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The definitions of "ink" and "employer" in section 2 of the Principal Ordinance which it is proposed to delete and amend respectively:—

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

"ink" shall include indelible pencil;

"employer" includes the person actually engaging the native.

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 544

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Amend the Native Registration Ordinance

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

Short title.

1. This Ordinance may be cited as the Native Registration (Amendment) Ordinance, 1937, and shall be read as one with the Native Registration Ordinance (Chapter 127 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Cap. 127.

Amendment of section 2 of the Principal Ordinance.

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

(*a*) by deleting the definition of "ink";

(*b*) by deleting the definition of "employer" and substituting therefor the following:—

"'employer' means any person or any firm, corporation or company who or which has entered into a contract of service to employ any native or Somali, and the agent, foreman, manager, or factor of such person, firm, corporation or company, and where a native or Somali has entered into a contract of service with the Government of the Colony or with any officer on behalf of such Government, the Government officer under whom such servant is working shall be deemed to be his employer:

Provided that no Government officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith.";

and

Section 6 of the Principal Ordinance which it is proposed to amend:—

Endorsement of certificate by employer.

6. (1) Every person who engages a native for a longer period than twenty-four hours shall within forty-eight hours of his engaging such native demand from him his certificate and shall make and keep a record containing such particulars as shall be prescribed and shall endorse legibly in ink on such certificate such particulars as shall be prescribed whereupon the certificate shall be returned to the native. The employer shall also at the time of discharge endorse legibly in ink on the certificate such particulars as shall be prescribed, and return the certificate to the native.

Duties of natives as to endorsements.

(2) Every registered native shall before leaving the service of an employer request his employer to endorse his discharge on his certificate and in the event of the employer refusing or omitting to do so he shall forthwith report to the nearest registration officer and on its coming to the knowledge of the registration officer by the hereinbefore mentioned or any other means that such native is in possession of a registration certificate incomplete in any particular as hereinbefore mentioned the registration officer shall take steps to obtain a proper endorsement of discharge from such employer or if he is satisfied from the information at his disposal that the endorsement of discharge has been omitted through ignorance or mistake and through no fault of such native may himself endorse the discharge or complete the endorsement thereof on the certificate affixing such date as may appear to him consistent with the circumstances: Provided that no such endorsement of a registration officer shall be an absolute defence to a prosecution for desertion if it be proved that such offence has been committed by the native. If at the date of discharge the native is in receipt of a rate of wages different to that agreed upon when he was engaged the employer shall make and initial the alteration on the certificate.

(*c*) by inserting the following new definition:—

"'employment' or 'engagement' means the employment or the engagement of a native or Somali who, in return for his services, is paid any money or is given any consideration whatsoever."

Amendment of section 6 of the Principal Ordinance.

3. (1) Sub-section (1) of section 6 of the Principal Ordinance is hereby amended—

(*a*) by inserting the words "or employs" after the word "engages" in the first line thereof;

(*b*) by deleting the words "in ink" from lines five and eight thereof.

(2) Sub-section (2) of section 6 of the Principal Ordinance is hereby amended by deleting the first three lines thereof and substituting therefor the following words:—

"(2) Every registered native shall, before leaving the service of an employer, request such employer to endorse his discharge upon his registration certificate and it shall be the duty of the employer forthwith to do so. In the event of the employer refusing or".

(3) Sub-section (3) of section 6 of the Principal Ordinance is hereby amended—

(*a*) by deleting the full stop at the end thereof;

(*b*) by adding, immediately after the word "English", the words "and shall be made in blue or blue-black ink."

(3) All endorsements made under this section shall be in English.

Section 8 of the Principal Ordinance which it is proposed to amend:—

Offences by native.

8. Any person who:—

(1) Shall be in unlawful possession of or shall make use of any certificate belonging to another native; or

(2) Falsely state that he has not previously been registered or shall make any other false statement or commit any act or omission with the object of deceiving a registration officer; or

(3) Hand over his own certificate to any other native to be used by such other native; or

(4) Shall be found in any district without a certificate issued in pursuance of the provisions of this Ordinance; or

(5) Shall refuse or neglect to produce his certificate when required to do so by any police officer or other person lawfully entitled to demand the production of such certificate; or

(6) Shall mutilate any certificate issued to him or shall add thereto or erase therefrom any material particular; or shall knowingly be in possession of a certificate containing false entries or from which dishonest erasures or excisions have been made; or

(7) Shall obtain or attempt to obtain a new certificate from a registration officer without first reporting to such registration officer the loss, mutilation or destruction of any such certificate which may previously have been issued to him or the fact that he has been previously registered; or

(8) Shall become registered more than once and omit to give up to the registration officer any certificate issued to him on previous registration which remains in his possession;

shall upon conviction be liable to a fine not exceeding fifteen pounds or to imprisonment of either description for a period not exceeding three months or to both.

4. Section 8 of the Principal Ordinance is hereby amended— Amendment of section 8 of the Principal Ordinance.

(*a*) by the addition of the following new sub-section:—

"(9) Having departed from the service of his employer, from whatever cause, is, after the expiration of the period of his employment, in possession of a certificate bearing an endorsement of employment but no endorsement of discharge." and

(*b*) by deleting the last three lines of the section and substituting therefor the words:—

"shall upon conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months: Provided that if in a prosecution for an offence against the provisions of sub-section (9) of this section the court is satisfied that the person charged is guilty of the offence but that he is in possession of a certificate bearing no endorsement in circumstances which constitute an offence under the provisions of the Employment of Servants Ordinance, 1937, or of any Ordinance amending or replacing the same, the Court shall acquit the person charged if he has already been convicted of such other offence, but if such person has not already been convicted of such other offence then the court may convict him of an offence under sub-section (9) of this section and impose a penalty under this section and such conviction shall operate as a bar to the institution of any proceedings for such other offence against the person so convicted." No. of 1937.

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

Returns.

9. (1) Every person employing a native registered under the provisions of this Ordinance shall render to the administrative officer in charge of the district in which the native is employed returns at such intervals of time and containing such particulars as may be prescribed.

Certificate of deceased native.

(2) Every person shall within such period as may be prescribed forward to the administrative officer in charge of the district the certificate and container of any native who may have died in his employ or on land or premises under his control.

(3) Failure to comply with the requirements of this section shall render the person liable to a fine not exceeding ten pounds or to imprisonment of either description for a period not exceeding one month, or to both.

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

Disposal of Certificates.

12. Any person who shall come into possession of a certificate issued under this Ordinance other than the certificate issued to him or shall be in possession of more than one certificate issued to him under this Ordinance shall at the earliest opportunity deliver or forward the certificate which was not issued to him or which he has retained in addition to the one last issued to him or of which he has come into possession by any other means to the nearest magistrate or to the nearest registration officer. Any person who contravenes the provisions of this section shall on conviction be liable to a fine not exceeding fifteen pounds or to imprisonment of either description for a period not exceeding three months or to both.

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

Offences in respect of certificates.

13. Any person who:—

(1) Shall withhold a certificate from any native entitled thereto except for such reasonable time to enable him to examine such certificate or to make any lawful entries thereon; or

(2) Shall refuse or wilfully fail to enter any engagement or discharge on the certificate as required under section six hereof or when legally demanded by the native; or

5. Section 9 of the Principal Ordinance is hereby amended— Amendment of section 9 of the Principal Ordinance.

(*a*) by deleting from sub-section (1) thereof the words "administrative officer in charge of the district in which the native is employed" and by substituting therefor the words "Chief Registrar of Natives";

(*b*) by repealing sub-section (3) thereof and substituting therefor the following:—

"(3) Failure to comply with the requirements of this section shall render the person liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

6. Section 12 of the Principal Ordinance is hereby amended by deleting the last three lines thereof and substituting therefor the following words:— Amendment of section 12 of the Principal Ordinance.

"of this section shall on conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

7. Section 13 of the Principal Ordinance is hereby amended:— Amendment of section 13 of the Principal Ordinance.

(*a*) by deleting sub-section (5) thereof, and substituting therefor the following:—

"(5) Shall destroy, alter, imitate, mutilate, make a false entry in or in any way improperly tamper with any certificate or container belonging to a native whether such native is in his employ or not; or who shall knowingly engage or employ a native in possession of a registration certificate bearing any of the

(3) Shall engage or employ any native whose certificate bears an endorsement of employment but does not bear an endorsement of discharge from that employment without the permission of a registration officer first had and obtained in writing;

(4) Shall unlawfully or improperly deprive any native of any certificate or container in his possession; or

(5) Shall destroy, alter, imitate, mutilate, make a false entry or in any way improperly tamper with any certificate or container belonging to a native whether in his employ or not; or

(6) Shall unlawfully issue any certificate; or

(7) Shall engage or employ any unregistered native, provided the provisions of this sub-section shall only apply to such persons or such districts as may be prescribed;

(8) Shall make any entry whatsoever on the certificate of a native with whom he has not entered into a contract of service; or

(9) Shall wilfully fail to render any return required to be rendered under section nine hereof or shall knowingly furnish any false particulars therein;

shall upon conviction be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding one year, or to both.

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

Admissibility of finger print records as evidence.

14. Notwithstanding anything in the Law of Evidence or any other law or ordinance to the contrary any finger print or thumb print shall at the trial of any person accused of any offence under this Ordinance or any amendments thereof be admissible as evidence of identity against such accused person, if the said finger print or thumb print is certified under the hand and seal of an officer appointed by the Governor who shall have compared the finger print or thumb print with that filed in the Central Finger Print Bureau, and the certificate of such officer shall be evidence that the finger print or thumb print is identical with the finger print or thumb print record with which it is certified to have been compared.

mutilations, dishonest erasures or additions mentioned in sub-section (6) of section 8 of this Ordinance;"

(*b*) by deleting sub-section (7) thereof, and substituting therefor the following:—

"(7) Shall engage or employ any unregistered native or any native who does not first produce his registration certificate. (The provisions of this sub-section shall not apply to such persons or such districts as may be prescribed);"

(*c*) by deleting the last two lines of the section and substituting therefor the following:—

"hundred pounds or in default of payment to imprisonment for a term not exceeding one year."

8. Section 14 of the Principal Ordinance is hereby amended by deleting from line nine thereof the words "Central Finger Print Bureau" and substituting therefor the words "office of the Chief Registrar of Natives".

Amendment of section 14 of the Principal Ordinance.

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

Powers given to magistrates, police, and registration officers, etc., to demand production of certificate.

15. Any magistrate, justice of the peace, police officer, registration officer, employer of labour or his agent on his own farm or premises, or any other person authorized thereto by the Governor may at any time demand from any native the production of the certificate issued to him under this Ordinance. Failure or refusal to produce a certificate when demanded in accordance with the provisions of this section shall be an offence punishable with a fine not exceeding three pounds or imprisonment of either description for a period of one month or to both.

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

Complaints.

16. A notification by the chief registrar of natives to any magistrate or police officer of any desertion shall be treated as a complaint made by the employer.

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

Penalties.

17. Any person contravening any provision of this Ordinance for which no special penalty is provided shall on conviction be liable to a fine not exceeding thirty pounds, or to imprisonment of either description not exceeding three months, or to both.

9. Section 15 of the Principal Ordinance is hereby amended— Amendment of section 15 of the Principal Ordinance.

(*a*) by substituting the words "police officer of or above the rank of Assistant Sub-Inspector" for the words "police officer" which occur in the first line of the section; and

(*b*) by substituting the words "in default of payment to imprisonment for a term not exceeding one month." for the words "imprisonment of either description for a period of one month or to both."

10. Section 16 of the Principal Ordinance is hereby repealed. Repeal of section 16 of the Principal Ordinance.

11. Section 17 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:— Repeal and replacement of section 17 of the Principal Ordinance.

"17. Any person contravening any of the provisions of this Ordinance, for which no special penalty is provided, or of any rules made thereunder shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment for a term not exceeding three months." Penalties.

12. The Principal Ordinance is hereby amended by inserting, immediately after section 19 thereof, the following new sections:— Amendment of the Principal Ordinance.

"19A. Where proceedings are instituted against any person for an offence or for a number of offences against the provisions of this Ordinance, such persons may, notwithstanding the provisions of the Criminal Procedure Code, if such offences are of the same kind, be charged with and tried at the same time for any number of such offences. No. 11 of 1930.

19B. (1) Where the Chief Registrar of Natives has reason to believe that an offence has been committed against the provisions of this Ordinance, he may institute proceedings in respect of such offence.

(2) Any document purporting to be a certificate under the hand of the Chief Registrar of Natives, certifying that any return required to be made to him under this Ordinance has not been made, may be given in evidence in any proceedings under this Ordinance unless the court having jurisdiction under this Ordinance shall require the Chief Registrar of Natives to be called as a witness."

OBJECTS AND REASONS

The objects of this Bill are to improve the working of the Principal Ordinance and to bring certain definitions, penalties and methods of procedure into line with those in the new Employment of Servants Bill.

2. *Clause* 2.—The definition of "employer" conforms to that contained in the Employment of Servants Bill.

3. *Clause* 3.—All endorsements on a registration certificate must be permanent, and it is considered desirable to make the use of blue or blue-black ink compulsory, as cases have occurred in which red ink has been used to indicate displeasure with a native's services.

Clause 3 (1).—This is a corollary to clause 2 (*c*).

Clause 3 (2).—This makes it obligatory for an employer to make an endorsement of discharge on the registration certificate of an employee who requests him to do so on leaving his service.

4. *Clause* 4 (*a*).—This is intended to obviate the granting of indefinite leave by employers and the taking of indefinite leave by employees.

Clause 4 (*b*).—This ensures that a native shall not be punished twice for the same offence.

5. *Clauses* 5 *and* 6.—These increase the fines which may be imposed, but imprisonment can only be inflicted in default of payment of a fine.

6. *Clause* 7.—This prohibits the engagement of a native with a mutilated certificate, makes production of a registration certificate to the prospective employer prior to engagement compulsory and imposes imprisonment only as an alternative punishment in default of payment of a fine.

7. *Clause* 8 provides for the submission of labour returns direct to the Chief Registrar of Natives instead of to District Commissioners.

8. *Clause* 9 is intended to limit the powers conferred on the Police to demand the production of a registration certificate, to Police Officers of or above the rank of Assistant Sub-Inspector.

9. *Clause* 10 repeals section 16 of the Principal Ordinance which, as the offence of desertion is now non-cognisable and action can only be taken on a complaint by the employer, ceases to have any value.

10. *Clause* 11.—Under this clause the amount of the fine is increased but imprisonment is made an alternative punishment only in default of payment of a fine.

11. *Clause* 12 is designed to simplify the procedure in cases of multiple offences against any particular provision of the Ordinance, to empower the Chief Registrar of Natives to institute criminal proceedings, and to provide that a certificate issued under the hand of the Chief Registrar of Natives may be admitted as evidence of failure to submit labour returns.

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

Section 4 of the Principal Ordinance which it is proposed to amend:—

Instruments chargeable with duty.

4. Every instrument described in the schedule hereto shall, save as to the exemptions in this Ordinance and in that schedule specified, be severally subject to the duties prescribed in the schedule in respect of such instrument, whether the instrument be executed in the Colony or whether it be executed outside the Colony and relates to the transfer or hypothecation of any property situate therein or to any matter or thing to be performed or done therein:

Provided that no duty shall be chargeable in respect of any instrument executed by, or, on behalf of, or in favour of the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument.

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

Allowance for spoiled or misused stamps how to be made.

55. In any case in which allowance is made for spoiled or misused stamps, the revenue authority may give in lieu thereof:

(*a*) Other stamps of the same description and value; or

(*b*) If required, and he thinks fit, stamps of any other description to the same amount in value; or

(*c*) At his discretion, the same value in money.

GOVERNMENT NOTICE No. 545

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Amend the Stamp Ordinance

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

Short title.

1. This Ordinance may be cited as the Stamp (Amendment No. 2) Ordinance, 1937, and shall be read as one with the Stamp Ordinance (Chapter 57 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Cap. 57.

Amendment of section 4 of the Principal Ordinance.

2. The proviso to section 4 of the Principal Ordinance is hereby amended by substituting a colon for the full stop which occurs at the end thereof and by adding immediately thereafter the following further proviso:—

"And provided further that, with effect from such date as the Governor may by notice in the Gazette appoint, every bill of exchange, cheque or promissory note drawn or made in the Uganda Protectorate or the Tanganyika Territory and accepted and paid or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated in the Colony, and which has previously been duly stamped in the Uganda Protectorate or the Tanganyika Territory shall be deemed to be duly stamped in the Colony."

Amendment of section 55 of the Principal Ordinance.

3. Paragraph (*c*) of section 55 of the Principal Ordinance is hereby repealed and the following paragraph is substituted therefor:—

"(*c*) At his discretion, the value in money of the spoiled or misused stamps less ten cents for each shilling or portion of a shilling, or paper bearing impressed stamps to the value of the spoiled or misused stamps less ten cents for each shilling or portion of a shilling:

Provided that the maximum amount which the Revenue Authority may deduct under the provisions of this paragraph in respect of any one instrument shall not exceed twenty shillings."

OBJECTS AND REASONS

Clause 2.—At present a bill of exchange, cheque or promissory note drawn in one of the East African territories and negotiated in the other has to pay stamp duty twice. In order to assist inter-territorial trade it is proposed that such negotiable instruments drawn and stamped in Uganda or Tanganyika should be treated as duly stamped in the Colony. Both Tanganyika and Uganda will enact reciprocal legislation.

Clause 3.—Where refunds are allowed under the Stamp Ordinance for spoiled or misused stamps affixed to documents chargeable with stamp duty careful investigations have to be made in each case, and the work entailed in preparing payment vouchers and stamping the additional forms to be given in exchange is considerable. It is proposed, therefore, to give the revenue authority discretion to charge a discount of ten per centum when making refunds for spoiled or misused stamps, subject to a maximum discount of Sh. 20 in respect of any one instrument. This suggestion is in accordance with the practice in other Colonies.

No expenditure of public moneys will be involved if the provisions of this Bill become law, but a small loss of revenue may result under Clause 2.

