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SUPPLEMENT No. 7

Ordinances, 1946

GOD SAVE THE KING

GOVERNMENT NOTICE No. 93

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill Temporarily to Amend the Native Liquor 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 Native Liquor (Temporary Amendment) Ordinance, 1946, and shall be read as one with the
- No. 36 of 1930. Native Liquor Ordinance, 1930, hereinafter referred to as the principal Ordinance.
- Amendment of section 31 of the principal Ordinance. 2. During the continuance in force of this Ordinance section 31 5 of the principal Ordinance shall be read as if the words "or on behalf of natives engaged in the Military Forces" were inserted between the words "authority" and "as", which appear in the fifth line thereof.
- District Commissioner may grant permit for establishment within his district of canteens for members of military units. 3. Notwithstanding anything to the contrary contained in the principal Ordinance, a District Commissioner may grant a permit for 10 the establishment, within his district, of a canteen for the use of the members, other than European members, of any military unit in the Colony and such permit shall be issued free of charge to the officer in charge of such unit and may authorize the manufacture and sale of native intoxicating liquor to such members of such unit on the 15 premises specified in such permit:
- Provided that no permit shall be issued for premises situate in an area in respect of which an order has been made under the provisions of section 28 of the principal Ordinance, except with the prior approval, in writing, of the local authority of such area. 20
- Expiry. 4. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire:
- Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be 25 fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks temporarily to amend the principal Ordinance, the Native Liquor Ordinance, 1930.

Section 31 of the principal Ordinance provides that all profits accruing to a Local Authority from the manufacture for the purpose of sale of native intoxicating liquor shall be expended in such ways and on such projects on behalf of the natives resident in the area, controlled by such Local Authority, as may to the Governor seem best and expedient. Clause 2 of the Bill seeks to enable such moneys also to be expended on projects for the benefit of natives engaged in the Military Forces.

Clause 3 seeks to enable District Commissioners to grant permits for the establishment, within their districts, of canteens for the use of the members, other than European members, of any military unit in the Colony. The clause also provides that any such permit shall be issued free of charge and contains a proviso which is designed to protect the position of any Local Authority in whose favour an order has been made under sub-section (1) of section 28 of the principal Ordinance.

Clause 4 provides that the measure shall continue in force until the 31st day of December, 1946, but enables the Governor, with the approval of the Legislative Council, by notice published in the Gazette, to declare that it shall remain in force until a date to be fixed in such notice or until repealed.

If this Bill becomes law it will continue provisions which now exist by reason of Regulations made under the powers conferred by the United Kingdom Emergency Powers (Defence) Acts, but which would otherwise expire on the 24th February, 1946.

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

S. W. P. FOSTER SUTTON,
Nairobi, 25th January, 1946. *Attorney General.*

GOVERNMENT NOTICE No. 94

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

K. W. SIMMONDS,
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:—

1. This Ordinance may be cited as the Native Registration Short title.
(Amendment) Ordinance, 1946, and shall be read as one with the
Native Registration Ordinance (Chapter 127 of the Revised Edition), Cap. 127.
hereinafter referred to as the principal Ordinance

5 2. Section 6 of the principal Ordinance is hereby amended— Amendment of
(a) by adding thereto, immediately after sub-section (5) thereof, section 6 of
the following new sub-section:— the principal
Ordinance.

10 “(6) (a) If any native is found in possession of his
registration certificate bearing an endorsement of
employment but no endorsement of discharge in such
circumstances as to lead to the reasonable belief that
he has left the service of his employer, it shall be lawful
for any magistrate, upon being satisfied that there is
15 reasonable ground for believing that no warrant has been
issued, under the provisions of sub-section (1) of section
50 of the Employment of Servants Ordinance, 1937, for No. 2 of 1938.
the arrest of such native; to make an endorsement of
discharge upon such native's registration certificate, with-
out prior reference to the last employer of such native,
20 affixing such date as may appear to him consistent with
the circumstances:

25 Provided that no such endorsement by a magistrate
shall be a defence to a prosecution for desertion if it be
proved that such offence has been committed by such
native.

(b) Where a magistrate has made an endorsement
of discharge under the provisions of this sub-section he
shall notify the last employer of such native, and the
Labour Commissioner, of such endorsement.”

30 (b) by re-numbering sub-section (6) thereof as sub-section (7).

3. The following new section, to be numbered section 25, is Insertion of new
hereby inserted in the principal Ordinance:— section 25 in
the principal
Ordinance.

35 “25. (1) The Governor may, by notice published in the Labour
Gazette, declare any area within the Colony to be a Labour exchange areas.
Exchange Area, and may appoint persons to be in charge of
Labour Exchanges in such areas.

(2) In every such area the officer in charge of the Labour
Exchange shall be the competent authority for the purpose of this
section.

40 (3) Notwithstanding the provisions of section 6 of this Ordin-
ance no person, in a Labour Exchange Area, other than the com-
petent authority or a person duly authorized by the competent
authority, in writing, in that behalf, shall make any entry on the
registration certificate of any native who is engaged or employed
45 within such area:

Provided that the competent authority may exempt from the
provision of this sub-section—

- (i) any employer or class of employers; or
- (ii) any native or class of natives.”

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to incorporate in the principal Ordinance, the
Native Registration Ordinance (Chapter 127 of the Revised Edition),
as permanent legislation, certain provisions which have, during the
war, been provided for by means of Defence Regulations.

Clause 2 seeks to add a new sub-section to section 6 of the
principal Ordinance which, if enacted, will enable any magistrate,
upon being satisfied that there is reasonable ground for believing that

no warrant has been issued, under the provisions of sub-section (1) of section 50 of the Employment of Servants Ordinance, 1937, for the arrest of a native, to make an endorsement of discharge upon such native's registration certificate, without prior reference to the last employer of such native, and to affix such date as may appear to the magistrate consistent with the circumstances. The sub-clause contains a proviso that no such endorsement by a magistrate shall be a defence to a prosecution for desertion if it be proved that such offence has been committed by such native. The sub-clause requires a magistrate, when he has made an endorsement of discharge, to notify the last employer of the native, and the Labour Commissioner, of such endorsement.

Clause 3 seeks to insert a new section, to be numbered section 25, in the principal Ordinance. Sub-clause (1) of the clause enables the Governor, by notice published in the Gazette, to declare any area within the Colony to be a Labour Exchange Area, and to appoint persons to be in charge of Labour Exchanges in such areas. Sub-clause (2) provides that the officer in charge of the Labour Exchange in any area shall be a competent authority for the purpose of the clause. Sub-clause (3) provides that no person in a Labour Exchange Area, other than the competent authority or a person duly authorized by him, in writing, in that behalf, shall make any entry on the registration certificate of any native who is engaged or employed within such area, and the sub-clause contains a proviso which seeks to enable the competent authority to exempt any employer or class of employers and any native or class of natives from its provisions.

It is not possible to estimate what expenditure of public moneys will be involved if the provisions of this Bill become law.

S. W. P. FOSTER SUTTON,

Nairobi, 25th January, 1946.

Attorney General.

GOVERNMENT NOTICE NO. 95

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

K. W. SIMMONDS,

Acting Clerk to the Legislative Council.

A Bill to Amend the Kenya Regiment (Territorial Force) Ordinance, 1937

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 Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1946, and shall be read as one with the Kenya Regiment (Territorial Force) Ordinance, 1937, hereinafter referred to as the principal Ordinance.

No. 4 of 1937.

Amendment of section 2 of the principal Ordinance.

2. Section 2 of the principal Ordinance is hereby amended by 5 inserting between the definitions "cadets" and "commanding officer", the following definition:—

"'Commander' means the officer for the time being appointed by the General Officer Commanding-in-Chief, East Africa Command, to command the Kenya Regiment (Territorial Force);". 10

Amendment of section 3 (3) of the principal Ordinance.

3. Sub-section (3) of section 3 of the principal Ordinance is hereby amended by deleting the words and commas "Local Forces, Kenya and Uganda," which appear in line 3 thereof.

