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

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

**Cap 94.** “banker” includes any manager, cashier, or other officer acting in such capacity, of a company engaged in the business of banking within the Colony and complying with the provisions of the Bank Ordinance

**No 1 of 1931** “Commissioner” means the Commissioner of Mines appointed under the Mining Ordinance, 1931, and any public officer authorized by the Commissioner to act on his behalf,

“licence” means a licence described in section 5 of this Ordinance,

“licensed dealer” means the holder of a licence,

“magistrate” for the purposes of this Ordinance means a magistrate of a subordinate court of the first or second class;

“precious metal” means gold, silver or metal of the platinoid group in the unmanufactured state,

# Colony and Protectorate of Kenya

GOVERNMENT NOTICE No 747

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 Trading in Unwrought Precious Metals Ordinance, 1933.**

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 Trading in Unwrought Precious Metals (Amendment) Ordinance, 1936, and shall be read as one with the Trading in Unwrought Precious Metals Ordinance, 1933, hereinafter referred to as the Principal Ordinance

Short title  
No 2 of 1933.

2. Section 2 of the Principal Ordinance is hereby amended—

Amendment of  
section 2 of  
the Principal  
Ordinance

- (a) by deleting the figures "1931" which occur in the second line of the definition of "Commissioner" and by substituting therefor the figures "1933",
- (b) by deleting the definition of "unwrought precious metal" and by substituting therefor the following definition —

" 'unwrought precious metal' means precious metal in any form whatever, which is not manufactured or made up into any article of commerce, and includes amalgam, slimes, slags, gold bearing concentrates, pots, battery chips, sweepings from reduction works and scrapings and by-products of unrefined precious metal but does not include ore in situ ", and

- (c) by deleting the expression "No 1 of 1931" which occurs in the margin thereof and by substituting therefor the expression "No 61 of 1933"

'unwrought precious metal' includes precious metal in any form whatever, which though smelted, is not manufactured or made up into any article of commerce, and shall include amalgam, slimes, slags, black sands, pots, battery chips, sweeping or reduction works and scrapings and by-products of unrefined precious metal

Section 3 of the Principal Ordinance which it is proposed to replace —

Unlawful  
dealing in  
unwrought  
precious  
metals

3 (1) No person shall buy, sell, deal in, receive or dispose of by way of barter, pledge or otherwise, either as principal or agent, any unwrought precious metal unless—

(a) he is the holder of a licence, or

(b) he is a banker, or

(c) such unwrought precious metal has been won by him or his servant or agent acting on his behalf from ground held by him under mining title, or on which he is lawfully entitled to prospect, or

(d) such unwrought precious metal does not exceed twenty pennyweights in quantity, and, not being a person described in paragraph (a), (b) or (c), he has obtained a certificate from the Commissioner authorizing him to be in possession or dispose of such quantity of unwrought precious metal

(2) No person shall buy unwrought precious metal without having satisfied himself that the vendor thereof is lawfully entitled to sell the same

Provided that certificates shall not be required in respect of unwrought precious metal proved to the satisfaction of the Commissioner of Customs as originating elsewhere than in the Colony and passing through the Colony in transit for exportation

**3** Section 3 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 3 of the Principal Ordinance

“3 (1) No person shall buy, sell, deal in, receive or dispose of by way of barter, pledge or otherwise, either as principal or agent, any unwrought precious metal unless—

Unlawful dealing in unwrought precious metals

(a) he is a licensed dealer, or

(b) he is a banker, or

(c) such unwrought precious metal has been won by him or his servant or agent acting on his behalf from ground held by him under mining title, or on which he is lawfully entitled to prospect, or

(d) he has obtained a certificate from the Commissioner authorizing him to be in possession or dispose of such quantity of unwrought precious metal as may be specified in such certificate

Provided that a certificate shall not be required in respect of unwrought precious metal proved to the satisfaction of the Commissioner of Customs as originating elsewhere than in the Colony and passing through the Colony in transit for exportation

(2) Notwithstanding anything contained in subsection (1) of this section a goldsmith licensed under the Brokers Ordinance, 1930, may buy from a licensed dealer or from a banker and possess for the purpose of his business such quantity of unwrought precious metal as may be necessary for the conduct of his business

No 56 of 1930

(3) No person shall buy unwrought precious metal without having satisfied himself that the vendor thereof is lawfully entitled to sell the same ”

Section 12 of the Principal Ordinance which it is proposed to amend —

Restrictions  
on export and  
import of  
unwrought  
precious metal

12 (1) No person shall export any unwrought precious metal from the Colony, whether by land, sea or air, unless he holds a certificate substantially in Form II of the Schedule to this Ordinance granted by the Commissioner, that all royalties thereon have been paid or secured to the satisfaction of the Commissioner or that no royalties are payable

(2) No unwrought precious metal shall be carried coastwise in the Colony unless particulars thereof have been previously declared to the Commissioner of Customs

(3) No person shall import any unwrought precious metal into the Colony, whether by land, sea, or air, unless he makes a declaration substantially in Form III before the Commissioner of Customs and obtains a certificate substantially in Form IV of the Schedule to this Ordinance

Before any such unwrought precious metal is re-exported from the Colony the Certificate shall be surrendered to the Commissioner of Customs who shall send it to the Commissioner

No 25 of 1926 (4) This section shall have effect as if it formed part of the Customs Management Ordinance, 1926, but shall not apply to any unwrought precious metal mined elsewhere than in the Colony and passing through the Colony in transit for exportation at Mombasa

**4.** The Principal Ordinance is hereby amended by inserting therein immediately after section 4 thereof the following new section —

“4A Notwithstanding anything in this Ordinance contained, it shall be lawful for any person, provided he signs a declaration in Form III set out in the Schedule to this Ordinance, and obtains a certificate substantially in Form IV set out in the Schedule to this Ordinance to import into the Colony such quantity of unwrought gold of a fineness greater than nine hundred and forty per thousand in weight as may be specified in such declaration, and to possess, sell, deal in, or otherwise dispose of such gold, to a banker or a licensed dealer ”

Unwrought  
gold of  
certain fine-  
ness may be  
imported on  
certain  
conditions

**5** Sub-section (4) of section 12 of the Principal Ordinance is hereby amended by deleting therefrom the words “at Mombasa” which occur in the fifth line thereof

Amendment of  
section 12 (4)  
of the  
Principal  
Ordinance

Section 14 of the Principal Ordinance which it is proposed to amend —

Payment of  
royalties by  
licensed  
dealers

14 (1) Every licensed dealer shall be liable for the due payment to Government of all royalties which may be due on any unwrought precious metal bought, sold, received, or exported by him, and, if so required by the Commissioner, shall give security for the due payment of all such royalties

(2) Subject to any agreement to the contrary, a licensed dealer who pays any royalty on any unwrought precious metal may recover or retain the amount from the person on whose behalf he sold or exported the unwrought precious metal, or from whom he received the unwrought precious metal

6. Section 14 of the Principal Ordinance is hereby amended—

Amendment of  
section 14 of  
the Principal  
Ordinance

- (a) by inserting immediately after the word "dealer" which occurs in the first line of sub-section (1) thereof of the words "and every banker", and
- (b) by inserting immediately after the word "dealer" which occurs in the second line of sub-section (2) thereof of the words "or a banker"

#### OBJECTS AND REASONS

The chief object of this Bill is to legalize the importation of bullion of a fineness exceeding that which is produced by gold mines in the Colony in order to meet the demand among certain classes of the Indian community for refined gold to be wrought into ornaments—a form both of saving and adornment with in some case religious significance

Opportunity has been taken to give to the Commissioner a wider discretion with regard to the granting of certificates whereby he will be enabled to meet the needs of the goldsmiths and to permit such unobjectionable practices as the sale of amalgam plates or tailings dumps and at the same time to keep a check on the movement of gold

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

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Sub-section (1) of section 4 of the Principal Ordinance which it is proposed to amend —

Licences in  
declared areas

4 (1) Upon any such order being made, the following provisions shall apply —

No 63 of 1934

(a) A licence to purchase in a declared area any specified native produce may be granted by the licensing authority, subject to the approval of the Provincial Commissioner, to the holder of a trading licence issued under the Licensing Ordinance, 1934, or any Ordinance amending or replacing the same. The licensing authority may prescribe conditions in respect of any licence granted under this paragraph and such conditions shall be endorsed on the licence.

No 63 of 1934

(b) Notwithstanding anything contained in the Licensing Ordinance, 1934, or any Ordinance amending or replacing the same or in any licence issued under any such Ordinance, no person shall in a declared area purchase any specified native produce unless he is in possession of a valid licence issued under paragraph (a) of this sub-section.

(c) A separate licence shall be required in respect of the right to purchase every separate class of specified native produce.