GOVERNMENT NOTICE No. 546

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Regulate the Residence of Labourers on Farms

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 Resident Labourers Ordinance, 1937. Short title.

2. This Ordinance or any part thereof shall apply to such districts or areas, and from such date or dates, as the Governor in Council may, from time to time, by proclamation in the Gazette, appoint. Application of Ordinance.

3. In this Ordinance— Interpretation.

"attesting officer" means a person appointed as such by the Governor in Council under the provisions of section 32 of this Ordinance;

"cattle" means any bull, cow, steer, heifer or calf or any other animal which the Governor may, by order, declare to be cattle for the purposes of this Ordinance;

"family" means the wife or wives and the unmarried children, if any, of a native or Somali;

"farm" means any area of land (other than an area of land situated in a municipality, township or trading centre which is held under a title, or a licence, the terms of which preclude either expressly or impliedly such area of land from being used for agricultural purposes) and shall include any area of land set apart by the Government of the Colony for the purpose of experimental farming:

Provided that if, under section 2 of this Ordinance, the Governor in Council by proclamation applies the provisions of this Ordinance to the Protectorate of Kenya or any district thereof, or any area therein, this definition shall, so far as the Protectorate, district or area, as the case may be, is concerned,

be deemed to include only such land as may be held under a Certificate of Title granted under the Land Titles Ordinance and is specified in such proclamation;

Cap. 143.

"forest area" means any area declared, under section 3 of the Forest Ordinance, to be a forest area;

Cap. 149.

"local authority" means a municipality established under the Local Government (Municipalities) Ordinance, 1928, a district council established under the Local Government (District Councils) Ordinance, 1928, in respect of the respective areas of jurisdiction so conferred upon them, and, where there is no municipality or district council, means the district commissioner;

No. 19 of 1928.

No. 21 of 1928.

"mission" means any mission recognized as such by the Governor;

"occupier" means the owner or lessee or any other person having a legal right to occupy a farm, a forest area, unalienated Crown land or Railway land, and includes any manager or agent (other than a native or a Somali, except with the approval of a district officer), of such occupier, and in respect of forest areas and Railway land, includes the Conservator of Forests and the General Manager of the Kenya and Uganda Railways and Harbours respectively;

"Railway land" means any land the control of which vests in the High Commissioner for Transport;

"resident labourer" means a native or a Somali who has entered into a contract under section 5 of this Ordinance or under the Resident Native Labourers Ordinance, 1925;

No. 5 of 1925.

"stock" includes cattle, sheep, goats, and such other animals or birds as the Governor may, by order, declare to be stock for the purposes of this Ordinance.

When natives or Somalis may reside on a farm.

4. (1) No native or Somali shall reside on or remain for a longer continuous period than forty-eight hours on any farm or in any forest area, or on any unalienated Crown land, or on any Railway land, unless he—

(*a*) is the occupier thereof or a member of the family of the occupier thereof; or

(*b*) has duly entered into a contract, still unexpired, under section 5 of this Ordinance or under the Resident Native Labourers Ordinance, 1925; or

No. 5 of 1925.

(*c*) is in actual employment on such farm, forest area, unalienated Crown land or Railway land, in pursuance of a contract made under the provisions of any law for the time being in force in the Colony relating to the employment of servants, or is a member of the family of a native or Somali so employed; or

(*d*) is a native or a Somali who, from age or infirmity, is incapable of continuous employment and is closely related to a family lawfully residing on such farm, and who has obtained written permission from a magistrate or attesting officer by endorsement on a resident labourer's contract or otherwise; or

(*e*) is the holder of a permit in writing in that behalf given to him by the occupier and, in the case of a permit authorizing residence for a period of more than fourteen days, is also the holder of a permit from the district commissioner:

Provided that the provisions of this sub-section shall not apply to a native residing by right in the Lembus and Mt. Elgon forest areas.

(2) Any person who contravenes the provisions of this section shall be liable, on conviction, to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding two months.

Contract of service to work on a farm.

5. (1) When a native or Somali has entered into a contract, as in this section provided, the members of his family may also reside on the farm, forest area, unalienated Crown land or Railway land, as the case may be.

(2) A contract under this section shall be in writing, shall be executed by the occupier and by the native or Somali and by all the male members of native's or Somali's family over the apparent age of sixteen years, shall be attested by a magistrate or by an attesting officer, shall be in the form of the agreement set out in the First Schedule to this Ordinance, subject to such variations, not inconsistent with the provisions of this Ordinance, as the magistrate or attesting officer may approve, and shall provide—

(*a*) for a term of not less than one year and not exceeding five years, notwithstanding anything to the contrary contained in any law for the time being in force in the Colony relating to the employment of servants;

(*b*) for the renewal or variation of the contract, by endorsement by the parties thereto, with the approval of a magistrate or attesting officer;

(*c*) for the native or Somali and any male member of his family resident on the farm who is of the apparent age of sixteen years or over, and who is not working under any law for the time being in force in the Colony relating to the employment of servants, to work for the occupier for not less than 180 days at the election of the occupier in any one year during the term of such contract, and for the occupier to provide employment and to pay wages to each such person for the number of days specified in the contract;

(*d*) for the occupier to give notice in writing to every male member of such family who, during the continuance of the contract, may attain the age of sixteen years, to the effect that, on the expiration of three months from the date of receiving such notice such male member will be required either (i) to enter into a contract under this Ordinance with the occupier; or (ii) to enter, under any law for the time being in force in the Colony relating to the employment of servants, into a contract with the occupier or some other employer in the vicinity: but that if such male member enters into any such contract with some other employer he shall cease to reside on the occupier's farm except with the permission of the occupier; or (iii) to cease to reside on the occupier's farm;

(*e*) for the female members of the family who are willing and able to work to serve the occupier if he offers suitable work at a reasonable rate of wages;

(*f*) for the supply by the occupier of building material for the family's huts;

(*g*) for the use by the family of land for cultivation and, when agreed upon, for grazing;

(*h*) for the kinds of crops which the native or Somali or his family may not grow on the farm;

(*i*) for the number of stock which the native or Somali may graze on the farm;

(*j*) for the rates of pay and other consideration to be paid or given to the native or Somali and any member of his family for the period of actual employment;

(*k*) for the termination of the contract by not less than three months' notice on either side: Provided that the term of residence on a farm shall in no case be less than one year except with the approval of a magistrate;

(*l*) in the event of termination of the contract in accordance with the last preceding paragraph, for the removal by the family of crops cultivated by such family or for payment by the occupier of compensation in lieu thereof: Provided that no crop shall be planted after notice of termination has been given by either party;

(*m*) in the case of missions, for the regular attendance of the children of the family at school for the purpose of education within the meaning of section 21 of this Ordinance.

(3) Any contract under this section may, with the consent of the parties thereto, relate to any number of farms provided that such farms are in the same ownership or occupation and a magistrate certifies that he is satisfied that proper control can be exercised over the resident labourers resident on such farms as are not in the personal occupation of a European.

(4) The original of every contract made under this section shall be filed in the office of the district commissioner of the district in which the parties reside and one copy of the contract shall be handed to the occupier and one copy to the head of the contracting resident labourer's family.

(5) A magistrate or attesting officer may refuse to attest any contract which does not provide for a fair remuneration in money, having regard to the local rates of wages, or any contract which, in his opinion, is likely to lead to a breach of the provisions of this Ordinance.

(6) A magistrate or attesting officer may, in his discretion, refuse to attest any contract entered into by a native or Somali whom he considers to be an undesirable.

(7) A magistrate may for any good and sufficient reason order the removal of a native or Somali, or of a resident labourer, and/or his stock from any farm, forest area, Railway

land or unalienated Crown land; and such magistrate may after inquiry assess the costs of such removal and determine by whom such costs shall be paid.

(8) (*a*) A magistrate or attesting officer may, when he deems it necessary before attesting any contract under this section, require the occupier to give security for the payment of the wages of the native or Somali with whom the contract is to be made.

(*b*) Such security may be given by a bond in the form set out in the Second Schedule to this Ordinance, or to the like effect, with one or more sureties approved by the magistrate or attesting officer.

(9) When notice of termination of a contract has been given by either party thereto the occupier shall forthwith notify the district commissioner accordingly.

(10) On a change of occupancy of a farm the contract shall be deemed to have been assigned to the new occupier and to be a contract between the new occupier and the resident labourer.

Permission of district commissioner is necessary in certain cases before contract is entered into or attested.

6. (1) No occupier shall enter in a contract under this Ordinance with a native or Somali who is residing within the jurisdiction of an official headman unless such occupier has received the permission in writing of the district commissioner of the district in which the native or Somali is so residing.

(2) No magistrate or attesting officer shall attest any contract under this Ordinance between an occupier and any such native or Somali unless such permission in writing is produced and shown to him by the person submitting the contract for attestation.

(3) Any occupier who contravenes the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance and shall, on conviction, be liable, in addition to the penalties prescribed in section 29 of this Ordinance, to pay the expenses of returning the native or Somali together with his family and stock, if any, to the district in which such native or Somali was residing.

When natives or Somalis may not reside on farms.

7. No occupier shall allow any native or Somali to reside on a farm in contravention of the provisions of this Ordinance.

Resident labourers' contracts to be endorsed on registration certificate.

8. (1) When a native or Somali has entered into a contract of service under the provisions of section 5 of this Ordinance, or where a resident labourer who has been given a certificate under section 11 of this Ordinance and recommences

work under his contract, it shall be the duty of the occupier forthwith to endorse in blue or blue-black ink upon such native's or Somali's registration certificate, in the column respectively provided therefor, the following particulars—

(*a*) the name of the employer and district in which the native or Somali is employed;

(*b*) the nature of the native's or Somali's employment, preceded by a capital letter R, to denote that he is a resident labourer;

(*c*) the date of commencement of the contract;

(*d*) the rate of wages in cash; and

(*e*) whether or not rations are provided,

and to comply with the provisions of section 9 of the Native Registration Ordinance. *Cap.* 127.

(2) Every male native or Somali who is a party to a contract made under the provisions of the Resident Native Labourers Ordinance, 1925, shall, within one month after the date of the application of this Ordinance to the area in which he is residing under such contract, produce his registration certificate to the occupier. No. 5 of 1925.

(3) Such occupier shall thereupon make an endorsement upon the registration certificate as is required by sub-section (1) of this section and shall forthwith render a return to the Chief Registrar of Natives, as required under section 9 of the Native Registration Ordinance, showing the registration numbers and the names of every registered native or Somali resident upon his farm. *Cap.* 127.

(4) Any person who fails to comply with the provisions of this section shall be deemed to have committed a breach of the provisions of this Ordinance.

Termination of contract to be endorsed on registration certificate.

9. (1) On the termination of a contract entered into under the provisions of section 5 of this Ordinance or of a contract to which the provisions of sub-section (2) of section 8 of this Ordinance applies, or where the occupier has given a certificate under the provisions of section 11 of this Ordinance, the occupier shall endorse in blue or blue-black ink the date of such termination, or the date on which such certificate is given, as the case may require, in the column provided in the resident labourer's registration certificate for the date of discharge.

(2) It shall be the duty of the resident labourer, on the termination of any such contract, or upon receipt of the certificate given under the provisions of section 11 of this Ordinance, to request the occupier to make such endorsement, but failure on the part of the resident labourer to make the request shall not relieve the occupier of the responsibility for making such endorsement.

(3) In the event of the occupier refusing or omitting to make such endorsement, the resident labourer shall forthwith report to the district commissioner in whose office the contract is filed; and such district commissioner may, if he is satisfied from the information at his disposal that the endorsement has been omitted through ignorance or mistake or wilfully by the occupier and through no fault of the resident labourer, after inquiry complete in blue or blue-black ink such endorsement on the registration certificate affixing such date for the date of discharge as may appear to him to be consistent with the circumstances.

(4) Any person who fails to comply with the provisions of this section shall be deemed to have committed a breach of the provisions of this Ordinance.

Application of certain provisions of Native Registration Ordinance. *Cap.* 127.

10. Any occupier entering into a contract with a native or Somali under section 5 of this Ordinance shall be deemed to have engaged such native or Somali within the meaning of the Native Registration Ordinance, and sections 9, 10, 17, 18 and 20 of the Native Registration Ordinance, and such Rules made under the said Ordinance as the Governor in Council may by notice prescribe, shall apply to such occupier and native or Somali as if the contract were an agreement within the meaning of the said Ordinance.

Resident labourers' certificates.

11. When a resident labourer has, within any period of twelve months, completed the number of days' work specified in such contract, the occupier shall, if so required by such resident labourer deliver to him a certificate to that effect in the form set out in the Third Schedule to this Ordinance, specifying the date on which the resident labourer's obligation to work under such contract recommences.

Occupier to provide employment contracted for.

12. Any occupier shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding two months or to both such fine and such imprisonment, if he fails in any one year to provide employment for not less than the number of days specified in the contract for each person for

whom, under the terms of any contract made under this Ordinance or under the Resident Native Labourers Ordinance, 1925, he is under an obligation to provide such employment: Provided that notwithstanding the terms of any such contract, a Provincial Commissioner shall have power, for any good and sufficient reason, to reduce the minimum number of days work required from resident labourers in any area within his province. No. 5 of 1925.

13. Any magistrate, or any person duly authorized in writing in that behalf by a magistrate, or any police officer of or above the rank of assistant sub-inspector, or a justice of the peace may demand from any occupier the production of any contract entered into by such occupier under the provisions of section 5 of this Ordinance or under the Resident Native Labourers Ordinance, 1925, and such occupier shall forthwith produce such contract. Contract to be produced. No. 5 of 1925.

14. Every occupier shall keep records sufficient to show the date of the contract of each resident labourer, the number of days on which such resident labourer has worked and the wages paid. Record of resident labourers.

15. An occupier shall provide every resident labourer with a labour ticket, in such form as may be prescribed, showing the number of days worked by every such resident labourer. Such labour ticket may be retained by the resident labourer, if he so desires, but shall be surrendered by him to the occupier on payment to him of his wages by the occupier. Labour tickets.

16. (1) Every occupier shall keep an up-to-date register of all cattle eligible for branding, and of such other stock in respect of which a register may be required to be kept by an order made under the provisions of section 22 of this Ordinance, kept on his farm and owned by natives or Somalis lawfully residing thereon. Register of resident labourers' stock.

(2) Such register shall be in the form set out in the Fifth Schedule to this Ordinance.

17. (1) No native or Somali, other than an occupier or a member of the family of such occupier, shall graze any stock on any farm unless— Resident labourers' stock on farms.

(*a*) he is lawfully residing on such farm under the provisions of paragraphs (*b*), (*d*) or (*e*) of sub-section (1) of section 4 of this Ordinance; and

(*b*) such stock is his own personal property; and

(*c*) if residing under the provisions of paragraph (*d*) or paragraph (*e*) of sub-section (1) of section 4 of this Ordinance, he has received the written consent of the occupier and the written approval of the district commissioner or the attesting officer for keeping such stock on the farm; and

(*d*) every head of cattle over the age of six months kept by such native or Somali on the farm is legibly branded by the occupier at his own expense with his brand together with the letter "S".

(2) (*a*) The written consent of the occupier and the written approval of a magistrate or attesting officer required by paragraph (*c*) of sub-section (1) of this section shall specify the number of stock which such native or Somali may keep on the farm.

(*b*) In arriving at such number the occupier and the magistrate or attesting officer shall have regard—

(i) to any order, made under the provisions of section 22 of this Ordinance, in force in the area in which the farm is situated; and

(ii) to the reasonable needs of the native or Somali and of the members of his family residing with him.

(3) Any native or Somali—

(*a*) who keeps upon a farm any stock which is not his own personal property; or

(*b*) who, if residing under the provisions of paragraph (*d*) or paragraph (*e*) of sub-section (1) of section 4 of this Ordinance, keeps upon a farm any stock in respect of which he has not received the written consent of the occupier and the written approval of a magistrate or attesting officer; or

(*c*) who keeps on a farm any stock in excess of the number which he is authorized to keep in pursuance of such written consent of the occupier and such approval of the district commissioner or an attesting officer; or

(*d*) who keeps on a farm any head of cattle which is not branded in accordance with the provisions of this section,

shall be guilty of an offence against this Ordinance.

(4) The provisions of sub-sections (2) and (3) of this section relating to the number of stock which a native or a Somali may lawfully keep upon a farm shall not apply to

the stock of a native or Somali who before the commencement of this Ordinance has entered into a contract, which is still unexpired, under section 5 of the Resident Native Labourers Ordinance, 1925, and who, under the provisions of sub-section (1) of this section, lawfully has such stock on the farm: Provided that every such native or Somali shall, within three months after the date of the application of this Ordinance to the area in which he is residing, furnish a record to the occupier who shall forward a return to a magistrate or attesting officer specifying the number of each kind of stock which such native or Somali is keeping on such farm. No. 5 of 1925

(5) In assessing the number of cattle, sheep and goats kept on a farm no account shall be taken of stock under the age of six months.

(6) No occupier shall, after the expiration of a period of six months from the date of the application of this Ordinance to the area in which such occupier's farm is situate, brand any head of cattle kept on his farm by a native or Somali lawfully residing thereon if such head of cattle is already branded with any recent registered brand denoting ownership unless and until such cattle have been re-branded as provided for in sub-section (10) of this section.

(7) It shall be the duty of an occupier to maintain his brand on every head of cattle in a legible condition.

(8) Any occupier who commits a breach of sub-sections (6) or (7) of this section or who suffers any stock to be kept on his farm in contravention of the provisions of this Ordinance shall be guilty of an offence.

(9) (*a*) Nothing in this section contained shall be construed as entitling any person to move or to compel the movement of stock in contravention of any restrictions in force under any law for the time being in force in the Colony relating to the diseases of animals.

(*b*) If, at the time of the termination of any contract made under section 5 of this Ordinance or under the Resident Native Labourers Ordinance, 1925, or of any agreement or engagement between an occupier and a native or a Somali under the law for the time being in force in the Colony relating to the employment of servants, any such restrictions are in force prohibiting the movement of stock from such farm, such stock shall remain on the farm without charge, and the owner of such stock may also remain on such farm until such restrictions are removed or unless other arrangements are made for No. 5 of 1925

the care or disposal of such stock to the satisfaction of the parties and of a magistrate; and in any such case any such contract shall be deemed to remain in force until such restrictions are removed or until such other arrangements are made, as the case may be.

