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GOVERNMENT NOTICE No 1054

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

A BILL ENTITLED AN ORDINANCE TO AMEND THE SHIPPING ORDINANCE

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 Shipping (Amendment) Ordinance, 1950 and shall be read and construed as one with the Shipping Ordinance, hereinafter referred to as the principal Ordinance Short title
Cap 221

5 2. The principal Ordinance is amended by substituting for the reference to the Board of Trade wherever it occurs in the Ordinance a reference to the Ministry of Transport Substitution of words "Ministry of Transport" for "Board of Trade" throughout the principal Ordinance

10 3. Section 100 of the principal Ordinance is amended by substituting for the words "shall provide, should such agreement terminate out of the Colony for any cause whatsoever otherwise than with the consent of or through the desertion of such seaman," the words "shall be signed in the presence of the Shipping Master or any person deputed by him in writing in that behalf and shall provide, should such agreement 15 terminate out of the Colony either by effluxion of time or by act of the parties."

4. The sections specified in the first column of the Schedule to this Ordinance are amended in the manner specified in the second column of such Schedule Amendments to principal Ordinance

SCHEDULE

First Column

Second Column

| | |
|---|--|
| Section 2 | (i) By deleting the definitions of "port captain" and "port manager" (ii) By inserting next after the definition of "steamship" the following new definition— "Superintendent of Ports and Lights" means the officer in charge of the Marine and Shore Department of the East African Railways and Harbours Administration |
| Section 14 | By substituting for the words "the port captain, the port officer" the words "the port officer or such other officer as may be authorized by him" |
| Section 15 | By deleting the words "port captain or" |
| Section 23 | (i) By substituting for the words "port manager" where they first occur the words "Superintendent of Ports and Lights" (ii) By substituting for the words "the port manager" where they occur for the second time the words "such officer as the Superintendent of Ports and Lights may depute for the purpose" |
| Section 36 | By deleting the words "port captain or" |
| Section 37 (2) | By substituting for the words "port captain" the words "Harbourmaster, Mombasa" |
| Section 49 (3) | By substituting for the words "port manager" the words "port officer" |
| Section 54 | By substituting for the words "port manager" wherever they occur the words "port officer" |
| Section 56 | (i) By substituting for the words "the port manager or his deputy or any other" where they occur in sub-section (1) the word "any" (ii) By substituting for the words "port manager" where they occur in sub-section (4) the words "port officer" |
| Section 83 | By substituting for the words "in or near the district over which the port manager or other officer has control" where they occur in the proviso to sub-section (1) the words "in any district near the place where such vessel is sunk, stranded or abandoned" |
| Section 103 | By substituting for the words "port manager" where they occur in sub-section (2) the words "Attorney General" |
| Sections 20, 21, 22, 26, 32 39, 41 (1), 42, 46, 58, 64 (2), 69, 80, 81 and 84 | By substituting for the words "port manager" wherever they occur therein the words "Superintendent of Ports and Lights" |

MEMORANDUM OF OBJECTS AND REASONS

In several sections of the Shipping Ordinance (Cap 221) there are references to the Board of Trade. It has been brought to notice that the functions relative to shipping which used to be performed by the Board of Trade are, since 1946, being performed by the Ministry of Transport. Clause 2 of this Bill will accordingly substitute for references to the Board of Trade wherever they occur references to the Ministry of Transport.

It has been represented that the articles of agreement of many seamen contain a repatriation clause which is inadequate in certain respects and that such articles are not signed in the presence of the Shipping Master. This results in more and more seamen leaving their ships in the United Kingdom to seek employment there and when such employment is not forthcoming in their having to be repatriated at the expense of the taxpayer. Clause 3 will accordingly make the necessary slight amendments to section 100 of the Ordinance.

The opportunity has also been taken to make certain other minor amendments consequential upon the establishment of the East Africa High Commission. These amendments, which are included in a Schedule to the Bill, are for the most part rendered necessary by changes of the titles of officers.

