



THE OFFICIAL GAZETTE  
OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE No 1279

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

Short title  
Cap 266

2. Sub-paragraph (a) of paragraph (16) of section 10 of the principal Ordinance is amended by substituting a colon for the full stop at the end of the sub-paragraph and by adding the following proviso—

Amendment of  
section 10 of  
the principal  
Ordinance

Provided that when the 31st day of December in any year, or any other day in any year which, in the opinion of the Member, may be regarded as an extraordinary occasion, falls on a Sunday, a district commissioner may grant a Temporary Extension Licence under this paragraph authorizing the sale of liquor on the premises specified in such licence between the hours of 9 o'clock at night and 2 o'clock in the morning of the day following

MEMORANDUM OF OBJECTS AND REASONS

Under paragraph (16) of section 10 of the Liquor Ordinance (Cap 266) no Temporary Extension Licence may be granted authorizing the sale of liquor after 11 p m on a Sunday

It is considered that when New Year's Eve falls on a Sunday or when some other day which in the opinion of the Member, may be regarded as an extraordinary occasion falls on a Sunday it ought to be permissible to grant an extension licence which would authorize the sale of liquor up to 2 a m

This Bill amends the principal Ordinance to provide for this

It is not expected that any additional expenditure of public money, will be incurred if the provisions of this Bill become law

Nairobi,  
25th November 1950

K K O'CONNOR,  
*Attorney General*

GOVERNMENT NOTICE No 1280

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*

ARRANGEMENT OF SECTIONS

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2—Interpretation	13—Books of account
3—Establishment of a Road Authority	14—Estimates and report
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5—Meetings of the Authority	16—Liability of Members
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8—Staff of the Authority	19—Amendment of Ordinances
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10—Plans for road construction to be approved by Authority	
11—Establishment of Road Fund	

SCHEDULE

**A BILL ENTITLED**  
**AN ORDINANCE TO MAKE PROVISION FOR THE ESTABLISHMENT OF A ROAD AUTHORITY AND A ROAD FUND AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH**

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

Short title and commencement	1. This Ordinance may be cited as the Road Authority Ordinance, 1950, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint	
Interpretation	2. In this Ordinance, unless the context otherwise requires— “the Authority” means the Road Authority established under section 3 of this Ordinance, “the Fund” means the Road Fund established under section 11 of this Ordinance, “local authority” means— (a) the Council or Board of any municipality established under the Municipalities Ordinance, (b) a District Council established under the Local Government (District Councils) Ordinance, (c) an African District Council established under the African District Councils Ordinance, 1950, or (d) the District Commissioner of any township established under the Townships Ordinance, “Member” means the Member of the Executive Council of the Colony for the time being responsible for the Road Authority, “municipality” has the same meaning as in the Municipalities Ordinance, “public road” has the same meaning as in the Public Roads Ordinance	5 10 25
Cap 136		
Cap 140		
No 12 of 1950		
Cap 133		
Cap 136		
Cap 229		
Establishment of a Road Authority	3. (1) There is hereby established an Authority, to be known as the Road Authority, which shall consist of a Chairman and eight other members of whom— (a) one shall be the Director of Public Works, (b) one shall be the Commissioner for Local Government, (c) one shall be a representative of the Member for Finance, (d) one shall be an unofficial member of the Development and Reconstruction Authority to be appointed by the Governor in Council, (e) four shall be appointed by the Governor in Council (2) The Chairman of the Authority shall be a person appointed by the Governor	30 35

(3) On the 31st day of December in each year one of the unofficial members of the Authority mentioned in paragraph (e) of sub-section (1) of this section shall retire. The member to retire in each year shall be the member who has been longest in office, provided that, as between two or more who have been in office an equal length of time, the member to retire shall, in default of agreement between them, be determined by lot. The length of time a member has been in office shall be computed from the date of his last appointment or re-  
10 appointment on vacating office, as the case may be. A retiring member shall be eligible for reappointment.

(4) The Governor may appoint any person to act temporarily in the place of the Chairman or any other member of the Authority in the case of the absence or inability to  
15 act of the Chairman or such other member.

(5) An unofficial member of the Authority may at any time resign his office by instrument in writing addressed to the Chairman thereof who shall forthwith cause it to be forwarded to the Member and from the date of the receipt by  
20 the Chairman of such instrument such member shall cease to be a member of the Authority.

(6) The appointment and retirement or resignation of any member of the Authority shall be notified in the Gazette.

4. (1) The Authority shall be a body corporate having  
25 perpetual succession and a common seal and shall have the powers and perform the duties and functions imposed upon it by this Ordinance.

Incorporation of  
the Authority

(2) The seal of the Authority shall be authenticated by the signature of the Chairman or one member of the Authority  
30 authorized in that behalf and the Secretary to the Authority and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman, any member  
35 of the Authority authorized in that behalf, or the Secretary to the Authority.

(4) The Authority shall have power to enter into contracts, to hold and dispose of property both real and personal, and to sue and be sued in its corporate name and may for all  
40 purposes be described by such name.

5. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business and in any case not less than once in each quarter, and such meetings shall be held at such places and times and on such days as the  
45 Authority may determine.

Meetings of the  
Authority

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within fourteen days of a requisition for that purpose addressed to him by any three members of the Authority.

50 (3) The Chairman shall preside at all meetings of the Authority at which he is present, and in the case of his temporary absence the members present and constituting a quorum shall elect a Chairman from their number.

(4) A quorum of the Authority shall be four.

