



# THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

Published under the Authority of His Excellency the Governor of the Colony and Protectorate of Kenya

Vol. XLVIII—No. 26

NAIROBI, June 4, 1946

Price 50 Cents

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

Published every Tuesday

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### GOVERNMENT NOTICE NO. 487

#### APPOINTMENTS

- PETER GUTHRIE TAIT to be District Officer, Kericho District, Nyanza Province, with effect from the 1st May, 1946.
- NOEL HUGH MONTGOMERY GIFFARD to be District Officer, Kitui District, Central Province, with effect from the 6th of May, 1946.
- PATRICK WALTER LOW to be District Commissioner, South Kavirondo District, Nyanza Province, with effect from the 4th of May, 1946.
- WILLIAM BARR CLELAND DANKS, Senior Veterinary Officer, to be Acting Deputy Director (Field Services), as from the 20th May, 1946.
- ROBERT ALSTON HAMMOND, Veterinary Officer, to be Acting Senior Veterinary Officer, as from the 18th May, 1946.
- FREDERICK ROBERTS to be Resident Magistrate, Kisumu, Nyanza Province, with effect from the 31st day of May, 1946.
- KENNETH WILLISON SIMMONDS to be Acting Assistant Secretary, Secretariat, with effect from the 27th of May, 1946.
- ROBERT TATTON BROWN, District Officer, to be Acting Clerk to Legislative Council with effect from the 27th of May, 1946.
- ARTHUR LIONEL BERTIE PERKINS seconded to the Secretariat for special duty with effect from the 20th of May, 1946.

#### PROMOTION

- VICTOR MALCOLM MCKEAG to be Provincial Commissioner, with effect from the 18th February, 1946.

#### REVERSIONS

- KENNETH WILLISON SIMMONDS reverted to his substantive post of District Officer with effect from the 27th of May, 1946.
- JOHN LAWRENCE HARVEY WEBSTER reverted to his substantive post of District Officer with effect from the 13th of May, 1946.
- FERDINAND STANLEY MACKRELL, D.C.M., M.M., reverted to his substantive rank of Senior Postmaster, with effect from the 20th May, 1946.

K. G. LINDSAY,  
for Chief Secretary.

### GOVERNMENT NOTICE NO. 488

#### UGANDA PROTECTORATE

##### VACANCY FOR RELIEF MONOTYPE KEYBOARD OPERATOR

A VACANCY exists at the Government Press, Entebbe, for a relief Monotype keyboard operator. The operator is required to commence as soon as possible and his services will be required for a period of not less than eight months. Pay will be according to qualifications, experience and ability. He will be required to operate a Model D Monotype keyboard and must be experienced in the composition of tabular matter. Applications, which should include full details regarding training, experience and salary required, should be submitted to the Government Printer, P.O. Box 33, Entebbe, Uganda.

### GOVERNMENT NOTICE NO. 489

#### STAFF VACANCIES—TANGANYIKA TERRITORY

VACANCIES exist for the appointment of Beacon Inspectors in Tanganyika with salary at a suitable point in the scale not exceeding £300 a year, with free quarters and cost of living allowance at rates in force from time to time, on overseas agreement.

The duties are primarily the inspection of mining claims, leases and beacons, and candidates should be able to plot boundaries of claims, etc., and to use a magnetic compass and chain.

The posts are not pensionable and holders are required to contribute to the Provident Fund at the rate of 1/12th of their salaries. The appointments provide for leave at the rate of five days per month on completion of a tour, and for free passages on leave or completion of agreement.

Applications, accompanied by full particulars of the candidates' age, education, experience and qualifications, and with copies of testimonials, should be forwarded to the Director of Lands and Mines, Dar es Salaam.

VACANCIES exist for Executive Officers to the Township Authorities of Arusha and Moshi, Tanganyika Territory. The salary of each post is £600 a year, rising by annual increments of £30 to £720. The salary scale has been fixed on the understanding that the posts are not pensionable and the persons appointed will be required to contribute to the Government Employees Provident Fund on signing the usual overseas agreement. If the posts are filled by officers in the service who are already pensionable they would be required to forfeit their pensionable status. Previous experience in municipal and township administration will be an advantage. Applications should be addressed to the Chief Secretary, Dar es Salaam.

## GOVERNMENT NOTICE No. 490

## DEPARTURES

Name	Designation	On Leave or Termination of Appointment	Date of Departure
Col. C. M. Deverell .. ..	District Officer .. ..	Leave	26th March, 1946
P. Wyn. Harris .. ..	Provincial Commissioner .. ..	"	4th May, 1946
G. G. S. Hutchinson .. ..	Education Officer .. ..	"	20th May, 1946
P. R. Akehurst .. ..	Agricultural Officer .. ..	"	"
H. A. Carr .. ..	District Officer .. ..	"	"
W. R. Elliott .. ..	Asst. Superintendent of Police.. ..	"	21st May, 1946
L. A. Weaving .. ..	Asst. Chief Secretary .. ..	"	"
K. G. W. McArthur .. ..	Postmaster .. ..	"	"
A. R. Melville .. ..	Entomologist, Agricultural Department .. ..	"	"
D. D. J. Coffey .. ..	Resident Magistrate, Judicial Department .. ..	"	"
Dr. G. D. Drury .. ..	Medical Officer .. ..	"	"

## GOVERNMENT NOTICE No. 491

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

R. TATTON BROWN,  
*Acting Clerk to the Legislative Council.*

**A Bill Temporarily to Enable Foodstuffs to be Imported Free of Customs Duties**

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 Customs Duties on Foodstuffs (Provisional Exemption) Ordinance, 1946.

Governor in Council may waive Customs duties on any foodstuffs. No. 1 of 1930.

2. Notwithstanding the provisions of section 2 of the Customs Tariff Ordinance, 1930, the Governor in Council may, if it appears to him to be necessary in the interests of the community, by notice published in the Gazette, provide that Customs duties shall not be charged, levied or collected on any foodstuffs specified in such notice. 5

Expiry.

3. This Ordinance shall continue in force until the 31st day of December, 1947, 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. 10

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to enable the Governor in Council, if it appears to him to be necessary in the interests of the community, by notice published in the Gazette, to provide that Customs duties shall not be charged, levied or collected on such foodstuffs as are specified in any such notice.

The object of the Bill is to encourage the importation of any foodstuff from outside sources if a shortage exists in the Colony.

The main articles concerned are rice, millets, cassava and cassava flour, ghee, coco-nut oil and dates.

Power to take the action which this Bill seeks to confer existed under emergency legislation which expired on the 24th February, 1946, and it is considered desirable that such power should be continued, anyway, during the transitional period.

Clause 3 of the Bill provides that the measure shall continue in force until the 31st day of December, 1947, 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.

Nairobi,  
25th May, 1946.

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

## GOVERNMENT NOTICE NO. 492

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

R. TATTON BROWN,  
*Acting Clerk to the Legislative Council.*

**A Bill to Provide for the Establishment, Management and Control of a Contributory Pensions Fund for the Kenya European Civil Service**

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 Kenya European Civil Service Contributory Pensions Ordinance, 1946, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint. Short title and commencement.

5 **PART I—INTERPRETATION**

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

“Board” means the Board established under section 3 of this Ordinance;

10 “contributor” means an officer who is a contributor to the Fund, and includes an officer who has ceased to contribute in such circumstances that he is or his dependants remain eligible for pension or payments or refund of contributions under this Ordinance;

“emoluments” include—

- 15 (i) salary;  
(ii) personal allowance; and  
(iii) personal consolidation allowance;

“Fund” means the fund established under section 5 of this Ordinance;

“Government” means the Government of the Colony;

20 “officer” means any European officer in the service who, under the provisions of the European Civil Service Provident Fund Ordinance, 1934, would be eligible to become a contributor to the Provident Fund established under that Ordinance, and includes a married woman who is declared by the Governor to be eligible to be a contributor No. 27 of 1934.  
25 under this Ordinance;

“other public service” means such public service as the Governor may, by notice published in the Gazette, declare to be other public service for any of the purposes of this Ordinance;

30 “Provident Fund” means the fund established under the provisions of the European Officers Provident Fund Ordinance, 1934; No. 27 of 1934

“salary” means the gross salary attached to the office of which the officer is the substantive holder;

35 “service” means service in a civil capacity under the Government and such other service as the Governor may, by notice published in the Gazette, declare to be service for the purposes of this Ordinance.

**PART II—ESTABLISHMENT OF FUND AND MANAGEMENT**

3. (1) There is hereby established a Board to be known as the European Officers Contributory Pensions Board, which shall consist of— Establishment of Board.

- 40 (a) the Accountant General, who shall be the Chairman of the Board; and  
(b) four European officers in the service of the Government to be appointed by the Governor, at least one of whom shall be an officer who is a contributor to the Fund.

45 (2) Members of the Board appointed under paragraph (b) of subsection (1) of this section shall hold office for a period of three years from the date of appointment:

50 Provided that, on the death, inability to act, resignation or absence from the Colony for more than three months of any such member, the Governor may appoint a European officer to the vacancy, who shall act in the place of such member until he returns to the Board, or until the period of such member's appointment expires, as the case may be.

55 (3) All appointments to the Board, and termination of appointments, shall be notified in the Gazette.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(5) In the absence of the Chairman from any meeting of the Board the members present shall, from among their number, elect a Chairman for the purposes of such meeting.

(6) The Chairman at any meeting shall have a casting vote in addition to a deliberative vote. 5

(7) At all meetings of the Board three members shall constitute a quorum for the transaction of business.

(8) The Governor shall appoint a person to be Secretary to the Board.

Duties and powers of the Board.

4. The duties and powers of the Board shall be as follows:— 10

(a) to make Rules regulating its own proceedings;

(b) subject to the provisions of section 5 of this Ordinance, to supervise, control and manage all moneys contributed to the Fund;

(c) generally to do any other act or perform any other duty 15 reasonably necessary for the carrying out of the provisions of this Ordinance.

The Fund.

5. (1) A Fund, to be known as the Kenya European Civil Service Contributory Pension Fund shall be established for providing pensions for members of the Kenya European Civil Service. 20

(2) All pensions and repayments of contributions (including interest, if any) authorized by this Ordinance and all expenses incurred in the administration of the Fund, including the obtaining of actuarial advice, shall be paid out of the Fund.

(3) All moneys belonging to the Fund shall be deposited with the 25 Accountant General and, except as regards such part thereof as the Board shall consider it expedient to retain for making payments out of the Fund under this Ordinance, shall, so far as practicable, be invested on behalf of the Fund in such securities, or employed at interest, in such manner, as may be approved by the Governor, and any sums 30 required for making payments out of the Fund under this Ordinance may be raised by the sale or realization of any investments of the Fund.

(4) Annual accounts of the transactions of the Fund during the year ended the preceding thirty-first day of December, and a statement 35 of the assets of the Fund at that date shall be prepared by the Accountant General and shall be audited and certified every year by the Auditor, and shall thereafter be published in the Gazette as soon as may be after the ensuing thirty-first day of March.

#### PART III—CONTRIBUTORS TO THE FUND 40

Contributors to Provident Fund may elect to become contributors to the Fund.