No extra expenditure of public moneys will be incurred if the provisions of this Bill become law.

Nairobi,
21st September, 1950

K K O'CONNOR,
Attorney General

GOVERNMENT NOTICE No 1055

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

ARRANGEMENT OF SECTIONS

| SECTION |
|---|
| 1—Short title and commencement |
| 2—Interpretation |
| 3—Tax on admission to entertainments “entertainments tax” |
| 4—Method of payment of tax |
| 5—Excise penalty for admission of person without payment of tax |
| 6—Tax chargeable in respect of each person |
| 7—Recovery of tax |

| SECTION |
|---------------------------------------|
| 8—Tax on admission by subscription |
| 9—Exemption of certain entertainments |
| 10—Regulations |
| 11—Power of entry and inspection |
| 12—Special Commissioners |
| 13—Appeal Cap 258 |

SCHEDULE

A BILL ENTITLED
AN ORDINANCE TO MAKE BETTER PROVISION FOR THE IMPOSITION AND RECOVERY OF A TAX IN RESPECT OF ENTERTAINMENTS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

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 Entertainments Tax Ordinance, 1950, and shall come into operation on such day as the Governor may, by notice published in the Gazette, appoint

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

“admission” means admission as a spectator or one of an audience,

“admission to an entertainment” includes admission to 10 any place in which the entertainment is held,

“entertainment” includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment, but does not include a ball or dance,

“payment on admission” includes any payment by a 15 person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving tax or more tax is required,

“proprietor” in relation to any entertainment includes 20 any person responsible for the management thereof, and any person on whose behalf payments for admission to an entertainment are received

3. Except as otherwise provided in this Ordinance, there shall, as from the commencement of this Ordinance, be 25 charged, levied and paid on all payments for admission to any entertainment a tax (in this Ordinance referred to as “entertainments tax”) at the rate specified in the Schedule to this Ordinance

4. No person shall be admitted for payment to any 30 entertainment in respect of which the payment is subject to entertainments tax except—

(a) with a ticket stamped with an unused revenue stamp denoting that the appropriate entertainments tax has been paid, or

35 (b) with a ticket purchased from the Commissioner of Inland Revenue denoting the appropriate entertainments tax payable thereon, or

(c) in special cases with the approval of the Commissioner of Inland Revenue, through a barrier which, or by 40 means of a mechanical contrivance which, automatically registers the number of persons admitted

unless the proprietor of the entertainment has made arrangements approved by the Commissioner of Inland Revenue for furnishing returns of the payments for admission to the

Short title and commencement

Tax on admission to entertainments

“entertainments tax”

Method of payment of tax

entertainment and has given security up to an amount and in a manner approved by the Commissioner of Inland Revenue for the payment of entertainments tax

Excise penalty
for admission
of person
without payment
of tax

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 of this Ordinance are not complied with, the proprietor of the entertainment to which he is admitted shall be guilty of an offence against this Ordinance and shall be liable in respect of such offence to a fine of two thousand shillings or to imprisonment for a period of six months and shall in addition be liable to 10 pay any entertainments tax which should have been paid

Tax chargeable
in respect of
each person

6. Entertainments tax shall be charged in respect of each person admitted for payment, and, in the case of admission by stamped ticket or by a ticket purchased from the Commissioner of Inland Revenue, shall be paid by means 15 of the stamp on the ticket or by the purchase of the ticket, as the case may be, and in the case of admission otherwise than by stamped ticket or ticket purchased as aforesaid shall be calculated and paid on the number of admissions

Recovery of
tax

7. Entertainments tax, in the case of admission other- 20 wise than by stamped ticket or ticket purchased from the Commissioner of Inland Revenue, shall be recoverable from the proprietor in any court of competent jurisdiction as a civil debt

Tax on
admission by
subscription

8. Where the payment for admission is made by means 25 of a lump sum paid as a subscription or contribution to any club, association or society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, the entertainments tax shall be paid on the amount of the lump sum 30