55 (5) The decisions of the Authority shall be by a majority of votes and the Chairman of the meeting shall have an original and a casting vote.

(6) Minutes in proper form shall be kept by the Secretary and shall be confirmed by the Chairman as soon as practicable thereafter at a subsequent meeting.

(7) The powers of the Authority shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Authority

5

Executive  
Committee

6. (1) The Authority may appoint from among its members an Executive Committee which shall be responsible for the conduct of the day to day business of the Authority

(2) An Executive Committee appointed under sub-section (1) of this section shall have such of the powers and perform 10 such of the duties and functions of the Authority as the Authority may, by resolution, either generally or specially authorize, so however that it shall not take any decision upon any important question of policy

Technical  
Adviser

7. The Road Engineer of the Public Works Department 15 of the Government shall act as the Chief Technical Adviser to the Authority

Staff of the  
Authority

8. To enable the Authority to exercise its powers and to perform its duties and functions under this Ordinance, the Governor may, on the advice of the Authority, place at the 20 disposal of the Authority, upon such terms as to payment of, or contribution to, salaries allowances, pensions or provident or superannuation funds as the Governor may determine, such officers and servants of the Government as he may think fit, and the Authority may make any such payment or contribution 25 accordingly

Powers and  
duties of the  
Authority

9. (1) Subject to the general or special directions of the Member the Authority is hereby empowered and required—

- (a) to formulate, and be responsible for the execution of, the policy in relation to the planning, classification, 30 siting, construction, reconstruction, discontinuance, diversion, improvement, maintenance and repair of all public roads,
- (b) to conduct such research and experiment into road construction and road materials as may be con- 35 sidered desirable,
- (c) to determine the priority which is to be given to any particular work of planning, construction, reconstruction, discontinuance, diversion, improvement, maintenance or repair of or relating to public roads, 40
- (d) to advise local authorities on any matter relating to the planning, classification, siting, construction, reconstruction, discontinuance, diversion, improvement, maintenance or repair of public roads,
- (e) in all cases in which the payment of any money out 45 of the Fund has been granted or sanctioned for the construction, reconstruction, diversion, improvement, maintenance or repair of any public road, to tender advice to the local authority concerned, and to exercise such powers of supervision and direction as may be necessary to ensure that the work is properly 50 executed and the moneys derived from the Fund are utilized to the best advantage and, in any such case, a local authority shall be bound to comply with the directions of the Authority, 55
- (f) to recommend to the Governor in Council any new legislation or amendments to existing legislation the introduction of which the Authority considers necessary to enable it to carry out the purposes of this Ordinance, 60
- (g) to delegate any of the executive powers vested in the Authority to any person, committee or authority

(2) If the Authority fails to perform any of the functions or duties conferred or imposed by this Ordinance the Member may by writing under his hand direct the Authority to perform any such duty or function, and if the Authority fails to comply with any such direction the Member may himself perform such duty or function and may for that purpose exercise any of the powers conferred on the Authority under this Ordinance

10. (1) No local authority shall carry into execution any plan relating to construction, reconstruction discontinuance, diversion or improvement of any main trunk road or main district road referred to in sub-section (6) of section 96 of the Municipalities Ordinance or of any district road as defined in the Local Government (District Councils) Ordinance, unless such plan has first been approved by the Authority

Plans for road construction to be approved by Authority

Cap 136

Cap 140

(2) Any local authority aggrieved by any refusal of the Authority to approve any such plan may appeal to the Member whose decision shall be final

11. (1) There is hereby established a Fund to be known as the Road Fund which shall be administered by the Authority through the Accounts Branch of the Public Works Department of the Government in accordance with the provisions of this Ordinance

Establishment of Road Fund

(2) There shall be credited to the Fund—

(a) a sum equal to that portion of the annual revenue derived from all fees in respect of vehicle licences, driving licences and certificates of competency issued under the Traffic Ordinance as the Governor in Council has not, pursuant to sub-section (6) (b) of section 96 of the Municipalities Ordinance, directed to be paid to any municipal council or board,

Cap 232

Cap 136

(b) a sum equal to the annual revenue derived from the petrol consumption tax under the Dangerous Petroleum Tax Ordinance,

Cap 268

(c) any sum which may be voted by the Legislative Council,

(d) any moneys which may be raised by way of loan by the Governor, with the consent of the Legislative Council, for the purposes of this Ordinance,

(e) any moneys derived from the sale of any property belonging to the Authority

12. The Fund shall be applied towards—

Purposes for which the Fund may be utilized

(a) all expenditure incurred by the Authority in the exercise of the powers or the performance of the duties and functions imposed under this Ordinance,

(b) the payment of the whole or part of the salaries and allowances, and of any contribution towards pensions or provident or superannuation funds of officers and servants of the Government whose services have been placed by the Governor at the disposal of the Authority,

(c) the expenses of the Authority including, subject to the approval of the Member the payment of any salary or fee to the Chairman and of travelling and subsistence allowances to the Chairman and other members of the Authority,

(d) the creation of such reserve, depreciation, renewal or sinking funds as the Authority, with the approval of the Member, may deem advisable,

(e) the payment of interest upon and the repayment of the principal moneys of any loans raised for the purposes of this Ordinance,

(f) such other purposes as the Authority may, with the approval of the Governor in Council determine

Books of  
account

**13.** The Authority shall keep capital and revenue accounts and such other books of account as the Member may require 5

Estimates and  
report

**14.** (1) The Authority shall, before the 31st day of December in each year, prepare and submit to the Member estimates of its income and proposed expenditure in the next ensuing year

