Sealed with our seals, dated this
 day of 19.....

- (1) Insert names and description of employer and one or more sureties resident within the jurisdiction.
- (2) Name and description of the employed.
- (3) Insert sum, not less than half the total amount (less any advances) due by the contract.
- (4) Repeat names of employed.

The condition of the above-written obligation is such that if ⁽⁵⁾ (hereinafter called "the employer") the employer of the said ⁽⁶⁾ (hereinafter called "the employed") do pay to each of the employed performing their part of the agreement after-mentioned the several sums of money set opposite their respective names in the schedule to an agreement made and entered into between the employer and the employed at on the day of, 19....., and attested by ⁽⁷⁾ in regular ⁽⁸⁾ payments to be computed from the day of their departure at ⁽⁹⁾ and also to find and furnish the said employed with the subsistence set opposite to their respective names in the said schedule at regular ⁽¹⁰⁾ periods to commence as aforesaid, and do further at the expiration of the term of ⁽¹¹⁾ computed from the day of departure of the said employed, provide the said employed or any of them desiring with sufficient means to return or with a free passage and subsistence during such passage back to ⁽¹²⁾ the place at which the said agreement was executed, as agreed and promised by the said employer in the said agreement, and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of:

(To be signed and sealed by each of the obligants and attested, if practicable, by the officer attesting the relative agreement.) }

-
- (5) Name or names of employers.
 - (6) Name or names of employed.
 - (7) Official name of officer before whom agreement is signed.
 - (8) Weekly or monthly, etc., as the case may be.
 - (9) Place of departure.
 - (10) Weekly or monthly, etc., as the case may be.
 - (11) Term of agreement.
 - (12) Place of employment.

DEED OF APPRENTICESHIP

(Under section 19 of the Employment of Servants Ordinance, 1937.)

This deed made the day of19...., between a boy ⁽¹⁾ above the age of ten years and under the age of sixteen, by..... of..... the ⁽²⁾ of the said of the one part, and of of the other part.

Witnesseth as follows:—

1. The said by the authority of the said hereby binds himself apprentice to the said for years from the date hereof, and agrees during that term faithfully to serve the said and obey his lawful commands and not absent himself by day or night from the service of the said without leave.

2. The said agrees with the said that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of, and will produce him to any magistrate or justice of the peace whenever called upon by such magistrate or justice of the peace so to do, and will at the end of the said term supply the said if he desires it with sufficient means of returning to his home.

In witness whereof ⁽³⁾ this day and year first above written (attestation when party or parties can read and write).

Signed, sealed and delivered by the said in the presence of :

.....

Magistrate.

(1) Or "girl".
(2) "Father" or "guardian".
(3) "The said.....have hereunto set their hands and seals," or "have hereunto made their marks and set their seals," or "the said.....has hereunto set his hand and seal and the said.....has hereunto made his mark and set his seal" as the case may be.

Attestation when party or parties illiterate.

The mark of the said
was made hereto and the Indenture was sealed and delivered
by him after the same was interpreted to him when he seemed
fully to understand the same in the presence of :

.....Magistrate.
Approved.....Magistrate.

The day of19.....

DEED OF APPRENTICESHIP.

(Under section 20 of the *Employment of Servants Ordinance*,
1937.)

This deed made the day of19....,
between (a child under the age of sixteen
years without known relatives and without a guardian) by
..... of (who has been appointed
by the (1)..... as the guardian of the
said and to execute this deed on his
behalf) of the one part, and
of..... of the other part.

Witnesseth as follows:—

The said by the authority of the
said magistrate hereby binds himself apprentice to the said
.....
for years from the date hereof,
and agrees during that term faithfully to serve the said
..... and obey his lawful
commands and not to absent himself by day or night from the
service of the said without leave.

2. The said agrees with the said
..... that during the said term he will
provide him with sufficient good food and drink and lodging
and suitable clothing, and medical advice and medicine, and
will instruct him or cause him to be instructed in the employ-
ment of, and will produce him
to any magistrate or justice of the peace whenever called upon
by such magistrate or justice of the peace so to do, and at the
end of the said term will provide the said
if he desires it with sufficient means of returning to his home.

In witness whereof (2)
the day and year first above written. (Attestation and
approval as in the immediately preceding form.)

(1) State by what magistrate appointed.
(2) As in note (3) to preceding form.

DEED OF APPRENTICESHIP.

(Under section 21 of the Employment of Servants Ordinance, 1937.)

This deed made the day of 19....., between (a person not under the age of sixteen years) of of the one part and of of the other part.

Witnesseth as follows:—

1. The said hereby binds himself apprentice to the said for years from the date hereof, and agrees during that term faithfully to serve the said and obey his lawful commands and not to absent himself by day or night from the service of the said without leave.

2. The said agrees with the said that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of

In witness whereof (1) the day and year first above written. (Attestation and approval as in the form under section 20.)

(1) As in note, (3) to form under section 20.

CERTIFICATE.

(Under section 28 of the Employment of Servants Ordinance, 1937.)

I hereby certify that son of a juvenile, has duly received from

(1) his fathers/o..... registration number

(1) his guardians/o..... registration number

(1) me, District Officer, the permission, required under section 28 of the Employment of Servants Ordinance, 1937, to be engaged or recruited to work for at as a for Sh. per thirty-day contract ticket and food.

(1) Strike out words not required.

FORM OF COMPLAINT.

(Under section 50 of the Employment of Servants Ordinance, 1937.)

I,, of, hereby make complaint as follows against Reg. No., hereinafter referred to as "the accused".

1. That the said accused on the day of was a servant employed by me at, under a contract of service made under the provisions of the Employment of Servants Ordinance, 1937.

2. That the said contract of service was a—

(a) Verbal contract for a calendar month commencing

(b) Verbal / Written ticket contract commencing

(c) Written "special" contract for Month / Years commencing.....

(d) Written contract for Months / Years commencing.....

3. That on or about the day of the said accused did, in contravention of the terms of the said contract, without lawful excuse absent himself from his place of employment at, and has absented himself therefrom for a period exceeding seven whole consecutive days, thereby committing the offence of desertion.

I therefore apply for a warrant for the arrest of the said accused to answer the above complaint, which I undertake to substantiate on oath when required to do so.

Dated this day of

Employer.

(a), (b), (c) and (d) are alternative clauses; those inapplicable should be struck out.

ORDINANCE No. III of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

[14TH MAY, 1938.] Date of assent.

An Ordinance to Amend the Marriage Ordinance

14th May, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Marriage (Amendment) Ordinance, 1938, and shall be read as one with the Marriage Ordinance (Chapter 167 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 167.

2. Section 15 of the Principal Ordinance is hereby amended by deleting therefrom the words "whose consent to a marriage is hereby required, or" which appear in the first and second lines thereof.

Amendment of
section 15 of
the Principal
Ordinance.

3. The Principal Ordinance is hereby amended by inserting therein immediately after section 21 thereof the following new section:—

Amendment of
the Principal
Ordinance.

"21A. If any person whose consent to a marriage is hereby required refuses his consent, the Supreme Court may, on application being made, consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so required."

ORDINANCE No. IV of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[14TH MAY, 1938.]

An Ordinance to Amend the Agricultural Advances Ordinance, 1930

Date of com-
mencement.

14th May, 1938

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

Short title.

1. This Ordinance may be cited as the Agricultural
Advances (Amendment) Ordinance, 1938, and shall be read
as one with the Agricultural Advances Ordinance, 1930, here-
inafter referred to as the Principal Ordinance.

No. 12 of 1930

Amendment of
section 7 of the
Principal
Ordinance

2. Subsection (3) of section 7 of the Principal Ordinance
is hereby amended by the addition thereto of the following
proviso—

“Provided further that, with effect from the first day
of January, 1938, no further interest shall be charged on
advances made before that date and no interest shall be
charged on advances made after that date.”

ORDINANCE No. V of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

[14TH MAY, 1938.] Date of assent.

An Ordinance to Amend the Public Health Ordinance

14th May, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Public Health
(Amendment) Ordinance, 1938, and shall be read as one with
the Public Health Ordinance (Chapter 124 of the Revised
Edition), hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 124.

2. Section 120 of the Principal Ordinance is hereby
amended by inserting therein as sub-section (3A) the following
new sub-section:—

Amendment of
section 120
of the Principal
Ordinance.

“(3A) If the court is satisfied that the nuisance
although removed since the service of the notice was not
removed within the time specified in such notice the
court may impose a fine not exceeding ten pounds on
the person on whom such notice was served and may,
in addition to or in substitution for such fine, order such
person to pay all costs incurred up to the time of the
hearing of the case.”

ORDINANCE No. VI of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[14TH MAY, 1938.]

An Ordinance to Amend the Public Trustee's Ordinance, 1925

Date of commencement.

14th May, 1938

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

Short title.

1. This Ordinance may be cited as the Public Trustee's (Amendment) Ordinance, 1938, and shall be read as one with the Public Trustee's Ordinance, 1925, hereinafter referred to as the Principal Ordinance.

No. 7 of 1925.

Appointment of Commissioners.

2. (1) The Attorney General, the ^{*Financial Secretary*} ~~Treasurer~~, and one person not in the public service to be nominated by the Governor; are hereby appointed Commissioners for the purpose of advising the Public Trustee as to the investment of trust funds, and the disposal of such investments, administered by him.

(2) No trust funds shall be invested, and no investments shall be disposed of, by the Public Trustee save with the consent of the Commissioners appointed under sub-section (1) of this section.

Repeal of section 5 of the Principal Ordinance.

3. Section 5 of the Principal Ordinance is hereby repealed.

Amendment of section 7 of the Principal Ordinance.

4. Sub-section (3) of section 7 of the Principal Ordinance is hereby amended by deleting therefrom the word "second" which appears in the third line thereof.

Substituted
- see G.N. 446/40
p. 434.

ORDINANCE No. VII of 1938

Assented to in His Majesty's name this fourteenth day of May, 1938.

R. BROOKE-POPHAM,

Governor.

[14TH MAY, 1938.] Date of assent.

An Ordinance to Provide for the Total or Partial Cessation of Lighting in the Colony by Regulation of the Governor in Council on Occasions of Emergency or Public Danger or by way of Experiment or Practice for such Occasions

14th May, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Lighting Control Ordinance, 1938. Short title.

2. On any occasion which the Governor in Council may consider to be an occasion of emergency or public danger, and also whenever he may consider it necessary by way of experiment or practice for any such occasion, the Governor in Council may make such regulations as he may consider desirable providing, either by express command or by request for co-operation, for the total or partial cessation of lighting in the Colony. Power to make regulations.

3. Compliance with any such express command or with any such request for co-operation shall exonerate any person from any liability contractual or otherwise for damage resulting from such compliance, provided that such person has taken all other reasonable measures possible to avoid such damage. Exoneration from liability of persons complying with regulations.

4. Any person who refuses or fails to comply with any such express command shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. Penalty for refusal or failure to comply with mandatory regulations.

ORDINANCE No. VIII of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[14TH MAY, 1938.]

An Ordinance to Amend the Stamp Ordinance

Date of commencement.

14th May, 1938

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

Short title.

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance, 1938, and shall be read as one with the Stamp Ordinance (Chapter 57 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Cap. 57.

Amendment of section 37 of the Principal Ordinance.

2. Section 37 of the Principal Ordinance is hereby amended by deleting therefrom paragraph (a) of the proviso thereto, and substituting therefor the following—

“(a) any such instrument, not being an instrument chargeable with duty of ten cents or twenty cents only (other than a cheque) or a bill of exchange (other than a bill of exchange presented for acceptance, accepted or payable elsewhere than in the Colony) or a promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of one pound, or, when ten times the amount of the proper duty or deficient portion thereof exceeds one pound, of a sum equal to ten times such duty or portion;”

Repeal of section 2 of Ordinance No. 6 of 1937.

Amendment of Schedule to the Principal Ordinance.

3. Section 2 of the Stamp (Amendment) Ordinance, 1937, is hereby repealed.

4. The Schedule to the Principal Ordinance is hereby amended by substituting the words “twenty cents” for the words “fifty cents” which appear under the heading “Proper Stamp duty” opposite article 62 thereof.

ORDINANCE No. IX of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,

Governor.

[14TH MAY, 1938.] Date of assent.

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

By Notice 30th Aug 1938

Date of commencement.

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

- | | |
|--|--|
| <p>1. This Ordinance may be cited as the King's African Rifles (Amendment) Ordinance, 1938, and shall be read as one with the King's African Rifles Ordinance, 1932, hereinafter referred to as the Principal Ordinance, and shall come into force on such date as the Governor may by notice in the Gazette appoint.</p> | <p>Short title and commencement.
No. 48 of 1932.
<i>S.N. 662/38</i>
<i>O.S. 1139.</i></p> |
| <p>2. Section 46 of the Principal Ordinance is hereby amended by deleting therefrom sub-paragraph A (g) of paragraph (1) thereof.</p> | <p>Amendment of section 46 of the Principal Ordinance.</p> |
| <p>3. Sub-section (1) of section 81 of the Principal Ordinance is hereby amended—</p> <p>(a) by substituting the words "the Brigade Commander" for the words "his commanding officer" which occur in the second line thereof;</p> <p>(b) by substituting a semi-colon for the full stop which occurs at the end of paragraph (c) thereof; and</p> <p>(c) by adding, immediately after paragraph (c) thereof, the following new paragraph:—</p> <p style="padding-left: 40px;"><i>"(d) for inefficiency."</i></p> | <p>Amendment of section 81 (1) of the Principal Ordinance.</p> |
| <p>4. The Principal Ordinance is hereby amended by inserting therein, immediately after section 85 thereof, the following new section:—</p> <p style="padding-left: 40px;"><i>"85A. Where a soldier who has been awarded a medal for long service and good conduct is discharged, he shall be granted a gratuity of five pounds, and in the event of</i></p> | <p>Amendment of the Principal Ordinance.</p> <p>Gratuity to holder of long service and good conduct medal.</p> |

the death of any such soldier while still serving, such gratuity shall be paid to, or for the benefit of, the widow or widows, or child or children, or any next-of-kin of the soldier, on such conditions, and, if to or for the benefit of more than one person, in such proportions, as to the Governor shall seem fit."

ORDINANCE No. X of 1938

Assented to in His Majesty's name this fourteenth day of May, 1938.

R. BROOKE-POPHAM,
Governor.

[14TH MAY, 1938.] Date of assent.

An Ordinance to Amend the Widows' and Orphans' Pension (Amendment) Ordinance, 1937

14th May, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Widows' and Orphans' Pension (Amendment) Ordinance, 1938, and shall be read as one with the Widows' and Orphans' Pension (Amendment) Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short title.

No. 3 of 1937.

2. Section 5 of the Principal Ordinance is hereby amended by substituting a colon for the full stop which appears at the end thereof, and by adding, immediately after such colon, the following proviso:—

Amendment of section 5 of the Principal Ordinance.

“Provided that where the operation of the Tables included in this Ordinance would have the effect of reducing the amount of any pension payable in respect of an officer who is a contributor at, and who married before the 1st day of July, 1936, the Tables repealed and replaced by this Ordinance shall continue to apply as if this Ordinance had not been enacted.”

ORDINANCE No. XI of 1938

Assented to in His Majesty's name this fourteenth day of May, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[14TH MAY, 1938.]

**An Ordinance to Amend the Immigration
Restriction Ordinance**

14th May, 1938

Date of commencement.

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

Short title.

1. This Ordinance may be cited as the Immigration Restriction (Amendment) Ordinance, 1938, and shall be read as one with the Immigration Restriction Ordinance (Chapter 62 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Cap. 62.

Amendment of the Principal Ordinance.

2. The Principal Ordinance is hereby amended by the addition thereto after Part V thereof of the following Part, to be numbered as Part VI:—

“ PART VI

IMMIGRANT LABOURERS

Interpretation.

41. In this Part, unless the context otherwise requires—

‘immigrant labourer’ means any person whatsoever (other than a first or a second class passenger on any ship, or the personal servant of such passenger, or a person on the articles of a ship) travelling by sea or land from any port or place outside the Colony or the Uganda Protectorate or the Tanganyika Territory to a place of destination in the Colony for the purpose of exercising or performing any unskilled manual labour in agriculture, or in or upon mines, manufactures, roads, tunnels, railways, canals, water works, or otherwise, within the Colony.

The burden of proving that any person is an immigrant labourer within the meaning of this Part shall lie upon the person alleging that fact: Provided that when such person has proved that the alleged immigrant labourer has entered the Colony subsequent to the issue

of a proclamation under section 42 of this Ordinance and has since such entry been engaged in performing unskilled manual labour of the class or type specified in such proclamation, he shall be deemed to have established a presumption that such person is an immigrant labourer and the burden of rebutting such presumption shall lie upon such alleged immigrant labourer.

42. (1) The Governor in Council may by proclamation in the Gazette prohibit the entry into the Colony of immigrant labourers or may restrict such entry in such manner and subject to such conditions or limitations as he may deem fit.

Powers to restrict immigration of labourers.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, the Governor in Council may in such proclamation—

- (a) limit the number of immigrant labourers that may, during a specified period of time, enter the Colony;
- (b) limit the number of immigrant labourers that may, during a specified period of time, be brought to the Colony on any ship, and such limitation may be based on registered tonnage or on any other basis whatsoever; and
- (c) specify the activities or occupations which shall be deemed to be unskilled manual labour.

43. Any immigrant labourer found in the Colony in contravention of the provisions of any proclamation issued under the provisions of the last preceding section shall be deemed to be a prohibited immigrant, and may be dealt with accordingly.

Immigrant labourers to be deemed prohibited immigrants.

44. Any person aiding or abetting or taking any part in or arranging for or in any way assisting in the entering into the Colony of any person in contravention of the provisions of any proclamation issued under the provisions of section 42 of this Ordinance shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred pounds.

Penalty.

45. (1) The Governor in Council may make rules for the following purposes—

Power to make rules.

- (a) for regulating the conduct and responsibility of the masters of ships carrying immigrant labourers;

(b) for ensuring, so far as is possible, that no immigrant labourers shall be landed in the Colony in contravention of any proclamation issued under section 42 of this Ordinance;

(c) for laying down the reasons for which and the conditions under which a ship from which an immigrant labourer is suspected to have landed in contravention of the provisions of a proclamation issued under section 42 of this Ordinance may be detained and the conditions upon which the detention of such ship may be cancelled; and

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

(2) There may be annexed to the breach of any rule made under this section such penalty, not exceeding one hundred pounds or such term of imprisonment not exceeding six months or both such fine and such imprisonment, as the Governor in Council may think fit."

ORDINANCE No. XII of 1938

Assented to in His Majesty's name this fourteenth day of May, 1938.

R. BROOKE-POPHAM,
Governor.

[14TH MAY, 1938.] Date of assent.

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

14th May, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Local Government (Rating) (Amendment) Ordinance, 1938, and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.

Short title.

No. 20 of 1928.

2. Section 29 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 29 of the Principal Ordinance.

“29. Notwithstanding the provisions of section 1 of this Ordinance, the ~~Governor~~ ^{Governor} may, by notice in the Gazette—

Powers of Governor in regard to application of Ordinance. 7/49

(a) declare that any municipality or any part of any municipality shall be excluded from the application of this Ordinance;

(b) declare that the provisions of this Ordinance shall apply to the whole or to any part of any Grade A township within the meaning of the Townships Ordinance, 1930, or of any Ordinance amending or replacing the same: Provided that, when the provisions of this Ordinance have, under the powers conferred by this paragraph, been applied to the whole or part of any such township, this Ordinance shall, in its application to such township or part of such township, be construed as if the following definitions were substituted for the definitions of 'Local

No. 63 of 1930.

No. XII*Local Government (Rating)***1938**

Authority', 'Municipality', 'Mayor', 'Town Clerk', and 'Town Treasurer', contained in section 2 of this Ordinance:—

No. 63 of 1930.

'Local Authority' means the District Commissioner, acting with the advice of the Township Committee established under the provisions of the Townships Ordinance, 1930;

'Municipality' means the area of the township;

'Mayor', 'Town Clerk' and 'Town Treasurer', mean the District Commissioner."

ORDINANCE No. XIII of 1938

Assented to in His Majesty's name this fourteenth day
of May, 1938.

R. BROOKE-POPHAM,
Governor.

[14TH MAY, 1938.] Date of assent.

An Ordinance to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937

14th May, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance. Short title.
No. 4 of 1937.
2. Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof. Amendment of
section 8 of the
Principal
Ordinance.
3. Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "Holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof. Amendment of
section 11 of the
Principal
Ordinance.
4. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:— Repeal and
replacement of
section 13 of the
Principal
Ordinance.

"13. (1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment, the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service: Calling out of
Regiment for
active service.

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and the Special Reserve or any part thereof for active service, order the Regiment, the Reserve and the Special Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out.

(2) In the case of sudden and immediate danger in any province or district, when it is not possible to obtain the authority of the Governor without undue delay, the civil officer in charge of such province or district may, for the defence of the province or district or any part thereof or for the protection of life and property therein, by proclamation in the name of the Governor, call out the whole or any part of the Regiment, the Reserve and the Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him."

Repeal and replacement of section 19 (1) of the Principal Ordinance.

Retirement of officers.

5. Sub-section (1) of section 19 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

"19. (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform:

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment."

Amendment of section 24 of the Principal Ordinance.

6. Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto)".

Repeal of section 29 of the Principal Ordinance.

7. Section 29 of the Principal Ordinance is hereby repealed.

1938 *Kenya Regiment (Territorial Force)***No. XIII**

8. Section 36 of the Principal Ordinance is hereby amended—

Amendment of
section 36 of the
Principal
Ordinance.

(a) by deleting the word “and” which occurs at the end of paragraph (13) thereof,

(b) by renumbering paragraph (14) thereof as (15) and by inserting the following new paragraph as paragraph (14):—

“(14) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under section 13 of this Ordinance; and”

ORDINANCE No. XIV of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

An Ordinance to Control the Export and Production of Sugar

13th September, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Sugar (Control) Ordinance, 1938. Short title.

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

“Director” means the Director of Agriculture and includes every officer of the Department of Agriculture authorized by the Director of Agriculture to act on his behalf;

“East African dependencies” means the Uganda Protectorate and the Tanganyika Territory;

“quota year” means the period from the first day of September to the 31st day of August next ensuing;

“sugar” means sugar in any of its commercial forms (including jaggery) except the product sold as final molasses;

“ton” means the long ton of 2,240 lb.

3. (1) The quantity of sugar (other than sugar exported to the East African dependencies for local consumption) that may be exported during any quota year from the Colony shall be such quantity (hereinafter referred to as “the quota”) as the Governor in Council may, with the approval of the Secretary of State, from time to time determine. Fixing the amount of sugar that may be exported.

(2) The Governor in Council shall, by notice in the Gazette, declare the quota determined for any quota year and may in like manner at any time substitute a new quota for the quota so declared.

(3) The Governor in Council shall allocate the quota determined amongst the manufacturers of sugar and may at any time vary and adjust such allocation.

(4) No person shall export sugar to a destination outside the East African dependencies except under a licence (hereinafter referred to as a "sugar export licence") issued by the Director. Such licence and application therefor shall be in the prescribed forms and, subject to the exercise of his discretion under sub-section (5) of section 7 of this Ordinance, the Director shall from time to time issue to the manufacturers amongst whom the quota has been allocated, sugar export licences in respect of such quantities of sugar as shall not in the aggregate exceed such allocation. The Director may attach to any such licence any conditions that he may deem necessary or that may be prescribed for the due carrying out of the purposes of this Ordinance.

Power to fix total stocks of sugar in the Colony.

4. The Governor may, by notice in the Gazette, declare that the total stocks of sugar (whether in factories, refineries, warehouses or elsewhere, or in the course of transit, but excluding foreign bonded sugar or sugar intended to be used solely for distribution for consumption in the Colony or in the East African dependencies) held in the Colony on a date or during such period as may be specified, shall not exceed an amount fixed by such notice and thereupon the Governor may prescribe means to ensure that such stocks shall not exceed the amount so specified and for such purpose may fix the maximum amount of all sugar (whether in factories, refineries, warehouses or elsewhere, or in course of transit, and including foreign bonded sugar or sugar intended to be used solely for distribution for consumption in the Colony or in the East African dependencies) which may be held from time to time.

Governor may require returns relating to sugar to be submitted.

5. (1) The Governor may require any person by order served on him or published in the Gazette to make and submit to the Director or the Commissioner of Customs, as the Governor may see fit, or to such other person as the Governor may from time to time direct, within such time as may be specified in the order, a return giving full and accurate particulars of all or any of the following matters, namely:—

- (a) the sugar manufactured by him during any period specified in the order;
- (b) the stocks of sugar belonging to him or in his possession, power or control on any particular date or during any period specified in the order, the place

of storage of the same, and, if such sugar was acquired by him, the person from whom he acquired the same;

(c) any other particulars required for the purposes of this Ordinance.

(2) Any person who fails or neglects to comply with such order shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty-five pounds.

6. The Director or any officer duly authorized by him in writing may at any time enter upon any land or premises for the purposes of making any inspection or for any other purpose connected with or arising out of any of the matters provided by this Ordinance or the enforcement of any of its provisions. Power of entry and inspection.

7. (1) Any person exporting or attempting to export sugar in contravention of any of the provisions of this Ordinance or of any of the conditions of any sugar export licence shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding five hundred pounds or in default of payment to imprisonment for a term not exceeding twelve months. Offences.

(2) Any person holding any stock of sugar in excess of the amount authorized by or under this Ordinance shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding one hundred pounds.

(3) Where a person is convicted under sub-section (1) or sub-section (2) of this section, a court may, in addition to any other penalty, order that any sugar in regard to which the conviction is had shall be forfeited to the Crown.

(4) Any person making a false declaration, statement or return in regard to any matter provided by this Ordinance shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding fifty pounds.

(5) Where any person is convicted of an offence under sub-section (1) of this section the Director in his discretion may revoke any sugar export licence granted to the person convicted and may refuse to grant any further licence to such person :

Provided that any person aggrieved by the decision of the Director to revoke or refuse any such licence may appeal to the Governor whose decision shall be final.

No. XIV*Sugar***1938**

Liability for
acts of agent or
servant.

8. For the purposes of this Ordinance every person shall be liable for every act, omission, neglect or default of any manager, agent or servant employed by him and purporting to act within the scope of such employment as fully and effectually as if such act, omission, neglect or default were done or committed by such first-mentioned person but so that nothing in this section shall affect the liability of such manager, agent or servant.

Saving of
Customs Laws.
No. 25 of 1926.

9. The provisions of this Ordinance shall be in amplification of and not in derogation of the provisions of the Customs Management Ordinance, 1926, and any regulations made thereunder in so far as the same are not inconsistent with the provisions of this Ordinance.

Power to make
rules.

10. The Governor in Council may make rules prescribing forms, fixing the conditions upon which sugar export licences may be issued and generally for carrying out the provisions of this Ordinance.

Duration of
Ordinance.

11. This Ordinance shall continue in force until the 31st day of August, 1942, and shall then expire: Provided that the Governor may by proclamation, with the approval of the Legislative Council and the sanction of the Secretary of State, declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

ORDINANCE No. XV of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

An Ordinance to Amend the Kenya Defence Force Ordinance, 1937

13th September, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Kenya Defence Force (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Defence Force Ordinance, 1937, hereinafter referred to as the Principal Ordinance. Short title.
No. 5 of 1937.

2. Section 8 of the Principal Ordinance is hereby amended— Amendment of
section 8 of the
Principal
Ordinance.
 - (a) by deleting the word "fifty-five" which occurs in the last two lines thereof and by substituting therefor the word "fifty", and
 - (b) by adding thereto at the end thereof the following—
"Class III—Persons who have attained the age of fifty years."

3. Section 9 of the Principal Ordinance is hereby amended— Amendment of
section 9 (1) and
(2) of the
Principal
Ordinance
 - (a) by deleting the words "and who has not attained the age of fifty-five years" which occur in the fourth line of sub-section (1) thereof; and
 - (b) by deleting the words "upon taking the prescribed oath" which occur in the sixth line of sub-section (2) thereof.

4. The marginal note to section 10 of the Principal Ordinance is hereby amended by deleting the last eight words thereof and by substituting therefor the words "to serve in the Class preceding their appropriate Class". Amendment of
section 10 of the
Principal
Ordinance.

Repeal and replacement of section 17 (1) of the Principal Ordinance.

Peace training.

5. Sub-section (1) of section 17 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

“17. (1) The peace training of Classes I and II of the Defence Force shall be carried out in accordance with the regulations and every officer and member of Classes I and II of the Defence Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance. Members of Class III of the Defence Force shall not be required to undergo any peace training.”

Amendment of section 21 (1) of the Principal Ordinance.

6. Sub-section (1) of section 21 of the Principal Ordinance is hereby amended by deleting the first proviso thereto and substituting therefor the following proviso:—

“Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out:”

Amendment of section 23 of the Principal Ordinance.

7. Section 23 of the Principal Ordinance is hereby amended—

- (a) by deleting the word “same” which occurs in the second line thereof and substituting therefor the words “same, and all regulations made thereunder.”;
- (b) by deleting the words “shall apply to the permanent staff and officers of the Defence Force” which occur in the third and fourth lines thereof and substituting therefor the words “shall, as to the provisions therein contained respecting discipline, apply to officers of the Defence Force and to the permanent staff thereof (if not otherwise subject to the Army Act)”.

Amendment of section 31 (1) of the Principal Ordinance.

8. Sub-section (1) of section 31 of the Principal Ordinance is hereby amended—

- (a) by deleting therefrom paragraph (d) thereof; and
- (b) by deleting the words “all persons liable for service in the Defence Force” which occur in paragraph (i) thereof and substituting therefor the words “persons as officers and members of the Defence Force”.

1938

*Defence Force***No. XV**

9. (1) Any person who under the provisions of the Principal Ordinance was not required to enrol but who under the provisions of the Principal Ordinance as amended by section 3 of this Ordinance is required to enrol shall within one month after the commencement of this Ordinance comply with the requirements of section 9 of the Principal Ordinance and be subject to all the provisions of the Principal Ordinance and all amendments thereto.

Amendment of
the Principal
Ordinance.

(2) Any person who at the date of the commencement of this Ordinance is enrolled or deemed to be enrolled in Class II of the Defence Force and who at that date has attained the age of fifty years shall, subject to the provisions of section 10 of the Principal Ordinance, be transferred to Class III of the Defence Force.

ORDINANCE No. XVI of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent. [13TH SEPTEMBER, 1938.]

An Ordinance to Amend the Bills of Exchange Ordinance, 1927

Date of commencement.

13th September, 1938

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

Short title.

1. This Ordinance may be cited as the Bills of Exchange (Amendment) Ordinance, 1938, and shall be read as one with the Bills of Exchange Ordinance, 1927, hereinafter referred to as the Principal Ordinance.

No. 7 of 1927.

Amendment of section 60 of the Principal Ordinance.

2. Section 60 of the Principal Ordinance is hereby amended by renumbering the section as "60 (1)" and by adding thereto the following new sub-section:—

“(2) Any draft or order (other than a bill or a cheque) drawn upon a banker for a sum of money payable to order on demand which shall, when presented for payment, purport to be indorsed by the person to whom the same shall be drawn payable, shall be a sufficient authority to such banker to pay the amount of such draft or order to the bearer thereof; and it shall not be incumbent upon such banker to prove that such indorsement, or any subsequent indorsement, was made by or under the direction or authority of the person to whom the said draft or order was or is made payable either by the drawer or indorser thereof.”

ORDINANCE No. XVII of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

An Ordinance to Amend the Kerosene Oil (Repayment of Duty) Ordinance, 1930

13th September, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Kerosene Oil (Repayment of Duty) (Amendment) Ordinance, 1938, and shall be read as one with the Kerosene Oil (Repayment of Duty) Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

Short title.

No. 58 of 1930.

2. Sub-section (2) of section 3 of the Principal Ordinance is hereby amended—

Amendment of section 3 of the Principal Ordinance

(a) by substituting a colon for the full stop which appears at the end thereof; and

(b) by adding thereto, immediately after such colon, the following proviso:—

as
“Provided that the Treasurer may, in his absolute discretion, accept a claim submitted not later than three months after the expiration of the three months in respect of which the claim is made, if he is satisfied that the claimant's failure to submit his application within the period of one month prescribed by this sub-section was unavoidable or that, in all the circumstances of the case, such failure ought to be excused.”

ORDINANCE No. XVIII of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[13TH SEPTEMBER, 1938.]

An Ordinance to Amend the Public Holidays Ordinance

Date of com-
mencement.

13th September, 1938

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

Short title.

1. This Ordinance may be cited as the Public Holidays (Amendment) Ordinance, 1938, and shall be read as one with the Public Holidays Ordinance (Chapter 30 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Repeal and
replacement of
section 2 of the
Principal
Ordinance.
Public holidays.

2. Section 2 of the Principal Ordinance is hereby re-
pealed and the following section is substituted therefor:—

“2. The several days in the Schedule to this Ordinance (which days are in this Ordinance referred to as public holidays) shall in every year be kept as public holidays by all public offices, all Government Departments and all banks in the Colony.”

Repeal and
replacement of
section 3 of the
Principal
Ordinance.
Alteration or
addition of
public holiday.

3. Section 3 of the Principal Ordinance is hereby re-
pealed and the following section is substituted therefor:—

“3. The Governor may at any time if he thinks fit, by proclamation, declare any day to be a public holiday in addition to the days mentioned in the Schedule to this Ordinance or in substitution for any of them and thereupon such day shall be a public holiday as if it were mentioned in the Schedule to this Ordinance.”

Amendment of
Schedule to the
Principal
Ordinance.

4. The Schedule to the Principal Ordinance is hereby amended—

(a) by deleting therefrom the words “The Anniversary of the Birthday of His Majesty” which occur in the fifth line thereof; and

(b) by adding immediately after the words “The First Monday in August” which occur in the sixth line thereof the words “King's Day (the second Monday in October)”.

ORDINANCE No. XIX of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

**An Ordinance to Provide for the Supply of a further
Sum of Money for the Service of the Year
ended 31st December, 1937**

13th September, 1938

Date of commencement.

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

1. This Ordinance may be cited as the 1937 Supplementary Appropriation Ordinance, 1938. Short title.

2. The public revenue for the period 1st January to 31st December, 1937, of the Colony and Protectorate of Kenya is hereby charged towards the service of the period 1st January to 31st December, 1937, with a further sum of one hundred and seventy-nine thousand one hundred and fifty-nine pounds, eighteen shillings and forty-nine cents, in addition to the sums provided by the 1937 Appropriation Ordinance, 1936. Public revenue charged.
No. 42 of 1936.

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

4. The Treasurer of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the revenue of the Colony and Protectorate of Kenya, for the several services specified in the Schedule hereto, the said sum of one hundred and seventy-nine thousand one hundred and fifty-nine pounds, eighteen shillings and forty-nine cents which have come in course of payment during the period 1st January to 31st December, 1937. Treasurer's authority for payment.

SCHEDULE

<i>No. of Head</i>		£	s.	cts.
IIA	Administration Extraordinary ...	9,321	19	58
IIIA	Agriculture Extraordinary ...	2,933	12	75
VIIIA	Education Extraordinary ...	1,431	3	96
XVI	Local Government contributions to Local Authorities ...	5,919	19	70
XVIA	Local Government contributions to Local Authorities Extra- ordinary ...	3,442	0	00
XVII	Medical ...	2,486	13	15
XVIIA	Medical Extraordinary ...	823	12	03
XVIIIA	Military Extraordinary ...	19,954	4	18
XIXA	Mining and Geological Extra- ordinary ...	218	0	00
XX	Miscellaneous Services Extra- ordinary ...	83,407	14	17
XXII	Police ...	3,208	15	19
XXIIA	Police Extraordinary ...	232	16	39
XXIII	Post Office and Telegraphs ...	4,018	8	84
XXIIIA	Post Office and Telegraphs Extra- ordinary ...	1,858	6	53
XXIV	Printing and Stationery ...	3,108	18	65
XXIVA	Printing and Stationery Extra- ordinary ...	1,981	19	52
XXV	Prisons ...	7,808	14	92
XXVIII	Public Works Recurrent ...	8,000	1	25
XXX	Treasury ...	1,431	6	68
IXA	Treasury Extraordinary ...	920	10	41
XXXIV	Public Works Extraordinary ...	16,651	0	59
Total ...		£179,159	18	49

ORDINANCE No. XX of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

**An Ordinance to make such Provisions as are
Consequential on or Incidental to the Establish-
ment of Eire and Northern Ireland**

13th September, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Eire and Northern Ireland (Consequential Provisions) Ordinance, 1938. Short title.

2. (1) Any reference in any Ordinance, Rule, Regulation, Proclamation, Order or Notice to Ireland shall be construed as a reference to Eire and Northern Ireland. Reference to
Eire and
Northern
Ireland.

(2) Any reference in any Ordinance, Rule, Regulation, Proclamation, Order or Notice to the Irish Free State shall be construed as a reference to Eire.

ORDINANCE No. XXI of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent. [13TH SEPTEMBER, 1938.]

An Ordinance to Amend the Control of Fugitive Belligerents Ordinance, 1936

Date of com-
mencement.

13th September, 1938

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

Short title.

1. This Ordinance may be cited as the Control of Fugitive Belligerents (Amendment) Ordinance, 1938, and shall be read as one with the Control of Fugitive Belligerents Ordinance, 1936, hereinafter referred to as the Principal Ordinance.

No. 11 of 1936.

Amendment of
section 7 of the
Principal
Ordinance.

2. Sub-section (2) of section 7 of the Principal Ordinance is hereby amended—

- (a) by substituting the word "appoint" for the word "detail" which occurs in the third line thereof; and
- (b) by deleting the words "to serve under such Commandant" which occur in the fourth and the fifth lines thereof.

Amendment of
section 19 of
the Principal
Ordinance.

3. Section 19 of the Principal Ordinance is hereby amended by substituting the following paragraph for paragraph (a) thereof:—

“(a) escapes or attempts to escape;”.

Amendment of
section 20 of the
Principal
Ordinance.

4. Sub-section (1) of section 20 of the Principal Ordinance is hereby amended by substituting the comma and words “, the Commandant or such other officer authorized by the Commander in that behalf” for the words “or the Commandant” which occur in the first line thereof.

Amendment of
section 22 of
the Principal
Ordinance.

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

- (a) by substituting the words “who escapes or attempts” for the word “attempting” which occurs in the first line of sub-section (1) thereof;

1938

Control of Fugitive Belligerents

No. XXI

- (b) by substituting the words "secure his capture or to prevent his escape" for the words "ensure his surrender" which occur in the fourth and the fifth lines of sub-section (2) thereof; and
- (c) by substituting the words "secure the capture of the internee or prevent his escape" for the words "prevent the escape" which occur in the last line of sub-section (2) thereof.

6. Section 24 of the Principal Ordinance is hereby amended by substituting the words "control, treatment or internment of belligerents, or to prevent the escape and/or resumption of hostilities by internees," for the words "treatment of internees" which occur in the fourth line thereof.

Amendment of section 24 of the Principal Ordinance.

7. Every member of the Abyssinian or Italian troops who since the cessation of hostilities between Abyssinia and Italy has crossed the neutral frontier and has been interned in the internment camp established under the provisions of section 6 of the Principal Ordinance shall be deemed to be a belligerent for the purposes of that Ordinance.

Application of Ordinance to persons interned after cessation of hostilities.

ORDINANCE No. XXII of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[13TH SEPTEMBER, 1938.]

An Ordinance to Regularize the Residence in the Colony of Certain Refugees from Ethiopia

13th September, 1938

Date of commencement.

WHEREAS on divers occasions during the years 1936 and 1937 certain refugees entered the Colony from Ethiopia:

AND WHEREAS such persons were under the Immigration Restriction Ordinance (Chapter 62 of the Revised Edition of the Laws of Kenya) liable to be treated as prohibited immigrants and to be returned thereto:

AND WHEREAS it was considered inexpedient to enforce the said Ordinance with regard to the said refugees:

AND WHEREAS the said refugees have since been residing in a camp established at Isiolo by the Government of the Colony in the interests of law and order and the well-being and good government of the said refugees:

AND WHEREAS it is now considered desirable that the residence in the Colony of the said refugees be regularized by law:

AND WHEREAS it is also considered desirable that powers should exist for the control of any refugees who enter the Colony subsequent to the commencement of this Ordinance:

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

Short title.

1. This Ordinance may be cited as the Refugees Ordinance, 1938.

Interpretation.

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

“Officer in Charge” means a public officer appointed by the Governor by notice in the Gazette to be Officer in Charge of a camp;



“refugee” means a person who entered the Colony from Ethiopia and who at the commencement of this Ordinance is residing in the Refugees Camp at Isiolo;

“regulations” means regulations made under the provisions of this Ordinance.

3. (1) The Governor may by notice in the Gazette declare any area, district or place to be a residential camp (in this Ordinance referred to as a camp) and may require any refugee to reside therein. Residential camp.

(2) The Refugees Camp at Isiolo is hereby declared to be a camp for the purposes of this Ordinance.

4. (1) The Governor may make regulations providing for the maintenance of law and order in a camp and for the well-being, good government, discipline and safe custody of refugees residing therein or employed beyond the limits thereof, and without prejudice to the generality of the foregoing for all or any of the following purposes:— Regulations.

- (a) the safe custody, classification, hours of labour, mode of employment, clothing, maintenance, instruction, discipline, physical exercise, treatment and correction of refugees;
- (b) the duties and powers of the Officer in Charge and other officers and persons;
- (c) the delegation of powers of the Officer in Charge to other officers;
- (d) communications with and visits from friends and others;
- (e) the relations of refugees with the exterior;
- (f) the removal of refugees from a camp for disciplinary purposes;
- (g) the censorship of letters, newspapers, books, magazines, pamphlets or other publications;
- (h) the medical inspection of refugees and camps and the prevention of contagious and infectious diseases;
- (i) the hygiene, sanitation and cleanliness of a camp;
- (j) the disarming of refugees and the disposal of arms and ammunition, military equipment and papers of refugees;
- (k) the liberation and repatriation of refugees;

- (l) the registration of births, deaths, marriages, divorces and separations of refugees;
- (m) the use of force to ensure surrender of refugees when escaping, attempting to escape, or using violence;
- (n) the appointment, duties, powers, conditions of engagement and conduct of leaders, sub-leaders and other persons employed in a camp and for the punishment of such leaders, sub-leaders and persons;
- (o) the provision, maintenance and regulation of food and water supply in a camp;
- (p) the burial of refugees who die in a camp and any other matters arising out of the death of refugees;
- (q) the issue to and carrying by refugees of identification discs;
- (r) the compulsory attendance of refugees at census or on any occasion when required by the Officer in Charge;
- (s) prohibiting or restricting the admission to a camp of persons, other than refugees; and
- (t) notwithstanding the provisions of any law for the time being in force in the Colony, providing for the arrest without a warrant of refugees leaving or attempting to leave a camp without permission and of persons other than refugees entering a camp without a permit.

(2) Any such Regulations may require acts or things to be performed or done to the satisfaction of the Officer in Charge, an administrative officer, a medical officer, a leader, a sub-leader or other person appointed by the Officer in Charge and may empower any such officer, leader, sub-leader or other person to issue orders requiring acts or things to be performed or done prohibiting acts or things from being performed or done and may prescribe periods or dates upon which or before which such acts or things shall be performed or done.

Penalty.

5. Any person who contravenes the Regulations or who disobeys or fails to comply with any lawful order issued by the Officer in Charge, an administrative officer, a medical officer, a leader, sub-leader or other person appointed by the Officer in Charge in pursuance of the powers conferred by the Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding two months.

1938

Refugees

No. XXII

6. The powers conferred by this Ordinance shall be in addition to and not in derogation of the powers conferred by any other law for the time being in force in the Colony.

Saving of other law.

7. Nothing in this Ordinance contained shall be construed to relieve a refugee from the liability of being proceeded against by the ordinary course of law for any offence against any other law for the time being in force in the Colony, but so that no refugee shall be punished twice for the same act or omission.

Refugees not relieved from liability under the ordinary law.

8. (1) The Governor may, if he considers it advisable, transfer any refugee from any camp to the internment camp established under the provisions of the Control of Fugitive Belligerents Ordinance, 1936, and any refugee so transferred shall be deemed to be a belligerent and to be subject to the provisions of that Ordinance.

Transfer of refugees from any camp to internment camp.
No. 11 of 1936.

(2) It is hereby declared that any refugee who, before the commencement of this Ordinance, was transferred from the Refugees Camp at Isiolo to such internment camp was lawfully transferred, and any such refugee shall be deemed to have been and to be a belligerent and to be subject to the provisions of the Control of Fugitive Belligerents Ordinance, 1936.

No. 11 of 1936.

9. The provisions of this Ordinance shall apply to any Ethiopian, who enters the Colony from Ethiopia after the commencement of this Ordinance and who would under the provisions of the Immigration Restriction Ordinance be deemed to be a prohibited immigrant, in like manner and to the same extent as if such Ethiopian were a refugee within the meaning of this Ordinance.

Ordinance to apply to refugees entering Colony after commencement thereof.
Cap. 62.

10. All acts heretofore done by the Governor or by any officer of the Government or by any person acting under the direction of the Governor or of any officer of the Government in regard to any matter relating to the control, treatment or residence of refugees, or to prevent the escape of refugees are hereby made and declared to be lawful and are confirmed as on and from the time of performance of such acts, and the Governor and every such officer or person as aforesaid are hereby freed, acquitted, discharged and indemnified as well against the King's Most Gracious Majesty his heirs and successors as against all and every person and persons whatever from all legal proceedings of any kind whatsoever whether civil or criminal in respect of any such acts as aforesaid.

Validation of acts previously done and indemnity therefor.

ORDINANCE No. XXIII of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[13TH SEPTEMBER, 1938.]

An Ordinance to Amend the Tea Ordinance, 1934

Date of commencement.

13th September, 1938

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

Short title.

1. This Ordinance may be cited as the Tea (Amendment) Ordinance, 1938, and shall be read as one with the Tea Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

No. 46 of 1934.

Amendment of section 3 of the Principal Ordinance.

2. Section 3 of the Principal Ordinance is hereby amended by substituting the words "three thousand and ~~three~~^{four} hundred" for the words "one thousand" which appear in the last line of sub-section (3) thereof.

Amendment of section 15 of the Principal Ordinance.

3. Section 15 of the Principal Ordinance is hereby amended by substituting the figures "1943" for the figures "1938" which appear in the second line thereof.

ORDINANCE No. XXIV of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

An Ordinance to Amend the Transport Licensing Ordinance, 1937

13th September, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Transport Licensing (Amendment) Ordinance, 1938, and shall be read as one with the Transport Licensing Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short title.

No. 40 of 1937.

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

Amendment of section 3 of the Principal Ordinance.

(a) by deleting therefrom the first six lines of sub-section (1) thereof and substituting therefor the following:—

“3. (1) There is hereby established a Transport Licensing Board, which shall be the Licensing Authority for the purposes of this Ordinance, and which shall consist of five persons from time to time appointed by the Governor in Council, who shall also appoint one of such persons to be chairman of the Board.”;

(b) by deleting therefrom the word “nominated” wherever it appears in sub-sections (2), (3), (4), (5) and (6) thereof;

(c) by substituting the word “appoint” for the word “nominate” which appears in the seventh line of sub-section (1) thereof;

(d) by substituting the word “appointment” for the word “nomination” which appears in the ninth line of sub-section (1) thereof;

(e) by substituting the word “re-appointment” for the word “renomination” which appears in the third line of sub-section (6) thereof;

Replaced by Ord. 3/46

(f) by deleting therefrom sub-section (7) thereof and substituting therefor the following:—

“(7) In the event of the absence of the chairman from any meeting of the Licensing Authority the members present shall choose one of their number to act as chairman for that meeting.”;

(g) by substituting the words “chairman or the person chosen to act as chairman under sub-section (7) of this section” for the words and commas “Attorney General, or the public officer authorized by him under sub-section (7) of this section,” which appear in the second and third lines of sub-section (8) thereof;

(h) by inserting the words “or the person chosen to act as chairman under sub-section (7) of this section” immediately after the word “chairman” which appears in the first line of sub-section (10) thereof;

(i) by substituting the word “person” for the words “other public officer” which appear in the third line of sub-section (15) thereof; and

(j) by inserting therein as sub-section (3A) the following new sub-section:—

“(3A) Where any member of the Licensing Authority is absent from the Colony for any period in excess of six weeks the Governor in Council may, at the request of the chairman, by notice in the Gazette, appoint a member in substitution for the member who is so absent from the Colony. Any member so appointed shall hold office until the member in whose place he has been appointed returns to the Colony.”

Amendment of
section 12 of
the Principal
Ordinance.

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

(a) by inserting the comma and words “, a road service licence” between the word “licence” and the word “or” which appear in the first line of sub-section (1) thereof;

(b) by inserting the words “or passengers” between the word “goods” and the word “for” which appear in the seventh line of sub-section (1) thereof;

(c) by substituting the words "goods or passengers" for the word "goods" which appears in the tenth line of sub-section (1) thereof; and

(d) by repealing sub-section (3) thereof and substituting therefor the following—

"(3) The provisions of this section shall apply to an application for a licence in respect of the first year of the operation of section 4 of this Ordinance and thereafter the provisions of section 11 and of section 15 of this Ordinance shall apply."

4. Sub-section (2) of section 15 of the Principal Ordinance is hereby amended by inserting therein the words "subject to the provisions of section 12 of this Ordinance" between the word "shall" and the word "have" which appear in the second line thereof.

Amendment of section 15 (2) of the Principal Ordinance.

5. The Principal Ordinance is hereby amended by inserting therein the following new section as section 22A:—

Amendment of the Principal Ordinance.

"22A. (1) Where, upon an application for an A licence, a B licence, a road service licence, or an inland water transport licence, made by an applicant who was on the 15th day of August, 1938, and who is at the date of the application carrying on the business of a carrier of goods and/or passengers for hire or reward, in respect of any vehicle or ship in use upon any road or upon any inland water on or before the 15th day of August, 1938, any person objects to the grant of the licence on any of the following grounds:—

Burden of proof.

