



# THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

Published under the Authority of His Excellency the Governor of the  
Colony and Protectorate of Kenya

Vol. XXXVI.—No. 33

NAIROBI, July 10, 1934

Price 50 Cents

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

Published every Tuesday

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## GOVERNMENT NOTICE No. 467

## ARRIVALS

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa
P. Whiteing	2nd grade Asst. Inspector of Police	Leave	1st June, 1934	—	30th June, 1934
J. E. H. Lambert	District Officer	do	do	—	do
E. M. Hyde-Clarke	ditto	do	do	—	do
J. T. Marland	Assistant Surveyor "B" (Junior Postmaster,) Postal Dept.	do	do	—	do
Miss M. P. Howarth	Copyholder, Govt. Press	do	do	—	do
Miss S. Gulliver	Shorthand Typist, K. U. R. & H	do	do	1st June, 1934	do

## DEPARTURES

Name	Rank	On leave or termination of appointment	Date of Departure
L. Griffiths	2nd grade Assistant Inspector of Police	Leave	30th June, 1934
T. A. Slatter	ditto	do	do
J. W. Francis	Education Officer	do	do
E. N. Hewitt	Clerk, Administration	do	do
Capt. O. G. A. Phillips	Company Commander, Military	do	do
Col. R. Wilkinson, D.S.O.	Brigade Commander, Military	Leave pending termination of appointment	do
H. Hudson	Assistant Postmaster General	Leave pending retirement	do
R. H. Eastbrook	Regimental Sergeant Major, Military	Leave	do
Commdr. J. O. Buckler, R.D., R.N.R. (Retd.)	Senior Marine Officer, K. U. R. & H.	do	do
David Law	Travelling Inspector of Accounts, K. U. R. & H.	do	do
S. F. Gray	2nd Engineer, Lake Steamers, K. U. R. & H.	do	do
R. C. A. Cavendish	Commissioner of Police	do	23rd June, 1934 *

\* Not 12th June as previously notified.

## APPOINTMENTS.

AUBREY CHARLES MADGEWICK MULLINS to be District Commissioner, Tana River District, Coast Province, with effect from 21st June, 1934.

CAPTAIN GEORGE PRITCHARD BROWN, Assistant Commissioner of Police, to be Acting Commissioner of Police, Acting Principal Immigration Officer and Acting Passport Control Officer, with effect from 23rd June, 1934, inclusive.

CAPTAIN ERNEST KNIGHTLY CATCHPOLE, Superintendent, to be Acting Assistant Commissioner of Police, with effect from 23rd June, 1934, inclusive.

LIEUTENANT-COLONEL G. A. SWINTON-HOME, D.S.O., O.B.E., to be Acting Commandant, Kenya Defence Force, with effect from the 6th July, 1934, vice Brigadier-General A. C. Lewin, C.B., C.M.G., D.S.O., A.D.C., proceeded on leave to the United Kingdom.

MAJOR J. R. GUILD, D.S.O., assumed the duties as Acting Officer Commanding, Northern Brigade, the King's African Rifles, with effect from the 29th June, 1934, inclusive.

CAPTAIN D. MACDONALD assumed the duties as Acting Officer Commanding, 5th Battalion, the King's African Rifles, with effect from the 29th June, 1934, inclusive.

LIEUTENANT H. A. BORRADAILE assumed the duties as Acting Officer Commanding "L" Company, 5th Battalion, the King's African Rifles, with effect from the 29th June, 1934, inclusive.

EDWARD JAMES PETRIE C.A., to be Assistant Treasurer (Cadet), with effect from the 1st February, 1934.

VICTOR HERBERT MERTTENS, B.A., A.S.A.A., to be Assistant Treasurer (Cadet), with effect from the 1st July, 1934.

MISS MARGARET MINNIE RICHARDS to be a Nursing Sister, with effect from the 4th July, 1934.

CAPTAIN JOSEPH EDGAR HUGO LAMBERT, M.C., to be District Officer, Kiambu District, Central Province, with effect from 1st July, 1934.

## KENYA AND UGANDA RAILWAYS AND HARBOURS.

RONALD DOUGLAS HOSKINS, Commander, Lake Steamers, to be Acting Senior Marine Officer, Nairobi, with effect from 27th June, 1934, vice Commander John Oswald Buckler, R.D., R.N.R. (RETD.), proceeded on leave.

## MAGISTERIAL WARRANT.

CAPTAIN JOSEPH EDGAR HUGO LAMBERT, M.C., to be a Magistrate of the Second Class with power to hold a Subordinate Court of the Second Class in Kiambu District, whilst holding his present appointment as District Officer, Kiambu District, Central Province.

PRELIMINARY ORAL SWAHILI EXAMINATION.  
PASS.

Miss A. Warwick, Education Department:

JUXON BARTON,  
for Colonial Secretary.

# Colony and Protectorate of Kenya

## GOVERNMENT NOTICE No. 468

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

### **A Bill to Control and Regulate the Marketing of Native Produce.**

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

- 1.** This Ordinance may be cited as the Marketing of Short title.  
Native Produce Ordinance, 1934.
- 2.** In this Ordinance, unless the context otherwise Interpretation requires—

“native produce” means any produce grown or produced by natives;

“specified native produce” means any native produce specified in any order made under section 3 of this Ordinance;

“licensing authority” means the district commissioner (or his duly authorized representative), of any declared area under section 3 of this Ordinance.

- 3.** In the event of the Governor being satisfied that the cultivation and marketing of native produce is likely to be advanced and improved and that the interests of the inhabitants will be generally promoted thereby, it shall be lawful for him by order to declare any district or part of a district (hereinafter referred to as a “declared area”) to be an area within which the purchase and sale of native produce, which the Governor is hereby authorized to specify in the same or some subsequent order, shall be controlled and regulated.

- 4.** (1) Upon any such order being made, the following provisions shall apply :—

- (a) A licence to purchase in a declared area any native produce specified in accordance with the provisions of section 3 of this Ordinance may be granted by the licensing authority, subject to the approval of the Provincial Commissioner, to the holder of a trading licence issued under the Licensing Ordinance, 1933, No. 41 of 1933.

Power of  
Governor to  
declare areas  
in which the  
purchase of  
native produce  
may be con-  
trolled and  
regulated.

Licences in  
declared areas.

or any Ordinance amending or replacing the same. The licensing authority may prescribe conditions in respect of any licence granted under this paragraph and such conditions shall be endorsed on the licence.

- No. 41 of 1933.
- (b) Notwithstanding anything contained in the Licensing Ordinance, 1933, or any Ordinance amending or replacing the same or in any licence issued under any such Ordinance, no person shall in a declared area purchase any native produce specified in accordance with the provisions of section 3 of this Ordinance unless he is in possession of a valid licence issued under paragraph (a) of this sub-section.
  - (c) A separate licence shall be required in respect of the right to purchase every separate class of specified native produce.

- (2) Every licence granted under paragraph (a) of sub-section (1) of this section shall—
  - (i) be subject to the payment to the licensing authority of a fee of two shillings;
  - (ii) be transferable without payment of a further fee, with the approval of the licensing authority;
  - (iii) expire on the thirty-first day of December next following the date of the issue thereof.

- No. 41 of 1933.
- (3) The provisions of section 14 of the Licensing Ordinance, 1933, shall apply, *mutatis mutandis*, to licences granted under paragraph (a) of sub-section (1) of this section.

**Power of Governor in Council to grant exclusive trading licences.**

- 5. (1) Where the Governor in Council is satisfied that the production of any particular kind of native produce in any declared area is susceptible of development or would be stimulated and advanced under technical direction and management or other special control, it shall be lawful for the Governor in Council to grant in respect of such declared area or any part thereof an exclusive trading licence for the purchase of such particular kind of native produce :

Provided that no such licence shall be granted in respect of the products of husbandry except for the purchase of one or more kinds of native produce the cultivation or production of which is new to the said area or for which new or improved technical methods of preparation or packing are essential :

And provided further that no such licence shall be granted prior to the expiration of a period of not less than three months following the publication in the Gazette of a notice declaring the intention of the Governor in Council to grant such licence. Every such notice shall specify the date on or before which application for the grant of such licence may be made.

(2) Any person who desires to apply for the grant of any such licence shall submit to the Provincial Commissioner of the Province in which such area is situate an application together with all such particulars as may be required on or before the date specified in such notice. Every such application when received shall be transmitted to the Colonial Secretary for the consideration of the Governor in Council.

**6.** (1) It shall be lawful for the Governor in Council to select such applicant as he may think fit and to grant to him, for such period and subject to such conditions and to the payment in each case of such fees (if any) as he may determine, an exclusive trading licence as in manner provided for in section 5 of this Ordinance.

Power of Governor in Council to prescribe conditions upon which exclusive trading licence may be granted.

(2) The period for which such licence may be granted shall not exceed seven years:

Provided that such licence may thereafter be renewed for such further period, not exceeding five years, as the Governor in Council may, in his discretion, determine.

(3) The grant of any licence under this section shall be in the absolute discretion of the Governor in Council.

(4) Notice of the grant of any such licence or of the renewal thereof shall be published in the Gazette and in the manner prescribed in section 10 of this Ordinance.

(5) When any such licence has been granted, and for so long as such licence is valid and subsisting no licence may be granted under section 4 (1) (a) of this Ordinance in respect of the same kind of produce in the same declared area.

**7.** (1) The Governor in Council may suspend or revoke any exclusive trading licence granted by him if he is satisfied on the advice of the Provincial Commissioner of the Province in which the declared area in respect of which such licence is issued is situate, that the licensee has been guilty of an offence under this Ordinance or has committed a breach of any of the conditions subject to or upon which such licence was granted:

Power of Governor in Council to suspend or revoke exclusive trading licences.

Provided that no such licence shall be revoked or suspended unless the Governor in Council is satisfied that the said Provincial Commissioner has first given the licensee the opportunity of being heard in connection with the proposed suspension or revocation of such licence.

(2) Upon the revocation of any such licence a proportionate part of the fee (if any) paid for such licence may, in the discretion of the Governor in Council, be refunded to the licensee.

Power to prescribe conditions as to purchases for cash.

**8.** The power to prescribe conditions subject to or upon which any licence under this Ordinance or any exclusive trading licence may be granted shall include a power to require that all purchases of specified native produce in a declared area shall be paid for in cash.

Effect of exclusive trading licence.

**9.** Every exclusive trading licence shall confer on the holder thereof, for such period as such licence is valid and subsisting, the sole right to purchase in the declared area or part thereof in respect of which such licence has been granted, the native produce specified in such licence.

Publication of notice of grant of licence or exclusive trading licence.

**10.** The licensing authority shall in every case publish a notice in manner herein provided of any licence granted by him and any exclusive trading licence or renewal thereof granted by the Governor in Council. Such notice shall be affixed to the notice board of the district office and shall be published in such other manner as the licensing authority may in his opinion deem to be sufficient for giving information to all interested persons, and the date of publication of such notice shall be deemed to be the date on which the said notice is affixed to such notice board as aforesaid.

Penalty for infringement of exclusive trading licence.

**11.** On the expiration of fourteen days from the date of publication of the notice of the grant of an exclusive trading licence it shall, during the period for which such licence is valid and subsisting, be unlawful for any person, other than the holder of such licence or his agents and servants, to purchase in the declared area or the part thereof in respect of which such licence has been granted, any specified native produce the sole right to purchase which has been conferred by such licence, and any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty-five pounds, and all specified native produce so purchased by him and found in his possession shall be liable to be forfeited to the Government.

**12.** The Provincial Commissioner of any Province in which any declared area is situate may by notice published in the manner provided for in section 10 of this Ordinance, order that in such declared area or in any part thereof all purchases of any particular classes of native produce shall, for such period not exceeding twelve months as he shall specify in such notice, be paid for in cash, and any person who purchases any such native produce in such declared area or in any part thereof otherwise than for cash shall be guilty of an offence against this Ordinance :

Provided that no such order shall come into force prior to the expiration of a period of three months from the date of the publication of such notice.

**13.** (1) A licensing authority may in respect of any declared area, with the approval of the Provincial Commissioner but without assigning a reason, refuse to grant or renew, or may at any time revoke, a licence under this Ordinance other than an exclusive trading licence granted by the Governor in Council under section 6 of this Ordinance. Such refusal or revocation shall be subject to an appeal to the Governor.

(2) If a licence is revoked under this section a proportionate part of the fee paid shall be refunded.

**14.** If a complaint is made to the Governor that a licensing authority—

- (a) has without reasonable cause refused to grant a licence ;  
or
- (b) has prescribed conditions on the granting of a licence which he has no power to prescribe or which are unreasonable ; or
- (c) has without reasonable cause revoked or refused to renew a licence ; or
- (d) has improperly exercised any of his powers under this Ordinance with respect to the matters in paragraphs (a), (b) and (c) of this section,

the Governor shall consider the complaint and, if he is satisfied that the complaint is in any respect well founded, may make such order as he shall think fit for the purposes of redressing the matter complained of.

**15.** Any omission or neglect to comply with and any act done contrary to the provisions of this Ordinance or any breach of the conditions and restrictions subject to or upon which any

Power of  
Provincial  
Commissioner  
to require  
purchase of  
native produce  
to be paid for  
in cash.

Power to  
refuse or  
revoke a  
licence in  
respect of a  
declared area.

Appeal with  
respect to  
licence.

General  
penalty.

licence has been granted under this Ordinance shall be deemed to be an offence and for every such offence not otherwise specially provided for the offender shall be liable on conviction to a fine not exceeding twenty-five pounds.

**Rules.**

**16.** The Governor in Council may make rules prescribing the forms to be used and the duties of administrative officers and licensing authorities under the provisions of this Ordinance, and may make rules, which may by notice be applied to any declared district, for all or any of the following purposes—

- (a) establishing markets;
- (b) regulating the use of markets and market buildings, and keeping order, preventing obstructions, and maintaining cleanliness therein or in the approaches thereto;
- (c) prohibiting the sale of any specified kind of goods in any specified area except within a market established under paragraph (a) of this section;
- (d) requiring goods brought into markets for sale to be sold by public auction;
- (e) fixing stallages, rents, fees or tolls and providing for the collection thereof;
- (f) fixing the days and the hours during each day on which a market may be held and preventing the sale and purchase of goods in the markets on any days or at any hours except those so fixed;
- (g) prescribing the weights, scales and measures to be used in the sale of any particular produce and regulating the use thereof;
- (h) regulating the appointment, duties and conduct of inspectors and other persons appointed for the purposes of this Ordinance;
- (i) generally carrying into effect any of the purposes or provisions of this Ordinance.

**Markets not  
to be  
established  
without  
authority.**

**17.** After the commencement of this Ordinance no person shall, in a declared area, without the consent of the Governor—

- (a) establish any market;
- (b) close any market which has been established with the consent of the Governor;

- (c) being the owner, lessee or occupier of land, permit a market to be established thereon; or
- (d) maintain, conduct or manage a market established in breach of the provisions of this section.

Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine of fifty pounds and to a further fine of five pounds in respect of every day during which the offence is continued.

**18.** Nothing in this Ordinance shall be taken to apply to markets established or maintained by any person upon land owned, leased or lawfully occupied by him primarily for the supply of persons employed by him upon such land.

Exclusion of  
markets on  
private land  
for the  
supply of  
employees.

#### OBJECTS AND REASONS.

The objects of this Bill are—

- (a) to advance and improve the cultivation of native produce;
- (b) to promote the organized marketing of such produce.

The Bill empowers the Governor to declare any district, or part thereof, to be a "declared area" within which the purchase and sale of native produce may be controlled and regulated. In such areas the purchase of specified classes of native produce may be restricted to holders of licences issued by the district commissioner. Power is also given to the Governor in Council to grant exclusive trading licences for the purchase of any particular kind of native produce in declared areas.

Licences and exclusive trading licences are to be issued subject to such conditions as may be necessary and including in certain cases compulsory cash payments, for all purchases made thereunder.

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

Section 2 of the Principal Ordinance which it is proposed to amend :—

The Board  
may act as  
agents for the  
Government.

2. (1) Notwithstanding anything to the contrary contained in the Principal Ordinance, the Board may be appointed and may act as agents for the Government in the administration of any advances to farmers or others: Provided that no expenses of such agency shall fall to be paid from the funds of the Bank, and that the Board shall be indemnified by Government against any losses, costs, or expenses which may be sustained or incurred by the Board in the performance of such agency.

(2) The Board when engaged in such agency work shall not be deemed to be engaged on the business of the Bank and the members of the Board shall in respect of such agency work be remunerated at such rates as the Governor in Council may approve.

## GOVERNMENT NOTICE No. 469

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Land and Agricultural Bank  
(Amendment) Ordinance, 1933.**

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

**1.** This Ordinance may be cited as the Land and Agricultural Bank (Amendment No. 2) Ordinance, 1934, and shall be read as one with the Land and Agricultural Bank (Amendment) Ordinance, 1933, hereinafter referred to as the Principal Ordinance. Short title.  
No. 4 of 1933.

**2.** Sub-section (1) of section 2 of the Principal Ordinance is hereby amended by the substitution of the word "Bank" for the word "Board" wherever such word occurs therein. Amendment of section 2 of the Principal Ordinance.

OBJECTS AND REASONS.

It is desired to appoint the Land and Agricultural Bank as agents for the administration of the Agricultural Advances Scheme. The law as it stands provides for the appointment for this purpose of the Board of the Bank, but not of the Bank itself.

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

## GOVERNMENT NOTICE NO. 470

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Agricultural Advances  
Ordinance, 1930.**

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

Short title.

No. 12 of 1930.

1. This Ordinance may be cited as the Agricultural Advances (Amendment) Ordinance, 1934, and shall be read as one with the Agricultural Advances Ordinance, 1930, herein-after referred to as the Principal Ordinance, and shall be deemed to have come into operation on the first day of January, 1934.

**2. In this Ordinance—**

Interpretation

“agents” means the Land and Agricultural Bank of Kenya;

“Central Board” means the Central Agricultural Advances Board established under section 3 of the Principal Ordinance;

“participant” means a debtor to the Central Agricultural Advances Board in respect of advances made to him.

Transfer of  
powers of  
secretary to  
Central Board.  
Central Board  
may waive  
priority.

3. The powers, duties and obligations of the Secretary of the Central Board are hereby transferred to the agents.

4. The Central Board may waive and postpone in favour of the agents the priority of any charge whether statutory or otherwise over land held by them under the provisions of the Principal Ordinance.

Agents may  
re-issue pro-  
ceeds of crops,  
etc., from  
advances.

5. The agents may re-issue to approved participants as fresh advances the proceeds of any crops, produce or live stock sold which would otherwise be applied to the payment of interest or charges or to repayment of capital advances provided that any moneys so re-issued shall be allocated only to purposes for which advances have already been made under the Principal Ordinance.

**8.** The agents may in their discretion agree to and be a party to any approved arrangement made between a participant and a merchant firm making anticipatory advances against crops reaped or to be reaped under which the proceeds of such crops shall be shared in agreed proportions by the parties.

Agents may be  
party to  
arrangement  
with  
merchant firm.

#### OBJECTS AND REASONS.

In connection with the appointment of the Land and Agricultural Bank as agents for the administration of the Agricultural Advances Scheme it is desired to give the Bank wider discretion in the methods to be adopted for the safeguarding of moneys already due to the Central Agricultural Advances Board.

No expenditure of public money will be entailed if the provisions of this Bill become law.

Section 18 of the Principal Ordinance which it is proposed to amend :—

Distributing licence for local area.

Authorized distributor entitled to receive bulk supply.

Distributing licence; period.

18. (1) The Governor in Council may grant a distributing licence to any public or local authority, company, person, or body of persons, to distribute or supply electrical energy for public or private purposes within any local area, whether within or without the jurisdiction for other purposes, of any such public or local authority and may state the limits within which and the conditions under which the supply of electrical energy by the licensee shall be compulsory or permissive.

(2) The granting of a distributing licence shall authorize the authorized distributor to receive a bulk supply of electrical energy.

(3) A distributing licence may be for any period whether limited or unlimited.

## GOVERNMENT NOTICE NO. 471

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Electric Power Ordinance.**

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

**1.** This Ordinance may be cited as the Electric Power Short title. (Amendment) Ordinance, 1934, and shall be read as one with the Electric Power Ordinance (Chapter 165 of the Revised Cap. 165. Edition), hereinafter referred to as the Principal Ordinance.

**2.** Section 18 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-sections :—

“ (4) Where the duration of a distributing licence is limited the licensee may, within a period of not more than five years (or such greater period as the Governor in Council may in any particular case permit) and not less than three years from the date fixed for the termination of the licence, make application to the Governor in Council for a renewal of such distributing licence. Such application shall be made after public advertisement in manner prescribed by section 125 of this Ordinance.

Amendment of  
section 18 of  
the Principal  
Ordinance.

Renewal of  
distributing  
licence.

(5) Within six months after the receipt of such application and after such inquiry as he may deem necessary, the Governor in Council may grant the application on such terms and conditions and for such period as he may deem fit, or he may refuse the application.

Procedure on  
consideration  
of application  
for renewal of  
distributing  
licence.

(6) Where no such application for renewal of the licence has been made by the licensee or where such application has been refused, subsequent proceedings shall be in accordance with the provisions of sections 119 and 120 of this Ordinance, as the case may be, and as if the licence terminated had been revoked and the date of revocation were the date of expiration of the licence.”

Procedure  
when distribu-  
ting licence  
is to be  
terminated.

Paragraphs (a) and (i) of section 19 of the Principal Ordinance which it is proposed to replace :—

Purchase of works of authorized distributor by local authority.

Local authority may apply for licence.

Where local authority's application is granted, authorized distributor shall sell to them.

19. Where any authorized distributor is authorized by a distributing licence to supply electrical energy within any area, and any local authority within whose jurisdiction for other purposes such area or any part thereof is situated desires to undertake the supply of electrical energy in such area or any part thereof, the following provisions shall apply :—

- (a) At least six months preceding the expiration of a period of forty-two years from the date of the distributing licence, or such shorter period as is specified in that behalf in the distributing licence, or at least six months preceding the expiration of every subsequent period of seven years, or such shorter period as is specified in that behalf in the distributing licence, such local authority shall make application to the Governor in Council for the revocation of the existing distributing licence as to the whole or part of the area of supply, and for the issue to them of a distributing licence for such area or part thereof. In addition to any notices required to be given by this Ordinance, the applicant shall serve copies of such applications upon the authorized distributor, together with such further particulars as the Governor in Council may direct.
- (i) Where the application by a local authority for a distributing licence is granted by the Governor in Council under the provisions of this section, such local authority shall by notice in writing require the authorized distributor to sell, and thereupon the authorized distributor shall sell to them his works suitable to and used by him for the purposes of his distributing licence and situated within the area defined by the distributing licence granted to such local authority subject to the provisions herein contained.

**3.** Section 19 of the Principal Ordinance is hereby amended—

Amendment of  
section 19 of  
the Principal  
Ordinance.

(a) by the deletion of paragraph (a) thereof and the substitution therefor of the following :—

“ (a) Within six months after the expiration of a period of forty-two years from the date of the distributing licence, or such shorter period as is specified in that behalf in the distributing licence, or within six months after the expiration of every subsequent period of seven years, or such shorter period as is specified in that behalf in the distributing licence such local authority shall make an application to the Governor in Council for the revocation of the existing distributing licence as to the whole or part of the area of supply, and for the issue to them of a distributing licence for such area or part thereof. In addition to any notices required to be given by this Ordinance, the applicant shall serve copies of such applications upon the authorized distributor, together with such further particulars as the Governor in Council may direct.”

(b) by the deletion of paragraph (i) thereof and the substitution therefor of the following :—

“ (i) Where the application by a local authority for a distributing licence is granted by the Governor in Council under the provisions of this section, such local authority shall by notice in writing require the authorized distributor to sell to them the works suitable for, and used by such authorized distributor under his distributing licence for, the distribution of electrical energy within the area defined in the distributing licence granted to such local authority. Such notice aforesaid shall specify the date on or before which the sale of such works shall be completed, and the authorized distributor on whom such notice is served shall comply with the provisions of such notice : Provided that the date on or before which such sale shall be completed shall not be later than the date from which the revocation under section 119 (a) of the authorized distributor's licence is to take effect.”

