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KENYA
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TABLE OF CONTENTS

| | PAGE |
|--|------|
| Bills for Introduction into Legislative Council — | |
| Govt Notice No 157—A Bill to Amend the Local Government (Rating) Ordinance, 1928 | 453 |
| „ „ „ 158—A Bill to Amend the Local Government (District Councils) Ordinance, 1928 | 457 |
| „ „ „ 159—A Bill to Amend the Electric Power Ordinance | 463 |
| „ „ „ 160—A Bill to Amend the Defence Force Ordinance, 1927 | 473 |
| „ „ „ 161—A Bill to Amend the Detention Camps Ordinance, 1925 | 477 |

Section 5 of the Principal Ordinance proposed to be amended —

5 Every valuer shall prepare the said valuation (hereinafter referred to as the "valuation roll") in writing in a form to be approved by the Commissioner for Local Government and in such manner as to show to the best of his knowledge and opinion—

- (a) the name and address of the owner,
- (b) the area, description and situation of the property valued,
- (c) the nature of the interest of the owner,
- (d) the unimproved value of the land,
- (e) the value of any improvements

Section 26 of the Principal Ordinance proposed to be amended —

26 The person who is the owner of any rateable property at the date when a rate becomes due and payable in respect of such property under section 18 of this Ordinance shall be liable for payment of the amount of such rate, and in the case of joint owners of rateable property they shall be jointly and severally liable for the rate due thereon. Provided that in the case of the owner being absent from the Colony any person receiving the rent or being in charge or control of such property shall be liable.

GOVERNMENT NOTICE No 157

HIS Excellency the Governor in Council has approved of the following Bill being introduced into Legislative Council, in substitution for the Bill published in the Official Gazette of February 4th, 1930

G R SANDFORD,
Clerk to the Legislative Council

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

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 Local Govern-
ment (Rating) (Amendment) Ordinance, 1930,” and shall be
read as one with the Local Government (Rating) Ordinance,
1928, hereinafter referred to as “ the Principal Ordinance ”

5 **2** Section 5 of the Principal Ordinance is hereby
amended by the addition thereto at the end thereof of the
following proviso —

Addition of
proviso to
section 5 of
the Principal
Ordinance

10 “ Provided that in the case of the first valuation
roll prepared for any local authority, the Commissioner
for Local Government may by certificate under his hand
declare that the value of any improvements as required
to be shown by paragraph (e) of this section need not be
included in such valuation roll, and such valuation roll
15 shall be deemed to be a valid and proper valuation roll
notwithstanding that it does not contain a valuation of
such improvements ”

3 Section 26 of the Principal Ordinance is hereby
amended by inserting the words “ or tenants in common ”
after the word “ owners ” in the fifth line of the section

Amendment of
section 26 of
the Principal
Ordinance

20 **4** When any rate imposed upon any tenants in common
of rateable property shall remain unpaid for a period of three
months after the date on which such rate shall have become
fixed to become due and payable, the local authority may at
any time within twelve months after the imposing of the
25 rate, demand the amount of such rate or any part thereof from
any one of such tenants in common, and on non-payment
thereof may, after one month from the date of such demand,

recover the same from such tenant in common, and every such tenant in common by whom such rates have been paid or from whom they have been recovered may recover from each of the other tenants in common the proportion of such
5 rates which is payable by him, and for the purposes of such recovery the production of the receipt for such rates so paid by or recovered from such tenant in common shall be conclusive proof that such amount was so paid by or recovered from him

- 10 5 Anything in the Courts Ordinance to the contrary *Cap 5* notwithstanding, a magistrate of the first class shall be deemed to have jurisdiction to hear appeal under section 12 of the Principal Ordinance, to issue warrants under section 21 of the Principal Ordinance, and to hear and determine claims for
15 the recovery of rates under section 22 of the Principal Ordinance, and these sections shall be construed as if the reference therein to the magistrate having jurisdiction were a reference to a magistrate of the first class

OBJECTS AND REASONS

Section 5 (e) of the Local Government (Rating) Ordinance, 1928, requires that a valuation roll must contain a valuation of improvements

In practice, both in Nairobi and Mombasa, it has been found impossible to complete the valuation of improvements within the time anticipated and a similar position may arise elsewhere. It is therefore proposed to amend the Ordinance so as to provide that the first valuation roll prepared under section 5 may be certified to be a valid and proper valuation roll notwithstanding that it does not contain a valuation of improvements

Opportunity has been taken to provide that tenants in common are on the same footing as joint tenants for rating purposes, and that a tenant in common who pays rates may recover proportionately from his fellow tenants

Clause 5 removes a doubt as to the meaning of the phrase "magistrate having jurisdiction."