(a) that suitable transport facilities in the district, or between those places, in respect of which the application has been made, are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements; or

(b) that the grant of the licence applied for would be contrary to the public interest; or

(c) in the case of an application for a licence in respect of a year subsequent to 1939 that the conditions of a licence held by the applicant have not been complied with,

the burden of proving such objection shall lie upon such person.

(2) The provisions of sub-section (1) of this section shall apply to an application for a licence for the year 1939, and to an application for subsequent years by the same applicant for a renewal of his licence in respect of any vehicle or ship referred to in sub-section (1) of this section or in respect of any vehicle or ship which replaces any such vehicle or ship provided it is not of a greater carrying capacity than the carrying capacity of the vehicle or ship which it replaces."

Amendment of
section 30 of
the Principal
Ordinance.

6. Section 30 of the Principal Ordinance is hereby amended—

- (a) by substituting the words "Any police officer in uniform" for the words "Any police officer, or any other person duly authorized in writing by the Licensing Authority," which appear in the first and second lines of sub-section (1) thereof;
- (b) by deleting therefrom the words "or such authorized person" which appear in the twelfth and thirteenth lines of sub-section (1) thereof and in the third, fifth and seventh lines of sub-section (2) thereof; and
- (c) by deleting therefrom the words "or duly authorized person" which appear in the first and second lines of sub-section (2) thereof.

ORDINANCE No. XXV of 1938

Assented to in His Majesty's name this thirteenth day of September, 1938.

R. BROOKE-POPHAM,
Governor.

[13TH SEPTEMBER, 1938.] Date of assent.

An Ordinance to Amend the Electric Power Ordinance

31st July, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Electric Power (Amendment) Ordinance, 1938, and shall be read as one with the Electric Power Ordinance (Chapter 165 of the Revised Edition), hereinafter referred to as the Principal Ordinance, and shall be deemed to have come into force on the 31st day of July, 1938.

Short title and commencement.

2. Sub-section (5) of section 18 of the Principal Ordinance is hereby amended by substituting a colon for the full stop which occurs at the end thereof, and by adding, immediately after such colon, the following proviso:—

Amendment of section 18 (5) of the Principal Ordinance.

“Provided that the Governor in Council may, in his absolute discretion, where the circumstances are such as in his opinion render such a course necessary, exercise the powers conferred upon him by this section notwithstanding that more than six months after the receipt of the application have expired.”

ORDINANCE No. XXVI of 1938

Assented to in His Majesty's name this thirteenth day
of September, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[13TH SEPTEMBER, 1938.]

An Ordinance to Amend the Penal Code

Date of commencement.

13th September, 1938

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

Short title.

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

No. 10 of 1930.

Repeal and replacement of sections 47-55 of the Principal Ordinance.

2. Sections 47, 48, 49, 50, 51, 52, 53, 54 and 55 of the Principal Ordinance are hereby repealed and the following sections are substituted therefor:—

Definitions.

“47. For the purposes of the eight next following sections of this Code—

‘import’ includes—

(a) to bring into the Colony, and

(b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore;

‘inland waters’ includes all lakes, rivers, creeks, and lagoons inside the river bars, of the Colony;

‘publication’ includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

‘periodical publication’ includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

‘seditious publication’ means a publication having a seditious intention.

48. If the Governor in Council is of opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order, prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any past or future issue thereof.

Power to prohibit importation of publication.

49. (1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under section 48 of this Code, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to His Majesty.

Offences in relation to publications, the importation of which is prohibited.

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under section 48 of this Code, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to His Majesty.

50. (1) Any person to whom any publication the importation of which has been prohibited under section 48 of this Code, or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made forthwith upon the coming into effect of an order prohibiting the importation of such publication deliver such publication or extract therefrom to the nearest administrative officer or to the officer in charge of the nearest police station, and in default thereof shall be

Delivery of prohibited publication to administrative officer or police station.

guilty of an offence and liable to imprisonment for one year or to a fine not exceeding fifty pounds or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) A person who complies with the provisions of sub-section (1) of this section or is convicted of an offence under that sub-section shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

Power to
examine
packages

51. (1) Any of the following officers, that is to say—

- (a) any officer of the Posts and Telegraphs Department not below the rank of Junior Postmaster;
- (b) any officer of the Customs Department not below the rank of Examining Officer;
- (c) any police officer not below the rank of Assistant Inspector;
- (d) any other officer authorized in that behalf by the Governor,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 49 of this Code to import, publish, sell, offer for sale, distribute, reproduce or possess, and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 49 or section 50 of this Code, as the case may be.

Seditious
intention.

52. (1) A 'seditious intention' is an intention—

- (i) to bring into hatred or contempt or to excite disaffection against the person of His Majesty, His heirs or successors, or the Government of the Colony as by law established; or

- (ii) to excite His Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established; or
- (iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Colony; or
- (iv) to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony; or
- (v) to promote feelings of ill-will and hostility between different classes of the population of the Colony:

But it is not a seditious intention—

- (a) to show that His Majesty has been misled or mistaken in any of his measures; or
- (b) to point out errors or defects in the government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade His Majesty's subjects or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the Colony:

Provided that none of the acts or things mentioned in provisos (a), (b), (c) and (d) shall be deemed to be lawful if they are done in such a manner as to effect or be likely to effect any of the purposes (i) to (v) which are declared in this section to be a seditious intention.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Seditious offences.

53. (1) Any person who—
 (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
 (b) utters any words with a seditious intention;
 (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he has no reason to believe that it is seditious, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and any seditious publication shall be forfeited to His Majesty.

Possession of seditious publication.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to His Majesty.

Legal proceedings.

54. (1) No prosecution for an offence under section 53 of this Code shall be begun except within six months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 53 of this Code without the written consent of the Attorney General.

Evidence.

55. No person shall be convicted of an offence under section 53 of this Code on the uncorroborated testimony of one witness."

Amendment of section 166 of the Principal Ordinance.

3. Paragraph (4) of section 166 of the Principal Ordinance is hereby amended by substituting the word "publicly" for the words "in any public place" which occur in the first line thereof.

Amendment of section 368 of the Principal Ordinance.

4. Section 368 of the Principal Ordinance is hereby amended by substituting the word "lawful" for the word "unlawful" where it first occurs in the first line of sub-section (7) thereof.

Amendment of section 5 of Ordinance No. 31 of 1936.

5. Section 5 of the Penal Code (Amendment) Ordinance, 1936, is hereby amended by substituting the word "purchasers" for the word "purchasers" which occurs in the third line thereof.

ORDINANCE No. XXVII of 1938

Assented to in His Majesty's name this twenty-second day of December, 1938.

R. BROOKE-POPHAM,
Governor.

[22ND DECEMBER, 1938.] Date of assent.

An Ordinance to Amend the Crown Lands Ordinance

By Proclamation *in: Land, 1939* Date of commencement.

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

1. This Ordinance may be cited as the Crown Lands (Amendment) Ordinance, 1938, and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Short title.

Chapter 140.

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board, and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint.

Date of commencement.

Procl. 17/39.

3. Section 5 of the Principal Ordinance is hereby amended by the insertion therein of the following definitions:—

Amendment of section 5 of the Principal Ordinance.

“Highlands Board” means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

“native lands” mean the areas of land the boundaries of which are set out in the First Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

“Native Lands Units” mean the sub-divisions of land into which the Native Lands are divided, which sub-divisions are described in the Second Schedule to the Native Lands Trust Ordinance, 1938;

No. 28 of 1938.

“Trust Board” means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

4. The Principal Ordinance is hereby amended by inserting therein, next after section 53, the following words and sections as Part VI:—

Insertion of Part VI in the Principal Ordinance.

"PART VI

RESERVATION OF LAND FOR SPECIAL PURPOSES

Native Reserves and Temporary Native Reserves

Definition of
native reserves.

54. The areas of Crown land, the boundaries of which are set out in the Fourth Schedule to this Ordinance, shall be reserved for the use and enjoyment of the native tribes specified in the said Schedule, in satisfaction of their economic needs, and shall be known as the native reserves.

Definition of
temporary
native reserves.

55. The areas of Crown land, the boundaries of which are set out in the Fifth Schedule to this Ordinance, shall be temporarily reserved for the use and enjoyment of the native tribes specified in the said Schedule and shall be known as the temporary native reserves.

Governor may
vary boundaries
of native
reserves and
temporary
native reserves.

56. (1) Where the Governor is satisfied that, as a result of a diminution in the numbers of a tribe, or for economic reasons, any area of land in the native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fourth Schedule to this Ordinance, or where the Governor is satisfied that any area of land in the temporary native reserves is no longer required for the use and enjoyment of the tribes referred to in the Fifth Schedule to this Ordinance, he may, by Proclamation, alter the boundaries of the native reserves or of the temporary native reserves, as the case may be, and with effect from the date of publication of such Proclamation any area of land which may be excluded from the native reserves or from the temporary native reserves in consequence of such alteration shall cease to form part of the native reserves or the temporary native reserves, as the case may be.

(2) The Governor shall, before exercising his powers under the provisions of this section, consult the Trust Board and, if the Trust Board refuses to give its consent to the action proposed, the Governor shall refer the matter to the Secretary of State whose decision shall be final.

Governor's
power to set
aside land for
native reserves
and temporary
native reserves.

57. (1) Where the Governor considers it desirable, he may, from time to time, with the approval of the Legislative Council and subject generally to the provisions of this Ordinance, by Proclamation set aside other areas of Crown land as native reserves or temporary native reserves for the purpose of satisfying the economic needs (whether temporary or permanent) of any of the native tribes of the Colony, and with effect from the date of publication of such Proclamation any

area so set aside shall form part of the native reserves or the temporary native reserves, as the case may be, and the provisions of this Part relating to the native reserves or the temporary native reserves, as the case may be, shall thereupon apply to such areas, save that a rent shall be payable for the occupation of such areas, computed on the fair economic value of the land.

(2) If any such area of Crown land is situate in the Highlands, it shall not be set aside except with the consent of the Highlands Board.

57A. (1) The Governor may, with the advice of the Trust Board, grant to such native tribes for such terms and subject to such conditions regarding occupation, use and development as he may deem expedient or as may be prescribed, permits to occupy the temporary native reserves.

Permits to occupy temporary native reserves.

(2) No permit so granted shall be revoked without the consent of the Secretary of State, to whom any proposal for any such revocation shall be referred by the Governor together with the comments of the Trust Board upon such proposal.

57A, 57C, 57D + 57E added by Bill 39/41, p. 162
 58A. Save in regard to matters wherein express provision is made in this Part of this Ordinance, and to the exceptions hereinafter in this section contained, the native reserves and the temporary native reserves shall be subject to the provisions of the Native Lands Trust Ordinance, 1938, as if the expression "native lands" appearing therein contained a reference to the native reserves or to the temporary native reserves as the case may require: Provided that:—

Application of Native Lands Trust Ordinance, 1938.

No. 28 of 1938.

(a) the native reserves and the temporary native reserves shall be under the protection of, but shall not vest in the Trust Board;

(b) sections 6, 7 (4), 7 (5), 24, 25, 26, 28, 29, 30, 47, 48, 49 and 68 and the proviso to section 23 of the Native Lands Trust Ordinance, 1938, shall not apply to the native reserves or to the temporary native reserves.

No. 28 of 1938.

Native Leasehold Areas

58B. The areas of land, the boundaries of which are set out in the Sixth Schedule to this Ordinance, shall be reserved for the use and occupation of natives, and shall be known as the native leasehold areas.

Definition of native leasehold areas.

Leases to
natives.

58C. (1) The Governor may grant leases of land in the native leasehold areas to any native group, family or individual for such terms and upon such conditions as may be specified in such leases or as may be prescribed.

(2) Any rental payable in respect of a lease of land in the native leasehold areas shall be paid into the general revenues of the Colony.

Transfer of
leases to
non-natives.

(3) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of the next succeeding section, the Governor may, for such term and upon such conditions as he may deem expedient, sanction the transfer of a lease in the native leasehold areas from a native lessee to a non-native.

Leases to
non-natives.

58D. (1) The Governor may grant, for a term not exceeding ten years, leases to non-natives of land in such areas of the native leasehold areas as, in the opinion of the Chief Native Commissioner after consultation with the Provincial Commissioner, are surplus to the requirements of the natives at the time the lease is granted and which will be surplus to the requirements of the natives during the currency of the term of the lease.

(2) Subject to the consent of the Trust Board and to the provisions of sub-section (3) of this section, the Governor may grant, for such term, not exceeding 99 years, and upon such conditions as he may deem expedient, leases to non-natives of land in such unalienated areas of the native leasehold areas as, in the opinion of the Trust Board, are available for such purpose. In the selection of such areas due regard shall be had to the amount of land which is required and is likely to be required for leasing to natives, not only at the time when a lease is granted, but also during the currency of the term of the lease.

(3) The Trust Board shall not in any case consent to—

(a) the transfer of a lease to a non-native under the provisions of section 58C of this Ordinance; or

(b) the grant of a lease to a non-native under the provisions of sub-section (2) of this section,

unless the Board is satisfied that such transfer or such lease is desirable in the interests of the natives. Where the Board withholds its consent, the Governor may refer the matter to the Secretary of State, whose decision shall be final.

1938

Crown Lands

No. XXVII

58E. (1) For the purpose of effecting exchanges of land the Governor may, with the consent of the Trust Board, resume possession of any area of land in the native leasehold areas, which area shall thereupon cease to form part of the native leasehold areas, and in exchange for such area may make an addition of Crown land to the native leasehold areas. The Crown land so added shall in every case be equal in value and, so far as may be possible, equal in size, to the area of land of which possession has been so resumed, and shall form part of the native leasehold areas.

Power to resume possession for purpose of exchange.

(2) No such addition shall be made of Crown land situate in the Highlands, save with the consent of the Highlands Board.

The Highlands

58F. The areas of Crown land, the boundaries of which are set out in the Seventh Schedule to this Ordinance, shall be known as "the Highlands", and shall be subject to the protection and control of the Highlands Board in accordance with the provisions of any Order of His Majesty in Council and of this Ordinance and of any other law for the time being in force in the Colony.

The Highlands.

The Northern Frontier District and the Turkana District

58G. (1) The areas of Crown land, the boundaries of which are set out in the Eighth Schedule to this Ordinance, and which are therein respectively described as the Northern Frontier District and the Turkana District, shall be areas in which the native tribes at present residing therein shall have a prior interest. The Governor may, from time to time, with the approval of the Secretary of State, by proclamation vary the boundaries of the said areas, and where any such variation has been made the Eighth Schedule to the Ordinance shall be read and construed subject to the variations specified in such proclamation.

The Northern Frontier District and Turkana District.

(2) Where the Provincial Commissioner considers it desirable that any specific area of land within these areas should be used for a township, trading centre, market, school or hospital, or for any other purpose which in his opinion is likely to benefit the natives resident in these areas, he may, by notice in the Gazette, set aside such area for such purpose:

Power to set aside land.

Provided that in the case of land required for residential sites or townships the Provincial Commissioner shall not set aside such land save with the consent of the Governor.

leases.
Power to grant

(3) Where any land has been set aside under the provisions of sub-section (2) of this section, the Governor may grant a lease of such land for such term and upon such conditions as he may deem expedient:

Provided that, where any land has been set aside for a purpose other than a township, trading centre, market, school or hospital, the Governor shall not grant a lease of such land except with the consent of the Trust Board, and, if the Trust Board does not give its consent to the lease, the Governor may refer the matter to the Secretary of State whose decision shall be final.

(4) No compensation shall be payable in respect of the setting aside and leasing of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such setting aside or leasing.

(5) Notwithstanding the priority of the interests of the tribes in the areas mentioned in this section the Crown shall be entitled to resume any part of the land for any of the purposes specified in section 58I of this Ordinance.

GENERAL

Permits to
occupy other
Crown Land.

58H. (1) The Governor may grant to any native tribe permits to occupy areas of Crown land which are adjacent to the Native Land Unit provided for such tribe under the provisions of the Kenya (Native Areas) Order in Council, 1938.

(2) No such permit may be granted for the occupation of any land situate in the Highlands, save with the consent of the Highlands Board.

(3) Every permit granted under the provisions of this section shall be subject to such conditions in regard to the occupation, use and development of the land to which the permit relates as may be prescribed.

Power to
exclude from
temporary native
reserves, native
reserves and
native leasehold
areas for public
purposes, etc.

58I. (1) The Governor in Council may, by Proclamation, exclude from the native reserves, the temporary native reserves or the native leasehold areas any land which may be required for any of the following purposes—

- (a) public railways, tramways or roads, or for a tramway or road of access;
- (b) public reservoirs, aqueducts, canals, watercourses or water-pipe lines;

- see African Settlement- (Africa Settlement Area) Rules,
1949 - GN. 583/49 p. 264
- " The Brown Lands (North Yatta) (Grazing Control) Rules,
1950 - GN. 658/50 p. 269
 - " The Brown Lands (North Yatta) Soil Conservation Rules,
1950 - GN. 659/50 p. 271
 - " The Brown Lands (Yatta Plateau) (Grazing Control)
Rules 1950 - GN. 660/50 p. 272
 - " The Brown Lands (Yatta Plateau) (Soil Conservation)
Rules 1950 - GN. 661/50 p. 273

- (c) public sewerage works;
- (d) public quays, wharves or landing places;
- (e) public aerodromes and landing grounds;
- (f) the development of electric power for public purposes from any lake, river or stream;
- (g) buildings or works, together with the necessary curtilage thereof, which are to be erected in connexion with any of the foregoing purposes;
- (h) outspans;
- (i) Government stations or camps;
- (j) hospitals, schools, or any institutions erected by Government;
- (k) afforestation purposes;
- (l) any other purpose which the Governor may declare to be a public purpose;

and in the case of the native leasehold areas the Governor in Council may, in addition, in like manner exclude therefrom any land which may be required for a township, trading centre or market.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Part of this Ordinance.

(3) No compensation shall be payable in respect of an exclusion of land under this section except for buildings and crops destroyed or damaged and for disturbance or other loss or expense caused by such exclusion. Compensation.

58J. The Governor may, with the advice and consent of the Trust Board, make Rules providing for the management, administration and control of the native reserves, the temporary native reserves and the native leasehold areas, including the occupation, use and development of such reserves and areas, and the measures, in addition to the penalties provided in section 58N of this Ordinance, to be taken upon failure to comply with such Rules, and generally for carrying into effect the purposes and provisions of this Part of this Ordinance. Rules.

MISCELLANEOUS

58K. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any rights, Forfeiture for treason or rebellion.

permits or leases in respect of any land comprised in the areas defined in the Fourth, Fifth, Sixth and Eighth Schedules to this Ordinance, shall be forfeited. Every such order of the Governor shall be subject to the approval of the Secretary of State.

Operation of the Mining Ordinance, 1933.

58L. Nothing in this Part of this Ordinance contained shall be deemed to affect the operation of the Mining Ordinance, 1933, save that the native reserves and the temporary native reserves shall, for the purposes of that Ordinance, be deemed to form part of the native lands.

Construction.

58M. Where any of the provisions of this Part conflict or are inconsistent with any of the provisions of any other Part of this Ordinance, the provisions of this Part shall prevail.

Penalties.

58N. Every omission or neglect to comply with, and every act done, or attempted to be done, contrary to, the provisions of this Part of this Ordinance or of any Rules made thereunder, or in breach of the conditions and restrictions subject to or upon which any lease, licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable, on conviction by a magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Definition of "native".

No. 55 of 1934.

58O. For the purposes of this Part of this Ordinance the expression "native" shall have the meaning assigned to it by the Interpretation (Definition of "Native") Ordinance, 1934, save that it shall include a Somali."

Addition of Schedules to the Principal Ordinance.

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

Amendment of the Principal Ordinance and the Interpretation and General Clauses Ordinance, Cap. 1

6. The definition of "Crown land" in section 5 of the Principal Ordinance and the definition of "Crown lands" in section 2 of the Interpretation and General Clauses Ordinance (Chapter 1 of the Revised Edition) are hereby amended by the addition to each such definition of the following words—

No. 28 of 1938.

"Save only the lands declared to be native lands by the Native Lands Trust Ordinance, 1938."

Repeal of section 86 of the Principal Ordinance.

7. Section 86 of the Principal Ordinance is hereby repealed.

SCHEDULE
FOURTH SCHEDULE
NATIVE RESERVES

The Native Reserves, which are described below, are delineated and bordered yellow with red hatching on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described below are not part of the Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) NGELESHA

(For the use and enjoyment of the Njemps tribe)

Commencing at the northern corner of L.R. No. 2689/R; thence proceeding by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

38° 09' 43"	...	7,600.7 feet
340° 56' 19"	...	5,917.7 "
330° 09' 18"	...	7,466.4 "
343° 30' 57"	...	5,811.7 "
325° 24' 42"	...	6,837.9 "
22° 23' 45"	...	41,377.8 "
24° 41' 39"	...	24,101.4 "
24° 23' 20"	...	29,830.3 "
21° 13' 38"	...	1,045.1 "
22° 25' 20"	...	2,754.9 "
343° 17' 25"	...	6,321.3 "

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the Topographical Sheet North A 37/S (latitude 0° 24' 50" north, longitude 36° 07' 30" east, approximately);

thence by a straight line south-easterly to the point of commencement.

(2) ESAGERI

(For the use and enjoyment of the Kamasia tribe)

Commencing at the eastern corner of L.R. No. 488; thence proceeding by a straight line on a true bearing of 46° 03' 57" for a distance of 6,613.6 feet to a beacon;

thence by a straight line on a true bearing of $138^{\circ} 27' 00''$ for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of $30^{\circ} 32' 11''$ for a distance of 8,746.4 feet to a beacon on the south-western boundary of L.R. No. 662;

thence south-easterly by that boundary to its intersection with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of $223^{\circ} 01' 18''$ for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

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

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of about 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beaconed lines to the intersection with the eastern boundary of L.R. No. 502 (Mount Londiani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of about 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261;

thence generally westerly by that northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its confluence with the Esageri River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 493;

1938

Crown Lands

No. XXVII

thence south-easterly by that boundary and by the south-western boundary of L.R. No. 5641 to the south-eastern corner of that portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5641, 6262, 5276, 5249 and 488 to the point of commencement.

(3) TAVETA

(For the use and enjoyment of the Taveta tribe)

Commencing at the easternmost corner of L.R. No. 5865;

thence northerly by the eastern boundary of that portion to its northernmost corner;

thence westerly by the northern boundary of the same portion to its intersection with the Kenya-Tanganyika Territory boundary;

thence northerly by part of that Territorial boundary to the Trigonometrical Beacon Chala;

thence easterly by part of the same boundary to its intersection with the edge of Lake Chala;

thence southerly, easterly and north-easterly by that lake edge to its intersection on the north-eastern side of the lake with the Territorial boundary;

thence northerly by part of that Territorial boundary to a point due west of the point of intersection of the southern boundary of L.R. No. 6730/2 with the Lumi River;

thence by a straight line to that point of intersection;

thence down-stream by the Lumi River to its intersection with the southern boundary of L.R. No. 7287;

thence easterly by that southern boundary for a distance of about 170 feet to a beacon and onwards for a further distance of about 445 feet;

thence due south by a straight line to its intersection with the northern boundary of Voi-Moshi main road;

thence westerly by that northern boundary to its intersection with a straight line on a bearing of $171^{\circ} 50' 00''$ from the easternmost corner of L.R. No. 4881;

thence southerly by that straight line on that bearing for about 40,000 feet to a beacon;

thence by a straight line on a true bearing of $330^{\circ} 39' 54''$ for a distance of 17,710.6 feet to a beacon;

thence by a straight line on a true bearing of $2^{\circ} 56''$ for a distance of 3,489.7 feet to a beacon and onward to its intersection with the Lumi River;

M... ..

thence up-stream by that river for about 5,000 feet to its intersection with a straight line on a true bearing of 241° 13' 38" from a beacon on the left bank;

thence by that straight line for about 84 feet to that beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

61° 13' 38"	...	2,902.3 feet
62° 54' 40"	...	5,101.1 "
355° 16' 20"	...	7,989.6 "
355° 38' 35"	...	7,883.6 "
37° 35' 45"	...	5,998.0 "
1° 48' 48"	...	10,094.2 "

to the point of commencement.

(4) NORTH YATTA

(For the use and enjoyment of the Kikuyu tribe)

Commencing at the junction of the Tana and Thika Rivers on the eastern boundary of L.R. No. 1992;

thence proceeding down-stream by the Tana River to its junction with the Kithioko River;

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

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Ndalai and Thatha;

thence by that straight line for a distance of about 28,016 feet to the latter Trigonometrical Beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

266° 40' 51"	...	52,766.9 feet
278° 03' 23"	...	5,241.8 "
7° 04' 56"	...	30,815.5 "
277° 31' 09"	...	15,782.2 "
276° 15' 46"	...	2,000.0 "

to the eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection with the northern boundary of L.R. No. 2305;

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

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

(5) YATTA PLATEAU

(For the use and enjoyment of the Kamba tribe)

Commencing at the intersection of the south-eastern boundary of L.R. No. 2304 with the Athi River;

thence proceeding by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately $92^{\circ} 48'$ for a distance of about 391 feet to a beacon on the eastern boundary of the road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

$146^{\circ} 33' 56''$	...	3,772.4 feet
$98^{\circ} 03' 23''$	...	25,311.2 ..
$86^{\circ} 40' 51''$	...	250.3 ..
$176^{\circ} 40' 07''$	...	16,223.0 ..

to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence south-easterly by that track boundary to its intersection with the Athi River;

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

FIFTH SCHEDULE

TEMPORARY NATIVE RESERVES

The Temporary Native Reserves, which are described below, are delineated and hatched yellow on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Temporary Native Reserves and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

(1) CHURO

(For the use and enjoyment of the East Suk tribe)

Commencing at the summit of the hill Ol Doinyo Lengere (Alengerr);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A 37/S to a beacon on a small hill about one mile east of Old Baringo Boma;

thence by a straight line on a true bearing of 43° 49' 38" for a distance of 6,209.3 feet to a beacon;

thence by a straight line on a true bearing of 75° 32' 50" for a distance of 21,782.3 feet to a beacon;

thence by a straight line on a true bearing of 45° 24' 57" for a distance of 29,541.8 feet to a beacon;

thence by a straight line on a true bearing of 31° 50' 42" for a distance of 45,104.9 feet to a beacon;

thence by a straight line on a true bearing of 20° 32' 21" for a distance of 5,256.1 feet to a beacon;

thence by a straight line on a true bearing of 58° 55' 12" for a distance of approximately 7,000 feet to the Amaya River;

thence down-stream by that river to a point on a true bearing of 83° 30' 18" from the point of commencement;

thence by a straight line to the point of commencement.

(2) LEGISIANAN

(For the use and enjoyment of the Kamasia tribe)

Commencing at the north-west corner of L.R. No. 1650;

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

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R, 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence northerly, easterly and north-easterly by part of the western and the generally north-western boundary of L.R. No. 5259/2 to the point of commencement.

(3) KITUI

(For the use and enjoyment of the Kamba tribe)

Commencing at the Trigonometrical Beacon Thatha;

thence by a straight line on a true bearing of 266° 40' 51" for a distance of 52,516.5 feet to a beacon;

thence by a straight line on a true bearing of 176° 40' 07" for a distance of 16,223 feet to its intersection with the head-water of Muita Chana (Siano) River;

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;
thence north-easterly by that northern boundary to its intersection with the Tiva River;
thence by that river up-stream for a distance of about 4½ miles;
thence by a straight line to a cairn on its right bank;
thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;
thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndalai;
thence north-westerly by that straight line to the point of commencement.

(4) TEITA

(For the use and enjoyment of the Teita tribe)

Commencing at the intersection of the eastern boundary of Maktau Station Reserve with the northern boundary of the railway reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;

thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

thence northerly by the western boundary of that portion for about 11,000 feet;

thence due west by a straight line to a point due north of the point of commencement;

thence due south by a straight line to the point of commencement.

SIXTH SCHEDULE

NATIVE LEASEHOLD AREAS

The Native Leasehold Areas, which are described below, are delineated and cross-hatched brown on Boundary Plan No. 157, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries described are not part of the Native Leasehold Areas and are excluded therefrom whether specifically mentioned or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

ISIOLO

Commencing at the Trigonometrical Beacon Lendili;
thence easterly by a straight line to the Trigonometrical Beacon Mukogodo;

thence south-easterly by the straight line between that trigonometrical beacon and the western corner of L.R. No. 2791 for a distance of about 65,000 feet;

thence due east by a straight line to its intersection with the Ngare Siolo (Isiolo River);

thence down-stream by that river to its intersection with the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by the straight line from that point of intersection to the southern of the two principal summits of Shaba Hill, for a distance of about 80,000 feet;

thence due north by a straight line to its intersection with the E. Uaso Nyiro;

thence up-stream by that river to a point due north of the Trigonometrical Beacon Lendili (the point of commencement);

thence due south by a straight line to the point of commencement.

SEVENTH SCHEDULE

BOUNDARIES OF THE HIGHLANDS

The Highlands, which are described below in six sections, are delineated and bordered red on Boundary Plan No. 133, deposited at the Land Survey Records Office, Nairobi.

Specific Exclusions.—All proclaimed Municipalities, Townships and Trading Centres are excluded from the Highlands; and any area which shall in future be declared by proclamation to be a Municipality, Township or Trading Centre shall be deemed also to be excluded from the date of such proclamation.

Note.—Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated.

Successive portions of the boundary are numbered in order on Boundary Plan No. 133. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

Descriptions.

SECTION I

Commencing at the westernmost corner of L.R. No. 6439; (1)

thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilil (Kabisi) River;

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

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga);

(2)

thence by the southern boundaries of L.R. Nos. 4130 and 4126 to the south-eastern corner of the latter portion;

thence by part of the southern boundary of L.R. No. 5598 for a distance of about 9507 feet to its intersection with an unnamed watercourse;

thence up-stream by that watercourse to a beacon at its source;

thence by a straight line on a true bearing of $187^{\circ} 09' 57''$ and for a distance of 3,060.0 feet to the north-western corner of L.R. No. 6954;

thence by the western boundaries of L.R. Nos. 6954 and 6955 and by the western, south-western and south-eastern boundaries of L.R. No. 6956 to the westernmost corner of L.R. No. 3134;

thence by part of the south-western boundary of L.R. No. 3134 for a distance of about 775 feet to its intersection with the unnamed river which forms the north-western boundary of L.R. No. 7140;

thence up-stream by that unnamed river for a distance of about 6,800 feet to a point on a true bearing of $341^{\circ} 33' 28''$ from a beacon situated on the right bank;

thence by a straight line to that beacon and onwards by a straight line on a true bearing of $161^{\circ} 33' 28''$ and for a distance of 2,663.6 feet to a beacon;

thence by a straight line on a true bearing of $180^{\circ} 27' 17''$ and for a distance of 2,507.3 feet to the north-western corner of L.R. No. 6957;

thence by the western and south-western boundaries of that portion to the intersection of the latter with the river which forms the generally western boundary of L.R. No. 3160;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 3160;

thence by that southern boundary to the north-western corner of L.R. No. 6958; (3)

thence southerly and easterly by the western and part of the southern boundary of L.R. No. 6958 to the intersection of the latter with the river which forms the western boundary of L.R. No. 6959/2;

thence by that river up-stream to its intersection with the south-western boundary of L.R. No. 6960/2;

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

thence south-easterly by part of the south-western boundary of L.R. No. 4363 for a distance of 3,570 feet to a beacon;

thence easterly by a straight line on a true bearing of $94^{\circ} 38' 34''$ and for a distance of about 3,217.2 feet to a beacon on the south-western boundary of L.R. No. 3161;

thence by part of the south-western boundary of that portion, and the south-western boundaries of L.R. Nos. 3150, 3149, 3148 and 3147 to the south-eastern corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 3147 and 3151 and onwards across the road reserve to the southernmost corner of L.R. No. 3120;

thence still northerly by the eastern boundaries of L.R. Nos. 3120, 4112, 3156, 6427 and 6426 to the north-eastern corner of the last portion; (4)

thence easterly by part of the southern boundary of L.R. No. 755/2/2 and the whole of the southern boundaries of L.R. Nos. 5323 and 755/4/R to the south-eastern corner of the latter portion (Eldalat);

thence by the generally western boundaries of L.R. Nos. 5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608, 6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern corner of the last portion (Olessos); (5)

thence by the north-western boundary of L.R. No. 6457/R and onwards across a road reserve to the northernmost corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos. 1484, 6775, 1481/R and part of 1478A to its intersection with the Kepsimbegwa River;

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

thence down-stream by the latter river to its intersection with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to its north-western corner;

thence by the western boundary of L.R. No. 1371 to its intersection with the Kamarya River;

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

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 7057; (6)

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

thence by the south-western boundary of L.R. No. 1468 to its intersection with the Ainomotua River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3071;

thence by the generally western boundaries of L.R. Nos. 3071, 1617 and the north-western boundary of L.R. No. 1613 to the south-western corner of the last portion;

thence south-easterly by part of the north-eastern boundary of L.R. No. 6086 to the north-western corner of L.R. No. 1580/1;

thence by the north-western boundaries of L.R. Nos. 1580/1 and 1580/2 to the south-western corner of the latter portion and onwards by the same straight line to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that southern boundary to the north-western corner of L.R. No. 3102;

thence by the north-western boundary of that portion to its intersection with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3979;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

296° 26' 20"	...	4,154.0 feet
206° 26' 20"	...	600.0 "
296° 26' 20"	...	900.0 "
26° 26' 20"	...	900.0 "
116° 26' 20"	...	5,045.3 "

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence by the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

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

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071; (7)

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 604/2/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 2334 (Crown Land) 625, 627, 628 to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly by part of the north-eastern, the north-western, and part of the south-western boundary of that township to the intersection of the last mentioned with the north-western boundary of L.R. No. 5467:

thence generally south-westerly by the generally north-western boundaries of L.R. Nos. 5467 and 4098 to the intersection of the latter with the Kitho (or Jamji) River;

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

thence up-stream by the latter river to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik-Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

(8)

thence by a straight line in the direction of the Trigonometrical Beacon Kabroret to its intersection with the Kipsonoi River;

thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;

thence by the generally south-eastern boundaries of L.R. Nos. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of $100^{\circ} 29' 29''$ for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	...	7,899	feet
23° 37' 13"	...	11,760.2	„
60° 56' 43"	...	3,294.6	„
74° 52' 34"	...	11,498.2	„
126° 00' 55"	...	3,486.4	„
199° 01' 32"	...	6,135.2	„
117° 13' 37"	...	24,163.7	„
145° 23' 35"	...	9,007.8	„
112° 04' 02"	...	3,048.3	„

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

(9)

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

140° 38' 53"	...	1,016	feet
151° 04' 32"	...	500.9	„
122° 16' 52"	...	534.8	„
121° 01' 39"	...	760.95	„
123° 56' 06"	...	736.4	„
121° 34' 27"	...	841.95	„
122° 45' 25"	...	392.9	„
132° 05' 08"	...	350.1	„
140° 54' 00"	...	632.54	„
131° 33' 01"	...	878.73	„
133° 15' 19"	...	763.3	„
153° 19' 31"	...	462.85	„
111° 15' 07"	...	644.04	„
56° 55' 52"	...	12,829.1	„
63° 26' 56"	...	16,082.5	„

to a beacon at the north-western corner of L.R. No. 1771;
thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 6233;
thence by the south-western boundary of L.R. No. 7265 to its intersection with the Marmonet River;
thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;
thence by part of the western, the whole of the south-eastern, and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;
thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410/2;
thence by the north-western, and the south-western boundaries of that portion to the westernmost corner of L.R. No. 1381;
thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;
thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;
thence southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;
thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road; (10)
thence south-easterly by a straight line to the westernmost corner of L.R. No. 375;
thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;
thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 373 and 374 to the easternmost corner of the latter portion;
thence south-easterly by part of the south-western boundary of L.R. No. 378 to its southernmost corner;
thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve; (11)
thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and

generally southern boundary of the aforesaid Forest Reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limoru-Naivasha main road reserve;

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary to its intersection with the northern boundary of Limoru Railway Station Reserve;

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1;

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831 and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2;

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3/R, 5916 and 152 to the easternmost corner of the last portion; (12)

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1/1/2, 245/1, 245/2/R, part of 134/3/R, the whole of 134/6 and again part of 134/3/R to the south-eastern corner of the last portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3/R, 134/7, 134/4/R, 5876, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696;

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion; (13)

thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that Forest Reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion;

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beacons line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beacons line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of $315^{\circ} 15' 40''$ to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of $266^{\circ} 37' 30''$ for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of $356^{\circ} 37' 30''$ for a distance of about 3,537 feet to a beacon;

thence by a straight line on a true bearing of $88^{\circ} 48' 33''$ for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of $89^{\circ} 57' 25''$ for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 31' 20''$ for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of $315^{\circ} 15' 40''$ from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of $13^{\circ} 01' 00''$ for a distance of 13.6 feet to a beacon;

thence by a straight line on a true bearing of $22^{\circ} 31' 14''$ for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of $266^{\circ} 43' 25''$ for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 39' 03''$ for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of $356^{\circ} 39' 03''$ for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 39' 03''$ for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of $37^{\circ} 44' 20''$ for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve; (14)

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1;

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (15)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (16)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of $46^{\circ} 08' 10''$ for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of $114^{\circ} 58' 15''$ for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of $118^{\circ} 51' 06''$ for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of $73^{\circ} 25' 32''$ for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of $350^{\circ} 07' 27''$ for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of $304^{\circ} 51' 17''$ for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of $253^{\circ} 25' 32''$ for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River; (16)

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

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (17)

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

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

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

thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the south-eastern boundary of L.R. No. 4634 with the Marania River; (18)

thence down-stream by that river and onwards by the Siolo River to its intersection with the northern boundary of L.R. No. 2794;

thence westerly by the northern boundaries of L.R. Nos. 2794 and 2792 to the north-western corner of the latter portion;

thence by the western boundary of L.R. No. 2792 and the north-western boundary of L.R. No. 2791 to the westernmost corner of the latter portion; (19)

thence by part of the north-eastern boundary of L.R. No. 5181, by the north-eastern boundary of L.R. No. 6307 and by the generally northern boundaries of L.R. Nos. 2789 and 2788 to the north-western corner of the last portion;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 5162;

thence by a straight line on a true bearing of $345^{\circ} 01' 14''$ for a distance of 20,743.1 feet to the Trigonometrical Beacon Musul;

thence north-westerly by a straight line for a distance of about 17,000 feet to the summit of Ol Doinyo Kimanjo;

thence westerly by a straight line for a distance of about 19,000 feet to a point situated on the north-eastern boundary of and at a distance of 1,500 feet from the northernmost corner of L.R. No. 3213;

thence by that north-eastern boundary to that northernmost corner;

thence by a straight line on a true bearing of $338^{\circ} 36' 30''$ for a distance of 306.0 feet to a beacon;

thence by a straight line on a true bearing of $237^{\circ} 15' 37''$ for a distance of 17,700.0 feet to a beacon;

thence by a straight line on a true bearing of $243^{\circ} 13' 57''$ for a distance of 6,565.2 feet to a beacon;

thence by a straight line on a true bearing of $334^{\circ} 28' 14''$ for a distance of 1,046.2 feet to a beacon;

thence by a straight line on a true bearing of $258^{\circ} 02' 32''$ for a distance of 3,187.1 feet to a beacon and onwards by the same straight line to its intersection with the Uaso Nyiro River; (20)

thence down-stream by that river for a distance of approximately twenty-five miles to its junction with an unnamed stream;

thence up-stream westerly by that stream to its source;

thence by a straight line due west to its intersection with the top edge of the cliffs forming the eastern edge of the Angata Wergoi;

thence north-westerly by the top edge of these cliffs to the Trigonometrical Beacon Bergoi;

thence generally westerly and south-westerly by a series of straight lines defined by cairns, crossing and re-crossing the Ol Keju Mara (Seya) River to a beacon ("Cairn") on the eastern bank of the northernmost and largest lake of Sogota Marma;

thence south-westerly by a straight line to a cairn on the western bank of that lake;

thence generally south-westerly by a series of straight lines defined by cairns to its intersection with a cut and beaconsed straight line; (21)

thence westerly by that cut and beaconsed line to its intersection with the Amaya River;

thence down-stream by that river for a distance of approximately two miles to its intersection with a cut and beaconsed straight line; (22)

thence by that straight line on a true bearing of $238^{\circ} 55' 12''$ for a distance of approximately 7,000 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

200° 32' 21"	...	5,256.1 feet
211° 50' 42"	...	45,104.9 ..
225° 24' 57"	...	29,541.8 ..
255° 32' 50"	...	21,782.3 ..
223° 49' 38"	...	6,209.3 ..
166° 46' 05"	...	19,104.2 ..
163° 17' 25"	...	6,321.3 ..
202° 25' 20"	...	2,754.9 ..
201° 13' 38"	...	1,045.1 ..
204° 23' 20"	...	29,830.3 ..
204° 41' 39"	...	24,101.4 ..

to a beacon at the north-western corner of L.R. No. 2463;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

202° 23' 45"	...	41,377.8 feet
145° 24' 42"	...	6,837.9 ..
163° 30' 57"	...	5,811.7 ..
150° 09' 18"	...	7,466.4 ..
160° 56' 19"	...	5,917.7 ..
218° 09' 43"	...	7,600.7 ..

to a beacon at the north-eastern corner of L.R. No. 2689/R; (23)

thence westerly by the northern boundary of that portion to its intersection with the Ghusa Lugeri (En Dilo) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

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

thence south-westerly by the north-western boundary of L.R. No. 1651 to the western corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3816/R, 3815/R and 3814/R to the north-western corner of the last portion;

thence northerly by a straight line to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 3844;

(24)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern, north-western and south-western boundaries of that portion to the intersection of the last with the Molo River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 486/1;

thence by the north-eastern and north-western boundaries of that portion to its westernmost corner on the north-eastern boundary of the Sclaters Road Reserve;

thence across that road reserve by a straight line on a bearing of $223^{\circ} 01' 18''$ for a distance of 201.0 feet to a beacon on the north-eastern boundary of L.R. No. 487/26/4;

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

thence south-westerly by the north-western boundaries of L.R. Nos. 487/26/4, 487/27, 487/28/4 to the westernmost corner of the last portion;

thence still south-westerly by the north-western boundary of L.R. No. 487/29 for a distance of 750 feet to a beacon;

thence generally westerly, northerly and again westerly by a series of cut and beacons to the intersection with the eastern boundary of L.R. No. 502 (Mount Londiani Forest Reserve);

thence due north by the eastern boundary of that Forest Reserve for a distance of 8,400 feet to the north-eastern corner of that reserve;

thence due west by the northern boundary of that Forest Reserve to its intersection with the Esageri River;

thence down-stream by that river to its intersection with the generally northern boundary of L.R. No. 5261; (25)

thence westerly by that generally northern boundary and the generally northern boundary of L.R. No. 5242 to the intersection of the latter with the Enarosura River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoioi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210;

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the easternmost corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

33° 01' 17"	...	2,847.2 feet
57° 23' 37"	...	1,776.1 "
104° 32' 54"	...	7,436.7 "
60° 08' 36"	...	5,890 "

to its intersection with the Kinoioi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of 84° 26' 17" from a beacon on its left bank;

thence by a straight line on a true bearing of 264° 26' 17" for a distance of 3,456 feet to a beacon;

To Highlands

thence by a straight line on a true bearing of $258^{\circ} 18' 33''$ for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of $80^{\circ} 39' 41''$ from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$90^{\circ} 01' 27''$	...	2,178.6 feet
$188^{\circ} 12' 52''$	...	3,731.8 ..
$65^{\circ} 48' 10''$	...	9,002.7 ..
$90^{\circ} 01' 27''$	...	3,345.7 ..

to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that Forest Reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$53^{\circ} 56' 28''$	...	9,965.2 feet
$53^{\circ} 57' 36''$	...	8,529.6 ..
$346^{\circ} 01' 39''$	...	3,990.8 ..
$310^{\circ} 49' 25''$	...	2,716.7 ..
$13^{\circ} 00' 46''$	...	3,448.6 ..
$303^{\circ} 54' 03''$	...	15,672.2 ..

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

1938*Crown Lands***No. XXVII**

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2; (26)

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of $325^{\circ} 02' 22''$ for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of $329^{\circ} 15' 15''$ for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit;

thence due west by a straight line to its intersection with the low-water mark of that lake;

thence northerly by that low-water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kapkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/1/2 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/1/2 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of $351^{\circ} 18' 24''$ for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of $59^{\circ} 06' 16''$ for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of $132^{\circ} 24' 22''$ for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

230° 44' 47"	...	474.5 feet
262° 13' 13"	...	634.6 ..
342° 17' 52"	...	659.9 ..
305° 52' 36"	...	839.8 ..
17° 45' 28"	...	420.7 ..

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

347° 26' 43"	...	5,745.5 feet
60° 41' 49"	...	2,601.1 ..
279° 19' 13"	...	3,362.8 ..
22° 16' 18"	...	2,038.8 ..
65° 21' 24"	...	5,191.8 ..

to a beacon;

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion; (27)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani);

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-western boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion; (28)

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River;

thence up-stream by that river, which forms the Kenya-Uganda Boundary, to the point where it emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to that source of the Kimotho River which is situated immediately to the south or south-west of Koitobbos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence down-stream by that river, which forms the Kenya-Uganda Boundary, to its intersection with a cut and beacons line which forms the generally south-eastern boundary of the Mount Elgon Forest Reserve;

thence generally north-easterly by that cut and beacons line to the point of commencement:

Including in addition the following farms in the vicinity of Eldama Ravine: L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and 493.

SECTION II

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (29)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence easterly by the generally southern boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

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

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

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 2304;

thence by the south-eastern boundaries of L.R. Nos. 2304, 2301, 2296 and the eastern boundary of L.R. No. 2295 to the north-eastern corner of the last portion;

thence by a straight line on a true bearing of approximately 92° 48' for a distance of about 391 feet to a beacon on the eastern boundary of that road reserve which forms the eastern boundary of L.R. No. 2294/R;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

146° 33' 56"	...	3,772.4 feet
98° 03' 23"	...	20,069.4 ..
07° 04' 56"	...	30.815.5 ..
277° 31' 09"	...	15,782.2 ..

to the north-eastern corner of L.R. No. 7047;

thence by the northern and western boundaries of L.R. No. 7047 to the intersection of the last with the northern boundary of L.R. No. 2305; (30)

thence westerly by part of the northern boundary of that portion to its intersection with the Thika River;

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

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

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve; (31)

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2;

thence by a straight line to that south-western corner;

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 22' 03"	...	1,580.0 feet
2° 13' 19"	...	549.4 "
331° 01' 11"	...	385.5 "
17° 14' 39"	...	296.3 "
350° 12' 34"	...	576.9 "
329° 41' 58"	...	561.5 "
36° 38' 27"	...	980.1 "
25° 58' 26"	...	494.1 "
0° 36' 00"	...	416.3 "
348° 06' 55"	...	293.3 "
342° 30' 52"	...	770.4 "
70° 41' 47"	...	255.6 "
57° 19' 11"	...	824.3 "
96° 36' 59"	...	390.1 "
124° 22' 07"	...	646.6 "

to a beacon on the western boundary of L.R. No. 1965;

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3;

(32)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

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

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River; (33)

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3;

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Karamenu River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiririka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the river which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the south-eastern and north-eastern boundaries of L.R. No. 4888 to the northernmost corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

(34)

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728;

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

thence down-stream by that river to its intersection with the north-western boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85;

thence by the north-western boundary of L.R. No. 85 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/2/2;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion, of L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734;

thence southerly by part of that boundary to the northern corner of L.R. No. 330;

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that Forest Reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191;

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377; (35)

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 197;

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

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the westernmost corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve;

(36)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

(37)

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to a point on a true bearing of $201^{\circ} 26' 09''$ from a beacon on the north-eastern boundary of that railway reserve and at a distance of about 2,640 feet from the intersection of the western boundary of Emali Trading Centre with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence by a straight line on a true bearing of $21^{\circ} 26' 09''$ for a distance of about 9,420 feet to its intersection with the Mwani River; (38)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757; (39)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion;

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion; (40)

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement:

Excepting and Excluding a portion in the vicinity of Fort Hall, the boundary of which is described as follows:—

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1,639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

304° 22' 07"	...	555.0 feet.
276° 36' 59"	...	462.6 "
237° 19' 11"	...	853.0 "
250° 41' 47"	...	237.8 "
342° 30' 52"	...	162.9 "
337° 38' 08"	...	117.9 "
314° 09' 59"	...	665.8 "
14° 54' 59"	...	495.7 "
342° 29' 29"	...	152.6 "
304° 32' 43"	...	500.0 "
313° 45' 50"	...	2,051.7 "
55° 34' 05"	...	685.5 "
16° 52' 15"	...	501.7 "
14° 30' 27"	...	471.8 "
14° 31' 17"	...	2,377.8 "
14° 29' 51"	...	376.7 "
97° 53' 14"	...	903.6 "
142° 00' 19"	...	587.9 "
131° 09' 58"	...	405.0 "

to a beacon at the point of commencement.

SECTION III

Commencing at the easternmost corner of L.R. No. 183/R;

(41)

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of 275° 33' 28" to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre):

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve; (42)

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447); (43)

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion; (44)

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057; (45)

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement:

Excepting and Excluding the portions of the Kikuyu Native Land Unit known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station.

SECTION IV

Commencing at the intersection of the south-western boundary of L.R. No. 958 with the Nyangoris River; (46)

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemagel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 940; (47)

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

270° 00' 00"	...	9,132.2 feet
199° 59' 27"	...	2,741.7 „
181° 27' 37"	...	2,652.7 „
141° 25' 32"	...	2,867.9 „
116° 12' 40"	...	3,388.4 „
172° 53' 58"	...	2,453.6 „
144° 31' 20"	...	1,312.2 „
214° 55' 29"	...	2,748.1 „
161° 37' 42"	...	3,156.0 „
203° 41' 02"	...	3,018.8 „
188° 44' 22"	...	5,639.0 „
206° 51' 37"	...	1,545.5 „
262° 38' 18"	...	2,044.8 „
209° 38' 47"	...	4,349.4 „
234° 20' 24"	...	3,050.7 „
209° 27' 51"	...	3,530.5 „

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele);

(48)

thence by the straight line towards the Trigonometrical Beacon "Abossi" for a distance of about 18,413 feet to a beacon;

thence by a straight line on a true bearing of 6° 11' 03" for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of 42° 50' 17" for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of 11° 19' 22" for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of 27° 23' 40" for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of 31° 32' 23" for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of $17^{\circ} 47' 33''$ for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by that south-western boundary and the south-western boundary of L.R. No. 958 to the point of commencement.

