

SPECIAL ISSUE



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KENYA CONSTITUTIONAL CONFERENCE 1960

REPORT ON THE CONFERENCE

KENYA CONSTITUTIONAL CONFERENCE, 1960

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KENYA CONSTITUTIONAL CONFERENCE, 1960

REPORT

I.—Introduction

The present constitution was promulgated by Order in Council on 3rd April, 1958 (Cmnds 309 and 369 and S.I. 1958, No. 600, as amended by S.I. 1959, No. 1302, refer.)

2 The salient features of the present constitutional arrangements are —

(a) THE LEGISLATIVE COUNCIL

There are 91 members, excluding the Speaker, Members are of four types—Constituency Elected, Specially Elected, Nominated and *Ex officio* Part IV of the Order in Council specified the following distribution of elected members by type and community —

Constituency Elected Members (36)

African	14
Arab	2
Asian	6
(4 non-Muslims, 2 Muslims)	
European	14

Specially Elected Members (in the following ratio)

African	4
Arab	1
Asian	3
(2 non-Muslims, 1 Muslim)	
European	4

These figures also indicate the present numerical distribution of Specially Elected seats

The Governor has an unlimited power to appoint Nominated Members, at present there are 37, of whom 2 sit on the non-Government side to represent the interests of agriculture and commerce These 2 "corporate" seats are due to disappear in 1960 In addition there are 6 *ex officio* members

(b) FRANCHISE

- (i) *Constituency Elected Members* are elected directly by their own communities The franchise for Europeans, Asian Muslims and Asian non-Muslims is universal adult suffrage, and that for Arabs is universal adult male suffrage subject to a simple literacy test The franchise for Africans is qualitative and is combined with a multiple vote Details are given in Annex II In addition, voters of the Kikuyu, Meru and Embu tribes have to possess a "loyalty certificate"
- (ii) *Specially Elected Members* are elected by all the Members of the Legislative Council, sitting as an electoral college
- (iii) *Nominated Members* are appointed by the Governor subject to Her Majesty's instructions, given through the Secretary of State without limit as to number The two "corporate members" are chosen from lists submitted by the Board of Agriculture (Scheduled Areas) and the Board of Commerce and Industry
- (iv) *Ex officio Members* are Ministers who are otherwise not Members of the Legislative Council

(c) COUNCIL OF MINISTERS

There is provision in the constitution for 16 Ministers, of whom not more than 8 nor less than 6 shall be public officers At present there are 15 Members in the Council, 7 of which are filled by officials, 1 by an unofficial nominated member, and 7 by elected members (4 Europeans, 2 Asians and 1 African) The vacant ministerial post for Adult Education and Community Development is reserved for an African member in accordance with the statement by the Secretary of State for the Colonies on 8th November, 1957 (Cmnd 309 refers) In addition, the Governor's Arab Adviser on Arab affairs may attend the Council of Ministers as of right and participate in its proceedings, but he is not a Minister

(d) COUNCIL OF STATE

The Council of State was inaugurated in June, 1958, to protect racial or religious communities against harmful discriminatory legislation. Its function is to report on such legislation and it possesses powers to delay it. It can also report upon subordinate legislation which it considers to be discriminatory, so that if necessary it may be annulled. It does not consider either existing legislation or acts by the Executive. The Governor or the Legislative Council, however, may request any assistance which the Council can provide in relation to the study of, or information or advice on matters affecting persons of any racial or religious community in Kenya. It consists of a Chairman and 10 members, nominated by the Governor, none of them being members of the Legislative Council. Members are not chosen in accordance with any principle of sectional representation, although in fact the Council comprises members of all races, thus there are at present 4 Europeans, 3 Africans, 2 Asians and 1 Arab. Decisions of the Council are taken by a majority vote, the Chairman has a casting vote.

3 It was announced on 22nd April, 1959, that the present Conference would be called to consider the next stage of constitutional development in Kenya.

4 Subsequently, Professor W J M Mackenzie, Professor of Government at Manchester University, accepted an invitation by Her Majesty's Government and the Kenya Government to act as Constitutional Adviser with the following terms of reference:

"To consult with political opinion of all shades with a view to affording advice to the participants at the forthcoming Constitutional Conference including the Kenya Government and Her Majesty's Government."