6. (1) Any officer who at the date of the commencement of this Ordinance is a contributor to the Provident Fund shall have the option of electing within six months from such date to become a contributor to the Fund:

Provided that, in the case of a contributor to the Provident Fund 45 who at the date of the commencement of this Ordinance or during such period of six months is on overseas leave or is on service with His Majesty's Forces, the time within which the option is required to be exercised may be extended for such period as the Governor may 50 in any case allow.

(2) Any election made under the provisions of sub-section (1) of this section shall be irrevocable, and, as from the date of the commencement of this Ordinance, such officer shall be deemed to have ceased to be a contributor to the Provident Fund, and any contributions to the Provident Fund since the date of the commencement of 55 this Ordinance—

(a) made by such officer shall be refunded to him;

(b) made under the provisions of section 6 of the European Civil Service Provident Fund Ordinance, 1934, shall be refunded, by the Accountant General, to the credit of the general 60 revenue of the Colony.

No. 27 of 1934.

(3) Every officer (other than an officer who, being a contributor to the Provident Fund at the commencement of this Ordinance, does not elect to become a contributor to the Fund in accordance with the provisions of sub-section (1) of this section) shall become a contribu- 65 tor to the Fund:

Provided that no male officer who has attained the age of forty-five years, and no female officer who has attained the age of forty years, and who cannot before attaining the age fixed for retirement complete ten years as a contributor to the Fund, shall become a con- 70 tributor to the Fund.

7. Where an officer, under the provisions of sub-section (1) of section 6 of this Ordinance, elects to become a contributor to the Fund the total amount standing to his credit in the Provident Fund shall be paid by the Accountant General to the credit of the Fund.

Transfer to Fund of credits in the Provident Fund.

5 8. When an officer who at the date of the commencement of this Ordinance is a contributor to the Provident Fund, elects, under the provisions of sub-section (1) of section 6 of this Ordinance, to become a contributor to the Fund, the period during which he was a contributor to the Provident Fund shall be deemed to be a period during  
10 which he was a contributor to the Fund:

Cases in which officers are deemed to be contributors to the Fund.

Provided that, where any such officer was in the service prior to the first day of January, 1935, and he became a contributor to the Provident Fund without any break of service, his period of contributions to the Fund shall be deemed to date from—

15 (a) twelve months before the date on which he would have been eligible to become a contributor to the Provident Fund; or  
(b) the date of his attaining the age of eighteen years,  
whichever date is the latest.

PART IV—CONTRIBUTIONS TO THE FUND

20 9. (1) Save as otherwise provided in this Ordinance, every male officer shall, so long as he remains in the service, pay to the Fund a contribution at the rate of five per centum of his annual emoluments.

Rates of contribution.

(2) Save as otherwise provided in this Ordinance, every female officer shall, so long as she remains in the service, pay to the Fund a  
25 contribution at the rate of seven and one-half per centum of her annual emoluments.

(3) Contributions to the Fund shall accrue daily and shall be made monthly in arrear.

(4) All contributions to the Fund shall be made by deductions  
30 from the salary of the contributor, or in such other manner as the Governor may determine.

10. Contributions to the Fund shall be made—

(a) in the case of officers becoming contributors under the provisions of sub-section (1) of section 6 of this Ordinance, as  
35 from the date of the commencement of this Ordinance;  
(b) in the case of officers becoming contributors under the provisions of sub-section (2) of section 6 of this Ordinance, as from the date on which the officer becomes qualified to contribute to the Fund.

Dates from which contributions shall be made.

40 11. If the emoluments of a contributor be through any cause reduced, such contributor shall, unless within three months from the date of such reduction he elects to contribute on the reduced emoluments, continue to contribute to the Fund on the emoluments on which he contributed immediately prior to such reduction, and in  
45 that case, for the purposes of this Ordinance, the emoluments on which he continues to contribute shall be deemed to be his emoluments:

Emoluments on which contribution based.

Provided that if at any time after such election the contributor's emoluments are increased he shall, from the date of such increase,  
50 contribute to the Fund on his increased emoluments.

12. In any case where, under the provisions of the proviso to section 8 of this Ordinance, the date of contribution of an officer to the Fund is made retroactive to a date before the commencement of this Ordinance, the Governor shall, out of moneys provided by the  
55 Legislative Council of the Colony for the purpose, pay to the Fund an amount equal to the difference between the total amount of the sum paid by the Accountant General to the credit of the Fund under the provisions of section 7 of this Ordinance and the total amount of the contributions under sections 9 and 14 of this Ordinance which  
60 would have been made to the Fund by, or in respect of, such contributor, with interest thereon at the rate of three per centum per annum, if this Ordinance had been in force on the latest of the dates specified in the proviso to section 8 of this Ordinance.

Payment by Governor in cases where date of contribution to the Fund is made retroactive.

13. A contributor shall continue to contribute to the Fund while  
65 on leave of whatever nature, or under interdiction or suspension, on full or part salary. Such contributions shall be calculated on the full emoluments attached to his office and not on the emoluments actually drawn:

Contribution while on leave

70 Provided that no contribution shall be made to the Fund by a contributor in respect of a period of such leave, suspension or interdiction without salary, and any such period shall not be taken into account in calculating his period of contributions to the Fund.

Rate of  
Governor's  
contribution.

14. From the date of the commencement of this Ordinance, the Governor shall, out of moneys provided by the Legislative Council of the Colony for the purpose, on the last day of each month pay into the Fund a sum equal to eleven per centum of the emoluments on which contributors have, under the provisions of section 9 of this Ordinance, contributed in respect of such month. 5

PART V—BENEFITS FROM THE FUND—PENSIONS

Age of retire-  
ment.

15. (1) A male contributor upon attaining the age of fifty-five years shall, if he has been a contributor for a period of ten years or more, have the right to retire from the service on pension, or may be required by the Governor so to retire. 10

(2) A female contributor upon attaining the age of fifty years shall, if she has been a contributor for a period of ten years or more, have the right to retire from the service on pension, or may be required by the Governor so to retire. 15

(3) A contributor who has contributed to the Fund for a period of ten years or more, who retires from the service by reason of bodily injury or permanent ill-health or physical or mental disability, shall be entitled to receive a pension from the Fund in respect of the period for which he was a contributor: 20

Provided that in every case the Governor shall be satisfied that the disablement is permanent or will become permanent if the contributor continues to perform the duties of his office and that such disablement is or will be of such a nature as permanently to incapacitate the contributor from performing the duties of his office. 25

(4) All continuous service shall be admitted as qualifying service for the purpose of the minimum period of ten years during which officers are required to contribute to the Fund before qualifying for a pension under this Ordinance.

Basis of  
calculation  
of pension.

16. A pension under this Ordinance shall be calculated at the rate of one-six-hundredth for each completed month of the period of contribution to the Fund, based on the annual average of the emoluments drawn during the three years immediately preceding the officer's retirement from the service or the annual average of the emoluments drawn by him for the whole period of contribution to the Fund, whichever is the greater: 30 35

Provided that, save as provided in sub-section (4) of section 15 and section 35 of this Ordinance, no pension shall be granted to any contributor unless he has been a contributor to the Fund for a period of ten years or more, and he is in other respects qualified for such pension: 40

Provided further that the total pension on final retirement shall not exceed two-thirds of the highest pensionable emoluments drawn by the contributor during his total service.

Option to  
commute one-  
quarter of  
pension.

17. (1) Any officer to whom a pension is granted may at his option, exercisable as hereinafter provided, be paid in lieu of such pension a pension at the rate of three-fourths of such pension, together with a single cash payment equal to ten times the amount of the reduction so made in the pension. 45

(2) The option exercisable under the provisions of sub-section (1) of this section may be exercised by an officer at any time before his retirement from the service. 50

PART VI—ABATEMENT OF PENSION

Reappointment  
of pensioners.

18. (1) If a contributor to whom a pension has been granted under this Ordinance is appointed to another office in the service, the payment of his pension may, if the Governor thinks fit, be suspended during the period of his re-employment. 55

(2) Any officer so re-employed shall contribute to the Fund on the emoluments received by him during the period he is so re-employed and upon his ultimate retirement he shall be entitled to an additional pension in respect of such period of re-employment calculated on the basis specified in section 16 of this Ordinance: 60

Provided that, if the further period of re-employment is less than three years, the pension shall be based on the annual average of the emoluments for the full period of re-employment: 65

Provided further that the total pension on final retirement shall not exceed two-thirds of the highest pensionable emoluments drawn by the contributor during his total service.

Pensions  
not to be  
assignable.

19. No pension or other payment granted under this Ordinance shall be assignable or transferable except for the purpose of satisfying—

(a) a debt due to the Government; or

(b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension or other payment has been granted,

5 and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever except a debt due to the Government.

20. (1) If any contributor to whom a pension has been granted under this Ordinance is adjudicated bankrupt by a judgment of any 10 competent court, then such pension shall forthwith cease. Pensions to cease on bankruptcy.

(2) If any contributor is adjudicated bankrupt by a judgment of any competent court either—

(a) after retirement in circumstances in which he is eligible for a pension under this Ordinance but before the pension is 15 granted; or

(b) before such retirement, and he shall not have obtained his discharge from bankruptcy at the date of retirement,

then, in the former case any pension granted to him shall cease as from the date of such adjudication and, in the latter case, the pension 20 may be granted, but shall cease forthwith and not become payable.

(3) Where a pension ceases by reason of the provisions of this section, it shall be lawful for the Secretary of State, or if such contributor is resident in the Colony the Governor, from time to time during the remainder of such contributor's life, or during such shorter 25 period or periods, either continuous or discontinuous, as the Secretary of State or the Governor, as the case may be, shall think fit, to direct all or any part of the moneys to which such contributor would have been entitled by way of pension, had he not become bankrupt, to be paid to, or applied for the maintenance or benefit of all or any, to the 30 exclusion of the other or others of the following, that is to say, such contributor and any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of any contributor whose pension has ceased by reason of the provisions of this 35 section shall, for the purposes of this section, be regarded as applied for his benefit.

(5) When a contributor whose pension has ceased by reason of the provisions of this section obtains his discharge from bankruptcy, it 40 shall be lawful for the Secretary of State or, if such contributor is resident in the Colony, the Governor to direct that the pension shall be restored as from the date of such discharge or any later date, and the pension shall be restored accordingly.

21. (1) If any contributor to whom a pension has been granted 45 under this Ordinance is sentenced to a term of imprisonment by any competent court for any offence such pension shall, if the Secretary of State, or if such contributor is resident in the Colony the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, may determine. Pension may cease upon conviction.

50 (2) If any contributor, after retirement, is sentenced to a term of imprisonment by any competent court for any offence and he is eligible for a pension under this Ordinance but such pension has not yet been granted, then the provisions of sub-section (1) of this section shall apply in respect of any pension which may be granted to him.

55 (3) Where a pension ceases by reason of any direction given under the provisions of this section it shall be lawful for the Secretary of State or the Governor, as the case may be, to direct all or any part of the moneys to which such contributor would have been entitled by way of pension had he not been so sentenced to be paid, or applied, 60 in the same manner in all respects as provided in sub-section (3) of section 20 of this Ordinance, and such moneys shall be paid or applied accordingly.

(4) If any such contributor after conviction at any time receives a free pardon, the pension to which he would have been entitled in 65 the absence of any direction given under the provisions of this section shall be paid to him with retrospective effect:

70 Provided that in determining the amount of any arrears of such pension payable to such contributor and in computing the amount thereof, account shall be taken of all moneys paid or applied under the provisions of sub-section (3) of this section.