Paragraph (b) of sub-section (2) of section 27 of the Principal Ordinance which it is proposed to amend :—

(2) Every owner or occupier of premises requiring a supply of electrical energy shall :—

(b) If required by the authorized distributor, enter into a written contract with him to continue to receive and pay for a supply of electrical energy for a period of at least two years of such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the authorized distributor for a supply of electrical energy to ordinary consumers within the area of supply, shall not be less than twenty per centum per annum on the outlay incurred by the authorized distributor in providing any electric supply lines required under this section to be provided by him for the purpose of the supply, and, if required by the authorized distributor, shall give to him security for the payment to him of all moneys which may become due to him by the owner or occupier in respect of any electric supply lines to be furnished by the authorized distributor.

Section 33 of the Principal Ordinance which it is proposed to amend :—

**Local generating licence.**

33. The Governor in Council may grant a local generating licence subject to the provisions of this Ordinance to any authorized distributor, to generate electrical energy for the purposes of the distributing licence of such authorized distributor.

**4.** Paragraph (b) of sub-section (2) of section 27 of the Principal Ordinance is hereby amended—

- (a) by the insertion between the words "security" and "for" which occur in the thirteenth line thereof of the words "in a sum not exceeding twenty shillings";
  - (b) by the deletion of the full stop which occurs at the end thereof; and
  - (c) by the addition immediately thereafter of the following words :—
- "and in respect of the supply of electrical energy by the authorized distributor."

Amendment of  
section 27 (2)  
of the Princi-  
pal Ordinance.

**5.** Section 33 of the Principal Ordinance is hereby amended by the insertion of the figure "(1)" at the commencement thereof and by the addition of the following sub-sections :

"(2) Where the duration of a local generating licence is limited, the licensee may, within a period of not more than five years (or such greater period as the Governor in Council may in any particular case permit) and not less than three years from the date named in the licence for its termination, make application to the Governor in Council for a renewal of such local generating licence. Such application shall be made after public advertisement in manner prescribed by section 125 of this Ordinance.

Amendment of  
section 33 of  
the Principal  
Ordinance.

(3) Within six months after the receipt of such application and after such inquiry as he may deem necessary, the Governor in Council may grant the application on such terms and conditions and for such period as he may deem fit, or he may refuse the application.

Renewal of  
local generat-  
ing licence.

(4) Where no such application for renewal of the licence has been made by the licensee or where such application has been refused, subsequent proceedings shall be in

Procedure on  
consideration  
of application  
for renewal of  
local generat-  
ing licence.

Procedure  
when local  
generating  
licence is to be  
terminated.

Section 90 of the Principal Ordinance which it is proposed to amend :—

Inspector to certify meters.

90. An electrical inspector, on being required to do so by the licensee or any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter used or intended to be used for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified, and the electrical inspector shall on the like requisition and payment examine the manner in which any such meter has been fixed and connected with the supply system, and shall certify that it has been fixed and connected with the supply system in some manner approved by the Governor if he considers that it is entitled to be so certified.

Section 91 of the Principal Ordinance which it is proposed to replace :—

Licensee to supply meters if required to do so.

91. Where the value of the supply is under this Ordinance required to be ascertained by means of an appropriate meter or meters, the licensee shall supply such meter or meters and fix it or them upon suitable premises and connect the supply system therewith, and if so required, cause the meter or meters to be duly certified under the provisions of this Ordinance and for those purposes he may authorize and empower any officer or person to enter upon the premises (if not in his sole occupation) at all reasonable times and execute all necessary work and do all necessary acts : Provided that previously to supplying any such meter or meters, the licensee may require the consumer to pay to him a reasonable sum in respect of the price of the meter or meters, or to give security therefor, or (if the latter desires to hire the meter or meters) may require him to enter into an agreement for the hire of the meter or meters as hereafter provided.

accordance with the provisions of sections 119 and 120 of this Ordinance, as the case may be, and as if the licence terminated had been revoked and the date of revocation were the date of expiration of the licence."

**6.** Section 90 of the Principal Ordinance is hereby amended—

- (a) by the insertion of the words "or any check meter", after the word "supply" which occurs in the fifth line thereof; and
- (b) by the deletion of the word "is" which occurs in the sixth line thereof and the substitution therefor of the word "it".

Amendment of section 90 of the Principal Ordinance.

**7.** Section 91 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Repeal and replacement of section 91 of the Principal Ordinance.

" 91. Where the value of the supply is under this Ordinance required to be ascertained by means of an appropriate meter or meters, such meter or meters shall be supplied on hire by the licensee who shall fix it or them upon the premises of the consumer and connect the supply system therewith, and if so required, cause the meter or meters to be duly certified under the provisions of this Ordinance and for those purposes he may authorize and empower any officer or person to enter upon the premises (if not in his sole occupation) at all reasonable times and execute all necessary work and do all necessary acts; and the consumer shall pay to the licensee for the hire of any such meter or meters such remuneration in money as may be approved by the Governor in Council and such remuneration shall be summarily recoverable by the licensee as a civil debt :

Provided that a consumer shall be entitled to instal in his premises a check meter or meters, which may be his own property, for the purpose of checking the value of electricity supplied to him. The registrations of any such

Licensee to supply meters.

Section 92 of the Principal Ordinance which it is proposed to amend :—

**Provision re  
separately and  
jointly owned  
meters.**

92. (1) In any case where the maximum demand of any consumer equals or exceeds two hundred kilo-volts-amperes, if it is so desired by the consumer, three appropriate meters shall be employed or used for ascertaining the value of the supply, which shall be the number of units represented by the mean of the readings of such meters, provided that where the last described method of measurement of the value of the supply is desired as aforesaid, one of such meters shall be the property of the licensee, one of such meters shall be the property of the consumer, and one of such meters shall be owned conjointly, and the cost of their fixing and connexion and the responsibility for, and the cost of, their maintenance or certification shall be according to ownership.

**Meter failing  
to register.**

(2) If the reading of each of the three meters employed or used to ascertain the value of the supply is within three per centum of the mean of the readings of the three meters, each meter shall be considered correct for the purposes of the accounts. If, however, the reading of any meter at any time shows a difference from the mean of the readings of the three meters of more than three per centum, then the mean of the readings of the three meters shall be taken for the time being, pending the correctness of each of the meters being determined, which shall be done forthwith and any meter which is found to have an error of more than three per centum shall be readjusted. If at any time and for any reason two only of the meters are in service the mean of the readings of these two meters shall be accepted by both parties, provided that such mean is within three per centum of the readings of both meters. If the mean of the readings of the two meters is found not to be within three per centum of the readings of both meters the same procedure shall be adopted with regard

check meter shall not be taken into account in determining the value of the supply, and no such check meter shall be fixed and connected with the supply system except in such manner and subject to such conditions as the Governor may approve :

Provided further that the licensee may, at his sole discretion, agree to the value of the supply to any consumer being ascertained by a private meter belonging to the consumer."

**8.** Section 92 of the Principal Ordinance is hereby amended as follows :—

(a) by the deletion of sub-section (1) thereof and the substitution therefor of the following :—

"(1) In any case where the maximum demand of any consumer equals or exceeds two hundred kilo-volt-amperes, if it is so desired by the consumer, two or three appropriate meters shall be employed or used for ascertaining the value of the supply, which shall be the number of units represented by the mean of the readings of such meters; provided that where the last described method of measurement of the value of the supply is desired as aforesaid, the consumer shall only be liable to pay the licensee for the hire of each of such two or three meters one half of the amount which the licensee would have been entitled to charge had only one meter been employed.";

Amendment of  
section 92 of  
the Principal  
Ordinance.

Provision re  
use of two or  
three meters.

(b) by the deletion of the words "the three meters" wherever those words occur in sub-section (2) thereof and the substitution therefor of the words "the two or three meters";

(c) by the deletion of the word "If" which occurs in line 12 of sub-section (2) thereof and the substitution therefor of the following words :—

"In any case where three meters are used for ascertaining the value of the supply in accordance with the provisions of this section, if".

to the determination of the accuracy and for the readjustment of the meters, as set forth above. In case of dispute, the matter may be referred by either party to an electrical inspector, as provided by section 98.

Section 93 of the Principal Ordinance which it is proposed to replace :—

Meters not to be connected without notice.

93. The licensee shall not, nor shall any consumer, connect or disconnect any meter to be used, or used for ascertaining the value of the supply with or from any electric supply line through which electrical energy is supplied by the licensee, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and the licensee or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding three pounds.

Section 94 of the Principal Ordinance which it is proposed to amend :—

94. The licensee shall not, nor shall any consumer, make any alteration, adjustment, or readjustment in any meter being used for ascertaining the value of the supply, whereby the action of such meter as a measuring instrument shall or may be affected, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and the licensee or any consumer acting in contravention of this section shall be liable to each offence to a penalty not exceeding three pounds.

Section 96 of the Principal Ordinance which it is proposed to repeal :—

Power of the licensee to let meters.

96. The licensee may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of the meter and fittings, and for securing the safety and return to the licensee of the meter and fittings, as may be agreed upon between the hirer and the licensee and approved of by the Governor in Council, or, in case of dispute, determined by the Governor in Council, and that remuneration shall be recoverable by the licensee as a civil debt, summarily.

**9.** Section 93 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

" 93. The licensee shall not connect or disconnect any meter to be used, or used for ascertaining the value of the supply, or any consumer's check meter, with or from any electric supply line through which electrical energy is supplied by the licensee, unless he has obtained the written consent of the consumer, or alternatively unless he has given to the consumer not less than forty-eight hours' notice in writing of his intention to do so, and if the licensee shall act in contravention of this section he shall be liable for each offence to a penalty not exceeding three pounds."

**10.** Section 94 of the Principal Ordinance is hereby amended—

- (a) by the insertion of the words "or unless otherwise mutually arranged," after the word "so" which occurs in the seventh line thereof; and
- (b) by the substitution of the word "for" for the word "to" which occurs in the eighth line thereof.

**11.** Section 96 of the Principal Ordinance is hereby repealed.

Repeal and replacement of section 93 of the Principal Ordinance.

Meters not to be connected or disconnected without consent or notice.

Amendment of section 94 of the Principal Ordinance.

Repeal of section 96 of the Principal Ordinance.

Section 97 of the Principal Ordinance which it is proposed to amend :—

Licensee to keep meters let for hire in repair.

97. The licensee shall, unless the agreement for hire otherwise provides, at all times, at his own expense, keep all meters let for hire by him to any consumer, whereby the value of the supply is or should be ascertained, in proper order for correctly registering that value, and in default of his doing so the consumer shall not be liable to pay rent for the meter during such time as the default continues. The licensee shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times : Provided that the expenses of having any such meter again duly certified, where that re-certifying is thereby rendered necessary, shall be paid by the licensee.

Section 98 of the Principal Ordinance which it is proposed to amend :—

Disputes as to accuracy of meter to be settled by inspector.

98. If any dispute arises between any consumer and the licensee as to whether any meter, whereby the value of the supply is ascertained (whether belonging to the consumer or to the licensee), is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter, that difference shall be determined upon the application of either party by an electrical inspector, and that electrical inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of the electrical inspector shall be final and binding on all parties.

Subject as aforesaid, the reading of the meter shall be conclusive evidence, in the absence of fraud, as to the value of the supply.

Section 99 of the Principal Ordinance which it is proposed to amend :—

99. Where any consumer who is supplied with electrical energy by the licensee from any electric supply line is provided with a meter for the purpose of ascertaining the value of the supply, and the licensee changes the method of charging for electrical energy supplied by him from the electric supply lines, the licensee shall pay to that consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to the new method of charging, and those expenses may be recovered by the consumer from the licensee as a civil debt, summarily.

**12.** Section 97 of the Principal Ordinance is hereby amended by the deletion from the first and second lines thereof of the following words :—

Amendment of  
section 97 of  
the Principal  
Ordinance.

“unless the agreement for hire otherwise provides.”.

**13.** Section 98 of the Principal Ordinance is hereby amended by the insertion after the word “parties” which occurs in the eleventh line thereof of the following words :—

Amendment of  
section 98 of  
the Principal  
Ordinance.

“In determining the said costs the electrical inspector may take into account any fee paid under section 90 of this Ordinance.”

**14.** Section 99 of the Principal Ordinance is hereby amended by the deletion of the words “is provided with a meter” which occur in the second and third lines thereof and the substitution therefor of the following words :—

Amendment of  
section 99 of  
the Principal  
Ordinance.

“has supplied, under the provisions of section 91 of this Ordinance, his own private meter”.

Section 105 of the Principal Ordinance which it is proposed to replace :—

**Wrongful and  
fraudulent  
practices.**

105. Any person who shall lay, erect or instal, or permit to be laid, erected or installed, any conductor, and connect it with any conductor to which electrical energy is supplied by a licensee without the consent of such licensee, or who, in case the value of the supply of electrical energy by the licensee is not ascertained by meter, shall use any apparatus or lamp other than he has contracted to pay for or shall use such apparatus or lamp at any other time than the time specified and for which he has contracted to pay, or who shall otherwise improperly use the supply of electrical energy or shall supply any other person with any part of the electrical energy supplied to him by the licensee, shall forfeit to the licensee a sum not exceeding seven pounds ten shillings for every such offence, and also a sum not exceeding three pounds for every day such conductor shall so remain, or such apparatus or lamp shall be so used, or such excess be so committed or continued, or such supply furnished ; and the licensee may also until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

**15.** Section 105 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

**Repeal and replacement of section 105 of the Principal Ordinance.**  
**Unauthorized connection or disconnection and fraudulent or improper use of electrical energy.**

“ 105. (1) Whoever—

- (a) connects, or permits to be connected, any meter referred to in section 88 of this Ordinance, or any meter, indicator or apparatus referred to in section 100 of this Ordinance, with any electrical supply line through which electrical energy is supplied by a licensee, or disconnects, or permits to be disconnected, any such meter, indicator or apparatus from any such electric supply line, without the consent of the licensee ; or
- (b) lays, erects or installs, or permits to be laid, erected or installed, any conductor or apparatus and connects it, or permits it to be connected, with any electric supply line through which electrical energy is supplied by a licensee, without the consent of the licensee ; or
- (c) disconnects, or permits to be disconnected, any conductor or apparatus from any electric supply line through which electrical energy is supplied by a licensee, without the consent of the licensee ; or
- (d) makes or permits to be made any alteration in his installation without the previous approval of the licensee ; or
- (e) in any case where the value of the supply of electrical energy by the licensee is not ascertained by meter, uses any apparatus or lamp other than he has contracted to pay for or uses such apparatus or lamp at any other time than the time specified and for which he has contracted to pay ; or
- (f) uses the electrical energy supplied to him for purposes other than that for which it is supplied ; or

Section 107 of the Principal Ordinance which it is proposed to amend :—

Wilful injury  
to works,  
tampering  
with meter or  
fraudulent  
use of energy.

Penalty.

Evidence of  
tampering  
with meter or  
fraudulent use  
of energy.

107. (1) Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the licensee, or alters the index of any meter for ascertaining the value of the supply, or prevents any such meter from duly registering the value of the supply, or fraudulently abstracts, consumes, or uses the electrical energy of the licensee shall be guilty of an offence and shall (without prejudice to any other right or remedy for the protection of the licensee or the punishment of the offender) be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding one year or both.

(2) The existence of artificial or unlawful means for causing such alteration or prevention (when such meter is under the custody or control of the consumer), or for abstracting, consuming or using the electrical energy of the licensee,

(g) supplies any other person with any part of the electrical energy supplied to him by the licensee, without the consent of the licensee, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty-five pounds and in the case of a continuing offence to a daily penalty not exceeding two pounds, and the licensee may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

(2) The existence of artificial or unlawful means for making such connection or disconnection as is referred to in paragraphs (a), (b) and (c) of sub-section (1) of this section, or making such alteration as is referred to in paragraph (d) of sub-section (1) of this section, or facilitating such use or supply as is referred to in paragraphs (e), (f) and (g) of sub-section (1) of this section, shall, where the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, be *prima facie* evidence that such connection, disconnection, alteration, improper use or supply, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted by the consumer."

**16.** (1) Sub-section (1) of section 107 of the Principal Ordinance, as replaced by section 6 of the Electric Power (Amendment) Ordinance, 1932, is hereby amended—

Amendment of  
section 107 of  
the Principal  
Ordinance.  
No. 23 of 1932.

- (a) by the deletion of the comma after the word "wilfully" which occurs in the first line thereof, and the substitution therefor of the word "or";
- (b) by the deletion of the words "or by culpable negligence", which occur in the first and second lines thereof; and
- (c) by the deletion of the words "or the punishment of the offender" which occur in the ninth and tenth lines thereof.

(2) Sub-section (2) of section 107 of the Principal Ordinance, as replaced by section 6 of the Electric Power (Amendment) Ordinance, 1932, is hereby amended—

No. 23 of 1932.

- (a) by the deletion of the full stop which occurs at the end thereof, and
- (b) by the addition immediately thereafter of the words "by the consumer."

shall be prima facie evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted.

Section 125 of the Principal Ordinance which it is proposed to amend :—

Notice by advertisement of applications for extension of time revocation of licence or alteration of areas.

125 (1) Subject to any provision in this Ordinance to the contrary before making any application to the Governor in Council—

- (a) to authorize, consent to, or approve of the altering or varying of any provision contained in this Ordinance or a licence which it is provided by this Ordinance may be so altered or varied ;
- (b) for any authority, consent or approval required under this Ordinance ;
- (c) to dispense with any authority, consent or approval of any public or local authority which is required with regard to any matter arising under this Ordinance when such consent or approval is refused or withheld ;
- (d) for the revocation of any licence, if as to an area of supply, for the whole or any part of such area ; or
- (e) for the alteration of any area defined in any licence ;

the intending applicant shall give notice by public advertisement of the intended application not more than sixty days and not less than thirty days before the application is to be made.

(2) Every such advertisement shall be published in each of two successive weeks in the Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and in any other area concerned in the application and shall contain the following particulars :—

- (a) A short title descriptive of the application ;
- (b) The date of the intended application ;
- (c) The name, address, and description of the applicant ;
- (d) A statement of the object of and reasons for the application ;
- (e) A description of the area or areas (if any) and of any public or local authority, company, person or body of persons (if any) which shall or may be affected by the grant of the application ;

**17.** Section 125 of the Principal Ordinance is hereby amended as follows :—

Amendment of  
section 125 of  
the Principal  
Ordinance.

- (a) By the deletion of the word "or" which occurs at the end of paragraph (d) of sub-section (1) of the section;
- (b) By the addition of the word "or" at the end of paragraph (e) of sub-section (1) of the section;
- (c) By the addition of the following paragraph to sub-section (1) of the section, immediately after paragraph (e) :—  
“ (f) For the renewal of any licence granted under this Ordinance ;”;
- (d) By the insertion after the words "thirty days" which occur in the sixth line of sub-section (4) of the section of the words "or, in the case of an application for the renewal of any licence, sixty days";
- (e) By the addition of the following proviso to sub-section (6) of the section :—  
“ Provided that the provisions of section 19 of this Ordinance shall be deemed to continue to apply to any licence so renewed or extended under this section unless the Governor in Council shall otherwise direct.”

(f) A statement of how or of the manner in which such area or areas, public or local authority, company, person or body of persons shall or may be affected by the grant of the application.

(3) Additional to such notice by public advertisement and within the time specified for its publication, the intending applicant shall serve a notice in writing with the aforesaid particulars on every public or local authority or licensee who shall or may be affected by the grant of the application.

(4) Every such notice must state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application must do so by letter addressed to the Governor in Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" on or before the expiration of thirty days from the date of the application as stated in the notice and that a copy of such representation or objection must be forwarded to the applicant.

(5) The application addressed to the Governor in Council may be printed or typed and must be signed or sealed as may be legally necessary by or on behalf of the applicant and delivered to the Governor in Council and marked on the outside of the cover enclosing it, "Electric Power Ordinance", together with proofs of the applicant's compliance with the provisions as to notices on or before the date stated in the notice as being and which shall be the date of the application.

(6) The Governor in Council shall consider any such application and any representation or objection which has been made respecting the same and may make or order such inquiry as he thinks fit and may refuse or may grant the application with such conditions or modifications as he deems expedient.

(7) The provisions of sub-sections (1), (2), (3) and (4) of this section shall not apply to applications for authority of the Governor in Council under sections 4 (1) (b) and 39 (3) of this Ordinance.

## OBJECTS AND REASONS.

It is considered desirable to amend the Electric Power Ordinance in certain respects and more particularly sections 18, 19, 33 and 91.

2. The proposed amendments to sections 18 and 33 are to enable a licensee to know some time before the date of the expiration of his licences whether the Governor in Council is prepared to grant a renewal, and to ensure that the Governor in Council shall know some time prior to the expiration of a licence whether or not the licensee intends to apply for a renewal, so that steps may be taken by Government in the latter event to provide for the continued operation of the undertaking.

3. The amendment to section 19 is designed to correct an evident error in the framing of the Ordinance, under the provisions of which a licensee is placed in the inequitable position of having to face the possibility of a forced sale of his undertaking or part of it to a local authority at any time during the currency of his licence until within six months of the date of its expiry. The amendment follows the English law and incorporates a common feature of electric power law generally in the Empire, that a licensee shall have an undisturbed initial period in operating his licence, after which and thereafter at certain fixed intervals a local authority, whose area is affected, may seek to acquire the enterprise or part thereof. The amendment also correlates the date of sale of the undertaking with the date of revocation of the original licence.

4. The proposed amendment to section 91, which is felt to be desirable in the general interests of consumers, provides that consumers shall not be permitted to own and instal their own meters for measuring the supply of electricity to their premises by a licensee under the Ordinance, except under a mutual arrangement in special cases. It also provides that a consumer may instal a meter on his premises purely for check purposes.

5. The amendments to sections 90, 92, 93, 96, 97 and 99 are consequential to the amendment to section 91.

6. The remaining amendments, though less important, are considered desirable, and opportunity has been taken to include them in the Bill with the more important amendments already referred to.

7. No expenditure of public moneys will be involved if the provisions of this Bill become law.

Section 2 of the Principal Ordinance which it is proposed to amend—

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

- “ Police officer ” means any person who is a member of the Police Force;
- “ Commissioner ” means the Commissioner of Police;
- “ Inspector ” includes a Chief Inspector, an Inspector, a Sergeant Instructor, and an Assistant Inspector;
- “ Commissioned Officer ” means any police officer of or above the rank of Assistant Superintendent;
- “ Non-Commissioned Officer ” means any police officer of or above the rank of Assistant Sub-Inspector, first grade, but below the rank of Assistant Superintendent;
- “ Subordinate Officer ” means any police officer below the rank of Assistant Sub-Inspector, first grade;
- “ Follower ” means and includes any tracker, porter, syce, boatboy, sweeper or female searcher attached to or employed in connection with the Police Force;
- “ Property ” includes any movable property, money or valuable security;
- “ Imprisonment ” means imprisonment of either description.

## GOVERNMENT NOTICE No. 472

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Police Ordinance, 1930.**

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

**1.** This Ordinance may be cited as the Police (Amendment) Ordinance, 1934, and shall be read as one with the Police Ordinance, 1930, hereinafter referred to as the Principal Ordinance, 1930. Short title.

**2.** Section 2 of the Principal Ordinance is hereby amended as follows :—

(a) By the substitution of the words "Depot Instructor" for the words "Sergeant Instructor" which occur in the definition of "Inspector";

(b) By the deletion of the definitions of "Commissioned Officer," "Non-Commissioned Officer," and "Subordinate Officer," and the insertion of the following definitions :—

"Superior Police Officer" means any police officer of or above the rank of Assistant Superintendent;

"Subordinate Police Officer" means any police officer below the rank of Assistant Superintendent;"

Amendment of section 2 of the Principal Ordinance.

Section 3 of the Principal Ordinance which it is proposed to replace :—

**Constitution of Police Force.**

3. The Police Force (to be known as "The Kenya Police") shall be formally enrolled and shall consist of such number of commissioned officers, non-commissioned officers and subordinate officers as may from time to time be ordered by the Governor.