Professor Mackenzie paid two visits to Kenya in the latter part of 1959 to familiarize himself with the local social and economic background and to meet representative bodies in the Colony.

5 The Secretary of State visited Kenya in December, 1959, with the primary purpose of preparing himself for the Conference by informal discussions locally.

II.—The Conference

6 The Governments of the United Kingdom and of Kenya invited to a conference in London, under the chairmanship of the Secretary of State for the Colonies, all the Elected Members of the Legislative Council and a small number of Nominated Members representative of certain minority interests. In addition, the Conference was attended by the Governor (Sir Patrick Renison), Professor W J M Mackenzie, and official advisers to the Secretary of State and the Governor.

7 Members resolved themselves into four main groups—the United Party led by Group Captain Briggs, the New Kenya Group, led by Mr Blundell, the Asian and Arab Group, led by Dr Hassan, and the African Constituency Elected Members, led by Mr Ngala. There were also present Special Advisers to certain of the groups. A full list of members and advisers who took part in the Conference is at Annex I.

8 The Conference met at Lancaster House and held seventeen full plenary sessions between the 18th January and 21st February, 1960. The Conference also resolved into two Committees, and there were many informal meetings between the Secretary of State and various groups at the Conference, and also between the groups themselves.

GENERAL

9 The task of the Conference was defined by the Secretary of State in his opening statement—

"Independence—I hope within the Commonwealth," he said, "is the ultimate objective, but it is not the task of this Conference. Our task is to plan the next step in Kenya's constitutional evolution. To see at what pace Kenya can assume greater responsibility for the conduct of her own affairs. As we plan this stage and all future stages of Kenya's constitutional evolution, we should remember that both Africans are easily the majority of all the people of Kenya and also that all those who have made their homes in Kenya are entitled to make a full contribution to the work of governing their country."

10 The Secretary of State then went on to define the status of the Conference He said —

"The function of the Conference is not, of course, to take the decisions about the future of Kenya That is a responsibility which ultimately rests with Her Majesty's Government as a whole and it is my duty as Secretary of State to make recommendations and give advice to my colleagues about what should be done But when I give that advice, I should like to be guided, in my turn, by what has been said at this Conference My hope, of course, is that these recommendations will be based on a wide measure of agreement here, so that in the end we can be sure of co-operation among the people whom this Conference represents in Kenya in any new changes which take place"

11 The Secretary of State told the Conference that Her Majesty's Government's aim was twofold—first to build a nation based on parliamentary institutions on the Westminster model and enjoying responsible self-government under certain traditional conditions, and secondly, to achieve a general acceptance by all of the right of each community to remain in Kenya and play a part in public life These aims gave rise to three main principles on which rested Her Majesty's Government's policy towards Kenya's future constitutional development —

- (a) Kenya would eventually be independent of United Kingdom control, provided that Africans, as well as other communities in Kenya, took a share in the government of the country,
- (b) independence could not take place until the government was responsible to a legislature fully reflecting the differing views of all the people expressed through the medium of a wide franchise,
- (c) individuals of every community should have full opportunity to participate in the administration of their country in a spirit of mutual tolerance, though for a time the interests of minorities might have to be secured through constitutional safeguards

12 The Conference then proceeded to a general discussion of the principles outlined by the Secretary of State, in the course of which members were able to express their views In reply to this discussion the Secretary of State made a number of observations by which the Conference might be guided in its subsequent consideration of detailed proposals for the next stage of constitutional advance in Kenya

13 Referring to the *composition of the Legislative Council* and the associated question of *the franchise*, the Secretary of State said that he was sure that a decisive move should now be made towards universal adult suffrage in respect of some of the common roll seats which should be introduced At the same time he regarded it as important that other of these seats should carry a much narrower franchise, in order to encourage both candidates and voters to forget their own race It would, however, also be necessary for some seats in the Legislative Council to be reserved on a communal basis, and this might be achieved either by modification of the existing system of direct communal elections, by some form of pre-selection through primary elections or by adjusting the common roll to provide for reservation of seats as had been done in Tanganyika If, however, the last device were adopted it would be necessary somehow to ensure that the candidates who were elected in that way had the effective and genuine support of their own communities On the question of Nominated Members he commended to the Conference Professor Mackenzie's view that it would be unusual at the present stage of Kenya's constitutional development to deprive the Governor of the power of nomination as a means of conducting the business of government, that this was a power which was generally allowed to wither away by desuetude before being formally abolished, and that this course was probably the most prudent for Kenya If this view were accepted by the Conference, the number of Nominated Members of the Legislative Council at any given time would depend on the extent to which elected Members accepting Ministerial office on an agreed basis of policy were able to command the support of the other Members

