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COLONY AND PROTECTORATE
OF
KENYA
(SPECIAL ISSUE)**

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The definition of "Conference" in section 2 of the Principal Ordinance which it is proposed to amend —

Interpretation 2 In this Ordinance, unless the context otherwise requires—

'Conference' means any meeting of delegates, appointed by coffee planters licensed under the provisions of this Ordinance, convened for the purpose of the election of members of the Board as provided under section 3 of this Ordinance and for the consideration of any other matters affecting the coffee industry,

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No 292

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council

R W BAKER-BEALL,
Acting Clerk of the Legislative Council

A Bill to Amend the Coffee Industry Ordinance, 1934

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 Coffee Industry Short title (Amendment) Ordinance, 1936, and shall be read as one with the Coffee Industry Ordinance, 1934, hereinafter referred to as No 54 of 1936 the Principal Ordinance

2. The definition of "Conference" which occurs in section 2 of the Principal Ordinance is hereby amended by the insertion in the third line thereof after the word "Ordinance" of the words "and by organizations representing trade interests" Amendment
of section 2
of the
Principal
Ordinance

OBJECTS AND REASONS

This Bill, which has the support of the Coffee Board, is designed to amend the Principal Ordinance so as to allow delegates representing trade organizations to be present, to speak and to vote at the Coffee Conference convened for the purpose of election of the members of the Coffee Board and for the consideration of any other matters affecting the coffee industry

No expenditure of public moneys will be involved if the provisions of this Bill become law

Sub-section (1) of section 34 of the Principal Ordinance which it is proposed to replace —

Inspection of
private schools

34 (1) The Director or any person specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

GOVERNMENT NOTICE No 293

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council

J F G TROUGHTON,
Acting Clerk of the Legislative Council

A Bill to Amend the Education Ordinance, 1931

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 Education (Amendment) Ordinance, 1936, and shall be read as one with the Education Ordinance, 1931, hereinafter referred to as the Principal Ordinance

Short title

No 2 of 1931

2 Sub-section (1) of section 34 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor —

Repeal and replacement of section 34 (1) of the Principal Ordinance

“ 34 (1) (a) The Director or an inspector or any person specially authorized by the Director may from time to time visit any private school

Inspection and closing of private schools

(b) If it appears to the Director on the report of an inspector, or of a person specially authorized or from his own inspection that a private school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat, he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open

(c) If, in the case of any private school for the education of Africans, it appears to the Director on the report of an inspector, or of a person specially authorized or from his own inspection either that the curriculum approved as required by section 33 (1) (c) of this Ordinance is not being effectively applied or that the school is not being properly conducted, he may, after consulting the District Education Board appointed under the District Education Boards Ordinance, 1934, or if there be no such Board, after consulting the Advisory Council on African Education, order such school to be closed ”

No 58 of 1934

OBJECTS AND REASONS

The object of this Bill is to enable the Director of Education to exercise more effectively the supervision of independent African schools, and, after consulting the District Education Board or, if there be no such Board, after consulting the Advisory Council on African Education, to close such schools which are not properly conducted and provided with a curriculum approved by an inspector

No expenditure of public moneys will be involved if the provisions of this Bill become law

Section 2 of the Principal Ordinance which it is proposed to amend —

Interpretation

2 In this Ordinance—

“committee” means the committee constituted by section 7 of this Ordinance,

“Director” means the Director of Agriculture,

“fund” means the fund established by section 6 of this Ordinance,

“sisal fibre” means the fibrous product derived from the plant *Agave rigida*, var *sisalana* and allied species

GOVERNMENT NOTICE No 294

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council

R W BAKER-BEALL,
Acting Clerk of the Legislative Council

**A Bill to Amend the Sisal Industry Ordinance,
1934.**

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 Sisal Industry Short title (Amendment) Ordinance, 1936, and shall be read as one with the Sisal Industry Ordinance, 1934, hereinafter referred to as No 11 of 1934 the Principal Ordinance

2 Section 2 of the Principal Ordinance is hereby amended by deleting therefrom the definition of "sisal fibre" and by substituting therefor the following definition —

" 'sisal fibre' means the fibrous product derived from the plant *Agave rigida* var *sisalana* and allied species, and includes any rope or cord manufactured in the Colony therefrom "

Amendment
of section 2
of the
Principal
Ordinance

3 The Principal Ordinance is hereby amended by the insertion therein, between sections 8 and 9 thereof, of the following new section —

Amendment
of section 9 (g)
of the
Principal
Ordinance
Power to
prescribe
standard
of grading

" 8A (1) Any sisal grower, who satisfies the Committee that he grades the sisal fibre produced by him in accordance with a standard of grading which may from time to time be prescribed by the Committee, may be granted a certificate to that effect by the Committee