SECTION V

Commencing at the north-western corner of L.R. No. 1906 at the Trigonometrical Beacon Kipsugur; (49)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion; (50)

thence south-easterly by the south-western boundaries of L.R. Nos. 1890, 1898 and 1897 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 1897 and 1896 to the northernmost corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1895 and 1894 to the intersection of the latter with the Mchomekek River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 1763;

thence north-easterly by that boundary to its intersection with the Yala River;

thence down-stream by that river to its intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence north-easterly by the generally south-eastern boundary of that road reserve to its intersection with the south-western boundary of L.R. No. 1902;

thence by that south-western boundary and the southern boundary of L.R. No. 1902 to the south-eastern corner of the latter portion; (51)

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 6734 and 6736 to the north-eastern corner of the latter portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1904 to the north-western corner of that portion;

thence northerly and westerly by the eastern and northern boundaries of L.R. No. 1906 to the point of commencement. (49)

SECTION VI

L.R. Nos. 187, 188/1, 188/2, 190, 226, 228, 229, 230, 227	In the vicinity of Fort Smith.
L.R. No. 1058	Adjoining Dagoreti Township.
L.R. No. 1127	In the vicinity of Government Farm extension Kabete.
L.R. No. 232...	In the vicinity of Kikuyu Station.
L.R. No. 2256/7	Lower portion of the Dagoreti Forest Reserve south-west of Dagoreti Township.
L.R. No. 236...	R.C. Mission. West of Kiambu Township.
L.R. Nos. 1064, 1065 and 1066	A.I. Mission, Kambui.
L.R. No. 1760	Water Works Reserve.
L.R. No. 325/8 (325/6/3)...	West of Maragua Railway Station.
L.R. No. 7167	Tana-Maragua Power Station.
(That portion which lies to the north of the Maragua River.)	

N.F.D.

EIGHTH SCHEDULE

BOUNDARIES OF THE NORTHERN FRONTIER DISTRICT AND THE
TURKANA DISTRICT

The areas which are described below, are delineated, edged brown, on Boundary Plan No. 159, deposited at the Land Survey Records Office, Nairobi.

Northern Frontier District

Commencing at the mouth of the River Turkwel in Lake Rudolf;

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

thence easterly by the Kenya-Abyssinian boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly, southerly and south-easterly by the north-western, western and south-western boundaries of Italian Somaliland to the intersection with the northern boundary of Lamu District;

thence westerly and south-westerly by the generally northern boundary of the latter district to its intersection with the generally eastern boundary of Tana River District;

thence westerly, northerly, north-westerly and westerly by the generally eastern and northern boundaries of the latter district to the junction of the Mackenzie and Tana Rivers;

thence north-westerly and south-westerly by part of the generally north-eastern and north-western boundaries of the Kikuyu Native Land Unit;

thence in a generally north-westerly direction by the generally northern or north-eastern boundaries of North Nyeri and Laikipia Districts to the most southern point of Turkana District, on the Amaya River;

thence northerly by the eastern boundary of Turkana District to the point of commencement.

Excluding and excepting.

Such portion of the North Pokomo Native Land Unit as lies within the above boundaries, and as described in the First Schedule.

The Isiolo Native Leasehold Area as described in the Fourth Schedule.

Turkana District

Commencing at Teleki's Volcano at the south end of Lake Rudolf;

thence in a southerly direction to the western slopes of Mount Ajuk;

thence generally southerly along the top of the lava escarpment which forms the eastern edge of the Sogota Valley until such escarpment merges into Mount Lorogi;

thence generally southerly along the western slope of Mount Lorogi to the falls on the Amaya River, about $36^{\circ} 24'$ E. and $0^{\circ} 55'$ N;

thence by that river down-stream to a point due east of Ol Doinyo Lengere (the most easterly point of the Kerio Native Land Unit;

thence due west by a straight line to Ol Doinyo Lengere;

thence north-westerly along the north-eastern boundary of the Kerio Native Land Unit to its intersection with the Kerio River;

thence generally north-westerly by the generally north-eastern boundary of the Kerio Native Land Unit to its intersection with the Turkwel River;

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

thence generally southerly by the western shores of Lake Rudolf to the point of commencement.

With Schedule added by Ord 39/41.

*Amended by 33/42/116***ORDINANCE No. XXVIII of 1938**

Assented to in His Majesty's name this twenty-second day of December, 1938.

R. BROOKE-POPHAM,
Governor.

[22ND DECEMBER, 1938.] Date of assent.

An Ordinance to make Provision for Native Lands in the Colony

By Proclamation *in* *land*, 1939 Date of commencement.

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

1. This Ordinance may be cited as the Native Lands Trust Ordinance, 1938. Short title.

2. This Ordinance shall not come into operation until Orders have been made by His Majesty in Council providing for the establishment of a Native Lands Trust Board and a Highlands Board and shall thereafter come into operation on such date as the Governor shall by proclamation in the Gazette appoint. Commencement. *Nov. 18/39*
1-30.

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

the "Highlands" means the areas of land the boundaries of which are set out in the Seventh Schedule to the Crown Lands Ordinance; Cap. 140.

"Highlands Board" means the Board to be established as the Highlands Board in accordance with the provisions of any Order of His Majesty in Council;

"mining lease" does not include a lease in respect of a subterranean area.

"native lands" mean the areas of land the boundaries of which are set out in the First Schedule hereto;

"native land units" mean the divisions of land into which the native lands are divided, which divisions are specified in the Second Schedule hereto; p. 258.

"native leasehold areas" mean the areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance; Cap. 140.

"native reserves" mean the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance; Cap. 140.

"the appointed date" inserted by Ord. 33/42

Cap. 140. "temporary native reserves" mean the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance;

"Trust Board" means the Board to be established as the Native Lands Trust Board in accordance with the provisions of any Order of His Majesty in Council.

PART I

ESTABLISHMENT AND FUNCTIONS OF LOCAL BOARDS

Local Boards.

4. (1) There shall be established in every administrative district in which any native lands may be situate an advisory board to be known as the Local Land Board (hereinafter referred to as the "Local Board") which shall consist of—

- (a) the District Commissioner as chairman;
- (b) four members of the Local Native Council, two of whom shall be chosen by the members of such Council and two of whom shall be selected by the Provincial Commissioner; and
- (c) such additional persons, not exceeding two, as may be co-opted at any time by the Local Board:

Provided that, in any administrative district where there is no Local Native Council, the Provincial Commissioner shall appoint from among the native inhabitants of such district, four members in lieu of the members referred to in paragraph (b) of this sub-section.

(2) The Chairman of a Local Board and two other members shall form a quorum.

(3) A Provincial Commissioner may attend any meeting of a Local Board in his Province and at such meeting may speak but may not vote.

Functions of Local Boards.

5. It shall be the function of a Local Board generally to exercise the various powers and to carry out the duties assigned to Local Boards by this Ordinance and by any rules made thereunder, and to make written representations to the Trust Board in regard to any matter concerning the protection of the native lands upon which the advice of the Local Board has been rejected by a Provincial Commissioner.

PART II

INTER-TRIBAL OCCUPATION PERMITS AND EXCHANGES

Inter-tribal occupation permits.

6. (1) The Governor may, upon such conditions and for such terms as he may deem expedient, issue permits to occupy areas of land in a native land unit to and for the benefit of any native tribe, group, family or individual of any other native land unit.

(2) No such permit shall in any case be issued unless and until the land to which the permit relates has first been set apart in accordance with the provisions of Part III of this Ordinance.

(3) The Governor shall, before issuing a permit under the provisions of this section, consult the Trust Board. If the Trust Board objects to the issue of the permit the Governor shall refer the matter to the Secretary of State, whose decision shall be final.

7. (1) Notwithstanding anything in this Ordinance contained, the Governor may, with the consent of the Trust Board and with the approval of the Legislative Council, grant leases of land in the native lands to any person for the purpose of effecting exchanges of land between land in such native lands and other land. Exchanges.

(2) Every such grant shall be made upon such conditions and for such term as the Governor may deem expedient, and in every case the land to be so leased shall first be set apart and shall be subject to the payment of compensation in accordance with the provisions of Part III of this Ordinance.

(3) Any land in the native lands which is the subject of an exchange by way of lease between native lands and other land shall, by reason of such exchange, cease to form part of the native lands for the currency of the term of such lease.

(4) Any land in the native lands which is the subject of an exchange by way of lease between native lands and Crown lands shall be deemed, by reason of such exchange, to have become Crown land for the currency of the term of such lease.

(5) All land which is the subject of any exchange with land in the native lands under this section shall vest in the Trust Board for the currency of the term of the lease granted under sub-section (1) of this section.

The provisions of this sub-section shall apply to such land irrespective of whether it be Crown lands, or land held under the Land Titles Ordinance, or land alienated under the provisions of any of the following Ordinances:— Cap. 143.

(a) the Crown Lands Ordinance, 1902;

(b) the Crown Lands Ordinance;

(c) the Crown Lands (Discharged Soldiers Settlement) Ordinance: Cap. 140.

Ordinance: Cap. 141.

Provided that, where the circumstances attending any exchange of land are such that the Governor, the Legislative Council, the Trust Board, the Local Board and the Local Native Council concerned are all agreed as to the need for permanency in such exchange, the Governor, in lieu of granting a lease under sub-section (1) of this section, may, by notice in the Gazette, effect the exchange by a permanent exclusion of land from the native lands and a permanent vesting in the Trust Board of the land exchanged.

Exchanges in the Highlands.

8. No exchanges under the provisions of section 7 of this Ordinance shall be effected in respect of any land in the Highlands, save with the consent of the Highlands Board.

PART III

SETTING APART

Setting apart of land in the native lands.

9. Notwithstanding anything contained in any other law for the time being in force in the Colony, land in the native lands may be set apart in accordance with the provisions of this Ordinance.

Land set apart remains native land.

10. Save as is provided in section 7 of this Ordinance, any land in the native lands set apart under the provisions of this Part shall, notwithstanding such setting apart and any grant of such land subsequently made, remain part of the native lands.

Application for setting apart.

11. (1) When it is desired that land should be set apart in accordance with the provisions of this Ordinance, application in writing shall be made to the Provincial Commissioner of the Province in which the land to which such application relates is situate.

(2) Residential sites, which are required for the accommodation of persons engaged in any trade or industry, may be included in the area to which the application relates.

(3) Where any such application is made for the purpose of obtaining a mining lease of land in the native lands, the application shall be accompanied by a plan, based on a survey by a licensed surveyor, of the area to which the application relates and shall be addressed to the Provincial Commissioner through the Commissioner of Mines.

Procedure as to setting apart land not exceeding ten acres in extent.

12. (1) Where an application has been duly made to him in respect of the setting apart from the native lands of an area of land not exceeding ten acres in extent, a Provincial

Commissioner may, subject to the provisions of this Ordinance and with the approval of the Local Board concerned, set apart such land.

(2) Where the area of land to which a proposal to set apart relates does not exceed ten acres in extent and the Provincial Commissioner supports the proposal but the Local Board concerned objects thereto, such area shall not be set apart unless and until the approval of the Governor to such setting apart has been obtained.

(3) Where an application to set apart an area of land not exceeding ten acres in extent is made to a Provincial Commissioner and is not supported by him, such application shall be forwarded for the consideration of the Local Board concerned. Should the Local Board support the proposal, the application shall be forwarded for the consideration of the Governor.

(4) Where an application to set apart an area of land not exceeding ten acres in extent is not supported by either the Provincial Commissioner or the Local Board concerned, the Provincial Commissioner shall inform the applicant that the application has been refused. The applicant may appeal in writing to the Governor against such refusal within thirty days after the date on which he is notified thereof.

(5) The decision of the Governor upon any of the matters referred to him under the provisions of this section shall be final.

13. (1) Where an application is made to a Provincial Commissioner under this Ordinance to set apart from the native lands an area of land exceeding ten acres in extent, such application shall in every case, subject to the provisions of section 14 of this Ordinance and after being submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, be referred to the Trust Board.

Power of Trust Board as to applications to set apart land exceeding ten acres in extent.

(2) If the Trust Board approves of such application it shall grant the application.

(3) If the Trust Board does not approve of such application it shall submit the application to the Governor together with the reasons for such non-approval, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Power of Trust Board to delegate to Chief Native Commissioner.

14. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to grant the applications referred to in the last preceding section where the area of land to be set apart does not exceed fifty acres in extent, but the Chief Native Commissioner shall not refuse any such application without the consent of the Trust Board. In any case where the Trust Board supports the refusal of the Chief Native Commissioner the Board shall submit the application to the Governor together with the reasons for such refusal, and the Governor may refer the matter to the Secretary of State, whose decision shall be final.

Conditions to be fulfilled prior to approval of setting apart.

15. Approval of the setting apart of land under the provisions of this Part of this Ordinance shall in no case be granted unless and until all the following conditions have been fulfilled—

- (a) the proposed setting apart must, in the opinion of the Provincial Commissioner, be for the benefit of the natives, either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents;
- (b) the proposal to set apart the land must have been brought to the notice of the natives concerned and to the notice of the Local Native Council having jurisdiction over the area in which such land is situate, and such natives and such Local Native Council must have had an opportunity of expressing their views upon the proposal;
- (c) the Local Board must have been consulted and representatives of the location or section concerned must have been given the opportunity of appearing before the Local Board for the purpose of expressing their views upon the proposal which views if given shall have been recorded in writing;
- (d) when the land is to be leased, then before, or at the time of, the making of the application to the Provincial Commissioner for setting apart, an application for the grant of a lease in respect of the land to be set apart must have been duly lodged with the Provincial Commissioner.

Setting apart to be gazetted.

16. (1) When an application for setting apart has been duly approved by the proper authority in accordance with the provisions of this Ordinance, the Provincial Commissioner shall publish in the Gazette a notice of such setting apart, and

in such notice shall specify the boundaries of the land so set apart and the purposes for which the land is set apart. Such land shall be deemed to be set apart on, and not before, the date of the publication of such notice, save where some other date is therein specified:

Provided that the Provincial Commissioner shall not gazette such setting apart unless and until the sums of money payable by way of compensation in accordance with the provisions of sections 17, 18 and 19 of this Ordinance and calculated as hereinafter provided have first been deposited with the District Commissioner.

Compensation
to be paid prior
to setting apart.

(2) Where land is set apart preparatory to the grant of a mining lease, the provisions of this section shall be in addition to and not in derogation of the provisions of the Mining Ordinance, 1933.

No. 61 of 1933.

17. (1) Where an application to set apart land has been duly approved by the proper authority under the provisions of this Ordinance, the District Commissioner shall notify the natives in the area concerned that such application has been so approved.

Compensation
for disturbance
and other loss.

(2) Any native who, though not a private right-holder within the meaning of section 18 of this Ordinance, is likely to be prejudicially affected by the setting apart of any land under this Part of this Ordinance, shall be entitled to apply for compensation to the District Commissioner concerned in respect of disturbance or of any other loss or expense likely to be caused by such setting apart, and the District Commissioner shall forward forthwith to the Provincial Commissioner the details of every such application.

(3) The compensation payable to any such native upon the granting of any such application for compensation by the Provincial Commissioner shall include full compensation for the vacation or destruction of any hut or huts or other buildings and for any growing crops which such native is unable to reap or which are, or are likely to be, destroyed or damaged.

(4) The amount of compensation to be awarded to any native under this section shall be assessed by the Provincial Commissioner after consultation with the Local Board concerned, and shall, after such assessment, be deposited by the applicant for setting apart with the District Commissioner. The District Commissioner shall be responsible for notifying all persons concerned of the Provincial Commissioner's award.

(5) Any person aggrieved by an award of a Provincial Commissioner under this section may, within thirty days after the date of the notification of such award, appeal in writing through the Provincial Commissioner to the Governor, whose decision shall be final. The Governor in special cases and in his absolute discretion may extend the time for lodging any such appeal.

(6) (a) Where no such appeal has been lodged, or where such appeal has been determined by the Governor and the sum of money finally assessed does not exceed the amount of compensation deposited with the District Commissioner in accordance with the provisions of this section, the District Commissioner shall, from the amount of compensation so deposited with him, and upon instructions from the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

(b) Where an appeal has been determined by the Governor and the sum of money finally assessed exceeds the sum of money deposited with the District Commissioner in accordance with the provisions of this section, the applicant for setting apart shall pay to the District Commissioner the additional sum of money so awarded as compensation, and the District Commissioner shall, upon the instructions of the Provincial Commissioner, pay the sums of money finally assessed to the persons entitled thereto.

Compensation
for private
right-holders.

18. (1) In any district where the Provincial Commissioner considers that a recognizable form of private right-holding exists, any native who claims to be a private right-holder in respect of any portion of the land to which an application to set apart relates shall be entitled to apply to the District Commissioner for compensation, and the District Commissioner shall forward forthwith every such application to the Provincial Commissioner.

(2) Where, after consultation with the Local Board, the Provincial Commissioner is satisfied as to the claim of any native so applying, compensation, in addition to the compensation awarded under the last preceding section, shall be awarded to such native, and shall be calculated on the basis of the full agricultural value of the land plus fifteen per centum of such value. The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right-holder or in any person claiming under, by or through him.

(3) The amount of compensation to be awarded to any native under the provisions of sub-section (2) of this section shall be assessed by the Provincial Commissioner after consultation with the natives concerned and with the Local Board.

(4) Where the Provincial Commissioner and the Local Board are unable to agree upon the sum of money which should be so awarded as compensation, or where any person desires to appeal against a sum so awarded, or against any decision of the Provincial Commissioner as to the existence or non-existence of any system of private right-holding, or against any decision as to the claim of a native to be a private right-holder, the matter shall be referred to the Governor in Council, whose decision shall be final. Every appeal under this sub-section shall be made in writing through the Provincial Commissioner within thirty days after the date of the notification of the award or decision to which the appeal relates.

(5) All sums of money awarded as compensation under this section shall be deposited by the applicant for setting apart with the District Commissioner, who shall be responsible for notifying any person concerned as to the amount so awarded.

19. (1) Where any dispute arises as to the persons entitled to receive any sum of money which has been duly assessed under the provisions of this Ordinance, the Provincial Commissioner shall direct that such sum be deposited in the office of the District Commissioner by the applicant for setting apart, pending the making of a final award by the District Commissioner, but the setting apart of the land shall not be delayed by reason of any such dispute.

Deposit of
money pending
settlement of
disputes.

(2) Where a sum of money has been so deposited in the office of the District Commissioner under the provisions of the last preceding sub-section, the District Commissioner, after taking the advice of the Local Board having jurisdiction in the area concerned and after hearing all interested parties and their witnesses, shall make his award.

(3) Any person aggrieved by the award of a District Commissioner under this section may, within thirty days after the date of the notification of such award, appeal to the Provincial Commissioner, whose decision shall be final. The Provincial Commissioner in special cases and in his absolute discretion, may extend the time for lodging any such appeal.

(4) Where no such appeal has been lodged or where such appeal has been duly determined, the District Commissioner shall, from the sum of money deposited with him, pay to the persons entitled thereto the various amounts awarded by him or by the Provincial Commissioner, as the case may be.

Commuted rent
for mining
leases.

No. 61 of 1933.

20. (1) Except in cases of private right-holding where compensation has been awarded under the provisions of section 18 of this Ordinance, and notwithstanding anything contained in the Mining Ordinance, 1933, a lump sum of money by way of commuted rent shall be payable in every case by a mining lessee for all land set apart under this Ordinance in respect of which a mining lease is granted to him, and the payment of such lump sum shall be additional to the rent payable to the Government of the Colony for such mining lease.

(2) The commuted rent payable for the land so set apart shall be paid by the applicant to the District Commissioner on behalf of the Local Board concerned, and shall be such a sum of money as the Provincial Commissioner shall assess as representing the total sum payable by way of annual rent over the term of years for which the mining lease is to be granted, the amount of such annual rent being calculated on the full agricultural value of the land.

(3) Any person aggrieved by the amount assessed as commuted rent under this section may, within thirty days after the notification of such assessment, appeal in writing to the Governor, whose decision shall be final.

(4) The District Commissioner, as Chairman of the Local Board, shall be responsible for making payments in proper cases, out of the sums so paid to the Board by way of commuted rent, to such natives as may be entitled thereto under the provisions of section 17 of this Ordinance.

(5) The District Commissioner, as Chairman of the Local Board, shall from time to time pay to the Local Native Council concerned any balance remaining in the hands of the Local Board from sums so paid by way of commuted rent.

(6) Where a mining lease in respect of any land set apart in the native lands is determined, from any cause whatsoever, at any time before the expiration of the term for which such lease was granted, no claim shall lie by the mining lessee or any other person for a proportionate or any other refund of any sum previously paid by way of commuted rent in respect of such mining lease. The provisions of this sub-section shall

apply to all such mining leases, irrespective of whether they have been granted before or subsequent to the commencement of this Ordinance.

21. (1) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is set apart under the provisions of this Part shall be deemed to run concurrently with the term of the mining or other lease granted in respect of such land and with the term for which any such lease is thereafter renewed. The setting apart of the land shall be deemed to have expired automatically upon the final expiry of the lease and the land shall hereupon revert to native use.

Term for which land is set apart to be concurrent with term of lease.
No. 61 of 1933.

(2) Upon the first and every subsequent renewal of a mining lease, in addition to any fees and rent payable under the Mining Ordinance, 1933, there shall be paid for the renewal of the setting apart of the land in respect of which the mining lease was granted, the sum of money by way of commuted rent as provided in section 20 of this Ordinance, together with an additional sum equal to twenty per centum of the amount of such commuted rent.

No. 61 of 1933.

(3) In every case where a lease of native lands is renewed the Provincial Commissioner shall publish in the Gazette a notice of the renewal of the setting apart of the land in respect of which the lease was granted, and such renewal shall take effect from the date of such publication, save where some other date is in such notice specified. In the case of the renewal of a mining lease, no such notice shall be published unless and until the sums provided for in the last preceding sub-section have been paid.

(4) Where any lump sum of money is, under the provisions of this Part of this Ordinance, paid to or deposited with the District Commissioner for payment to the person or persons entitled thereto, such District Commissioner may, in his absolute discretion, pay such money to such person or persons either in one single payment or in a number of payments made over such period of time as may to him seem fit and desirable.

22. (1) Where a Provincial Commissioner considers it desirable that any specific area of land in the native lands should be set apart—

Setting apart for local public purposes.

- (a) for a township, trading centre, market, or for a school, hospital, Government station or camp; or
- (b) for the purpose of issuing inter-tribal occupation permits as provided in section 6 of this Ordinance; or

(c) for any purpose which, in the opinion of the Provincial Commissioner, is likely to benefit the natives resident in the native land unit concerned either by reason of the use to which the land is to be put or by reason of the anticipated revenue from rents,

the Provincial Commissioner shall cause a proposal to that effect to be submitted to the natives concerned and to the authorities set out in paragraphs (b) and (c) of section 15 of this Ordinance, and the provisions of sections 12, 13 and 14 of this Ordinance, save in so far as such provisions presuppose the making of an application to the Provincial Commissioner, shall apply to every such proposal.

(2) The Provincial Commissioner shall publish in the Gazette, in accordance with the provisions of sub-section (1) of section 16 of this Ordinance, a notice of every such setting apart, but no such notice shall in any case be so published unless and until the requirements of section 23 of this Ordinance have been fulfilled.

23. Any compensation payable under the provisions of this Ordinance in respect of the setting apart of any land under the provisions of section 22 of this Ordinance shall be paid in accordance with the provisions of sections 17 and 18 of this Ordinance by the Local Native Council concerned:

Provided that, in the case of a permanent camp established for the use of the armed forces of the Crown, such compensation shall be paid from the general revenues of the Colony.

Setting apart for
general public
purposes.

24. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject always to the provisions of sections 12, 13, 14, 17 and 18 of this Ordinance, a Provincial Commissioner may set apart land in the native lands for any of the following purposes:—

- (a) public reservoirs, aqueducts, canals, watercourses or water pipe lines;
- (b) public sewerage works;
- (c) public quays, wharves or landing places;
- (d) public aerodromes and landing grounds;
- (e) the development of electric power for public purposes from any lake, river or stream;
- (f) public telegraphs or telephones;
- (g) outspans, stock routes, cattle dips and labour camps;
- (h) buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works;

(i) any other purpose which the Governor may, under the powers conferred upon him by sub-section (2) of section 48 of this Ordinance, declare to be a public purpose.

(2) Before the publication in the Gazette of the setting apart of land for any of the purposes referred to in this section, the compensation, if any, payable in accordance with the provisions of sections 17 and 18 of this Ordinance shall be paid from the general revenues of the Colony.

25. (1) Notwithstanding anything in this Part of this Ordinance contained, but subject to the provisions of sections 17 and 18 of this Ordinance, a Provincial Commissioner may set apart from the native lands any land which is required for a public railway, tramway or road, or for a tramway or road of access, or for buildings or works in connexion with any of the foregoing purposes, together with the necessary curtilage of such buildings or works.

Setting apart for railways, tramways and roads.

For the purposes of this sub-section, tramway or road of access means a tramway or road which gives access—

- (a) (i) from any land forming part of the native lands and which has been set apart under the provisions of this Ordinance, or
(ii) from any land situate within the boundaries of the native lands (whether or not it forms part of the native lands), or
(iii) from any land situate outside the boundaries of the native lands through any part of the native lands,
to the nearest railway station or halt or public road;
or
- (b) from any land in the native lands in respect of which a mining lease has been granted to a lessee under the Mining Ordinance, 1933, to any points on the surface of any area of land in the native lands which overlies a subterranean area in respect of which such mining lessee has been granted a mining lease; or
- (c) from any surface point to which the last preceding paragraph relates to any other such surface point.

No. 61 of 1933.

(2) Before any land is set apart for any purpose under the provisions of this section, the Provincial Commissioner shall consult the Local Board as to the alignment of the proposed railway, tramway or road and as to the compensation to be paid in respect thereof. Where the Provincial Com-

missioner and the Local Board are unable to agree as to any such matter the Provincial Commissioner shall make a report thereon to the Governor, whose decision shall be final.

(3) It shall not be obligatory on the Provincial Commissioner to consult the Trust Board as to any proposal to set apart land under this section, but the Provincial Commissioner shall forward to the Board an estimate of the area of land likely to be withdrawn from agricultural use by reason of such setting apart.

(4) Where the Trust Board is of opinion that, by reason of any setting apart under the provisions of this section or of section 24 of this Ordinance, the agricultural land available in any native land unit is likely to be insufficient for the economic needs of the natives concerned, the Board may recommend to the Governor the addition to such native land unit of an area of land equal in value to the area of land withdrawn from agricultural use. If any land is so added it shall be deemed to be included in the native lands for the purposes of this Ordinance.

(5) Where the Trust Board is in any way dissatisfied by reason of any setting apart of land under this section or by reason of any matter arising from such setting apart, the Board may make representations to the Governor who shall refer the matter to the Secretary of State, but it shall not be obligatory to delay the construction of public works upon land so set apart pending the consideration of any such representations.

Compensation
for setting apart
of railways, etc.

26. (1) All compensation payable in respect of the setting apart of land in accordance with the provisions of the last preceding section shall be settled by one outright payment.

(2) Where the setting apart is in respect of a road, the whole cost of the construction of which has not been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has not been, and at the time of such setting apart is not, so defrayed, the compensation payable shall be paid from the revenues of the Local Native Council concerned and from the general revenues of the Colony; and the amount of compensation payable from the general revenues of the Colony shall bear the same proportion to the total amount of compensation payable as the portion of the cost of the road to be defrayed from the revenues of the Colony bears to the total cost of the road.

(3) Where the setting apart is in respect of a road, the whole cost of the construction of which has been defrayed from the general revenues of the Colony and the whole cost of the maintenance of which has been and at the time of such setting apart is so defrayed, the compensation payable shall be paid from the general revenues of the Colony.

(4) Where the maintenance of a road, the cost of the construction of which has not been defrayed from the general revenues of the Colony, becomes at any time a charge upon such revenues, it shall be the duty of the Provincial Commissioner, after consultation with the Local Board, to submit a claim for the repayment to the Local Native Council of the sum paid by such Council under the provisions of sub-section (2) of this section. Every such claim shall be considered by the Central Roads and Traffic Board established under the Central Roads and Traffic Board Ordinance, 1929, and the decision of the Governor upon such claim shall be final: No. 18 of 1929.

Provided that any compensation payable by reason of a realignment of any such road shall be paid from the general revenues of the Colony.

(5) Where the setting apart is in respect of a railway, the compensation, if any, payable shall be paid by the High Commissioner for Transport.

(6) Nothing in this section contained relating to compensation shall be deemed to apply to any public road or railway which was in existence in the native lands before the date of commencement of this Ordinance, irrespective of whether, in the case of a public road, such road had or had not at such date been declared to be a public road under any Ordinance relating to roads.

(7) Where land has been set apart under the provisions of this section for a tramway or road of access the compensation, if any, payable shall be paid by the owner of such tramway or by the lessee of the land to and from which access is given by such road, as the case may be.

27. Every District Commissioner in the native lands shall cause a register to be kept in his office containing a description of all land which has been set apart, in accordance with the provisions of this Ordinance, from the native lands in his district, together with all particulars relating to such land.

District Commissioners to keep registers.

PART IV

EXCLUSIONS

Exclusions for
public purposes.

28. (1) Subject to the provisions of sub-section (2) of this section and notwithstanding anything in Part III of this Ordinance contained, the Governor, after consulting the Local Board and with the consent of the Trust Board, may exclude from the native lands any land required for any of the purposes set out in section 22 (but not for the purpose set out in paragraph (b) of sub-section (1) of that section) and in sections 24 and 52 of this Ordinance, and the land so excluded shall thereupon cease to form part of the native lands. In every case where the Local Board is consulted by the Governor for the purposes of this section, representatives of the location or section concerned and of the local natives concerned shall be given the opportunity of appearing before the Local Board for the purpose of expressing their views and such views if given shall be recorded in writing.

(2) No such exclusion shall be made unless and until the Governor is satisfied that a majority of the natives concerned has expressed a desire that the land required should be so excluded in lieu of being set apart, and unless and until the Local Native Council concerned has passed a resolution to that effect.

(3) Where any land is so excluded from the native lands the Governor shall, by notice published in the Gazette, add to the native land unit from which such land has been excluded an area of suitable and, where possible, contiguous unalienated Crown land of equivalent value. Any land so added shall form part of the native lands for the purposes of this Ordinance:

Provided that, in any case where land so excluded is required solely for the actual site of a building together with the curtilage thereof, no such addition of land need be made:

And provided further that, in any case where an equivalent area of land has been added to the native lands before and in anticipation of any individual exclusion, no additional area need be added under the provisions of this sub-section.

(4) No land situate in the Highlands shall be added to the native lands under the provisions of sub-section (3) of this section, or under the provisions of sub-section (4) of section 25 of this Ordinance, save with the consent of the Highlands Board.

a or to a native reserve

TEMPORARY EXCLUSIONS FOR MINING PURPOSES

29. (1) Where an application has been made for the grant of a mining lease of land in the native lands, such land may be temporarily excluded from the native lands by the Governor if he is satisfied that a majority of the natives concerned has expressed a desire that this procedure be followed in lieu of setting apart the land in accordance with the provisions of Part III of this Ordinance, and that the Local Native Council has passed a resolution to that effect. Every proposal for any such temporary exclusion shall first be laid before the Provincial Commissioner, who shall report thereon to the Trust Board, and the Board shall consider the practicability or otherwise of such proposal, having regard to the provisions of sub-section (2) of this section, and shall thereafter make its recommendations to the Governor, whose decision shall be final.

Temporary
Exclusions for
Mining.

(2) In every case where land is temporarily excluded from the native lands under the provisions of this section there shall be added temporarily to the native lands for the currency of the term of such exclusion an area of unalienated Crown land equal in agricultural value and, so far as may be, equal in size to the area which has been so excluded.

(3) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is temporarily excluded from the native lands under the provisions of this section shall be deemed to run concurrently with the term of the mining lease granted in respect of such land, and the term of such temporary exclusion shall be deemed to have expired automatically upon the expiry of the mining lease: Provided that if the mining lease is, under the provisions of the Mining Ordinance, 1933, renewed for any term, the exclusion of the land temporarily excluded shall be deemed also to have been renewed for a like term.

No. 61 of 1933.

No. 61 of 1933.

(4) Upon the final determination of a mining lease in respect of which land has been temporarily excluded, the land so excluded shall forthwith revert to and form part of the native lands, and thereupon any land temporarily added to the native lands by reason of such temporary exclusion shall cease to form part of the native lands and shall revert to the Crown:

Provided that in any case where the Trust Board is satisfied that the agricultural value of any portion of an area so temporarily excluded has been permanently impaired by reason of mining operations conducted thereon during the currency of the mining lease, the Governor may, on the recommendation of the Trust Board, make a permanent addition of land to the native lands from the land temporarily added thereto. The land so added shall be an area of land equal in agricultural value and, so far as may be, equal in size to the portion of the native lands which has been so impaired in value.

(5) No land situate in the Highlands shall be added to the native lands under the provisions of sub-sections (2) and (4) of this section, save with the consent of the Highlands Board.

(6) No mining lease shall be granted in respect of any land which is to be temporarily excluded in accordance with the provisions of this section unless and until all compensation payable by reason of such exclusion has been duly paid to the proper authority. Notice of every temporary exclusion of land and of every temporary addition to the native lands consequent thereon and of every renewal and expiration of any such exclusion and addition shall be published in the Gazette.

COMPENSATION

Compensation
for exclusion.

30. (1) Any native who is disturbed in his occupation of land in the native lands by reason of any permanent or temporary exclusion of land under the provisions of this Part of this Ordinance may make application for compensation in accordance with the provisions of section 17 of this Ordinance, and shall, in addition to receiving such compensation, be entitled, so far as may be practicable, to reside, together with his family, during the term of such exclusion in the area which has been added to the native lands in consequence of such exclusion.

(2) Any native who has satisfactorily established a claim, in accordance with the provisions of section 18 of this Ordinance, to be a private right-holder in respect of any land permanently or temporarily excluded from the native lands under this Part, shall, whether or not he is entitled to compensation under the provisions of sub-section (1) of this section, be entitled, in addition to any compensation which may have been paid to him for disturbance, to receive compensation as a private right-holder under the provisions of section 18 of this Ordinance:

1 or of the proviso to sub-section (1) of Section 7

1 or under the proviso to sub-section (1) of Sec 7 of this Ord.

Provided that any such native may at his option, and in lieu of receiving such compensation as a private right-holder, elect to reside, if practicable, with his family during the term of such exclusion in the area which has been added to the native lands by reason of such exclusion; but a native who is entitled to compensation under sub-section (1) of this section and who exercises his right under that sub-section to reside in the added area shall not by reason thereof be taken to have exercised his option so as to deprive him of the right to receive compensation under sub-section (2) of this section.

PART V

LEASES AND LICENCES

31. Subject to the provisions of this Ordinance, and in the case of mining leases subject to the provisions of the Mining Ordinance, 1933, the Governor may grant leases of land in the native lands to any persons for such terms and subject to such conditions as the Governor may deem expedient:

Powers of Governor to grant leases in Native Lands. No. 61 of 1933.

Provided that, before any lease is granted under the provisions of this section, or under the provisions of the Mining Ordinance, 1933, the land to which such lease relates shall, subject to the provisions of section 29 of this Ordinance, be first set apart in accordance with the provisions of Part III of this Ordinance; but, where any land in the native lands has been set apart for the purpose of being so leased, it shall not be necessary again to set apart the land for the purpose of granting any renewal of the original lease.

No. 61 of 1933.

32. (1) The Chief Native Commissioner may, subject to any general or special directions of the Governor, execute any lease, to be granted under the provisions of this Ordinance, of land in the native lands.

Chief Native Commissioner to execute leases.

(2) Leases may be granted under the provisions of this Ordinance for any term not exceeding thirty-three years, subject to such conditions as may be prescribed:

Term of leases.

Provided that, with the consent of the Secretary of State, leases may be granted for any term exceeding thirty-three years but not exceeding ninety-nine years.

(3) Leases granted for a term of one year or less shall be in such form as may be prescribed.

Form of leases for one year or less.

(4) Leases for a term exceeding one year shall be in the form of grants under the provisions of the Registration of Titles Ordinance.

Form of leases for more than one year. Cap. 142.

Leases for
township or
trading centres.
No. 48 of 1931

(5) Leases in respect of plots in townships or trading centres shall be granted subject to the provisions of the Town Planning and Development Ordinance, 1931.

(6) The Chief Native Commissioner may delegate to any Provincial Commissioner the power conferred upon him by sub-section (1) of this section in respect of any lease granted for a term of one year or less.

Mining leases.
No. 61 of 1933

(7) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933.

Buildings on
leased native
lands.

33. (1) On the determination of any mining or other lease granted in respect of land in the native lands which has been set apart under the provisions of this Ordinance, the property in all buildings on such land, whether erected by the lessee or by any other person, shall, in the absence of any provision to the contrary contained in the lease, pass to and vest in the Trust Board on behalf of the native population of the native lands without payment of compensation to the lessee or to any other person in respect of such buildings:

Provided that where—

(a) the term of the lease does not exceed thirty-three years; and

(b) the buildings were erected by the lessee or by his predecessor in title; and

(c) the lease is not determined by forfeiture,

the lessee may, within six months after the determination of the lease, remove any such buildings unless the Trust Board elects to purchase the buildings on behalf of the native population of the native lands and informs the lessee accordingly before such lessee has commenced to remove such buildings:

No. 61 of 1933.

Provided further that nothing in this section contained shall be deemed to affect the provisions of sections 36, 56 and 58 of the Mining Ordinance, 1933, except that the Commissioner of Mines shall not allow a further period in excess of three months under the aforesaid section 36, or fix a time in excess of six months under the aforesaid section 56, save with the consent of the Trust Board.

Cap. 18.

(2) Where the Trust Board elects to purchase any such buildings in accordance with the proviso to sub-section (1) of this section, the lessee shall have no option as to the sale to the Trust Board, but if he does not agree to the price offered by the Trust Board the matter shall be referred to arbitration under the provisions of the Arbitration Ordinance.

n, whether leased under the provisions of this Ordinance
or of the Ordinance repealed by this Ordinance

1938

Native Lands Trust

No. XXVIII

34. Subject to the provisions of section 20 of this Ordinance, the stand premium and/or rent payable in respect of any land in the native lands, in respect of which a lease has been granted, shall be assessed by the Provincial Commissioner in consultation with the Local Board, shall be subject to the approval of the Governor, and shall be paid to the Local Native Council concerned. Due regard shall be had in all such assessments to the fair economic value of the land and to such conditions regarding improvements as may be contained in the lease. Rents.

35. (1) Save as may otherwise be prescribed, no lessee of land in the native lands shall alienate the land, or any part thereof, comprised in his lease by sale, mortgage, transfer of possession, sub-lease, bequest or otherwise howsoever without the consent in writing of the Provincial Commissioner. Lessees prohibited from alienating.

(2) Before giving his consent in any case the Provincial Commissioner shall consult—

(a) the Trust Board, in cases where the land leased exceeds fifty acres in extent;

(b) the Local Board, in cases where the land leased does not exceed fifty acres in extent.

(3) Any such sale, mortgage, transfer of possession, sub-lease, bequest or other alienation effected without the consent in writing of the Provincial Commissioner shall be null and void and of no effect.

(4) An appeal shall lie to the Governor from any refusal of the Provincial Commissioner to give his consent in writing under the provisions of this section.

(5) Nothing in this section contained shall be deemed to apply to leases granted under the provisions of the Mining Ordinance, 1933. No. 61 of 1933.

36. (1) Where a lessee of land in the native lands desires to change the user of any land comprised in his lease, he shall make application in writing to the Provincial Commissioner concerned. Change of user.

(2) Upon receipt of any such application the Provincial Commissioner shall consult the Local Board and shall thereafter forward to the Governor the application of the lessee, together with the recommendations thereon of the Local Board and of the Provincial Commissioner.

(3) (a) Where the land in respect of which any such application is made does not exceed ten acres in extent, the

Governor may approve the application, subject to such conditions as he may think fit, or reject the application.

(b) Where the land in respect of which any such application is made exceeds ten acres in extent, the Governor shall, before making his decision, consult the Trust Board.

Forfeiture of lease.

37. If the rent or any part thereof reserved in a lease of lands in the native lands shall at any time be unpaid for a period of twenty-one days after the same shall have become due, or if there shall be any breach of the lessee's covenants, whether express or implied, or any change of user not authorized under the provisions of section 36 of this Ordinance, the Chief Native Commissioner, or any person authorized by him in writing, may serve a notice upon the lessee specifying the rent in arrear, or the covenant of which a breach has been committed, or the unauthorized change of user which is alleged, and, at any time after one month from the service of such notice, may, notwithstanding the provisions of the Courts Ordinance, 1931, commence a suit in a First Class Subordinate Court for the recovery of the land. On proof of the facts, the Court shall, subject to relief upon such terms as to it may appear just, declare the lease forfeited, and may order that possession of the land be given by the lessee to the Chief Native Commissioner, either forthwith or on or before such day as the Court thinks fit to name, and that the defendant do pay the costs.

No. 16 of 1931.

Licences.

38. (1) Notwithstanding anything in this Ordinance contained, but subject to such conditions and fees as may be prescribed, licences may be granted to any person relating to—

- (a) the grazing of live stock on native lands;
- (b) the removal of timber or other forest produce from any part of the native lands not included in an area declared under the provisions of section 3 of the Forest Ordinance to be a forest area;
- (c) the taking of sand, lime, stone, and other common minerals (excluding surface salt) from the native lands;
- (d) wayleaves in the native lands:

Cap. 149.

Provided that no licence referred to in paragraphs (a), (b) or (c) of this sub-section shall, except with the consent of the Trust Board, be granted for a period exceeding twelve months at any one time.

Electric Lines Way Leaves Rule

— S.N. 228/42, p. 112.

(2) Subject to any general or specific instructions issued by the Trust Board, the Chief Native Commissioner, or such Provincial or District Commissioners as he may appoint as licensing officers, may grant licences for the grazing of live stock in the native lands, and for the removal of timber or other forest produce from the native lands.

Grazing and
forest produce.

(3) Licences for the taking of sand, lime, stone and other common minerals (excluding surface salt) from the native lands may be granted by a Provincial Commissioner or by such District Commissioners as a Provincial Commissioner may appoint as licensing officers.

Common
minerals.

(4) A Provincial Commissioner may grant a wayleave licence to any person empowering the holder thereof, his servants and agents to enter upon land in the native lands for the purposes of laying pipes, making canals, aqueducts, weirs, dams and/or any other works required for the supply and use of water, setting up electric power or telephone lines, cables, or aerial ropeways, and erecting such poles and pylons and making such excavations as may, in the opinion of the Provincial Commissioner, be necessary for the carrying out of any such purpose: Provided that, where the native land concerned is the subject of a mining right under the Mining Ordinance, 1933, or of a lease granted under the provisions of the Crown Lands Ordinance or of this Ordinance or of the Ordinance repealed by this Ordinance, the Provincial Commissioner shall not grant a wayleave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; and if any such lessee or holder refuses his consent, the Provincial Commissioner may appeal to the Governor in Council whose decision shall be final. In any case where a wayleave has been granted over any such land and any compensation is payable in respect of disturbance, or damage to the interests of the lessee, or holder, as the case may be, the amount of compensation shall be such sum as may be agreed upon between the applicant for the wayleave and the lessee or holder, as the case may be, and in default of such agreement, such sum as may be determined by arbitration under the provisions of the Arbitration Ordinance.

Wayleaves.

No. 61 of 1933.
Cap. 140.

Cap. 18.

(5) Before granting any such wayleave licence the Provincial Commissioner shall consult the Local Board as to any compensation (other than compensation payable under the provisions of sub-section (4) of this section) which may be

payable and, if he is unable to agree with the Board as to such compensation, he shall report the matter to the Governor, whose decision shall be final. In any case where the usefulness of any land for agricultural purposes is in any way impaired by reason of the grant of any such wayleave licence, compensation in respect thereof shall be payable.

Licence fees.

(6) All fees prescribed in respect of licences issued under the provisions of this section shall be paid to the Local Native Council concerned.

Renewals.

(7) Where the Trust Board objects to any licence which has been granted under the provisions of this section, such licence shall not be renewed unless and until the Board has withdrawn such objection:

Appeal.

Provided that where the Board refuses to approve the grant or renewal of any licence which may be granted under the provisions of this section, the applicant for such licence or renewal, as the case may be, may, within thirty days after the date of the notification of such refusal, appeal in writing to the Governor, whose decision shall be final.

Forfeiture of licences.

39. (1) If the fees or any part thereof payable under a licence granted under this Ordinance shall at any time be unpaid for the space of twenty-one days after the same shall have become due, or if the licensee fails to comply with or commits any breach of any of the conditions of his licence, the Chief Native Commissioner, Provincial Commissioner, or licensing officer, as the case may be, may cause an application for the forfeiture of such licence to be made to a magistrate of the first class.

(2) Upon receipt of such application, together with particulars in writing specifying the fees in arrear or the condition which has not been complied with or of which a breach has been committed, the magistrate shall cause to be served upon the licensee a copy of such particulars together with a notice of the date, not being less than fourteen days after the date of such notice, when the application is to be heard.

(3) If upon the date fixed for the hearing of the application, or the date to which such hearing has been adjourned, it be proved to the satisfaction of the magistrate that fees are in arrear, or that the licensee has failed to comply with, or has committed a breach of, any of the conditions of the licence, the magistrate shall, subject to relief upon such terms as may to him appear just, declare the licence forfeited.

40. No forfeiture of any lease or licence under the provisions of this Ordinance, or of any rule made thereunder, shall operate to extinguish any debt due in respect of any rent or other payment to be made by a lessee or licensee under a lease or licence forfeited.

Debt not to be extinguished by forfeiture.

41. The issue of licences and occupation permits in respect of land set apart under the provisions of this Ordinance shall, save where a contrary intention is in this Ordinance expressed, be governed by rules made under this Ordinance.

Licences and permits to be issued subject to rules.

PART VI

MISCELLANEOUS POWERS

The Trust Board

42. The Trust Board shall, in respect of water flowing into, through or out of the native lands, be deemed, for the purposes of the Water Ordinance, 1929, to be the land holder in relation to such native lands.

Trust Board to be land-holder for purpose of Water Ordinance, 1929.
No. 35 of 1929.

43. The Trust Board may, by notice in the Gazette, delegate to the Chief Native Commissioner the power to exercise on behalf of the Trust Board any of the functions or powers of the Trust Board in respect of water sanctions and/or water rights which, in the opinion of the Trust Board, are of a minor character.

Trust Board may delegate powers under Water Ordinance, 1929.

44. The Trust Board at any time may cause general or specific instructions to issue in regard to the grant by Provincial Commissioners or licensing officers of licences to remove sand, lime, and any other common minerals (except surface salt), timber and other forest produce, from the native lands.

Trust Board may issue instructions to grant licences to remove common minerals.

45. (1) Service on the Trust Board of all legal processes and notices shall be effected by service on the Chief Native Commissioner who, in any legal proceedings, may be plaintiff or defendant, as the case may be, in the name of the Trust Board.

Service of process on.

(2) Any costs incurred by or damages awarded against the Trust Board in connexion with any legal proceedings shall be paid by the Treasurer out of the revenues of the Colony.

Local Native Councils

46. The Local Native Councils established under the provisions of the Native Authority Ordinance, 1937, shall be

Local Native Councils.
No. 2 of 1937

responsible at all times for exercising the various functions assigned to them in respect of the native lands by this Ordinance and by any rules made thereunder.

Miscellaneous Powers of Governor

Governor may make minor adjustments to boundaries of Native Land Units.

47. (1) The Governor may, with the consent of the Trust Board, make adjustments of the boundaries of the native land units where the Trust Board is satisfied that any such adjustment is of a minor character and in the interests of the native population.

(2) Where any such adjustment has been made notice thereof shall be published in the Gazette, and the Second Schedule to this Ordinance shall be read and construed subject to the adjustments specified in such notice.

Governor may declare that land is required for public purposes.

48. (1) The Governor may, by notice in the Gazette, declare that land in the native lands is required for public purposes.

(2) The Governor may, by notice in the Gazette, declare what is a public purpose for the purposes of this Ordinance.

Governor may order native to remove.

49. (1) The Governor may, by writing under his hand, order any native, who at the commencement of this Ordinance is not residing in the native lands, the native reserves, the temporary native reserves, or the native leasehold areas and whose rights have, under the provisions of section 70 of this Ordinance, been extinguished, forthwith to remove himself, his family and his property (if any) from the land on which he is residing:

Provided that no such order shall be made unless the Governor is satisfied that sufficient suitable land for the accommodation of the native and his family is available and that provision for compensation for disturbance has been made:

Provided further that a private right-holder shall not be required to remove himself until he shall have harvested any annual crops which may have been planted:

No. 2 of 1937.

And provided further that, notwithstanding the provisions of section 12 of the Native Authority Ordinance, 1937, no native, whose rights in respect of the land upon which he, or his family, is, or are, residing, have been extinguished under the provisions of section 70 of this Ordinance, shall be compelled to remove himself from such land except by order of

"Military Counciling" - see S.N. 232/41, p. 100.
National Park - Itanai - see S.N. 156/49, p. 91

the Governor made in accordance with the provisions of this section; but the provisions of this section and of this proviso shall not apply to a native who, having been ordered by the Governor to remove in accordance with the provisions of this section, either removes himself or is removed under the provisions of this section, subsequently cultivates or occupies land outside the boundaries of the native lands, the native reserves, the temporary native reserves or the native leasehold areas, as the case may be.

(1B) - Added by Ord. 73/13
 (2) Any native who disobeys or fails to comply with any order made under this section shall be guilty of an offence against this Ordinance.