Amendment of section 6 of the principal Ordinance.

4. The proviso to section 6 of the principal Ordinance is hereby amended by deleting the words and commas "Local Forces, Kenya 15 and Uganda," which appear in line 2 thereof.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to incorporate in the principal Ordinance, the Kenya Regiment (Territorial Force) Ordinance, 1937, a change in title which was made, during the emergency, under powers conferred by the Emergency Powers (Defence) Acts.

The amendments which clauses 3 and 4 of the Bill seek to make are consequential to the change in title effected by Clause 2.

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

S. W. P. FOSTER SUTTON,

Nairobi, 26th January, 1946.

Attorney General.

GOVERNMENT NOTICE NO. 96

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill Temporarily to Amend the
Police 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:—

1. This Ordinance may be cited as the Police (Temporary Amendment) Ordinance, 1946, and shall be read as one with the Police Ordinance, 1930, hereinafter referred to as the principal Ordinance. Short title.
No. 64 of 1930.
- 5 2. During the continuance in force of this Ordinance the following words, "Any magistrate, justice of the peace or police officer of or above the rank of assistant sub-inspector may", which appear in lines 1 and 2 of sub-section (1) of section 37 of the principal Ordinance, shall be deemed to be deleted and the following words substituted therefor:— Temporary amendment of section 37 (1) of the principal Ordinance.
- 10 "Any magistrate, justice of the peace, police officer of or above the rank of assistant sub-inspector, officer or non-commissioned officer of the East African Corps of Military Police or officer or non-commissioned officer of or above the rank of sergeant of the East Africa Military Records Office may".
- 15 3. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire: Expiry.

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

During the emergency legislation was enacted, under the powers conferred by the Emergency Powers (Defence) Acts, enabling any officer or non-commissioned officer of the East Africa Corps of Military Police and any officer or non-commissioned officer, of or above the rank of sergeant, of the East Africa Military Records Office, to take the finger prints of any person in lawful custody. That legislation, in effect, amended sub-section (1) of section 37 of the Police Ordinance, 1930.

This Bill seeks to retain the above-mentioned provisions during the transitional period.

Clause 3 provides that the measure shall continue in force until the 31st day of December, 1946, but enables the Governor, with the approval of the Legislative Council, by notice published in the Gazette, to declare that it shall remain in force until a date to be fixed in such notice or until repealed.

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

S. W. P. FOSTER SUTTON,
Attorney General.
Nairobi, 27th January, 1946.

GOVERNMENT NOTICE No. 97

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

K. W. SIMMONDS,

Acting Clerk to the Legislative Council.

A Bill to Amend the Liquor Ordinance, 1934

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

Short title.

1. This Ordinance may be cited as the Liquor (Amendment) Ordinance, 1946, and shall be read as one with the Liquor Ordinance, 1934, hereinafter referred to as the principal Ordinance.

No. 62 of 1934.

Amendment of section 10 of the principal Ordinance.

2. Section 10 of the principal Ordinance is hereby amended—

(a) by deleting paragraph (a) of sub-section (13) thereof and substituting therefor the following paragraph:—

“(a) A Canteen Liquor Licence shall authorize the sale of liquor by retail on any premises set apart as a canteen, club, institute, mess, or other similar institution for the use of members or their guests of His Majesty’s Navy, His Majesty’s Army, the Royal Air Force, the King’s African Rifles, the Kenya Police Force, the Kenya Regiment (Territorial Force), the Kenya Defence Force, the Kenya Naval Volunteer Reserve and the British Merchant Service. Such licence shall authorize the sale of liquor to members (including honorary members) only of the canteen, club, institute, mess or other similar institution for consumption on the licensed premises only.”;

(b) by deleting paragraph (c) of sub-section (13) thereof; and

(c) by adding, immediately after sub-section (20) thereof, the following new sub-section:—

“(21) A district commissioner may, without requiring the certificate of any licensing court, issue—

(a) a Canteen Liquor Licence or a Camp Canteen Liquor Licence, to such person as the officer commanding the unit, regiment or force, in respect of which the licence is required, shall nominate; and

(b) in the case of premises set apart as a canteen, club, institute, mess, or other similar institution for the use of members of the British Merchant Service a Canteen Liquor Licence to such person as the Mombasa Port Welfare Committee shall nominate.”.

Amendment of section 39 (1) of the principal Ordinance.

3. Sub-section (1) of section 39 of the principal Ordinance is hereby amended by substituting a colon for the full stop, which appears at the end thereof, and by adding thereto the following proviso:—

“Provided that the foregoing provisions shall not apply to the sale or supply of beer to any member of the military forces of the Crown, for consumption on the premises, in any canteen lawfully established by the competent military authorities for the sole use of members of the military forces of the Crown.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to continue, as permanent legislation, the following amendments to the Liquor Ordinance, 1934, which existed under Emergency Legislation:—

(i) by extending the same privileges to a canteen, club, institute, mess or other similar institution established for the use of members of the British Merchant Service as are extended to such institutions established for the use of members of His Majesty’s Armed Forces. The opportunity has been taken to make a drafting amendment to section 10 of the principal Ordinance;

(ii) by permitting the sale or supply of beer to any member of the Military Forces of the Crown, for consumption on the premises, in any canteen lawfully established by the competent Military Authorities for the sole use of members of the Military Forces of the Crown. Sub-section (1) of section 39 of the above-mentioned Ordinance prohibits the sale or barter of intoxicating liquor, which under the provisions of section 3 of the Ordinance includes beer, to natives and the other persons enumerated therein.

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

S. W. P. FOSTER SUTTON,

Nairobi, 25th January, 1946.

Attorney General.

GOVERNMENT NOTICE No. 98

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

K. W. SIMMONDS,
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, 1946, and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter referred to as the principal Ordinance. Short title.
No. 21 of 1928.
2. Sub-section (1) of section 5 of the principal Ordinance is hereby amended by deleting therefrom the word "shall", which appears in the second line thereof, and by substituting therefor the word "may". Amendment of section 5 (1) of the principal Ordinance.
3. (1) During the continuance in force of this section section 12 of the principal Ordinance shall be deemed to be amended as follows— Temporary amendment of section 12 of the principal Ordinance.
 - (a) by deleting the full stop, which appears at the end of paragraph (e) thereof, and substituting therefor a semi-colon and the word "or"; and
 - (b) by inserting therein the following new paragraph:—
 - (f) is a subject of a State which is at war with His Majesty; if any doubt arises as to whether or not a person is a subject of a State at war with His Majesty, a certificate under the hand of the Commissioner of Police that such person is or is not such a subject, as the case may be, shall be conclusive proof of the fact."
- (2) This section shall continue in force until the thirty-first day of December, 1946, and shall then expire. Expiry.
- Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this section shall remain in force until a date to be fixed in such notice or until repealed.
4. Section 26 of the principal Ordinance is hereby repealed, and the following section substituted therefor:— Repeal and replacement of section 26 of the principal Ordinance.
 - "26. (1) The Clerk shall, not less than ten days prior to any election, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the district and to be posted at such conspicuous places as he shall think fit within the ward or wards in which the election is to be held, a notice of such election, and in such notice he shall specify the names of the returning officers (if any) appointed under the last preceding section and the dates and places during and at which the returning officers will receive the nomination papers of candidates for the seat or seats to be filled by election and, in the case of nomination papers sent by registered post, the address to which they shall be sent and the latest date upon which such nomination papers will be received by the returning officer.
 - (2) Any date specified, under the provisions of sub-section (1) of this section, shall be not less than ten nor more than fourteen days from the date of the publication of the notice."
5. Sub-section (4) of section 27 of the principal Ordinance is hereby repealed and the following sub-section substituted therefor:— Repeal and replacement of section 27 (4) of the principal Ordinance.
 - "(4) Every nomination paper subscribed and witnessed as aforesaid shall be—
 - (a) delivered to the returning officer by the candidate or by his proposer or seconder at the time, date and place specified; or
 - (b) if sent by registered post, received by the returning officer not later than the latest date specified,
- and any nomination paper which is not so delivered or received shall be rejected."