Section 4 of the Principal Ordinance which it is proposed to amend :—

**Composition of Force.**

4. The Police Force shall, unless otherwise ordered by the Governor, consist of the following ranks :—

*Commissioned Officers :*

Commissioner  
Deputy Commissioner  
Assistant Commissioner  
Superintendents  
Assistant Superintendents

*Non-Commissioned Officers :*

Chief Inspectors  
Inspectors  
Sergeant Instructors  
Assistant Inspectors  
European Constables  
Chief Sub-Inspectors  
Sub-Inspectors, first grade  
Sub-Inspectors, second grade  
Assistant Sub-Inspectors, first grade

*Subordinate Officers :*

Assistant Sub-Inspectors, second grade  
Sergeants, first grade  
Sergeants, second grade  
Sergeants, third grade  
Corporals  
Constables, first grade  
Constables, second grade  
Constables, third grade  
Bandsmen  
Buglers.

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

Repeal and  
replacement of  
section 3 of  
the Principal  
Ordinance.

"**3.** The Police Force (to be known as 'The Kenya Police') shall be formally enrolled and shall consist of such number of superior police officers and subordinate police officers as may from time to time be ordered by the Governor."

Constitution of  
Police Force.

**4.** Section 4 of the Principal Ordinance is hereby amended :—

Amendment of  
section 4 of  
the Principal  
Ordinance.

(a) By the deletion of the headings "Commissioned Officers" and "Non-Commissioned Officers" and by the substitution therefor of the headings "Superior Police Officers" and "Subordinate Police Officers" respectively;

(b) By the deletion of the heading "Subordinate Officers";

(c) By the deletion of the term "European Constables" and the substitution therefor of the term "Assistant Inspectors, Second Grade";

(d) By the deletion of the term "Sergeant Instructors" and the substitution therefor of the term "Depot Instructors."

**Employment of  
Police Force  
in times of  
emergency.**

Section 7 of the Principal Ordinance which it is proposed to amend :—

7. (1) The Governor may, in case of war or other emergency, employ the Police Force or any part thereof in the defence of the Colony :

Provided that, for the purposes of interior economy, the Police Force shall remain under the command of the Commissioner or such commissioned or non-commissioned officer as may be present.

(2) When called upon to serve with the Regular Forces, the Police Force or such part thereof as may be so employed shall be subject to military law.

**Enlistment of  
constables.**

Section 16 of the Principal Ordinance which it is proposed to replace :—

16. (1) Every European police constable shall be enlisted to serve in the Police Force for a tour of service of not less than twenty months' nor more than thirty months' continuous residential service to be reckoned from the date of his arrival or enlistment in the Colony, and for such additional period as may from time to time be fixed by the Governor :

Provided that the tour of service and such additional period shall not together exceed thirty-six months.

(2) Any European constable of good character who has satisfactorily completed a period of not less than twenty-four months' continuous residential service may be placed on the permanent and pensionable establishment in accordance with the regulations in force for the time being for European officers in the service of the Colony, and in such event such period shall count towards pensionable service.

(3) Every Asiatic officer shall be enlisted to serve in the Police Force for a probationary period of not less than twelve months' continuous residential service (hereinafter referred to as "probationary period") to be reckoned from the date of his arrival or enlistment in the Colony, and for such additional period as may from time to time be fixed by the Governor : Provided that the probationary period and such additional period shall not together exceed thirty-six months.

(4) Every African subordinate officer shall be enlisted to serve in the Police Force for a period of five years, or for such less period as may from time to time be fixed by the Governor,

5. Section 7 of the Principal Ordinance is hereby amended by the substitution of the words "superior or other police officer as may be appointed by the Commissioner" for the words "commissioned or non-commissioned officer as may be present".

Amendment of  
section 7 of  
the Principal  
Ordinance.

6. Section 16 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Amendment  
section 16 of  
the Principal  
Ordinance.

"16. (1) Every subordinate police officer of or above the rank of assistant sub-inspector shall be enlisted to serve in the Police Force in accordance with the provisions of this Ordinance and with the regulations in force for the time being in the Colony governing the conditions of service applicable to the office he holds: Provided that in the event of any conflict or inconsistency between the provisions of this Ordinance and the regulations the provisions of this Ordinance shall prevail.

Enlistment  
of police  
officers.

Every subordinate police officer below the rank of assistant sub-inspector shall be enlisted to serve in the Police Force for a period of five years or for such less period as may from time to time be fixed by the Governor, such period to be reckoned from the date on which such subordinate police officer shall have been approved for service and taken on the strength of the force."

such period to be reckoned from the date on which such subordinate officer shall have been approved for service and taken on the strength of the force.

Section 19 of the Principal Ordinance which it is proposed to replace :—

**Leave conditions.**

19. (1) European police officers shall be eligible for leave in accordance with the regulations for the time being in force for European officers in the service of the Colony.

(2) Asiatic police officers shall be eligible for leave in accordance with the regulations for the time being in force for the Asiatic staff, other than clerks, in the service of the Colony.

(3) African subordinate officers not serving in the Northern Frontier Province or the Turkana Province may be granted local leave on full pay not exceeding fourteen days in any one year.

(4) African subordinate officers serving in the Northern Frontier Province or Turkana Province may at the expiration of three years' continuous service in either or both of such Provinces be granted local leave on full pay not exceeding sixty days.

(5) Where part of the service of an African subordinate officer has been in the Northern Frontier Province or the Turkana Province such officer may be granted local leave on full pay in proportion to the amounts which would be due under sub-sections (3) and (4) of this section.

(6) Notwithstanding anything in this section contained, African subordinate officers domiciled in Somaliland or Nyasaland may subject to re-engagement be granted leave on full pay not exceeding one month for each completed year of service in respect of which no leave shall have been granted, and, except with the approval of the Governor, not exceeding in any case five months.

(7) Any African subordinate officer who, being entitled to his discharge at the end of any period of service, re-engages for further service or who has completed three years of his original term of service on enlistment, may, with the approval of the Commissioner, be granted leave on full pay

7. Section 19 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Amendment of  
section 19 of  
the Principal  
Ordinance.

“19. (1) European police officers shall be eligible for leave in accordance with the regulations for the time being in force for European officers in the service of the Colony.

Leave  
conditions.

(2) Asiatic police officers shall be eligible for leave in accordance with the regulations for the time being in force for the Asiatic permanent staff in the service of the Colony.

(3) African police officers may be granted local leave on full pay not exceeding fourteen days in any one year.

If the exigencies of the service preclude the grant of local leave in any year such leave may accumulate, provided that no leave in excess of six weeks at any time may be granted under this sub-section. Leave granted under this sub-section shall be in addition to any leave granted under sub-section (4) or sub-section (5) of this section.

(4) Any African police officer who, being entitled to his discharge at the end of any period of service, re-engages for further service or who has completed three years of his original term of service on enlistment, may, with the approval of the Commissioner, be granted vacation leave on full pay at the rate of one month for each completed year of service. Leave granted under the provisions of this sub-section shall in no case exceed three months.

(5) African police officers domiciled in Somaliland, Nyasaland, Uganda, Tanganyika, Aden or the Sudan may be granted additional leave on full pay to cover the period necessarily occupied in proceeding to and returning from their place of domicile, in addition to any leave granted in accordance with the provisions of sub-sections (3) or (4) of this section : Provided that, except with the approval of the Governor, such period of additional leave for travelling shall in no case exceed fourteen days.”

not exceeding one month for each completed year of service in respect of which no leave shall have been granted, and not exceeding in any case three months.

Section 20 of the Principal Ordinance which it is proposed to amend :—

**Re-engage-  
ment.**

20. (1) Any Asiatic non-commissioned officer or any subordinate officer of good character who has completed or is within three months of completing his period of enlistment may, with the approval of the Commissioner, re-engage to serve for a further period of one or more years as may be fixed by the Commissioner but not exceeding three years and may similarly re-engage for a third or any subsequent period until he shall have completed a whole period of twelve years, reckoning from the date of his enlistment.

(2) Upon completing such period of twelve years he may, if he so desires, and with the approval of the Commissioner, re-engage to serve for any period or periods as may be fixed by the Commissioner until he shall have completed a total period of twenty-one years, reckoning from the date of his enlistment.

(3) Upon completing such period of twenty-one years he may, if he so desires, and with the approval of the Commissioner and of the Governor, continue in the Police Force in the same manner and in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of three months after he has given notice to the officer in charge of the Police Force at the place at which he is stationed of his wish to be discharged.

**Re-engage-  
ment after  
discharge.**

(4) If any African subordinate officer offers to re-engage for service within three months after having received his discharge he shall, if the Commissioner approves of his re-engagement, be entitled to the rank or grade which he held at the date of his discharge, and the service of an African subordinate officer who has so re-engaged shall be deemed to be continuous for the purposes of pension or gratuity.

If, however, any such subordinate officer is permitted to re-engage for service after the expiration of three months from the date of his discharge then it shall be discretionary with the Commissioner, subject to the approval of the Governor, to allow the previous service, or part of such service,

**8.** Section 20 of the Principal Ordinance is hereby amended as follows :—

Amendment of  
section 20 of  
the Principal  
Ordinance.

(a) by the substitution of the words "Any subordinate police officer below the rank of assistant sub-inspector" for the words "Any Asiatic non-commissioned officer or any subordinate officer" which occur in the first and second lines of sub-section (1) thereof;

(b) by the deletion of the words "and of the Governor" which occur in the third line of sub-section (3) thereof;

(c) by the substitution of the words "If any subordinate police officer below the rank of assistant sub-inspector" for the words "If any Asiatic non-commissioned officer or any subordinate officer" which occur in the first and second lines of sub-section (5) thereof.

of such officer to count for the purposes of pension or gratuity, and the question of the reinstatement of such officer in the rank or grade which he held at the date of his discharge shall rest with the Commissioner.

(5) If any Asiatic non-commissioned officer or any subordinate officer who has served as a non-commissioned officer or constable in the similarly constituted police service of the Uganda Protectorate or the Nyasaland Protectorate or the Tanganyika Territory is enlisted in the Police Force within three months after having received his discharge from the appropriate authority he shall be entitled for the purposes of gratuity but not of pension to count his period of service in such Protectorate or Territory as if it had been service in the Police Force.

Section 21 of the Principal Ordinance which it is proposed to replace :—

Exemption  
from hut or  
poll tax after  
nine years'  
service.

21. Subject to the approval of the Governor on the recommendation of the Commissioner, every African subordinate officer shall, after nine years' continuous good service, be exempt from payment of poll tax in respect of himself for his life or, alternatively, he shall be exempt from the payment of hut tax in respect of one hut for his life : Provided that the exemption conferred by this section shall not be granted to any African subordinate officer enlisted after the 31st day of March, 1931.

**9.** Section 21 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 21 of the Principal Ordinance.

" 21. (1) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or before the thirty-first day of December, 1932, shall, after nine years' continuous good service, be exempt from payment of poll tax in respect of himself for his life, or alternatively, he shall be exempt from the payment of hut tax in respect of one hut for his life :

Exemption from hut or poll tax or gratuities in lieu thereof.

Provided that any such African subordinate police officer to whom exemption from paying poll tax or hut tax has been granted under this sub-section may, at his option exerciseable at the time of discharge, be paid in lieu of such exemption, a gratuity, viz :—

£ s.

(a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years ... ... ...	7	10
(b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of twelve years ... ... ...	10	00

Section 24 of the Principal Ordinance which it is proposed to amend :—

Discharge of European constables and subordinate officers. 24. (1) Any European constable may be discharged by the Commissioner at any time :—

(a) Without pension or gratuity :—

- (i) If the Commissioner shall consider that he is unlikely to become an efficient constable ;
- (ii) If he has not completed twenty-four months' continuous residential service and is pronounced by a Government medical officer to be mentally or physically unfit for further service ;
- (iii) On purchase of his discharge, with the approval of the Commissioner at the following rates :—

£75 during the first year of service ;  
£50 during the second year of service ;  
£35 during the third year of service :

Provided that if at the date of the purchase of discharge such European constable has not completed twenty months' continuous residential service he shall refund the whole or such portion of the cost (if any), as the Commissioner may determine, incurred by the Government in bringing him to the Colony, including the amount of salary drawn in respect of return leave granted

(2) Subject to the approval of the Treasurer on the recommendation of the Commissioner every African subordinate police officer who has been enlisted on or after the first day of January, 1933, shall be granted, in addition to any other gratuity payable on discharge under the provisions of this Ordinance or any regulation thereunder, gratuities, viz :—

	£ s.
(a) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of nine years ... ... ...	7 10
(b) In the case of such African subordinate police officer on discharge after continuous good service extending to a period of twelve years ... ... ...	10 00"

**10.** Section 24 of the Principal Ordinance is hereby amended as follows :—

Amendment of  
section 24 of  
the Principal  
Ordinance

- (a) By the deletion of the term "European Constable" wherever that term occurs therein and the substitution therefor of the term "assistant inspector, second grade";
- (b) By the deletion of the word "constable" wherever that word occurs therein and the substitution of the words "police officer";
- (c) By the repeal of paragraph (a) (ii) of sub-section (1) thereof and the substitution therefor of the following paragraph :—
  - "(ii) If he has not been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit for further service";
- (d) By the deletion of paragraph (a) (iii) of sub-section (1) thereof;
- (e) By renumbering paragraph (a) (iv) of sub-section (1) thereof as (a) (iii);
- (f) By the deletion of the words "provisions of the European Officers' Pensions Ordinance, 1927," which occur in the second and third lines of paragraph (b) of sub-section (1) thereof and the substitution therefor of the words "regulations for the time being in force for other European officers";

during his preceding leave, together with any salary drawn by him in respect of the voyage from England or elsewhere;

- (iv) If he has been sentenced to be dismissed from the Police Force for misconduct.

- (b) With pension or gratuity according to length of service in accordance with the provisions of the European Officers' Pensions Ordinance, 1927 :—

No. 11 of 1927.

- (i) If the Commissioner shall consider that he has ceased to be an efficient constable;

- (ii) If he has completed twenty-four months' continuous residential service and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service;

- (iii) On reduction of establishment.

(2) Any Asiatic non-commissioned officer or any subordinate officer may be discharged by the Commissioner at any time :—

- (i) If the Commissioner shall consider that he is unlikely to become or has ceased to be an efficient police officer;

- (ii) If he is pronounced by a Government medical officer to be mentally or physically unfit for further service;

- (iii) On purchase of his discharge, with the approval of the Commissioner, at the following rates :—

In the case of an—

Asiatic      African

£6/0/0    £4/0/0 during the first year of service;  
£4/10/0   £3/0/0 during the second year of service;

£3/0/0    £2/0/0 during the third or any subsequent year of service :

Provided that if at the date of the purchase of discharge such Asiatic non-commissioned officer or subordinate officer has not completed the

(g) By the repeal of paragraph (b) (ii) of sub-section (1) thereof and the substitution therefor of the following paragraph :—

“(ii) If he has been confirmed in his appointment and is pronounced by a Government medical officer to be mentally or physically unfit, not through his own misconduct, for further service”;

(h) By the insertion of the words “or African” after the word “Asiatic” where such word occurs in the first line of sub-section (2) thereof;

(i) By the repeal of paragraph (iii) of sub-section (2) thereof;

(j) By the re-numbering of paragraphs (iv) and (v) of sub-section (2) thereof as (iii) and (iv) respectively.

period of service for which he was first enlisted he shall refund the whole or such portion of the cost (if any), as the Commissioner may determine, incurred by the Government in bringing him to the Colony;

- (iv) If he has been sentenced to be dismissed from the Police Force for misconduct;
- (v) On reduction of establishment.

Section 25 of the Principal Ordinance which it is proposed to amend :—

Rules for reckoning service for purposes of discharge of European constables, Asiatic non-commissioned and subordinate officers.

25. In reckoning the service of any European constable or Asiatic non-commissioned officer or any subordinate officer for purposes of discharge there shall in all cases be excluded therefrom all periods during which such constable or officer has been absent from duty for any of the following reasons :—

- (a) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner;
- (b) Desertion;
- (c) Absence without leave exceeding forty-eight hours.

Section 26 of the Principal Ordinance which it is proposed to amend :—

Discharge on completion of service.

26. Subject to the provisions of sections 20 and 23 any Asiatic non-commissioned officer or any subordinate officer who has completed his period or periods of service in accordance with the provisions of this Ordinance shall be discharged by the officer in charge of the Police Force at the headquarters of the district in which such Asiatic non-commissioned officer or any subordinate officer is stationed, unless at the date of such completion of service he is undergoing punishment for, or stands charged with, the commission of any offence, in which case his service shall be prolonged and his discharge deferred until such punishment shall have terminated or until he has undergone his trial and any punishment which may be awarded in respect of the offence with which he has been charged, as the case may be.

**11.** Section 25 of the Principal Ordinance is hereby amended by the substitution of the words "Assistant inspector, second grade, Asiatic or African subordinate police officer" for the words "European constable or Asiatic non-commissioned officer or any subordinate officer" which occur in the first and the second lines thereof; and by the deletion of the words "constable or" which occur in the fourth line thereof.

Amendment  
of section  
25 of  
the Principal  
Ordinance.

**12.** Section 26 of the Principal Ordinance is hereby amended by the deletion of the words "any Asiatic non-commissioned officer or any subordinate officer" and the substitution therefor of the words "any subordinate police officer below the rank of Assistant Sub-Inspector".

Amendment  
of section  
26 of the  
Principal  
Ordinance.

Section 37 of the Principal Ordinance which it is proposed to amend :—

Power to take finger prints of all persons in lawful custody.

37. (1) It shall be lawful for any police officer to take and record for the purpose of identification the finger prints of all persons who may from time to time be in lawful custody : Provided that if the finger prints are taken by a police officer below the rank of assistant sub-inspector such finger prints shall be taken in the presence of a magistrate or a justice of the peace or a police officer of or above the rank of assistant sub-inspector.

(2) Any person in lawful custody who shall refuse to submit in a proper manner to the method of identification aforesaid shall be liable, on conviction before a magistrate, to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Section 41 of the Principal Ordinance which it is proposed to amend :—

Offences against discipline.

41. Any non-commissioned or subordinate officer or follower who—

- (1) begins, excites, causes or joins in any mutiny or sedition amongst the Police Force, or does not use his utmost endeavours to suppress such mutiny or sedition, or conspires with any other person to cause any mutiny or sedition, or being cognisant of any mutiny or sedition, or intended mutiny or sedition, does not without delay give information thereof to his superior officer ; or
- (2) persuades or endeavours to persuade, procures or attempts to procure, or assists any police officer to desert, or being cognisant of any such desertion or intended desertion does not without delay give information thereof to his superior officer ; or
- (3) uses traitorous or disloyal words regarding His Majesty ; or
- (4) is disrespectful in word, act or demeanour to his superior officer ; or
- (5) wilfully disobeys any lawful command ; or

**13.** Sub-section (1) of section 37 of the Principal Ordinance is hereby amended by the addition at the end thereof of the following proviso :—

Amendment of  
section 37 (1)  
of the Princi-  
pal Ordinance.

“ And provided further that if the finger prints are taken of a person who has not previously been convicted of crime, and such person is discharged or acquitted by a court, all such finger prints and the photographs, if any, both negatives and copies, of such finger prints shall be forthwith destroyed or handed over to such person.”

**14.** Section 41 of the Principal Ordinance is hereby amended as follows :—

Amendment of  
section 41 of  
the Princi-  
pal  
Ordinance.

(a) By the insertion of the following paragraph, to be numbered (3a), after paragraph (3) :—

“ (3a) strikes, or uses or offers any violence against his superior officer, or uses threatening or insubordinate language to his superior officer ; or ”;

(b) By the insertion of the word “ negligently ” before the word “ allows ” in the first line of paragraph (12) ;

(c) By the repeal of paragraph (18) ;

(d) By the insertion after paragraph (20) of the following paragraph, to be numbered (20a) :—

“ (20a) is idle or negligent in the performance of his duties ; or ”;

(e) By the repeal of paragraph (22) and the substitution therefor of the following :—

“ (22) parades for duty dirty or untidy in his person, arms, clothing or equipment ; or ”;

(f) By the insertion after paragraph (22) of the following paragraph, to be numbered (22a) :—

“ (22a) makes or signs any false statement in any official record or document ; or ”;

- (6) is guilty of drunkenness; or
- (7) drinks intoxicating liquor when on duty; or
- (8) absents himself without leave; or
- (9) is found sleeping at his post, or leaves his post before he is regularly relieved except in fresh pursuit of any offender whom it is his duty to apprehend; or
- (10) being under arrest or in confinement leaves or escapes from his arrest or confinement before he is set at liberty by proper authority; or
- (11) neglects or refuses to assist in the apprehension of any police officer charged with any offence when lawfully ordered so to assist; or
- (12) allows to escape any prisoner who is committed to his charge or whom it is his duty to keep or guard; or
- (13) offers unwarrantable personal violence to any person in his custody; or
- (14) is guilty of cowardice; or
- (15) discharges his rifle without orders or just cause; or
- (16) without reasonable cause fails to appear at any parade appointed by his superior officer; or
- (17) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any arm, ammunition, accoutrement, uniform or other appointment supplied to him or any Government property committed to his charge; or
- (18) steals any money or goods the property of any police officer or steals or embezzles any Government money or goods, or receives any such money or goods knowing the same to have been stolen or embezzled from any police officer or from the Government; or
- (19) commits any act of plunder or wanton destruction of property; or
- (20) accepts or solicits a bribe or gratuity; or
- (21) is slovenly, inattentive, uncivil or quarrelsome; or

- (22) fails to keep his rifle clean; or
- (23) without due authority discloses or conveys any information concerning any investigation or other police or departmental matter; or
- (24) malingers, or feigns or produces any disease or infirmity; or
- (25) is wilfully guilty of misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders, by which misconduct or disobedience he produces or aggravates any disease or infirmity or delays its cure; or
- (26) incurs debt in or out of the Police Force; or
- (27) without proper authority exacts from any person, carriage, portage or provisions; or
- (28) resists an escort whose duty it is to apprehend him or to have him in charge; or
- (29) breaks out of police lines, camp or quarters; or
- (30) makes any false statement upon joining the Police Force; or
- (31) refuses or neglects to make or send a report or return which it his duty to make or send; or
- (32) makes a false accusation against any police officer knowing such accusation to be false; or
- (33) in making a complaint against any police officer makes a false statement affecting the character of such officer knowing such statement to be false or knowingly and wilfully suppresses any material facts; or
- (34) engages without authority in any employment or office other than his police duties; or
- (35) becomes security for any person or engages in any loan transaction with any police officer without the permission in writing of the Commissioner; or
- (36) if called upon by a commissioned officer to furnish a full and true statement of his financial position fails to do so; or

- (37) is guilty of any act, conduct, disorder or neglect which is declared by regulations made under this Ordinance to be an offence against duty or discipline ; or  
(38) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not hereinbefore specified,

shall be deemed to have committed an offence against discipline, and shall suffer such punishment, according to the degree and nature of the offence, as may be awarded in accordance with section 42 of this Ordinance.

A commissioned officer or an inspector may arrest or order the arrest of any police officer (not being an officer of his own or of a superior rank), or any follower who is accused of an offence under this section, and any police officer may, on receipt of any such order as aforesaid, apprehend such accused person without a warrant and shall forthwith bring him before a commissioned officer or an inspector.

Section 42 of the Principal Ordinance which it is proposed to replace :—

Punishments which may be awarded.

42. (1) A commissioned officer or an inspector in charge of the Police Force in any place or an administrative officer in any place where there is no commissioned officer or inspector in charge may enquire into the truth of any charge under the last preceding section, and, if his decision is against the accused, he may impose on him any one or more of the following punishments : —

(i) In the case of inspectors :—

Reprimand ;

(ii) In the case of other non-commissioned officers :—

(a) Reprimand ;

(b) Fine not exceeding one hundred and fifty shillings ;

(iii) In the case of subordinate officers :—

(a) Reprimand ;

(b) Confinement for a period not exceeding fifteen days with or without punishment drill, extra guards, fatigues or other duty ;

**15.** Section 42 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal and  
replacement of  
section 42 of  
the Principal  
Ordinance.

“ 42. (1) A superior police officer or an inspector in charge of the Police Force in any place or an administrative officer in any place where there is no superior police officer or inspector in charge may inquire into the truth of any charge under the last preceding section, and, if his decision is against the accused, he may impose on him any one or more of the following punishments :—

Punishments  
which may be  
awarded.

(i) In the case of inspectors—

Reprimand ;

(ii) In the case of assistant inspectors, chief sub-inspectors, sub-inspectors and assistant sub-inspectors—

(a) Reprimand ;

(b) Fine not exceeding one hundred and fifty shillings ;

(c) Fine not exceeding one hundred and fifty shillings;

(d) Reduction in rank or grade;

(iv) In the case of followers :—

(a) Reprimand ;

(b) Fine not exceeding one hundred shillings ;

(c) Stoppage of increment ;

(d) Dismissal.