(3) Where any native is convicted of an offence under the provisions of this section, the Court may, in addition to any penalty which it may impose under this Ordinance, authorize any administrative officer or police officer to cause such native, together with his family and property, if any, to be removed from the land on which he is residing in contravention of an order made under the provisions of sub-section (1) of this section.

Powers of Entry

50. (1) The Governor, subject to the provisions of sub-section (2) of this section, may at any time—

Powers of entry
of Governor
on Native Lands.

(a) enter upon any land in the native lands, and take therefrom stone and other materials for the making or repairing of roads, railways, canals, water channels, or other public works whether of the like kind or not;

(b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land, and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining and/or affording access to any such works and to any other works of a public nature;

(c) enter upon such land and there do any work which he may consider necessary for maintaining or improving the flow of water in any river, stream, spring, lake or swamp, and for that purpose may construct dams and divert any river, stream, spring, lake or swamp;

(d) by writing under his hand authorize officers in the service of the Government of the Colony, of the High Commissioner for Transport, and of any local authority duly established by any Ordinance in force in the Colony, and any contractors employed by such officers, to exercise any of the powers conferred upon the Governor by this section. Any authority granted under the provisions of this paragraph shall be deemed to include the assistants, servants or agents of the officers or contractors to whom such authority is granted.

(2) Compensation, assessed in accordance with the provisions of sections 17 and 18 of this Ordinance, shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable.

(3) The powers conferred by this section may be exercised before the compensation is paid, but not before compensation has been assessed.

(4) It shall not be competent for the Trust Board or a Local Board to make any representations in regard to the exercise of any powers under this section except in so far, in the case of a Local Board, as the Provincial Commissioner may refer to such Board any question of compensation.

Power to enter
land and
premises.

51. (1) Any officer of the Government of the Colony and any person authorized by any such officer shall for any purpose relating to this Ordinance have power at all times to enter upon any land in the native lands or to enter any premises or place on such lands and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Ordinance or of any other law for the time being in force.

Obstruction of
officers.

(2) Any person who refuses to permit any duly authorized officer or his representative to carry out any of the powers conferred by sub-section (1) of this section, or obstructs or hinders any such officer or his representative in the execution of his duty under this Ordinance, or fails to give any required information, or furnishes false information, to such officer or

to his representative, shall be guilty of an offence under this Ordinance and shall, on conviction by a magistrate of the first or second class, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

PART VII

MISCELLANEOUS PROVISIONS

52. (1) Notwithstanding anything contained in this Ordinance, land in the native lands may, with the consent of the Trust Board, be declared to be a forest area as defined by the Forest Ordinance.

Consent of Trust Board to be necessary in case of forest areas.
Cap. 149.

(2) Any land in the native lands duly declared to be a forest area shall be proclaimed as such in accordance with the provisions of the Forest Ordinance and shall be administered and controlled in accordance with rules made under that Ordinance or any other Ordinance at any time in force in the Colony relating to forests.

Cap. 149.

(3) All net profits accruing to the Conservator of Forests from the working of forest areas in the native lands shall be paid annually to the Local Native Council concerned.

For the purposes of this section the net profit of any forest area shall be the revenues derived from such forest area after deducting from such revenues the cost to the Government of the Colony, including overhead expenses, of working and maintaining such forest area. Where, in any year, a loss is incurred, the amount of such loss shall be carried forward and added to the working and maintenance charges for the ensuing year.

53. (1) No action shall lie against the Government of the Colony or against any officer thereof or against any person authorized by any such officer, for any act done in good faith and without negligence under the provisions of this Ordinance or for the purpose of carrying into effect any such provisions.

Indemnity.

(2) No compensation shall be payable to any person for any act done under the provisions of this Ordinance in good faith and without negligence, save where express provision is made in this Ordinance for the payment of compensation.

Compensation.

54. All acts heretofore done by the Governor or by any officer of the Government of the Colony or by any person acting under the direction of the Governor or of any officer of

Validation of acts previously done, and indemnity therefor.

such Government in regard to any matter for which lawful authority is provided in this Ordinance and for which no lawful authority existed prior to the commencement of this Ordinance are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts, and the Governor and every such officer or person is hereby freed, acquitted, discharged, and indemnified, as well against the King's Most Gracious Majesty, his heirs and successors, as against any and all persons whatsoever, from all legal proceedings of any kind whatsoever whether civil or criminal, in respect of any such acts.

Proceedings to be brought in name of Chief Native Commissioner.

55. (1) All actions, suits and proceedings respecting land in the native lands or respecting any lease, licence or permit relating thereto, or respecting the breach of any covenant contained in any such lease, licence or permit, or respecting any trespass on such land, or any damages accruing by reason of such trespass, or for the recovery of any rents or fees, or relating to any damages or wrongs whatsoever in respect of such land, may be commenced, prosecuted and carried on in the name and title of the Chief Native Commissioner.

(2) In any such action, suit or proceeding the Chief Native Commissioner may be represented by any advocate or by any administrative officer duly authorized by him in writing in that behalf.

Service of notice, etc.

56. (1) Any application, statement, demand, instrument, notice or other document authorized or required by this Ordinance, or any rule made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there.

(2) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the fourteenth day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted.

Publication of Notices, etc.

57. (1) Any order, notice or other document required by this Ordinance, or any rule made thereunder, to be published may be published by affixing a copy in the District Commissioner's office and in some other public or conspicuous place

or situation in the area concerned, and, where it is deemed necessary, by publishing it in the Gazette.

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) Any person who without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Ordinance and shall be liable on conviction by a magistrate to a fine not exceeding ten pounds.

58. Save where provision to the contrary is expressly made in this Ordinance, no appeal shall lie from any decision given, order made, or matter or thing done under this Ordinance.

Appeal.

59. Save in regard to matters wherein express provision is made in this Ordinance, the native lands shall be subject in all respects to the general law from time to time in force in the Colony.

Not to over-ride other laws except where express provision is made.

Penalties

60. Every omission or neglect to comply with and every act done, or attempted to be done, contrary to the provisions of this Ordinance or of any rule or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Ordinance, and for every such offence for which no penalty is specially provided the offender shall be liable on conviction by a magistrate to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Penalty.

61. (1) Any person who unlawfully occupies land in the native lands, in any manner whatsoever, shall be guilty of an offence against this Ordinance.

Penalty for unauthorized occupation of land in Native Lands.

(2) No person entering or being in the native lands shall be deemed to be a trespasser on or to be in unlawful occupation of such native lands save in so far as he would be liable to be proceeded against for trespass or for unlawful occupation of land under the provisions of this Ordinance or any rules made thereunder or under the provisions of any other law for the time being in force in the Colony.

Trespass.

(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated land in

the native lands for a period not exceeding forty-eight hours, and, with the consent of the District Commissioner, for a longer period, and they shall with their servants be allowed access to any spring, river, stream or lake upon the land.

Penalty for false declaration.

62. Any person who makes a false declaration in relation to any matter or thing required to be done by this Ordinance, or by any rules made thereunder, or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence against this Ordinance.

Saving of other powers.

63. Nothing in this Ordinance contained shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

Construction

Construction. No. 9 of 1930.

64. (1) Any reference in any enactment to the Native Lands Trust Ordinance, 1930, or to any Ordinance amending the same, shall, unless the context otherwise requires, be construed to refer to this Ordinance.

Cap. 140.

(2) Any reference in any enactment to a native reserve shall, unless the context otherwise requires and save in the case of this Ordinance or of Part VI of the Crown Lands Ordinance, be construed to refer to an area in the native lands as defined by this Ordinance.

(3) Any reference in any enactment to the Native Lands Trust Board or to the Central Board shall, unless the context otherwise requires, be construed to refer to the Trust Board defined in section 3 of this Ordinance.

(4) Any reference in this Ordinance to any other Ordinance shall be construed to include any Ordinance amending or replacing such other Ordinance.

Rule-making Powers

Governor may make Rules.

65. (1) Subject to the provisions of this Ordinance, the Governor may, with the advice and consent of the Trust Board, make rules, relating to the native lands, for the purpose of carrying this Ordinance into effect and for prescribing the fees to be paid for any matter or thing done under this Ordinance, and more particularly for all or any of the following purposes:—

- (a) controlling the occupation and use of the native lands for grazing and pasturing stock, flocks and herds;

Native Lands (Kismulot Land Utilization) Rules 1951 - see GN. 114/52 p. 38
 Native Lands (Opusani-Nigori Land Utilization) Rules, 1950 - see GN. 762/50 p. 332
 Native Lands (Kenya-Nigori Land Utilization) Rules 1950 - see GN. 762/50 p. 332
 Nyeri District: Land Utilization Rules - see G.N. 528/45 p. 213
 Native Lands (Grazing in the Nyeri District) Rules 1946 - see G.N. 627/46 p. 179
 Native Lands (Nandi District Grazing Fees) Rules 1946 - 131/46 L. 34
 Native Lands (Grazing in the Nandi District) Rules 1946 - 627/46 p. 179
 Native Lands (Digo District) (Grazing Fees) Rules 1946 - 688/46 p. 189
 Native Lands Trust (Reconditioning of Takueni) Rules 1947 - 307/47 p. 74
 Native Lands (Kilifi District) (Grazing Fees) Rules 1949 - 466/49 p. 191

Campania Fus. Rules. 1940.
S. N. 81/40. p. 59

- see Council of Common Minerals Rules

- S. N. 147/43. p. 58.

- See Native Lands (Mining) Rules 1945. S. N. 136/45
p. 75.

- (b) compulsorily reducing the numbers of stock, flocks and herds in any native land unit;
- (c) regulating the reconditioning of any native land unit and for such purpose prohibiting and regulating the occupation of any areas therein;
- (d) regulating generally the use and conservation of any area in the native lands;
- (e) regulating any matters relating to the tenure of land as between natives in the native lands;
- (f) regulating the grant of leases in respect of land set apart in the native lands and all matters relating thereto, and prescribing—
 - (i) the form of leases issued for a term of one year or less;
 - (ii) the term for which any particular class of lease may be granted;
 - (iii) the conditions or restrictions subject to and upon which any particular class of lease may be granted;
 - (iv) the method of collecting the rents for leases and the persons to whom such rents are to be paid;
- (g) regulating the issue of licences in the native lands in respect of—
 - (i) native cattle-grazing rights;
 - (ii) the removal of timber, forest produce, sand, lime, stone and other common minerals (excluding surface salt); and
 - (iii) wayleaves;
- (h) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued;
- (i) for the protection of trees and forest produce on land not within a forest area within the meaning of the Forest Ordinance, and for regulating the felling or removal of such trees or forest produce, as the case may be.

Cap. 149.

(2) In any rules made under this section the Governor may reserve power to apply all or any of the provisions of such rules to the native lands as a whole, or to any one native land unit, or to any specified part of any native land unit.

(3) Any rules made under the provisions of this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force relating to the matters specified in paragraphs (a), (b), (c) and (d) of this section.

PART VIII

SAVING—EXTINGUISHMENT OF RIGHTS—REPEALS

Saving of existing rights.

66. Save where a contrary intention is expressed in this Ordinance, nothing herein contained shall be deemed to affect the validity of any subsisting title to land within the native lands nor the validity of any subsisting grant of mining or other rights therein in any case where such title was acquired or such grant was made before the commencement of this Ordinance. All such titles and rights and the powers thereby conferred and the obligations thereby imposed shall continue to be governed by the Ordinance under which such titles or rights were granted as if this Ordinance had not been enacted:

Provided that all land held under any such subsisting title or grant shall be deemed to be included in the native lands from the commencement of this Ordinance.

Crown rights.

66A - Added by Ord. 33/43
67. Save as is expressly provided in this Ordinance, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Crown.

Rights of natives in the native lands.

68. In respect of the occupation, use, control, inheritance, succession and disposal of any land situate in the native lands, every native tribe, group, family and individual shall have all the rights which they enjoy or may enjoy by virtue of existing native law and custom or any subsequent modifications thereof, in so far as such rights are not repugnant to any of the provisions of this Ordinance, or to any rules made thereunder, or to the provisions of any other law for the time being in force in the Colony.

Forfeiture of land for treason or rebellion.

69. Notwithstanding anything in this Ordinance contained, the Governor, in cases where the offences of treason or rebellion against His Majesty have been proved to have been committed by any native tribe, group, family or individual, and in addition to any other punishment lawfully inflicted in respect of an offence so committed, may order that any land in the native lands, held or occupied by any such tribe, group, family or individual, be forfeited and revert to His Majesty. Every such order of the Governor shall be subject to the approval of the Secretary of State.

^ may be established to the satisfaction of the
Governor on or before the appointed date
and which

1938

Native Lands Trust

No. XXVIII

70. (1) With effect from the commencement of this Ordinance, all native rights existing at the commencement of this Ordinance in any land in the Colony situate outside the boundaries of the native lands, the native reserves, the temporary native reserves and the native leasehold areas, irrespective of whether such rights relate to tribal, group, family or individual holdings, are hereby declared to be extinguished; and the provisions of sections 30 and 31 of the Crown Lands Ordinance, 1902, and of section 86 of the Crown Lands Ordinance shall no longer have effect in respect of land alienated under such Ordinances respectively:

Extinguishment
of native rights.

Cap. 140.

No. 21 of 1902.

Provided that nothing in this section contained shall be deemed to apply to—

- (a) rights enjoyed by individual natives under any specific title granted to them;
- (b) rights of resident labourers secured by contract under the provisions of the Resident Native Labourers Ordinance, 1925, until the termination of the contract;
- (c) existing rights in any areas in respect of which forest concessions have been granted by the Government of the Colony;
- (d) native rights in the Protectorate of Kenya:

No. 5 of 1925.

Provided further that nothing contained in this section and/or in section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this section in respect of the land on which any native resides until such native has been ordered by the Governor under the provisions of section 49 of this Ordinance to remove himself from such land.

(2) Nothing in this section contained shall be construed as affecting any native tribes or communities, for whom no specific native land unit is provided by this Ordinance, in regard to any right which such tribes or communities may have to occupy areas of unalienated Crown land, other than land situate in the Highlands, in which they are resident at the date of the coming into operation of this Ordinance.

71. Subject to the provisions of section 66 of this Ordinance, the Native Lands Trust Ordinance, 1930, as amended by the Native Lands Trust (Amendment) Ordinance, 1932, and by the Native Lands Trust (Amendment) Ordinance, 1934, is hereby repealed.

Repeal.

No. 9 of 1930.

No. 51 of 1932.

No. 36 of 1934.

FIRST SCHEDULE

NATIVE LANDS

The Native Lands, the boundaries of which are set out below, are delineated and bordered yellow on Boundary Plan No. 156, deposited at the Land Survey Records Office, Nairobi.

Freehold areas which lie within the boundaries of the native lands are not part of the native lands and are excluded therefrom whether specifically mentioned therein or not.

Where a river or stream is described as forming a boundary the centre line of its course shall be the boundary unless otherwise stated; and where the term "high-water mark" is mentioned that term means the high-water mark at ordinary spring tides of the Indian Ocean.

Note.—Successive portions of the boundary are numbered in order on Boundary Plan No. 156. The descriptions hereunder of those successive portions have corresponding numbers in the right hand margin to enable them to be readily followed on the plan.

(1) BOUNDARIES OF THE KIKUYU NATIVE LAND UNIT

The Kikuyu native land unit consists of two areas the boundaries of which are as follows:—

PART I

~~Commencing at the southernmost corner of L.R. No. 378, (1)~~

thence by part of the south-eastern boundary of L.R. No. 378 for a distance of 16,194.4 feet to a beacon on the western boundary of the Kikuyu Escarpment Forest Reserve;

thence generally southerly, easterly, northerly, again easterly and generally southerly by a series of cut and beacons straight lines which form a part of the western and generally southern boundary of the aforesaid forest reserve (L.R. No. 4448) to its intersection with the northern boundary of the Limoru-Naivasha main road reserve;

thence easterly by that road reserve boundary to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

~~thence southerly by that reserve boundary to its intersection with the northern boundary of Limuru Railway Station Reserve;~~

thence southerly by the generally western boundary of that station reserve to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 173/1; (2)

thence southerly by the generally western boundary of L.R. No. 173/1, and south-easterly by the south-western boundary of L.R. No. 173/2 to the southernmost corner of the latter portion;

thence north-easterly by the south-eastern boundary of L.R. No. 174 to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that railway reserve boundary to a point due west of the southernmost corner of L.R. No. 4713;

thence due east to that southernmost corner;

thence by the south-eastern boundaries of L.R. Nos. 4713, 5831, and 4493 to the easternmost corner of the last portion;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 5851/5, 5851/9 and 164/3 to the northernmost corner of L.R. No. 170/1/2;

thence southerly by the western boundary of the last portion to its intersection with the Mutigutu River;

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5878;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 5878, 3564, 2950/1, 2950/5/2/3, 2950/3/R, 5916 and 152 to the easternmost corner of the last portion; (3)

thence south-easterly by the south-western boundaries of L.R. Nos. 132/1/1/2, 245/1, 245/2/R, part of 134/3/R, the whole of 134/6 and again part of 134/3/R to the south-eastern corner of the last portion;

thence north-easterly by the generally south-eastern boundaries of L.R. Nos. 134/3/R, 134/7, 134/4/R, 5876/R, 4640 and 126 to the intersection of the last with the Kamiti River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 3696; (4)

1st Sch Kikuyu N.L.V.

No. XXVIII

Native Lands Trust

1938

thence northerly by the eastern boundaries of L.R. Nos. 3696 and 3698 to the north-eastern corner of the latter portion;

~~thence northerly by part of the eastern boundary of L.R. No. 3700 to the southernmost corner of the Kikuyu Escarpment Forest Reserve (south-eastern portion);~~

thence easterly, northerly and westerly by the generally eastern and northern boundaries of that forest reserve to the north-eastern corner of L.R. No. 241/3;

thence westerly by the northern boundary of L.R. No. 241/3 to the north-western corner of that portion;

thence by part of the eastern, the northern, generally western and southern boundaries of L.R. No. 3900 to the south-eastern corner of that portion;

thence by part of the western boundary of L.R. No. 241/3 for a distance of approximately 855 feet to its intersection with part of the northern boundary of the Kikuyu Escarpment Forest Reserve (south-western portion);

thence westerly by that forest reserve boundary to its intersection with the eastern boundary of L.R. No. 4768;

thence northerly by part of that boundary and westerly by the northern boundary to the northernmost corner of that portion;

(5)

thence southerly by the western boundary of L.R. No. 4768 to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary for approximately 3,200 feet to its intersection with a cut and beaconed line which forms the boundary of the Kikuyu Escarpment Forest Reserve;

thence generally northerly by that cut and beaconed line for a distance of about 6,000 feet to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of 315° 15' 40" to a beacon on the western boundary of that railway reserve;

thence by a straight line on a true bearing of 266° 37' 30" for a distance of about 3,523 feet to a beacon;

thence by a straight line on a true bearing of 356° 37' 30" for a distance of about 3,537 feet to a beacon;

1938

Native Lands Trust

No. XXVIII

thence by a straight line on a true bearing of $88^{\circ} 48' 33''$ for a distance of about 886 feet to a beacon;

thence by a straight line on a true bearing of $89^{\circ} 57' 25''$ for a distance of about 506 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 31' 20''$ for a distance of about 2,181 feet to a beacon on the western boundary of the Kenya and Uganda Railway Reserve;

thence southerly by that reserve boundary for a distance of about 3,300 feet to a point on a true bearing of $315^{\circ} 15' 40''$ from a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line to that beacon;

thence easterly, northerly, westerly, southerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that reserve boundary for a distance of about 700 feet to a beacon in the vicinity of Escarpment Station;

thence by a straight line on a true bearing of $13^{\circ} 01' 00''$ for a distance of 13.6 feet to a beacon;

thence by a straight line on a true bearing of $22^{\circ} 31' 14''$ for a distance of 990.5 feet to a beacon;

thence by a straight line on a true bearing of $266^{\circ} 43' 25''$ for a distance of 2,725.5 feet to a beacon on the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that reserve boundary for a distance of about 570 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 39' 03''$ for a distance of about 403 feet to a beacon;

thence by a straight line on a true bearing of $356^{\circ} 39' 03''$ for a distance of about 653 feet to a beacon;

thence by a straight line on a true bearing of $86^{\circ} 39' 03''$ for a distance of about 2,384 feet to a beacon;

thence by a straight line on a true bearing of $37^{\circ} 44' 20''$ for a distance of about 1,147 feet to a beacon;

thence northerly, north-easterly, north-westerly and south-westerly by a cut and beacons line, which forms part of the boundary of the Kikuyu Escarpment Forest Reserve, to its intersection with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary for a distance of approximately 8,000 feet to its intersection with the north-western boundary of L.R. No. 388/1; (6)

thence by the north-western and north-eastern boundaries of that portion to its easternmost corner;

thence by part of the south-eastern boundary of L.R. No. 388/1 for a distance of approximately 2,200 feet to a beacon;

thence generally south-easterly by part of the generally south-western boundary of the Kikuyu Escarpment Forest Reserve (northern portion) to its intersection with the Kimaiti River; (7)

thence northerly by the generally eastern boundary of the Kikuyu Escarpment Forest Reserve (northern portion) and the Aberdare Forest Reserve to the intersection of the western boundary of L.R. No. 5143 with the Muringato River; (8)

thence down-stream by that river to its intersection with the south-eastern boundary of L.R. No. 5152;

thence by a straight line on a true bearing of $46^{\circ} 08' 10''$ for a distance of about 3,430 feet to a beacon;

thence by a straight line on a true bearing of $114^{\circ} 58' 15''$ for a distance of 3,155.3 feet to a beacon;

thence by a straight line on a true bearing of $118^{\circ} 51' 06''$ for a distance of 1,872.0 feet to a beacon;

thence by a straight line on a true bearing of $73^{\circ} 25' 32''$ for a distance of 1,228.4 feet to a beacon on the western boundary of the portion known as Njengu Salt Lick;

thence by a straight line on a true bearing of $350^{\circ} 07' 27''$ for a distance of 1,423.1 feet to a beacon on the generally western boundary of the Nyeri-Rumuruti Road Reserve;

thence generally south-easterly by that road reserve boundary to the north-western corner of L.R. No. 6948;

thence southerly by the western boundary of that portion for a distance of 764.1 feet to a beacon;

thence by a straight line on a true bearing of $304^{\circ} 51' 17''$ for a distance of 2,032.5 feet to a beacon;

thence by a straight line on a true bearing of $253^{\circ} 25' 32''$ for a distance of 1,258.5 feet to the north-eastern corner of L.R. No. 4166;

thence north-westerly and south-westerly by the north-eastern and the north-western boundaries of that portion to the intersection of the latter with the Muringato River;

1st Sch - K.C.U.

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

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1105/2;

thence south-easterly by the generally south-western boundary of that portion and the generally western boundary of L.R. No. 1105/1 to the intersection of the latter with the Chania River;

thence down-stream by that river to its intersection with the western boundary of Nyeri Township (L.R. No. 1108);

thence by part of that boundary and by the southern and part of the eastern boundary of that township to the intersection of the last with the Chania River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1119;

thence by that boundary and by the southern, and part of the eastern boundary of that portion to the intersection of the last with the Chania River;

thence down-stream by that river to its junction with the Muringato River; (9)

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

thence easterly by a cut and cleared line to the intersection of the eastern boundary of L.R. No. 3469 with the Nairobi River;

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

~~thence easterly and northerly by the generally southern and eastern boundaries of the Mount Kenya Forest Reserve to the intersection of the southeastern boundary of L.R. No. 4634 with the Marania River;~~ (10)

thence down-stream by that river till it joins (or becomes) the Ngare Siolo (Isiolo River);

thence down-stream by the latter river to its intersection by the Nyeri-Archer's Post Road in the vicinity of the K.A.R. Wagon Camp;

thence north-easterly by a straight line to the southern of the two principal summits of Shaba Hill;

thence still north-easterly by a straight line to a cairn on the northern spur of the Gwau Hills about five miles in a north-easterly direction from Mgombe (Yombe) Crater; (11)

196/200 Kibuyu N.C.O.

thence in a south-easterly direction by a straight line to its intersection with the Kathima ya Magomo River at a point where that line produced would intersect a cairn on its left or eastern bank;

thence by that river down-stream till it becomes the Mackenzie River;

thence down-stream by that river to its junction with the Tana River; (12)

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

thence up-stream by the latter river to its intersection with the north-western boundary of the Kenya and Uganda Railway Reserve;

thence generally south-westerly by that railway reserve boundary to its intersection with the western boundary of the Thika-Fort Hall Road Reserve;

thence southerly, south-westerly and again southerly by that road reserve boundary to a point due west of the south-western corner of L.R. No. 1959/2; (13)

thence by a straight line to that south-western corner;

thence south-easterly and northerly by the south-western and the generally eastern boundaries of L.R. No. 1959/2 to the south-eastern corner of L.R. No. 325/7 (325/6/2);

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

12° 22' 03"	...	1,580.0 feet
2° 13' 19"	...	549.4 "
331° 01' 11"	...	385.5 "
17° 14' 39"	...	296.3 "
350° 12' 34"	...	576.9 "
329° 41' 58"	...	561.5 "
36° 38' 27"	...	980.1 "
25° 58' 26"	...	494.1 "
0° 36' 00"	...	416.3 "
348° 06' 55"	...	293.3 "
342° 30' 52"	...	770.4 "
70° 41' 47"	...	255.6 "
57° 19' 11"	...	824.3 "
96° 36' 59"	...	390.1 "
124° 22' 07"	...	646.6 "

to a beacon on the western boundary of L.R. No. 1965;

1938

Native Lands Trust

No. XXVIII

thence southerly by a part of the western boundary of that portion to its intersection with the Thaba Thaba River;

thence down-stream by the Thaba Thaba River to its intersection with the western boundary of L.R. No. 6912;

thence southerly by that western boundary to the north-eastern corner of L.R. No. 3511;

thence by the north-eastern boundary of that portion to its intersection with the Thara River;

thence up-stream by that river to its intersection with the western boundary of that road reserve which forms the western boundary of L.R. No. 319/3; (14)

thence generally southerly by that western boundary of that road reserve to its intersection with the Makindi River;

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

thence up-stream by the latter river to its intersection with the north-western boundary of L.R. No. 3557;

thence south-westerly by the north-western boundaries of L.R. Nos. 3557, 298/12 and 298/10 to the intersection of the last with the Thika River;

thence up-stream by that river to the northern corner of L.R. No. 2955/1/2/3;

thence generally south-westerly by the western boundary of L.R. No. 2955/1/2/3, the northern boundary of L.R. No. 2955/1/2/2 and the north-western boundary of L.R. No. 2955/1/1 to the intersection of the last with the Chania River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 295/3; (15)

thence south-westerly by that boundary and onwards by the same straight line to its intersection with the Kariminu River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 295/1/R;

thence south-westerly by the north-western boundaries of L.R. Nos. 295/1/R, 295/2/R and 295/7 to the intersection of the last portion with the north-eastern boundary of L.R. No. 290/2/1;

thence north-westerly by part of that boundary and the whole of the north-eastern boundary of L.R. No. 290/1 to the northernmost corner of the latter portion;

Kihuyu N. C. U.

thence south-westerly by the north-western boundaries of L.R. Nos. 290/1, 4907 and 291/1 to the intersection of the last portion with the Thiririka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 294/1/2/2;

thence south-westerly by that boundary to its intersection with the Theta River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 247/1; (16)

thence south-westerly by that boundary and the north-western boundary of L.R. No. 244 to the intersection of the latter with the Kamassie River which forms the north-eastern boundary of L.R. No. 115/3;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 115/3;

thence south-westerly by that boundary and the north-western boundary of L.R. No. 3678 to the intersection of the latter with the Ruiru River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 114/2;

thence by that boundary and part of the northern and the whole of the north-western boundaries of L.R. No. 113/1 to the intersection of the last with the Mukuyu River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 6000;

thence south-westerly by that boundary and part of the north-western boundary of L.R. No. 6710 to the north-eastern corner of L.R. No. 6763;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 6763, 4924, part of 4888, and the whole of 98/1 to the north-western corner of the last portion;

thence north-easterly and north-westerly by part of the north-eastern boundaries of L.R. No. 4888 to the northern-most corner of that portion;

thence south-westerly by the north-western boundary of the latter portion and of L.R. No. 4889 and 4890/4 to the intersection of the last with the Kamiti River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 3728; (17)

thence south-westerly by the north-western boundaries of L.R. Nos. 3728, 3729/3 and 5858 to the intersection of the last with the Kiu River;

Kihuyu M. C. U.

1938

Native Lands Trust

No. XXVIII

thence down-stream by that river to its intersection with the northern boundary of the Kiambu-Fort Hall Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the Riara River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 81/3;

thence south-westerly by that boundary to its intersection with the Gatharaini River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 86/3;

thence north-westerly and south-westerly by the generally north-eastern and north-western boundaries of L.R. No. 86/1 to the north-western corner of L.R. No. 86/2;

thence south-easterly by the generally south-western boundaries of L.R. Nos. 86/2, 86/1 and part of 86/3 to the northernmost corner of L.R. No. 85/1;

thence by the north-western boundaries of L.R. Nos. 85/1 and 7268 to its intersection with the northern boundary of L.R. No. 23;

thence by the northern boundaries of L.R. Nos. 23 and 22 to the intersection of the latter with the Kashi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 22;

thence south-westerly by that boundary to its intersection with the Rui Ruaka River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 21/1;

thence south-westerly by that boundary to its intersection with the Karura River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 18/1;

thence south-westerly by part of that boundary and the north-western boundary of L.R. No. 7008 to the easternmost corner of L.R. No. 3861;

thence by the north-eastern boundaries of L.R. Nos. 3861, 3862 and part of the north-western boundary of the latter portion to the easternmost corner of L.R. No. 2951/1/2;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 2951/1/2, 2951/1/3, 2951/1/4, 2951/1/5 and 2951/3 to the northernmost corner of the last portion;

thence south-westerly by the north-western boundary of the last portion to its intersection with the Gethathuru River; (18)

thence up-stream by that river to its intersection with the western boundary of L.R. No. 189/R;

thence south-westerly by the generally north-western boundary of that portion and L.R. No. 4065 and again of 189/R to the north-western corner of L.R. No. 189/A/2/R (Government Farm Extension);

thence by the western, southern, and eastern boundaries of that portion and the eastern boundary of L.R. No. 4077 to the intersection of the last with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to a beacon on the western boundary of L.R. No. 4393/R;

thence south-westerly by a straight line to the north-western corner of L.R. No. 5;

thence southerly, south-easterly and south-westerly by the western and south-western boundaries of that portion to its intersection with the Nairobi River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3734/R;

thence southerly by part of that boundary to the northern corner of L.R. No. 330; (19)

thence by part of the north-western and part of the south-western boundaries of the latter portion to the intersection of the latter with the Kerichwa Kubwa River;

thence by a straight line due south for a distance of approximately 302 feet to a beacon on the south-western boundary of the Dagoreti Road Reserve;

thence south-easterly by that road reserve boundary to its intersection with the northern boundary of the Ngong Road Reserve;

thence south-westerly by that road reserve for a distance of approximately 10,840 feet to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence northerly, easterly, northerly, westerly, southerly, north-westerly and again southerly by the generally northern boundary of that forest reserve to the intersection of the last with the Mutoini River which forms the northern boundary of L.R. No. 191; (20)

thence up-stream by that river to the intersection with the north-western boundary of L.R. No. 195/3;

thence south-westerly by part of that boundary to the north-eastern corner of L.R. No. 196/7;

thence by the northern and part of the north-western boundary of that portion to the north-eastern corner of L.R. No. 197;

thence north-westerly by the north-eastern boundary of that portion to the north-eastern corner of L.R. No. 2377;

thence by the north-eastern, and north-western boundaries of L.R. No. 2377 to the intersection of the latter with the Mbagathi River;

thence up-stream by that river to the southernmost corner of L.R. No. 2256/7 (lower portion of the Dagoreti Forest Reserve);

thence by the south-eastern, eastern, northern, western and again northern and western boundaries of that forest reserve to its south-western corner;

thence north-westerly by a straight line to a beacon at the south-eastern corner of L.R. No. 369; (21)

thence by the eastern boundaries of L.R. Nos. 369, 370, 371 and 373 (now part of Masai native land) to the southern corner of L.R. No. 374;

thence by the south-eastern boundary of that portion and part of the south-western boundary of L.R. No. 378 to the point of commencement. (1)

The whole of the area described as follows, is excluded from this native land with the exception of the portions known as L.R. Nos. 178 and 1126 in the vicinity of Kikuyu Station;

Commencing at the easternmost corner of L.R. No. 183/R;

thence generally north-westerly by the north-eastern and northern boundaries of L.R. No. 183/R and the northern boundary of L.R. No. 1641 to the intersection of the last with the south-eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to its intersection with the southern boundary of L.R. No. 233 (Railway Quarry Reserve);

thence by the southern, eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence by a straight line on a true bearing of $275^{\circ} 33' 28''$ to its intersection with the western boundary of the Kenya and Uganda Railway Reserve;

thence south-westerly by that railway reserve boundary to its intersection with the north-western boundary of L.R. No. 231 (Kikuyu Trading Centre);

thence south-easterly by part of the northern boundary of that portion to the south-eastern corner of L.R. No. 4871/9;

thence northerly by the generally eastern boundary of L.R. Nos. 4871/9-16 and 4955/5-10 to the northernmost corner of the last portion;

thence by the north-eastern and north-western boundaries of L.R. No. 4870 to the intersection of the latter with the eastern boundary of the Kenya and Uganda Railway Reserve;

thence northerly by that railway reserve boundary to a point on the production of the northern boundary of L.R. No. 4885;

thence westerly by a straight line to the north-eastern corner of L.R. No. 4885 and onwards by part of the northern boundary of that portion, and the northern boundary of L.R. No. 4495 to the north-western corner of the latter portion;

thence westerly and southerly by part of the northern boundary and the western boundary of L.R. No. 4885 to the south-western corner of that portion which is on the eastern boundary of the Muguga Forest Reserve (L.R. No. 4447);

thence north-westerly and southerly by the generally north-eastern and generally western boundary of the Muguga Forest Reserve to the north-western corner of L.R. No. 4025;

thence south-easterly by the south-western boundary of that portion and of L.R. Nos. 4026, 4027 and 1057 to the south-western corner of the last portion;

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which form the boundary of the northern portion of the Dagoreti Forest Reserve L.R. No. 2256/6) to the intersection of the last with the southern boundary of L.R. No. 1057;

thence easterly by part of the southern boundary of L.R. No. 1057 and the southern boundaries of L.R. Nos. 182/2/1 and 182/2/2 to the south-eastern corner of the last portion;

thence north-easterly by the south-eastern boundary of L.R. No. 182/2/2 to its intersection with the Niongana River;

Kikuyu N.C.V.

thence down-stream by that river to its intersection with the western boundary of L.R. No. 7219;

thence by the western, southern, south-eastern and eastern boundaries of L.R. No. 7219 to the intersection of the last with the Niongana River;

thence down-stream by that river to its junction with an unnamed river which forms part of the north-eastern boundary of L.R. No. 7219;

thence up-stream by that unnamed river to its intersection with the south-eastern boundary of L.R. No. 1054;

thence north-easterly by part of that boundary and the south-eastern boundaries of L.R. Nos. 5945 and 183/R to the point of commencement.

Excluding and excepting:—

L.R. Nos. 187, 188/1, 188/2, 190, 226, 227, 228, 229, 230, in the vicinity of Fort Smith.

L.R. No. 1058, adjoining Dagoreti Township.

L.R. No. 1127, in the vicinity of Government Farm Extension, Kabete.

L.R. No. 232, in the vicinity of Kikuyu Station.

L.R. No. 236, R.C. Mission west of Kiambu Township.

L.R. Nos. 1064, 1065 and 1066, A.I. Mission, Kambui.

L.R. No. 1760, Water Works Reserve, due east of the Kikuyu Escarpment Forest Reserve (south-eastern portion).

L.R. No. 325/8 (325/6/3), Water Fall Reserve, in the vicinity of Fort Hall.

That portion of L.R. No. 7167 which lies to the north of the Maragua River.

- in the words added by S.N. 556/41.1.197

PART II

In the vicinity of Fort Hall.

Commencing at a beacon situated on the western boundary of L.R. No. 1965 at a distance of 1639.8 feet from its northernmost corner;

thence southerly by part of the western boundary of that portion for a distance of 6,130.9 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

304° 22' 07"	...	555.0 feet
276° 36' 59"	...	462.6 "
237° 19' 11"	...	853.0 "
250° 41' 47"	...	237.8 "
342° 30' 52"	...	162.9 "
337° 38' 08"	...	117.9 "
314° 09' 59"	...	665.8 "
14° 54' 59"	...	495.7 "
342° 29' 29"	...	152.6 "
304° 32' 43"	...	500.0 "
313° 45' 50"	...	2,051.7 "
55° 34' 05"	...	685.5 "
16° 52' 15"	...	501.7 "
14° 30' 27"	...	471.8 "
14° 31' 17"	...	2,377.8 "
14° 29' 51"	...	376.7 "
97° 53' 14"	...	903.6 "
142° 00' 19"	...	587.9 "
131° 09' 58"	...	405.0 "

to a beacon at the point of commencement.

(2) BOUNDARIES OF THE MASAI NATIVE LAND UNIT

Commencing at the intersection of the Mbagathi River with the north-western boundary of L.R. No. 197; (1)

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

thence south-easterly by the south-western boundaries of L.R. Nos. 197 and 5842 to the northernmost corner of L.R. No. 1161;

thence by the north-western and the south-western boundaries of that portion and the south-western and part of the south-eastern boundary of L.R. No. 192/1/2 to the westernmost corner of L.R. No. 193/3;

thence by the south-western and part of the south-eastern boundary of the last portion to the north-eastern corner of L.R. No. 4942;

thence south-easterly and easterly by the western and southern boundaries of L.R. Nos. 4942, 4944, 5932, 5892, 5830/R, 6967 and 6939 to the intersection of the last with the Mbagathi River;

thence down-stream by that river till it becomes the Athi River and onwards to its intersection with the generally western boundary of L.R. No. 7274;

thence southerly by that generally western boundary to its intersection with the Kitengela River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 7263;

thence south-westerly and south-easterly by the north-western and south-western boundaries of that portion to the intersection of the latter with the north-western boundary of the Kenya and Uganda Railway Reserve; (2)

thence south-easterly by that railway reserve to its intersection with the western boundary of Konza Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the southern boundary of that railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the western boundary of Sultan Hamud Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the western boundary of Emali Trading Centre;

thence by part of the western, the whole of the southern and part of the eastern boundaries of that trading centre to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence by that railway reserve to its intersection with the north-western boundary of Simba Station Reserve;

thence by part of the north-western, the whole of the south-western and part of the south-eastern boundaries of that station reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

Masai W. 111

No. XXVIII Native Lands Trust

1938

thence by that railway reserve to its intersection with the Kiboko River; (3)

thence up-stream by that river to its intersection with the straight line joining the Trigonometrical Beacons Emali and Chyulu;

thence south-easterly by a straight line to the Trigonometrical Beacon Chyulu;

thence south-easterly by the summits of the Chyulu-Ngulia Range for a distance of approximately 12 miles to a beacon;

thence southerly by a straight line to a point due east of, and one mile distant from, the Eidalal Water-hole;

thence, still southerly, by a straight line passing through Magoine Camp to its intersection with the Rombo River; (4)

thence up-stream by that river to a point due north of a point situated due east of, and 23,000 feet distant from, the Trigonometrical Beacon Njugini;

thence due south by a straight line to its intersection with the Tsavo River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 7287;

thence northerly by a straight line to the Trigonometrical beacon Njugini;

thence westerly by a straight line to a beacon on the Kenya-Tanganyika Boundary;

thence north-westerly by the Kenya-Tanganyika boundary to Beacon No. 17; (5)

thence by a cut and beacons line on a true bearing of 346° 46' to the junction of the Kasumi and Gori Rivers;

thence down-stream by the latter river to its junction with the Koitwa River;

thence by a cut and beacons line on a true bearing of 353° 30' to its intersection with the Sari River;

thence up-stream to the beacons source of that river;

thence north-easterly by a cut and beacons line to the Trigonometrical Beacon Gelegele; (6)

thence south-easterly by a straight line to the Trigonometrical Beacon Abossi;

thence south-easterly by a straight line to the junction of the Nyangoris and Amala Rivers;

thence up-stream by the latter river to a point on the production of a line on a true bearing 128° 11' 28" from the Trigonometrical Beacon Kibiosi;

thence north-westerly by a cut and beacons line to that trigonometrical beacon and onwards by a cut and beacons line to the Trigonometrical Beacon Kabroret;

thence by a cut and beacons line on a true bearing of 339° 05' 44" to its intersection with the Kipsonoi River; (7)

~~thence north-easterly by a straight line to the south-western corner of L.R. No. 4600;~~

thence by the generally south-eastern boundaries of L.R. No. 4600 and 4598 to the north-eastern corner of the latter portion;

thence by part of the generally south-eastern boundary of L.R. No. 4597 for a distance of approximately 2,800 feet to its intersection with a cut and beacons straight line;

thence south-easterly by that cut and beacons straight line which is on a true bearing of 100° 29' 29" for a distance of 12,354.2 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

12° 29' 29"	...	7,899 feet
23° 37' 13"	...	11,760.2 "
60° 56' 43"	...	3,294.6 "
74° 52' 34"	...	11,498.2 "
126° 00' 55"	...	3,486.4 "
128° 01' 32"	...	6,135.2 "
117° 13' 37"	...	24,163.7 "
145° 23' 35"	...	9,007.8 "
112° 04' 02"	...	3,048.3 "

to a beacon on the western boundary of L.R. No. 3990;

thence southerly and easterly by part of the western boundary and the whole of the southern boundary of the latter portion to its south-eastern corner;

thence generally southerly by the generally western boundary of L.R. No. 1316 to the southernmost corner of that portion;

thence north-easterly by part of the south-eastern boundary of the latter portion for a distance of 30,283.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

140° 38' 53"	...	1,016 feet
151° 04' 32"	...	500.9 "
122° 16' 52"	...	534.8 "
121° 01' 39"	...	760.95 "
123° 56' 06"	...	736.4 "
121° 34' 27"	...	841.95 "
122° 45' 25"	...	392.9 "
132° 05' 08"	...	350.1 "
140° 54' 00"	...	632.54 "
131° 33' 01"	...	878.73 "
133° 15' 19"	...	763.3 "
153° 19' 51"	...	462.85 "
111° 15' 07"	...	644.04 "
56° 55' 52"	...	12,829.1 "
63° 26' 56"	...	16,082.5 "

to a beacon at the north-western corner of L.R. No. 1771; (8)

thence by the western boundary of L.R. No. 1771 to the north-western corner of L.R. No. 7265;

thence by the south-western boundary of that portion to its intersection with the Marmonet River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 411;

thence by part of the western, the whole of the south-eastern and part of the eastern boundaries of that portion to the intersection of the last boundary with the Marmonet River;

thence down-stream by that river to its intersection with the north-western boundary of L.R. No. 410/2;

thence by the north-western and the south-western boundaries of that portion to the northernmost corner of L.R. No. 1381;

thence by the western boundary of that portion to the northernmost corner of L.R. No. 1380;

thence southerly by the generally western boundaries of L.R. No. 1380 to the southernmost corner of that portion;

thence generally southerly and easterly by the generally western and southern boundaries of L.R. No. 2662 to the south-eastern corner of that portion;

1938

Native Lands Trust

No. XXVIII

thence south-easterly by a cut and beacons straight line for a distance of approximately 54,758.3 feet to a beacon on the Kijabe-Narok Road; (9)

thence south-easterly by a straight line to the westernmost corner of L.R. No. 375;

thence by the south-western boundaries of L.R. Nos. 375 and 373 to the southernmost corner of the latter portion;

thence southerly by the eastern boundaries of L.R. Nos. 371, 370 and 369 to the south-eastern corner of the last portion;

thence easterly by a straight line to the south-western corner of L.R. No. 2256/4, Dagoreti Forest Reserve (lower portion);

thence easterly by the southern boundary of that forest reserve to its intersection with the Mbagathi River;

thence by that river down-stream to the point of commencement: (1)

Excluding and excepting—

- (a) station and other railway reserves on the Mombasa-Nairobi main line whether specifically mentioned or not;
- (b) the Lake Magadi (L.R. No. 1026) and the Lake Natron (L.R. No. 3867) concessions;
- (c) L.R. No. 7092, south-west of Kajiado Station.

(3) BOUNDARIES OF THE KAMBA NATIVE LAND UNIT

This land unit consists of the following two areas and is connected by a corridor 450 feet wide through L.R. No. 914; which corridor shall not be deemed to be included within the native land unit.

PART I

Commencing at the southernmost corner of L.R. No. 3596 (Koma Rock); (1)

thence north-easterly by the south-eastern boundaries of L.R. Nos. 3596, 3595 and 2360 to the north-eastern corner of the last portion;

thence by a straight line across the road reserve to the south-eastern corner of L.R. No. 2709;

thence north-easterly by the south-eastern boundaries of that portion and of L.R. No. 1530 to the south-western corner of L.R. No. 1846/2;

thence south-easterly by the south-western boundary of L.R. No. 1846/2 to its intersection with the Mutonyi River;

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

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

thence down-stream by that river to its intersection with the northern boundary of the old Machakos-Kitui track;

thence north-easterly by that boundary to its intersection with the Tiva River; (2)

thence by that river up-stream for a distance of about $4\frac{1}{4}$ miles;

thence by a straight line to a cairn on its right bank;

thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacon Mwakini;

thence generally north-easterly by a line defined by a series of cairns to its intersection with the straight line joining the Trigonometrical Beacons Thatha and Ndalai;

thence south-easterly by that straight line to the Ngomolo River;

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

thence down-stream by that river to its junction with the Kiluluma or Tana River; (3)

thence down-stream by the latter river to its intersection with the straight line having a true bearing of 340° from the summit of Ukazzi Hill;

thence south-easterly by that straight line to the summit of Ukazzi Hill; (4)

thence still south-easterly by a straight line to the summit of Maditha Hill;

thence south-westerly by straight lines to the summit of Makambani Hill and onward to the summit of Karkindu Hill (Trigonometrical Beacon Kimathena); (5)

thence south-westerly by a straight line to a point on the Athi River immediately below the Ikutha-Kibwezi Ford;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 914;

1938

Native Lands Trust

No. XXVIII

thence westerly by the northern boundary of that portion to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve; (6)

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Makindu Trading Centre;

thence by part of the south-eastern, the whole of the north-eastern and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with a cut and beacons line on a true bearing of $257^{\circ} 42' 31''$ from the Trigonometrical Beacon Twanda;

thence by that cut and beacons line to that trigonometrical beacon and onwards to its intersection with the Mbioni River;

thence down-stream by that river to its junction with the Kikuuni or Kiangini River;

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

thence by that river up-stream to its source;

thence by a straight line to a beacon on Ithumba Hill;

thence by a cut and beacons line on a true bearing of $187^{\circ} 02' 33''$ to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary to its intersection with the south-eastern boundary of Emali Trading Centre;

thence by part of the south-eastern, the whole of the south-western and part of the north-western boundaries of that trading centre to the intersection of the last boundary with the northern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly by that railway reserve boundary for a distance of 2,639.9 feet to a beacon;

thence northerly by a straight line on a true bearing of $21^{\circ} 26' 09''$ for a distance of 9,421 feet to its intersection with the Mwani River; (7)

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 1758/2;

thence generally north-westerly by the generally north-eastern boundary of that portion to the north-eastern corner of L.R. No. 1757;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 1757, 1756, 1755, 1754 and 1751 to the northernmost corner of the last portion; (8)

thence northerly by the generally eastern boundaries of L.R. Nos. 1743, 1696/2, 1696/1, 1742, 1741 and 5933 to the northernmost corner of the last portion;

thence northerly by the eastern boundaries of L.R. Nos. 7225/2, 7225/1 and 7226 to the north-eastern corner of the last portion;

thence westerly by part of the northern boundary of that portion to its intersection with the Kamutwa River;

thence down-stream by that river, which forms the south-eastern boundary of L.R. No. 4937, to the intersection with the eastern boundary of that portion;

thence northerly by that eastern boundary and the generally eastern boundary of L.R. No. 1491 (south-western portion of Machakos Township) to the north-eastern corner of that portion;

thence westerly by the northern boundary of L.R. No. 1491 to its intersection with the Murongoni River;

thence up-stream by that river to its intersection with the southernmost corner of L.R. No. 4932;

thence northerly by the eastern boundaries of L.R. Nos. 4932, 1420/1, 1423/2, 5942, 361/1, 361/2, again 361/1, 3605, 3607, 3603, 3602 and 2365 to the point of commencement: (1)

Excluding and excepting—

L.R. No. 1425, in the vicinity of Makindu Station;

L.R. No. 4969, north of Machakos Township.

PART II

Commencing at a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve at a point of intersection with a straight line on a true bearing of $198^{\circ} 50' 17''$ from the Trigonometrical Beacon on Muthanzau Hill;

thence by that straight line to that beacon;

thence by a straight line on a true bearing of $97^{\circ} 11' 20''$ for a distance of 13,964.5 feet to the Trigonometrical Beacon on Moniyuni Hill;

thence by a straight line on a true bearing of $128^{\circ} 31' 44''$ for a distance of 27,714.3 feet to the Trigonometrical Beacon on Nguruwani Hill;

thence by a cut and beacons line on a true bearing of $190^{\circ} 44' 10''$ for a distance of 7,750 feet to its intersection with the Kibwezi River;

thence by that river up-stream to its junction with an unnamed stream which flows through Lake Kikoo;

thence onwards by the Kibwezi River to its intersection with a line parallel to and 15 feet from that unnamed stream:

thence by that parallel line which follows the left bank of that unnamed stream (except where it passes Lake Kikoo and another small lake where the line is 15 feet from the edge of the lakes) to a point due north of a beacon near the source of that unnamed stream;

thence due south to that beacon;

thence by a straight line on a true bearing of $252^{\circ} 41' 20''$ for a distance of 749.4 feet to a beacon;

thence by a straight line on a true bearing of $48^{\circ} 11' 00''$ for a distance of 410.0 feet to a beacon;

thence by a straight line on a true bearing of $336^{\circ} 15' 00''$ for a distance of 521.0 feet to a beacon;

thence by a straight line on a true bearing of $272^{\circ} 22' 02''$ for a distance of 27,658.4 feet to a beacon on the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence up-line by that boundary to the point of commencement.

