



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.
(SPECIAL ISSUE).

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

[Vol. XXVII.—No. 1,033] NAIROBI, September 25, 1925. [PRICE 50 CENTS]

Registered as a Newspaper at the G. P. O.

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COLONY AND PROTECTORATE OF KENYA.

AN ORDINANCE.

No. 9 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,
Acting Governor.

An Ordinance to Amend the Prisons Ordinance, 1914.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as “ the Prisons Amendment Ordinance, 1925,” and shall be read as one with the Prisons Ordinance, 1914, hereinafter referred to as “ the Principal Ordinance,” and all amendments thereto. Short title.

2. Sections 2, 10, 22, 44, 63, 75 and 106 of the Principal Ordinance are amended by the deletion of the words “ Gaoler,” “ Gaolers ” wherever they occur in the said sections and the substitution therefor of the words “ Assistant Superintendent,” “ Assistant Superintendents.” Assistant Superintendent substituted for Gaoler.

3. Section 7 of the Principal Ordinance is repealed and replaced as follows :— Prison officers. Alteration of titles.

“ 7. Prison Officers shall consist of the following :—

Commissioner.
Superintendents.
Assistant Superintendents.
Matrons.
Technical Instructors.

Asiatic and African Subordinate Officers :—

Chief Warders, 1st Grade.
Chief Warders, 2nd Grade.
Sergeant Warders.
Corporal Warders.
Lance-Corporal Warders.
Warders.
Female Warders.
Technical Instructors.”

4. Section 55 of the Principal Ordinance is hereby amended by the deletion of the words “ and all others committed for safe custody only ” in lines 1 and 2. Amendment of Section 55.

5. Section 73 of the Principal Ordinance is hereby repealed and replaced as follows :— Amendment of Section 73.

“ Prisoners awaiting trial shall be given all reasonable opportunities of communicating with their friends or legal adviser, and subject to any regulations which may be made under this Ordinance they may write or receive letters. They shall be allowed to see their advocates in the sight, but, as far as possible, out of the hearing of a prison officer, unless for special reasons the superintendent shall order otherwise.”

AN ORDINANCE.

No. 10 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance to Amend the Customs Tariff Ordinance, 1923.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

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 ”).

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

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

(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.”

AN ORDINANCE.

No. 11 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance to Amend the Customs Ordinance, 1910.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as “ the Customs (Amendment) Ordinance, 1925,” and shall be read as one with the Customs Ordinance, 1910, (hereinafter referred to as “ the Principal Ordinance ”) and all amendments thereof.

2. Notwithstanding anything contained in sections 156 and 157 of the Principal Ordinance samples and specimens, provided they are not of such quantity and value that, taken as a whole, they no longer constitute samples in the usual sense, and articles imported for repair, which are liable to import duty, and the importation of which is not prohibited, may, when imported by merchants, traders or commercial travellers, be temporarily admitted free of duty, subject to such conditions and subject to the amount of import duties being deposited or secured in such manner as the Commissioner of Customs may prescribe.

Samples and specimens etc., to be admitted free of duty subject to the payment of a deposit etc.

3. Section 100 of the Principal Ordinance shall be and is hereby amended by the addition of the words "imported in bulk or" after the word "liquids" in the said section.

Amendment of Section 100 of the Principal Ordinance.

AN ORDINANCE.

No. 12 of 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,
Acting Governor.

An Ordinance to Amend the Electric Power Ordinance, 1919.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Electric Power (Amendment) Ordinance, 1925," and shall be read as one with "The Electric Power Ordinance, 1919," (hereinafter referred to as "the Principal Ordinance") and all amendments thereof.

Short title.

2. The words "which shall have been approved by the Governor" appearing in the definition of "Special Agreement" in section 2 of the Principal Ordinance, are hereby repealed.

Amendment of Section 2 of the Principal Ordinance.

3. The words "and approved of in writing by the Governor" appearing in section 17 of the Principal Ordinance, are hereby repealed.

Amendment of Section 17 of the Principal Ordinance.

4. The words "and approval of in writing by the Governor" appearing in section 32 of the Principal Ordinance, are hereby repealed.

Amendment of Section 32 of the Principal Ordinance.

5. Section 42 of the Principal Ordinance, as amended by the Electric Power (Amendment) Ordinance, 1923, shall be and is hereby amended by the deletion of the word "such" where it first occurs in the proviso to the said section.

Amendment of Section 42 of the Principal Ordinance.

