



THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. LXXXV—No. 58

NAIROBI, 18th November, 1983

Price Sh. 6

CONTENTS

GAZETTE NOTICES

	PAGE
Public Service Commission of Kenya— Promotions, etc.	1578
The Local Government Act—Appointment of Inspectors	1578
The Oaths and Statutory Declarations Act—A Commission	1579
The Constitution of Kenya—Appointment of Acting Resident Magistrate, etc.	1579
The Prisons Act—Appointment of Visiting Justices	1579
Ministry of Health—Labelling of Dispensed Medicines	1579
The Advocates Act—Examination Dates	1579
The Registration of Titles Act—Registration of Instrument	1579
Ministry of Tourism and Wildlife—Fish Trade Licences, 1984	1579-1580
The High Court of Kenya at Nairobi—Call Over for the Month of December, 1983	1580
Office of the President—Loss of Road Travel Warrants	1580
Ministry of Health—Loss of L.P.O.s, etc.	1580
Vacancies Offered by—	
Public Service Commission of Kenya	1580-1583
Ministry of Labour	1583
The Mining Act—Exclusive Prospecting Right	1583
The Land Acquisition Act—Notice of Intention to Acquire Land, etc.	1583-1584
The Registered Land Act—Issue of New Land Certificates	1584

GAZETTE NOTICES—(Contd.)

	PAGE
Industrial Court Awards	1584-1586, 1594-1595
Probate and Administration	1586-1590, 1595
The Companies Act—Winding-up	1591
Loss of Policies	1591
Local Government Notices	1591
Tenders	1592-1593
Business Transfers	1593
Transfer of 99-year Lease—Notice	1593
Change of Names	1593-1594
The Money-Lenders Act—Application for Licence	1594
Closure of Private Roads	1594
Removal of Motor Vehicle	1594

SUPPLEMENT No. 64

Legislative Supplement

LEGAL NOTICE NO.	PAGE
255—The Sales Tax (Remission) (Aid Projects) Order, 1983	701
256—The Customs and Excise (Remission) (Aid Projects) Order, 1983	702
257—The Local Government (City of Nairobi Commission) (Amendment) (No. 3) Order, 1983	703

GAZETTE NOTICE No. 4325

PUBLIC SERVICE COMMISSION OF KENYA

PROMOTIONS

REGINALD WELLINGTON KARANJA, to be Senior Principal Assistant Inspector (Statutory Boards), Inspectorate of Statutory Boards, Office of the President, with effect from 26th January, 1983.

SAMMY MUTHOKA MBOVA, to be Deputy Secretary, Directorate of Personnel Management, Office of the President, with effect from 1st April, 1983.

JOSEPH SEFU, to be Under Secretary, Directorate of Personnel Management, Office of the President, with effect from 1st April, 1983.

ALEXANDER JEREMIAH NTHAKANO NJUE, to be District Commissioner I, Office of the President, with effect from 1st April, 1982.

THOMAS OTWORI OGECHI, to be District Commissioner I, Office of the President, with effect from 1st April, 1982.

APPOINTMENTS

JOSEPH YAGAN, to be District Commissioner, Meru District, Eastern Province, with effect from 27th May, 1983.

JIMMY GERSHON NYABWA, to be District Commissioner, Isiolo District, Eastern Province, with effect from 6th October, 1983.

FRANCIS KIMEMIA THUITA, to be District Officer, Busia District, Western Province, with effect from 18th May, 1983.

JAMES MURIUKI MWANGI, to be District Officer, West Pokot District, Rift Valley Province, with effect from 9th June, 1983.

MUNGASIA HENRY MASAMBAGA, to be District Officer, Narok District, Rift Valley Province, with effect from 9th June, 1983.

FRANCIS KIBI TILITEBI, to be District Officer, Baringo District, Rift Valley Province, with effect from 10th June, 1983.

MORRIS NYAGA MUCHUKU, to be District Officer, Taita/Taveta District, Coast Province, with effect from 13th June, 1983.

FRED EZRA OMONDI GABRIEL MWANGO, to be District Officer, Laikipia District, Rift Valley Province, with effect from 14th June, 1983.

ROBERT MUTUA NGESU, to be District Officer, Uasin Gishu District, Rift Valley Province, with effect from 23rd June, 1983.

JOHN GITAU MAKUNI, to be District Officer, Nakuru District, Rift Valley Province, with effect from 29th June, 1983.

PETER MBOGO KIMANI, to be District Officer, Isiolo District, Eastern Province, with effect from 30th June, 1983.

FANUEL RAILA KOMBONYA, to be District Officer, Machakos District, Eastern Province, with effect from 1st July, 1983.

PATRICK SIMIYU KHAIMBA, to be District Officer, Kitui District, Eastern Province, with effect from 1st July, 1983.

CHRISTOPHER FRANK MARIGA, to be District Officer, Laikipia District, Rift Valley Province, with effect from 4th July, 1983.

PAUL WAWIRE KULOVA, to be District Officer, Elgeyo/Marakwet District, Rift Valley Province, with effect from 8th July, 1983.

BARTHOLOMEW EGESA WASIKE, to be District Officer, Samburu District, Rift Valley Province, with effect from 10th July, 1983.

MAURICE YONAH OLUOCH GER, to be District Officer, Bungoma District, Western Province, with effect from 12th July, 1983.

THOMAS MABERA MOCHA, to be District Officer, Kericho District, Rift Valley Province, with effect from 15th July, 1983.

BENJAMIN GEORGE KAULA WANJALA, to be District Officer, Bungoma District, Western Province, with effect from 18th July, 1983.

WILLIAM GHATI KERIORO, to be District Officer, Turkana District, Rift Valley Province, with effect from 20th July, 1983.

ROBERT MUTUKU KIKWAWU, to be District Officer, Kericho District, Rift Valley Province, with effect from 20th July, 1983.

LABAN KIWINDA OHITO, to be District Officer, Isiolo District, Eastern Province, with effect from 4th August, 1983.

ELIJAH NDUATI THIABI, to be District Officer, Nairobi Area, with effect from 5th August, 1983.

ONESMUS MWANZA MUTUA, to be District Officer, Meru District, Eastern Province, with effect from 9th August, 1983.

CYRUS KIBERA MAINA, to be District Officer, Nandi District, Rift Valley Province, with effect from 13th August, 1983.

JAMLUCK MURITHI BARUGA, to be District Officer, Kericho District, Rift Valley Province, with effect from 18th August, 1983.

CHARLES KAGEMA MURAYA, to be District Officer, Nairobi Area, with effect from 29th August, 1983.

ACTING APPOINTMENTS

GODFREY MATE MWANIKI, to act as District Commissioner, Mandera District, North-Eastern Province, with effect from 1st October, 1983.

WILLIAM NDUIGIRU GITONGA, to act as District Commissioner, Kisumu District, Nyanza Province, with effect from 1st October, 1983.

PETER LEE NYAMASYO KIILU, to act as District Commissioner, Kericho District, Rift Valley Province, with effect from 3rd October, 1983.

ALBERT MUDERWA MAYOYA, to act as District Commissioner, Lamu District, Coast Province, with effect from 4th October, 1983.

JOHN ALLAN KAMAU, to act as District Commissioner, South Nyanza District, with effect from 5th October, 1983.

KEHOLO MUHALULE, to act as District Commissioner, West Pokot District, Rift Valley Province, with effect from 6th October, 1983.

JOHN GAKUO, to act as District Commissioner, Mombasa District, Coast Province, with effect from 6th October, 1983.

PETER NGETHE MBUGUA, to act as District Commissioner, Trans Nzoia District, Rift Valley Province, with effect from 6th October, 1983.

FELIX MURIITHI MBUI KARIMBA, to act as District Commissioner, Embu District, Eastern Province, with effect from 6th October, 1983.

JOSEPH MUSIKALI MUTEKI, to act as District Commissioner, Murang'a District, Central Province, with effect from 6th October, 1983.

DUNSTAN JOHN GULIVISTWA GALAVA, to act as District Commissioner, Tana River District, Coast Province, with effect from 6th October, 1983.

BERNARD MOSANDO MAKONGE, to act as District Commissioner, Uasin Gishu District, Rift Valley Province, with effect from 6th October, 1983.

JUSTMORE BERA MAGHASI, to act as District Commissioner, Kitui District, Eastern Province, with effect from 6th October, 1983.

HENRY TIOLE OLE NDIEMA, to act as District Commissioner, Kiambu District, Central Province, with effect from 6th October, 1983.

ELIUD WANANI GICHUKI, to act as District Commissioner, Kwale District, Coast Province, with effect from 10th October, 1983.

By order of the Commission.

D. G. KIMANI,

Secretary,

Public Service Commission of Kenya.

GAZETTE NOTICE No. 4326

THE LOCAL GOVERNMENT ACT

(Cap. 265)

APPOINTMENT OF INSPECTORS

IN EXERCISE of the powers conferred by sections 231 (1) and 245 (1) of the Local Government Act, the Minister for Local Government appoints—

Mark Asitahuko Osilli Adungo,

Antony Muendo,

William Pudo,

to conduct extraordinary inspection and examination of the accounts and records and to conduct investigations, researches and inquiries into the general administration and financial management of the County Council of Meru.

Dated the 10th November, 1983.

S. M. B. MUDAVADI,
Minister for Local Government.

GAZETTE NOTICE No. 4327

THE OATHS AND STATUTORY DECLARATIONS ACT

(Cap. 15)

A COMMISSION

To All To Whom These Presents Shall Come Greeting:

BE IT KNOWN that on 2nd November, 1983—

PATRICK JOHN KAMAU

an advocate of the High Court of Kenya, was appointed to be a commissioner for oaths under the above-mentioned Act for as long as he continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court, the 2nd November, 1983, at Nairobi.

A. H. SIMPSON,
Chief Justice.

GAZETTE NOTICE No. 4328

THE CONSTITUTION OF KENYA

APPOINTMENT OF ACTING RESIDENT MAGISTRATE

IN EXERCISE of the powers conferred by section 69 of the Constitution of Kenya, the Judicial Service Commission appoints—

HANNAH MAGONDI OKWENGU

to be acting resident magistrate, Kenya, with effect from 14th November, 1983.

Dated the 14th November, 1983.

A. H. SIMPSON,
*Chairman,
Judicial Service Commission.*

GAZETTE NOTICE No. 4329

THE CONSTITUTION OF KENYA

APPOINTMENT OF ACTING DEPUTY REGISTRAR

IN EXERCISE of the powers conferred by section 69 of the Constitution of Kenya, the Judicial Service Commission appoints—

HANNAH MAGONDI OKWENGU

to be acting deputy registrar, Kenya, with effect from 14th November, 1983.

Dated the 14th November, 1983.

A. H. SIMPSON,
*Chairman,
Judicial Service Commission.*

GAZETTE NOTICE No. 4330

THE PRISONS ACT

(Cap. 90)

APPOINTMENT OF VISITING JUSTICES

IN EXERCISE of the powers conferred by section 72 (1) of the Prisons Act, the Permanent Secretary, Office of the Vice-President and Ministry of Home Affairs*—

(a) cancels the appointment of:

Chief John Nabutola†.
Jafeth Dibo Akwiri†.
Jeremiah George Lusweti§.
Luka Wose§.

(b) and appoints—

Hilary Wesamba,
Jonathan Syenunda,
Mark Mumali,

as Visiting Justices to Bungoma Prison in Bungoma District, Western Province.

Dated the 25th October, 1983.

D. MWIRARIA,
*Permanent Secretary,
Office of the Vice-President and
Ministry of Home Affairs.*

*L.N. 692/63. †G.N. 2691/66. ‡G.N. 2641/70. §G.N. 3058/78.

GAZETTE NOTICE No. 4331

MINISTRY OF HEALTH

LABELLING OF DISPENSED MEDICINES

FROM 1st December, 1983, all containers of dispensed medicines, whether dispensed from a retail pharmacy, a hospital pharmacy, clinic or doctor's surgery, shall bear the generic or brand name, strength of the dispensed medicament and the name of patient. In very special cases where the prescriber is of the opinion that the disclosure of the name of the medicament would be prejudicial to the interests of the patients, he should indicate this by writing "N.P." and cancelling it neatly on the prescription and the person dispensing the prescription shall accordingly comply.

W. KOINANGE,
Director of Medical Services.

GAZETTE NOTICE No. 4332

THE ADVOCATES ACT

(Cap. 16, Sub. Leg.)