Exemption of
certain
entertainments

Provided, however, that where the Commissioner of Inland Revenue is satisfied that the payment of a lump sum or any payment for a ticket represents payment for privileges, rights or purposes other than the admission to the entertainment, entertainments tax shall be charged on such an amount 35 as appears to the Commissioner of Inland Revenue to represent the right of admission to entertainments in respect of which entertainments tax is payable

9. (1) Entertainments tax shall not be charged on payment for admission to any entertainment if the Commissioner 40 of Inland Revenue is satisfied—

(a) that the whole of the takings thereof are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses of the entertainment; or 45

(b) that the entertainment is of a wholly educational character (any question as to whether an entertainment is or is not of a wholly educational character being determined by the Commissioner of Inland Revenue, whose decision shall be final), or 50

(c) that the entertainment is provided partly for scientific purposes by a society, institution or committee not established or conducted for profit, or is provided by any such society, institution or committee which has been founded with the object of reviving 55 national pastimes and the entertainment is in furtherance of that object, or

(d) that the entertainment is provided by or on behalf of a school or other educational institution, and—

(i) is provided solely for the purpose of promoting 60 some object in connexion with the school or institution, and

- (ii) the persons taking part as performers in the entertainment are persons who are receiving or have received instruction in the school or institution, or
- 5 (e) that the entertainment is provided by a society which is not established or conducted for profit and that the entertainment consists solely of an exhibition—
- 10 (i) of the products of an industry, or of materials, machinery appliances or foodstuffs used in the production of those products, or displays of skill by workers in the industry in work pertaining to the industry, or
- 15 (ii) of works of graphic art, sculpture and arts craftsmanship or of one or more of such classes of works, executed and exhibited by persons who practise graphic art, sculpture or arts craftsmanship for profit, or of displays of skill by such persons in such arts or crafts, or
- 20 (iii) of articles or displays of skill which are of material interest in connexion with questions relating to the public health, or
- 25 (iv) of one or more of the exhibitions or displays of skill mentioned in sub-paragraphs (i), (ii) and (iii) of this paragraph together with a performance of music by a band or an exhibition of work or displays of skill by children under the age of sixteen years or young persons attending a school or other educational institution, or
- 30 (f) that the entertainment has been promoted by a society or institution of a permanent character established or conducted solely or partly for philanthropic or charitable purposes, or by two or more such societies or institutions acting in combination, and that the whole of the net proceeds of the entertainment are devoted to philanthropic or charitable purposes, and, for the purposes of this paragraph the net proceeds of an entertainment shall be deemed to be the gross proceeds less the actual expenses of promoting the entertainment or fifty per centum of the gross proceeds, whichever is the less, or
- 35 (g) that the entertainment consists of one or more of the following items, that is to say—
- 40 (i) an exhibition of a cinematographic film,
- 45 (ii) an exhibition of artistic work,
- 45 (iii) an industrial exhibition,
- 50 and the Commissioner of Inland Revenue is satisfied that the entertainment is provided by a society, institution or committee which is not established or conducted for profit and that the aims and objects and activities of the society, institution or committee are wholly or partly educational, or
- 55 (h) that the entertainment has been promoted with the express sanction of the Naval, Military or Air Force authorities and—
- 55 (i) the management and all arrangements in connexion with the entertainment have been made by the Naval, Military or Air Force personnel concerned,
- 60 (ii) that the net proceeds are devoted entirely to Naval, Military or Air Force service objects, and
- 60 (iii) admission is limited to Naval, Military or Air Force personnel in uniform and the families and

friends of such personnel and to civilians employed by the Admiralty, War Office or Air Ministry who hold passes as such,

or

- (i) that the entertainment consists of an exhibition of a cinematographic film given by means of a 16 mm projector, or
- (j) that the entertainment consists solely of one or more of the following items and that all the performers whose words and actions constitute the entertainment are ~~10~~
actual persons performing—
 - (i) a stage play,
 - (ii) a ballet (whether a stage play or not),
 - (iii) a performance of music, whether vocal or instrumental,
 - (iv) an eisteddfod,
 - (v) a lecture,
 - (vi) a recitation,
 - (vii) a variety entertainment,
 - (viii) a circus,
 - (ix) a travelling show

