

THE OFFICIAL GAZETTE

OF THE

COLONY AND PROTECTORATE OF KENYA. (SUPPLEMENT).

Published under the authority of His Excellence the Governor of the Colon; and Protectorate of Kenya

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NAIROBI, December 27, 1922

His Excellency the Governor has approved of the following Bills being introduced into the Legislative Council.

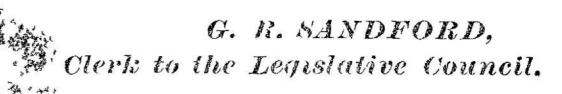


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A Bill

Intitaled

An Ordinance to amend The Registration of Titles Ordinance, 1919

This Ordinance may be cited as "The Registration of Short tide Titles (Amendment) Ordinance 1922" and shall be read as one with the Registration of Titles Ordinance, 1919, (hereinafter referred to as "The Principal Ordinance,") and the Registration of Titles (Amendment) Ordinance, 1920

Section 1 of the Principal Ordinance is hereby imended Amendment of Section 1 of by the insertion of the following sub-section after sub-section (2) the Principal thereof -

Ordinance

- "(3) The Governor may by order published in the 'Gazette' apply this Ordinance to any area in the Colony and Protectorate "
- Part III of the Principal Ordinance shall be deemed to Application of have come into operation in the Coast District comprising the Principal Provinces of Seyidie, Tanaland and Jubaland on the 1st day of Crdinance to November, 1920

Cast District

4. Section 34 of the Principal Ordinance is hereby amended Section 34 of the by the deletion of the words "may execute" and by the the Principal substitution therefor of the words "shall execute, in original ordinance only! The words "and such transfer, if it be endorsed on the instrument evidencing the title of any transferor, need not be issued in duplicate" are hereby repealed,

5. At the end of Section 49 of the Principal Ordinance there shall be added the following provisoes -

Amendment of Section 49 of the Principal Ordinance

Provided that, gw.

(1) A Power of Attorney executed in due and customary form and giving sufficient powers in the opinion of the Registral shall, at his discretion, be registerable in like manner as though executed in the said Form M

(2) A Power of Attorney registered before the date of this Ordinance in accordance with the provisions of the East Africa Registration Regulations, 1901, or the Crown Lands Ordinance, 1915, shill be deemed to be duly registered for the purposes of this Section provided that it shall have been so registered prior to any act thereunder being effected in respect to land registered under this Ordinance, but nothing in this Section contained shall make valid a power otherwise invalid, or any transaction under it, by reason of such action

Amendment of Section 50 of the Principal Ordinance

The words "unless signed under any then outstanding registration abstract 'in Section 50 of the Principal Ordinance are hereby repealed At the end of the said Section there shall be added the following provisoes —

Provided that,

- (1) A Revocation executed in due and customary form shall, at the discretion of the Registrar, be registerable in like manner as though executed in Form N
- (2) A Revocation of any Power of Attorney referred to in Section 49 (2) shall be registered in accordance with the provisions of the Ordinance under which such Power of Attorney is registered

Amendment of Section 57 of the Principal Ordinance

7 At the end of Section 57 of the Principal Ordinance there shall be added the following proviso —

"Provided that the provisions of this Section shall not apply to any instrument executed by the Governor, or any duly registered company by means of its common seal affixed in the presence of the Secretary and two or more directors "

Amendment of B2

The words "and bounded as follows' where they appear forms B1 and In Schedule I, Forms B1 and B2, are hereby repealed

A Bill

Intituled

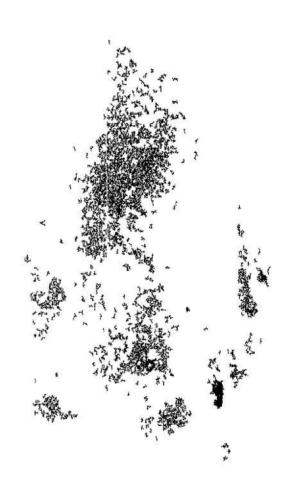
amend the Mohammedan Ordinance to Marriage, Divorce and Succession Ordinance, 1920

Short title

This Ordinance may be cited as "The Mohammedan Marriage, Divoice and Succession (Amendment) Ordinance, 1923," and shall be read as one with the Mohammedan Marriage, Divorce and Succession Ordinance, 1920, hereinafter referred to as the Principal Ordinance

