

S U P P L E M E N T  
TO  
O F F I C I A L   G A Z E T T E  
O F   T H E

EAST AFRICA



PROTECTORATE.

Published under the authority of His Excellency the Governor of East Africa.

Vol XVII —Supplement No 9 ]

NAIROBI, August 18, 1915

*His Excellency has approved of the following Bills being introduced at the Session of Legislative Council to be held on August 23rd, 1915.*

**N A. KENYON-SLANEY**  
*Clerk to the Legislative Council.*

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# A Bill

## Intituled

### An Ordinance to amend the Law of Evidence

This Ordinance may be cited as "The Evidence Ordinance, 1915" and shall be read as one with the Indian Evidence Act, 1872, as applied to the Protectorate, hereinafter referred to as the Principal Act

5 To Section 54 of the Principal Act shall be added the following proviso —

Short title  
Evidence of  
previous  
convictions  
admissible

10 " Provided that evidence of a previous conviction for any offence may be given in a criminal trial after the conviction of the accused for the purpose of affecting the sentence to be inflicted by the Court "

## A Bill

### **Intituled**

### An Ordinance to amend the East Africa Registration Regulations, 1901

1 This Ordinance may be cited as "The Registration Regulations Amendment Ordinance, 1915 "

•  
2 Anything in the East Africa Registration Regulations, 1901, to the contrary notwithstanding, the  
5 registration under the said Regulations of an agreement, lease or licence of land for one year only or for any term not exceeding one year shall not be compulsory

motor car to produce his certificate of competency for inspection

- (9) Any person who shall drive a motor car upon any public thoroughfare without holding at the time a valid certificate of competency as required by this Ordinance except as provided in Sub-section (1) of this Section shall be liable on conviction to a fine not exceeding Rupees 750/- or to imprisonment of either description for a period not exceeding six months, or to both
- 10 12 (1) Any Court before whom a person is convicted of an offence under this Ordinance, or of any offence in connection with the driving of a motor car (other than a first or second offence consisting solely of exceeding any limit of speed fixed under this Ordinance) in addition to  
15 any other penalty —
- (a) If the person convicted holds a certificate of competency, may suspend the certificate for such time as the Court thinks fit, or cancel the same and declare the person convicted disqualified for obtaining another certificate either permanently, or for a stated period, and shall cause particulars of the conviction and of any order of the Court made under this Section to be endorsed upon the certificate, and shall also cause a copy of those  
20 particulars to be sent to the Commissioner of Police, who shall endorse them on the duplicate certificate in his custody,
- (b) If the person convicted holds a certificate of competency issued in the Uganda Protectorate under the provisions of the Motor Traffic Ordinance, 1910/ may suspend the validity of the certificate in the East Africa Protectorate for such time as the Court thinks fit or cancel the validity of the same in the East Africa Protectorate and declare the person  
30 convicted disqualified for obtaining a certificate of competency in the East Africa Protectorate either permanently or for a stated period and shall cause particulars of the conviction and of any order of the Court made under this Section to be endorsed upon the certificate and shall also cause a copy of those  
35 particulars to be sent to the Commissioner of Police
- (c) If the person convicted does not hold a certificate of competency, may declare him disqualified for obtaining a certificate for such time as the Court  
40 thinks fit
- (2) Any person so convicted, if he holds a certificate of competency shall produce such certificate, within such reasonable time as the Court may direct, for the purpose of endorsement, and if he fails to do so shall be liable on  
50 conviction to a fine not exceeding Rupees 300/- or to imprisonment of either description for a period not exceeding three months
- (3) A certificate of competency suspended by the Court shall during the term of suspension be of no effect and a person whose certificate is suspended, or who is  
55 declared by the Court to be disqualified for obtaining a certificate, shall during the period of such suspension or disqualification be disqualified from obtaining a certificate
- (4) Any person who is by virtue of an order of the Court under this Section disqualified for obtaining a  
60 certificate of competency, may, within fourteen days of

Penalty for driving without certificate

Suspension of certificate and disqualification

## A Bill

### Intituled

An Ordinance to amend the Courts  
(Emergency Powers) Ordinance,  
1915.