(2) The Member, upon being satisfied that the objects of 10 the proposed expenditure and such proposed expenditure are within the powers of the Authority shall, after approval of such estimates of income and expenditure, cause them to be laid on the table of the Legislative Council and to be published in the Gazette 15

(3) The Authority shall, as soon as may be practicable after the end of each year, make to the Member a report upon the administration of the affairs of the Authority during the preceding year. Every such report shall be accompanied by a balance sheet and a statement of the reserve and other 20 funds of the Authority duly audited by the Director of Audit or such other auditor as the Member may appoint

(4) Every such report together with the balance sheet and statement of the reserve and other funds shall be laid on the table of the Legislative Council as soon as may be 25 practicable after its receipt by the Member

Liability of  
Members

**15.** No member of the Authority shall be personally liable for any loss or damage caused by any act or omission done or omitted in good faith in the administration of the affairs of the Authority 30

Rules

**16.** (1) The Member, with the approval of the Governor in Council may make rules generally for better carrying out the provisions of this Ordinance

(2) Rules made under this section may, without prejudice to the generality of the power conferred by sub-section (1) 35 of this section—

(a) prescribe anything required to be prescribed under this Ordinance,

(b) provide for the administration of the Fund

(3) All rules made under the provisions of this section 40 shall be laid on the table of the Legislative Council during the first sitting of the Council after such rules have been made

Saving in  
respect of public  
roads within the  
area of any local  
authority

**17.** Nothing in this Ordinance shall be deemed to empower the Authority to exercise any powers or to perform any duties or functions imposed or conferred by this Ordinance, 45 other than those conferred by section 10 of this Ordinance, in respect of any public road within the area of any local authority, unless in relation to any such road the Authority has granted or sanctioned a financial contribution towards the construction, reconstruction, diversion, discontinuance, 50 improvement, maintenance or repair thereof

Amendment of  
Ordinances  
Cap 231

**18.** (1) The Central Roads and Traffic Ordinance is repealed

(2) The Ordinances specified in the first column of the Schedule to this Ordinance are amended in the manner speci- 55 fied in the second column to such Schedule



and did grant unto them and each of them the powers in the Charter expressed to be exercised until such time as the said powers were varied or revoked by him or replaced by the enactment of an Ordinance by the Legislative Council of the Colony

AND WHEREAS by a Deed of Appointment of Trustee dated the 15th day of November, 1950, and made between the Governing Council of the Kenya Cultural Centre of the one part and Barclays Bank (Dominion, Colonial and Overseas) (hereinafter called 'the Trustee') of the other part the Council appointed the Trustee as trustee upon such terms as to remuneration as should from time to time be agreed between the Trustee and the Council of all such property movable and immovable wheresoever situate as was then or should at any time hereafter be the property of the Cultural Centre to hold the same upon the trusts contained in the Charter and the Trustee thereby accepted such appointment and agreed to hold the said property upon the trusts in the Charter contained

AND WHEREAS it is desirable to confirm the establishment of the Cultural Centre and to incorporate it with extended powers and to replace the Charter by an Ordinance enacted by the Legislative Council of the Colony as therein and hereinbefore recited

BE IT THEREFORE 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 Cultural Centre Ordinance, 1950, and shall come into operation on such day as the Governor may by notice in the Gazette appoint

Short title and commencement

2. (1) The establishment of the Cultural Centre is hereby confirmed

Establishment, objects and incorporation of the Kenya Cultural Centre

(2) The Cultural Centre shall consist of such societies, institutions and organizations (in this Ordinance referred to as "Constituent Members") of a cultural, academic or philanthropic nature as are set out in the Schedule to this Ordinance together with such other societies, institutions and organizations of a like nature as may be appointed as Constituent Members under section 7 of this Ordinance

(3) The objects of the Cultural Centre shall be to provide a centre for the use and enjoyment of the citizens of the Colony and Protectorate of Kenya without distinction of race or creed and to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance and such other purposes generally as may be approved by the Council, not being incompatible with the objects hereinbefore expressed

(4) The Cultural Centre shall be a body corporate under the style of the Kenya Cultural Centre and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall have power for the purposes of this Ordinance to acquire and hold, mortgage, charge, lease or let movable and immovable property and to sell, lease, dispose of or otherwise deal with movable or immovable property acquired by it and no longer required for such purposes

3. (1) The Council shall consist of not less than five or more than eight persons, three of whom shall respectively be His Worship the Mayor of Nairobi, His Honour the Chief

Constitution and proceedings of the Council

Justice of Kenya, the Senior Representative in Kenya of the British Council and such other persons not exceeding five in number as may be nominated by the Governor of Kenya

(2) The Council shall act by a majority of the members present and voting at any meeting 5

(3) The President of the Council shall be elected by the Council and shall, at any meeting over which he presides, in the event of an equality of votes, have a casting vote

(4) The President shall hold office for a term of two years and shall be eligible for re-election, but shall cease to 10 hold office if he ceases to be a member of the Council

(5) The persons appointed to the Council by the Governor shall hold office during the Governor's pleasure

(6) The Council shall, from among its members, appoint one person to be Deputy President of the Council who, if 15 present shall preside at any meeting from which the President is absent and while so presiding shall have all the powers of the President. If neither the President nor the Deputy President is present at a meeting of the Council the members present shall elect their own chairman 20

(7) At any meeting of the Council three members present shall form a quorum

(8) The Council shall keep such minute and other books as may be necessary to record all resolutions and other business of the Council 25

