



THE OFFICIAL GAZETTE

OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO. 373

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

2—Amendment of section 2 of Cap. 63.

SECTION

3—Amendment of section 10 of Cap. 63.

A BILL TO AMEND THE VAGRANCY ORDINANCE

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.

1. This Ordinance may be cited as the Vagrancy (Amendment) Ordinance, 1949, and shall be read as one with the Vagrancy Ordinance, hereinafter called the principal Ordinance.

Cap. 63.

Amendment of
section 2 of
Cap. 63.

2. Section 2 of the principal Ordinance is amended by inserting after the definition of "Magistrate" a new definition as follows:—

" 'Member' means the Member of Executive Council for the time being responsible for Law and Order;".

Amendment of
section 10 of
Cap. 63.

3. Section 10 of the principal Ordinance is amended by substituting for the words "Governor in Council" and "Governor" wherever they occur therein, the word "Member".

MEMORANDUM OF OBJECTS AND REASONS

Sub-section (1) of section 10 of the Vagrancy Ordinance provides that if within a reasonable time not exceeding three months from the date on which a vagrant was committed to a house of detention, no suitable employment has been obtained for and accepted by him, and if such vagrant is not a British subject born in the Colony or a native of the Colony, the Governor in Council may order him to be repatriated.

Sub-section (3) of the same section provides that if, within a reasonable time not exceeding three months from the date on which a vagrant was committed to a house of detention, no suitable employment has been obtained for and accepted by him, if such vagrant is a native of the Colony, the Governor in Council may order him to be returned to the area, if any, reserved for the use of his tribe or sub-tribe.

A number of repatriation orders require to be made under this section. As the law at present stands, each case has to go to the Governor in Council and there is no power to delegate the power to make repatriation orders, to the Member concerned.

This Bill will empower the Member for Law and Order, instead of the Governor in Council, to make orders for the repatriation or return to their tribe of vagrants.

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

Nairobi,
5th April, 1949

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 374

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title.
2—Amendment of section 2 of Ordinance No. 13 of 1926.

SECTION

- 3—Amendment of section 20 of Ordinance No. 13 of 1926.
4—Power to remit payment of estate duty in cases of exceptional hardship.

**A BILL TO AMEND THE ESTATE DUTY
(CONSOLIDATION) ORDINANCE, 1926**

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

1. This Ordinance may be cited as the Estate Duty (Consolidation) (Amendment) Ordinance, 1949, and shall be read as one with the Estate Duty (Consolidation) Ordinance, 1926, hereinafter referred to as the principal Ordinance.
2. Section 2 of the principal Ordinance is amended by deleting the definition of "approved valuer" in paragraph (a) and inserting a new definition as follows:—

"(a) The expression 'principal value' means the price which, in the opinion of the Commissioners, the property would fetch if sold in the open market at the time of the death of the deceased."
3. Section 20 of the principal Ordinance is amended by deleting sub-section (3) thereof.
4. The principal Ordinance is amended by inserting therein next after section 30 the following new section 31 and by re-numbering sections 31, 32, 33 and 34 as sections 32, 33, 34 and 35 respectively:—

"31. The Governor in Council, on the application of any person accountable for estate duty or interested in any property on which estate duty is payable, may if he thinks fit, remit the payment of any estate duty or any part thereof or any interest thereon, in any case where, in the opinion of the Governor in Council, such payment would cause exceptional hardship."

MEMORANDUM OF OBJECTS AND REASONS

Under section 11 of the Estate Duty (Consolidation) Ordinance, 1926 (referred to as the principal Ordinance), estate duty is to be levied and paid upon the principal value of an estate. The expression "principal value" is not defined in the principal Ordinance, and the practice is to charge duty on the market price at the date of death. Clause 2 will give legal effect to this practice. The definition now included follows that of section 7 (5) of the United Kingdom Finance Act, 1894.

Under sub-section (3) of section 20 of the principal Ordinance, an Assistant Commissioner may require a valuation for Estate Duty purposes to be made and signed by an approved valuer. The Estate Duty Commissioners are not, however, bound to accept a valuation submitted by an approved valuer and, in practice, valuations made by persons other than approved valuers are often accepted and not all valuations made by approved valuers are accepted. The provisions regarding approved valuers have no counterpart in the United Kingdom legislation or the estate duty legislation of many other colonies and seem to be superfluous here. It is therefore considered that the definition of "approved valuer" and sub-section (3) of section 20 of the principal Ordinance are unnecessary and should be deleted.

Clause 4 amends the principal Ordinance so as to give power to the Governor in Council to remit the payment of estate duty in cases of hardship. Under the existing law it is not possible to remit the payment of estate duty even in cases where its payment would involve great hardship to the dependants of ex-service men who have died, as the result of injuries or illness contracted from war service, after the expiration of the statutory period. It is considered that provision should be made enabling the Governor in Council to remit the payment of estate duty in any case where its payment would involve exceptional hardship.

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

Nairobi,
4th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 375

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION	SECTION
1—Short title.	5—Amendment of section 13 of Ordinance 20 of 1928.
2—Amendment of section 2 of Ordinance 20 of 1928.	6—Amendment of section 28 of Ordinance 20 of 1928.
3—Amendment of section 3 of Ordinance 20 of 1928.	7—Amendment of section 29 of Ordinance 20 of 1928.
4—Amendment of section 6 of Ordinance 20 of 1928.	