(2) For the purposes of this section—

“educational institution” includes any organization which the Commissioner of Inland Revenue is satisfied is established and conducted for the purpose of providing social ~~25~~
and physical training for children or young persons who are attending or have attended any recognized school or college,

“industry” includes any branch of an industry and includes agriculture,

“philanthropic or charitable purposes” means local ~~30~~
philanthropic or local charitable purposes and such other philanthropic or charitable purposes as the Special Commissioners may approve,

“society” includes a company, institution or other organization of persons by whatever name called

~~35~~

Regulations

10. (1) The Governor in Council may make regulations generally for carrying into effect the provisions of this Ordinance

(2) Regulations made under sub-section (1) of this section may, without prejudice to the generality of the powers thereby ~~40~~
conferred, provide for—

- (a) securing the payment of entertainments tax,
- (b) the supply and use of stamps, stamped tickets and of tickets referred to in paragraph (b) of section 4 of this Ordinance or for the stamping of tickets sent to ~~45~~
be stamped,
- (c) securing the defacement of stamps when used,
- (d) the use of tickets covering the admission of more than one person and the calculation of the entertainments tax thereon,
- (e) the payment of entertainments tax on the transfer from one part of a place of entertainment to another,
- (f) controlling the use of barriers or mechanical contrivances (including the use of the same barrier or mechanical contrivance for payments of a different ~~55~~
amount), and for securing proper records of admission by means of barriers or mechanical contrivances

11. (1) Any police officer not below the rank of Assistant Inspector and any person authorized in writing for the purpose by the Commissioner of Inland Revenue may enter any place of entertainment while any entertainment is proceeding, and
5 may enter any place ordinarily used as a place of entertainment at any reasonable time, for the purpose of ascertaining whether or not the provisions of this Ordinance and of any regulations made under this Ordinance are being complied with

Power of entry and inspection

(2) Any person who prevents or obstructs the entry of
10 any such police officer or other person duly authorized as aforesaid shall be guilty of an offence against this Ordinance and shall be liable to a fine of one thousand shillings or to imprisonment for six months

12 (1) The Member for Finance and the Member for
15 Health, Local Government and Education are hereby constituted as Special Commissioners for the purposes of this Ordinance

Special Commissioners

(2) The Special Commissioners may, if they think fit, waive the payment of entertainment tax on payment for
20 admission to any entertainment which does not come within the provisions of section 9 of this Ordinance

13. The Entertainments Tax Ordinance is repealed

Repeal Cap 258

SCHEDULE

Where the payment excluding the amount of the tax—

| | <i>Sh cts</i> |
|---|---------------|
| (a) exceeds twenty cents, but does not exceed one shilling | 0 15 |
| (b) exceeds one shilling, but does not exceed two shillings | 0 25 |
| (c) exceeds two shillings, but does not exceed four shillings | 0 50 |
| (d) exceeds four shillings but does not exceed eight shillings | 1 00 |
| (e) exceeds eight shillings one shilling for the first eight shillings and fifty cents for each additional four shillings or part thereof | |

MEMORANDUM OF OBJECTS AND REASONS

During 1948 Government appointed a committee to consider the operation of the Entertainments Tax Ordinance (Chapter 258 of the Revised Edition) and to make any recommendations for amendment which is considered necessary. This Bill will repeal and re-enact the Ordinance with the amendments necessary to give effect to the recommendations made by that Committee.

The principal changes which the Committee recommended are in relation to the incidence and method of payment of the tax and the entertainments which are to be exempt from the tax.