Temporary  
members

4. Should any member of the Council be absent from the Colony or unable to act at any time the Governor may appoint any other person to take his place as a temporary member of the Council and any such person so appointed shall hold office during the absence or inability to act of the 30 person whose place he has taken

Powers and  
duties of the  
Council

5. (1) The Council shall by resolution determine the policy of the Cultural Centre and give directions with regard to any matters coming within the scope of its objects heretofore set out and the activities generally of the Cultural 35 Centre and in particular and without prejudice to the generality of the foregoing powers with regard to—

- (i) finance,
- (ii) buildings and the management and use thereof and the commercial management of any theatrical or other 40 undertaking sponsored by the Cultural Centre,
- (iii) maintenance and improvements,
- (iv) the acquisition, sale, leasing or letting or other disposition of property movable or immovable,
- (v) the raising of funds by mortgage or otherwise, 45
- (vi) the investment in such securities as the Council may authorize of the funds of the Cultural Centre,
- (vii) the employment, remuneration and dismissal of a Manager and of staff and servants of the Cultural Centre 50

(2) The Council—

- (a) shall appoint auditors for the funds of the Cultural Centre for which the Council is responsible,
- (b) shall obtain the advice of the Trustee on all matters relating to finance, 55
- (c) may allocate to the Board from time to time such sum or sums of money as the Council shall think fit,



## SCHEDULE

*First Column**Second Column*

The Native Lands Trust  
Ordinance (Cap 100)

Sub-section (4) of section 25 is amended by substituting for the words "the Central Roads and Traffic Board established under the Central Roads and Traffic Ordinance" the words "the Road Authority established under the Road Authority Ordinance, 1950,"

The Municipalities  
Ordinance (Cap 136)

Sub-section (6) of section 96 is amended in the following respects—

(a) by substituting for the words "general revenue of the Colony" the words "Road Fund established under the Road Authority Ordinance, 1950,"

(b) by substituting for sub-paragraph (i) of paragraph (a) the following—

(i) a grant of one-half of the cost of the construction or reconstruction to such standard as the Road Authority established under the Road Authority Ordinance, 1950, may approve, and the maintenance of such roads within the municipality as the Governor in Council on the advice of such Road Authority may determine, subject to provision being made in the annual estimates of the Council or Board for the recovery of the remaining cost of construction or reconstruction and maintenance (or, where such remaining cost is to be met from loan funds, for the recovery of the interest and loan charges) out of rates imposed on the public,

The Local Government  
(District Councils)  
Ordinance (Cap 140)

(1) There shall be substituted for section 113 the following new section—

113 (1) There shall be paid to the Council out of the Road Fund such annual sum for the maintenance and improvement of district roads as the Road Authority may determine

(2) In determining the amount of the sum to be paid to the Council under sub-section (1) of this section the Road Authority shall have regard to the mileage of the district roads within the district under the jurisdiction of the Council and to the weight, volume and nature of the traffic upon such roads

(2) Section 114 is amended in the following respects—

(a) by substituting for the words "from the general revenue of the Colony" which occur in sub-section (1) the words "out of the Road Fund",

(b) by substituting for the words "shall be forwarded to the Commissioner for Local Government" which occur in sub-section (2) the words "shall be forwarded through the Commissioner for Local Government to the Road Authority"

(3) Section 115 is amended by substituting for the words "from the public revenues of the Colony all sums derived by Government" the words "out of the Road Fund all sums derived"

(4) There shall be added the following new section—

115A In sections 113, 114 and 115 of this Ordinance the expressions "Road Authority" and "Road Fund" have respectively the same meaning as in the Road Authority Ordinance, 1950

Interpretation of  
Road  
Authority" and  
Road Fund

## SCHEDULE—(Contd)

<i>First Column</i>	<i>Second Column</i>
The Roads Protection Ordinance (Cap 230)	<p>(1) Section 3 is amended in the following respects—</p> <p>(a) by substituting for the words “the Governor may” the words “The Road Authority established under the Road Authority Ordinance, 1950, may”,</p> <p>(b) by substituting for the words “The Director of Public Works shall display in such manner and position as may seem to him” the words “and shall display in such manner and position as may seem to it”</p> <p>(2) Section 4 is amended by substituting for the words “The Director of Public Works or any person authorized by him in writing in that behalf” the words “The Road Authority established under the Road Authority Ordinance, 1950,”</p> <p>(3) Section 5 is amended by substituting for the words “The Director of Public Works” the words “The Road Authority established under the Road Authority Ordinance, 1950,”</p>
The Traffic Ordinance (Cap 232)	Section 2 is amended by substituting for the words “the Director of Public Works or his duly authorized representative” which occur in the definition of “road authority” the words “the Road Authority established under the Road Authority Ordinance 1950,”
The Ferries Ordinance (Cap 236)	Paragraph (1) of section 3 is amended by substituting for the words “after consulting the Central Roads and Traffic Board” the words “after consulting the Road Authority established under the Road Authority Ordinance, 1950,”

## MEMORANDUM OF OBJECTS AND REASONS

This Bill will give legislative effect to the recommendations of the Road Authority Committee Report which was recently adopted by the Legislative Council

The Bill will establish a Road Authority and a Road Fund and will prescribe the powers of the Authority and the purposes for which the Fund may be utilized

*Clauses 3 and 4* will provide for the establishment and incorporation of the Authority