22. The provisions of section 21 of this Ordinance shall, subject to the approval of the Board, apply *mutatis mutandis* whenever any contributor becomes incapable of managing his affairs by reason of physical or mental infirmity. Any payments under the provisions of Pensioner incapable of managing his affairs.

this section shall be made in such manner and proportions to the institution or person having the care of the contributor and to the persons mentioned in sub-section (3) of section 20 of this Ordinance as the Board may determine.

PART VII—BENEFITS—OTHER THAN PENSIONS

5

Refund to members not qualified for pension who retire on grounds of ill-health.

23. (1) Subject to the provisions of sub-section (2) of this section, a contributor who, before he has contributed to the Fund in respect of a period of ten years, is retired from the service by reason of bodily injury or permanent ill-health or physical or mental disability shall be entitled to a refund of a sum equal to, in the case of a male 10 two and one-half times the amount, and in the case of a female one and two-third times the amount, of his contributions to the Fund accumulated at the rate of three per centum per annum compounded annually:

Provided that in every such case the Governor shall be satisfied 15 that the disability is permanent or will become permanent if the contributor continues to perform the duties of his office.

(2) Upon a refund being made to a contributor under the provisions of sub-section (1) of this section such contributor shall have no further claim upon the Fund. 20

Retirement for inefficiency.

24. Where a contributor is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension or other payment cannot otherwise be granted to him under the provisions of this Ordinance, the Governor in Council may, if he considers it justifiable having regard to all the circumstances of the case, grant 25 such pension or other payment from the Fund as he thinks just and proper, not exceeding in amount that for which the contributor would be eligible if he retired from the service on the grounds of permanent ill-health or physical or mental disability.

Retirement on grounds of re-organization before officer has been a contributor for ten years.

25. Subject to the provisions of sub-section (4) of section 15 of 30 this Ordinance, if the services of a contributor are dispensed with by the Governor in consequence of a reduction in or reorganization of staff before such contributor has been a contributor to the Fund for a period of ten years he shall be paid from the Fund, if a male, a sum equal to two and one-half times, and, if a female, a sum equal to 35 one and two-third times, the amount of his contributions to the Fund accumulated at the rate of three per centum per annum compounded annually.

Retirement on grounds of re-organization of officer who has been a contributor for ten years or more.

26. (1) If the services of a contributor, who has been a contributor to the Fund for a period of ten years or more, are, in consequence 40 of a reduction in or reorganization of staff, dispensed with by the Governor before he attains the age at which he could be required to retire on pension under the provisions of this Ordinance, the contributor shall receive, at his option, either—

(a) a pension, which shall be paid out of the general revenue of 45 the Colony, equal to the pension he would have received from the Fund if he had retired on the ground of permanent ill-health or physical or mental disability; or

(b) a sum, which shall be paid out of the Fund, in the case of a male equal to two and one-half times and in the case of a 50 female equal to one and two-third times, the amount of such contributor's contributions to the Fund accumulated at the rate of three per centum per annum compounded annually.

(2) If a contributor elects to receive a pension, under the provisions of paragraph (a) of sub-section (1) of this section, there shall 55 be paid into the general revenue of the Colony from the Fund, in the case of a male, a sum equal to two and one-half times, and in the case of a female, a sum equal to one and two-third times, the amount of such contributor's contributions to the Fund accumulated at the rate of three per centum per annum compounded annually. 60

Contributor who resigns before he is entitled to a pension.

27. A contributor who resigns from the service or whose services are terminated by the Governor for misconduct, before attaining the age at which he is entitled to retire on pension, under the provisions of this Ordinance, shall become entitled to a refund of his contributions to the Fund accumulated at the rate of three per centum per annum 65 compounded annually, and upon such refund being made such contributor shall have no further claim upon the Fund, and all the contributions made by the Governor, in respect of such contributor, shall be paid into the general revenue of the Colony.

PART VIII—BENEFITS—DECEASED MEMBERS

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Death of a contributor.

28. Subject to the provisions of sub-section (1) of section 30 of this Ordinance, if a contributor to the Fund dies while in the service a sum equal, in the case of a male to two and one-half times, and in the case of a female to one and two-third times, the amount of the contributor's contributions to the Fund accumulated at the rate of

three per centum per annum compounded annually shall be paid in accordance with the provisions of section 30 of this Ordinance.

29. Where a contributor in receipt of a pension dies, there shall be paid in accordance with the provisions of sub-sections (2) and (3) of section 30 of this Ordinance the balance, if any, remaining after deducting from the amount of the deceased pensioner's contributions to the Fund accumulated at the rate of three per centum per annum compounded annually to the date on which he ceased to hold his employment, the total of the amounts which he has received by way of pension:

Death of a pensioner.

Provided that, if any part of the pension has been commuted under the provisions of sub-section (1) of section 17 of this Ordinance, the contributor's contributions to the Fund accumulated as aforesaid shall be deemed to be reduced in the proportion which the commuted amount of the pension bears to the full pension.

30. (1) The payment referred to in section 28 of this Ordinance shall be made only when the contributor to the Fund leaves—

Persons to whom, on the decease of contributor, contributions may be paid.

- (a) a widow or widower, or minor children or stepchildren or dependent adult children or stepchildren; or  
 (b) a father, mother, brother or sister dependent upon him for support and maintenance.

In all such cases payment shall be made to the person aforesaid or, in the discretion of the Board, to some person on their behalf.

(2) Payments shall be made in the following order of preference, unless that order of preference be varied by the contributor by notice, in writing, to the Board in his lifetime, namely—

- (a) to the widow, or in the case of a deceased female, to the widower; or  
 (b) to the children and stepchildren in equal shares; or  
 (c) to the father and mother in equal shares or to the survivor of them; or  
 (d) to the brothers and sisters in equal shares.

(3) For the purpose of this section the mother of an illegitimate child of the deceased contributor or a dependent illegitimate or adopted child, whether or not such child was legally adopted under the provisions of any law for the time being in force whether within or without the Colony, shall, where there is no widow or legitimate child, have respectively the same rights as a widow and a legitimate child.

31. When a deceased contributor leaves no such relatives as are mentioned in section 30 of this Ordinance, payment of his contributions to the Fund accumulated at the rate of three per centum per annum compounded annually to the date of death or the date on which he ceased to hold his employment, as the case may be, after deduction of the aggregate of the amounts, if any, which he received by way of pension shall be made to his legal personal representative:

When payment of contributions may be made to legal personal representative.

Provided that, if any part of the pension has been commuted under the provisions of sub-section (1) of section 17 of this Ordinance, the contributor's contributions to the Fund shall be deemed to be reduced in the proportion which the commuted portion of the pension bears to the full pension.

32. (1) When any payments have been made under the provisions of sections 28, 29 and 30 of this Ordinance the Fund shall be exempt from any further claim under any of those sections, and no amount so paid shall be deemed to form part of the estate of the deceased contributor.

Saving of Fund against claims.

(2) When a payment has been made under the provisions of section 31 of this Ordinance to the legal personal representative of the deceased contributor and it is subsequently discovered that the deceased contributor left any such relatives as are described in section 30 of this Ordinance there shall be paid, in accordance with the provisions of sub-sections (2) and (3) of that section, to such relatives such a sum or balance as is mentioned in sections 28 or 29 of this Ordinance, as the case may be, less the amount so paid, and on payment of such sum or balance the Fund shall be exempt from any further claim under the provisions of sections 28 or 29 of this Ordinance.

33. Notwithstanding anything contained in the Estate Duty (Consolidation) Ordinance, 1926, or the Public Trustee's Ordinance, 1925, no payment made under the provisions of this Ordinance shall be subject to any estate duty or to the payment of the Public Trustee's fees and charges.

Moneys paid under this Ordinance to be free of estate duty and Public Trustee's fees and charges.  
 No. 13 of 1926  
 No. 7 of 1925.

PART IX—MEMBERS TRANSFERRED TO AND FROM OTHER  
PUBLIC SERVICE

Officers who are transferred to pensionable office and whose previous service is allowed to be taken into account for pension.

No. 11 of 1927.

34. (1) If a contributor is admitted by the Secretary of State to pensionable status under the European Officers Pensions Ordinance, 1927, and any of his previous service is allowed to be taken into account as pensionable service under the provisions of, and for the purposes of, that Ordinance, the amount of his contributions to the Fund, accumulated at the rate of three per centum per annum compounded annually, from the date on which his admission to such status has effect shall—

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(a) if he was, at the date of the coming into operation of this Ordinance, in the service, be refunded to him; or

(b) if he was not, at the date of the coming into operation of this Ordinance, in the service, be paid into the general revenue of the Colony,

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and upon such refund or payment being made such contributor shall have no further claim upon the Fund.

(2) Any contributions made to the Fund by the Governor, under the provisions of section 14 of this Ordinance, in respect of a contributor for any period in respect of which a refund of contributions or a payment into the general revenue of the Colony, as the case may be, has been made under the provisions of sub-section (1) of this section shall, together with interest thereon calculated at the rate of three per centum per annum compounded annually, be paid into the general revenue of the Colony.

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Officers who are transferred to pensionable office whose previous service is not allowed to be taken into account for pension.

No. 11 of 1927.

35. If a contributor is admitted by the Secretary of State to pensionable status under the European Officers Pensions Ordinance, 1927, and any of his service while a contributor to the Fund under this Ordinance is not allowed to be taken into account as pensionable service under the provisions of, and for the purposes of, that Ordinance, such contributor shall make no further contributions to the Fund under the provisions of section 9 of this Ordinance and he shall be granted a pension, in accordance with the provisions of this Ordinance, in respect of the period during which he was a contributor to the Fund which shall be based on the annual average of his emoluments for the three years immediately preceding the date of his admission to such pensionable status or the annual average of his emoluments for the whole period of contribution prior to such admission, whichever is the greater.

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Transfer of contributor to other public service.

No. 11 of 1927.

36. (1) If a contributor is transferred to other public service, and the office to which he is transferred is a pensionable office under the law relating to pensions in the other public service to which he is transferred, his service in the Colony shall be deemed to be service in a pensionable office within the meaning of the European Officers Pensions Ordinance, 1927:

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Provided that any such officer shall not be entitled to a pension at a rate greater than one-six-hundredth of his pensionable emoluments for each complete month of such service.

(2) A contributor who is transferred from the service to other public service and whose service in the Colony is deemed to be service in a pensionable office under the provisions of sub-section (1) of this section shall be entitled to a refund of his contributions to the Fund accumulated at the rate of three per centum per annum compounded annually, and the Governor's contributions accumulated at the rate of three per centum per annum compounded annually, shall be paid from the Fund into the general revenue of the Colony.

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Officer transferred to service from pensionable office in other public service.

No. 11 of 1927.

37. If an officer has been transferred to the service from other public service and the office from which he is transferred is a pensionable office, his service while a contributor shall, for the purpose of computing his pension on final retirement from the service, be deemed to be service in a pensionable office under the provisions of the European Officers Pensions Ordinance, 1927, and upon such final retirement from the service, the total amount of his own and the Governor's contributions accumulated at the rate of three per centum per annum compounded annually shall be paid from the Fund into the general revenue of the Colony.