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the Local Government (District Councils) Ordinance, 1928, by incorporating certain provisions which were introduced during the emergency, under the provisions of the United Kingdom Emergency Powers (Defence) Acts.

Clause 3 seeks to temporarily amend section 12 of the principal Ordinance by making it unlawful for a person who is a subject of a State at war with His Majesty, to have his name entered upon any voters' roll or to vote at any election.

Clauses 4 and 5 seek to make provision enabling nomination papers to be sent to the returning officers by registered post. This facility was introduced as a wartime measure and its retention is considered desirable.

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

Nairobi, 25th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE NO. 99

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

K. W. SIMMONDS,
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.

No. 37 of 1930.

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

1. This Ordinance may be cited as the Prisons (Amendment) Ordinance, 1946, and shall be read as one with the Prisons Ordinance, 1930, hereinafter referred to as the principal Ordinance.

2. Sub-section (1) of section 40 of the principal Ordinance is hereby repealed and the following sub-section substituted therefor:— 5
“(1) Convicted criminal prisoners sentenced to imprisonment whether by one sentence or consecutive sentences for a period exceeding one month, but less than three years, may by industry and good conduct earn a remission of one-seventh of their sentence or sentences: 10

Provided that no remission may be earned by a prisoner serving a sentence in default of payment of a fine:

Provided further that any person, who has commenced to serve a term of imprisonment prior to the enactment of this sub-section shall be eligible to earn such remission as he would have been eligible to earn under the provisions of any law in force at the time of his conviction.”. 15

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the Prisons Ordinance, 1930 (No. 37 of 1930), by repealing sub-section (1) of section 40 and replacing it with a new sub-section.

During the emergency the remission which a criminal prisoner, sentenced to a term of imprisonment for more than one month and less than three years, could earn, by good conduct and industry, was increased from one-seventh to one-third of his sentence. It is now considered desirable to revert to the previous provision of one-seventh remission in such cases.

The new sub-section enables the above-mentioned remission of sentence to be earned on the whole period of any such sentence. Under the old provision the first month was excluded.

The sub-section also seeks to provide that no remission may be earned by a prisoner serving a sentence in default of payment of a fine. This follows the practice in the United Kingdom. A proviso has also been added protecting the position of criminal prisoners who have commenced to serve a term of imprisonment before the enactment of the new provisions.

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

Nairobi, 25th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 100

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Amend the Electric Power Ordinance

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

1. This Ordinance may be cited as the Electric Power (Amendment) Ordinance, 1946, and shall be read as one with the Electric Power Ordinance (Chapter 165 of the Revised Edition), hereinafter referred to as the principal Ordinance. Short title.
Cap. 165.
- 5 2. Sub-section (1) of section 10 of the principal Ordinance is hereby repealed and the following sub-section substituted therefor:— Repeal and replacement of section 10 (1) of the principal Ordinance.

“(1) The Governor in Council may grant a bulk supply licence to any public or local authority or combination of any such authorities or to any company or person to supply electrical energy in bulk to authorized distributors within any area prescribed in such licence, and the Governor in Council in any such licence may authorize the generation of electrical energy and the doing of all such other acts as are necessary in connexion with the supply of such electrical energy in bulk.” Grant of bulk supply licence.
- 10 3. Sub-section (1) of section 131 of the principal Ordinance is hereby amended by substituting a colon for the full stop, which occurs at the end thereof, and by adding thereto, immediately after such colon, the following proviso:— Amendment of section 131 (1) of the principal Ordinance.

“Provided that the provisions of this sub-section shall not apply to the extension or amplification of an existing generating station, or to the installation of additional plant therein, where prior approval of the Governor has been obtained and where such additional plant is of the same type and character as the existing plant, whether or not the additional plant is to be installed in the existing building or an extension thereof or in a new building adjacent to and on the same area of land as the existing building.”
- 15 20 26

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the Electric Power Ordinance (Chapter 165 of the Revised Edition), in the following respects:—

- (i) by repealing sub-section (1) of section 10 and substituting a new sub-section therefor. During the emergency the East African Power and Lighting Company Limited made an application to transmit a bulk supply from the Tanganyika border to Mombasa. The application could not be granted under the provisions of the existing sub-section. To enable the application to be granted action was taken under the Emergency Powers (Defence) Acts and it is now considered desirable to incorporate provisions giving the necessary flexibility in the permanent legislation;
- (ii) by adding a proviso to sub-section (1) of section 131. That sub-section requires prior public notice of not more than 90 and not less than 60 days to be given of an intended application for a licence (or for an order or for any authority, consent or approval of the Governor in Council) to construct a generating station. In cases where it is merely desired to extend or improve an existing generating station doubts sometimes arise as to whether the extensions or improvements should be regarded as equivalent to the construction of a new generating station. The necessity of giving not less than 60 days prior public notice of such an application and the further period allowed for the making of representations or objections causes considerable delay in dealing with such applications, which may result in a licensee being unable to maintain a full supply of electricity in the area concerned.

If the proviso is enacted into law it will have the effect of incorporating, as a permanent provision, similar provisions to those which were enacted under the powers conferred by the United Kingdom Emergency Powers (Defence) Acts, which are due to expire on the 24th February, 1946.”

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

S. W. P. FOSTER SUTTON,
Attorney General.

Nairobi, 25th January, 1946.

GOVERNMENT NOTICE No. 101

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill to Amend the King's African Rifles
Ordinance, 1932**

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

Short title.

1. This Ordinance may be cited as the King's African Rifles (Amendment) Ordinance, 1946, and shall be read as one with the King's African Rifles Ordinance, 1932, hereinafter referred to as the principal Ordinance.

No. 48 of 1932.

Amendment of section 2 of the principal Ordinance.

2. Section 2 of the principal Ordinance is hereby amended by deleting therefrom the definition of "Brigade Commander" contained therein and substituting therefor the following definition:—

"'Commander' means the General Officer Commanding-in-Chief, East Africa Command, or such other officer or officers as he may appoint;".

10

Insertion of new section 78A in the principal Ordinance.

3. The principal Ordinance is hereby amended by adding, immediately after section 78 thereof, the following new section:—

Soldier deemed to be re-engaged for purposes of section 84.

"78A. Where any soldier has, under the powers conferred by section 78 of this Ordinance, been detained and his services prolonged, he shall for the purposes only of section 84 of this Ordinance be deemed to have been re-engaged for a further period of three years, and, if still detained thereafter, for further periods of three years at a time."

15

Amendment of section 79 of the principal Ordinance.

4. Section 79 of the principal Ordinance is hereby amended by deleting therefrom the words "section 75 and of the last preceding section", which appear in the first and the second line thereof, and by substituting therefor the words "sections 75 and 78 of this Ordinance".

20

Amendment of the principal Ordinance.

5. The principal Ordinance is hereby amended by deleting the words "Brigade Commander", wherever they appear therein, and substituting therefor the word "Commander".

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the King's African Rifles Ordinance, 1932, by incorporating certain amendments, as permanent legislation, which were made, during the emergency, under powers conferred by the United Kingdom Emergency Powers Defence Acts.

Section 78 of the principal Ordinance enables the Governor, during a state of war, insurrection or hostilities, to prolong the service of any soldier, for a further period. The new Clause 78A seeks to continue certain benefits conferred, by section 84 of the principal Ordinance, upon a soldier whose service has been so continued or in the event of his death, his widow or widows, children or next-of-kin, which were conferred during the emergency.

The amendments made by Clause 5 are consequential to the new definition inserted by Clause 2.

At the present juncture it is not possible to say if any public moneys will be involved if the provisions of this Bill become law.

S. W. P. FOSTER SUTTON,
Attorney General.

Nairobi, 27th January, 1946.

GOVERNMENT NOTICE No. 102

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Enable a Member of the Armed Forces of the Crown to be admitted into a Lunatic Asylum upon the Authority of Two Medical Officers of the Armed Forces of the Crown.

