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Special
Reserve to the
Regiment

Section 8 of the Principal Ordinance which it is proposed to amend —

8 The Governor may establish a Special Reserve to the Regiment in such manner as may be prescribed, and those persons who offer their services and whose services are accepted, shall be liable, when the whole or any part of the Regiment is called out for active service, to render services with such portion of any local force as the Governor may decide. The Special Reserve shall be subject to such peace training as may be prescribed from time to time.

Certificate of
efficiency

Section 11 of the Principal Ordinance which it is proposed to amend —

11 A cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests, shall be deemed to be an efficient cadet for that year, and if he is deemed to be efficient for not less than three years, and his conduct under instruction in cadet training has proved satisfactory, he shall be entitled, on attaining the age of eighteen years, to receive a certificate of efficiency. Holders of such certificates may be transferred to the Regiment as trained men.

GOVERNMENT NOTICE No 288

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

R W BAKER-BEALL,
Acting Clerk to the Legislative Council

A Bill to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937

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 Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the Principal Ordinance

Short title

No 4 of 1937

2 Section 8 of the Principal Ordinance is hereby amended by inserting the words "or ordered to hold itself in readiness for immediate calling out" immediately after the word "service" which occurs in the fifth line thereof

Amendment of section 8 of the Principal Ordinance

3 Section 11 of the Principal Ordinance is hereby amended by deleting therefrom the words "Holders of such certificates may be transferred to the Regiment as trained men" which occur in the last two lines thereof

Amendment of section 11 of the Principal Ordinance

Calling out of
Regiment for
active service

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

13 The Governor may, by notice in the Gazette, call out the whole or any part of the Regiment for active service and when so called out they shall be held to that service until such time as the Governor may, by notice in the Gazette, declare that they are relieved from that service

Retirement of
officers

Sub-section (1) of section 19 of the Principal Ordinance which it is proposed to replace —

19 (1) The Governor may place officers on the retired list, and officers in that list may, with the approval of the Governor, retain their rank and wear the prescribed uniform

(2) The ages of compulsory retirement of officers of the Regiment shall be prescribed

4. Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

“13 (1) The Governor may, by proclamation in the Gazette, call out the whole or any part of the Regiment, the Reserve and the Special Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by proclamation in the Gazette, declare that they are relieved from that service

Provided that the Governor may, by such proclamation in lieu of calling out the Regiment, the Reserve and the Special Reserve or any part thereof for active service, order the Regiment, the Reserve and the Special Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out

(2) In the case of sudden and immediate 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, by proclamation in the name of the Governor call out the whole or any part of the Regiment, the Reserve and the Special Reserve resident in such province or district, but in such case such civil officer shall forthwith report to the Governor such calling out and any subsequent step taken by him ”

5 Sub-section (1) of section 19 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor —

“19 (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Regiment as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Regiment ”

Repeal and replacement of section 13 of the Principal Ordinance

Calling out of Regiment for active service

Repeal and replacement of section 19 (1) of the Principal Ordinance

Retirement of officers

Officers and
members of
Regiment,
Reserve and
Special Reserve
on mobilization
to be under
Army Act

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

24 The provisions of the Army Act, 44 and 45 Vict Ch 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers at all times and to members, the Reserve and the Special Reserve when they are on active service, when they are called out for active service, during peace training, when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

- (a) the words "the Regiment" shall be read therein for the words "regular forces", the words "officer or member of the Regiment" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State", and
- (b) no sentence of a court martial upon the trial of an officer or a member of the Regiment, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf

Section 29 of the Principal Ordinance which it is proposed to repeal —

Offences
against com-
mandeering
regulations

29 Any person who commits any offence against the regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years

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

Regulations

36 The Governor may from time to time make regulations for all or any of the matters or things following connected with the Regiment—

- (1) the numerical establishment of units of the Regiment and cadets, and the various grades, ranks and appointments therein,
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers,
- (3) The enrolment, posting, transfer, leave, promotion,

6 Section 24 of the Principal Ordinance is hereby amended by deleting the words "shall apply to the permanent staff and officers" which occur in the third and fourth lines thereof and by substituting therefor the words "shall as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto)"

Amendment of
section 24 of the
Principal
Ordinance

7 Section 29 of the Principal Ordinance is hereby repealed

Repeal of
section 29 of
the Principal
Ordinance

8. Section 36 of the Principal Ordinance is hereby amended—

Amendment of
section 36 of the
Principal
Ordinance

(a) by deleting the word "and" which occurs at the end of paragraph (13) thereof,