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Board may make reciprocal arrangements regarding officers transferred to or from another public service.

38. If provisions substantially corresponding to those contained in this Ordinance exist in relation to any other public service the Board may make reciprocal arrangements with the authority administering the scheme in such other public service, by the payment of transfer values or otherwise, preserving the rights acquired by any contributor under the provisions of this Ordinance who is transferred to such other public service and the rights acquired, under any scheme

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existing in relation to any such other public service, by any person who is transferred from such other public service to the service and who by reason of such transfer becomes a contributor.

#### PART X—GENERAL

- 5 39. When the marriage of any contributor has been annulled or dissolved by the decree of any competent court the other party to such marriage shall, for the purposes of this Ordinance, be deemed to have died and the contributor shall be deemed to have become a widow or widower, as the case may be, at the date of such decree. Dissolution of marriage.
- 10 40. For the payment of contributions, pensions and all other sums under this Ordinance the rate or rates of exchange in all cases where conversion is necessary shall be such as may be determined from time to time by the Board. Rate of exchange.
- 15 41. All questions and disputes as to who is entitled to be deemed a contributor, or as to the amount of any pension under this Ordinance, shall be decided by the Governor after consultation with the Board, and such decision shall be conclusive and binding on all parties. Disputes.
- 20 42. From the date of the commencement of this Ordinance no officer may become a member of the Provident Fund unless, under the provisions of this Ordinance, he is debarred from contributing to the Fund. No contributor to be eligible for Provident Fund.
- 25 43. The fund shall be valued as soon as reasonably possible after the coming into operation of this Ordinance and thereafter at intervals of not more than six years by an actuary, appointed by the Governor, who shall make a report to the Governor in which shall be set out the dates and process used in his investigation and valuation. Valuation of the Fund.
- 30 44. If as a result of any valuation of the Fund, made under the provisions of section 43 of this Ordinance, a deficit in the Fund is disclosed such deficit shall be made good out of the general revenue of the Colony in such instalments as the Governor may direct. Deficit in Fund to be made good out of general revenue.
45. The Governor in Council may make Rules for the better carrying out of the provisions of this Ordinance. Rules.

#### MEMORANDUM OF OBJECTS AND REASONS

When the Kenya European Civil Service was inaugurated on the 1st January, 1935, the European Civil Service Provident Fund Ordinance, 1934, was brought into force. Under that Ordinance retiring benefits took the form of payments from a Provident Fund to which male officers were required to contribute five per centum and female officers seven and one-half per centum per annum of their salaries. In addition to those contributions the Government were required to make contributions on the scale set out in the Schedule to the Ordinance.

2. A number of officers who were in the service of the Government of Kenya but who were either in non-pensionable posts or who were serving on agreement or Letters of Temporary Appointment in pensionable posts exercised an option, which was given to them, to join the Kenya European Civil Service as from the date of its inauguration. The Government paid into the Fund created by the Ordinance, in respect of their past service, such sum as it would have paid if the Ordinance had been in operation when the officer was first appointed, but in such a case the officer himself was not required to make any personal contributions in respect of the period prior to the 1st January, 1935.

3. The Provident Fund created by the above-mentioned Ordinance was regarded as an interim measure pending the enactment of Contributory Pension Legislation.

4. The three main principles which the present measure seeks to make provision for are—

- (a) a pension constant of one-six-hundredth for each completed month during which an officer has contributed to the Fund, which the measure seeks to create. The one-six-hundredth has been generally accepted throughout the Colonial Empire as a reasonable and fair basis;
- (b) reasonable concessions in respect of officers who were in the service before the 1st January, 1935. Such concessions were recommended by the Surridge Committee and have received the approval, in principle, of the Secretary of State;
- (c) reasonable protection for officers with other public service.

5. Attention is directed to the following provisions of the Bill:—

*Clause 2.*—Definitions of "officer" and "emoluments". As regards the former, attention is directed to the provision regarding married women. It is the general policy of Government to require a married woman to resign from the service upon her marriage, but there

are certain cases where married women are employed in a permanent capacity, e.g. where a man and his wife are, respectively, Superintendent and Matron of a Mental Hospital.

As regards the latter, the definition seeks to include as part of an officer's emoluments, personal consolidation allowance. Such inclusion is in conformity with Recommendations XVI and XVII of the Surridge Committee Report. The definition does not include house allowance. In this connexion it has been specifically notified to officers in the service that house allowance is non-pensionable.

Clause 3 seeks to establish a Board to be known as the European Officers Contributory Pensions Board which it is proposed shall consist of—

- (a) the Accountant General, as Chairman; and
- (b) four European officers in the service of the Government to be appointed by the Governor at least one of whom is required to be an officer who is a contributor to the Fund which the Bill seeks to establish.

Clause 4 sets out the duties and powers of the Board.

Clause 5 seeks to establish a Fund to be known as the Kenya European Civil Service Contributory Pension Fund for the purpose of providing pensions for members of the Kenya European Civil Service.

Clause 6.—Sub-clause (1) enables contributors to the Provident Fund, at their option, to become contributors to the Fund created by Clause 5. The sub-clause provides that such election shall be exercised within six months from the date upon which the measure becomes law.

Sub-clause (3) provides that new entrants to the service shall become contributors to the Fund.

Clause 7 provides that where an officer, under the provisions of sub-clause (1) of Clause 6, elects to become a contributor to the Fund, the total amount standing to his credit in the Provident Fund shall be paid by the Accountant General to the credit of the Fund.

Clause 8 provides, *inter alia*, that any period during which an officer was a contributor to the Provident Fund shall be deemed to be a period during which he was a contributor to the Fund. The proviso to the Clause seeks to give effect to Recommendation XVI of the Surridge Committee Report. The reason for the twelve months period provided for in paragraph (a) of the proviso is that officers were not permitted to contribute to the Provident Fund during the first year of their service.

Clause 9 lays down the rates of contributions to be paid, i.e. in the case of a male five per centum, and in the case of a female seven and one-half per centum of their annual emoluments. A higher contribution is required from females for the reason that their retiring age is earlier, i.e. fifty years (in the case of a male the retiring age is fifty-five years), and the pension, therefore, costs more.

Clause 11 makes provision for the *quantum* of the contributions to be made by an officer whose salary is reduced.

Clause 12 provides, in effect, that when an officer, who was in the service before the Bill becomes law, elects to become a contributor to the Fund that the Government shall pay into the Fund the difference between the amount standing to the officer's credit in the Provident Fund, which Clause 7 provides, shall be paid by the Accountant General to the Fund, and the amount which would have accumulated to the officer's credit if the present measure had been in force when such officer joined the service. The effect of the provision will be that, in the great majority of cases, the whole of an officer's service will count for pension purposes.

It is submitted that the payments thus provided for are equitable and have the advantage of ensuring that the Fund which the Bill seeks to create is in a sound financial position from its inception. If the provision is agreed to, the cost to the Colony is estimated to be in the vicinity of £112,000.

Clause 14 provides that the Governor shall, out of moneys provided by the Legislative Council for the purpose, on the last day of each month pay into the Fund a sum equal to eleven per centum of the emoluments on which contributors have contributed in respect of such month.

Clause 15 provides, *inter alia*, that a male contributor, upon attaining the age of fifty-five years, and a female upon attaining the age of fifty years, may retire from the service on pension, or that they may be required so to do by the Governor.

Sub-clause (3) of the Clause, however, provides that a contributor who has contributed to the Fund for a period of ten years or more, who retires from the service by reason of bodily injury or permanent ill-health or physical or mental disability, shall be entitled to receive a pension from the Fund in respect of the period for which he was a contributor.

Clause 16 provides, *inter alia*, the basis referred to in subparagraph (a) of paragraph 4 above, upon which pensions shall be

calculated, and the first proviso to the Clause provides that, save as provided in sub-clause (4) of Clause 15 and Clause 35 of the Bill, no pension shall be granted to any contributor unless he has been a contributor to the Fund for a period of ten years or more.

Clause 17 seeks to give an officer the option of commuting one-quarter of the pension to which he is entitled in exchange for a cash payment of ten times the amount so commuted.

Clause 18 enables the Governor, if he thinks fit, to order the suspension of the payment of a contributor's pension if he is appointed, while on pension, to fill an office in the service. Sub-clause (2) of the clause makes provision requiring an officer to contribute to the Fund on the emoluments received by him during the period he is so re-employed. In this connexion attention is drawn to the definition of "officer" in Clause 2 of the Bill. Sub-clause (2), as worded, would have the effect of relieving a contributor of having to contribute to the Fund if the office in which he is re-employed carries with it free pensionable status.

The sub-clause further provides that in such cases an officer upon his ultimate retirement shall be entitled to an additional pension in respect of the period of his re-employment calculated on the basis specified in Clause 16 of the Bill.

Clause 19 provides that no pension shall be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension or other payment has been granted.

Clauses 20 and 21 make provision for pensions to cease in the event of a pensioner being adjudicated bankrupt or being sentenced to a term of imprisonment and provision is included enabling all or any of the moneys to which such pensioner would have been entitled by way of pension, had he not become bankrupt or been sentenced to a term of imprisonment, as the case may be, to be applied for the support of the pensioner's wife and children.

Provision is also made for the restoration of the pension if the pensioner obtains his discharge from bankruptcy, and if the Governor or the Secretary of State so directs in the case of a pensioner who has been sentenced to a term of imprisonment. If a pensioner after conviction receives a free pardon, sub-clause (4) of Clause 21 provides that his pension shall be restored with retrospective effect.

Clause 22 lays down the procedure to be followed in the event of a pensioner becoming incapable of managing his own affairs.

Clause 23 provides, *inter alia*, for the refund of an amount—

- (a) in the case of a male equal to two and one-half times; and
- (b) in the case of a female equal to one and two-third times.

of their contributions accumulated at the rate of three per centum per annum compounded annually in the case of contributors who retire from the service on grounds of ill-health, in the event of their not being entitled to a pension.

In this connexion attention is drawn to the fact that any contributor who has been permanently injured—

- (a) in the actual discharge of his duties; and
- (b) without his own default; and
- (c) by some injury specifically attributable to the nature of his duty,

is, in addition to any benefits he is eligible for under the provisions of the Bill, entitled to be granted a pension under the provisions of sub-regulation (3) of Regulation 13 of the European Officers' Pensions (Consolidation) Regulations, 1930.

Clause 24 makes provision for the case where an officer is retired for inefficiency.

Clauses 25 and 26 seek to make provision for the case of officers—

- (a) who have not contributed to the Fund for ten years; and
- (b) who have contributed to the Fund for ten years or more,

who retire on the ground of re-organization.

Clause 27 provides that a contributor who resigns from the service before he is entitled to a pension shall receive a refund of his contributions to the Fund accumulated at the rate of three per centum per annum compounded annually, and that all the contributions made by the Governor, in respect of such contributor, shall be paid into the general revenue of the Colony.

Clause 28 provides for the payment, in the case of a male to two and one-half times, and in the case of a female to one and two-third times, the amount of their contributions to the Fund accumulated at the rate of three per centum per annum compounded

annually, if a contributor dies whilst still in the service, and the Clause further provides that such payment shall be paid in accordance with the provisions of Clause 30 of the Bill.