(2) Such certificate shall be in such form as may be prescribed by the Committee, and shall entitle any sisal grower to whom it is granted to use on any sisal fibre produced by him a mark in the form set out in the Schedule hereto

(3) The Committee may, if it is satisfied that a sisal grower to whom a certificate has been granted under the

Purposes to
which funds
may be
devoted

Section 9 of the Principal Ordinance which it is proposed to amend —

9 The fund shall be devoted to all or any of the following purposes—

- (a) experiment, investigation and research in connexion with the sisal industry,
- (b) the study of the economics of the production of sisal,
- (c) experiments in connexion with the improvement of machinery or plant for the production of sisal fibre,
- (d) the employment of such staff as the committee may think fit for the purpose of carrying out its functions,
- (e) such contribution towards the maintenance of the Kenya Sisal Growers' Association as the committee may from time to time determine,
- (f) the payment of travelling and out-of-pocket expenses to the members of the committee at rates to be approved by the Governor,
- (g) any other service which in the opinion of the committee is calculated to promote the welfare of the sisal industry and the more economic production of sisal fibre

provisions of this Ordinance is not maintaining the standard of grading prescribed by the Committee, cancel such certificate

(4) Any person who uses such mark on any sisal fibre without having first obtained a certificate in accordance with the provisions of this section, or any person who uses such mark on any sisal fibre after his certificate has been cancelled under the provisions of this section shall be guilty of an offence and shall, on conviction before a magistrate of the first or second class, be liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months "

4 Paragraph (g) of the Principal Ordinance is hereby amended by the deletion of the word "and" which occurs in the third line thereof, and the substitution therefor of the word "or"

Amendment
of the
Principal
Ordinance

5 The Principal Ordinance is hereby amended by the addition thereto of the following Schedule —

Addition of
Schedule
to the
Principal
Ordinance

" SCHEDULE

E A

SISAL

ASSOCIATION "

OBJECTS AND REASONS

Clause 2 provides that the levy, which at present is paid only on exported sisal fibre, is to be paid also on exported sisal rope and cord. This amendment brings the Kenya legislation in line with that of Tanganyika Territory in this respect.

Clauses 3 and 5 provide for the grading of sisal to be brought under the ægis of the Sisal Industry Committee, which is given power to prescribe standards of grades and to control the issue of certificates entitling sisal growers to use a standard mark on sisal fibre which has been graded in accordance with these standards. Standard grading and marking are desirable in the interests of improved marketing, and control of the issue of certificates is necessary in order to reserve the use of the mark to those sisal growers who use the standard grades.

Clause 4 removes the anomaly under which the Sisal Industry Committee is unable to devote moneys from the fund for any service which in the opinion of the Committee is calculated to promote the welfare of the sisal industry, unless such service is calculated to promote the more economic production of sisal fibre.

The Bill has the support of the Kenya Sisal Growers' Association.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

GOVERNMENT NOTICE No 295

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council

R W BAKER-BEALL,
Acting Clerk of the Legislative Council

A Bill Relating to Ferries.

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 Ferries Ordinance, 1936, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint

Short title
and com-
mencement

2 In this Ordinance, unless the context otherwise requires—

Interpretation

“Director” means the Director of Public Works,

“ferry boat” means any floating vessel, propelled by any means whatsoever, plying for hire for the purpose of carrying passengers, animals, goods or vehicles between any two points from one side of a waterway to another,

Provided that the term “ferry boat” shall not include any such floating vessel which is not capable of carrying more than three passengers and/or 300 lb of goods

3 Notwithstanding anything in any other Ordinance or law contained the Director shall have power to do all or any of the following things, namely —

Power of
Director
relating to
ferries

(1) Subject to the approval of the Governor, to enter into an agreement with any person for the establishment, acquisition, construction, laying down, equipment, maintenance and carrying on of a service of ferry boats

(2) Whenever any service of ferry boats is established, acquired, maintained, or carried on by any person under an agreement entered into between such person and the Director under the powers conferred upon the Director by this section, by order under his hand with the approval of the Governor, to prohibit any person, except with the consent of the

Director signified in writing under his hand, carrying on a ferry-boat service within such area or areas and for such period and within such hours as may be prescribed in such order

Provided that the right of any person to ply for hire with any ferry boat for the unexpired period of any licence granted under any law in force in the Colony and issued to him prior to the date of the coming into force of an order of prohibition made under this sub-section, and the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of any prohibited area, shall not be affected

- (3) (a) Before making an order of prohibition under the provisions of the last preceding sub-section, the Director shall cause notice of his intention to do so to be published in the Gazette and in at least one newspaper circulating within the district
- (b) Such notice shall be given once in each week for four succeeding weeks, and any objections received shall be laid before the Governor
- (4) If and when the Governor, after considering the objections, if any, approves of the making of the order, such order shall be made under the hand of the Director, shall be published in the Gazette and in at least one newspaper circulating within the district, and shall come into force on such date as may be specified in such order
- (5) The Director may by order revoke an order of prohibition made under the provisions of this Ordinance, and may in like manner vary any such order by extending or reducing the period of the operation thereof or by extending or reducing the area to which the order of prohibition applies

