



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.
(SUPPLEMENT).

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

Vol. XXVII.—Supplement No. 6] NAIROBI, July 29th, 1925.

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

R. W. LAMBERT,
Clerk to the Legislative Council.

TABLE OF CONTENTS.

	PAGE.
A Bill intituled an Ordinance to Supply a Further Sum of Money for the Service of the Year ended 31st December, 1924	1
A Bill intituled an Ordinance to provide for the Establishment of Detention Camps	2-4
A Bill intituled an Ordinance to Amend the Criminal Procedure Ordinance, 1913...	5
A Bill intituled an Ordinance to Regulate the Sale of Methylated Spirits	5-6
A Bill intituled an Ordinance to Amend the Liquor Ordinance, 1909	7-8
A Bill intituled an Ordinance to Amend the Mining Ordinance, 1925	8-9
A Bill intituled an Ordinance to Amend the Customs Tariff Ordinance, 1923	9

COLONY AND PROTECTORATE OF KENYA.

SUPPLEMENTARY APPROPRIATION BILL, 1925.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to legalise expenditure incurred during the year 1924 in excess of that authorised under the Appropriation Ordinance No. 35 of 1924.

A Bill

Intituled

An Ordinance to Supply a Further Sum of Money for the Service of the Year ended 31st December, 1924.

1. This Ordinance may be cited as " the Supplementary Appropriation Ordinance, 1925." Short title.
2. The Public Revenue for the period 1st January to 31st December, 1924, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period 1st January to 31st December, 1924, with a further sum of fifty-nine thousand nine hundred and fifty-seven pounds, eight shillings and seventy cents, in addition to the sums provided by the Appropriation Ordinance No. 35 of 1923. Public Revenue charged.
3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto. Application of money granted.
4. The Treasurer of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of fifty-nine thousand nine hundred and fifty-seven pounds, eight shillings and seventy cents, which have come in course of payment during the period 1st January to 31st December, 1924. Treasurer's authority for payment.

SCHEDULE.

HEAD	£	s.	cts.
Public Debt Funded	3	4	42
Pensions and Gratuities	14,234	15	54
His Excellency the Governor	1,563	19	26
Secretariat	296	14	48
Treasury	26	11	15
Land Department	1,859	1	09
Miscellaneous Services	18,101	11	17
Public Works Recurrent	5,654	9	44
Official Gazette " and Printing, Extraordinary	2,001	3	37
Medical Department, Extraordinary	572	15	74
Military, Extraordinary	11,103	7	19
Post Office and Telegraphs, Extraordinary	1,308	18	44
Education, Extraordinary	1,969	14	86
Land Department, Extraordinary	1,313	5	32
Protectorate Share of War Expenses	247	17	23
	£59,957	8	70

THE DETENTION CAMPS ORDINANCE.

STATEMENT OF OBJECTS AND REASONS.

This Ordinance provides for the establishment of Detention Camps and their control. It also allows the imposition of a sentence of detention in certain cases in lieu of the punishment otherwise provided by law.

The Schedule shows the Ordinances under which this alternative form of punishment may be awarded. Power is given to the Governor-in-Council to amend this Schedule when found necessary.

Detention Camps are to be provided to deal with those natives who have committed a breach of the law of a technical nature and which does not involve moral turpitude.

Such breaches have to be punished but it is often undesirable to commit the offenders to prison, where they come in contact with ordinary convicts.

Association with convicts some of whom are undoubtedly of bad character may contaminate and have a degrading effect upon offenders guilty only of a technical crime and otherwise of good and moral character.

It is intended that detainees shall be employed upon public works and it is hoped that the period of detention will have a reformatory effect.

Detention Camps are to be placed under the control and direction of the Commissioner of Prisons. Certain sections of the Prison Ordinance dealing with discipline are embodied in the present Ordinance.

A detainee who is refractory or found to be impossible to control under the easier conditions of a Detention Camp may be transferred to prison to complete his sentence.

A Bill

Intituled

An Ordinance to provide for the Establishment of Detention Camps.