EXAMINATION DATES

PURSUANT to regulation 13 (3) of the Advocates (Admission) Regulations, it is notified that an examination to be passed by applicants for admission to the roll of advocates under section 12 (1) (d) (ii) of the Act, will be held in Nairobi, at the Kenya School of Law, Ralph Bunche Road, on 14th, 15th, 16th and 17th December, 1983.

Dated the 14th November, 1983.

J. W. MWERA,
*Secretary,
Council of Legal Education.*

GAZETTE NOTICE No. 4333

THE REGISTRATION OF TITLES ACT

(Cap. 281)

REGISTRATION OF INSTRUMENT

WHEREAS the Nairobi Club Registered Trustees, a body incorporated under the Land (Perpetual Succession) Act (Cap. 286), having its registered office at P.O. Box 30171, Nairobi, is registered as proprietor of all those pieces of land comprising 5.40 acres, 9.02 acres and 7.63 acres or thereabout, known as L.R. No. 209/288/1-3, respectively, situate in the city of Nairobi, in the Nairobi Area, held under grant registered as No. I.R. 4874/1, and whereas the said body has executed an instrument of further charge in favour of Kenya Commercial Bank Limited, having its registered office at P.O. Box 10713, Nairobi, and whereas sufficient evidence has been produced in terms of section 65 (1) (h) of the said Act, showing that the said grant is not available for registration. Notice is given that after fourteen (14) days from the date hereof, provided that no objection has been received within that period, I intend to dispense with the production of the said grant I.R. 4874 and to proceed with the registration of the said instrument of further charge.

Dated the 18th November, 1983.

L. PEREIRA,
Registrar of Titles.

GAZETTE NOTICE No. 4334

MINISTRY OF TOURISM AND WILDLIFE

FISHERIES DEPARTMENT

FISH TRADE LICENCES, 1984

ALL fish traders in fish products are notified that their present licences will expire on 31st December, 1983.

Traders therefore intending to renew their licences or apply for new ones for fish processing, crustacea, aquarium collectors and dealers, shell collection, wholesale or retail, oysters and Lake Turkana commercial fishing should submit their application forms before 9th December, 1983. The relevant application forms are obtainable at the Fisheries Department Headquarters, Nairobi, (near the National Museum), Kisumu, Lake Turkana, or any other fisheries department offices at the Coast Province.

Completed application forms should be returned to the same offices where they were collected.

The applications will be considered in late December, 1983, and applicants are requested to submit their forms in time as no late applications will be accepted.

T. K. NGAAMBA,
for Permanent Secretary.

GAZETTE NOTICE No. 4335

THE HIGH COURT OF KENYA AT NAIROBI

CALL OVER FOR THE MONTH OF DECEMBER, 1983

TAKE NOTICE that all cases set down for hearing during the month of December, 1983, will be called out on Friday, 18th November, 1983, at 2.30 p.m. in the afternoon in the High Court of Kenya at Nairobi.

Advocates should ensure that they are present or represented as required when cases are called out and that they have relevant available information concerning their cases. It shall be the duty of the parties to a case to furnish all necessary information affecting the estimated length of hearing.

In the event of non-attendance the case may be taken out of the hearing list.

Dated at Nairobi the 9th November, 1983.

J. S. PATEL,
*Registrar,
High Court of Kenya, Nairobi.*

GAZETTE NOTICE No. 4336

OFFICE OF THE PRESIDENT
NORTH-EASTERN PROVINCE
LOSS OF ROAD TRAVEL WARRANTS
No. 56920 to 56923

IT IS notified for the general information of the public that road warrants numbers 56920 to 56923 inclusive held under the charge of Provincial Commissioner, North-Eastern Province, have been reported lost or stolen.

The above said road warrants have now been cancelled and the government shall not accept any liability arising from the use of the said road warrants.

S. R. K. WAMBUGU,
*for Provincial Commissioner,
North-Eastern Province.*

GAZETTE NOTICE No. 4337

MINISTRY OF HEALTH
NAKURU DISTRICT

LOSS OF L.P.O. No. 5044401 to 514450

IT IS notified for general information of the public that local purchase order, original, duplicate and triplicate leaf No. 514449 is lost and that the government will not entertain any liability out of unauthorized use of the said local purchase order.

F. N. KARIUKI,
Medical Officer of Health.

GAZETTE NOTICE No. 4338

MINISTRY OF HEALTH

LOSS OF COUNTER REQUISITION AND ISSUE VOUCHER (S11)
SERIAL No. F701051 to F701100

NOTICE is given that the above counter requisition and issue voucher book has been lost and has accordingly been cancelled and no liability will therefore be accepted by the government in respect of any goods or services rendered against the said counter requisition and issue voucher.

F. B. KIHARA,
for Permanent Secretary.

GAZETTE NOTICE No. 4339

PUBLIC SERVICE COMMISSION OF KENYA
VACANCIES

APPLICATIONS are invited for the posts shown below. Completed application forms should reach the Secretary, Public Service Commission of Kenya, P.O. Box 30095, Nairobi, on or before 9th December, 1983.

Civil servant applicants should complete forms PSC. 2A in triplicate (submitting the original through their heads of department) and cards PSC. 25 and 25A. Other applicants should complete forms PSC. 2 in triplicate and cards PSC. 24 and 24A.

These documents are obtainable either from the Secretary or from other government offices and are issued free of charge.

Originals of certificates and similar documents should not be submitted unless specifically asked for. All applicants should state their postal addresses.

NOTE

Incremental credits will be granted to successful candidates who are not civil servants for approved previous experience provided the maximum salary is not exceeded. They will also be eligible for benefits and privileges enjoyed by civil servants in accordance with existing government regulations.

Vacancies in the Ministry of Works, Housing and Physical Planning:

Physical Planning Officer I (One Post) (No. 180/83)

Salary scale.—K£2,154 to 2,928 p.a. PENSIONABLE or AGREEMENT.

Applicants should be in possession of masters degree in physical planning and at least three years' of relevant experience. They must have shown merit and professional competence to undertake planning and/or any of the specialized functions described below.

The successful candidates will undertake the following:

- Preparation of national housing programmes in collaboration with the National Housing Corporation, local authorities and other relevant agencies;
- Assessing the short- and long-term physical, financial and organizational requirements for urban and rural housing programme implementation.
- Preparation of planning guidelines for use in the design of urban and rural housing projects with particular emphasis on low-cost housing.
- Identification and preparation of feasible urban and rural housing projects in collaboration with the National Housing Corporation and local authorities.
- Maintaining an up-to-date project data bank and preparing quarterly project progress reports.

Planning Officer I (Urban Planner) (One Post) (No. 181/83)

Salary scale.—K£2,154 to 2,928 p.a. PENSIONABLE or AGREEMENT.

Applicants should be in possession of a masters degree in urban planning and at least three (3) years of experience. They should have merit and professional competence to undertake planning and/or any of the specialized function described below.

The duties and responsibilities of the planning officer (urban planner) will entail—

- preparation of national housing programmes in collaboration with the National Housing Corporation, local authorities and other relevant agencies;
- monitoring and evaluation of physical progress of urban projects and programmes;
- initiating and conducting studies on the efficiency of urban physical design and land use with particular reference to low-cost housing;
- advising on linkages between investments in the housing sector and urban development policies and strategies.

Survey Assistant II (Five Posts) (No. 182/83)

Salary scale.—K£1,494 to 2,010 p.a. PENSIONABLE or AGREEMENT.

Applicants should possess ordinary diploma in land surveying from the Kenya Polytechnic or any other recognized institution or be in possession of East African Land Surveying Certificate Stage II. They should in addition have had at least

VACANCIES—PUBLIC SERVICE COMMISSION—(Contd.)

four years' practical experience in photographic surveying since graduation.

Duties shall include preparation of topographical surveys for buildings plus supervision of a survey team.

*Vacancies in the Ministry of Finance and Planning:**Principal Economist/Statistician (Two Posts) (No. 183/83)*

Salary scale.—K£3,408 to 4,428 p.a. PENSIONABLE or AGREEMENT.

Applicants must be civil servants with wide experience in statistics and minimum of three years service in the grade of senior economist/statistician (Job Group "L"). In addition the officers should have demonstrable administrative capabilities and an acceptable degree of professional competence.

The successful candidates will have overall responsibility either in an area of population/demographic analysis or agricultural statistics and field surveys.

Work at this level entails formulation, co-ordination and evaluation of statistical work programmes and includes overseeing a large section of professional and non-professional supporting staff.

Chief Supplies Officer (One Post) (No. 184/83)

Salary scale.—K£2,712 to 3,540 p.a. PENSIONABLE or AGREEMENT.

Applicants must be civil servants who have completed a minimum of three years in the senior supplies officer (Job Group "K") grade; have full professional qualification plus administration and be fully conversant with all government financial and stores regulations including the legal aspect of supplies procurement; have shown outstanding ability and initiative in the organization and control of large supplies institutions.

Data Machine Supervisor II (Two Posts) (Government Computer Centre) (No. 185/83)

Salary scale.—K£1,494 to 2,010 p.a. PENSIONABLE or AGREEMENT.

Applicants must be civil servants with a minimum of three years' satisfactory service as assistant data machine supervisor (Job Group "G"). They should have demonstrated capabilities for organizing the work within the centre to achieve optimal utilization of the installed equipment. In addition, they should have demonstrable capacity for management and leadership. Ability to communicate effectively with the user ministries/departments on technical matters related to their data capture requirements will be essential.

The successful candidates will be responsible for work performance at the data capture centres during their shift of operation. The officers will normally be in charge of data capture centres operating on single shift basis. The main duties and responsibilities of a Data Machine Supervisor II involve some of the following—

- (i) work scheduling according to priorities in consultation with the various ministries/departments who may be using the centre;
- (ii) allocation and supervision of all work processed by the centre;
- (iii) liaison with Government Computer Centre in the matter of submission of jobs for processing by the computer;
- (iv) liaison with machine suppliers for breakdown, repair, maintenance, etc.;
- (v) maintenance of accurate records of operators and machine performance with the shift;
- (vi) ensuring that adequate material supplies are available at the centre.

*Vacancies in the Ministry of Commerce and Industry:**Management Technical Instructor (K.I.B.T.) (One Post) (No. 186/83)*

Salary scale.—K£2,712 to 3,540 p.a. PENSIONABLE or AGREEMENT.

Applicants should possess a university degree in industrial engineering/production with at least three years' practical experience. Training or extension service will be an added advantage. The applicants must have served on Job Group "K" for a minimum period of two years.

The successful candidate will lead the section of industrial engineering and will be responsible to the director for planning, organizing, conducting and co-ordinating practical courses/seminars on production, planning and control, workshop management, materials handling; providing extension services to small-scale industries, assisting in and installing the use of modern industrial engineering and production management techniques.

Inspector of Weights and Measures (Two Posts) (No. 187/83)

Salary scale.—K£1,794 to 2,424 p.a. PENSIONABLE or AGREEMENT.

Applicants must be qualified weights and measures officers holding an advanced certificate of the Institute of Trade Standards Administration (Kenya) or its equivalent. They must also be registered members of the Institute of Trade Standards Administration and must have completed a minimum of three years service as Inspectors of Weights and Measures II (Job Group "H").

Applicants must be mature persons of integrity, initiative and administrative ability. Successful candidates will work under senior inspectors of weights and measures and will carry out a variety of duties including inspections, investigations, prosecutions of offences arising from laws enforced by Weights and Measures Department, reunification of trade weighting and measuring equipment and supervision of staff working under them. They will be responsible to senior inspectors of weights and measures in the provinces to which they may be posted.

Senior Library Assistant (One Post) (No. 188/83)

Salary scale.—K£1,128 to 1,554 p.a. PENSIONABLE or AGREEMENT.

Applicants must be civil servants in possession of Kenya Certificate of Education or its equivalent and must have served satisfactorily as Library Assistant I (Job Group "F"), for a period of not less than three years. They must also have the certificate of East African School of Librarianship from Makerere University or the Kenya Polytechnic or their equivalents. They must have shown ability to organize and control work in medium-sized library.

Duties involve classification, cataloguing, shelving and circulation of books and periodicals as well as ordering and procurement of reading materials. He will also supervise and train staff working under him.

*Vacancy in the Ministry of Education, Science and Technology:**Audit Examiner (One Post) (Re-advertisement) (No. 189/83)*

Salary scale.—K£1,128 to 1,554 p.a. PENSIONABLE or AGREEMENT.