Provided that the making of any such order of revocation or variation shall be subject to the procedure described in sub-sections (3) and (4) of this section as if such order of revocation or variation were an order being made under sub-section (2) of this section

- (6) Save as is provided in sub-section (2) of this section, any person who, without the written consent of the Director, carries on within a prohibited area any service of ferry boats, or who plies for hire or reward any ferry boat within a prohibited area, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and, in addition, to a fine not exceeding ten pounds in respect of each and every day upon which he contravenes the provisions of this section

4. The Governor in Council may make rules for regulating ferry boats, for fixing the amount of the licence fees to be paid, the charges or fares whether by distance or by time, for regulating and controlling the conduct of persons using ferry boats, and the embarkation and disembarkation of persons, animals, goods and vehicles, and for regulating or prohibiting the use of the landing places, approaches and ramps maintained in connection with any service of ferry boats

OBJECTS AND REASONS

During the year 1935 an amendment was made to the Local Government (Municipalities) Ordinance, 1928, to provide that the Mombasa Board might acquire ferry services, and either run such services themselves or enter into an agreement with some other person or corporation to run them. Power was also given to the Board to make by-laws dealing with the regulation, etc., of the ferry services. The Board has declined to take over the ferry services at Mombasa, the operation of which has been given up by the Harbours Administration.

This Bill empowers the Director of Public Works, subject to the approval of the Governor, to enter into an agreement with any person for the carrying on of a ferry-boat service, and to prohibit any person, without the consent of the Director of Public Works, carrying on a ferry-boat service within such area or areas as may be prescribed by the Director of Public Works.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

GOVERNMENT NOTICE No 296

HIS Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council

R W BAKER-BEALL,
Acting Clerk of the Legislative Council

A Bill to Regulate the Control of Belligerents who during the Neutrality of the Colony have taken Refuge therein

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 Control of Fugitive Belligerents Ordinance, 1936

Interpretation **2** In this Ordinance, unless the context otherwise requires—

“belligerent” means any member of the Abyssinian or Italian troops who, during the period of hostilities between Abyssinia and Italy, crosses the neutral frontier and takes refuge in the Colony,

“Commandant” means the officer in charge of an internment camp,

“Commander” means the Commander of the Northern Brigade of the King’s African Rifles,

“internee” means a belligerent who has been placed in an internment camp in accordance with the provisions of this Ordinance,

“officer” means any administrative officer, officer of the King’s African Rifles, officer of the King’s African Rifles Reserve of Officers, or police officer of or above the rank of Assistant Inspector

GENERAL PROVISIONS

Disarming of belligerents in accordance with International Law **3.** All belligerents shall, in accordance with the custom, practice and usage of International Law, be disarmed and their military equipment and papers shall be taken from them

Belligerents not permitted to leave Colony to resume hostilities **4** No belligerent shall be permitted to leave the Colony in order to resume hostilities

5 Every belligerent shall if interrogated by an officer declare his true name, rank and regimental number

Belligerents to declare their name, rank and regimental number

ESTABLISHMENT OF INTERNMENT CAMPS

6 If in the opinion of the Governor it is necessary, in order to maintain law and order in the Colony or to prevent belligerents from resuming hostilities, to intern such belligerents, he may establish an internment camp or camps for that purpose

Establishment of internment camps

7 (1) The Commander shall be in charge of any internment camp established in accordance with the provisions of the last preceding section and shall be responsible for the discipline of internees

Control of internment camps

(2) The Commander may, with the approval of the Governor, appoint a Commandant to be in charge of an internment camp, and may detail such other persons as may be necessary to ensure proper control of internment camps to serve under such Commandant

8 Save in the case of internees suffering from mental or physical disability, internees of the same rank shall be accorded equality of treatment

Equal treatment of all internees

9 An internment camp, whether consisting of buildings, huts, or tents, shall be established with due regard to hygiene, sanitation and cleanliness

Standard of internment camp buildings

WELFARE OF INTERNEES

10. All internees shall be supplied with an adequate amount of clothing, and with a ration of drinking water and food corresponding in quantity and quality to that supplied to regular troops of equivalent rank in the Colony

Supply of clothing, water and food

11 (1) All internees shall be provided with sufficient water for bodily cleanliness and shall have for their use day and night conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness

Provision for bodily cleanliness, night conveniences and physical exercise

(2) Adequate facilities for engaging in physical exercises shall be afforded to all internees