(4) BOUNDARIES OF THE KERIO NATIVE LAND UNIT

Commencing at the intersection of the northern boundary of L.R. No. 4140/2/R with the Suam (or Swam) River;

thence down-stream by that river till it becomes the (1) River Turkwel;

thence continuing down-stream by that river to where it emerges from the Turkwell Gorge at Lokwien; thence south-easterly by a straight line to the ford Nainuk on the River Wewe;

thence easterly by that line to the River Wewe;

thence up-stream by that river to its junction with the dry river-bed leading from the water-hole in Lotonok;

thence up-stream by that dry river-bed to that water-hole;

thence by the Ngabotok-Kolosia track to the river Kerio at the latter place (but so that Kolosia be included);

thence south-easterly by a straight line to the summit of the hill Mugar; (2)

thence south-easterly by a straight line to Karpeddo Post (but so that the whole of this Post shall be included);

thence south-easterly by a straight line to the summit of Mount Sillali;

thence south-easterly by a straight line to the summit of Ol Doinyo Lengere (Alengerr);

thence in a generally southerly direction—by a series of straight lines—through the heights shown 4241, 4263, 4291, 4320, 4070 and 4141 on the Topographical Sheet North A.37/S to a beacon on a small hill about one mile east of Old Baringo Boma; (3)

thence by a straight line on a true bearing of $166^{\circ} 46' 05''$ for a distance of 19,104.2 feet to a beacon;

thence by a straight line south-westerly to the summit of the hill Morillo;

thence by a straight line still south-westerly to the height on the Laikipia Escarpment shown 4457 on the aforementioned sheet (latitude $0^{\circ} 24' 50''$ north, longitude $36^{\circ} 07' 30''$ east approximately);

thence by a straight line south-easterly to the northern corner of L.R. No. 2689/R;

thence westerly by the northern boundary of that portion to its intersection with the Ghusha Luger (En Dilo) River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2687;

thence westerly by part of the northern boundary of L.R. No. 2687 and the northern boundary of L.R. No. 2682 to the north-western corner of the latter portion;

thence southerly by the western boundaries of that portion and of L.R. No. 3630 to the south-western corner of the latter portion;

thence by the western boundaries of L.R. Nos. 2680 and 1168 to the south-western corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 1650 to the north-western corner of that portion;

thence south-westerly, westerly and southerly by the generally northern boundary and the western boundary of L.R. No. 5259/2 to the Trigonometrical Beacon Legisianan;

thence by a straight line to the north-eastern corner of L.R. No. 5260;

thence by the generally northern boundary of that portion to the north-eastern corner of L.R. No. 3843;

thence westerly by part of the northern boundary of L.R. No. 3843 to the south-eastern corner of L.R. No. 3844; (4)

thence by the eastern and the northern boundaries of the latter portion and the northern boundaries of L.R. Nos. 3732/R and 5672 to the intersection of the last with the Molo River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 662;

thence by the north-eastern and north-western boundaries of that portion to the western corner;

thence by a straight line on a true bearing of $138^{\circ} 00' 18''$ for a distance of 2,201.3 feet to a beacon.

thence by a straight line on a true bearing of $210^{\circ} 32' 11''$ for a distance of 8,746.4 feet to a beacon;

thence by a straight line on a true bearing of $318^{\circ} 27' 00''$ for a distance of 2,381.7 feet to a beacon;

thence by a straight line on a true bearing of $226^{\circ} 03' 57''$ for a distance of 6,613.6 feet to the eastern corner of L.R. No. 488;

thence north-westerly by the north-eastern boundary of that portion to its intersection with the Esageri River;

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

thence by that river up-stream to its intersection with the north-eastern boundary of L.R. No. 497/3/3;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 497/3/3 and 497/4 to the northernmost corner of the latter portion;

thence by a straight line to the eastern corner of L.R. No. 497/3/1 and onwards by the north-eastern boundary of that portion to its intersection with the Tiggeri River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 503 (Lembus Forest Reserve);

Kenia M.L.O.

thence northerly by part of the eastern boundary of that reserve to its north-eastern corner;

thence westerly by the northern boundary of that reserve to the south-eastern corner of L.R. No. 5690/R;

thence northerly by the eastern boundary of that portion for a distance of about 624 feet to its intersection with Kinoinoi River;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 5690/R;

thence north-westerly by part of that north-eastern boundary to the southernmost corner of L.R. No. 7210; (5)

thence northerly and south-westerly by the eastern and north-western boundaries of the latter portion to the north-eastern corner of L.R. No. 5687;

thence westerly by the northern boundary of the latter portion to the southernmost corner of L.R. No. 6445;

thence north-easterly by the south-eastern boundaries of L.R. Nos. 6445 and 6446 to the eastern corner of the latter portion;

thence by part of the north-eastern boundary of the latter portion for a distance of 561.4 feet to a beacon;

thence by a straight line on a true bearing of 33° 01' 17" for a distance of 2,847.2 feet to a beacon;

thence by a straight line on a true bearing of 57° 23' 37" for a distance of 1,776.1 feet to a beacon;

thence by a straight line on a true bearing of 104° 32' 54" for a distance of 7,436.7 feet to a beacon;

thence by a straight line on a true bearing of 60° 08' 36" for a distance of 5,890 feet to its intersection with the Kinoinoi River;

thence down-stream by that river for a distance of approximately 4,300 feet to a point on a bearing of 84° 26' 17" from a beacon on its left bank;

thence by a straight line on a true bearing of 274° 26' 17" for a distance of 3,456 feet to a beacon;

thence by a straight line on a true bearing of 258° 18' 33" for a distance of 8,029.9 feet to its intersection with the northern boundary of the Kenya and Uganda Railway Reserve;

thence generally westerly by that railway reserve boundary for a distance of approximately 3,000 feet to a point on a bearing of $80^{\circ} 39' 41''$ from a beacon at the south-eastern corner of L.R. No. 6453;

thence by a straight line to that beacon;

thence northerly by the eastern boundary of L.R. No. 6453 for a distance of approximately 6,416 feet to a beacon at the south-western corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence by a straight line on a true bearing of $90^{\circ} 01' 27''$ for a distance of 2,178.6 feet to a beacon;

thence by a straight line on a true bearing of $188^{\circ} 12' 52''$ for a distance of 3,731.8 feet to a beacon;

thence by a straight line on a true bearing of $65^{\circ} 48' 10''$ for a distance of 9,002.7 feet to a beacon;

thence by a straight line on a true bearing of $90^{\circ} 01' 27''$ for a distance of 3,345.7 feet to a beacon at the south-eastern corner of L.R. No. 908/R (South Elgeyo Forest Reserve);

thence northerly by part of the eastern boundary of that forest reserve for a distance of approximately 32,600 feet to its intersection with the Mindarila River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 6,664;

thence northerly by part of that boundary and the eastern boundary of L.R. No. 1727 to the north-eastern corner of the latter portion;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

$53^{\circ} 56' 28''$	...	9,965.2 feet
$53^{\circ} 57' 36''$	...	8,529.6 „
$346^{\circ} 01' 39''$	...	3,990.8 „
$310^{\circ} 49' 25''$	...	2,716.7 „
$13^{\circ} 00' 46''$	...	3,448.6 „
$303^{\circ} 54' 03''$	...	15,672.2 „

to a beacon on the north-eastern boundary of L.R. No. 907/R (South Elgeyo Forest Reserve);

thence north-westerly and westerly by part of the north-eastern and the northern boundary of that forest reserve to its intersection with the eastern boundary of L.R. No. 902/2;

Keele M.L.V.

thence northerly by part of that eastern boundary and the eastern boundary of L.R. No. 1561 to the north-eastern corner of the latter portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3975 and 4473 to the north-eastern corner of the latter portion;

thence by a straight line on a true bearing of 325° 02' 22" for a distance of 18,588.4 feet to a beacon;

thence by a straight line on a true bearing of 329° 15' 15" for a distance of 12,623.6 feet to a beacon on the eastern shore of Lake Sergoit;

(6)

thence due west by a straight line to its intersection with the low water mark of that lake;

thence northerly by that low water mark and the eastern bank of the Arobobutch River to its intersection with the southern boundary of L.R. No. 876;

thence easterly by the southern boundaries of that portion and of L.R. Nos. 874 and 875/1 to the intersection of the last with the Kipkitoi River;

thence down-stream by that river which forms the eastern boundary of L.R. Nos. 875/1 and 875/2 to its intersection with the eastern boundary of L.R. No. 873/2;

thence northerly by the eastern boundaries of L.R. Nos. 873/2 and 873/3 to the north-eastern corner of the latter portion;

thence westerly by part of the northern boundary of L.R. No. 873/3 for a distance of 2,321.2 feet to a beacon;

thence by a straight line on a true bearing of 351° 18' 24" for a distance of 848.32 feet to a beacon;

thence by a straight line on a true bearing of 59° 06' 16" for a distance of 1,425.0 feet to a beacon;

thence by a straight line on a true bearing of 132° 24' 22" for a distance of 1,826.6 feet to a beacon on the eastern boundary of L.R. No. 5755;

thence northerly by part of the eastern boundary of that portion to the south-western corner of L.R. No. 4592;

thence by the southern, generally eastern and northern boundaries of that portion to the intersection of the last with the eastern boundary of L.R. No. 3771;

thence northerly by that eastern boundary for a distance of about 17,375 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

230° 44' 47"	...	474.5 feet
262° 13' 13"	...	634.6 "
342° 17' 52"	...	659.9 "
305° 52' 36"	...	839.8 "
17° 45' 28"	...	420.7 "

to a beacon at the north-eastern corner of L.R. No. 5347;

thence westerly by the northern boundary of that portion to its intersection with the Moyben River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 4635;

thence westerly by that boundary to the south-eastern corner of L.R. No. 3046;

thence by the eastern and northern boundaries of that portion to the intersection of the latter with the Charangai River;

thence up-stream by that river to its intersection with the northern boundary of L.R. No. 2227;

thence westerly by that boundary to its intersection with the eastern boundary of L.R. No. 2226;

thence northerly by part of that eastern boundary and the eastern boundaries of L.R. Nos. 3047 and 2210 to the north-eastern corner of the last portion;

thence westerly by the northern boundary of L.R. No. 2210 to its intersection with a river which forms the north-western boundary of that portion;

thence down-stream by that river to its intersection with the north-eastern boundary of L.R. No. 2225;

thence by that north-eastern boundary to the north-eastern corner of L.R. No. 2222;

thence by part of the northern boundary of that portion for a distance of 5,851.8 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

347° 26' 43"	...	5,745.5 feet
60° 41' 49"	...	2,601.1 "
279° 19' 13"	...	3,362.8 "
22° 16' 18"	...	2,038.8 "
65° 21' 24"	...	5,191.8 "

Kerico M. C. U.

thence by a straight line on a true bearing of 338° 11' 30" to a beacon at the westernmost corner of L.R. No. 2980;

thence easterly and northerly by the generally southern and eastern boundaries of L.R. No. 2980 to the northernmost corner of that portion;

thence northerly by the eastern boundary of L.R. No. 3020/1/R to the north-eastern corner of that portion;

thence north-westerly by the north-eastern boundaries of L.R. Nos. 3020/1/R, 2173/2, 3017 and 2167/R to the northernmost corner of the last portion (Cherangani); (7)

thence north-westerly by the north-eastern boundaries of L.R. Nos. 5595, 5559, 6904, 2160, 2158, 2156/3 and 5783 to the northernmost corner of the last portion;

thence westerly by the generally northern boundaries of L.R. Nos. 5783, 6684 and 2130/1 to the north-western corner of the last portion;

thence southerly by the western boundary of L.R. No. 2130/1 to its intersection with the Kabega River;

thence up-stream by that river to its junction with an unnamed river;

thence by that unnamed river which forms part of the north-eastern boundary of L.R. No. 5771 to its intersection with the south-eastern boundary of L.R. No. 5789;

thence by part of the south-eastern and the north-eastern boundary of L.R. No. 5789 and the north-eastern boundaries of L.R. Nos. 5788, 5529 and 2167/1 to the northernmost corner of the last portion;

thence southerly by the western boundary of L.R. No. 2167/1 to the north-eastern corner of L.R. No. 2037;

thence westerly by the generally northern boundaries of L.R. Nos. 2037, 2035 and 2033/R to the north-western corner of the last portion;

thence northerly by part of the eastern boundary of L.R. No. 4140/2/R to the north-eastern corner of that portion;

thence south-westerly by part of the north-western boundary of L.R. No. 4140/2/R to its intersection with the road reserve, across the road reserve and onwards to its intersection with the Swam River; the point of commencement: (1)

Excluding and excepting—

the following farms in the vicinity of Eldama Ravine:
L.R. Nos. 488, 489, 490, 5249, 5276, 6262, 5641 and
493;

(5) BOUNDARIES OF THE NANDI NATIVE LAND
UNIT

Commencing at the Trigonometrical Beacon Bwanga
(Moenye) at the south-western corner of L.R. No. 4130; (1)

thence easterly by the southern boundaries of L.R. Nos.
4130, 4126, 5598, 4285 and 4289 to the south-western corner
of L.R. No. 755/1;

thence south-easterly by the south-western boundaries of
L.R. Nos. 755/1, 755/2/1, 755/2/2, 5323, 755/4/R to the
south-eastern corner of the last portion (Eldalat);

thence by the generally western boundaries of L.R. Nos.
5731, 766/1, 766/2, 766/3, 749, 748, 747, 6467, 6609, 6608,
6478, 693/1, 689, 3063, 4137, 4281 and 686 to the southern
corner of the last portion (Olessos); (2)

thence by the north-western boundary of L.R. No.
6457/R and onwards across a road reserve to the northern-
most corner of L.R. No. 1484;

thence by the north-western boundaries of L.R. Nos.
1484, 6775, 1481/R and part of 1478A to its intersection
with the Kapsumbeyua River;

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

thence down-stream by the latter river to its intersection
with the northern boundary of L.R. No. 1371;

thence by the northern boundary of the latter portion to
its north-western corner;

thence by the western boundary of L.R. No. 1371 to its
intersection with the Kamarya River;

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

thence down-stream by that river to the northern corner
of L.R. No. 6008;

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

thence south-westerly by a straight line to the western
corner of L.R. No. 1608/1;

thence south-easterly by part of the south-western boundary of that portion to its intersection with the Kapchure River;

thence by that river down-stream to its intersection with the north-eastern boundary of L.R. No. 1587/R;

thence north-westerly by part of the north-eastern boundary of that portion to the south-eastern corner of L.R. No. 1587/1 (Kiboin Salt Lick);

thence by the south-eastern, south-western and north-western boundaries of that portion to its northern corner;

thence north-westerly by a straight line to the north-eastern corner of L.R. No. 1605; (3)

thence westerly by the northern boundaries of L.R. Nos. 1605, 1604 and 1603 to the north-western corner of the last portion;

thence north-westerly by the north-eastern boundary of L.R. No. 1602/5 to its northern corner;

thence by a part of the western boundary of that portion for a distance of 1,764.0 feet to a beacon at the north-eastern corner of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the south-eastern corner of L.R. No. 6038;

thence by the north-eastern northern and western boundaries of that portion to its south-western corner on the northern boundary of L.R. No. 4399/R;

thence generally westerly by a part of the northern boundary of that portion to the southern corner of L.R. No. 2724;

thence by the eastern and northern boundaries of that portion and by part of the northern boundary of L.R. No. 5446 to the north-western corner of the latter portion;

thence westerly by the northern boundaries of L.R. Nos. 1494 and 652/2/R to the north-western corner of the latter portion;

1938

Native Lands Trust

No. XXVIII

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

285° 57' 07"	...	2,393.4 feet
287° 17' 16"	...	2,129.1 „
287° 14' 46"	...	2,156.7 „
287° 53' 16"	...	480.2 „
293° 01' 43"	...	619.1 „
338° 56' 53"	...	1,707.9 „

to a beacon on the eastern boundary of L.R. No. 654/18;

thence generally northerly by the generally eastern boundary of that portion to its intersection with the Kibos River; (4)

thence northerly by a straight line to the summit of Siruma Hill and onwards by a straight line to the summit of Kapserton Hill;

thence by a straight line north-easterly to the summit of Chepkori Hill;

thence in a generally north-easterly direction by cairns and cleared line to the Trigonometrical Beacon Kapwaren;

thence northerly by a straight line to the south-west corner of L.R. No. 1890;

thence by the western boundaries of L.R. Nos. 1890 and 1891 to the intersection of the latter with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence northerly by that road reserve boundary to its intersection with the Mchomekek River;

thence down-stream by that river to its intersection with the western boundary of L.R. No. 1762;

thence by the western boundary of L.R. No. 1762 and the western and northern boundaries of L.R. No. 1900;

thence by the western and northern boundaries of L.R. No. 1906 and the northern boundary of L.R. No. 1905 to the Trigonometrical Beacon Chapkaigat at the north-east corner of the last portion; (5)

thence in a generally northerly direction by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Bwanga (Moenye); the point of commencement. (1)

Kavirondo

(6) BOUNDARIES OF THE KAVIRONDO NATIVE LAND UNIT

The Kavirondo native land unit consists of two areas.

PART I

Commencing at the westernmost corner of L.R. No. 6439; (1)
thence by the south-western boundary of that portion to its intersection with the Kamakoiwa River;

thence down-stream by that river to its junction with the Kimilil (Kabisi) River;

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

thence down-stream by that river to its intersection with the south-western boundary of L.R. No. 4099;

thence by the latter boundary to the westernmost corner of L.R. No. 4121;

thence by the south-western boundaries of L.R. Nos. 4121 and 4122 to the southernmost corner of the latter portion (Senya Hill);

thence by the north-western boundaries of L.R. Nos. 6176 and 4130 to the south-western corner of the latter portion (Bwanga); (2)

thence southerly by the top edge of the lower Nandi Escarpment to the Trigonometrical Beacon Chapkaigat at the north-east corner of L.R. No. 1905;

thence by the northern boundaries of that portion and of L.R. No. 1906 to the north-west corner of the latter portion at the Trigonometrical Beacon Kipsugur; (3)

thence southerly by the western boundary of L.R. No. 1906 to the north-eastern corner of L.R. No. 1900;

thence by the northern and western boundaries of that portion and the western boundary of L.R. No. 1762 to its intersection with the Mchomekek River;

thence up-stream by that river to the intersection with the eastern boundary of the Kisumu-Kapsabet Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the western boundary of L.R. No. 1891;

thence southerly by the latter boundary and the western boundary of L.R. No. 1890 to the south-western corner of the latter portion;

1938*Native Lands Trust***No. XXVIII**

thence southerly by a straight line to the Trigonometrical Beacon Kapwareni;

thence generally south-westerly by cairns and a cleared line to the top of Chepkori Hill;

thence south-westerly by a straight line to the top of Kapserton Hill;

thence southerly by a straight line to the summit of Siruma Hill;

thence south-westerly by a straight line to the northernmost corner of L.R. No. 654/18 on the Kibos River;

thence down-stream by that river to its intersection with the northern boundary of L.R. No. 655;

thence by the northern, western and southern boundaries of that portion to its south-east corner on the Kibos River;

thence up-stream by that river to its intersection with the southern boundary of the Kenya and Uganda Railway Reserve;

thence easterly by that railway reserve boundary to its intersection with the western boundary of Kibigori Township Reserve;

thence by the western, southern and eastern boundaries of that township reserve to the intersection of the last with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence south-easterly by that railway reserve boundary to the western boundary of L.R. No. 3102;

(4)

(Provided that the township of Kisumu and all railway station and other railway areas along the Kenya and Uganda Railway from the north-west corner of L.R. No. 3102 to Kisumu, together with the 100-foot northern and southern railway reserves, are excluded from this land.)

thence by the western boundary of that portion (L.R. No. 3102) to its intersection with the Nyando River;

thence down-stream by that river to a point due north of a beacon on its left bank near Bora Hill and about six miles west of Muhoroni Station;

thence by a straight line to that beacon and thence by a line of beacons south-westerly across Bora Hill, the Kabletach River and Kamnyangor Hill to the Nyeta River;

thence in a generally westerly direction by the line of beacons across that river and Kaptebenwar Hill to Kaptevinwet River;

thence southerly by the line of beacons across that river, Lalibuch Hill, Nyandabluiblime River, Kamoungu Hill, the Tolitet River, Kibimbiri Hill and across the Leguini River and Kablianat Hill to a beacon on the right bank of the Jujuliet River;

thence due south by a straight line to the centre of that river and by that river up-stream for about 900 feet to a point due north of a beacon on its left bank;

thence due south by a straight line to that beacon and south-westerly by a line of beacons between Kibugat and Tulwotkapkonak Hills to a beacon on the right bank of the Kamugelwar (Marraboi) River;

thence due west by a straight line to the centre of the Kamugelwar River and up-stream by that river for about 2½ miles to a point due north of a beacon on its right bank;

thence due south by a straight line to that beacon and southerly by a line of beacons to a beacon on the right bank of the Sondo (Miriu) River at about the most northerly point of its course round Byobbyob Hill;

thence due south by a straight line to the centre of the Sondo River, and up-stream by the centre of that river to the junction of the Yurith with the Kipsonoi River;

thence up-stream by the latter river to its intersection with a straight line forming the northern boundary of L.R. No. 940;

thence westerly and southerly by the northern and western boundaries of L.R. No. 940 to the north-western corner of L.R. No. 941/6;

thence southerly by the western boundary of that portion and the western boundaries of L.R. Nos. 941/2/2, 941/R, 941/5, 941/4, 942 and 7091 to the south-western corner of the last portion;

thence by the western boundary of L.R. No. 7090 for a distance of 8,846.1 feet to a beacon;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

270° 00' 00"	...	9,132.2 feet
199° 59' 27"	...	2,741.7 "
181° 27' 37"	...	2,652.7 "
141° 25' 32"	...	2,867.9 "
116° 12' 40"	...	3,388.4 "
172° 53' 58"	...	2,453.6 "
144° 31' 20"	...	1,312.2 "
214° 55' 29"	...	2,748.1 "
161° 37' 42"	...	3,156.0 "
203° 41' 02"	...	3,018.8 "
188° 44' 22"	...	5,639.0 "
206° 51' 37"	...	1,545.5 "
262° 38' 18"	...	2,044.8 "
209° 38' 47"	...	4,349.4 "
234° 20' 24"	...	3,050.7 "
209° 27' 51"	...	3,530.5 "

to the north-western corner of L.R. No. 4400/R;

thence by the generally western boundaries of L.R. Nos. 4400/R and 5473/3 to the northernmost corner of L.R. No. 5471;

thence by the north-western and south-western boundaries of that portion and the south-western boundaries of L.R. Nos. 5472, 7126, 5448/2, 3644/6 and 3644/7 to the southernmost corner of the last portion (Gelegele): (5)

thence south-westerly by a cut and beacons line to the beacons source of the Sari River;

thence down-stream by that river for a distance of about $7\frac{1}{4}$ miles to its intersection with a cut and beacons line;

thence by that cut and beacons line on a true bearing of 173° 30' to the junction of the Gori and Koitwa Rivers;

thence up-stream by the Gori River to its intersection with a cut and beacons line at the junction of the Gori and Kasumi Rivers;

thence by that cut and beacons line on a true bearing of 166° 46' to beacon No. 17 on the Kenya and Tanganyika Boundary; (6)

thence north-westerly by that boundary to its intersection with the shore of Mohuru Bay on Victoria Nyanza;

thence in a generally northerly direction by the shore of Victoria Nyanza to the Kavirondo Gulf;

thence in a generally easterly, northerly and westerly direction by the shore of the Kavirondo Gulf to Victoria Nyanza;

thence again generally north-westerly by the shore of Victoria Nyanza to the mouth of the Sio River; (7)

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

thence up-stream by that river to its source marked by a cairn;

thence onwards by a straight line north-easterly to a cairn on the abandoned road (now a footpath) from Busia to Mumeri's (Lukoli's);

thence by the south-eastern boundary of that road to its intersection with the Alupe River;

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

thence down-stream by the latter river to its intersection with the eastern boundary of the Mjanji-Busia-Mbale Road, such boundary being 100 feet distant from, and parallel to, the centre line of the said road;

thence northerly by that eastern boundary to its intersection with the Malawa or Malaba River otherwise known as the Lwagaga (Lwakaka) River;

thence up-stream by that river to its intersection with a cut and beacons line which forms the generally southern boundary of Mount Elgon Forest Reserve;

thence generally easterly by that cut and beacons line to the point of commencement. (1)

Included within this land are the islands Sumba, Mageta, Ndue, Rusinga and Mfanganu and all other islands on Victoria Nyanza and the Kavirondo Gulf that lie within the districts of Central and South Kavirondo as defined in Proclamation No. 54 dated 25th February, 1924.

PART II

Commencing at the source of the Lwagaga (Lwakaka) or Malawa (Malaba) River;

thence easterly by a straight line to the summit of Sudek Peak (Elgon. H.) on Mount Elgon;

thence northerly by a straight line to the point where the Suam River, which forms the Kenya-Uganda Boundary, emerges from the crater of Mount Elgon;

thence south-easterly by a straight line to the source of the Kimotho River which is situated immediately to the south or south-west of Koitobbos Peak (Mount Elgon);

thence down-stream by that river to its intersection with a cut and beacons line which forms the generally north-western boundary of Mount Elgon Forest Reserve;

thence generally south-westerly by that cut and beacons line to its intersection with the Lwagaga (Lwakaka) or Malawa (Malaba) River;

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

(7) BOUNDARIES OF THE LUMBWA NATIVE LAND UNIT

Commencing at the intersection of the north-western boundary of L.R. No. 3102 with the Nyando River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3970;

thence by that north-western boundary to its south-western corner;

thence by the southern boundaries of L.R. Nos. 3979 and 3978/2 to the south-eastern corner of the latter portion;

thence by part of the eastern boundary of L.R. No. 3978/2 for a distance of 5,751.54 feet to the Chemutum Salt Lick;

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively—

296° 26' 20"	...	4,154.0 feet
206° 26' 20"	...	600.0 "
296° 26' 20"	...	900.0 "
26° 26' 20"	...	900.0 "
116° 26' 20"	...	5,045.3 "

to a beacon on the south-eastern boundary of L.R. No. 3978/2;

thence north-easterly by part of the south-eastern boundary of L.R. No. 3978/2 and the whole of L.R. No. 3977 to the south-western corner of L.R. No. 643/1;

thence easterly by part of the southern boundary of L.R. No. 643/1 to its intersection with the Nyando River;

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

thence up-stream by that river to its intersection with the western boundary of L.R. No. 6071;

thence southerly by the western boundary of that portion to the north-western corner of L.R. No. 6033;

thence south-westerly by the north-western boundaries of L.R. Nos. 604/2/R, 604/1, 610, 611/2, 6067/1, 612/1/R, 7282, 2977, 2334 (Crown Land) 625, 627, 628, to the intersection with the north-eastern boundary of Kericho Township (L.R. No. 631);

thence north-westerly, south-westerly and south-easterly, by part of the north-eastern, the north-western and part of the south-western boundaries of that township to the intersection of the last with the Kimugu River;

thence down-stream by that river to its junction with the Kitho (or Jamji) River;

thence down-stream by that river to its junction with the Chepkoisi (Kiptiget) River;

thence by that river up-stream to its intersection with the southern boundary of L.R. No. 5436;

thence easterly by that boundary to the south-eastern corner of the latter portion;

thence northerly by the eastern boundary of that portion to its intersection with the southern boundary of L.R. No. 6001/1;

thence easterly by the latter boundary to its intersection with the Koruma River;

thence up-stream by that river to its intersection with the eastern side of the Sotik-Kericho main track 25-foot reservation;

thence southerly by a cut and beacons straight line to its intersection with the Chepkoisi (Kiptiget) River which forms the northern boundary of L.R. No. 6020;

thence down-stream by that river to its junction with the Dare (Itare) River;

thence up-stream by the latter river to its intersection with the straight line joining the Trigonometrical Beacon Posta with the south-western corner of L.R. No. 553;

thence south-westerly by a straight line to the Trigonometrical Beacon Posta;

thence by a cut and beacons line on a true bearing of 159° 05' 44" to the beacon Kabroret;

thence by a cut and beacons line on a true bearing of $128^{\circ} 11' 28''$ to the beacon Kibiosi and onwards on the same bearing to its intersection with the Amala River;

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

thence north-westerly by a cut and beacons line to the Trigonometrical Beacon Abossi;

thence by a straight line towards the southernmost corner of L.R. No. 3644/7 (Gelegele) for a distance of about 7,660 feet to a beacon;

thence by a straight line on a true bearing of $6^{\circ} 11' 03''$ for a distance of about 9,299 feet to a beacon;

thence by a straight line on a true bearing of $42^{\circ} 50' 17''$ for a distance of about 6,442 feet to a beacon;

thence by a straight line on a true bearing of $11^{\circ} 19' 22''$ for a distance of about 3,181 feet to a beacon;

thence by a straight line on a true bearing of $27^{\circ} 23' 40''$ for a distance of about 8,577 feet to a beacon;

thence by a straight line on a true bearing of $31^{\circ} 32' 33''$ for a distance of about 6,398 feet to a beacon;

thence by a straight line on a true bearing of $17^{\circ} 47' 33''$ for a distance of about 3,583 feet to a beacon at the southernmost corner of L.R. No. 948;

thence by the south-eastern boundary of that portion and the south-eastern boundary of L.R. No. 3677 to the intersection of the latter with the Sisi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 955;

thence south-easterly by the south-western boundaries of L.R. Nos. 955 and 958 to the intersection of the latter with the Nyangoris River;

thence up-stream by that river to its intersection with the north-eastern boundary of L.R. No. 957;

thence by the north-eastern boundary of that portion to its northernmost corner;

thence by part of the south-eastern boundary and the whole of the north-eastern boundary of L.R. No. 3668 to the intersection of the latter with the Leldayet River;

thence down-stream by that river to its intersection with the eastern boundary of L.R. No. 4783/2;

thence northerly by that boundary to its intersection with the Kipsonoi River;

thence down-stream by that river to its intersection with the south-western boundary of Chemegel Township (L.R. No. 7288);

thence south-easterly, north-easterly and generally westerly by the south-western, south-eastern and northern boundary of that township to the intersection of the last with the Kipsonoi River;

thence down-stream by that river to its junction with the Yurith River, whence it becomes the Sondo River;

thence down-stream by the Sondo River to a point due south of a beacon on its right bank at about the most northerly point of its course round Byobbyob Hill;

thence due north by a straight line to that beacon and thence northward following the line of beacons to a beacon on the right bank of the Kamugelwar (or Marraboi) River, and thence due north by a straight line to the centre of that river;

thence down-stream by that river for about $2\frac{1}{2}$ miles to a point due west of a beacon on its right bank and thence due east by a straight line to that beacon;

thence north-easterly by a line of beacons between Tulwotkapkonak and Kibugat Hills to a beacon on the left bank of the Jujuliet River;

thence due north by a straight line to the centre of that river; and by it down-stream for about 900 feet to a point due south of a beacon on its right bank;

thence by a straight line to that beacon and thence in a northerly direction following the line of beacons over Kabli-anat Hill to the Leguni River;

thence by the line of beacons across that river, over Kibimbiri Hill, Tolitet River and Kamoungu Hill to the Nyandablublime River; and thence across that river and over Lalibuch Hill to the Kaptevinwet River;

thence in a generally easterly direction by the line of beacons over Kaptebenwar Hill to the Nyeta River;

thence across that river in a north-easterly direction across Kamnyangor Hill, the Kabletach River and Bora Hill to a beacon on the left bank of the Nyando River, about six miles west of Muhoroni Station;

thence due north by a straight line to the Nyando River;

thence up-stream by that river to its intersection with the western boundary of L.R. No. 3102, the point of commencement.

(8) BOUNDARIES OF THE NORTH POKOMO
NATIVE LAND UNIT

Commencing at a point on the Tana River two miles below Kashe;

thence bounded by a straight line due north-east to its intersection with the line bounding the zone that contains all points on the left bank of the river distant one mile from low-water mark in that river and the River Galana Be (i.e., the present main course of the river);

thence south-easterly by that bounding line to a point due north-east of a point on the river just above Sankuri and about two miles below Bara;

thence by a straight line to the latter point, extended across the river to its intersection with the line bounding a zone that contains all points on the right bank of the Tana River (following the old course south of the Galana Be) distant one mile from low-water mark thereof;

thence north-westerly by that bounding line to a point due south-west of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 44 of the before-mentioned deposited plan.

(9) BOUNDARIES OF THE COAST NATIVE LAND
UNIT

This land unit consists of thirty areas the boundaries of which are as follows:—

SECTION I—PUNGU FUEL AREA (L.R. No. 4383)

Commencing at the south-west corner of Section V, Mombasa Mainland South, thence bounded by the southern boundary of that section to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of L.R. No. 4654 extended;

thence by a straight line to the eastern corner of L.R. No. 4654 and onwards by part of the north-eastern boundary of that portion to its intersection with the south-eastern boundary of L.R. No. 4646 extended across the 25 foot road reserve;

thence by a straight line across that road reserve to the southern corner of L.R. No. 4646;

thence by the south-eastern boundaries of that portion and of L.R. No. 4645 to the point of commencement.

SECTION II—KAYA PUNGU (L.R. No. 4367)

This is a small area, of about 11½ acres extent, lying about one mile to the west of the north-west corner of Section I, and within the boundaries of L.R. No. 4645, as particularly delineated on Sheet 48 of the aforesaid deposited plan.

SECTION III—PUNGU-MIDZICHENDA (INCLUDING BOMBO AND KITEJI)

Commencing on the eastern boundary of the Mtongwe-Kiteji 25 foot road reserve, at the point where the western boundary of L.R. No. 4649 leaves that road reserve;

thence bounded by part of the western boundary of that portion south-westerly to its south-west corner;

thence by the south-western and southern boundary of the Likoni Commonage (L.R. No. 5016) to its south-east corner;

thence southerly by part of the western boundary of L.R. No. 4646 to its western corner;

thence by a straight line across a 25 foot road reserve to the northern corner of L.R. No. 4654;

thence by the western boundary of that portion and the north-western or northern boundary of L.R. No. 4655 to its north-western corner on the eastern boundary of the Likoni-Gasi Road Reserve;

thence by a straight line across that road reserve to the eastern corner of L.R. No. 4660;

thence by part of the generally north-eastern and northern boundaries of that portion to its intersection with the southern boundary of the 25 foot road reserve which gives access to Kaya Bombo (No. V);

thence by a straight line across that road reserve to the south-east corner of L.R. No. 4653;

thence by the eastern boundary of that portion to its northern corner;

thence by a straight line across the 25 foot road reserve to the south-east corner of L.R. No. 4652;

thence by the eastern and part of the north-eastern boundary of that portion to the southern corner of L.R. No. 4651;

thence by the southern boundary of that portion to its south-east corner on the 25 foot road reserve of the road to Mtongwe;

thence by a straight line across that road reserve to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VII, Subdivisions 1, 2, 3, and 4, are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 48 and 51 of the aforesaid deposited plan.

SECTION IV—KAYA KITEJI (L.R. No. 4392)

This is an area of about one acre within the boundaries of L.R. No. 4652 and situated near the mouth of Bombo Creek on its eastern side, as delineated on Sheet 48 of the aforesaid deposited plan.

SECTION V—KAYA BOMBO (L.R. No. 4384)

This is an area of about 81 acres, of which the northern and eastern boundaries abut on L.R. No. 4653 and the south-western boundary on L.R. No. 4661; as delineated on Sheets 47 and 48 of the aforesaid deposited plan.

SECTION VI—BOGONI (L.R. No. 4385)

This is an area of about 67 acres situated about one mile south of Mteza Creek, within the boundaries of L.R. No. 3855; as delineated on Sheet 47 of the aforesaid deposited plan.

SECTION VII—PEMBA (L.R. No. 4412)

This is an area of about 72.5 acres within the boundaries of the Shimba Forest Reserve (L.R. No. 5008), its northern corner lying about one mile and a half west by south of the south-western corner of Kwale Township; as delineated on Sheet 49 of the aforesaid deposited plan.

SECTION VIII—WAA MIDZICHENDA (INCLUDING WAA, MATUGA, KIGATHU, MAGOMANI, MIVUMONI AND TIWI)

Commencing at the south-west corner of L.R. No. 4657, the boundary of this area follows in a generally south-westerly and south-easterly direction the generally north-western and south-western boundaries of a part of L.R. No. 3855, to its southern corner on the 100 foot foreshore reserve, and continues by the last boundary extended to high-water mark on the Indian Ocean;

thence bounded by that high-water mark southerly to the Mwachema River;

thence up-stream by that river to its intersection with the eastern boundary of L.R. No. 4752;

thence northerly by part of that boundary to the eastern boundary of the Gasi Road Reserve;

thence northerly by that road reserve boundary to its intersection with the north-eastern boundary of L.R. No. 4752 extended;

thence by a straight line across the road reserve to the north-eastern boundary of that portion; and onwards by that boundary to the northern corner of the same;

thence in a generally north-westerly and then north-easterly direction by the eastern boundary of a part of L.R. No. 3855 to the south-west corner of L.R. No. 4659;

thence by the southern boundary of the latter portion to its south-east corner;

thence by a straight line across the Gasi Road Reserve to the north-west corner of L.R. No. 4657;

thence by the western boundary of that portion to the point of commencement.

The areas within the foregoing boundaries known as Mombasa Mainland South, Section VIII, Subdivision 1 (Waa), and Section VI, Subdivisions 1 to 16, inclusive (Tiwi), are not native lands and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 50, 51, 53 and 54 of the aforesaid deposited plan.

SECTION IX—KAYA WAA (L.R. No. 4376)

An area of about 80 acres, bounded as follows:—

Commencing at the southern corner of L.R. No. 4658, thence bounded by the south-eastern boundary of that portion to its south-east corner and extended to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to its intersection with the north-eastern boundary of a part of L.R. No. 3855 extended thereto;

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

The foregoing boundary is more particularly delineated on Sheet 51 of the aforesaid deposited plan.

1938

Native Lands Trust

No. XXVIII

SECTION X—MUHAKA (INCLUDING DIANI, UKUNDA, NZOLE, MLOLA, MBAVU AND MSULWA)

Commencing at the mouth of the River Mwachema at high-water mark of the Indian Ocean;

thence bounded by that high-water mark southerly to its intersection with the northern boundary of L.R. No. 5004 extended thereto;

thence by a straight line to the north-east corner of that portion;

thence by its northern boundary to its north-west corner on the eastern boundary of the Gasi 60 foot road reserve;

thence first in a generally south-westerly and afterwards in a generally north-westerly direction by the generally north-western boundary of L.R. No. 5004 to a corner thereof on the Mtawe River, where the latter intersects the eastern boundary of a 50-foot road reserve;

thence north-easterly by a straight line for about 15 feet to a beacon on the left bank of the Mtawe River;

thence bearing $309^{\circ} 5' 30''$ for about 3,991 feet to a beacon;

thence bearing $359^{\circ} 5' 35''$ for about 2,170 feet to a beacon;

thence bearing $288^{\circ} 46' 29''$ for about 10,649 feet to a beacon (Nzole);

thence bearing $14^{\circ} 24' 42''$ for about 3,638 feet to a beacon;

thence bearing $8^{\circ} 52' 34''$ for about 17,029 feet to the Trigonometrical Beacon "A";

thence bearing $62^{\circ} 17' 40''$ for about 5,480 feet to the Trigonometrical Beacon Paka Paka;

thence south-easterly by a straight line to the Trigonometrical Beacon Kabila;

thence by the south-western, southern and south-eastern boundaries of L.R. No. 3855 to the southern boundary of the 25-foot road reserve, which forms part of the southern boundary of L.R. No. 4752;

thence south-easterly by that road reserve boundary to its intersection with the western boundary of the Gasi 60-foot road reserve;

thence by a straight line across the latter road reserve to a beacon on its eastern boundary;

thence northerly by the eastern boundary of the Gasi Road Reserve to its intersection with the River Mwachema;
 thence by that river down-stream to the point of commencement.

The areas within the foregoing boundaries known as L.R. Nos. 3243 and 3245 are not part of the native land and are excluded therefrom.

The foregoing boundaries are more particularly delineated on Sheets 52, 53, 54, 56 and 57 of the aforesaid deposited plan.

SECTION XI—KINONDO (INCLUDING GALU) L.R. No. 4274

This area of about 2,650 acres is bounded on the east by high-water mark of the Indian Ocean; on the north, west and south-west by L.R. No. 5004, the boundaries of the latter being extended across the 100 foot foreshore reserve to high-water mark; which boundaries are delineated on Sheets 53 and 57 of the aforesaid deposited plan.

SECTION XII—MATOFYA (L.R. No. 4458)

This is an area of about 148 acres, lying on both sides of Mwele-Gasi Road and to the north of the Kidogo Weni River; east of the said road its northern and south-eastern boundaries abut on L.R. No. 5004, and west thereof its south-eastern, south-western and western boundaries abut on L.R. No. 4821; as delineated on Sheet 56 of the aforesaid deposited plan.

SECTION XIII—MAUMBA (L.R. No. 4474)

This is an area of about 112 acres, lying about three-quarters of a mile west of the northern corner of the Gogoni Forest Reserve, and entirely surrounded by L.R. No. 5004, as delineated on Sheet 56 of the aforesaid deposited plan.

SECTION XIV—MSAMBWENI-GWIRANI (INCLUDING MABATINI)

Commencing on the Mkurumuji River at the point where the north-eastern boundary of L.R. No. 4243 (Government Reserve) would intersect;

thence bounded by a straight line to the northern corner of that portion;

thence by the north-western and south-western boundaries of the same portion to high-water mark on the Indian Ocean;

thence southerly by that high-water mark to the mouth of the Milalani River;

thence up-stream by that river to its intersection with a straight line bearing $310^{\circ} 44' 10''$ forming part of the generally eastern boundary of L.R. No. 5004;

thence north-westerly, south-westerly, again north-westerly and finally north-easterly by that boundary of L.R. No. 5004 to the Mkurumuji River;

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

The foregoing boundary is more particularly delineated on Sheets 60 and 61 of the aforesaid deposited plan.

SECTION XV—SHIRAZI (INCLUDING BODO)

Commencing at the southern end of the 100 foot foreshore reserve, which forms part of the south-eastern boundary of L.R. No. 5009, on a creek;

thence bounded by that creek down to its mouth;

thence northerly, southerly and then in a generally south-westerly direction by high-water mark of the Indian Ocean to its intersection with the south-eastern boundary of L.R. No. 5009, extended thereto;

thence by that extended boundary, and part of that south-eastern boundary to the point of commencement.

The foregoing boundaries are more particularly delineated on Sheets 60 and 63 of the aforesaid deposited plan.

SECTION XVI—FUNZI ISLAND

The whole of Funzi Island (together with adjacent islets) which lies to the south of Msambweni-Gwirani (Area XIV) and to the south-east of Shirazi (Area XV), down to high-water mark of the Indian Ocean, as delineated on Sheet 63 of the aforesaid deposited plan, is native land.

SECTION XVII—SOUTH NYIKA SECTION

Commencing at the south-west corner of the MacKinnon Road Station Reserve; (1)

thence generally south-easterly by the southern boundary of the Kenya and Uganda Railway Reserve to its intersection with the north-west boundary of L.R. No. 1031/1;

thence south-westerly, southerly and north-easterly by the north-western, south-western and south-eastern boundaries of that portion to the western corner of L.R. No. 1016/1;

thence south-easterly and north-easterly by the south-western and south-eastern boundaries of L.R. No. 1016/1 to the intersection of the last with the south-eastern boundary of L.R. No. 1031/1;

thence north-easterly by the latter boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 1032/2;

thence westerly, northerly and north-westerly by part of the generally north-eastern boundary of L.R. No. 1032/2 and the north-eastern boundary of L.R. No. 1017 to the northernmost corner of the latter portion;

(2)

thence southerly by the western boundary of L.R. No. 1017 to its intersection with the Mwachi River;

thence up-stream by that river to its intersection with the south-western boundary of L.R. No. 1028;

thence south-easterly by that south-western boundary to its intersection with the north-western boundary of L.R. No. 1029;

thence south-westerly, south-easterly and north-easterly by part of the north-western, the south-western and the south-eastern boundaries of that portion to the intersection of the last with the generally southern boundary of L.R. No. 1035/1;

thence easterly by that generally southerly boundary to its intersection with the south-western boundary of the Kenya and Uganda Railway Reserve;

thence generally southerly by that railway reserve boundary to its intersection with the northern boundary of Plot 885, Section VI, Mainland North;

thence generally north-westerly by the northern boundary of Plot 885, Section VI, Mainland North, and the generally north-eastern boundary of L.R. No. 1037/2 to the northernmost corner of the latter portion;

thence westerly by the northern boundary of that portion to its intersection with the Mwachi River;

thence by that river down-stream to its intersection with the north-western boundary of L.R. No. 1038;

thence south-westerly by the north-western boundary and south-easterly by the south-western boundary of that portion to its southernmost corner;

Coast N.L.U.

thence north-easterly by the south-eastern boundary of that portion to its intersection with the Mwachi River;

thence southerly and westerly by the Mwachi River down-stream to its intersection with the straight-line portion of the western boundary of L.R. No. 1037/2;

thence by that straight-line portion to the south-west corner of L.R. No. 1037/2;

thence generally easterly by the southern boundary of that portion to its intersection with a stream or watercourse at a point approximately 3,500 feet west of the Trigonometrical Beacon Maungu;

thence down-stream by that stream or watercourse to its confluence with the Mwachi River, and down-stream by that river to its confluence with the Duruma River at the head of a creek of Port Reitz;

thence generally south-easterly by the high-water mark of the southern bank of that creek to its intersection with the western boundary of L.R. No. 1041;

thence by the western southern and eastern boundaries of that portion to high-water mark in Port Reitz;

thence southerly by that high-water mark to its intersection with the northern boundary of L.R. No. 4382;

thence by the northern and part of the western boundary of that portion to high-water mark in Mteza Creek;

thence south-westerly by that high-water mark to its intersection with part of the generally western boundary of L.R. No. 3855 at its north-west corner extended across the 100 foot foreshore reserve and the creek;

thence by a straight line to that north-west corner and onward southerly by the generally western boundary of L.R. No. 3855 to the eastern corner of L.R. No. 1081;

thence by the north-eastern, north-western, south-western and south-eastern boundaries of that portion to the same eastern corner;

thence continuing southerly by the generally western boundary of L.R. No. 3855 to the south-east corner of L.R. No. 4389;

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

thence north-westerly by a straight line to the south-east corner of L.R. No. 4410;

thence in a generally north-westerly direction by part of the southern boundary of that portion to its intersection with the northern boundary of the Kwale 50 foot road reserve;

thence westerly by that road reserve boundary to its intersection with the southern boundary of Kwale Township;

thence still westerly by the northern boundary of that road reserve to its intersection with the southern boundary of L.R. No. 3743;

thence easterly by a straight line to the southernmost corner of L.R. No. 3744;

thence by the southern boundary of that portion to its south-eastern corner on the eastern boundary of Kwale Township (as shown on Plan No. 11242/3—5/149);

thence north-easterly by that township boundary to its north-east corner;

thence easterly by part of the southern boundary of L.R. No. 5003 to its south-east corner;

thence by the south-eastern, northern and western boundaries of that portion to its south-west corner;

thence westerly by the northern boundaries of Kwale Township to the Trigonometrical Beacon Shimba, its westernmost corner;

thence westerly and southerly by part of the northern and by the western boundaries of Shimba Forest Reserve (L.R. No. 5008/R) to its southern corner at the Trigonometrical Beacon Mwele;

thence westerly by a straight line to the Trigonometrical Beacon Mkongani West;

thence southerly by a straight line to the Trigonometrical Beacon Mangawani;

thence by a straight line on a true bearing of $32^{\circ} 15' 52''$ for about 10,194 feet to a beacon (W1, which bears $289^{\circ} 31' 1''$, at a distance of about 1,072 feet, from the Trigonometrical Beacon Nyakundi);

thence by a straight line on a true bearing $61^{\circ} 59' 17''$ for about 17,481 feet to a Trigonometrical Beacon Kichaka Simba;

thence south-easterly by the straight line to the Trigonometrical Beacon Kidiani;

thence southerly and south-easterly by part of L.R. No. 5004 to the northern corner of the Buda Forest Reserve (L.R. No. 5006);

thence westerly by the northern boundary of that forest reserve to its north-west corner;

thence by the western, southern and south-eastern boundaries of that forest reserve to its north-east corner; (4)

thence in a generally southerly direction by part of the western boundary of L.R. No. 5004 to its intersection with the northern boundary of the Mombasa-Vanga Road Reserve;

thence south-westerly by that road reserve boundary to its intersection with the north-eastern boundary of a part of L.R. No. 5009 giving access to the Ramisi River;

thence north-westerly and south-westerly by that boundary of L.R. No. 5009 to the said river;

thence up-stream by the Ramisi River to its intersection with the southern boundary of L.R. No. 3246;

thence westerly by that southern boundary bearing approximately $269^{\circ} 05'$ for a distance of about 120 feet from the centre line of that river to a beacon;

thence south-westerly by a beaconsed line bearing approximately $255^{\circ} 54'$ for about 17,530 feet to a beacon on the east boundary of L.R. No. 4668;

thence southerly by a straight line to the south-east corner of L.R. No. 4668;

thence by the southern and western boundaries of that portion to its north-west corner;

thence north-westerly by a straight line to the Trigonometrical Beacon Kiruku;

thence south-westerly by a straight line to the north-east corner of L.R. No. 4666;

thence by the eastern and southern boundaries of that portion to its south-west corner;

thence by a straight line on a true bearing $201^{\circ} 7' 58''$ for about 6,199 feet to a beacon;

thence by a straight line on a true bearing $89^{\circ} 41' 42''$ for about 3,032 feet;

thence by a straight line on a true bearing $90^{\circ} 3' 20''$ for about 918 feet;

thence southerly by a straight line bearing $180^{\circ} 17'$ for 736 feet to a beacon;

thence southerly by a straight line bearing $180^{\circ} 20'$ for 2,582 feet to a beacon;

thence westerly by a straight line bearing $258^{\circ} 58'$ for 4,749 feet to a beacon;

Coast N.E.V.

