



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.

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Vol. XXVIII.—No. 1,108]

NAIROBI, November 20, 1926.

[PRICE 50 CENTS]

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

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## Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 473.

HIS EXCELLENCY the Governor has approved of the following Bills being introduced into Legislative Council:—

G. R. SANDFORD,

*Clerk to the Legislative Council.*

### **A Bill to make Provision for the Licensing of European Employers of Domestic Servants and to Impose a Tax thereon.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as "the Domestic Servants Licence and Tax Ordinance, 1926."

Interpretation.

2. In this Ordinance, unless inconsistent with the context:—

"Domestic servant" means any male servant employed either wholly or partly in any of the following capacities, that is to say, cook, house servant (including bedroom and kitchen servant), washerman, waiter, nurse, valet, butler, footman, groom, stable boy, driver and cleaner of private motor-cars, or in any capacity involving the duties of any of the above description of servants by whatever style the person acting in such capacity may be called, but shall not include a rickshaw boy, garden boy or sweeper; 5

"Employer" means every person of European race or origin having domestic servants in his employ: Provided that in the event of two or more persons residing in the same establishment, other than an hotel, boarding house, or club, there shall be deemed to be one employer only (who shall be the person *primâ facie* in charge of such establishment) of all domestic servants employed in such establishment; 15 20

"Temporary visit" means a visit to the Colony not exceeding one month in duration;

"To employ," or "employment," means any engagement of a domestic servant to render any services for a remuneration or any arrangement whereby services are rendered by a domestic servant. 25

Employer to be licensed.

3. After the commencement of this Ordinance it shall, subject to the provisions of section 6 hereof, be unlawful for any employer to employ any domestic servant except such employer be licensed in accordance with the provisions of this Ordinance and have paid the fees set forth in the First Schedule hereto: Provided that upon application by an employer already so licensed who has become liable in respect of an increase in the number of domestic servants in his employ the licensing officer shall, upon payment of the necessary fee, endorse accordingly the existing licence held by such employer. 30 35

4. Licences for the employment of domestic servants (hereinafter called "the licence") shall be issued by such officer or officers (hereinafter called "the licensing officer") as may be appointed for the purpose by the Governor. Licensing officer.
5. Every licence issued under this Ordinance shall be in the form in the Second Schedule hereto or in such form as the Governor may by notice in the Gazette prescribe. Form of licence.
6. Every employer shall take out the licence required by this Ordinance within thirty days of becoming liable so to do, and notwithstanding any other penalties that may be enforced in respect of any offence committed under this Ordinance, any employer who fails to take out the licence and pay the fees thereunder within such period, shall pay double the amount of the fees for which he was originally liable and in lieu thereof: Provided always that such liability shall not accrue if such employer can show that such default was due to causes beyond his own control. Fees doubled unless licence taken out within thirty days.
7. The fees set forth in the said First Schedule hereto shall be payable in respect of each licence. Licence fees.
8. (1) A licensing officer may at any time require any employer to produce the licence and may retain the same for the purpose of verifying the number of domestic servants specified therein. Production of licence and supply of information.
- (2) A licensing officer may require any person to furnish him with a return of all servants, domestic or otherwise, employed by such person.
- (3) Any employer who, without lawful excuse, shall neglect or refuse to produce his licence when required as aforesaid, or any employer or person who shall fail to furnish the information which may be required of him under this section shall, on conviction, be liable to the penalties prescribed under this Ordinance.
9. Any person on a temporary visit to the Colony shall be exempted from the provisions of this Ordinance. Persons exempt.
10. The burden of proof of exemption from the provisions of this Ordinance shall lie on the person claiming the exemption. Burden of proof of exemption.
11. Any person contravening any of the provisions of this Ordinance shall on conviction be liable, for a first offence, to a fine not exceeding five pounds, and in default of payment thereof to simple imprisonment for a period not exceeding one month; for a second offence, to a fine not exceeding ten pounds, and in default of payment thereof, to simple imprisonment for a period not exceeding two months; and for a third or subsequent offence, to a fine not exceeding twenty-five pounds, and in default of payment to imprisonment of either description for a period not exceeding three months: Provided that for contravening the provisions of section 3 of this Ordinance the penalties herein prescribed shall apply severally in respect of each domestic servant in regard to whom default has been made. Penalties.

Power to make rules.

**12.** The Governor in Council may from time to time make rules prescribing forms of returns and generally for the better carrying out of the purposes of this Ordinance, and may attach penalties not exceeding the penalties prescribed by this Ordinance for the breach of any such rule.

5

Date of commencement.

**13.** This Ordinance shall commence and come into operation on the first day of January, 1927.

Sections 3 and 7.

FIRST SCHEDULE.

FEEs.

	<i>Shs.</i>
For each domestic servant included in a licence issued for twelve months ... ..	20
For each domestic servant included in a licence issued for six months ... ..	10
Such licences shall expire on the thirtieth day of June or thirty-first day of December, as the case may be.	
For each domestic servant included in a licence issued for one or more months, for each month or part thereof ... ..	2

EXEMPTIONS.

In the case of an establishment consisting of one European there shall be exemption from payment of the fee in respect of one domestic servant.