12. A medical officer shall from time to time make a medical inspection of such camp and of all internees

Medical inspection of internment camps

Removal of
internees to
hospital in
case of serious
illness

13 Any internee who, in the opinion of a medical officer, has contracted a serious malady or whose condition necessitates surgical treatment shall be removed as soon as possible to hospital

Freedom in
performance
of religious
duties

14 Internees shall be permitted complete freedom in the performance of their religious duties in so far as it is consistent with the routine and regulations of the camp

Internees may
receive letters,
presents,
books, etc

15 Internees shall be allowed to communicate with friends and to receive communications, presents, books or other relief in accordance with the Rules made under this Ordinance

WORK OF INTERNEES

Employment
of internees

16 Internees other than officers may be employed according to their rank and ability, and shall be paid a rate of wages corresponding to that paid to ordinary persons in the Colony doing equivalent work

Provided that they shall not receive pay for work in connection with the administration, internal arrangement and maintenance of the camp

Internees not
to be employed
on unsuitable
or dangerous
work

17. No internee shall be employed on work for which he is physically unsuited or on unhealthy or dangerous work

DISCIPLINE

Internees to be
subject to laws
applicable to
regular troops

18 Internees shall be subject to the laws, regulations and orders applicable to the regular troops in the Colony, and any act of insubordination shall render them liable to the punishment prescribed by section 20 of this Ordinance

Offences
against
discipline

19 Any internee who—

(a) attempts to escape,

(b) disobeys the order of any person in whose charge he is placed,

(c) fails to declare his true name, rank, or number on interrogation,

shall be deemed to have committed an offence against discipline

Punishment
for offences
against
discipline

20 (1) The Commander or the Commandant may inquire into any act of insubordination or any offence against discipline and thereupon punish the offender by—

(a) solitary confinement not exceeding thirty days, or

(b) reduction of rations,

or both

(2) In awarding punishment the period during which an internee is under arrest awaiting trial or punishment shall be deducted from the sentence

(3) A statement of the facts constituting the act of insubordination or the offence against discipline shall be drawn up in writing without delay by the officer inquiring into such offence

21 Nothing in section 18 or section 19 contained shall be construed to exempt an internee from being proceeded against for any offence by the ordinary course of law

Internees may be proceeded against in the ordinary way

22 (1) Any internee attempting to escape from an internment camp may be arrested

Arrest and use of force when internees attempt to escape

(2) If such internee refuses to surrender when called upon it shall be lawful for an officer to use or to order any person or persons under his command to use such degree of force as may be necessary in the circumstances of each case to ensure his surrender

Provided that resort shall not be had to the use of force unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape

MISCELLANEOUS PROVISIONS

23 The Governor may from time to time make Rules providing for all or any purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance, and where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance providing for or supplying such omission or insufficiency and, without prejudice to the foregoing powers, providing for all or any of the matters following—

Power to make Rules

- (1) the internal discipline of internment camps,
- (2) the relations of internees with the exterior,
- (3) the appointment by internees of representatives,
- (4) the liberation and repatriation of internees at the end of hostilities,
- (5) the establishment of information bureaux,
- (6) the burial of internees who have died during internment and any other matters arising out of the death of internees

Validation of
acts previously
done and
indemnity
therefor

24 All acts heretofore done by the Governor or by any officer of the Government or by any person acting under the direction of the Governor or of any officer of the Government in regard to any matter relating to the treatment of internees are hereby made and declared to be lawful and are confirmed as on and from the time of the performance of such acts, and the Governor and every such officer or person as aforesaid are hereby freed, acquitted, discharged and indemnified as well against the King's Most Gracious Majesty his heirs and successors as against all and every person and persons whatever from all legal proceedings of any kind whatsoever whether civil or criminal in respect of any such acts as aforesaid

OBJECTS AND REASONS

In accordance with the custom and usage of International law, it is incumbent upon a neutral to receive fugitives of belligerent forces, but his duty to the other belligerent requires that they shall not again start from his soil in order to resume hostilities, and it has therefore been the invariable practice in late years to disarm troops crossing the neutral frontier and to intern them until the conclusion of peace

In order to maintain law and order in the Colony and to give effect to international practice in this respect, it is necessary to establish an internment camp, and this Bill has been designed with that object in view

Following the International Convention relative to the Treatment of Prisoners of War, signed at Geneva on 27th July, 1929, this Bill makes provision for the control of the camp by responsible persons, for proper sanitary arrangements therein for the general welfare of internees, their work and discipline, while furthermore it validates the action which has been taken to give effect to international practice up to the present time

It is not possible to gauge the amount of expense which the Colony may have to meet if the provisions of this Bill become law, it is hoped, however, that the belligerent states will reimburse the Colony at the conclusion of hostilities in conformity with international practice in this respect or that the expense may be met from a special fund