**Constitution
of District
Councils**

Section 6 of the Principal Ordinance proposed to be amended —

6 (1) There shall be constituted within every district established under section 4 of this Ordinance a District Council which shall consist of —

- (a) Such number of elected European members, not being less than ten, as the Governor may by proclamation, appoint, to be elected as hereinafter provided

Provided that, if a District Council be constituted for the rural area of the administrative district now known as the Kisumu-Londiani District there shall be in addition, one elected Indian member of such District Council, but if at any time no person shall stand for election by virtue of this proviso or if, having been elected, the member so elected shall resign or shall refuse to serve on the Council, and no other person shall stand for election, the Council shall nevertheless be deemed to be duly constituted under this Ordinance, but in such case the Governor may, if he shall deem it desirable so to do, nominate a fit and proper person to be a member of the Council in the place of such elected member

- (b) One representative of any Municipal Council or Municipal Board whose area is surrounded or bordered by the district, to be nominated by the Governor with the approval of the Municipal Council or Board, as the case may be

- (c) One official member, being either—

- (i) Where the district is included in a Province, the Senior Commissioner of such Province, or an administrative officer deputed by him

Provided that such administrative officer shall be entitled to attend, in an advisory capacity and without a vote, meetings at which the Senior Commissioner is present

GOVERNMENT NOTICE No 158

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

G R SANDFORD,
Clerk to the Legislative Council

A Bill to Amend the Local Government (District Councils) Ordinance, 1928

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 Local Government (District Councils) (Amendment) Ordinance, 1930 ” and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter called ‘ the Principal Ordinance ’

Short title
No 21 of 1928

2 Sub-section (1) (c) of section 6 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and
replacement of
section 6 (1) (c)
of the
Principal
Ordinance

“ (c) The District Commissioner of the district, or a district officer deputed by him

Provided that such district officer shall be entitled to attend, in an advisory capacity and without a vote, meetings at which the District Commissioner is present, and provided further that the Provincial Commissioner of the Province shall be entitled to attend and speak at any meeting of the Council ”

(1) Where the district is extra-provincial, the Resident Commissioner

(2) The Governor may, at his discretion, nominate either one or two Indian members to any District Council

(3) Whenever a vacancy is caused on any District Council by the death, retirement or disqualification of any nominated member or by a nominated member vacating his seat, the Chairman of the District Council shall notify the Commissioner for Local Government of such vacancy, and thereupon the Governor may nominate another European or Indian, as the case may be, to fill the vacancy

Section 26 of the Principal Ordinance proposed to be amended —

Notice of
election

26 (1) The clerk or such other person as may have been appointed as returning officer under the last preceding section shall, not less than twenty-one days prior to any election, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the district, and to be posted at such conspicuous places as he shall think fit within the ward or wards in which the election is to be held, a notice of such election, and in such notice he shall specify the day and place on and at which he will receive the nomination of candidates for the seat or seats to be filled by election

(2) The day so fixed shall be not less than ten nor more than fourteen days from the date of the publication of the notice

Section 60 of the Principal Ordinance proposed to be amended —

Council to
control district
roads

60 The Council shall have the general control and care of all district roads as herein defined, and of all bridges, ferries, fords, drifts, culverts, drains, and other accessories on any such road or used in connexion therewith, and the Council may make, construct, alter, repair, and, if necessary, temporarily close any such road or any such bridge, ferry, ford, drift, culvert, drain and other accessory

Provided that the Council shall not commence to construct or carry out any road work the cost of which would exceed one thousand pounds without the consent of the Standing Committee, and the Council shall in every such case furnish such plans and specifications as may be required by the Commissioner for Local Government

Section 61 of the Principal Ordinance proposed to be amended —

District roads
in Native
Reserves

61 Where any public road (not being a main trunk road) mainly required to serve the population of the district crosses a portion of a Native Reserve, the Council may, with the approval of the Governor, exercise all the powers and carry out all the duties in respect of such road which the Council would, under this Ordinance, have exercised or carried out if such road had been within the district

3 Section 26 of the Principal Ordinance is hereby amended by substituting the word "fourteen" for the word "twenty-one" in the third line of the section