Short title.

1. This Ordinance may be cited as "the Detention Camps Ordinance, 1925."

Interpretation

2. In this Ordinance or with reference thereto the following expressions shall unless the contrary intention appears have the meanings hereby respectively assigned to them, namely :— 5

" Court " includes a Judge of the Supreme Court, a Magistrate and a Native Tribunal.

" Detainee " means a prisoner undergoing detention in accordance with the provisions of this Ordinance.

" Detention Camp " means any place established in accordance with this Ordinance in which prisoners may serve a term of detention in lieu of serving a term of imprisonment. 10

" Lawful custody," a detainee while serving a sentence of detention shall be deemed to be in lawful custody.

" Officer-in-Charge " shall mean and include any officer appointed by name or office to have charge of a Detention Camp. 15

3. The Governor may by notice in the Gazette declare any place to be a Detention Camp for the purposes of this Ordinance and may in like manner declare that any such place shall cease to be a Detention Camp for the purposes of this
5 Ordinance. Establishment of detention camp.
4. Subject to the orders and directions of the Governor Detention Camps shall be under the control and direction of the Commissioner of Prisons. Control of Detention Camps.
5. When a male native is convicted of an offence against an Ordinance or section set out in Schedule hereto the Court may instead of awarding a sentence of a fine or imprisonment award a sentence of detention in a Detention Camp and the prisoner shall thereupon be detained in a Detention Camp. Power to sentence to detention.
6. Where a sentence of fine or imprisonment or detention for an offence against an Ordinance or section set out in the Schedule hereto comes before the Supreme Court on appeal or in exercise of its powers of revision or confirmation the Supreme Court may alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment. Supreme Court on appeal may alter imprisonment to detention.
7. Where a sentence of fine or imprisonment or detention is awarded by a Native Tribunal for an offence against an Ordinance or section set out in Schedule hereto a Revising Officer may alter any sentence of fine or imprisonment to a sentence of detention or a sentence of detention to a sentence of fine or imprisonment. Revising Officer of Native Tribunals may alter imprisonment to detention.
8. A detainee while in a Detention Camp shall be kept to labour, but shall not receive pay for any work which he may perform. Discipline.
9. The prescribed authority may at any time by order remove a detainee from one Detention Camp to another. Removal from one camp to another.
10. A detainee convicted by the prescribed authority of any offence against discipline as provided for by this Ordinance or by any rules made thereunder may be committed to Prison to undergo the remainder of his sentence. Committal to prison.
11. A detainee on admission shall hand his registration certificate to the Officer-in-Charge of the Detention Camp and shall be issued with an identity disc to be worn during his term of detention. On his release from detention a detainee will surrender the identity disc to the Officer-in-Charge and receive back his registration certificate. Registration certificate and identity disc.
12. The provisions of Sections 15, 16, 17, Part C, and Sections 42, 46, 49, 50, 76, 91, 92, 93, 94 and 107 inclusive of the Prisons Ordinance, 1914, shall apply to and be read as part of this Ordinance. Application of Sections of the Prison Ordinance.
13. The Governor-in-Council may by Rule amend the Schedule hereto by adding thereto other Ordinances, Sections of Ordinances or other Laws, or by removing therefrom any of the Regulations, Ordinances or Sections of Ordinances therein contained. Additions to Schedule.

Governor may make rules. 14. The Governor-in-Council may make Rules not being inconsistent with the terms of this Ordinance for the government and discipline of Detention Camps and detainees and the guidance of officers appointed thereto, and any other matters relating to Detention Camps.

SCHEDULE.