1 This Ordinance may be cited as "The Courts  
(Emergency Powers) Amendment Ordinance, 1915" and  
shall be read as one with the Courts (Emergency Powers)  
Ordinance, 1915 hereinafter referred to as the Principal  
5 Ordinance

2 In Sub-section 3 of Section 2 of the Principal  
Ordinance, the word "inability" is hereby substituted  
for the word "liability" where it occurs in such Sub-  
section



# A Bill

## Intituled

### An Ordinance to amend the Drugs and Poisons Ordinance, 1909.

1 This Ordinance may be cited as "The Drugs and Poisons Amendment Ordinance, 1915," and shall be read as one with the Drugs and Poisons Ordinance, 1909, hereinafter referred to as the Principal Ordinance

Short title

5 2 The proviso to section 16 of the Principal Ordinance is hereby repealed and the following proviso is hereby substituted therefor —

Regulations to be observed in the sale of Poisons

10 Provided always that paragraphs (a) and (b) of this section shall apply only to poisons mentioned or described in the first part Schedule "A" and that nothing in paragraphs (a) and (b) shall apply to any medicine supplied by a duly qualified medical practitioner to his patients or to any medicine supplied by a druggist in pursuance of a written prescription of any duly qualified  
15 medical practitioner if at the time of selling or dispensing the same the druggist enters in a book to be kept for the purpose the prescriptions, the name of the duly qualified medical practitioner who has signed the prescription and the person to whom and the date at which  
20 the poison shall have been so sold dispensed or delivered. And provided that nothing in paragraph (c) of this section shall apply to any medicine supplied for internal use by a duly qualified medical practitioner to his patients or to any medicine supplied for internal use by  
25 a druggist in pursuance of a written prescription of any duly qualified medical practitioner if at the time of selling or dispensing the same the druggist enters in a book to be kept for the purpose the prescription, the name of the duly qualified medical practitioner who has signed  
30 the prescription and the person to whom and the date at which the poison shall have been so sold dispensed or delivered.

3 If shall be lawful for a company to carry on the business of a druggist under the following conditions  
35 and not otherwise —

Companies trading as druggist

40 (a) Such company shall be a company registered in the Protectorate under the provisions of the Indian Companies Act, 1882, as applied to the Protectorate or under any law substituted therefor

(b) The Managing Director of such company shall be duly registered and licensed as a druggist in accordance with the provisions of the Principal Ordinance

5 (c) The person or persons managing the shop or premises in which such business is conducted shall each be duly registered and licensed as a druggist in  
10 accordance with the provisions of the Principal Ordinance

(d) The name or names of the person or persons managing such shop or premises shall be conspicuously posted in such shop or premises

15 Provided that anything which would be an offence under the Principal Ordinance if committed by an individual shall be an offence by every director of a company if committed by such company

20 4 (1) The business of a duly registered and licensed druggist actually in business at the time of his death may be carried on by an executor appointed by the deceased or by the administrator or trustee of the deceased's estate provided that such  
25 business is managed by a duly registered and licensed druggist and that the whole property in such business remains in the executor, administrator or trustee as the case may be

Power to  
carry on  
business of  
a deceased  
druggist

30 (2) The name of the person managing the business shall be conspicuously posted in the shop or premises in which such business is conducted

# A Bill

## Intituled

### An Ordinance to provide for the Recruitment of Native Carriers for the Military Forces now operating in the Protectorate.