Clause 29 provides that on the death of a pensioner, if he has not already received, in the form of pension, his own contributions to the Fund plus interest accumulated at the rate of three per centum per annum compounded annually, the balance, if any, shall be paid to his estate. The reason for the incorporation of this provision is that the money involved represents, in effect, his own compulsory savings, and it is considered equitable that his estate should benefit to the extent of any such balance.

Clause 30 makes provision regarding the persons to whom payments under Clauses 28 and 29 shall be made.

Clause 31 provides for the payment of a contributor's contributions to the Fund to his legal personal representative in certain events.

Clause 32 seeks to exempt the Fund from claims when payments have been made under the provisions of Clauses 28 or 29.

Clause 33 seeks to provide that moneys paid under the Bill shall be free of estate duty and Public Trustee's fees and charges.

Clause 34 provides that if a contributor is admitted to pensionable status and any of his previous service is allowed to be taken into account the amount of his contributions to the Fund, accumulated at the rate of three per centum per annum compounded annually shall—

- (a) if he was, at the date of the coming into operation of the measure, in the service, be refunded to him; or
- (b) if he was not, at the date of the coming into operation of the measure, in the service, be paid into the general revenue of the Colony.

The provision retains the existing practice in so far as officers now in the service are concerned and seeks to effect a change in the practice in so far as officers admitted into the service in the future are concerned.

Clause 35 provides for the cases of officers who are transferred to a pensionable office whose previous service is not allowed to be taken into account for pension.

Clause 36 seeks to provide, *inter alia*, that if a contributor is transferred to "other public service", as defined in Clause 2 of the Bill, and the office to which he is transferred is a pensionable office his service in the Colony shall be deemed to be service in a pensionable office within the meaning of the European Officers' Pensions Ordinance, 1927. The Clause contains a proviso that in any such case the officer shall not be entitled to a greater pension constant than one-six-hundredth of his pensionable emoluments for each complete month of his service in the Colony.

Clause 37 seeks to make provision for the case of an officer who is transferred to the Kenya European Civil Service from a pensionable office in "other public service". The Clause is designed to protect such an officer's pensionable rights and at the same time to ensure that whilst serving in the Colony he becomes a contributor to the Fund.

Clause 38 seeks to enable the Board in cases where provisions substantially corresponding to those contained in this measure exist in relation to any other public service to make reciprocal arrangements with the authority administering the scheme in such other public service, by the payment of transfer values or otherwise, preserving the rights acquired by any officer transferred to or from such other public service.

PART X of the Bill, i.e. Clauses 39-45, both inclusive, contains, *inter alia*, provisions requiring the valuation of the Fund by an Actuary, appointed by the Governor, and enabling the Governor in Council to make Rules for the better carrying out of the provisions of the measure. Particular attention is directed to clause 44 which seeks to provide that if a valuation of the Fund discloses a deficit such deficit shall be made good out of the general revenue of the Colony in such instalments as the Governor may direct. That provision is designed to protect the Fund from any deficit which may be created owing to the admission into the service, in the past and in the future, of persons above the normal age of entry.

6. Apart from the sum mentioned in the paragraphs of this memorandum dealing with clause 12 of the measure 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, 28th May, 1946.

Attorney General.

## GOVERNMENT NOTICE No. 493

THE JUSTICES OF THE PEACE ORDINANCE  
APPOINTMENT

IN EXERCISE of the powers conferred upon the Governor by section 2 of the Justices of the Peace Ordinance, and all other powers thereunto enabling him, the Governor's Deputy has been pleased to appoint—

LT.-COL. THOMAS BROMHEAD BUTT

to be a Justice of the Peace for the North Nyeri District of the Central Province.

By Command of the Governor's Deputy.

S. W. P. FOSTER SUTTON,  
*Member for Law and Order.*

Nairobi, 28th May, 1946.

## GOVERNMENT NOTICE No. 494

THE LAND AND WATER PRESERVATION ORDINANCE  
APPOINTMENTS

IN EXERCISE of the powers conferred upon me by section 2 of the Land and Water Preservation (General) Rules, 1943, I hereby appoint—

Mr. F. L. Viner (*vice* Mr. H. L. G. Davis, resigned) and  
Mr. C. W. P. Harries

to be Honorary Inspectors (Honorary River Wardens).

D. L. BLUNT,  
*Director of Agriculture.*

Nairobi, 27th May, 1946.

## GOVERNMENT NOTICE No. 495

THE NATIVE AUTHORITY ORDINANCE  
APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Isiolo, N.F.D.  
24th May, 1946.

GERALD REECE,  
*Officer in Charge, N.F.D.*

## SCHEDULE

Wajir, Northern Frontier District

Name	Area	With effect from	Remarks
Kalenli Wermoge Habr Suleiman	Wajir	1.5.1946	On six months probation. <i>Vice</i> Barud Iman (died). G.N. 915/41.

## GOVERNMENT NOTICE No. 496

REVIEW OF DEFENCE REGULATIONS AND CONTROLS  
COMMITTEE  
APPOINTMENT

IT IS notified for general information that His Excellency the Governor in Council has been pleased to appoint a Committee with the following terms of reference:—

- (a) To keep under constant review the Defence Regulations which are being retained and to advise the Governor from time to time whenever they consider that circumstances justify the revocation or amendment of any of those Regulations; and
- (b) in consultation with the Trade Advisory Committee, to keep under constant review the operations of the various wartime Controls and to advise the Governor when they consider that these Controls should be either cancelled or modified in their operations.

The personnel of the Committee is as follows:—

The Deputy Chief Secretary (*Chairman*),  
The Economic and Commercial Adviser (*Deputy Chairman*),  
The President of the Association of Chambers of Commerce of Eastern Africa,  
The Hon. Mr. E. A. Vasey, C.M.G.,  
The Hon. Mr. W. A. C. Bouwer,  
The Hon. Mr. S. V. Cooke,  
The Hon. Mr. E. W. Mathu,  
Mr. Chanan Singh.

It is proposed that the Committee should co-opt the Attorney General, the Financial Secretary and a representative of the Services when required.

K. G. LINDSAY,  
*for Chief Secretary.*

Nairobi, 1st June, 1946.

## GOVERNMENT NOTICE No. 497

## VICE-CONSUL OF THE UNITED STATES OF AMERICA

IT IS hereby notified for general information that provisional recognition is accorded to—

MR. ELMER EMERSON YELTON

as Vice-Consul of the United States of America at Nairobi.

K. G. LINDSAY,  
*for Chief Secretary.*

Nairobi, 31st May, 1946.

## GOVERNMENT NOTICE No. 498

THE COURTS ORDINANCE  
APPOINTMENT

IN EXERCISE of the powers conferred upon the Governor by section 6 of the Courts Ordinance, 1931, and all other powers thereunto enabling him, the Governor's Deputy has been pleased to appoint, with effect from the 1st day of May, 1946—

PETER GUTHRIE TAIT

to be a Magistrate of the Second Class with powers to hold a Subordinate Court of the Second Class in the Kericho District of the Nyanza Province whilst holding his present appointment as District Officer, Kericho District, Nyanza Province.

By Command of the Governor's Deputy.

K. G. LINDSAY,  
*for Chief Secretary.*

Nairobi, 25th May, 1946.

## GOVERNMENT NOTICE No. 499

TRADE ADVISORY COMMITTEE  
APPOINTMENTS

IT IS notified for general information that His Excellency the Governor has been pleased to appoint the following to be members of the Trade Advisory Committee:—

The Economic and Commercial Adviser (*Chairman*) in the place of the Economic and Development Secretary.

The Commissioner of Customs.

Government Notice No. 261 of the 15th of May, 1945, is varied accordingly.

K. G. LINDSAY,  
*for Chief Secretary.*

Nairobi, 31st May, 1946.

## GOVERNMENT NOTICE No. 500

## LANGUAGE EXAMINATIONS

THE following results are notified for general information:—

## STANDARD SWAHILI EXAMINATION

*Pass (oral only)*

Mr. A. F. Halford-Walker, Administration.

## PRELIMINARY ORAL SWAHILI EXAMINATION

*Pass*

Miss K. Barraclough, Medical.  
Assistant Inspector N. Marsh, Police.

K. M. COWLEY, *Secretary,*  
*Languages Board.*

Nairobi, 31st May, 1946.

## GOVERNMENT NOTICE No. 501

THE ESTATE DUTY (CONSOLIDATION) ORDINANCE  
APPOINTMENT OF APPROVED VALUERS

IN EXERCISE of the powers thereunto enabling them, the Estate Duty Commissioners have appointed as a valuer for the purposes of the Estate Duty (Consolidation) Ordinance, 1926, the person whose name is shown hereunder:—

MR. JOHN WATTS RATCLIFF, *vice* Major John Williamson Milligan, resigned.

H. G. WATKINS, *Secretary,*  
Nairobi, 31st May, 1946. *Board of Estate Duty Commissioners.*

## GOVERNMENT NOTICE No. 502

THE LOCAL GOVERNMENT (MUNICIPALITIES)  
ORDINANCE

## NOMINATION

IN EXERCISE of the powers conferred upon him by section 5 of the Local Government (Municipalities) Ordinance, 1928, His Excellency the Governor has been pleased to nominate—

MR. H. F. BIRCHAL

to be a member of the Nairobi Municipal Council as representative of the Nairobi District Council for a period of one year with effect from the 1st May, 1946.

By Command of His Excellency the Governor.

Nairobi,  
1st June, 1946. *Member for Health and Local Government.*

## GENERAL NOTICE No. 895

## HONORARY PERMIT ISSUERS

IN EXERCISE of the powers conferred upon me by Rules Nos. 20 and 63 of the Diseases of Animals Ordinance Rules, 1931, I hereby declare that the undermentioned gentlemen cease to be Honorary Permit Issuers for the purposes of the said Rules:—

C. T. Todd, Esq., Kechichi Farm, Timau.

Richard Fletcher, Esq., Murgut River Estate, Fort Ternan.

Kabete,  
29th May, 1946. *Director of Veterinary Services.*

R. DAUBNEY,  
*Director of Veterinary Services.*

## GENERAL NOTICE No. 896

## HONORARY PERMIT ISSUER

IN EXERCISE of the powers conferred upon me by Rules Nos. 20 and 63 of the Diseases of Animals Ordinance Rules, 1931, I hereby declare the undermentioned gentleman to be an Honorary Permit Issuer for the purposes of the said Rules:—

C. Manning, Esq., Murgut River Estate, Fort Ternan, *vice*  
R. Fletcher, Esq.

Kabete,  
29th May, 1946.

R. DAUBNEY,  
*Director of Veterinary Services.*

## GENERAL NOTICE No. 897

## THE WAR LOAN ORDINANCE, 1940

## LOSS OF BOND CERTIFICATE

IN PURSUANCE of the provision of Regulation 17 (2) of the War Loan Regulations, 1940, notice is hereby given that 2½ per cent East African War Bonds Certificate No. 2003 for £50 Series "B" of 1952/54 loan, issued in the name of Mr. Lewis Selkirk Kidd, has been lost and that it is proposed after the expiration of thirty days from the date of this notice to issue a duplicate of such certificate.

The Treasury, Nairobi,  
25th May, 1946.