*Clause 5* will provide for the meetings and procedure of the Authority

*Clause 6* will provide for the appointment of an executive committee which will be responsible for the day to day business of the Authority and will exercise such of the powers and perform such of the functions as the Authority delegates to it This will give effect to the recommendation of the Road Authority Committee contained in paragraph 5 of the Report

*Clause 7* will provide that the Road Engineer shall be the Chief Technical Adviser to the Authority and *clause 8* will provide for the Authority to have such officers and servants of the Government as the Governor may, on the advice of the Authority, place at its disposal

*Clause 9* will set out the powers, duties and functions of the Authority These are—

- (a) to formulate, and be responsible for the execution of the policy in relation to the planning, classification, siting, construction, reconstruction, discontinuance, diversion, improvement, maintenance and repair of all public roads,
- (b) to conduct such research and experiment into road construction and road materials as may be considered desirable,
- (c) to determine the priority which is to be given to any particular work of planning, construction, reconstruction, discontinuance, diversion, improvement, maintenance or repair of or relating to public roads,

- (d) to advise local authorities on any matter relating to the planning, classification, siting, construction reconstruction, discontinuance, diversion, improvement maintenance or repair of public roads
- (e) in all cases in which the payment of any money out of the Fund has been granted or sanctioned for the construction, reconstruction, diversion improvement, maintenance or repair of any public road to tender advice to the local authority concerned, and to exercise such powers of supervision and direction as may be necessary to ensure that the work is properly executed and the moneys derived from the Fund are utilized to the best advantage and, in any such case, a local authority shall be bound to comply with the directions of the Authority
- (f) to recommend to the Governor in Council any new legislation or amendments to existing legislation the introduction of which the Authority considers necessary to enable it to carry out the purposes of the Ordinance,
- (g) to delegate any of the executive powers vested in the Authority to any person, committee or authority

*Clause 10* will prohibit a local authority executing any plan relating to construction or reconstruction of main trunk or district roads except with the approval of the Authority

*Clause 11* will provide for the establishment of the Road Fund and for its administration by the Road Authority Sub-clause (2) of clause 11 specifies the moneys which are to be credited to the Fund

*Clause 12* sets out the purposes for which the Fund may be used which are—

- (a) all expenditure incurred by the Authority in the exercise of the powers or the performance of the duties and functions imposed under the Ordinance,
- (b) the payment of the whole or part of the salaries and allowances and of any contribution towards pensions or provident or superannuation funds of officers and servants of the Government whose services have been placed by the Governor at the disposal of the Authority,
- (c) the expenses of the Authority including the payment of any salary or fee to the Chairman and other members of the Authority,
- (d) the creation of such reserve, depreciation, renewal or sinking funds as the Authority may deem advisable,
- (e) the payment of interest upon and the repayment of the principal moneys of any loans raised for the purposes of the Ordinance,
- (f) such other purposes as the Authority may, with the approval of the Governor in Council, determine

*Clauses 13 and 14* contain provisions relating to the books of account and estimates of revenue and expenditure of the Authority

*Clause 15* exempts members of the Authority from personal liability for acts or omissions done or omitted in good faith in the administration of the affairs of the Authority

*Clause 16* enables the Governor in Council to make rules for better carrying out the provisions of the Ordinance

*Clause 17* will limit the exercise by the Authority of its powers or functions (other than the powers conferred by *clause 10*) in relation to a public road within the area of a local authority to any such road in respect of which the Authority has granted or sanctioned a financial contribution towards its construction, reconstruction, improvement, maintenance or repair

*Clause 18* will repeal the Central Roads and Traffic Ordinance and will make consequential amendments to certain other Ordinances set out in the Schedule to the Bill

It is not possible to estimate what expenditure of public moneys will be incurred if the provisions of this Bill become law, but a provision of approximately £1 514,000 for capital and recurrent expenditure has been made in the 1951 Estimates

Nairobi,  
13rd November 1950

K K O'CONNOR,  
Attorney General

GOVERNMENT NOTICE No 1281

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*

## ARRANGEMENT OF SECTIONS

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	SCHEDULE—Constituent Members

**A BILL ENTITLED**  
**AN ORDINANCE TO INCORPORATE THE KENYA**  
**CULTURAL CENTRE AND TO CONFIRM AND**  
**EXTEND ITS POWERS**

WHEREAS it was desired to establish in Nairobi a cultural centre for the use and enjoyment of the citizens of the Colony and Protectorate of Kenya without distinction of race or creed and to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance and for such other purposes generally as may from time to time be approved by the Governing Council of the cultural centre

AND WHEREAS a Committee appointed to collect funds for the establishment of a National Theatre agreed to place the funds so collected at the disposal of the said cultural centre

AND WHEREAS it was agreed by the trustees of the Kenya War Memorial and by His Worship the Mayor and the City Council of Nairobi that the Nairobi War Memorial should be incorporated in the said cultural centre

AND WHEREAS by an Instrument dated the 9th day of April, 1949, termed the Charter of the Kenya Cultural Centre (hereinafter referred to as "the Charter") and made under his hand and the Public Seal of the Colony His Excellency Sir Philip Euen Mitchell, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George upon whom has been conferred the Decoration of the Military Cross, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya—