(b) by renumbering paragraph (14) thereof as (15) and by inserting the following new paragraph as paragraph (14) —

"(14) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Regiment, the Reserve and the Special Reserve when called out under section 13 of this Ordinance, and"

reduction, discharge and dismissal of warrant officers, non-commissioned officers and men, and the disbandment of any units,

- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof,
- (5) the discipline of the Regiment,
- (6) the convening of courts of inquiry, and the attendance of witnesses,
- (7) the exemption of officers and members from carrying out the full course of peace training for any one training year,
- (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Regiment and for cadets,
- (9) the conveyance by air, road, rail, or water of officers and members and their transport and equipment when travelling on duty,
- (10) the general government control and management of the Regiment,
- (11) drill, peace training instruction, camps and medical treatment thereat,
- (12) the establishment, control and management of the Reserve and Special Reserve,
- (13) the establishment, control and management of Cadet Units, and
- (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Regiment, or for carrying out and giving effect to this Ordinance

OBJECTS AND REASONS

The object of this Bill is to give effect to various suggestions which have been made by the Secretary of State and his military advisers

The chief amendments are as follows —

Clause 4 provides that the Governor may in lieu of calling out the Regiment order it to hold itself in readiness and moreover empowers the civil officer in charge of a province or district to call it out in times of emergency

Clause 5 provides that save in exceptional circumstances the privilege of retaining rank and wearing uniform should only be conferred on officers placed on the retired list who have served for ten years in the Regiment

Clause 6 makes it clear that it is only the disciplinary provisions of the Army Act which apply to the Regiment on the occasions specified in section 24 of the Principal Ordinance

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

Powers of
Governor in
regard to
application of
Ordinance

Section 29 of the Principal Ordinance which it is proposed to replace —

29 Notwithstanding the provisions of section 1 of this Ordinance, the Governor may, by notice in the Gazette—

- (a) declare that any municipality or any part of any municipality shall be excluded from the application of this Ordinance,
- (b) declare that the provisions of this Ordinance shall apply to any township established under the Townships Ordinance or any Ordinance amending or replacing the same, or to any part of any such township

Provided that when the provisions of this Ordinance are applied to any township under this section, unless the context otherwise requires —

“Local Authority” means the Governor,

“Municipality” means the area of the township,

“Mayor”, “Town Clerk” and “Town Treasurer” mean the District Commissioner

GOVERNMENT NOTICE NO 289

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

R W BAKER-BEALL,
Acting 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 Government (Rating) (Amendment) Ordinance, 1938, and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as the Principal Ordinance

2 Section 29 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

“29 Notwithstanding the provisions of section 1 of this Ordinance, the Governor may, by notice in the Gazette—

(a) declare that any municipality or any part of any municipality shall be excluded from the application of this Ordinance,

(b) declare that the provisions of this Ordinance shall apply to the whole or to any part of any Grade A township within the meaning of the Townships Ordinance, 1930, or of any Ordinance amending or replacing the same Provided that, when the provisions of this Ordinance have, under the powers conferred by this paragraph, been applied to the whole or part of any such township, this Ordinance shall, in its application to such township or part of such township, be construed as if the following definitions were substituted for the definitions of ‘Local Authority’, ‘Municipality’, ‘Mayor’, ‘Town Clerk’, and ‘Town Treasurer’, contained in section 2 of this Ordinance —

‘Local Authority’ means the District Commissioner, acting with the advice of the Town-

Short title

No 20 of 1928

Repeal and replacement of section 29 of the Principal Ordinance

Powers of Governor in regard to application of Ordinance

No 63 of 1930

ship Committee established under the provisions
of the Townships Ordinance, 1930,

No 63 of 1930

'Municipality' means the area of the town-
ship,

'Mayor', 'Town Clerk' and 'Town
Treasurer', mean the District Commissioner "

OBJECTS AND REASONS

Section 29 of the Local Government (Rating) Ordinance, 1928, provides for the application of the provisions of the Ordinance to townships established under the Townships Ordinance, 1930 As the section stands, however, when the Ordinance is so applied, the Governor is deemed to be the local authority for the purpose of the Ordinance

It is clear, however, from the provisions of the Ordinance that it would be impracticable to have the Governor as the local authority, and it is considered that the most appropriate local authority would be the District Commissioner acting with the advice of the Township Committee, which is the body charged with the administration of Grade A townships under the Townships Ordinance, 1930

As it is not the intention to apply the provisions of the Ordinance to townships other than Grade A townships, the proposed new section 29 (b) is limited to Grade A Townships