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 Government (Rating) (Amendment) Ordinance, 1949, and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as the principal Ordinance. Short title.
No. 20 of 1928.
2. Section 2 of the principal Ordinance is amended— Amendment of section 2 of Ordinance No. 20 of 1928.
 - (a) by inserting therein immediately after the definition “Mayor”, the following new definition:—
“ ‘Member’ means the Member of the Executive Council of the Colony for the time being responsible for Health and Local Government;”;
 - (b) by substituting for paragraph (d) of the definition “rateable property” the following paragraph—
“(d) any interest in land laid out and used for the purpose of sport and controlled in accordance with rules or regulations approved by the local authority:
 - Provided that an interest in land used as a sports ground conducted for profit or as a racecourse, shall not be entitled to the benefit of this exception;”;
 - (c) by inserting therein immediately after the definition “rateable property”, the following new definition:—
“ ‘time of valuation’ means the date fixed by resolution of the local authority and approved by the Member as the date of operation of a valuation roll prepared in accordance with the provisions of section 5 of this Ordinance;”;
 - and
 - (d) by substituting the expression “time of valuation” for the expression “date of valuation” wherever it occurs in the definition “Value of improvements”.
3. Section 3 of the principal Ordinance is amended by substituting the word “Member” for the word “Governor” wherever the latter word occurs therein. Amendment of section 3 of Ordinance No. 20 of 1928.
4. Section 6 of the principal Ordinance is amended by substituting the expression “time of valuation” for the expression “date of valuation” which occurs in the second proviso thereto. Amendment of section 6 of Ordinance No. 20 of 1928.
5. Paragraph (a) of section 13 of the principal Ordinance is amended by substituting the word “Member” for the word “Governor” therein. Amendment of section 13 of Ordinance No. 20 of 1928.

Amendment of
section 28 of
Ordinance No. 20
of 1928.

6. Section 28 of the principal Ordinance is amended by substituting the word "Member" for the word "Governor" wherever the latter word occurs in sub-section (5) thereof.

Amendment of
section 29 of
Ordinance No. 20
of 1928.

7. Section 29 of the principal Ordinance is amended by substituting the word "Member" for the word "Governor" 5 which occurs therein.

MEMORANDUM OF OBJECTS AND REASONS

Land and buildings "laid out and used for the purpose of sport or recreation and controlled in accordance with rules or regulations approved by the local authority" are exempt from rates under the Local Government (Rating) Ordinance, 1928 (hereinafter referred to as the principal Ordinance), as it at present stands. This has been interpreted as exempting from rates social and residential clubs as well as sports clubs. It is considered that the property of residential clubs and social clubs, other than sports clubs, should not be excepted from liability to pay rates raised by local authorities. *Clause 2* of the Bill, therefore, amends the definition of "rateable property" contained in section 2 of the principal Ordinance so as to make this clear.

Under section 3 of the principal Ordinance valuation rolls of rateable property must be prepared not less than once in every five years. For the purposes of this section each valuation roll is deemed to be completed on the date the valuation roll is signed and certified by the president of the Valuation Court. This provision does not operate satisfactorily as the principal Ordinance as it at present stands does not fix a definite time of valuation. *Clause 2* of the Bill, therefore, will add to the principal Ordinance a new definition whereby the "time of valuation" is to be a date fixed by the local authority and approved by the Member.

The opportunity which this amending Bill provides has been taken to further the policy by which executive powers are devolved upon Members by inserting a definition of "Member" in section 2, and by substituting the word "Member" for the word "Governor" wherever the latter word occurs in sections 3, 13 (a), 28 and 29 of the principal Ordinance.

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

Nairobi,
4th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 376

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

SECTION

2—Amendment of sub-section (2) of section 3 of Ordinance 47 of 1946.

**A BILL TO AMEND THE HOSPITAL SERVICES
(EUROPEAN) ORDINANCE, 1946**

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 Hospital Services (European) (Amendment) Ordinance, 1949, and shall be read as one with the Hospital Services (European) Ordinance, 1946, hereinafter referred to as the principal Ordinance.

Short title.
No. 47 of 1946.

2. Sub-section (2) of section 3 of the principal Ordinance is amended as follows:—

Amendment of
sub-section (2)
of section 3 of
Ordinance 47 of
1946.

(1) by substituting for paragraph (a) thereof the following paragraph:—

“(a) the Commissioner for Local Government”;
and

(2) by inserting next after sub-section (6) thereof the following new sub-section:—

“(7) The chairman of the Authority shall be such person as the Member for Health and Local Government may, by notice in the Gazette, appoint.”.

MEMORANDUM OF OBJECTS AND REASONS

It has been found that it is difficult in practice for the functions of the Member for Health and Local Government as the member of Executive Council responsible for health matters, to be combined with the chairmanship of the Authority established under the Hospital Services (European) Ordinance, 1946.

This Bill will, therefore, remove the Member for Health and Local Government from chairmanship *ex officio* of the Hospital Authority and will permit him to nominate a chairman. The Commissioner for Health and Local Government will take his place as a member of the Authority.

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

Nairobi,
6th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE NO. 377

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION
1—Short title.

SECTION
2—Repeal and replacement of sub-section (7) of section 9 of Ordinance 24 of 1925.

**A BILL TO AMEND THE SHOP HOURS 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:—

Short title.

No. 24 of 1925.

Repeal and replacement of sub-section (7) of section 9 of Ordinance 24 of 1925.

1. This Ordinance may be cited as the Shop Hours (Amendment) Ordinance, 1949, and shall be read as one with the Shop Hours Ordinance, 1925, hereinafter referred to as the principal Ordinance.

2. There shall be substituted for sub-section (7) of section 9 of the principal Ordinance the following sub-section:—

“(7) Notwithstanding anything contained in this section any shop situated in any area which is now or may hereafter be set aside as a native location may remain open until 7 o'clock in the afternoon on every day in each week other than Sunday:

Provided that a local authority may make an order permitting any such shop to remain open until 9 o'clock in the afternoon on every day in each week other than Sunday.”

MEMORANDUM OF OBJECTS AND REASONS

Under the Shop Hours Ordinance shops in a native location may remain open until 7 p.m. on every day of the week except Sunday, and must then close.

It is considered that this causes hardship to a number of Africans, many of whom work until 7 p.m. and, therefore, have no opportunity of shopping during the hours which shops in native locations may remain open.

This Bill, therefore, will amend the law so as to enable local authorities to make orders to permit shops in native locations to remain open until 9 p.m. on every day of the week except Sunday.

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

Nairobi,
5th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 378

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title.
- 2—Interpretation.
- 3—Control of tenancies.
- 4—Grounds of consent.
- 5—Penalty.