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 Certification of Lunatics (Forces of the Crown) Ordinance, 1946. Short title.
2. Notwithstanding anything to the contrary contained in the Indian Lunatic Asylums Act, 1858, as applied to the Colony, or any other enactment for the time being in force, any member of the armed forces of the Crown may be admitted into a lunatic asylum for observation upon the authority of a letter signed by two medical officers of the armed forces of the Crown. Such letter shall state that the two medical officers, whose signature it bears, have examined the person named therein within a period not exceeding forty-eight hours prior to the signing of the letter, and that in their opinion, for reasons which shall be recorded in such letter, he is a proper person to be detained in a lunatic asylum for observation. Provision for admitting member of armed forces into a lunatic asylum, for observation.
3. Any member of the armed forces of the Crown who is admitted to a lunatic asylum under the provisions of section 2 of this Ordinance may be detained for an initial period not exceeding twenty days from the date of the letter of authority, and if upon re-examination at or before the expiration of such period a further period of detention is deemed necessary he may be detained for a second period not exceeding twenty days, and thereafter upon a further re-examination he may be detained for a third period not exceeding twenty days: Period of detention.
- Provided that no person shall be detained for a second or a third period as herein provided except upon the authority of a letter in respect of each such period signed by two medical officers of the armed forces of the Crown, which shall comply with the provisions of section 2 of this Ordinance.
4. Any member of the armed forces of the Crown who is detained in a lunatic asylum in accordance with the provisions of this Ordinance may be discharged therefrom upon the authority of a letter signed by two medical officers of the armed forces of the Crown. Such letter shall state that the two medical officers, whose signature it bears, have examined the person named therein within a period not exceeding forty-eight hours prior to the signing of the letter, and that in their opinion, for reasons which shall be recorded in such letter, it is desirable that such person be discharged from the lunatic asylum. Authority for discharge from lunatic asylum.
5. The provisions of section 13 of the Indian Lunatic Asylums Act, 1858, as applied to the Colony, shall apply *mutatis mutandis* to any member of the armed forces of the Crown who is detained in a lunatic asylum under the provisions of this Ordinance. Application of section 13 of the Indian Lunatic Asylums Act, 1858.
6. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire: Expiry.

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to continue, as a temporary measure, certain emergency legislation, relating to the admission of members of the Armed Forces of the Crown into lunatic asylums, for observation, which would otherwise terminate on the 24th February, 1946.

Clause 2 provides, *inter alia*, that any member of the Armed Forces of the Crown may be admitted into a lunatic asylum for observation upon the authority of a letter signed by two medical officers of the Armed Forces of the Crown.

Clause 3 seeks to make provision regarding the period for which a person may be detained, under the provisions of clause 2, and clause 4 makes provision regarding the discharge from a lunatic asylum of any person admitted under the provisions of clause 2.

Clause 5 seeks to apply, *mutatis mutandis*, the provisions of section 13 of the Indian Lunatic Asylums Act, 1858, and clause 6 provides that the measure shall continue in force until the 31st day of December, 1946, unless extended, with the approval of the Legislative Council.

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

S. W. P. FOSTER SUTTON,
Attorney General.

Nairobi, 26th January, 1946.

GOVERNMENT NOTICE No. 103

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill Temporarily to Amend the Customs
Management Ordinance, 1926**

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.

No. 25 of 1926.

Temporary amendment of section 135 (1) and (2) of the principal Ordinance.

Expiry.

1. This Ordinance may be cited as the Customs Management (Temporary Amendment) Ordinance, 1946, and shall be read as one with the Customs Management Ordinance, 1926, hereinafter referred to as the principal Ordinance.

2. During the continuance in force of this Ordinance section 135 of the principal Ordinance shall be read as if the words “unless the Governor otherwise directs” were inserted between the word and the comma “thereof,” and the word “be”, which appear in the fifth line of sub-section (1) thereof, and between the word “shall” and the word “furnish”, which appear in the third line of sub-section (2) thereof. 5 10

3. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire:

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed. 15

MEMORANDUM OF OBJECTS AND REASONS

Under the provisions of sub-section (1) of section 135 of the principal Ordinance, the Customs Management Ordinance, 1926, all goods which are imported free of duty on the ground that they are the property of the Crown, or of an officer of the Government, or of any company, firm or individual privileged by contract or otherwise to import such goods free of duty, are liable, if such goods are thereafter sold, to be charged with the same duties as would be payable on the importation of similar goods by any person to whom the concession does not apply.

During the emergency large quantities of goods have been imported by the Crown and it has frequently been found expedient to dispose of such goods without requiring the import duty to be paid.

To cover the position the section was temporarily amended under the powers conferred by the United Kingdom Emergency Powers (Defence) Acts, to enable the Governor, in proper cases, to exempt such goods from the liability of import duty. The amendment, unless continued by this measure, will expire on the 24th February, 1946. It is considered desirable, during the transitional period, to retain the flexibility which the temporary amendment introduced into the principal Ordinance.

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

S. W. P. FOSTER SUTTON,
Attorney General.

Nairobi, 26th January, 1946.

GOVERNMENT NOTICE No. 104

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill Temporarily to Provide for the Rebate
and Refund of Customs and Excise Duties,
in Certain Cases**

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 Temporary Rebate and Refund of Customs and Excise Duties Ordinance, 1946. Short title.

2. In this Ordinance the term "Commissioner" means the Commissioner of Customs, and the term "Expeditionary Force Institute" includes the Navy, Army and Air Force Institute. Interpretation.

3. (1) A rebate of excise duty, payable under any law for the time being in force in the Colony, may, notwithstanding the provisions of such law, be granted by the Commissioner in respect of— Rebate of excise duty.

10 (a) tobacco, cigarettes, beer, tea and sugar, delivered from the stock of the manufacturer thereof to the order of the East African War Supplies Board or of any Board, Commission, or Authority, charged or authorized by the General Officer Commanding in Chief, East Africa Command, or by the Government of the Colony, with the ordering of such supplies for the use of His Majesty's Forces, if such supplies are paid for out of the funds of the Imperial Government, the Government of the Colony, any Dominion, Colony, Protectorate or Mandated Territory;

15 (b) tobacco, cigarettes, beer, tea and sugar supplied by the manufacturer thereof to the Expeditionary Force Institute or to the Union Defence Force Institute;

20 (c) tobacco, cigarettes, beer, tea and sugar, purchased by any public organization, recognized by the Commissioner, for free distribution to members of His Majesty's Forces in the Colony from funds donated, whether within or without the Colony, for that purpose; and

25 (d) in respect of cigarettes and beer supplied by the manufacturer thereof to the Mombasa Port Welfare Committee.

(2) An application for a rebate of excise duty under the provisions of this section shall be made by the manufacturer of the article on which such duty is payable or by such manufacturer's accredited agent, and shall be in such form, and shall contain such particulars, and shall be made in such manner, as the Commissioner may require.

35 4. (1) A refund of import duty, payable under any law for the time being in force in the Colony, may, notwithstanding the provisions of such law, be made, by the Commissioner, from Customs revenue in respect of any goods purchased as stores from open stocks by the East African War Supplies Board, or by any other Board, Commission or Authority charged or authorized by the General Officer Commanding in Chief, East Africa Command, or by the Government of the Colony (hereinafter referred to as "the purchaser") with the purchasing of such goods for the use of His Majesty's Forces, if such goods are paid for out of the funds of the Imperial Government the Government of the Colony, any Dominion, Colony, Protectorate or Mandated Territory. Refund of import duty.

(2) A refund of import duty, payable under any law for the time being in force in the Colony, may, notwithstanding the provisions of such law, be made, by the Commissioner, from Customs revenue in respect of any goods purchased from open stocks by the Expeditionary Force Institute or the Union Defence Force Institute, for re-sale, subject to the Commissioner being satisfied that the facilities provided under Item 163 (iv) of the Schedule to the Customs Tariff Ordinance, 1930, were not available at the time of such purchase.

No. 1 of 1930.