14 Referring to the *Executive*, the Secretary of State noted the wide measure of agreement that a smaller Council of Ministers—of about 12 perhaps with an Arab representative in addition—would be appropriate, and that these should include 3 or 4 Civil Service Ministers He went on to say that in his view those who aspired to take a prominent part in the future government of the country must take the maximum opportunity provided during the next period of constitutional development of gaining experience in difficult and responsible ministerial posts, working side by side with those who had already had wide experience, so

that they might not only gain knowledge of the day-to-day problems of administration but also develop a sense of that unity of purpose which is the hallmark of effective government. In the United Kingdom Government's view the interests of Kenya would be best served at the present stage if Africans were to take a greater share in the government of the country and if also among those holding ministerial portfolios there were members drawn from each of the principal races.

CONSTITUTIONAL PROPOSALS

15 After holding a number of unofficial meetings the Secretary of State circulated some constitutional suggestions informally for discussion with the various groups at the Conference, with the object of discovering how much common ground existed between them, and he subsequently placed the following proposals before the Conference.

(a) The Legislature

There should be in the Legislative Council 65 elected members. Fifty-three of these would be elected on a common roll and 12 would be National Members.

- (i) The position of minority communities on the common roll should be safeguarded by reservation of 20 of the 53 seats, allocated as to 10 European, 8 Asian and 2 Arab. There should be communal primary elections for the reserved seats, in order to ensure that the candidates elected commanded the effective and genuine support within their own community.
- (ii) For all common roll seats the franchise should be as follows —
 - (a) ability to read and write own language (or over 40 years of age), or
 - (b) office holder in wide range of scheduled posts at time of registration, or
 - (c) income £75 per annum
- (iii) The National Members would be elected by the Elected Members of the Legislative Council using Proportional Representation (single non-transferable vote) except in contests for single seats. Seats should be reserved as follows: 4 Africans, 4 Europeans, 2 Asian non-Muslims, 1 Asian Muslim and 1 Arab.
- (iv) The Governor would retain the right to nominate Members, but if Elected Members becoming Ministers brought with them to the Government benches a substantial number of supporters, the need to exercise this power would be reduced.

(b) The Executive

- (i) The Council of Ministers should consist of 12 Ministers, with an Arab representative having the right of attendance.
- (ii) There should be an unofficial majority in the Council, an appropriate division might be 4 official and 8 unofficial Ministers.
- (iii) The 8 unofficial posts should be filled by 4 Africans, 3 Europeans and 1 Asian.
- (iv) The Governor should retain the right to appoint Ministers and distribute portfolios.

16 In putting forward these proposals the Secretary of State recognized that they did not afford one section of the Asian Community (either Muslim or non-Muslim depending on which section provided the one Asian Minister) the opportunity of making its views known directly in the Council of Ministers. He proposed to give this question further consideration in consultation with the Governor.

17 The Secretary of State informed the Conference that the Governor would propose to appoint a Working Party in Kenya, probably the Chief Secretary and the Attorney-General, to recommend within the principles set out in paragraph 21 above, the rules which should govern the qualification and nomination of candidates, and the election of members to the Legislative Council, including the delimitation of constituencies. It might be appropriate that representation should be based on districts, with special provision for the major towns but that in the larger or more populous districts, and in some urban areas, there might be multi-member constituencies. In this event it would follow that some of the less populous districts might have to be combined into one constituency. The Working Party would be asked to ensure so far as possible that the reserved seats were appropriately distributed throughout the country.