## GOVERNMENT NOTICE No 748

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 Marketing of Native Produce Ordinance, 1935**

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 Marketing of Native Produce (Amendment) Ordinance, 1936, and shall be read as one with the Marketing of Native Produce Ordinance, 1935, hereinafter referred to as the Principal Ordinance

Short title

No 28 of 1935

**2** Paragraph (a) of sub-section (1) of section 4 of the Principal Ordinance is hereby amended by substituting the words "any person" for the words "the holder of a trading licence issued under the Licensing Ordinance, 1934, or any Ordinance amending or replacing the same" which occur in the fourth, fifth and sixth lines thereof

Amendment of section 4 of the Principal Ordinance

No 63 of 1934

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OBJECTS AND REASONS

Under the Principal Ordinance a licence to purchase in a declared area any specified native produce can only be granted to the holder of a trading licence issued under the Licensing Ordinance, 1934. A trader who deals exclusively in domestic produce not for sale direct to the consumer and who has no place of business is not required to take out a trading licence under the Licensing Ordinance. Consequently such a trader is debarred from obtaining a licence to purchase specified native produce under the Principal Ordinance. The object of this Bill is to amend the Principal Ordinance so as to enable a licence to be granted to any person, whether he holds a trading licence or not.

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

Interpreta-  
tion

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

2 (1) In this Ordinance, unless inconsistent with the context—

“alluvial” includes all forms of mineral deposits which do not fall within the definition of “lode”,

“coal location” means a portion of land lawfully taken possession of for the purpose of prospecting and mining coal,

“engineer” means a person who is a graduate of a recognized school of mines and has had three year’s practical mining experience since graduating, or a person who has been in full charge of major mining or metallurgical operations for a minimum continuous period of five years,

“High Commissioner” means the High Commissioner for Transport established by the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927,

“lode” or “reef” includes all true fissure veins, contact veins, segregated veins, bedded veins, metalliferous bankets, stockworks, such irregular deposits as conform generically to the above classification, and beds of any mineral, such as beds of iron-stone,

“mine” includes any place, excavation or working whereon, wherein or whereby any operation in connexion with prospecting or mining is carried on,

## GOVERNMENT NOTICE No 749

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 Mining Ordinance, 1933**

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

- |  |  |
|--|--|
| <p><b>1</b> This Ordinance may be cited as the Mining (Amendment) Ordinance, 1936, and shall be read as one with the Mining Ordinance, 1933, hereinafter referred to as the Principal Ordinance</p>  | <p>Short title<br/>No 61 of 1933</p>                                 |
| <p><b>2</b> Section 2 of the Principal Ordinance is hereby amended—</p> <p>(a) by inserting therein immediately after the definition of "alluvial" the following definition—<br/>" 'claim' means the unit of a location as prescribed, ' ,</p> <p>(b) by deleting the words "recognized school of mines" which occur in the second line of the definition of "engineer" and by substituting therefor the words "school of mines recognized by the Governor",</p> <p>(c) by deleting therefrom the definitions of "coal location", "mining location" and "owner" or "occupier",</p> <p>(d) by inserting therein immediately after the definition of "High Commissioner" the following definition—<br/>" 'location' means an area in respect of which mining rights may be acquired under a prospecting right in accordance with the provisions of this Ordinance, ' ,</p> <p>(e) by inserting therein immediately after the word "Ordinance" which occurs in the fourth line of the definition of "minerals" the words "and of the Mining (Safety) Regulations, 1932, or any regulations amending or replacing the same," ,</p> | <p>Amendment of<br/>section 2 of<br/>the Principal<br/>Ordinance</p> |

“to mine” means intentionally to win minerals and shall include any operations necessary for the purpose,

“minerals” means all minerals and mineral substances, other than mineral oils, and may be precious metals, precious stones or non-precious minerals, but save for the purposes of Part V of this Ordinance shall not include clay, muriam, sand, limestone, sandstone or other stone, or such other common mineral substances as the Governor may by notice in the Gazette declare not to be minerals for the purposes of this Ordinance,

“mining location” means an area other than a coal location in respect of which mining rights may be acquired under a prospecting right in accordance with the provisions of this Ordinance,

No 9 of 1930 “Native Lands Trust Board” means the Native Lands Trust Board established under the Native Lands Trust Ordinance, 1930,

No. 9 of 1930 “Native Reserve” has the meaning assigned to it in the Native Lands Trust Ordinance, 1930,

“non-precious minerals” means all minerals other than precious metals or precious stones,

“officer of the Mines Department” means an officer appointed under section 9 of this Ordinance,

“open-cast” means any uncovered excavation which has been made from the surface for the purpose of winning minerals,

“owner” or “occupier” includes an owner in fee simple, a lessee, a grantee, a licensee and a native in lawful occupation of Crown land,

“precious metals” means gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral,

“precious stones” means any diamond, emerald, opal, ruby, sapphire, turquoise and any other stones which the Governor in Council may by notice declare to be included in this definition,

“private lands” includes lands privately owned and land the subject of a grant, lease or licence from the Crown,

(f) by deleting the definition of "protection area" and by substituting therefor the following definition—

“ ‘protection area’ means an area within which an exclusive right of prospecting is acquired under a protection notice,”

and

(g) by inserting therein immediately after the definition of "protection area" the following new definition—

“ ‘protection notice’ means a notice posted by the holder of a prospecting right in the prescribed manner for the purpose of creating a protection area,”

“to prospect” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land,

“protection area” means an area which may be acquired as prescribed under a prospecting right,

“the regulations” means the regulations for the time being in force under this Ordinance,

“salt licks” means those deposits of salt or other mineral which are being regularly used as salt licks for stock, whether privately owned or not,

“stock” includes cattle, sheep, goats, horses, swine, camels, mules, donkeys, dogs, or poultry

“tailings” means all gravel, sand, slimes, or other substance which is the residue of bona fide mining operations

Native  
Reserves

(2) For the purpose of this Ordinance, every Native Reserve shall be deemed to be private land, and the Native Lands Trust Board shall be deemed to be the owner. Provided that any moneys received by that Board by way of rents or compensation shall be devoted to the use of the natives concerned

Section 7 of the Principal Ordinance which it is proposed to amend —

Lands ex-  
cluded from  
prospeoting

7 The following classes of land are (save where otherwise in this Ordinance provided) excluded from prospecting or mining —

- (a) Land dedicated or set apart as a place of burial or for any public purpose other than mining, except with the consent of the Governor
- (b) Any area situate within any municipality or township or trading centre except with the consent of the owner or holder of surface rights and of the Governor or municipal or township authority, or of the District Commissioner in the case of a trading centre
- (c) Land held under grants or leases giving the holder rights of working the minerals, non-precious minerals, precious metals and precious stones which are recognized by the Government
- (d) Any area over which exclusive prospecting or mining rights have previously been granted by the Governor and are still subsisting and any area in respect of which an application for such rights in the prescribed form has been accepted for consideration

**3.** Section 7 of the Principal Ordinance is hereby amended—

Amendment of  
section 7 of  
the Principal  
Ordinance

(a) by deleting paragraph (c) thereof and by substituting therefor the following paragraph—

“(c) Land held under grants or leases giving the holder rights of working the minerals, non-precious minerals, precious metals and precious stones save by the holder thereof

Provided that any prospecting or mining operations carried on by such holder shall be subject to the provisions of Part VI of this Ordinance in so far as they are applicable and to the provisions of the Mining (Safety) Regulations, 1932, or any regulations amending or replacing the same”,

(b) by inserting the words “and has not been subsequently rejected or withdrawn” between the word “consideration” and the full stop which occur in the fifth line of paragraph (d) thereof, and

(c) by adding immediately after paragraph (j) thereof the following new paragraphs—

“(k) All aerodromes or landing grounds except with the permission of the Governor

- (e) Land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the High Commissioner
- (f) Any area which is the site of or is within one hundred yards of any dam or canal or reservoir or Government building, except with the sanction of the Governor
- (g) Any street, road or highway, or any land within 30 feet of the centre line of any street, road or highway, or land reserved for any public road or highway, without the consent of the Governor or of the municipal authority or other public body having the control thereof
- (h) Salt licks
- (i) Land within a Native Reserve except with the consent in writing of the Native Lands Trust Board and on such conditions as may be stipulated. The Governor, at the request of the Native Lands Trust Board, may appoint any Provincial Commissioner to be the delegate within his province of the Native Lands Trust Board for the purposes of giving the consent in writing required by this paragraph
- (j) Land which the Governor may by notice declare to be excluded from prospecting or mining. Provided that the Governor may reopen any land so excluded from prospecting or mining under such conditions as he may think fit

Should any question arise as to whether any particular land is excluded under this section it shall be referred to the Governor, whose decision shall be final and conclusive

Section 13 of the Principal Ordinance which it is proposed to amend —

Prospecting  
right

13 (1) The Commissioner or an officer duly authorized by him in that behalf may issue to any person a prospecting right in the prescribed form upon the payment of the prescribed fee. Provided that a prospecting right shall not be granted—

- (a) to any person who is under eighteen years of age,
- (b) to any person who is unable to read or to any person who is incapable of understanding this Ordinance in such a way as to form a reasonable guide to and restriction on his actions,

- (l) Lands which are within the boundaries of an area over which an exclusive prospecting licence has been granted and which at the time when such exclusive prospecting licence was granted were areas over which exclusive prospecting or mining rights had been previously granted and were still subsisting or were areas in respect of which an application in the prescribed form for any such rights had been accepted for consideration but which have since the grant of such exclusive prospecting licence been abandoned, cancelled, forfeited or otherwise lapsed, save by the holder of such exclusive prospecting licence

**4** Section 13 of the Principal Ordinance is hereby amended—

Amendment of  
section 13 of  
the Principal  
Ordinance

- (a) by substituting a comma for the full stop which occurs in the second line of sub-section (4) thereof and by adding thereafter the following words—

“ but may be renewed for a period of one year from the date of expiration thereof or of the expiration of any renewal thereof upon application being made in the prescribed form and upon payment of the prescribed fee ”,

and

- (b) by inserting between the word “right” and the full stop which occur in the second line of sub-section (6) thereof the words “and for every renewal thereof”.