55 (3) A refund of import duty, payable under any law for the time being in force in the Colony, may, notwithstanding the provisions of such law, be made, by the Commissioner of Customs, from customs revenue in respect of any cigarettes or beer purchased from open stocks by the Mombasa Port Welfare Committee.

(4) For the purpose of obtaining a refund of import duty under the provisions of this section, the purchaser shall submit an application in such manner, and containing such particulars, as the Commissioner may require:

Provided that, in respect of the refund of import duty on leaf tobacco used in the local manufacture of cigarettes, such application may be submitted by, and such refund may be made to, the manufacturer of such cigarettes.

Expiry.

5. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire: 10

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

During the emergency certain concessions were made by way of rebates and refunds of excise duty and import duty, respectively, upon, *inter alia*, tobacco, cigarettes, beer, tea and sugar supplied to His Majesty's Forces, if such goods were paid for out of the funds of the Imperial Government, the Government of the Colony, any Dominion, Colony, Protectorate or Mandated Territory. Such concessions were given legal sanction by Regulations made under the powers conferred by the United Kingdom Emergency Powers (Defence) Acts and will terminate, unless this measure is enacted, on the 24th February, 1946.

It is considered proper that such concessions should be continued, in any event, during the transitional period, and this Bill seeks to do that.

Clause 5 provides that the measure shall continue in force until the 31st day of December, 1946, and contains a proviso which enables the Governor, with the approval of the Legislative Council, to continue the measure until such time as may be determined.

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

S. W. P. FOSTER SUTTON,
Nairobi, 26th January, 1946. *Attorney General.*

GOVERNMENT NOTICE No. 105

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Amend the Native Authority Ordinance, 1937

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.

No. 2 of 1937.

Repeal and replacement of section 27 (2) of the principal Ordinance.

1. This Ordinance may be cited as the Native Authority (Amendment) Ordinance, 1946, and shall be read as one with the Native Authority Ordinance, 1937, hereinafter referred to as the principal Ordinance.

2. Sub-section (2) of section 27 of the principal Ordinance is hereby repealed and the following sub-section substituted therefor:—
“(2) The president may invest all or any portion of such moneys in such manner as may be approved by the Governor.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the Native Authority Ordinance, 1937, by repealing sub-section (2) of section 27 and substituting therefor a new sub-section. If enacted into law the new provision will give the president of a Local Native Council a wider field for the investment of moneys in the Local Native Fund than at present exists. Any investments made will require the prior approval of the Governor.

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

S. W. P. FOSTER SUTTON,
Nairobi, 25th January, 1946. *Attorney General.*

GOVERNMENT NOTICE No. 106

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill Temporarily to Amend the Schedule to
the Customs Tariff 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:—

1. This Ordinance may be cited as the Customs Tariff (Temporary Amendment) Ordinance, 1946, and shall be read as one with the Customs Tariff Ordinance, 1930, hereinafter referred to as the principal Ordinance.

2. During the continuance in force of this Ordinance Item 163 (d) of the Schedule to the principal Ordinance shall be deemed to read as follows:—

Item	Article	Duty	Temporary amendment of Item 163 (d) of the Schedule to the principal Ordinance.
10	"163 (d) (i) Goods which are proved to the satisfaction of the Commissioner of Customs to be the property of His Majesty and which are imported or purchased prior to clearance through the Customs by, or for the use of, His Majesty's land, sea or air forces in the Colony	Free.	
15	(ii) Goods consigned per parcels post by private individuals to members of His Majesty's expeditionary forces from overseas or the Dominions serving in the Colony, or to members of the Armed Forces of any Allied Power, not including wines and spirits, and not including cigarettes or tobacco in excess of one pound in weight in any one parcel	Free.	
20	(iii) Comforts consigned as gifts for free distribution to members of His Majesty's forces. "Comforts" include cigarettes, confectionery, toilet requisites, food, writing materials and knitted goods	Free.	
25	(iv) Goods imported, or purchased prior to clearance through the Customs by the Navy, Army and Air Force Institute/Expeditionary Force Institute, the Union Defence Force Institutes, the Mombasa Port Welfare Committee, or the Kenya Red Cross Society, subject to such limitations and conditions as the Commissioner of Customs may specify	Free.	
30	(v) Goods consigned as gifts imported by, or for the use of, prisoners of war or interned enemy aliens	Free.	
40	(vi) Goods imported for issue whether by sale or otherwise to war evacuees in any evacuee camp duly established by the competent authority	Free."	

3. During the continuance in force of this Ordinance Item 163 (e) of the Schedule to the principal Ordinance shall be deemed to read as follows:—

Item	Article	Duty	Temporary amendment of Item 163 (e) of the Schedule to the principal Ordinance.
50	"163 (e) Goods imported by, or purchased prior to clearing through the Customs by, or for the use of, the Government of any British territory in East Africa or the Kenya and Uganda Railways and Harbours Administration and any of the Armed Forces of any Allied Power	Free."	

4. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire: Expiry.

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to continue in force, temporarily, certain Customs concessions which were made to His Majesty's forces and other Services and which would otherwise terminate on the 24th February, 1946.

Clause 4 of the Bill provides that the Ordinance shall continue in force until the 31st day of December, 1946, and contains a proviso enabling it to be continued in force by the Governor, with the approval of the Legislative Council, after that date.

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

Nairobi, 26th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 107

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Amend the Employment of Servants Ordinance, 1937

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.

No. 2 of 1938.

Insertion of
new section 4A
in the principal
Ordinance.

Employer and
servant may
enter into a
contract for
performance
of ninety days'
work.
Cap. 127.

1. This Ordinance may be cited as the Employment of Servants (Amendment) Ordinance, 1946, and shall be read as one with the Employment of Servants Ordinance, 1937, hereinafter referred to as the principal Ordinance.

2. The principal Ordinance is hereby amended by adding, 5 immediately after section 4 thereof, the following new section:—

"4A. Notwithstanding anything contained in section 3 of this Ordinance it shall be competent for any person (including a registered native, as defined in the Native Registration Ordinance) to enter into a contract of service, to be known as a 'ninety days' 10 contract', for the servant to work for the employer for ninety days (in succession or otherwise at the election of the employer), and in such contracts—

- (a) the employer shall, except when it is impossible for him to do so by reason of any default on the part of the 15 servant, provide ninety tasks or ninety days' work for such servant;
- (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 20 from his place of employment without lawful cause;
- (c) if the contract is in writing the provisions of this Ordinance relating to written contracts shall not apply thereto;
- (d) the contract shall not, save as provided in section 60 of 25 this Ordinance, extend beyond a period of one hundred and eight days from the making thereof;
- (e) the remuneration in respect of a ninety days' contract shall be expressed in terms of each thirty tasks or thirty days' work, and the servant shall be entitled to the pay- 30 ment of all wages accrued due in respect of the number of daily tasks which he has performed or the number of days he has worked within a period of each thirty-six days in the proportion which such number of tasks or days bear to thirty: 35

Provided that if the servant completes the ninety days' contract before the expiration of a period of one hundred and eight days he shall be entitled to the payment of all wages accrued due as soon as the contract is completed; 40

- (f) where a ninety days' contract is entered into the employer shall supply the servant with tickets which shall be in the same form as may be prescribed for a 'ticket contract';
- (g) if the servant is absent from work through illness, the 45 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 such illness, for the unexpired period of one hundred and eight days;
- (h) the employer shall, within twenty-four hours of the making 50 of a contract under the provisions of this section, send to the Registrar of Natives a return as prescribed under the provisions of sub-section (1) of section 9 of the Native Registration Ordinance, and the contract shall not be enforceable against the servant unless such return 55 has been so sent. Such return shall be headed 'Ninety Days' Contract' and shall, in addition to the particulars therein required, bear the thumb print of the servant concerned. A copy of such return shall be retained by the employer and upon completion of the contract the 60 employer shall forward such copy with the date of discharge of the servant duly endorsed thereon, to the Registrar of Natives;

Cap. 127.