The Bill is designed to make the necessary amendments to the law

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

Sub-section (2) of section 3 of the Principal Ordinance which it is proposed to replace —

(2) Before issuing a licence under this section, the licensing officer shall take the opinion of the District Council or Committee, if any, within whose area such shop is situated

GOVERNMENT NOTICE No 290

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

R W BAKER-BEALL,
Acting Clerk to the Legislative Council

**A Bill to Amend the Shops in Rural Areas
Ordinance, 1933**

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

1 This Ordinance may be cited as the Shops in Rural Areas (Amendment) Ordinance, 1938, and shall be read as one with the Shops in Rural Areas Ordinance, 1933, herein-after referred to as the Principal Ordinance

2 Sub-section (2) of section 3 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor —

“(2) No licence shall be issued under the provisions of this section except with the approval of the District Council or Committee, if any, within whose area such shop is situated Provided that, if the District Council or Committee, as the case may be, refuses to give its approval, an applicant may appeal against such refusal to the Provincial Commissioner, whose decision shall be final ”

Amendment of
section 3 of the
Principal
Ordinance

OBJECTS AND REASONS

During the meeting of Legislative Council held during August, 1937, an assurance was given that the views of District Councils and Committees would be obtained on the question of amending the Shops in Rural Areas Ordinance, 1933, so as to provide that no licence would be issued without the approval of the District Council or Committee, as the case may be Action was accordingly taken and the replies show that, with the exception of one District Committee, all the Councils and Committees are in favour of the proposed amendment

2 The Bill prohibits the issue of a licence except with the consent of the District Council or Committee concerned and provides for an appeal to the Provincial Commissioner against a decision adverse to the applicant

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

Division of the
Defence Force
into Classes

Section 8 of the Principal Ordinance which it is proposed
to amend —

8 Members of the Defence Force shall be divided into
the following Classes, namely —

Class I—Persons who have attained the age of eighteen
years and have not attained the age of thirty
years

Class II—Persons who have attained the age of thirty
years and have not attained the age of fifty-
five years

Section 9 of the Principal Ordinance which it is proposed
to amend —

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

9 (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 who has not attained the age of fifty-five years and who
is ordinarily resident in the Colony shall attend at the office of
the District Commissioner of his administrative district within
one month after the commencement of this Ordinance or of
attaining the age of eighteen years or of 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 such person fails so to enrol himself he shall never-
theless be deemed to be enrolled as a member of the Defence
Force

GOVERNMENT NOTICE No 291

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

R W BAKER-BEALL,
Acting Clerk to the Legislative Council

**A Bill to Amend the Kenya Defence Force
Ordinance, 1937**

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 Kenya Defence Force (Amendment) Ordinance, 1938, and shall be read as one with the Kenya Defence Force Ordinance, 1937, hereinafter referred to as the Principal Ordinance

2 Section 8 of the Principal Ordinance is hereby amended—

(a) by deleting the word "fifty-five" which occurs in the last two lines thereof and by substituting therefor the word "fifty", and

(b) by adding thereto at the end thereof the following—
“Class III—Persons who have attained the age of fifty years”

3. Section 9 of the Principal Ordinance is hereby amended—

(a) by deleting the words “and who has not attained the age of fifty-five years” which occur in the fourth line of sub-section (1) thereof, and

(b) by deleting the words “upon taking the prescribed oath” which occur in the sixth line of sub-section (2) thereof

Any person failing to enrol himself as provided for in this sub-section shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment

(2) With the permission of the Governor, any male person, who is not a British subject but who has the other qualifications required by sub-section (1) of this section, may volunteer to serve in the Defence Force, and in such case such person shall attend at the office of the District Commissioner as aforesaid and upon taking the prescribed oath shall enrol himself as a member of the Defence Force in the Class appropriate to his age

Section 10 of the Principal Ordinance which it is proposed to amend —

Right of persons to elect as to Class in which they are enrolled

10 Notwithstanding anything in the last preceding section contained, any person liable to be enrolled and to serve in the Defence Force or who volunteers for service therein may, with the permission of the Commander, elect to enrol as a member of the Class preceding the Class appropriate to his age

Upon enrolment such person shall be liable to perform all the duties and shall be subject to all the obligations imposed by this Ordinance and by the regulations upon the members of the Class in which he is enrolled

Sub-section (1) of section 17 of the Principal Ordinance which it is proposed to replace —

Peace training

17 (1) The peace training of each Class of the Defence Force shall be carried out in accordance with the regulations and every member of the Defence Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance

4 The marginal note to section 10 of the Principal Ordinance is hereby amended by deleting the last eight words thereof and by substituting therefor the words "to serve in the Class preceding their appropriate Class"

Amendment of
section 10 of the
Principal
Ordinance

5. Sub-section (1) of section 17 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor —

Repeal and
replacement of
section 17 (1) of
the Principal
Ordinance

"17 (1) The peace training of Classes I and II of the Defence Force shall be carried out in accordance with the regulations and every officer and member of Classes I and II of the Defence Force shall undergo such peace training in any year as shall be notified in accordance with the provisions of section 19 of this Ordinance Members of Class III of the Defence Force shall not be required to undergo any peace training "

Peace training

Calling out and
mobilization of
the Defence
Force

Sub-section (1) of section 21 of the Principal Ordinance which it is proposed to amend —

21 (1) Whenever in the opinion of the Governor it shall be necessary to repel external aggression, or to aid the civil authority in the protection of life and property and to prevent and suppress internal disorder in the Colony, 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 either Class or both Classes mentioned in section 8 of this Ordinance, but so that the members enrolled in Class II shall not be called out until the members enrolled in Class I 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

Discipline of the
Defence Force
on mobilization
to be governed
by Army Act,
44 and 45 Vict.,
Ch 58

Section 23 of the Principal Ordinance which it is proposed to amend —

23 The provisions of the Army Act, 44 and 45 Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall apply to the permanent staff and officers of the Defence Force at all times and to members of the Defence Force when they are on active service, when they are called out for active service, during peace training when they are engaged in any military exercise of drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications—

(a) the words "the Defence Force" shall be read therein for the words "Regular Forces", the words "officer or member of the Defence Force" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State", and

(b) no sentence of a court martial upon the trial of an officer or member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf

6 Sub-section (1) of section 21 of the Principal Ordinance is hereby amended by deleting the first proviso thereto and substituting therefor the following proviso —

Amendment of
section 21 (1) of
the Principal
Ordinance

“Provided that a proclamation under this sub-section may call out the members of any one or more of the Classes mentioned in section 8 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 ”

7 Section 23 of the Principal Ordinance is hereby amended—

Amendment of
section 23 of the
Principal
Ordinance

- (a) by deleting the word “same” which occurs in the second line thereof and substituting therefor the words “same, and all regulations made thereunder,”,
- (b) by deleting the words “shall apply to the permanent staff and officers of the Defence Force” which occur in the third and fourth lines thereof and substituting therefor the words “shall, as to the provisions therein contained respecting discipline, apply to officers of the Defence Force and to the permanent staff thereof (if not otherwise subject to the Army Act)”

Power to make regulations

Paragraphs (d) and (i) of sub-section (1) of section 31 of the Principal Ordinance which it is proposed to amend —

31 (1) The Governor may from time to time make regulations providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the following matters—

- (d) the establishment of a permanent staff for the Defence Force,
- (i) the enrolment of all persons liable for service in the Defence Force,

8. Sub-section (1) of section 31 of the Principal Ordinance is hereby amended—

- (a) by deleting therefrom paragraph (d) thereof, and
(b) by deleting the words "all persons liable for service in the Defence Force" which occur in paragraph (i) thereof and substituting therefor the words "persons as officers and members of the Defence Force"

Amendment of
section 31 (1) of
the Principal
Ordinance

9 (1) Any person who under the provisions of the Principal Ordinance was not required to enrol but who under the provisions of the Principal Ordinance as amended by section 3 of this Ordinance is required to enrol shall within one month after the commencement of this Ordinance comply with the requirements of section 9 of the Principal Ordinance and be subject to all the provisions of the Principal Ordinance and all amendments thereto

Amendment of
the Principal
Ordinance

(2) Any person who at the date of the commencement of this Ordinance is enrolled or deemed to be enrolled in Class II of the Defence Force and who at that date has attained the age of fifty years shall, subject to the provisions of section 10 of the Principal Ordinance, be transferred to Class III of the Defence Force

OBJECTS AND REASONS

Clauses 2, 3 (a), 5, 6 and 9 give effect to the recommendations of the Select Committee appointed to consider the Principal Ordinance that all man power in the Colony should be enrolled in the Defence Force but that persons over the age of 50 years should not be required to undergo peace training

2 Clause 3 (b) provides that non-British subjects who with the Governor's permission volunteer to enrol are not required to take an oath

3 Clause 7 makes it clear that it is only the disciplinary provisions of the Army Act which apply to the Defence Force on the occasions specified in section 23 of the Principal Ordinance

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