- (a) established the Kenya Cultural Centre (in the Charter and in this Ordinance referred to as "the Cultural Centre") incorporating the Nairobi War Memorial,
- (b) established a Governing Council of the Cultural Centre (in the Charter and in this Ordinance referred to as "the Council"),
- (c) constituted a Board for the management of the Cultural Centre (in the Charter and in this Ordinance referred to as "the Board"),
- (d) directed and empowered the Council to appoint a Trustee of the assets of the Cultural Centre upon such terms as to remuneration as the Council should think fit,

and did grant unto them and each of them the powers in the Charter expressed to be exercised until such time as the said powers were varied or revoked by him or replaced by the enactment of an Ordinance by the Legislative Council of the Colony

AND WHEREAS by a Deed of Appointment of Trustee dated the 15th day of November, 1950, and made between the Governing Council of the Kenya Cultural Centre of the one part and Barclays Bank (Dominion, Colonial and Overseas) (hereinafter called "the Trustee") of the other part the Council appointed the Trustee as trustee upon such terms as to remuneration as should from time to time be agreed between the Trustee and the Council of all such property movable and immovable wheresoever situate as was then or should at any time thereafter be the property of the Cultural Centre to hold the same upon the trusts contained in the Charter and the Trustee thereby accepted such appointment and agreed to hold the said property upon the trusts in the Charter contained

AND WHEREAS it is desirable to confirm the establishment of the Cultural Centre and to incorporate it with extended powers and to replace the Charter by an Ordinance enacted by the Legislative Council of the Colony as therein and hereinbefore recited

BE IT THEREFORE 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 Cultural Centre Ordinance, 1950, and shall come into operation on such day as the Governor may by notice in the Gazette appoint

Short title and commencement

5 2. (1) The establishment of the Cultural Centre is hereby confirmed

Establishment, objects and incorporation of the Kenya Cultural Centre

(2) The Cultural Centre shall consist of such societies, institutions and organizations (in this Ordinance referred to as "Constituent Members") of a cultural, academic or philanthropic nature as are set out in the Schedule to this Ordinance together with such other societies, institutions and organizations of a like nature as may be appointed as Constituent Members under section 7 of this Ordinance

15 (3) The objects of the Cultural Centre shall be to provide a centre for the use and enjoyment of the citizens of the Colony and Protectorate of Kenya without distinction of race or creed and to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance and such other purposes generally as may be approved by the Council, not being incompatible with the objects hereinbefore expressed

25 (4) The Cultural Centre shall be a body corporate under the style of the Kenya Cultural Centre and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall have power for the purposes of this Ordinance to acquire and hold, mortgage, charge, lease or let movable and immovable property and to sell, lease, dispose of or otherwise deal with movable or immovable property acquired by it and no longer required for such purposes

30 3. (1) The Council shall consist of not less than five or more than eight persons, three of whom shall respectively be His Worship the Mayor of Nairobi, His Honour the Chief

Constitution and proceedings of the Council

Justice of Kenya, the Senior Representative in Kenya of the British Council and such other persons not exceeding five in number as may be nominated by the Governor of Kenya

(2) The Council shall act by a majority of the members present and voting at any meeting 5

(3) The President of the Council shall be elected by the Council and shall, at any meeting over which he presides, in the event of an equality of votes, have a casting vote

(4) The President shall hold office for a term of two years and shall be eligible for re-election, but shall cease to hold office if he ceases to be a member of the Council 10

(5) The persons appointed to the Council by the Governor shall hold office during the Governor's pleasure

(6) The Council shall, from among its members, appoint one person to be Deputy President of the Council who, if present, shall preside at any meeting from which the President is absent and while so presiding shall have all the powers of the President. If neither the President nor the Deputy President is present at a meeting of the Council the members present shall elect their own chairman 15 20

(7) At any meeting of the Council three members present shall form a quorum

(8) The Council shall keep such minute and other books as may be necessary to record all resolutions and other business of the Council 25

#### Temporary members

4. Should any member of the Council be absent from the Colony or unable to act at any time the Governor may appoint any other person to take his place as a temporary member of the Council and any such person so appointed shall hold office during the absence or inability to act of the person whose place he has taken 30

#### Powers and duties of the Council

5. (1) The Council shall by resolution determine the policy of the Cultural Centre and give directions with regard to any matters coming within the scope of its objects hereinbefore set out and the activities generally of the Cultural Centre and in particular and without prejudice to the generality of the foregoing powers with regard to— 35

(i) finance,

(ii) buildings and the management and use thereof and the commercial management of any theatrical or other undertaking sponsored by the Cultural Centre, 40

(iii) maintenance and improvements,

(iv) the acquisition, sale, leasing or letting or other disposition of property movable or immovable,

(v) the raising of funds by mortgage or otherwise, 45

(vi) the investment in such securities as the Council may authorize of the funds of the Cultural Centre,

(vii) the employment, remuneration and dismissal of a Manager and of staff and servants of the Cultural Centre 50

(2) The Council—

(a) shall appoint auditors for the funds of the Cultural Centre for which the Council is responsible,

(b) shall obtain the advice of the Trustee on all matters relating to finance, 55

(c) may allocate to the Board from time to time such sum or sums of money as the Council shall think fit,

(d) may enter into contracts, agreements and such other arrangements as may be necessary to give effect to the policy of the Council

6 The Council shall determine by what visible means  
5 (acceptable to the Trustees of the Nairobi War Memorial Fund) shall be perpetuated the fact that the Nairobi War Memorial is incorporated in the Cultural Centre

Nairobi War  
Memorial Fund

7. (1) The Council may appoint as a Constituent Mem  
ber any society, institution or organization which makes appli  
10 cation in that behalf to the Council and which the Council is  
satisfied has objects compatible with the objects of the Cultural  
Centre and the purposes of this Ordinance