Amendment of
section 26 of
the Principal
Ordinance

4 Section 60 of the Principal Ordinance is hereby amended by adding at the end of the first paragraph of the section the following —

Amendment of
section 60 of
the Principal
Ordinance

"and the same shall be vested in the Council in trust to keep the same for the use and benefit of the inhabitants"

10 5 Section 61 of the Principal Ordinance is hereby amended by substituting the words "part of a Native Reserve or of a Forest Reserve which is not within such district" between the word "crosses" and the words "the Council" in line three

Amendment of
section 61 of
the Principal
Ordinance

6 In any area of the Colony, other than a municipality or a township, for which no District Council has been constituted and to which the Governor by order has declared that the provisions of this section shall apply, the Provincial Commissioner or the District Commissioner may from time to time issue orders for either of the following purposes —

Powers of
Provincial
Commissioner
or District
Commissioner
where no
District
Council

(1) For preserving public decency

(2) For controlling and regulating native dances on farms or elsewhere within the area

10 Such orders shall come into force on the date of their publication in the Gazette

7 The provisions of sections 70 and 71 of the Principal Ordinance shall apply to orders so issued as if they were by-laws made by a council under the Principal Ordinance

Orders to have
effect of
by-laws

OBJECTS AND REASONS

Clause 2 —The Ordinance provides that the Senior Commissioner shall be a member of a District Council constituted within his Province, and that, in the case of extra-provincial districts, the Resident Commissioner shall be a member. The District Commissioner is in charge of the general administration of the district, and is the officer advised by the District Council concerned on matters affecting the district in respect of which the Council has no executive authority. Under the scheme of provincial reorganization, extra-provincial districts no longer exist. It is therefore proposed that the District Commissioner or a district officer deputed by him should be the official member, the Senior Commissioner having the right to attend and speak.

Clause 3 —The amendment of section 26 removes the conflict between sub-sections (1) and (2) of this section in regard to the period of notice to be given.

Clause 4 —For the purposes of the Traffic Ordinance 1928, a District Council is not at present the road authority as defined in that Ordinance in respect of district roads, and is therefore unable to take proper action for the protection of its roads, since in the Local Government (District Councils) Ordinance, 1928, roads were not vested in Councils but only placed under their general control and care. The amendment now proposed meets this point, and is in the same form of words as section 44 (1) of the Local Government (Municipalities) Ordinance, 1928.

Clause 5 —This amendment is designed to enable a Council to maintain a road crossing Forest Reserve outside its area of jurisdiction.

Clause 6 —No provision at present exists for the issue of orders for the purposes named in this clause in settled areas where a District Council has not been established. It is proposed therefore in such areas to empower the Provincial Commissioner or District Commissioner to exercise the powers granted in the Principal Ordinance to District Councils.

Section 19 of the Principal Ordinance proposed to be amended —

Purchase of
works of
authorised
distributor
by local
authority

19 Where any authorised distributor is authorised 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 —

Local authority
may apply for
licence

(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 for such area or part thereof In 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 authorised distributor, together with such further particulars as the Governor in Council may direct

Application
shall be
granted in
certain cases

(b) Where the applications relate to an area which is wholly within the jurisdiction, for other purposes, of any such local authority the applications shall be granted on such terms and conditions as the Governor in Council thinks fit

Application
may be granted
in certain
cases

(c) Where the applications relate to an area which is partly within and partly without the jurisdiction, for other purposes, of any local authority, the Governor in Council may grant such applications on such terms and conditions as he thinks fit

Application
entailing the
division of an
area of supply

(d) Where the applications relate to an area which is partly within and partly without the jurisdiction, for other

GOVERNMENT NOTICE No 159

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

G R SANDFORD,
Clerk to 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 (Amendment) Ordinance, 1930,” and shall be read as one with the Electric Power Ordinance (Chapter 165 of the Revised Edition) hereinafter referred to as “ the Principal Ordinance ”

Short title

2 Section 19 of the Principal Ordinance is hereby amended by deleting the seventh line of paragraph (a) of the section and substituting therefor the following words