The Committee did not consider that any increase in the rate of the tax ought to be made but recommended that the minimum payment for admission to an entertainment which ought to attract the tax should be lowered from seventy-five cents to twenty cents. This is provided for by clause 3 and the Schedule to the Bill.

Clause 4 amends the existing law relating to the method of payment so as to give effect to the Committee's recommendation that unless arrangements, satisfactory to the Commissioner, have been made for furnishing returns of payments for admission, the tax should be paid by means of printed tickets or adhesive stamps obtainable from the Inland Revenue Department.

The Committee recommended that the provisions of the law dealing with the exemption of entertainments from the tax should so far as possible follow the provisions of the United Kingdom law. Clause 9 of the Bill will make provision for the exemption from the tax of entertainments which in the United Kingdom are exempted. The most important new exemptions provided for are in respect of living stage shows and 16 mm cinematographic film shows. The opportunity has been taken to redraft portions of the Ordinance with a view to tightening up its provisions.

No additional expenditure of public moneys will be incurred if the provisions of this Bill become law.

Nairobi,
 21st September, 1950

K. K. O'CONNOR,
 Attorney General

GOVERNMENT NOTICE NO 1056

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE
MUNICIPALITIES ORDINANCE**

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

Short title

Cap 136

Amendment of
section 76 of
the principal
Ordinance

1. This Ordinance may be cited as the Municipalities (Amendment) Ordinance, 1950, and shall be read and construed as one with the Municipalities Ordinance, hereinafter referred to as the principal Ordinance

2. Section 76 of the principal Ordinance is amended in 5
the following respects—

(a) by substituting for paragraph (a) of sub-section (1) the following—

(a) carry out, either by its own servants or by independent contractors any work in connexion 10
with the provision or construction of any drain or sewer which, in the opinion of the Council, is necessary for the satisfactory drainage of any premises or lands, including lands sub-divided 15
into plots for future development, and may connect any such drain or sewer with the Council's existing drains or sewers and may recover from the owner of any such premises or land, or apportion amongst, and recover from, the owners of any such premises or lands the whole 20
or any part of the expenses incurred by the Council in connexion with such work, including a reasonable charge for supervision and, if the work is undertaken without the interposition of 25
a contractor, the use of tools and plant,

(b) by renumbering sub-sections (2) and (3) as (3) and (4) respectively and by inserting the following new sub-section—

(2) Any drain or sewer constructed pursuant to the provisions of paragraph (a) of sub- 30
section (1) of this section shall vest in and be the property of the Council

MEMORANDUM OF OBJECTS AND REASONS

It has been represented that it is desirable for municipal councils and boards to have the power to provide and lay branch sewers in undeveloped areas of land which have been subdivided for the purpose of development and to apportion the cost of so doing among the owners of the plots concerned.

This Bill will accordingly amend paragraph (a) of sub-section (1) of section 76 of the Municipalities Ordinance (Cap 136) so as to provide for this

It is not expected that any additional expenditure of public moneys will be incurred if the provisions of this Bill become law

Nairobi,
20th September, 1950

K K O'CONNOR,
Attorney General

GOVERNMENT NOTICE No 1057

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE SISAL
INDUSTRY ORDINANCE**

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 Sisal Industry Short title (Amendment) Ordinance, 1950, and shall be read and construed as one with the Sisal Industry Ordinance, hereinafter Cap 196 referred to as the principal Ordinance

5 2. There shall be inserted next after section 10 of the principal Ordinance the following new section—

Addition of new section 10A to the principal Ordinance.