(10) (*a*) No cattle over the age of six months owned by a native or a Somali and kept on a farm in accordance with the provisions of this Ordinance shall be removed from a farm unless the owner has first produced them to the occupier who shall, at his own expense, cause such cattle to be re-branded with his own brand reversed.

(*b*) Any owner of cattle who moves or permits to be moved from a farm any such cattle which have not been so re-branded, and any occupier who on request refuses or fails so to re-brand any cattle, shall be guilty of an offence.

(11) Where the owner of any stock has committed a breach of the provisions of this section, or where a person in possession of any stock has, with the connivance and consent of the owner of the stock, committed a breach of the provisions of this section, a magistrate may, in addition to imposing any other penalty provided in this Ordinance, order that the stock in respect of which the offence has been committed be confiscated.

(12) All stock kept on a farm by a native or a Somali shall be deemed for all purposes to be the personal property of such native or Somali, until the contrary be proved.

Registers to be produced.

18. (1) A magistrate, or a veterinary officer authorized in writing by the Director of Veterinary Services, or a police officer of or above the rank of assistant sub-inspector, or any person duly authorized by a magistrate in that behalf may—

(*a*) enter upon a farm and demand from the occupier the production of any register or records which are required to be kept under the provisions of this Ordinance;

(*b*) take all reasonable and proper steps to satisfy himself as to the correctness of any particulars entered therein; and

(*c*) demand from such occupier an explanation of any apparent discrepancies therein.

(2) Any occupier who knowingly makes a false entry in any register or records or refuses to produce any register or records or to furnish any explanation when lawfully called

upon to do so, or who shall knowingly furnish a false explanation, shall be guilty of an offence.

Removal of natives or Somalis from undeveloped farms.

19. A magistrate may by notice served upon the occupier or, if the occupier has no address in the Colony or if such address is unknown, by notice published in the Gazette, require the occupier of a farm which is not, in his opinion, under such occupation as to ensure the observance of the provisions of this Ordinance, to remove any native or Somali, found residing on such farm, within twenty-eight days from the date of the service of such notice or from the date of the publication of the notice in the Gazette, as the case may be; and if such native or Somali is not so removed then a magistrate, or such other person as he may authorize in that behalf, shall remove such native or Somali and send him to a native reserve or to such other place as the magistrate may determine: Provided that, when the magistrate is satisfied that such native or Somali is employed by the occupier of such farm on another farm in the same occupation or ownership under a contract of service or under a resident labourer's contract, he shall allow such native or Somali to remain on such farm.

Prohibition against payment by natives or Somalis.

20. (1) (*a*) No payment in money or in kind shall be demanded or taken from any native or Somali for the right to reside on or to cultivate any land or to graze any stock, or for the use of salt-licks, fuel or water on any farm.

(*b*) No occupier shall enter into a contract with a native or Somali lawfully residing on his farm whereby the occupier shares any profit derived by such native or Somali from his cultivation or from the increase or produce of his stock on the farm of such occupier.

(2) Manure or fertilizers produced on a farm by a resident labourer's stock shall be the property of the resident labourer during the period of his contract: Provided that, if such manure or fertilizer is not reasonably required for the purposes of the resident labourer's cultivation on such farm, the occupier may use such manure or fertilizers for the purpose of his own cultivation free of cost other than the cost of transporting the manure or fertilizers from one place on the farm to another.

(3) Nothing in this section contained shall be deemed to render illegal the purchase by an occupier at a reasonable price of the stock of a resident labourer or the produce of a resident labourer's stock or cultivation.

Natives or Somalis employed on mission lands.

21. Natives or Somalis employed on farms in the occupation of missions and engaged in receiving or imparting industrial or technical instruction with or without literary or theological instruction or training for not less than one hundred and eighty days in each year shall be exempt from the provisions of section 4 of this Ordinance if such instruction or training is under proper and responsible control to the satisfaction of a magistrate.

Local option. Power to make orders.

22. (1) Subject to the provisions of section 2 and of section 23 of this Ordinance a local authority may, in respect of any farm or group of farms within the area of its jurisdiction, by order published in the Gazette and in a newspaper circulating within such area—

(*a*) prohibit the engagement of resident labourers on any farm, or group of farms;

(*b*) limit the number of resident labourers to be engaged on any farm or group of farms;

(*c*) prohibit the keeping of stock by natives or Somalis on any farm, either generally or in respect of any specified kind of stock, or limit the numbers of any specified kind of stock which may be kept on a farm by a resident labourers, or prescribe the conditions under which native or Somali stock shall be kept;

(*d*) prescribe the number of days in a year on which a resident labourer shall work and for which he shall receive wages: Provided that such number of days shall in no case be less than one hundred and eighty, and provided further that no resident labourer shall be required to work for more than two hundred and seventy days in any year unless he so desires.

(2) In making any order as aforesaid the local authority shall have regard—

(*a*) to the wishes of the occupiers of farms within the area of its jurisdiction, so far as such wishes can be reasonably and conveniently ascertained;

(*b*) to the reasonable labour requirements of farms; and

(*c*) to the reasonable needs of resident labourers on such farms.

(3) When such an order has been made it shall be the duty of the occupier of a farm to which such order applies, within one month after the date of the publication of the order in the Gazette in accordance with the provisions of sub-section (7) of section 23 of this Ordinance, to give notice of termination

of such contracts as may be necessary to make the said order effective, and failure to give such notice shall be an offence against the provisions of this Ordinance.

(4) The Governor in Council if he is satisfied that, contrary to the wishes of the majority of the occupiers in any areas so far as such wishes can reasonably and conveniently be ascertained, a local authority has neglected or refused to make any order as aforesaid or that circumstances obtaining in any area are such that an order under this section should be made, may call upon such local authority to make such order as in the circumstances may be just and expedient, and, if the local authority within a reasonable time after being so called upon refuses or neglects to make an order, the Governor in Council may in respect of the area of jurisdiction of such local authority or any part thereof by order exercise any of the powers conferred upon a local authority by sub-section (1) of this section.

Orders by local authorities, how to be made.

23. (1) No order shall be made or amended by a local authority unless and until a copy of such proposed order or amending order has been deposited at the office of the local authority for inspection by any person at all reasonable times, and unless and until a notice, setting forth the general purport of the proposed order and stating that a copy thereof is open to inspection, shall have been published in the Gazette and in some newspaper circulating in the district and exhibited in a conspicuous place at or near the public entrance to the local authority's offices fourteen days prior to the meeting of the local authority to be held for the purpose of making such order or such amending order.

(2) Any objection to any such order shall be lodged with the clerk to the local authority within thirteen days after the date of the publication of the notice as aforesaid.

Submission of orders for approval of Standing Committee.

(3) After any order has been made or amended by a local authority such order or amending order shall be submitted to the Commissioner for Local Government through the Provincial Commissioner for the approval of the Standing Committee, together with—

(*a*) a copy of the minutes of the meeting of the local authority at which the order or amending order was adopted;

(*b*) a certificate by the clerk to the authority that the provisions of sub-section (1) of this section have been complied with; and

(*c*) copies of any objections against the adoption of the order which may have been lodged in writing with the clerk, or, if no objections have been lodged, a statement to that effect.

(4) When the standing committee has approved of any order, with or without amendment, such order shall be published in the Gazette.

(5) Any person aggrieved by such order may within one month from the date of publication under sub-section (4) of this section submit to the Governor in Council a written objection to the order.

Governor in Council to confirm or vary order.

(6) As soon as possible after the expiration of a period of one month from the date of publication of the order under sub-section (4) of this section, the Governor in Council shall, after considering such written objections, if any, as may have been made under the last preceding sub-section, confirm, vary or reject such order.

(7) If the Governor in Council confirms, with or without amendment, any such order he shall cause the order to be so certified by the clerk to the Executive Council who shall then cause the order to be published in the Gazette, and as and from the date of such publication such order shall have the full force of law in the area to which it relates.

(8) For the purposes of this section the expression "standing committee" means—

(*a*) in the case of an order made by a local authority which is a municipality, the Standing Departmental Committee for Local Government established under the Local Government (Municipalities) Ordinance, 1928;

No. 19 of 1928.

(*b*) in the case of an order made by any other local authority, the Standing Departmental Committee for Rural Areas established under the Local Government (District Councils) Ordinance, 1928.

No. 21 of 1928.

Governor in Council shall make orders regarding Forest, Railway or unalienated Crown lands.

24. The Governor in Council may make orders of a similar nature to those which a local authority is empowered to make under section 22 of this Ordinance in respect of forest areas, unalienated Crown land or Railway land, and, in making such order, shall have regard—

(*a*) to the reasonable labour requirements of the Kenya and Uganda Railways and Harbours or of any department of Government concerned;

(*b*) to the reasonable needs of such natives and Somalis; and

(*c*) to the terms of any order made under section 22 of this Ordinance in force in any area adjacent to such forest area, unalienated Crown land or Railway land.

Institution of proceedings for offences.

25. (1) Proceedings in respect of any offences against the provisions of section 4, 7, 13, 14, 15, 16, 17, 18 and 20 of this Ordinance may be instituted by the Police or by any person authorized in writing by a magistrate.

(2) A magistrate may, in his discretion—

(*a*) rescind any contract made under this Ordinance where it has been proved to his satisfaction that there has been a breach of the terms thereof, or, on the application of either party to the contract, when the other party has been convicted of a criminal offence against him or of a criminal offence involving serious moral turpitude; and

(*b*) cancel any permit given by an occupier in contravention of the provisions of this Ordinance:

Provided that in any such case the native or Somali shall retain his rights over growing crops unless the occupier elects to give him reasonable compensation therefor. In the event of any dispute as to the amount of compensation payable the magistrate shall determine the amount thereof.

(3) Compensation payable under this section may be paid to the magistrate by an occupier, but if proceedings have been instituted by the occupier for damages against the native or Somali, the magistrate shall not pay out the compensation to the native or Somali until the liability of the native or Somali to pay damages has been determined; and if the native or Somali is found to be liable to damages, such damages may be set off against the amount paid to the magistrate by the occupier.

Penalties for offences committed by resident labourers.

26. A resident labourer shall on conviction be liable to a fine of one hundred shillings or in default of payment to imprisonment for any term not exceeding one month—

(1) if he, after having entered into an agreement under this Ordinance, fails or refuses without lawful cause to enter upon his duties on the farm at the stipulated time;

(2) if he, without lawful cause, absents himself from the place proper and appointed for the performance of his work on any day when the occupier may lawfully require him to work;

(3) if he, during any time when he is lawfully required to work, is intoxicated and thus unfit to perform his work;

(4) if he neglects or refuses to perform any work which it was his duty to have performed, or if he carelessly or improperly performs any work which from its nature it was his duty under his agreement to have performed carefully and properly;

(5) if he, without leave and for his own purposes, makes use of any horse, vehicle or other property belonging to the occupier;

(6) if he uses any abusive or insulting language or is guilty of insulting behaviour to the occupier or to any person lawfully placed by the occupier in authority over him, calculated to provoke a breach of the peace;

(7) if he refuses to obey any command of the occupier, or of any person lawfully placed by the occupier in authority over him, which command it was his duty to obey;

(8) if he grows upon the farm any crop which by his contract he is prohibited from growing;

(9) if he, after the termination of his contract and subject to the provisions of paragraph (*k*) of sub-section (2) of section 5 and sub-section (9) of section 17 of this Ordinance, fails within a reasonable and specified time to leave the farm and to remove his family and stock therefrom.

Penalties for more serious offences committed by resident labourers.

27. A resident labourer shall be liable to a fine not exceeding one hundred and fifty shillings and in default of payment to imprisonment for any term not exceeding two months—

(1) if he wilfully or by wilful breach of duty or through drunkenness does any act tending to the immediate loss, damage or serious risk of any property placed by any other person in his charge for delivery to or on account of his occupier;

(2) if, by wilful breach of duty or by neglect of duty or through drunkenness, he refuses or omits to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by the occupier in his charge, or placed by any other

person in his charge for delivery to or on account of his occupier;

(3) if, being employed as a herdsman—

(*a*) he fails to report to the occupier the death or loss of any animal placed in his charge at the earliest opportunity after he has discovered, or at the earliest opportunity after he should in the ordinary course of duty have discovered, such death or loss;

(*b*) he fails, after having received an order from the occupier to preserve for the use or inspection of the occupier any part or parts of an animal which such resident labourer alleges to have died, to preserve such part or parts and is unable to prove to the satisfaction of the court the death of the animal which he alleges to have died;

(*c*) he alleges the loss of any animal placed in his charge and it is proved by the occupier to the satisfaction of the court that such animal could not, in the circumstances of the case, have become irrevocably lost without the act or default of the resident labourer;

(4) if, being employed in any capacity other than that of a herdsman, he alleges the loss of any property placed in his charge by or for the occupier and it is proved by the occupier to the satisfaction of the court that the property in question could not have been lost without the act or default of the resident labourer.

Penalties for offences committed by occupier.

28. (1) An occupier shall be liable to a fine not exceeding one hundred and fifty shillings and in default of payment to imprisonment for a term not exceeding two months if he is convicted of any of the following acts or omissions, that is to say—

(*a*) if he fails to pay, on demand, the wages due to a resident labourer;

(*b*) if, before or after the expiration of the contract, upon demand made and without lawful cause, he refuses to deliver or to permit to be taken away any property belonging to a resident labourer lawfully remaining or being upon such occupier's land;

(*c*) if he fails knowingly or on demand to provide his resident labourers with proper medicines during ill-

ness and also, if procurable, medical attendance during serious illness: Provided that an employer's liability for medical attendance during illness shall not extend beyond a period of thirty days.

Discretionary powers of magistrates.

(2) Upon any complaint brought before a court under the provisions of this Ordinance the magistrate may, in addition to any jurisdiction he might have exercised if this Ordinance had not been enacted, exercise all or any of the following powers:—

To adjust and set off claims.

(*a*) He may adjust and set off one against the other all such claims on the part either of the occupier or of the resident labourer arising out of, or incidental to, the relation between them as the magistrate may find to be subsisting, whether such claims are liquidated or unliquidated, and whether such claims are for wages, damages or otherwise; and he may direct the payment of such sum as he finds due by one party to the other party.

To direct fulfilment of the contract.

(*b*) He may direct fulfilment of the contract, and, in case where he might award damages for any breach of contract, he may, in lieu either of the whole of the damages which would otherwise have been awarded or some part of the damages, direct the party committing such breach to find security to the satisfaction of the magistrate for the due performance of so much of the contract as remains unperformed; and if the party neglects or refuses to find security, he may commit him to prison until he finds it, but the term of imprisonment shall not exceed three months.

To rescind the contract and apportion wages, etc.

(*c*) He may rescind the contract upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages or other sums due, as he thinks fit.

(*d*) When no amount of compensation or damages can be assessed, or when pecuniary compensation will not in the opinion of the magistrate meet the circumstances of the case, he may, in addition to rescinding the contract and discharging the parties therefrom, impose a fine on either party of a sum not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding one month.

29. Any person who is guilty of an offence against this Ordinance or who commits or knowingly permits a breach of the provisions of this Ordinance or any Rules made thereunder for which no specific penalty is provided shall be liable, on conviction, to a fine not exceeding one hundred pounds, or to a term of imprisonment for a term not exceeding two months, or to both such fine and such imprisonment. General penalty.

30. In any complaint under this Ordinance the process of the court for compelling the attendance of the party accused and of all necessary witnesses shall be instituted at the public charge and without any fees of court: Provided always, that, if at the trial the complaint shall appear to the magistrate to be frivolous or vexatious, the party complaining shall be liable to pay a fine not exceeding ten pounds and to defray the cost of the process and of the witnesses in the case, and in default of payment of such fine and costs, shall be liable to imprisonment for any period not exceeding one month. Such fine and costs may be imposed upon the occasion of such trial and without any fresh action or proceeding for the recovery thereof. Costs.

31. The Governor in Council may make rules for the better carrying out of the provisions of this Ordinance. Rules.

32. The Governor in Council may appoint any fit and proper person to be an attesting officer for the purposes of this Ordinance. Appointment of attesting officers.

33. Notwithstanding anything to the contrary contained in any law for the time being in force in the Colony, the attestation of any contract entered into under the provisions of this Ordinance shall be exempt from all stamp duty and any attestation fee prescribed by any Rules of Court. No stamp duty shall be chargeable for the attestation of any contract

34. The Resident Native Labourers Ordinance, 1925, is hereby repealed. Repeal. No. 5 of 1925.

FIRST SCHEDULE

Memorandum of Agreement made this ..... day of .....19..... by and between (1)..... of (2).....(hereinafter referred to as "the occupier") and (3)..... registered number..... of (4)..... (hereinafter referred to as "the resident labourer"), whereby it is agreed:—

1. That this agreement shall have effect from the..... day of..... 19..... and shall be for a term of .....years ending on the..... day of .....19..... unless lawfully determined earlier.

2. That the resident labourer, together with his wife or wives and children shall reside and may graze stock on such part only of the occupier's farm at (5).....as the occupier may direct during the period of this agreement.

3. That during the period of this agreement the resident labourer and every male member of his family who is of the apparent age of sixteen years or over and is resident on the occupier's farm, and who is not working under any law for the time being in force in the Colony relating to the employment of servants, shall each work for the occupier at such times as the occupier may direct, for not less than (6).....days at the election of the occupier in each period of twelve months, and that the occupier shall provide employment for the resident labourer and for such male members of his family for such number of days. The occupier shall give notice in writing to every male member of such family who during the continuance of the contract may attain the age of sixteen years that on the expiration of three months from the date of receiving such notice he will be required either to enter into a contract under the Resident Labourers Ordinance, 1937, with the occupier, or under any law for the time being in force in the Colony relating to the employment of servants with the occupier or some other employer in the vicinity, or to cease to reside on the occupier's farm.

4. That the time during which the resident labourer is required to work for the occupier shall be so arranged as to allow the resident labourer reasonable time to sow, cultivate and reap his own food crops.