Amendment of Section 3 Sub section 2 of the Principal Ordinance

Section 3 sub-section 2 of the Principal Ordinance is hereby amended by the deletion of the word "domiciled" where it last appears therein and by the substitution therefor of the word " resident "



A Bill

Australe (2

An Ordinance to provide for the Registration and Licensing of Land Surveyors, to Control the Practice of such Surveyors, and for other purposes incidental thereto

- I This Ordinance may be cited as "The Land Surveyors short title Ordinance, 1923 "
 - 2 In this Ordinance unless the context otherwise requires Interpretation
 - (a) "Duector" means the Director of Land Surveys
 - (b) "Board" means the Land Surveyors' Board for Kenva
 - (c) "Land Surveyor 'means a surveyor duly registered and heensed to carry out land surveys under the provisions of this Ordinance
- This Ordinance applies to all surveys in the Coiony and Application of Ordinance Protectorate of Kenya, me e for the purpose of preparing any plan for attachment to any instrument of convevance, lease, assignment or transfer, requiring to be registered under any Registration of Land or Title Oldmance for the time being in

(1) There shall be a Board of Land Surveyors, which Land Surveyors shall consist of —

- (a), The Director, who shall be ex-officio Chanman of the
- (b) At least two Land Surveyors, appointed from time to time by the Governor, on the nomination of the Deector, for such period as he may direct
- (2) The Governor may, on the nomination of the Director, appoint one or more Land Surveyors for the purpose of filling the place of any member or members of the Board who may, through illness or other cause, be unable to attend any meeting of the Board
- (3) The Board shall conduct the examination of candidates for admission as Larid Surveyors, and shall meet at such times and places as may be necessary for the purpose of conducting such examinations and for other duties as hereinafter prescribed by this Ordinance
- (4) Notice of all appointments to the Board and meetings thereof for examination purposes shall be published in the Gizette

Oath of office

5 Every member of the Board shall take an oath of office in the form A in the Schedule to this Ordinance, which may be admiristered by any Judge of the Supreme Court of the Colony and Protectorate of Kenya

Secretary and other officers

6 The Board may from time to time appoint a Secretary and such examiners and other officers a may be necessary for giving effect to this Ordinance and all such persons shall hold office during the pleasure of the Board

Persons eligible to be registe ed

- 7 The following persons only shall be entitled to be registered as Land Surveyors under this Ordinance
 - (a) Persons licensed by the Board as bereinafter set routh
 - (b) Persons duly registered to practice as Licensel Surrevois before the enactment of this Ordinance
 - (c) Persons holding a licence to practise as Land Serverors in the countries of South Afric, Canada Australia, New Zealand, and in such other countries as may be notified in the Gazette by the Governor-in-Council provided that such persons shall appear before and satisfy the Board that they are capable of conducting land surveys in accordance with the provisions of this Ordinance

Unqualified persons for bidden to survey 8 No person unless dux registered as a Land Surveyor shall survey any land for the purpose of preparing any plan for attachment to any instrument of conveyance, lease, assignment or transfer, requiring to be registered under any Registration of Land or Titles Ordinance for the time being in force

Conditions precedent to examination

- 9 Except as hereinafter provided no nerson shall be entitled to be examined for a licence as a Land Sur evor unless
 - (a) he has previously served regularly and faithfully, for a period as required by the Board, with a Land Surveyor licensed in this Colony or in one of the countries set forth in Section 7 (c) of this Ordinance, and
 - (b) produces an affidavit from such Land Surveyor in form B of the Schedule to this Ordinance, or if for some good and volid leason the Surveyor's affidavit council be produced unless—
 - (c) he produces such (-) lence of service as the Board may require

Persons entitled o camination

- 10 Arr person who -
 - (a) ha graduated from any University recognised by the Board and shall have taken a degree in Engineering,
 - (b) is an Associate Member of the Institution of Civil Engineers,

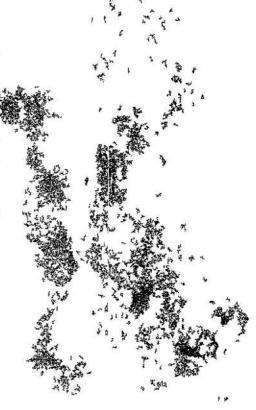
shall be entitled to an examination for a licence, and shall be exempt from examination on all subjects which, in the opinion of the Bould may be annecessary, provided that such person produces affidavits in forms B and D of the Schedule to this Ordinance