(i) in any dispute between the employer and the servant the onus of proof that the contract was entered into voluntarily by the servant and that he was fully aware of its terms shall lie upon the employer.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to insert a new section, to be numbered 4A, in the principal Ordinance, the Employment of Servants Ordinance, 1937. If the new clause is enacted into law it will have the effect of enabling a ninety day contract either oral or written, to be entered into by employers and servants. Similar contracts were authorized by Defence Regulations made, during the emergency, under powers conferred by the United Kingdom Emergency Powers (Defence) Acts. In the light of experience it is considered desirable to continue to allow such contracts to be entered into.

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

Nairobi, 28th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 108

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council

A Bill to Amend the Local Government (Municipalities) 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:—

Short title.	1. This Ordinance may be cited as the Local Government (Municipalities) (Amendment) Ordinance, 1946, and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as the principal Ordinance.	
No. 19 of 1928.		
Amendment of section 2 of the principal Ordinance.	2. Section 2 of the principal Ordinance is hereby amended by inserting therein immediately before the definition of "Medical Officer of Health", the following definition:— "councillor" includes an alderman;".	5
Repeal and replacement of sections 5, 6 and 7 of the principal Ordinance.	3. Sections 5, 6 and 7 of the principal Ordinance are hereby repealed and the following sections substituted therefor:—	10
Constitution of Nairobi Municipal Council.	"5. There shall be constituted for the Municipality of Nairobi a Municipal Council which shall consist of— (i) seven aldermen to be elected; (ii) nine European members to be elected; (iii) seven Indian members to be elected; (iv) two members, to be nominated by the Governor, to represent the Government of the Colony; (v) the Administrative Officer of the Nairobi District; (vi) a member of the Nairobi District Council to be nominated by the Governor; (vii) two native members to be nominated by the Governor who shall be selected from among persons resident within the Municipality of Nairobi.	15 20
Qualifications of aldermen and term of office.	6. (1) A person shall not be qualified to be elected or to be an alderman unless he is a councillor or qualified to be elected a councillor. (2) If a councillor is elected to, and accepts, the office of alderman he shall be deemed to have vacated his office of councillor. (3) Of the first aldermen to be elected four shall be elected for a term of three years and three shall be elected for a term of six years, and thereafter all aldermen shall be elected for a term of six years. (4) Retiring aldermen shall be eligible for re-election.	25
Time and mode of election of aldermen.	6A. (1) The first aldermen shall be elected on or after the 1st day of May, 1946, but not later than the 31st day of May, 1946. (2) Aldermen shall be elected by the elected and nominated councillors, by ballot. (3) An alderman shall not vote in the election of aldermen: Provided that in case of an equality of votes upon an election of aldermen, the Mayor, if an alderman, although not entitled to vote in the first instance, shall have a casting vote.	30 35
Filling of casual vacancies among aldermen.	6B. In the event of a casual vacancy in the office of alderman occurring, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would have ceased to hold office.	45
Period of office of elected and nominated councillors.	7. (1) The councillors elected under the provisions of paragraphs (ii) and (iii) of section 5 of this Ordinance shall hold office for a period of three years. (2) The councillors nominated under the provisions of paragraphs (iv), (vi) and (vii) of section 5 of this Ordinance shall hold office during the Governor's pleasure for a period not exceeding three years."	50

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to give effect to the recommendations made by a Commission of Inquiry, appointed by His Excellency the Governor under the Commissions of Inquiry Ordinance, with the following terms of reference:—

- (a) To inquire into the advisability of amending the law to provide for the creation of a Bench of Aldermen as an addition to the constitution of the Nairobi Municipal Council as established under section 5 of the Local Government (Municipalities) Ordinance, 1928, and to recommend the qualifications, mode of election, numerical strength, term of office, and powers of such aldermen if such Bench is created;
- (b) to inquire into the advisability of amending the law to provide for the addition of one or more African members to the constitution of the Nairobi Municipal Council as established under section 5 of the Local Government (Municipalities) Ordinance, 1928, and to recommend the qualifications, mode of appointments, numerical strength, term of office and powers of such African members, if their addition to the constitution is recommended.

The measure seeks—

- (i) to create a Bench of seven aldermen;
- (ii) to provide that of the aldermen first elected four shall be elected for a term of three years and three for a term of six years, and that thereafter all aldermen shall be elected for a term of six years. The provision regarding the first aldermen to be elected is designed to ensure a continuity which would be lost if the term of office of every alderman terminated at the same time;
- (iii) to provide that retiring aldermen shall be eligible for re-election;
- (iv) to provide that the first aldermen to be elected shall be elected not earlier than the 1st day of May and not later than the 31st day of May, 1946. This provision is designed to obviate the necessity for by-elections if elected councillors are appointed aldermen as the yearly election for Municipal councillors, in Nairobi, takes place in June;
- (v) to provide that aldermen shall have all the powers and privileges of elected councillors other than the power to vote in the election of aldermen. In this connexion, however, attention is drawn to the proviso to sub-clause 3 of the new clause 6A;
- (vi) to provide that if an alderman, after his election, for any reason ceases to be qualified to be elected as a councillor, he shall cease to hold office as an alderman;
- (vii) to provide that casual vacancies among aldermen shall be filled in the same manner as aldermen are elected, but that any person elected to fill a casual vacancy shall only hold office for the balance of the term of office of the person whose place he is elected to fill;
- (viii) to provide for the appointment, by the Governor, of two native councillors to be selected from among persons resident within the Municipality of Nairobi.

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

Nairobi, 18th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 109

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council

A Bill Temporarily to Amend the Dangerous Petroleum Tax 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 Dangerous Petroleum Tax (Temporary Amendment) Ordinance, 1946, and shall be read as one with the Dangerous Petroleum Tax Ordinance (Chapter 54 of the Revised Edition), hereinafter referred to as the principal Ordinance.

Amendment of the proviso to section 3 of the principal Ordinance.

2. During the continuance in force of this Ordinance the proviso to section 3 of the principal Ordinance shall be read as if the words "by or on behalf of His Majesty's Forces" were inserted between the word and comma "Colony," and the word "or", which appear in the third line thereof.

Expiry.

3. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire:

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed.

MEMORANDUM OF OBJECTS AND REASONS

Section 3 of the principal Ordinance, the Dangerous Petroleum Tax Ordinance (Chapter 54 of the Revised Edition), provides that there shall be charged, levied and paid to the general revenue of the Colony by any person importing dangerous petroleum a tax at the rate of thirty-two cents a gallon on all such dangerous petroleum when it is delivered from Customs control for consumption in the Colony. The proviso to that section exempts all dangerous petroleum delivered from Customs control by or on behalf of the Government of the Colony or by or on behalf of the Kenya and Uganda Railways and Harbours Services. During the emergency that concession was extended, by powers conferred by the United Kingdom Emergency Powers (Defence) Acts, to dangerous petroleum delivered from Customs control by or on behalf of His Majesty's Forces.

Clause 3 provides that the measure shall continue in force until the 31st day of December, 1946, but enables the Governor, with the approval of the Legislative Council, by notice published in the Gazette, to declare that it shall remain in force until a date to be fixed in such notice or until repealed.

If this Bill becomes law it will continue provisions which now exist by reason of Regulations made under the powers conferred by the United Kingdom Emergency Powers (Defence) Acts, but which would otherwise expire on the 24th February, 1946.

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

Nairobi, 26th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 110

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Provide for the Removal of Undesirable Natives from Certain Areas

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 Removal of Undesirable Natives Ordinance, 1946, and shall not come into operation unless and until the Governor has declared by notice in the Gazette that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into force on such date as the Governor may, by notice in the Gazette, appoint. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.

"Authority" means a District Commissioner of a district or any other person appointed an Authority, by the Governor, under the provisions of section 4 of this Ordinance.

"municipality" means any area or district placed under the jurisdiction of a Municipal Council or Municipal Board established under the Local Government (Municipalities) Ordinance, 1928; No. 19 of 1928.