Constituent  
Members

(2) The Council may remove any Constituent Member if  
it considers that such Member has ceased to continue sufficient  
15 or satisfactory activity of a nature considered by the Council  
to be desirable in the interests of the Cultural Centre

8. (1) The constitution of a Board of Management is  
hereby confirmed

Board of  
Management

(2) The Board of Management shall consist of representa-  
20 tives of the Constituent Members which shall each nominate  
one such representative who shall hold office for one year from  
the commencement of his term of office but shall be eligible  
for re-nomination

(3) A representative may be nominated by a Constituent  
25 Member even though such representative is not a member  
of the particular society, institution or organization which  
makes such nomination

(4) The Board of Management shall act by a majority of  
the members present and voting and shall have and may  
30 exercise such powers of management over the property and  
activities of the Cultural Centre and shall perform such duties  
and functions pursuant to the policy decided by the Council  
and the directions of the Council as the Council may from  
time to time by resolution determine or approve

35 (5) The chairman of the Board shall be appointed by the  
Council from among the members of the Council and shall  
preside at meetings of the Board and shall, while so presiding  
(in the event of an equality of votes) have a casting vote

(6) A quorum of the Board shall be such number of  
40 members as the Council may from time to time by resolution  
determine

(7) The Board shall meet such minimum number of times  
in each year as the Council shall determine

(8) The Board shall keep a minute book in which shall  
45 be recorded all resolutions of the Board and shall also keep  
such other books as may be necessary to maintain a true and  
correct record of all other business of the Board

(9) The Board may appoint from amongst its members  
or otherwise a deputy chairman who shall preside at any  
50 meeting in the absence of the chairman and who shall have  
such powers as may be prescribed by the Council and may in  
like manner appoint a secretary and a treasurer

(10) The Board may appoint such committees of its  
members as it may deem necessary for the proper conduct of  
55 its business and may authorize any such committee to co-opt  
such other person as the Board may approve and any person  
so co-opted shall have all of the powers of any other member  
of any such committee of which he himself has become a  
member



Deputy members  
of the Board

9. If a member of the Board is absent from the Colony with the leave of the Board the Constituent Member nominating him shall nominate a deputy to act in his stead and such deputy shall continue as a member of the Board until the return to the Colony of the member in whose place he is acting or the end of the current year of office of such member whichever event shall first occur 5

Estimates

10. The Board shall in each year prepare estimates of its receipts and expenditure for the ensuing year and shall submit the same to the Council which may approve such estimates or may vary them in such manner as it may think fit 10

Expenditure

11. The Board shall not incur any expenditure which has not received the prior approval of the Council without first obtaining the consent of the Council 15

Manager

12. The Board may with the approval of the Council appoint from its members or otherwise a Manager to carry out such executive functions of the Board as the Council may approve

Proposals not  
included in  
estimates

13. The Board shall submit to the Council its proposals regarding any theatrical or similar undertaking for which provision has not been made in the annual estimates of the Board and shall estimate the cost of the production of such undertaking and the estimated receipts to be derived therefrom and no such proposal shall be undertaken without the prior approval of the Council 20 25

Provided that in any case where the President of the Council considers it expedient so to do for the reason that no meeting of the Council can be held in time to consider any such proposal the President may give such approval but shall at the next meeting of the Council submit such proposal and the reasons for his approval thereof to the Council which may add to the approval so given such conditions as it may think fit and thereupon the Board shall be bound by such conditions 35

Appeals for  
funds

14. The Board may with the approval of the Council make such appeals for public funds as it desires and the law permits

Annual report  
and balance  
sheet

15. The Board shall in each year cause to be prepared an annual report and balance sheet properly audited as soon as possible after the close of its financial year which shall end on the 31st day of December, and shall upon the adoption by the Board of such report and balance sheet lay them before the Council for approval The Council shall consider such report and balance sheet as soon as practicable after the receipt thereof and when all of the Council's requirements in connexion therewith shall have been satisfied by the Board the Council shall by resolution direct the Board to publish such report and balance sheet together with the Auditor's report thereon in such manner as the Council may think fit together with any report or statement which the Council may desire to publish 40 45 50

Annual general  
meeting

16. As soon as practicable after the publication of its report and balance sheet as provided in section 15 of this Ordinance the Board shall call an annual general meeting of the Cultural Centre to discuss such report and balance sheet and such other business as may be notified in connexion with such meeting Every Constituent Member may depute six of its members not being members of the Board who shall be entitled to attend such annual general meeting A copy of all resolutions passed at such meeting shall be forwarded by the Board to the Council 60

17. (1) The appointment of the Trustee and the vesting in the Trustee of all the property movable and immovable of the Cultural Centre upon trust for the Cultural Centre is hereby confirmed

The Trustee

5 (2) The Trustee shall hold all property so vested and all immovable property which may hereafter be the property of the Cultural Centre and such funds, moneys and other movable property as may from time to time be delivered to the Trustee by the Council upon trust for the use and benefit of  
10 the Cultural Centre to be held and applied in accordance with the provisions of this Ordinance and the directions of the Council

(3) The Trustee shall advise the Council on all matters relating to finance and shall within the limits of its lawful  
15 authority generally act in accordance with resolutions relative to financial or other matters which may from time to time be passed by the Council and addressed by it to the Trustee