In the case of an establishment consisting of two or more Europeans there shall be the like exemption in respect of two domestic servants.

No fees other than the above shall be chargeable on the issue of this licence.

Section 5.

SECOND SCHEDULE.

FORM OF LICENCE.

Licence is hereby granted to.....of.....  
to employ.....domestic servants.  
Number of domestic servants exempted.....  
Amount of fees paid, shillings.....for.....domestic  
servants for twelve months.  
Amount of fees paid, shillings.....for.....domestic  
servants for six months.  
Amount of fees paid, shillings.....for.....domestic  
servants for.....months.  
Expiring on the..... day of.....19.....  
Amount of fees paid, shillings.....for.....domestic  
servants for.....months.  
Expiring on the..... day of.....19.....  
Amount of fees paid, shillings.....for.....domestic  
servants for.....months.  
Expiring on the..... day of.....19.....  
Amount of fees paid, shillings.....for.....domestic  
servants for.....months.  
Expiring on the..... day of.....19.....  
Dated this..... day of.....19.....

.....  
*Signature of Licensing Officer.*

ADDITIONS BY ENDORSEMENT.

Amount of fees paid, shillings.....for.....additional  
servants for.....months expiring on the.....  
day of....., 19.....

Amount of fees paid, shillings.....for.....additional  
servants for.....months expiring on the.....  
day of....., 19.....

Amount of fees paid, shillings.....for.....additional  
servants for.....months expiring on the.....  
day of....., 19.....

.....  
*Signature of Licensing Officer.*

**A Bill Further to Amend the Widows' and Orphans' Pension Ordinance.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Widows' and Orphans' Pension (Amendment) Ordinance, 1926,” and shall be read and construed as one with the Widows' and Orphans' Pension Ordinance (Chapter 34 of the Revised Edition), hereinafter called “ the Principal Ordinance.” Short title.

2. Subsection (1) of section 5 of the Principal Ordinance is hereby repealed and replaced by the following subsection :— Amendment of section 5 (1) of the Principal Ordinance.

“ 5 (1) The rates of contribution shall be as follows :—

(a) An officer whose salary exceeds the amount given in any line of the first column below but does not exceed that given in the corresponding line of the second shall contribute at the annual rate given in the corresponding line of the third column—

Column 1.	Column 2.	Column 3.
£	£	£
—	275	12
275	300	15
300	400	18
400	500	24
500	600	30
600	720	36
720	840	42
840	920	48
920	1,100	54
1,100	1,200	60
1,200	1,300	65

and so on, the annual contribution increasing by £5 for each step of £100 in the salary scale.

(b) A contributor who before the date of his first payment of contribution under this Ordinance or within three months after marrying shall by written notice to the Crown Agents so elect may make an additional annual contribution of one-half of the amount specified in the line in column 3 above, which is applicable to him at the date of notification or, if he so decides at the date of notification, of one-half the amount so specified which is applicable to him from time to time.

A contributor who has not so elected before the date of his first contribution or within three months after marrying may be permitted so to elect at any time during his contribution term, subject to the approval of the Governor after medical examination. If he so elects to make an additional annual contribution he shall make it accordingly as from the date on which he first became a contributor or as from the first day of the month next after that in which his notice was received by the Crown Agents or as from the first day of the month next after that in which the Governor's approval was given to his subsequent election as the case may be.

A contributor who on the first day of January, 1926, was making an additional annual contribution and has not since discontinued it may, if he so elects before the first day of June, 1927, discontinue it with effect from the first day of January, 1926, or he may elect to make his annual contribution at one or the other of the above rates with effect either from the first day of the month next after that in which his notice was received by the Crown Agents, or, if he prefers it and so elects before the first day of June, 1927, with retrospective effect from the first day of January, 1926.

A contributor who at the time of his appointment or re-appointment to the service of this Government is already making an additional annual contribution under the scheme shall (unless he elects at any time under section 7 (1) to discontinue such additional contribution) continue to pay it as an additional annual contribution under this Ordinance; and an officer who has ceased to contribute under the scheme may on being re-appointed to the service of this Government elect to make an additional annual contribution at the rate then applicable to him from time to time. No officer shall be allowed to make more than one additional annual contribution under the scheme at the same time.

(c) No officer shall be required to contribute at a higher rate than £60 a year.

(d) No officer shall after attaining the age of forty-nine contribute at a higher rate than that at which he was contributing immediately before attaining that age.

Operation.

3. This Ordinance shall be deemed to have effect as from the first day of January, 1926, inclusive.

#### OBJECTS AND REASONS.

The introduction of the new scales of consolidated salaries with effect from the 1st January, 1926, necessitates an amendment of the Principal Ordinance in order that the rates of contribution to the scheme may be adjusted to conform with these new scales.

This Bill has been drafted by the Secretary of State to give effect to the required amendment.

**A Bill to Amend the Criminal Procedure  
Ordinance.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Criminal Procedure (Amendment) Ordinance, 1926," and shall be read as one with the Criminal Procedure Ordinance, (Chapter 7 of the Revised Edition) hereinafter referred to as "the Principal Ordinance." Short title.

2. Section 167 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— Amendment of section 167 of the Principal Ordinance.