5. That the occupier agrees to pay to the resident labourer, and to the male members of the resident labourer's family of and above the age of sixteen years employed by the occupier, wages at the rate of not less than..... for every (7)..... and (8).....

6. That the occupier shall provide good and sufficient building material for the erection of huts for the accommodation of the resident labourer and his family.

7. That the occupier shall provide the resident labourer with sufficient and suitable land for the cultivation of food crops for himself and his family, and for grazing the following numbers of stock, namely [9].....
provided that the resident labourer shall not plant or cultivate any of the following crops, namely.....
or allow them to be planted or cultivated under his control, and that he shall not cultivate land other than that allocated to him by the occupier.

8. That with the consent of a magistrate or an attesting officer this agreement may be terminated by either the occupier or the resident labourer giving to the other three calendar months' notice, provided that the resident labourer shall suffer no prejudice in regard to the care and reaping of his crops or in regard to the removal of his family or stock and provided that the occupier may demand the fulfilment by the resident labourer of any conditions of this agreement to which the resident labourer may be liable in respect of his obligation to work.

9. On the expiration or termination of this agreement from whatever cause, the resident labourer shall be entitled to remove all his movable property from the farm, but shall not remove any buildings. In respect of buildings or other immovable property the resident labourer shall be entitled to any reasonable compensation for materials contributed by him.

*10. That the resident labourer shall cause his children to attend regularly at the school provided by the occupier on the said land.

†(Any other conditions).

As witness the hand of the parties hereto:—

Witness to the signature of the occupier.

.....

Witness to the signature or mark of the resident labourer.

.....

SCHEDULE

I/We being member(s) of the family of..... (the resident labourer) do hereby agree to abide by the terms of the agreement dated.....between him and..... .....(the occupier)

Signature(s) or Mark(s).	Registered No.	Nature of Service.	Remuneration.

I hereby certify that the contents of this agreement have been read and explained by me to the resident labourers the signatories to this agreement, and that they appear to have executed this agreement with a full knowledge of its contents.

The..... day of..... 19.....

.....

Magistrate or Attesting Officer

---

(1) Full name of occupier.
(2) Address.
(3) Full name of native or Somali as given on Registration Certificate.
(4) Insert name of native's or Somali's district, location and chief.
(5) Insert name and/or Land Office number of farm.
(6) Not to be less than 180 days, but may be more if agreed.
(7) Day, month or thirty-day card worked.
(8) Insert conditions as to rations or other considerations if agreed upon or strike out if inapplicable.
(9) Number of each kind of stock to be specified.

* This clause to be inserted only in the case of missions or farms on which schools to the satisfaction of the magistrate are provided; otherwise to be struck out.

† Any other conditions agreed to by the parties which do not contravene the provisions of this or any other Ordinance. Such conditions, if any, shall be numbered consecutively.

SECOND SCHEDULE

THE RESIDENT LABOURERS ORDINANCE, 1937

Form of Bond under section 5 (8)

Be it known unto all men by these presents that we (1).....are jointly and severally bound unto (2).....and to any one or more of them in the sum of (3).....to be paid to the said (4).....their and each of their heirs, executors, administrators, and assigns. For which payment well and truly to be made as liquidated damages and not as a penalty, we bind ourselves jointly and severally; and our heirs, executors and administrators, and every one of them firmly by these presents.

Sealed with our seals, dated this.....day of .....19.....

The condition of the above written obligation is such that if (5)..... (hereinafter called "the occupier") the employer of the said (6)..... (hereinafter called "the resident labourer") do pay to each of the resident labourers performing their part of the agreement after-mentioned the several sums of money set opposite to their respective names in the schedule to an agreement made and entered into between the occupier and the resident labourer at .....on the..... day of..... 19..... and attested by (7)..... in regular (8).....payments to be calculated from the .....day of.....19..... and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of:—

(To be signed and sealed by each of the obligants and attested, if practicable, by the officer attesting the relative agreement).

---

(1) Insert names and description of occupier and one or more sureties resident within the jurisdiction.
(2) Name and description of the resident labourer.
(3) Insert sum, not less than half the total amounts (less any advances), due by the contract.
(4) Repeat names of resident labourer.
(5) Name of occupier.
(6) Name or names of resident labourers.
(7) Official name of officer before whom agreement is signed.
(8) Weekly or monthly, etc., as the case may be.

THIRD SCHEDULE

THE RESIDENT LABOURERS ORDINANCE, 1937

Resident Labourer's Certificate

(*Under section* 11)

I hereby certify that..... has during the period of twelve months commencing on the .....day of.....19..... completed the..... days' work stipulated in this contract. His obligation to work under the terms of this contract commences again on the.....day of .....19.....

.....

Signature of Occupier and date

FOURTH SCHEDULE

THE RESIDENT LABOURERS ORDINANCE, 1937

Permit granted under the Provisions of section 4 (1) (*e*) *to Reside on Alienated Lands*

Bearer ..... s/o.....

Native Registration Certificate

_____ No. .....

Somali

is hereby permitted to reside on .....

for ..... (days), i.e. from .....

(to).....

Date.....

.....

Signature of Occupier

All permits to reside on any land for a period exceeding fourteen days must be countersigned by the District Commissioner in charge of the area in which such land is situated.

Approved.

.....

District Commissioner

Date..... .....District

PAGE NO. 1

FIFTH SCHEDULE

THE RESIDENT LABOURERS ORDINANCE, 1937

Register of Cattle and Stock (*section* 16)

Name of Farm .....
Occupier's Name .....
Registration No. and Name of Native or Somali.....
No. of Contract .....
Date and Duration of Contract .....
Occupier's Registered Brand .....

NUMBER OF STOCK ALLOWED ON CONTRACT

Cattle..... head. Sheep and Goats..... head.

Date	Number of Cattle		Number of Sheep & Goats	Remarks
	Branded	Unbranded		

N.B.—Separate pages must be kept in respect of each native who has stock on the farm.

OBJECTS AND REASONS

This Bill is designed to give effect to the recommendations contained in the Report of the Committee appointed to review the Resident Native Labourers Ordinance, 1925, and to report what amendments were necessary for its improvement.

2. With the exception of a few minor amendments relating to penalties, certain amendments made in the light of criticisms received since the Bill was published, and a few changes in terminology the Bill follows the Draft Bill appended to the above-mentioned Report.

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

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

Books to be kept.

13. Every person holding a trading licence under this Ordinance shall keep such books as will enable a licensing officer to ascertain the nature of the trade carried on and the value of the goods on hand at any one time.

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

Signboards to be exhibited.

17. Every licence holder, keeping a store, office or other place of business under his licence shall exhibit at such place a signboard or name-plate bearing in legible English characters the name under which he carries on the business as shown on his licence.

GOVERNMENT NOTICE No. 547

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Amend the Traders Licensing Ordinance, 1936

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

Short title.

1. This Ordinance may be cited as the Traders Licensing (Amendment) Ordinance, 1937, and shall be read as one with the Traders Licensing Ordinance, 1936, hereinafter referred to as the Principal Ordinance.

No. 51 of 1936.

Amendment of Section 13 of the Principal Ordinance.

2. Section 13 of the Principal Ordinance is hereby amended by deleting therefrom the words "holding a trading licence under this Ordinance" which occur in the first and second lines thereof, and substituting therefor the words "who is liable under the provisions of this Ordinance to take out a trading licence".

Repeal and replacement of Section 17 of the Principal Ordinance.

3. Section 17 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Signboards to be exhibited.

"17. Every person who is liable under the provisions of this Ordinance to take out a licence, and who has a store, office or other place of business shall exhibit at such store, office or other place of business a signboard or name-plate bearing in legible English characters the name under which he carries on business."

OBJECTS AND REASONS

As the law stands at present, a person who is liable to take out a licence but who has failed to do so cannot be proceeded against for failing to keep books under section 13 of the Traders Licensing Ordinance, 1936, or for failing to exhibit a signboard or name-plate at the place of business.

The object of this Bill is to remedy this deficiency in the law.

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

Sub-section (1) of section 40 of the Principal Ordinance which it is proposed to replace:—

Remission.

40. (1) Every criminal prisoner under sentence of imprisonment for more than six months may after the completion of six months' imprisonment earn a remission of one-seventh of the remaining period of his sentence by industry, accompanied by good conduct.

Section 42 of the Principal Ordinance which it is proposed to replace:—

Licences to prisoners to be at large.

42. The Commissioner may grant to any prisoner under sentence of imprisonment for a term of three years or upwards who has completed two-thirds of any such sentence and has been of good behaviour while undergoing his sentence a licence to be at large in the Colony or in such part thereof as in such licence shall be specified and it shall be lawful for the Commissioner to revoke or alter such licence at his pleasure:

Provided that no such licence shall be granted—

(*a*) to any prisoner sentenced to imprisonment for life; or

(*b*) to any prisoner who previously to the sentence he is undergoing, has been sentenced to imprisonment for any period exceeding six months.

Any licence granted under this section shall, unless revoked or altered by the Commissioner, continue in force for unexpired portion of the sentence, less any period of remission earned under section 40 of this Ordinance.

GOVERNMENT NOTICE No. 548

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Amend the Prisons Ordinance, 1930

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

Short title.

1. This Ordinance may be cited as the Prisons (Amendment) Ordinance, 1937, and shall be read as one with the Prisons Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

No. 37 of 1930.

Repeal and replacement of section 40 (1) of the Principal Ordinance.

2. Sub-section (1) of section 40 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

Remission.

"(1) Every criminal prisoner under sentence of imprisonment for more than six months and less than three years may after the completion of six months' imprisonment earn a remission of one-seventh of the remaining period of his sentence by industry, accompanied by good conduct."

Repeal and replacement of section 42 of the Principal Ordinance.

3. Section 42 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Licences to prisoners to be at large.

"42. The Commissioner may grant to any prisoner under sentence of imprisonment for a term of three years or upwards who has completed three-quarters of any such sentence and has been of good behaviour while undergoing his sentence a licence to be at large in the Colony or in any other territory specified in a notice issued by the Governor under section 48A of this Ordinance or in such part of the Colony or of such other territory as in such licence may be specified and it shall be lawful for the Commissioner to revoke or alter such licence at his pleasure:

Provided that no such licence shall be granted to any prisoner sentenced to imprisonment for life."

Section 58 of the Principal Ordinance which it is proposed to amend:—

Power to try prison offences.

58. The Commissioner, a superintendent or a visiting justice shall have power to hear and decide a charge against any prisoner in respect of any prison offence and the said Commissioner, superintendent or visiting justice may punish any prisoner found guilty by him of any prison offence by ordering the loss of remission of sentence not exceeding seven days, by solitary confinement, with or without penal diet, not exceeding forty-eight hours, by keeping the offender upon reduced diet not exceeding four days, or by any combination of these punishments.

Section 59 of the Principal Ordinance which it is proposed to amend:—

In cases of aggravated or repeated prison offences.

59. In any case of aggravated, more serious or repeated offences, any one or more of the following punishments may be imposed by the Commissioner, a superintendent or a visiting justice after due inquiry—

(1) solitary confinement, with or without penal diet, for a period not exceding fourteen days;

4. The Principal Ordinance is hereby amended by inserting immediately after section 48 thereof, the following new section 48A.:— Amendment of the Principal Ordinance.

"48A. (1) The Governor may from time to time by notice in the Gazette declare any neighbouring territory to be a territory with the Government of which reciprocal arrangements have been made by the Government of the Colony for the surrender of persons whose licences have been revoked. Surrender of person in neighbouring territory whose licence has been revoked.

(2) Whenever a warrant has been issued under the last preceding section for the apprehension of a person whose licence has been revoked, it shall be lawful for the magistrate issuing such warrant to forward it for execution to any court having jurisdiction in such other territory.

(3) Any warrant issued by a court having jurisdiction in such other territory for the apprehension of a person who has been released on licence in such territory and whose licence has been subsequently revoked may be executed in the Colony in the same manner and subject to the same conditions as if the provisions of Part II of the Fugitive Offenders Act, 1881, applied to such warrant." 44 and 45 Vict. c. 69.

5. Section 58 of the Principal Ordinance is hereby amended by inserting immediately before the word "by" in line seven thereof the words "by delaying for a period not exceeding seven days the granting of a licence under section 42 of this Ordinance,". Amendment of section 58 of the Principal Ordinance

6. Section 59 of the Principal Ordinance is hereby amended— Amendment of section 59 of the Principal Ordinance

(*a*) by inserting immediately after paragraph (4) thereof a new paragraph as follows—

"(5) delay for a period not exceeding twenty-eight days the granting of a licence under section 42 of this Ordinance:";

and

(2) reduced diet for a period not exceeding twenty-eight days;

(3) loss of remission not exceeding twenty-eight days;

(4) corporal punishment:

Provided that—

(*a*) solitary confinement shall not be continuous for more than seven days, and an interval of seven days shall elapse before a further period of such confinement;

(*b*) if an offender is sentenced to penal diet for a longer period than four days the penal diet shall not be imposed for more than three days continuously with an interval of three days before it is again imposed;

(*c*) if an offender is sentenced to reduced diet for a longer period than seven days the reduced diet shall not be imposed for more than seven days continuously with an interval of three days before it is again imposed.

(*b*) by substituting a semi-colon for the colon immediately after the word "punishment" in paragraph (4) thereof.

OBJECTS AND REASONS

Clauses 2 and 3 amend sections 40 and 42 of the Prisons Ordinance, 1930, by restricting remission of sentences to prisoners serving sentences of imprisonment of more than six months and less than three years, and extending the release of prisoners on licences to recidivists.

Clause 4 further amends the provisions dealing with the release of prisoners on licence so that by reciprocal arrangements with neighbouring territories a person serving a sentence in one territory may, if so released, be allowed to proceed to his home in another territory, and, if his licence is revoked, may be arrested on a warrant issued by a magistrate in the former territory and returned thereto. Similar legislation is being introduced in Uganda and the Tanganyika Territory.

Clauses 5 and 6 empower the Commissioner, superintendent or visiting justice to punish prison offenders by delaying the granting of licences to be at large.

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

Section 60 of the Principal Ordinance which it is proposed to replace:—

Council to control district roads.

60. (1) The Council shall have the general control and care of all district roads, as herein defined, and of all bridges, ferries, fords, drifts, culverts, drains and other accessories on any such roads or used in connexion therewith, and the Council may make, construct, alter, repair, and, if necessary, temporarily close any such road or any such bridge, ferry, ford, drift, culvert, drain and other accessory, and the same shall be vested in the Council in trust to keep the same for the use and benefit of the inhabitants.

(2) The Council may by order prescribe that any district road or part thereof shall be open to traffic of a particular kind or shall be closed to traffic of a particular kind or shall be closed to all traffic, and may order the suspension of any or all traffic on any district road for any specified period or may fix times during which any particular kind of traffic, which is authorized to use such road, may use it:

Provided that the Council shall display such road signs or warning notices or barriers as should suffice to convey to the public adequate intimation of the effect of any such order:

GOVERNMENT NOTICE No. 549

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Amend the Local Government (District Councils) Ordinance, 1928

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 Local Government (District Councils) (Amendment) Ordinance, 1937, and shall be read as one with the Local Government (District Councils) Ordinance, 1928, as amended by the Local Government (District Councils) (Amendment No. 2) Ordinance, 1932, hereinafter together referred to as the Principal Ordinance.

Short title.

No. 21 of 1928.

No. 30 of 1932.

2. Section 60 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

Repeal and replacement of section 60 of the Principal Ordinance.

Council to control district roads.

"60. (1) The Council shall have the general control and care of all district roads, as herein defined, and of all bridges, ferries, fords, drifts, culverts, drains and other accessories on any such roads or used in connexion therewith, and the Council may make, construct, alter, repair, and, if necessary, temporarily close any such road or any such bridge, ferry, ford, drift, culvert, drain and other accessory, and the same shall be vested in the Council in trust to keep the same for the use and benefit of the inhabitants:

Provided that the Council shall not commence to construct or carry out any road work the cost of which is estimated to exceed one thousand pounds without the consent of the Standing Committee and the Council shall in every case furnish such plans and specifications as may be required by the Commissioner for Local Government.

(2) The Council may order that any district road or part thereof shall be closed, absolutely or subject to conditions imposed by the Council, to all traffic or to

Provided further that the Council shall publish in a newspaper circulating in the district notice of any order closing a road to all traffic as soon as possible after such order has been made.

(3) Any person feeling himself aggrieved by any order made under sub-section (2) of this section may appeal against such order to the Governor, whose decision shall be final.

(4) The Council shall not commence to construct or carry out any road work the cost of which is estimated to exceed one thousand pounds without the consent of the Standing Committee and the Council shall in every case furnish such plans and specifications as may be required by the Commissioner for Local Government.

traffic of a particular kind and may order the suspension of any or all traffic on any district road for any specified period or may declare the times during which, and the conditions under which, any particular kind of traffic may use such road.

(3) As soon as possible after an order under sub-section (2) of this section has been made, the Council shall display such road signs or warning notices or barriers as should suffice to convey to the public adequate intimation of the effect of any such order and shall publish in a newspaper circulating in the district notice of any order closing a road to all traffic.

(4) Any person feeling himself aggrieved by any order made under sub-section (2) of this section may appeal against such order to the Governor, whose decision shall be final.

(5) The Council may delegate all or any of the powers conferred upon it by sub-section (2) of this section to any of its members or employees in respect of all the district roads or some or any of them, within its jurisdiction. Any member or employee to whom such powers are delegated shall, in exercising such powers, exercise them in the name and on behalf of the Council, and shall carry out, in the name and on behalf of the Council, the duties imposed upon the Council by sub-section (3) of this section."

OBJECTS AND REASONS

The object of this Bill is to replace section 60 of the Local Government (District Councils) Ordinance, 1928.

Doubts have arisen as to whether it is competent for a District Council to delegate its powers of closing roads to certain classes of traffic. It is considered desirable to make it clear that this power may be delegated; and, in view of the fact that immediate action may, owing to climatic conditions very often be necessary, it is proposed that a Council should have authority to delegate this power not only to its members but to its employees.

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

GOVERNMENT NOTICE No. 550

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Impose a Cess on Tea Manufactured in the Colony

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

Short title.