SECTION

- 6—Saving statutory powers and duties of Mombasa Municipal Board.
- 7—Duration.
- 8—Repeal.

A BILL TO CONTROL THE EVICTION OF CERTAIN TENANTS IN THE COAST PROVINCE

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 Eviction of Tenants (Control) Ordinance, 1949. Short title.

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

5 “the Board” means the Rent Control Board for the Coast Province;

“house” means any building or erection used as a place of residence not being a “dwelling house” to which the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance, 1940, applies. Control of tenancies.

10 3. (1) Notwithstanding anything contained in any other law in force in the Colony, no person shall take any action for the eviction of a tenant occupying a house in any of the areas set out in the Schedule to this Ordinance, without the consent in writing of the Board.

(2) Such consent shall be given under the hand of the chairman of the Board or his deputy.

(3) The Governor in Council may, by notice in the Gazette, add to, amend or vary such Schedule.

20 4. (1) The Board shall not give any such consent except on the grounds of hardship, or on the grounds that any land upon which any house is situated is required by the owner of such land for the purpose of erecting permanent residential accommodation substantially superior in size and quality to such house and that such accommodation will be erected within the time approved by such Board. Grounds of consent.

(2) The decision of the Board to give or withhold consent shall be final and shall not be called in question in any court.

30 5. Any person who contravenes the provisions of section 3 of this Ordinance, or who makes any false statement to the Board or who fails to erect any such accommodation within the time approved for such purpose by the Board, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term which may extend to twelve months or to both such fine and imprisonment: Penalty.

40 Provided that no proceedings shall be instituted against any such owner for failing to erect such accommodation within the time approved by such Board until the consent, in writing, of the Attorney General has first been obtained.

6. Nothing in this Ordinance shall prevent the Mombasa Municipal Board from executing any of its statutory duties or powers in relation to any land situated in any of the areas set out in the Schedule to this Ordinance.

Saving of statutory powers and duties of Mombasa Municipal Board.

Duration.

7. This Ordinance shall continue in force until the 30th December, 1949, and shall then expire:

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

Repeal.
No. 94 of 1948.

8. The Eviction of Tenants (Control) Ordinance, 1948, is repealed.

SCHEDULE

1. The Old Town of Mombasa bounded on the west by Salim Road North; on the north and east by Mombasa Harbour; and on the south by Makadara Road, Kilindini Road and Fort Jesus; including all land in Sections XXVII to XLVI inclusive.

2. Mombasa Section IX Plot 49; Section XI Plots 94, 97, 105, 106/R, 107, 123, 129, 134, 138, 140; Section XII Plots 3/R, 6/R, 13, 9, 10/R; Section XIII Plots 1, 2, 3, 6, 12, 18; Section XIV Plots 1, 2, 3; Section XV Plots 1, 2, 6, 7, 9; Section XVI Plots 1, 2, 5/R, 6, 8/R, 9, 10, 16, 17/R, 22, 24, 26, 19/R, 40, 41; Section XVII Plots 2/R, 32, 112, 57, 205/R; Section XXII Plot 33.

3. An area on Mombasa Island bounded by a line:—

Commencing at the south-east corner of Plot 93 of Section XX at the junction of Kilindini Road and Salim Road;

proceeding thence northerly along the western boundary of Salim Road North to its intersection with Port Tudor Road;

thence north-westerly along the south-western boundary of Port Tudor Road to its intersection with the northern boundary of Kisauni Road;

thence south-west along the north-western boundary of Kisauni Road to its junction with the eastern boundary of Kaloleni Road;

thence north-west along the eastern boundary of Kaloleni Road to its junction with the southern boundary of Creek Road;

thence south-west along the south-eastern boundary of Creek Road to its intersection with the northern boundary of Kinyozi Road;

thence easterly and southerly along the eastern boundary of Kinyozi Road to its intersection with the northern boundary of Nazerali Road;

thence generally eastwards along the north boundary of that road to the south-eastern corner of Plot 195 of Section XVI;

thence in a straight line to the south-western corner of Plot 424 of Section XVIII on Jubilee Square;

thence southwards along the eastern boundary of Jubilee Square to its junction with Mvumoni Road;

thence south-eastwards along the northern boundary of that road to its junction with the northern boundary of Kilindini Road;

thence eastwards along the northern boundary of that road to the point of commencement.

MEMORANDUM OF OBJECTS AND REASONS

An Ordinance, entitled the Eviction of Tenants (Control) Ordinance, 1948, was enacted last year to prevent the eviction of tenants in the Coast Province who had erected temporary buildings on the land of landlords, which buildings were not covered by Rent Control legislation.

Under that Ordinance, no action could be taken to evict a tenant occupying a house in any of the areas scheduled to the Ordinance, without the consent of the Rent Control Board for the Coast Province, and the conditions under which such a consent could be given were strictly limited by the Ordinance. It was not appreciated at the time that the provisions of this Ordinance would prevent the Mombasa Municipal Board from carrying out their statutory duties and powers. An amendment to the Ordinance is, accordingly, required to enable the Mombasa Municipal Board to perform this function.

A difficulty has also arisen owing to the lack of definition of the word "house" in the 1948 Ordinance, and an amendment is also required to remedy this. As the Ordinance is a short one, it has been considered preferable to repeal it and re-enact its provisions with the necessary amendments.

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

Nairobi,
5th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 379

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

SECTION

2—Authority of Governor in Council to extend to the East Africa High Commission and its purposes certain provisions of law.

**A BILL TO MAKE PROVISION FOR EXTENDING
CERTAIN PROVISIONS OF LAW TO THE EAST
AFRICA HIGH COMMISSION AND ITS PURPOSES**

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 Legislation (Application to High Commission) Ordinance, 1949, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint. Short title and commencement.
2. Where any reference to the Government of the Colony or to public purposes occurs in any Ordinance or in any instrument made under or by virtue of any Ordinance, the Governor in Council may, if he considers it expedient so to do, by order published in the Gazette, provide that such reference shall, to such extent and subject to such modifications, if any, as may be specified in such order, be read and construed as including a reference to the East Africa High Commission or to the purposes of the East Africa High Commission, as the case may be; and such reference shall thereupon be read and construed accordingly. Authority of Governor in Council to extend to the East Africa High Commission and its purposes certain provisions of law.