Applicants should be of East African Certificate of Education standard. They should have passed part I of the Certified Public Accounts Examinations or an equivalent examination of a recognized professional accountancy body.

Applicants not in possession of the above requirements but who have several years' experience in the accounts of maintained assisted institutions will also be considered.

Knowledge of government stores and stores accounting procedure will be advantageous.

Successful candidates will be posted to provinces where they will work under the direction of the auditor in charge of the province. They will be required to assist in the auditing of accounts and travel extensively visiting schools.

*Vacancies in the Ministry of Health:**Senior Clinical Officer (Seven Posts) (Re-advertisement) (No. 190/83)*

Salary scale.—K£2,154 to 2,928 p.a. PENSIONABLE or AGREEMENT.

Applicants must have completed at least three years (3) service in the grade of Clinical Officer I, Job Group "J". They must possess considerable experience and have shown competence, ability and efficiency in organizing, performing and managing clinical services at the level of Clinical Officer I.

Duties and responsibilities of the posts involve participation, rendering and managing clinical services at national, provincial or district health institutions. Additional duties include provision of formal and informal training to officers under them. In a medical training institution, duties will involve training counselling and guidance of students, curriculum development implementation and evaluation of training schemes and programmes. Participation in the recruitment of candidates for training in clinical medicine.

The successful candidates for a medical training institution may be the head of the department of clinical medicine.

VACANCIES—PUBLIC SERVICE COMMISSION—(Contd.)

The successful candidates will be posted to the provinces of the Republic of Kenya namely Coast, Central, Nyanza, Western, Eastern and Rift Valley as provincial clinical officers while the remaining two successful candidates will be posted to Kenyatta National Hospital and Medical Training Centre, Nakuru respectively.

Vacancies in the Ministry of Transport and Communications:
Inspector (Electrical/Mechanical) (Nine Posts) (Re-advertisement)
 (No. 191/83)

Salary scale.—K£1,128 to 1,554 p.a. PENSIONABLE or AGREEMENT.

Applicants must possess the East African Certificate of Education or its equivalent, or higher academic attainment. They should have served an apprenticeship, or have received recognized training as an auto-electrician, and hold an Auto-electrical Grade I Trade Test Certificate, and have at least three years' experience in the maintenance and repair of electrical equipment as applied to vehicles and mobile construction plant. They must be thoroughly conversant with the use of crypton and other diagnostic equipment.

Preference will be given to applicants who also have sound practical experience in the operation, maintenance and repair of small (up to 150KVA, 440V) engine-driven generating set and allied switchgear and distribution services, electric motors and control gear, electrical welding machines.

Applicants must be able to read, write and understand English to the extent necessary to comprehend service and spares manuals, prepare estimates and write clear and concise technical reports.

Duties.—The successful candidates will be based in provincial or district workshops, or the electrical section of the Central Workshop, Nairobi, and be responsible for initial and final inspections, fault diagnosis, and the supervision and assistance of staff engaged on the maintenance and repair of electrical equipment for a wide variety of motor-cycles, cars, light and heavy commercial vehicles and mobile construction equipment (dozers, motor-graders, loaders, etc.), engine driven generating plant and electric welding equipment.

Vacancy in the Office of the President:

Superintendent (Mechanical) (One Post) (Defence) (No. 192/83)

Salary scale.—K£1,794 to 2,424 p.a. PENSIONABLE or AGREEMENT.

Applicants should have served a recognized apprenticeship in mechanical engineering followed by 'at least six years' workshop experience, part of which should have been in a senior supervisory capacity. They should have knowledge of workshop costing and stores procedures. They should also have experience in administration, maintenance and operation of motor vehicles and earth-moving equipment. Knowledge of machine tools, gas and electric welding maintenance and repair of earth-moving equipment is desirable. Previous knowledge of military equipment and their workshops will be an advantage.

Vacancies in the Ministry of Co-operative Development:

Lecturer Grade II (Two Posts) (No. 193/83)

Salary scale.—K£1,794 to 2,424 p.a. PENSIONABLE or AGREEMENT.

Applicants must possess a degree in law, commerce, statistics, business administration, economics or any other related fields from a recognized university plus, a post-graduate degree or diploma relevant to co-operative management and administration they must have served for not less than three years in the grade of Lecturer Grade III at the co-operative college or in a comparable position in other government institutions.

The successful candidates will be required to teach specified subjects in accordance with the college syllabuses for residential courses and conduct seminars for co-operative movement; preparation of education materials, teaching aids, and field training programmes; setting and marking examination papers and; perform such other extra-curricula duties as may be assigned by the principal.

Lecturer Grade II (One Post) (Correspondence Radio)
 (No. 194/83)

Salary scale.—K£1,794 to 2,424 p.a. PENSIONABLE or AGREEMENT.

Applicants must possess from a recognized university a degree in education, social science or mass media or, a diploma in

education plus considerable experience in radio programming and production of radio lessons and mass communication skills/methods. They must be trained and experienced producers of radio programmes with a thorough knowledge of operating a recording studio and small recording machines. Possession of a diploma in adult education and experience to preparing educational programmes for adults will be an added advantage.

The successful candidate will be in charge of scripting, editing and recording of co-operative education programmes for correspondence course students in co-operative knowledge and book-keeping accountancy. He will also be required to liaise with the ministry and Kenya National Federation of Co-operatives for preparation and programming co-operative education programmes to members and committee members of co-operative organizations. He will also be in charge of translating the co-operative English programmes into Kiswahili.

Vacancy in the Ministry of Environment and Natural Resources:
Forest Ecologist (One Post) (No. 195/83)

Salary scale.—K£2,154 to 2,928 p.a. PENSIONABLE or AGREEMENT.

Applicants should be Kenya citizens who would have a bachelor of science degree in forestry or in allied science subject with post-graduate training at the master of science or a higher degree in forestry or botany from a recognized university.

The successful candidate will be required to initiate ecological research in both indigenous and plantation forests in different parts of the country. He will be responsible for planning and implementing research programmes and directing staff under him accordingly.

Vacancies in the Ministry of Health:

Health Education Officer I (Two Posts) (No. 196/83)

Salary scale.—K£1,794 to 2,424 p.a. PENSIONABLE or AGREEMENT.

Applicants must be serving health workers who have successfully completed post-training course in health education from an approved institution and awarded a diploma or degree.

They must have served as health education officers at Job Group "H" for at least three (3) years and exhibited drive and good performance of duties. They must have proven administrative abilities.

The duties include overall planning and co-ordination of health education programmes in the district. In particular, research on community attitude and behaviours in relation to health in order to facilitate planning of health education programmes for teacher trainees, development and production of education materials based on local needs. Planning and implementing of health education programmes, organization of seminars/workshops and shows; evaluating family planning programmes in the districts.

The successful applicants will be answerable to the medical officer of health respectively.

Health Education Officer II (Eleven Posts) (No. 197/83)

Salary scale.—K£1,494 to 2,010 p.a. PENSIONABLE or AGREEMENT.

Applicants must be serving health workers who have successfully completed post-basic training course in health education from approved institution and have been awarded diploma or degree. Those on diploma level must have served for a minimum of three years after their health education course. They must have proven administrative abilities.

The duties include carrying out various health education activities in the districts under the supervision and guidance of Health Education Officer I. The duties are patients education in clinics, health centres and hospitals, implementing schools health education programmes. Participating in shows and exhibitions; organizing village health committees; implementing family planning education programmes; operating mobile cinema services and supervising health field educators.

Vacancies in the Ministry of Finance and Planning:

Chief Inspector/Collection Officer (Five Posts) (Sales Tax)

Salary scale.—K£2,712 to 3,540 p.a. PENSIONABLE or AGREEMENT.

Applicants should be in possession of bachelor's degree from a recognized university or its equivalent, preferably with accounts option and must have served in the Sales Tax Department in Job Group "K" for at least three years.

VACANCIES—PUBLIC SERVICE COMMISSION—(Contd.)

Consideration will also be given to serving officers with Kenya Certificate of Education or its equivalent, who have served at least for five (5) years in the department with three (3) years' experience in the grade of senior inspector (Job Group "K") and have demonstrated high professional competence and ability.

Duties will include heading a sales tax district office, handling correspondence and queries from manufacturers and/or be immediate assistant to the assistant commissioner. Audit complex business accounts and conduct investigations into complicated tax cases, deal with sales tax frauds and evasions and prosecutions arising thereof. Training of junior officers under him. May also assist the commissioner with the administration of the main sections in collection office. Duties will also include accounting for tax assessed, collected and refunded, handling of difficult collection cases and prosecuting tax defaulters.

CANCELLATION

It is notified for general information that the advertised vacancies No. 108/83 in the grade of superintending engineer in the Ministry of Water Development, No. 112/83 in the grade of deputy secretary in the Ministry of Education, Science and Technology and No. 133/83 in the grade of air traffic control officer (trainee) in the Ministry of Transport and Communications which appeared in the *Kenya Times* and *Kenya Gazette* of 26th August, 1983 and 9th September, 1983, respectively, have been cancelled.

GAZETTE NOTICE No. 4340

MINISTRY OF LABOUR

VACANCY

Senior Clerical Officer (Twelve Posts) (No. 1/83)

Salary scale.—K£834 to 1,170 per annum PENSIONABLE or AGREEMENT.

APPLICATIONS are invited from suitable qualified candidates for the above posts. Applicants should complete forms PSC. 2A in triplicate and forward the original form through their permanent secretaries/heads of department. Duplicate and triplicate forms should be sent direct to the Permanent Secretary, Ministry of Labour, P.O. Box 40326, Nairobi, so as to reach him not later than 30th November, 1983.

Applicants must be civil servants of East African Certificate of Education standard or its acceptable equivalence with a minimum of five years' satisfactory experience within the clerical cadre at least two of which must have been served in the grade of higher clerical officer. They should have considerable experience in government regulations, accounting instructions, personnel and office procedure and should have the ability to supervise staff and conduct correspondence independently. Preference will be given to candidates who have passed Accounts Clerk National Certificate (A.C.N.C.) stages I and II.

A pass in the proficiency examination for clerical officers is mandatory.

M. M. MWIDADI,
for Permanent Secretary.

GAZETTE NOTICE No. 4341

THE MINING ACT

(Cap. 306)

EXCLUSIVE PROSPECTING RIGHT

NOTICE is given that application under section 18 (2) of the Mining Act, has been made by Messrs. Gems and Rocks Mining Company (Africa) Limited, of P.O. Box 47283, Nairobi, Kenya, for an exclusive prospecting licence to prospect for minerals over the area described in the schedule hereto and the said application has today been accepted for consideration.

By virtue of section 7 (1) (d) of the Mining Act, the said area of land is therefore excluded from prospecting and mining except as regards any prospecting and mining right granted in respect of the said area or any part thereof which are still subsisting, or any right of renewal thereof.

Any objection to the grant of the exclusive prospecting licence may be made in writing to the Commissioner of Mines and Geology, P.O. Box 30009, Nairobi, within thirty (30) days of the date of publication of this notice.

SCHEDULE

An area of approximately 278 square kilometres situated in Narok District of the Rift Valley Province, on Maji-Moto sheet No. 146/3, Narok District, scale: 1:50,000, and more particularly described as follows—

commencing at point A co-ordinate (9110420) map reference 146/3 Maji-Moto, Narok District;

thence due east on a true bearing of 90° for a distance of approximately 2.7 kilometres to point B;

thence due south on a true bearing of 180° for a distance of approximately 9 kilometres to point C;

thence due east on a true bearing of 90° for a distance of 14.3 kilometres to point D;

thence due south-east on a true bearing of 135° for a distance of approximately 8.5 kilometres to point E;

thence due south-west on a true bearing of 225° for a distance of approximately 15.5 kilometres to point F;

thence due north-west on a true bearing of 315° for a distance of approximately 24 kilometres to point G;

thence due north-east on a true bearing of 030° for a distance of approximately 10.2 kilometres to the point of commencement.

Dated the 2nd November, 1983.