H. J. WEBSTER,  
*Accountant General.*

## GENERAL NOTICE No. 898

## MUNICIPAL COUNCIL OF NAIROBI

## CLOSURE OF ROADS

NOTICE is hereby given that, in pursuance of powers conferred upon it by section 45, Part V, of the Local Government (Municipalities) Ordinance, 1928, the Municipal Council of Nairobi intends, on or after Saturday, the 6th day of July, 1946, to close the two undermentioned public roads:—

- (a) a sanitary lane abutting upon plots No. 354/1-11 inclusive and plots No. 956, 957 and 958, and
- (b) the service lane dividing plots No. 354/11 and 1570, Caledonian Road,

providing that no objection to the proposed closure of these roads on the part of any person or persons interested is upheld.

A plan descriptive of the above proposal may be inspected during office hours at the office of the undersigned.

Town Hall, Nairobi, 4th June, 1946.

W. W. RIDOUT,  
*Town Clerk.*

## GENERAL NOTICE No. 899

## NOTICE OF INTENDED DESTRUCTION OF COURT RECORDS

THREE MONTHS after the date of this notice I intend to apply to the Chief Justice for leave to destroy the year 1931 records of the Court of the Resident Magistrate at Nakuru as set out below:—

*Criminal Proceedings numbered:* 1 to 161, 163 to 333, 335 to 352, 354 to 657, 660 to 881, 883 to 888, 890 to 990, 992 to 1072, 1075 to 1112, 1114 to 1214, 1216 to 1444, 1446 to 1984, 1986 to 2794, 2796 to 3675.

Any person desiring the return of an exhibit in any of the above cases must make good his claim before the 25th day of August, 1946.

All exhibits to which no claim is substantiated as above will be liable to be included in the order for destruction.

Nakuru, 29th May, 1946.

WARREN S. WRIGHT,  
*Resident Magistrate, Nakuru.*

## GENERAL NOTICE No. 900

## THE LAND AND AGRICULTURAL BANK (AMENDMENT ORDINANCE, 1934 AND 1936

## NOTIFICATION

NOTICE is hereby given that the Board of the Land and Agricultural Bank of Kenya have approved a temporary advance in terms of section 3 of the Land and Agricultural Bank (Amendment) Ordinance, 1934, as amended by Ordinance XIV of 1936, as under:—

*Names.*—Arthur Wynne Barnley and Timothy John Barnley, of Kitale.  
*Amount.*—£500.

T. L. HATELY,  
*Secretary.*

## GENERAL NOTICE No. 901

## ESTABLISHMENT OF A PORT

IT IS notified for general information that His Excellency the Governor of Uganda, in exercise of the powers conferred upon him by sections 13 and 14 of the Customs Management Ordinance, 1926, has been pleased to establish the undermentioned place as a port for the export of fish and salt only:—

Kabale (locally known as Katwe), Busongora County, Toro District, Uganda.

A. W. NORTHROP,  
*Commissioner of Customs.*

## GENERAL NOTICE No. 902

## THE WATER ORDINANCE, 1929

*Ruaraka River, Kiambu District*

APPLICATION by Mrs. R. Blackwell, of Nairobi, for a Water Right from the Ruaraka River on a portion of L.R. No. 5986/2 for a net quantity of 550 gallons per day for the purpose of domestic use.

Plans may be seen at the Public Works Department Office, Nairobi.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within thirty days from the date of publication of this notice and a copy served on the undersigned.

R. BLACKWELL,  
*Applicant or Lawfully Authorized Agent,*  
*Box 701, Nairobi.*

## GENERAL NOTICE No. 903

## THE WATER ORDINANCE, 1929

*Esageri River, Eldama Ravine District*

APPLICATION by James Mackay, of Sabatia, for a Water Right from the Esageri River on L.R. No. 6510 for a net amount of 4,100 gallons per day of normal flow for the purpose of domestic use.

Plans may be seen at the Public Works Department Office, Nairobi, and at the offices of the Nakuru District Council, Nakuru.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within thirty days from the date of publication of this notice and a copy served on the undersigned.

JAS. MACKAY,  
*Applicant or Lawfully Authorized Agent,*  
*Kingarth, Sabatia.*

## GENERAL NOTICE No. 904

## THE WATER ORDINANCE, 1929

*Chipirelwe Stream, Trans Nzoia*

APPLICATION by Chorlim, Ltd., Trans Nzoia District, for a Water Right from Chipirelwe Stream on L.O. 1950 for 2,700 gallons per day for the purpose of domestic use.

Plans may be seen at the Public Works Department Head Office and at the office of the Trans Nzoia District Council, Kitale.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within thirty days from the date of publication of this notice and a copy served on the undersigned.

H. C. KIRK,  
*Applicant or Lawfully Authorized Agent,*  
*for Chorlim, Ltd., Box 40, Kitale.*

## GENERAL NOTICE No. 905

## PROBATE AND ADMINISTRATION

## CAUSE No. 27 OF 1946

*In the matter of Mkuza bin Mabruki, deceased*

TAKE NOTICE that all persons having any claims against the estate of the above-named Mkuza bin Mabruki, deceased, who died at Saragoi, Mombasa, on the 7th day of January, 1946, are required to prove such claims before me the undersigned on or before the 30th day of July, 1946, after which date the claims so proved will be paid and the estate distributed according to law.

Mombasa, 27th May, 1946.

M. D. CHITNAVIS,  
*Agent of the Public Trustee.*

## GENERAL NOTICE No. 906

## PROBATE AND ADMINISTRATION

## CAUSE No. 55 OF 1946

*Estate of the late Major David Horace Abercromby Kemble, M.C.*

TAKE NOTICE that all persons having any claim against or owing sums to the estate of the above-named David Horace Abercromby Kemble, who was killed in action in Western Europe on the 6th day of April, 1945, are required to prove such claims before me the undersigned or to pay to me the amount due on or before the 31st day of July, 1946, after which date the claims so proved will be paid and the estate distributed according to law.

FREDERICK CHARLES DEWELL,  
*Attorney of the Executors.*

c/o The Standard Bank of South Africa, Ltd.,  
P.O. Box 701, Nairobi.

## GENERAL NOTICE No. 907

PROBATE AND ADMINISTRATION  
CAUSE No. 85 OF 1946*Estate of the late Miss Anne Berkley*

TAKE NOTICE that all persons having any claim against or owing sums to the estate of the above-named Anne Berkley, deceased, who died at Bardon Mill, Northumberland, England, on the 8th day of March, 1945, are required to prove such claims before me the undersigned or to pay to me the amount due on or before the 30th day of June, 1946, after which date the claims so proved will be paid and the estate distributed according to law.

FREDERICK CHARLES DEWELL,  
*Attorney of the Executors.*

c/o The Standard Bank of South Africa, Ltd.,  
P.O. Box 701, Nairobi.

## GENERAL NOTICE No. 908

PROBATE AND ADMINISTRATION  
CAUSE No. 22 OF 1946*In the matter of Narshi Nagji, deceased*

TAKE NOTICE that all persons having any claims against the estate of the above-named Narshi Nagji, who died at Mombasa on the 13th day of December, 1938, are required to prove such claims before the undersigned on or before the 31st day of July, 1946, after which date the claims so proved will be paid and the estate distributed according to law.

SORABJEE & MODI,  
*Advocates for Mistry Walji Mavji,  
Administrator of the Estate of  
Narshi Nagji, deceased.*

Nairobi, 31st May, 1946.

## GENERAL NOTICE No. 909

PROBATE AND ADMINISTRATION  
CAUSE No. 58 OF 1946*In the matter of Prabhudas Jethabhai Patel, deceased*

NOTICE is hereby given that all persons having any claims against the estate of the above-named Prabhudas Jethabhai Patel, who died at Nairobi on the 12th day of October, 1945, are required to prove such claims before the undersigned on or before 31st July, 1946, after which date the claims so proved will be paid and the estate distributed according to law.

SORABJEE & MODI,  
*Advocates for Chaturbhai Jethabhai Patel,  
Administrator of the Estate of  
Prabhudas Jethabhai Patel, deceased.*

Nairobi,  
31st May, 1946.

## GENERAL NOTICE No. 910

ESTATE OF THE LATE THOMAS STEPHENSON  
OF MOIBEN

NOTICE is hereby given that probate in the above estate has been granted to Mrs. D. E. Stephenson that debtors are required to pay their debts and creditors to prove their claims to me on or before the 30th June, after which date the estate will be wound up.

W. A. SHAW,  
*Advocate for the Executrix.*

Eldoret, 27th May, 1946.

## GENERAL NOTICE No. 911

## NOTICE

THE power of attorney given by Amarshi Premji Vadgama to Maganlal Premji Vadgama in or about the year 1930 or at some date thereafter is hereby cancelled.

DALY & FIGGIS,  
*for Amarshi Premji Vadgama.*

## GENERAL NOTICE No. 912

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT MOMBASA DISTRICT REGISTRY  
PROBATE AND ADMINISTRATION

CAUSE No. 29 OF 1946

*Notice of application for letters of administration intestate of the estate of Abdulla bin Ali Mwaruwa, late of Ngo'mbeni, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Ali bin Khamis bin Abdulla, of Ngo'mbeni, Kenya Protectorate, for letters of administration intestate of the estate of Abdulla bin Ali Mwaruwa, late of Ngo'mbeni aforesaid, who died at Ngo'mbeni on the 20th day of January, 1946, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 11th day of June, 1946.

J. A. ANGUS,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

Mombasa,  
23rd May, 1946.

## GENERAL NOTICE No. 913

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT MOMBASA DISTRICT REGISTRY  
PROBATE AND ADMINISTRATION

CAUSE No. 30 OF 1946

*Notice of application for letters of administration intestate of the estate of Joao Piedade Fernandes, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Thomas Fernandes, of Mombasa, Kenya Protectorate, for letters of administration intestate of the estate of Joao Piedade Fernandes, late of Mombasa, aforesaid, who died at Mombasa on the 11th day of March, 1946, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 18th day of June, 1946.

Mombasa,  
25th May, 1946.

J. A. ANGUS,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 914

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT MOMBASA DISTRICT REGISTRY  
PROBATE AND ADMINISTRATION

CAUSE No. 36 OF 1945

*Notice of application for probate of the will of Jamal Sunderji Mitha, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by (1) Jenabai Jamal Sunderji and (2) Lutafali Meharali, both of Mombasa, Kenya Protectorate, for probate of the will of Jamal Sunderji Mitha, late of Mombasa aforesaid, who died at Mombasa on the 21st day of April, 1945, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 11th day of June, 1946.

Mombasa,  
23rd May, 1946.

J. A. ANGUS,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

*Note.*—The will above named is now deposited in Court and open to inspection during office hours.

## GENERAL NOTICE No. 915

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT MOMBASA DISTRICT REGISTRY  
PROBATE AND ADMINISTRATION

CAUSE No. 45 OF 1944

*Notice of application for letters of administration intestate of the estate of Mwana Mkashi binti Maalem, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Ahmed Salim Abdulla Shirazi, of Mombasa, Kenya Protectorate, for letters of administration intestate of the estate of Mwana Mkashi binti Maalem, late of Mombasa aforesaid, who died at Mombasa on the 4th day of February, 1937, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 18th day of June 1946.

Mombasa  
30th May, 1946.