MEMORANDUM OF OBJECTS AND REASONS

Although the East Africa High Commission performs many functions of government in Kenya, it is not included within the meaning of the expression government where that occurs in the legislation of Kenya. It is considered, however, that there are a number of cases in which it can and ought to be so included.

This Bill, accordingly, confers on the Governor in Council authority to extend the provisions of certain legislation to the East Africa High Commission and its purposes when he considers it expedient so to do.

The passing of this Bill will obviate the necessity for enacting legislation to meet the circumstances of each case as it arises.

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

Nairobi,
4th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 380

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

1—Short title and commencement.

SECTION

2—Amendment of section 88 (2) of Ordinance No. 19 of 1928.

**A BILL TO AMEND THE MUNICIPALITIES
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:—

Short title and
commencement.

No. 19 of 1928.

Amendment of
section 88 (2) of
Ordinance
No. 19 of 1928.

1. This Ordinance may be cited as the Municipalities (Amendment) Ordinance, 1949, and shall be read as one with the Municipalities Ordinance, 1928, hereinafter referred to as the principal Ordinance, and shall be deemed to have come into operation on the 1st day of April, 1949.

5

2. Sub-section (2) of section 88 of the principal Ordinance is amended by substituting the words "Such loans shall be a charge on the property and revenues of the Council" for the words "Such loans shall be secured on the property and revenues of the Council" occurring therein.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to make it clear that loans raised under the provisions of section 88 of the Municipalities Ordinance constitute *ipso facto* a charge upon the property and revenues of the Council without the execution of any separate document expressly creating a mortgage or charge. The amendment will have effect from the 1st April, 1949, in order to cover the stock issue now being made by the Nairobi Municipal Council.

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

Nairobi,
4th April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 381

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title and commencement.
- 2—Amendment of section 2 of Ordinance No. 7 of 1948.
- 3—Amendment of section 3 of Ordinance No. 7 of 1948.
- 4—Amendment of section 4 of Ordinance No. 7 of 1948.
- 5—Amendment of section 5 of Ordinance No. 7 of 1948.
- 6—Amendment of section 6 of Ordinance No. 7 of 1948.
- 7—Amendment of section 7 of Ordinance No. 7 of 1948.

SECTION

- 8—Amendment of section 8 of Ordinance No. 7 of 1948.
- 9—Amendment of section 9 of Ordinance No. 7 of 1948.
- 10—Amendment of section 11 of Ordinance No. 7 of 1948.
- 11—Amendment of section 12 of Ordinance No. 7 of 1948.
- 12—Amendment of section 13 of Ordinance No. 7 of 1948.
- 13—Amendment of section 14 of Ordinance No. 7 of 1948.
- 14—Repeals and replaces section 16 of Ordinance No. 7 of 1948.

A BILL TO AMEND THE IMMIGRATION (CONTROL) ORDINANCE, 1948

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

1. (1) This Ordinance may be cited as the Immigration (Control) (Amendment) Ordinance, 1949, and shall be read and construed as one with the Immigration (Control) Ordinance, 1948, hereinafter referred to as the principal Ordinance. Short title and commencement.
No. 7 of 1948.
- 5 (2) This Ordinance shall come into operation on such date as the Governor may appoint by notice published in the Gazette.
2. Sub-section (1) of section 2 of the principal Ordinance is hereby amended— Amendment of section 2 of Ordinance No. 7 of 1948.
 - 10 (a) by inserting after the definition of the word "African" the following definition:—
"‘deportation order’ means an order made under the provisions of section 9 of this Ordinance;"; and
 - 15 (b) by inserting after the definition of the words "permanent resident" the following definition:—
"‘Principal Immigration Officer’ includes a Deputy Immigration Officer appointed under the provisions of section 3 of this Ordinance;".
3. Section 3 of the principal Ordinance is hereby Amendment of section 3 of Ordinance No. 7 of 1948.
 - 20 amended—
 - (a) by renumbering the said section as sub-section (1);
 - (b) by inserting the words "Deputy Immigration Officers and" after the words "and such" occurring therein; and
 - 25 (c) by adding the following new sub-section:—
"(2) The Principal Immigration Officer may by writing under his hand and subject or not to conditions delegate to an immigration officer all or any of his powers under this Ordinance."
- 30 4. Section 4 of the principal Ordinance is hereby Amendment of section 4 of Ordinance No. 7 of 1948.
 - amended—
 - (a) by inserting the words "or leaving for" after the words "vehicle arriving from" occurring in paragraph (d) thereof; and

Amendment of
section 5 of
Ordinance No. 7
of 1948.

(b) by inserting the words "or that his presence in the Colony is unlawful" after the word "Ordinance" occurring in paragraph (e) thereof.

5. Section 5 of the principal Ordinance is hereby amended—

- (a) by substituting the words "their entry into or presence within the Colony is unlawful" for the words "it shall be unlawful for them to enter the Colony" occurring in sub-section (1) thereof;
- (b) by substituting for paragraph (g) of sub-section (1) the following paragraph:—
 "(g) Any person against whom there is in force an order of deportation from the Colony made under the provisions of this Ordinance or any other law;"
- (c) by inserting the words "presence in or" after the words "any person whose" occurring in paragraph (h) of sub-section (1) thereof;
- (d) by substituting a colon for the full stop occurring at the end of sub-section (1) thereof and adding the following proviso:—

"Provided that, subject to the provisions of sub-section (3) of this section—

- (i) any person who is in possession of a valid pass or permit allowing such person to enter the Colony issued under the provisions of any regulations made under this Ordinance shall not, during the period for which such pass or permit is issued be deemed to be a prohibited immigrant; and
- (ii) when such person shall be in possession of a valid permit issued to him under the provisions of sub-section (1) of section 7 of this Ordinance, or his name shall be endorsed upon a valid entry permit in accordance with the provisions of section 8 of this Ordinance, he shall cease to be a prohibited immigrant."

and

- (e) by substituting the words "has entered the Colony whether before or" for the words "enters the Colony" occurring in sub-section (3) thereof.