- The Gambling Regulations, 1901. Section 2.
- The Adulteration of Produce Regulations, 1901.
- The Wild Birds Protection Ordinance, 1903.
- The Wild Birds Protection (Amendment) Ordinance, 1914.
- The Rules under the Townships Ordinance, 1903.
- The Lamu Boat Registration Ordinance, 1906.
- The Diseases of Animals Ordinance, 1906.
- The Fish Protection Ordinance, 1908.
- The Careless Use of Fire Prevention Ordinance, 1909.
- The Master and Servants Ordinance, 1910.
- The Roads in Native Reserves Ordinance, 1910.
- The Native Hut and Poll Tax Ordinance 1910.
- The Native Hut and Poll Tax (Amendment) Ordinance, 1912.
- The Forest Ordinance, 1911.
- The Forest (Amendment) Ordinance, 1915. Section 22.
- The Police Ordinance, 1911. Section 79.
- The Native Authority Ordinance, 1912.
- The Native Authority (Famine Relief) Ordinance, 1918.
- The Native Arms Ordinance, 1918.
- The Vagrancy Ordinance, 1920.
- The Native Registration Ordinance, 1921. Section 8.
- The Native Liquor Ordinance, 1921. Sections 14 and 27.
- The Game Ordinance, 1921.
- The Native Foodstuffs Ordinance, 1922.
- The Bye-laws under the Municipal Corporations Ordinance, 1922.
- The Food Preservation Ordinance, 1923.
- The Sugar Ordinance, 1923.
- The Liquor (Amendment) Ordinance, 1923. Section 10.
- The Trespass Ordinance, 1924.
- The Resident Native Labourers' Ordinance, 1925. Sections 14, 15 and 17.

THE CRIMINAL PROCEDURE AMENDMENT BILL,
1925.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make clearer the method of summoning native assessors contemplated by the Criminal Procedure Ordinance, 1913.

A Bill

Intituled

An Ordinance to Amend the Criminal Procedure Ordinance, 1913.

1. This Ordinance may be cited as "the Criminal Procedure (Amendment) Ordinance, 1925," and shall be read as one with the Criminal Procedure Ordinance, 1913, hereinafter referred to as "the Principal Ordinance" and all amendments thereto.

Short title.

2. Section 266 of the Principal Ordinance is hereby amended by the deletion in sub-section (1) of the words "named in the said revised list" and by the insertion at the beginning of sub-section (2) of the words

Amendments to Section 266 of the Principal Ordinance.

10 "In the case of persons named in the said revised list."

THE METHYLATED SPIRITS BILL, 1925.

STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to regulate the sale of Methylated Spirits by requiring the vendors to be licensed.

The fee proposed is the nominal one of S. 10 imposed for a similar licence in England.

A person licensed for the sale of intoxicating liquor for consumption on the premises is precluded from being licensed under this Bill. This is in accordance with the English law.

The Bill empowers the Governor-in-Council to make Rules regulating the manner and place of storage of methylated spirits: it also confers power to search premises in order to ascertain whether methylated spirits are being sold without a licence or are being stored in a manner contrary to regulations respecting storage.

A Bill

Intituled

An Ordinance to Regulate the Sale of Methylated Spirits.

1. This Ordinance may be cited as "The Methylated Spirits Ordinance, 1925."

Short title.

2. For the purposes of this Ordinance

Definition.

5 "Methylated spirits" means spirits with which any substance is mixed so as to render the mixture unfit for human consumption as a beverage.