(c) to any person to whom there has previously been issued either in his own name or as agent for any individual, syndicate, partnership or company a prospecting right which has not been surrendered or cancelled and which is in all other respects still valid

(2) A prospecting right may be granted to an individual as agent for another individual if such agent is the lawfully constituted attorney of such individual

(3) A prospecting right shall not be granted to a company or partnership as such, but may be granted to an individual as agent of the company or partnership. In such case the application for the prospecting right must be made by the individual in person, who must either be the lawfully constituted attorney of the company or partnership or produce an application in writing for the grant of the prospecting right to the individual as agent for the company or partnership, signed by a director or responsible manager or partner of the company or partnership. Such application must contain an undertaking by the company or partnership with the Government to be responsible for the acts and omissions of the individual, who shall also be responsible for his own acts and omissions

(4) A prospecting right shall not be transferable and shall be in force for a period of one year from the date of issue

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of private land on which the holder thereof is prospecting, or by any administrative officer, officer of the Mines Department or police officer

(6) A fee of twenty shillings shall be paid for every prospecting right

Section 14 of the Principal Ordinance which it is proposed to amend —

Prospecting  
right  
privileges

14 Subject to the exceptions in section 7, and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supplies, the holder of a prospecting right may—

(1) prospect on any land in the Colony for any minerals, except diamonds, unless the Commissioner shall endorse on the prospecting right authority to prospect for diamonds, which authority the Commissioner may refuse in any case without assigning any reason.

5 Section 14 of the Principal Ordinance is hereby amended by deleting paragraph (6) thereof and by substituting therefor the following paragraphs—

Amendment of  
section 14 of  
the Principal  
Ordinance

- “ (6) peg locations ,  
(7) create a protection area , and  
(8) apply for an exclusive prospecting licence ”

Provided that the holder of a prospecting right shall not prospect in a forest or game reserve unless he has first given notice to the officer in charge of such reserve and complies with the conditions lawfully imposed by such officer,

- (2) whilst engaged in bona fide prospecting erect on any unoccupied land his camp and such buildings or machinery as may be necessary for the purpose of prospecting, free of charge on unoccupied Crown lands or on private lands on payment or tender of a reasonable sum in payment therefor,
- (3) make excavation, sink shafts or wells, drive adits or levels or dig trenches,
- (4) on any land not excluded from prospecting take for the purposes of bona fide prospecting or for his domestic use water from any lake, river or stream, and, with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment therefor, any fuel other than standing timber. Provided that he shall not divert water from any river, stream or water-course without the consent of the authority having the control thereof,
- (5) graze upon lands not excluded from prospecting such horses or other animals as may be necessary for his subsistence or for the carrying on of prospecting or mining, free of charge on unoccupied Crown lands and on private lands on payment or tender of a reasonable sum in payment therefor,
- (6) apply for an exclusive prospecting licence or a protection area and mark off and apply for the registration of claims and locations and apply for a mining lease

Section 15 of the Principal Ordinance which it is proposed to amend —

**Prospecting on private land**

15 Any person intending to prospect on private lands shall when practicable give notice of his intention to the occupier of such land before commencing prospecting operations thereon, and shall, if required by the owner or occupier, give security in such sum as the Commissioner may direct for the payment of compensation for the disturbance of surface rights and for any damage done to the land or trees or crops

**6** Section 15 of the Principal Ordinance is hereby amended by deleting the words "shall when practicable give notice of his intention to the occupier of such land before commencing prospecting operations thereon" which occur in the second, third and fourth lines thereof and by substituting therefor the words "shall, before creating any disturbance thereon, give notice to the occupier of such land and, if practicable, to the owner thereof" Amendment of  
section 15 of  
the Principal  
Ordinance

thereon or to stock by the prospector, and, if required by the owner or occupier, shall desist from prospecting on the land until such security has been given

Section 16 of the Principal Ordinance which it is proposed to amend —

Authority to  
prospect on  
land excluded

16 The holder of a prospecting right may apply to the Governor for an authority to prospect on any lands excluded from prospecting and the Governor may grant such authority on such terms as to area, period, rent and other conditions as he shall think fit. Failure to comply with any of the terms so fixed shall render the authority liable to cancellation

Section 17 of the Principal Ordinance which it is proposed to amend —

Exclusive  
Prospecting  
Licences

17 (1) The Governor may grant an exclusive prospecting licence to any company, body of persons, partnership or any person who holds a prospecting right or to any person whose agent is the holder of a prospecting right

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall submit a programme of work and satisfy the Governor that he has sufficient capital to ensure the proper prospecting by methods approved by him of the area in respect of which the application is made and the payment of any compensation which may be payable to the owners and occupiers of the land in respect of which the licence is required and shall, if required by the Governor or by the regulations, furnish a financial guarantee for such sum as the Governor may direct or as may be prescribed. Notice of every such application shall be published in the Gazette

(3) The Governor may grant or withhold the grant of an exclusive prospecting licence as he may think proper

Provided that a person who has previously held such licence shall not within a period of one year after its expiry be granted a further licence in respect of any portion of the area in respect of which he has previously held a licence. This prohibition shall extend to any person associated with the former holder of the licence

(4) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles

Provided that the Governor may at his sole discretion grant exclusive prospecting licences over areas exceeding eight square miles upon such terms and conditions as he may think fit

**7** Section 16 of the Principal Ordinance is hereby amended by inserting therein immediately after the word "prospecting" which occurs in the third line thereof the words "in accordance with paragraph (j) of section 7 of this Ordinance"

Amendment of  
section 16 of  
the Principal  
Ordinance

**8** Section 17 of the Principal Ordinance is hereby amended—

Amendment of  
section 17 of  
the Principal  
Ordinance

(a) by inserting immediately after the word "associated" which occurs in the fifth line of the proviso to sub-section (3) thereof, the words "in prospecting",

(b) by deleting sub-section (4) thereof and by substituting therefor the following sub-section—

"(4) The area in respect of which an exclusive prospecting licence may be granted shall be in the sole discretion of the Governor",

(c) by inserting immediately after the word "renewal" which occurs in the third line of sub-section (5) thereof the words "as to the whole or any portion of the area in respect of which the original licence was granted", and by inserting immediately after the word "years" which occurs in the fifth line of the same sub-section the words "from the date of the original grant", and

(d) by inserting therein between the word "shillings" and the full stop which occur in the third line of sub-section (7) thereof the words "and for every renewal thereof a registration fee of ten shillings and a conveyancing fee of such sum not exceeding seven pounds ten shillings as the Registrar of Mines may assess".

(5) An exclusive prospecting licence shall be valid for one year from the date thereof, subject, on acceptance of a satisfactory programme of further development, to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of five years, provided that, should the renewal be refused, the licence shall be valid for a further period of thirty days from the date at which it would otherwise have expired

(6) All exclusive prospecting licences shall be registered at the office of the Commissioner in the prescribed manner

(7) For every exclusive prospecting licence there shall be paid a registration fee of ten shillings, and a conveyancing fee of seven pounds ten shillings

(8) On the granting of an exclusive prospecting licence a fee of such amount as the Governor in each case may determine, not exceeding in any case five shillings per square mile, shall be payable in addition to all other fees due

Section 18 of the Principal Ordinance which it is proposed to replace —

Penalty for giving false information

18 An applicant for an exclusive prospecting licence wilfully or recklessly giving false information as to any of the matters in respect of which information is or may be given under this Ordinance shall be liable to a fine of one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment

Section 20 of the Principal Ordinance which it is proposed to amend —

Transfer of rights under licence

20 The holder of an exclusive prospecting licence shall not transfer his licence or any portion of the rights granted thereunder without the consent of the Governor signified by an endorsement thereon

The transferee of a licence shall be liable for all rents and obligations which may have accrued at the time of transfer

**9** Section 18 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 18 of the Principal Ordinance

“ 18 An applicant for an exclusive prospecting licence who wilfully or recklessly—

Penalty for giving false information

(i) gives false information as to any matter in respect of which information is called for or required to be given under this Ordinance or

(ii) withholds any information which is called for under this Ordinance,

shall be guilty of an offence ”

**10** Section 20 of the Principal Ordinance is hereby amended by deleting the words—

Amendment of section 20 of the Principal Ordinance

“ The transferee of a licence shall be liable for all rents and obligations which may have accrued at the time of transfer ”

which occur in the fifth and sixth lines thereof, and by substituting therefor the words—