1 This Ordinance may be cited as "The Native Carriers Recruitment Ordinance, 1915" Short title,

2 For the purposes of this Ordinance — Definition

5 "Headman" means the chief or other native or Council of Elders appointed under the provisions of the Native Authority Ordinance, 1912, to be an Official Headman or to be Collective Headmen as the case may be

10 3 A District Commissioner may instruct any Headman in his District to recruit in the area to which such Headman has been appointed such number of natives as the District Commissioner may deem fit having regard to all the circumstances to serve as native carriers in the East Africa Transport Corps, Carrier Section Powers of District Commissioner.

15 4 It shall be lawful for any Headman on the receipt of instructions as in the preceding Section provided to direct that any able-bodied adult male native apparently below the age of 35 residing in the area of which he is Headman shall serve as a native carrier in the East Africa Transport Corps, Carrier Section Powers of Headmen

20 5 The terms of service and pay of a native carrier in the East Africa Transport Corps, Carrier Section, shall be such as the Governor may by Rules prescribe Terms of service and pay.

25 6 In any area to which no Official Headman has or Collective Headmen have been appointed it shall be lawful for the District Commissioner of the District to exercise the powers of a Headman prescribed by Section 4 of this Ordinance Powers of District Commissioner where no Headman

30 7 Any person who having been directed under the Provisions of Sections 4 or 6 of this Ordinance to serve in the East Africa Carrier Corps, fails to obey such direction shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either description not exceeding six months or to a fine not exceeding Rupees 500/- or to both Penalty

35 8 This Ordinance shall remain in operation during the course of the present War Operation of Ordinance



## A Bill

### Intituled

An Ordinance to amend the Trading with the Enemy Ordinance, 1915, to provide powers for the liquidation of firms the property of Enemy subjects.

1 This Ordinance may be cited as "The Trading with the Enemy Amendment Ordinance, 1915," and shall be read as one with the Trading with the Enemy Ordinance, 1915, hereinafter referred to as the Principal  
5 Ordinance Short title

2 To Section 14 of the Principal Ordinance shall be added the following definition — Definition

(4) "Proclamation issued by the Governor" includes a Proclamation issued by His Majesty the King and published by the Governor in the Gazette  
10

3 (1) In Section 1 (2) (b) of the Principal Ordinance the words "in like manner as it applies to a person who so trades or has so traded" are hereby repealed Repeals  
15

(2) In Section 1 (2) (c) of the Principal Ordinance the words "he shall be deemed to be guilty of such an offence" are hereby repealed

4 In the second line of Section 4 of the Principal Ordinance for the word "to" shall be substituted the word "by". Amendment  
20

5 The Governor may order the liquidation of any business or firm carried on in the Protectorate the property of a subject of a State for the time being at War with His Majesty Power to liquidate  
25

6 The Governor may by Rules prescribe the procedure to be adopted by a liquidator appointed under the preceding Section and the powers to be exercised by such liquidator and generally for the better carrying out the objects and purposes of the preceding Section Rules  
30

## A Bill

### Intituled

An Ordinance to amend the Law relating to Land Titles and to remove doubts that have arisen in regard to the effect of the Crown Lands Ordinance, 1915, Section 141, on Certificates of Title issued by the Recorder of Titles.

1 This Ordinance may be cited as "The Land Titles Short title  
Amendment Ordinance, 1915," and shall be read as one  
with the Land Titles Ordinance, 1908, hereinafter  
referred to as the Principal Ordinance, The Land Titles  
5 Amendment Ordinance, 1910, and the Land Titles  
Amendment Ordinance, (No 2) 1910

2 Nothing in the Crown Lands Ordinance, 1915, Saving  
contained shall be deemed to affect the provisions of  
Section 21 of the Principal Ordinance

10 3 The provisions of the Principal Ordinance shall Claims by  
persons having  
Crown Titles  
not apply to any person claiming to be a Proprietor of  
or having any interests in immoveable property under a  
conveyance, lease or licence issued under the East Africa  
Land Regulations, 1897, the Crown Lands Ordinance,  
15 1902, or the Crown Lands Ordinance, 1915.