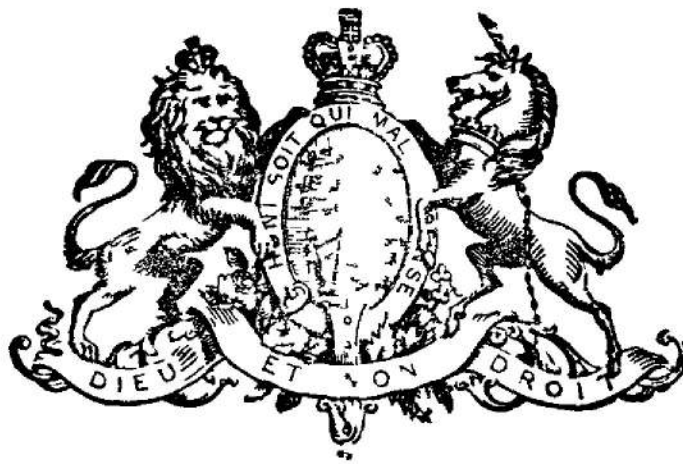


S U P P L E M E N T
TO
O F F I C I A L G A Z E T T E
O F T H E

EAST AFRICA



PROTECTORATE.

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

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His Excellency has approved of the following Bills being introduced at the next Session of the Legislative Council.

C. E. SPENCER,
Clerk to the Legislative Council

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A Bill

Intituled

An Ordinance to Provide Roads of Public Travel and Access to Public Roads.

1. This Ordinance may be cited as ' The Public Travel and Short time Access Roads Ordinance, 1919 '

2 In this Ordinance unless the context otherwise requires, Definition the expression "Public Road ' means and includes —

5 (a) Any road which the public had a right to use immediately preceding the commencement of this Ordinance,

(b) All proclaimed or reserved roads and thoroughfares being or existing on any land sold or leased or otherwise held under the Crown Lands Ordinances of 1902 and 1915, or the
10 East Africa Land Regulations, 1897, at any time prior to the commencement of this Ordinance,

(c) All roads and thoroughfares hereafter reserved for public use in any Crown title of whatever description,

(d) All roads declared to be public roads under the provisions of this Ordinance,
15

(e) All bridges, ferries, fords, drifts, culverts, drains and other accessories on any public road as herein defined, or used or enjoyed therewith

3 (1) The Governor may appoint District Road Boards in Power of the Governor to appoint District Road Boards
20 any district consisting of not less than five members for the purpose of carrying out the provisions of this Ordinance

(2) The Governor shall appoint one of such members to be Chairman
chairman, and the names of all members appointed to District Boards shall be forthwith notified in the "Official Gazette," and
25 any number of the Gazette containing a notification shall be sufficient evidence thereof for all purposes

(3) The Governor may at any time remove any member of a District Board and may from time to time as any vacancy occurs Removal and appointment to fill vacancies
in the office of chairman or other member of a District Board
30 appoint some person to fill the vacancy

(4) The Governor may at any time appoint for a period not exceeding six months any person to act in place of any member of a District Board who is absent from the Protectorate or incapacitated by illness or other temporary cause from discharging his duties as such member Such acting member shall
35 discharge the duties of the member who is so absent or incapacitated until the return to the Protectorate or removal of the incapacity of such member or the expiry of the period of appointment of such acting member whichever first happens

(5) Except as provided in the last preceding sub-section if
04 any member shall fail to attend three consecutive meetings of any District Board he shall thereupon cease to be a member of such Board

(6) Each member of a District Board shall unless removed Terms of office and eligibility for re appointment
45 as provided in this Ordinance be entitled to hold office for the term for which he has been or is appointed but such term shall not exceed five years Any member of a District Board may from time to time be re appointed for a further term not exceeding five years