Form of application for examination

- 11 Each application for examination as presembed in the Ordinance shall be made to the Secretary in writing at least one month previous to the date on which such examination is to take place, and such application shall be accompanied by
 - (a) all information required by this Ordinance,
 - (b) an examination fee of Five Pounds, which fee shall be refunded if the application for examination be disallowed,
 - (c) all such fees shall be paid over, by the Scoretux, to the Colorial Treasurer

Examining candidate on

12 The Board may require the attendance of any person who applies for examination as prescribed by this Ordinance and may examine or question such person upon oath affirmation or otherwise as to his actual practice in the field and other matters relevant the cto. For such proposes any member of the Board may administer an oath or affirmation.



13 Except as otherwise provided in this Ordinance no person shall receive a licence from the Boul authorising him to practise as a Land Surveyor until —

precedent to assue of

- (a) he has attained the age of twenty one years, and,
- (1) has complied with the general requirements of this Ordinance, and
- (c) has passed a prescribed examination to the satisfaction of the Board

Every person who gardifies in the manner prescribed by this Ordinance shall be entitled to receive a licence from the Board in form C in the Schedule to this Ordinance constituting him a Land Surveyor

Issue of licence

The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all Land Surveyors, the respective dates of registration and any other particulars as may be required

(1) Upon a charge duly made and after enquiry, if it is shown with respect to any Land Surveyor that -

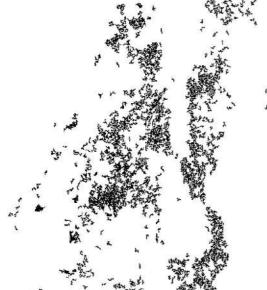
Power of Board to deal with

- (a) he has certified to the accuracy of any survey knowing the same to be maccurate, or has negligently certified as afore-aid without having taken reasonable precautions to verify the accuracy thereof or
- (b) he wilfully or by culpable negligence has made, or caused to be made under his immediate supervision, any survey which is so inaccurate or defective as to be unreliable, or
- (c) his licence has been obtained by misiepresentation, or
- (d) after registration under this Ordinance he has been convicted of any misdemeanous or crime, or
- (e) he has certified as his own any survey not made by himself or under his personal supervision or
- (f) he has been guilty of such improper conduct as in the ormion of the Board renders him unfit to practise as a Land Sureror or
- (a) his licence or recistion in in any country a set forth in Section 7 (c) of this Ordinance has been sus pended or cancelled in such country

The Board may --

- (1) or use the name of such Land Surveyor from the legister, or
- (11) suspend such Land Surveyor from practice as a surveyor for any period not exceeding three years, and enter the reasons for such suspension in the register, or
- (iii) caution such Land Surveyor, and if the Board thinks fit, order him to pay the cost of any correction of an error and the whole or any part of the cost of the enquiry
- (2) The Board may reinstate a Land Surveyor those name has been erased from the register or who has been suspended from practice
- (3) The elasure of a Land Surveyor's mame from the legister, his suspension from piocice, or his re-instatement, shall be notified in the Gazette
- (1) Every charge against a Land Surveyor under the Charge against last preceding Section shall be submitted to the Board in writing signed by the person making the charge and, if it appears to the Board that such charge justifies an enquiry, the Board shall fix a time and place for that purpose

(2) At least thirty days pilor to the date fixed for such enquity, notice in writing by registered post shall be sent by the Secretary to the last known postal address of the Land Surveyor so charged, informing him of the time and place fixed for the enquary, and sapplying him with a copy of all charges made



Land Surveyor, how dealt with

- (3) At such enquiry the Lind Surveyor charged shall be entitled to be heard in his detence either personally or by an advocate
- (4) The finding and decision of the Board on such enquiry shall be given in writing, and shall be signed by at least two members of the Board, and shall be countersigned by the Secretury, and such writing shall be conclusive evidence of the matters therein contained and of the decision of the Board, which shall be final

Surveyor may enter upon lands

- 18 (1) Any Lind Surveyor when engaged in the performance of his duties may with such other persons as may be authorised by him, enter upon any land and may do all things necessur for the proper performance of such duties.
- (2) This Section however shall not exempt any Land Surveyor from hability for any damage he may commit

Surveys to be carried out in coordance with regulations for the time being in force