“ The transferee of such licence, as well as the transferor thereof, shall be liable for all rents and obligations which may have accrued at the time of the transfer, but the transferor shall not be liable for any future rents or obligations ”

Section 25 of the Principal Ordinance which it is proposed to replace —

Payment of compensation to owners or occupiers of land

25 (1) The holder of a prospecting right or of an exclusive prospecting licence or of a location shall, on demand being made by the owner or occupier of land upon or under which prospecting operations are or have been carried on, pay him fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land or to stock by such operations, and shall, on demand being made by the owner of any crops, trees, buildings, stock or works damaged by the holder of the right or licence or by any agent or servant of such holder, pay compensation for such damage

(2) (i) If the holder of a prospecting right, exclusive prospecting licence or location fails to pay compensation when demanded under sub-section (1), or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier may take proceedings before a Warden, in which case the provisions of Part IV of this Ordinance shall apply

Provided that when the claimant is a native, the Administrative Officer in charge of the district shall, if the native so desires, assess and determine the amount of the compensation, and the decision of such Administrative Officer shall in such case be final, subject only to an appeal to the Governor

(ii) Notice of appeal against the decision of the Administrative Officer shall be given to such officer within fourteen days of the date on which his decision is notified to the party desiring to appeal

(3) The sum awarded shall be paid by the holder of the prospecting right, exclusive prospecting licence or location to the person entitled thereto, within fourteen days of the date on which the amount of the final award is notified to the holder of the right, licence or location or shall be paid into court pending the disposal of any appeal or appeals thereon

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be paid out of any moneys deposited by the holder of the right, licence or location under section 15, or, if no moneys or insufficient moneys have been deposited, may be sued for by the persons entitled thereto in any court

**11** Section 25 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

**Repeal and replacement of section 25 of the Principal Ordinance**

“ 25 (1) Whenever, in the course of prospecting or mining operations, any disturbance of the rights of the owner and/or occupier of private lands or damage to such lands or to any crops, trees, buildings, stock or works thereon is caused, the holder of the prospecting right, exclusive prospecting licence, or location under which such operations are or were carried out, and his successors in title thereto, shall be liable, on demand duly made, to pay to such owner and/or occupier fair and reasonable compensation for such disturbance or damage, as the case may be, according to their respective rights or interests (if any) in the property concerned

**Payment of compensation to owners or occupiers of land**

(2) (1) If such person or his successor in title, as the case may be, fails to pay compensation when demanded under sub-section (1) of this section, or if an owner or occupier is dissatisfied with the compensation offered, such owner or occupier may take proceedings before the Commissioner in accordance with the provisions of Part IV of this Ordinance or before a court of competent jurisdiction

Provided that when the claimant is a native the District Commissioner of the district shall, if the native desires, assess and determine the amount of the compensation, and the decision of such District Commissioner shall in such case be final, subject only to an appeal to the Governor

(1) The notice of appeal against the decision of the District Commissioner shall be given by filing such notice in the office of such District Commissioner within thirty days of the date on which his decision is notified to the person desiring to appeal

(3) The sum awarded shall be paid by such holder or his successor in title, as the case may be, to the person entitled thereto within fourteen days of the date on which the amount of the final award is notified to such holder or such successor in title, as the case may be, or shall, pending the disposal of any appeals thereon, be paid—

(a) in the case of a native claimant to the Provincial Commissioner, or

(5) The Governor may suspend the prospecting right or exclusive prospecting licence or the right to work a location of the person in default until the amount awarded has been paid and until the holder of the right, licence or location has deposited with the Government such further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable the Governor may revoke the prospecting right, exclusive prospecting licence or forfeit the location of the person in default

Section 27 of the Principal Ordinance which it is proposed to amend —

Mining when  
lawful

27 (1) Mining shall be lawful for the holder of a location or mining lease or for the holder of an exclusive prospecting licence duly authorized under section 19 of this Ordinance

(2) No person himself or by his agent shall mark off a location unless he is the holder of a prospecting right

(3) Mining locations shall be either alluvial locations or lode locations, provided that the Commissioner may grant authority, on such terms as he may think fit, permitting a location-holder to conduct, on the land comprised in his location, mining operations of a kind different from that in respect of which his location is registered, and may vary or revoke any such authority

(4) If a location-holder on the land comprised in his location carries on mining operations of a kind different from that in respect of which his location is registered, unless authorized so to do under the preceding sub-section, his location shall be liable to forfeiture

Section 28 of the Principal Ordinance which it is proposed to repeal —

Rents

28 No rent shall be payable for a location For a mining lease there shall be paid a rent of two shillings and fifty cents per annum per acre or part thereof

(b) in the case of a non-native claimant into Court

(4) Any award made by virtue of the provisions of this section shall be enforceable as if it were a decree of a competent court

(5) The Governor may suspend the prospecting right or exclusive prospecting licence or the right to work a location of the person in default until the amount awarded has been paid and until the holder of the right, licence or location has deposited with the Government such further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable the Governor may revoke the prospecting right, exclusive prospecting licence or forfeit the location of the person in default "

**12** Section 27 of the Principal Ordinance is hereby amended—

(a) by deleting the words "mark off" which occur in the first line of sub-section (2) thereof and by substituting therefor the word "peg", and

(b) by deleting the words "Mining locations" which occur in the first line of sub-section (3) thereof and by substituting therefor the word "Locations"

Amendment of section 27 of the Principal Ordinance

**13** Section 28 of the Principal Ordinance is hereby repealed

Repeal of section 28 of the Principal Ordinance

Section 29 of the Principal Ordinance which it is proposed to amend —

Registration  
of locations

29 (1) When any holder of a prospecting right marks off a location in the manner prescribed, on land not excluded from prospecting or mining, in accordance with the provisions of this Ordinance and of the regulations, he shall within thirty days thereafter apply in manner prescribed for registration, and shall state the nature of the location pegged

(2) If the application is in accordance with the provisions of this Ordinance and of the regulations, the Warden shall register the location

(3) Any person failing to apply for the registration of a location within the period aforesaid shall forfeit all rights in respect thereof and shall, if he works or mines on such a location, incur the penalty prescribed for unauthorized mining

Section 30 of the Principal Ordinance which it is proposed to replace —

Duration of  
location

30 A mining location shall be valid for one year from the date of pegging and may be renewed on payment of the prescribed fee for further terms of one year each up to a maximum of five years in all

Section 31 of the Principal Ordinance which it is proposed to replace —

Rights under  
a location

31 The holder of a location shall have in respect of such location all rights conferred on the holder of a prospecting right and shall have the right to enter upon the land the subject of the location, and the exclusive right to prospect or mine thereon and to remove therefrom and dispose of the

**14** Section 29 of the Principal Ordinance is hereby amended—

(a) by deleting sub-section (1) thereof and by substituting therefor the following sub-section—

“ (1) When any holder of a prospecting right pegs a location in the manner prescribed, on land not excluded from prospecting or mining, in accordance with the provisions of this Ordinance and of the Regulations he shall within thirty days thereafter apply in the manner prescribed for registration, and shall state the class of the location pegged

Provided that the Commissioner may for good and sufficient cause extend the time ”,

and

(b) by deleting the word “aforesaid” which occurs in the second line of sub-section (3) thereof and by substituting therefor the word “authorized” and by deleting the words “for unauthorized mining” which occur in the fourth and fifth lines of that sub-section and by substituting therefor the words “by section 6 of this Ordinance”

**15** Section 30 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

“ 30 A location shall be valid for one year from the date of pegging and may, if the holder thereof has complied with the prescribed conditions, be renewed on payment of the prescribed fee for further terms of one year each up to a maximum of ten years in all

Provided that the Commissioner may, in his discretion, within thirty days after the date of the expiry authorize the holder of a location that has expired to renew the whole or part of the area of such location upon payment of a penalty of two shillings per claim in addition to the prescribed fee for renewal ”

**16** Section 31 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

“ 31 Subject to the provisions of section 25 of this Ordinance the holder of a location shall, in respect of such location, have all the rights conferred on the holder of a lease by section 50 of this Ordinance ”

Amendment of section 29 of the Principal Ordinance

Repeal and replacement of section 30 of the Principal Ordinance  
Duration of location

Repeal and replacement section 31 of the Principal Ordinance  
Rights under a location

minerals in respect of which the location shall have been registered

Section 32 of the Principal Ordinance which it is proposed to amend —

Notice to private occupiers who may demand security Right of location holder to take timber

32 A location holder may, on the lands included within the area of his location, cut, take and use any tree when necessary in the course of mining operations or when required for mining or domestic purposes, provided that he shall be liable for any fees or royalties which may be payable under any law relating to forests and shall, before cutting, taking and using any such tree pay to the owner or occupier of the land on which such tree is standing a reasonable sum therefor. If the owner or occupier is dissatisfied with the compensation offered the dispute shall be dealt with under the provisions of section 25 of this Ordinance

Section 33 of the Principal Ordinance which it is proposed to amend —

Transfer of locations and interests therein

33 Subject to the approval of the Commissioner, after a location has been registered as aforesaid, the holder may, in the manner prescribed, by instrument in writing divide his interest in the location into such shares as he shall think proper, and may allot shares or transfer the location or create or transfer any interest therein