L. C. BUTAKI,
for Commissioner of Mines and Geology.

GAZETTE NOTICE No. 4342

THE LAND ACQUISITION ACT

(Cap. 295)

NOTICE OF INTENTION TO ACQUIRE LAND

IN PURSUANCE of section 6 (2) of the Land Acquisition Act, I give notice that the government intends to acquire the following land in Iten township for the construction of Tambach-Sergoit Road:

SCHEDULE

Plot Nos.	Owners	Area to be Acquired in Hectares
23	County Council of Keiyo Marakwet— Council market	0-04
28	Tamurei Kigen and Chemaiyo Sawe ..	0-006
52	County Council of Keiyo Marakwet ..	0-0245
54	William Murgor	0-0428
90	David K. Kibogong	0-0009
91	Michael Kipkorir arap Maina	0-010
92	R. K. Kiboe	0-005
93	D. C. Talam	0-002
99	E. C. Kurui	0-0006
100	Kipsang Changwony	0-005
101	E. K. Cheserem	0-017
102	Bartonjo Kiplagat	0-02
103	Stephen Kamau Kimani	0-023
163	Kenya Posts and Telecommunication Corporation	0-0365
164	African Inland Church, Keiyo D.C.C. Christian Book Centre	0-020
A	County Council of Keiyo Marakwet— Ministry of Transport camp	0-0752
B	County Council of Keiyo Marakwet— originally reserved for police	0-060
C	County Council of Keiyo Marakwet— Bus park	0-024
D	County Council of Keiyo Marakwet— Open space	0-060
E	County Council of Keiyo Marakwet— District co-operative union	0-063
F	County Council of Keiyo Marakwet— Proposed KNUT plot	0-042

Plans of the affected land may be inspected during office hours at the office of the Commissioner of Lands, Kencom House, 4th floor, City Hall Way, Nairobi.

Dated the 10th November, 1983.

J. R. NJENGA,
Commissioner of Lands.

GAZETTE NOTICE No. 4343

THE LAND ACQUISITION ACT
(Cap. 295)

NOTICE OF INQUIRY

IN PURSUANCE of section 9 (1) of the Land Acquisition Act, I give notice that an inquiry will be held on Wednesday, 14th December, 1983, at the District Commissioner's office, Iten, for the hearing of claims to compensation by the persons interested in the following land:

Plot Nos.	Owners	Area to be Acquired in Hectares
23	County Council of Keiyo Marakwet— Council market	0-04
28	Tamurei Kigen and Chemaiyo Sawe	0-006
52	County Council of Keiyo Marakwet	0-0245
54	William Murgor	0-0428
90	David K. Kibogong	0-0009
91	Michael Kipkorir arap Maina	0-010
92	R. K. Kiboe	0-005
93	D. C. Talam	0-002
99	E. C. Kurui	0-0006
100	Kipsang Changwony	0-005
101	E. K. Cheserem	0-017
102	Bartonjo Kiplagat	0-02
103	Stephen Kamau Kimani	0-023
163	Kenya Posts and Telecommunication Corporation	0-0365
164	African Inland Church, Keiyo D.C.C. Christian Book Centre	0-020
A	County Council of Keiyo Marakwet— Ministry of Transport camp	0-0752
B	County Council of Keiyo Marakwet— originally reserved for police	0-060
C	County Council of Keiyo Marakwet— Bus park	0-024
D	County Council of Keiyo Marakwet— Open space	0-060
E	County Council of Keiyo Marakwet— District co-operative union	0-063
F	County Council of Keiyo Marakwet— Proposed KNUT plot	0-042

Every person who is interested in the said land is required to deliver to me, not later than the date of inquiry, a written claim to compensation.

Dated the 10th November, 1983.

J. R. NJENGA,
Commissioner of Lands.

GAZETTE NOTICE No. 4344

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Cosma Njoroge Mbari, of Gakoigo Location in the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land comprising 0.10 hectare or thereabouts, situate in Murang'a District, registered under title No. Loc. 7/Gakoigo/1942, and whereas sufficient evidence has been adduced to show that the land certificate issued thereof has been lost. Notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new land certificate provided that no objection has been received within that period.

Dated the 31st October, 1983.

J. M. NJERU,
Land Registrar,
Murang'a District.

GAZETTE NOTICE No. 4345

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Kanea Githinji, of P.O. Box 152, Nakuru in the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land containing 14.0 acres or thereabouts, situate in the district of Kiambu, registered under

title No. Gatamaiyu/Kamuchege/52, and whereas sufficient evidence has been adduced to show that the land certificate issued thereof has been lost. Notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new land certificate provided that no objection has been received within that period.

Dated the 3rd November, 1983.

KAGO GACHIRI,
Land Registrar,
Kiambu District.

GAZETTE NOTICE No. 4346

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Alice Wangeci Wakangara of Kagiini Sub-location in the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land containing 1.45 hectares or thereabouts, situate in the district of Kirinyaga, registered under parcel No. Mwerua/Kagiini/656, and whereas sufficient evidence has been adduced to show that the land certificate issued thereof has been lost. Notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a new land certificate provided that no objection has been received within that period.

Dated the 18th November, 1983.

S. K. GATHERU,
Land Registrar,
Kirinyaga District.

GAZETTE NOTICE No. 4347

THE INDUSTRIAL COURT

CAUSE No. 43 OF 1983

Parties:

Railways and Harbours' Union (K)
and
Kenya Railways

Issue in dispute:

Wrongful dismissal of Benjamin Otieno, ex-clerk grade RBV by the Kenya Railways Corporation.

THE Railways and Harbours Union (K) shall hereinafter be referred to as the claimants and Kenya Railways shall hereinafter be referred to as the respondents.

2. The parties were heard in Nairobi on 27th September, 1983, and relied on their written and verbal submissions.

AWARD

3. The Notification of Dispute Form "A" dated 10th December, 1982, duly signed by the parties was received by the court on 3rd June, 1983, together with the statutory certificates signed by the Minister for Labour and the Labour Commissioner.

Mr. Otieno worked for the respondents from 14th January, 1966, until November, 1977, when he was dismissed. During this eleven-year-service he had a fairly clean record except for the incident which led to his dismissal. It should be noted that he had started working for the now defunct East African Railways Corporation.

On 5th September, 1976, he reported for work at the Kisumu Railway Station where he was working as an assistant booking clerk. The district traffic inspector carried out a surprise check on the third class booking office. He proceeded to check the tickets in ticket tube "B" which comprised of tickets for Butere branch as well as all other stations except for lines to Nairobi and Mombasa. It was found that he had sold tickets to the value of KSh. 2,226/95 but the cash found in his desk was KSh. 699/50. It is alleged that he could not account for the shortfall of KSh. 1,527/40. The matter was reported to the district superintendent who in turn reported the matter to the police who arrested Mr. Otieno, and prosecuted him in the criminal court. The case was heard by the District Magistrate II who after hearing the prosecution case upheld the defence submission on behalf of Mr. Otieno, that the prosecution had failed to make out a *prima facie* case against Mr. Otieno, and he was acquitted under section 210 of C.P.C.

Prior to the criminal case the respondents had interdicted Mr. Otieno, on 7th September, 1976, on the ground that he was suspected of misappropriating KSh. 1,527/40 of the railway revenue. After his acquittal in the criminal case he was served with a letter 2 dated 30th June, 1977, and the misconduct specified therein related to the district traffic inspector's inspection on 5th September, 1976, which revealed that KSh. 1,527/40 were not accounted for.

Apparently the respondents had second thoughts over this matter because they issued another letter 2 on 6th October, 1977, cancelling the first one and in this letter the misconduct alleged against Mr. Otieno, read:

"On 5th September, 1976, whilst on duty working as a booking clerk at Kisumu station you were responsible for committing serious irregularities in the station accounts by failing to carry out the instructions contained in clause 4 and clause 679 of the traffic accounts manual."

Mr. Otieno gave an explanation which was not accepted by the respondents who proceeded to dismiss him from 8th November, 1977. In the dismissal letter reference is made to Mr. Otieno, contravening clauses 4 and 679 of the traffic accounts manual and it is alleged that these irregularities on his part had resulted in a loss of KSh. 1,527/40 which the respondents could ill afford to contain. Mr. Otieno appealed against his dismissal which was rejected on 5th December, 1979, and in this letter advising him of the rejection of his appeal the respondents stated:

"You contravened clause 1022 of the traffic accounts manual by retaining KSh. 659/95 in your drawer while you knew fully well that no earnings are supposed to be retained at any station steamer or port without a special authority. All the earnings of the day must be remitted with a cash remittance note by the first available means after the day's work is finished."

During the hearing the respondents' representatives stated that they were not aware of this letter of 5th December, 1979. The court is very surprised at this and also at the contents of this letter (in which Mr. Otieno's appeal had been dismissed) because the reason given therein is quite different from the reason given in the letter of dismissal. No wonder the claimants alleged that the respondents were totally confused in this case.

The dispute was investigated by the Ministry of Labour whose finding was that although there was a shortage of money when Mr. Otieno was in charge no evidence had been produced that he actually took the money or that he was aware of such a shortage. Further, Mr. Otieno was not given a chance to make sure that the shortage was made good by whoever was responsible since the shortage was only brought to his attention at the time of his interdiction. If his crime was wrong accounting system he should only have been issued with a warning letter and the ministry found that his dismissal was wrongful and recommended that it should be reduced to normal termination and in addition he should be paid eight months' salary by way of compensation for the loss of his job.

During the hearing the claimants referred the court to a report from the respondents' principal internal auditor dated 13th September, 1976, in which it is clearly stated that there was no evidence in the books of account to prove that the shortage of KSh. 1,527/40 originated from tube B. He further stated that it was impossible to fix the responsibility on Mr. Otieno or the other clerk Mr. Warinda, because of the following three reasons:

"(a) There was no evidence in the books of accounts to prove that the shortage of KSh. 1,527/40 originated from tube B.

(b) Mr. Warinda did not take over tickets in the ticket tube B and the earnings properly from Mr. Otieno.

(c) The traffic inspector who detected the shortage should have permitted Mr. Otieno, who it was alleged was responsible for the shortage to make entries in the Daily Trains Cash Book and in the Coaching Summary Book. The two books of accounts should have then been confiscated by the traffic inspector."

The respondents informed the court that this auditor had been retired in the public interest!!! Apart from the points made above about the respondents being confused over this issue then retiring the auditor who did not pin the blame on Mr. Otieno, the court would now like to come to probably the most important point in this dispute which revolves around staff regulation G. 9 (f) which reads:

"An employee acquitted of a criminal charge in any court may not be dismissed or otherwise punished on any charge upon which he has been acquitted but this does not prevent

his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter unless the charges raise substantially the same issue as those on which he has been acquitted."

This regulation is quite clear that a railway employee cannot be dismissed on charges which were substantially the same for which he was prosecuted on a criminal charge and for which he was acquitted. The court has carefully examined all aspects of this dispute and finds that the respondents dismissed him on charges which raised substantially the same issue as those on which he had been acquitted in the criminal case. The respondents have made an attempt to beat this regulation but they have only confused the issue. The court cannot reject the auditor's report although the respondents retired him in the public interest nor the fact that the respondents gave different reasons for dismissing Mr. Otieno's appeal and finally the court cannot overlook the fact that Mr. Otieno was acquitted in the criminal case.

The court is satisfied that Mr. Otieno has suffered a wrongful dismissal and awards that he should be reinstated to his job which he held at the time of his dismissal with effect from the first of the month following the court award. The respondents will be at liberty to post him at any station or place of work where they deem it fit. The court further awards that the respondents should pay him twelve months' salary by way of compensation for the wrongful dismissal that he has suffered. The compensation is to be calculated on the salary which he was earning at the time he was dismissed. The court finally rules that Mr. Otieno's services with the respondents should be deemed to have continued without a break.

Given in Nairobi the 9th November, 1983.

SAEED R. COCKAR,
Judge.

G. M. OMOLO,
Member.

GAZETTE NOTICE No. 4348

THE INDUSTRIAL COURT

CAUSE No. 116 of 1982

Parties:

Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers

and

Eden Rock Hotel

Issue in dispute:

Non-payment of service charge for the year 1976 to union members amounting to KSh. 93,446.65.

THE Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers shall hereinafter be referred to as the claimants and Eden Rock Hotel shall hereinafter be referred to as the respondents.

2. The parties were heard in Nairobi on 21st March and 30th August, 1983, and relied on their written and verbal submissions.

AWARD

3. The Notification of Dispute Form "A" dated 24th July, 1982, duly signed by the parties was received by the court on 25th November, together with the statutory certificate signed by the labour commissioner.

This dispute was originally fixed for hearing on 21st March, 1983, when after the opening submissions the claimants asked for an adjournment to enable them to call a witness. The court allowed the adjournment and fixed the next hearing date for 8th June, on which day due to the claimants' inability to proceed with the hearing it was adjourned to 30th August, 1983, when the claimants again informed the court that their witness had not turned up but since the court had warned the parties that the hearing would proceed on 30th August the court asked the parties to make their final submissions.