Meeting	4 (1) District Boards shall meet at such times and places from time to time as necessity require, or at such times and places as the Governor may direct	
Exercise of powers and duties of District Boards	(2) Save as otherwise expressly provided in this Ordinance the powers, duties and authorities of District Boards may at any time be exercised by a quorum thereof consisting of not less than three members thereof, and during a vacancy in a District Board not exceeding three months the continuing members may (subject to there being a quorum) act as if there were no vacancy	5
Chairman of meetings of Board	5 (1) At any meeting of a District Board the chairman if present shall preside, and in his absence the Board shall elect a chairman (2) The chairman presiding at any meeting shall in the event of an equal division of votes at the meeting have a second or casting vote	10
Minutes	6 District Boards shall cause correct minutes of all meetings to be kept and a copy thereof and of all decisions of the District Boards shall be submitted forthwith to the Director of Public Works for transmission to the Chief Secretary	15
Employment and appointment of officers and employees	7 For the purposes of carrying out the powers, duties, authorities and obligations conferred or imposed upon District Boards by this or any other Ordinance, District Boards with the approval of the Governor may make use of the services of any officers and employees of the public service	20
Line of public travel	8 (1) Whenever it is made to appear to the Governor that requirements exist for the establishment of a line of public travel or the conversion of a road of access into a line of public travel the Governor may by order published in the 'Official Gazette' dedicate a line of public travel, to be clearly described in such order and from the date of such publication such line of public travel shall be absolutely dedicated to the public as a public road within the meaning of any law now or hereafter in force, and such public road shall be demarcated in such manner as the Governor shall direct, or may order a District Board to investigate and report upon the necessity for such line of public travel and the best alignment in the general direction required	25 30 35
Publication of notice and contents, &c	(2) The District Board shall, after making such investigation and report, publish a notice in two successive issues of the 'Official Gazette' and once a week during the same two weeks in some newspaper circulating within the district or districts in which such line of public travel is situated, which notice shall describe the proposed line of public travel and the situation thereof and shall require any person objecting to lodge with the District Board within one month after the date of the first publication of such notice his objections thereto in writing, and such notice shall also fix a time and place, to be mentioned in such notice, for hearing and deciding objections, verbal or in writing, to the proposed line of public travel	40 45
Copy of notice to be sent to owner or occupier	(3) A copy of the said notice shall also be forwarded by registered post by such District Board to the last known address of the owner or occupier of any lands over which the said line of public travel is proposed to pass. Provided always that the fact that no such copy is received by any such owner or occupier shall not invalidate the subsequent proceedings of the District Board	50
Final recommendations to be sent to Director of Public Works	9 The District Board shall, as soon as possible after the expiration of one month mentioned in the last preceding section, after full inquiry into the merits of all objections thereto, with as little delay as possible, forward their final recommendations thereon to the Director of Public Works for transmission to the Governor	55
Order of dedication	10 The Governor may confirm modify or alter such recommendations and shall cause a description of a line of public travel to be published in the 'Official Gazette' and from the date of such publication such line of public travel shall be absolutely dedicated to the public as a public road within the meaning of any law now or hereafter in force, and such public road shall be demarcated in such manner as the Governor shall direct	60 65

11. Where any owner or occupier of lands is so situated in relation to any public road or railway station or halt that he has not convenient access to the same he may make application to the District Board of the district in which such lands are situated for leave to construct a road (hereinafter called a road of access") over any lands lying between his land and such public road and every such application shall be in the form and contain the particulars required by the schedule to this Ordinance. Provided always that if the applicant is unable to make the sketch or plan mentioned in the schedule without entering upon the lands over which he proposes that the road of access is to pass he may apply to the District Board for leave to enter upon the said lands for the purpose of making the said sketch or plan and the District Board may then make an order entitling the applicant to enter on the said lands.

Power to make application to construct road of access

12. On the receipt of such application to construct a road of access the District Board shall serve a notice upon the holder or holders of land or lands over which the proposed road of access is to pass calling upon him or them to show cause within one month why the proposed road of access should not be constructed.

Notice to be served on holders of lands to be affected

13. (1) The District Board shall then fix a day for the hearing of the application to construct a road of access and after hearing the applicant or his representative and any other party interested may make an order granting the applicant his servants and agents leave to enter upon the said land and construct such road of access as the District Board may decide upon subject to such conditions and to payment of such compensation for the destruction of growing crops and other matters as to the District Board shall seem fit.

Power of District Board to grant leave to construct road of access

(2) The District Board shall have power to determine by whom the costs of any application under this Ordinance shall be borne, and to fix the amount thereof.

14. (1) When the said road of access has been constructed the applicant, which term shall for the purposes of this section include his successors in title, and all others shall have leave at all times to use the said road of access.

Right of way over road of access

(2) The applicant shall not be required to fence such road when constructed.

(3) The applicant shall at all times maintain the said road of access in a good and efficient state of repair to the satisfaction of the District Board and for the purpose of such maintenance the applicant his servants or his agents shall have leave to enter at all times upon the land or lands over which the said road of access passes. Provided always that as little damage or inconvenience as may be possible shall be caused by such entry to the holder or holders of the land over which the road of access passes and that such right of entry shall be subject to such conditions as the District Board may impose in granting the order for constructing the road of access.