6. Section 137 of the Principal Ordinance is hereby repealed.

Repeal of Section 137 of the Principal Ordinance.

AN ORDINANCE.

No. 13 of 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance Further to Amend the Widows' and Orphans' Pension Ordinance.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "The Widows' and Orphans' Pension (Amendment) Ordinance, 1925," and shall be read as one with "the Widows' and Orphans' Pension Ordinance, 1921," hereinafter referred to as the Principal Ordinance, and all amendments thereto.

Lump sum contributions by original contributors.

2. Notwithstanding the provisions of section 5 (2) of the Principal Ordinance, any European officer in the service of the Government, who was in or selected for appointment to the East African Service on the 1st April, 1921, and who elected to become a contributor on or before the 1st day of October, 1922, but who did not elect to pay to the Crown Agents a lump sum contribution in accordance with section 5 (2) of the Principal Ordinance or who elected to make a lump sum contribution less than the maximum permissible, may apply to the Government for special permission to make a lump sum contribution, or to increase his lump sum contribution as the case may be, and, if after examination of the officer by a Government Medical Board the Governor in his discretion decides that such special permission shall be granted, the officer shall pay to the Crown Agents within three months after the date on which the Governor's decision is notified to him, the lump sum contribution or additional lump sum contribution as the case may be. The lump sum contribution, or, in the case of an additional lump sum contribution, such additional contribution together with the lump sum already paid, shall not exceed the total without interest of the amounts which the officer might have contributed by way of annual and additional annual contributions up to the date of his becoming a contributor if the scheme had come into operation on the 1st of April, 1916.

Applications.

3. Any application under this Ordinance must be made to the Government before the 1st of April, 1926.

AN ORDINANCE.

No. 14 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,
Acting Governor.

**An Ordinance to Amend the Mining Ordinance,
1925.**

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

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").

Short title.

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.

Repeal of Section 39 of the Principal Ordinance.

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

Amendment of Section 46 of the Principal Ordinance.

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

Repeal of Section 70 (d) 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."

Amendment of Section 93 of the Principal Ordinance.

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.

AN ORDINANCE.

No 15 of 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance to Amend the Criminal Procedure Ordinance, 1913.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

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.

Amendments to Section 266 of the Principal Ordinance.

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

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

AN ORDINANCE.

No 16 of 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

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

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "the Supplementary Appropriation Ordinance, 1925.

Public Revenue charged.

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.

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	...	...	...	...	272	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

AN ORDINANCE.

No. 17 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance to Amend the Vagrancy Ordinance, 1920.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as " the Vagrancy Amendment Ordinance, 1925," and shall be read as one with the Vagrancy Ordinance, 1920, hereinafter referred to as " the Principal Ordinance."

Short title.

2. Section 2 of the Principal Ordinance is amended by the addition of the following subsection :—

Amendment of Section 2 of the Principal Ordinance.

" (d) Any person offering, pretending, or professing to tell fortunes or using any subtle craft, means, or device by palmistry or otherwise to deceive or impose upon any person."

AN ORDINANCE.

No. 18 OF 1925.

Assented to in His Majesty's name this 15th day of
September, 1925.

E. B. DENHAM,

Acting Governor.

**An Ordinance to Amend the Cotton (Tax)
Ordinance, 1923.**

ENACTED by the Acting Governor of the Colony of
Kenya, with the advice and consent of the Legislative Council
thereof :—

Short title.

1. This Ordinance may be cited as " the Cotton (Tax)
(Amendment) Ordinance, 1925," and shall be read as one with
the Cotton (Tax) Ordinance, 1923, hereinafter called " the
Principal Ordinance."

Exemption of
district from
application of
Ordinance.

2. The Principal Ordinance is amended by adding
thereto the following section :—

"7. It shall be lawful for the Governor in Council from
time to time by proclamation in the Gazette to exempt any
district or districts in the Colony from the application of this
Ordinance."

AN ORDINANCE.

No. 19 OF 1925.

Assented to in His Majesty's name this 15th day of
September, 1925.

E. B. DENHAM,

Acting Governor.

**An Ordinance Further to Amend the Agricultural
Produce Export Ordinance, 1921.**

ENACTED by the Acting Governor of the Colony of
Kenya, with the advice and consent of the Legislative Council
thereof :—

Short title.