The issue before the court started in 1977, when on 13th September the claimants' assistant branch secretary wrote to the respondents telling them that they had received information from the works committee that service charge had not been paid out properly. They stated that it was their intention to send an auditor or accountant to check how the service charge had been paid out from January 1971 to 31st August, 1977. The respondents naturally denied the allegations.

The claimants first appointed Mr. Wachira in January, 1978, but then in April the same year they appointed A. A. Nasser and asked him to proceed to Malindi and check the distribution of service charge at the respondents' undertaking.

Clause 19 of the collective agreement which was relevant and valid at the material time between the parties is important in this dispute and is therefore set out in full hereinbelow:

"The employer will operate a service charge and the money collected through the service charge be distributed to all employees with exception of management staff on terms to be advised by the works committee after consultation with the employees of the individual establishment. A deduction of 15 per cent will be retained by the employer in accordance with ILO agreement for administrative purposes. The union may (at their own expense) appoint a qualified accountant/auditor to check the accounts maintained by the company for the service charge at a time suitable and agreed between such accountant/auditor and the management. Should such check reveal malpractice on the part of the employer then the cost of such check shall be shared equally. Provided always that where the local works committee after consultation with the union expresses a preference to the management that no service charge should be introduced then a local arrangement within the organization would be satisfactory."

After the accountant/auditor had carried out his work he reported the following revised computation on service charge as follows:

	KSh.
"January to December, 1976 (service charge extracted from the day book	24,388.75
Less:	
Service charge paid extracted from the payment vouchers and pay roll January to December, 1976	23,788.95
Difference in favour of workers	599.80
Add:	
Service charge on package tours not charged	92,546.85
	<u>93,146.65"</u>

The claimants' demand against the respondents is based on this figure which they maintained is the amount for service charge due to their members who worked for the respondents at the material time.

The respondents maintained that no service charge was made on the bills in question and accordingly none is there for distribution. They stated that they had operated a collection box for the guests on package tours from which all service charge was distributed. With effect from 1977 service charge had been charged and distributed.

The matter was discussed at the coast area negotiating committee and then at the Joint Industrial Council but the ruling at both these places was that as money was not collected by way of service charge there was nothing that could be distributed.

The claimants were not satisfied with this and reported a trade dispute to the Minister for Labour and the ministry carried out an investigation and forwarded its finding and recommendation to the parties on 15th March, 1982, which was that the respondents had failed without reasonable cause to make the service charge on all package tours which were the main income earners and therefore failed to implement in full the provisions of clause 19 of the collective agreement. It further found that the respondents were liable to pay KSh. 93,146.65 which are due and payable to the workers as it was not the duty of the workers to make or collect service charge from the package tour operators. The respondents rejected the finding and the recommendation.

The court is satisfied from the evidence that was produced during the hearing that the respondents had quoted rates for their package tours at the material time inclusive of government tax and training levy but excluding the service charge. They explained that they had to do this in order to attract guests as tourist industry was highly competitive and the hotel industry was going through a very difficult period. The claimants' accountant also confirmed that on package tour the government tax of 7½ per cent and training levy of 2 per cent was paid but nothing was paid for service charge. He also confirmed that the guests in the package tours were the main income earners of the respondents. There is no serious dispute that if the workers are entitled to service charge during the material time then it would approximately be the amount

claimed by the claimants i.e. KSh. 93,146.65 which is worked out at a modest figure of 5 per cent as a service charge.

The court must examine the contents of clause 19 which has been quoted hereinabove closely. This clause clearly states "the employer will operate a service charge and the money collected through the service charge shall be distributed." It is established that the respondents did not operate a service charge so they were clearly in breach of clause 19 of the collective agreement. Naturally when they did not collect a service charge there was nothing to distribute. It is all very well for the respondents to say that they had nothing to distribute but they conveniently overlook the fact that they were required to operate a service charge but did not. The reason they put forward for this was that they had to offer competitive rates in order to get business. The respondents should have taken the claimants into their confidence in this matter and should have sought their agreement when they were formulating rates to attract package tours and should have made it clear to the claimants that in order to get business they did not propose to operate a service charge. They failed to get the claimants' agreement to vary clause 19 and unilaterally proceeded to vary it to the disadvantage of the workers. Operating a collecting box at the hotel is not the same thing as charging a fixed service charge on the bills!

The court is inclined to agree with the findings of the Ministry of Labour and finds that the respondents were at fault in not including service charge in their rates on the package tours and for not obtaining the claimants' approval or agreement on this variation to clause 19 which requires them to operate a service charge. They should have consulted the claimants on this matter as it is wrong for one party to the collective agreement to deviate from it without the express agreement of the other. The court, however, cannot overlook that the workers must have received some service charge either directly from the guests or through the collection box and the court accordingly has come to the conclusion that it would be fair under the circumstances of this dispute that both parties should make as sacrifice for the business that the respondents attracted at the material time. The court awards that the respondents should pay their employees half of KSh. 93,146.65 by way of service charge which they should have collected but failed to do. This amount should be paid to the workers who were in employment at the material time with the assistance of the labour officer in charge of that area in collaboration with the claimants' representatives.

Given in Nairobi the 11th November, 1983.

SAEED R. COCKIAR,
Judge.

G. M. OMOLO,
Member.

GAZETTE NOTICE No. 4349

IN THE HIGH COURT OF KENYA AT MOMBASA DISTRICT REGISTRY IN THE MATTER OF THE ESTATE OF TSANGARI MUSAJI KALA OF MOMBASA, KENYA PROBATE AND ADMINISTRATION SUCCESSION CAUSE No. 82 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Mombasa, on 19th June, 1983, has been filed in this registry by Musaji Kala Mganga, of P.O. Box 84653, Mombasa, in his capacity as the father of the deceased.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.
Mombasa,
1st September, 1983.

GAZETTE NOTICE No. 4350

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
IN THE MATTER OF THE ESTATE OF JOB
MWAIALAGHO NGURE OF MARIKANI
PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 84 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Mariakani, on 2nd May, 1982, has been filed in this registry by George Mwachala Ngure, of P.O. Box 82328, Mombasa, in his capacity as the brother of the deceased.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.

Mombasa,
4th October, 1983.

GAZETTE NOTICE No. 4351

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
IN THE MATTER OF THE ESTATE OF THE LATE
DICKSON MAKUTHI MWONI OF MOMBASA, KENYA
PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 92 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died on 10th April, 1983, has been filed in this registry by Malia Makuthi Mwoni, of P.O. Box 95330, Mombasa, through Messrs. A. Y. A. Jiwaji & Jiwaji, advocates, of Mombasa, in her capacity as the widow of the deceased.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.

Mombasa,
6th October, 1983.

GAZETTE NOTICE No. 4352

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
IN THE MATTER OF THE ESTATE OF NICI MULYUNGI
OF MOMBASA, KENYA
PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 115 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Samburu, on 12th August, 1983, has been filed in this registry by Syomiti Mulyungi, of P.O. Box 83815, Mombasa, in her capacity as the mother of the deceased.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of

the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Mombasa,
26th October, 1983.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.

GAZETTE NOTICE No. 4353

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
IN THE MATTER OF THE ESTATE OF MUENI JOHN
OF MOMBASA, KENYA
PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 120 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Bamburi, on 30th May, 1983, has been filed in this registry by John Wambua, of P.O. Box 90682, Mombasa, in his capacity as the husband of the deceased.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Mombasa,
26th October, 1983.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.

GAZETTE NOTICE No. 4354

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 134 OF 1978

By (1) Hemed bin Salim Alyan and (2) Seif bin Salim Alyan, for a grant of letters of administration intestate to the estate of the late Sheikh Alyan Hemed bin Seif Al-Nahwy of Malindi in Kenya, who died on 2nd December, 1977, at Malindi aforesaid.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Mombasa,
4th November, 1983.

J. A. MANGO,
Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.

GAZETTE NOTICE No. 4355

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 134 OF 1983

By Mafuza d/o Yusufali Mohamedali Bhujwalla of Mombasa in Kenya, the executrix named in the will of the deceased, through K. M. Karimbhai, advocate, of Mombasa in Kenya, for a grant of probate of the will of the late Mohamedali Ebrahim-Hassanali of Mombasa, Kenya, who died on 28th November, 1981, at Mombasa aforesaid.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered

within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

J. A. MANGO,
*Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.*

Mombasa,
2nd November, 1983.

Note.—The will mentioned above has been deposited in and is open to inspection at the court.

GAZETTE NOTICE No. 4356

IN THE HIGH COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
IN THE MATTER OF THE ESTATE OF KHIMJI GOVIND
VISAVADIA OF MOMBASA IN KENYA

PROBATE AND ADMINISTRATION

CAUSE No. 435 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of probate of the will of the above-named deceased who died at Mombasa in the Coast Province of the Republic of Kenya, on 26th March, 1983, has been filed in this registry by (1) Prabhudas Khimji Visavadia and (2) Arunkumar Khimji Visavadia, both of P.O. Box 99557, Mombasa aforesaid, in their capacities as executors named in the will of the deceased, through S. E. Abdullah, advocate, P.O. Box 81961, Mombasa.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

J. A. MANGO,
*Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.*

Mombasa,
2nd November, 1983.

GAZETTE NOTICE No. 4357

IN THE RESIDENT MAGISTRATE'S COURT
AT KERICHO

IN THE MATTER OF THE ESTATE OF FRANCIS
KIPNG'ENY MAINA OF KABIANGA, KERICHO

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 27 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Kisumu, on 5th September, 1981, has been filed in this registry by Simon Kipkemai Ng'eny, of P.O. Box 157, Kericho, as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 2nd October, 1983.

E. BABU-ACHIENG,
District Registrar, Kericho.

GAZETTE NOTICE No. 4358

IN THE HIGH COURT OF KENYA AT KISUMU
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 82 OF 1983

By Gaudensia Odero, of P.O. Ndori, for a grant of letters of administration intestate to the estate of J. O. Nyangu, late of Gem, Kaudha, who died on 24th June, 1982.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Dated the 13th October, 1983.

R. S. C. OMOLO,
Deputy Registrar, Kisumu.

GAZETTE NOTICE No. 4359

IN THE HIGH COURT OF KENYA AT KISUMU
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 83 OF 1983

By (1) J. W. Andiwo and (2) S. O. Andiwo, both of P.O. Box 21, Sidindi, for a grant of letters of administration intestate to the estates of Christopher Owuor and Dorisi Disiye, both late of Ranga'la Sub-location, who died on 2nd September, 1976, and 1st June, 1973, respectively.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Dated the 13th October, 1983.

R. S. C. OMOLO,
Deputy Registrar, Kisumu.

GAZETTE NOTICE No. 4360

IN THE HIGH COURT OF KENYA AT KISUMU
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 92 OF 1983

By S. G. Koteng', of P.O. Box 81279, Mombasa, for a grant of letters of administration intestate to the estate of A. M. Wagunda, late of Kagilo Sub-location, who died on 16th March, 1981.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

J. M. KHAMONI,
Deputy Registrar, Kisumu.

GAZETTE NOTICE No. 4361

IN THE HIGH COURT OF KENYA AT ELDORET
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 20 OF 1983

By Stephanus Petrus Kruger, of P.O. Box 525, Eldoret in the Uasin Gishu District of the Republic of Kenya, in his capacity as the son of the deceased, through Ramesh Lall Aggarwal, advocate, of P.O. Box 209, Eldoret, for a grant of probate of the will of the late Jan Ernst Kruger, late of Eldoret, who died there on 31st August, 1983.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Dated at Eldoret the 7th November, 1983.

N. O. ATEYA,
*District Delegate,
High Court of Kenya, Eldoret.*

Note.—The will mentioned above has been deposited in and is open to inspection at the court.

GAZETTE NOTICE No. 4362

IN THE HIGH COURT OF KENYA AT ELDORET
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 24 of 1983

By Gurdev Kaur Jandu, of P.O. Box 626, Kitale in the Republic of Kenya, the executrix named in the will of the deceased, through Ramesh Lall Aggarwal, advocate, of P.O. Box 209, Eldoret, for a grant of probate of the will of the late Kartar Singh Jandu of Kitale District, who died on 11th June, 1983.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Dated at Eldoret the 2nd November, 1983.

N. O. ATEYA,
District Delegate, Eldoret.

Note.—The will mentioned above has been deposited in and is open to inspection at the court.