- Sale of methylated spirits without a licence prohibited. **3.** No person shall sell or keep for sale methylated spirits without a licence.
- Persons who may be licensed. **4.** It shall be lawful for a District Commissioner to issue a licence on payment of a fee of S. 10 to any person other than a native carrying on business in the District authorising him to keep for sale and to sell methylated spirits in the premises specified in the licence : Provided that no licence to sell or keep for sale methylated spirits shall be granted (or if granted shall be valid) to any person licensed to sell intoxicating liquor for consumption on the premises. 5
10
- Duration of licence. **5.** Every licence issued under this Ordinance shall expire on the 31st day of December of the year in which it was issued.
- Penalties. **6.** Any person committing an offence against this Ordinance shall be liable to a fine not exceeding S. 500 and in default of payment to imprisonment of either description for a period which may extend to three months. 15
- Licence may be cancelled. **7.** It shall be lawful for any Magistrate convicting a person licensed under this Ordinance to cancel the licence, and the licence so cancelled shall be null and void.
- Conviction to be reported to district commissioner. **8.** A Magistrate who convicts a person licensed under this Ordinance of an offence against the Ordinance shall inform the District Commissioner of the district in which the licence was issued of such conviction and the District Commissioner shall take the conviction into consideration in considering any application by the person so convicted for a licence under this Ordinance. 20
25
- Power to search. **9.** Any Magistrate or European Police Officer or other person generally authorised in that behalf by the Governor may enter any premises licensed under this Ordinance or in which he has reasonable grounds for supposing that methylated spirits are sold or are kept for sale and search the said premises and inspect the manner and place in which methylated spirits are kept. Any person obstructing a person who enters upon premises under this section shall be guilty of an offence. 30
- Onus of proof. **10.** In any proceedings against any person for selling or keeping for sale methylated spirits without a licence such person shall be deemed to be unlicensed unless he shall produce his licence or give other satisfactory proof of his being licensed. 35
- Power to make rules. **11.** The Governor-in-Council may make Rules regulating the manner and place of storage of methylated spirits kept for sale and prohibiting any class of persons from handling or serving methylated spirits and generally for the better carrying out of the purposes of this Ordinance. 40
- Commencement of Ordinance. **12.** This Ordinance shall commence and take effect immediately after three months from the date of assent.

THE LIQUOR AMENDMENT BILL, 1925.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to forbid the sale of Methylated Spirits on premises licensed for the sale of intoxicating liquor for consumption on the premises. This prohibition is contained in the Imperial Statute, 52-53, Vic. Ch. 42, Section 27.

The amendment to Section 2 (3) must be read in conjunction with the amendment to Section 4.

The definition of " Methylated Spirits " has been altered.

The new definition renders it more easy to give evidence as to whether a liquid is methylated spirit or not.

The definition of " native " has been altered in order to implement the African Liquor Traffic Convention of St. Germain en Laye.

The amendment to Section 44 is consequential.

The object of postponing the operation of the Ordinance for three months is to give licensees who have methylated spirits a period of grace in which to dispose of the same.

A Bill

Intituled

An Ordinance to Amend the Liquor Ordinance,
1909.

1. This Ordinance may be cited as " the Liquor (Amendment) Ordinance, 1925," and shall be read as one with the Liquor Ordinance, 1909 (hereinafter referred to as " the Principal Ordinance ") and with all amendments to the Principal Ordinance.

Short title.

2. Sub-section (3) of Section 2 of the Principal Ordinance is hereby amended by deleting the said sub-section and substituting therefor

Amendment of subsection (3) of Section 2 of the Principal Ordinance.

" (3) To any person who is not licensed for the sale of intoxicating liquor for consumption on the premises selling medicated or methylated spirits to persons other than natives."

3. Section 3 of the Principal Ordinance is hereby amended by deleting the definition of " Methylated spirits " and by substituting therefor

Definition of " Methylated spirits."

" Methylated spirits means spirits with which any substance is mixed so as to render the mixture unfit for human consumption as a beverage."

4. Section 3 of the Principal Ordinance is hereby further amended by deleting the definition of " Native " and by substituting therefor

Definition of " Native."

" the term ' native ' includes a Swahili or a Somali but does not include a native of Algeria, Tunis, Morocco, Libya or Egypt."

Licence does not authorise sale of methylated spirits.

5. Section 4 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-section :—

“(2) No person licensed under this Ordinance for the sale of intoxicating liquor for consumption on the premises shall sell or keep or permit to be sold or kept on the licensed premises methylated or other de-natured spirits.” 5

Amendment of Section 44 of the Principal Ordinance.

6. Section 44 of the Principal Ordinance is hereby amended by the deletion of the words “is an immigrant from a place where the sale of liquor to such person is allowed,” and substituting therefor of the words “is not a native within the meaning of this Ordinance.” 10

Commencement of Ordinance.

7. This Ordinance shall commence and take effect immediately after three months from the date of assent.

THE MINING (AMENDMENT) BILL, 1925.