THE VIEWS OF THE VARIOUS GROUPS

18 After the Conference had studied his proposals the Secretary of State gave his understanding of the views of the various groups as follows —

The United Party were entirely opposed to the proposals but were anxious to take part in the further discussions of the Conference on safeguards and other related matters

The Asian and Arab Elected Members, although having reservations particularly about the composition of the Council of Ministers, were prepared to accept the proposals

The African Constituency Elected Members, although having reservations particularly in relation to the level of the franchise, the proportion of African Ministers, and the position of the National Members, were prepared to accept the proposals as the next stage in Kenya's constitutional development

The New Kenya Group on the assumption that the wide measure of agreement at the Conference would be reflected in general support in Kenya for stable government and true co-operation of all races in all spheres, and that there would be an early agreement on the principles of all necessary safeguards, agreed with the African Elected Members and others that the constitution of Kenya in the next stage should be as outlined in the proposals

19 Subject to the reservations made by the various groups and recorded in paragraph 18 above, the Conference agreed to move on to the consideration of appropriate constitutional safeguards and appointed a Committee for this purpose

SAFEGUARDS

20 After discussions both in the Committee and outside, in which full agreement was not reached, the Secretary of State made the following statement —

"When I spoke to the plenary session of the Conference on the 15th February, I gave my understanding of the position the various groups had taken in relation to the constitutional proposals and suggested that the Committee on Safeguards should consider a number of outstanding points Accordingly, the Committee have been discussing safeguards and a number of discussions on this subject have taken place outside the Committee I think that the time has now come when it would be appropriate for me to inform the Conference of Her Majesty's Government's views about the arrangements which are needed in the next and subsequent stages of constitutional advance in Kenya I also want to say something about how Her Majesty's Government can assist Kenya in the vital task of strengthening the economic and other foundations on which any constitutional development must be based

I turn first to the question of embodying in the constitution provisions to safeguard fundamental human rights We have had circulated to us several papers suggesting the enactment of provisions in the constitution which would give legally enforceable protection to the fundamental rights of the individual against the State

A legal code of this kind, if included in the Order in Council, would not of course either invalidate or enshrine laws which are now in force in Kenya, but it would ensure that any measure by which those laws were changed would conform to the fundamental principles required to safeguard individual rights Such a code would also set the standard by which the Kenya Government would adjust existing law and practice

The two main papers which we have had put before us are the extracts from the Nigerian constitution which is, I think, accepted as a very recent and detailed model for the enactment of such a code, and a very helpful paper by Dr Thurgood Marshall outlining the kind of provisions which might help to meet the situation

It is the firm view of Her Majesty's Government that legal provisions are needed in the proposed constitution, which will be made by Order in Council, to provide for the judicial protection of human rights, on the lines of the provisions in the Nigeria (Constitution) Order in Council, taking into account the draft prepared by Dr Thurgood Marshall and the special circumstances of Kenya I have asked my own Legal Adviser, Sir Kenneth Roberts-Wray, to supervise the drafting of these provisions

In this section of the constitution, Her Majesty's Government consider it important to include protection for property rights Only by this means will it be possible to maintain confidence and to encourage development and investment, including the attraction of overseas capital, not only in the immediate future but also in the long term

Accordingly, Her Majesty's Government think it right to include provisions founded on the principle that there should be no expropriation of property except to fulfil contractual or other legal obligations upon the owner, or for purposes to the benefit of the country (due regard being paid to human needs and individual hardship, confidence and stability, and advantage to the country's economy) Full and fair compensation should be given to the owner of any property expropriated, together with the right of recourse to the Courts (including the normal channels of appeal) for the judicial determination of his rights, and of the amount of compensation to be paid to him

I want to turn next to something else which I regard as vitally important, that is, to maintain the independence of the Judiciary The appointment of Judges must not be a political matter and they should continue for the time being to be appointed by the Governor in accordance with Her Majesty's instructions At a future stage in Kenya's constitutional advance, it will be necessary to establish a Judicial Service Commission for this purpose The present provisions regarding the tenure of office of Judges should be retained

The essential task of this Conference has been to work out a number of principles on which to base the next constitutional advance Most members agreed, and I think rightly, that it was not the task of this Conference to involve itself in matters which might more appropriately fall into the field of general Government policy and administration It was, of course, inevitable that some such matters should have been raised from time to time against the background of the constitutional discussions, and for that reason I think it right, as I said at the beginning of this speech, to tell you how Her Majesty's Government think they can help Kenya in strengthening the foundations on which the government must rest