Amendment of
section 6 of
Ordinance No. 7
of 1948.

6. Section 6 of the principal Ordinance is hereby amended—

- (a) by substituting for paragraph (a) of sub-section (2) thereof the following paragraph:—
 "(a) a serving member of His Majesty's Forces, a civilian employee of any of His Majesty's Departments of State and the wife and children of any such person;"

and

- (b) by inserting the expression "civilian employee of any of His Majesty's Departments of State," after the expression "His Majesty's Forces," occurring in sub-section (3) thereof.

Amendment of
section 7 of
Ordinance No. 7
of 1948.

7. Section 7 of the principal Ordinance is hereby amended—

- (a) by substituting the words "or the East Africa High Commission" for the words "the East Africa High Commission or the Kenya and Uganda Railways and Harbours Administration" occurring in paragraph (iii) of Class A in sub-section (1) thereof;

6 (b) by substituting the words "such sum as may be prescribed" for the expression "a capital sum of £800" occurring in paragraphs (ii) of Classes B, C, D, and for the expression "a capital sum of £2,500" occurring in Class E of sub-section (1) thereof;

(c) by substituting a comma and the expression "business, or profession other than a prescribed profession" for the words "or business" wherever they occur in Class D of sub-section (1) thereof;

10 (d) by repealing sub-section (2) thereof and substituting therefor the following:—

15 " (2) Where any person has been granted an entry permit under paragraph (iii) of Class A or under Class B, C, D, E, F or G of sub-section (1) of this section and at any time before the expiration of four years of the granting of such permit—

20 (a) in the case of a person in the service of the Colony or the East Africa High Commission he fails to engage in or does not continue in such service; and

(b) in any other case, he fails to engage in or to continue in the same occupation as or in a similar occupation to that in respect of which he obtained such entry permit,

25 then such person shall be deemed to be a person seeking to enter the Colony with effect from the date when he failed to engage in or ceased to continue in the said service or occupation or a similar occupation as the case may be.";

30 and

(e) by repealing sub-section (3) thereof and substituting therefor the following:—

35 " (3) Any applicant who is aggrieved by a decision refusing him an entry permit under Class A of sub-section (1) of this section may appeal against such decision to the Supreme Court in accordance with any rules made in that behalf under the provisions of section 14 of this Ordinance."

40 8. Section 8 of the principal Ordinance is hereby amended by substituting the word "eighteen" for the word "sixteen" occurring therein.

Amendment of section 8 of Ordinance No. 7 of 1948.

9. Section 9 of the principal Ordinance is hereby amended—

Amendment of section 9 of Ordinance No. 7 of 1948.

(a) by repealing sub-section (1) thereof and substituting the following therefor:—

45 " (1) The Governor may make an order directing that any prohibited immigrant or any person whose presence within the Colony is, under the provisions of this Ordinance unlawful, shall be deported from and remain out of the Colony, either indefinitely or for a time to be specified in the order."; and

50 (b) by adding the following new sub-sections thereto:—

55 " (4) Where any person is brought before a Court under the provisions of this Ordinance and the Court is informed that an application for an order under this section in respect of him is being made, the Court may direct that such person be detained for any period not exceeding fourteen days.

(5) An order made under this section shall remain in force until such time as it is varied or revoked by the Governor."

Amendment of
section 11 of
Ordinance No. 7
of 1948.

10. Sub-section (1) of section 11 of the principal Ordinance is hereby amended by inserting the expression "certificate," immediately before the word "permit" occurring therein.

Amendment of
section 12 of
Ordinance No. 7
of 1948.

11. Sub-section 4 of section 12 of the principal Ordinance ⁵ is hereby repealed and the following substituted therefor:—

"(4) Any person who, having been deported or ordered to leave the Colony under the provisions of this Ordinance or any other law at the time in force, returns to the Colony without the permission of the Governor, ¹⁰ shall be liable to a fine not exceeding Sh. 10,000 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment, and may, on the expiration of the sentence of imprisonment (if any) imposed upon him, be deported again under the provisions of section 9 ¹⁵ of this Ordinance."

Amendment of
section 13 of
Ordinance No. 7
of 1948.

12. Paragraph (m) of sub-section (1) of section 13 of the principal Ordinance is hereby amended by inserting the words "or renewal" after the word "issue" occurring therein.

Amendment of
section 14 of
Ordinance No. 7
of 1948.

13. Section 14 of the principal Ordinance is hereby ²⁰ repealed and the following substituted therefor:—

"Supreme Court
may make
rules.

14. The Supreme Court may make rules governing the time within which and the manner in which appeals may be made to a court under the provisions of this Ordinance and the venue, procedure, and the fees and costs to ²⁵ be paid in respect of such appeals."

Repeals and
replaces
section 16 of
Ordinance No. 7
of 1948.

14. Section 16 of the principal Ordinance is hereby repealed and the following substituted therefor:—

"Certain
persons deemed
to be
unlawfully in the
Colony.

16. Any person—

(a) whose presence in the Colony is unlawful under ³⁰ the provisions of the Ordinance repealed by this Ordinance, or of any other law in force before the date of the coming into operation of this Ordinance; or

(b) who, having entered the Colony to serve under a ³⁵ contract which provided for his departure from the Colony at the termination of such contract, and—

(i) not having received the permission of a competent authority to remain in the ⁴⁰ Colony, has, before the date of the coming into operation of this Ordinance, failed to leave the Colony after quitting such service; or

(ii) not having been issued with a permit or pass, ⁴⁵ under the provisions of this Ordinance or any regulations made thereunder, as the case may be,

fails to leave the Colony after quitting the service of the employer to whom he is contracted; or ⁵⁰

(c) who, before the date of the coming into operation of this Ordinance, was permitted, under the provisions of any other law then in force, to enter and remain in the Colony—

(i) subject to any condition with which condi- ⁵⁵ tion he has failed, or with which he hereafter fails, to comply; or

(ii) being out of the Colony fails to enter before the 31st day of December, 1949,

shall be deemed to be unlawfully in the Colony for the purposes of this Ordinance.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is designed to remedy certain defects in the Immigration (Control) Ordinance, 1948 (hereinafter called the principal Ordinance), which practice has brought to light. The Bill has been prepared as a result of a conference between the Law Officers and Principal Immigration Officers of the four East African territories of Kenya, Tanganyika, Uganda and Zanzibar.

