



SUPPLEMENT  
TO  
OFFICIAL GAZETTE  
OF THE  
COLONY AND PROTECTORATE OF KENYA

Published under the authority of His Excellency the Governor of the  
Colony and Protectorate of Kenya.

Vol. XXIV.—Supplement No. 2]      NAIROBI, March 15th, 1922.

*His Excellency has approved of the following Bills being introduced at the Special Session of the Legislative Council to be held at Nairobi on March 24th, 1922.*

*H. MALPASS,  
Clerk to the Legislative Council.*

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## A Bill

### Intituled

#### An Ordinance to amend the Law relating to Immigration.

1. This Ordinance may be cited as "The Immigration Restriction Amendment Ordinance, 1922," and shall be read as one with the Immigration Restriction Ordinance, 1906, hereinafter referred to as "The Principal Ordinance" and all amendments  
5 thereof. Short title.
2. The word "Colony" shall include "Protectorate." Interpretation.
3. If any person who has entered the Colony to serve under a contract providing that the servant shall leave the Colony at its conclusion, fails to leave the Colony after quitting the said  
10 service, he may be treated as if he were a prohibited immigrant. Indentured labourer may be treated as prohibited immigrant.
4. Any employer who has engaged servants under such a contract as is mentioned in the preceding section and who shall refuse or neglect to carry out the provisions of such contract in regard to the passage of such servants shall be deemed to have  
15 committed an offence and shall be punishable on conviction with a fine not exceeding £500 or imprisonment of either description for a term not exceeding twelve months or to both such fine and imprisonment. Penalty on employer.

## A Bill

### Intituled

### An Ordinance to further amend the Land Titles Ordinances.

#### Preamble.

WHEREAS doubts have arisen as to the validity of the Rules issued under the Land Titles Ordinance, 1908, and dated respectively the 29th day of August, 1912, and the 5th day of February, 1913, And whereas certain matters and things were done in and certain orders, decrees, and judgments were made or given by the Recorder of Titles under the aforesaid Rules And whereas it is expedient and proper that under the circumstances aforesaid, such matters, things, orders, decrees, and judgments should be legalized.

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Be it enacted by the Governor of the Colony and Protectorate of Kenya with the advice and consent of the Legislative Council thereof:—

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#### Short Title.

1. This Ordinance may be cited as "The Land Titles (Amendment) Ordinance, 1922," and shall be read as one with the Land Titles Ordinance, 1908, (hereinafter called "the Principal Ordinance") and all amendments thereto.

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All judgments, etc., made under the Rules dated 29th August, 1912, and 5th February, 1913, legalized.

2. Any matter or thing done or any order, decree or judgment made or given under and in pursuance of the Rules issued under the Principal Ordinance and dated the 29th day of August, 1912, or of the Rules issued under the Principal Ordinance and dated the 5th day of February, 1913, and not reversed or set aside shall be deemed to have been lawfully done, made or given, anything in this Ordinance or in the Principal Ordinance to the contrary notwithstanding.

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Notice of transfers made after time for making claims under Principal Ordinance has expired but before issue of Certificate.

3. Whenever in the interval between the date of his claim and the date of judgment being given by the Recorder of Titles on such claim, any claimant transfers the land or portion of the land in respect of which he shall have claimed that he is entitled to a certificate of ownership, and the transferee cannot, by reason of the time for making claims under Section 15 of the Principal Ordinance having expired, make a claim in respect of such land under that Section, such transferee may give notice in

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writing to the Recorder of Titles of such sale or transfer together with the name of the transferor and such other particulars as may be required to identify the land. The transferee shall pay to the Recorder of Titles a fee of four shillings upon the giving of such notice.

4. Whenever notice shall have been given under and in accordance with the provisions of the last preceding Section the transferee shall be entitled to appear and be heard in the Land Registration Court as if he had duly made a claim for a certificate of ownership in respect of the land of which, in such notice he shall have claimed to be such transferee.

Transferee may be heard as if he had made a claim for ownership.