When I visited Kenya I was tremendously impressed by the obvious importance of agriculture and by the contribution of the farmers of all races to Kenya's well-being Recently there have been suggested reforms in the system of land tenure aimed at placing it on a non-racial basis with good husbandry as the main criterion for use I think that against this background there is a special need to see that land development is maintained, that investment in land is increased and, in particular, that Africans are encouraged and helped to take a greater share in the agricultural industry

Schemes of many kinds to encourage agricultural development are already in operation, but I am certain that more is needed

The Governor has told me that the Kenya Government will undertake an immediate review to ascertain to what extent these various schemes and the existing financial institutions designed to help all farmers could be co-ordinated, and perhaps joined together into one whole My Agricultural Advisers will, of course, if desired, be very ready to help

The review will also consider what further capital should be provided, to enable more to be done towards the development of the land, including approved resettlement schemes, with special reference to helping forward African farming In the light of this review Her Majesty's Government will be ready to consult with financial institutions and with other authorities to help find this capital The International Bank are already considering a scheme related to African areas, and they will now be approached to see whether they would favour participation in a more comprehensive project To show the belief of Her Majesty's Government in the value of such a scheme, I am glad to say here and now that Her Majesty's Government will undertake, in the light of the Kenya Government review, that £5,000,000 in loans will be available from the above or other sources for relending

Her Majesty's Government have also been considering the problems which arise in all the East African territories from the need to develop their services, particularly the development of African agriculture and education and the difficulties of finding the money for them from their own resources Her Majesty's Government are conscious of the difficulties facing not only the Kenya Government, but also other East African Governments, and have decided that as from the 1st July, 1960, they will assume financial responsibility for the cost of the East African Land Forces The details of this arrangement are being worked out with the Governments concerned The recurrent cost of the Forces to Kenya in the present financial year is estimated at £1,128,000

I have been told by the Governor that he would like to bring some further African members into his Council of Ministers at once rather than wait until the new Constitution is in force I welcomed this idea and understand that subsequently he discussed this with the African Elected Members and they are considering it favourably Accordingly, as soon as he returns to Kenya the Governor has in mind to continue discussions to put this into effect

I do not ask the various groups specifically to accept or to approve what I have said. Indeed, as with the proposals on the executive and legislature which I put before the Conference, I have been told by the groups and well understand that they have serious reservations, or would have preferred points to be expressed differently. All groups except the United Party have nonetheless told me that having taken note of what I have said they accept that the proposals on the executive and the legislature should be implemented as the next stage in Kenya's constitutional advance.

Accordingly, I am glad to be able to announce that my colleagues have endorsed these proposals and what I have said today as the policy of Her Majesty's Government."

LOCALIZATION OF THE CIVIL SERVICE

21 The Secretary of State suggested to the Conference that the approach to self-government should be made accompanied by a steady increase in the numbers of local people recruited to the Civil Service. He added "I am thinking especially of Africans, whose advance here has been held up by their late start in educational development".

22 The Conference welcomed this suggestion and also the Secretary of State's announcement that an interterritorial conference was to be held in London, in March, 1960, under the chairmanship of the Permanent Under-Secretary of State for the Colonies, to consider what more could be done to promote the building up of local Civil Services by local recruitment.

23 They also welcomed the statement by the Governor of Kenya that he intended to appoint a Working Party under the chairmanship of the Chairman of the Public Service Commission, and including local non-official members, to advise on ways of accelerating the localization of the public service in Kenya.

THE COASTAL STRIP

24 The Conference took note of a statement by the Secretary of State that questions regarding the Coastal Strip fell outside the scope of the Conference. They also took note of Her Majesty's Government's intention to continue for the present to discharge as hitherto its responsibilities in this matter under the existing agreement with the Sultan of Zanzibar.

ACKNOWLEDGEMENTS

25 The Conference recorded their appreciation of the help and wise counsel provided by Professor Mackenzie both during his visits to Kenya and throughout the Conference. They also wished to acknowledge with gratitude the assistance given by Dr Thurgood Marshall and by Dr Rostowski. Finally they wished to put on record their deep appreciation of the efficiency and speed with which the Secretary-General and all members of the Secretariat had unfailingly discharged their responsibilities throughout all the proceedings of the Conference.