It has been found, in practice, that the Principal Immigration Officer has to delegate some of his functions to his deputy at Mombasa. Accordingly, *clause 2* now contains express power to the Principal Immigration Officer to delegate, and power to the Governor to appoint Deputy Immigration Officers as well as a Principal Immigration Officer.

Section 4 of the principal Ordinance will be amended so as to permit an Immigration Officer to require the master of a ship, or captain of an aircraft, or guard of a train, or person in charge of a vehicle leaving for any place outside the Colony, to furnish a list of the persons in his ship, aircraft, train or vehicle. An amendment is also made to this section to permit the arrest of a person whose presence in the Colony is unlawful, if in order to prevent justice being defeated, it is necessary to arrest him immediately. (*Clause 4.*)

Section 5 (1) of the principal Ordinance at present provides that certain persons therein detailed, are prohibited immigrants, and that it shall be unlawful for them to enter the Colony. The Bill will amend this to make not only the entry into, but also the presence in, the Colony of prohibited immigrants unlawful.

Section 5 will also be amended to make it plain that “prohibited immigrant” includes any person against whom there is in force an order of deportation from the Colony, whether the deportation order is made under the provisions of the principal Ordinance or any other law.

As the principal Ordinance stands, there is no provision which allows a person who comes within any of the categories of “prohibited immigrant”, to alter his status and obtain a permit to enter the Colony. The Bill will amend sub-section (1) of section 5 and will insert provisos to the effect that a person who is in possession of a valid pass (including a prohibited immigrant’s pass), allowing him to enter the Colony is not, during the period for which such pass or permit is issued, to be deemed to be a prohibited immigrant, and that when such person shall have a valid entry permit issued to him, or have his name endorsed as a dependant upon a valid entry permit, he shall cease to be a prohibited immigrant.

Section 5 will also be amended to provide that any person who is found by the Principal Immigration Officer to be a prohibited immigrant, within four years of his entry into the Colony, is to be deemed to have been a prohibited immigrant at the time of such entry, whether he entered the Colony before or after the coming into operation of the principal Ordinance. (*Clause 5.*)

Section 6 of the principal Ordinance is amended by extending the right to enter the Colony without a permit to (while so employed) civilian employees of any of His Majesty’s Departments of State, their wives and children, as well as to serving members of His Majesty’s Forces, their wives and children. (*Clause 6.*)

It has been found by experience that the various maximum sums, specified in section 7 of the principal Ordinance, of which an intending immigrant falling within Class B, C, D, or E must be able to dispose, are too small. For instance, an intending immigrant proposing to set up as a building contractor, could hardly expect to succeed on a capital of only £800. Accordingly, it is proposed to substitute for the maxima stated in section 7 (1), such maximum sums as may be prescribed for each category by regulations made from time to time by the Governor in Council. (*Clause 7 (b).*)

Class D of section 7 (1) of the principal Ordinance will be amended to include “professions” as well as “trades” and “businesses”. (*Clause 7.*)

Sub-section (2) of section 7 will be altered to provide that if a person granted an entry permit for a particular employment fails to engage in that employment or to continue in it for four years, he will be put back into the position of seeking to enter the Colony *de novo*. (*Clause 7 (d).*)

The age under which children may be endorsed on entry permits is raised from sixteen to eighteen.

Section 9 of the principal Ordinance is amended to make it plain that the Governor may include in a deportation order a direction that the person shall remain out of the Colony. (*Clause 9 (a).*) There is also provision for detention pending deportation. (*Clause 9 (b).*)

Clause 10 increases the penalties for returning to the Colony in breach of a deportation order.

Clauses 12 and 13 make detail amendments.

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

Nairobi,
2nd April, 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 382

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION	PART I—PRELIMINARY	SECTION	PART V—OTHER OFFICERS
1—Short title and commencement.		15—Officers.	
2—Interpretation.		16—Advocates' Committee.	
	PART II—ESTABLISHMENT		PART VI—GENERAL MEETINGS
3—Establishment of Law Society of Kenya.		17—General Meetings.	
4—Objects.		18—Requisition.	
5—Dissolution and vesting of assets of Former Society.		19—Voting.	
	PART III—MEMBERSHIP	20—General Meeting to act by simple majority.	
6—Qualifications for membership.		21—Alteration of resolutions.	
7—Subscription.		22—Convening and procedure.	
8—Expulsion of members.			PART VII—COMMON SEAL
9—Members ceasing to be qualified.		23—Custody and use of seal.	
10—Resignations.			PART VIII—MINUTES ACCOUNTS AND REPORTS
	PART IV—COUNCIL	24—Minutes.	
11—Constitution of the Council.		25—Accounts to be kept.	
12—Powers of the Council.		26—Report and Accounts.	
13—Committees and delegation.			PART IX—REGULATIONS
14—Procedure.		27—Regulations.	

A BILL TO INCORPORATE THE LAW SOCIETY OF KENYA

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

PART I—PRELIMINARY

1. This Ordinance may be cited as the Law Society of Kenya Ordinance, 1949, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint. Short title and commencement.
2. In this Ordinance, unless the context otherwise requires— Interpretation.

“Council” means the Council established under the provisions of section 11 of this Ordinance;

“Former Society” means the existing Law Society of the Colony of Kenya;

“prescribed” means prescribed by regulations made under section 27 of this Ordinance;

“Society” means the body corporate established by section 3 of this Ordinance;

“special resolution” means a resolution passed by not less than two-thirds of such members of the Society as may be present and vote thereon at a General Meeting of the Society, duly convened with full notice of the intention to propose such resolution.