GAZETTE NOTICE No. 4363

IN THE HIGH COURT OF KENYA AT ELDORET
PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 25 of 1983

By (1) Surjeet Kaur Sabherwal and (2) Gurnam Singh Sabherwal, both of P.O. Box 232, Eldoret in the Republic of Kenya, the executrix and executor named in the will of the deceased, through Ramesh Lall Aggarwal, advocate, P.O. Box 209, Eldoret, for a grant of probate of the will of the late Mohan Singh Sabherwal of Uasin Gishu District, who died on 19th December, 1980.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Dated at Eldoret the 2nd November, 1983.

N. O. ATEYA,
District Delegate, Eldoret.

Note.—The will mentioned above has been deposited in and is open to inspection at the court.

GAZETTE NOTICE No. 4364

IN THE HIGH COURT OF KENYA AT ELDORET
IN THE MATTER OF THE ESTATE OF JAMIN
KIPTOT TANUI
PROBATE AND ADMINISTRATION

CAUSE No. 26 of 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Kapsabet, on 21st January, 1983, has been filed in this registry by Mrs. Sally Tanui, of P.O. Box 400, Kapsabet, in her capacity as the deceased's widow.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated at Eldoret the 2nd November, 1983.

N. O. ATEYA,
District Delegate, Eldoret.

GAZETTE NOTICE No. 4365

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT ELDORETIN THE MATTER OF THE ESTATE OF WANGANGA
GITUTURI OF BURNT FOREST

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 40 of 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Eldoret District Hospital, on 3rd November, 1982, has been filed in this registry by Esther Gathoni Nganga, of Burnt Forest, as an administratrix of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 4th November, 1983.

N. O. ATEYA,
District Registrar, Eldoret.

GAZETTE NOTICE No. 4366

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT ELDORETIN THE MATTER OF THE ESTATE OF DAVID KAIRO
NJOROGI OF ELDORET

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 41 of 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Uasin Gishu Memorial Hospital, on 16th June, 1983, has been filed in this registry by Margaret Muthoni Kairo, of P.O. Box 251, Eldoret, as an administratrix of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 31st October, 1983.

N. O. ATEYA,
District Registrar, Eldoret.

GAZETTE NOTICE No. 4367

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT ELDORETIN THE MATTER OF THE ESTATE OF STANLEY
KABANGI MUCHEKE OF ILULA SCHEME, ELDORET

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 42 of 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Eldoret District Hospital, on 28th August, 1976, has been filed in this registry by Philis Mbuta Marava, of Ilula Scheme, P.O. Box 839, Eldoret, as an administratrix of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 1st November, 1983.

N. O. ATEYA,
District Registrar, Eldoret.

GAZETTE NOTICE No. 4368

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT ELDORET
IN THE MATTER OF THE ESTATE OF TAPKILI C. KOGO
OF ELDORET

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 43 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Eldoret District Hospital, on 16th June, 1981, has been filed in this registry by Kipchirchir arap Tanui, of Ndalat Scheme, P.O. Box 182, Eldoret, as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 1st November, 1983.

N. O. ATEYA,
District Registrar, Eldoret.

GAZETTE NOTICE No. 4369

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT NYERI
IN THE MATTER OF THE ESTATE OF KANYI MAINA
OF GIATHUNGU VILLAGE, GITHI LOCATION

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 320 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Giathugu, Githi, on 24th July, 1981, has been filed in this registry by (1) Cyrus Gichuki Kanyi and (2) Richard Gatimu Kanyi, both of P.O. Box 40238, Nairobi, as administrators of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 27th October, 1983.

B. W. KAMUNGE,
District Registrar, Nyeri.

GAZETTE NOTICE No. 4370

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT NYERI

IN THE MATTER OF THE ESTATE OF MURAGE
GAKUU OF KARAINI VILLAGE, NYERI

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 323 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Kerugoya Hospital, on 28th February, 1983, has been filed in this registry by Alice Gacui Murage, of P.O. Box 16, Kerugoya, as an administratrix of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 27th October, 1983.

B. W. KAMUNGE,
District Registrar, Nyeri.

GAZETTE NOTICE No. 4371

IN THE SENIOR RESIDENT MAGISTRATE'S COURT
AT NYERI

IN THE MATTER OF THE ESTATE OF KINYUA
KIHIA ALIAS JOHN KINYUA HIIHIA OF THIMU
SUB-LOCATION

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE No. 326 OF 1983

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased who died at Consolata Hospital, Nyeri, on 13th September, 1981, has been filed in this registry by (1) Julieta Wanjiru Kinyua and (2) Ann Wanjiru Kinyua, as administrators of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 27th October, 1983.

B. W. KAMUNGE,
District Registrar, Nyeri.

GAZETTE NOTICE No. 4372

PROBATE AND ADMINISTRATION

TAKE NOTICE that after thirty days from the date of this Gazette, I intend to apply to the High Court at Nairobi for representation of the estates of the persons named in the second column of the schedule hereto, who died on the dates respectively set forth against their names.

And further take notice that all persons having any claims against or interests in the estates of the said deceased persons are required to prove such claims or interests before me within two months from the date of this Gazette, after which date the claims and interests so proved will be paid and satisfied and the several estates distributed according to law.

SCHEDULE

Public Trustee's Cause No.	Name of Deceased	Address	Date of Death	Testate or Intestate
708/82	Yusuf Obuon Yogo	Kokech Sub-location, West Kasipul Location, South Nyanza.	8-7-82	Intestate
453/82	Munuve Mulatia	Mutito Location, P.O. Box Ndoaa via Kitui	14-1-82	Intestate
664/82	Jacktone Mangwana	P.O. Box 70, Luanda, Kakamega	24-3-82	Intestate

Nairobi,
11th November, 1983.

P. J. KAMAU,
Assistant Public Trustee.

GAZETTE NOTICE No. 4373

THE COMPANIES ACT

(Cap. 486)

NOTICE OF WINDING-UP ORDER

(Rule 37 (i) (c))

Name of company.—Planfreight Kenya Limited.

Address of registered office.—L.R. 209/8288, Hughes Building, Muindi Mbingu Street, P.O. Box 66947, Nairobi.

Court.—High Court of Kenya at Nairobi.

No. of matter.—Winding-up Cause No. 36 of 1983.

Date of order.—28th October, 1983.

Date of presentation of petitions.—8th October, 1983.

Dated the 11th November, 1983.

M. L. HANDA,

Senior Deputy Official Receiver and Liquidator.

GAZETTE NOTICE No. 4374

THE JUBILEE INSURANCE COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 30376, Nairobi

LOSS OF POLICY

Policy No. 107599 in the name of Simon Mutua Kalii

APPLICATION has been made to this company for the issue of duplicate of the above-numbered policy, the original having been reported as lost or misplaced. Notice is given that unless objection is lodged to the contrary at the office of the company within thirty (30) days from the date of this notice, duplicate policy will be issued, which will be the sole evidence of the contract.

Nairobi,
8th November, 1983.K. S. DAWOOD,
Executive Director.

GAZETTE NOTICE No. 4375

THE JUBILEE INSURANCE COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 30376, Nairobi

LOSS OF POLICY

Policy No. 106107 in the name of Peter Wainaina Karanja

APPLICATION has been made to this company for the issue of duplicate of the above-numbered policy, the original having been reported as lost or misplaced. Notice is given that unless objection is lodged to the contrary at the office of the company within thirty (30) days from the date of this notice, duplicate policy will be issued, which will be the sole evidence of the contract.

Nairobi,
8th November, 1983.K. S. DAWOOD,
Executive Director.

GAZETTE NOTICE No. 4376

THE PIONEER GENERAL ASSURANCE SOCIETY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 20333, Nairobi

LOSS OF POLICY

Endowment Life Assurance Policy No. 8090144 for KSh. 6,700 dated 30th August, 1979 in the name and on the life of Arthur Thairu.

NOTICE is given that evidence of loss or destruction of the above policy has been submitted to the society and any person in possession of the policy or claiming to have interest therein, should communicate within thirty (30) days by registered post with the society, failing any such communication a certified copy of the policy, which shall be the sole evidence of contract, will be issued.

Nairobi,
12th November, 1983.T. A. GUNDIARYWALLA,
Life Manager.

GAZETTE NOTICE No. 4377

THE PIONEER GENERAL ASSURANCE SOCIETY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 20333, Nairobi

LOSS OF POLICY

Endowment Life Assurance Policy No. 8091476 for KSh. 10,065 dated 31st March, 1980 in the name and on the life of Mrs. Jane Mbatha.

NOTICE is given that evidence of loss or destruction of the above policy has been submitted to the society and any person in possession of the policy or claiming to have interest therein, should communicate within thirty (30) days by registered post with the society, failing any such communication a certified copy of the policy, which shall be the sole evidence of contract, will be issued.

Nairobi,
12th November, 1983.T. A. GUNDIARYWALLA,
Life Manager.

GAZETTE NOTICE No. 4378

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE LOCAL GOVERNMENT (KWALE TRADE DEVELOPMENT JOINT LOANS BOARD) ORDER, 1965

APPOINTMENT OF MEMBERS OF THE BOARD

IN EXERCISE of the powers conferred by paragraph 3 of the Local Government (Kwale Trade Development Joint Loans Board) Order, 1965, the County Council of Kwale appoints—

Councillor Salim Mwabendo Mwanguta,
Councillor Rashid Abdalla Mwatsuma,
Councillor Raphael Bombo Ndeme,

to be members of the Kwale Trade Development Joint Loans Board.

Dated the 25th October, 1983.

S. C. NGUMA,
Clerk to the Council.

GAZETTE NOTICE No. 4379

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE LOCAL GOVERNMENT (MARSABIT TRADE DEVELOPMENT JOINT LOANS BOARD) ORDER, 1965

APPOINTMENT OF MEMBERS OF THE BOARD

IN EXERCISE of the powers conferred by paragraph 3 of the Local Government (Marsabit Trade Development Joint Board) Order, 1965, the County Council of Marsabit appoints—

Councillor Wario Guracha,
Councillor Loningoi Orguba,
Hussein Dawa Willa,

to be members of the Marsabit Trade Development Joint Loans Board.

Dated the 26th October, 1983.

P. K. LANGWANANI,
Clerk to the Council.

GAZETTE NOTICE No. 4380

THE LOCAL GOVERNMENT ACT

(Cap. 265)

THE LOCAL GOVERNMENT (TAITA-TAVETA TRADE DEVELOPMENT JOINT BOARD) ORDER, 1965

(L. N. 294 of 1965)

APPOINTMENT OF MEMBERS TO THE BOARD

IN EXERCISE of the powers conferred by section 3 of the Local Government (Taita-Taveta Trade Development Joint Board) Order, 1965, the County Council of Taita-Taveta appoints—

Councillor Robert Mwawuganga Mwasingo,
Councillor Dishon Mwabashi Lukeweni,
Councillor Herbert J. Mwachoni,

to be the members of the Taita-Taveta Trade Development Joint Board.

Dated the 1st November, 1983.

G. M. MJOMBA,
Clerk to the Council.

GAZETTE NOTICE No. 4239

MINISTRY OF ENERGY AND REGIONAL
DEVELOPMENT

TENDER NOTICE

TENDERS are invited for supply and delivery of the following items to Ministry of Energy and Regional Development Headquarters, Electricity House.

Tender Nos.:

	Quantity
ME/T/1/83-84 (Re-advertised)	
Tank, fuel, diesel	2
Tank, fuel, petrol	1
ME/T/2/83-84 (Re-advertised)	
Mini-huts	50
Uni-huts	10
Magna huts	5
ME/T/3/83-84 (Re-advertised)	
Concrete mixing machine	1
ME/T/4/83-84	
Block making machine	1
ME/T/5/83-84	
Drawing board	1
ME/T/6/83-84 (Re-advertised)	
Drilling suits various sizes	50
ME/T/7/83-84	
Safety boots various sizes	60 pairs
ME/T/8/83-84	
Fencing posts, cedar	1,000
ME/T/9/83-84 (Re-advertised)	
Fibre glass, water tank	3

Tender documents giving the necessary details may be obtained from Electricity House, 7th floor, room 711, upon payment of unrefundable charge of KSh. 30 per set of two.

Prices quoted must be net, duty and sales tax paid, and expressed in Kenya shillings. In the event of government altering rates of custom duties, sales tax and/or rates of controlled prices, both parties would consider appropriate price adjustments.