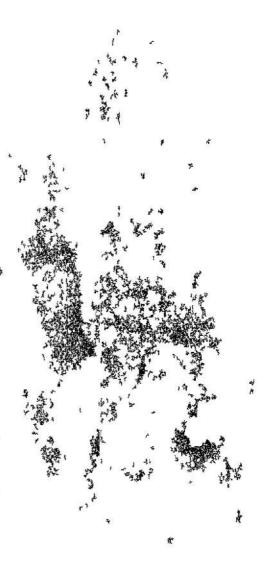
19 All surveys under this Ordinance shall be carried out in every particular in accordance with the Regulations for the time being in force as issued by the Board

Jonfirmation of plans

- 20 (1) The confirmation by the Director of the plan of any surveyed lind shall be held to be a confirmation of the survey or resurvey as the case may be and the confirmed plan shall be the official plan but no land shall be deemed to have been surveyed or resurveyed until the plan thereof has been confirmed by the Director
 - (2) No plan shall be confirmed
 - (a) until such plan has been compared with the field notes and computations lodged with the Director by the Land Surveyor making such survey and found to be correct, and
 - (b) unless such survey shall have been conducted as prescalbed in the preceding Section of this Ordinance

General regulations and duties of the Board

- 21 (1) The Board, with the approval of the Governor in-Council new make regulations for all or any of the following purposes namely—
 - (a) regulating the meetings and procedure of the Board and the conduct of the business thereof—the election of a member to perform the duties of the Charman and act as Deputs Charman during the illness or absence of the Charman
 - (b) prescribing the duties of the Secretar and other officers as now be appeared under Section 6 of this O liminoe
 - (1) regulating the manner of keeping the register, and the puticulus to be entered therein,
 - (d) varing any of the forms in the Schedule to this Ordinance or to any Ordinance amending it
 - (a) determining the evidence to be produced and conditions to be fulfilled by any person applying for a registration as a Land Surveyor under this Ordinance,
 - (f) prescribing the syllabus of sybjects of examination for persons desirous of qualifying for a licence, and they period of previous service and training required, ?
 - (a) regulating the issue of licences,
 - (h) prescribing what certificates of examination will be recegnise by the Board as a substitute for the examinations of the Board,
 - (') prescribing what certificates diplomes degrees licences and other titles will be recognised by the Board for purposes of exemption,
 - (1) regulating the conduct of proceedings in connection with charges against Land Surveyors,
 - (h) for the direction and guidance of Land Surveyors,
 - (1) generally for carrying into effect the objects of this Ordinance
- (2) A regulation may impose a penalty not exceeding Twenty Pounds for any breach thereof



22 The enactments mentioned in the Schedule hereto are Repeal hereby repealed, but such repeal shall not affect any matters and things lawfully done thereunder

SCHEDULE

Enactment	L + n' (1 Ropeal	
The East Africa Lends Survey Ordinance, 1901	The whole	
The Crown Lends Ordinance, 1915	Section 158 (1) and (III)	

FORM A

Oath of Member of Land Surveyors' Board

I, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a member of the Land Surveyors' Board according to Law, without favour, affection, or partiality

Subscribed and sworn to before me at this day of One thousand nine hundred and

FORM B

Affidavit required under Sections 9 and 10

I, do solemnly swear that has been professionally and continuously employed with me as an Assistant in the Practice of Land Surveying for a period of years months from to and that he is fully competent to undertake surveys in accordance with the Survey Regulations

The nature of his employment during the period specified is indicated hereunder

SUMMARY

In the field years months

In the office years months

Subscribed and sworn to before me at this day of One thougand nine hurdred and

SCHEDULE

FORM C

Land Surveyor's Licence

No

COLONY OF KENIA

Land Surveyors' Board

Constituted under

"The Land Surveyors Ordinance 1923"

This is to certify that

of

having duly passed his Examination and satisfactorily proved his qualifications is hereby duly licenced and registered as a Land Surveyor under the provisions of "The Land Surveyors Ordinance, 1923"

Dated this

day of

One thousand nine hundred and

President

Secretary

Office of the Land Surveyors' Board, Department of Lands,

Nanobi

FORM D

Affidavit required under Section 10

I,

of

' do hereby solemnly

swear that I am (1) a Graduate of the

University and have taken a Degree in Engineering (2) am Associate Member of the Institute of Crvil Engineers, and am still of good standing and repute

(The words which are nrelevent should be deleted)

Subscribed and sworn to 3 before me at day of this One thousand nine handled and