No. XXVIII *Native Lands Trust***1938**

thence generally south-westerly beacon to beacon by successive straight lines of the following bearings and lengths:—

180° 58'	...	420 feet
200° 39'	...	2,485 „
211° 22'	...	3,459 „
232° 34'	...	6,871 „
185° 17'	...	3,530 „

from the southern terminal beacon of the last straight line above by its extension southwards across the Mwena River to its intersection with high-water mark on the right or south bank of the estuary of that river;

thence generally southerly by high-water mark of the Indian Ocean to its intersection with the north boundary of Vanga Township;

thence generally south-westerly by the north and west boundaries of that township as demarcated with cement blocks by the District Commissioner to its intersection with the Kenya-Tanganyika Boundary;

thence north-westerly by the latter boundary to its intersection with the Umba River; (5)

thence northerly by a straight line to the summit of Kilibasi Hill;

thence northerly by a straight line to the point of commencement. (1)

The area within the foregoing boundaries known as L.R. No. 7312 (Mailuganje Forest Reserve) is not part of this native land and is excluded therefrom.

The area external to the foregoing boundaries known as L.R. No. 1283 is part of this native land and is included therein.

SECTION XVIII—NORTH NYIKA SECTION

Commencing at the north-west corner of the MacKinnon Road Station Reserve; (1)

thence north-easterly by a straight line to the intersection of a straight line between the summits of the hills Maungu and Loga with the Galana (or Sabaki) River;

thence down-stream by that river to a point due south of a beacon on its left or northern bank on the western outskirts of Dodosa Village; (2)

thence by a straight line to that beacon and onwards by a straight line north-easterly to the trigonometrical beacon on Koyeni Hill;

thence by a straight line more easterly to the hill marked 407 on the Topographical Sheet S.A.37/V & W;

thence by a straight line bearing true north-north-east to its intersection with the Wakalla River;

thence down-stream by that river to its intersection with the track from Marafa through Mwambiri Village (about one mile above the junction of that river with the Koromi River);

thence easterly by that track to the western outskirts of Mwambiri Village;

thence by the northern outskirts of that village to the same track;

thence easterly by that track to a point due south of a beacon to the north-west of the cultivated area known as Mombasa, at Marafa;

thence due north to that beacon;

thence easterly for about two miles to a beacon on the north-eastern limits of that cultivated area;

thence south-easterly by a straight line to the north-east corner of Plot Mambrui No. 281;

thence by the northern, western, southern and south-eastern boundaries of that plot to its eastern corner;

thence south-easterly by a straight line to the northern corner of Plot Mambrui No. 275;

thence by the western boundary of that plot and part of its south-eastern boundary to its intersection with the western boundary of L.R. No. 4390 (Pumwani Settlement);

thence southerly by part of that boundary to its south-west corner;

thence southerly by a straight line to a beacon on the north bank of the Sabaki River on the western outskirts of Mbaoni Village;

thence up-stream by that river to a point due south of the village Kwa Aliteti;

thence in a southerly direction across the Madungoni Plains by a demarcated line to Gaji Hill (shown as an intersected point, elevation 383, on the aforesaid topographical sheet);

(3)

thence south-westerly by a straight line to the north-east corner of the Arabuko-Sekoki Forest Reserve (L.R. No. 4453);

thence by the generally northern and western boundaries of that forest reserve to its south-west corner;

thence southerly by a straight line to the Trigonometrical Beacon Sokoke South;

thence southerly by a straight line to the northern corner of L.R. No. 1427;

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

thence by a straight line to the northern corner of Plot 7, Group VII (Mtanganiko) Mainland North; (4)

thence by the north-western and south-western boundaries of that plot to its southern corner;

thence by a straight line to the north-west corner of plot 4 of the same group;

thence by the western and part of the southern boundary of that plot to the north-west corner of Plot 10 of the same group;

thence by parts of the western and southern boundaries of that plot to the north-west corner of Plot 8 of the same group;

thence by the western and southern boundaries of the latter to its south-east corner;

thence southerly by part of the western boundary of Plot 10 of the same group, to its south-west corner;

thence by a straight line southerly to the western corner of Plot 15, Group III (Majajani) Mainland North;

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

thence south-westerly by a straight line to the western corner of Plot 20 of the same group;

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

thence southerly by a straight line to the northern corner of Plot 14, Group II (Mavuoni) Mainland North;

thence by the western and south-western boundaries of that plot to its southern corner;

thence south-westerly by a straight line to the northern corner of Plot 15 of the same group;

1938

Native Lands Trust

No. XXVIII

thence by the north-western boundary of that plot to its western corner;

thence south-easterly by a straight line to the northern corner of Subdivision 99 of Section IV, Mombasa Mainland North;

thence by the western and south-western boundary of that subdivision extended beyond its southern corner to the stream in its vicinity;

thence up that stream to its intersection with the north-eastern boundary of Subdivision 112 of the same section;

thence north-westerly by part of the north-eastern boundary of that subdivision to its northern corner;

thence by the generally western boundary of the same subdivision to its southern corner;

thence southerly by part of the western boundary of Subdivision 96 of the same section to its south-west corner;

thence south-westerly by a straight line to the most north-west corner of Subdivision 81 of the same section;

thence southerly by the generally western boundary of Section IV, Mombasa Mainland North, consisting of parts of the boundaries of Subdivisions 81, 79, 82, 83, 79, 77, 72 and 71 to the western corner of the last;

thence north-westerly by part of the north-eastern boundary of Subdivision 29 to the southern corner of Subdivision 62; (5)

thence by the eastern and northern boundaries of the latter and the northern and western boundaries of Subdivision 63 to its most western corner;

thence by the north-western boundary of Subdivision 61 to its north-west corner;

thence south-westerly by a straight line to the northern corner of Subdivision 51;

thence by part of the north-western boundary of that subdivision to the eastern corner of Subdivision 52;

thence by the north-eastern boundary of the latter to its northern corner;

thence south-westerly by a straight line to the north-east corner of Subdivision 58;

thence by the north-eastern boundary of that subdivision to its northern corner;

thence southerly by the generally western boundary of the said Section IV, consisting of part of the boundaries of Subdivisions 58, 49, 43, 124, 123, 126, 65, 67 and 111 to the most westerly corner of the last;

thence south-westerly by a straight line to the northernmost corner of Subdivision 500 of Section II, Mombasa Mainland North;

thence westerly by a straight line to the northernmost corner of Subdivision No. 506 of Section II, Mombasa Mainland North;

thence generally westerly by the northern boundaries of Subdivisions Nos. 506 and 620 to the north-west corner of Subdivision No. 506;

thence southerly by a straight line to the northernmost corner of Subdivision No. 498 of the same section;

thence generally southerly by the north-western and south-western boundaries of Sub-division No. 498 to the south-eastern corner of that Subdivision;

thence north-easterly by part of the eastern boundary of the same Subdivision to the south-west corner of Subdivision No. 504;

thence easterly by the southern boundaries of Subdivisions Nos. 504, 669 and 497 to the south-east corner of No. 497;

thence southerly by part of the western boundary of Subdivision No. 496 to its south-west corner;

thence westerly by part of the northern boundary of Subdivision No. 490 to its north-west corner;

thence southerly by the western boundaries of Subdivisions Nos. 490, 489 and 488, all of Section II, Mombasa Mainland North, to the intersection of the western boundary of No. 488 extended with the centre line of the Mleji River;

thence generally south-easterly down-stream by the centre line of the Mleji River to its intersection with the extended north-west boundary of Subdivision No. 479 of Section II, Mombasa Mainland North;

thence south-westerly by that north-west boundary of Subdivision No. 479 to its westernmost corner;

thence generally westerly by the northern boundaries of Subdivision No. 541 to its north-west corner;

thence southerly and easterly by the western and southern boundaries of Subdivision No. 541 to its south-east corner;

thence generally south-easterly by the south-western and southern boundaries of Subdivision No. 478 to its south-east corner;

thence north-easterly by the south-east boundaries of that Subdivision to its intersection with the south-west boundary of Subdivision No. 477 on the right or west bank of the Mleji River;

thence southerly by part of the western boundary of the latter Subdivision to its south-west corner;

thence by the south-western boundary of Subdivision No. 477 extended to its intersection with the centre line of the Mleji River;

thence generally southerly by the centre line of that river down-stream to its intersection with the extended eastern boundary of that portion of Subdivision No. 436 of Section II, Mombasa Mainland North which lies on the right or west bank of the Mleji River;

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

thence generally southerly by the north-western boundaries of that portion to its westernmost corner;

thence south-easterly by the south-west boundary of that portion extended to its intersection with the centre line of the Mleji River;

thence southerly down-stream by the centre line of the Mleji River to its intersection with the north-west boundary of Subdivision No. 435 of the same Section extended;

thence generally southerly by the north-west and south-west boundaries of that Subdivision to its south-west corner;

thence easterly by the southern boundary of the same Subdivision to its intersection with the western boundary of Subdivision No. 453;

thence southerly by the western boundary of that Subdivision to its intersection with the north-east boundary of Subdivision No. 426;

thence by this latter boundary to the northernmost corner of that Subdivision;

thence generally south-westerly by the western boundaries of Subdivisions Nos. 426 and 672 to the westernmost corner of the latter;

thence south-easterly by the straight line portion of the southern boundary of Subdivision No. 672 extended to its intersection with high-water mark on the right bank of the Mleji River;

thence due south by a straight line to its intersection with the centre line of the Mleji River;

thence generally southerly down-stream by that centre line to its intersection with the centre line of the waters of that branch of Mwakirungi Creek which bounds on the north Subdivision No. 555 of Section II, Mombasa Mainland North;

thence generally westerly by the centre line of the waters of that branch of the creek to a point due east of the intersection of the northern boundary of Subdivision No. 546 of the same section with high-water mark;

thence by a straight line due west to that point of intersection;

(6)

thence westerly by the generally northern boundaries of Subdivision No. 546 to its intersection with the eastern boundary of Subdivision No. 642 of Section II, Mombasa Mainland North;

thence northerly by that boundary to the north-east corner of Subdivision No. 642;

thence generally north-westerly by the northern boundaries of the latter and of Subdivision No. 607 of the same Section to the northernmost corner of the latter Subdivision;

thence north-westerly by a straight line in the direction of the point at the head of the northern arm of Jomvu Creek at which the Rabai-Mwanguja road crosses the River Kombeni up to the intersection of that straight line with high-water mark of Jomvu Creek;

thence generally north-westerly by high-water mark to the point at which the above road crosses the River Kombeni: provided that if the above straight line does not intersect high-water mark that straight line shall be the boundary of the Native Land;

thence south-westerly by high-water mark to its intersection with the north-west boundary of Subdivision No. 378 of Section V, Mombasa Mainland North;

thence south-westerly by that boundary to the northernmost corner of Subdivision No. 312 of the same Section;

thence south-westerly by a straight line to the south-east corner of Mazeras Trading Centre (L.R. No. 1043);

thence north-westerly by the north-eastern boundary of that trading centre to its north-east corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by that railway reserve boundary to its intersection with the south-east boundary of L.R. No. 1279;

thence generally north-easterly by the south-eastern and north-eastern boundaries of that portion to its northernmost corner;

thence south-westerly by its north-western boundary to its intersection with the north-eastern boundary of the Kenya and Uganda Railway Reserve;

thence north-westerly (up-line) by the generally northern boundary of that railway reserve, which includes special Quarry Reserves on the north side of the railway line opposite L.R. Nos. 4330 and 1031/1, to the point of commencement. (1)

SECTION XIX—MWINA

Commencing at a beacon on the right (or generally western) bank of the Tana River, near the apex of a sharp north-westerly bend of that river above Mwina Camp;

thence bounded by a straight line to a beacon approximately one mile west;

thence by a straight line in a south-south-easterly direction through a beacon on the right bank of the river (near the apex of a large westerly bend, about half a mile above Akadi) to low-water mark on that bank;

thence by that low-water mark up-stream to a point due south-west of a beacon on the left bank, near the apex of the large easterly bend below Mwina Mission;

thence by a straight line across the river to that beacon and onwards by a straight line north-north-westerly to a beacon on the left bank of the river near the apex of the easterly bend of the river next above the point of commencement;

thence by a straight line due west to its intersection with low-water mark;

thence by that low-water mark down-stream to a point due south of the beacon at the point of commencement, and onwards by a straight line across the river thereto.

SECTION XX—BENDERANI

Commencing at a beacon approximately one mile west of Benderani Village;

thence bounded by a straight line north-easterly to a beacon on the right bank of the Tana River, near the apex of the north-westerly bend of the river next below Akadi;

thence due east by a straight line across the river to its intersection with low-water mark on its left bank;

thence up-stream by that low-water mark to a point due west of a beacon on the same bank (opposite Akadi) and onwards south-south-easterly by a straight line for about two miles to a beacon;

thence westerly by a straight line for approximately one mile to a beacon on the left bank of the river near the apex of the south-westerly bend immediately below Huyasu;

thence due north-west by a straight line across the river to its intersection with low-water mark on its right bank;

thence down-stream by that low-water mark to a point due west of a beacon near Marembo Village;

thence by a straight line to that beacon and onwards north-westerly to the point of commencement.

SECTION XXI—KULESA

Commencing at a beacon about one mile west of the apex of a sharp north-westerly bend of the Tana River immediately above the hamlet of Tanga (or Voi);

thence bounded by a straight line easterly to a beacon on the right bank of the river at that apex;

thence due south-east by a straight line across the river to its intersection with low-water mark on the left bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon near the apex of a sharp easterly bend next below Gongoni;

thence by a straight line to that beacon and onwards to a beacon approximately one mile east of the former;

thence south-westerly by a straight line to a beacon on the left bank of the river near the apex of a sharp easterly bend about one mile south of Kulesa;

thence due west by a straight line to its intersection with low-water mark on the left bank of the river, and onwards by that low-water mark, up-stream, to a point due north-west of a beacon on the right bank near the apex of the south-easterly bend next above that last mentioned;

thence by a straight line to that beacon and onwards westerly to a beacon approximately due south of the point of commencement, and onwards by a straight line northerly thereto.

SECTION XXII—CHUNONI

Commencing at a beacon on the right bank of the Tana River, near the apex of the westerly bend next above Chunoni;

thence bounded by a straight line to a beacon approximately one mile west;

thence south-easterly by a straight line through a beacon on the right bank of the river about one furlong below the village of Garden, to low-water mark on that bank of the river;

thence up-stream by that low-water mark to a point due west of a beacon on the left bank near the apex of an easterly bend about midway between Garden and Mnazini;

thence by a straight line across the river to that beacon and onwards by a straight line north-easterly to a beacon about one mile east of Mnazini;

thence north-westerly by a straight line through a beacon on the left bank of the river, near the apex of an easterly bend next above the point of commencement, to low-water mark on that bank of the river;

thence down-stream by that low-water mark to a point due east of the point of commencement;

thence by a straight line across the river thereto.

SECTION XXIII—YUNDA AND KIBUSU

Commencing at a beacon on the right bank of the Tana River, near the apex of a southerly bend about one mile below Merifano;

thence bounded by a straight line in a southerly direction through a beacon on the right bank of the river near the apex of the first sharp westerly bend below Kibusu to its intersection with low-water mark on the opposite side of the river;

thence down-stream by that low-water mark to a point due south-east of a beacon on the left bank of the river in Malkachalalo Hamlet;

thence by a straight line to that beacon;

thence north-westerly by a straight line between that beacon and another on the right bank of the river in Kibusu Village to its intersection with low-water mark on that bank;

thence up-stream by that low-water mark to a point due north of the beacon at the point of commencement;

thence by a straight line thereto.

SECTION XXIV—NGAO AND GOLBANTI

Commencing at a beacon on the left bank of the Tana River opposite the Nyika Settlement at Migeni;

thence bounded by a straight line north-easterly to a beacon near the western extremity of Lake Somiti or Shungwaya;

thence by a straight line through that lake to a beacon on its south-eastern shore near its north-eastern extremity;

thence south-easterly by a straight line to a beacon at the north-east corner of the Ngao Communal Shamba;

thence by the eastern boundary of that shamba southerly to its south-eastern corner marked by a beacon;

thence south-westerly by a straight line through a beacon on the left bank of the Tana River (at a point nearly due west of the Ngao Mission House) across the river to its intersection with low-water mark on its right bank;

thence by that low-water mark down-stream to a point due east of a beacon about one furlong below Golbanti;

thence westerly by a straight line for approximately one mile to a beacon;

thence northerly by a straight line to a beacon on the southern edge of the Shakababo Swamp;

thence northerly by a straight line still across that swamp to the western bank of the irrigation canal (or Bunta) which connects it with the Tana River;

thence by that bank of the canal to its intersection with low-water mark on the right bank of that river;

thence up-stream by that low-water mark to a point due south of the point of commencement;

thence by a straight line thereto.

SECTION XXV—ODA AND MUYE MKUU

Commencing at a beacon on the right bank of the Tana River at the eastern end of the village of Oda;

thence bounded by a straight line for approximately one mile southwards to a beacon;

thence north-easterly by a straight line to a beacon on the right bank of the Tana River at the apex of a westerly bend just below the village of Hemani;

thence due east by a straight line to low-water mark on the same bank of the river, and onwards up-stream by that low-water mark to a point due north-east of the beacon at the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet 70 of the before-mentioned deposited plan.

SECTION XXVI—MALALULU, ZUBAKI, NDURA AND TANGA

Commencing at low-water mark on the right bank of the Tana River at a point due east of a beacon at the north-east corner of Massabubu Government Camp;

thence due west by a straight line to its intersection with the line bounding the zone that includes all points on the right bank of the Tana River, distant one mile from low-water mark thereof;

thence in a generally southerly direction by that bounding line to a point due west of a beacon on the same bank of the river just below Mambosasa;

thence by a straight line through that beacon to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due west of a beacon near the apex of the easterly bend of the river next below Mambosasa;

thence by a straight line through that beacon to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

(const) 11/1/38

thence in a generally northerly direction by that bounding line to a point due east of the point of commencement; thence by a straight line due west thereto.

SECTION XXVII—NDERA

Commencing at a beacon on the right bank of the Tana River, to the north of Kongolani;

thence bounded by a straight line due west to its intersection with the line bounding the zone that includes all points on the right bank of the river distant one mile from low-water mark thereof;

thence southerly by that bounding line to a point due west of a beacon on the right bank of the river near the apex of a sharp southerly bend about a mile below Kiniadu;

thence due north by a straight line to its intersection with low-water mark on the opposite (left) bank of the river;

thence down-stream by that low-water mark to a point due south of a beacon on the same bank of the river, near the apex of the northerly bend next below the southerly bend above mentioned;

thence by a straight line to that beacon;

thence due east by a straight line to its intersection with the line bounding the zone that includes all points on the left bank of the river distant one mile from low-water mark thereof;

thence northerly by that bounding line to a point due east of the point of commencement;

thence by a straight line thereto.

The foregoing boundaries are delineated on Sheet No. 71 of the before-mentioned deposited plan.

SECTION XXVIII—TAVETA

Commencing at the easternmost corner of L.R. No. 5865;

thence proceeding by straight lines each terminating at a beacon on the following bearings and for the following distances successively:—

181° 48' 48"	...	10,094.2 feet
217° 35' 45"	...	5,998.0 "
175° 38' 35"	...	7,883.6 "
175° 16' 20"	...	7,989.6 "
242° 54' 40"	...	5,101.4 "
241° 13' 38"	...	2,902.3 "

and onward from the last beacon to the intersection with the Lumi River;

thence down-stream by that river for about 5,000 feet to the intersection with a straight line on a true bearing of 242° 27' 56" from a beacon on the left bank;

thence by that straight line for a distance of about 45 feet to that beacon;

thence by a straight line on a true bearing of 62° 27' 56" for a distance of 3,489.7 feet to a beacon;

thence by straight lines each terminating at a beacon on the following approximate bearings and for the following approximate distances successively:—

218° 04'	...	...	3,604 feet
164° 12'	...	...	2,888 "
126° 26'	...	...	3,592 "
100° 58'	...	...	2,037 "
150° 11'	...	...	2,527 "
159° 39'	...	...	2,358 "
180° 57'	...	...	2,873 "

thence by a straight line bearing 254° 30' for 1,079 feet to a beacon near the edge of Lake Jipe;

thence by the same straight line extended to its intersection with the edge of that lake;

thence northerly and westerly by the lake edge to its intersection with the Kenya-Tanganyika Territory boundary at the mouth of the Rufu River;

thence generally westerly and northerly by part of that territorial boundary to the westernmost corner of L.R. No. 5865 on Lemrika Hill;

thence easterly by part of the southern boundary of that portion to the northernmost corner of L.R. No. 6732;

thence southerly, easterly and northerly by the western, southern and eastern boundaries of L.R. No. 6732 to the north-eastern corner of that portion;

thence northerly by the eastern boundary of L.R. No. 5827 and by part of the generally eastern boundary of L.R. No. 5865 to the south-east corner of L.R. No. 4118 (Taveta Trading Centre);

thence easterly by the southern boundary of L.R. No. 7251 to its south-east corner;

thence northerly and north-westerly by the eastern and north-eastern boundaries of that portion to its northernmost corner;

Coast N. E. A.

thence south-westerly by the north-western boundary of the same portion to its intersection with the eastern boundary of L.R. No. 4118 (Taveta Trading Centre);

thence north-westerly by the north-eastern boundary of the latter portion to its intersection with the generally northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway; which also forms part of the generally eastern boundary of L.R. No. 5865;

thence north-easterly by part of the generally eastern boundary of L.R. No. 5865 to its intersection with the Lumi River;

thence easterly by the same boundary to the point of commencement;

Excluding and excepting—

The areas within the foregoing boundaries known as L.R. Nos. 1188, 1192 and 7267 are not part of the Native Land and are excluded therefrom.

SECTION XXIX—DABIDA AND SAGALLA

Commencing at the northernmost corner of L.R. No. 3881;

thence south-westerly by the north-western boundary of that portion to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence north-westerly by that railway reserve boundary to its intersection with a straight line bearing true north through a point 7,500 feet due west of the northernmost corner of L.R. No. 6925;

thence due north by that straight line for five miles;

thence north-easterly by a straight line to the south-west corner of L.R. No. 4718;

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

thence north-easterly by part of the eastern boundary of the same portion to its intersection with the south-western boundary of L.R. No. 5951;

thence south-easterly, easterly and north-westerly by the south-western, southern and eastern boundaries of the latter portion to its north-east corner;

thence due east by a straight line to its intersection with the western boundary of the railway reserve of the main line of the Kenya and Uganda Railway;

thence south-easterly by that railway reserve boundary to its intersection with the north-east boundary of L.R. No. 6866;

thence north-westerly by the north-east boundary of that portion to its northernmost corner;

thence south-westerly by the western, and south-easterly by the southern boundary of the same portion to the intersection of the latter boundary with the western boundary of the main line railway reserve;

thence south-easterly by that railway reserve boundary to its intersection with the northern boundary of L.R. No. 4957;

thence westerly by that boundary to the Trigonometrical Beacon Redcliff, the north-west corner of L.R. No. 4957;

thence south-easterly by the western boundary of L.R. No. 4957 to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway;

thence by a straight line bearing $154^{\circ} 38' 32''$ for 686.6 feet to a beacon;

thence by a straight line bearing $101^{\circ} 01' 52''$ for 10,616 feet to a beacon;

thence generally north-easterly by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

$14^{\circ} 54' 20''$	...	1,295.0 feet
$87^{\circ} 59' 14''$	...	3,021.1 „
$29^{\circ} 50' 16''$	...	1,857.3 „
$354^{\circ} 50' 10''$	...	3,055.4 „
$45^{\circ} 15' 42''$	...	464.6 „
$10^{\circ} 58' 39''$	...	777.2 „
$04^{\circ} 13' 32''$	...	2,361.4 „
$68^{\circ} 32' 13''$	...	962.5 „
$28^{\circ} 45' 00''$	...	727.3 „
$71^{\circ} 55' 14''$	...	1,621.5 „

to a point on the right bank of the Voi River;

Coast N. L. D.

No. XXVIII *Native Lands Trust***1938**

thence northerly by a straight line bearing $04^{\circ} 31' 03''$ to its intersection with the southern boundary of Voi Township on the right bank of the Voi River;

thence easterly and north-easterly by the Township Boundary to its intersection with the generally western boundary of L.R. No. 6937;

thence generally south-easterly by the latter boundary to the southernmost corner of L.R. No. 6937;

thence due south by a straight line for 36,960 feet to a beacon;

thence due west by a straight line for 21,130 feet to a beacon;

thence north-westerly by a straight line bearing $329^{\circ} 38' 30''$ for 67,240 feet to a beacon on the south or right bank of the Voi River;

thence by that straight line extended to its intersection with the Voi River;

thence westerly by the Voi River up-stream to its intersection with the northern boundary of the Railway Reserve of the Voi-Moshi branch of the Kenya and Uganda Railway near the Voi River railway bridge;

thence south-westerly by that railway reserve boundary to its intersection with the north-eastern boundary of L.R. No. 3380/2;

thence north-westerly and northerly by part of the north-eastern boundary of that portion to its intersection with the Voi River;

thence up-stream by that river to its intersection with the north-western boundary of L.R. No. 3880/2;

thence south-westerly by that boundary to its intersection with the Mwatati River;

thence southerly by that river down-stream for a distance of about two miles to its intersection with a straight line on a bearing of $88^{\circ} 27' 00''$ from a beacon on its right bank;

thence westerly by that straight line to that beacon and onwards by a straight line bearing $268^{\circ} 27' 00''$ for a distance of 6,188.5 feet to a boundary beacon of the same portion;

thence westerly by a straight line bearing $91^{\circ} 17' 04''$ for 30,329.3 feet to a beacon on the north-eastern boundary of L.R. No. 3881;

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

Excluding and excepting—

The areas within the foregoing boundaries known as L.R. Nos. 925, 1046, 1077, 1078, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 2338, 3894, 5059, 6945, 6946R and 7053 are not part of the Native Land and are excluded therefrom.

The following areas are not part of the Coast native land and are specifically excluded therefrom:—

- (a) The Kenya and Uganda Railway with all Station and other Railway Reserves.
- (b) Mambrui Plots Nos. 273, 279 and 280; Mombasa Mainland North Group XIII (Sokoki) Plots Nos. 2 and 3; Mombasa Mainland North Section II. Plots Nos. 646 to 650 inclusive.
- (c) Plots 9-14 Group VI, Mtauganyiko.
- (d) All land in private ownership; and all land which has become or may in future become the subject of a Certificate of Title issued under the Land Titles Ordinance, 1908.

SECTION XXX—KASIGAU NATIVE LAND

Commencing at a beacon situated on a true bearing of 321° 43' 21" and at a distance of 14,340.3 feet from the Trigonometrical Beacon "Kasigau";

thence by straight lines each terminating at a beacon on the following true bearings and for the following distances successively:—

07° 18' 54"	...	9,119.2 feet
95° 18' 45"	...	23,947.2 ..
184° 36' 12"	...	21,823.9 ..
225° 20' 12"	...	17,233.5 ..
289° 50' 16"	...	10,671.9 ..
311° 23' 22"	...	16,218.2 ..
41° 26' 34"	...	16,935.7 ..

to the point of commencement.

SECOND SCHEDULE**NATIVE LAND UNITS**

- (1) The Kikuyu.
- (2) The Masai.
- (3) The Kamba.
- (4) The Kerio.
- (5) The Nandi.
- (6) The Kavirondo.
- (7) The Lumbwa.
- (8) The North Pokomo.
- (9) The Coast Land.

ORDINANCE No. XXIX of 1938

Assented to in His Majesty's name this seventh day of
November, 1938.

R. BROOKE-POPHAM,
Governor.

[7TH NOVEMBER, 1938.] Date of assent.

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

7th November, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Native Liquor (Amendment) Ordinance, 1938, and shall be read as one with the Native Liquor Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

Short title.

No. 36 of 1930.

2. Section 2 of the Principal Ordinance is hereby amended by deleting therefrom the definition of "Native intoxicating liquor" and by substituting therefor the following definition:—

Amendment of
section 2 of
the Principal
Ordinance.

"Native intoxicating liquor" means—

- (a) palm wine (other than tembo tamu), pombe, fermented asali, ~~Nubian gin~~, and native beer;
- (b) all intoxicating liquors such as are prepared by natives from cereals;
- (c) all liquors (other than those mentioned in paragraphs (a), (b) and (d) of this definition) such as are prepared by natives and which contain more than one per centum by weight of absolute alcohol; and
- (d) such other liquor as the Governor may from time to time by notice in the Gazette declare to be native intoxicating liquor for the purposes of this Ordinance;

6/41

but does not include native spirituous liquor
"native spirituous liquor" defined. 6/41.

ORDINANCE No. XXX of 1938

Assented to in His Majesty's name this seventh day of November, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[7TH NOVEMBER, 1938.]

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

Date of commencement.

By Notice - G.N. 587/48 p. 190

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

Short title and commencement.

No. 48 of 1932.

*22/6/48
G.N. 587/48*

1. This Ordinance may be cited as the King's African Rifles (Amendment No. 2) Ordinance, 1938, and shall be read as one with the King's African Rifles Ordinance, 1932, hereinafter referred to as the Principal Ordinance, and shall come into force on such date as the Governor may by notice in the Gazette appoint.

Amendment of section 47 of the Principal Ordinance.

Punishments which officers commanding detachments, etc., may award.

2. Section 47 of the Principal Ordinance is hereby amended by deleting therefrom the first seven lines thereof and by substituting therefor the following:—

“47. (1) Any officer, or British warrant officer, in command of a detachment, or the administrative officer resident at and in charge of any station where there is a detachment but where there is no officer or British warrant officer in command of such detachment, may examine into the truth of any charge against a soldier or follower, and if his decision is against the accused, he may impose on him any one or more of the following punishments:—”

Amendment of section 63 of the Principal Ordinance.

3. Section 63 of the Principal Ordinance is hereby amended—

(a) by substituting the word “lieutenant-colonel” for the word “major” which occurs in the second line of sub-section (1) thereof;

(b) by substituting a colon for the full stop which occurs at the end of sub-section (1) thereof, and by adding immediately after such colon the words—

“Provided that a cadre battalion shall be in command of an officer with the rank of major.”; and

(c) by deleting therefrom the comma which occurs in the second line of sub-section (4) thereof and substituting therefor the word "and".

4. Section 79 of the Principal Ordinance is hereby amended by deleting therefrom the comma and words ", unless his sentence carries with it dismissal from the regiment" which occur in the thirteenth and fourteenth lines thereof and substituting therefor a colon and adding immediately after such colon the following proviso:—

Amendment of section 79 of the Principal Ordinance.

"Provided that if his sentence carries with it dismissal from the regiment he shall not be discharged but if he is awarded imprisonment his dismissal shall be deferred and shall not take effect until such imprisonment shall have terminated."

5. The Principal Ordinance is hereby amended—

Amendment of the Principal Ordinance.

(a) by substituting the word "carrier" for the words "machine and Lewis gun porter" or "machine gun and Lewis gun porter", as the case may be, wherever either of such last-mentioned words occur therein; and

(b) by substituting the word "carriers" for the words "machine and Lewis gun porters" or "machine gun and Lewis gun porters", as the case may be, wherever either of such last-mentioned words occur therein.

ORDINANCE No. XXXI of 1938

Assented to in His Majesty's name this seventh day of November, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[7TH NOVEMBER, 1938.]

An Ordinance to Amend the King's African Rifles Reserve of Officers Ordinance, 1927

Date of commencement.

7th November, 1938

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

Short title.

1. This Ordinance may be cited as the King's African Rifles Reserve of Officers (Amendment) Ordinance, 1938, and shall be read as one with the King's African Rifles Reserve of Officers Ordinance, 1927, hereinafter referred to as the Principal Ordinance.

No. 12 of 1927.

Amendment of section 3 of the Principal Ordinance.

2. Section 3 of the Principal Ordinance is hereby amended by deleting the word "permanently" which occurs in the last line thereof.

Amendment of section 10 (1) of the Principal Ordinance.

3. Sub-section (1) of section 10 of the Principal Ordinance is hereby amended by substituting a colon for the full stop which occurs at the end thereof and by adding immediately after such colon the following proviso:—

"Provided that nothing in this sub-section contained shall preclude the Governor from calling up any officer to undergo an additional period of training in the same calendar year if such officer volunteers or agrees to undergo such additional period of training."

ORDINANCE No. XXXII of 1938

Assented to in His Majesty's name this seventh day of
November, 1938.

R. BROOKE-POPHAM,
Governor.

[7TH NOVEMBER, 1938.] Date of assent.

An Ordinance to Amend the Liquor Ordinance, 1934

7th November, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Liquor (Amendment) Ordinance, 1938, and shall be read as one with the Liquor Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

Short title.
No. 62 of 1934.

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

Amendment of
section 2 of
the Principal
Ordinance.

(a) by inserting the words "an Abyssinian" between the word "native" and the word "a" which appear in the third and fourth lines of paragraph (2) thereof;

(b) by inserting the word "Abyssinians" between the word "natives" and the word "Somalis" which appear in the fourth line of paragraph (3) thereof; and

(c) by inserting the word "Abyssinians" between the word "natives" and the word "Somalis" which appear in the first line of paragraph (5) thereof.

3. Section 10 of the Principal Ordinance is hereby amended—

Amendment of
section 10 of
the Principal
Ordinance.

(a) by substituting the word "seven" for the word "three" which appears in the last line of sub-paragraph (c) of paragraph (10) thereof;

(b) by inserting the words and comma "the Kenya Regiment (Territorial Force)," between the word "Force" and the word "the" which appear in the seventh line of sub-paragraph (a) of paragraph (13) thereof;

No. 4 of 1937.

No. 5 of 1937.

Amendment of
section 19 of
the Principal
Ordinance.

Amendment of
section 20 of
the Principal
Ordinance.

Amendment of
section 22 of
the Principal
Ordinance.

(c) by deleting from paragraph (15) thereof the words and figures "Defence Force Ordinance, 1927" and substituting therefor the words and figures "Kenya Regiment (Territorial Force) Ordinance, 1937, or of the Kenya Defence Force Ordinance, 1937"; and

(d) by deleting the words and numbers "No. 12 of 1928" which appear as a marginal note to paragraph (15) thereof.

4. Section 19 of the Principal Ordinance is hereby amended—

(a) by substituting the words "grant of a provisional licence" for the words "provisional grant of a licence" which appear in the fifth line of sub-section (1) thereof, and by substituting the words "grant a provisional licence" for the words "make a provisional grant" which appear in the last line of sub-section (1) thereof;

(b) by substituting the word "licence" for the word "grant" which appears in sub-section (2) thereof; and

(c) by deleting from sub-section (3) thereof the words "and that no objection can be made to the character of the holder of such provisional licence".

5. Section 20 of the Principal Ordinance is hereby amended—

(a) by deleting from sub-section (1) thereof the words "The Governor may, if he thinks fit, also authorize the holding of a special meeting of any licensing court.";

(b) by re-numbering sub-section (2) thereof as "(3)"; and

(c) by inserting therein the following new subsection as subsection (2) thereof:—

"(2) The Governor may in any case, if he thinks fit, authorize the holding of a special meeting of any licensing court and shall, when required so to do and upon payment of the sum of fifteen pounds by the applicant, authorize the holding of a special meeting of the licensing court."

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

(a) by inserting the words "or who desires to obtain a provisional licence under the provisions of section

1938

Liquor

No. XXXII

19 of this Ordinance" between the word "person," and the word "shall" which appear in the sixth line of sub-section (1) thereof; and

- (b) by inserting the words "or for the ratification of a temporary transfer of a licence granted under section 32 or 32A of this Ordinance or of an authority to remove a licence from licensed premises to other premises granted under section 33 of this Ordinance" between the word "licence" and the word "no" which appear in the second line of sub-section (2) thereof.

7. Section 31 of the Principal Ordinance is hereby amended by inserting the words "an Abyssinian" between the word "native" and the word "a" which appear in paragraph (4) thereof.

Amendment of section 31 of the Principal Ordinance.

8. Section 32 of the Principal Ordinance is hereby amended—

Amendment of section 32 of the Principal Ordinance.

- (a) by inserting the words "after consulting the Commissioner of Police" between the word "fit" and the word "and" which appear in the tenth line thereof; and
- (b) by substituting a colon for the full stop which appears at the end thereof and by adding after such colon the following proviso:—

"Provided that the district commissioner shall not grant an application for a temporary transfer of a licence made within fourteen days before a meeting of such licensing court is to be held until such licensing court has concluded its sitting."

9. Section 33 of the Principal Ordinance is hereby amended—

Amendment of section 33 of the Principal Ordinance.

- (a) by inserting the words "by the applicant" between the word "affixed" and the word "in" which appear in the fourteenth line thereof; and
- (b) by inserting the words "by the district commissioner" between the word "and" and the word "at" which appear in the fifteenth line thereof.

Repeal and replacement of section 34 of the Principal Ordinance.

Application for ratification of temporary transfer or authority to remove.

Repeal and replacement of section 35 of the Principal Ordinance.

Procedure in ratification of transfer.

10. Section 34 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

“34. Any person to whom a licence may be temporarily transferred and any person who may be authorized to remove his licence to other premises under the provisions of sections 32, 32A or 33 of this Ordinance, as the case may be, shall at the next meeting of the licensing court apply for the ratification of such temporary transfer or of such authority to remove.”

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

“35. The provisions of this Ordinance (other than the provisions of sub-section (1) of section 22) relating to applications for and the grant of new licences shall apply to an application for ratification made under the provisions of section 34 of this Ordinance, but in the event of the licensing court refusing to ratify the temporary transfer or authority to remove, as the case may be, of a licence, such licence shall, as to the person to whom the same was originally granted or in respect of the premises originally licensed, be considered to be in the same position as if no such transfer or removal had taken place:

Provided that where the application is made in respect of a temporary transfer granted under the provisions of sections 32 and 32A of this Ordinance, a licensing court may only refuse to ratify such temporary transfer, if the temporary transferee is a person in respect of whom the court could have refused to renew a licence under the provisions of section 27 of this Ordinance.”

Amendment of section 39 of the Principal Ordinance.

12. Section 39 of the Principal Ordinance is hereby amended—

(a) by inserting the word “Abyssinian” between the word “native” and the word “Somali” which appear in the second line of sub-section (1) thereof;

(b) by inserting the words “an Abyssinian” between the word “native” and the word “a” which appear in the fourth line of sub-section (1) thereof; and

(c) by inserting the word "Abyssinians" between the word "natives" and the word "Somalis" wherever those words appear in sub-section (3) thereof.

13. Section 41 of the Principal Ordinance is hereby amended by inserting the word "Abyssinian" between the word "native" and the word "Somali" which appear in the first line of sub-section (1) thereof.

Amendment of section 41 of the Principal Ordinance.

14. Section 42 of the Principal Ordinance is hereby amended by inserting the words "or an Abyssinian" between the word "native" and the word "or" wherever those words appear therein.

Amendment of section 42 of the Principal Ordinance.

15. Section 46 of the Principal Ordinance is hereby amended by deleting therefrom paragraph (1) thereof and by renumbering paragraphs (2), (3) and (4) as paragraphs (1), (2) and (3).

Amendment of section 46 of the Principal Ordinance.

16. The Principal Ordinance is hereby amended by inserting therein the following new section as section 46B:—

Amendment of the Principal Ordinance.

"46B. (1) The holder of any retail liquor licence shall not permit any other person to manage, superintend or conduct the business of the licensed premises except with the consent in writing of the district commissioner of the district in which the licensing court is appointed to be held for the licensing area in which the premises are situate. The district commissioner may, in his discretion, refuse to give his consent or may give his consent for such period as to him, having regard to all the circumstances of the case, may seem reasonable. The district commissioner shall upon giving his consent under the provisions of this sub-section forthwith notify the police officer in charge of the district in which the licensed premises are situate.

Permitting other persons to manage, etc., the business of retail liquor licence.

(2) If any such holder commits a breach of the provisions of sub-section (1) of this section he shall, in addition to any other penalty by this Ordinance provided, be liable to forfeit his licence.

(3) Any person who at any time is lawfully managing, superintending or conducting the business of the holder of any licence shall be subject and liable to the same duties, obligations and penalties as such holder: Provided that nothing herein contained shall be taken to relieve the holder of any duties, obligations or penalties to which he may by law be subject or liable."

Repeal and replacement of section 66 (1) of the Principal Ordinance.

Attorney General may appear for members of licensing court and be entitled to costs.

Cap. 17.

17. Sub-section (1) of section 66 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

“66. (1) The Attorney General or any person appointed in writing by him for that purpose may appear for and on behalf of the members of a licensing court in any legal proceedings instituted against such members in their official capacity and shall be entitled to costs in like manner and to the same extent as if he were appearing for and on behalf of the Government of the Colony in a suit instituted against the Government under the provisions of the Petitions of Right Ordinance.”

ORDINANCE No. XXXIII of 1938

Assented to in His Majesty's name this thirtieth day of November, 1938.

R. BROOKE-POPHAM,
Governor.

[30TH NOVEMBER, 1938.] Date of assent.

An Ordinance to Enlarge, Extend and Revise the Objects and Scope of the Charitable Trust known as the McMillan Memorial Library and the Powers and Responsibilities of the Trustees thereof; to make certain further amendments and additions to the Constitution and Trusts of the said Charitable Trust and to divers documents subsidiary thereto; and to Consolidate and Declare the Constitution and Trusts as so Modified.

30th November, 1938

Date of commencement.

WHEREAS by a Trust Deed dated the 30th day of June, 1931, and made between the then Commissioner for Local Government for and on behalf of the Government of the Colony and Protectorate of Kenya and Lady Lucie McMillan, Commander of the Most Excellent Order of the British Empire (therein called "the Appointors"), of the one part, and the then Colonial Secretary and the then Director of Education respectively of the Colony and Protectorate of Kenya, the then Mayor of Nairobi, the late Lieutenant-Colonel Marcuswell Maxwell of Nairobi, Arthur Alexander Legat of Nairobi, and Lieutenant-Colonel Ralph Beresford Turner, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order (therein called "the Trustees") of the other part, after reciting that an institution had been established under the name of the "McMillan Memorial Library" for the establishment and development of a Reading and Reference Library for the use of Europeans, and a Book Distributing Library for the use of European libraries in the Colony and Protectorate of Kenya, and that the Appointors aforesaid were desirous of granting that piece and parcel of land situate in Nairobi being Plot Number L.R. 209/1890 and comprising 0.560 of an acre or thereabouts together with the buildings which had been erected thereon for the purposes of the said Libraries, and that the Trustees aforesaid have been approved

by the Governor of the Colony and Protectorate of Kenya to be appointed and had consented to be so appointed for the purpose of having vested in them the control and management of the said libraries together with the land and buildings to be granted as aforesaid and to provide for the future application of all funds which might from time to time accrue to the said libraries, it was witnessed that the Appointors aforesaid on behalf of the McMillan Memorial Library thereby appointed the Trustees aforesaid to be trustees of the said libraries for the purpose of having vested in them the McMillan Memorial Library and the Book Distributing Library together with the buildings comprising the same and the land upon which the said buildings had been erected and all funds which might from time to time accrue to the said libraries and all property whether moveable or immovable including all chattels, moneys and securities of or belonging to the said libraries or which might thereafter be acquired by or devolve upon the said libraries in any manner, upon the trusts and with and subject to the powers and provisions hereinafter respectively set forth;

Cap. 146.

AND WHEREAS, for the purposes of the said Trust Deed, the Trustees aforesaid were duly registered under the Land (Perpetual Succession) Ordinance as a body corporate with the name of "The McMillan Memorial Library Registered Trustees", and a Certificate of such registration (hereinafter referred to as the Original Certificate) was duly granted to the Trustees aforesaid by the Governor in Council on the 16th day of November, 1932, subject to the conditions and directions therein contained;

AND WHEREAS, pursuant to the terms and intention of the Trust Deed, the said piece and parcel of land known as Plot Number L.R. 209/1890 was, by a Grant dated the 1st day of July, 1933 (registered in the Registry of Titles at Nairobi, as Number I.R. 3790/1), duly granted to the said McMillan Memorial Library Registered Trustees for a term of 99 years from the 1st day of January, 1929, at the yearly rent and subject to the conditions therein respectively reserved and contained, and the said respective Libraries have been established and since maintained in accordance with the trusts, powers and provisions of the Trust Deed;

AND WHEREAS it has now become expedient that the objects and scope of the McMillan Memorial Library, as declared by the Trust Deed, should be enlarged or extended

to include certain further activities and fields, and that certain further and other powers should be conferred upon the said McMillan Memorial Library Registered Trustees as trustees thereof, and that certain further and other provisions should be made with reference to the administration of the trusts thereof and otherwise, and that for the better effecting of such several purposes and for divers other good causes the constitution and trusts of the McMillan Memorial Library, with all necessary modifications, should be consolidated and declared anew as hereinafter in this Ordinance set forth;

AND WHEREAS these purposes cannot be effected without statutory authority;

AND WHEREAS the McMillan Memorial Library Registered Trustees now consist of the said Lieutenant-Colonel Ralph Beresford Turner, Edward Gilbert Morris, Officer of the Most Excellent Order of the British Empire, George Beresford Stooke, R.N. (Retired), Gwladys Lady Delamere, and the said Arthur Alexander Legat, Officer of the Most Excellent Order of the British Empire and they, as the present trustees of the McMillan Memorial Library, have expressed their approval of the purposes and terms of this Ordinance;

AND WHEREAS the Appointors aforesaid have each expressed the like approval;

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

PART I

PRELIMINARY

1. This Ordinance may be cited as the McMillan Memorial Library Ordinance, 1938. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.

“East Africa” means the Colony and Protectorate of Kenya, the Uganda Protectorate, the Tanganyika Territory, and the Zanzibar Protectorate;

“McMillan Memorial Library” means the charitable trust originally the subject of the Trust Deed, the constitution and trusts whereof are hereby modified, consolidated and prescribed;

"Trust Deed" means the trust deed dated the 30th day of June, 1931, and more particularly described in the first recital of the preamble to this Ordinance;

"Trustees" means The McMillan Memorial Library Registered Trustees, and includes the said Lieutenant-Colonel Ralph Beresford Turner, Edward Gilbert Morris, George Beresford Stooke, Gwladys Lady Delamere, and Arthur Alexander Legat or other the trustees or trustee for the time being of the McMillan Memorial Library appointed pursuant to section 20 of this Ordinance;

"Trust Fund" means all the property, moveable or immovable, from time to time vested in or held by the Trustees, or any other persons or person under their direction, for the purposes of the McMillan Memorial Library, whether before or after the passing of this Ordinance, and whether by or pursuant to the Trust Deed or otherwise.

PART II

CANCELLATION OF TRUST DEED AND DECLARATION OF NEW CONSTITUTION AND TRUSTS

Cancellation
of Trust Deed.

3. The Trust Deed and all the Trusts, powers and provisions therein declared or contained shall be and are hereby extinguished and declared null and void and of none effect, without prejudice to any act or thing lawfully done, right accrued, or liability incurred thereunder before the commencement of this Ordinance.

Supplementary
modifications.

4. (1) The constitution of the McMillan Memorial Registered Trustees, and the conditions and directions contained in the Certificate of Registration granted to them by the Governor in Council under the provisions of the Land (Perpetual Succession) Ordinance on the 16th day of November, 1932, shall be deemed to have been modified, if and so far as is necessary to render the same consistent with the provisions of this Ordinance; and the Governor in Council may grant such further Certificate of Registration, if any, either by way of modification of the Certificate granted as aforesaid or in substitution therefor, as may be deemed appropriate to give effect to the provisions of this sub-section.

Cap. 146.

(2) The conditions contained in the Grant in favour of the Trustees dated the 1st day of July, 1933, and registered in the Registry of Titles at Nairobi as Number I.R. 3790/1 shall also be deemed to have been modified, if and so far as is necessary to render the same consistent with the provisions of this Ordinance.

5. The constitution and trusts of the McMillan Memorial Library shall be as hereinafter prescribed.

Declaration of
new Constitution
and Trusts.

PART III

NEW CONSTITUTION AND TRUSTS

6. The objects and scope of the McMillan Memorial Library shall include the following:—

Objects and
scope of the
Trust.

- (a) the establishment, maintenance and development at Nairobi of a Reference Library, a Reading Room, and a Lending Library, for the use of Europeans only;
- (b) the establishment, maintenance and development of a Circulating Library service with headquarters at Nairobi, for the circulation of books to approved co-operative or subsidiary libraries for the use of Europeans only in any part or parts of East Africa, to be known as "the East African (Carnegie) Circulating Library";
- (c) the organization, promotion, and encouragement of public lectures, cinematograph performances, educational classes, and other courses or methods of education or instruction of every kind, and on any subject whether of general or of particular or technical interest or value, for Europeans only in any part or parts of East Africa;
- (d) the establishment, maintenance, development, promotion and/or encouragement in any part or parts of East Africa of other libraries, institutions or societies, whether subsidiary or independent, for all or any of the foregoing purposes; and
- (e) co-operation with, or contribution to, any other libraries, institutions, societies, corporations, trusts or funds, upon such terms and conditions as the Trustees may, in their sole discretion, from time to time, think fit, for all or any of the foregoing purposes:

Provided that the activities referred to in paragraph (a) of this section shall constitute the primary objects of the McMillan Memorial Library, and nothing in this Ordinance contained shall be construed as requiring the Trustees to extend the activities of the McMillan Memorial Library beyond the scope of that paragraph except so far as they may, in their discretion, consider that the resources of the Trust Fund and other circumstances permit; provided further that

the several activities of the McMillan Memorial Library for the time being may be combined, kept separate, or made co-operative to such extent and in such manner as the Trustees may, in their sole discretion, for the time being consider desirable.

Trusts of the Trust Fund.

7. The Trustees shall hold the Trust Fund upon trust, subject and without prejudice to the powers, discretions and provisions conferred by or contained in this Ordinance, to use, apply or appropriate the same for the purposes of the McMillan Memorial Library.