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

Locations, when liable to forfeiture by the Commissioner

34 (1) A location or part thereof shall be liable to forfeiture by the Commissioner in any of the following circumstances —

- (a) if the person pegging has failed to apply for registration or renewal in the prescribed manner,
- (b) if the holder has not produced when demanded by the Commissioner, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed,
- (c) if the holder fails to render any prescribed return when due, or within such additional time as the Commissioner may allow,
- (d) if the holder has not complied with any of the prescribed conditions, or
- (e) if registration thereof has been obtained by any false or fraudulent representation or concealment

**17** The marginal note to section 32 of the Principal Ordinance is hereby amended by deleting the words "Notice to private occupiers who may demand security"

Amendment of the marginal note to section 32 of the Principal Ordinance

**18** Section 33 of the Principal Ordinance is hereby amended by inserting immediately after the word "location" which occurs in the fifth line thereof the words "or such subdivisions thereof as may be authorized by the regulations"

Amendment of section 33 of the Principal Ordinance

**19** 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

" (1) A location or part thereof shall be liable to forfeiture by the Commissioner if—

- (a) the holder fails to comply with any of the provisions of this Ordinance or of any Regulations made thereunder in respect of such location or part thereof, or
- (b) if registration thereof has been obtained by any false or fraudulent representation or concealment

Provided that such forfeiture shall not affect the liability of the holder in respect of the breach of any provision of this Ordinance or of any Regulation committed by him before such forfeiture "

Provided that the happening of any one or more of such circumstances shall not render it obligatory for the Commissioner to declare the forfeiture of any location or any part thereof

Section 35 of the Principal Ordinance which it is proposed to amend —

Obligation on abandonment

35 (1) Any person who shall abandon his location or any part thereof or his exclusive prospecting licence shall forthwith notify the Commissioner of such abandonment

(2) Any person who shall abandon his location, exclusive prospecting licence area or any part thereof and any person whose location, exclusive prospecting licence area or any part thereof shall have been forfeited shall forthwith fill up, fence, or secure to the satisfaction of the Commissioner or other prescribed officer all shafts, pits, holes and excavations, in such a manner as to prevent persons or stock inadvertently entering them and shall remove all notices, beacons and boundary posts thereon, and in default of so doing, shall be liable to a fine of fifty pounds or to imprisonment for a term not exceeding three months, and in addition shall be liable to pay such sum as the Commissioner may certify the cost of doing so will be

(3) For the purposes of this section, failure to apply for registration or renewal of a location or for the renewal of an exclusive prospecting licence within the prescribed time shall be deemed to be an abandonment of such location or of such exclusive prospecting licence

Section 36 of the Principal Ordinance which it is proposed to replace —

Owner may remove plant, etc, on surrender

36 The owner of any plant, machinery, engines or tools on any forfeited or surrendered location may within three months from the date of forfeiture or surrender, or within such further period as the Commissioner may allow, remove such plant, machinery, engines or tools, but shall not remove or interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed they may be sold by auction by order of the Commissioner at the risk of the former holder of a location. The net proceeds of such sale, after deducting the costs thereof, shall be paid into the Treasury and held until applied for by such former holder of a location. Any person who in breach of this provision removes or interferes with any timber in a mine shall be guilty of an offence against this Ordinance

**20** Section 35 of the Principal Ordinance is hereby amended—

Amendment of  
section 35 of  
the Principal  
Ordinance

(a) by repealing sub-section (1) thereof and by substituting therefor the following sub-section—

“(1) The holder of a registered location or exclusive prospecting licence may abandon the whole or any part of the area comprised therein by notification to the Commissioner in writing and on receipt of such notification the Commissioner shall publish in the Gazette notice of such abandonment and such notice shall be deemed to be valid and sufficient proof of such abandonment. In the event of the abandonment of a portion only of the area comprised in a location or in an exclusive prospecting licence the remainder thereof shall be re-beaconed in accordance with the directions of the Commissioner”,  
and

(b) by deleting the words “this section” which occur in the first line of sub-section (3) thereof and by substituting therefor the words “sub-section (2) of this section”

**21** Section 36 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and  
replacement of  
section 36 of  
the Principal  
Ordinance

‘ 36 The owner of any plant, machinery, engines or tools on any forfeited, abandoned, or expired location or exclusive prospecting licence area, may, within three months from the date of forfeiture abandonment, or expiration, or within such further period as the Commissioner may allow, remove such plant, machinery, engines or tools but shall not remove or interfere with any timber in any mine, except with the written consent of the Commissioner. If such plant, machinery, engines or tools are not so removed, they may be sold by auction by order of the Commissioner at the risk of the owner thereof. The net proceeds of such sale, after deducting the costs thereof,

Owner may  
remove plant,  
etc, on  
surrender

Section 37 of the Principal Ordinance which it is proposed to replace —

Re-pegging of ground, forfeiture, etc

37 Ground which has been abandoned or forfeited shall be open to re-pegging after a period of thirty days from the date of abandonment or forfeiture, provided that no person shall be entitled either directly or indirectly, through an agent or otherwise to re-peg any ground which has been abandoned by him or forfeited while held by him until after a period of ninety days from the date of such abandonment or forfeiture

Section 40 of the Principal Ordinance which it is proposed to replace —

Grant of leases

40 The Governor may grant a lease to the holder of a mining location or of a coal location in respect to the whole or any part of his location

Sub-section (1) of section 47 of the Principal Ordinance which it is proposed to replace —

Special lease

47 (1) The Governor may grant a special lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on or under such land, or for any other cause, it is necessary that such a lease be granted

Section 50 of the Principal Ordinance which it is proposed to amend —

Surface rights of lessee

50 In so far as it may be necessary to the lessee for or in connexion with his mining operations and subject to the

shall be paid into the Treasury and held until applied for by the former owner. Any person who in breach of this provision removes or interferes with any timber in a mine shall be guilty of an offence against this Ordinance."

**22** Section 37 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 37 of the Principal Ordinance

"37 The ground covered by a registered location, or exclusive prospecting licence, which has expired or has been abandoned or forfeited, shall not be open to prospecting or pegging until the completion of a period of thirty days from the date of such expiry, abandonment, or forfeiture

Re-pegging of ground, forfeiture, etc

Provided that the holder of a registered location or exclusive prospecting licence which has expired or been abandoned or forfeited, shall not, unless authorized in writing by the Commissioner, directly or indirectly through an agent or by any means whatsoever, re-peg or cover by a Protection Notice any portion of the expired, abandoned, or forfeited location previously held by him until after the completion of ninety days from the date of such expiry, abandonment, or forfeiture."

**23** Section 40 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 40 of the Principal Ordinance

"40 The Governor may grant a lease to the holder of a location in respect of the whole or any part of the area covered by any location or locations held by him"

Grant of leases

**24.** Sub-section (1) of section 47 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor —

Repeal and replacement of section 47 (1) of the Principal Ordinance

"(1) Notwithstanding the provisions of paragraphs (6), (7) and (8) of section 14 of this Ordinance the Governor may grant a special lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on or under such land, or for any other cause, it is desirable that such a lease be granted"

**25** Section 50 of the Principal Ordinance is hereby amended by substituting a semi-colon for the colon which occurs at the end of paragraph (f) thereof and by adding thereto immediately thereafter the following new paragraph—

Amendment of section 50 of the Principal Ordinance

provisions of this Ordinance and of the regulations, the lessee shall have on the lands included in his lease the following rights—

- (a) to make all necessary excavations,
- (b) to erect, construct, and maintain houses and buildings for his use and for the use of his agents and servants,
- (c) to erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient,
- (d) to stack or dump any of the products of mining,
- (e) subject to the provisions of any law relating to water, to lay water-pipes and to make water-courses and pounds, dams and reservoirs, and to divert from a natural water-course any water on or flowing entirely through the land, provided that—
  - (i) any water diverted not containing any noxious or poisonous matter shall be returned to its natural channel before leaving such land,
  - (ii) any existing rights to use any source of natural water supply shall not be disturbed,
- (f) to construct and maintain all such tramways, roads, communications and conveniences as may be necessary

Provided that whenever a disagreement shall arise between the owner in the case of private land and the lessee in connexion with surface rights, the matter shall be determined by the Commissioner

Section 55 of the Principal Ordinance which it is proposed to amend —

Grounds for  
forfeiture of  
lease

55 (1) The Governor may, by notice to the lessee, determine a lease in the following cases —

- (a) if the lessee shall commit a breach of any provision of this Ordinance or of the regulations, or of any conditions of the lease, and does not repair such breach, within such period, being not less than one month from the date of the receipt of a notice in writing from the Commissioner so to do, as the Governor may decide, or
- (b) if the lessee shall wholly cease work in, on or under the land the subject of the lease during a continuous period of six months, without the written consent of the Commissioner

“ (g) to graze upon lands not excluded from prospecting or mining such horses or other animals as may be necessary for his subsistence or for the carrying on of mining, free of charge on unoccupied Crown lands and on private lands on payment or tender of a reasonable sum in payment therefor ”