Amendment of section 19 of the Principal Ordinance

“ distributing licence, such local authority shall make application to the Governor in ”

and by substituting the words “ decision of the Governor in Council ” for the words “ Governor’s decision ” in the third line of paragraph (g) of the section

purposes, of any such local authority, and the granting of the applications of the local authority will entail the division of the area of supply of the authorised distributor the Governor in Council may, with the consent of the authorised distributor permit such division and grant the applications of the local authority (For the purposes of this section the area of supply shall in the case of the area of a local authority included in the area defined in any prior licence be deemed to be the local area of that local authority and any area adjacent thereto which could reasonably be included in the distributing area of the local authority on the granting of a distributing licence)

Objection by authorised distributor to division of area of supply

(e) If the authorised distributor objects to the division of the area as specified by the local authority he may make a representation to the Governor in Council and serve a notice upon the local authority stating such objection and specifying the division (if any) which he desires, and the Governor in Council may uphold or disallow such objection of the authorised distributor, with such modifications or conditions as he thinks fit

Authorised distributor objecting to division of area may apply for revocation of his licence as to whole of area

(f) If the authorised distributor is dissatisfied with the decision of the Governor in Council he may make a representation to the Governor in Council and serve a notice upon the local authority that he desires the revocation of his distributing licence as to the whole area of supply

Local authority to amend applications to meet conditions of Governor shall refuse applications

(g) If the local authority upon the receipt of either of the two last-mentioned notices fails to amend their applications in terms of the Governor's decision, or so as to include the whole of the area of supply, as the case may be, the Governor in Council shall refuse the applications of the local authority and of the authorised distributor

Consumers to be in no case prejudiced

(h) Notwithstanding any provision of this section, no application entailing the division, transfer, or alteration of any area of supply or part thereof shall be granted unless it is shown to the satisfaction of the Governor in Council that the granting of the application will not unduly prejudice the consumers in any portion of the area proposed to be divided, transferred or altered

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

(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 authorised distributor to sell, and thereupon the authorised 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

If authorised distributor holds a local generating licence, local authority may purchase works

(j) Subject to the provisions of (h) of this section, in any case where the supply of electrical energy for the purposes of the distributing licence of the authorised distributor is obtained under a local generating licence held by such authorised distributor on the granting of the

application of the local authority, the following provisions shall apply as to the works under the local generating licence —

(i) If the supply of electrical energy for the purposes of the distributing licence of the authorised distributor and of the local authority can be provided by a bulk supply licensee under any of the provisions of this Ordinance notwithstanding the provisions of (b) (i) of sub-section (4) of section thirty-four of this Ordinance as to the periods at which the bulk supply licensee may apply for the revocation of the local generating licence and purchase the works of the local generating licensee the bulk supply licensee shall purchase the works under the local generating licence and give a supply of electrical energy to the authorised distributor and to the local authority subject to the provisions of sub-section (4) of section thirty-four of this Ordinance and to any other authorised distributors subject to the provisions in that behalf contained in this Ordinance or the bulk supply licence

(ii) Where a supply of electrical energy under a bulk supply licence cannot be made available as in (i) (i) of this section contemplated, and where the granting of the application of the local authority does not entail the division of the area of supply of the authorised distributor as defined in the distributing licence, or where the local generating licensee agrees to sell such works, the local authority shall on the grant of the application purchase the works under the local generating licence as if such local authority was the bulk supply licensee referred to in (i) (i) of this section, and the revocation of the local generating licence and the price to be paid by such local authority in respect of the purchase of the said works and in respect of compensation (if any) for depreciation shall be effected and determined in the manner prescribed in this behalf in (b) and (c) of sub-section (4) of section thirty-four of this Ordinance as if the local authority was making the purchase for the purposes of a bulk supply licence

(iii) Where a supply of electrical energy under a bulk supply licence cannot be made available as in (i) (i) of this section contemplated, and where the granting of the application of the local authority entails the division of the area of supply as defined in the distributing licence of the authorised distributor the local generating licensee being also an authorised distributor shall on the grant of the application of the local authority give a supply of electrical energy to the other authorised distributor operating in the area of supply so divided as aforesaid for the purposes of the distributing licence of such other authorised distributor, from the works under his local generating licence or under his distributing licence as may be necessary or desirable for the purpose on such terms and conditions and for such price or prices as may be agreed upon between the local generating licensee and such other authorised distributor or failing such agreement as may be determined by an arbitrator in the manner prescribed in (c) (vi) and (c) (vii) of sub-section (4) of section thirty-four of this Ordinance

Section 39 of the Principal Ordinance proposed to be replaced —

Area of supply
and prohibition
of supply
beyond area

39 (1) The area of supply shall be the area named for that purpose in the licence