18. Notwithstanding anything contained in the Crown Lands Ordinance, or any other enactment of the Colony, the  
20 Governor may grant or lease to the Cultural Centre or to the Trustee on behalf of the Cultural Centre any unalienated Crown land in fee simple or for any term not exceeding nine hundred and ninety-nine years reserving a peppercorn or such other rent, and upon and subject to such terms and conditions,  
25 as the Governor may think fit

Grants and  
leases of land  
Cap 155

19. Upon the coming into operation of this Ordinance the Charter shall be deemed to be revoked and cancelled

Charter revoked  
and cancelled

#### SCHEDULE

(Section 2 (2))

#### CONSTITUENT MEMBERS

Nairobi Amateur Dramatic Society  
Kenya Arts and Crafts Society  
Nairobi Scientific, Philosophic Society  
Nairobi Musical Society  
East Africa Conservatoire of Music  
British Council in East Africa  
Boy Scouts Association, Kenya Branch  
H H Aga Khan Ismailia Provincial Council  
British Legion (Kenya)  
Kenya Girl Guides Association  
East Africa Jewish Guild  
The St John Ambulance Association (Kenya Centre)  
Overseas League  
Kenya Branch British Red Cross Society  
Social Service League  
United Kenya Club  
East African Women's League  
Kenya Horticultural Society

#### MEMORANDUM OF OBJECTS AND REASONS

On the 9th of April, 1949, His Excellency the Governor of Kenya, by an instrument under his hand and the public seal of the Colony termed the Charter of the Kenya Cultural Centre, established a cultural centre under the name of the Kenya Cultural Centre. The objects of the Cultural Centre were to provide a centre for the use and enjoyment of the citizens of the Colony and Protectorate of Kenya without distinction of race or creed and to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance and for such other purposes generally as may from time to time be approved by the Governing Council of the Cultural Centre and not being incompatible with the expressed intention of the Charter

There were also established a Governing Council and a Board for the Management of the Cultural Centre and the Council was empowered to appoint a Trustee of the assets of the Cultural Centre. Certain powers were granted to the Cultural Centre, the Governing Council, the Board of Management and the Trustees "to be exercised until such time as the said powers are varied or revoked by the Governor or replaced by an enactment of an Ordinance by the Legislative Council of the Colony." As contemplated in the above-quoted provision of the Charter, it is now proposed to incorporate the Cultural Centre and to extend its powers by the enactment of an Ordinance by the Legislative Council.

This Bill will confirm the establishment of the Cultural Centre, which will, as heretofore, consist of such societies, institutions and organizations (referred to as "Constituent Members") of a cultural academic or philanthropic nature as are set out in the Schedule to the Bill together with such other societies, institutions and organizations of a like nature as may be appointed as Constituent Members under the provisions of the Bill. The objects of the Cultural Centre will be as heretofore, the provision of a centre for the use and enjoyment of the citizens of the Colony and Protectorate of Kenya without distinction of race or creed, to provide for the performance of music, drama and dancing, for the exhibition of works of art and craft, and for the other objects mentioned in the Charter and referred to above (*Clause 2 (3)*).

The Cultural Centre will be a body corporate under the style of the Kenya Cultural Centre and will be empowered to sue and be sued in its corporate name and, for the purposes of the Ordinance, to acquire and hold, mortgage, charge, lease or let movable and immovable property and to sell, lease, dispose of or otherwise deal with movable or immovable property acquired by it and no longer required for its purposes (*clause 2 (4)*).

The Council will consist of not less than five or more than eight persons, three of whom are to be respectively His Worship the Mayor of Nairobi, His Honour the Chief Justice of Kenya, and the Senior Representative in Kenya of the British Council. The other persons will be nominated by the Governor of Kenya (*Clause 3 (1)*).

The functions of the Council are set out in *clause 5* and are, speaking generally, to give directions with regard to any matter coming within the scope of the Cultural Centre and its activities generally and, in particular, with regard to finance, buildings and the management and use thereof and the commercial management of any theatrical or other undertaking sponsored by the Cultural Centre. The other powers of the Council are set out in *clause 5 (1)*. The Council is to obtain the advice of the Trustee on all matters relating to finance.

By *clause 6* the Council is to determine by what visible means (acceptable to the Trustees of the Nairobi War Memorial Fund) there shall be perpetuated the fact that the Nairobi War Memorial is incorporated in the Cultural Centre.

By *clause 7* the Council may appoint as a Constituent Member any society, institution or organization which applies for appointment and has objects compatible with the objects of the Cultural Centre. The Council may also remove Constituent Members.

There will be a Board of Management with the powers set out in *clause 8*.

*Clauses 10 to 16* deal with such matters as the appointment of deputy members of the Board of Management, annual estimates, expenditure, appointment of a manager, appeals for funds, annual report and annual general meeting.

*Clause 17* confirms the appointment of the Trustee already appointed and vests in the Trustee all the property movable and immovable of the Cultural Centre upon trust for the Cultural Centre. The function of the Trustee is to hold the property of the Cultural Centre and to advise the Council on all matters relating to finance and to act in accordance with the resolutions of the Council.

*Clause 18* empowers the Governor, notwithstanding anything contained in the Crown Lands Ordinance, or any other enactment, to grant or lease to the Cultural Centre or to the Trustee on behalf of the Cultural Centre any unalienated Crown land in fee simple or for any term not exceeding nine hundred and ninety-nine years reserving a peppercorn or such other rent, and subject to such terms and conditions as the Governor may think fit.

It is not expected that any additional expenditure of public moneys will be incurred if the provisions of this Bill become law.

Nairobi  
16th November, 1950

K. K. O'CONNOR,  
Attorney General