**26** Sub-section (1) of section 55 of the Principal Ordinance is hereby amended by inserting immediately after the word “regulations” which occurs in the second line of paragraph (a) thereof the words “in respect of such lease”

Amendment of  
section 55 (1)  
of the  
Principal  
Ordinance

(2) Such determination shall not affect any liability already incurred by the lessee

(3) Publication in the Gazette together with written notice to the last known address of the lessee shall be sufficient notice to the lessee

Section 57 of the Principal Ordinance which it is proposed to amend —

Extension  
after breach

57 Whenever a lease becomes liable to forfeiture, the Governor may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as he may think fit, and the terms and conditions so imposed by the Governor shall bind the lessee and all transferees, mortgagees, and other persons claiming through or under him, and the lease shall thereafter be construed as if such terms and conditions were inserted therein

Section 61 of the Principal Ordinance which is proposed to amend —

Penalty on  
non-payment  
of rent

61 The rent payable under a lease shall be payable to the Commissioner yearly in advance, and, if not paid within three months of becoming due, and after the Commissioner shall have served notice on the person in default demanding payment, an amount of ten per centum of the amount due shall be added to the rent and shall be due and payable as if it were part of the rent

Section 63 of the Principal Ordinance which it is proposed to replace —

Registration  
of leases, etc

63 Every lease under this Ordinance, and every transfer or sub-lease of the land comprised in any such lease, shall be registered in the office of the Commissioner in the manner prescribed, and no such lease, transfer or sub-lease shall be valid unless so registered

Section 64 of the Principal Ordinance which it is proposed to replace —

Registration  
of leases, etc

64 No sale, lease, mortgage, charge, lien or other dealing relating to any exclusive prospecting licence, location or mining lease shall be valid, and no evidence thereof shall be receivable in any civil proceedings before any court, unless it is registered in the prescribed manner

**27** Section 57 of the Principal Ordinance is hereby amended by inserting, immediately after the word 'shall' which occurs in the fifth line thereof, the words 'be endorsed on the original lease, and duly registered in accordance with section 63 of this Ordinance, and shall'

Amendment  
of section 57  
of the  
Principal  
Ordinance

**28** Section 61 of the Principal Ordinance is hereby amended by deleting the words "under a lease which occur in the first line thereof and by substituting therefor the words "in respect of a lease shall be two shillings and fifty cents per annum per acre or part thereof and"

Amendment  
of section 61  
of the  
Principal  
Ordinance

**29** Section 63 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and  
replacement of  
section 63  
of the  
Principal  
Ordinance

" 63 Every lease under this Ordinance shall be registered in the office of the Commissioner in the manner prescribed "

Registration  
of leases

**30** Section 64 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and  
replacement of  
section 64  
of the  
Principal  
Ordinance

" 64 No sale, lease, mortgage, charge, lien, option, or other dealing, relating to any prospecting or mining title shall be capable of passing any legal title to, or

Registration  
of leases, etc

Section 65 of the Principal Ordinance which it is proposed to amend —

Warden  
may decide  
disputes

65 Subject to the provisions of any law for the time being in force in the Colony a Warden may inquire into and decide all disputes between persons engaged in prospecting or mining operations, either amongst themselves or in relation to themselves and third parties, concerning any of the matters hereinafter mentioned, and shall have power to make any order which may be necessary for the purpose of giving effect to his decision and to order the payment by any party to the dispute of such compensation to any other party as may be reasonable. Such matters are as follows —

- (a) Disputed boundaries
- (b) Any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or omitted, in the course of prospecting or mining operations, by any person against any other person
- (c) Acts, omissions or matters in the course of, connected with, or auxiliary to prospecting or mining operations
- (d) The claim of any person to be entitled to erect, cut, construct, or use any pump, line of pipes, flume, race, drain, dam, or reservoir for mining purposes, or to have any priority of water taken, diverted, used or delivered, as against any other person claiming the same

interest in, the right of the subject of such sale, lease, mortgage, charge, lien, option, or other dealing, unless it is registered in accordance with the provisions of this Ordinance

Provided that nothing in this section contained shall be deemed to affect any contractual right or other right *in personam* which any person would have had were it not for the provisions of this section

Provided further that the exercise or enforcement of such contractual right or other right *in personam* shall, as against a bona fide purchaser for valuable consideration without notice of any prior right or equity affecting such sale, lease, mortgage, charge, lien, option or other dealing, be void to all intents and purposes and shall not be capable of affecting any title or interest which such purchaser may have acquired under such sale, lease, mortgage, charge, lien, option, or other dealing "

**31** (1) Section 65 of the Principal Ordinance is hereby amended by deleting the words "a Warden may inquire into and decide all disputes between persons engaged in prospecting or mining operations, either amongst themselves or in relation to themselves and third parties" which occur in the second, third, fourth and fifth lines thereof and by substituting therefor the words "the Commissioner may inquire into and decide all disputes"

Amendment  
of section 65  
of the  
Principal  
Ordinance

(2) The marginal note to section 65 of the Principal Ordinance is hereby amended by deleting the word "Warden" and by substituting therefor the word "Commissioner"

- (e) Assessment and payment of compensation where provided for under this Ordinance

Section 66 of the Principal Ordinance which it is proposed to amend —

Procedure

- 66 The mode of proceeding shall be as follows —
- (1) The person complaining shall lodge a memorandum in duplicate at the office of the Warden
  - (2) The memorandum shall be in the prescribed form or in a form to the like effect, and shall specify shortly the subject-matter of the complaint and the relief claimed
  - (3) Upon receipt of the memorandum the Warden shall give notice in the prescribed form, by post or otherwise, to the party sued of the nature of the complaint, and the time and place at which the same will be heard and determined, and may, if he thinks fit, require him to answer the complaint in writing
  - (4) At the time and place appointed the parties shall attend and state their cases before the Warden, and may call evidence on oath (which oath the Warden is hereby authorized to administer) in support thereof, and the Warden, having heard such statement and evidence, shall give his decision
  - (5) The Warden may adjourn such hearing to any other time or place, and may, either at the original hearing or any adjournment, proceed in the absence of either party
  - (6) The Warden may at any time during the hearing seize or cause to be seized any minerals, and may detain them pending his decision
  - (7) The law for the time being regulating proceedings before and the powers of a subordinate court of the first class in the exercise of its civil jurisdiction shall, so far as practicable, and subject to any modifications, additions or alterations which may be prescribed, apply to proceedings before the Warden and to the enforcement of his decisions in like manner as if such decision were the decisions of such court
  - (8) Fees shall be charged as may be prescribed

- 32** Section 66 of the Principal Ordinance is hereby amended—
- (a) by deleting the word “Warden” wherever it occurs therein and by substituting therefor the word “Commissioner”,
- (b) by inserting therein immediately after the word “fit” which occurs in the sixth line of paragraph (3) thereof the words “and shall, if the person complaining requests him to do so in the prescribed manner,” and
- (c) by deleting the words “which may be prescribed, apply to proceedings” which occur in the fifth and sixth lines of paragraph (7) thereof and by substituting the words “which may be prescribed but without any restriction or limit as to the value of the subject-matter in dispute, apply to proceedings”
- Amendment  
of section 66  
of the  
Principal  
Ordinance

Section 67 of the Principal Ordinance which it is proposed to amend —

Warden  
to keep record  
and take  
notes

67 (1) The Warden shall keep a record of all cases heard and complaints decided by him, and shall take notes in writing of all evidence given before him

(2) Any person interested in any dispute, decision, or order shall be entitled to obtain a copy of such record and notes upon payment of the prescribed fee

Section 68 of the Principal Ordinance which it is proposed to amend —

Enforcement  
of warden's  
decrees

68 (1) The Warden may send a copy, certified under his hand and seal, of any decree or order made by him to any civil court within the local limits of whose jurisdiction the subject-matter of the decree is situated, and such civil court shall enforce the decree of the warden in the same manner in which it would enforce its own decree or order

(2) The same fees only shall be payable in the civil court upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order made by such court

Section 69 of the Principal Ordinance which it is proposed to replace —

Appeal to  
Commissioner  
from decisions  
of Warden

69 (1) Any person aggrieved by any decree, order, or decision made or given under the powers vested in a Warden may appeal to the Commissioner

(2) No appeal to the Commissioner shall be admitted after the expiration of thirty days from the date of the decree or order or decision appealed against

(3) On an appeal to the Commissioner, fees shall be payable as may be prescribed

Section 69A of the Principal Ordinance which it is proposed to repeal —

Power to  
award costs

69A (1) In any dispute adjudicated upon by the warden under the provisions of section 65 of this Ordinance or adjudicated upon by the Commissioner on appeal from the warden under section 69 of this Ordinance the warden or the Commissioner, as the case may be, may award costs to the successful party

(2) The Supreme Court shall, by rule, prescribe the scale of costs which may be awarded under the provisions of this section

**33** (1) Sub-section (1) of section 67 of the Principal Ordinance is hereby amended by deleting the word "Warden" which occurs in the first line thereof and by substituting therefor the word "Commissioner"

Amendment of section 67 (1) of the Principal Ordinance

(2) The marginal note to section 67 of the Principal Ordinance is hereby amended by deleting the word "Warden" and by substituting therefor the word "Commissioner"