Every sentence passed under this sub-section involving a reprimand on a non-commissioned officer or the imposition of a fine or reduction in rank or grade shall, before being carried into execution, be reported to the Commissioner who may confirm or vary any such sentence : Provided that the Commissioner shall not increase any such sentence without giving the accused an opportunity of being heard.

**Special powers of Commissioner.**

(2) The Commissioner may, in respect of any conviction made by himself upon investigating any charge under section 41 or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the following punishments :—

(i) In the case of any non-commissioned officer :—

(a) Fine not exceeding two hundred shillings ;

(b) Stoppage of increment ;

(c) Reduction in rank or grade ;

(d) Dismissal.

(ii) In the case of any subordinate officer :—

(a) Forfeiture of all pay which may be due to him ;

(b) Forfeiture of any reward which he may have earned in the Police Force ;

(c) Forfeiture of any advantage in regard to gratuity on discharge which he may have earned by past service ;

(d) Dismissal :

(iii) In the case of other subordinate police officers—

- (a) Reprimand;
- (b) Imprisonment for a period not exceeding fifteen days with or without punishment drill, extra guards, fatigues or other duty;
- (c) Fine not exceeding one hundred and fifty shillings;
- (d) Reduction in rank or grade;
- (e) Confinement to barracks or lines for a period not exceeding twenty-one days.

(iv) In the case of followers—

- (a) Reprimand;
- (b) Fine not exceeding one hundred shillings;
- (c) Stoppage of increment;
- (d) Dismissal.

If any variance between the charge and the evidence appears to the Commissioner to be such that the accused has been thereby deceived or misled, the Commissioner may make an amendment of the charge on such terms as may be just and remit the amended charge to the said superior police officer or inspector in charge to inquire into the truth of such amended charge, or he may himself investigate any such charge.

Every sentence passed under this sub-section involving a reprimand on an inspector, assistant inspector, chief sub-inspector, sub-inspector and assistant sub-inspector or any imposition of a fine or reduction in rank or grade shall, before being carried into execution, be reported to the Commissioner, who may confirm or vary any such sentence.

Any punishment imposed by a superior police officer, inspector in charge or administrative officer under this section may be mitigated or increased or altered to any other punishment which might have been imposed for the offence or remitted by the Commissioner.

Provided that any non-commissioned or subordinate officer who has been awarded a punishment under paragraphs (i) (d), (ii) (b), (ii) (c), or (ii) (d) of this sub-section and who is dissatisfied with the decision of the Commissioner may within seven days after the decision has been communicated to him appeal to the Governor in Council whose decision shall be final.

(3) An investigation by the Commissioner under sub-section (2) of this section shall be conducted in accordance with Rules made by the Governor in Council.

Section 43 of the Principal Ordinance which it is proposed to amend :—

Interdiction  
pending  
inquiry.

43. Any commissioned officer, non-commissioned or subordinate officer may be interdicted from duty at any time by the Commissioner pending an inquiry under Colonial Regulations or this Ordinance, as the case may be, but shall not, by reason of such interdiction, cease to be a police officer :

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(2) The Commissioner may, in respect of any conviction made by himself upon investigating any charge under section 41 or in respect of any conviction reported to him under sub-section (1) of this section, impose any one or more of the following punishments :—

- (i) In the case of subordinate police officers of or above the rank of assistant sub-inspectors, first grade—
  - (a) Fine not exceeding two hundred shillings;
  - (b) Stoppage of increment;
  - (c) Reduction in rank or grade;
  - (d) Dismissal;
- (ii) In the case of any other subordinate police officer—
  - (a) Forfeiture of all pay which may be due to him;
  - (b) Forfeiture of any reward which he may have earned in the Police Force;
  - (c) Forfeiture of any advantage in regard to gratuity and pension on discharge which he may have earned by past service;
  - (d) Dismissal.

(3) An investigation by the Commissioner under sub-section (2) of this section shall be conducted in accordance with Rules made by the Governor in Council."

**16.** Section 43 of the Principal Ordinance is hereby amended by the substitution of the words "Any superior police officer or subordinate police officer" for the words "Any commissioned officer, non-commissioned or subordinate officer" which occur in the first and second lines thereof.

Amendment of  
section 43 of  
the Principal  
Ordinance.

Section 45 of the Principal Ordinance which it is proposed to repeal :—

**Corporal punishment.**

45. (1) Any African subordinate officer or follower who—  
(a) strikes, or uses or offers any violence against his superior officer, or uses threatening or insubordinate language to his superior officer ; or  
(b) wilfully disobeys any lawful command ; or  
(c) malingers, or feigns or produces any disease or infirmity ; or  
(d) resists an escort whose duty it is to apprehend him or to have him in charge ; or  
(e) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline ; or  
(f) having been previously convicted of any offence under section 41, is convicted of any further offence under the said section,

may, in addition to or in lieu of any other punishment to which he may be liable, be sentenced to undergo corporal punishment not exceeding fifteen lashes, to be inflicted only as prescribed by this section.

(2) No sentence of corporal punishment shall be imposed by an officer other than a commissioned officer, and every such sentence shall be reported to the Commissioner.

(3) A sentence of corporal punishment shall not be carried out except in the presence of a Government medical officer or, in case no medical officer is available, of a magistrate or commissioned officer, and such medical officer, magistrate, or commissioned officer, as the case may be, shall first satisfy himself and shall certify in writing as to the physical fitness of the offender to undergo the sentence. The medical officer, magistrate or commissioned officer, as the case may be, shall give such orders as he may deem necessary for preventing injury to the health of the offender and all such orders shall be immediately obeyed. In case the said medical officer or magistrate or commissioned officer as the case may be shall order the punishment to be discontinued it shall be discontinued immediately.

(4) No sentence of corporal punishment shall be carried out except with an instrument approved by the Governor.

*In the year  
of our Lord  
one thousand  
nine hundred  
and thirty-four  
and in the  
reign of King  
George VI  
Emperor of India  
and  
Dismissal and  
reduction in  
rank of non-  
commissioned  
and subordin-  
ate officers  
sentenced to  
imprisonment.*

Section 48 of the Principal Ordinance which it is proposed to amend :—

48. The Commissioner may reduce in rank or grade or may dismiss from the Police Force any non-commissioned or subordinate officer who has been sentenced to imprisonment by any court in respect of any offence, whether under this Ordinance or otherwise :

Provided that the dismissal of a non-commissioned officer, other than a European constable, under this section shall be subject to the approval of the Governor.

Section 52 of the Principal Ordinance which it is proposed to amend :—

*Place of  
confinement of  
offenders under  
this Ordinance.*

52. All police officers who are arrested for any offence under this Ordinance, and all offenders sentenced to confinement by a police or administrative officer under this Ordinance, shall be confined in any building set apart as a guardroom or cell.

Section 53 of the Principal Ordinance which it is proposed to amend :—

*Establishment  
of Police  
Rewards and  
Fines Fund.*

53. (1) All fines imposed by a police or administrative officer upon a member of the Police Force under the provisions of this Ordinance or any regulations made thereunder shall be paid to the Treasurer to be placed to the credit of a fund to be called the "Police Rewards and Fines Fund."

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may sanction payments from the Police Rewards and Fines Fund for any of the following purposes :—

- (a) Assistance to the wives or families of deceased non-commissioned or subordinate officers, or to non-commissioned or subordinate officers discharged from the Police Force as medically unfit for further service, at the discretion of the Commissioner;
- (b) Contributions towards prizes to be given at athletic meetings, assaults-at-arms and similar events organized by or for the benefit of the Police Force;
- (c) Purchase of ammunition for the encouragement of range practice among the members of the Police Force;

**18.** Section 48 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto and the substitution therefor of the following proviso :—

Amendment of  
section 48 of  
the Principal  
Ordinance.

" Provided that the dismissal of a subordinate police officer above the rank of assistant inspector, second grade, under this section shall be subject to the approval of the Governor."

**19.** Section 52 of the Principal Ordinance is hereby amended by substituting the word "imprisonment" for the word "confinement."

Amendment of  
section 52 of  
the Principal  
Ordinance.

**20.** Section 53 of the Principal Ordinance is hereby amended by the insertion of the following words between the words "thereunder" and "shall" which occur in the third line thereof :—

Amendment of  
section 53 of  
the Principal  
Ordinance.

" and all fines levied for assaults on members of the Force."

- (d) Payments to non-commissioned or subordinate officers as rewards for meritorious acts or service in the execution of duty, if such payments are not met from Colonial funds;
- (e) Expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Police Force.
- (4) Annual estimates of revenue and expenditure on account of the Police Rewards and Fines Fund shall be framed by the Commissioner and shall be submitted to the Treasurer in sufficient time to admit of their consideration before the commencement of the year to which they relate.

Section 55 of the Principal Ordinance which it is proposed to amend :—

Pensions and gratuities.

No. 11 of 1927.

55. (1) European police officers shall be eligible for pensions or gratuities in accordance with the provisions of the European Officers' Pensions Ordinance, 1927.

(2) Asiatic police officers shall be eligible for pensions or gratuities in accordance with the regulations for the time being in force for other Asiatic officials.

(3) African subordinate officers shall be eligible for pensions or gratuities in accordance with regulations made under this Ordinance.

Power to make regulations for granting of pensions or gratuities to Africans.

Section 56 of the Principal Ordinance which it is proposed to amend :—

56. (1) It shall be lawful for the Governor in Council, with the sanction of the Secretary of State, from time to time to make, and when made to vary and revoke regulations for the granting of pensions or gratuities to African subordinate officers.

(2) Every such regulation when made shall be laid before the Legislative Council and shall be published in the Gazette.

(3) No such regulation shall provide for the payment of a gratuity to any such officer who has not completed twelve years' continuous service nor shall any such officer be eligible in any case for a gratuity a sum exceeding thirty pounds.

(4) No such regulation shall provide for the grant of a pension to any such officer who has not completed sixteen

**21.** Section 55 of the Principal Ordinance is hereby amended as follows—

- (a) by the deletion of the words "provisions of the European Officers Pensions Ordinance, 1927," which occur in the second and third lines of sub-section (1) thereof, and the substitution therefor of the words "regulations for the time being in force for other European officers";
- (b) by deleting the words "pensions or" which occur in sub-sections (2) and (3) thereof.

Amendment of  
section 55 of  
the Principal  
Ordinance.

**22.** Section 56 of the Principal Ordinance is hereby amended as follows—

- (a) by the deletion of the words "pensions or" which occur between the words "of" and "gratuity" in the fourth line of sub-section (1) thereof;
- (b) by the insertion of the word "of" after the word "gratuity" which occurs in the fourth line of sub-section (3) thereof;
- (c) by the deletion of sub-section (4) thereof.

Amendment of  
section 56 (1)  
of the Princi-  
pal Ordinance.

years' continuous service, and no pension shall in any case exceed half the maximum salary drawn by any such officer at any time.

Section 57 of the Principal Ordinance which it is proposed to amend :—

Provisions for disposal of personal property of non-commissioned or subordinate officer dying intestate.

57. (1) Every constable on enlistment shall declare the name or names of the person or persons to whom, in the event of his death without having made a valid will, any monies or personal property should be paid or delivered, and the name or names of such person or persons shall be recorded at the headquarters of the Police Force. The records shall be verified periodically and it shall be the duty of every police officer to report any alteration in the records which he may desire to be made.

(2) Any commissioned officer or any officer of any public department having in his charge or control any pay, gratuity, allowance or other monies or any personal property belonging to any non-commissioned or subordinate officer who has died intestate having complied with the requirements aforesaid may pay or deliver the same to the person or persons whose name or names has or have been recorded by such officer in the manner prescribed.

Section 63 of the Principal Ordinance which it is proposed to repeal :—

Medals, decorations, etc., not to be included in estate of deceased non-commissioned or subordinate officer.

63. Medals and decorations shall not be included in the personal property of any deceased non-commissioned or subordinate officer but the same shall be delivered to the Commissioner and shall be disposed of in accordance with regulations made under this Ordinance.

Section 64 of the Principal Ordinance which it is proposed to amend :—

Employment of additional police officers at expense of private persons.

64. The Commissioner may, subject to the direction of the Governor, on the application of any person and on being satisfied as to the necessity therefor, depute any additional number of police officers for special duty at any place in the Colony and for such period as he may consider necessary. Such police officers shall, subject to the provisions of this Ordinance, be exclusively under the orders of the officer in

**23.** Sub-section (1) of section 57 of the Principal Ordinance is hereby amended by the deletion of the first four words thereof, and the substitution therefor of the following words :—

“ Every subordinate police officer on joining ”.

Amendment of  
section 57 of  
the Principal  
Ordinance.

**24.** Section 63 of the Principal Ordinance is hereby repealed.

Repeal of  
section 63 of  
the Principal  
Ordinance.

**25.** Section 64 of the Principal Ordinance is hereby amended by the insertion of the words “in accordance with such rates of pay as may be prescribed by the Governor in Council ” after the word “ application ” which occurs in the tenth line thereof.

Amendment of  
section 64 of  
the Principal  
Ordinance.

charge of the Police Force in such place and shall, unless the Governor otherwise directs, be employed at the expense of the person making the application :

Provided that any person on whose application additional police officers have been deputed for special duty at any place may, on giving one month's notice to the Commissioner, require that such additional police officers shall be withdrawn from such place; and at the expiration of one month from the date of such notice such person shall be relieved of any further expense in connection with the employment of such additional police officers.

Section 69 of the Principal Ordinance which it is proposed to amend :—

Recovery and disposal of moneys paid under sections 64, 65, 66, and 67

69. (1) All monies payable under section 64, 65, 66 and 67 shall be recoverable by a magistrate in the manner provided by law for the recovery of fines imposed in criminal proceedings or by suit in any competent court.

(2) All monies recovered under sections 64, 65 and 66 shall be paid to the Treasurer for the use of the Colony :

Provided that the Governor may, on the recommendation of the Commissioner, direct that one-third of any monies recovered under section 64 shall be paid into a fund which shall be called the "Barrack Fund" and shall be under the control of the Commissioner and shall be disposed of in accordance with regulations and that an additional one-third of such monies shall be paid proportionately to the additional police officers employed.

(3) All monies recovered under section 67 shall be paid by the magistrate to the persons to whom and in the proportions in which the same are payable.

Section 70 of the Principal Ordinance which it is proposed to amend :—

Power to appoint special constables.

70. (1) Whenever it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or may reasonably be apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, any magistrate or justice of the peace may, on the application of a commissioned officer or an administrative

**26.** Section 69 of the Principal Ordinance is hereby amended by the deletion of the proviso which occurs in sub-section (2) thereof.

Amendment of  
section 69 of  
the Principal  
Ordinance.

**27.** (1) Section 70 of the Principal Ordinance is hereby amended by substituting the words "fit and proper persons" for the words "residents of the neighbourhood" in sub-section (1), by deleting sub-section (3) and by re-numbering sub-sections (4) and (5) as (3) and (4) respectively.

Amendment of  
section 70 of  
the Principal  
Ordinance.

(2) Wherever in section 70 of the Principal Ordinance the words "special constable" or "special constables" occur, the words "special police officer" or "special police officers", as the case may be, shall be deemed to be substituted therefor.

officer in charge of police, appoint residents of the neighbourhood to act as special constables, in such manner, for such period, and within such limits as he may consider necessary:

Provided that whenever special constables shall have been appointed under this section the magistrate or justice of the peace making the appointment shall forthwith transmit to the Governor notice of such appointment and of the circumstances which rendered such appointment expedient.

(2) All persons who are exempt from liability to serve as jurors shall be exempt from service as special constables.

(3) All persons serving as special constables shall be entitled during their period of service to remuneration at the same rate as shall for the time being be paid to European constables.

(4) Every special constable so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities as police officers.

(5) If any person who is appointed a special constable as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, on conviction before a magistrate, to a fine not exceeding five pounds for every such neglect, refusal or disobedience.

**28.** (1) Whenever an officer in charge of a police station, or a police officer making an investigation, has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search or cause search to be made for such thing in any place within the limits of such station.

Investigations  
and searches  
by police  
officers, and  
their powers  
to require  
attendance of  
witnesses.

(2) A police officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present

at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make search, and he shall deliver to such subordinate officer an order in writing specifying the place to be searched, and, so far as possible, the thing for which search is to be made, and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of the Criminal Procedure Code as to search warrants and the general provisions as to searches shall, so far as may be, apply to a search made under sub-sections (1), (2) and (3).

No. 11 of 1930.

(5) An officer in charge of a police station or a police officer, not being below the rank of sub-inspector, making an investigation, may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place in any case in which the former officer might cause such search to be made within the limits of his own station.

(6) Such officer, on being so required, shall proceed according to the provisions of sub-sections (1), (2), (3) and (4), and shall forward the thing found, if any, to the officer at whose request the search was made.

(7) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making an investigation to search or cause to be searched, any place in the limits of another police station in accordance with the provisions of sub-sections (1), (2), (3) and (4) as if such place were within the limits of his own station.

(8) Any officer conducting a search under sub-section (7) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate.

(9) Any police officer making an investigation into any offence may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required:

Provided that any person whose attendance is required under this sub-section who fails to attend at such time and place as may be appointed, or, having attended, refuses to answer all questions that may be lawfully put to him, shall be liable, on conviction before a magistrate, to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

(10) Any police officer making an investigation under this section or any police officer acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may, if he shall be of opinion that any person examined by him will or may be required as a witness, require such person to execute a bond to appear and give evidence before a magistrate if and when required to do so.

(11) Such person shall be bound to give his true name and address and answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

**29.** The Principal Ordinance is hereby amended as follows :—

**Alterations of designations of certain officers.**

(1) By the deletion of the terms "Commissioned Officer" and "Commissioned Officers" wherever those terms occur therein and the substitution therefor of the terms "superior police officer" and "superior police officers" respectively;

(2) By the deletion of the terms "non-commissioned officer" and "non-commissioned officers" wherever those terms occur therein and the substitution therefor of the terms "subordinate police officer" and "subordinate police officers" respectively;

(3) By the deletion of the terms "subordinate officer" and "subordinate officers" wherever those terms occur therein and the substitution therefor of the terms "subordinate police officer" and "subordinate police officers" respectively;

(4) By the deletion of the terms "European Constable" and "European Constables" wherever those terms occur therein, and the substitution therefor of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively.

(5) By the deletion of the terms "European Police Constable" and "European Police Constables" wherever those terms occur therein and the substitution therefor of the terms "Assistant Inspector, Second Grade" and "Assistant Inspectors, Second Grade" respectively;

(6) By the deletion of the terms "non-commissioned officer or subordinate officer" and "non-commissioned officers or subordinate officers" wherever those terms occur therein and the substitution therefor of the terms "subordinate police officer" and "subordinate police officers" respectively;

(7) By the deletion of the terms "non-commissioned officer or any subordinate officer", "non-commissioned officers and subordinate officers" and "non-commissioned and subordinate officers" wherever those terms occur therein and the substitution therefor in each case of the term "subordinate police officer" and "subordinate police officers" respectively.

**30.** Where in any Ordinance or in any order, rule, proclamation, notice, by-law, contract or other document any of the expressions mentioned in the first column of the Schedule to this Ordinance is used, there shall be substituted for such expression the similarly numbered expression in the second column of the said Schedule.

Amendment of  
designations  
used in  
Ordinances,  
etc.

#### SCHEDULE.

No.	<i>First Column.</i>	No.	<i>Second Column.</i>
1.	European Constable	1.	Assistant Inspector, second grade.
2.	European Police Constable	2.	Assistant Inspector, second grade.
3.	Commissioned police officer	3.	Superior police officer.

#### OBJECTS AND REASONS.

The object of this Bill is to amend the Police Ordinance, 1930. This Ordinance has not yet been brought into operation, as since its enactment certain other matters have been receiving consideration. The matters are now provided for in this Bill.

The principal amendments proposed by this Bill are as follows :—

*Clause 2.*—The designation of "sergeant instructor" has been altered to that of "depot instructor." It is not desired to apply the title of "sergeant" to any European member of the police force as that is a rank carried by certain African police officers.

The designation of "commissioned officer" has been altered to that of a "superior police officer." The term "commissioned officer" is a misnomer as there is no officer of the force who carries a King's commission.

The term "non-commissioned officer" is similarly misleading. There exists no valid reason for dividing the lower grades of the force into two categories, i.e., non-commissioned officers and subordinate officers. In future, all officers below the rank of assistant superintendent will be known as subordinate police officers.

The designation of "European constable" will be abolished and "assistant inspector, second grade" substituted therefor. The present title is inappropriate inasmuch as the duties expected of a European police constable are supervisory and not those of a police constable. In effect his work is identical with that performed by an inspector.

*Clause 6.*—The clause replaces section 16 of the Principal Ordinance in order that the terms of service of subordinate police officers of and above the rank of assistant sub-inspector may conform with the regulations in force for the time being for other officers in the service of the Colony. They constitute no departure from, but will consolidate, existing practice and allow of the introduction of the new terms of the Local Civil Service, both European and Asian. The proviso defining that the provisions of the Ordinance shall prevail are necessary to allow the disciplinary powers of the Ordinance, so essential to a police force, to be applicable when necessary, no such powers existing in other regulations governing terms of service.

*Clause 8.*—Modifies the provisions of section 20 of the Principal Ordinance to exclude all officers of or above the rank of assistant sub-inspector. Such officers re-engage in accordance with their terms of service and not in conformity with the Ordinance.

*Clause 9.*—Under this clause a system of gratuities in lieu of exemption from hut or poll tax has been introduced for future entrants into the Police Force. Provision has also been made for payment of gratuities to men already serving on the first January, 1933, who opt to forgo the exemption from hut or poll tax.

*Clause 10.*—As other officers in the service of the Colony may resign and are not required to purchase their discharges it is not considered necessary to retain the provision of purchasing of discharge. No subordinate police officer may, however, resign unless expressly permitted to do so.

*Clause 13.*—The object of this clause is to widen the scope of sub-section (1) of section 37 of the Principal Ordinance so that the practice, with regard to the destruction of photographs and finger-print impressions of a prisoner, not previously convicted, who is discharged or acquitted upon trial, may conform to that which obtains in Great Britain.

*Clause 15.*, besides making the alterations necessitated by the changes in the titles and ranks referred to under clause 2 makes it clear that confinement as a punishment may be either confinement in cells or confinement to barracks.

*Clause 17.*—The Commissioner of Police is of opinion that corporal punishment as a form of punishment in a disciplined police force, the members of which are invested with such wide powers and responsibilities towards every member of the public, is entirely unsuitable and this clause makes the necessary amendment to the Principal Ordinance.

*Clause 19* amends section 52 consequentially.

*Clause 20.*—Provision is made to authorize payment to the Police Rewards and Fines Fund of sums levied as fines for assaults on members of the Police Force. This provision is in conformity with the practice in other similar forces, and enables members of the Force to benefit generally from money obtained from penalties inflicted by courts on persons convicted of attacking the police when in the execution of their duty.

*Clause 21* deletes the provision contained in section 55 of the Principal Ordinance making African subordinate police officers eligible for pensions in accordance with regulations made under the Ordinance. It is considered that the gratuity system should continue. The reference to pensions in the case of Asiatic subordinate police officers is deleted, as being redundant.

*Clause 22 makes an amendment to section 56 of the Principal Ordinance consequential on the decision to abolish pensions for African subordinate officers.*

*Clause 24.—Section 63 of the Principal Ordinance which it is proposed to repeal by this Bill, makes it obligatory for the medals and decorations of a deceased subordinate police officer to be delivered to the Commissioner for disposal. This practice is contrary to Army Regulations as regards war medals, and in some cases to Royal warrants governing specific decorations.*

*Clause 27.—Section 70 of the Principal Ordinance, as it stands, restricts the appointment of special police officers to those occasions on which any unlawful assembly, or riot, or disturbance of the peace has taken place or may reasonably be apprehended, and then only in those places where such disturbance has occurred or is likely to occur. It is desired to make provision for the appointment of special police officers for places other than those in which disturbance has occurred or is anticipated. If, for instance, a disturbance in one part of the Colony necessitates the transfer of police from another place it is in that latter place that special police officers are required and can most usefully be employed, and this clause is designed to make such provision.*

*Clause 28.—This clause provides for investigations and searches by police officers and their powers to require attendances of witnesses. The provisions of this clause were formerly part of the Criminal Procedure Ordinance (Chapter 7 of the Revised Edition), but they do not appear in the present Criminal Procedure Code. It is considered that the provisions should form part of the Police Ordinance rather than the Criminal Procedure Code.*

Apart from the gratuities in lieu of hut and poll tax, which it is not possible to estimate, no expenditure of public moneys will be involved if the provisions of this Bill become law.