(2) The licensee shall not at any time after the commencement of the licence supply electrical energy or (except for the purposes of that licence) erect or lay down any works beyond the area of supply otherwise than under the authority of a licence granted by the Governor in Council under this Ordinance

(3) If the licensee supplies electrical energy or erects or lays down any works in contravention of this section, the Governor in Council may revoke the licence on such terms as he thinks just

Section 44 of the Principal Ordinance proposed to be amended —

Application of
money received
by public or
local
authorities as
licensees

44 Where a local authority is the licensee the following provisions shall have effect —

(1) All monies received by the licensee in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of the licence, and (c) other capital money received by them in respect of the undertaking, shall be applied by them as follows —

(a) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages, incurred or payable by the licensee consequent upon

3 Section 39 of the Principal Ordinance is hereby repealed and the following section is substituted therefor --

Repeal and replacement of section 39 of the Principal Ordinance

“ 39 (1) The area of supply shall be the area named for that purpose in the licence

Area of supply and regulation of supply beyond area

5 (2) The licensee shall not at any time supply electrical energy or (except for the purpose of a licence) erect or lay down any works beyond the area of supply otherwise than as may be permitted under authority of the Governor in Council either under sub-section (3) of this
10 section or under section 37

(3) Where the owner or occupier of any premises is desirous of obtaining a supply of electrical energy from any licensee within whose licensed area of supply those premises are not situate, the Governor in Council may,
15 with the consent of the local authority (if any) within whose district the premises are situate and the licensee (if any) authorised by licence to supply electrical energy to such premises, authorise the first-mentioned licensee to supply electrical energy to those premises on such terms
20 and subject to such conditions as the Governor in Council may think fit

Provided that, if in the opinion of the Governor in Council any consent required by this sub-section is unreasonably withheld, the Governor in Council may proceed as if such consent had been given
25

Provided further that the authority granted under this section shall lapse with the termination, for whatever cause, of the licence

(4) An authority given by the Governor in Council under sub-section (3) of this section shall, unless it specifically states otherwise, confer any such powers and impose any such duties on the licensee as would have been conferred or imposed by this Ordinance if the premises
30 and the route along which the lines are to be laid for the purpose of giving supply were within the licensee's local area, anything in the licence notwithstanding
35

(5) If the licensee supplies electrical energy or erects or lays down any works in contravention of this section, the Governor in Council may revoke the licence on such
40 terms as he thinks just ”

4 Section 44 of the Principal Ordinance is hereby amended by deleting the words “ sub-section (9) of ” in paragraph (g) of sub-section (1) of the section

Amendment of section 44 of the Principal Ordinance

any proceedings by or against the licensee, then officers or servants, in relation to the undertaking, provided as follows —

(i) That for the purpose of making the performance of the licence (as reflected in the statements of accounts of the undertaking of a licensee being a public or local authority and of a licensee not being a public or local authority respectively) readily and truly comparable, when and after the supply of electrical energy from or through any part of a licensee's works or undertaking is begun there shall appear in the accounts of the undertaking from year to year an allowance for depreciation of such works or such part thereof which shall be of such amount as is usual for works of the same nature and class

(ii) The amounts of the depreciation so determined from year to year shall be a charge against the gross revenue of the undertaking and shall be shown to the credit of a depreciation fund account

(iii) The amounts so credited to the depreciation fund account shall be paid to and set aside for the purposes of that account or may thereafter be transferred to and used for the purposes of providing any instalments or sinking fund as referred to in (c) of this sub-section

(b) In payment of the interest or dividend or any mortgages stock or other securities granted and issued by the licensee in respect of money borrowed for the purposes of the licence

(c) In providing any instalments or sinking fund required by the licence to be provided in respect of capital monies borrowed for the purposes of the licence

(d) In payment of all then other expenses of executing the licence, not being expenses properly chargeable to capital

(e) In providing a reserve fund, by setting aside such money as they think reasonable or as may be stated in the licence, and investing the money and the resulting income thereof in British or Colonial Government securities, or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the licensee and accumulating it at compound interest until the fund so formed amounts in the case of a bulk supply licence to one-third, and in the case of a distributing licence to one-tenth, of the aggregate capital expenditure on the undertaking

(f) The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the licensee from the undertaking, but so that if that fund is at any time reduced it shall thereafter be again restored to the prescribed limit, and so on as often as the reduction happens