10 "167. (1) Whenever a magistrate issues a summons he may if he see reason so to do and shall when the offence with which the accused is charged is punishable only by fine or only by fine and/or imprisonment not exceeding three months, dispense with the personal attendance of the accused provided that he pleads guilty in writing or appears by an advocate.

15 (2) But the magistrate inquiring into or trying the case may, in his discretion, at any subsequent stage of the proceedings unless the accused has by his advocate pleaded guilty, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

20 (3) Whenever the attendance of an accused has been so dispensed with and his attendance is subsequently required, the costs of any adjournment for such purpose shall be borne in any event by the accused."

STATEMENT OF OBJECTS AND REASONS.

The object of the amending Bill is to give a person charged with a minor offence the right to appear by an advocate, or if he pleads guilty in writing, the case proceeds in his absence.

If he does not plead guilty by his advocate, the magistrate may require his personal attendance subsequently. The costs incurred by any adjournment for such purpose will, in any event, be payable by the accused.

At present, the power to dispense with the attendance of an accused is entirely in the discretion of the magistrate trying the case.

**A Bill to Apply a Sum of Money for the Service of the Year ending the 31st day of December, 1927.**

BE IT ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof as follows :—

- Short title.                   1. This Ordinance may be cited as “ the Appropriation Ordinance, 1926.”
- Public Revenue charged.                   2. The Public Revenue for the year 1927, and other funds of the Colony and Protectorate of Kenya, are hereby charged towards the service of the year ending the thirty-first day of December, one thousand nine hundred and twenty-seven, with a sum of two million, five hundred and forty-two thousand, and forty-eight pounds.                   5
- Application of money granted.                   3. The money granted by this Ordinance shall be applied for the purposes and services expressed in the Schedule annexed hereto.                   10
- Treasurer's authority for payment.                   4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required from time to time upon the Warrant or Order of the Governor to pay 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 two million, five hundred and forty-two thousand, and forty-eight pounds, which will come in course of payment during the year ending on the thirty-first day of December, one thousand nine hundred and twenty-seven.                   15  
20

SCHEDULE.

	£
I. Public Debt Funded ... ..	365,000
II. Rent and Interest to H.H. the Sultan of Zanzibar .. ..	16,000
III. Pensions and Gratuities ... ..	93,000
IV. His Excellency the Governor ... ..	16,081
V. Conference of East African Governors ...	2,015
VI. Secretariat and Legislative Council ...	21,328
VII. “ Official Gazette ” and Printing ...	24,923
VIIa. “ Official Gazette ” and Printing— Extraordinary ... ..	5,280
VIII. Administration ... ..	265,984
IX. Treasury ... ..	24,105
X. Customs Department ... ..	43,504
XI. Port and Marine Departments ... ..	—
XII. Audit Department ... ..	17,059
XIII. Judicial Department ... ..	25,208
XIV. Registrar-General's Department ...	3,736
XV. Legal Department ... ..	9,975
XVI. Police ... ..	147,717
XVII. Prisons ... ..	44,391

Carried forward ... 1,125,306

## SCHEDULE—Contd.

		£
<i>Brought forward</i> ...		1,125,306
XXVIII.	Medical Department ... ..	198,265
XIX.	Education ... ..	140,962
XIXa.	Education—Extraordinary ... ..	10,351
XX.	Military ... ..	128,465
XXI.	Post Office and Telegraphs ... ..	145,696
XXIa.	Post Office and Telegraphs— Extraordinary ... ..	5,000
XXII.	Agricultural Department ... ..	121,532
XXIIa.	Agricultural Department— Extraordinary ... ..	1,550
XXIII.	Forest Department ... ..	34,400
XXIV.	Game Department ... ..	9,705
XXV.	Land Department ... ..	43,029
XXVI.	Miscellaneous Services ... ..	72,484
XXVII.	Interest ... ..	170,000
XXVIII.	Public Works Department ... ..	91,113
XXIX.	Public Works—Recurrent ... ..	169,190
XXX.	Public Works—Extraordinary ... ..	70,000
XXXI.	Trade Information and Publicity Bureau ... ..	5,000
<b>Total</b> ...		<b>£2,542,048</b>

**A Bill to make Provision for the Payment of an  
Additional Poll Tax by Asiatics.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “the Asiatic Poll Tax Ordinance, 1926.” Short title.

2. In this Ordinance unless inconsistent with the context “the tax” means the additional poll tax prescribed by this Ordinance. Interpretation.

“District Commissioner” includes an assistant district commissioner.

“Asiatic” means a male person other than a native within the meaning of the Native Hut and Poll Tax Ordinance (Chapter 51 of the Revised Edition), not being of European race or parentage.

“Temporary visit” means a visit to the Colony not exceeding six months in duration.

3. There shall be paid in every year by every Asiatic a tax of shillings twenty to be called “the Asiatic Education Poll Tax.” Asiatic  
Education  
Poll Tax.