CLOSING OF THE CONFERENCE

26 Addressing the Conference at its concluding session the Secretary of State said —

"So ends the Kenya Conference, but it is of course not an end but a beginning, and all of you that are here have an essential part to play in the future. I think that as we look back on the long days and weeks of this Conference we will no doubt remember the arduous hours of discussion, the dissent and often difficult points that we have tried to hammer out. We will remember too the number of occasions on which deadlock seemed complete and it seemed as if the Conference must wholly fail. But I think you will remember other things too. We know each other much better now as a result of this Conference, we understand each other much better as a result of this Conference, and it is on that that we must build, and so I think that it would be right even for all those who have reservations about part or the whole of what I have said, that we all should turn our eyes and our hearts to the future—that is the future of Kenya."

(Signed) IAIN MACLEOD,
Chairman

(Signed) R B M KING,
Secretary-General
Lancaster House,
London, S W 1
21st February, 1960

ANNEX I—LIST OF THOSE ATTENDING THE KENYA CONSTITUTIONAL CONFERENCE, 1960

Members

AFRICAN CONSTITUENCY ELECTED MEMBERS

Mr S O Ayodo
 Mr F J Khamisi
 Mr D I Kiamba
 Dr J G Kiano
 Mr B Mate
 Mr T J Mboya
 Mr D T Arap Moi
 Mr N J Muimbi
 Mr H P M Muliro
 Mr R G Ngala
 Mr J J M Nyagah
 Mr A O Odinga
 Mr J K Ole Tipis
 Mr T Arap Towett

ARAB CONSTITUENCY ELECTED MEMBERS

Sheikh Mahfood S Mackawi
 Shariff M A Shatry

ASIAN CONSTITUENCY ELECTED MEMBERS

Non-Muslim

Mr A B Jamidar
 Mr J C M Nazareth, Q C
 Mr A J Pandya
 Mr K D Travadi

Muslim

Dr S G Hassan, MBE
 Mr Zafrud-Deen

EUROPEAN CONSTITUENCY ELECTED MEMBERS

Mr. R S Alexander
 Group Captain L R Briggs
 Mr F W G Bompas
 Mr W E Crosskill
 Major F W J S Day
 Mr C W P Harries
 Mr N F Harris
 Air Commodore E L Howard-Williams, MC
 Mrs E D Hughes, MBE
 Mr J R Maxwell, CMG
 Major B P Roberts
 Mrs A R Shaw
 Mr C G Usher, MC

SPECIALLY ELECTED MEMBERS

African

Mr M S Amalemba
 Mr J M Muchura
 Mr N G Ngome
 Mr Wanyetu Waweru, MBE

Asian (Muslim)

Mr I E Nathoo
Asian (Non-Muslim)
 Mr C B Madan, QC

European

Mr M Blundell, M B E
 Mr W B Havelock
 Lt -Col B R McKenzie, D S O D F C
 Mr H Slade

Nominated Members

Mr Ahmed Farah Eleya, B E M
 Sheikh Salim Muhashamy, M B E

THE GOVERNMENT OF KENYA

His Excellency Sir Patrick	Governor
Muir Renison, K C M G	
Mr E N Griffith Jones, Q C	Attorney-General
Dr R V Rostowski	Adviser

UNITED KINGDOM

The Rt Hon Iain Macleod, M P , Secretary of State for the Colonies	(Chairman of the Conference)
The Rt Hon The Earl of Perth, Minister of State for Colonial Affairs	(Vice-Chairman)
Sir Hilton Poynton, K C M G , Permanent Under-Secretary of State	Colonial Office
Sir John Martin, K C M G , C B , C V O , Deputy Under-Secretary of State	Colonial Office
Sir Kenneth Roberts-Wray, K C M G , Q C , Legal Adviser to Secretary of State	Colonial Office
Mr W B L Monson, C M G , Assistant Under-Secretary of State	Colonial Office
Mr F D Webber, C M G , M C T D , Assistant Secretary	Colonial Office
Mr J A Peck, Assistant Legal Adviser to Secretary of State	Colonial Office
Mr D G Gordon-Smith, Senior Legal Assistant	Colonial Office