PART II—ESTABLISHMENT

3. There shall be a body corporate by the name of The Law Society of Kenya with perpetual succession and a common seal, with power to sue and be sued in its corporate name. Establishment of Law Society of Kenya.
4. The objects for which the Society is established are— Objects.
 - (a) to maintain and improve the standards of conduct and learning of the legal profession in the Colony;
 - (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;

- (c) to assist the Government and the Courts in all matters affecting legislation, and the administration and practice of the law in the Colony;
- (d) to represent, protect and assist members of the legal profession in the Colony as regards conditions of practice and otherwise; 5
- (e) to protect and assist the public in the Colony in all matters touching, ancillary or incidental to the law;
- (f) to acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable, and to derive capital or income therefrom, for all or any of the foregoing objects; 10
- (g) to raise or borrow money for all or any of the foregoing objects in such manner and upon such security as may from time to time be determined by the Society; 15
- (h) to invest and deal with moneys of the Society not immediately required in such manner as may from time to time be determined by the Society;
- (i) to do all such other things as are incidental or conducive to the attainment of the foregoing objects or any of them. 20

Dissolution and vesting of assets of Former Society.

5. All property and assets of the Former Society shall be and are hereby, as at the date of commencement of this Ordinance, vested in the Society; and so soon as all formalities connected with the transfer of all such property and assets as aforesaid to the Society shall be declared by the secretary of the Former Society to have been completed, the Former Society shall automatically be dissolved. 25

PART III—MEMBERSHIP 30

Qualifications for membership.

6. (1) All persons who, at the date of commencement of this Ordinance are members of the Former Society shall be members of the Society as from that date, without payment of any entrance fee.

(2) Any of the following persons who applies for membership in the prescribed manner, and pays the prescribed entrance fee, shall be admitted as a member of the Society, that is to say— 35

- (a) advocates of the Supreme Court of the Colony who for the time being hold certificates entitling them to practise therein; 40
- (b) the Attorney General, Solicitor General, the Legal Draftsman and substantive Crown Counsel, for the time being of the Colony;
- (c) the Legal Secretary to the East Africa High Commission; and 45
- (d) such other legally qualified persons, for the time being resident in the Colony, as may from time to time be determined by special resolution: 50

Provided that no person who has been duly expelled from membership of the Society shall thereafter be admitted again as a member thereof without the authority of a special resolution.

Subscription.

7. Members of the Society shall pay into the funds of the Society such periodical subscription as may from time to time be prescribed. 55

Expulsion of members.

8. Members of the Society may be expelled therefrom in such manner, and upon such grounds, after giving them a reasonable opportunity of answering all allegations made against them, as may from time to time be prescribed.

9. Any member of the Society who ceases to be qualified for membership as required by sub-section (2) of section 6 of this Ordinance shall thereupon automatically cease to be a member.

Members ceasing to be qualified.

5 10. Any member of the Society may resign his membership in such manner as may be prescribed.

Resignations.

PART IV—COUNCIL

11. For the proper management of the affairs of the Society, there shall be a Council consisting of a President, 10 a Vice-President, and six other persons; all of whom shall be members of the Society, and elected annually by the Society in general meeting.

Constitution of the Council.

12. Except as otherwise expressly provided by this Ordinance, or by any regulations made under this Ordinance, 15 the Council may exercise all the powers of the Society; and no regulations made under this Ordinance shall invalidate any prior act of the Council which would have been valid if such regulations had not been made.

Powers of the Council.

13. The Council may from time to time appoint Committees consisting of members of the Society; and may, except 20 as otherwise expressly provided by this Ordinance or by any regulations made under this Ordinance, delegate to any such Committee all or any of the powers of the Council.

Committees and delegation.

14. The procedure of the Council, and of every Committee appointed as aforesaid, shall be as may from time to 25 time be prescribed.

Procedure.

PART V—OTHER OFFICERS

15. There shall be such Secretary, Treasurer and other officers of the Society, paid or unpaid, as the Council may from 30 time to time appoint.

Officers.

16. All representatives of the Society on the Advocates Committee, established under the Advocates Ordinance, 1949, shall be elected by the Society in General Meeting.

Advocates Committee.
No. of 1949

PART VI—GENERAL MEETINGS

35 17. The Council shall within six weeks after the 30th day of June and the 31st day of December in each year, and may at any other time or times at the discretion of the Council, convene a general meeting of the Society.

General meetings.

18. Any fifteen members of the Society may at any time 40 requisition a general meeting by written notice in that behalf signed by them, specifying the object of the proposed meeting, and deposited with the secretary of the Society; and thereupon the Council shall convene a general meeting of the Society accordingly. If the Council fails for fourteen days after such 45 deposit to convene a general meeting in accordance with the requisition, to be held within thirty days after such deposit, the requisitioning members may themselves convene that general meeting to be held at any time within two months after such deposit.

Requisition.

50 19. At every general meeting of the Society, every member present shall have one vote and the Chairman of that meeting shall also have a casting vote; but there shall be no voting by proxy.

Voting.

20. Except for any purpose for which a special resolution 55 is expressly required by this Ordinance or by any regulation made under this Ordinance, all resolutions of the Society in general meeting shall be by simple majority vote.

General meeting to act by simple majority.

Alteration of
resolutions.

21. No resolution of the Society in general meeting shall be altered or rescinded within nine months after the passing thereof otherwise than by a special resolution of the Society.

Convening and
procedure.

22. The manner of convening general meetings of the Society, and the procedure thereat, shall, subject as hereinbefore expressly provided, be as may, from time to time, be prescribed. ⁵

PART VII—COMMON SEAL

Custody and use
of seal.

23. The common seal of the Society shall be kept in such custody and used in such manner as may from time to time be prescribed. ¹⁰

PART VIII—MINUTES, ACCOUNTS AND REPORTS

Minutes.