4. The tax payable in any year shall be paid between the first and thirty-first day of January in each year. Provided however that in the case of an Asiatic who is not residing in the Colony on the first day of January or who although residing in the Colony on such date, leaves the Colony during the month of January without having paid the tax payable in that year such Asiatic shall pay the tax within one month of his coming Tax when  
payable.

or returning to the Colony as the case may be. And provided further that any Asiatic who shall come to the Colony after the thirtieth day of June in any year and who shall not have previously resided in the Colony in the same year shall pay a tax of half the amount of the tax before prescribed. And provided further that any Asiatic who fails to pay such tax within three months of the expiry of the period hereinbefore set forth for such payment shall be liable for a tax double the amount of such tax and in lieu thereof, provided always that such liability shall not accrue if such Asiatic can show that such default was due to causes beyond his own control.

Where and to whom tax to be paid.

5. The tax shall be paid by the person liable to pay the same to a district commissioner at the office of the officer to whom payment is made.

District Commissioner to give receipt in the prescribed form.

6. A district commissioner shall give to the person paying the tax a receipt in the prescribed form.

Person paying tax to provide information in preparing the receipt and if required shall attend at the office for such purpose.

7. Every person paying the tax shall furnish the officer to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if required by such officer, attend personally at the office of such officer for such purpose.

Penalty for furnishing false particulars or refusing to attend or give information when required.

8. Any person who shall wilfully furnish a district commissioner with false particulars as to any of the information required by such officer in preparing a receipt, or who, on being required to attend at the office of a district commissioner, shall neglect or refuse to attend or attending, shall neglect or refuse to furnish any information required as aforesaid, shall, on conviction, be liable to a fine not exceeding fifteen pounds, or to imprisonment for a term not exceeding two months.

Magistrate may call on defaulter to appear and show cause why he should not pay the tax.

9. Whenever any person shall make default in the payment of the tax due and payable by him any magistrate having jurisdiction in the district or place in which the person in default is for the time being staying or residing, may issue a summons directing the defaulter to attend before him, at a time to be named in the summons, to show cause why he should not be ordered to pay the amount due as a judgment debt.

Magistrate may order person in default to pay amount of tax and costs into court.

10. If a summons for enabling a defaulter to show cause as mentioned in the last preceding section is issued, it shall be lawful for the magistrate on the date named in the summons or at any other date to which the hearing may be adjourned to order him to pay into Court the amount of the unpaid tax, and such costs and expenses as are for this purpose from time to time fixed by the Governor, or to order him to pay into Court any part of such amount which the magistrate may deem the defaulter able to pay or arrange for paying, within seven days of the order or within such extended time as may be determined by the magistrate, and either in a lump sum or by instalments.

Imprisonment for failure to obey order.

11. (1) If the person summoned as aforesaid fails to comply with the summons without lawful excuse or if he makes default in payment into Court, in the manner aforesaid, it shall be lawful for the magistrate to commit such person to prison,

- without hard labour, for a term not exceeding six weeks or until payment of the sum ordered to be paid (if paid before the expiration of such term): Provided that no such committal shall be ordered for default in payment as aforesaid
- 5 unless it be proved to the satisfaction of the magistrate that the person making the default either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses and neglects, to pay the same.
- 10 (2) Proof of the means of the person making default may be given in such manner as the magistrate thinks just, and, for the purpose of such proof, the debtor and any witnesses may be summoned and their attendance enforced by the same processes as in cases in which the magistrate has jurisdiction
- 15 in civil matters, and such debtor and witnesses may be examined on oath.
- (3) Every order of committal under this section shall be issued, obeyed, and executed in manner similar to commitments by a Court in the exercise of jurisdiction in civil cases.
- 20 (4) Imprisonment under this section shall not operate as a satisfaction or extinguishment of the judgment debt.
- (5) The amount of any tax due and unpaid, and the sum (if any) ordered to be paid for costs and expenses under section 10, may, at any time, be levied by the attachment and
- 25 sale, under the orders of a magistrate, of the movable property of the defaulter in like manner as if the same were payable under a decree of a civil court, and a magistrate is hereby empowered to issue such order either on his own motion or on the application of any district commissioner.
- 30 **12.** In the event of the defaulter paying the whole amount ordered to be paid as aforesaid and the cost and expenses of or in connection with any attachment ordered, the magistrate, if a district commissioner, shall grant to the person paying a receipt in the prescribed form, for the amount of the
- 35 tax paid, or, if not a district commissioner, shall remit to a district commissioner the amount so paid after deducting therefrom such part thereof as may represent the Court costs, and the district commissioner, on the receipt of such sum shall grant to the person who shall have paid the same a receipt in
- 40 the prescribed form.
- 13.** (1) A district commissioner may, at any time, require any Asiatic to produce the receipt granted to such Asiatic for the payment of the tax last payable and a district commissioner may retain any receipt produced for such time as he may
- 45 consider necessary for the purpose of identifying the person named therein with the person producing the same.
- (2) A district commissioner may require any Asiatic who refuses or neglects to produce his receipt when requested to furnish him with information as to the office at which he has
- 50 paid his tax last payable, and with such further information as the district commissioner may require for the purpose of ascertaining whether such Asiatic has paid such tax.
- (3) Any Asiatic, who without lawful excuse, shall neglect or refuse to produce his receipt when required as
- 55 aforesaid, or who, having failed or refused to produce his receipt, shall fail to furnish the information which may be

Proviso.