10A (1) No person shall after the date of the commencement of the Sisal Industry (Amendment) Ordinance 1950—

Licences

10 (a) grow sisal, or

(b) produce sisal fibre,

except under and in accordance with the terms of a licence issued by the Board so to do

15 (2) A licence to grow sisal shall specify the acreage of land whereon the licensee is authorized to grow sisal

(3) A licence under this section shall remain in force for one year and there shall be payable in respect of each such licence an annual fee of twenty shillings

20 (4) The Board may, in its discretion grant or refuse an application for a licence under this section. When the Board refuses such an application it shall forthwith notify the applicant in writing of such refusal and the applicant may, within thirty days after the date of such notification, appeal in writing to the Member whose decision shall be final

25 (5) No person shall lend, nor shall any person, except with the consent of the Board (which shall be endorsed on the licence) transfer or assign a licence issued under this section to any other person

30 (6) Any person who contravenes or fails to comply with any of the provisions of sub-section (1) or of sub-section (5) of this section shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and the court may in addition, direct that any sisal grown or any sisal fibre produced in contravention of the provisions of sub-section (1) of this section shall in the case of sisal grown be uprooted and,

35 40 in the case of sisal fibre produced, be forfeited to His Majesty

(7) (a) The provisions of this section shall not apply to the growing of sisal or the production of sisal fibre in the native areas

Cap 100

(b) For the purposes of this sub-section "native areas" means the native lands, the native reserves, the temporary native reserves and the native leasehold areas as defined in section 2 of the Native Lands Trust Ordinance

MEMORANDUM OF OBJECTS AND REASONS

It has been represented by the Kenya Sisal Board that the absence of any provision whereby sisal may only be grown and sisal fibre produced under licence is a serious handicap to the Board, as it results in a lack of control over the growing and production of sisal and sisal fibre, without which control the best interests of the industry cannot be adequately safeguarded

This Bill will, accordingly, amend the Sisal Industry Ordinance by the insertion of a new section which will provide for licensing. As the control of sisal in the native areas is adequately governed by the rules made under the Crop Production and Livestock Ordinance the new provisions relating to licensing are expressly made not to apply to sisal grown or sisal fibre produced in those areas

It is not expected that any additional expenditure of public moneys will be incurred if the provisions of this Bill become law

Nairobi,
20th September, 1950

K K O'CONNOR
Attorney General

GOVERNMENT NOTICE NO 1058

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

A BILL ENTITLED AN ORDINANCE TO AMEND THE LAND CONTROL ORDINANCE

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 Land Control (Amendment) Ordinance, 1950, and shall be read and construed as one with the Land Control Ordinance, hereinafter referred to as the principal Ordinance

Cap 150

2. Section 8 of the principal Ordinance is amended in 5 the following respects—

Amendment of
section 8 of
the principal
Ordinance

(a) by deleting sub-paragraph (iv) of paragraph (b) of sub-section (1), and

(b) by substituting for sub-section (5) the following—

(5) Every decision of the Board in the exercise 10 of its powers under paragraphs (b) and (c) of sub-section (1) of this section shall be in writing, and in every case where the Board refuses its consent under paragraph (b) thereof on the ground that the applicant already has sufficient land the Board's decision 15 shall show the grounds which have led the Board to consider that the applicant already has sufficient land

MEMORANDUM OF OBJECTS AND REASONS

A resolution was recently passed by the Legislative Council to the effect that the Land Control Board should no longer be empowered to refuse its consent to a land transaction by reason only that the Board objects to the pecuniary consideration for the transaction

The Bill will amend section 8 of the Land Control Ordinance (Cap 150) to provide for this

No additional expenditure of public moneys will be incurred if the provisions of this Bill become law

Nairobi,
20th September, 1950

K K O'CONNOR,
Attorney General

GOVERNMENT NOTICE No 1059

The Governor in Council has approved of the following Bill being introduced into the Legislative Council