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## GOVERNMENT NOTICE No. 473

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Give Further Powers to the Supreme Court with respect to the Recovery of Money secured by Mortgages or Charges and Similar Matters.**

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

1. This Ordinance may be cited as the Agricultural Short title. Mortgagors' Relief Ordinance, 1934.

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

“instrument” means any document evidencing any mortgage, or agreement of sale or purchase in respect of or affecting immovable property ;

“mortgage” means any deed, memorandum of mortgage, instrument, or agreement whereby security for payment of money is granted over immovable property or any interest therein, and includes an agreement for sale and purchase of immovable property where payment of the unpaid purchase money and interest thereon is secured on such property and also includes an equitable mortgage by deposit of title deeds and any document by which the duration of the mortgage is extended or by which any provision of the mortgage is varied ;

“mortgagor” means a person liable under the provisions of an instrument, and includes any person who has guaranteed the performance by the mortgagor of any covenant, condition or agreement expressed or implied in the instrument, whether such guarantee is expressed in the instrument or in any other document, and also includes any person against whom a mortgagor has a legal or equitable right of indemnity in respect of any liabilities under the instrument ;

"mortgagee" means the person entitled to the benefit of the security of the instrument, and includes every person whose powers are restricted by the provisions of this Ordinance;

"principal money" includes principal money which by the terms of any instrument is payable in one sum or by instalments with or without interest payments added thereto or combined therewith, but does not include money payable as rent.

**Application  
of Ordinance.**

**3.** (1) The Crown shall be bound by the provisions of this Ordinance, and the word "person" where used in this Ordinance shall include the Crown.

(2) This Ordinance shall not apply to—

- (a) any instrument affecting immovable property which is not occupied or used mainly for the purposes of agriculture, which term shall for the purposes of this Ordinance be deemed to include grazing and stock raising;
- (b) money payable in respect of premiums of insurance or taxes or arrears of taxes, including arrears which may under any instrument be capitalized or added to or form part of the principal money payable thereunder, and whether the same is payable before or after the commencement of this Ordinance;
- (c) simple interest or money payable in respect of interest or arrears of interest which may under the terms of any instrument be payable under a plan by which interest and principal payments are combined, or if in arrears be capitalized or added to or form part of the principal money payable thereunder, and whether the same is payable before or after the commencement of this Ordinance;
- (d) any instrument affecting immovable property situate outside the Colony;
- (e) any instrument affecting immovable property made or created after the commencement of this Ordinance.

**Ordinance to  
apply to  
Chattels  
Transfer  
Ordinance.  
No. 24 of  
1930.**

**4.** The provisions of this Ordinance shall apply to an instrument under the Chattels Transfer Ordinance, 1930, given on the security of crops, stock and other chattels normally used in the course of farming operations as if such instrument were an instrument affecting immovable property.

5. (1) Notwithstanding the provisions of the Indian Prohibition Transfer of Property Act, 1882, as applied to the Colony, it shall not be lawful for a mortgagee under a mortgage to which this Ordinance applies or any other person—

- (a) to exercise (except in respect of property which the mortgagor has abandoned) any power of sale, rescission, or entry into possession conferred by any such mortgage or by statute; or
- (b) to issue or to be concerned in the issue of any process of execution in pursuance of any judgment, decree, or order of any court in its civil jurisdiction obtained against the mortgagor after the commencement of this Ordinance in respect of any covenant, condition or agreement expressed or implied in the mortgage, or to continue or to be concerned in the continuance of any such process of execution;
- (c) to file a bankruptcy petition against the mortgagor in respect of any debt arising out of any covenant, condition or agreement expressed or implied in the mortgage,

otherwise than subject to and in accordance with the provisions of this Ordinance.

(2) For the purposes of this Ordinance, the exercise of a power of sale shall be deemed to be completed when the vendor becomes bound by an agreement or contract of sale, and the onus of proving that any immovable property has been abandoned by a mortgagor shall rest upon the mortgagee.

6. (1) A mortgagee before proceeding to do any such act or exercise any such power as is defined in the last preceding section shall give to the mortgagor notice in writing of his intention to do such act or exercise such power.

Notice by  
mortgagee of  
intention to  
exercise  
powers.

(2) Such notice shall contain an address for service, and shall be signed by the mortgagee, or by some duly authorized attorney or agent of the mortgagee, and shall be deemed to be duly given if delivered to the mortgagor personally, or if posted by registered letter addressed to the mortgagor at his last known place of abode in the Colony. A notice so posted shall be deemed to have been given seven days after the time when the registered letter would be delivered in the ordinary course of post.

(3) If the mortgagor does not within one month after the giving of such notice apply to the Supreme Court for relief as hereinafter provided, and serve a copy of such application on the mortgagee, and on the Registrar of Titles, the mortgagee may on the expiration of the said month proceed to do such act or exercise such powers as aforesaid.

(4) If the mortgagor makes such application and serves a copy thereof in accordance with the last preceding sub-section the mortgagee shall not do such act or exercise such power until such application has been withdrawn or has been disposed of by the Supreme Court, otherwise than subject to and in accordance with any order made by the Supreme Court as hereinafter provided.

**Procedure.**

7. (1) An application by a mortgagor under this Ordinance shall be by motion on notice supported by affidavit, and shall state the date on which such notice as aforesaid was given by the mortgagee, the specific grounds on which relief is sought and whether copies of the application have been served on the mortgagee and on the Registrar of Titles.

(2) An application under this Ordinance may be made to and disposed of by a Judge in Chambers.

(3) The Judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may, if he considers that service of the notice would occasion useless or unnecessary expense or delay, dispense with service of notice of the application upon any party who appears to have abandoned his interest in the immovable property.

(4) No appeal shall lie from any order made under this Ordinance.

**Matters to be considered by Supreme Court on application by mortgagor.**

8. (1) In determining whether relief against the doing of any act or the exercise of any powers as aforesaid by the mortgagee shall be granted to the mortgagor, the Supreme Court may take into consideration—

- (a) the effect of the continuance of the mortgage upon the security thereby afforded to the mortgagee;
- (b) the inability of the mortgagor to redeem the property either from his own moneys or by borrowing at a reasonable rate of interest;

- (c) the conduct of the mortgagor in respect of any breaches by him of the covenants of the mortgage;
- (d) any hardship that would be inflicted on the mortgagee by the continuance of the mortgage or upon the mortgagor by the enforcement thereof;
- (e) the extent to which any default by the mortgagor has been caused by any economic or financial conditions affecting trade or industry in the Colony;
- (f) whether any relief granted by the court pursuant to this Ordinance would be reasonably likely to enable the mortgagor, having regard to his circumstances and the conditions mentioned in the last preceding paragraph, to meet his liabilities under the mortgage within such time as the court deems reasonable;
- (g) any other relevant consideration.

(2) If the court, being satisfied regarding the matters mentioned in the first sub-section of this section and, having regard to all other relevant considerations is of opinion that relief should be granted to the mortgagor, it may, in its absolute discretion, order that the mortgagee shall not, before a date specified in such order (being not later than twelve months after the date of the mortgagor's application for relief), do any act or exercise any power mentioned in section 5 of this Ordinance :

Nature of  
relief that  
may be  
granted by  
court.

Provided that no such order shall operate to postpone the exercise of any right or remedy to a date subsequent to the expiry of this Ordinance.

**9.** Subject to the provisions of this Ordinance, the order may be upon such terms, conditions and limitations, including the giving of any undertaking, the depositing in court or otherwise of any security, the appointment of a receiver, the granting of an injunction, and the reservation of leave to apply to vary the same as the Judge may deem proper.

Scope of  
order.

**10.** (1) Every order of the court made under this Ordinance shall be registered by the mortgagor with the Registrar of Titles within seven days of the making of the order and no fee shall be chargeable in respect of such registration.

Registration  
of court  
orders.

(2) The Registrar of Titles shall cause a register to be kept containing the particulars of all orders so registered and such register shall, at all reasonable times, be open to inspection by any person without fee.

**Order  
granting  
relief to be  
null and void  
if mortgagor  
fails to  
register or  
pay interest.**

**11.** When an order postponing the exercise of any right or remedy has been made under any of the foregoing provisions of this Ordinance and the mortgagor—

- (a) fails to register such order as required by section 10 (1) of this Ordinance; or
- (b) during the time of such postponement fails or neglects to pay interest on or within forty-two days after the date on which such interest becomes due,

such order shall thereupon become null and void and the mortgagee may take action for the recovery of the principal sum and interest due in such manner as he may think fit and may do such acts and exercise such powers as he might have done or exercised if this Ordinance had never been passed.

**Power to add  
interest due  
to mortgage  
debt.**

**12.** Notwithstanding the provisions of section 3 (2) (c) and section 8 of this Ordinance it shall be lawful for the court, in any case in which it is satisfied that, although the interest reserved by any instrument has not been paid in full, interest has been paid at a rate which in all the circumstances of the case the court deems to be reasonable, not in any case being less than half the rate reserved by the instrument, and that the covenants and provisions of the mortgage have been otherwise observed, to order that the amount due and unpaid in respect of interest be added to the mortgage or other debt, and the amount so added be deemed to be part of the principal money and shall carry interest as from the date of its being so added at the rate reserved under the instrument.

**Costs.**

**13.** In any proceedings under this Ordinance no order shall be made for the payment of costs by a mortgagee unless the court certifies that in its opinion the conduct of the mortgagee has been for the purpose of causing delay or has in any other respect been vexatious.

**Order at trial.**

**14.** Where a suit, action or other proceeding has been taken in court on any instrument, then upon the trial of any issue arising in the suit, action or proceedings, the trial Judge, whether an application has or has not been made under this Ordinance, may make an order as provided for under this Ordinance.

**Powers to be  
additional.**

**15.** The powers conferred by this Ordinance shall be in addition to and not in substitution for or derogation of any other powers of the court or Judge.

**16.** Proceedings under this Ordinance shall, so far as not **Procedure**, expressly provided for by this Ordinance, be conducted in accordance with the ordinary practice of the Supreme Court in dealing with such matters.

**17.** Every decree, judgment, or order, foreclosure or **forfeiture**, made, declared or taken advantage of, distress levied, possession taken or sale by a mortgagee made in contravention of this Ordinance or of any order made thereunder shall be absolutely null and void.

**18.** This Ordinance shall continue in force until the **Duration of Ordinance**, thirty-first day of December One thousand nine hundred and thirty-six and shall then expire.

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#### OBJECTS AND REASONS.

This Bill is designed, in view of the present financial circumstances of the Colony, to protect the interests of and to afford reasonable security of tenure to the agricultural community in Kenya.

A Committee was appointed in 1933 to consider what legislative measures, if any, were necessary for this purpose. The Bill, which follows similar legislation in other parts of the Empire, is founded on the Committee's report and on the recommendations of the Secretary of State.

The main provisions of the Bill ensure that the holder of a mortgage on agricultural property shall not foreclose or take action for recovery without first giving notice to the mortgagor. The mortgagor upon receipt of such notice is enabled to apply to the court for relief.

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

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## GOVERNMENT NOTICE No. 474

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Provide for the Levy of a Native Hut and Poll Tax.**

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

**Short title and commencement**

1. This Ordinance may be cited as the Native Hut and Poll Tax Ordinance, 1934, and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

**Interpretation.**

2. In this Ordinance, unless inconsistent with the context—

“adult male native” means a male native of the apparent age of sixteen years or over;

“collector” means a district officer and any person appointed by a district officer to assist in the collection of taxes leviable under this Ordinance;

“headman” includes a sub-headman, and a head of a section, clan, village or manyatta;

“hut” means a hut constructed according to native custom or any building used by a native as a dwelling other than those erected and maintained by his employer;

“native” means a native of Africa not of European or Asiatic extraction, and includes a Swahili;

“poll tax” means a payment equivalent to the tax by this Ordinance leviable on huts to be made in any year by an adult male native who has not in respect of such year been liable to hut tax;

“wife” means a wife by marriage or by native law and custom and includes a concubine.

**3.** The Governor may by notice in the Gazette prescribe the amount of hut tax and poll tax which shall be payable for any year, and may in such notice prescribe different amounts for different districts, areas, places or tribes : Power of Governor to prescribe hut tax and poll tax.

Provided that no tax may be prescribed under this section at a higher rate than twenty shillings per annum.

**4.** (1) Every native being the owner or occupier of a hut in any district in the Colony shall pay a tax (hereinafter referred to as "the hut tax") for each year at the rate prescribed under section 3 of this Ordinance in respect of each hut owned or occupied by him or her in such district during any portion of that year :

Provided that every male native shall be liable for tax in respect of any hut or huts owned or occupied by his wife or wives.

(2) If a native has one wife he shall pay one tax, if he has more than one wife he shall be deemed to be the owner of a separate hut in respect of each wife.

**5.** Every adult male native who shall not be liable to pay the hut tax provided for in section 4 of this Ordinance shall pay in each year a poll tax of such amount as may be prescribed under section 3 of this Ordinance.

**6.** (1) The amount due from each native for hut tax or poll tax shall become due and payable on the first day of January in each year and shall, on conviction, be recoverable by distress at any time after that date : Taxes when payable.

Provided that when it appears to the court that the person charged with the non-payment of tax has no property whereon distress may be levied, the court may, if it thinks fit, instead of, or after issuing the warrant of distress, commit him to prison for any period not exceeding three months unless the hut or poll tax, as the case may be, is paid immediately or within such period as the court may order :

And provided further that any hut or huts in respect of which the tax has not been paid or recovered by distress on or before the thirtieth day of September in the year next following that in which the tax became due shall be liable to be forfeited to the Government of the Colony.

(2) Whenever proceedings are taken for the recovery of any tax under this Ordinance, it shall be lawful for the court

to order the person in default to pay such sum in respect of court costs, not exceeding in any case six shillings, as the court in its discretion may determine.

**Receipt for  
the tax paid.**

**7.** A receipt for the amount of tax paid by each native, shall be issued by a collector and delivered to the person paying the tax and such receipt shall be evidence of the payment of the tax :

Provided always that if the receipt cannot be produced the court may in its discretion admit other evidence in proof of payment.

**Power to  
remit tax  
in certain  
cases.**

**8.** Whenever it shall be proved to the satisfaction of a district officer that any person liable to pay any tax under this Ordinance is without sufficient means to pay the whole amount of such tax, such district officer may, subject as hereinafter provided, allow the remission of the whole or a portion of such tax, as the case may require : Provided that in such case the district officer shall give to such person a certificate in such form as may be prescribed, and such certificate shall relieve the person in respect of whom the same shall have been given from liability to pay any tax under this Ordinance for the period mentioned in such certificate, unless the same shall be cancelled by a district officer.

**Exemptions;  
powers of  
Governor.**

**9.** The Governor may by proclamation exempt any person or class of persons or the members of any tribe or the inhabitants of any district, area or place from payment of the whole or any portion of any tax leviable under this Ordinance, and may in like manner rescind or alter any such exemption :

Provided that nothing in this section contained shall affect the exemption by any other Ordinance provided for.

**Provision for  
the remission  
of hut and  
poll tax  
in certain  
events.**

**10.** In the event of any person within the description of any of the classes of persons set out in the Schedule hereto, owing to injuries received whether prior or subsequent to the date of this Ordinance on active service against an enemy or otherwise on active service or owing to a disease contracted on such active service or as a result thereof, becoming totally or partially disabled to such an extent as materially to affect his wage-earning capacity, the commanding officer of such person at the time of such injuries or disease being received, contracted or resulting as aforesaid, or such officer as the

Governor may appoint in that behalf may recommend and the Governor may sanction the exemption of such person from the payment of hut tax on one hut for life or from the payment of poll tax in respect of himself for life as the case may be.

**11.** A collector may enter upon any land or into any building in the execution of his duties under this Ordinance. Collector may enter land and buildings in execution of duty.

**12.** (1) A district commissioner shall maintain a complete roll of taxpayers in his respective district. Tax roll.

(2) Every tax roll shall contain—

(a) the name of every owner of a hut, the number of huts owned by each hut-owner, and the number of wives of each hut-owner; and

(b) in the case of a native who is not liable for hut tax the name and father's name of such native.

**13.** For the purpose of the preparation of the tax roll Hut counters. a district officer may employ persons (hereinafter referred to as "hut-counters") whose duty it shall be to prepare, under the direction of the district officer, the roll of taxpayers in the area to which they may be respectively appointed.

**14.** (1) The district officer shall notify each headman of the date on which the hut-counter will commence to prepare the tax roll in the area to which such headman has been appointed, and it shall be the duty of each headman to furnish the hut-counter with any information, which he may require in order to compile a complete tax roll for the area to which such headman is appointed, and, unless excused by the district officer, to accompany the hut-counter whilst engaged in preparing such tax roll. Headman to supply information to hut counters.

(2) A headman may, in lieu of accompanying the hut-counter, order any headman subordinate to him to accompany the hut-counter and to furnish the information aforesaid, and it shall be the duty of such subordinate headman to obey such order :

Provided that nothing hereinbefore contained shall be deemed to relieve a headman of the duty to furnish a hut-counter with any information which he may require for the purposes aforesaid. It shall further be the duty of such headman, upon receiving the said notification from the district

officer, to order every native subject to his jurisdiction to appear before the hut-counter and give him such information as he may require for the preparation of the tax roll, and any native failing to obey such order shall be liable on conviction to a fine not exceeding three pounds or to imprisonment for a period not exceeding one month.

**Power to headman to order natives to appear before collectors.**

**15.** A headman shall order any native subject to his jurisdiction who shall not have paid the tax payable by him at the time and place appointed by the collector either to attend before the collector or to send the amount of the tax payable by him to such collector. Any native who fails without lawful excuse to obey the orders of a headman given under this section shall be liable to the penalties provided in the last preceding section.

**Penalty for offences by hut-counter.**

**16.** Any hut-counter who shall intentionally omit from the tax roll the name of any person whose name should be included in such roll, or who shall intentionally misstate the number of huts owned by any person or the number of the wives of any hut-owner, shall be liable on conviction to a fine not exceeding thirty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

**Penalty for offences by headman.**

**17.** Any headman who gives false information to a hut-counter under section 16 of this Ordinance or who, without lawful excuse, refuses or neglects to perform any duty imposed upon him by this Ordinance, or to issue any order which he is required to issue by this Ordinance, shall be liable to the penalties provided in the last preceding section.

**Information for the preparation of a receipt.**

**18.** Every person paying the tax shall furnish the collector to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if so required by such collector, attend personally before him for such purpose.

**Penalty for giving false particulars.**

**19.** Any person who wilfully furnishes a collector with false particulars in regard to any information required by such collector in preparing a receipt, or who, on being required to attend before a collector, neglects or refuses to attend, or, when attending neglects or refuses to furnish any information required as aforesaid, shall on conviction be liable to a fine not exceeding three pounds or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

**20.** (1) A collector may, at any time, require any native to produce the receipt granted to such native for the payment of the tax last payable, and may retain any such receipt produced for such time as he may consider necessary for the purpose of identifying the person named in such receipt with the person producing the same.

Production  
of receipt  
to collector.

(2) A collector may require any native who refuses or neglects to produce his receipt when so required, to furnish him with information as to the office at which or the person to whom he has paid his tax last payable, and with such further information as the collector may require for the purpose of ascertaining whether such native has paid such tax.

(3) Any native who, without lawful excuse, neglects or refuses to produce his receipt when required as aforesaid, or who, having failed or refused to produce his receipt, fails to furnish the information which may be required of him under the last preceding sub-section shall, on conviction, be liable to a fine not exceeding three pounds or to imprisonment for a period not exceeding two months.

(4) Evidence of the non-production of a receipt for the payment of a tax upon requisition being made as aforesaid shall, in and for the purposes of any proceedings for the recovery of such tax, be *prima facie* evidence that the tax has not been paid.

(5) Any native who, on being required by a collector to produce his receipt, produces a receipt granted to some other person, or who, having failed or refused to produce his receipt, furnishes a collector with any false particulars in regard to any information which may be required of him under sub-section (2) of this section shall, on conviction, be liable to a fine not exceeding seven pounds ten shillings or to imprisonment for a period not exceeding three months.

(6) Any native who transfers to any other native any receipt granted to him with the intention or with the knowledge that it is likely that such other native will falsely produce such receipt as a receipt granted to him, shall be guilty of an offence and on conviction shall be liable to the penalties provided in the last preceding sub-section.

**21.** The Governor may make Rules—

Power to  
make Rules.

- (a) prescribing the duties of all persons engaged or employed in the administration of this Ordinance;

- (b) prescribing the forms of tax rolls and receipts;
- (c) for the collection of hut or poll tax in any place which under any law in force in the Colony is declared to be a municipality or a township; and
- (d) generally for carrying out the provisions of this Ordinance.

**Repeal.**

**22.** The Native Hut and Poll Tax Ordinance (Chapter 51 of the Revised Edition) is hereby repealed, but such repeal shall be without prejudice to the collection of any arrears of tax due and payable under that Ordinance.

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SCHEDULE.

Any native officer, non-commissioned officer or private of the King's African Rifles, or any native carrier, or any combatant or non-combatant native, recruited or selected under any Ordinance for the time being in force or otherwise for any form of military service.

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OBJECTS AND REASONS.

This Bill is intended to consolidate in one comprehensive Ordinance the previous legislation regarding the collection of hut and poll tax, together with the rules detailing the procedure for such collection. It also provides certain amendments of the existing Ordinance which experience has shown are necessary.

On the one hand it has widened the scope for the exemption of deserving persons who are unable to pay and on the other, for the payment of tax by women hut owners who are financially able to do so. The latter provision has been necessitated by a recent decision of the Supreme Court in which it was held that the existing legislation exempts women from the liability to pay tax.

It is generally agreed by the Provincial Commissioners that there should be the means of levying tax from women householders who hold property sufficient to make them independent and competent to pay hut tax.

No expenditure of public money will be involved if the provisions of this Bill become law.

## GOVERNMENT NOTICE NO. 475

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Make Provision for the Establishment of District Education Boards in the Colony.**

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

1. This Ordinance may be cited as the District Education Boards Ordinance, 1934. *Short title.*

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

“elementary school” means a school in which provision is made for instruction in accordance with a syllabus approved by the Director for elementary schools;

“sub-elementary school” means a school in which provision is made for instruction in accordance with a syllabus approved by the Director for sub-elementary schools.

(2) Any term defined in the Education Ordinance, 1931, No. 2 of 1931, for the purposes of that Ordinance shall, when used in this Ordinance, bear the same meaning as is assigned to it in the Education Ordinance, 1931, unless such meaning is inconsistent with the context. *No. 2 of 1931.*

3. The Director may, after consultation with the Provincial Commissioner, establish a District Education Board (hereinafter referred to as “the Board”) in any district in which in the opinion of the Director the establishment of such a Board is likely to assist the development of African education. *Establishment of District Education Boards.*

4. (1) The Board shall consist of the following members:— *Constitution of the Board.*

(a) the District Commissioner of the district, or a deputy nominated by him. The District Commissioner or his deputy shall be the chairman of the Board;

(b) an education officer appointed by the Director;

- (c) such persons, not exceeding four in number, as may be nominated by the managers of schools in the district if the Provincial Commissioner approves of such nomination;
- (d) such African members, not exceeding six in number, as may be nominated by the Local Native Council having jurisdiction in the district, if the Provincial Commissioner approves of such nomination;
- (e) two persons to be nominated by the Provincial Commissioner of whom one shall be a member of the Medical Department and the other a member of the Agricultural Department.

(2) Each member appointed to be a member of the Board under paragraphs (c), (d) and (e) of sub-section (1) of this section shall, subject to the pleasure of the Director, hold office for a period of three years, and any such member shall, upon the expiration of such period, be eligible for re-appointment.