Proof as to means of defaulter.

Order of committal.

Imprisonment not to extinguish liability.

Tax, etc., unpaid leviable by attachments and sale of movable property.

Debtor paying whole of amount ordered to be paid.

District commissioner may require production of receipt for tax.

If receipt not produced information required to be furnished to district commissioner.

Penalty for refusing to produce receipt or give information.

required of him under the preceding subsection, shall, on conviction, be liable to a fine not exceeding seven pounds ten shillings or to imprisonment for a term not exceeding one month.

Non-production of receipt to be *prima facie* evidence of non-payment of tax. (4) Evidence of the non-production of a receipt for the payment of a tax upon requisition being made as aforesaid shall, in and for the purposes of any proceedings for the recovery of such tax, be *prima facie* evidence that the tax has not been paid. 5

Penalty for producing a receipt granted to some other person or for giving false information. (5) Any Asiatic who, being required by a district commissioner to produce his receipt, shall produce a receipt granted to some other person, or, who, having failed or refused to produce his receipt, shall furnish a district commissioner with any false particulars as to any of the information which may be required of him under subsection (2) of this section, shall, on conviction, be liable to a fine not exceeding forty-five pounds or to imprisonment of either description for a term not exceeding six months. 10 15

Power of Governor to remit or refund the tax. 14. The Governor may by writing under his hand order that any person or class of persons or the inhabitants of any district, area or place shall be exempt from payment of the whole or any portion of the tax leviable under this Ordinance and may in like manner rescind or alter any such order. 20

Persons exempt. 15. There shall be exempted from the payment of the tax under this Ordinance the persons following— 25  
 (a) every person under the age of eighteen;  
 (b) a person on a temporary visit to the Colony, provided that he is not the owner or lessee of land in the Colony, and is not engaged in any employment or business in the Colony, and has not any pecuniary interest in any business or enterprise conducted or carried on in the Colony. 30

Burden of proof of exemption. 16. The burden of proof of exemption from the tax shall lie on the party claiming the exemption.

Power to make rules. 17. The Governor may, from time to time, make rules prescribing the form of the receipt to be granted under this Ordinance, and generally for the better carrying out of the purposes of this Ordinance, and may attach penalties not exceeding a fine of seven pounds ten shillings for the breach of any such rule. 35 40

Operation. 18. This Ordinance shall commence and come into operation on the first day of January, 1927.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to raise revenue from the Asiatic members of the community for the purposes of Asiatic Education. It imposes an additional Poll Tax of Sh. 20 on all male adult Asiatics and the provisions of the Bill are similar to the Non-Native Poll Tax Ordinance (Chapter 52 of the Revised Edition). The Governor is empowered to exempt any person or class of persons from payment of the tax.

**A Bill to Provide for the Organisation of the European Inhabitants of the Colony and Protectorate of Kenya for the Defence thereof.**

WHEREAS it is expedient to make provision for enrolling and organising the able-bodied European inhabitants of this Colony and Protectorate for the defence thereof and the protection of life and property therein :

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

PART I.

CONSTITUTION AND ORGANISATION OF A DEFENCE FORCE.

1. This Ordinance may be cited as " the Defence Force Ordinance, 1926," and shall come into force on such date as the Governor by proclamation published in the Gazette shall determine. Short title.

5 2. (1) The Governor shall for the purposes of this Ordinance appoint a Central Defence Committee consisting of a president and such other members as the Governor may direct. Central Defence Committee.

(2) The Governor may at any time dispense with the services of any member of the Central Defence Committee.

15 3. Subject to the proviso in this section, and to all the other provisions of this Ordinance or of any Regulations issued thereunder, every male British subject of European origin or descent between the ages of 16 years and 60 years (both inclusive) and now resident or hereafter residing in the Colony and Protectorate shall, within one month after the date this Ordinance shall come into force or within one month of becoming so resident as aforesaid, as the case may be, enrol himself, and in default of enrolling himself within such month as aforesaid shall be deemed to be enrolled in the Defence Force of the Colony and Protectorate, which shall be under the supreme command of the Governor, and shall be liable to render general military service in any part of East Africa within or without the Colony and Protectorate for the defence thereof or any part thereof or for the protection of life and property therein or in any part thereof : Provided always that ministers of any recognised denomination and members of the medical and veterinary professions shall only be enrolled or deemed to be enrolled and liable to serve in their professional capacity, and provided further that other residents of similar age and origin or descent may be enrolled. Enrolment of all male European British residents between the ages of 16 and 60 in the Defence Force.

20 4. (1) All persons certified by a certificate of a Government Medical Officer to be medically unfit for service under the provisions of this Ordinance by reason of bodily or mental infirmity or unfitness, the members for the time being of the Legislative Council of the Colony and Protectorate, Judges, members of the Police Force or Prison Service, persons serving with the King's African Rifles and all merchant seamen under articles shall be exempt from enrolment and service in the Defence Force under this Ordinance except with their own consent. Exemptions from enrolment in the Defence Force.