Trustees to have control of Trust Fund and all specific assets comprised therein.

8. (1) The Trustees shall have the absolute management and entire control of the Trust Fund, including all libraries, buildings and other specific assets of whatsoever nature or kind from time to time forming part thereof, and may, subject to the provisions of section 17 of this Ordinance, make, rescind and alter such regulations (not being inconsistent with the provisions of this Ordinance) as they may think fit, with respect to the purposes for which, the manner in which, the persons by whom, the terms and conditions on which and the times when any such specific assets or any other part or parts of the Trust Fund shall be used, applied or appropriated, and otherwise as the Trustees shall think necessary for the purposes prescribed in section 6 of this Ordinance or in connexion with the execution of any of the trusts or powers contained in or conferred by this Ordinance.

(2) The Trustees may at any time (notwithstanding anything to the contrary contained in this Ordinance) impose a charge for the admission to, or for the use of, any buildings or libraries, or for the use of books or other assets, from time to time comprised in the Trust Fund on all or any persons entering or using the same respectively.

Power to purchase and sell books, etc.

9. The Trustees may pay or apply any part of the Trust Fund, not specifically granted, donated or set apart for some other special purpose, for the purchase, printing or publication of such books, pamphlets, manuscripts, reports, pictures, maps and other documents, and such furniture and effects, as to them may seem expedient from time to time, and may also at any time sell, or otherwise dispose of, any moveable assets of whatsoever nature or kind (except articles specifically granted or donated for any special purpose which precludes such sale) from time to time forming part of the Trust Fund. All moneys arising from any such sale or disposition shall fall into and form part of the Trust Fund.

10. The Trustees may at any time, as to them may seem expedient, apply any part of the Trust Fund (not specifically granted, donated or set apart for some other special purpose) in acquiring, by purchase or on lease or otherwise, any freehold or leasehold lands for all or any of the purposes hereinbefore declared, or in erecting, or pulling down or rebuilding, or enlarging, improving or altering at any time, and from time to time any buildings on such lands or otherwise for the time being forming part of the Trust Fund, and in furnishing or equipping the same or any part or parts thereof, as the Trustee may think desirable for the purposes aforesaid, and may, from time to time, set apart any part or parts of the Trust Fund and accumulate such part or parts by investing the same and the resulting income thereof in the names of the Trustees (or in the names of such other persons as they shall from time to time direct) in any investments by this Ordinance authorized, as a building fund, with a view to applying such fund as and when the Trustees shall think fit for the purposes aforesaid or any of them.

Acquisition of lands, and erection and alteration of buildings.

11. Any lands acquired under the last preceding section shall be conveyed or demised to, or otherwise vested in, the Trustees or such other persons as the Trustees shall from time to time direct.

Vesting of lands.

12. The Trustees shall be at liberty at any time to sell, transfer or exchange any lands acquired under the provisions of section 10 of this Ordinance or any other lands which may for the time being form part of the Trust Fund (excepting only the said piece or parcel of land known as Plot Number L.R. 209/1890 and any other lands specifically granted or donated for any special purpose which precludes sale) with power, in the case of sale, to buy in and resell the same without being responsible for any loss that may thereby be incurred; and, in the case of any such sale, transfer or exchange all persons in whom the lands sold, transferred or exchanged may be vested shall execute and do all such deeds and acts for the purpose of carrying such sale, transfer or exchange into effect as the Trustees may direct; and all moneys arising from any such sale, transfer or exchange shall fall into and form part of the Trust Fund accordingly.

Power to sell lands.

13. The Trustees may at any time permit any part of any buildings for the time being forming part of the Trust Fund (including any premises acquired under the provisions of section 10 of this Ordinance) to be used, either gratuitously

Use of premises for meetings.

or otherwise, for lectures, classes, meetings, or otherwise, provided that such use shall not be inconsistent or interfere with the carrying out of the primary objects specified in section 6 of this Ordinance.

Leasing powers.

14. The Trustees may at any time let, or demise in such manner and on such terms as to them may seem expedient, any part of any premises for the time being forming part of the Trust Fund (including any premises acquired under the provisions of section 10 of this Ordinance but excepting the said piece and parcel of land known as Plot Number L.R. 209/1890 and any other lands specifically granted or donated for any special purpose which includes letting) which may not be immediately required for any of the purposes hereinbefore prescribed.

Appointment of officers and servants.

15. The Trustees may at any time appoint, upon such terms as they may determine, a Librarian, a Secretary, and a Treasurer, together with such other officials and servants as the Trustees may deem expedient, for all or any of the several purposes hereinbefore prescribed, and may at any time remove any such official or servant.

Outgoings, insurance, etc.

16. The Trustees may, subject to the provisions of section 17 of this Ordinance, pay out of the income or capital of the Trust Fund all rents, rates, taxes, assessments, costs of insurance, repairs and other outgoings at any time payable in respect of any premises from time to time forming part of the Trust Fund (including any premises acquired under the provisions of section 10 of this Ordinance), whether moveable or immoveable, and all expenses of any sale effected pursuant to section 12 of this Ordinance, and may also pay out of such income or capital (subject as aforesaid) the salaries and wages of all officials and servants, and all other expenses of and incidental to any of the purposes hereinbefore prescribed, or to the exercise of any of the powers hereby conferred upon the Trustees.

Creation of endowment.

17. The Trustees may from time to time, at their discretion, set apart as an endowment fund such part or parts (if any) of the Trust Fund as may in their judgment be so set apart safely and without prejudice to the due execution of any of the trusts or powers herein contained, and all sums constituting the endowment fund shall be invested by the Trustees in their names, or in the names of such other persons as they shall from time to time direct, in any investments by

this Ordinance authorized, with power at any time to vary any of such investments; and the endowment fund and all investments at any time representing the same shall be held upon trust that the income thereof shall be applied in perpetuity in like manner and for the like purposes as and for which the Trust Fund may be applied under the provisions of this Ordinance.

18. The Trustees may at any time appoint or make provision for the appointment of any persons (including all or any of the Trustees) as governors or a management committee or otherwise, for the purpose of discharging such functions in connexion with the management of the Trust Fund or of any specific assets or asset for the time being forming part thereof, or otherwise in relation to the execution of any of the trusts or powers contained in or conferred by this Ordinance, in such manner and subject to such regulations as the Trustees may prescribe, and may at any time appoint or provide for the appointment of separate trustees to hold any lands acquired, or any building fund or endowment fund established under the provisions of this Ordinance, or any other properties, investments or funds for the time being forming part of the Trust Fund, in such manner and subject to such regulations as the Trustees may from time to time think fit, and may confer upon any governors, management committee or separate trustees as aforesaid any special privileges in connexion with any specific assets or asset for the time being forming part of the Trust Fund. The Trustees may delegate to one or more of themselves, or to any body of governors or management committee or separate trustees as aforesaid, any of the trusts or powers vested in or exercisable by the Trustees under or by virtue of this Ordinance.

Power to constitute governors, management committee, or separate trustee.

19. The Trustees may from time to time open and maintain in their corporate name, or in the names of any such separate trustees as aforesaid, a banking account or banking accounts at such bank or banks as they shall from time to time determine, and may at any time pay or cause to be paid any moneys forming part of the Trust Fund (including any building fund or endowment fund established under the provisions of this Ordinance) to the credit of any such account or accounts, or place or cause to be placed the same on deposit with any banker or bankers; and any moneys at any time forming part of the Trust Fund (whether forming part of a building fund or endowment fund or otherwise) and requiring

Banking accounts and investments.

investment may be invested at the discretion of the Trustees in any of the investments for the time being permitted by law for the investment of trust funds, with power for the Trustees at their discretion from time to time to vary any such investment for any other of a like nature.

Appointment of
new Trustees.

20. (1) The Trustees shall at all times, subject only to temporary vacancies occasioned by death, be six in number and shall consist of:—

(a) two persons of pure European descent appointed by the Governor in Council;

(b) one person of pure European descent appointed by resolution of the Municipal Council of Nairobi;

(c) the said Lieutenant-Colonel Ralph Beresford Turner, or some other person of pure European descent appointed by writing under the hands of any three of the other five Trustees;

(d) two persons of pure European descent appointed either:—

(i) by writing under the hand of the senior of such of the children or remoter issue (if any) of the late Lieutenant-Colonel Marcuswell Maxwell as are for the time being of the age of majority and of sound mind and resident in East Africa, males ranking as senior to females for the purpose of this provision; or, in default of any such children or remoter issue,

(ii) by writing under the hand of Lady Lucie McMillan, being of sound mind and resident in East Africa, or failing her, by writing under the hand of Margaret Dorothy Marcuswell Maxwell, widow of the late Lieutenant-Colonel Marcuswell Maxwell, being of sound mind and resident in East Africa, or, failing her, by writing under the hand of the senior wife, widow, husband or widower, being of sound mind and resident in East Africa, of any child or remoter issue of the late Lieutenant-Colonel Marcuswell Maxwell (for which purpose seniority shall be determined according to that of the husband or wife, living or deceased, whom such wife, widow, husband or widower as aforesaid represents); or in default of any such persons as aforesaid,

(iii) by writing under the hand of Mrs. Lucie McMillan Johnston of Kitale in the Colony of Kenya, or, after her death, by writing under the hand of the senior of her children or remoter issue, failing whom, by writing under the hand of the widower of the said Mrs. Lucie McMillan Johnston, or, failing him, by writing under the hand of the senior wife, widow, husband or widower of such children or remoter issue of hers, with the like provisions as to seniority and other qualifications in all respects, *mutatis mutandis*, as are hereinbefore contained in paragraphs (i) and (ii); or, if and so often as there shall be no such person as aforesaid available, then

(iv) by writing under the hands of any three of the other four Trustees;

but so that the children or remoter issue of the late Lieutenant-Colonel Marcuswell Maxwell or any other person competent to appoint as provided by paragraphs (ii), or (iii) shall be entitled to appoint himself or herself as a Trustee.

(2) Every and any appointment from time to time made as aforesaid, including all appointments having effect at the commencement of this Ordinance, may from time to time, and at any time, be revoked in the like manner and form as that prescribed for such appointment, without previous notice, by the person or persons in whom respectively, under the provisions of this section, the power of such appointment is vested, upon a new and valid appointment being made by such person or persons respectively: Provided that the appointment of the said Lieutenant-Colonel Ralph Beresford Turner shall only be revoked if, at the time of revocation—

- (a) he has given his written consent thereunto; or
- (b) he has become unable or unwilling to act; or
- (c) he is absent from East Africa, and has been so absent for an immediately preceding consecutive period of more than six calendar months.

Powers of majority to act, and of individuals to appoint alternates.

21. (1) All or any of the trusts and powers vested in or exercisable by the Trustees under or by virtue of the foregoing provisions of this Ordinance shall, without prejudice to the special provisions of the last preceding section enabling three to act, be capable of being performed by any four of them, and any action or decision of any four of the Trustees for the time being shall be as valid as it would have been if done or made by six Trustees: Provided that if and so often as there are less than four Trustees in East Africa then the said trusts and powers shall nevertheless be capable of being performed by all Trustees not being less than two, who are for the time being in East Africa, and any act or decision of theirs shall be as valid as it would have been if done or made by six Trustees.

No. 28 of 1929.

(2) Notwithstanding anything to the contrary contained in the Trustee Ordinance, 1929, no individual Trustee other than the said Lieutenant-Colonel Ralph Beresford Turner shall have any power in any circumstances to appoint any attorney, alternate, or substitute to act in his place:

No. 28 of 1929.

Provided that nothing in this sub-section shall derogate from or otherwise affect any power of delegation conferred upon the Trustees generally by section 18 of this Ordinance, or any power of the said Lieutenant-Colonel Ralph Beresford Turner to do or make any formal act or deed by the agency of a duly constituted attorney under or by virtue of the said Trustee Ordinance, 1929, or any other law for the time being in force in the Colony.

PART IV

FUTURE MODIFICATIONS

Power to vary Constitution and Trusts.

22. Notwithstanding anything to the contrary contained in this Ordinance, all or any of the trusts, powers and provisions hereinbefore contained may at any time or times hereafter, by a declaratory deed under the hands and seals of any five of the Trustees and under the hand of the Governor and the seal of the Colony, be altered, modified or extended in such manner and to such extent as the Trustees may think fit and the Governor in Council may approve.

Power to transfer Trust Fund or part thereof.

23. (1) In addition to the powers conferred by the last preceding section and any other powers hereinbefore contained, and without prejudice to the generality of such respective powers, the Trustees acting unanimously, or any five

of them, may at any time or times, with the consent of the Governor in Council duly recorded under the hand of the Governor and the public seal of the Colony, transfer the whole or any part or parts of the Trust Fund to any municipality or other local authority or to any separate body of trustees, upon the terms either that the transferee or transferees shall thenceforth become a trustee or trustees of the premises so transferred for the purposes of and with and subject to the powers and provisions declared by this Ordinance in the place of the Trustees, or else that the premises so transferred shall thenceforth be excluded entirely from the McMillan Memorial Library and from the operation of this Ordinance, and upon such further or other terms as may be thought fit: Provided that neither the said piece and parcel of land known as Plot Number L.R. 209/1890 nor any building thereon, nor any part thereof respectively, shall be transferred to any person other than the Municipal Council of Nairobi, and then only upon condition that the same shall continue at all times thereafter to be known and designated by the name of the "McMillan Memorial Library".

(2) In the event of any such transfer as aforesaid, the Trustees shall thereupon, unless the terms of such transfer otherwise provide, be released and discharged from all future responsibility or liability under this Ordinance in respect of the premises so transferred.

PART V

MISCELLANEOUS

24. All appointments made, liabilities incurred, and other acts and things done or suffered by the Trustees prior to the commencement of this Ordinance, which would have been valid and effectual if so made, incurred, done or suffered after the commencement of this Ordinance, shall be valid and take effect in all respects as if the same had been so made, incurred, done or suffered under or by virtue of this Ordinance.

Retrospective effect as regards prior acts and liabilities.

25. All powers, discretions, authorities, responsibilities, and liabilities conferred or imposed upon the Trustees by any other law for the time being in force shall apply to the Trustees, except so far as expressly or impliedly modified or excluded by the terms of this Ordinance.

Saving of powers, etc., conferred on trustees by other laws.

Costs.

26. The costs, charges and expenses preliminary to and of and incidental to the preparation and enactment of this Ordinance, shall be paid by the Trustees out of the Trust Fund.

Saving of rights of the Crown, bodies corporate and other persons.

27. Nothing in this Ordinance contained shall in anywise prejudice or affect any rights of His Majesty the King, His Heirs and Successors, in any respect other than in His vicarious capacity as one of the Appointors mentioned in the preamble to this Ordinance, or of any body or bodies (politic or) corporate or other person or persons excepting only such as are mentioned herein and those claiming by, from or under them.

Control of Production
— Oct 28/43

ORDINANCE No. XXXIV of 1938

*Amended by
Ord. 10/41.*

Assented to in His Majesty's name this thirtieth day of November, 1938.

*40/41
2/42
11/46
48/50*

R. BROOKE-POPHAM,
Governor.

[30TH NOVEMBER, 1938.] Date of assent.

An Ordinance relating to the Advancement and Control of the Pyrethrum Industry

By Notice 17th Jan. 1939

Date of commencement.

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

1. This Ordinance may be cited as the Pyrethrum Ordinance, 1938, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint.

Short title and commencement.

S.N. 11/39, p. 29.

2. In this Ordinance—

Interpretation.

“agency” means the person or body of persons from time to time appointed under the provisions of section 9 of this Ordinance and until such an appointment has been made shall mean the agency appointed under the provisions of the Sale of Pyrethrum Ordinance, 1935;

No. 23 of 1935.

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

“Conference” means any meeting of pyrethrum growers, licensed under the provisions of this Ordinance, convened by the Board for the purpose of the election of members of the Board in accordance with the provisions of section 3 of this Ordinance;

*Deleted by Ord. 40/41
L. 165*

“Director” means the Director of Agriculture;

“export” means export from the Colony to a place outside the limits of the Protectorate of Uganda or of the Tanganyika Territory or of the Zanzibar Protectorate or of the Colony;

“Fund” means the Pyrethrum Levy Fund established by section 17 of this Ordinance;

“levy” means the levy imposed under the provisions of section 16 of this Ordinance;

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

Repealed by Ord. 40/41

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

"pyrethrum grower" means ⁴⁰ ~~any person who grows pyrethrum for sale;~~ *Revised by Ord. 7041.*

"sell" includes agree or contract to sell.

Establishment and constitution of the Board.

3. ~~(1)~~ There shall be established a Board, to be known as "the Pyrethrum Board", which shall consist of:—

(a) two members to be appointed by the Governor;

(b) three persons licensed under the provisions of this Ordinance who shall be elected at the Conference or meeting as hereinafter provided.

Revised by Ord. 7041.
(2) (a) For the purpose of electing to the Board any person referred to in paragraph (b) of sub-section (1) of this section, the Board shall convene a Conference in the first half of each calendar year at such place and at such time as to the Board may seem fit.

Y. J. M.
Provided that the first election of members of the Board under paragraph (b) of sub-section (1) of this section shall be made at a meeting of pyrethrum-growers, who, before the first day of November, 1938, were registered as pyrethrum growers in accordance with the provisions of section 4 of the Sale of Pyrethrum Ordinance, 1935, and who are licensed under the provisions of this Ordinance, which meeting shall be convened by the Director within sixty days after the commencement of this Ordinance. Such meeting shall elect a chairman and such chairman shall have a deliberative vote, and in the case of equality of votes, shall also have a casting vote.

No. 23 of 1935.

(b) A candidate for the first election under paragraph (b) of sub-section (1) of this section shall, subject to any rules made under section 20 of this Ordinance, lodge with the Director, at least thirty days before such election, a nomination paper signed by not less than five pyrethrum growers, who, before the first day of November, 1938, were registered as aforesaid and who are licensed under the provisions of this Ordinance.

(3) The Board shall elect a chairman and a vice-chairman annually.

(4) Members of the Board, other than those referred to in paragraph (b) of sub-section (1) of this section, shall hold office during the Governor's pleasure.

1938

Pyrethrum

No. XXXIV

(5) The following provisions shall apply in respect of the members elected at each Conference and at the meeting referred to in sub-section (2) of this section —

- (a) one shall retire annually;
- (b) the order of retirement shall be by rotation which shall be decided by the Board by ballot;
- (c) any member retiring as aforesaid shall be eligible for re-election.

(6) A candidate for election shall lodge with the Secretary of the Board, at least thirty days before the date fixed for the election, a nomination paper signed by not less than five pyrethrum growers licensed under the provisions of this Ordinance.

(7) In any case in which the Board is satisfied that any member of the Board is incapacitated by illness, absence or other sufficient cause from performing the duties of his office the Board may appoint some fit person to be a deputy to act for that member during such incapacity and any deputy shall, while he acts as such, have all the powers and authority of the member for whom he is so acting.

(8) Where a member elected under sub-section (2) of this section dies or resigns his seat on the Board, the Governor may, with the advice of the Board, nominate any pyrethrum grower licensed under the provisions of this Ordinance to act as a member of the Board until such time as a member is elected to fill the vacancy at the next Conference.

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

Board to be a body corporate.

5. (1) The Board shall meet not less than once in three months.

Meetings of the Board.

(2) At all meetings of the Board ^{four} ~~three~~ members shall form a quorum.

(3) In the absence of the chairman and vice-chairman from any meeting of the Board a chairman for such meeting shall be chosen by the members present.

(4) The chairman of the meeting shall have a deliberative vote, and in the case of equality of votes shall also have a casting vote. A decision of a majority of the members present and voting at a meeting of the Board shall be deemed to be the decision of the Board.

(5) The chairman may in his discretion at any time convene a special meeting of the Board and shall, upon receipt of a requisition signed by two members of the Board calling upon him so to do, within one month after the date of such requisition, convene a special meeting of the Board.

(6) Subject to any rules which may be made under section 20 of this Ordinance, the Board may make standing orders regulating—

- (a) the conduct of its business; and
- (b) the procedure for the election of members ~~at the Conference.~~

(7) The Director or his nominee shall have the right to attend and speak at all meetings of the Board but shall not vote.

Annual report.

Replaced by Ord. 40/41
6. ~~The Board shall prepare annually a report of its operations which shall be submitted to the Conference and be published in such manner as the Governor may direct.~~

Liability of members of the Board.

6A Added by Ord. 40/41
7. No member of 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.

Licensing of pyrethrum growers.

8. (1) ~~Subject to the provisions of sub-section (8) of this section, no person shall, on or after the commencement of this Ordinance, grow pyrethrum for sale and until he is in possession of a licence issued to him for such purpose by the Director.~~ *Replaced by Ord. 40/41*

(2) Upon receipt of an application for a licence ~~other than an application for a licence mentioned in sub-section (3) of this section,~~ the Director shall consult the Board, but may, in his discretion, and notwithstanding the advice of the Board to the contrary, grant or refuse the application :

Provided that, where the Director intends to issue or refuse a licence notwithstanding the advice of the Board to the contrary, he shall before issuing or refusing, as the case may be, the licence notify the Board accordingly in writing,

Ord. 48/41

Bill on 8 suspended
— Ord. 28/43

and the Board may within ^{three}~~ten~~ days after the date of such notification appeal to the Governor in Council whose decision shall be final. A copy of any such appeal shall at the same time be sent to the Director who shall, upon the receipt thereof, suspend the issue of the licence pending the decision of the Governor in Council:

Provided further that where the Director intends to refuse a licence he shall also notify the applicant accordingly in writing, and the applicant may, within ten days after the date of such notification appeal to the Governor in Council whose decision shall be final. A copy of any such appeal shall at the same time be sent to the Director and also to the Board.

~~(3) The Director shall not refuse to grant a licence under this section to any pyrethrum grower (or his successor in title) previously registered under section 4 of the Sale of Pyrethrum Ordinance, 1935, in respect of any acreage of land which is at the commencement of this Ordinance planted with pyrethrum, and shall in exercising his discretion under the provisions of sub-section (2) of this section be subject to the provisions of any rules made under this Ordinance.~~

No. 23 of 1935.

(4) A fee of fifty shillings shall be payable for such licence.

~~(5) Every licence issued by the Director shall specify the acreage of land which the licensee is authorized to plant with pyrethrum.~~

(6) Every licence issued under the provisions of this section shall expire on the thirty-first day of March next following the date on which it was issued.

(7) All licence fees paid by pyrethrum growers under the provisions of this section shall be paid to the credit of the Fund.

~~(8) Any person who on the first day of November, 1938, was registered as a pyrethrum grower in accordance with the provisions of section 4 of the Sale of Pyrethrum Ordinance, 1935 shall for the purposes of this Ordinance be deemed to be licensed under this Ordinance until the thirty-first day of March, 1939.~~

No. 23 of 1935.

9. (1) The Board may, with the approval of the Governor in Council, appoint any person or body of persons to be the agency for the purposes of this Ordinance, and may in like manner revoke or vary such appointment.

Appointment of agency.

(2) Any appointment made under sub-section (1) of this section, or the revocation or variation of such appointment, shall be published in the Gazette.

Pyrethrum to be sold to agency.

Replaced by Ord. 40/41
10. No pyrethrum grower shall sell any pyrethrum to any person other than the agency.

Agency only to purchase.

10A Deleted by Ord. 10/41
11. No person other than the agency shall purchase pyrethrum from any pyrethrum grower.

Agency to purchase all pyrethrum offered.

~~12. Subject to the provisions of any rules made under this Ordinance, the agency shall purchase all pyrethrum offered to it by any grower which is suitable for the purpose of preparation of an insecticide of good quality.~~ *169*

Agency to supply East African demands.

13. Subject to the provisions of any rules made under this Ordinance, the agency may sell pyrethrum in any market, whether within or without the Colony, but it shall be the first duty of the agency to supply the demands of the Colony and of the Uganda Protectorate, the Tanganyika Territory and the Zanzibar Protectorate, to the satisfaction of the Governor.

Maximum price for pyrethrum powder in certain circumstances.

14. The maximum price to be charged by the agency for pyrethrum powder for consumption or use within the Colony, or within the Uganda Protectorate, the Tanganyika Territory, or the Zanzibar Protectorate, shall not exceed the export parity of pyrethrum flowers based on the average overseas price for the previous three months, plus twenty per centum and the cost of gristing and packing.

Appeal from agency to the Board.

15. Any person aggrieved by any decision of the agency may appeal to the Board, whose decision shall be final, but nothing in this section contained shall be deemed to deprive any person of any right of action which he may have in any competent court of the Colony.

Levy.

16. (1) The Governor may, on the recommendation of the Board, from time to time by proclamation in the Gazette impose a levy on all pyrethrum produced in and sold in or exported from the Colony:

Provided that where a pyrethrum grower chargeable with levy under this section has paid a licence fee under sub-section (4) of section 8 of this Ordinance for the same year in which such levy is chargeable, a deduction shall be made from the

- see Proc. 42/39, p. 306.; Proc. 11/52 p. 56

levy payable by him under this section for the same year of the amount so paid as licence fee:

Provided further that no such deduction shall be allowed unless the receipt for the licence fee is surrendered at the time of payment of the levy under this section.

(2) No levy shall become operative until two months after the date of the proclamation imposing it.

17. (1) There shall be established a fund, to be known as "The Pyrethrum Levy Fund", which shall consist of all moneys paid in respect of the levy and such other contributions and donations as may from time to time be made to the Fund.

Pyrethrum Levy Fund.

(2) The Fund shall be in the custody of the Treasurer, who, as soon as possible after the last day of each month, shall pay the amount of such Fund into an account opened in the name of the Board with a bank approved by the Governor, and the receipt of such bank for sums so paid shall be a full and effectual discharge to the Treasurer.

(3) The Board shall apply such moneys to all or any of the following purposes:—

- (a) experiment, investigation and research in connexion with the pyrethrum industry;
- (b) the cost of advertising the merits of Kenya pyrethrum and increasing its sale by efforts to extend existing markets and exploiting new markets, and any matters incidental thereto;
- (c) the employment of such staff as the Board may deem necessary for the purpose of carrying out its functions;
- (d) the payment of travelling and out-of-pocket expenses to individual members of the Board at rates to be approved by the Governor;
- (e) with the approval of the Governor in Council, to any other service which, in the opinion of the Board, is calculated to promote the welfare of the pyrethrum industry or the more economic production or preparation of pyrethrum.

18. The accounts of the Fund shall be audited in such manner as the Governor may direct, and shall, as soon as may be after the close of each year, and after audit as aforesaid, be published in such manner as the Governor may direct.

Audit and publication of accounts.

18A - Inserted by Ord. 48/50

Penalty for offences.

19. Any person who is guilty of a breach of any of the provisions of this Ordinance or of any rules made under this Ordinance shall, on conviction before a magistrate of the first or second class, be liable for a first offence to a fine not exceeding one hundred pounds or to imprisonment for six months, or to both such fine and such imprisonment and for a second or subsequent offence to a fine not exceeding five hundred pounds or to imprisonment for twelve months, or to both such fine and such imprisonment.

Power to make rules.

20. (1) The Governor in Council may, after consultation with the Board, make rules for the regulation and control of the pyrethrum industry and, without prejudice to the generality of the foregoing, for all or any of the following purposes:—

- (a) prescribing the conditions on which the agency may be appointed;
- (b) ~~prescribing the duties and functions of the agency;~~ *Repealed by Ord. 2/42, p. 2*
- (c) controlling the manufacture and sale of the products of pyrethrum flowers grown in the Colony;
- (d) regulating the distribution of the proceeds to pyrethrum growers licensed under this Ordinance of sales of pyrethrum by the agency;
- (e) providing for the submission of returns to the agency relating to the cultivation of pyrethrum and the quantities of pyrethrum which shall be available for export;
- (f) providing for the grading of pyrethrum received by the agency;
- (g) prescribing the grades of pyrethrum which shall be accepted by the agency;
- (h) prescribing the procedure for the collection of the levy;
- (i) providing for the control, and if necessary for the prohibition, of the planting of pyrethrum;
- (j) prescribing the conditions under which pyrethrum growers shall be permitted to grow and prepare ~~pyrethrum;~~ *pyrethrum: added by Ord. 4/46*
- (k) prescribing the form of licence to be issued under this Ordinance;
- (l) for prescribing the qualifications and disqualification of voters and candidates for election under section 3 of this Ordinance;

Agency Accounts - Audit Rules
S.O. 339/39 p. 37

Pyrethrum Rules - 1939

- S.O. 668/39, p. 534

Pyrethrum Factory Rules - 1940

S.O. 82/40 - p. 60

Pyrethrum Board (Election) Rules, 1940

- S.N. 394/40, p. 296.

The Pyrethrum (Agency) Rules, 1941

- S.N. 41/41, p. 25.

(jj) prescribing the areas which shall be planted and maintained with trees by pyrethrum growers and the type of trees which shall be planted in any particular area - Ord. 42/46

- Pyrethrum (Planting of Trees) Rules 1948 - see GN. 117/48 p. 53

1938

Pyrethrum

No. XXXIV

- (m) for prescribing the procedure for the nomination of candidates for election under section 3 of this Ordinance;
- (n) for regulating the procedure in regard to the taking of a poll at contested elections under section 3 of this Ordinance;
- (o) dispensing with the attendance of voters at an election under section 3 of this Ordinance and providing for the transmission of votes by post or otherwise;
- (p) generally for the better carrying out of the provisions of this Ordinance.

(2) Any such rule may require acts or things to be performed or done to the satisfaction of the Board, may prohibit acts or things from being performed or done without the prior approval of the Board, may empower the Board to impose conditions and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

Any person aggrieved by a decision of the Board in the exercise of the powers conferred upon them by any rule made under this section may appeal to the Governor in Council whose decision shall be final and shall be binding on the Board.

21. The Sale of Pyrethrum Ordinance, 1935, is hereby repealed. Repeal.
No. 23 of 1935.

ORDINANCE No. XXXV of 1938

Assented to in His Majesty's name this twentieth day of December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.] Date of assent.

**An Ordinance to Amend the Employment of
Servants Ordinance, 1937**

20th December, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Employment of Servants (Amendment) Ordinance, 1938, and shall be read as one with the Employment of Servants Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short title.

No. 2 of 1938.

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

Amendment of section 2 of the Principal Ordinance.

(a) by inserting immediately after the definition of "desertion" the following new definition—

"'domestic servant' includes every person employed either wholly or partly in any of the following capacities, that is to say, cook, house servant (including bedroom and kitchen servants), waiter, butler, nurse, valet, bar-boy, footman, chauffeur or washerman;"

Replaced by Ord. 56/38

(b) by deleting the words "Victoria Nyanza or on a vessel calling at the ports of the Colony" which occur in lines eight and nine of the definition of "foreign contract of service" and by substituting therefor the words "the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika Territory";

(c) by deleting therefrom the definition of "medical officer" and by substituting therefor the following new definition—

"'medical officer' means a medical practitioner registered under the Medical Practitioners and Cap. 119.

Dentists Ordinance and includes for the purposes of sections 40, 42, 43 and 79 of this Ordinance an assistant surgeon and sub-assistant surgeon in the service of Government, but excludes for the purposes of sections 77 and 79 of this Ordinance a medical practitioner not in the service of Government;”.

Amendment of section 4 of the Principal Ordinance.

3. Paragraph (d) of section 4 of the Principal Ordinance is hereby amended by substituting a colon for the semi-colon which occurs at the end thereof and by adding, immediately after such colon, the following proviso:—

“Provided that if the servant completes the contract before the expiration of such period he shall be entitled to the payment of all wages accrued due as soon as the contract is completed;”.

Repeal and replacement of section 7 (1) of the Principal Ordinance.

4. Section 7 of the Principal Ordinance is hereby amended by deleting therefrom sub-section (1) thereof, and substituting therefor the following:—

“7. (1) Every foreign contract of service shall be in writing, signed by the parties thereto, and shall be attested by a magistrate. After such attestation the contract shall be approved by the ~~Chief Secretary~~ or by an officer duly authorized by the Chief Secretary to approve such contracts.”

Amendment of section 11 of the Principal Ordinance.

5. Section 11 of the Principal Ordinance is hereby amended—

(a) by deleting the proviso thereto and substituting therefor the following proviso:—

“Provided, however—

(a) that an employer of a domestic servant or any other ~~servant declared~~ by the Governor in Council by notice in the Gazette shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such domestic or other servant to proceed to any place within the Uganda Protectorate or the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony;

(b) an employer of a sailor shall not render himself liable to the aforesaid penalties by

^ class of employees prescribed

inducing or attempting to induce such sailor to proceed outside the Colony for service on a vessel on the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika Territory or of the dominions of the Sultan of Zanzibar beyond the Colony.”;

- (b) by substituting a colon for the full stop which occurs at the end of the proviso thereto; and
 (c) by adding, immediately after such colon, the following further proviso:—

“Provided further, however, that the General Manager of the Kenya and Uganda Railways and Harbours Administration shall not render himself liable to any of the aforesaid penalties by inducing or attempting to induce any servant of such Administration to proceed to any place within the Uganda Protectorate or the Tanganyika Territory or to any port on Victoria Nyanza whenever in the opinion of the General Manager it is necessary for such servant so to proceed.”

6. Section 18 of the Principal Ordinance is hereby amended—

Amendment of section 18 of the Principal Ordinance.

- (a) by substituting the words “engaging or employing” for the words “engaging, employing or harbouring” which occur in the first line of paragraph (b) thereof;
 (b) by inserting immediately after the figures and full stop “18.” the figure and brackets “(1)”; and
 (c) by adding thereto the following new sub-section:—

“(2) Any person who knowingly harbours any servant who has unlawfully left the service of his employer shall be liable, on conviction, to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.”

7. Section 27 of the Principal Ordinance is hereby amended—

Amendment of section 27 of the Principal Ordinance.

- (a) by substituting a colon for the full stop which occurs at the end thereof; and

(b) by adding, immediately after such colon, the following proviso:—

“Provided that no person shall be prosecuted for employing or causing to be employed in such other class of labour a juvenile physically unsuitable for that class of labour unless such person continues to employ such juvenile after he has been notified in writing by a Government medical officer that such juvenile is physically unsuitable for that class of labour.”

Repeal and replacement of section 37 of the Principal Ordinance.

To supply transport and food for servant when returning to place of engagement.

8. Section 37 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

“37. On the termination of his contract of service every servant, if he so desires, shall be provided at the expense of his employer with—

- (a) reasonable transport or the cost thereof to the servant's place of engagement; and
- (b) a sufficient supply of food for the servant's consumption on the way back to his place of engagement or an amount of money sufficient to purchase such supply of food.”

Amendment of section 69 of the Principal Ordinance.

9. Section 69 of the Principal Ordinance is hereby amended by deleting therefrom the full stop which occurs at the end thereof and substituting therefor the following:—

“, but so that no employer or servant shall be punished twice for the same offence.”

ORDINANCE No. XXXVI of 1938

Assented to in His Majesty's name this twentieth day of December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.] Date of assent.

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

By Notice *1st January, 1939*

Date of commencement.

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

1. This Ordinance may be cited as the Local Government (District Councils) (Amendment) Ordinance, 1938, and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter referred to as the Principal Ordinance, and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

Short title and commencement.
No. 21 of 1928.

2. Section 2 of the Principal Ordinance is hereby amended by substituting the following definition for the definition of "Standing Committee" which appears therein:—

Amendment of section 2 of the Principal Ordinance.

~~"Standing Committee" means the Standing Committee for Local Government referred to in section 119 of this Ordinance.~~

*Replaced by
Act. 8/39.*

3. Sub-section (1) of section 6 of the Principal Ordinance is hereby amended by substituting the following paragraph for paragraph (c) thereof:—

Amendment of section 6 (1) of the Principal Ordinance.

"(c) Where any area under the jurisdiction of a District Council contains—

(i) only one administrative district, the district commissioner of such district, or the district officer of such district deputed by such district commissioner;

(ii) not more than two administrative districts, the district commissioner of each such administrative district, or the district officer of each such district deputed by each such district commissioner;

- (iii) more than two administrative districts, the district commissioners appointed by the Governor in Council from two or more of such districts, or the district officers of the districts deputed respectively by the district commissioners so appointed.

At any meeting at which a district commissioner is present, a district officer of the same district shall be entitled to attend in an advisory capacity but shall not be entitled to vote.

The provincial commissioner or the provincial commissioners of the province or provinces, as the case may be, in which the area under the jurisdiction of a district council is situate shall be entitled to attend and speak at any meeting of the council.

For the purposes of this paragraph the term 'administrative district' means the whole or any part of such administrative district."

Repeal and replacement of section 25 of the Principal Ordinance.
Returning officers.

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

"25. The council may, with the approval of the Commissioner for Local Government, appoint a returning officer for each election held under this Ordinance:

Provided that where elections are held in more than one ward in the district a returning officer shall be appointed for each such ward".

Repeal and replacement of section 26 (1) of the Principal Ordinance.
Notice of election.

5. Sub-section (1) of section 26 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

"26. (1) The Clerk shall, not less than ten days prior to any election, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the district and to be posted at such conspicuous places as he shall think fit within the ward or wards in which the election is to be held, a notice of such election, and in such notice he shall specify the names of the returning officers (if any) appointed under the last preceding section and the days and places on and at which the returning officers will receive the nomination of candidates for the seat or seats to be filled by election".

See Ord. 25/1938

6. Sub-section (1) of section 27 of the Principal Ordinance is hereby amended—
- Amendment of section 27 (1) of the Principal Ordinance
- (a) by inserting the words "or places" immediately after the word "place" which appears in the first line thereof; and
- (b) by inserting the word "concerned" immediately after the word "officer" which appears in the second line thereof.
7. Section 29 of the Principal Ordinance is hereby amended—
- Amendment of section 29 of the Principal Ordinance.
- (a) by inserting the words "the Clerk" immediately after the word "and" which appears in the sixth line of sub-section (1) thereof; and
- (b) by inserting the words "the Clerk" immediately after the word "and" which appears in the fourth line of sub-section (2) thereof.
8. The Principal Ordinance is hereby amended by adding thereto, immediately after section 30 thereof, the following new section:—
- Amendment of the Principal Ordinance.
- "30A. If after an election has been adjourned for the purpose of taking a poll, any candidate nominated for election shall be desirous of retiring from the candidature he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the returning officer, who, on receipt of such notice, shall, if the number of candidates is by such retirement reduced to the number of persons to be elected at such election, declare the remaining candidates to be on that date duly elected, and if the said number is not so reduced shall omit the name of the person so retiring from the list of candidates and such person shall not be capable of being elected at such election."
- Retirement of candidate before taking a poll.
9. Sub-section (3) of section 34 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—
- Repeal and replacement of section 34 (3) of the Principal Ordinance.
- "(3) In the event of the office of chairman becoming vacant from any cause whatsoever the Council shall, at the next ordinary meeting of the Council, choose one of the members to be the chairman and the member so chosen shall serve as chairman for the remainder of the period for which the chairman had been elected."

Amendment of
the Principal
Ordinance.

10. The Principal Ordinance is hereby amended by adding thereto, immediately after section 34 thereof, the following new section:—

Deputy
chairman.

“34A. The Council may appoint a member of the Council to be deputy chairman of the Council, and the deputy chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until the first meeting of the Council held after the next annual election of members.

Subject to any by-laws made by the Council, anything authorized or required to be done by the chairman may be done by the deputy chairman during the absence or temporary incapacity of the chairman”.

Amendment of
section 57 of
the Principal
Ordinance.

11. Section 57 of the Principal Ordinance is hereby amended—

(a) by adding, immediately after paragraph (1) thereof, the following new paragraph:—

“(1A) Subject to the consent of the Governor, to acquire houses as residences for officers and persons appointed under the provisions of section 35 of this Ordinance”;

(b) by substituting the following paragraph for paragraph (5) thereof:—

“(5) (a) Subject to the provisions of any by-laws made under sub-section (10) of section 66 of this Ordinance, to establish, control, manage, maintain, and contribute to any pension, provident or benevolent fund intended for the benefit of the officers and servants of the Council, and to grant pensions and gratuities from any such fund to such officers or servants on their retirement from the service of the Council and to dependants on the death of such officers or servants.

(b) Subject to the consent of the Standing Committee, in cases where no pension, provident or benevolent fund has been established under this sub-section, or in cases where no benefits accrue from any fund so established, to grant from the revenues of the Council pensions or gratuities to officers or

servants on their retirement from the service of the Council and to dependants of deceased officers and servants of the Council"; and

- (c) by inserting the words "and public libraries and museums" between the word "schools" and the word "within" which occur in the second line of subparagraph (a) of paragraph (7) thereof.

12. Section 66 of the Principal Ordinance is hereby amended by adding, immediately after paragraph (9) thereof, the following paragraph:—

Amendment of section 66 of the Principal Ordinance.

"(10) (a) For permitting or requiring all or any of its officers or servants to become members of any pension, provident or benevolent fund or funds established, controlled, managed or maintained by the Council under sub-section (5) of section 57 of this Ordinance;

(b) for fixing the contributions, if any, to be made by such members and by the Council;

(c) for making periodical valuations of such funds and for the enforcement of any increase in the contributions thereto or diminution in the benefits arising therefrom as may be shown by any valuation to be necessary for maintaining the solvency thereof;

(d) for prescribing the age at which persons in the service of the Council shall be permitted or required to become members of the fund and the age at and the conditions under which they shall be permitted or required to retire from the service of the Council;

(e) for determining the amount of pension or other benefit to be paid to members on retirement from the service of the Council and to their dependants on death;

(f) for regulating the management and investment of funds and the appointment or election where necessary of members of a committee for that purpose;

(g) for vesting the property, money and/or assets pertaining to such funds in trustees for the purpose of administering the same in accordance with the directions of any committee of management by and against whom all actions at law relating to the fund shall be brought;

(h) for regulating the retirement, removal and resignation of members of such committees of management or trustees and for the filling of vacancies caused thereby;

(i) for prescribing that no pension or right to a pension shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or of being attached or subjected to any form of execution under a judgment or order of a court of law, and for withholding, suspending or entirely discontinuing the payment of the same in the event of the beneficiary attempting to assign, transfer or otherwise cede, pledge or hypothecate any pension or right as aforesaid;

(j) Added by Ord. 32/43, p. 80.
 (j) for prescribing that in the event of any person in receipt of an annuity being convicted by any court of His Majesty's dominions and being sentenced to imprisonment without the option of a fine for a period exceeding one month any such annuity shall during such period of imprisonment be payable to his dependants;

(k) for entering into an agreement with one or more other councils to establish a united pension, provident or benevolent fund for the benefit of persons in the service of all or any of those councils:

Provided that—

- (i) every such united fund shall be established by separate resolution passed by each of the councils and approved by the Governor and shall be subject to such by-laws as may be made under paragraphs (a) to (j) hereof and adopted by each of the councils concerned;
- (ii) such by-laws shall provide for the management and investment of such united fund being vested in a joint board consisting of representatives of the councils, which are members of the said fund, and of the employees, and for the election of the members of such board;
- (iii) the expenses of the administration of a united fund so established shall be defrayed by the councils concerned in such proportions as may be agreed upon between them from time to time;

(iv) any council, other than a council concerned in the establishment of such united fund, may by resolution approved by the Governor and subject to such terms as may be mutually agreed upon between the joint board and the council, join in any united fund”.

13. Sub-section (1) of section 103 of the Principal Ordinance is hereby amended by inserting therein between the word “district” which appears in the first line thereof and the word “shall” which appears in the second line thereof, the words “wherein a rate is imposed under the provisions of this Ordinance”.

Amendment of section 103 (1) of the Principal Ordinance.

14. Sub-section (3) of section 111 of the Principal Ordinance is hereby amended by substituting the words “Standing Committee” for the words “Governor in Council” wherever the latter words appear therein.

Amendment of section 111 (3) of the Principal Ordinance.

15. Sub-sections (1), (2) and (3) of section 119 of the Principal Ordinance are hereby repealed and the following sub-section is substituted therefor:—

Amendment of section 119 of the Principal Ordinance.

~~“119. (1) The Standing Committee for Local Government established under the Local Government (Municipalities) Ordinance, 1928, shall be the Standing Committee for the purposes of this Ordinance.”~~

Standing Committee.

No. 19 of 1928.

ORDINANCE No. XXXVII of 1938

Assented to in His Majesty's name this twentieth day of
December, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[20TH DECEMBER, 1938.]

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

Date of com-
mencement.

1st January, 1939 By Notice

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

Short title
and com-
mencement.
No. 19 of 1928.

S.N. 129/39
to 78.

1. This Ordinance may be cited as the Local Govern-
ment (Municipalities) (Amendment) Ordinance, 1938, and shall
be read as one with the Local Government (Municipalities)
Ordinance, 1928, hereinafter referred to as the Principal
Ordinance, and shall come into operation on such date as the
Governor may by notice in the Gazette appoint.

Amendment of
section 4 of
the Principal
Ordinance.

2. Section 4 of the Principal Ordinance is hereby
amended by substituting a colon for the full stop which
appears at the end thereof, and by adding, immediately after
such colon, the following proviso:—

“Provided that the Governor may from time to time
alter the boundaries of the municipality of Nairobi in the
same manner as if such municipality had been declared
to be a municipality under the provisions of section 11 of
this Ordinance, and the First Schedule to this Ordinance
shall be read and construed subject to any such altera-
tion”.

Amendment of
section 8 of
the Principal
Ordinance.

3. Section 8 of the Principal Ordinance is hereby
amended by substituting a colon for the full stop which
appears at the end thereof, and by adding, immediately after
such colon, the following proviso:—

“Provided that the Governor may from time to time
alter the boundaries of the municipality of Mombasa in
the same manner as if such municipality had been de-
clared to be a municipality under the provisions of section
11 of this Ordinance, and the Third Schedule to this
Ordinance shall be read and construed subject to any such
alteration”.

4. Sub-section (5) of section 94 of the Principal Ordinance is hereby amended—

Amendment of section 94 (5) of the Principal Ordinance.

(a) by substituting the words "Standing Committee" for the words "Governor in Council" wherever such latter words appear therein; and

(b) by adding thereto, immediately at the end thereof, the following words:—

"There shall be an appeal from any decision of the Standing Committee under this sub-section to the Governor in Council whose decision shall be final".

5. Section 99 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 99 of the Principal Ordinance.

"99. (1) There shall be established a Standing Committee, to be known as "the Standing Committee for Local Government" (in this Ordinance referred to as "the Standing Committee") to advise the Governor in regard to all matters relating to local government and to perform the duties imposed upon it by this Ordinance or by any other enactment relating to local government for the time being in force in the Colony.

Standing Committee for Local Government.

J. 4/48
Ord. No. 17/45/1-3

(2) The Standing Committee shall consist of:—

- (a) the ^{C. G.}Chief Secretary, as Chairman;
- (b) the Attorney General, or the Solicitor General;

~~(c) the Commissioner for Local Government;~~

- ^c(d) the Director of Medical Services;
- ^d(e) the Director of Public Works; and
- ^e(f) ^{four}other persons as the Governor may from time to time appoint.

(3) In the case of absence or inability to attend any of the officers included under paragraphs (d) and (e) of sub-section (2) of this section may be represented by a deputy.

(4) Members of the Standing Committee appointed under paragraph (f) of sub-section (2) of this section shall hold office during the Governor's pleasure.

(5) In the absence of the chairman from any meeting of the Standing Committee a chairman for such meeting shall be chosen by the members present.

(6) At all meetings of the Standing Committee four members shall form a quorum.

(7) The chairman of the meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote. A decision of a majority of the members present and voting at a meeting of the Standing Committee shall be deemed to be the decision of the Standing Committee".

ORDINANCE No. XXXVIII of 1938

Assented to in His Majesty's name this twentieth day of
December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.] Date of assent.

An Ordinance to Provide for the Transfer of Certain of the Powers and Duties of the Commissioner for Local Government to the Commissioner of Lands and Settlement.

By Notice 11. January, 1939

Date of com-
mencement.

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

1. This Ordinance may be cited as the Commissioner
for Local Government (Transfer of Powers) Ordinance, 1938,
and shall come into operation on such date as the Governor
may by notice in the Gazette appoint.

Short title
and date of
commencement.

R.N. 11/39, p. 75.

2. In this Ordinance "enactment" means an Ordinance
and includes an order of the Governor in Council, order, pro-
clamation, resolution, regulation, rule, by-law, notice, deed,
contract, minute, official letter or other document issued or
made under or in connexion with such Ordinance.

Interpretation.

3. The title "Commissioner of Lands and Settlement"
shall be substituted for the title "Commissioner for Local
Government" wherever the latter title occurs in any enactment
specified in the Schedule hereto.

Substitution
of "Commis-
sioner of Lands
and Settlement"
in certain
enactments.

SCHEDULE

The Public Health (Division of Lands) Ordinance, 1928.	No. 32 of 1928.
The Water Ordinance, 1929.	No. 35 of 1929.
The Town Planning and Development Ordinance, 1931.	No. 48 of 1931.

ORDINANCE No. XXXIX of 1938

Assented to in His Majesty's name this twentieth day of December, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[20TH DECEMBER, 1938.]

An Ordinance to Amend the Public Health (Division of Lands) Ordinance, 1928

Date of commencement.

1st January, 1939

By Notice

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

Short title and commencement.

No. 32 of 1928.

*A.N. 112/39
h. 75.*

Repeal and replacement of section 4 of the Principal Ordinance.

Establishment of Public Health (Division of Lands) Board.

1. This Ordinance may be cited as the Public Health (Division of Lands) (Amendment) Ordinance, 1938, and shall be read as one with the Public Health (Division of Lands) Ordinance, 1928, hereinafter referred to as the Principal Ordinance, and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

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

“4. (1) There shall be established for the purposes of this Ordinance a Public Health (Division of Lands) Board (hereinafter referred to as “the Board”) which shall consist of:—

- (a) the Commissioner of Lands and Settlement as Chairman;
- (b) the Director of Medical Services;
- (c) the Director of Public Works;
- (d) the Director of Surveys,

and such other persons, not being more than three in number, as the Governor may from time to time appoint.

(2) In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.

(3) Four members shall form a quorum.

(4) Questions before the Board shall be decided by a majority of votes of those present and voting, and in the case of equality of votes the chairman or other member presiding shall have a second or casting vote.