(g) The reserve fund, in the case of a bulk supply licence, may be used and employed subject to the provisions of sub-section (9) of section forty-five of this Ordinance

(h) The licensee shall apply the net surplus remaining in any year and the annual proceeds of the reserve fund when attaining the prescribed limit to the reduction of the capital monies borrowed for the purposes of the licence

Provided always that if the surplus in any year amounts to or exceeds five per centum per annum upon the aggregate capital expenditure on the undertaking, the licensee shall make such rateable reduction in the charge for the supply of electrical energy as will reduce the surplus to a rate of profit equal to two and a half per centum

(2) All monies arising from the disposal of lands acquired by the licensee for the purposes of the licence, and all other capital monies received by them in respect of the undertaking, shall be applied by them in the reduction of the capital monies borrowed by them for the purposes of the licence

OBJECTS AND REASONS

When the Revised Edition of the Laws was being printed paragraph (a) of section 19 of the Electric Power Ordinance was mutilated because a compositor set up in line 7 the words of line 11, presumably owing to the fact that both lines began with the words " distributing licence "

The paragraph as printed is meaningless, but as by section 7 (2) of the Revised Edition of the Laws Ordinance the new edition is for all purposes whatsoever the sole authentic edition of the Statute Law of the Colony in force on the 31st day of December, 1923, an amending Ordinance is necessary to correct this typographical error

Opportunity has been taken at the same time to correct an obvious error in paragraph (g) of the same section

Clause 3 makes provision for cases which with the more intensive development of the Colony, may arise whereby consumers outside an area of supply may receive economically and conveniently a supply of electric power from a licensee whose area does not include the premises of such consumer

As the law now stands it would be necessary, in order to arrange for such a supply, to undertake the cumbrous procedure of an alteration in the approved area of supply

Section 4 of the Principal Ordinance proposed to be replaced —

Central
Defence
Committee

4 (1) The Governor shall appoint a Central Defence Committee consisting of the Commandant and one delegate from each Defence Force District

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any Regulations made hereunder

Central Sub-
Committee

(3) It shall be lawful for the Governor to appoint a Central Sub-Committee, consisting of the Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-Committee by the Central Defence Committee.

Section 11 of the Principal Ordinance proposed to be amended —

Compulsory
enrolment of
male British
subjects
between the
ages of 18 and
50 years

11 (1) Subject to the provisions of this Ordinance, every male British subject, both of whose parents are of European origin or descent, who has attained the age of eighteen years and has not attained the age of fifty years, and who is ordinarily resident in the Colony, shall attend at the office of the District or Resident Commissioner of his administrative district within one month after the commencement of this Ordinance or within one month of attaining the age of eighteen years or becoming so resident as aforesaid, as the case may be, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age, and if any such person shall fail so to enrol himself he shall be deemed to be enrolled as a member of the Defence Force

Voluntary
enrolment of
male British
subjects who
have attained
the age of
50 years

(2) Any male British subject, both of whose parents are of European origin or descent, who has attained the age of fifty years, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner of his administrative district and shall enrol himself as a member of Class IV of the Defence Force

GOVERNMENT NOTICE NO 160

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

G R SANDFORD,
Clerk to the Legislative Council

**A Bill to Amend the Defence Force Ordinance,
1927**

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 Defence Force (Amendment) Ordinance, 1930,” and shall be read as one with the Defence Force Ordinance, 1927, hereinafter referred to as “ the Principal Ordinance ”

5 2 Section 4 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and
replacement of
section 4 of
the Principal
Ordinance

“ 4 (1) The Governor shall appoint a Central Defence Committee consisting of the Officer Commanding Troops, Commandant, and one delegate from each Defence Force District

(2) The Central Defence Committee shall perform such functions and shall execute such powers and duties as may be prescribed by this Ordinance or by any regulations made hereunder

15 (3) It shall be lawful for the Governor to appoint a Central Sub-committee, consisting of the Officer Commanding Troops, Commandant and three other members of the Central Defence Committee, for the performance of such functions and the execution of such powers and duties as may be delegated to the Sub-committee by the Central Defence Committee ’

3 Section 11 of the Principal Ordinance is hereby amended by adding as sub-section (5) the following —

Amendment of
section 11 of
the Principal
Ordinance

25 “ (5) No person who has been discharged for misconduct from any of His Majesty’s armed forces shall be eligible to enrol himself as a member of the Defence Force ”