25 30 35 40

(2) Provided always that the Governor may in his absolute discretion by order under his hand exempt any person serving in the Civil Service of the Colony and Protectorate or any other person from service in the Defence Force under this Ordinance.

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Officers in charge of districts to make lists of male European residents between the ages of 16 and 60 years and procedure thereon.

5. (1) The District or Resident Commissioner (herein after called "the officer in charge") of every district throughout the Colony and Protectorate shall within one month of the date on which this Ordinance shall come into force, and in the month of January of every succeeding year, make out a list containing the names of all male European residents in their districts respectively between the ages of 16 and 60 years (both inclusive) who are not exempted from liability to serve under this Ordinance and in such list shall state the age, residence, calling and nationality of each person, which list shall be, as nearly as may be, in the form in Part I of Schedule I to this Ordinance, and shall cause a copy of such list to be affixed in a conspicuous manner at his office and court house and a notice thereof to be inserted in at least one newspaper, of the day on which and the place at which he will hold a Court for the purpose of hearing objections to such list, which day shall not be sooner than two weeks nor later than four weeks (unless for special reason) after the day of affixing the aforesaid copy at his office as aforesaid.

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(2) Upon the day and at the place so notified as aforesaid the said officer shall hold a Court at which he shall, on due proof by the oath of such persons as he shall see fit to examine or by declaration or affidavit, correct all errors in such list, either by adding the names of persons liable to service which may have been omitted therein or by striking out from the list of those so liable the names of any persons entitled to be exempt: Provided always that such Court may be adjourned from day to day until all questions as to the correctness of the list are determined, and provided further that the decision of the officer in charge shall be final.

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(3) After the determination of all questions arising in regard to the correctness of such lists at such Court as aforesaid the said officer shall forthwith transmit such corrected lists to the Staff Officer of the Defence Force, Nairobi.

Oath to be taken by members of the Defence Force.

6. Every member enrolled or deemed to be enrolled in the Defence Force of the Colony and Protectorate as hereinbefore provided shall take an oath before a Magistrate or Justice of the Peace in the form applicable to his case prescribed in Part II of Schedule I to this Ordinance.

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Defence Force districts.

7. (1) For the purposes of this Ordinance the boundaries and extent of the Defence Force Districts are the Administrative Districts of the Colony and Protectorate: Provided always that two or more Administrative Districts may be grouped together to form one Defence Force District or one Administrative District may be divided so as to form two or more Defence Force Districts.

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(2) Each of the aforesaid Defence Force Districts shall, in accordance with the provisions of this Ordinance and of any Regulations issued thereunder, be organised as far as possible so as to constitute units complete for service in the field, including Supply, Transport, Medical and Veterinary Services and shall as aforesaid hold its own stock of reserve arms and ammunition, and shall have its own first and second line Transport allocated to it.

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8. (1) For the purposes of each Defence Force District there shall be a District Commandant whose appointment shall be recommended by the Central Defence Committee and subject to the approval of the Governor and such Section 5 Commanders as may be necessary resident and stationed in such Defence Force District and whose rights, powers and duties shall include those given, granted or imposed by this Ordinance or by any Regulations issued thereunder.

Appointment of a District Commandant and Local Defence Committee.

(2) For the purposes of each Defence Force District there shall also be a Local Defence Committee which shall consist of the District Commandant, the District or Resident Commissioner or District or Resident Commissioners of any areas included in the Defence Force District and such other persons as the Governor may appoint.

15 The rights, powers and duties of such Local Defence Committee shall include those given, granted and imposed by this Ordinance or by any Regulations issued thereunder.

(3) The Governor may dispense with the services of any member of a local Defence Committee appointed by him.

20 9. (1) Each Local Defence Committee shall draw up a scheme of defence of its district, including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence 25 Force or any portion thereof shall be called out on active service.

Duties of Local Defence Committee.

(2) Each Local Defence Committee shall also collect such topographical and other intelligence as they may consider necessary or expedient.

30 Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The Local Defence Committee shall at all times and from time to time send duplicate reports on all or any of the 35 foregoing matters to the Staff Officer of the Defence Force, Nairobi.

10. On the mobilisation of the whole or any part or parts of the Defence Force for service, every resident (whether he shall or shall not himself be a member of the Defence Force) 40 shall be liable to provide any transport and supplies in his possession if required.

Liability of population to provide transport.

11. Any member of the Defence Force on leaving one district to reside in another shall notify the Commandant of each district concerned.

Change of residence of members of Defence Force.

45 12. (1) The Headquarters of the Defence Force shall be at Nairobi.

Organisation of Defence Force.

(2) The Governor may, for all or any of the purposes of this Ordinance, delegate all or any of his functions, powers and duties as such, to such person or persons as he may deem 50 expedient.

(3) For the purposes of the Defence Force there shall be a Commandant and a permanent staff which shall consist of a Staff Officer and such other ranks as the Governor may from time to time appoint.

## PART II.

## ARMS, AMMUNITION AND EQUIPMENT.

Government to provide rifles and ammunition.

**13.** Such rifles, ammunition and equipment as may be prescribed shall be provided by the Government for members of the Defence Force, and will be issued in accordance with the Regulations to be made under this Ordinance.

Duties of member in regard to Government rifle.