(3) Whenever the Director is satisfied that any member of the Board is incapacitated by illness, absence or other sufficient cause from performing the duties of his office he may appoint some fit person to be a deputy to act for such member during the period of such incapacity; any deputy so appointed shall have all the powers of the member for whom he is so acting during the period of such member's incapacity.

**Meetings and procedure.**

5. (1) Questions before the Board shall be decided by a majority of the votes of those present and voting, and in the case of an equality of votes, the chairman shall have a second or casting vote.

(2) The Board shall at its first meeting decide the number of members which shall constitute a quorum at meetings of the Board, such number not to be less than one-third of the members of the Board.

(3) The Director and the Provincial Commissioner may be present at any meeting of the Board and may take part in the proceedings at any meeting but they shall not be entitled to vote.

**Secretary to the Board.**

6. (1) The Board may appoint a fit and proper person, who may be a member of the Board, to act as secretary to the Board.

(2) The secretary of the Board shall exercise such powers and perform such duties as may be assigned to him by the Board.

**7.** The Board shall be responsible, in its district, for each and all of the following matters :—

- (a) making recommendations for the establishment of elementary and sub-elementary schools and for the necessary financial provision for such schools;
- (b) the supervision of the working and management of elementary and sub-elementary schools in accordance with such regulations as from time to time may be made by the Director;
- (c) the allocation, subject to the approval of the Director, of grants in aid of elementary and sub-elementary schools in accordance with any rules made under section 45 of the Education Ordinance, 1931, such No. 2 of 1931. allocations being made from the funds placed at the disposal of the Board by the Director or the Local Native Council;
- (d) the general promotion and improvement of the education and development of the African in accordance with any directions which the Director may issue from time to time with the concurrence of the Advisory Council on African Education.

**8.** The Director may make regulations for all or any of the following purposes with regard to Boards established under this Ordinance :—

- (a) for prescribing the powers and duties of the Boards in regard to the supervision and management of elementary and sub-elementary schools;
- (b) for prescribing the manner in which records, statistics and accounts shall be kept by the Boards and the manner in which the Boards shall render returns and make recommendations to the Department; and
- (c) for prescribing, subject to the provisions of section 5 of this Ordinance, the procedure to be followed at meetings of the Boards.

#### OBJECTS AND REASONS.

The purpose of this Bill is to provide Local Boards composed in part of representatives of Local Native Councils, school managers and Government officials. These boards are intended to take the place of the existing School Area Committees which are purely advisory.

The new boards will become the local education authority for the areas in which they are created and will have power to allocate grants for elementary education in their area, and generally to supervise elementary education in their area.

The expenditure of public moneys involved will not exceed £150 per annum.

Section 5 of the Principal Ordinance which it is proposed to amend :—

Method of applying.

5. An application for registration of a design under this Ordinance shall be made to the Registrar and shall be accompanied by the prescribed fee, two certified representations of the design and a certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the registration of the design in the United Kingdom and stating the date at which such design became or will normally become open to public inspection.

Section 13 of the Principal Ordinance which it is proposed to amend :—

Registrar may amend the register.

13. (1) The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

- (a) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;
- (b) correct any clerical error in or in connexion with any application under this Ordinance or in any matter which is entered upon the register;
- (c) enter in the register any change in the name or address of the person who is registered as proprietor of a design.

(2) Upon the application of the registered proprietor of a design or other person who may show to the satisfaction of the Registrar that he is an interested party and on the payment of the prescribed fee the Registrar shall rectify the register in regard to any matter entered therein on the production of proof that in pursuance of an order of a court of competent jurisdiction a like rectification in regard to the same matter has been made in the register of designs kept by the Comptroller General under the law relating to designs in the United Kingdom.

## GOVERNMENT NOTICE NO. 476

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Registration of Designs  
Ordinance, 1933.**

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

**1.** This Ordinance may be cited as the Registration of Short title.  
Designs (Amendment) Ordinance, 1934, and shall be read as one with the Registration of Designs Ordinance, 1933, herein- No. 57 of 1933. after referred to as the Principal Ordinance.

**2.** Section 5 of the Principal Ordinance is hereby amended by the deletion of the word "certified" which occurs in the third line thereof. Amendment of section 5 of the Principal Ordinance.

**3.** Section 13 of the Principal Ordinance is hereby amended by the deletion of the word "clerical" which occurs in the first line of paragraph (b) of sub-section (1) thereof. Amendment of section 13 of the Principal Ordinance.

**OBJECTS AND REASONS.**

This Bill is designed to amend the Principal Ordinance in two minor respects.

The effect of clause 2 will be to reduce the cost to an applicant of registering a design, and clause 3 will enable the Registrar to correct any error in an application instead of only a clerical error as at present.

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

Sub-section (1) of section 13 of the Principal Ordinance which it is proposed to amend :—

**Prospecting right.**

13. (1) The Commissioner or an officer duly authorized by him in that behalf may issue to any person a prospecting right in the prescribed form upon the payment of the prescribed fee: Provided that a prospecting right shall not be granted—

- (a) to any person who is under eighteen years of age;
- (b) to any person who is unable to read or to any person who is incapable of understanding this Ordinance in such a way as to form a reasonable guide to and restriction on his actions.

Paragraph (3) of section 14 of the Principal Ordinance which it is proposed to amend :—

**Prospecting right privileges.**

14. Subject to the exceptions in section 7, and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supplies, the holder of a prospecting right may—

- (3) sink shafts or wells or dig trenches;

## GOVERNMENT NOTICE NO. 477

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Mining Ordinance, 1933.**

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

**1.** This Ordinance may be cited as the Mining (Amendment) Ordinance, 1934, and shall be read as one with the Mining Ordinance, 1933, hereinafter referred to as the Principal Ordinance. Short title.  
No. 61 of 1933.

**2.** Sub-section (1) of section 13 of the Principal Ordinance is hereby amended by the substitution of a semi-colon for the full-stop at the end of paragraph (b) thereof and by the addition thereafter of the following paragraph :— Amendment of  
section 13 (1)  
of the  
Principal  
Ordinance.

“(c) to any person to whom there has previously been issued either in his own name or as agent for any individual, syndicate, partnership or company a prospecting right which has not been surrendered or cancelled and which is in all other respects still valid.”

**3.** Paragraph (3) of section 14 of the Principal Ordinance is hereby repealed and the following substituted therefor :— Repeal and  
replacement  
of section  
14 (3) of the  
Principal  
Ordinance.

“(3) make excavations, sink shafts or wells, drive adits or levels or dig trenches.”

Section 19 of the Principal Ordinance which it is proposed to replace :—

Rights under  
an exclusive  
prospecting  
licence.

19. (1) The holder of an exclusive prospecting licence shall have the sole right of prospecting and, with the consent of the Commissioner, of alluvial mining, subject to such fee as the Commissioner may determine, not exceeding in any case two shilling for every 10,000 square feet, upon the lands within the area of his prospecting licence, and for such purpose may—

- (a) enter upon the lands within such area with his agents and workmen and thereon exercise all or any of the rights conferred upon the holder of a prospecting right;
- (b) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights; and
- (c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant, and construct such ways as may be necessary for or in connexion with his prospecting operations.

(2) An exclusive prospecting licence shall confer upon the holder the sole right during the currency of the licence to peg claims upon the lands within the area of his licence as described.

Section 13 of the Principal Ordinance which it is proposed to amend :—

Rights under  
a location.

31. The holder of a location shall have the right to enter upon the land the subject of the location, and the exclusive right to prospect or mine thereon and to remove therefrom and dispose of the minerals in respect of which the location shall have been registered.

**4.** Section 19 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Repeal and  
replacement  
of section 19  
of the  
Principal  
Ordinance.

Rights under  
an exclusive  
prospecting  
licence.

"19. (1) The holder of an exclusive prospecting licence shall, upon the lands within the area of such prospecting licence and during the currency of such licence have the following rights :—

- (a) the sole right of prospecting ;
- (b) the sole right of alluvial mining if he has obtained the consent thereto of the Commissioner and has paid such fee in respect thereof as the Commissioner shall have required. The amount of such fee shall in no case be in excess of a rate of two shillings in respect of every 10,000 square feet of land ; and
- (c) the sole right of pegging locations.

(2) The holder of an exclusive prospecting licence may for the purposes set out in the last preceding sub-section—

- (a) enter upon the land within such area with his agents and workmen and thereon exercise all or any of the rights conferred upon the holder of a prospecting right ;
- (b) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights ; and
- (c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant, and construct such ways as may be necessary for or in connexion with his prospecting operations."

**5.** Section 31 of the Principal Ordinance is hereby amended by the insertion after the word "have" in the first line thereof of the following words :—

Amendment  
of section 31  
of the  
Principal  
Ordinance.

"in respect of such location all rights conferred on the holder of a prospecting right and shall have".

Section 36 of the Principal Ordinance which it is proposed to amend :—

~~Owner may remove plant, etc., on surrender.~~

36. The owner of any plant, machinery, engines or tools on any forfeited or surrendered location may within three months from the date of forfeiture or surrender, or within such further period as the Commissioner may allow, remove such plant, machinery, engines or tools, but shall not remove or interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed they may be sold by auction by order of the Commissioner at the risk of the former or the holder of a location. The net proceeds of such sale, after deducting the costs thereof, shall be paid into the Treasury and held until applied for by such former holder of a location. Any person who in breach of this provision removes or interferes with any timber in a mine shall be guilty of an offence against this Ordinance.

Section 45 of the Principal Ordinance which it is proposed to amend :—

~~Renewal of lease.~~

45. If at the expiration of the term originally granted or of any renewal thereof the lessee shall be carrying on work in a normal and business-like manner, and the lease shall not at that time be liable to be forfeited under any of the provisions of this Ordinance, and the lessee shall have given to the Commissioner six months' notice in that behalf, then the lessee shall be entitled on payment of the prescribed fee to obtain a renewal of the lease for a further term not exceeding twenty-one years upon the conditions which are then generally applicable to new leases :

Provided that in the case of any renewal the rent shall not be increased.

Section 76 of the Principal Ordinance which it is proposed to amend :—

~~Restriction on purchase.~~

76. The holder of a licence under the last preceding section shall not buy any such mineral except from the holder of a lease, a location, a prospecting right, if authorized under sub-section (3) of section 24, or exclusive prospecting licence, or a licence under this Part.

6. Section 36 of the Principal Ordinance is hereby Amendment  
of section 36  
of the  
Principal  
Ordinance. amended by the deletion of the words "or the" which occur between the words "former" and "holder" in the ninth line thereof.

7. Section 45 of the Principal Ordinance is hereby Amendment  
of section 45  
of the  
Principal  
Ordinance. amended by the deletion of the words "at that time be liable to be forfeited" which occur in the third and fourth lines thereof, and the substitution therefor of the words "prior to such expiration have become liable to forfeiture".

8. Section 76 of the Principal Ordinance is hereby Amendment  
of section 76  
of the  
Principal  
Ordinance. amended by the substitution of the figures "23" for the figures "24" which occur in the fourth line thereof.

**Powers of officers.** Section 80 of the Principal Ordinance which it is proposed to amend :—

80. The Commissioner, Mining Engineer, Inspector or Assistant Inspector or any other person duly authorized by the Commissioner in that behalf, at all reasonable times by day or night, but so as not unreasonably to impede or obstruct work in progress, may—

- (i) enter, inspect, and examine any land on which prospecting or mining operations are being conducted or which is the subject of any right, licence, location, or lease;
- (ii) examine into and make inquiry respecting the condition and ventilation of any mine and any building connected with prospecting or mining activity, and all matters relating to the safety and health of the persons employed;
- (iii) inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works and ways;
- (iv) examine and take extracts from all books, accounts, vouchers and documents relating to prospecting or mining operations or to any minerals obtained by such operations, and examine and take samples of any material being mined;
- (v) inspect the storage of explosives upon any mine and direct in what manner the same shall be stored;
- (vi) exercise all powers necessary for carrying this Part of this Ordinance into effect.

Section 86 of the Principal Ordinance which it is proposed to replace :—

**Compensation on death of, or injury to, native.**

86. (1) If the person killed or injured is a native employed in connexion with the mining or prospecting operations, and the lessee, or holder of the location, licence, or right shall fail to satisfy the officer holding the inquiry that the accident was due to the serious and wilful misconduct of such native, such native or his representative shall be entitled to compensation, the amount of which shall be assessed by the officer holding the inquiry.

(2) Any person dissatisfied with such award may within thirty days of the making of the award, and on giving notice to the officer who made the award, appeal to the Supreme Court.

**9.** Section 80 of the Principal Ordinance is hereby amended in the following respects :—

- (a) by the insertion therein next after paragraph (v) of the following additional paragraph numbered as (vi) :—

“(vi) examine and make inquiry into any accident occurring in respect of any prospecting or mining activity and may lay information before a magistrate and apply for a summons or other legal process against any person in connection therewith.”

- (b) by the renumbering of paragraph (vi) therein as paragraph (vii).

Amendment  
of section 80  
of the  
Principal  
Ordinance.

**10.** Section 86 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

“86. (1) If the lessee or holder of the location, licence or right on which the accident occurred shall fail to satisfy the officer holding the inquiry that the accident was due to the serious and wilful misconduct of the person killed or injured, such lessee or holder of the location, licence or right shall be ordered by the officer to pay such sum as he may award by way of compensation.

Repeal and  
replacement  
of section 86  
of the  
Principal  
Ordinance.  
Compensa-  
tion for  
death or  
injury.

(2) The amount of compensation so awarded shall in no case exceed the total sum represented by multiplying

Section 91 of the Principal Ordinance which it is proposed to replace :—

**Payment  
of wages.**

91. All wages due to any person employed by the holder of a prospecting right or on any location, lease, or exclusive prospecting licence shall be paid to such person in cash when due and in no case later than seven days thereafter without any deduction whatsoever, except for cash advances, payments on orders given by the employee and goods supplied on the location, lease, or exclusive prospecting licence to the employee for his personal use.

by thirty-six the monthly wage or salary of which the person killed or injured was in receipt at the time of the accident.

(3) Where such compensation is to be paid in respect of injury it shall be paid to the person injured.

(4) Where such compensation is to be paid in respect of death it shall be paid—

(a) if the deceased was a non-native, to the legal representative of the deceased,

(b) if the deceased was a native, to the District Commissioner of the district in which the accident occurred, for and on behalf of the dependants of the deceased.

(5) Any person who is dissatisfied with an award made under this section by an officer holding an inquiry, may on giving written notice to such officer appeal to the Supreme Court within thirty days of the date of such award.

(6) Compensation awarded under this section shall be recoverable as a civil debt."

**11.** Section 91 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Repeal and replacement of section 91 of the Principal Ordinance.  
Payment of wages.

"91. (1) All wages due to any person employed by the holder of a prospecting right or on any location, lease or exclusive prospecting licence shall be paid to such person in cash when due and in no case later than seven days thereafter.

(2) No deduction whatsoever shall be made from such wages save only in respect of—

(a) repayment of cash advances made to the employee by the employer,

(b) payments for goods ordered by the employee for his personal use and supplied to him by the employer on the location, lease or exclusive prospecting licence."

#### OBJECTS AND REASONS.

This Bill is designed to effect a number of minor amendments to the Principal Ordinance at the instance of the Secretary of State.

The opportunity has been taken to make more detailed provision for the payment of compensation in respect of death or injury resulting from mining accidents.

Clause 10 of the Bill enables the officer holding an inquiry into a mining accident to grant compensation where the circumstances are such as to justify an award. The compensation is not to exceed an amount equal to three years' wages of the deceased or injured person.

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

Section 5 of the Principal Ordinance after which the proposed new section is to be inserted :—

**Establishment  
of Advisory  
Boards.**

5. (1) There shall be established in every administrative district in which one or more Native Reserves may be situated an Advisory Board (hereinafter referred to as a "Local Board") which shall consist of :—

- (a) The Provincial Commissioner as Chairman ;
- (b) The District Commissioner as Deputy Chairman ;
- (c) One European unofficial member, to be nominated by the Governor : Provided that for the purpose of the consideration of any matter relating to land in a particular Native Reserve the Chairman may from time to time after reference to the Local Native Council concerned co-opt as an additional member any European who in the opinion of the Board possesses special knowledge of such Native Reserve ;

## GOVERNMENT NOTICE No. 478

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Native Lands Trust  
Ordinance, 1930.**

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

**1.** This Ordinance may be cited as the Native Lands Trust (Amendment) Ordinance, 1934, and shall be read as one with the Native Lands Trust Ordinance, 1930, hereinafter referred to as the Principal Ordinance, and shall come into operation on such date as the Governor by notice in the Gazette shall determine. Short title.  
No. 9 of 1930.

**2.** The Principal Ordinance is hereby amended by inserting therein, next below the enacting formula, the following words :— Amendment  
of the  
Principal  
Ordinance.

**" PART I.—GENERAL PROVISIONS."**

**3.** The Principal Ordinance is hereby amended by inserting therein the following section as section 5A next after section 5 thereof :—

" 5A (1) Notwithstanding the provisions of the last preceding section, a Local Board for all or any of the purposes of Part II of this Ordinance shall consist of— Local  
Boards for  
purposes of  
Part II.

- (a) the District Commissioner as Chairman;
- (b) two nominated members of the Local Native Council selected by the Provincial Commissioner;
- (c) two elected members of the Local Native Council, one of whom shall be selected by the Provincial Commissioner and one by the election of the Local Native Council.

(2) The Chairman and two other members shall form a quorum."

- (d) One African member, to be nominated by the Governor, who shall, so far as practicable, be selected from the members of some Local Native Council established within the said administrative district after reference to such Council: Provided that for the purpose of the consideration of any particular matter the Chairman may from time to time after reference to the Local Native Council concerned co-opt one or more additional African or Africans as a member or members of the Board.
- (2) The Chief Native Commissioner shall *ex officio* be a member of every Local Board.
- (3) The Chairman or Deputy Chairman and three other members shall form a quorum.

**4.** The Principal Ordinance is hereby amended by adding, next after section 24 thereof, the following words and additional sections :—

**" PART II.—SETTING-APART AND MINING LEASES.**

25. (1) Upon application made to him in writing, and notwithstanding anything contained in Part I of this Ordinance or in any other law for the time being in force, a Provincial Commissioner may, subject to the provisions of this Part, set-apart land in any Native Reserve within his Province for the purpose of developing the mineral resources of such Native Reserve.

Power to set-apart land in Native Reserves for mining development.

(2) Every such application shall be accompanied by a plan, based on a survey by a licensed surveyor, of the area to which the application relates and shall be addressed to the Provincial Commissioner through the Commissioner of Mines.

26. (1) When application has been duly made to him in respect of the setting-apart from a Native Reserve of land not exceeding ten acres in area the Provincial Commissioner, subject to the conditions of this Ordinance and with the approval of the Local Board concerned, may set-apart such land.

Procedure as to setting-apart land under ten acres in extent.

(2) Where the area of land proposed to be set-apart does not exceed ten acres in extent and the Provincial Commissioner supports the proposal but the Local Board concerned object to the setting-apart of such area, then, and in such case, such area shall not be set-apart unless and until the approval of the Governor to such setting-apart has been obtained.

(3) Where an application to set-apart an area of land not exceeding ten acres in extent is made to the Provincial Commissioner and he does not support such application, the application shall be forwarded for the consideration of the Local Board concerned. Should the Local Board support the proposal, the application shall be forwarded for the consideration of the Governor.

(4) Where an application to set-apart an area of land not exceeding ten acres in extent is not supported by either the Provincial Commissioner or the Local Board concerned the Provincial Commissioner shall inform the applicant that the application has been refused. The applicant may appeal in writing to the Governor against such refusal within twenty-one days of the date on which he is notified thereof.

(5) The decision of the Governor upon any of the matters referred to him under this section shall be final.

27. (1) Where any application is made to the Provincial Commissioner under this Ordinance to set-apart an area of land exceeding ten acres in extent from a Native Reserve, such application shall in every case, subject to the provisions of section 28 hereof and after being submitted to the authorities set out in paragraphs (b) and (c) of section 29 of this Ordinance, be referred to the Central Board.

Powers of  
Central Board  
as to  
applications  
to set-apart  
land exceeding  
ten acres in  
extent.

(2) If the Central Board approves of such application it shall grant the application.

(3) If the Central Board does not approve of such application it shall submit the application to the Governor together with its reasons for such non-approval, and the Governor shall refer the matter to the Secretary of State whose decision shall be final.

28. The Central Board may, by notice published in the Gazette, delegate to the Chief Native Commissioner the power to grant the applications referred to in the last preceding section where the area of land to be set-apart does not exceed fifty acres in extent, but the Chief Native Commissioner shall not refuse any such application without the consent of the Central Board. If the Central Board supports the refusal of the Chief Native Commissioner it

Power of  
Central Board  
to delegate.

shall submit the application to the Governor for reference to the Secretary of State as provided for in the last preceding section.

29. Approval of the setting-apart of land under the provisions of this Ordinance shall in no case be granted unless and until all the following conditions have been fulfilled—

- (a) prior to the making of the application to the Provincial Commissioner for setting-apart an application for the grant of a mining lease in respect of such land must have been duly lodged with the Commissioner of Mines;
- (b) the proposal to set-apart such land must have been brought to the notice of the natives concerned and to the notice of the Local Native Council having jurisdiction over such area, and such natives and such Local Native Council must have had an opportunity of expressing their views upon the proposal;
- (c) the Local Board concerned must have been consulted and representatives of the location or section concerned must have been co-opted as additional members of the Local Board for the purpose of expressing their views upon the proposal.

30. The Provincial Commissioner shall not gazette the setting-apart of any land under this Ordinance unless and until the lump sums of money payable by way of compensation and commuted rent in accordance with sections 35, 36 and 39 of this Ordinance and calculated as herein-after provided for have been deposited with the District Commissioner.

31. When an application for setting-apart land has been approved by the proper authority, as provided in this Ordinance, and the requirements of the last preceding section hereof have been duly complied with and all the prescribed fees have been paid, the Provincial Commissioner shall publish in the Gazette a notice of such setting-apart and shall specify in such notice the boundaries of the area so set-apart. The land comprised in such area shall be deemed to be set-apart on, and not before the date of the publication of such notice.

Conditions to  
be fulfilled  
prior to  
approval of  
setting-apart.

Compensation  
and rent to be  
paid prior to  
setting-apart.

Setting-apart  
to be  
gazetted.

32. (1) Where any person to whom a mining lease has been granted in respect of land set-apart under this Ordinance is desirous of having additional land set-apart and of leasing such additional land for purposes essential to the proper working of such mining lease, he may make application therefor in writing to the Provincial Commissioner in the manner prescribed in section 25 (2) of this Ordinance.

Power of  
Provincial  
Commissioner  
to set-apart  
land for  
necessary  
works.

(2) The Provincial Commissioner shall consult the Commissioner of Mines as to the merits of every such application, but the decision to grant or refuse the application shall lie with the Provincial Commissioner, who shall communicate his decision in writing to the person who has made the application. Any person whose application has been refused by the Provincial Commissioner may appeal in writing to the Governor within twenty-one days of receiving notice of such refusal.

(3) In no case shall any application made under this section be granted unless the following conditions are fulfilled—

- (a) the land to which the application relates must be within the limits (as defined by section 60 of the Mining Ordinance, 1933) of the subterranean area included in the applicant's mining lease, but outside the limits of the surface in such lease;
- (b) the purposes for which the land is to be set-apart must be connected with and necessary for the proper conduct of the applicant's mining operations and must be concerned with the construction of works and buildings upon the land to be set-apart or with some of the purposes set out in section 50 and section 60 of the Mining Ordinance, 1933;
- (c) the lump sums of money payable by way of compensation and commuted rent in accordance with sections 35, 38 and 39 of this Ordinance in respect of the land to be set-apart under this section and calculated as provided in this Ordinance must have been deposited with the Provincial Commissioner.

No. 61 of 1933.

No. 61 of 1933.

(4) The setting-apart of any land under this section shall be gazetted by the Provincial Commissioner in accordance with section 30 of this Ordinance.

33. The provisions of sections 31 and 32 of this Ordinance shall be in addition to and not in derogation of the provisions of the Mining Ordinance, 1933.

No. 61 of 1933.

34. All sums of money due to be deposited or paid under this Ordinance as compensation or commuted rent in respect of land to be set-apart shall in every case be assessed prior to the gazetting of the setting-apart.

Compensa-tion, etc., to be assessed prior to setting-apart.