1. This Ordinance may be cited as " the Agricultural
Produce Export (Amendment) Ordinance, 1925," and shall be
read as one with the Agricultural Produce Export Ordinance,
1921, as amended by the Agricultural Produce Export
(Amendment) Ordinance, 1923, (hereinafter called " the
Principal Ordinance ").

Amends
Section 10A
of the
Principal
Ordinance.

2. Section 10A of the Principal Ordinance is hereby
amended by repealing subsection (2) thereof and by substituting
the following therefor :—

(2) Save as provided by subsections (3) and (4) of this section when produce is block-stacked the Administration of the Uganda Railway, shall, after reasonable notice, deliver to the person entitled thereto the same number of bags of produce of the same grade and quality as that person or his assignor shall have delivered to the said Administration to be block-stacked, but it shall not be necessary for the said Administration to deliver to any person the identical produce which it received from him or from his assignor.

(3) It shall be lawful for the Agricultural Department to regrade produce prior to shipment after it has been received in block-stack.

Incidence of
loss on
deteriorated
produce.

When, on regrading, produce is found to have deteriorated, the inspector shall apportion any resultant loss among the persons who have left produce of that grade in block-stack in such proportion as he may consider to be fair and reasonable, having special regard to the period during which an owner has held produce in block-stack as shown by the books of the Uganda Railway Administration, and such loss shall be borne by the person or persons to whom it has been apportioned. The produce so found to have deteriorated may be removed to the place allotted to the storage of produce of the quality to which it has deteriorated:

Provided that if the regraded produce does not fall within any of the prescribed grades or within any of those classes of produce for which an inspection certificate may be issued, it shall be lawful for the inspector to sell, destroy, or otherwise dispose of the said produce and apply the nett amount realised (if any) firstly in defraying any charges which may be due to the Administration of the Uganda Railway for storing the said produce and secondly in crediting the balance to the person or persons entitled to credit under subsection (4) of this section.

(4) When produce has been removed from a block-stack of one grade to a block-stack of a lower grade, as provided by the last subsection, the Administration of the Uganda Railway shall enter in the stock-book a debit to the person or persons, upon whom the loss due to deterioration has fallen, of the number of bags of produce standing to his or their credit in the block-stack of the grade in which the deterioration is found to have occurred, and shall credit that person or those persons with an equivalent number of bags of produce in the block-stack to which the deteriorated produce has been removed.

Disposal of
deteriorated
produce.

(5) When the procedure prescribed by the last subsection has been complied with, any receipt or certificate issued on the receipt of the produce for block-stacking shall be deemed to be amended accordingly.

Amendment of
receipts.

(6) Notification as to alteration of grade (if any) on regrading carried out under subsection (3) of this section shall be posted by the inspector to the owner or owners of the produce so regraded as soon as possible on completion of regrading.

Notification
after
regarding.

AN ORDINANCE.

No. 20 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,

Acting Governor.

An Ordinance to Amend the Liquor Ordinance, 1909.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

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.

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

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

(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.

Definition of "Methylated spirits."

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

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

Definition of "Native."

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

The term "native" means a native of Africa not of European or Asiatic origin, and includes a Somali and a Swahili, and further includes such other classes of persons as the Governor in Council shall by proclamation in the Gazette declare to be natives for the purposes of this Ordinance: Provided that a native of Algeria, Tunis, Morocco, Libya or Egypt shall not be deemed to be a native within the meaning of this Ordinance:

And provided further that where there is any reasonable doubt as to whether any person falls within this definition the burden of proof shall be upon such person.

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."

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 the words "is not a native within the meaning of this Ordinance."

Amendment of
Section 44 of
the Principal
Ordinance.

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

Commencement
of Ordinance.

AN ORDINANCE.

No. 21 OF 1925.

Assented to in His Majesty's name this 15th day of September, 1925.

E. B. DENHAM,
Acting Governor.

An Ordinance to Regulate the Sale of Methylated Spirits.

ENACTED by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

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

Short title.

2. For the purposes of this Ordinance

Definition.

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

3. No person shall sell or keep for sale methylated spirits without a licence.

Sale of
methylated
spirits without
a licence
prohibited.

4. It shall be lawful for a District Commissioner to issue a licence on payment of a fee of S. 2 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.

Persons who
may be licensed.

5. Every licence issued under this Ordinance shall expire on the 31st day of December of the year in which it was issued.

Duration of
licence.

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.

Penalties.

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.

Licence may
be cancelled.

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.

Conviction to
be reported to
district
commissioner.