STATEMENT OF OBJECTS AND REASONS.

The object of this amending Bill is to effect certain minor amendments to the Principal Ordinance. It has been found that the present rents on claims are oppressive and they are therefore repealed. Provision is made for the repayment of rents already paid.

It is so made clear by this Bill that under one transfer certificate any number of claims may be transferred.

At present the export of mineral won is restricted to lease holders, and claim holders are not allowed to export. This has proved a hardship in certain cases and the Bill permits claim holders, with the consent of the Commissioner of Mines, to export.

A Bill

Intituled

An Ordinance to Amend the Mining Ordinance, 1925.

Short title.

1. This Ordinance may be cited as “the Mining (Amendment) Ordinance, 1925,” and shall be read as one with The Mining Ordinance, 1925 (hereinafter referred to as “the Principal Ordinance”).

Repeal of Section 39 of the Principal Ordinance.

2. Section 39 of the Principal Ordinance is hereby repealed: Provided that any rent paid pursuant to the provisions of the section hereby repealed may be refunded. 5

Amendment of Section 46 of the Principal Ordinance.

3. Section 46 of the Principal Ordinance is hereby amended by the addition thereto of the words “except with the consent of the Commissioner of Mines.” 10

Repeal of Section 70 (d) of the Principal Ordinance.

4. Section 70 (d) of the Principal Ordinance is hereby repealed.

Amendment of Section 93 of the Principal Ordinance.

5. Section 93 of the Principal Ordinance is hereby amended by the deletion of the words “or payable in respect of any claim.”

6. Forms L., M. and N. in Schedule II of the Principal Ordinance are hereby amended by the addition of the words " or claims " after the word " claim " wherever it appears.

Amendment of Forms L, M and N, Schedule II of the Principal Ordinance.

7. Form Q in Schedule II of the Principal Ordinance is hereby amended by the deletion of Clause (c) and the substitution therefor of the words

Amendment of Form Q, Schedule II of the Principal Ordinance.

" (c) That all fees payable on the said claim have been duly paid."

8. Schedule IV of the Principal Ordinance is hereby amended by the deletion of the words " Registration of transfer of claim S. 40 " and " Registration of lien on claim S. 10 " and the substitution therefor of the words " For every entry in the Mining Register effecting registration of transfer of claim or claims or of a lien on claim or claims S. 40."

Amendment of Schedule IV of the Principal Ordinance.

THE CUSTOMS TARIFF AMENDMENT BILL, 1925.

This Bill combines the Clauses of the Bills published under Government Notice 154, Official Gazette, 13th May, page 383, and Government Notice No. 188, Official Gazette, 3rd June, page 484.

STATEMENT OF OBJECTS AND REASONS.

This amending Bill is designed to allow of the free introduction of furniture for use in foreign consulates and the private effects of Boundary and other special Commissioners.

The third object relative to works of art is designed to be of educational value and to encourage the holding of exhibitions.

Samples of no commercial value are also placed on the free list.

A Bill

Intituled

An Ordinance to Amend the Customs Tariff Ordinance, 1923.

1. This Ordinance may be cited as " the Customs Tariff (Amendment) Ordinance, 1925," and shall be read as one with the Customs Tariff Ordinance, 1923 (hereinafter referred to as " the Principal Ordinance ").

Short title.

2. Table V of the schedule of the Principal Ordinance is hereby amended as follows :—

Amendment of Table V of the Schedule of the Principal Ordinance.

(1) By the addition of the word " furniture " immediately after the word " flags " in item 15.

(2) By the addition of the following items :—

" 62. All goods imported with the sanction of the Governor by Boundary or other Special Commissioners and their assistants for their private use while executing their duties.

" 63. Works of art, painting, sculpture and the like imported for permanent public exhibition; also works of art which in the opinion of the Commissioner of Customs are of immediate utility for study or models and are capable of contributing to the progress and development of art within the territory.

" 64. Samples which the Commissioner of Customs shall decide to be of no commercial value."