J. A. ANGUS,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 916

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT MOMBASA DISTRICT REGISTRY  
PROBATE AND ADMINISTRATION

CAUSE No. 32 OF 1946

*Notice of application for letters of administration intestate of the estate of Aisha binti Sayid Mohamed, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Shariff Abdulla Mohamed Shatry, of Mombasa, Kenya Protectorate, for letters of administration intestate of the estate of Aisha binti Sayid Mohamed, late of Mombasa aforesaid, who died at Mombasa on the 29th day of March, 1946, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 18th day of June, 1946.

Mombasa  
30th May, 1946.

J. A. ANGUS,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 917

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI  
PROBATE AND ADMINISTRATION  
CAUSE No. 83 OF 1946

Notice of application for probate of the will of Henry Duncan Stanning, late of Kampi-ya-Moto, Kenya Colony, deceased

TAKE NOTICE that application having been made in this Court by Charles Gordon Stanning, Mrs. Violetta Stanning and John Duncan Stanning, all of Kampi-ya-Moto, for probate of the will and two codicils of Henry Duncan Stanning, late of Kampi-ya-Moto, who died at Nakuru on the 5th day of March, 1946, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 18th day of June, 1946.

E. J. O'FARRELL, Registrar,  
Supreme Court of Kenya.

Nairobi, 29th May, 1946.

Note.—The will and two codicils above named are now deposited and open to inspection at the Court.

## GENERAL NOTICE No. 918

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI  
PROBATE AND ADMINISTRATION  
CAUSE No. 82 OF 1946

Notice of application for probate of the will of Mary Jordan Todd, late of Nairobi, deceased

TAKE NOTICE that application having been made in this Court by John Henry Sidney Todd, of Nairobi, for probate of the will of Mary Jordan Todd, late of Nairobi, who died at Nairobi on the 29th day of April, 1946, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 18th day of June, 1946.

E. J. O'FARRELL, Registrar,  
Supreme Court of Kenya.

Nairobi, 29th May, 1946.

Note.—The will above-named is now deposited and open to inspection at the Court.

## GENERAL NOTICE No. 919

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI  
IN BANKRUPTCY  
CAUSE No. 8 OF 1930

Re Papat Tarmohamed, bankrupt

TAKE NOTICE that Papat Tarmohamed, the above-named bankrupt, has made an application to this Court for his discharge and that this Court has fixed Friday, the 28th day of June, 1946, at 10.30 o'clock in the forenoon for hearing of the said application at Nairobi.

E. J. O'FARRELL, Registrar,  
Supreme Court of Kenya.

Nairobi, 29th May, 1946.

## GENERAL NOTICE No. 920

THE BANKRUPTCY ORDINANCE  
NOTICE OF DIVIDEND

Summary Case

Debtor's name.—Mohamed Abdullah (deceased).

Address.—Stewart Street, Nairobi.

Description.—Shopkeeper.

Court.—H.M. Supreme Court, Nairobi.

Number of matter.—14 of 1936.

Amount per £.—Sh. 8.

First or final or otherwise.—First and final.

When payable.—4th June, 1946.

Where payable.—Official Receiver's Office, Law Court Buildings, P.O. Box 231, Nairobi.

W. B. CUMMING,  
Public Trustee.

Nairobi, 31st May, 1946.

## GENERAL NOTICE No. 921

THE BANKRUPTCY ORDINANCE  
NOTICE OF DIVIDEND

Summary Case

Debtor's name.—Ishwerbhai Desaihbhai Patel.

Address.—Nairobi.

Description.—Merchant.

Court.—H.M. Supreme Court, Nairobi.

Number of matter.—34 of 1938.

Amount per £.—90 cents.

First or final or otherwise.—Fourth.

When payable.—4th June, 1946.

Where payable.—Official Receiver's Office, Law Court Buildings, P.O. Box 231, Nairobi.

W. B. CUMMING,  
Public Trustee.

Nairobi, 31st May, 1946.

## GENERAL NOTICE No. 3

## HIS MAJESTY'S SUPREME COURT OF KENYA

NOTICE is hereby given that the following Sessions of His Majesty's Supreme Court of Kenya will be held at the places set out hereunder:—

## SUPREME COURT SESSIONS AT NAIROBI, 3-6-46

Cr. Case No. 49/46 Rex v. Makau s/o Kieti and another.  
Cr. Case No. 72/46 Rex v. Mwonja s/o Mahu.  
Cr. Case No. 74/46 Rex v. Rubano Egesa s/o Apopo.  
Cr. Case No. 63/46 Rex v. Oruare s/o Muruka.  
Cr. Case No. 97/46 Rex v. Muhoro s/o Kaharo.

## SUPREME COURT SESSIONS AT ELDORET, 11-6-46

Cr. Case No. 227/45 Rex v. Kipsaina arap Komen.  
Cr. Case No. 228/45 Rex v. Yofan s/o Samson.  
Cr. Case No. 246/45 Rex v. Anselma s/o Odinya.  
Cr. Case No. 4/46 Rex v. Kandagor arap Ruto.  
Cr. Case No. 47/46 Rex v. Kwatere s/o Shiwani.  
Cr. Case No. 66/46 Rex v. Kabon w/o Kiprop.  
Cr. Case No. 23/46 Rex v. Maganbhai Hathibhai Patel.  
Cr. Case No. 76/46 Rex v. Magoha s/o Shiapiri.  
Cr. Case No. 80/46 Rex v. Makutu s/o Ambani.  
Cr. Case No. 82/46 Rex v. Pere s/o Musali.  
Cr. Case No. 84/46 Rex v. Kimeli arap Mugun.

## SUPREME COURT SESSIONS AT NAKURU, 5-6-46

In Chambers at 9.30 a.m.—

Civil Case No. 7/44 Kamau Wambuku v. Muhoro Kabutoo.

C.C. No. 9/41 Muta Darata and 3 others v. Rugnath Jeram.

In Court at 10 a.m. for Hearing—

Civil Case No. 3/45 J. N. Pieters and E.A. Lands & Development Co., Ltd. v. J. S. Blanche.

Civil Case No. 7/45 Ol'Kalau Stores v. J. M. Daniel (junr.).

Divorce Cause No. 1/44 A. Dugand v. M. M. Dugand and H. J. J. Brummer.

C.C. No. 11/45 Kibirir Kebei v. Henry Wasiya.

## SUPREME COURT SESSIONS AT NAKURU, 28-5-46

Cr. Case No. 259/45 Rex v. Sgt. Okoth Arum and 2 others.  
Cr. Case No. 6/46 Rex v. Giovanni Comes.  
Cr. Case No. 14/46 Rex v. Wanjohi s/o Macharia.  
Cr. Case No. 33/46 Rex v. Giovanni Comes.  
Cr. Case No. 41/46 Rex v. Cheruyot arap Chepkok.  
Cr. Case No. 62/46 Rex v. Waibo s/o Langanan.  
Cr. Case No. 64/46 Rex v. Chesire arap Chebiegon.  
Cr. Case No. 83/46 Rex v. Nyi. 195558 Njuki s/o Njonge.

## SUPREME COURT CRIMINAL SESSIONS AT MOMBASA, 4-6-46

Cr. C. No. 55/46 Rex v. Saidi bin Hamisi.  
Cr. C. No. 56/46 Rex v. Samson Ongenge s/o Abongo.  
Cr. C. No. 81/46 Rex v. Bagat Singh Biant.

## SUPREME COURT CRIMINAL SESSIONS AT MALINDI, 11-6-46

Cr. C. No. 58/46 Rex v. Kalume s/o Abaganda.  
Cr. C. No. 52/46 Rex v. Randu s/o Nzai.  
Cr. C. No. 53/46 Rex v. Tsangwa s/o Ngala.  
Cr. C. No. 54/46 Rex v. Murige s/o Ndoe.  
Cr. C. No. 59/46 Rex v. Kadzungu s/o Kai.  
Cr. C. No. 61/46 Rex v. Masha s/o Kalumwa.  
Cr. C. No. 69/46 Rex v. Gia s/o Mazungu.  
Cr. C. No. 93/46 Rex v. Bulushi s/o Kitswa.  
Cr. C. No. 50/46 Rex v. Mwachikonga s/o Benyundo.

E. J. O'FARRELL, Registrar,  
Supreme Court of Kenya.

## GENERAL NOTICE No. 922

THE TRADE MARKS ORDINANCE, 1930  
TRADE MARKS RENEWED

Trade Mark Number		Advertised in the Official Gazette	Name of Applicant	Class
Old	New			
109/30	1865	11-11-1930	Aktieselskabet De Danske Spritfabrikker .. ..	43
110/30	1866	11-11-1930	do .. ..	42
21/18	319	1-5-1918	Thomas Bear & Sons, Ltd.	45
—	2009	24-5-1932	Naamlooze Vennootschap Amsterdamsche Superfosfaatfabriek .. ..	2
—	2012	26-7-1932	British-American Tobacco Co., Ltd. .. ..	45
UNPAID RENEWAL FEES				
—	2008	17-5-1932	Aristoc, Limited .. ..	38
—	2010	12-7-1932	Martell & Co. .. ..	43
—	2011	24-5-1943	Kanegafuchi Boseki Kabushiki Kwaisha .. ..	24

Nairobi, 30th May, 1946.

H. V. ANDERSON,  
for Registrar of Trade Marks.

GENERAL NOTICE No. 923

## THE CROWN LANDS ORDINANCE

## RETURN OF LAND GRANTS—1ST JANUARY, 1946, TO 31ST MARCH, 1946

The date of registration of the documents effecting these transfers has not been taken into consideration.

Nairobi,  
4th May, 1946G. J. ROBBINS,  
Commissioner of Lands, Mines and Surveys