Enrolment of
persons other
than British
subjects

(3) Subject to the permission of the Governor, any male person, not being a British subject but otherwise qualified in regard to age and origin or descent, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District or Resident Commissioner as aforesaid, and shall enrol himself as a member of the Defence Force in the Class appropriate to his age

(4) Notwithstanding anything in this section contained, members of the Medical and Veterinary professions in actual practice shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity

Section 23 of the Principal Ordinance proposed to be amended —

MOBILIZATION

Calling out and
mobilization of
Defence Force

23 (1) Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony or any part thereof or for the protection of life and property therein, the Governor may, by proclamation, call out and mobilize the Defence Force or such part or parts thereof as he may deem necessary, for active service

Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 10 of this Ordinance, but so that the members enrolled in any Class shall not be called out until the members enrolled in every preceding Class have been called out

Provided, further, that the Governor may by such proclamation, in lieu of calling out and mobilizing the Defence Force or any part thereof as aforesaid, order the Defence Force, or such part or parts thereof as he may deem necessary, to hold itself in readiness for immediate mobilization

Power of
administrative
officers to call
out Defence
Force

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

4 Sub-section (2) of section 23 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and replacement of sub-section (2) of section 23 of the Principal Ordinance

- 5 “ (2) In the case of sudden and imminent danger
in any province or district, when it is not possible to
obtain the authority of the Governor without undue delay,
the civil officer in charge of such province or district may,
for the defence of the province or district or any part
thereof or for the protection of life and property therein,
10 by proclamation in the name of the Governor call out
the members of the Defence Force resident in such
province or district, but in such case such officer shall
forthwith report to the Governor such calling out and
any subsequent step taken by him ”

OBJECTS AND REASONS

The amendment to section 4 of the Principal Ordinance provides for the Officer Commanding Troops, who if the Defence Force is mobilised will under the provisions of the Army Act be in command of the Force, to be a member of the Central Committee and the Central Sub-committee

The amendment to section 11 of the Principal Ordinance provides that persons discharged for misconduct from any of His Majesty's armed forces will not be eligible for membership in the Defence Force

The amendment to section 23 of the Principal Ordinance extends the power of issuing proclamations on behalf of the Governor in time of sudden and imminent danger from the District Commissioners to Senior Commissioners

Section 5 of the Principal Ordinance proposed to be replaced —

Power to
sentence to
detention

5 When a native is convicted of an offence against an Ordinance or section set out in the Schedule hereto the Court may instead of awarding a sentence of a fine or imprisonment award a sentence of detention in a Detention Camp and the prisoner shall thereupon be detained in a Detention Camp

(1) A sentence of detention shall in no case exceed the period of imprisonment to which the prisoner could have been sentenced if the Ordinance had not been passed

(2) Where an Ordinance provides for fine only or for fine and imprisonment in default of payment the Court may order that in default of payment a sentence of detention be undergone in lieu of imprisonment

Section 6 of the Principal Ordinance proposed to be replaced —

Supreme Court
on appeal may
alter imprison-
ment to
detention

6 Where a sentence of fine or imprisonment or detention for an offence against an Ordinance or section set out in the Schedule hereto comes before the Supreme Court on appeal or in exercise of its powers of revision or confirmation the Supreme Court may alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment

GOVERNMENT NOTICE No 161

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

G R SANDFORD,
Clerk to the Legislative Council

**A Bill to Amend the Detention Camps
Ordinance, 1925**

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 Detention Camps (Amendment) Ordinance, 1930,” and shall be read as one with the Detention Camps Ordinance, 1925, hereinafter referred to as ‘ the Principal Ordinance ’

2 Section 5 of the Principal Ordinance, as amended by the Detention Camps (Amendment) Ordinance, 1926, is hereby repealed, and the following substituted therefor —

Sh rt title
Repeal and replacement of section 5 of the Principal Ordinance

“ 5 (1) When a native is convicted of any offence and the Court, after taking into consideration the apparent age, antecedents, character and state of health of the person accused and all the circumstances of the case, is of opinion that the offence would be adequately punished by a fine or a sentence of imprisonment not exceeding six months, the Court may instead of awarding a sentence of a fine or imprisonment award a sentence of detention in a detention camp, and the prisoner shall thereupon be detained in a detention camp

(2) A sentence of detention shall in no case exceed the period of imprisonment to which the prisoner could have been sentenced if this Ordinance had not been passed