**14.** Every member of the Defence Force in possession of a Government rifle, ammunition and equipment as herein-before provided shall be responsible for the same and for keeping the same in a good and efficient condition and shall be liable for any damage to such rifle, ammunition or equipment due to his act, neglect or default. 5  
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## PART III.

## MOBILISATION AND TRAINING.

Exemptions of members for limited time from training by Central Defence Committee.

**15.** The Central Defence Committee for the Colony and Protectorate may, on cause being shown, in its absolute and uncontrolled discretion exempt for a limited time any member of the Defence Force from performance of all or any of his compulsory training under the provisions of this Ordinance. 15

Musketry training.

**16.** (1) From and after the date on which this Ordinance shall come into force every member of the Defence Force shall when required to do so fire the Musketry course prescribed from time to time under the provisions of this Ordinance.

(2) A District Commandant may for any sufficient cause authorise a member of his unit to comply with the requirements for efficiency on any military or police range, provided that in such case the member shall obtain a certificate signed by a European Military or Police Officer. 20

Date and place for musketry course.

**17.** The date and place for every such Musketry course shall be notified by the Staff Officer, and notice of such date and place, published in Defence Force Orders, and affixed in a conspicuous place at the office of the District Commandant shall be sufficient notice of the same to every member of the Defence Force residing in such Defence Force District. 25  
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Penalties for non-attendance at a training course.

**18.** If any member of the Defence Force shall without reasonable cause or excuse after such publication of a public notice as is mentioned in the preceding section wilfully fail or neglect to attend at a rifle range for the purpose of performing the training by this Ordinance required to be performed by him; or shall wilfully fail or neglect to perform the whole or any portion of the training required by this Ordinance or by any Regulations thereunder to be performed by him, then and in any such cases he shall, on conviction by a magistrate entitled to hold a subordinate court of the first or second class, be liable to a fine not exceeding five pounds, or in default of payment to a term of imprisonment of either description not exceeding one month or to both; but no such conviction and sentence shall be deemed or taken to exempt the party convicted from all or any of his duties and liabilities under this Ordinance or any Regulations issued thereunder. 35  
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19. Whenever in the opinion of the Governor it shall be necessary for the defence of the Colony and Protectorate or any part thereof or for the protection of life and property therein or in any part thereof, the Governor may by proclamation call out for service the Defence Force or such part or parts of the Defence Force as he may deem necessary: Provided always that in cases of sudden and imminent danger in any district the civil officer in charge thereof may for the defence of the district or any part thereof or for the protection of life and property therein or in any part thereof by proclamation in the name of the Governor call out the Defence Force of such district, but so nevertheless that such officer shall forthwith report such calling out and any step taken thereafter by him to the Governor.
20. (1) In the case of any member of the Defence Force who shall be temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him when on service as provided in section 19, the Governor may award to such member a gratuity or yearly pension as to him may seem fit, but such gratuity shall not exceed an amount equal to three years' pay of his rank at the date of such injury, wound or sickness, and such pension shall not exceed one hundred pounds per annum.
- (2) The pensions payable under this Ordinance shall not be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.
- (3) The Governor may assign to the widow or family of any such member who may be killed in action or on service as provided in section 19 a pension or allowance not exceeding one hundred pounds per annum.
21. The Governor may from time to time call out in the manner provided by section 17 the Defence Force or such part or parts of the Defence Force for inspection or for inspections and rifle practice under their own officers at such time or times and at such place or places within their respective Defence Force Districts as he may direct.
22. (1) With respect to the discipline of members of the Defence Force when they are on service or called out for the same or when called out by the Governor under section 21 hereof the provisions of the Army Act 44 and 45 Victoria, Chapter 58 and all Acts amending or substituted for the same so far as applicable shall apply subject to the following modifications:—
- (a) The words "the Defence Force" may be read therein for the words "Regular Forces" the words "Member of the Defence Force" for the word "Officer or soldier" as the case may be and the "Governor" for the words "His Majesty" and "Secretary of State".
- (b) No sentence of a court-martial upon the trial of a member of the Defence Force shall be carried into execution unless confirmed by the Governor or such officer as he may appoint in this behalf.
- (2) For the purposes of discipline the provisions of the Army Act 44 and 45 Victoria, Chapter 58 and all acts amending or substituted for the same so far as applicable shall apply

Mobilisation of  
Defence Force  
or any part  
thereof  
respectively.

Governor may  
award gratuity  
or pension in  
certain events.

Governor may  
call out  
Defence Force  
or any part  
thereof  
respectively  
for inspection.

Members of  
Defence Force  
on mobilisation  
to be under the  
Army Act.

to the permanent staff appointed under section 12 subject to the modifications set out in subsection (1) (a) and (b) of this section.

Members of  
Defence Force  
may volunteer  
to serve in His  
Majesty's  
Forces.

**23.** Nothing contained in this Ordinance shall prevent any member of the Defence Force from volunteering to serve in any of His Majesty's regular or other forces. 5

#### PART IV.

##### MISCELLANEOUS PROVISIONS.

Penalties for  
breach of  
duty to serve.