T V N FORTESCUE,
Acting Clerk to the Legislative Council

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE TRAFFIC
ORDINANCE**

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

1. This Ordinance may be cited as the Traffic Short title (Amendment) Ordinance, 1950, and shall be read and construed as one with the Traffic Ordinance (hereinafter referred to as the principal Ordinance) Cap 232
- 5 2. Section 13 of the principal Ordinance is amended in the following respects— Amendment of section 13 of the principal Ordinance
- (1) by substituting for the proviso to sub-section (1) thereof the following proviso—
- 10 Provided that—
- (a) for the purpose of being taught to drive, a person who does not hold a certificate of competency may drive a motor vehicle upon any road if—
- 15 (i) he is accompanied by a person who holds a certificate of competency to drive such a motor vehicle, and
- (ii) there is clearly displayed in a conspicuous position both on the front and on the rear of the vehicle the letter "L" which shall be red in colour upon a white background and shall be not less than six inches in height and each part of which shall be not less than three-quarters of an inch in thickness,
- 20
- (b) when any person is being taught to drive as aforesaid such person and the person who holds the certificate of competency shall be severally liable for any offence under this Ordinance committed while such first mentioned person is driving the motor vehicle,
- 25
- and
- 30
- (2) by substituting for the words "In the event of any person losing his certificate of competency" where they occur in sub-section (5) thereof the words "If any person loses his certificate of competency or if such certificate becomes so worn out or damaged as to be illegible"
- 35
- 40 3. Paragraph (c) of sub-section (1) of section 57 of the principal Ordinance is amended by inserting at the end thereof the following words— Amendment of section 57 (1) (c) of the principal Ordinance
- 45 and as to inspection of the register and any fees to be charged for such inspection and the Governor in Council may provide by rule that a copy of, or an extract from, the register or any document registered under this Ordinance, if certified to be true copy by a certificate purporting to be under the hand of the Central Registrar of Licences or of any person deputed by him in writing in that behalf, shall, in all legal proceedings, civil or criminal, be accepted
- 50

as sufficient *prima facie* evidence of all matters therein appearing until the contrary be shown, and the Governor in Council may by rule further provide that a certificate purporting to be signed as aforesaid to the effect that there is no relevant entry in the register shall in any such proceeding be accepted as sufficient *prima facie* evidence of the absence of any such entry until the contrary is shown

5

MEMORANDUM OF OBJECTS AND REASONS

The proviso to sub-section (1) of section 13 of the Traffic Ordinance (referred to as the principal Ordinance) only permits a person to be taught to drive a motor vehicle on unfrequented roads

It is, in practice, necessary for learners to be taught to drive in traffic, and the test which an applicant for a driving licence is required to pass is carried out on streets which carry a considerable amount of traffic. It has also been brought to notice that if an accident occurred either during a driving lesson, or while the applicant for a licence was being tested, on a frequented road, it is a matter of doubt whether a policy of third party insurance would cover the damage.

Clause 2 (1) of the Bill will, accordingly, amend the proviso to section 13, so as to delete the word "unfrequented". The opportunity has also been taken to amend the proviso so as to require that while a person is being taught to drive, the letter "L" must be clearly displayed at the front and rear of the vehicle.

Sub-section (5) of section 13 of the principal Ordinance provides for the issue of a duplicate certificate of competency only if the original is lost. In practice, such certificates often become illegible due to wear and tear or other damage. In such cases the holder should be required to obtain a duplicate. *Clause 2 (b)* will, therefore, amend the sub-section so as to require this.

Clause 3 will amend section 57 so as to enable the Governor in Council to make rules as to the inspection on payment of a fee, of the register of vehicles kept pursuant to the provisions of the Ordinance by the Central Registrar of Licences. The amendment which the clause will effect will also enable the Governor in Council by rule to provide that a certified copy of an entry in the register, or a certificate that no such entry appears in the register, if it purports to be under the hand of the Central Registrar of Licences, or some person deputed by him in writing in that behalf, shall be admissible in all legal proceedings as *prima facie* evidence of the matters which are made to appear in such certified copy or certificate.

No additional expenditure of public moneys will be incurred if the provisions of this Bill become law.

Nairobi,
20th September, 1950

K K O'CONNOR,
Attorney General