(5) A meeting of the Board may be summoned at any time by notice in writing, and all meetings shall be summoned by the Commissioner of Lands and Settlement."

ORDINANCE No. XL of 1938

Assented to in His Majesty's name this twentieth day of
December 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[20TH DECEMBER, 1938.]

**An Ordinance to Establish a Board of Trustees for
the Purpose of Administering Museums in the
Colony which may be vested in the Board, and
to Provide for the Management and Control of
the Museum carried on in the Coryndon
Memorial**

Date of com-
mencement.

28th Feb. 1939

By Notice

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

Short title and
commencement.

1. This Ordinance may be cited as the Museums
Trustees Ordinance, 1938, and shall come into operation on
such date as the Governor may, by notice in the Gazette,
appoint.

S.N. 161/39
L. 102.

PART I

ESTABLISHMENT OF BOARD OF TRUSTEES

Interpretation.

2. In this Ordinance, unless the context otherwise re-
quires, the following expressions have the meanings hereby
respectively assigned to them:—

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

“Coryndon Memorial” means the land and buildings
vested in the Board by section 8 of this Ordinance;

“museum” means any museum in the Colony which is
vested in the Board by this Ordinance or which may hereafter
be lawfully vested in the Board;

“person” includes any body or association of persons
whether corporate or unincorporate.

Establishment
of Board of
Trustees.

3. For the purpose of administering museums there
shall be established a Board of Trustees (in this Ordinance
referred to as “the Board”) which shall be a body corporate
by the name “The Museums Trustees of Kenya” with

perpetual succession and a common seal, and which shall in its corporate name be capable of suing and of being sued and, subject to the provisions of this Ordinance, of purchasing, or otherwise acquiring, holding and alienating property, whether movable or immovable, and of doing or performing all such acts and things as bodies corporate may by law do or perform.

4. (1) The Board shall be appointed by the Governor in Council by notice in the Gazette, and shall be deemed to be duly constituted and established from the date of publication of such notice in the Gazette, and shall consist of—

Constitution
of Board.

- (a) one member representing the Government of the Colony, to be selected by the Governor in Council;
- (b) two members to represent scientific interests, to be nominated by the East Africa and Uganda Natural History Society: Provided that if such Society ceases to exist such members shall be deemed to have resigned and the Governor in Council, on the advice of the Board, may reappoint the two members who are so deemed to have resigned or appoint two other persons interested in the natural sciences to be members of the Board;
- (c) ~~one member representing the Municipal Council of Nairobi, to be nominated by such Council; and~~
Replaced by Ord. 17/41
- (d) two members representing the general public of the Colony, to be nominated by a majority of the unofficial members of the Legislative Council present and voting at a meeting of such members convened for the purpose.

(2) The Governor in Council may, in his absolute discretion, appoint such additional members as he may think fit.

(3) Every member of the Board shall be appointed by name and not by office.

(4) Members of the Board shall be appointed for five years but, on the expiration of that period, shall be eligible for reappointment.

— all the proviso added by Ord. 17/41
(5) If any member of the Board is, without the consent of the Board, absent from more than four consecutive meetings of the Board or absent from the Colony for more than twelve months he shall be deemed to have resigned from the Board.

(6) If any vacancy occurs on the Board by death, resignation, effluxion of time or otherwise, the vacancy shall be filled by the Governor in Council by notice in the Gazette:

Provided that the member appointed by the Governor in Council under the provisions of this sub-section shall be a person representing the same interests as the member in whose place he has been appointed.

(7) The Governor in Council may upon the application of, and at the request of, any of the persons referred to in paragraphs (b), (c) or (d) of sub-section (1) of this section and without assigning any reason therefor remove any member nominated by the person making such application and may appoint a member in the place of the member so removed.

(8) A 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.

(9) The Board shall elect a member of the Board to be chairman, who shall preside at meetings of the Board. The chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(10) The Board shall not be incapable of acting by reason only of there being any vacancy in the membership of the Board.

(11) If any member of the Board is absent from the Colony for any period in excess of six weeks the Governor in Council may, at the request of the chairman, by notice in the Gazette, appoint a member in substitution for the member who is so absent from the Colony. Any member so appointed shall hold office until the member in whose place he has been appointed returns to the Colony.

Functions of
the Board.

(12) added by Ord. 17/41.
5. (1) The Board shall, subject to the provisions of this Ordinance, have the general management and control of all museums in the Colony and for that purpose may—

(a) with the consent of the Governor in Council acquire by purchase or exchange immovable property for the purpose of any museum and sell or exchange immovable property vested in it which is not required for those purposes; but the proceeds of any such sale shall be devoted to such purposes or disposed of as the Governor in Council may direct;

(b) exchange, sell or otherwise dispose of any objects belonging to any museum;

- (c) subject to the provisions of this Ordinance do all such other things as appear to it necessary or expedient for furthering the interests and increasing the utility of any museum;
- (d) apply any money received on the sale, or disposal of any movable property or by way of payment for admission to any museum, or by way of gift or grant or otherwise, in the purchase of any object which in the opinion of the Board it is desirable to acquire for any museum or in furthering the interests and increasing the utility of any museum :

Provided that notwithstanding the provisions of sub-section (8) of section 4 of this Ordinance no money so received shall be so applied without the consent of the Governor in Council unless a majority of two-thirds of the members of the Board have approved of the money being so applied;

- (e) solicit and accept and receive, subscriptions, donations, devises and bequests (whether of movable or immovable property and whether absolute or conditional) for the general purposes of any museum or for any special purpose of any museum or subject to any trust;
- (f) affiliate with other institutions of a generally similar character;
- (g) do all such other lawful things as are incidental or conducive to the attainment of the objects set out in this section and in section 6 of this Ordinance.

(2) If at any time any other institution of a generally similar character is affiliated in terms of paragraph (f) of sub-section (1) of this section, the powers of general management and control of the governing body of such institution, unless it is otherwise agreed between the Board and such governing body, shall not be affected.

6. It shall be the duty of the Board to undertake, so far as its financial and other resources permit, research in natural history, and to conduct any other scientific or cultural activity.

Special duty of the Board.

7. (1) The Board may in the prescribed manner appoint a managing body for any museum, other than the museum to which Part II of this Ordinance, applies.

Managing body, staff and expenses.

(2) For the purpose of carrying out the provisions of this Ordinance the Board may appoint and dismiss such officers and servants as it may think fit, and such officers and servants shall hold office on such terms and subject to such conditions as the Board may determine.

(3) Any expenses incurred by the Board or by any managing body or by the Managing Committee established under section 10 of this Ordinance in carrying this Ordinance into effect, including any salaries or remuneration paid to officers and servants of any museum, shall be defrayed out of moneys vested in the Board.

PART II

SPECIAL PROVISIONS RELATING TO THE MUSEUM IN THE CORYNDON MEMORIAL AT NAIROBI

Transfer of
Coryndon
Memorial to
Board.

8. All that piece or parcel of land (being Land Office Reference Number 209/1020) the boundaries of which are more particularly set out in the Schedule to this Ordinance, together with the buildings erected thereon, is hereby transferred to and vested in the Board (without formal conveyance or assignment of the estate therein of the Coryndon Memorial Trustees Registered) for the residue of the term of ninety-nine years now subsisting, subject to the terms and conditions therein contained; and all chattels, moneys, bonds, securities and property vested in such trustees are in like manner hereby transferred to and vested in the Board. The Registrar of Titles is hereby authorized to make appropriate amendments in his registers and on the title deeds relating to the said piece of land.

Power to
purchase existing
fittings, etc.

9. The Board may enter into agreement with the East Africa and Uganda Natural History Society upon such terms and conditions as may be agreed upon between the Board (with the sanction of the Governor in Council) and such Society, to acquire by purchase all the exhibits, material, furniture, fixtures, fittings and any other movable property being the property of the said Society and which are at the commencement of this Ordinance contained in the Coryndon Memorial.

Managing
Committee.

10. (1) The Board may, in the prescribed manner and subject to the provisions of this section, appoint a Managing Committee for the Coryndon Memorial (hereinafter referred to as "the Committee").

(2) Every member of the Committee shall be appointed by name and not by office.

(3) The members of the Committee shall be appointed for three years and retiring members shall be eligible for renomination and reappointment.

(4) If any member of the Committee is, without the consent of the Committee, absent from more than four consecutive meetings of the Committee or absent from the Colony for more than twelve months he shall be deemed to have resigned from the Committee.

(5) A decision of the majority of the members present and voting at a meeting of the Committee shall be deemed to be the decision of the Committee.

(6) The Committee shall each year elect a member of the Committee to be chairman, who shall preside at meetings of the Committee. The chairman shall hold office for twelve months but shall be eligible for re-election at the expiration of that period. The chairman shall have a deliberative vote, and in the case of an equality of votes, shall also have a casting vote.

(7) The Committee shall not be incapable of acting by reason only of there being any vacancy in the membership of the Committee.

(8) If any member of the Committee is absent from the Colony for any period in excess of six weeks the Governor in Council may, at the request of the chairman, by notice in the Gazette, appoint a member in substitution for the member who is so absent from the Colony. Any member so appointed shall hold office until the member in whose place he has been appointed returns to the Colony.

(9) The Committee shall fulfil such functions and carry out such duties as may be assigned or delegated to it by the Board.

11. The Trust Deed made the twelfth day of August One thousand nine hundred and thirty between Henry Monck-Mason Moore, Companion of the Most Distinguished Order of Saint Michael and Saint George, the then Colonial Secretary of the Colony and Protectorate of Kenya, Charles Udall, the

Discharge and
release of
Coryndon
Memorial
Trustees.

Cap. 146.

then Mayor of Nairobi, the late Rudolf Franz Mayer, Officer of the Most Excellent Order of the British Empire, as the then Director of the East African Standard Limited, of Nairobi, Doctor Victor Gurner Logan Van Someren, Dental Surgeon, of Nairobi, and the late Lionel Douglas Galton Fenzi, Officer of the Most Excellent Order of the British Empire, Settler, of Nairobi (therein called "the Appointors") of the one part and the Honourable Colonial Secretary, for the time being, of the Colony and Protectorate of Kenya, His Worship the Mayor, for the time being, of Nairobi, the Game Warden, for the time being, of the Colony and Protectorate of Kenya, Major Eric Adlhelm Torlogh Dutton, Officer of the Most Excellent Order of the British Empire, the then Private Secretary to His Excellency the then Governor, and the late said Rudolf Franz Mayer of Nairobi (therein called "the Trustees") of the other part and the certificate of incorporation as a corporate body granted on the 25th day of August 1930, by the Governor in Council under the Land (Perpetual Succession) Ordinance to the Trustees referred to in this section, are hereby cancelled and this Ordinance shall operate as a complete release and discharge of the Coryndon Memorial Trustees Registered in respect of any act, omission or liability on the part of them or their agents relating to the property mentioned in section 8 of this Ordinance.

PART III

POWER TO MAKE REGULATIONS

Regulations.

12. The Governor in Council may, on the advice of the Board, make Regulations not inconsistent with this Ordinance—

- (a) for regulating the calling of meetings of the Board, the quorum necessary for the transaction of business, the voting of the members of the Board and the procedure for the transaction of business;
- (b) for regulating the custody and use of the common seal;
- (c) prescribing the manner in which the Committee and any managing body shall be appointed and the powers and duties of the Committee or of managing body;

- (d) for regulating the proceedings of any managing body and the Committee, the calling of meetings, the quorum necessary for the transaction of business, the voting of the members of any managing body and the Committee and the procedure for the transaction of business;
- (e) for enabling the Board, the Committee and any managing body to constitute sub-committees and to co-opt any person in an advisory capacity: Provided that any person so co-opted shall not be entitled to a vote;
- (f) for authorizing the delegation to any managing body, the Committee, or the sub-committees of any managing body or to sub-committees of the Board of all or any of the powers of the Board (other than the powers to buy and sell land) and for regulating the proceedings (including the fixing of a quorum) of sub-committees;
- (g) for regulating the keeping and presentation of accounts;
- (h) for securing the due administration of any museum and preserving the objects collected therein;
- (i) for regulating the admission of members of the public to any museum and regulating the payments to be made for admission thereto and prescribing a penalty not exceeding twenty-five pounds for contravention or non-compliance with any such regulation; and
- (j) generally for carrying out the objects and purposes of this Ordinance.

13. Nothing in this Ordinance shall affect the rights of His Majesty, his heirs and successors, all bodies politic and corporate, and all others, except such as are mentioned in this Ordinance and those claiming by, from or under them. Saving.

SCHEDULE

All that piece of land situate in the Nairobi Municipality of the Nairobi District of the Colony of Kenya containing by measurement Fifteen decimal two acres more or less that is to say Land Reference Number 209/1020 (Original Number

121/1) of Meridional District South A.37, G.II, d 1, which said piece of land with the dimensions, abuttals and boundaries thereof, is delineated more particularly on Land Survey Plan Number 29818 deposited in the Survey and Registration Department at Nairobi excepting and reserving an area of one decimal three acres more or less in respect of Roads Reserve in the approximate positions shown on the said plan by dotted lines and marked respectively "Road Reserve 60 ft. wide" and "Road Reserve 40 ft. wide" making a net area of thirteen decimal nine acres more or less.

ORDINANCE No. XLI of 1938

Assented to in His Majesty's name this twentieth day of December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.] Date of assent.

**An Ordinance to Provide for Changes in the Titles
of the Principal Financial Officers**

1st September, 1938

Date of commencement.

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

1. This Ordinance may be cited as the Financial Officers (Change of Titles) Ordinance, 1938, and shall be deemed to have come into force on the first day of September, 1938.

Short title and commencement

2. In this Ordinance "enactment" means an Ordinance and includes an order of the Governor in Council, order, proclamation, resolution, regulation, rule, commission, by-law, notice, deed, contract, minute, official letter or other document issued or made under or in connexion with an Ordinance.

Interpretation.

3. (1) The title "Financial Secretary" is substituted for the title "Treasurer" or "Colonial Treasurer" wherever either of such titles occurs in the whole or in every section or part specified in the third column of the First Schedule to this Ordinance of every enactment specified in the first and second columns of the said Schedule.

Substitution of various titles for the title "Treasurer" or "Colonial Treasurer" in enactments specified in Schedules.

(2) The title "Accountant-General" is substituted for the title "Treasurer" or "Colonial Treasurer" wherever either of such titles occurs in the whole or in every section or part specified in the third column of the Second Schedule to this Ordinance of every enactment specified in the first and second columns of the said Schedule.

(3) The title "Commissioner of Inland Revenue" is substituted for the title "Treasurer" or "Colonial Treasurer" wherever either of such titles occurs in the whole or in every section or part specified in the third column of the Third Schedule to this Ordinance of every enactment specified in the first and second columns of the said Schedule.

4. The Governor in Council may, by order, make any addition to, or substitution or alteration in any of the Schedules to this Ordinance.

Power to add to or amend Schedules.

FIRST SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Number and year of enactment	Short title of enactment	The extent
1 Chapter 32 of the Revised Edition	The Promissory Oaths Ordinance	Second Schedule.
2 Chapter 57 of the Revised Edition	The Stamp Ordinance	The whole.
3 Chapter 131 of the Revised Edition	The Natives Trust Fund Ordinance	Section 5.
4 No. VII of 1925	The Public Trustee's Ordinance	Section 2 of Ordinance No. VI of 1938.
5 No. XIII of 1926	The Estate Duty (Consolidation) Ordinance	Sections 3 and 4.
6 No. XX of 1927	The Asiatic Widows' and Orphans' Pension Ordinance	Section 12.
7 No. LVI of 1931	The Entertainments Tax Ordinance	Section 4 (1) of Ordinance No. XLVI of 1933.
8 No. XVIII of 1936	The Farmers Assistance Ordinance	Section 3.
9 No. XXIX of 1936	The Savings Bank Ordinance	Sections 8 and 13.
10 No. II of 1937	The Native Authority Ordinance	Section 32.

SECOND SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Number and year of enactment	Short title of enactment	The extent
1 Chapter 21 of the Revised Edition	The Justices of the Peace Ordinance	Section 12 and Schedule.
2 Chapter 36 of the Revised Edition	The Police Ordinance	The whole.
3 Chapter 54 of the Revised Edition	The Dangerous Petroleum Tax Ordinance	Section 2 of Ordinance No. VIII of 1933.
4 Chapter 96 of the Revised Edition	The Weights and Measures Ordinance	Section 12.
5 Chapter 131 of the Revised Edition	The Natives Trust Fund Ordinance	Section 9.
6 Chapter 149 of the Revised Edition	The Forest Ordinance	Section 43.
7 Page 1440 of the Revised Subsidiary Regulations	The Public Trustees Rules	Rule 5.

SECOND SCHEDULE—(Contd.)

FIRST COLUMN		SECOND COLUMN	THIRD COLUMN
Number and year of enactment		Short title of enactment	The extent
8	No. XXXII of 1925	The Coryndon Trust Ordinance	The whole.
9	No. XIII of 1926	The Estate Duty (Consolidation) Ordinance	Sections 9 and 22.
10	No. XX of 1927	The Asiatic Widows' and Orphans' Pension Ordinance	Sections 15, 16 and 17.
11	Government Notice No. 399 of 1929	The Departmental Offences Rules	Rule 3.
12	No. X of 1929	The Tribal Police Ordinance	Sections 14, 15, and 20.
13	No. I of 1930	The Customs Tariff Ordinance	Section 4 of Ordinance No. XXXIII of 1932.
14	No. XII of 1930	The Agricultural Advances Ordinance	Section 6.
15	No. XXXII of 1930	The Bankruptcy Ordinance	Section 133.
16	No. LI of 1930	The Shipping Ordinance	Sections 82 and 101.
17	No. LXIV of 1930	The Police Ordinance	The whole.
18	No. LVIII of 1930	The Kerosene Oil (Repayment of Duty) Ordinance	The whole.
19	Government Notice No. 742 of 1930	The Prisons Rules, 1930	Rules 13 and 19.
20	No. III of 1931	The Land and Agricultural Bank Ordinance	The whole.
21	No. XIII of 1931	The Bowring Pension Ordinance	The whole.
22	No. XXII of 1931	The Butter Levy Ordinance	The whole.
23	No. XLII of 1931	The Hall Pension Ordinance	The whole.
24	Government Notice No. 97 of 1931	The Air Navigation Directions	The whole.
25	Government Notice No. 727 of 1931	The Butter Levy Regulations	The whole.
26	No. XXIV of 1932	The Morris Pension Ordinance	The whole.
27	No. XLVIII of 1932	The King's African Rifles Ordinance	Sections 56, 85 and 96.
28	No. XXXIII of 1933	The Sharland Pension Ordinance	The whole.
29	No. II of 1934	The Transfer of Revenue Collection Ordinance	The whole.
30	No. XI of 1934	The Sisal Industry Ordinance	Section 6.
31	No. XXVII of 1934	The European Civil Service Provident Fund Ordinance	The whole.
32	No. XXX of 1934	The Blackwell Pension Ordinance	The whole.
33	No. LIV of 1934	The Coffee Industry Ordinance	Section 11.
34	No. LXIV of 1934	The Asian Civil Service Provident Fund Ordinance	The whole.
35	No. LXII of 1935	The Liquor Ordinance	Section 66.
36	Government Notice No. 584 of 1935	The Approved Schools (Class II and III) Rules	The whole.

SECOND SCHEDULE—(Contd.)

FIRST COLUMN		SECOND COLUMN	THIRD COLUMN
Number and year of enactment		Short title of enactment	The extent
37	Government Notice No. 648 of 1935	The Police Gratuities Regulations	The whole.
38	No. XXIX of 1936	The Savings Bank Ordinance	Section 12.
39	No. II of 1937	The Native Authority Ordinance	Section 36.
40	No. XI of 1937	The Passion Fruit Ordinance	Section 11.
41	No. XII of 1937	The Income Tax Ordinance	Section 80.
42	No. XXII of 1937	The Tea Cess Ordinance	Section 3, and the whole of the Tea Cess Rules, 1937.
43	No. XLI of 1937	The 1938 Appropriation Ordinance	Section 4.
44	Government Notice No. 778 of 1937	The Tribal Police Gratuities Regulations	The whole.

THIRD SCHEDULE

FIRST COLUMN		SECOND COLUMN	THIRD COLUMN
Number and year of enactment		Short title of enactment	The extent
1	No. LVI of 1931	The Entertainments Tax Ordinance	Sections 4, 6, 7 and 8 of Ordinance No. LVI of 1931 and Section 4 (2) of Ordinance No. XLVI of 1933.
2	Government Notice No. 804 of 1931	The Entertainments Tax Regulations	The whole.
3	No. XLV of 1932	The Money-lenders Ordinance	Section 7.
4	Government Notice No. 633 of 1937	The Income Tax Rules	Rule 5 (2).
5	Government Notice No. 706 of 1937	The Income Tax Forms (No. 2) Rules	The whole.
6	Government Notice No. 781 of 1937	The Income Tax Forms (No. 3) Rules	The whole.

ORDINANCE No. XLII of 1938

Assented to in His Majesty's name this twentieth day of
December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.] Date of assent.

**An Ordinance to Amend the Northern Frontier
Province Poll Tax Ordinance, 1930**

20th December, 1938

Date of com-
mencement.

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

1. This Ordinance may be cited as the Northern Frontier
Province Poll Tax (Amendment) Ordinance, 1938, and shall
be read as one with the Northern Frontier Province Poll Tax
Ordinance, 1930, hereinafter referred to as the Principal
Ordinance.

Short title.

No. 53 of 1930.

2. Section 17 of the Principal Ordinance is hereby
repealed.

Repeal of
section 17 of
the Principal
Ordinance.

ORDINANCE No. XLIII of 1938

Assented to in His Majesty's name this twentieth day of
December, 1938.

R. BROOKE-POPHAM,
Governor.

[20TH DECEMBER, 1938.]

Date of assent.

An Ordinance to Amend the Asian Civil Service Provident Fund Ordinance, 1934

Date of commencement.

20th December, 1938

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

Short title.

1. This Ordinance may be cited as the Asian Civil Service Provident Fund (Amendment) Ordinance, 1938, and shall be read as one with the Asian Civil Service Provident Fund Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

No. 64 of 1934.

Members of
B.E.A.
Meteorological
Service may
become
contributors.

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

Application
of Principal
Ordinance.

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

- (a) save as is hereinafter provided, be subject to the provisions of the Principal Ordinance, as if he were a member of the Kenya Asian Local Civil Service;
- (b) be deemed to have authorized the Accountant General to appoint an agent outside the Colony to exercise the powers conferred upon the Accountant General by sub-section (3) of section 4 of the Principal Ordinance.

Construction.

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

Provided that, in the application of paragraph (b) of section 6 of the Principal Ordinance to any such member, the reference therein to service prior to the date of commencement of the Principal Ordinance shall be deemed to refer only to service between the 1st day of January, 1937, and the date of commencement of this Ordinance, and no contributions from the general revenue of the Colony shall be credited, under the provisions of that paragraph, to any such member except in respect of service in the British East African Meteorological Service between those dates.

ORDINANCE No. XLIV of 1938

Assented to in His Majesty's name this twentieth day of December, 1938.

R. BROOKE-POPHAM,
Governor.

Date of assent.

[20TH DECEMBER, 1938.]

An Ordinance to Amend the Shops in Rural Areas Ordinance, 1933

Date of commencement.

20th December, 1938

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

Short title.

1. This Ordinance may be cited as the Shops in Rural Areas (Amendment) Ordinance, 1938, and shall be read as one with the Shops in Rural Areas Ordinance, 1933, hereinafter referred to as the Principal Ordinance.

No. 20 of 1933.

Repeal and replacement of section 3 of the Principal Ordinance.

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

Prohibition of use of shop without a licence.

“3. (1) No person shall on any alienated land in a rural area use or permit to be used any shop, unless such shop is licensed under this Ordinance by a licensing officer of the district in which such shop is situated. Every person applying for a licence shall make an application to the licensing officer in the prescribed form.

(2) No licence shall be issued under the provisions of this section except with the consent of the District Council, or Committee, if any, within whose area such shop is situated, and such licence may be issued subject to either or both of the following conditions—

(a) that the shop shall remain, until the licence expires, the property of the applicant;

(b) that the shop will not be sub-let:

Provided that, if the District Council or Committee, as the case may be, refuses to give its consent to the issue of a licence, an applicant may appeal against such refusal to the Provincial Commissioner, whose decision shall be final.

(3) Every licence under this section shall, unless revoked under the provisions of section 6 hereof, remain

in force until the thirty-first day of December in the year in which it is issued, and shall then expire.

(4) Any person, to whom a licence has been issued under the provisions of this section, who desires to obtain a licence for a further period shall make an application in the prescribed form to the licensing officer on or before the thirtieth day of November of the year preceding the year in respect of which such licence is desired.

(5) For every licence issued under this section there shall be paid the sum specified in the Schedule to this Ordinance.

(6) Every licence issued under this section shall be kept in the shop in respect of which it is issued, and shall at all reasonable times be open to inspection by any authorized person.)

3. Sub-section (1) of section 5 of the Principal Ordinance is hereby amended—

Amendment of section 5 (1) of the Principal Ordinance.

- (a) by deleting the word "or" which occurs at the end of paragraph (a) thereof;
- (b) by substituting a semicolon for the full stop which occurs at the end of paragraph (b) thereof, and by adding immediately after such semicolon the word "or"; and
- (c) by adding, at the end thereof, the following new paragraph—
 - "(c) contravenes or fails to comply with any conditions subject to or upon which any licence has been granted under this Ordinance."

4. The Principal Ordinance is hereby amended by inserting therein, immediately after section 8 thereof, the following new section:—

Amendment of the Principal Ordinance.

"9. The Governor in Council may make rules for the purpose of carrying this Ordinance into effect, and, without prejudice to the generality of the foregoing, for all or any of the following purposes—

Power to make Rules.

- (a) prescribing anything which by this Ordinance is required to be prescribed; and
- (b) prescribing the forms of licences."

File H.E. Ord. 2/50

ORDINANCE XLV of 1938

Date of assent. [23RD DECEMBER, 1938.]

An Ordinance to Amend the Kenya and Uganda Railway Ordinance, 1927

Date of commencement. 23rd December, 1938

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

Short title. 1. This Ordinance may be cited as the Kenya and Uganda Railway (Amendment) Ordinance, 1938, and shall be read as one with the Kenya and Uganda Railway Ordinance, 1927, hereinafter referred to as the Principal Ordinance.

No. 15 of 1927. Amendment of section 2 of the Principal Ordinance. 2. Section 2 of the Principal Ordinance is hereby amended in the following respects—

(a) by the insertion in the definition of "Free pass" therein between the words "ship" and "without" in the last line thereof of the words "or on any aircraft under the control of the High Commissioner";

(b) by the deletion of the full stop in the last line of the definition of "Railways" and by the addition of the words "or in connexion with the High Commissioner's road motor or aircraft services.";

(c) by the deletion of the definition of "Train" therefrom and by the substitution therefor of the following definition—

"'Train' means any vehicle or engine on a railway and includes any vehicle used by the High Commissioner in connexion with his road motor services when on any public or private road."; and

(d) by the addition thereto of the following definition—
" 'Waterworks' " means all reservoirs, dams, weirs, tanks, cisterns, tunnels, adits, wells, boreholes, filters, settling tanks, purifying plants, conduits, aqueducts, mains, pipes, foundations, stand

pipes, hydrants, taps, pumps, engines, and all other structures and appliances used or constructed for obtaining, storing, purifying, conveying, distributing, measuring or regulating water."

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

Repeal and replacement of section 3 of the Principal Ordinance.
Powers of High Commissioner.

"3. Subject to the powers conferred on him by the Order in Council, the High Commissioner shall have power as follows—

- (a) In so far as is not inconsistent with the provisions of any law to acquire, take, use, hire, purchase, work, sell, lease, deliver, transfer, or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, and other rights for railway or harbour purposes, and turn the same to account and further to purchase or in any other manner acquire, sell or otherwise dispose of, build, construct, repair, hire, let or charter, from or to any person, and control, manage, maintain and work aircraft and any land and appliances required for the purpose of the landing or mooring of aircraft, and all things incidental thereto;
- (b) Subject to the provisions of any law for the time being in force in connexion therewith to construct waterworks and to supply water therefrom to the public or to ships;
- (c) To enter into agreements with any person whether in the Colony or elsewhere in connexion with—
 - (i) matters affecting or incidental to the control, working and management of the Services including contracts for the supply of electric energy to ships or to persons;
 - (ii) the provision, owning, working, user, management and maintenance of any aircraft, lands, aerodromes, depots, buildings, sheds and property provided or used in connexion with any air transport services;
 - (iii) the provision, owning, working, user, management and maintenance of any road

- vehicles, lands, houses, depots, buildings, sheds and property provided in connexion with any road transport services;
- (iv) the supply of ships, aircraft, road vehicles and conveniences in connexion therewith necessary for the purposes of such agreements and the employment of officers and servants;
- (v) the interchange accommodation conveyance transmission and delivery of traffic conveyed or to be conveyed by inland water transport, air transport or road transport services and the payment, collection and apportionment of the fares, rates and charges and other receipts arising from any such service;
- (d) In order to provide or facilitate the provision of funds for the establishment or maintenance of inland water transport, air transport or road transport services under an agreement made in pursuance of paragraph (c) of this section and to the extent requisite therefor to—
- (i) contribute any moneys which may be necessary,
 - (ii) hold stock shares and securities of any of the contracting parties, and
 - (iii) guarantee the dividends or interest on stock shares and securities of any of such parties;
- (e) To grant powers of attorney and like authorities;
- (f) To construct any lines of railway, any harbours, roads or any other works whatever, or to negotiate with any person for the construction of lines of railway, harbours, roads or works of any kind, and to complete agreements concerning the same. No railway for the conveyance of public traffic and no harbour or similar work shall be constructed without the sanction of the Legislative Council, and no such sanction shall be given without a prior report thereon or on any alternative railway line or harbour by the Railway Advisory Council, but the sanction of the Legislative Council shall not be necessary for the construction of sidings or short branch

- lines to mines, stores, warehouses, or other works or premises, or for other purposes;
- (g) To provide and maintain on any of his bridges, roadways for the use of pedestrians, animals, vehicles and other traffic;
 - (h) To erect, maintain and regulate lighthouses, beacons, port lights and signal stations within his jurisdiction and to provide the necessary staffs for the same;
 - (i) To establish and maintain lifeboats, life-saving apparatus and such other works, institutions or appliances as may be necessary for the requirements of any harbour or other place;
 - (j) To use locomotives or other vehicles propelled or drawn by steam or other motive power, establish and work any road motor service and to transport and convey upon the railways and ships or upon any road all such traffic as may be offered to him for transport and conveyance, but subject to the rules or by-laws of any local authority having control of the roads over which such traffic is transported or conveyed;
 - (k) To levy tolls, rates or charges on the traffic using such motor services, aircraft, roadways, roads, harbours or means of transport as he may provide under this section according to tariffs to be fixed from time to time;
 - (l) To provide and maintain catering arrangements on the railways and on any ships or in connexion with air transport and road services and to establish and maintain hotels, and to charge tariffs for the same;
 - (m) To delegate to the General Manager any of the powers conferred upon him by this Ordinance;
 - (n) Generally to execute and do all such acts, deeds and things as may be necessary for the control, working, management and construction of railways, harbours and ships."

4. Sub-section (3) of section 9 of the Principal Ordinance is hereby amended by inserting before the words "have agreed" in the sixth line of paragraph (a) of the sub-section, the words "or their predecessors in title".

Amendment of section 9 (3) of the Principal Ordinance.

Repeal and replacement of section 12 of the Principal Ordinance.

Removal of trees dangerous to or obstructing the working of a railway.

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

“12. (1) In either of the following cases, namely—

(a) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic;

(b) where a tree obstructs the view of any fixed signal, the High Commissioner, without previous permission, may enter upon the land where the tree stands and may cause it to be cut down or dealt with in such other manner as will, in his opinion, avert the danger or remove the obstruction, as the case may be.

(2) Where a tree felled or otherwise dealt with under sub-section (1) of this section was in existence before the railway was constructed or the signal fixed, as the case may be, any magistrate empowered to hold a subordinate court of the first class in the area in which the tree is situated may, upon the application of the persons interested in the tree and after hearing the High Commissioner, award to such persons such compensation as the magistrate thinks reasonable.

(3) A suit shall not lie to recover compensation for any tree felled or otherwise dealt with under this section.”

Repeal and replacement of section 13 of the Principal Ordinance.

General policy as to working of Services.

6. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

“13. (1) The Services shall be administered on business principles and so far as is not inconsistent therewith or with the principles of prudent finance, cheap transport shall be provided to assist agricultural and industrial development in Kenya and Uganda.

(2) The estimates shall be framed on the basis that the total earnings of the Services shall be not more than sufficient to meet—

(a) the necessary outlays for working and maintenance, and any costs, compensation or damages which may be awarded against the High Commissioner, together with necessary provision for the renewal of wasting assets;

Appropriation of earnings.

(b) interest and sinking fund charges due on capital not being capital contributed out of the revenue of the Services;

(c) contributions to approved reserve funds.”

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

Repeal and replacement of section 14 of the Principal Ordinance.

“14. (1) The High Commissioner may from time to time impose conditions not inconsistent with this Ordinance or with any Regulations made thereunder with respect to the carriage of passengers and their luggage and may fix fares and luggage rates.

Fixing fares and rates.

(2) A copy of the time table and of the fares and conditions for the time being in force relating to the conveyance of passengers shall be posted up in a conspicuous place at each railway station other than a road motor service station so as to be visible and accessible.”

Time tables and fares to be posted up.

8. Section 17 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 17 of the Principal Ordinance.

“17. (1) No person shall enter any train, aircraft or ship for the purpose of travelling therein as a passenger unless he has with him an available ticket or free pass.

Travelling without a ticket or free pass.

(2) Any person found in any train, ship or aircraft without an available ticket or free pass may be required by any servant to leave the train, ship or aircraft and if such person refuses so to leave he may be removed therefrom with such force as may reasonably be necessary in the circumstances.”

9. Section 18 of the Principal Ordinance is hereby amended by the addition thereto of the following as subsection (6):—

Amendment section 18 of the Principal Ordinance.

“(6) The provisions of this section shall not apply to the High Commissioner’s road motor services.”

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

Repeal and replacement of section 20 of the Principal Ordinance.

“20. (1) Any person who sells or parts with or attempts to sell or part with any ticket or free pass or any portion of a ticket or free pass in order to enable any

Transferring ticket or free pass.

other person to travel therewith, and any person who purchases or obtains a ticket or free pass or any portion thereof so sold or parted with shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month.

(2) If any person travels with a ticket or free pass or any portion thereof so sold or parted with such person shall be liable, in addition to the penalties provided by this section, to be ordered to pay to the High Commissioner compensation not exceeding the amount of the full ordinary fare for the journey authorized by such ticket, pass or portion thereof."

Repeal and replacement of section 21 of the Principal Ordinance.
Fraudulent travelling or attempting to travel.

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

"21. (1) If a person—

- (a) travels or attempts to travel on a train, aircraft or ship without having previously paid his fare and with intent to avoid payment thereof; or
- (b) having paid his fare for a certain distance knowingly and wilfully proceeds by train, aircraft or ship beyond that distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof; or
- (c) with intent to defraud the High Commissioner enters any train, aircraft or ship,

such person shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, and in addition shall be liable to a further fine equal to the cost of a single fare for any journey performed by the class in which he may have travelled together with the excess charge described in sub-section (3) of section 18 of this Ordinance.

(2) The liability of an offender to punishment under this section shall not prejudice the recovery of any fare payable by him."

Amendment of section 27 of the Principal Ordinance.

12. Section 27 of the Principal Ordinance is hereby amended by the deletion of sub-section (2) thereof and the substitution therefor of the following sub-section:—

"(2) The High Commissioner shall keep at each of his stations, traffic depots and harbours at which there is

resident staff a book or books showing the conditions and every rate for the time being charged for the carriage of traffic, other than passengers and their luggage, from such station, traffic depot or harbour to any place to which he conveys traffic, including any rates charged under any special contract and stating the distance from such station, traffic depot, harbour, siding or place on which any such rate is based.

Every such book shall be open to the inspection of any person during all reasonable hours without the payment of any fee."

13. Sub-section (3) of section 36 of the Principal Ordinance is hereby repealed.

Repeal of section 36 (3) of the Principal Ordinance.

14. Section 43 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 43 of the Principal Ordinance.

"43. In respect of through traffic, the High Commissioner shall not be liable for any loss of life of, or personal injury to passengers or for the loss, destruction or deterioration of goods, if the High Commissioner shall prove that the same occurred at a time when the passengers or the goods were not on his railways or were not being transported under his control."

Suits for compensation for injury to through booked traffic.

15. Sub-section (1) of section 44 of the Principal Ordinance is hereby amended by the insertion therein of the words "and from whatsoever cause arising" before the word "shall" in the tenth line of the sub-section.

Amendment of section 44 of the Principal Ordinance.

16. Section 45 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 45 of the Principal Ordinance.

"45. When any of the following accidents occurs in the course of working a railway (excluding the High Commissioner's road motor services), or in a harbour or ship, namely—

Report of railway accidents.

(a) any accident attended with loss of human life or with grievous harm as defined in the Penal Code, or with serious injury to property;

No. 10 of 1930.

(b) any collision between trains or ships of which one is a train or ship carrying passengers;

No. 10 of 1930.

- (c) the derailment of any train carrying passengers or of any part of such a train;
- (d) any accident of a description usually attended with loss of human life or with grievous harm as defined in the Penal Code, or with serious injury to property;
- (e) any accident of any other description which the Governor may notify in this behalf in the Gazette,

the General Manager shall, without unnecessary delay, send notice of the accident to the Governor and in the case of the occurrence of any of the accidents set out in paragraphs (a), (d) and (e) hereof, also to the police station within the local limits of which the accident occurred."

Amendment of section 46 of the Principal Ordinance.

17. Paragraph (c) of section 46 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

"(c) for prescribing the duties of servants and police officers on the occurrence of an accident."

Amendment of section 47 of the Principal Ordinance.

18. Section 47 of the Principal Ordinance is hereby amended by inserting between the word "railways" and the word "or" in the second line thereof the words and brackets "(excluding the High Commissioner's road services)".

Repeal and replacement of section 49 of the Principal Ordinance.

19. Section 49 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Penalties for certain classes of offences.

"49. Any person who does or causes to be done any of the following acts, namely, who—

- (a) trespasses upon a railway or upon any harbour or ship or being a trespasser refuses to leave after being warned to do so by any servant or police officer;
- (b) upon any railway, harbour or ship, when called upon by a servant or police officer, refuses to give his name and address or gives a false name or address for the purpose of avoiding prosecution;
- (c) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on the railways or upon any harbour or ship;

- (d) does or attempts to do anything which may cause injury to persons employed or travelling on the railways or upon any ship;
- (e) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language on the railways or upon any harbour or ship;
- (f) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation, or character upon the railways or upon any harbour or ship;
- (g) wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp or light upon the railways or upon any harbour or ship;
- (h) defaces the writing on any board or any notice authorized to be maintained upon the railways or upon any harbour or ship;
- (i) damages or attempts to damage any railway rolling-stock or any material used upon or belonging to any railway;
- (j) being a passenger enters a train or any portion thereof, or a cabin of a ship which is reserved by the High Commissioner for the use of another passenger or which already contains the maximum number of passengers authorized to be carried therein, and refuses to leave it when required to do so by a servant;
- (k) being a passenger resists the lawful entry of another passenger into a train or any portion thereof not reserved by the High Commissioner for the use of the passenger resisting, or not already containing the maximum number of passengers to be carried therein or thereon;
- (l) being a passenger, refuses or neglects to obey the lawful request of a servant, acting under subsection (4) of section 15, within a reasonable time;
- (m) after having been refused admission to a ship by a servant on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship;

- (n) having gone on board a ship at any place, and having been requested by a servant on account of the ship being full to leave the ship before it has quitted that place and had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;
- (o) smokes on any train, ship or in any portion thereof bearing a notice that smoking is not permitted on such train or in any such portion thereof;
- (p) enters or attempts to enter or leaves or attempts to leave any coach on a train while it is in motion, or elsewhere than at the side of the coach adjoining the platform or other place appointed by the High Commissioner for passengers to enter or leave the coach, or opens any outer door of any coach on a train while it is in motion;
- (q) travels or attempts to travel on or in any part of a train not intended for the use of passengers;
- (r) in the absence of a gatekeeper, omits to shut and fasten any gate on the railway so soon as such person and the animal, vehicle or other things (if any) under his charge have passed through the gate: Provided that the gate is furnished with an efficient latch or fastening easily applied;
- (s) being a driver or conductor of a tramcar, omnibus, carriage or other vehicle, disobeys while upon the premises of the railways, the reasonable direction of a servant or police officer;
- (t) except by permission of the High Commissioner, while in or upon any harbour or railway hawks, sells or exposes or offers therein for sale any article or goods whatever or touts, plies for, or solicits custom or employment of any description,

shall be liable to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment."

1938

Kenya and Uganda Railway

No. XLV

20. Section 50 of the Principal Ordinance is hereby amended in the following respects—

Amendment of section 50 of the Principal Ordinance.

- (a) by the deletion of the semi-colon in the last line of paragraph (e) thereof and by the addition to the paragraph of the following words "or under any regulation or tariff made thereunder;"
- (b) by the deletion of the comma in the last line of paragraph (m) thereof and by the substitution therefor of a semi-colon; and
- (c) by the addition to the section of the following as paragraph (n)—

"(n) Smokes in any goods shed, warehouse or other place on a railway or within a harbour or in proximity to any goods or inflammable material, where notices prohibiting smoking are exhibited."

21. Section 53 of the Principal Ordinance is hereby repealed.

Repeal of section 53 of the Principal Ordinance.

22. Section 55 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 55 of the Principal Ordinance.

"55. Any person who—

Giving false account of goods.

- (a) when requested under section 31 to deliver an account with respect to any goods; or
- (b) when required under this Ordinance or any regulation made thereunder to render any certificate or make any declaration,

wilfully renders an account or certificate which is materially false or wilfully makes a declaration which is materially false he shall be liable to a fine not exceeding seventy-five pounds and in either case the fine shall be in addition to the amount of any rate or other charge to which the traffic the subject of the account, certificate or declaration may be liable."

23. Section 58 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 58 of the Principal Ordinance.

"58. If a servant is in a state of intoxication while on duty he shall be liable to a fine not exceeding ten

Drunkness.

pounds or to imprisonment for a term not exceeding one month or to both such fine and imprisonment: Provided that in cases where the improper performance of his duty by a servant in a state of intoxication would be likely to endanger the safety of any person being in or upon a railway, ship or harbour, such servant shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment."

Amendment of section 59 of the Principal Ordinance.

24. Section 59 of the Principal Ordinance is hereby amended in the following respects—

(a) by the deletion of the word "and" in the second line of paragraph (a) thereof and by the substitution therefor of the word "or"; and

(b) by the deletion of the last three lines of the section and the substitution therefor of the following—

"he shall be liable to a fine not exceeding two hundred and fifty pounds or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment."

Amendment of section 64 of the Principal Ordinance.

25. Section 64 of the Principal Ordinance is hereby amended by adding thereto the following sub-sections numbered (3) and (4) respectively:—

"(3) Any person who commits any of the offences set out in paragraphs (a), (c), (e), (g), (j), (k), (l), (m), (n), (o) or (q) of section 49 or in paragraphs (b) or (f) of section 50 of this Ordinance may be required by any railway servant or police officer to leave the train or any portion thereof, or the cabin, ship or harbour, as the case may be, in which such person is at the time of the commission of the offence and should such person fail to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

(4) Where any person who commits any of the offences set out in sections 49, 50, 51 and 52 of this Ordinance is arrested upon or removed from the railway or harbour, he shall not be entitled to the return of any fare which he may have paid."

1938

Kenya and Uganda Railway

No. XLV

26. Section 72 of the Principal Ordinance is hereby amended by the deletion of sub-section (1) thereof and the substitution therefor of the following:—

Amendment of section 72 of the Principal Ordinance.

“(1) Every servant shall be deemed to be a person employed in the public service within the meaning of the Penal Code.”

No. 10 of 1930

27. Section 82 of the Principal Ordinance is hereby amended in the following respects—

Amendment of section 82 of the Principal Ordinance.

(a) by the deletion of the comma after the word “stations” in the seventh line of sub-section (4) thereof and the substitution therefor of a semi-colon; and by the deletion of the words “and the charges which may be fixed for the conveyance of luggage” in the seventh and eighth lines of the sub-section;

(b) by the deletion of the words “railway coach” and of the word “coach” occurring respectively in the second and sixth lines of sub-section (6) thereof and the substitution in each case of the word “train” for such words and word;

(c) by the deletion of the semi-colon in the last line of sub-section (16) thereof and the addition to the sub-section of the words “and exemption from payment or variation as to the payment of such charges;”;

(d) by the deletion of the last four lines of the section and the substitution therefor of the following—

“A copy of all regulations for the time being in force shall be kept at each station on the railways (excluding road motor service stations or halts) and at the principal office at each harbour, and any person shall be allowed to inspect the same free of charge.”; and

(e) by the addition thereto of the following paragraph:—

“All regulations made by the High Commissioner for the guidance and conduct of railway servants and for regulating the working and management of the railway by railway servants and which do not concern the general public or persons other than railway servants shall be brought to the notice of railway servants in such manner as the High Commissioner deems fit and notwithstanding the provisions of section 9 of the Interpretation and General Clauses Ordinance it shall not be necessary to publish any such regulations in the Gazette.”

Cap. 1

Repeal of section 60 of the Principal Ordinance.

28. Section 60 of the Principal Ordinance is hereby repealed.

Certain sections of the Principal Ordinance to apply to aircraft services.

29. Sections 15 (1) and (2), 32, 34, 44 (1), 49 (j), (k), (l), (m), (n) and (q) of the Principal Ordinance shall *mutatis mutandis* apply to aircraft when used in connexion with the aircraft services operated, managed and controlled by the High Commissioner.

Repeal of Ordinance No. 30 of 1933.

30. The Kenya and Uganda Railway (Amendment) Ordinance, 1933, is hereby repealed.

ORDINANCE No. XLVI of 1938

Assented to in His Majesty's name this twenty-third day of December, 1938.

A. DE V. WADE,
Governor's Deputy.

[23RD DECEMBER, 1938.] Date of assent.

An Ordinance to Apply a Sum of Money for the Service of the Year ending the Thirty-first day of December, 1939

23rd December, 1938

Date of commencement.

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

1. This Ordinance may be cited as the 1939 Appropriation Ordinance, 1938. Short title.

2. The Public Revenue for the year 1939, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the year ending the thirty-first day of December, one thousand nine hundred and thirty-nine, with the sum of three millions, six hundred and sixty-nine thousands, six hundred and forty-three pounds. Public Revenue and other funds charged.

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

4. The Accountant General of the Colony and Protectorate of Kenya is hereby authorized and required from time to time upon the warrant or order of the Governor to pay out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule annexed hereto, the said sum of three millions, six hundred and sixty-nine thousands, six hundred and forty-three pounds which will come in course of payment during the year ending on the thirty-first day of December, one thousand nine hundred and thirty-nine. Accountant General's authority for payment.

SCHEDULE

<i>No. of Head</i>	<i>£</i>
I His Excellency the Governor ...	15,756
II Accountant General ...	19,282
III Administration ...	230,162
IIIA Administration Extraordinary ...	1,690
IV Agriculture ...	73,724

SCHEDULE—*Contd.*

<i>No. of Head</i>		£
IVA	Agriculture Extraordinary	5,370
V	Audit	20,147
VI	Civil Aviation	26,801
VIA	Civil Aviation Extraordinary	1,125
VII	Coast Agency	5,686
VIII	Conference of East African Governors	955
IX	Customs	30,623
X	Education	205,385
XI	Forest	33,780
XII	Game	9,721
XIII	Government Analyst	2,245
XIV	Inland Revenue	20,742
XV	Judicial	31,208
XVI	Kenya Royal Naval Volunteer Reserve	3,428
XVIA	Kenya Royal Naval Volunteer Reserve Extraordinary	772
XVII	Lands and Settlement	38,662
XVIII	Legal	9,675
XIX	Local Government Contributions to Local Authorities	113,214
XIXA	Local Government Contributions to Local Authorities Extraordinary	500
XX	Medical	223,752
XXA	Medical Extraordinary	8,310
XXI	Military	109,458
XXIA	Military Extraordinary	25,668
XXII	Mining and Geological	11,766
XXIIA	Mining and Geological Extraordinary	60
XXIII	Miscellaneous Services	34,095
XXIIIA	Miscellaneous Services Extraordinary	2,707
XXIV	Pensions and Gratuities	244,000
XXV	Police	148,245
XXVA	Police Extraordinary	10

1938

Appropriation

No. XLVI

SCHEDULE—*Contd.*

<i>No. of Head</i>	<i>£</i>
XXVI Posts and Telegraphs	146,369
XXVIA Posts and Telegraphs Extraordinary	24,616
XXVII Printing and Stationery	35,032
XXVIII Prisons	58,671
XXIX Public Debt	239,251
XXX Public Works Department	86,930
XXXI Public Works Recurrent	119,508
XXXII Registrar General	5,861
XXXIII Rent and Interest to His Highness the Sultan of Zanzibar	16,000
XXXIV Secretariat and Legislative Council...	34,494
XXXIVA Secretariat and Legislative Council Extraordinary	100
XXXV Subventions	15,487
XXXVI Trade and Information Office ...	2,955
XXXVII Veterinary Services	66,782
XXXVIIA Veterinary Services Extraordinary ...	2,080
XXXVIII Public Works Extraordinary ...	21,950
XXXIX Colonial Development Fund ...	44,707
XL Parliamentary Grant	3,831
XLI Conference of East African Governors	3,273
XLII Customs	20,294
XLIII Kenya Royal Naval Volunteer Re- serve	4,546
XLIIIA Kenya Royal Naval Volunteer Re- serve Extraordinary	1,023
XLIV Military	62,548
XLIVA Military Extraordinary	10,154
XLV Post and Telegraphs	116,827
XLVA Posts and Telegraphs Extraordinary	99
XLVI Public Debt	817,531
	£3,669,643