35. (1) Where an application to set-apart has been approved by the proper authority under this Ordinance the District Commissioner shall notify the natives in the area concerned that such application has been made and approved.

Compensation for disturbance and other loss.

(2) Any native who, though not a right-holder within the meaning of section 36 of this Ordinance, is likely to be prejudicially affected by a proposal to set-apart any land under this Ordinance, shall be entitled to apply for compensation to the District Commissioner concerned in respect of disturbance or of any other loss or expense likely to be caused by such setting-apart and the District Commissioner shall forward forthwith to the Provincial Commissioner the details of all such applications.

(3) The compensation payable to any native upon the granting of any such application by the Provincial Commissioner shall include full compensation for any hut or huts or other buildings destroyed or vacated and for any growing crops which the native is unable to reap or which are destroyed or damaged.

(4) The amount of compensation to be awarded to any native under sub-section (1) of this section shall be assessed by the Provincial Commissioner after consultation with the Local Board concerned and shall after such assessment be deposited by the applicant for setting-apart with the District Commissioner. The District Commissioner shall be responsible for notifying all natives concerned of the Provincial Commissioner's award.

(5) Any person aggrieved by the award of the Provincial Commissioner under this section may, within twenty-one days from the date of the making of such award, appeal

in writing to the Governor, whose decision shall be final. The Governor in special cases and in his absolute discretion may extend the time for making any such appeal.

(6) Where no such appeal has been lodged or where such appeal has been determined by the Governor the District Commissioner shall from the sum so deposited and upon instructions from the Provincial Commissioner pay the sums finally assessed to the persons entitled thereto.

36. (1) In any district where it is considered by the Provincial Commissioner that a recognizable form of private right-holding exists, any native who claims to be a private right-holder in respect of any portion of the land to which an application to set-apart relates shall be entitled to apply to the District Commissioner for compensation.

Compensation  
for private  
right-holders.

(2) Where after consultation with the Local Board, the Provincial Commissioner is satisfied as to the claim of any native so applying, compensation, in addition to the compensation awarded under the last preceding section shall be paid in a lump sum to such native, subject to the provisions of section 41 of this Ordinance, such compensation being calculated on the basis of the full agricultural value of the land plus fifteen per centum thereon.

(3) The amount of compensation to be awarded to any native under sub-section (2) of this section shall be assessed by the Provincial Commissioner after consultation with—

- (a) the natives concerned; and
- (b) the Local Board concerned.

If the Provincial Commissioner and the Local Board are unable to agree upon the sum which should be so awarded as compensation, or if any native desires to appeal against a sum so awarded or against any decision of the Provincial Commissioner as to the existence or non-existence of any system of right-holding or as to such native's claim to be a right-holder, the matter shall be referred to the Governor, whose decision shall be final. Any such appeal by a native shall be made in writing through the Provincial Commissioner within twenty-one days of the date of such award or decision.

(4) The amount finally awarded as compensation shall be deposited by the applicant for setting-apart with the District Commissioner who shall be responsible for notifying any native concerned as to the amount so awarded.

37. (1) Where any dispute arises as to the person or persons entitled to receive any sum of money which has been duly assessed under the provisions of this Ordinance such sum shall be deposited by the applicant for setting apart pending the final award.

Deposit of  
money until  
dispute  
settled.

(2) Where money has been deposited in the office of the District Commissioner of the district under the provisions of sub-section (1) of this section the District Commissioner after taking the advice of the Local Board having jurisdiction over such area and, after hearing all interested parties, and their witnesses, shall make his award.

(3) Any person aggrieved by the award of the District Commissioner under this section may, within twenty-one days of the date of the making of such award, appeal to the Provincial Commissioner, whose decision shall be final. The Provincial Commissioner in special cases and in his absolute discretion, may extend the time for making any such appeal.

(4) Where no such appeal has been lodged or where such appeal has been heard and determined, the District Commissioner shall, from the sum so deposited, pay the various sums awarded by him or by the Provincial Commissioner to the persons entitled thereto.

38. The Governor, or any other officer authorized by him in that behalf, may grant mining leases in accordance with the provisions of the Mining Ordinance, 1933, in respect of any area of land set-apart from a Native Reserve under this Ordinance.

Governor may  
grant mining  
leases.  
No. 61 of 1933.

39. (1) Except in respect of cases of private right-holding where compensation has been paid as provided for by section 36 of this Ordinance and notwithstanding anything contained in the Mining Ordinance, 1933, a lump sum by way of commuted rent shall be payable by a mining lessee for all land set-apart under this Ordinance in respect of which a mining lease is granted to him, and the payment of such lump sum shall be additional to the rent payable to Government for such mining lease.

Rent for land  
to be addition-  
al to mining  
lease rent.  
No. 61 of 1933.

(2) The commuted rent payable for the land so set-apart shall be paid to the District Commissioner on behalf of the Local Board concerned, and shall be such an amount as the Provincial Commissioner shall assess as representing the total sum payable by way of annual rent

over the term of years for which the mining lease was granted, the calculation of the amount of such annual rent being based on the annual rent payable for the full agricultural value of the land.

(3) Any person aggrieved by the amount assessed as commuted rent under this section may, within twenty-one days of the making of such assessment, appeal in writing to the Governor, whose decision shall be final.

(4) The District Commissioner, as chairman of the Local Board, shall be responsible for making payments in proper cases out of the sums so paid to them by way of commuted rent, to such natives as may be proved to their satisfaction to have been prejudicially affected by the setting-apart of land under the provisions of this Ordinance.

(5) The District Commissioner, as chairman of the Local Board, shall from time to time pay to the Local Native Council concerned any balance remaining in their hands from sums so paid by way of commuted rent.

40. (1) Notwithstanding any provision to the contrary contained in the Mining Ordinance, 1933, the term for which land is set-apart under this Ordinance shall be deemed to run concurrently with the term of the mining lease granted in respect of such land and, save where the mining lease shall have been renewed in accordance with the provisions of the said Mining Ordinance, 1933, the setting-apart of the land shall be deemed to have expired automatically upon the expiry of the mining lease.

Land and  
mining leases  
to be con-  
current.  
No. 61 of 1933.

Where a mining lease is so renewed, the setting-apart of the land shall be deemed also to have been renewed for a like term as the renewal of the mining lease.

(2) Upon every such renewal of a mining lease and notwithstanding anything contained in the said Mining Ordinance, 1933, and in addition to any fees and rent payable thereunder, there shall be paid for the renewal of the setting-apart of the land the lump sum of commuted rent provided for in section 39 of this Ordinance and upon the first renewal only there shall be payable as an addition to such commuted rent a sum equal to twenty per centum of the amount of such commuted rent.

No. 61 of 1933.

(3) Upon the payment of the sums provided in the last sub-section the Provincial Commissioner shall publish in the Gazette a notice of the renewal of the setting-apart

of the land and such renewal shall take effect from the date of such publication save where some other date is expressly mentioned in the notice.

41. Whenever under the provisions of section 36 of this Ordinance a lump sum of money is deposited with a District Commissioner for the purpose of paying the same to any native, such officer shall have an absolute discretion as to whether he makes such payment by a lump sum or by instalments over a period of time. Method of making payments.

42. Should any of the provisions of this Part conflict or be inconsistent with any of the provisions in Part I of this Ordinance, the provisions of this Part shall prevail." Provisions of Part II to prevail.

#### OBJECTS AND REASONS.

This amending Bill is a temporary measure pending the enactment of the legislation necessary to give effect to the recommendations of the Kenya Land Commission, 1933.

2. The Bill is designed to assist the development of the mineral resources of the Colony by making immediate provision for setting-apart land in Native Reserves where application has been made for the grant of a mining lease.

3. The setting-apart of land is the procedure recommended with regard to mining leases by the Land Commission and the Bill provides for a system of payment of compensation and rent in accordance with the general principles embodied in the Report of the Commission.

4. No expenditure of public moneys will be involved if the provisions of this Bill become law.

## PROCLAMATION No. 62

## MEETING OF LEGISLATIVE COUNCIL.

I, Joseph Aloysius Byrne, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, a Knight of Grace of the Venerable Order of the Hospital of Saint John of Jerusalem, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in exercise of the powers vested in me by Instructions under the Royal Sign Manual and Signet, dated the 29th day of March, 1934, do hereby direct that a session of the Legislative Council be held at the Memorial Hall, Nairobi, on Tuesday the 24th day of July, 1934, at 11 a.m.

Given under my hand at Nairobi this 9th day of July, 1934.

J. BYRNE,  
Brigadier-General,  
Governor.

GOD SAVE THE KING.

## GOVERNMENT NOTICE NO. 479

## ASIAN CLERICAL STAFF CONFIRMATION EXAMINATION, SEPTEMBER, 1934.

THE above examination will be held at centres throughout the Colony on Wednesday, Thursday and Friday, September 26th, 27th and 28th, 1934.

2. Entries should be sent to the Director of Education before the 31st August, 1934, on which date the entry list will be closed. Entries should be made on the proper form. Entry forms may be obtained on application to the Education Department.

3. The conditions of the examination are as prescribed in Chapter XXI (page 153) of the Code of Regulations.

H. L. BRADSHAW,  
*for Director of Education.*

## GOVERNMENT NOTICE NO. 480

## THE COMPANIES ORDINANCE, 1933.

PURSUANT to section 284, sub-section 3 of the above Ordinance, it is hereby notified that at the expiration of three months from date hereof, the name of the undermentioned Company will, unless cause be shown to the contrary, be struck off the Register of Companies, and the Company will be dissolved:—

Ocean Bathing, Limited.

Nairobi,

This 9th day of July, 1934.

W. M. KEATINGE,  
*Registrar of Companies.*

## GOVERNMENT NOTICE NO. 481

THE NATIVES' ARMS ORDINANCE.  
(*Chapter 137 of the Revised Edition.*)

## NOTICE.

I HEREBY ORDER that the word "Arms" in the Natives' Arms Ordinance (Chapter 137 of the Revised Edition) shall include the following:—

Bows.  
Arrows.  
Arrow-heads.

Nairobi,

This 2nd day of July, 1934.

J. BYRNE,  
*Governor.*

## GOVERNMENT NOTICE NO. 482

## THE TOWNSHIPS ORDINANCE, 1930.

## TOWNSHIP COMMITTEE.

## APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint Rev. Father N. Stam to be a member of the Township Committee of Kisumu for the year 1934 vice Rev. Father A. Rowlands, resigned.

Kisumu,

3rd July, 1934.

H. R. MONTGOMERY,  
*Provincial Commissioner,  
Nyanza Province.*

## GOVERNMENT NOTICE NO. 483

Instruments registered under the Chattels Transfer Ordinance during the month of June, 1934:—

<i>Number.</i>	<i>Name of Assignor.</i>	<i>Name of Assignee.</i>
2193	Bhanjee Laljee ... ... ...	Karamchand s/o Shamdass.
2194	Naran Manji ... ... ...	Motor Mart and Exchange, Ltd.
2195	Magan'al Gordhandas ... ... ...	Premchand Brothers.
2196	Johannes Jacobus Mcboy ... ... ...	Kenya Farmers' Association (Co-operative), Ltd.
2197	Thakur Dass ... ... ...	Allam Khan.
2198	Thomas Arthur Kershaw Turton ...	Barclays Bank (Dominion, Colonial & Overseas).
2199	John Rawson Wynter ... ... ...	Dalgety and Co., Ltd.
2200	Sybil Ryder ... ... ...	Robert Ernest Gordon Russell.
2201	Jaimal Singh Mahal s/o Bragwan Singh	Puran Chand Sadraich.
2202	Reginald James Mudie ... ... ...	Robert Aitken Mudie.
2203	Kalu Khan s/o Tajmohamed, Narsidas s/o Odavji and Premchand s/o Vasanji, trading as The Mombasa Flour Mills	Ramji Valabhji and Samji Valabhji, trading as Valabhji Anandji and Sons.
2204	Quenten Hepburn Brown, John Fearne Gilson and Walter John Carter ...	Dalgety and Co., Ltd.

## SATISFACTIONS ENTERED IN THE REGISTER.

2103	Khurshied Al'am, Fazal Ilahi and Gulana Mohammed, trading as The Punjab Provision Store ... ... ...
	Ibrahim Karimb x.

Nairobi,  
7th July, 1934.

W. M. KEATINGE,  
Registrar General.

## GOVERNMENT NOTICE NO. 484

THE NATIVE AUTHORITY ORDINANCE.  
(Chapter 129 of the Revised Edition, section 3 (1))

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, section 13).

GOVERNMENT NOTICE NO. 406 OF 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the persons named in the Schedule annexed hereto to be Official Headmen for the areas named therein.

Mombasa,  
4th July, 1934.

G. H. C. BOULDERSON,  
Acting Provincial Commissioner,  
Coast Province.

## SCHEDULE.

## KILIFI DISTRICT, COAST PROVINCE.

Name	Area	With effect from	Remarks
Mwasaa wa Lewa	Dagamra	1st June, 1934	Previously holding letters of appointment as Sub-Headmen.
Ngumbao wa Kiti	Alitele		
Gwaro wa Masha	Marikano		
Kalamwa wa Lewa	Shakahola		
Ngowa wa Mwaringa	Sameta		
Kombe wa Yeri	Shakadulo		
Kadzina wa Kibaru	Adu		
Ngumbao wa Mwagambo	Fundi-Isa		
Makange wa Nzou	Wakamba Section, Mari-kani		
Kiribai wa Mwambire	Wagiriana Section, Mari-kani		

## GOVERNMENT NOTICE NO. 485

THE NATIVE AUTHORITY ORDINANCE.  
(Chapter 129 of the Revised Edition, section 3 (1))

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, section 13).

GOVERNMENT NOTICE NO. 406 OF 1926.

TERMINATION OF APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby terminate the appointment of the person named in the Schedule attached hereto.

Mombasa,  
4th July, 1934.

G. H. C. BOULDERSON,  
Acting Provincial Commissioner,  
Coast Province.

## SCHEDULE.

## KILIFI DISTRICT, COAST PROVINCE.

Name	Section	With effect from	Remarks
Makange wa Nzou	Kawale	1st June, 1934	Appointment as headman of one area terminated prior to re-engagement as headman over a newly defined area. Appointed by Govt. Notice No. 424, 15th December, 1924.

## GENERAL NOTICE No. 901

## NOTICE.

TENDERS are invited for the supply of the following:—

50,000 lb. dates, "Sayer" quality, if possible in hermetically sealed tins, to be delivered at the K.A.R. Supply Depot, Nairobi, in January, 1935, or 25,000 lb. to be delivered in January, 1935, and remaining 25,000 before July, 1935.

Tenders in sealed envelopes marked "Dates" should reach this office not later than 4 p.m. on Monday the 16th of July, 1934.

The Board does not bind itself to accept the lowest or any tender.

The Treasury,  
Nairobi,  
5th July, 1934.

H. R. HIRST,  
Secretary,  
*Central Tender Board.*

## GENERAL NOTICE No. 902

## THE ESTATE DUTY (CONSOLIDATION) ORDINANCE, 1926.

## APPOINTMENT OF APPROVED VALUERS.

IN EXERCISE of the powers thereunto enabling them, the Estate Duty Commissioners have appointed as valuers for the purpose of the Estate Duty (Consolidation) Ordinance, 1926, the persons whose names are shown hereunder:—

Alan Gordon Nourse.  
Walter James Beeston.  
Thomas Henry Chettle.  
John Williamson Milligan.  
Cyril Keyworth Day Beales.

Nairobi,  
This 6th day of July, 1934.

S. G. WALTER,  
Secretary,  
*Board of Estate Duty Commissioners.*

## GENERAL NOTICE No. 903

## THE DISEASES OF ANIMALS ORDINANCE.

## HONORARY PERMIT ISSUERS.

IN EXERCISE of the powers conferred upon me by Rules Nos. 20 and 63 of the Diseases of Animals Ordinance Rules, 1931, I hereby declare that the undermentioned gentleman ceases to be an Honorary Permit Issuer for the purposes of the said Rules.

Capt. E. Hutchinson, Limuria Estate, P.O.  
Athi River (resigned).

Nairobi,  
This 6th day of July, 1934.

H. H. BRASSEY-EDWARDS,  
Deputy Director (*Animal Industry*)  
and Chief Veterinary Officer.

## GENERAL NOTICE No. 904

## LOCUST REPORT, 5TH JULY, 1934.

## KENYA.

*The Red Locust.*

*Coast Province.*—There is little change to be reported from the Coast. Flyers are becoming more numerous daily, and though there are as yet no signs of large concentrations into flying swarms, this stage will be reached during the course of the next week or two. Further European assistance has been despatched at the urgent request of those in charge of the operations, and the general situation from Waa to the Tanganyika border, and in the Maserus-Rabai district is still grave; and while every possible effort is being made to cope with the hoppers fresh invasions are frequently occurring, thus increasing the already very large areas to be dealt with, and seriously reducing the prospects of ultimate control.

*Kisii Area.*—While the hopper infestation is now definitely under control the few flying swarms reported last week as proceeding from the Tanganyika border have now been followed by numerous swarms flying in a northerly direction from Tanganyika Territory over the South Kavirondo district. The largest of these swarms, measuring several miles in length, was last reported as entering Mau forest from Kericho on the 29th June. Several swarms of smaller extent have been observed in Sotik, Kericho and the Buret reserve, while a large swarm settled in the Belgut reserve on the 3rd July, and is reported to have caused heavy damage to native crops.

Special officers with power spray equipment have been detailed to do everything possible to deal with the invasion but the most that can be aimed at is the protection of crops and for this object smudge fires are recommended, built on the windward side of shambas and constructed of a core of dry brushwood covered with a thick layer of wet grass and weeds and well pressed down. By strewing damp material from a stock pile to the windward of the burning point the most economical use of the combustible material will be secured. Care must be taken that the fire does not burn through to the top of the heap or flames will be produced.

H. J. CARLISLE,  
for Director of Agriculture.

## GENERAL NOTICE No. 905

## KENYA AND UGANDA RAILWAYS AND HARBOURS.

## OFFICIAL TARIFF Book No. 15.

A revised issue of the Official Tariff Book operating with effect from 30th June, 1934, is now on sale at all stations and ports, price Sh. 2 per copy.

Headquarters,  
Nairobi,  
3rd July, 1934.

A. E. HAMP,  
Acting General Manager.

## GENERAL NOTICE NO. 906

## POST OFFICE NOTICE.

## ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the under-mentioned date arrived in England as stated:—

Date of despatch from Mombasa	Name of vessel by which despatched	Date of arrival in England
19th June, 1934	S.S. "Compiègne"	7th July, 1934

General Post Office,  
Nairobi,

9th July, 1934.

A. W. DRURY,  
for Postmaster General,  
Kenya, Uganda and Tanganyika.

## GENERAL NOTICE NO. 907

## POST OFFICE NOTICE.

## ARRIVAL OF AIR MAIL IN ENGLAND.

IT is notified for general information that the Air Mail despatched from Nairobi on the under-mentioned date arrived in England as stated:—

Date of despatch from Nairobi	Date of arrival in England
29th June, 1934	5th July, 1934

General Post Office,  
Nairobi,

6th July, 1934.

A. W. DRURY,  
for Postmaster General,  
Kenya, Uganda and Tanganyika.

## GENERAL NOTICE NO. 909

## THE BANKRUPTCY ORDINANCE

## NOTICE OF RELEASE OF TRUSTEE

Debtor's Name	Debtor's Address	Debtor's Description	Court	Number of Matter	Trustee	Date of Release
Alfred Edward Linton	Nairobi	Contractor	H.M. Supreme Court, Nairobi	41 of 1933	Official Receiver	20-6-34
James Roy Notter Garton	Nairobi	—	"	15 of 1933	"	20-6-34
Hugh Gordon Cole, trading as Edward Hotel	Nairobi	Hotel-keeper	"	34 of 1932	"	20-6-34
Popatlal Devshanker Bhat	Nairobi	Hotel-keeper	"	40 of 1933	"	20-6-34

NAIROBI,

5th July, 1934

## GENERAL NOTICE NO. 908

## HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA.

THE next sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be held at Dar es Salaam to commence on Thursday the 6th day of September, 1934, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure appeals from His Majesty's Supreme Court of Kenya being set down for hearing at these sessions memoranda of appeal should be filed with the Registrar, Supreme Court of Kenya, Nairobi, or with the District Registrar, Mombasa so far as Mombasa Registry is concerned, not later than the 8th day of August, 1934.

Nairobi,

3rd July, 1934.

E. J. O'FARRELL,  
*Acting Registrar,*  
H.M. Court of Appeal for E.A.

## GENERAL NOTICE NO. 880

## MUNICIPAL BOARD OF MOMBASA.

## THE LOCAL GOVERNMENT (RATING) ORDINANCE, 1928.

PURSUANT to the provisions of section 11 of the Local Government (Rating) Ordinance, 1928, I hereby give notice that the Valuation Court appointed to examine the Second Supplementary Valuation Roll made in respect of property within the Municipality of Mombasa, has completed its examination of the said Roll, and that I have signed and certified the same, and that the said roll will become fixed and binding upon all persons who shall not before noon on the 6th day of August, 1934, appeal from the decision of the Valuation Court.

Mombasa,  
28th June, 1934.

R. PEDRAZA,  
*President,*  
Valuation Court.

E. J. O'FARRELL,  
*Ag. Registrar, Supreme Court of Kenya.*

## GENERAL NOTICE NO. 818

THE CROWN LANDS ORDINANCE.  
(Chapter 140 of the Revised Edition).

## ELDORET TOWNSHIP PLOT.

## NOTICE.

TENDERS by way of stand premium are invited for the purchase of the grant in respect of Plots Nos. 48 and 50, section IX, Eldoret Township, as described in the Schedule hereto.

2. A plan of the plot may be seen at the Public Map Office attached to the Survey and Registration Division, Nairobi, and at the office of the District Commissioner, Eldoret, or may be had on application to the Commissioner of Lands, Box 89, Nairobi, on payment of Sh. 3, post free.

3. In the following conditions the term "authority" means the Municipal Board, Eldoret.

## CONDITIONS OF SALE.

## (a) Tender.

1. Sealed tenders marked "Tender for Eldoret Plot" must be deposited with the undersigned before noon on Friday the 20th July, 1934.

2. No tender of less than the reserve price as shown in the schedule will be considered. The highest or any tender will not necessarily be accepted.

3. The successful tenderer will be required to pay to the Provincial Commissioner, Nakuru, within seven days of notification that his tender has been accepted, 25 per cent of the amount tendered and also the proportionate rent for the period 1st August to 31st December, 1934. The balance of the purchase price will be payable on demand prior to the issue of title, which will be executed as soon as conveniently may be.

4. The successful tenderer will also be required to pay to the Town Clerk, Eldoret, within seven days of the acceptance of the tender the sum of Sh. 400, being the proportionate cost of the construction of roads and drains.

5. The survey fees (Sh. 70), the fees for the preparation and registration of the title (Sh. 120), the stamp duty due in respect of the grant, and all other expenses (if any) shall be paid to the Commissioner of Lands, Nairobi, with seven days of demand.

## (b) General.

1. The grant will be for 25 years from the 1st August, 1934, subject to extension to 99 years as provided in Special Condition No. 4, and will be subject to the ordinary conditions of the Crown Lands Ordinance as governing township plots and to the following conditions:—

2. The title will be issued under the Registration of Titles Ordinance.

3. The Government or such person or authority as may be appointed for the purpose, shall have the right to enter upon any plot, and lay and have access to water mains, service pipes, telegraph or telephone wires, and electric mains of all descriptions, whether overhead or underground, and the grantee shall not erect any building in such a way as to cover or interfere with any existing routes, mains or service pipes or the telegraph or telephone wires and electric mains aforementioned.

4. No building shall be erected on the plot unless plans (including block plans showing the position of the buildings), drawings, elevations and specifications thereof shall have been previously approved

by the authority, and by the Commissioner of Lands or such other person as he may appoint. Such plans etc., shall be submitted in triplicate to the Town Clerk, Eldoret, for necessary action.

5. The grantee shall not at any time subdivide the plot, or assign, sublet or otherwise dispose of any portion of the plot without the previous written consent of the Governor.

6. Any building erected shall conform to a building line decided upon by the authority.

## (c) Special.

1. The plot may be used for business, residential or educational purposes, or for the combined purposes.

Provided that in the event of the plot being used for the said combined purposes, then not more than one-half of the area thereof shall be built upon; otherwise not more than ninety per cent of the area thereof shall be built upon.