1. This Ordinance may be cited as the Tea Cess Ordinance, 1937.

Interpretation.

2. In this Ordinance—

"Association" means the Kenya Tea Growers' Association;

"Board" means the Board constituted by section 4 of this Ordinance;

"District Commissioner" means the District Commissioner, Kericho;

"licensed tea manufacturer" means a tea manufacturer licensed under the Excise Duties Ordinance, 1935.

No. 40 of 1935.

Imposition of cess on tea.

3. (1) There shall be raised, levied, collected and paid in respect of all tea manufactured in the Colony a cess (hereinafter called "the cess") at such rate as the Governor, on the recommendation of the Board, may impose by notice in the Gazette:

Provided that the amount of such cess shall in no event exceed one shilling per one hundred pounds or part of one hundred pounds (net weight) of tea.

(2) No cess or variation thereof shall become operative until two months after the date of publication of the notice imposing or varying it.

(3) The proceeds of the cess shall be in the custody of the Treasurer, who, as soon as possible after the last day of each month, shall pay the amount of such fund into an account opened in the name of the Board with a bank approved by the Governor, and the receipt of such bank for sums so paid shall be a full and effectual discharge to the Treasurer.

4. (1) There shall be constituted a Board to be known as "the Tea Cess Board", which shall consist of— Constitution of Board.

(*a*) the District Commissioner;

(*b*) six members, who shall be nominated by the Association.

(2) The members of the Board shall hold office for one year, and each such member shall be eligible for renomination to the Board at the expiration of each year.

(3) If any member of the Board resigns or dies the Association may nominate another person to take the place of such member, and such person shall hold office until the expiry of the term of office of the member in whose place he is nominated and shall thereafter be eligible for renomination to the Board.

(4) If any member of the Board is absent from the Colony or incapacitated by illness during his term of office the Association may appoint another person to serve on the Board during the absence or incapacitation of such member.

(5) The Board shall elect a chairman annually.

(6) In the absence of the chairman from any meeting of the Board a chairman for such meeting shall be chosen by the members present.

(7) The chairman of a meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote. A decision of the majority of the members present at a meeting of the Board shall be deemed to be the decision of the Board.

(8) At its first meeting the Board shall fix the number required for a quorum and make standing orders regulating the conduct of its business.

(9) The Board shall meet not less than once in six months.

(10) The chairman shall at any time summon a meeting of the Board upon receipt of a requisition signed by two members of the Board calling upon him to do so.

5. The Board shall be a body corporate having perpetual succession and a common seal, and may sue and be sued, and may purchase, hold and dispose of land and other property for the purposes of this Ordinance. Board to be a body corporate.

6. Such cess as is required to be paid under this Ordinance shall be paid by every licensed tea manufacturer in the manner and at the time prescribed by rules under section 11 of this Ordinance. Payment of cess

Purposes of cess.

7. The proceeds of the cess shall be used for—

(*a*) the benefit of the tea industry in such manner as the Board, with the approval of the Governor, may determine;

(*b*) the employment of such staff as the Board may deem necessary;

(*c*) the payment of travelling expenses and out-of-pocket expenses to individual members of the Board at rates to be approved by the Governor;

(*d*) the payment of the expenses and other charges incurred by the Board or for which the Board may become liable in the course of its business.

Audit and publication of accounts.

8. The accounts of the proceeds and expenditure of the cess shall be audited in such manner as the Governor may direct, and shall, as soon as may be after the close of each year and after audit as aforesaid, be published in such manner as the Governor may direct.

Liability of members of the Board.

9. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Penalty.

10. Any person who commits an offence against or contravenes or fails to comply with any of the provisions of this Ordinance or of any rules made thereunder shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Rules.

11. The Board, with the approval of the Governor in Council, may make rules—

(*a*) governing the collection and payment of the cess; and

(*b*) generally for the better carrying out of the purposes of this Ordinance.

OBJECTS AND REASONS

This Bill has been prepared at the desire of the Kenya Tea Growers' Association. Its object is to impose a cess on all tea manufactured in the Colony. The proceeds of such cess will be used to promote the welfare of the tea industry.

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

GOVERNMENT NOTICE No. 551

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Provide for the Supply of a Further Sum of Money for the Service of the Year ended 31st December, 1936

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 1936 Supplementary Appropriation Ordinance, 1937. Short title.

2. The public revenue for the period 1st January to 31st December, 1936, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period 1st January to 31st December, 1936, with a further sum of one hundred and seven thousand four hundred and thirty-eight pounds, fifteen shillings and eight cents, in addition to the sums provided by the 1936 Appropriation Ordinance, 1935. Public revenue charged. No. 47 of 1935.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto. Application of money granted.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the public revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule annexed hereto, the said sum of one hundred and seven thousand four hundred and thirty-eight pounds, fifteen shillings and eight cents which have come in course of payment during the period 1st January to 31st December, 1936. Treasurer's authority for payment.

SCHEDULE

No. of Head	*Title*	*Amount* £	*sh.*	*cts.*
IIa.	Administration: Extraordinary ...	1,669	2	96
III.	Agricultural Department ...	1,896	19	48
IIIa.	Agricultural Department: Extraordinary	40	6	21
VIII.	Education: Extraordinary ...	50	0	00
XI.	Government Analyst's Laboratory	103	11	51
XII.	Interest and Unfunded Debt ...	598	17	20
XIVa.	Legal Department: Extraordinary	16	4	50
XVI.	Local Government: Contribution to Local Authorities	741	0	66
XVIa.	Local Government: Contribution to Local Authorities: Extraordinary	300	0	00
XVII.	Medical Department	805	18	19
XVIIIa.	Military: Extraordinary ...	15,964	6	01
XXa.	Miscellaneous Services: Extraordinary	44,494	17	26
XXII.	Police	137	15	34
XXIIa.	Police: Extraordinary	1,826	4	08
XXIIIa.	Post Office and Telegraphs: Extraordinary	2,646	0	08
XXIV.	Printing and Stationery ...	93	12	89
XXIVa.	Printing and Stationery: Extraordinary	221	2	02
XXV.	Prisons	2,860	0	15
XXVa.	Prisons: Extraordinary ...	229	18	66
XXXIV.	Public Works: Extraordinary ...	8,615	15	10
XXXV.	Colonial Development Fund ...	24,127	2	78
	Total	£107,438	15	08

OBJECTS AND REASONS

The object of this Bill is to legalise the expenditure incurred during the year 1936 in excess of that authorized under the 1936 Appropriation Ordinance, 1935.

GOVERNMENT NOTICE No. 552

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

R. W. BAKER-BEALL,
Acting Clerk to the Legislative Council.

A Bill to Provide for the Control of the Employment of Servants

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

Short title.

1. This Ordinance may be cited as the Employment of Servants Ordinance, 1937.

Interpretation

2. In this Ordinance when not inconsistent with the context—

Contract of service.

"contract of service" means any contract whether in writing or oral, whether expressed or implied, to employ or to serve as a servant for any period of time and any contract of apprenticeship;

Desertion.

"desertion" means absence by a servant without lawful excuse for a period exceeding seven whole consecutive days from his place of employment;

Employer.

"employer" means any person, or any firm, corporation or company who or which has entered into a contract of service to employ any servant, and the agent, foreman, manager, or factor of such person, firm, corporation or company, and, where a servant has entered into a contract of service with the Government or with any officer on behalf of the Government, the Government officer under whom such servant is working shall be deemed to be his employer: Provided that no Government officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith;

Family.

"family" means the wife or wives and the unmarried children, if any, except adult males, of a recruited or forwarded servant;

Foreign contract of service.

"foreign contract of service" means a contract of service made within the Colony and to be performed in all or in part outside the Colony and any contract for service with a foreign state: Provided, however, that a contract for employment of

a domestic servant for service in the Uganda Protectorate or in the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony or of a sailor for service on a vessel on Victoria Nyanza or on a vessel calling at the ports of the Colony or of the dominions of the Sultan of Zanzibar beyond the Colony alone shall not be deemed to be a foreign contract of service;

Government. "Government" means the Government of the Colony and Protectorate of Kenya;

Juvenile. "juvenile" means an Arab, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native who has not reached the apparent age of sixteen years;

Labour agent. "labour agent" means any person who acts as agent for an employer in respect of the engaging and forwarding of Arabs, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives who spontaneously and voluntarily offer their services at the office of such labour agent;

Labour officer. "labour officer" means any person appointed by the Governor to be a labour officer and includes the Principal Labour Officer;

Local authority. No. 19 of 1928. No. 21 of 1928. "local authority" means a municipality established under the Local Government (Municipalities) Ordinance, 1928, and a district council established under the Local Government (District Councils) Ordinance, 1928;

Medical officer. "medical officer" means a medical practitioner in the service of Government, and for the purposes of sections 40 and 79 of this Ordinance includes an assistant surgeon and a sub-assistant surgeon in the service of Government;

Parties. "parties" means the employer and employed under any contract of service;

Private recruiter. "private recruiter" means any person who by himself or by a person in his regular, permanent and exclusive employ recruits Arabs, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives for his own bona fide personal or business service exclusively, and includes any officer of Government or of a local authority who in the course of his duties recruits Arabs, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives for the purposes of performing work or labour for the Government or a local authority;

Professional recruiter. "professional recruiter" means a person, firm or association, which carries on recruiting as a commercial undertaking for the sake of profit;

"recruited servant" means a servant who did not spontaneously and voluntarily offer his services at the place of employment or at the office of a labour agent but includes any servant who did offer his services voluntarily and spontaneously at the office of, or to, a professional or private recruiter; Recruited servant.

"to recruit" means to obtain or attempt to obtain the supply of labour of Arabs, Baluchis born in Africa, Comoro Islanders, Malagasies, Somalis or natives who do not spontaneously offer their services at the place of employment or at the office of, or to, a labour agent and "recruiting" includes all operations undertaken with that object in view; To recruit.

"servant" means any Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native employed or engaged by any person and who, in return for his services, is paid any money or is given any consideration whatsoever: Provided that the Governor may, by notice in the Gazette, exclude any person or class of persons, whether by name, race or occupation, from this definition and from the operation of this Ordinance; Servant.

"task" means such amount of piece work as can in the opinion of a labour officer be performed by a servant in six hours working diligently at such work; Task.

"task work" means any work the pay for which is estimated by the amount performed irrespective of the time occupied in its performance. Task work.

FORMATION AND INTERPRETATION OF CONTRACTS.

3. A contract of service which, or a sufficient memorandum whereof, is not in writing and signed by the parties thereto, shall not be in force for a longer period than one month from the making thereof. Contracts not in writing and unsigned.

4. Notwithstanding anything contained in section 3 of this Ordinance, it shall be competent for any person and an Arab, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native to enter into a contract of service for the servant to work for the employer for thirty days (in succession or otherwise at the election of the employer) and in such cases— Employer and servant may enter into a contract for performance of thirty days' work within a period of forty-two days.

(*a*) the employer shall provide thirty daily tasks or work for the servant for such number of days as the case may be;

(*b*) the employer shall provide food for the servant or payment in lieu thereof during the continuance of the contract, except for days on which the servant is absent from his place of employment without lawful cause or the mutual consent of the parties;

(*c*) it shall not be necessary, if the contract be in writing, to comply with any of the formalities prescribed by this Ordinance for a written contract;

(*d*) the contract shall be known as a "ticket contract" and shall not, save as is provided in section 60 of this Ordinance, extend beyond a period of forty-two days from the making thereof: On the expiration of such period the servant shall be entitled to the payment of all wages accrued due in respect of the number of daily tasks which he has performed or of the number of days he has worked in the proportion which such number of tasks or days bear to thirty;

(*e*) where a ticket contract is entered into the employer shall supply the servant with a ticket which shall be in such form as may be prescribed;

(*f*) if the servant is absent from work through illness, the employer shall, at his own expense, if the servant is residing on the employer's premises, cause such servant to be properly fed during the period of his illness for the unexpired period of forty-two days.

Employer and servant may enter into a special contract for a definite number of days' work in a period not exceeding two years.

5. It shall be competent for any person and an Arab, a Baluchi born in Africa, a Comoro Islander, a Malagasy, a Somali or a native to enter into a contract of service in writing for the servant to work for the employer within a specified calendar period not exceeding one year (or, where the Governor by notice in the Gazette so approves for any class of skilled work, two years) for a definite number of days (in succession or otherwise at the election of the employer) and in such case—

(*a*) the employer shall provide work for the servant for such definite number of days;

(*b*) the employer shall provide food for the servant or payment in lieu thereof during the continuance of the contract, except for days on which the servant is absent from his place of employment without lawful cause or by mutual consent of the parties;

(*c*) the contract shall be known as a "special contract";

(*d*) in all such contracts the number of days for which the servant engages to work and for which the employer engages to provide work shall be not less than five-sevenths of the total number of days of the duration of the contract.

Attestation of written contract.

6.(1) No written contract of service shall be enforced as against any servant who is unable to read and understand writing unless it bears an attestation under the hand and seal of a magistrate or of a justice of the peace to the effect that such contract was read over and explained to such servant in the presence of such magistrate or justice of the peace and was entered into by him voluntarily and with full understanding of its meaning.

Security for payment of wages.

(2) A magistrate or a justice of the peace may, when he deems it necessary before attesting any contract, require the employer to give security for the payment of the wages of the servant about to be engaged. Such security may be given by bond in the form set out in the Schedule to this Ordinance, or to the like effect, with one or more sureties to be approved by the magistrate or justice of the peace.

Foreign contract of service.

7. (1) Every foreign contract of service shall be in writing, signed by the parties thereto, and shall be approved and attested by a Provincial Commissioner or by a district officer authorized in writing by a Provincial Commissioner to approve and attest such contracts.

(2) Every foreign contract of service shall be in the form in the Schedule to this Ordinance or to the like effect.

When contracts of service may be attested.

8. No contract of service shall be attested by a magistrate or a justice of the peace unless it is due to commence within fourteen days from the attestation thereof and it specifies as accurately as may be—

(*a*) the nature and duration of the service;

(*b*) the place or limits within which such service is to be performed;

(*c*) the remuneration to be paid;

(*d*) a stipulation by the employer to pay the wages of the servant monthly or at such other periods as may be specified in the contract unless otherwise expressly desired by the servant;

(*e*) in the case of a foreign contract of service a stipulation by the employer to provide the servant with sufficient means of returning; and

(*f*) such other particulars as may be prescribed.

Powers to fix fees for the attestation of contracts.

9. (1) The Governor may by Rule prescribe the fees to be paid to Government on the attestation of contracts of service, foreign or otherwise, and such fees shall be paid by the employer on or before the attestation of the contract.

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(2) Notwithstanding anything to the contrary contained in the Stamp Ordinance a written contract of service shall be deemed to be duly stamped if adhesive stamps to such value as may be prescribed by the Governor under sub-section (1) of this section are affixed to the original and cancelled by the person attesting such contract of service.

Security in foreign contract of service.

10. When the employer who enters into a foreign contract of service does not reside or carry on business within the Colony, he shall, or where such employer resides in the Colony he may be required by the person attesting such contract to, give security by bond in the form in the Schedule to this Ordinance or to the like effect, with one or more sureties resident in the Colony and approved of by the person attesting the contract for the due performance of the contract in such sums as such person considers reasonable.

Inducing persons to proceed abroad under informal contract.

11. Whoever—

(*a*) induces or attempts to induce any person to proceed outside the limits of the Colony with a view to being employed as a servant; or

(*b*) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or by any other means whatever,

shall, unless he has entered into a foreign contract of service with such person and unless the provisions of this Ordinance relating to foreign contracts of service have been complied with, be liable on conviction to a fine not exceeding one hundred pounds, and in default of payment to imprisonment for any period not exceeding twelve months:

Provided, however, that an employer of a domestic servant or sailor engaged under a contract of service shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such domestic servant or sailor to

proceed to any place within the Uganda Protectorate or the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony or to any port on Victoria Nyanza.

Copies of contract of service.

12. (1) Every written contract of service shall be made and attested in quintuplicate, the original thereof which shall be stamped in accordance with sub-section (2) of section 9 of this Ordinance shall be delivered to the employer and one copy thereof shall be delivered to each of the following persons—

(*a*) the Provincial Commissioner of the Province within which it was attested;

(*b*) the Principal Labour Officer;

(*c*) the recruiter or labour agent (if any) as the case may be; and

(*d*) the servant or in the case of a gang of servants to the headman of such gang.

(2) An attested copy of any such contract of service shall be receivable in evidence without further proof in all courts of the Colony.

A written contract not valid for more than two years.

13. A written contract of service other than a contract of apprenticeship shall not be binding or valid for a longer period than two years from the date thereof.

Determination of contract where duration not expressed.

14. Every contract of service wherein no agreement is expressed respecting its duration, not being a contract to perform some specific work without reference to time, shall:—

(*a*) if made and to be performed within the Colony be deemed to be—

(i) in cases where the wages are not fixed by the contract or where the contract is to pay wages at any period or at any rate other than monthly, a contract at will, and determinable by either party at the close of any day without notice;

(ii) in cases where the contract is to pay wages monthly or at a monthly rate, a contract for one month and determinable by either party at the end of any month without notice;

(*b*) if a foreign contract of service, be determinable at any time upon notice of intention to terminate the contract being given by either party to the other one

month before the date of the intended termination in cases where wages are by the contract or local custom payable monthly or at longer intervals, or one week before the date of the intended termination in cases where wages are by the contract or local custom payable weekly or a longer intervals, being less than monthly, or in all other cases one day before the date of the intended termination.

Contract expiring on journey may be prolonged.

15. If the period expressed in any contract of service or foreign contract of service for the duration thereof expires, or if a servant seeks to determine any contract wherein no agreement is expressed respecting its duration whilst the servant is engaged in any voyage or journey, the employer may, for the purpose of terminating such voyage or journey, prolong the period of service for a sufficient period to enable the voyage or journey to be terminated: Provided that such extended period shall in no case exceed one month.

Provision of sections 3 and 14 not to apply to Government servants.