(4) If the said road of access shall pass through any wall, fence or barrier existing at the date of application the applicant shall provide and maintain suitable gates for the closing of the aperture occasioned by the said road of access.

15. Where the owner, lessee or holder of any land sold, leased or otherwise held under the East Africa Land Regulations, 1897, the Crown Lands Ordinances of 1902 or 1915, sells or otherwise disposes of any part thereof he shall (unless such part has a road of access to an existing public road) provide a road of access to such part from some existing public road, but he shall not be required to construct or maintain the road of access so provided, and the owner or other holder of such part shall be entitled to exercise all the rights, powers and privileges given to an applicant for a road of access under the provisions of this Ordinance as though such rights, powers and privileges had been ordered by a District Board, and such owner or other holder shall be subjected to the obligations imposed by the provisions of this Ordinance.

Road of access to be provided where part of land is sold or otherwise disposed of

16. The Conservator of Forests shall if there is insufficient direct access to any Forest Area, Demarcated Forest or Forest Reserve by means of a public road be entitled to a road of access to and from any public road, and the provisions of this Ordinance shall apply in all respects as if the Conservator of Forests requiring a road of access under this section were an owner or occupier of lands requiring a road of access under this Ordinance.

Conservator of Forests right to road of access

	17 The decision of a District Board upon the alignment of a road of access passing over alienated Crown lands shall be final. Provided that in the case of an alignment passing over unalienated Crown lands the Governor may confirm, modify or reject such alignment or substitute a different alignment therefor.	5
Power to make Rules	18 The Governor shall have power from time to time to make, alter or revoke Rules under this Ordinance governing the powers, duties, obligations and conduct of business of District Boards, and generally for properly carrying out the provisions of this Ordinance.	10
Penalty	19 Any person contravening any of the provisions of this Ordinance shall be guilty of an offence and shall on conviction be liable to a fine not exceeding Rs 300/- or to imprisonment of either kind for a period not exceeding three months.	
Repeal	20 Sections 80 to 86 both inclusive of the Crown Lands Ordinance 1915, are hereby repealed.	15
Saving	21 Such repeal shall not affect anything lawfully done or commenced or agreed or authorised to be done under or in pursuance of the said sections repealed hereby.	

SCHEDULE

APPLICATION FOR LEAVE TO CONSTRUCT A ROAD OF ACCESS

- | | |
|---|--|
| 1 | Name of applicant
Place of abode
Nationality |
| 2 | Name, situation of land in respect of which such road of access is required, stating Province, District, and all particulars which may assist in locating same |
| 3 | Name of public road, railway station or halt to which such road of access is required |
| 4 | Name or names, of land or lands over which it is proposed to construct such road of access together with the name or names of the respective owner or owners thereof |
| 5 | The means of access (if any) to any public road, railway station or halt at present available for the use of the applicant, and whether use of same is subject to any payment or other terms or conditions |
| 6 | Whether any crops or buildings will be damaged or destroyed by the construction of such road of access
If so, to what extent? |
| 7 | Maximum width between drains of proposed road of access |
| 8 | Any other facts of which you are aware which may affect the grant |

Applicant

NOTE —This application must be accompanied by a sketch or plan shewing approximately the course and direction of the proposed road of access and the present means of access (if any) to any public road, railway station or halt

A Bill

Intituled

An Ordinance to Extend Temporarily Certain Ordinances Relating to Trading with the Enemy to the Carrying on of Banking Business after the Termination of the War

Short title

1 This Ordinance may be cited as "The Trading with the Enemy (Restriction of Banking) Ordinance, 1919," and shall be construed and read as one with the Trading with the Enemy Ordinance 1915 and 1916

Interpretations

2 In this Ordinance — 5
— The expression "enemy controlled corporation" means any corporation —

(a) Where the majority of the directors or the persons occupying the position of directors by whatever name called are subjects of an enemy state, or 10

(b) Where it appears to the Court that the majority of the voting power or shares is in the hands of persons who are subjects of an enemy state or who exercise their voting powers or hold the shares directly or indirectly on behalf of persons who are subjects of an enemy state, or 15

(c) Where the control is by any means whatever in the hands of persons who are subjects of an enemy state, or

(d) Where the executive is an enemy controlled corporation or where the majority of the executive are appointed by an enemy controlled corporation 20