2. In no case shall the area of the plot, if used solely for business purposes, required to remain unbuilt on be less than 300 square feet, and the said area shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto and in accordance with a design approved by the authority.

Such open space shall be at the rear of the building, and shall extend along the entire width of the building, or for a distance of not less than 30 feet, whichever shall be the less, and the distance across such open space from every part of the building to the rear boundary of the plot shall be not less than 10 feet.

3. The purchaser of the plot shall erect within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick, concrete, asbestos, wood or iron on proper foundations.

4. If at any time during the term of the grant a main building of approved design constructed of stone, burnt brick or concrete on proper foundations, be erected on any plot, the grantee shall be entitled to an extension of the term of the grant to 99 years from the 1st day of August, 1934.

5. At no time during the term of the grant shall the plot or any portion thereof, or any building erected on the plot, be used for the purpose of carrying on any trade or business which has been or may be declared to be dangerous or offensive by notice in the Official Gazette.

6. Verandas may be erected within a road reserve with the previous consent of the authority, and must conform to a building line decided upon by such authority.

## SCHEDULE.

Plots Nos. 48 and 50, section IX, Eldoret Township.

*Area.*—0.11480 of an acre.

*Plot No. 50, section IX, area.*—0.11738 of an acre.

*Rent.*—Sh. 192 per annum.

*Reserve price.*—Sh. 800.

*Survey fees.*—Sh. 70.

*Proportionate rent from 1st August, 1934 to 31st December, 1934.*—Sh. 80.

Nairobi,

13th June, 1934.

C. E. MORTIMER,  
for Commissioner for Local  
Government, Lands and Settlement.

## GENERAL NOTICE No. 881

THE CROWN LANDS ORDINANCE.  
(*Chapter 140 of the Revised Edition*).

## QUARRY PLOTS, NAIROBI.

## NOTICE.

NOTICE is hereby given that grants in respect of two quarry plots on the Getathura River, south of the Fort Hall Road, being portions of L.R. No. 213/2, Nairobi, as specified in the Schedule hereto, will be sold by auction at the office of the District Commissioner, Nairobi, on Tuesday the 31st July, 1934, commencing at 11 a.m.

Plans of the plots may be seen at the Public Map Office attached to the Survey and Registration Division, Nairobi, and at the office of the District Commissioner at Nairobi, or may be had on application to the Surveyor General on payment of Sh. 2, post free.

The right to withdraw either plot from the auction is reserved to the Commissioner for Local Government, Lands and Settlement.

## CONDITIONS OF SALE.

## (a) Auction.

1. Each grant will be auctioned separately, the basis of sale being an annual rental, payable on the 1st January in each year.

2. The amount of the advance of each bid will be regulated by the auctioneer, and no bidding shall be retracted. No offer of less than Sh. 600 per plot per annum will be considered and the bidding will commence at that figure.

3. The highest bidder will be the purchaser, but if any dispute arise as to any bid, the grant will be reoffered at the last undisputed bid.

4. Each purchaser shall pay to the auctioneer immediately on the fall of the hammer, the sum due for the period 1st August to 31st December, 1934, calculated at the rate bid by the purchaser. In default of such payment, the grant may be immediately reoffered for sale, and any subsequent bid by the person who has made default may be ignored or refused.

5. Each purchaser shall on paying the rent inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased; the grant will be issued in accordance with this information.

6. The plots have not yet been surveyed, but survey will be effected within one month from the date of sale. Thereafter titles will be issued as soon as conveniently may be.

7. The survey fees (Sh. 80) and the fees for the preparation and registration of the title (Sh. 120) and the stamp duty payable in respect of the grant, and all other expenses (if any) shall be paid to the Surveyor General, Box 89, Nairobi, within 7 days of demand. If the amounts herein mentioned are not paid as herein laid down the Commissioner for Local Government, Lands and Settlement may order the rental paid by the purchaser to be forfeited and the purchaser shall have no further claim to the grant of the plot.

8. The Government or such person or authority as may be appointed for the purpose shall have the right to enter upon any plot and lay and have access to water mains, service pipes, telegraph or telephone wires, and electric mains of all descriptions whether overhead or underground, and the grantees shall not erect any building in such a way as to cover or interfere with any existing routes, main or service pipes or the telegraph or telephone wires and electric mains aforementioned.

9. The term of the grant will be 5 years from the 1st August, 1934. Grants will be issued under the Registration of Titles Ordinance (Chapter 142) and will be subject to the Crown Lands Ordinance (Chapter 140).

10. The plots are to be used for the purpose of stone quarrying and for no other purpose whatsoever.

11. No residence will be permitted except that of a caretaker. The grantee will be required to house elsewhere employees engaged in quarrying operations.

12. All debris is to be disposed of and effective sanitation and drainage of the land is to be carried out to the satisfaction of the Medical Officer of Health.

13. No quarrying is to be effected below the level of the river.

14. The waters of the Getathura River flowing on the southern boundary of the plots may not be used for any purpose other than domestic unless a permit for such use has been obtained in advance from the Director of Public Works.

15. The grantees will be required to take effective steps to prevent the pollution of the Getathura River by their employees.

16. The grantees will be required to arrange their own access, and the grantees of Plot No. A, may be required to give a right of access to the grantee of Plot No. B.

17. No blasting is to take place between the hours of 6 p.m. and 6 a.m.

18. On expiration of the term or the earlier determination of the grant the plot shall be levelled in such a manner as to cease to be dangerous or unsightly, such levelling to be effected to the satisfaction of the Commissioner for Local Government, Lands and Settlement.

19. No royalty will be levied in respect of the stone quarried.

C. E. MORTIMER,  
for Commissioner for Local  
Government, Lands and Settlement.

## SCHEDULE.

Plot No.	Area. Approx.	Minimum Annual Rent.
213/2/A	14 acres	Sh. 600.
213/2/B	15 acres	Sh. 600.

## GENERAL NOTICE No. 910

## OUTPUT OF GOLD

KAKAMEGA			ELSEWHERE		
Date	Reef	Alluvial	Date	Reef	Alluvial
	Oz.	Oz.		Oz.	Oz.
May, 1934	459	139	May, 1934	556	—

Total Output for May, 1934 . . . 1154 oz.

Nairobi,  
4th July, 1934.E. B. HOSKING,  
*Commissioner of Mines.*

## GENERAL NOTICE No. 911

## NOTICE

## LABOUR AGENTS' PERMITS ISSUED DURING THE MONTH OF JUNE, 1934

No. of Permit	Name	Date of Receipt	Date of Commencement	Date of Expiry
796	Imamdin s/o Noor Din	13-6-34	1-6-34	31-8-34

Kisumu,  
30th June, 1934H. R. MONTGOMERY,  
*Provincial Commissioner, Nyanza.*

## GENERAL NOTICE No. 912

## THE BANKRUPTCY ORDINANCE, 1930

## NOTICE OF RELEASE OF TRUSTEE

Debtor's Name	Debtor's Address	Debtor's Description	Court	Number of Matter	Trustee's Name	Date of Release
Rawji Madhavji	Mombasa	Tailor	Supreme Court	16 of 1931	Karimbhai Abdulhusein	26-6-34

MOMBASA.

J. H. FLYNN,  
*Ag. District Registrar, Supreme Court of Kenya.*

## GENERAL NOTICE No. 1356

SESSIONS of His Majesty's Supreme Court of Kenya will be held on the dates and at the places hereinafter set out:—

## SUPREME COURT SESSIONS AT NYERI, 24-7-34.

Criminal Case No. 85/34. Rex *vs.* Iruma s/o Chigiti.

Criminal Case No. 90/34. Rex *vs.* Ndhiga wa M'Robia.

## SUPREME COURT SESSIONS AT NAIROBI, 7-8-34.

Criminal Case No. 82/34. Rex *vs.* Solu wa Tutu and Tupi wa Gase.

## SUPREME COURT SESSIONS AT NAKURU, 14-8-34.

## SUPREME COURT SESSIONS AT ELDORET, 18-8-34.

## SUPREME COURT SESSIONS AT KAPENGURIA, 23-8-34.

## SUPREME COURT SESSIONS AT KISUMU, 27-8-34.

E. J. O'FARRELL,  
*Acting Registrar,*  
*Supreme Court of Kenya.*

## GENERAL NOTICE No. 913

## HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA.

A Special Session of His Majesty's Court of Appeal for Eastern Africa will be held at Nairobi on the 2nd day of August, 1934, when the following appeals will be heard.

- Criminal Appeal No. 82/34. Rex *vs.* Ethekon s/o Lokomarr.
- Criminal Appeal No. 83/34. Rex *vs.* Halima binti Wanirgwa.
- Criminal Appeal No. 85/34. Rex *vs.* Karanja wa Chege.
- Criminal Appeal No. 86/34. Rex *vs.* Wagotaera wa Kamau.
- Criminal Appeal No. 87/34. Rex *vs.* Saiti.
- Criminal Appeal No. 92/34. Rex *vs.* Mukoto s/o Lwenswalula.
- Criminal Appeal No. 93/34. Rex *vs.* Katarogo s/o Wamala.
- Criminal Appeal No. 94/34. Rex *vs.* Kyamulesire s/o Masudi.
- Criminal Appeal No. 95/34. Rex *vs.* Bamatuna s/o Kabwa.

Nairobi,

3rd July, 1934.

E. J. O'FARRELL,  
*Acting Registrar,*  
*H.M. Court of Appeal for E.A.*

## GENERAL NOTICE No. 914

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI.

## IN BANKRUPTCY.

CAUSE No. 40 of 1929.

*Re* DAVID SILVER, BANKRUPT.

ON the application of David Silver, farmer of Machakos, adjudged bankrupt on the 23rd day of October, 1929, and upon reading the report of the Official Receiver as to the bankrupt's conduct and affairs including his conduct during the proceedings in this bankruptcy, and no creditor opposing, it is ordered that the bankrupt's discharge be suspended for three days and that he be discharged as from the 2nd day of July, 1934.

Dated at Nairobi this 29th day of June, 1934.

By the Court.

E. J. O'FARRELL,  
*Acting Registrar,*  
*Supreme Court of Kenya.*

## GENERAL NOTICE No. 915

THE BANKRUPTCY ORDINANCE.  
NOTICE OF DIVIDEND.*Summary Case.*

*Debtor's name.*—George Mackenzie.

*Address.*—Kikuyu.

*Description.*—Hotel-keeper.

*Court.*—H.M. Supreme Court, Nairobi.

*Number of matter.*—72 of 1930.

*Amount per £.*—Shillings two and cents ten in the £ (Sh. 2/10 in the £).

*First or final or otherwise.*—First and final.

*When payable.*—12th July, 1934.

*Where payable.*—Official Receiver's Office, Old Secretariat Buildings, Nairobi.

Nairobi,  
7th July, 1934.

L. R. FISHER,  
*for Official Receiver.*

## GENERAL NOTICE NO. 916

## THE BANKRUPTCY ORDINANCE.

## NOTICE OF INTENDED DIVIDEND.

*Debtor's name.*—Bhowan Jina.*Address.*—Salim Road, Mombasa.*Description.*—Building Contractor.*Court.*—Supreme Court, Mombasa.*Number of matter.*—3 of 1934.*Last day for receiving proofs.*—15th July, 1934.*Name of trustees.*—Pirmahomed Jiwa and Kashiram Dewraj (of Moolji Jetha and Co.).*Address.*—P.O. Box 345, Mombasa.

Mombasa,

5th July, 1934.

KASHIRAM DEWRAJ,  
PIRMAHOMED JIWA,  
*Trustees.*

## GENERAL NOTICE NO. 917

## THE BANKRUPTCY ORDINANCE.

## NOTICE OF DIVIDEND.

*Debtor's name.*—Bhowan Jina.*Address.*—Salim Road, Mombasa.*Description.*—Building Contractor.*Court.*—Supreme Court, Mombasa.*Number of matter.*—3 of 1934.*Amount per £.*—Shillings 3 and cents 12½.*First or final or otherwise.*—First.*When payable.*—20th July, 1934.*Where payable.*—At the office of Pirmahomed Jiwa, Piggot Garden, Mombasa (by the trustees).

Mombasa,

5th July, 1934.

KASHIRAM DEWRAJ  
PIRMAHOMED JIWA,  
*Trustees.*

## GENERAL NOTICE NO. 918

## THE BANKRUPTCY ORDINANCE.

## NOTICE OF DIVIDEND.

*Debtor's name.*—Edgar Lavender, a partner in the firm of Drury Lavender and Co.*Address.*—Nairobi, Nakuru and Kisumu.*Description.*—Merchant.*Court.*—H.M. Supreme Court, Nairobi.*Number of matter.*—59 of 1931.*Amount per £.*—Shillings ten in the £ (Sh. 10 in the £).*First or final or otherwise.*—First and final.*When payable.*—11th July, 1934.*Where payable.*—Official Receiver's Office, Old Secretariat Buildings, Nairobi.

Nairobi,

7th July, 1934.

L. R. FISHER,  
*for Official Receiver.*

## GENERAL NOTICE NO. 919

## THE BANKRUPTCY ORDINANCE.

## NOTICE OF DIVIDEND.

*Summary Case.**Debtor's name.*—Cecil Frederick Charles Wilson.*Address.*—Kakamega.*Description.*—Farmer (Kiminini).*Court.*—H.M. Supreme Court, Nairobi.*Number of matter.*—4 of 1934.*Amount per £.*—Cents thirty-seven in the £ (Cts. 37 in the £).*First or final or otherwise.*—First and final.*When payable.*—9th July, 1934.*Where payable.*—Official Receiver's Office, Old Secretariat Buildings, Nairobi.

Nairobi,

6th July, 1934.

L. R. FISHER,  
*for Official Receiver.*

## GENERAL NOTICE NO. 920

## PROBATE AND ADMINISTRATION.

## PUBLIC TRUSTEE'S CAUSE NO. 24 OF 1934.

## IN THE MATTER OF MULICK SHER SHAH, DECEASED.

To all whom it may concern.

TAKE NOTICE that all persons having any claims against the estate of the above-named Mulick Sher Shah, deceased, late of Mbulamuti, Uganda Protectorate, who died in Sargodha District, Punjab, India, on the 6th day of January, 1934, are required to prove such claims before me the undersigned on or before the 10th day of September, 1934, after which date the claims so proved will be paid and the estate distributed according to law.

Nairobi,

7th July, 1934.

W. M. KEATINGE,  
*Public Trustee.*

## GENERAL NOTICE NO. 921

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI.

## PROBATE AND ADMINISTRATION.

## CAUSE NO. 39 OF 1934.

## IN THE ESTATE OF HENRY BAGEHOT SWANN, DECEASED.

TAKE NOTICE that application has been made to this Court by Messrs. Ralston and Kaplan, Advocates, Nairobi, on behalf of Godfrey Holland and George Falconer Bisset, both of 24 Old Broad Street, in the City of London, and Harry Huddart Swann, of Rookery Farm Dedham, Essex, the executors named in the will of the above-named deceased for re-seal of the probate of the last will and testament with a codicil granted to the aforesaid Godfrey Holland, George Falconer Bisset and Harry Huddart Swann by the Principal Probate Registry of His Majesty's High Court of Justice in England, of the estate of the above-named deceased, who died at 2 Chatsworth Gardens, Eastbourne, in the County of Sussex, on the 27th day of May, 1931, and that this Court will proceed to make an order accordingly unless cause be shown to the contrary and appearance in this respect entered on or before the 25th day of July, 1934.

Dated at Nairobi this 3rd day of July, 1934.

E. J. O'FARRELL,  
*Acting Registrar,  
Supreme Court of Kenya.*

## GENERAL NOTICE NO. 922

## PROBATE AND ADMINISTRATION.

PUBLIC TRUSTEE'S CAUSE NO. 40 OF 1934.

IN THE MATTER OF ARTHUR BLOWERS, DECEASED.

To all whom it may concern.

TAKE NOTICE that all persons having any claims against the estate of the above-named Arthur Blowers, who died at Nairobi, in the Colony of Kenya, on the 17th day of June, 1934, are required to prove such claims before me the undersigned on or before the 10th day of September, 1934, after which date the claims so proved will be paid and the estate distributed according to law.

Nairobi,

6th July, 1934.

V. M. KEATINGE,  
Public Trustee.

## GENERAL NOTICE NO. 923

## PROBATE AND ADMINISTRATION.

PUBLIC TRUSTEE'S CAUSE NO. 40 OF 1934.

IN THE MATTER OF ARTHUR BLOWERS, DECEASED.

To all whom it may concern.

TAKE NOTICE that on or after the 24th day of July, 1934, I intend to apply to H.M. Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named Arthur Blowers, deceased, late of Nairobi, in the Colony of Kenya, who died at Nairobi on the 17th day of June, 1934.

Nairobi,

6th July, 1934.

W. M. KEATINGE,  
Public Trustee.

## GENERAL NOTICE NO. 926

COMPARATIVE STATEMENT OF CUSTOMS RECEIPTS FOR THE PERIOD  
JANUARY TO 30TH JUNE, 1934

		Actual Collections 1932	Actual Collections 1933	Actual and Estimated Collections 1934
		£	£	£
	KENYA			
January-May ..	.. .. .. .. ..	224,486	246,248	249,300
June .. .. .. .. ..	.. .. .. .. ..	51,599	59,140	40,900
		£ 276,085	305,388	290,200
One-half of Yearly Estimate ..	.. .. ..	320,590	300,889	313,750
	UGANDA			
January-May ..	.. .. .. .. ..	140,359	142,589	172,800
June .. .. .. .. ..	.. .. .. .. ..	18,955	19,648	20,500
		£ 159,314	162,237	193,300
One-half of Yearly Estimate ..	.. .. ..	175,600	165,600	157,500

Custom House,

Mombasa,

7th July, 1934.

G. D. KIRSOPP,  
Commissioner of Customs,  
Kenya and Uganda.

**GENERAL NOTICE NO. 900**

## NOTICE

**Successful Tenderers for the Supply of Foodstuffs to Government Departments during the six months ending the 31st December, 1934.**

#### **CONTRACTORS—(Contd.)**

Article	Name and Address of Contractor	Place where Required	Place of Delivery
Meat Mutton Roast	Smithfield Butchery (1932) Ltd., Nairobi ..	Nairobi ..	Nairobi
Meat Meal ..	Dalgety & Co., Ltd., P.O. Box 96, Nairobi ..	Nairobi ..	Nairobi
Mineral Waters ..	The Crystal Springs A. W. Co. Ltd., Nairobi ..	Nairobi ..	Nairobi (bottles returnable)
Milk, Pasteurized..	United Dairies, Ltd., Box 757, Nairobi ..	Nairobi and Kabete ..	(Delivered) Nairobi and Kabete
Onions .. ..	Atma Ram & Sons, P.O. Box 683, Nairobi ..	Nairobi ..	Nairobi
Peas (dried) .. ..	Kenya Farmers' Association (Co-operative) Ltd., P.O. Box No. 35, Nakuru ..	Nairobi ..	c.i.f. Nairobi
Potatoes .. ..	Mrs. E.P. Delany, P.O. Box No. 111, Nairobi ..	Nairobi and Kabete ..	Nairobi and Kabete
" .. ..	Hassanali Jivanjee, Mombasa .. ..	Mombasa ..	Mombasa
" .. ..	Cannoneign Estate, Limuru .. ..	Kisumu ..	c.i.f. Kisumu
Rice, Polished .. ..	Rahim Jivraj and Company, P.O. Box 15, Nairobi ..	Nairobi ..	c.i.f. Nairobi
" .. ..	Rughnath Gokaldas & Co., P.O. Box 21, Kisumu ..	Mombasa ..	c.i.f. Mombasa
Rice, Unpolished..	ditto .. ..	Kisumu ..	Kisumu
Salt, Coarse .. ..	Rahim Jivraj & Co., P.O. Box 15, Nairobi ..	Nakuru ..	c.i.f. Nakuru
" .. ..	ditto .. ..	Nairobi ..	Nairobi
" .. ..	The Nairobi Flour Mills, P.O. Box 72, Nairobi ..	Mombasa ..	f.o.r. Nairobi
" .. ..	ditto .. ..	Kabete ..	Kabete
" .. ..	Keshavji Parbat & Co., P.O. Box 733, Nairobi ..	Ngong ..	f.o.r. Nairobi
" .. ..	Hassanali Jivanjee, Mombasa .. ..	Nairobi ..	Nairobi
" .. ..	The Nyanza Oil Mills Co., Ltd., P.O. Box 53, Kisumu .. ..	Mombasa ..	Mombasa
" .. ..	.. .. .. .. ..	Kisumu ..	Kisumu
" .. ..	M. D. Puri & Sons, Machakos .. ..	Machakos ..	Machakos
" .. ..	Ibrahim Karimbux, P.O. Box 3, Nakuru .. ..	Nakuru ..	Nakuru
Salt, Rock .. ..	The Nairobi Flour Mills, P.O. Box 72, Nairobi ..	Nairobi and Kabete ..	Nairobi and Kabete
" .. ..	ditto .. ..	Ngong ..	f.o.r. Nairobi
" .. ..	The Universal Export Co., Ltd., P.O. Box 540, Nairobi .. ..	Machakos ..	Ex Store, Nairobi
" .. ..	ditto .. ..	Kisumu ..	Ex Store, Nairobi
Sim Sim Cakes .. ..	The Nairobi Flour Mills, P.O. Box 72, Nairobi ..	Kabete ..	Kabete
" .. ..	ditto .. ..	Machakos & Ngong ..	f.o.r. Nairobi
Sugar .. ..	East African Sugar Distributors Ltd., P.O. Box 142, Nairobi .. ..	Nairobi ..	Nairobi (f.o.r.) or ex godown
Tea .. ..	Brooke Bond East Africa, Ltd., P.O. Box 16, Kericho .. ..	Nairobi ..	c.i.f. Nairobi (case of 25 lb. lined with lead foil)
Wheat Flour .. ..	Unga, Ltd., P.O. Box 396, Nairobi .. ..	Nairobi ..	Nairobi (f.o.r.)
Special Coarse .. ..	ditto .. ..	Mombasa ..	c.i.f. Mombasa
Superfine .. ..	ditto .. ..	Nairobi ..	f.o.r. Nairobi
Atta Flour .. ..	ditto .. ..	Nairobi ..	.. Nairobi
			.. Nairobi

THE TREASURY,  
NAIROBI.

**TREASON  
NAIROBI**

25TH JUNE, 1934.

H. R. HIRST

*Secretary*

### Central Tender Board.

## GENERAL NOTICE NO. 927

## NOTICE

NOTICE is hereby given that the undermentioned goods will be sold by public auction at the Custom House, Lamu, on the 13th August, 1934, if not cleared before that date and the proceeds will be applied as follows:—

*Firstly*, in the payment of the expenses of the sale;

*Secondly*, in the payment of duty;

*Thirdly*, in the payment of the warehouse rent and charges;

*Fourthly*, in the payment of the freight, if any, due upon the goods if written notice of such freight shall have been given to the Collector.

The surplus, if any, will be paid to the proprietor of the goods on his application in writing for the same within six months from the date of the sale, but if on expiration of that date no such application shall have been received, the surplus will be forfeited and shall be applied as if it had originally been paid as duty due and payable.

Custom House, Mombasa,  
2nd July, 1934.

E. G. BALE,  
*for Commissioner of Customs, Kenya and Uganda*

## UNCLAIMED GOODS LYING AT THE CUSTOM HOUSE, LAMU, FOR OVER THREE MONTHS

Date	Vessel	From	Description
1934			
3rd February	Tijara L. 117	Mombasa	1 load betelnuts (about 11 lb.)
" "	Wireless M200	"	1 piece C.P. goods 4 yards
5th February	Karachi L171	"	1 package faluda grass
9th February	Almeria L352	"	2 loads maize 158 lb.
18th February	Benadir L37	"	1 load empty bottles Nos. 17
20th February	Safina L45	"	2 grinding stones 135 lb.
3rd March	Keya L20	"	1 package enamelware 8 lb.
11th March	Fatelrahman	"	1 sword
14th March	Saad Salaam	Makalla	1 bundle straw fans
19th March	Nasri	Cochin	1 load drugs
" "	Jasmin Z346	Mombasa	1 case merchandise
20th March	L145 Madina	"	1 bag tobacco 94 lb. gross

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