



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO. 1277

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

T. V. N. FORTESCUE,  
*Acting Clerk to the Legislative Council*

**A BILL ENTITLED**  
**AN ORDINANCE TO AMEND THE ANIMAL DISEASES ORDINANCE**

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 Animal Diseases (Amendment) Ordinance 1950, and shall be read and construed as one with the Animal Diseases Ordinance (hereinafter referred to as the principal Ordinance)

Short title  
Cap 213
- 2

Section 2 of the principal Ordinance is amended in the following respects—

Amendment of section 2 of the principal Ordinance
- (a)

by inserting before the definition of “animals” the following new definition—

“officer of the administration” means administrative officer or a veterinary officer.
- (b)

by inserting after the definition of “disease” the following new definition—

“veterinary officer” means a veterinary officer in the employment of the Government or of the East Africa High Commission
3.

Section 3 of the principal Ordinance is amended by adding thereto the following new sub-section—

Amendment of section 3 of the principal Ordinance
- (4)

Any person who acts in contravention of, or fails to comply with, any of the provisions of sub-section (1) of this section shall be guilty of an offence against this Ordinance
- 4

Section 5 of the principal Ordinance is amended in the following respects—

Amendment of section 5 of the principal Ordinance
- (a)

by renumbering the existing section as sub-section (1),
- (b)

by substituting for the numbers (1), (2), (3), (4), (5) and (6) opposite the paragraphs of sub-section (1) (as renumbered by this section) the letters (a), (b), (c) (d), (e) and (f), and

(c) by adding the following new sub-section as sub-section (2)—

(2) Any person who acts in contravention of, or fails to comply with, any of the provisions of sub-section (1) of this section shall be guilty of an offence against this Ordinance 5

Amendment of  
section 6 of  
the principal  
Ordinance

5. Section 6 of the principal Ordinance is amended by renumbering the existing section as sub-section (1) and by adding thereto the following new sub-section—

(2) Any person who acts in contravention of, or fails to comply with, the provisions of any notice issued under sub-section (1) of this section shall be guilty of an offence against this Ordinance 10

Amendment of  
section 14 of  
the principal  
Ordinance

6. Section 14 of the principal Ordinance is amended by renumbering the existing section as sub-section (1) and by adding thereto the following new sub-section— 15

(2) Any person who acts in contravention of, or fails to comply with, any direction made and published under the provisions of sub-section (1) of this section shall be guilty of an offence against this Ordinance 20

Declaration  
Validity of  
rules  
Offences

7. For removing doubts it is hereby declared—

(i) that the Governor in Council has, under the principal Ordinance and has had at least since the 1st day of July, 1926, when the 1926 Edition of the Laws of Kenya came into operation power under section 7 of the Diseases of Animals Ordinance (Chapter 157 of that Edition) to make rules for all or any of the purposes mentioned in section 7 of the principal Ordinance, and 25

(ii) that the Governor in Council has power, under section 15 of the Interpretation and General Clauses Ordinance, and has had power, at least since the said 1st day of July, 1926, under section 9 of the Interpretation and General Clauses Ordinance (Chapter 1 of the 1926 Edition of the Laws of Kenya), to annex to the breach of any rule so made such penalty not exceeding one hundred pounds or two thousand shillings or such term of imprisonment not exceeding two months, or both, as the Governor in Council may think fit, subject to disallowance by His Majesty, and 40

(iii) that where a penalty has been annexed by the Governor in Council as aforesaid to the breach of any such rule and has not been disallowed by His Majesty, the breach of such rule is, and has been at least since the said 1st day of July, 1926, or the date of the coming into operation of such rule, whichever date is the later, an offence, upon conviction for which such penalty may be imposed by the convicting court, and 45

G N 597 of 1931

(iv) in particular, that rule 21 of the Diseases of Animals Rules, 1931, was validly made and has not been disallowed by His Majesty and that the moving, contrary to the provisions of that rule, of any cattle, swine, sheep or goats is, and has been since the 29th day of March, 1935 (being the date of coming into operation of the amended rule 67 of the said Rules), an offence rendering the owner and the person actually in charge of any cattle, swine, sheep or goats so moved liable, on conviction therefor by a competent criminal court, to a penalty or fine not exceeding one hundred pounds or to a term of imprisonment not exceeding two months or to both such fine and imprisonment 50 55 60

# MEMORANDUM OF OBJECTS AND REASONS

The Supreme Court has recently held that rule 21 (4) of the Diseases of Animals Rules, 1931 (Government Notice No 597 of 1931), which makes it an offence to move cattle, swine, sheep or goats with a permit, is *ultra vires* the Ordinance under which it was made. The Crown has appealed against the judgment of the Supreme Court, but the appeal cannot be heard for some time. In the meantime, the effects of allowing unrestricted movement of stock might be so serious that it has been considered that legislation should be immediately enacted to declare the validity of the rule and that a breach of it is an offence punishable with the penalty provided by rule 67 and to remove any doubts as to the powers which the Governor in Council possesses in relation to rules made under the Animal Diseases Ordinance (Chapter 213) or its predecessor the Diseases of Animals Ordinance (Chapter 157 of the 1926 Edition of the Laws of Kenya) Clause 7 of this Bill will effect that object.

The opportunity will also be taken (clause 2) to insert in the Animal Diseases Ordinance definitions of the expressions "veterinary officer" and "officer of the administration". The latter expression is used in section 10 of the principal Ordinance which gives an indemnity to "officers of the administration" acting in good faith. It has been held that this indemnity is confined to "administrative officers", as defined in the Interpretation and General Clauses Ordinance, and it is now desired to make it clear that the expression "officer of the administration" in this context includes veterinary officers upon whom important (if not the main) duties in administering a Diseases of Animals Ordinance are cast.

The opportunity is also taken of inserting penalty clauses in sections 3, 5, 6 and 14 of the principal Ordinance (Clauses 3, 4, 5 and 6).

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

Nairobi,  
22nd November, 1950

K K O'CONNOR,  
Attorney General



GOVERNMENT NOTICE No 1278

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

I V N FORTESCUE  
*Acting Clerk to the Legislative Council*

**A BILL ENTITLED  
AN ORDINANCE TO AMEND THE KING'S AFRICAN  
RIFLES ORDINANCE, 1932**

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

Short title

1. This Ordinance may be cited as the King's African Rifles (Amendment) Ordinance, 1950, and shall be read and construed as one with the King's African Rifles Ordinance, 1932, hereinafter referred to as the principal Ordinance

No 48 of 1932

Amendment of  
section 50 of  
the principal  
Ordinance

2. Sub-section (10) of section 50 of the principal Ordinance is amended by substituting a comma for the full stop at the end of the sub-section and by adding the words "and the following provisions of the Army Act, that is to say, section 128 (relating to rules of evidence in proceedings before courts-martial) and of section 163 (relating to evidence in proceedings under the Army Act) and section 164 (relating to evidence of civil conviction or acquittal) and section 165 (relating to evidence of conviction by court-martial), shall apply in all respects as if such provisions were incorporated in and formed part of this Ordinance"

**MEMORANDUM OF OBJECTS AND REASONS**

It has recently been brought to notice that the provisions of sub-section (10) of section 50 of the King's African Rifles Ordinance, 1932, are not framed sufficiently widely to apply to proceedings before a court-martial convened under the Ordinance the provisions of the Army Act relating to evidence in proceedings before courts-martial. As this was the intention this Bill will amend sub-section (10) so to provide

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

Nairobi,  
20th November, 1950

K K O'CONNOR  
*Attorney General*