The expression "enemy state" means a state with which His Majesty is now or was recently at war

The expression "Court" means the High Court

Restriction of banking business for the benefit of or under the control of enemies

3 (1) During the period of five years immediately after the termination of the present war and thereafter until this Ordinance shall be repealed no banking business shall be carried on within the Protectorate— 25

(a) By a company which is an enemy-controlled corporation within the meaning of this Ordinance, or

(b) By a firm or individual if the business carried on is one with respect to which, if a state of war still continued, an order for the liquidation thereof could have been made under Section 3 of the Trading with the Enemy Amendment Ordinance, 1916, 30

and if any person is concerned in carrying on any such business in contravention of this provision he shall be guilty of an offence punishable in like manner and subject to the like provisions as in the case of an offence under Section 1 (1) of the Trading with the Enemy Ordinance, 1915

(2) Where it appears to the Court on the application of the Attorney General that any banking business is carried on in contravention of this section the Court shall order the business to be wound up, and for that purpose the provisions of Section 3 of the Trading with the Enemy Ordinance, 1916, shall with the necessary adaptations apply

(3) The powers of a Magistrate and of the Governor to appoint inspectors under Section 2 of the Trading with the Enemy Ordinance, 1915, shall include the power to appoint inspectors for the purpose of ascertaining, during the period aforesaid, whether any banking business is carried on by a company which is an enemy-controlled corporation or is carried on for the benefit of, or under the control of, subjects of an enemy state, and the provisions of that section shall apply accordingly

(4) The Governor-in-Council may make rules defining what business is, for the purpose of this Ordinance, to be deemed banking business

A Bill

Intituled

An Ordinance to Amend the Law Relating to Weights and Measures.

Short title.

1 This Ordinance may be cited as “The Weights and Measures Amendment Ordinance, 1919,” and shall be read and construed as one with the Weights and Measures Ordinance, 1912, hereafter referred to as “the Principal Ordinance” and the Weights and Measures Amendment Ordinance, 1918 5

Amendments

2 (1) The Schedule to this Ordinance shall be substituted for Schedule C , of the Principal Ordinance

(2) Under the heading Measures of Capacity in Schedule F , to the Principal Ordinance the words, “a pishi, a kibaba, half a kibaba, one-fourth of a kibaba” shall be deleted 10

SCHEDULE

PROTECTORATE MEASURES OF CAPACITY

<i>Denominations</i>	<i>Parts or Multiples of a gallon</i>
Pint	1/8
Quart	1/4
Peck	2
Bushel	8
Quarter	64
Chaldron	288

A Bill

Intituled

An Ordinance to Provide for the Distribution and Price of Commodities.

1 This Ordinance may be cited as "The Control of Short title,
Commodities Ordinance, 1919 "

2 (1) The Governor-in-Council may from time to time Power to make
make Regulations for the distribution of any article of food Regulations
5 or other commodity and may by such Regulations fix the
maximum price at which any such article of food or other
commodity may be sold either by wholesale or retail

10 (2) Without abridging or affecting the generality of the
foregoing the power to make Regulations under this Ordinance
shall include the power to prohibit the carrying of any
article of food from any specified area or place in the
Protectorate to any other area or place whether within the
Protectorate or not

15 (3) No Regulation shall be made under this Ordinance
unless in the opinion of the Governor the supply of the article
of food or other commodity as the case may be —

(a) is deficient or may reasonably be expected to become
deficient in any part of the Protectorate, or

20 (b) is, in the case of an imported article of food or other
commodity, uncertain

3 Any person contravening any Regulation made under Penalty
this Ordinance shall on conviction be liable to a fine not
exceeding Rs 1,500/- or to imprisonment of either description
for a term not exceeding 6 months or to both such fine and
25 imprisonment

A Bill

Intituled

An Ordinance to amend “The Discharged Soldiers Settlement Ordinance, 1919.”

1 This Ordinance may be cited as “The Discharged Soldiers Settlement Amendment Ordinance, 1919,” and shall be construed as one with “The Discharged Soldiers Settlement Ordinance, 1919,” (hereinafter referred to as the Principal Ordinance)

Short title

2 Section 8 sub-section 7 of the Principal Ordinance shall be and is hereby amended as follows —

Amendment of Section 8 sub section 7 of the Principal Ordinance.

The words “ eighteen months ” in the said sub-section shall be deleted and the words “ two years ” substituted there-
10 for