16. Neither section 3 nor section 14 of this Ordinance shall apply to a contract of service entered into by a person in the service of the Goovernment, if and so long as special provision is made by law with regard to the duration or the notice required for the determination of such contracts of service.

Task or task work.

17. (1) A contract may be entered into under which a task or task work is to be performed for an agreed remuneration.

(2) Where a task has not been completed the servant shall be entitled to be paid in proportion to the amount of the task which he has performed.

(3) In the case of task work the employer shall pay the servant at the end of each calendar month in proportion to the amount of work which he has completed in such month or on the completion of such work whichever date is the earlier.

Penalty for decoying and harbouring servants.

18. (1) Any person who decoys away or unlawfully induces any servant to quit the service of his employer, or who attempts to decoy away or attempts unlawfully to induce any servant to quit the service of his employer, shall be liable,

on conviction, to a fine not exceeding one hundred and fifty pounds and in default of payment to imprisonment for a period not exceeding six months.

(2) Any person who knowingly harbours any servant who has unlawfully left the service of his employer shall be liable, on conviction, to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

APPRENTICESHIP CONTRACTS.

Apprenticeship of children by parents or guardians.

19. The father, or in the case of a fatherless child the guardian, of an Arab or a native child, or of the child of a Malagasy, a Comoro Islander, a Baluchi born in Africa, or a Somali may, if such child is above the age of ten years and under the age of sixteen, with the consent of such child testified by his execution of the deed of apprenticeship, apprentice him to a trade or employment in which art or skill is required, or as a domestic servant, for any term not exceeding five years.

Apprenticeship of children without known relatives or a guardian.

20. Whenever a juvenile is without known relatives, and is without a guardian, a magistrate of the district in which such child resides or is found may authorize such juvenile to be apprenticed to a trade or employment mentioned in the last preceding section, and may appoint some fit person to execute the deed of apprenticeship and to act generally as guardian of such child.

When persons may apprentice themselves.

21. An Arab, a Malagasy, a Comoro Islander, a Baluchi born in Africa, a Somali or a native of the age of sixteen years or upwards, not being under a deed of apprenticeship, and subject to the provisions of section 23 of this Ordinance, may apprentice himself for a term not exceeding five years to a trade or employment in which art or skill is required or as a domestic servant.

Assignment of contracts of apprenticeship.

22. Every contract of apprenticeship may, with the consent of the parties thereto, and subject to the next succeeding section, be assigned.

Contracts and assignments invalid unless by deed approved.

23. (1) Every contract of apprenticeship and every assignment thereof shall be by deed, and no such deed shall be valid unless attested by and made with the approval of a magistrate having jurisdiction in the district where the person

to be apprenticed shall be living, and unless such approval is certified in writing under the hand of the magistrate on the deed of apprenticeship or assignment.

(2) Every deed of apprenticeship shall be in one of the forms in the Schedule to this Ordinance, or to the like effect.

Apprentices not to be removed from the Colony.

24. Whoever removes or attempts to remove from the Colony any person apprenticed under this Ordinance during his apprenticeship without the authority in writing (the proof whereof shall lie on him) of the Provincial Commissioner of the province wherein such apprentice resides shall be liable on conviction to a fine not exceeding one hundred and fifty pounds and in default of payment to imprisonment for a period not exceeding twelve months.

Decoying apprentices.

25. Whoever induces or attempts to induce any person apprenticed under this Ordinance to quit the service of his employer shall be liable on conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment for a period not exceeding three months.

Apprentices retained after expiration of contract entitled to wages.

26. If any person with whom an apprentice under this Ordinance has been placed shall retain such apprentice in his service after the stipulated period of service has expired, without any agreement between the parties for the payment of wages, the apprentice shall be entitled to recover from the person so retaining him wages at the ordinary current rate payable for service similar to that performed by such apprentice.

JUVENILES.

Prohibition against employment of juvenile.

27. No person shall employ a juvenile or cause a juvenile to be employed as a porter, fuel cutter, trolley or rickshaw boy or in any other class of labour for which in the opinion of a Government medical officer he is physically unsuitable.

Employment of juveniles.

28. (1) No labour agent shall engage, and no private or professional recruiter shall recruit, any juvenile unless such juvenile has obtained a certificate from a district officer, which certificate shall be in the form set out in the Schedule to this Ordinance and shall, if such be the case, state that the permission of the father or guardian of such juvenile has been obtained.

(2) A juvenile who has obtained such a certificate may, subject to the provisions of this Ordinance, enter into a contract of service.

(3) A district officer may withhold such certificate for any reason deemed by him to be sufficient:

Provided that—

(*a*) when there is a parent or guardian of a juvenile living and when such parent or guardian is unwilling to grant permission to such juvenile to seek employment the district officer shall withhold the certificate;

(*b*) no juvenile who appears to be below the age of ten years shall be allowed to enter into a contract of service;

(*c*) subject to the provisions of the Employment of Women, Young Persons and Children Ordinance, 1933, and subject to the provisions of paragraph (*a*) of this proviso, nothing in this section shall apply to any juvenile who is employed by the day only and who is accompanied throughout the duration of such employment by an adult relative. No. 14 of 1933

29. (1) A district officer of the district in which any juvenile is employed or seeking employment or a labour officer may exercise the following powers:— Powers of district officer and labour officer.

(*a*) he may terminate or cancel any contract of service, which may have been entered into by a juvenile, on the grounds that the employer is an undesirable character, or that the nature of the employment is dangerous, or immoral, or injurious to the health of such juvenile, or for any other reasonable cause;

(*b*) on the application of a parent or guardian, or for any reason which may appear desirable or proper, he may order any juvenile to return home, or restore him to the charge of such parent or guardian; and if such juvenile be employed, he may cancel the contract of service entered into by him.

(2) Any person aggrieved by the action or by the order of a district officer or a labour officer under the provisions of this section may, within thirty days after the date of such action or such order as the case may be, appeal to the Provincial Commissioner whose decision shall be final.

Apprenticeship contracts not affected.

30. Nothing in sections 17 and 28 of this Ordinance contained shall be deemed to affect or apply to apprenticeship contracts.

CARE OF SERVANTS.

Housing of servants.

31. Save where a servant agrees to make his own arrangements as to housing, the employer shall at all times at his own expense either provide, to the satisfaction of a labour officer, proper housing accommodation at the place of employment, or pay the rental of proper housing accommodation.

Feeding of servants.

32. The employer shall at his own expense cause every servant in his employment to be properly fed and to be supplied with sufficient and proper cooking utensils and means of cooking unless it has been expressly agreed otherwise between the parties, at the time of entering into the contract of service.

Water for use of servants.

33. Where an employer is required by the provisions of this Ordinance to cause his servant to be housed or fed, he shall provide at the place of employment a sufficient supply of wholesome water for the use of such servant.

Porters to be provided with sufficient tent accommodation.

34. An employer shall when necessary provide sufficient tent accommodation for his porters engaged for a journey.

Employer to ascertain cause of servant's absence and to provide medicine and medical attendance.

35. (1) It shall be the duty of the employer to take all reasonable steps to ascertain whether the absence from duty of any servant in his employ is due to illness.

(2) An employer shall provide his servant with proper medicines during illness and also (if procurable) medical attendance during serious illness, and any employer failing so to provide shall, in addition to his liability for breach of this sub-section, be liable to pay any expenses incurred by the Government in providing such medical attendance.

Employer to notify a magistrate of the death of a servant and to deliver wages, etc., due or belonging to deceased to a magistrate.

36. (1) If a servant dies during the course of his service, his employer shall give immediate notice thereof to the nearest magistrate, together with a medical certificate of the cause of death, or if such certificate is not procurable, with a written report of the circumstances in which the servant died.

(2) The employer shall pay to the magistrate all wages due and deliver to him all property belonging to the deceased servant, for transmission to the representatives of the deceased.

(3) In the event of a servant being accidentally injured or killed during the course of his employment a report of the circumstances in which the accident occurred shall be sent forthwith by the employer to the Principal Labour Officer and nearest labour officer.

To supply food for servant's consumption when returning to place of engagement.

37. Every employer shall on the termination of the contract of service provide at his own expense a sufficient supply of food for the servant's consumption on the way back to the place of recruitment or engagement.

RECRUITING.

Professional recruiter only to procure labour for employment.

38. (1) No person other than a professional recruiter shall himself or through agents or messengers, in his own name or otherwise, procure or attempt to procure, seek for engagement, conduct, take charge of, supply, or undertake to supply, Arabs, Malagasies, Comoro Islanders, Baluchis born in Africa, Somalis or natives to be employed in work or labour of any kind.

(2) Nothing in sub-section (1) of this section contained shall prevent a private recruiter or a labour agent from carrying out the functions ascribed to him in section 2 of this Ordinance.

(3) No professional recruiter, private recruiter or labour agent shall forward or cause to be forwarded any Arab, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native until such Arab, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native has been recruited or engaged by such recruiter or labour agent for and on behalf of an employer.

Recruiting licence.

39. (1) No person shall act as a labour agent or professional recruiter or private recruiter unless he is in possession of a licence issued to him by a Provincial Commissioner in such form and subject to such conditions as the Governor in Council may prescribe.

Certain securities may be required before a licence is issued.

(2) Every application for a licence to act as a labour agent, or a professional recruiter, or a private recruiter shall be made in writing to the Provincial Commissioner in whose province the applicant wishes to recruit or engage labour and shall state in full the name and address of the person to whom the licence is to be issued. The Provincial Commissioner may, before granting any licence under the provisions of this section, require the applicant to execute a bond for such amount as he may deem reasonable conditioned for the due fulfilment and observance of any conditions, subject to which the licence may be issued, and of the provisions of this Ordinance and of any rules made thereunder; and in cases in which the application is for a private recruiter's licence the Provincial Commissioner may, in addition, require the applicant to furnish financial or other security for the payment of the wages of the servants whom he recruits.

Validity of licences.

(3) The licence shall be issued for a period not exceeding in any case twelve months and shall specify the premises on and the area in which the labour agent, professional recruiter or private recruiter is authorized by such licence to recruit or engage labour.

Conditions regarding the employment of assistant recruiters.

(4) (*a*) A labour agent or a professional recruiter or a private recruiter shall not employ any person for the purpose of assisting him in his operations except with the permission in writing of a Provincial Commissioner. The name of any person in respect of whom permission is accorded (in this section referred to as an employee) shall be endorsed by the Provincial Commissioner on the licence of such labour agent, professional recruiter or private recruiter as the case may be.

(*b*) Wherever possible an employee shall receive a fixed salary, but in any case in which he receives remuneration on the basis of a rate per head of servants recruited or engaged, such remuneration shall not exceed an amount to be prescribed by the Governor in Council.

(*c*) A labour agent, a professional recruiter or a private recruiter shall be responsible for any omission of an employee to comply with the requirements of, and for any act by an employee in contravention of, the provisions of this Ordinance or of any rules made thereunder or of any conditions subject to which his licence is issued.

(5) A Provincial Commissioner may refuse to issue a licence to any applicant for a labour agent's, professional recruiter's or private recruiter's licence, and may for reasonable cause cancel any licence which has been issued.

Licences may be refused or cancelled.

(6) Every person licensed under the provisions of this section shall keep a written record of all servants recruited or engaged by him, showing the name and father's name of each servant, the registration number (if any) of each servant, the rate of wages of each servant, the place where and the date upon which the servant was recruited or engaged, and, if applicable, the place from which and the date upon which the servant was forwarded to the place of his employment.

Written record to be kept.

40. (1) Every Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native who is recruited by a professional or private recruiter or engaged by a labour agent shall be immediately examined at the place of recruitment or engagement, as the case may be, or as near to such place as may be convenient by a medical officer.

Medical examination of recruited or engaged servants.

(2) If the Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native is passed as physically fit to perform the duties or the work for which he has been recruited, or engaged by a labour agent, as the case may be, such medical officer, shall issue a certificate to that effect.

(3) Any Arab, Baluchi born in Africa, Comoro Islander, Malagasy, Somali or native who is rejected as physically unfit for the duties or work for which he has been recruited or engaged, shall be returned at his option either to his home or to the place at which he was recruited or engaged at the expense of the recruiter or labour agent, as the case may be.

(4) Where the person recruited or engaged is an adult native or a Somali the provisions of the Native Registration Ordinance and of any rules made thereunder relating to the endorsement of his registration certificate shall be complied with by the professional recruiter, private recruiter or labour agent at the time such native or Somali is recruited or engaged and before such native or Somali is medically examined in accordance with the provisions of sub-section (1) of this section.

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Recruited servants to be brought before a magistrate or justice of the peace.

41. Recruited servants shall, before being taken or transported to the place of employment, be brought before a magistrate or a justice of the peace, as near as may be convenient to the place of recruiting, who before permitting such servants to be taken or transported to the place of employment shall satisfy himself that the requirements of this Ordinance and of any rules made thereunder and of any other law for the time being in force relating to the recruiting of servants have been observed and in particular that the servants have not been recruited by misrepresentation or mistake or by the application of unlawful pressure.

Medical examination may be delayed in certain cases.

42. (1) A Provincial Commissioner may, except in the case of servants recruited by a professional recruiter or recruited for work outside the Colony, if he is satisfied that it was and is impossible to comply with the provisions of sub-section (1) of section 40 of this Ordinance and that the recruited servant is fit for the journey and prospective employment and will be medically examined on arrival at the place of employment as soon as possible thereafter, authorize a magistrate or a justice of the peace to dispense with the requirements of sub-section (1) of section 40 of this Ordinance.

(2) Where the requirements of sub-section (1) of section 41 of this Ordinance have been dispensed with in accordance with the provisions of sub-section (1) of this section the employer shall be responsible for arranging for the immediate medical examination of such recruited servants on their arrival at the place of employment and the provisions of sub-section (2) and (3) of section 40 of this Ordinance shall apply to such examination and the obligations imposed upon a recruiter by sub-section (3) of that section shall apply to such employer.

Medical examination may be required both at time of engagement and after arrival at place of employment.

43. A magistrate or a justice of the peace may, if he considers it necessary, require recruited servants to be medically examined both before departure to, and after arrival at, the place of employment.

Transport of recruited servants.

44. A recruited servant or servant engaged by a labour agent shall be provided free of charge at the expense of the recruiter with any necessary transport to the place of employment, and to his home, if he so desires, on the completion of his contract of service at the expense of his employer.

45. (1) A recruited servant or a servant engaged by a labour agent who— Repatriation of recruited servants.

(*a*) becomes incapacitated through sickness or accident during the journey to the place of employment; or

(*b*) who is not employed after recruitment or engagement for a reason for which he is not responsible,

shall be returned to his home or place of recruitment or engagement, as the case may be, at the expense of the employer.

(2) A recruited servant or a servant engaged by a labour agent who is found by a magistrate or justice of the peace to have been recruited by misrepresentation, mistake or unlawful pressure shall be returned to his home or place of recruitment or engagement, as the case may be, at the expense of the recruiter or labour agent, as the case may be.

46. The provisions of section 44 of this Ordinance shall apply to the members of the family of a recruited servant, or of a servant engaged by a labour agent, who have been authorized to accompany such servant to the place of employment. The members of such family shall, in the event of the servant (whom they accompany) dying during the journey to the place of employment, be returned to their homes at the expense of the employer. Transport of families of recruited servants.

47. Where under the provisions of this Ordinance any person is required to provide a servant with transport to the place of employment of such servant, to return a servant to his home or to the place where he was recruited or engaged, or to return the members of the family of a servant to their homes, the person so required shall, in addition to paying the costs of any necessary transport, provide at his own expense such servant or member of such family with everything necessary for the welfare of such servant or member of the family during the journey, including adequate and suitable supplies of food, drinking water, fuel, cooking utensils, clothing and two blankets. Necessaries during journey to be supplied.

48. The following classes of recruiting operations may, except when undertaken by a professional recruiter, be exempted by the Governor in Council from all or any of the provisions of sections 38 to 47 of this Ordinance:— Certain classes of recruiting.

(*a*) operations undertaken by or on behalf of employers who do not employ more than a prescribed number of servants;

(*b*) operations undertaken within a prescribed radius from the place of employment; and

(*c*) operations for the engagement of personal and domestic servants and servants for the performance of non-manual labour.

BREACH OF CONTRACT AND DISPUTES BETWEEN AND OFFENCES BY EMPLOYERS AND SERVANTS.

Complaint in cases of dispute between employers and servants.

49. Whenever an employer or servant neglects or refuses to fulfil any contract of service, or whenever any question, difference or dispute arises as to the right or liabilities of either party, or touching any misconduct, neglect or ill-treatment of either party, or any injury to the person or property of either party, under any contract of service, the party feeling aggrieved may make a complaint to any magistrate or justice of the peace, who may thereupon issue a summons to the party complained against: Provided that a magistrate holding a subordinate court of the third class or a justice of the peace shall forthwith forward such complaint to a magistrate having jurisdiction to try the case.

Complaints by employers. No. 11 of 1930. *Cap.* 21.

50. (1) Notwithstanding anything contained in the Criminal Procedure Code or the Justices of the Peace Ordinance, any magistrate or justice of the peace may, on receiving from an employer a complaint in the form set out in the Schedule to this Ordinance, issue a warrant for the arrest of any servant therein alleged to have been guilty of desertion.

(2) When a warrant has been issued as aforesaid, such servant may be arrested, wherever found, by any police officer and brought before a magistrate who may remand such servant to a first or second class magistrate of the district in which the services were to be rendered.

(3) On the termination of the hearing of a complaint as aforesaid, the magistrate, if satisfied that the facts stated in the complaint were materially untrue in any particular, may, in addition to any other order for costs, order the complainant to pay into court a sum equivalent to the whole of the expenses incurred by Government in connexion with the arrest and trial of such servant, together with such amount as may be assessed by the magistrate as compensation to such servant for his arrest and trial. If such a sum is not paid forthwith the court may issue a distress warrant against the goods and chattels of the complainant, and goods and chattels taken under the distress warrant shall, unless the complainant pays

the amount due by him together with the costs of the distress warrant, be sold and the amount due under the order of the court together with the costs of the distress shall be paid into the revenue of the Colony, and the balance, if any, shall be paid to the complainant.

The jurisdiction of magistrate.