CONSTITUTIONAL ADVISER TO THE CONFERENCE

Professor W J M Mackenzie

GROUP SPECIAL ADVISERS PRESENT AT MEETINGS

Mr A T Culwick (United Party)
 Commander A B Goord (New Kenya Party)
 Dr Thurgood Marshall (African Constituency Elected Members)

SECRETARIAT

Mr R B M King, M C . Secretary-General	Cabinet Office
Mr J L F Buist, Assistant Secretary-General	Colonial Office
Mr P R Forsyth-Thompson	Colonial Office
Mr T M Heiser. Secretary	Colonial Office
Mr J C Edwards, Secretary	Colonial Office
Mr K A F Woolverton Secretary	Colonial Office

PRESS OFFICER

Mr R W Francis

Colonial Office

LIBRARIAN

Mr V T H Parry

Colonial Office

ANNEX II—QUALIFICATIONS FOR MULTIPLE VOTE (AFRICAN VOTERS)

1 An African who is otherwise eligible to be registered as a voter, for the election of African Members to the Legislative Council, shall be entitled to one vote in respect of each of the qualifications possessed by him or her and set forth below but no African shall be entitled to more than three votes

MALES**1 Education—**

Completed the full educational course at an intermediate school (as defined in regulation 2 of the Education (Classification and Nomenclature of Schools) Regulations, 1953*), or attained such other standards of education as may be prescribed

2 Property—

Received income of at least £120 from all sources during the twelve months immediately preceding application for registration, or

Possessed of property worth at least £500 at time of such application

3 Long Service—

Completed at least five years' service in the Armed Forces of the Crown, or in the police, prisons or tribal police, provided that discharge shall not have been for misconduct, or seven years' continuous service in any form of Government or local government employment or in the employment of the High Commission, provided that such employment shall not have been terminated by dismissal, or seven years' employment in commerce, industry or agriculture, such employment having been undertaken within the eight years immediately preceding application for registration

Provided that membership of an African court shall not be deemed, for the purposes of this item, to be service in any form of Government or local government employment

4 Seniority—

Having reached the grade of elder or the age of 45 years

5 Higher Education—

Obtained a degree or diploma of a prescribed institution of university or university college standing or a prescribed professional qualification, or awarded a scholarship, approved for the purposes of this Ordinance by the Director of Education, at an institution for post-secondary education and successfully completed the course of studies in respect of which the scholarship was awarded

6 Legislative Experience—

Membership, past or present, of the Legislative Council or the Central Legislative Assembly, or three years' continuous membership of a prescribed local government authority, a prescribed African advisory council or an African court

7 Meritorious Service—

A civil or military decoration including Badge of Honour or Chief's Medal

FEMALES**1 Education—**

Completed the full educational course at an intermediate school (as defined in regulation 2 of the Education (Classification and Nomenclature of Schools) Regulations, 1953), or attained such other standards of education as may be prescribed

2 Property—

Received income of at least £120 from all sources during the twelve months immediately preceding application for registration, or

Possessed of property worth at least £500 at time of such application

3 Long Service—

Completed at least five years' service in the police or prisons, provided that discharge shall not have been for misconduct, or seven years' continuous service in any form of Government or local government employment or in the employment of the High Commission, provided that such employment shall not have been terminated by dismissal, or seven years' employment in commerce, industry or agriculture, such employment having been undertaken within the eight years immediately preceding application for registration

Provided that membership of an African court shall not be deemed, for the purposes of this item, to be service in any form of Government or local government employment

4 Higher Education—

Obtained a degree or diploma of a prescribed institution of university or university college standing or a prescribed professional qualification, or awarded a scholarship, approved for the purposes of this Ordinance by the Director of Education, at an institution for post-secondary education and successfully completed the course of studies in respect of which the scholarship was awarded

5 Legislative Experience—

Membership, past or present of the Legislative Council or the Central Legislative Assembly, or three years' continuous membership of a prescribed local government authority, a prescribed African advisory council or an African court

* G N 425 of 1953