Tenders must be enclosed in plain sealed envelopes marked with the tender number shown above and addressed to the Permanent Secretary, Ministry of Energy and Regional Development, P.O. Box 30582, Nairobi, or be deposited into the tender box at Electricity House, 7th floor, room 711, on or before 10 a.m., on 22nd November, 1983.

The tenders will be opened at 10.30 a.m. on 22nd November, 1983, in the conference room (room 902), Electricity House, 9th floor, and the tenderers or their representatives may attend.

The government reserves the right to accept or reject any tender either wholly or in part and does not bind itself to accept the lowest or any tender or give reasons for its rejection.

D. N. MUTEKI,
for Permanent Secretary.

GAZETTE NOTICE No. 4381

MINISTRY OF EDUCATION, SCIENCE AND
TECHNOLOGY

TENDER No. EDUC/IDA/FUR. 10

THE Ministry of Education, Science and Technology intends to procure the furniture shown below for the faculty of agriculture, to be purchased through a loan received from International Development Association:

- 60 Double bookshelving.
- 20 Single bookshelving.
- 100 Reading tables.
- 200 Chairs drawing No. F7.
- 8 Librarians' desks.
- 1 Typewriter extension desk.
- 54 Office chairs.
- 2 Typist chairs.
- 1 Executive chair.
- 5 Single pedestal desks.
- 17 Filing cabinets.
- 41 Waste paper tubs.
- 10 Letter racks.
- 25 Dining tables.
- 100 Dining chairs.
- 250 Laboratory stools.

- 6 Cabinets for hang A. plan.
- 2 Metal ladders.
- 16 In and out wire trays.
- 2 Lecturers' arm chairs.

Furniture suppliers from member countries of International Development Association or Switzerland, interested in participating in the proposed bid may obtain bid documents by applying in writing to the Director, IDA/I.B.R.D. Project office, P.O. Box 48823, Nairobi, Kenya, or calling personally on 6th floor, Mombasa House, Muindi Mbingu Street, Nairobi, Kenya, during working hours.

Each tender document will be issued against payment of non-refundable fee of KSh. 100 per copy.

Tenders must be submitted in properly sealed plain envelopes and only endorsed on the outside with the tender number without any indication as to who the tenderer's name is. This should then be addressed so as to reach our office at P.O. Box 48823, Nairobi, Kenya, or be placed into the tender box situate in Mombasa House, 6th floor. Failure to comply with this will institute a disqualification.

The government reserves the right to accept or reject any tender in whole or in part and does not bind itself to accept the lowest or any tender or to give reasons for its decision.

The closing date of the submission of bids will be at 10 a.m. East African time, on Thursday, 8th December, 1983.

W. M. OKECH,
IDA/I.B.R.D. Project Director.

GAZETTE NOTICE No. 4382

OFFICE OF THE PRESIDENT

TRANS NZOIA DISTRICT

TENDER No. DTB 5/83-84

Supply of Polythene Sheeting 500 Gauge and fabricated
Precast Concrete Slabs to GK Kitale Main Prison

TENDERS are invited for the supply of the above-quoted items. Tender documents and specifications may be obtained from the District Supplies Officer at the District Commissioner's office, Trans Nzoia, during normal working hours or through post on payment of a non-refundable fee of KSh. 20 per set of two copies.

The above-quoted items are for an on-going building project and deliveries are urgently required as follows:

Polythene sheeting 60 rolls by 15th December, 1983.

Concrete slabs 3,000 slabs by 15th December, 1983.

The completed tender documents should be addressed to the District Commissioner, Trans Nzoia, P.O. Box 11, Kitale, in a plain sealed envelope clearly marked "Tender No. DTB 5/83-84.—Supply of Polythene Sheeting and Fabricated Precast Concrete Slabs", or be placed into the tender box in the District Commissioner's office on or before 28th November, 1983, at 10 a.m.

All prices quoted should be expressed in Kenya shillings and must remain firm for ninety (90) days and should be net inclusive of all government taxes, transportation charges and any other relevant charges.

The government reserves the right to accept or reject any tender either wholly or in part and does not bind itself to accept the lowest or any tender or give reasons for its rejection.

D. W. MUCHANGI,
District Supplies Officer,
for Acting District Commissioner,
Trans Nzoia.

GAZETTE NOTICE No. 4383

OFFICE OF THE PRESIDENT

MURANG'A DISTRICT

TENDER No. MUR/1/83-84

Supply of Foodstuffs, Uniforms, Building Materials and other
Miscellaneous Items, for the Calendar Year ending 31st
December, 1984

TENDERS are invited for the supply of the above items to various government departments/institutions in Murang'a District, for the calendar year, 1984.

Tender documents showing all necessary details may be obtained from the district supplies officer in the District Com-

missioner's office during normal working hours on payment of a non-refundable fee of KSh. 40 per set of two documents.

The completed tender documents must be submitted in plain sealed envelopes clearly marked "Tender No. MUR/1/83-84", and should be addressed to the District Commissioner, P.O. Box 7, Murang'a or be placed into the tender box so as to reach him not later than 10 a.m. on 9th December, 1983.

The prices quoted must be net inclusive of all taxes and transportation charges. In case of uniforms, samples of clothing material must accompany the applications.

The government reserves the right to accept or reject any tender either wholly or in part and does not bind itself to accept the lowest or any tender or give reasons for its rejection.

N. O. OMUNE,
District Supplies Officer,
for Acting District Commissioner, Murang'a.

GAZETTE NOTICE No. 4384

THE TRANSFER OF BUSINESSES ACT
(Cap. 500)

NOTICE is given that the business of Hunters and Hair Beauty Saloon formerly owned and operated by Mrs. Mary Kinyua (hereinafter called the transferor), of P.O. Box 57776, Nairobi, on plot No. L.R. 209/378/1, Hurlingham, Nairobi, has been sold and transferred to Mrs. Tina R. G. Kinoti (hereinafter called the transferee), of P.O. Box 30588, Nairobi, who will carry on the business in the same place and under the same name.

All debts due and owing by the transferor in respect of the said business up to and including 31st October, 1983, will be received and paid by the transferor.

The transferee does not assume nor does she intend to assume any liabilities or any claims whatsoever against the transferor in the said business up to and including 31st October, 1983.

Dated at Nairobi the 14th November, 1983.

MURMITHI & COMPANY,
Advocates for both the Transferee and Transferor.

GAZETTE NOTICE No. 4385

THE TRANSFER OF BUSINESSES ACT
(Cap. 500)

NOTICE is given that the business of hair saloon carried on by Stephen Mbuta Kutu, at plot No. 209/525/31, Accra Road, Nairobi, under the name or style of Sally Hair Saloon, has as from 1st November, 1983, been transferred to Roseline Adhiambo Odiaga, who will carry on the said business under the same name and at the same premises.

The address of the transferor is P.O. Box 12085, Nairobi.

The address of the transferee is P.O. Box 30972, Nairobi.

The transferee has not assumed and does not intend to assume any of the business by the transferor up to and including 1st November, 1983, and the same shall be discharged by the transferor. All debts due and owing to the transferor in respect of the said business up to and including 1st November, 1983, will be received by the transferor.

Dated at Nairobi the 24th October, 1983.

GATHENJI & CO.,
Advocates for both the Transferor and Transferee.

GAZETTE NOTICE No. 4386

TRANSFER OF 99 YEAR LEASE

TAKE NOTICE that Kasturilal Palimal Aggarwal, of P.O. Box 42, Nanyuki, is now the legal leaseholder of plot No. 7, Nanyuki township, described more particularly as No. 25859/XXI/132, measuring in area 0.0451 hectare or thereabouts. This follows an agreement and transfer duly executed by the vendor Francis Gatwai Thmaini, of P.O. Box 232, Nanyuki, in favour of Kasturilal Palimal Aggarwal the purchaser, on 17th August, 1983.

GITOBU IMANYARA & CO.,
Advocates for the Purchaser.

GAZETTE NOTICE No. 4387

NOTICE OF CHANGE OF NAME

NOTICE is given that by a deed poll dated 26th August, 1983, registered as No. 1154, Volume DI, Folio 780/4225, File DXVI, and duly executed by me Alice Njoki Mukiri, of P.O. Box 47764, Nairobi in the Republic of Kenya, formerly known as Alice Njoki Kuria, absolutely renounced and abandoned the use of my former name Alice Njoki Kuria and in lieu thereof assumed and as adopted the name Alice Njoki Mukiri as aforesaid, for all purposes and I authorize and request all persons to designate and address me by the assumed name Alice Njoki Mukiri.

Dated at Nairobi the 15th November, 1983.

ALICE NJOKI MUKIRI,
formerly known as Alice Njoki Kuria.

GAZETTE NOTICE No. 4388

NOTICE OF CHANGE OF NAME

NOTICE is given that by a deed poll dated 26th July, 1983, duly executed and registered in the Registry of Documents at Nairobi as registration No. 246, Volume DI, Folio 781/4240, File DXVI by Anne-Sophie Regine Cunningham-Reid, of P.O. Box 24930, Nairobi in the Republic of Kenya, heretofore called and known by the name Anne-Sophie Regine Dawe, absolutely renounced and abandoned the use of her former name Anne-Sophie Regine Dawe, and in lieu thereof assumed and adopted the name Anne-Sophie Regine Cunningham-Reid aforesaid, for all purposes and authorizes and requests all persons to designate and address her by the assumed name Anne-Sophie Regine Cunningham-Reid.

Dated at Nairobi the 8th November, 1983.

S. THIANAWALLA & CO.,
Advocates for Anne-Sophie Regine Cunningham-Reid,
formerly known as Anne-Sophie Regine Dawe.

GAZETTE NOTICE No. 4389

NOTICE OF CHANGE OF NAME

NOTICE is given that by a deed poll dated 9th February, 1983, registered in the Registry of Documents in Volume DI Folio 743/1971, File DXVI and duly executed by our client Jemimah Yaya, of P.O. Box 90231, Mombasa in the Republic of Kenya, heretofore called and known by the name Jemimah Yaya Olendo, has formally and absolutely renounced and abandoned the use of her said name Jemimah Yaya Olendo and in lieu thereof assumed and adopted the name Jemimah Yaya for all purposes. And on behalf of our client Jemimah Yaya, we authorize and request all persons to designate, describe and address her by such assumed name Jemimah Yaya.

Dated at Nairobi the 10th November, 1983.

HAYANGA & COMPANY,
Advocates for Jemimah Yaya,
formerly known as Jemimah Yaya Olendo.

GAZETTE NOTICE No. 4390

NOTICE OF CHANGE OF NAME

I, Bachulal Nabheram Vyas, of P.O. Box 45, Eldoret in the Republic of Kenya, the natural father of Sneha Bachulal Vyas formerly known as Susan Vyas do give public notice that by a deed poll dated 28th October, 1983, duly executed and registered by me, I on her behalf, have absolutely renounced and abandoned the use of her former name Susan Vyas and assumed and adopted in lieu thereof the name Sneha Bachulal Vyas for all purposes and request all concerned to designate, describe and address her by her assumed name Sneha Bachulal Vyas.

Dated at Nairobi the 28th October, 1983.

BACHULAL NABHERAM VYAS,
Natural Father of Sneha Bachulal Vyas,
formerly known as Susan Vyas.

GAZETTE NOTICE No. 4391

NOTICE OF CHANGE OF NAME

NOTICE is given that by a deed poll dated 5th May, 1983, duly executed and registered in the Registry of Documents at Nairobi as registration No. 496, Volume DI, Folio 763/4023, File DXVI by Joseck Wanjohi Kiiru Mati, of P.O. Box 258, Murang'a in the Republic of Kenya, heretofore called and known by the name Joseck Wanjohi Kiiru, absolutely renounced and abandoned the use of his former name Joseck Wanjohi Kiiru and in lieu thereof assumed and adopted the name Joseck Wanjohi Kiiru Mati aforesaid, for all purposes and authorizes and requests all persons to designate and address him by the assumed name Joseck Wanjohi Kiiru Mati.

Dated the 10th November, 1983.

JOSECK WANJOHI KIIRU MATI,
formerly known as Joseck Wanjohi Kiiru.

GAZETTE NOTICE No. 4392

THE MONEY-LENDERS ACT

(Cap. 528)

APPLICATION FOR LICENCE

NOTICE is given that the application being miscellaneous application No. 16 of 1983, lodged by James Mat Nzuli, of P.O. Box 95530, Mombasa for issue of certificate authorizing grant of money-lender's licence to him to carry on business of money-lending in the premises on Plot No. 471, section VI, Mombasa, will be heard in the Senior Resident Magistrate's Court at Mombasa, on Friday, 2nd December, 1983, at 8.30 a.m.