51. Every magistrate holding a subordinate court of the first or second class shall have jurisdiction, notwithstanding that the person complained against may be a European or an Asiatic, and notwithstanding anything contained in any Ordinance or law respecting the jurisdiction of such magistrate to the contrary, in all cases arising in their respective areas of jurisdiction between employers and their servants, and with reference to their relative rights and duties or to any matter or thing or offence for which provision is made in this Ordinance.

A warrant or summons issued by magistrate of third class or justice of the peace to be made returnable before a magistrate having jurisdiction to try the case.

52. Whenever a complaint as aforesaid is made to a magistrate holding a subordinate court of the third class or to a justice of the peace, and such magistrate or justice of the peace issues process for the purpose of requiring or compelling the attendance of the party complained against, such process shall be made returnable before a magistrate holding a subordinate court of the first or second class.

Arrest of absconding defendant.

53. If at any time after the laying of the complaint it appears to the magistrate or justice of the peace, by information on oath, that the party complained against is about to abscond, he may cause him to be arrested and detained in custody, unless such party finds security to appear and answer the complaint and to abide by the decision of the court thereon.

Discretionary powers of magistrates.

54. (1) Upon any complaint under this Ordinance the magistrate may, in addition to any jurisdiction he might have exercised if this Ordinance had not been made, exercise all or any of the following powers:—

To adjust and set off claims.

(*a*) he may adjust and set off one against the other all such claims on the part either of the employer or of the servant arising out of, or incidental to the relation between them, as the magistrate may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages or otherwise and he may direct the payment of such sum as he finds due by one party to the other party;

To direct fulfilment of the contract.

(*b*) he may direct fulfilment of the contract, and, in cases where he might award damages for any breach of contract, he may, in place either of the whole of the damages which would otherwise have been awarded or some part of the damages, direct the party committing such breach to find security to the satisfaction of the magistrate for the due performance of so much of the contract as remains unperformed, and if the party neglects or refuses to find security, he may commit him to prison until he finds it, but the term of imprisonment shall not exceed three months;

To rescind the contract and apportion wages, etc.

(*c*) he may rescind the contract upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages or other sums due, as he thinks fit;

To impose fines.

(*d*) when no amount of compensation or damages can be assessed, or when pecuniary compensation will not in the opinion of the magistrate meet the circumstances of the case, he may, in addition to rescinding the contract and discharging the parties therefrom, fine either party a sum not exceeding twenty pounds with imprisonment in default of payment for any period not exceeding one month;

To pass any sentence or judgment authorized by this Ordinance.

(*e*) where it appears to the magistrate that an employer or servant has been guilty of any offence under this Ordinance, he may, in lieu of or in addition to doing any of the acts or things and to making any of the orders or directions authorized by paragraphs (*a*), (*b*) and (*c*) of this sub-section, pass any sentence or judgment authorized by this Ordinance upon the person so offending, and may make any order or do any act or thing by this Ordinance authorized, or which may lawfully be done for giving effect to such judgment or order.

Form of security.

(2) A person shall give security under this section by a written or oral acknowledgment in or under the direction of the court of the undertaking or condition by which and the sums for which he is bound, and such bond shall be forfeited and enforced in the manner provided for the forfeiture and enforcement of bonds under the law for the time being in force relating to procedure in criminal cases.

(3) Save as otherwise provided in this Ordinance, the provisions of the law for the time being in force relating to procedure in criminal cases respecting appeals and references to the Supreme Court by way of revision, confirmation or case stated and the levying of moneys ordered to be paid shall apply to all proceedings and all orders for the payment of money under this Ordinance.

Law relating to criminal procedure ordinarily to apply to proceedings under this Ordinance.

55. Anything in this Ordinance to the contrary notwithstanding, it shall be lawful for any magistrate, having jurisdiction in any proceedings under this Ordinance, whenever he considers that by following or by requiring the complainant to follow the procedure laid down by law for criminal cases the ends of justice will or may be defeated, to adopt or order to be adopted for all or any purpose of the proceedings and at any stage thereof or for the levying of moneys ordered to be paid, all or any of the provisions of the law for the time being in force relating to procedure in civil cases.

When civil procedure may be followed.

56. Whenever any male person appears liable to have any of the orders specified in the last preceding section made upon him, or to be punished in any other manner provided by this Ordinance, if he appears to the court to be under the age of sixteen years and to require punishment in the way of discipline rather than in any other manner, the court may instead of any other punishment order him to be detained for one day in any suitable place of detention, and to be whipped: Provided that in no case shall such whipping exceed twelve strokes.

Punishment of juveniles.

57. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force in the Colony, on a complaint or suit against an employer in respect of wages due to more than one of his servants the magistrate may permit one complaint or one plaint to be made or filed by a labour officer or by one of such servants on behalf of all such servants and their claims to be proved by such labour officer or by such servant accordingly: Provided that the complaint or plaint shall have annexed thereto a schedule setting forth the names of such servants, their addresses and descriptions and the details of wages due to each such servant.

Joinder in cases of non-payment of wages.

(2) All such claims shall rank equally between themselves, and shall be paid in full, unless the amount recovered from the employer be less than the total amount of the claims with costs, in which case, after payment of the costs, all such

claims shall abate in equal proportions among themselves and be paid accordingly. Costs given against the servants shall be paid by such servants or by any of them in such proportions as the court shall direct.

(3) The provisions of section 203 of the Criminal Procedure Code shall not apply to any proceedings instituted under this Ordinance for the non-payment of wages to any servant.

PENALTIES.

Offences by servants.

58. Any servant may be fined a sum not exceeding one-half of his monthly wages and in default of payment may be imprisoned for a period not exceeding one month if he is convicted of any of the following acts:—

(*a*) if, after having entered into a contract, he fails or refuses without lawful cause to commence the service at the stipulated time;

(*b*) if, without leave or other lawful cause, he absents himself from his employer's premises or other place proper and appointed for the performance of his work;

(*c*) if, during working hours, he unfits himself for the proper performance of his work by becoming or being intoxicated;

(*d*) if he neglects to perform any work which it was his duty to have performed or if he carelessly or improperly performs any work which from its nature it was his duty under his contract to have performed carefully and properly;

(*e*) if, without leave and for his own purposes he makes use of any horse, vehicle, or other property belonging to his employer;

(*f*) if he uses any abusive or insulting language or is guilty of insulting behaviour to his employer, or to any person placed by his employer in authority over him, calculated to provoke a breach of the peace;

(*g*) if he refuses to obey any command of his employer, or of any person lawfully placed by his employer in authority over him, which command it was his duty to obey;

(*h*) if on entering into or for the purpose of obtaining a contract of service he gives a false name or address.

59. Any servant may be fined a sum not exceeding five pounds and in default of payment may be imprisoned for a period not exceeding six months if he is convicted of any of the following acts:— Various offences by servants.

(*a*) if he wilfully or by wilful breach of duty or through drunkenness does any act tending to the immediate loss, damage or serious risk of any property placed by his employer in his charge or placed by any other person in his charge for delivery to or on account of his employer;

(*b*) if he, by wilful breach of duty or by neglect of duty or through drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by his employer in his charge, or placed by any other person in his charge for delivery to or on account of his employer;

(*c*) if, being employed as a herdsman—

(i) he fails to report to his employer the death or loss of any animal placed in his charge at the earliest opportunity after he has discovered, or at the earliest opportunity after he should in the ordinary course of duty have discovered, such death or loss;

(ii) he fails, after having received an order from his employer to preserve for the use or inspection of his employer any part or parts of an animal which he alleges to have died, to preserve such part or parts and is unable to prove to the satisfaction of the court the death of the animal which he alleges to have died;

(iii) he loses any animal placed in his charge and it is proved by his employer to the satisfaction of the court that such animal could not, in the circumstances of the case, have become irrevocably lost without the act or default of the servant;

(*d*) if, being employed in any capacity other than that of a herdsman, he alleges the loss of any property placed in his charge by or for his employer and it is proved by his employer to the satisfaction of the court that the property in question could not have been lost without the act or default of the servant;

(*e*) if he is guilty of desertion. A servant employed under a ticket contract or under a special contract may be guilty of desertion.

Provisions relating to contract of service when servant is convicted.

60. (1) When a servant is convicted of any offence under this Ordinance the following provisions in relation to his contract of service shall apply—

(*a*) no wages shall become payable to him during any term of imprisonment;

(*b*) unless the employer otherwise requests the contract of service shall, subject to the provisions of paragraph (*a*) of this sub-section, remain in full force and effect and any period of imprisonment may in the discretion of the magistrate on the application of the employer be added to the term of service originally stipulated;

(*c*) when the offence of which the servant is convicted is that of absenting himself from his employer's premises or other place proper and appointed for the performance of his work, or of desertion, then the period of absence or desertion as the case may be, may, on the application of the employer and at the discretion of the magistrate, be added to the term of service originally stipulated.

(2) In any such case it shall be the duty of the magistrate convicting such servant to ascertain at the trial the period of absence, desertion or imprisonment, as the case may be, and to certify the same by some writing under his hand to be delivered to the employer and the period mentioned in such writing shall by all courts and in all places be deemed to be added to the original term of service.

Loss, etc., of employer's property.

61. Where any property of the employer is lost or damaged by means of any act or omission of his servant, the magistrate may, if he thinks fit, fix the amount of compensation for such loss or damage, and make such order as to the payment thereof, either at once or by instalments out of wages to be earned or otherwise, as shall seem to him to be reasonable and just: Provided that no instalment ordered to be paid out of wages shall exceed one-half of the servant's monthly wage, if the instalments are ordered to be paid monthly, or one-half of the servant's weekly wage if the instalments are ordered to be paid weekly.

62. Any person who, subject to the provisions of sub-section (3) of section 73 of this Ordinance, receives from his employer any wages in advance and who without good reason quits the service of such employer before such advance is fully repaid or worked off, shall be liable on conviction to a fine not exceeding five pounds and in default of payment to imprisonment for a period not exceeding three months.

Penalty on servant leaving service before working off an advance of wages.

63. No servant shall be convicted under any of the foregoing sections of this Ordinance unless the employer lodges his complaint without undue delay after he becomes cognizant of the offence or alleged offence.

The limit within which complaint must be made by employer.

64. (1) An employer shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding six months, if he is guilty of any of the following acts or omissions:—

Penalty on employer.

(*a*) if he fails to pay any wages due to such servant;

Non-payment of wages.

(*b*) if, before or after the expiration of the contract of service, upon demand made and without lawful cause, he refuses to deliver or permit to be taken away any property belonging to such servant lawfully remaining or being upon such employer's land without reasonable and probable cause for believing that the property in question was lawfully detained;

Detaining servant's property.

(*c*) if he fails upon demand to supply or deliver to such servant the food, blanket or other articles stipulated for in any written contract of service, or if he supplies or delivers food, blanket or other articles not conformable to the said contract.

Failing to supply food, etc., stipulated for in any written contract.

(2) An employer, professional recruiter, private recruiter or labour agent shall be liable on conviction to a fine not exceeding one hundred pounds and in default thereof to imprisonment for a period not exceeding six months if he fails to comply with any of the provisions or requirements of sections 31 to 47 of this Ordinance.

GENERAL.

65. No person against whom a complaint is made under this Ordinance, who is not immediately before the hearing of such complaint in actual custody, shall be compelled to enter the dock or place usually assigned for prisoners under trial in the court or shall be otherwise treated as under arrest during the hearing of such complaint: Provided that if, in the opinion

Defendant not to be compelled to enter the dock except in certain events.

of the magistrate before whom the complaint is heard, it is necessary, in order to secure the attendance of an employer or servant, that he should be placed in custody, it shall be lawful for such magistrate to cause such person to be arrested and detained in custody.

The amount of a fine imposed or a part thereof may be paid to the complaining party.

66. When a magistrate imposes any fine or enforces payment of any sum secured by a recognizance or bond, he may direct that such fine or sum when recovered, or any part thereof he thinks fit, shall be applied to compensate any employer or servant for any wrong or damage sustained by him by reason of the act or thing in respect of which the fine was imposed or by reason of the non-performance of the contract of service.

Servant may be fed at Government expense pending hearing of complaint.

The cost to be refunded by servant.

67. Whenever it appears to a magistrate having jurisdiction to adjudicate upon a complaint made by a servant that such servant has not the means and is otherwise unable to obtain food for himself pending the determination of his complaint, he may cause such servant to be supplied with necessary food at the expense of Government, but in such case the cost thereof shall be a debt due to Government from such servant and may be deducted by the magistrate from any moneys received by him for or on behalf of such servant, or shall otherwise be paid by the servant: Provided that where a magistrate has adjudicated upon a complaint and has given judgment in favour of the servant, or has convicted the employer of any offence under the provisions of this Ordinance or of any rules made thereunder, then in either of such cases he may in his absolute discretion order the employer to pay the cost of any food so provided at the expense of Government; and where such an order has been made the servant shall not be liable for the cost which shall be recoverable from the employer as a civil debt due to Government.

Costs of witnesses, etc.

68. In any complaint under this Ordinance the process of the court of the magistrate for compelling the attendance of the party accused and of all necessary witnesses shall not be subject to fees of court: Provided that, if at the trial the complaint shall appear to the magistrate to be frivolous or vexatious, the party complaining shall be liable to a fine not exceeding ten pounds, and to defray the costs of the process and of the witnesses in the case, and in default of payment of such fine and costs, shall be liable to be imprisoned for

any period not exceeding one month. Such fine and costs may be imposed upon the occasion of such trial and without any fresh action or proceedings for the recovery thereof.

69. Nothing in this Ordinance shall prevent any employer or servant from being proceeded against according to law for any offence punishable under any other law in force in the Colony.

Persons may be proceeded against for any offence punishable under any law in force.

70. (1) Nothing in this Ordinance shall prevent any employer or servant from enforcing their respective rights and remedies for any breach or non-performance of any lawful contract of service made outside the Colony, but the respective rights of such parties under such contract as well against each other as against third parties invading such rights may be enforced in the same manner as other contracts arising thereout may be enforced and as if this Ordinance had not been enacted: Provided that, whenever any such contract has been executed in conformity with this Ordinance, it shall be enforced in the same manner as a contract entered into under this Ordinance. But no written contract the tenor and execution of which are not in conformity with this Ordinance shall be enforced as against a servant who is unable to read and understand writing. Any such contract shall be deemed to be executed in conformity with this Ordinance if it is signed by the names or marks of the contracting parties and bears, as concerns any illiterate parties, an attestation to the like effect as is prescribed by section 6 of this Ordinance.

Saving as to contract of service made abroad.

(2) (*a*) If the contract was made in the United Kingdom or elsewhere in His Majesty's dominions or in a British protectorate or in a mandated territory the attestation may be by any justice of the peace or other officer authorized by law to take affidavits or to attest contracts of service.

(*b*) If the contract was made in any foreign parts the attestation may be by any judge or magistrate, being authenticated by the official seal of the court to which he is attached, or by any British minister, consul, vice-consul or consular agent.

71. Any magistrate or justice of the peace may for any purpose under this Ordinance at any time enter upon any land or into any building where any servant is employed or housed.

Magistrate or justice of the peace may enter land or buildings for purpose of Ordinance.

Penalty for giving reward to chief or headman for procuring labour.

72. Any person who gives or offers to give any money or other gift to any native chief or headman with a view to securing a supply of servants shall, on conviction, be liable to a fine not exceeding twenty-five pounds.

Wages to be in currency.

No. 40 of 1934.

73. (1) Save as provided by paragraph (*e*) of section 77 of this Ordinance and by section 6B of the Native Hut and Poll Tax Ordinance, 1934, the entire amount of the wages earned by or payable to any servant in respect of any work done by him in pursuance of any contract entered into by him in accordance with the provisions of this Ordinance shall be paid to him in the current coin and/or currency notes of the Colony and not otherwise.

Advances of wages.

(2) No person shall give or promise to an Arab, a Malagasy, a Comoro Islander, a Baluchi born in Africa, a Somali or a native any advance of wages or any valuable consideration upon a condition expressed or implied that such Arab, Malagasy, Comoro Islander, Baluchi born in Africa, Somali or native or any dependant of his shall enter upon any employment.

(3) No employer shall give to a servant during any one month any advance of wages exceeding in the aggregate one month's wages of such servant.

Family may accompany servant and reside with him.

74. (1) The members of the family of a recruited servant or of a servant engaged by a labour agent who is employed on a written contract of service may, if they have been so authorized by the employer, accompany such servant and reside with him at his place of employment for the duration of his contract.

(2) The members of the family of a servant, other than a servant referred to in sub-section (1) of this section may, with the written consent of the employer, reside with such servant at the place of his employment.

Penalty.

75. Any person who commits an offence against, contravenes or fails to comply with any of the provisions of this Ordinance or any Rules made thereunder for which no special penalty is provided shall on conviction be liable to a fine not exceeding thirty pounds and, in default of payment, to imprisonment for a period not exceeding three months.

Powers and Duties of Labour Officers

Powers of labour officers.

76. A labour officer may—

(*a*) enter, inspect and examine at all times by day and night any labour encampment or any land, building or other structure whatsoever when he has

reasonable cause to believe that any servant, other than a domestic servant, is living, residing or is employed thereon or therein and may make such inquiry and examination as may be necessary to ascertain whether the provisions of this Ordinance are being complied with, and may take with him, in any of the cases aforesaid, a police officer or officers;

(*b*) at all reasonable times require an employer to produce any servant employed by him and any document relating to the employment of such servant;

(*c*) enter, inspect and examine any hospital buildings and all latrines and other sanitary arrangements and any water supply;

(*d*) inspect and examine all food provided for the use of servants and take samples thereof and ascertain if reasonable medicines and dressings are provided for the use of servants. Any such sample shall be taken in duplicate in the presence of the employer and shall be sealed in the presence of the employer and one sample so sealed shall be left with the employer;

(*e*) order all buildings or premises where servants are housed or employed to be kept in a clean and sanitary condition;

(*f*) (i) institute proceedings in respect of any contravention of, or of any offence committed by an employer against, any of the provisions of this Ordinance, or of any Ordinance amending the same and may prosecute and appear in his own name in respect of such proceedings;

(ii) institute or appear or institute and appear on behalf of any servant in any civil proceedings by a servant against his employer in respect of any matter or thing or cause of action arising out of or in the course of the employment, whether such civil proceedings shall be contemplated or instituted by the servant himself or be civil proceedings ordered by a magistrate in lieu of criminal proceedings pursuant to the provisions of section 56 of this Ordinance.