**34** (1) Sub-section (1) of section 68 of the Principal Ordinance is hereby amended by deleting the word "Warden" which occurs in the first line thereof and by substituting therefor the word "Commissioner"

Amendment of section 68 (1) of the Principal Ordinance

(2) The marginal note to section 68 of the Principal Ordinance is hereby amended by deleting the word "warden's" and by substituting therefor the word "Commissioner's"

**35.** Section 69 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 69 of the Principal Ordinance  
Appeal to Supreme Court from decision of Commissioner

" 69 (1) Any person aggrieved by any decree, order or decision made or given under the powers vested in the Commissioner may appeal to the Supreme Court

(2) No appeal to the Supreme Court shall be admitted after the expiration of thirty days from the date of the decree, order or decision appealed against except by leave of a judge of the Supreme Court "

**36.** Section 69A of the Principal Ordinance is hereby repealed

Repeal of section 69A of the Principal Ordinance

Section 70 of the Principal Ordinance which it is proposed to replace —

Appeal to  
Supreme  
Court from  
decisions of  
the Commis-  
sioner

70 (1) Any person aggrieved by any decree, order, or decision made or given under the powers vested in the Commissioner may appeal to the Supreme Court

(2) No appeal to the Supreme Court shall be admitted after the expiration of thirty days from the date of the decree, order, or decision appealed against, except by leave of a Judge of the Supreme Court

Section 71 of the Principal Ordinance which it is proposed to amend —

Jurisdiction  
of ordinary  
courts not  
excluded

71 Nothing in this Part contained shall be deemed to prevent any person from instituting in any of the courts of the Colony any proceedings he may think fit to institute, as provided by law

Section 76 of the Principal Ordinance which it is proposed to amend —

Restriction on  
purchase

76 The holder of a licence under the last preceding section shall not buy any such mineral except from the holder of a lease, a location, a prospecting right, if authorized under sub-section (3) of section 23, or exclusive prospecting licence, or a licence under this Part

Section 80 of the Principal Ordinance which it is proposed to amend —

Powers of  
officers

80 The Commissioner, Mining Engineer, Inspector or Assistant Inspector or any other person duly authorized by the Commissioner in that behalf, at all reasonable times by day or night, but so as not unreasonably to impede or obstruct work in progress, may—

- (1) enter, inspect, and examine any land on which prospecting or mining operations are being conducted or which is the subject of any right, licence, location, or lease,

**37** Section 70 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 70 of the Principal Ordinance

“ 70 In any dispute adjudicated upon under the provisions of section 65 of this Ordinance, the Commissioner may award costs to the successful party. The Supreme Court shall, by rule, prescribe the scale of costs which may be awarded under this section ”

Power to award costs

**38** Section 71 of the Principal Ordinance is hereby amended by deleting the full stop which occurs in the fourth line thereof and by substituting therefor a colon, and by adding thereafter the following proviso—

Amendment of section 71 of the Principal Ordinance

“ Provided that, subject to the provisions of section 69 of this Ordinance, where a dispute has been adjudicated upon in accordance with the provisions of section 65 of this Ordinance, proceedings in respect of the same cause of action shall not thereafter be instituted in any of the courts of the Colony ”

**39** Section 76 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 76 of the Principal Ordinance

“ 76 The holder of a licence to purchase minerals shall not buy any such mineral except from the holder of a lease, a location, the holder of a licence granted under the last preceding section or the holder of a prospecting right or an exclusive prospecting licence if authorized in accordance with sub-section (3) of section 23 of this Ordinance ”

Restriction on purchase

**40.** Section 80 of the Principal Ordinance is hereby amended—

Amendment of section 80 of the Principal Ordinance

- (a) by deleting the words “the external parts of” which occur in the first line of paragraph (iii) thereof, and
- (b) by deleting paragraph (vi) and by substituting therefor the following paragraph—

“ (vi) examine and make preliminary investigation into any accident occurring in respect of any prospecting or mining activity ”

- (ii) examine into and make inquiry respecting the condition and ventilation of any mine and any building connected with prospecting or mining activity, and all matters relating to the safety and health of the persons employed,
- (iii) inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works and ways,
- (iv) examine and take extracts from all books, accounts, vouchers and documents relating to prospecting or mining operations or to any minerals obtained by such operations, and examine and take samples of any material being mined,
- (v) inspect the storage of explosives upon any mine and direct in what manner the same shall be stored,
- (vi) exercise all powers necessary for carrying this Part of this Ordinance into effect

Section 87 of the Principal Ordinance which it is proposed to amend —

Compensation  
on acquisition  
of land by  
Government

87 In any case where the Government is acquiring, under the provisions of any law relating to the compulsory acquisition of land for the time being in force in the Colony, any land held under a lease or location, compensation shall be payable in respect of any disturbance of mining rights, in addition to any other compensation

Section 90 of the Principal Ordinance which it is proposed to replace —

Protection  
of estate of  
deceased  
person,  
bankrupt, or  
lunatic

90 (1) In any case where the holder of any lease, location or licence shall—

- (i) die,
- (ii) have a receiving order in bankruptcy made against him, or
- (iii) be found to be a lunatic under the provisions of any law relating to lunacy for the time being in force in the Colony,

the obligations imposed upon such holder by this Ordinance and regulations thereunder shall not arise until after the expiration of ninety days—

- (a) from the date of the grant of probate or the issue of letters of administration,
- (b) from the date of the receiving order,

**41** Section 87 of the Principal Ordinance is hereby amended by deleting the words "a lease" which occur in the fourth line thereof and by substituting therefor the words 'a lease, exclusive prospecting licence' and by inserting therein immediately after the word "mining" which occurs in the fifth line thereof the words "or prospecting"

Amendment  
of section 87  
of the  
Principal  
Ordinance

**42** Section 90 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and  
replacement  
of section 90  
of the  
Principal  
Ordinance

" 90 (1) In any case where the holder of any lease, location or licence shall die, the obligations imposed upon such holder by this Ordinance or by any Regulations made thereunder or by any Regulations made under the Ordinance repealed by this Ordinance which are still subsisting shall be suspended and the rights conferred on such holder by such Ordinance or by such Regulations shall be preserved for six months from the date of death

Protection  
of estate of  
deceased  
person,  
bankrupt, or  
lunatic

Provided that the Commissioner may for good and sufficient cause extend the time

(2) In any case where the holder of a lease, location or licence shall—

(c) from the date of the appointment of any manager of the estate of the lunatic so found,  
as the case may be

(2) Where the grant of probate or the issue of letters of administration, the receiving order, and the appointment of any manager of the estate of the lunatic shall occur beyond the Colony, the said period of ninety days shall run from the date of the recognition by the courts of this Colony of such probate or letters of administration, receiving order, or appointment of a manager

Section 91 of the Principal Ordinance which it is proposed to repeal —

Payment of wages

91 (1) All wages due to any person employed by the holder of a prospecting right or on any location, lease or exclusive prospecting licence area shall be paid to such person in cash when due and in no case later than seven days thereafter

(2) No deduction whatever shall be made from such wages save only in respect of—

- (a) repayment of cash advances made to the employee by the employer,
- (b) payments for goods ordered by the employee for his personal use and supplied to him by the employer on the location, lease or exclusive prospecting licence area

- (i) have a receiving order in bankruptcy made against him, or
- (ii) be found to be a lunatic under the provisions of any law relating to lunacy for the time being in force in the Colony,

the obligations imposed upon such holder by this Ordinance or by any Regulations made thereunder or by any Regulations made under the Ordinance repealed by this Ordinance which are still subsisting shall be suspended and the rights conferred on such holder by such Ordinance or by such Regulations shall be preserved until the expiration of ninety days—

- (a) from the date of the receiving order, or
- (b) from the date of the appointment of any manager of the estate of the lunatic so found,

as the case may be

Provided that the Commissioner may for good and sufficient cause extend the time "

**43** Section 91 of the Principal Ordinance is hereby repealed **Repeal of section 91 of the Principal Ordinance**

**44** The Principal Ordinance is hereby amended by inserting immediately after section 99 thereof the following two new sections to be numbered 99A and 99B respectively — **Amendment of the Principal Ordinance**

“ 99A (1) The holder of a lease, location or exclusive prospecting licence shall, at the time he registers such lease, location or licence, furnish to the Commissioner his **Address and service on holder of lease, etc**

Section 100 of the Principal Ordinance which it is proposed to amend —

General  
penalty

100 Any person who commits any breach of any of the provisions of this Ordinance for which breach a penalty is not expressly provided, shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both

permanent address in the Colony and if thereafter such holder changes his address he shall forthwith send a notification of such change to the Commissioner

(2) Where under this Ordinance or under any Regulations made thereunder or under any Regulations made under the Ordinance repealed by this Ordinance which are still subsisting, the Commissioner is required to serve any notice, demand, or other communication, such notice, demand, or other communication shall be deemed to have been duly served if sent by registered post to the last address in the Colony (furnished to the Commissioner) of the person upon whom such notice, demand or other communication is required to be served

(3) The provisions of sub-section (2) of this section shall apply in like manner to any notice, demand or other communication which the Commissioner may, in his discretion, serve upon any person