Name	L.R. or Plot No.	Locality	Area (Approx.)	Stand Premium	Annual Rent	Term	Remarks
			<i>Acres</i>	<i>Sh.</i>	<i>Sh.</i>	<i>Years</i>	
<b>I. FARM GRANTS</b>							
(i) <i>By Auction or Tender</i> ..	NIL						
(b) <i>Direct Grants</i> ..	NIL						
<b>II. FARM EXCHANGES</b> ..							
<b>III. FARM REVERSIONS</b>							
F. W. Collier, H. B. Dunman and R. Edmundson ..	488 ..	Eldama Ravine ..	3,654.87	—	—	—	Acquired for public purposes.
Ditto	6262 ..	" "	3,011	—	—	—	Ditto.
S. O. Crowther ..	5276 ..	" "	2,042	—	—	—	Ditto.
M. P. Barrow ..	5641 ..	" "	1,035	—	—	—	Ditto.
M. P. Barrow ..	493 ..	" "	1,000	—	—	—	Ditto.
F. L. Butler ..	1484 ..	Uasin Gishu ..	1,930.2	—	—	—	Purchased for settlement purposes.
A. B. Sands ..	34/2 ..	Nairobi ..	624	—	—	—	Acquired for public purposes.
A. B. Sands ..	34/4 ..	Nairobi ..	300	—	—	—	Ditto.
H. G. Mayers ..	1466/1 ..	Muhoroni ..	1,000	—	—	—	Purchased for settlement purposes.
H. G. Mayers ..	6081 ..	" "	12.08	—	—	—	Ditto.
Roughcastle Estates, Ltd. }	489 ..	Eldama Ravine ..	1,000	—	—	—	Acquired for public purposes.
	490 ..	" "	1,000	—	—	—	
	5249 ..	" "	2,000	—	—	—	
<b>IV. TOWN PLOTS</b>							
<i>(a) By Auction or Tender</i>							
Manji Visram ..	35/VI ..	Kitale ..	0.3739	4,200	116	99 (1-3-46)	Residential.
Rivraj Raishi & Bros. ..	36/VI ..	" ..	0.3765	3,300	117	"	"
U. G. Patel & Co. ..	37/VI ..	" ..	0.3765	3,200	117	"	"
S. C., S. R., D. S. and P. L. Patel ..	38/VI ..	" ..	0.3765	3,000	117	"	"
A. M. Kala ..	39/VI ..	" ..	0.3765	2,600	117	"	"
Dalip Singh and Ram Singh ..	40/VI ..	" ..	0.3765	2,000	117	"	"
Amritlal Gordhandas ..	41/VI ..	" ..	0.3765	1,550	117	"	"
Gopalji Bhanji & Sons ..	42/VI ..	" ..	0.3765	1,200	117	"	"
Manji Visram ..	51/VI ..	" ..	0.3765	5,600	117	"	"
H. S. and H. M. Patel ..	52/VI ..	" ..	0.3769	7,600	116	"	"
<i>(b) Direct Grants</i>							
C. G. MacArthur ..	Unsurveyed land	Mtito Andei ..	10	1,600	320	3 (1-2-46)	(1) Subject to 99 years on completion of approved buildings. (2) Residential hotel and ancillary purposes.
B. W. D. Cochrane ..	28/XX ..	Nyeri Township ..	—	—	20	99 (1-3-46)	Residential.
<i>(c) Exchanges to Facilitate Town Planning and other Purposes</i> ..							
NIL							
<i>(d) Direct Grants for Religious, Educational and Charitable Purposes</i>							
Indian School ..	Eastern portion of Plot 104/I	Kakamega ..	3.5	—	72	3 (1-2-46)	Subject to extension to 33 years on completion of approved buildings.
Mombasa Diocesan Trustees Registered.	Portion of Plot M.13	Malindi Township ..	2	—	72	3 (1-1-46)	Subject to extension to 99 years on completion of approved buildings.
<i>(e) Direct Grants for Sports Purposes</i>							
Trustees, Nakuru Race Club ..	Sect. XLIV ..	Nakuru Township ..	78.24	—	158	25 14-12-45	Race-course, polo ground and general sports club.
<i>(f) Direct Grants for Special Purposes</i>							
Salvation Army ..	3/XLVII ..	Kisumu Township ..	1.431	—	72	3 (1-1-46)	Residence for European officers of Salvation Army. Subject to extension to 99 years on completion of approved buildings.
Mombasa Municipal Board ..	Portion of 61/R, Sect. IX	Mombasa Island ..	—	—	Pepper-corn	99 (1-1-46)	African housing only.
<b>V. TOWN PLOTS REVERSIONS</b>							
Nizam Din s/o Mohamed Bux Bhagal Singh ..	923/III ..	Eastleigh ..	0.112	—	—	—	Acquired for public purposes.
	1016/III ..	" ..	0.112	—	—	—	
	178/III ..	" ..	0.1205	—	—	—	
Rashida Asiff Butt (Mrs.)	179/III ..	" ..	0.1205	—	—	—	
	180/III ..	" ..	0.1205	—	—	—	
Sarop Singh ..	921/III ..	" ..	0.112	—	—	—	
	922/III ..	" ..	0.112	—	—	—	

## RETURN OF LAND GRANTS—(Contd.)

Name	L.R. No.	Locality	Acreage	Term Granted	Present Position
<b>VI. SHORT-TERM LEASES FOR WAR-TIME PRODUCTION</b>					
<i>(a) Reversions</i>					
McKillop and Prettejohn ..	4353/R ..	Naro Moru ..	50	3 years from 1-7-42 ..	Expired 1-7-45.
O'Donoghue and Klingler ..	2079 ..	Trans Nzoia ..	940	" " 1-8-42 ..	" " 1-8-45.
F. M. Prinsloo ..	883/R ..	" " ..	580	" " 1-9-42 ..	Lease expired 30-8-45.
A. H. Erasmus ..	883/R ..	" " ..	760	" " 1-9-42 ..	" " 30-8-45.
G. Mathews ..	5144 ..	Nyeri ..	223	" " 1-12-42 ..	" " 1-12-45.
E. H. Randall ..	866/R ..	Uasin Gishu ..	630	" " 1-1-43 ..	" " 31-12-45.
J. J. Randall ..	866/R ..	Uasin Gishu ..	450	" " 1-1-43 ..	" " 31-12-45.
W. G. M. MacDonald ..	3501 ..	Maragua Ridge ..	348	" " 1-3-43 ..	" " 1-3-46.
A. N. Cooper ..	3064 ..	Nandi ..	60	From 19-2-44 to 30-9-44	Extended to 30-3-45.
Capt. C. T. Todd ..	—	Timau Township ..	400	From 1-2-44 and period of hostilities.	Expired 31-12-45.
Mrs. E. M. Welmans ..	Portion of 1860	Timboroa ..	30	From 1-6-44 and period of hostilities.	Extended to 31-1-46.
R. Fremlin ..	Portion of 2066/R	Trans Nzoia ..	600	From 1-6-44 and period of hostilities.	Expired 31-12-45.
F. Predly ..	1646 ..	Molo ..	1,689	From 1-8-44 and period of hostilities.	Expired 31-12-45.
<b>VII. SHORT-TERM LEASES FOR WAR-TIME PRODUCTION</b>					
<i>(b) Extensions</i>					
A. Simpson ..	—	Njoro Township ..	205	3 years from 1-6-42 ..	Lease extended to— 31-8-46.
Muhoroni Sugar Co. ..	4231/R ..	Muhoroni ..	432	" " 1-6-42 ..	31-12-46.
L. R. Hambidge ..	5540 ..	Trans Nzoia ..	965	" " 1-6-42 ..	1-6-46.
P. B. Sannum ..	2117 ..	Trans Nzoia ..	700	" " 1-7-42 ..	31-12-46.
J. A. Valpy ..	2986 ..	Trans Nzoia ..	400	" " 1-7-42 ..	1-7-46.
P. W. Davies ..	883/R ..	Uasin Gishu ..	460	" " 1-9-42 ..	31-8-46.
Major J. W. Godley ..	2118 ..	Trans Nzoia ..	240	" " 1-11-42 ..	30-9-46.
G. M. Hamilton ..	598 ..	Lumbwa ..	980	" " 1-12-42 ..	31-12-46.
Mrs. E. M. Welmans ..	Portion 1860	Timboroa ..	80	" " 1-2-43 ..	31-1-46.
Davies Brothers ..	Portion 2115	Trans Nzoia ..	1,400	" " 1-2-43 ..	31-12-46.
J. H. Joubert ..	Portion 2466	Oi Arabel ..	765	" " 1-12-42 ..	31-12-46.
J. G. Van Deventer ..	Portion 6940	Oi Arabel ..	710	" " 1-12-42 ..	31-12-46.
T. A. Ryder ..	Portion 584	Londiani Township	56	" " 1-8-43 ..	31-12-47.
N. W. Ballinger ..	Portion 1642-1643	West Molo ..	365	" " 1-2-43 ..	31-12-46.
J. W. Godley ..	2118/R ..	Trans Nzoia ..	120	From 1-12-43 and period of hostilities.	30-9-46.
Thornhill and Chalmers ..	1500/R ..	Nakuru ..	300	From 1-12-43 and period of hostilities.	31-12-46.
A. Simpson ..	Portion of Plot 3/XXXI	Njoro Township ..	235	From 1-4-44 and period of hostilities.	31-8-46.
A. Simpson ..	XVIII ..	Njoro Township ..	205	3 years from 1-6-42 ..	31-8-46.

## GENERAL NOTICE No. 924

TRANS NZOIA DISTRICT COUNCIL  
ELECTION IN NORTH-WEST WARD

NOTICE is hereby given that at the above election held on the 31st May, 1946, the following two duly nominated candidates were declared elected:—

Forest Ralph Bancroft, Esq.  
Lt.-Col. Claude Leslie Bolton, M.C.

Council Offices, Kitale,  
31st May, 1946.

M. L. VERNON,  
Clerk to the Council.

## GENERAL NOTICE No. 925

THE JUBILEE INSURANCE COMPANY, LIMITED  
MOMBASA  
(Incorporated in Kenya)

Share Certificate No. 1756—5 Shares, Distinctive Numbers 43349/43353, in the name of Badruddin Hasham, formerly of Mombasa, at present residing at Nairobi.

NOTICE is hereby given that evidence of the loss of the above numbered share certificate has been furnished to the company. Any person in possession of the share certificate or claiming to have any interest therein should communicate immediately with the company. Failing any such communication within thirty days from the date thereof, a certified copy of the share certificate will be issued.

M. R. HOSANGADY,  
General Manager.  
Mombasa, 28th May, 1946.

## GENERAL NOTICE No. 926

## THE REGISTRATION OF PATENTS ORDINANCE, 1933

IT IS hereby notified for general information that the following subsequent entry relating to Patent No. 311 of 1944 in the Kenya Register of Patents was made by me on the 6th day of May, 1946:—

*Subsequent Entry*

*Date of application.*—6th day of May, 1946.

*Name of applicant.*—Stafford Allen & Sons, Limited, of Wharf Road, London, N.1, England.

*Nature of application and entry made.*—Registration of assignment.

*Documents filed in registry.*—Application.

Nairobi, 31st May, 1946.

W. B. CUMMING,  
Registrar of Patents.

## GENERAL NOTICE No. 927

## THE REGISTRATION OF PATENTS ORDINANCE, 1933

IT IS hereby notified for general information that the following subsequent entry relating to Patent No. 303 of 1943 in the Kenya Register of Patents was made by me on the 6th day of May, 1946:—

*Subsequent Entry*

*Date of application.*—6th day of May, 1946.

*Name of applicant.*—Stafford Allen & Sons, Limited, of Wharf Road, London, N.1, England.

*Nature of application and entry made.*—Registration of assignment.

*Documents filed in registry.*—(1) Application. (2) Attested copy of the deed of assignment dated the 4th day of February, 1946. (3) Authorization of agent.

Nairobi, 31st May, 1946.

W. B. CUMMING,  
Registrar of Patents.

## GENERAL NOTICE No. 928

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of "Smart's Butchery" carried on by Arthur Ewart Smart and Gladys Maud Smart, of Nanyuki in the Colony of Kenya, under the name or style of "Smart's Butchery", has been transferred to Peers Averard Petersen, of Nanyuki, as from the 1st day of August, 1945, who will carry on the said business under the style or firm of "Smart's Butchery (P. A. Petersen)".

The address of the transferors is Nanyuki in the said Colony. The address where the transferors carried on business is Nanyuki aforesaid.

The address where the transferee will carry on the business is Nanyuki aforesaid.

The transferee does not assume and does not intend to assume any liabilities incurred in the business by the transferors or either of them up to and including the 31st day of July, 1945.

A. E. SMART, *Transferor, Nanyuki.*

G. M. SMART, *Transferor, Nanyuki.*

P. A. PETERSEN, *Transferee, Nanyuki.*