(*g*) attest all written contracts of service required by law to be attested in all respects as a magistrate or justice of the peace can attest contracts of service under the provisions of this Ordinance.

Powers of medical officer.

77. A medical officer may for the purposes of this Ordinance exercise the powers conferred upon a labour officer by paragraphs (*a*) to (*e*) inclusive of section 76 of this Ordinance, and may in addition do all or any of the following matters or things, namely—

(*a*) order any servant who in his opinion is sick and for whom the conditions prevailing at the place of employment are not conducive to the rapid recovery of his health or strength to return to the place of his engagement, or to proceed to a hospital and in any such case the employer shall at the earliest opportunity and at his own expense send such servant to the place of engagement or to a hospital, as the case may be;

(*b*) condemn food provided for Somalis, Comoro Islanders, Malagasies, Baluchis born in Africa, Arabs or natives which in his opinion is unfit for human consumption. All food so condemned shall be destroyed forthwith in the presence of the medical officer;

(*c*) condemn any labour encampment, building or any other structure whatsoever in which any servant is living or employed if in his opinion such encampment, building or structure is unfitted by its construction, situation or condition for the purpose to which it is put. No such encampment, building or structure so condemned shall be used for the aforesaid purpose until a medical officer subsequently certifies that the encampment, building or structure may be used for such purpose;

(*d*) order at the expense of the employer such food for a servant as he may deem necessary;

(*e*) order the employer to supply a servant working under a written contract of service with one or more suitable blankets or with clothing and in any such case the reasonable cost thereof shall be paid by the servant and may be deducted from the remuneration of the servant and until the cost has been paid by, or deducted from, the wages of such

servant the blanket or blankets or clothing supplied shall remain the property of the employer;

(*f*) inspect all drugs and medicines provided for the use of servants.

Offences.

78. Every person who wilfully delays or obstructs a labour officer or a medical officer while such labour officer or medical officer is exercising any power conferred by this Ordinance, or who neglects or fails to comply with any requisition or order of a labour officer or of a medical officer in pursuance of any powers conferred on them respectively by this Ordinance or by any Rules made thereunder, or who conceals or prevents any servant from appearing before or being examined by a labour officer or a medical officer, or who attempts so to conceal or prevent a servant, shall be guilty of an offence against this Ordinance.

Power of Governor in Council to make Rules.

Power of Governor in Council to make Rules.

79. (1) The Governor in Council may make Rules providing for all or any of the purposes whether general or to meet particular cases that may be convenient for the administration of this Ordinance or that may be necessary or expedient for carrying out the objects or purposes of this Ordinance and without prejudice to the generality of the foregoing for all or any of the following purposes—

(*a*) controlling the conditions under which servants may be housed or employed, including sanitary arrangements and water supply;

(*b*) controlling the feeding of servants in cases where food is to be supplied by the employer under the contract of service, including the amount, kind and variety of food to be supplied;

(*c*) regulating the case of sick and injured servants;

(*d*) regulating the case of servants in transit between their homes and the place of employment;

(*e*) controlling the recruitment and engagement of servants under this Ordinance and the conditions under which they shall work;

(*f*) regulating and controlling professional and private recruiting and the engagement of servants by labour agents;

(*g*) prescribing the books to be kept and the returns to be rendered by employers, professional recruiters, private recruiters and labour agents;

(*h*) prescribing the classes of employment in which juveniles may or may not be employed;

(*i*) requiring the steps to be taken by an employer, recruiter or labour agent in respect of the acclimatization of recruited servants and servants engaged by labour agents and their immunization against disease;

(*j*) regulating the recruitment, engagement and embarkation of labour for service out of the Colony;

(*k*) prescribing for any period the maximum number of hours during which any servant or class of servants, whether generally or in relation to any particular kind of work or employment, may be required to work;

(*l*) prescribing the particulars to be set out on a ticket under a ticket contract, the conditions to be imposed upon the parties to a ticket contract and all matters appertaining thereto; and

(*m*) prescribing all matters which are authorized by this Ordinance to be prescribed.

(2) Any such rules may impose conditions, require acts or things to be performed or done to the satisfaction of an administrative officer, a medical officer or a labour officer, empower such officer to issue orders either verbally or in writing requiring acts or things to be performed or done, prohibiting acts or things from being performed or done and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

Exceptions.

Exceptions.

80. The provisions of this Ordinance shall not apply—

(*a*) to any agreement entered into under the provisions of section 100 of the Shipping Ordinance, 1930;

No. 51 of 1930.

(*b*) to a resident labourer within the meaning of the Resident Labourers Ordinance, 1937.

No. of 1937.

Repeal.

Repeal.
Cap. 139.

81. The Employment of Natives Ordinance (Chapter 139 of the Revised Edition) is hereby repealed:

Provided that all contracts of service subsisting at the date of such repeal shall continue to be of full force and effect and shall be subject to the provisions of this Ordinance as if they had been made thereunder.

SCHEDULE

Form of Bond

(*Under section* 6 (2) *of the Employment of Servants Ordinance,* 1937.)

Be it known unto all men by these presents that we (1) ..... are jointly and severally bound unto (2) ..... and to any one or more of them in the sum of (3) .... to be paid to the said (4) .... their and each of their heirs, executors, administrators, and assigns. For which payment well and truly to be made as liquidated damages and not as a penalty, we bind ourselves jointly and severally, and our heirs, executors and administrators, and every one of them firmly by these presents.

Sealed with our seals, dated this ..... day of ....., 19.....

The conditions of the above-written obligation is such that if (5) ..... (hereinafter called "the employer") the employer of the said (6) .... (hereinafter called "the employed") do pay to each of the employed performing their part of the agreement after-mentioned the several sums of money set opposite to their respective names in the schedule to an agreement made and entered into between the employer and the employed at ..... on the ..... day of ....., 19....., and attested by (7) ..... in regular (8) ..... payments to be computed from the .....day of....., 19....., and also to find and furnish the said employed with the subsistence set opposite to their respective names in the said schedule at

(1) Insert names and description of employer and one or more sureties resident within the jurisdiction.

(2) Name and description of the employed.

(3) Insert sum, not less than half the total amount (less any advances) due by the contract.

(4) Repeat names of employed.

(5) Name or names of employers.

(6) Name or names of employed.

(7) Official name of officer before whom agreement is signed.

(8) Weekly or monthly, etc., as the case may be.

regular (9) ..... periods, to commence as aforesaid, as agreed and promised by the said employer in the said agreement, and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of:

(To be signed and sealed by each of the obligants and attested, if practicable, by the officer attesting the relative agreement.)

(9) Weekly or monthly, etc., as the case may be.

FORM OF FOREIGN CONTRACT OF SERVICE.

(*Section 7 of the Employment of Servants Ordinance,* 1937.)

Memorandum of agreement made this ..... day of .....19....., between..... (hereinafter called "the employer") of the one part, and the persons whose names appear in the schedule hereto (hereinafter called "the employed") of the other part.

1. Each of the employed hereby contracts with the employer to serve him at ..... in the capacity of ..... for the period of ..... to be computed from the ..... day of .....19.....

2. The employer hereby contracts with the employed that he will during the period aforesaid make to each of the employed the payments and allowances set opposite his name in the schedule hereto, and will at the expiration of the said period provide each of the employed with sufficient means of returning to the place at which he was engaged.

In witness whereof the said parties have hereunto set their hands or made their marks at ..... before the ..... the day and year ..... first above written.

Signature of Employer.

THE SCHEDULE

Name and Marks	Payments per	Allowance for subsistence per

The above-named parties set their hands or made their marks hereto in my presence, the agreement being assented to by them upon the same being read over and explained to them in my presence, and I hereby attest under my hand and seal that the agreement was entered into voluntarily by them with full understanding of its meaning and effect.

FORM OF BOND

(*Under section* 10 *of the Employment of Servants Ordinance,* 1937.)

Be it known unto all men by these presents that we (1) ..... are jointly and severally bound unto (2) ..... and to any one or more of them in the sum of (3) ..... to be paid to the said (4) ..... their and each of their heirs, executors, administrators and assigns. For which payment well and truly to be made as liquidated damages and not as a penalty, we bind ourselves jointly and severally, and our heirs, executors, and administrators, and every one of them firmly by these presents.

Sealed with our seals, dated this ..... day of ..... 19.....

(1) Insert names and description of employer and one or more sureties resident within the jurisdiction.

(2) Name and description of the employed.

(3) Insert sum, not less than half the total amount (less any advances) due by the contract.

(4) Repeat names of employed.

The condition of the above-written obligation is such that if (5) ..... (hereinafter called "the employer") the employer of the said (6) .... (hereinafter called "the employed") do pay to each of the employed performing their part of the agreement after-mentioned the several sums of money set opposite their respective names in the schedule to an agreement made and entered into between the employer and the employed at ..... on the ..... day of ....., 19....., and attested by (7) ..... in regular (8) ..... payments to be computed from the day of their departure at (9) ..... and also to find and furnish the said employed with the subsistence set opposite to their respective names in the said schedule at regular (10) ..... periods to commence as aforesaid, and do further at the expiration of the term of (11)..... computed from the day of departure of the said employed, provide the said employed or any of them desiring with sufficient means to return or with a free passage and subsistence during such passage back to (12) ..... the place at which the said agreement was executed, as agreed and promised by the said employer in the said agreement, and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of:

(To be signed and sealed by each of the obligants and attested, if practicable, by the officer attesting the relative agreement.)

(5) Name or names of employers.
(6) Name or names of employed.
(7) Official name of officer before whom agreement is signed.
(8) Weekly or monthly, etc., as the case may be.
(9) Place of departure.
(10) Weekly or monthly, etc., as the case may be.
(11) Term of agreement.
(12) Place of employment.

Deed of Apprenticeship

(*Under section* 19 *of the Employment of Servants Ordinance,* 1937.)

This deed made the ..... day of .....19..., between ..... a boy (1) ..... above the age of ten years and under the age of sixteen, by..... of..... the (2) of the said ..... of the one part, and ..... of ..... of the other part.

Witnesseth as follows:—

1. The said ..... by the authority of the said ..... hereby binds himself apprentice to the said ..... for ..... years from the date hereof, and agrees during that term faithfully to serve the said ..... and obey his lawful commands and not absent himself by day or night from the service of the said ..... without leave.

2. The said ..... agrees with the said ..... that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of ....., and will produce him to any magistrate or justice of the peace whenever called upon by such magistrate or justice of the peace so to do, and will at the end of the said term supply the said ..... if he desires it with sufficient means of returning to his home.

In witness whereof (3) ..... this day and year first above written ..... (attestation when party or parties can read and write).

Signed, sealed and delivered
by the said .....
in the presence of :

.....
Magistrate.

(1) Or "girl".
(2) "Father" or "guardian".
(3) "The said.....have hereunto set their hands and seals," or "have hereunto made their marks and set their seals," or "the said..... .....has hereunto set his hand and seal and the said..... has hereunto made his mark and set his seal" as the case may be.

Attestation when party or parties illiterate.

The mark of the said ..... was made hereto and the Indenture was sealed and delivered by him after the same was interpreted to him when he seemed fully to understand the same in the presence of:

.....*Magistrate.*

Approved.....*Magistrate.*

The ..... day of .....19.....

DEED OF APPRENTICESHIP.

(*Under section* 20 *of the Employment of Servants Ordinance,* 1937.)

This deed made the ..... day of .....19..., between ..... (a child under the age of sixteen years without known relatives and without a guardian) by ..... of ..... (who has been appointed by the (1)..... as the guardian of the said ..... and to execute this deed on his behalf) of the one part, and ..... of..... of the other part.

Witnesseth as follows:—

The said ..... by the authority of the said magistrate hereby binds himself apprentice to the said ..... for ..... years from the date hereof, and agrees during that term faithfully to serve the said ..... and obey his lawful commands and not to absent himself by day or night from the service of the said ..... without leave.

2. The said ..... agrees with the said ..... that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of ....., and will produce him to any magistrate or justice of the peace whenever called upon by such magistrate or justice of the peace so to do, and at the end of the said term will provide the said ..... if he desires it with sufficient means of returning to his home.

In witness whereof (2) ..... the day and year first above written. (Attestation and approval as in the immediately preceding form.)

(1) State by what magistrate appointed.

(2) As in note (3) to preceding form.

DEED OF APPRENTICESHIP.

(*Under section* 21 *of the Employment of Servants Ordinance,* 1937.)

This deed made the ..... day of ..... 19....., between ..... (a person not under the age of sixteen years) of ..... of the one part and ..... of ..... of the other part.

Witnesseth as follows:—

1. The said ..... hereby binds himself apprentice to the said ..... for .... years from the date hereof, and agrees during that term faithfully to serve the said ..... and obey his lawful commands and not to absent himself by day or night from the service of the said ..... without leave.

2. The said ..... agrees with the said ..... that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of .....

In witness whereof (1) ..... the day and year first above written. (Attestation and approval as in the form under section 20.)

(1) As in note. (3) to form under section 20.

CERTIFICATE.

(*Under section* 28 *of the Employment of Servants Ordinance,* 1937.)

I hereby certify that ..... son of ..... a juvenile, has duly received from .....

(1) his father .....s/o.....
registration number .....

(1) his guardian .....s/o.....
registration number .....

(1) me, ... District Officer, the permission, required under section 27 of the employment of servants Ordinance, 1937, to be engaged or recruited to work for .... at ..... as a ..... for Sh. ..... per thirty-day contract ticket and food.

(1) Strike out words not required.

FORM OF COMPLAINT.

(*Under section 50 of the Employment of Servants Ordinance, 1937.*)

I, ..., of ....., hereby make complaint as follows against ..... Reg. No. ....., hereinafter referred to as "the accused".

1. That the said accused on the ..... day of ..... was a servant employed by me at ....., under a contract of service made under the provisions of the Employment of Servants Ordinance, 1937.

2. That the said contract of service was a—

(*a*) Verbal contract for a calendar month commencing .....

(*b*) $\frac{\text{Verbal}}{\text{Written}}$ ticket contract commencing .....

(*c*) Written "special" contract for ..... $\frac{\text{Months}}{\text{Years}}$ commencing.....

(*d*) Written contract for ..... $\frac{\text{Months}}{\text{Years}}$ commencing.....

3. That on or about the ..... day of ..... the said accused did, in contravention of the terms of the said contract, without lawful excuse absent himself from his place of employment at ...., and has absented himself therefrom for a period exceeding seven whole consecutive days, thereby committing the offence of desertion.

I therefore apply for a warrant for the arrest of the said accused to answer the above complaint, which I undertake to substantiate on oath when required to do so.

Dated this ..... day of .....

.....

Employer.

(*a*), (*b*), (*c*) and (*d*) are alternative clauses; those inapplicable should be struck out.

OBJECTS AND REASONS

This Bill is designed to consolidate and amend the law relating to the employment of servants.

The amendments are dealt with in detail below, and those which are prefixed with the letter "C" are necessary to give effect to the ratification by His Majesty's Government of an International Convention Concerning the Regulation of Certain Special Systems of Recruiting Workers.

2. *Clause* 2.—"Desertion" is defined to avoid ambiguity with "absence without leave" and thus ensure the correct application of clause 50 (1).

"C". "Family", "Juvenile", "Recruiting", "Private Recruiter", "Professional Recruiter" and "Recruited Servant" are defined in order to give effect to the Convention.

"Servant" is defined to include all classes of servants.

"Task" and "Task Work" are defined to give effect to clause 17.

3. *Clause* 6 (2).—Provides for the security for payment of wages in certain cases.

4. *Clause* 7 (1).—Facilitates the attestation of foreign contracts of service. Powers of attestation may be delegated to District Commissioners.

5. *Clause* 8.—Eliminates forward contracts of service, which adversely affect the labour supply.

6. *Clause* 15.—Limits the period of extension of a contract of service, which expires during a journey, to one month.

7. *Clause* 17.—Legalizes task work and provides for the payment thereof.

8. *Clause* 18.—Under this clause the offences of decoying and harbouring are separated.

9. *Clauses* 28 *and* 29. "C".—These clauses regulate the employment and recruiting of juveniles. Experience has shown the necessity for this and the Convention requires it.

10. *Clause* 36.—Requires the employer, in the event of a servant dying whilst in his employ, to furnish a report if a medical certificate is not procurable.

11. *Clauses* 38 *and* 39. "C".—Deal with licensing conditions for labour agents, professional and private recruiters,

12. *Clause* 41. "C".—Requires all recruited servants to be brought before a magistrate or a justice of the peace.

13. *Clause* 42. "C".—Permits the delay of medical examination under certain conditions.

14. *Clause* 43. "C".—Requires a medical examination of recruited servants before departure and after arrival at the place of employment, if considered necessary.

15. *Clauses* 44, 45, 46 *and* 47. "C".—Deal with the transport and repatriation of servants and their families, and the provision of necessities for their journey to and from the place of employment.

16. *Clause* 48. "C".—Allows certain exemptions from the provisions of clauses 38 to 47 inclusive.

17. *Clause* 50.—Simplifies the procedure in cases of desertion.

18. *Clause* 57.—Facilitates the procedure in cases of non-payment of wages.

19. *Clauses* 58 *and* 59.—Imprisonment may only be imposed in default of payment of a fine.

20. *Clause* 64.—The word "pay" is substituted for the word "withheld" in view of the provisions of clause 73.

21. *Clause* 67.—Renders the employer liable, in certain circumstances, for the cost of feeding servants pending settlement of a claim.

22. *Clause* 73.—Provides that wages shall be paid in cash, prohibits the giving of any inducement to enter upon employment and limits an advance to a sum not exceeding one month's wages.

23. *Clause* 74. "C".—Permits the family of a servant to reside at his place of employment for the duration of his contract.

24. *Clause* 79 (1). "C".—Paragraphs (*d*) to (*i*) are new and are self-explanatory.

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