99B A copy of any entry in any mining register purporting to be signed by the Commissioner or by an Assistant Warden and certified to be correct by the person signing it and an assay certificate signed by the Government Assayer and certified by him to be correct, shall be receivable in evidence without further proof in all courts in the Colony and in any proceedings instituted under the provisions of section 65 of this Ordinance

Copy of  
mining  
register and  
assay certifi-  
cate receivable  
in evidence

Provided that where any party proposes to produce such assay certificate by virtue of the provisions of this section, he shall give notice to the other party not less than fourteen days before the date of hearing of his intention so to do and such other party may give notice to the party purporting so to do requiring him to produce the assayer at the hearing for the purposes of cross-examination and failure to produce such assayer shall, in the absence of just cause or excuse which is reasonable in the circumstances, render such certificate inadmissible "

45 Section 100 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and  
replacement  
of section 100  
of the  
Principal  
Ordinance  
General  
penalty

" 100 Any person who commits an offence against, contravenes or fails to comply with any of the provisions of this Ordinance or of the Regulations made thereunder

Section 101 of the Principal Ordinance which it is proposed to amend —

Power to make regulations

101 The Governor in Council may make regulations in connexion with or for all or any of the matters or purposes following —

- (a) the manner in which applications for any right, licence, claim or lease which may be granted under this Ordinance shall be made and the forms to be used,
- (b) the information to be supplied by the applicants,
- (c) the classes of locations and leases,
- (d) the manner in which locations shall be marked off,
- (e) the manner in which protection areas may be acquired, their size and shape, the fees payable in respect thereof, and the period for which they may be held,
- (f) the shape of the areas over which exclusive prospecting licences may be granted,
- (g) the size and shape of the areas over which locations or mining leases may be granted,
- (h) the manner in which areas and boundaries shall be surveyed, marked and beacons and the fees payable in respect of such survey when performed by Government,
- (i) the working conditions to be applied to mining leases, locations and licences,
- (j) the construction and use of roads, tramways, and railways,
- (k) the construction and erection of houses, pits, shafts, machinery and other works to be used for prospecting or mining purposes,
- (l) the fencing off or rendering secure of any shaft, well, trench, tunnel, drive or other works constructed, erected or made for prospecting or mining purposes,
- (m) the grazing of cattle or other animals and the cutting down and use of timber for the purpose of carrying on prospecting and mining operations,

or of any Regulations made under the Ordinance repealed by this Ordinance which are still subsisting for which a penalty is not expressly provided shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment "

**46** Section 101 of the Principal Ordinance is hereby amended— Amendment of  
section 101 of  
the Principal  
Ordinance

(a) by deleting the word 'claim' which occurs in the second line of paragraph (a) thereof and by substituting therefor the word 'location',

(b) by deleting paragraph (d) thereof and by substituting therefor the following paragraph—

" (d) the manner in which locations shall be pegged,"

(c) by re-numbering the section as section "101 (1)",  
and

(d) by inserting the following new sub-section as sub-section (2) thereof—

" (2) Any such Regulation may require acts or things to be performed or done to the satisfaction of an officer appointed under the provisions of section 9 of this Ordinance, and may empower such officer to issue orders either verbally or by notice requiring acts and things to be performed or done, prohibiting acts and things from being performed or done, imposing conditions, and prescribing periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled "

**47** The Mining (Amendment) Ordinance, 1935, is hereby repealed Repeal  
No 13 of 1935

- (n) the safety and health of persons employed in mines and the carrying on of prospecting or mining operations in a safe, proper, sanitary and effectual manner,
- (o) the renewal, transfer, assignment and surrender of rights under licences, locations and mining leases,
- (p) the registration in the office of the Commissioner of mining leases, locations and exclusive prospecting licences and instruments under which any right or interest thereunder is transferred or surrendered and the fees payable on such registration,
- (q) the returns to be rendered and the nature of the accounts, books and plans to be kept by mining lessees and the holders of locations and of exclusive prospecting licences,
- (r) the rates of royalties to be paid to Government, the method of calculation of the amount of such royalties and the manner and time of payment thereof,
- (s) the counting of development done on the area of one licence, location or lease towards development due to be done on the area of another licence, location or lease in the same ownership,
- (t) the disposal of any poisonous or noxious products the result of mining operations,
- (u) the procedure on an appeal to the Governor,
- (v) the fees to be paid in respect of any matter or thing done under this Ordinance,
- (w) the contribution by parties benefited of a fair share of the cost of pumping in cases where pumping in one mine benefits other mines,
- (x) the defiling or wasting of water, wherever situated and wherever obtained,
- (y) generally for the carrying into effect the purposes of this Ordinance

## OBJECTS AND REASONS

The more important amendments proposed by this Bill are as follows —

*Clause 15* — Provides for mining locations to be tenable for ten instead of five years, and reduces the fee for their renewal after the period prescribed

*Clause 30* — Provides that where a charge, lien, etc., relating to a prospecting or mining title has not been registered such non-registration shall not affect the remedy *in personam* of the person failing to register

*Clauses 31 to 34* — The Warden's Court is abolished and the court of the Commissioner is substituted therefor

*Clause 44* — Specifies the manner in which statutory notices are to be served and provides that certain documents certified by officers of the Mining and Geological Department are to be receivable in evidence

Opportunity has been taken to provide in the Ordinance for various matters at present dealt with by the regulations and to make several verbal and phraseological amendments both in the interest of clarity and with a view to bringing the Ordinance into closer relationship with actual conditions in the goldfields

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

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Interpre-  
tation of  
terms

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

2 In this Ordinance, unless the context otherwise requires—

"battalion" or "unit" includes the Somaliland Camel Corps, the Supply and Transport Corps, the Northern Brigade Headquarters and the Northern Brigade Signal Section,

Sub-section (1) of section 73 of the Principal Ordinance which it is proposed to amend —

First term of  
engagement

73 (1) Every locally enlisted British warrant and non-commissioned officer shall be enlisted for a first term of three years

Sub-section (1) of section 75 of the Principal Ordinance which it is proposed to amend —

Re-engage-  
ment and  
continuance  
in service

75 (1) Every locally enlisted British warrant or non-commissioned officer who at any time has completed or is within three months of completing the term of his engagement may, with the approval of his commanding officer, re-engage for a further term of three years

## GOVERNMENT NOTICE No 750

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 King's African Rifles Ordinance, 1932**

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 King's African Rifles (Amendment) Ordinance, 1936, and shall be read as one with the King's African Rifles Ordinance, 1932, hereinafter referred to as the Principal Ordinance, and shall come into force on such date as the Governor may by notice in the Gazette appoint
- 2** Section 2 of the Principal Ordinance is hereby amended by deleting the definition of "battalion" or "unit" and by substituting therefor the following definition—
- " 'battalion' or 'unit' includes the Somaliland Camel Corps, the Supply and Transport Corps, the Northern Brigade Headquarters, the Northern Brigade Signal Section and the Coast Defence Unit, "
- 3** Sub-section (1) of section 73 of the Principal Ordinance is hereby amended by the deletion of the words "first term of three years" which occur in the second and third lines thereof, and by the substitution thereof of the words "term of service not exceeding five years"
- 4** Sub-section (1) of section 75 of the Principal Ordinance is hereby amended by the deletion of the words "three years" which occur in the fifth line thereof, and by the substitution therefor of the word "service"

Short title  
and com-  
mencement  
No 48 of 1932

Amendment of  
section 2 of  
the Principal  
Ordinance

Amendment of  
section 73 (1)  
of the  
Principal  
Ordinance

Amendment of  
section 75 (1)  
of the  
Principal  
Ordinance

Sub-section (1) of section 76 of the Principal Ordinance which it is proposed to amend —

Conditions of  
furlough

76 (1) Every locally enlisted British warrant or non-commissioned officer who has completed his engagement shall, with the approval of his commanding officer, be entitled to be granted leave as though he were serving on a Government agreement

5. Sub-section (1) of section 76 of the Principal Ordinance is hereby amended by the deletion of the words "as though he were serving on a Government agreement" which occur in the fourth and fifth lines thereof, and by the substitution therefor of the words "in accordance with the Regulations laid down for the Kenya European Local Civil Service".

Amendment of  
section 76 (1)  
of the  
Principal  
Ordinance

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#### OBJECTS AND REASONS

Clause 2 of the Bill amends the definition of "battalion" with a view to making provision for the raising of a Coast Defence Unit

It is proposed to include the posts of Mechanist Sergeant-Major and Staff Sergeant Mechanic, of the Supply and Transport Corps, King's African Rifles, in the Kenya Local Civil Service, and the remaining clauses of the Bill are necessary to ensure that the terms of service of the aforementioned posts are subject to the conditions of the Local Civil Service. As the King's African Rifles Ordinance, 1932, stands the terms of service that attach to these posts is at variance with Local Civil Service conditions.

Neighbouring territories have agreed to share the cost of the Coast Defence Unit, the Kenya share of the annual recurrent cost of which is estimated at approximately £1,406

The inclusion of certain posts in the Kenya Local Civil Service will involve expenditure of approximately £164 per annum

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