**24.** Any member of the Defence Force who after publication of such Proclamation as is referred to in section 19 hereof or after such calling out as is mentioned in section 21 hereof shall without reasonable cause or excuse fail or neglect to appear for or shall absent himself from service on any occasion or shall withdraw himself before permission to that effect be given by some competent authority or shall refuse or wilfully neglect to obey any lawful command of his superior officer shall, without prejudice to any other offence by such conduct he may have committed, on conviction by a magistrate entitled to hold a Subordinate Court of the first or second class, be liable to a fine not exceeding one hundred pounds, and in default of payment to a term of imprisonment of either description not exceeding six months or to both. 10 15 20

Provided always no such conviction, fine or imprisonment shall in any wise exempt the person convicted from service or liability to serve in the future under the provisions of this Ordinance but on payment of the fine or on completion of the term of imprisonment, such magistrate may order the person convicted to return to the Defence Force of the Defence Force District in which he resides to serve in accordance with the terms of the Proclamation aforesaid. 25

Power to make  
Regulations.

**25.** The Governor may from time to time make provision by Regulations published in the Gazette for all or any of the following matters, that is to say— 30

- (a) the general government, discipline, training and management of the Defence Force;
- (b) the establishment of corps and other units of the Defence Force and the various divisions, branches, grades, numerical establishment, ranks and appointments therein; 35
- (c) the attendance at drills, inspections, classes and courses of instruction of members of the Defence Force, and the examination of members of the Defence Force as to proficiency in military professional subjects, and the granting of certificates of proficiency in military professional subjects; 40
- (d) the appointment to, seniority of, promotion in and tenure of commissioned or non-commissioned ranks in the Defence Force; 45
- (e) the leave of absence, suspension, reduction, discharge of members of the Defence Force;
- (f) the condition as to physical fitness for service in the various branches of the Defence Force; 50
- (g) the fixing of the rates of pay and allowances and issue of rations to members of the Defence Force when called out under section 19 of this Ordinance;

- (h) the enrolment of all persons liable for service in the Defence Force.
- (i) the convening, composition, procedure and power of boards of officers and courts of enquiry;
- 5 (j) the payment of compensation to wives and families of members of the Defence Force as provided in section 20 of this Ordinance.
- (k) the requisitioning of means of conveyance and transport for service with the Defence Force, when called out under section 19 of this Ordinance;
- 10 (l) the conveyance by rail or road of members of the Defence Force and their transport and equipment when travelling on duty;
- (m) the requisitioning of goods, provisions, supplies and accommodation for members of the Defence Force when called out under section 19 of this Ordinance;
- 15 (n) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Defence Force;
- 20 (o) the compiling of registers of transport and the duties of members of the Defence Force in connection therewith;
- (p) the establishment and conduct of camp, regimental, or district institutions for providing recreation and refreshment to members of the Defence Force;
- 25 (q) the returns, books, forms and correspondence relating to the Defence Force;
- (r) all matters which are by this Ordinance required, or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good management of the Defence Force, or for the carrying out and giving effect to this Ordinance.
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SCHEDULE I.

PART I.

*Registration List.*

Administration District .....

Defence Force District .....

No.	Name.	Age.	Residence.	Calling.	Nation-ality.	Previous military service (if any) and technical qualifi-cations.

PART II.

*Form of Oath for a British Subject.*

“ I, .....do solemnly promise and swear that I will be faithful and bear true allegiance to His Majesty King George V, his Heirs and Successors, and that while residing in the Colony and Protectorate of Kenya I will serve His Majesty for the defence of the same against all his enemies and offenders according to the conditions of my service and the laws in that behalf made and provided.”

*Form of Oath for a Non-British Subject.*

“ I, ..... do sincerely promise and swear that while residing in the Colony and Protectorate of Kenya I will serve His Majesty King George V, his Heirs and Successors, for the defence of the said Colony and Protectorate and in the suppression of rebellion, insurrection and riot and for the maintenance of order therein according to the conditions of my service and the laws in that behalf made and provided.”

**A Bill to Amend the Arms and Ammunition Ordinance, 1925.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Arms and Ammunition (Amendment No. 2) Ordinance, 1926,” and shall be read as one with the Arms and Ammunition Ordinance, 1925, hereinafter referred to as “ the Principal Ordinance.”

Amendment of section 12 of the Principal Ordinance.

**2.** Section 12 of the Principal Ordinance is hereby amended as follows :— 10

(a) In sub-section (1) thereof by the deletion of the words “ for such purpose ” and the substitution therefor of the words “ for each firearm so possessed ”.

(b) By the repeal of sub-section (5) thereof and the substitution therefor of the following sub-section :— 15

“ (5) The fee for an arms licence shall be shillings six, provided that no such fee shall be payable by the holder of a current licence to hunt any of the game specified in the Schedules to the Game Ordinance (Chapter 161 of the Revised Edition).” 20

Amendment of section 27 of the Principal Ordinance.

**3.** Section 27 of the Principal Ordinance is hereby amended as follows :—

(a) In sub-section (1) thereof by the deletion of the word “ shall ” and the substitution therefor of the word “ may ”. 25

(b) In sub-section (2) thereof by the insertion after the words “ Central Office ” of the words “ when so established ”.