24. The Council shall cause proper minutes of all general meetings of the society, and of all meetings of the Council and of Committees appointed by the Council, to be taken and recorded; and shall make all such minutes available for inspection by any member of the Society at any reasonable time, on demand. ¹⁵

Accounts to
be kept.

25. The Council shall also cause proper accounts of all funds, property and assets of the Society to be kept, and to be audited as on the 30th day of June and the 31st day of December in every year. ²⁰

Report and
accounts.

26. Within six weeks after the 30th day of June and the 31st day of December in each year, the Council shall present to the Society in general meeting a full report of the activities of the Society (including the activities of the Council, and of any Committee appointed by the Council), together with accounts duly audited as hereinbefore provided, in respect of the six months preceding that date. ²⁵
³⁰

PART IX—REGULATIONS

Regulations.

27. The Council may, subject to the provisions of this Ordinance and to approval by a special resolution, make regulations binding on members of the Society, prescribing all or any of the following matters— ³⁵

- (a) entrance fees and periodical subscriptions;
- (b) manner of application for membership of the Society;
- (c) grounds for expulsion of members from the Society, and procedure thereunto;
- (d) resignation of members; ⁴⁰
- (e) regulation of powers exercisable by the Council and Committees, and delegation of powers;
- (f) manner of convening meetings of the Council and Committees, and quorums and procedure thereat;
- (g) manner of convening general meetings of the Society, and quorums and procedure thereat; ⁴⁵
- (h) manner of election, removal, and replacement of the President, Vice-President and other members of the Council, and of representatives of the Society on the Advocates Committee; ⁵⁰
- (i) custody and use of the common seal;
- (j) arbitration in disputes; and
- (k) such other matters as may be deemed by the Council to be necessary for the proper conduct and regulation of the affairs of the Society.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to incorporate the Law Society of Kenya, and to give it certain statutory powers. Upon the commencement of the Ordinance, the existing Law Society which is an unincorporated body, will cease to exist and, as soon as all necessary formalities have been completed, the property and assets of the existing Law Society will vest in the new corporate body. (*Clause 5.*)

Part II of the Bill provides for the incorporation and sets out the objects of the Law Society. The objects, amongst others, are—

- (a) to maintain and improve the standards of conduct and learning of the legal profession in the Colony;
- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government and the Courts in all matters affecting legislation and the administration and practice of the law in the Colony;
- (d) to represent, protect and assist members of the legal profession in the Colony as regards conditions of practice and otherwise;
- (e) to protect and assist the public in the Colony in all matters touching, ancillary or incidental to the law.

There are also powers of acquiring, holding and developing property, and borrowing powers, and powers of investment. (*Clause 4.*)

Under *clause 6*, members of the existing Law Society will be eligible for membership of the incorporated Society and any Advocate of the Supreme Court of the Colony holding a practising certificate will be entitled to become a member. In addition, membership is open to the Attorney General, the Solicitor General and Crown Counsel, the Legal Secretary to the High Commission and to such legally qualified persons as may be determined by special resolution of the Society.

Clauses 7, 8, 9 and 10 deal with domestic matters such as subscriptions, resignations and the like.

Clause 11 of the Bill provides that there shall be a Council consisting of a President, a Vice President and six other members of the Society, elected annually by the Society in general meeting.

Clauses 12, 13 and 14 deal with the powers and procedure of the Council and its Committees.

Part V of the Bill provides for office bearers, and for representation of the Society on the Advocates Committee to be established under the new Advocates Ordinance.

Parts VI, VII and VIII of the Bill deal respectively with general meetings and the procedure thereat, the custody and use of the common seal, and the keeping and presentation of minutes, reports and accounts.

Clause 27 empowers the Council, subject to the provisions of the Ordinance and to approval by a special resolution of the Society, to make regulations binding on the members of the Society, on any of the matters set out in the clause.

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

Nairobi,
28th March 1949.

K. K. O'CONNOR,
Attorney General.

GOVERNMENT NOTICE No. 383

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

ALEX. M. WILKIE,
Acting Clerk to the Legislative Council.

ARRANGEMENT OF SECTIONS

SECTION

1—Short title.

SECTION

2—Repeal and replacement of sub-section (2) of section 2 of Ordinance 29 of 1947.

**A BILL TO AMEND THE LIQUOR (AMENDMENT)
ORDINANCE, 1947**

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. 29 of 1947.

Repeal and
replacement of
sub-section (2)
of section 2 of
the Liquor
(Amendment)
Ordinance, 1947.

1. This Ordinance may be cited as the Liquor (Amendment) Ordinance, 1949, and shall be read as one with the Liquor (Amendment) Ordinance, 1947.

2. Sub-section (2) of section 2 of the Liquor (Amendment) Ordinance, 1947, is hereby repealed and the following substituted therefor:— 5

“(2) There shall be paid for a non-spirituous liquor licence a fee of three hundred shillings for a yearly licence or one hundred and eighty shillings for a half-yearly licence, as the case may be: 10

Provided that if the person to whom such a licence is granted is the holder of a wine merchant's and grocer's liquor licence such licence shall be issued to him on payment of a fee of forty shillings for a yearly licence or twenty-five shillings for a half-yearly licence, as the case may be.” 15

MEMORANDUM OF OBJECTS AND REASONS

Provision is made in the Liquor (Amendment) Ordinance, 1947, for the payment of a fee of fifteen pounds per annum for the issue of a non-spirituous liquor licence. Such a licence may be issued to the holder of a wine merchant's and grocer's liquor licence upon payment of a fee of ten shillings per annum. It has been found that the fee of fifteen pounds per annum has caused hardship where a licence is required for only half the year. This Bill will, therefore, make provision for a half-yearly licence at a reduced fee.

Since a fee of ten shillings per annum, which is payable for a non-spirituous liquor licence by the holder of a wine merchant's and grocer's liquor licence is considered inadequate, the opportunity has been taken to raise it to forty shillings for a yearly, and twenty-five shillings for a half-yearly licence.

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

Nairobi,
9th April, 1949.

K. K. O'CONNOR,
Attorney General.