"township" means any township declared to be a Grade A or Grade B township under the Townships Ordinance, 1930. No. 63 of 1930.
3. This Ordinance shall apply to such municipalities, townships and other areas as the Governor may, by Proclamation published in the Gazette, declare to be a municipality, township or other area for the purposes of this Ordinance. Application.
4. The Governor may, by notice published in the Gazette, appoint any person an Authority, for the purposes of this Ordinance, for any district. Governor may appoint Authority for purposes of Ordinance.
5. (1) Where an Authority has reasonable cause to believe that the presence of any native within any municipality, township or other area within his district is, by reason of any of the matters mentioned in sub-section (2) of this section, undesirable in the public interest, he may make an order (hereinafter referred to as a "Removal Order") requiring such native— Power to order removal of undesirable natives.
 - (a) to leave such municipality, township or other area not later than a date to be specified in the Removal Order;
 - (b) to proceed to such place as may be designated in the Removal Order, either under the escort of a person to be specified in the Removal Order, or independently; and
 - (c) thereafter to remain outside such municipality, township or other area either during a period to be specified in the Removal Order or until further order.

(2) A Removal Order may be made on any of the following grounds, that is to say—

 - (a) that the native has been sentenced to a term of imprisonment (other than in default of payment of a fine or compensation) for an offence against the person or in relation to property, or for an offence against the Native Liquor Ordinance, 1930; No. 36 of 1930.
 - (b) that the native has no regular employment or other regular means of livelihood;
 - (c) that the native, whose district of origin is within the Colony but outside the municipality, township or other area, has no settled home within the municipality, township or other area:

Provided that a native shall be deemed to have a settled home within a municipality, township or other area if—

 - (i) one of his parents is living within the municipality, township or other area; or
 - (ii) being a woman, her husband is living within such municipality, township or other area, or being a widow she has lived in such municipality, township or other area for a consecutive period of three years.
6. (1) Any native aggrieved by a Removal Order shall have the right to appeal against such Removal Order to the Provincial Commissioner. Appeals.

(2) The Provincial Commissioner may vary or cancel such Removal Order and his decision shall be final.

Subsistence allowance.

7. Every native in relation to whom a Removal Order is made shall be provided with such subsistence allowance, in cash or in kind, as in the opinion of the Authority is sufficient to enable him to reach the place designated in the Removal Order.

Natives falling under categories mentioned in section 5 (2) may be arrested without warrant and detained.

8. (1) Any police officer may arrest without warrant any native who he has reasonable cause to believe falls within any of the categories mentioned in sub-section (2) of section 5 of this Ordinance.

(2) Any native arrested under the powers conferred by sub-section (1) of this section shall be taken before an Authority within forty-eight hours of his arrest, and the Authority shall either— 10

(a) order that such native be discharged from custody; or

(b) make a Removal Order in respect of such native; or

(c) direct that such native be detained in custody for such period, not exceeding one month, as the Authority may consider necessary to enable further inquiries to be made regarding such native, and during any period of such detention in custody such native shall be treated as a person on remand and not as a convicted prisoner. 15

Offences.

9. Any native in relation to whom a Removal Order is made who wilfully fails to comply with any of the terms of such Removal Order shall be guilty of an offence against this Ordinance. 20

Powers of arrest.

10. Any police officer may arrest without warrant any native who he has reason to believe is guilty of an offence against this Ordinance.

Removal order to be *prima facie* evidence.

11. In any prosecution for an offence against this Ordinance any document purporting to be a Removal Order made in pursuance of the provisions of this Ordinance may be admitted in evidence without proof of its authenticity. 25

Penalties.

12. (1) Any native found guilty of an offence against this Ordinance shall be liable to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 30

(2) A second or subsequent Removal Order may be made in relation to any native who is convicted of any offence against this Ordinance. 35

Expiry.

13. This Ordinance shall continue in force until the thirty-first day of December, 1946, and shall then expire:

Provided that the Governor may, with the approval of the Legislative Council of the Colony, by notice published in the Gazette, declare that this Ordinance shall remain in force until a date to be fixed in such notice or until repealed. 40

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to enable natives falling within the categories set out in paragraphs (a), (b) and (c) of sub-clause (2) of clause 5 of the Bill to be removed from any municipality, township or other area which the Governor may, by Proclamation published in the Gazette, declare to be a municipality, township or other area for the purposes of the measure.

With this object in view sub-clause (1) of clause 5 seeks to enable an Authority to make a Removal Order in respect of any native if he has reasonable cause to believe that the presence of such native is undesirable in the public interest by reason of any of the matters referred to in sub-clause (2) of the clause. Any Removal Order so made may require the native to proceed to a specified place and remain there for a specified period.

Clause 6 enables any native against whom a Removal Order has been made to appeal against such Order to the Provincial Commissioner, who may vary or cancel the Removal Order.

Clause 7 provides that every native against whom a Removal Order is made shall be provided with such subsistence allowance, in cash or in kind, as in the opinion of the Authority is sufficient to enable him to reach the place he is ordered, in the Removal Order, to proceed to.

Clause 8 seeks to enable police officers to arrest any native who they have reasonable cause to believe falls within any of the categories mentioned in sub-clause (2) of clause 5, and the clause further provides that any such native shall be brought before the Authority within forty-eight hours of his arrest.

Clause 11 enables any document purporting to be a Removal Order, made under the provisions of the measure, to be admitted as evidence, in any court, without proof of its authenticity.

Clause 13 provides that the measure shall continue in force until the 31st day of December, 1946, but enables the Governor, with the approval of the Legislative Council, by notice published in the Gazette, to declare that it shall remain in force until a date to be fixed in such notice or until repealed.

It is not possible to state what expenditure of public moneys will be involved if the provisions of this Bill become law.

Nairobi, 30th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 111

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

**A Bill to Amend the Trading with the Enemy
Ordinance, 1939**

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.

No. 21 of 1939.

Amendment of
section 2 of
the principal
Ordinance.

Amendment of
section 3 of
the principal
Ordinance.

Amendment of
section 4 of
the principal
Ordinance.

1. This Ordinance may be cited as the Trading with the Enemy (Amendment) Ordinance, 1946, and shall be read as one with the Trading with the Enemy Ordinance, 1939, hereinafter referred to as the principal Ordinance.

2. Section 2 of the principal Ordinance is hereby amended by substituting a comma for the full stop, which appears immediately after the word "Majesty" in the last line of the definition of "enemy territory", and by adding, immediately after such comma, the following:—

"and also any areas which the Governor, with the prior approval of the Secretary of State, may by order direct to be treated for the purposes of this Ordinance as enemy territory."

3. Section 3 of the principal Ordinance is hereby amended—

(a) by inserting the words "or attempts to trade with" between the word "with" and the word "the", which appear in the first line of sub-section (1) thereof;

(b) by—

(i) deleting the colon, which appears after the word "enemy" in line three of paragraph (b) of sub-section (2) thereof, and substituting a semi-colon therefor; and

(ii) inserting the following words and colon, immediately before the proviso to sub-section (2) thereof:—

"and any reference in this Ordinance to an attempt to trade with the enemy shall be construed accordingly";

(c) by deleting from paragraph (ii) of the proviso to sub-section (2) thereof the words "had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy", which occur therein, and by substituting therefor the words "had already been performed when the payment was received, and had been performed at a time when the person from whom the payment was received was not an enemy"; and

(d) by adding, immediately after sub-section (3) thereof, the following new sub-section:—

"(3A) In any proceedings for an offence of trading with the enemy, the fact that any document has been dispatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the dispatch of such document, that the person to whom the document was dispatched was an enemy."

4. Section 4 of the principal Ordinance is hereby amended—

(a) by deleting the word "or", which appears at the end of paragraph (c) of sub-section (1) thereof;

(b) by substituting a comma and the word "and" for the semi-colon, which appears at the end of paragraph (d) of sub-section (1) thereof;

(c) by adding, immediately after paragraph (d) of sub-section (1) thereof, the following new paragraph:—

"(e) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or unincorporate) carrying on that business,";

(d) by deleting the word "person", which appears in the penultimate line of sub-section (1) thereof, and by substituting therefor the word "individual";

(e) by substituting a colon for the full stop, which appears at the end of sub-section (2) thereof; and

(f) by adding, immediately after such colon, the following proviso:—

5 “Provided that, notwithstanding the provisions of section
9 of the Interpretation and General Clauses Ordinance, the names of any persons so specified in any such order as
10 aforesaid shall be deemed to have been published when deposited at the office of the Custodian of Enemy Property,
Nairobi, where it may be inspected free of charge by
members of the public at any time during the usual Govern-
ment office hours.”