5. Upon receipt of such notice the Recorder of Titles shall enquire into the claim of the original claimant and the transferee and shall enter judgment thereon and shall issue certificates and do all acts or things required to give effect to any judgment entered as if both the original claimant and the transferee had made claims under Section 15 of the Principal Ordinance.

Recorder to adjudicate as if original claimant and transferee had made a claim under the Principal Ordinance.

6. Whenever in the interval between the date of judgment given by the Recorder of Titles in favour of an applicant for a certificate of ownership and the issue of the certificate, the ownership of the land, or of any portion thereof, is transferred to any other person, the transferee may give notice of such transfer to the Recorder of Titles together with such particulars as may be required to identify the land. The transferee on giving such notice shall pay to the Recorder of Titles a fee of four shillings.

Notice of transfers made after Recorder's judgment but before issue of Certificate.

7. Whenever notice shall have been given under and in accordance with the provisions of the last preceding section, the Recorder of Titles shall enquire into the matters of which notice has been given, and if satisfied as to the transfer shall record a note of such transfer in the file of the case relating to such land, and shall issue certificates and do all acts or things necessary to give effect to such transfer as if the transferee had made a claim for a certificate of ownership under Section 15 of the Principal Ordinance.

Recorder to give effect to such transfer.

8. If by reason of transfer of land subsequent to the date of the claim by the transferor it shall be necessary to demark or delineate any boundary, or to cause any boundary mark to be placed or to make any survey or prepare any map or plan, which would not have been necessary had such transfer not been effected, the transferee shall pay to the Recorder of Titles the cost of the works or things aforesaid in addition to any other payment which he may be required by the Ordinance or any Rule thereunder to make, and until such amount shall have been paid the transferee shall not be entitled to receive and shall not, without the sanction of the Governor be granted a certificate of ownership.

Transferee to pay cost of additional Survey or Marks etc.

9. Any person desiring that any mortgage or other incumbrance, or any lease, or any right or interest, of, in, or over any property, granted or created after the time has expired for making claims under the Principal Ordinance and before a certificate in respect of such property has been issued, shall be noted in any certificate of ownership, may give notice in writing to the Recorder of Titles of such mortgage, incumbrance, lease, right or interest. Every person giving such notice shall pay to the Recorder of Titles a fee of two shillings in respect of each mortgage, incumbrance, lease, right or interest of which notice is given.

Notice of Mortgages or other interests created after time for making claims has expired but before grant of certificate.

10. Whenever a notice shall have been given to the Recorder of Titles under the last preceding section, the Recorder of Titles shall adjudicate on the right of the person to have the mortgage, incumbrance, lease, right or other interest of which notice has been given, noted on the certificate of ownership in like manner as if the person giving notice had made a claim for a certificate of mortgage or a certificate of interest under and in accordance with the provisions of the Principal Ordinance, and, if the mortgage or other interest is proved to his satisfaction shall note the certificate granted in respect of the property in accordance with his judgment.

Recorder to adjudicate on such mortgage or interest.

Notice of Transfer of mortgages or other interests after time for making claims had expired but before grant of certificate,

11. Any person to whom any mortgage or other incumbrance or any lease, right or interest, in respect of which a claim for a certificate of title has been made under the Principal Ordinance is transferred after the time has expired for making claims under the Principal Ordinance but before the grant of a certificate may give notice in writing of such transfer to the Recorder of Titles. Every person giving notice under this Section shall pay to the Recorder of Titles a fee of two shillings. 5

Power of Recorder to grant certificate of mortgage or other interest.

12. Whenever notice shall have been given under the last preceding section the Recorder of Titles shall adjudicate on the right of the person who has given notice, to receive a certificate of mortgage or a certificate of interest in like manner as if such person had made a claim for such certificate, and if the mortgage, incumbrance, lease, right or interest and the transfer thereof is proved to the satisfaction of the Recorder of Titles he shall issue a certificate in respect thereof to the transferee. 10 15