Dated at Mombasa the 4th November, 1983.

J. M. AMIN,
Advocate for the Applicant.

GAZETTE NOTICE No. 4393

THE EAST AFRICAN COFFEE PLANTATIONS LIMITED

CLOSURE OF PRIVATE ROADS

TAKE NOTICE that private roads running through Savani and Kepchomo estates, in Nandi District, will be closed to the public from 6 a.m. on Sunday, 27th November to 6 a.m. on Monday, 28th November, 1983.

D. T. PELLING,
for East African Coffee Plantations Limited.

GAZETTE NOTICE No. 4394

MESSRS. CARS E. A. LTD.

REMOVAL OF MOTOR VEHICLE

THE owner of motor vehicle registration No. KNL 593 Alfa Romeo, is requested to remove the same within fourteen (14) days from the date of publication of this notice from the premises of Messrs. Cars E. A. Ltd., Baricho Road, Industrial Area, P.O. Box 46443, Nairobi, Kenya, upon payment of repair, storage and other incidental charges.

Should the owners fail to pay all the charges aforesaid and remove the said vehicle, it shall be sold by public auction or private treaty and the proceeds applied to defray the said charges and balance, if any, shall be held to the credit of the owner.

Dated at Nairobi the 7th November, 1983.

G. KAMONDE,
Advocate for Messrs. Cars E. A. Ltd.

GAZETTE NOTICE No. 4395

THE INDUSTRIAL COURT

CAUSE No. 45 OF 1983

Parties:

Kenya Union of Domestic, Hotels, Educational Institutions,
Hospitals and Allied Workers
and

Muthaiga Golf Club

Issue in dispute:

Termination of Zebedi Imbit.

THE Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers shall hereinafter be referred to as the claimants and Muthaiga Golf Club shall hereinafter be referred to as the respondents.

2. The parties were heard in Nairobi on 5th and 6th October, 1983, and in addition to relying on their written and verbal submissions called the following witnesses:

Claimants.—Z. Imbit.

Respondents:

N. Munyi.

A. Farrar.

AWARD

3. The Notification of Dispute Form "A" dated 14th January, 1983, duly signed by the parties was received by the court on 3rd June, together with the statutory certificates signed by the Minister for Labour and the labour commissioner.

The grievant, Z. Imbit, worked for the respondents as a grass cutter from 1st July, 1978, until 30th March, 1982, when his services were terminated on the alleged grounds of insolent conduct and recklessness in the performance of his duties.

The respondents' witness, A. Farrar, who is also their secretary for the last ten years, informed the court that the members had complained that the greens were not being cut properly. He explained that they had to be cut two ways and the particular stretch in respect of which complaints were made was supposed to be cut by the grievant. The respondents' supervisor, N. Munyi, confirmed that he had also told the grievant to cut the greens properly on several occasions but he refused to cut the greens crosswise. Mr. Munyi eventually got tired and reported the matter to the secretary. The supervisor said that he found Mr. Imbit had started malingering as he would take the machine but not work.

The incident that led to his termination took place on 30th March, 1982, when the supervisor told him that he had not cut the grass properly and that he should cut it as instructed but he refused and instead returned the machine to the workshop on a route which they were not allowed to use because it was stoney and steep with the result that the machine rolled over and got damaged. When the machine was found in the workshop it was in a damaged state and a screw was missing. Mr. Munyi clearly stated that Mr. Imbit did not complain to him about any missing screw when he instructed him to cut the grass properly. Mr. Farrar confirmed that the machine was laid off for two days and it cost additional money to have it repaired.

As against the evidence of the respondents' two witnesses Mr. Imbit stated that as instructed by the supervisor he went to work and cut grass but could not lower the blades in the machine because one screw was missing. He went straight to the supervisor and reported that the machine was faulty. He said he was not aware why he was sacked.

The dispute was investigated by the Ministry of Labour and the ministry found that it was not clear whether Mr. Imbit was habitually negligent in the performance of his duty and in handling machinery or whether this was an isolated incident in which case he should have been warned. The ministry found that the weight of the offence did not justify termination and recommended three months' salary by way of compensation plus terminal benefits.

The court notes that the respondents' secretary investigated the matter when the supervisor, Mr. Munyi, reported Mr. Imbit's misconduct to him and it was only after that that a decision was made that his services should be terminated. During investigations Mr. Imbit was belligerent as he said that he knew what he was doing and did not want to be told. Mr. Farrar also stated that he dealt with his workers on a friendly basis and as such he avoided issuing them written warnings in accordance with the collective agreement and that in the ten years he had been the secretary he had issued only four or five written warnings. He always opted for a friendly

approach and cautioned the workers. Coupled with this attitude on the part of the secretary is the fact that Mr. Munyi was the one who recommended Mr. Imbit for monthly employment. So unless Mr. Imbit had really committed a serious misconduct in not obeying instructions of a supervisor and then handling the machine recklessly with the result that it was damaged there seems to be no other reason why he should have suffered a termination.

The respondents have offered him on humanitarian grounds a sum of KSh. 2,929.70, which includes two months' wages in lieu of notice. The court cannot find any grounds to interfere in the respondents' decision to terminate Mr. Imbit's services because it does not fall in any of the oft-repeated criteria by the court like victimization through unfair labour practice, dismissal without good faith, violation of principles of natural justice or dismissal for reasons which are completely baseless or perverse. The claimants have failed to convince the court on any of these and the action must fail. Mr. Imbit is entitled to only KSh. 2,929.70, which the respondents have offered to pay him and he should go and collect this amount if he has not already done so. All other claims made on his behalf are rejected.

Given in Nairobi the 14th November, 1983.

SAEED R. COCKAR,
Judge.

S. M. MAITHYA,
Member.

GAZETTE NOTICE No. 4396

IN THE HIGH COURT OF KENYA AT MOMBASA DISTRICT REGISTRY PROBATE AND ADMINISTRATION

TAKE NOTICE that an application having been made in this court in:

CAUSE No. 133 OF 1983

By (1) Kayamali Gulamabbas and (2) Shirin Gulamabbas of Mombasa in Kenya, the executors named in the will of the deceased, through K. M. Karimbhai, advocate of Mombasa in Kenya, for a grant of probate of the will of the late Gulamabbas Sulemanji Essaji of Mombasa, Kenya, who died on 7th August, 1979, at Mecca in Saudi Arabia.

The court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered within thirty (30) days from the date of publication of this notice in the Kenya Gazette.

Mombasa,
2nd November, 1983.

J. A. MANGO,
*Deputy Registrar,
High Court of Kenya,
Law Courts, Mombasa.*

Note.—The will mentioned above has been deposited in and is open to inspection at the court.

NOW ON SALE

UNIVERSITY EDUCATION IN KENYA

Price: Sh. 12 (postage Sh. 5 in E.A.,
Sh. 8 Overseas)

Obtainable from the Government Printer, Nairobi

NOW ON SALE

IMPORT LICENSING SCHEDULES

Price: Sh. 100 (postage Sh. 4.50 in E.A.,
Sh. 7 Overseas)

STATISTICAL ABSTRACT 1980

Prepared by the Central Bureau of Statistics
Ministry of Finance

Price: Sh. 70 (postage Sh. 8.60 in E.A.,
Sh. 14.60 Overseas)

PLANNING FOR PROGRESS OUR FOURTH DEVELOPMENT PLAN

A short version of the Development Plan
1979-1983

Price: Sh. 10

A BRIEF REVIEW OF FARMING ACTIVITIES AGRICULTURAL CENSUS OF LARGE FARMS 1975/76

Price: Sh. 20 (postage Sh. 4.50 in E.A.,
Sh. 7 Overseas)

Obtainable from the Government Printer, Nairobi

NOW ON SALE

SESSIONAL PAPER NO. 4/81 NATIONAL FOOD POLICY

Price: Sh. 10 (postage Sh. 4.80 in E.A.,
Sh. 6.50 Overseas)

EMPLOYMENT AND EARNINGS IN MODERN SECTOR 1978

Price: Sh. 30 (postage Sh. 5.70 in E.A.,
Sh. 8.60 Overseas)

AGRICULTURAL CENSUS OF LARGE FARMS 1978

Price: Sh. 30 (postage Sh. 5.70 in E.A.,
Sh. 8.60 Overseas)

THE TWELFTH (1982) ANNUAL SUPPLEMENT TO THE LAWS OF KENYA

Containing forty-eight new booklets comprising
new or revised Chapters of the Laws of Kenya
and a revised index and table of contents.

Price: Sh. 989 (postage Overseas Sh. 30
Local: Sh. 10)

REPORT OF THE CIVIL SERVICE REVIEW COMMITTEE 1979/80 (WARUHIU REPORT)

Price: Sh. 30 (postage Sh. 7 in E.A.,
Sh. 13 overseas)

Obtainable from the Government Printer, Nairobi

IMPORTANT NOTICE TO SUBSCRIBERS TO THE KENYA GAZETTE

THE following notes are for the guidance of persons submitting "copy" for inclusion in the *Kenya Gazette*, *Supplements*, etc.:

- (1) The *Kenya Gazette* contains notices of a general nature which do not affect legislation. They are therefore submitted to the Government Printer directly.
- (2) *Legislative Supplement* contains Rules and Regulations which are issued by the Central Government. Because of this they must be submitted to the Government Printer through the office of the Attorney-General.
- (3) *Bill Supplement* contains Bills which are for introduction in the National Assembly.
- (4) *Act Supplement* contains Acts passed by the National Assembly.

All "copy" submitted for publication should be prepared on one side of an A4 sheet no matter how small the notice or Act, each page being numbered, and should be typewritten with double spacing. Copy should be clear, legible and contain a minimum of alterations.

Particular attention should be paid to the following points:

- (i) Signatures must be clarified by means of rubber-stamping or typing the name of the signer in capital letters.
- (ii) Dates must be correct and filled in where necessary.
- (iii) Care should be taken to ensure that all headings to notices and references to legislation are up to date and conform with the Revised Edition of the Laws of Kenya.

EXTRACT FROM THE CODE OF REGULATIONS, SECTION D—

Kenya Gazette

"D.14.(1) Communications for the *Kenya Gazette* should reach the Government Printer not later than 12 noon, on Tuesday of the week that publication is desired. The Government Printer will not publish communications received after that hour until the next subsequent issue of the *Gazette*.

(2) It will facilitate work at the Press if Permanent Secretaries will forward *Gazette* notices to the Government Printer when ready."

It is emphasized that these notes are for guidance only, but it is requested that persons submitting copy for publication first satisfy themselves that such copy is complete in every respect.

SUBSCRIPTION AND ADVERTISEMENT CHARGES

With effect from 1st March, 1983, subscription and advertising charges for the *Kenya Gazette* are as follows:

	Sh.	cts.
Annual Subscription (including postage in East Africa) ..	800	00
Annual Subscription (including postage Overseas) ..	1,000	00
Half-yearly Subscription (including postage in East Africa) ..	400	00
Half-yearly Subscription (including postage Overseas) ..	500	00
<i>(The above rates include the cost of Supplements)</i>		
Single copy without Supplements ..	6	00

Single copy of any Supplement to the *Kenya Gazette*:

	Sh.	cts.	Postage in E.A.	Sh.	cts.
Up to 2 pages ..	1	00		0	50
Up to 4 pages ..	2	00		0	50
Up to 8 pages ..	4	00		0	50
Up to 12 pages ..	6	00		0	50
Up to 16 pages ..	8	00		0	70
Up to 20 pages ..	10	00		0	70
Up to 24 pages ..	12	00		0	70
Up to 28 pages ..	14	00		0	70
Up to 32 pages ..	16	00		0	70
Up to 36 pages ..	18	00			
Up to 40 pages ..	20	00			
Each additional 4 pages or part thereof	1	00			
				depending on weight	

ADVERTISEMENT CHARGES—

	Sh.	cts.
Full page ..	1,600	00
Full single column ..	800	00
Three-quarter column ..	600	00
Half column ..	450	00
Quarter column or less ..	300	00

Subscribers and advertisers are advised to remit subscriptions or advertisement charges by cheque, postal order or money order drawn in favour of "The Government Printer, Nairobi". Revenue stamps cannot be accepted. Subscriptions and advertisement charges are paid in advance.

S. W. S. MUCHILWA,
Government Printer