5. The principal Ordinance is hereby amended by inserting therein, immediately after section 5 thereof, the following new
15 section:—

Cap. 1.
Insertion of new section 5A in the principal Ordinance.

“5A. (1) Where any business is being carried on in the Colony by, or on behalf of, or under the direction of, persons all or any of whom are enemies or enemy subjects or who appear to the Governor to be associated with enemies, the Governor may, if
20 he thinks it expedient so to do, make—

Power to control and wind up certain businesses.

(a) an order (hereinafter in this section referred to as a ‘restriction order’) prohibiting the carrying on of the business either absolutely or except for such purposes and subject to such conditions as may be specified in the
25 order; or

(b) an order (hereafter in this section referred to as a ‘winding up order’) requiring the business to be wound up,

and the making of a restriction order as respects any business shall not prejudice the power of the Governor if he thinks it
30 expedient so to do, at any subsequent date, to make a winding up order as respects that business.

(2) Where an order, under the provisions of sub-section (1) of this section, is made as respects any business, the Governor may, by that or a subsequent order, appoint a controller to control and supervise the carrying out of the order, and, in the
35 case of a winding up order, to conduct the winding up of the business, and may confer on the controller any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company
40 (including power in the name of the person carrying on the business or in his own name, and by deed or otherwise, to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the controller such other powers
45 as the Governor may think necessary or convenient for the purpose of giving full effect to the order.

(3) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be
50 subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up, and the assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who
55 are not enemies in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Governor may direct:

60 Provided that the provisions of this sub-section shall, in their application to the distribution of any money or other property which would, in accordance with such provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of section 9 of this Ordinance, and of any order made under that section.
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(4) Where any business for which a controller has been appointed under this section has assets in enemy territory, the controller shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

70 (a) of the value of such assets;

(b) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;

(c) of the amount of the claims of persons, who are enemies, to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under sub-section (1) of this section is in force as respects the business;

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and, where such an estimate is made, such liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of the assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business.

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(5) Where an estimate has been prepared under the provisions of the last preceding sub-section, a certificate of the controller as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business:

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Provided that nothing in this sub-section shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(6) The Governor may, on an application made by a controller appointed under the provisions of this section, after considering the application and any objections which may be made by any person who appears to him to be interested, by order grant the controller a release, and an order of the Governor under the provisions of this sub-section shall discharge the controller from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller; but any such order may be revoked by the Governor on proof that it was obtained by fraud or by suppression or concealment of any material fact.

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(7) If any person contravenes, or fails to comply with, the provisions of any order made under the provisions of sub-section (1) of this section, he shall be guilty of an offence of trading with the enemy.

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(8) Where an order under the provisions of sub-section (1) of this section has been made as respects a business carried on by any individuals or by a company, no bankruptcy petition, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken, without the consent of the Governor, but where the business is carried on by a company the Governor may cause a petition to be presented for the winding up of the company by the court, and the making of an order under the provisions of this section shall be a ground on which the company may be wound up by the court.

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(9) Where an order is made under the provisions of this section appointing a controller for any business, any remuneration of, and any costs, charges and expenses incurred by, the controller, and any other costs, charges and expenses incurred in connexion with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the Governor, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon."

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Amendment of section 6 (3) of the principal Ordinance.

6. Sub-section (3) of section 6 of the principal Ordinance is hereby amended by deleting therefrom the words "of a State at war with His Majesty", which appear in the eighth line of the proviso thereto, and by substituting therefor the words "having jurisdiction in enemy territory".

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Repeal and replacement of section 9 (4) of the principal Ordinance. Cap. 1.

7. Sub-section (4) of section 9 of the principal Ordinance is hereby repealed and the following sub-section substituted therefor:—

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"(4) Any order under this section shall have effect notwithstanding anything in any Ordinance passed before this Ordinance, and shall not be subject to the provisions of paragraph (d) of section 9 of the Interpretation and General Clause Ordinance."

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to incorporate, in the principal Ordinance, the Trading with the Enemy Ordinance, 1939, a number of amendments which, during the emergency, were made temporarily by means of Defence Regulations. The amendments introduce no new principles.

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

Nairobi, 30th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 112

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Amend the Mining Ordinance, 1940

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 Mining (Amendment) Ordinance, 1946, and shall be read as one with the Mining Ordinance, 1940, hereinafter referred to as the principal Ordinance. Short title.
No. 29 of 1940.
2. Sub-section (1) of section 29 of the principal Ordinance is hereby amended by substituting the words "ten years" for the words "thirteen years", which appear in the tenth line thereof. Amendment of
section 29 (1) of
the principal
Ordinance.
3. Notwithstanding the amendment to the principal Ordinance effected by section 2 of this Ordinance the words "ten years", which appear in the tenth line of sub-section (1) of section 29 of the principal Ordinance shall, until the thirtieth day of June, 1948, be deemed to read "fifteen years". Temporary
amendment of
section 29 (1) of
the principal
Ordinance.
4. (1) During the continuance in force of this section the words "ten years", which appear in the fifth line of sub-section (3) of section 37 of the principal Ordinance, shall be deemed to read "fifteen years". Temporary
amendment of
section 37 (3) of
the principal
Ordinance.
- 15 (2) This section shall continue in force until the thirtieth day of June, 1948, and shall then expire.

MEMORANDUM OF OBJECTS AND REASONS

Under the principal Ordinance, the Mining Ordinance, 1940, a prospecting licence is only valid for one year from the date of pegging but it may, if the holder thereof has complied with the prescribed conditions, be renewed from year to year up to a maximum period of thirteen years. Originally the maximum period was ten years, but during the war, owing to the difficulty of obtaining personnel and equipment, that period was extended to thirteen years.

It is now considered desirable to revert to the ten year period, this will be effected by the amendment contained in clause 2 of the Bill, but in order to avoid inflicting any hardship on present licence holders, who, during the war, have been, in the main, unable to implement their licences, clause 3 of the Bill seeks to enable such licences to be extended up to a maximum period of fifteen years.

Clause 4 is a consequential amendment to the amendment contained in clause 3.

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

Nairobi, 31st January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.

GOVERNMENT NOTICE No. 113

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

K. W. SIMMONDS,
Acting Clerk to the Legislative Council.

A Bill to Amend the Transport Licensing Ordinance, 1937

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.

No. 40 of 1937.

Repeal and replacement of section 11 (1) (b) of the principal Ordinance.

1. This Ordinance may be cited as the Transport Licensing (Amendment, No. 2) Ordinance, 1946, and shall be read as one with the Transport Licensing Ordinance, 1937, hereinafter referred to as the principal Ordinance.

2. Paragraph (b) of sub-section (1) of section 11 of the principal Ordinance is hereby repealed and the following paragraph substituted therefor:—

“(b) on an application for a C licence, shall have full power, in its discretion, either to grant or to refuse the application, or to grant a licence subject to such conditions as it may, in its discretion, impose.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the principal Ordinance, the Transport Licensing Ordinance, 1937, by deleting paragraph (b) of sub-section (1) of section 11 thereof and substituting a new paragraph therefor. The existing paragraph provides, *inter alia*, that every application for a C licence, which is defined in sub-section (4) of section 5 of the principal Ordinance, shall be granted by the Licensing Authority. During the emergency, circumstances arose which made it expedient to temporarily amend that provision by enabling the Licensing Authority if, in its opinion, it would be contrary to the public interest to grant such a licence, to decline to do so. This Bill seeks to incorporate that provision as permanent legislation.

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

Nairobi, 30th January, 1946.

S. W. P. FOSTER SUTTON,
Attorney General.