(3) Where any Ordinance provides that an offence is punishable by fine only or by fine and imprisonment in default of payment of such fine, the Court may order that in default of payment the prisoner undergo a sentence of detention in lieu of imprisonment ”

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

Repeal and replacement of section 6 of the Principal Ordinance

“ 6 Where a sentence of fine or imprisonment or detention comes before the Supreme Court on appeal or in exercise of its powers of revision or confirmation the Supreme Court may, after taking into consideration the apparent age, antecedents, character or state of health of the prisoner and all the circumstances of the case, alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment ”

Section 7 of the Principal Ordinance proposed to be replaced —

Revising Officer
of Native
Tribunals may
alter imprison-
ment to
detention

7 Where a sentence of fine or imprisonment or detention is awarded by a Native Tribunal for an offence against an Ordinance or section set out in the Schedule hereto a Revising Officer may alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment

Section 13 of the Principal Ordinance proposed to be repealed —

Additions to
Schedule

13 The Governor in Council may by rule amend the Schedule hereto by adding thereto other Ordinances, sections of Ordinances or other laws, or by removing therefrom any of the regulations, Ordinances, or sections of Ordinances therein contained

The Schedule to the Principal Ordinance proposed to be repealed —

SCHEDULE

The Gambling Regulations, 1901, section 2
The Adulteration of Produce Regulations, 1901
The East Africa Wild Birds' Protection Ordinance, 1903
The Wild Birds Protection Amendment Ordinance, 1914
The Rules under the East Africa Townships Ordinance, 1903
The Lamu Boat Registration Ordinance, 1906
The Diseases of Animals Ordinance, 1906
The Fish Protection Ordinance, 1908
The Careless Use of Fire Prevention Ordinance, 1909
The Master and Servants Ordinance, 1910
The Roads in Native Reserves Ordinance, 1910
The Native Hut and Poll Tax Ordinance, 1910
The Native Hut and Poll Tax Amendment Ordinance, 1912
The Forest Ordinance, 1911
The Forest Amendment Ordinance, 1915, section 22
The East Africa Police Ordinance, 1911, section 79
The Native Authority Ordinance, 1912
The Native Authority (Famine Relief) Ordinance, 1918
The Native Arms Ordinance, 1918
The Vagrancy Ordinance, 1920
The Native Registration Ordinance, 1921
The Native Liquor Ordinance, 1921, sections 14 and 27
The Game Ordinance, 1921
The Native Foodstuffs Ordinance, 1922
The By-laws under the Municipal Corporations Ordinance, 1922
The Food Preservation Ordinance, 1923
The Sugar Ordinance, 1923
The Liquor Amendment Ordinance, 1923, section 10
The Trespass Ordinance, 1924
The Resident Native Labourers Ordinance, 1925, sections 14, 15 and 17

- 4

Section 7 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and replacement of section 7 of the Principal Ordinance
- 5

“ 7 Where a sentence of fine or imprisonment or detention is awarded by a Native Tribunal, a revising officer may, after taking into consideration the apparent age, antecedents, character and state of health of the prisoner and all the circumstances of the case alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment ”
- 10
- 5

No native shall be sentenced to detention for a period exceeding six months in all, and no sentence of detention shall be passed on any native who is proved to have previously undergone more than one term of imprisonment

Period of detention
- 15

6 Section 13 of the Principal Ordinance is hereby repealed

Repeal of section 13 of the Principal Ordinance
- 7

The Schedule to the Principal Ordinance as from time to time amended is hereby repealed

Repeal of Schedule to the Principal Ordinance

OBJECTS AND REASONS

The majority of the magistrates of the Colony are of opinion that they should be empowered to pass a sentence of detention for any comparatively minor offence if in their opinion such a sentence provides an adequate punishment for the offence

At present a sentence of detention can be awarded only for offences against a few Ordinances specified in the Schedule to the Detention Camps Ordinance, 1925

Clauses 2, 3, 4, 6 and 7 of the Bill embody the amendments necessary to confer on magistrates the wider powers they wish to have in this respect

Detention camps, where restraint is imposed without the rigorous discipline of armed guards or the stigma of wearing prison clothing should be reserved for natives who are not hardened criminals and who are undergoing only a short sentence. Clause 5 of the Bill provides therefore that no sentence of detention shall exceed six months and that no sentence of detention may be passed on habitual criminals