



**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. LIII—No. 37

NAIROBI, July 24, 1951

Price 50 Cents

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GOVERNMENT NOTICE No 850

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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**A BILL ENTITLED
AN ORDINANCE TO PROVIDE FOR CONTROLLING
THE EXPORT OF TIMBER AND FOR ITS INSPEC-
TION, GRADING, MARKING AND HANDLING IN
TRANSIT AND FOR MATTERS CONNECTED
THEREWITH**

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 Export of Timber Ordinance, 1951 Short title
2. In this Ordinance, unless the context otherwise requires— Interpretation
- 5 “East Africa” means the Colony and Protectorate of Kenya, the Trust Territory of Tanganyika and the Protectorate of Uganda,
- “export” with its grammatical variations and cognate expressions means export from East Africa,
- 10 “export certificate” means an export certificate issued by the Conservator of Forests under section 4 of this Ordinance,
- “grader” means a grader authorized under section 7 of this Ordinance,
- “the Member” means the Member of the Executive Application of Ordinance
- 15 Council of the Colony for the time being responsible for Agriculture and Natural Resources,
- “timber” means the wood of any trees grown in East Africa whether such wood is unsawn, hewn, sawn or machined, and includes lumber, shooks slabs blocks, box Control of export of timber
- 20 boards, flooring strips, shingles and sleepers, but does not include any other article manufactured from such wood
3. The Member may, by notice in the Gazette, declare to be exempt from all or any of the provisions of this Ordinance any timber specified in such notice
- 25 4. (1) No person shall apply for the grading of any timber intended for export unless he has first obtained permission from the Conservator of Forests to export such timber
- (2) No person shall export or enter for export any timber to which this Ordinance applies except under and in accordance with the terms of an export certificate issued by the Control of export of timber
- 30 Conservator of Forests or by any person authorized by him in writing in that behalf

(3) No export certificate shall be issued in respect of any timber unless—

- (a) such timber is of the origin and of one of the grades prescribed by rules made under this Ordinance and bears the mark prescribed in relation to such grade, 5 or
- (b) the person by whom such timber is to be exported satisfies the Conservator of Forests—
 - (i) that the timber is to be exported as ungraded to a country to which under any rules made under 10 this Ordinance ungraded timber may be exported, and
 - (ii) that the buyer is aware that he is buying ungraded timber, and
 - (iii) that the timber is clearly marked with any mark 15 which may be prescribed for ungraded timber

(4) An export certificate shall expire six months after the date of its issue

(5) Notwithstanding the provisions of sub-section (2) of this section the Member may, by notice in the Gazette, 20 restrict or prohibit the export of any specified type of timber to which this Ordinance applies

(6) Any person who contravenes the provisions of sub-section (2) of this section shall be guilty of an offence against this Ordinance and shall be liable on conviction to a fine not 25 exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment and in addition—

- (a) if the timber in respect of which any person is convicted is the property of that person the court may 30 order such timber to be forfeited to the Government,
- (b) if the timber is not the property of the person convicted the court may order the person convicted to pay an additional fine equal to the value of such timber at the time of exportation or entry for 35 exportation, as the case may be

Restrictions on
export and
cancellation of
export
certificate

5. (1) No person shall export timber—

- (a) except through such places or ports as the Conservator of Forests may, by notice in the Gazette declare to be places or ports of export for the purposes of this 40 Ordinance,
- (b) in respect of which an export certificate has been issued, except in the state in which such timber was when the certificate was issued

(2) Where any graded timber is, in the opinion of the 45 Conservator of Forests or of a person authorized by him in writing in that behalf, so handled or stored whilst in transit that such timber is not in the state in which it was when the export certificate was issued, then the export certificate in respect of such timber may be cancelled 50

Provided that if the holder of such export certificate proves to the satisfaction of the Conservator of Forests that the results of such handling and storage were due to circumstances beyond his control he shall be relieved from any penalty to which he might otherwise be liable under the pro- 55 visions of this Ordinance in respect of such export

(3) Any person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence against this Ordinance

6. No timber shall be marked with any mark prescribed by rules made under this Ordinance unless it is of the origin and grade in respect of which such mark has been prescribed

Marking of
timber

7. (1) The Conservator of Forests may authorize any person to be a grader for the purpose of carrying out the provisions of this Ordinance

Graders of
timber to be
authorized by
Conservator of
Forests

(2) Every authorization issued under this section shall be personal to the holder thereof and shall expire on the 31st day of December of the year in which it has been issued

10 (3) The Conservator of Forests may refuse to issue or to renew any authorization under this section or may suspend or revoke any such authorization on the ground that he is not satisfied with the qualifications or experience of the applicant or holder or with the manner in which the holder has carried
15 out his duties

8. (1) When an application for the grading of any timber is made to a grader such timber shall be stacked in convenient parcels in such a manner as to permit of inspection piece by piece by the grader at the owner's mill or at such other place
20 as the grader may require. The grader may refuse to grade timber if for any reason he considers it to be unfit for grading

Timber to be
stacked
conveniently for
grading

(2) All handling charges in grading any timber or in making a check on the grading of any timber shall be borne by the owner or consignor as the case may be, who shall
25 provide all the necessary labour

(3) Any person aggrieved by a decision of a grader may, within thirty days appeal in writing to the Conservator of Forests

Appeal from
decision of
grader

30 (4) Any person aggrieved by a decision of the Conservator of Forests may, within thirty days appeal in writing to the Member, whose decision shall be final

Appeal from
decision of
Conservator of
Forests

9. If the owner of a piece of timber bearing a prescribed mark desires to re-saw it or otherwise alter its state, he shall before doing so effectively obliterate the mark so that it
35 cannot be mistaken for a prescribed mark and any such owner who fails so to obliterate the mark shall be guilty of an offence against this Ordinance

Prescribed mark
to be obliterated
if timber is
re-sawn, etc

40 10. (1) No person other than a grader shall mark any timber with a mark which is the same as a mark prescribed by rules made under this Ordinance

Prohibition of
unauthorized
marks

(2) No person shall mark any timber with a mark so similar to any mark prescribed by rules made under this Ordinance as to be liable to be mistaken therefor

45 (3) Any person who acts in contravention of any of the provisions of this section shall be guilty of an offence against this Ordinance

50 11. (1) No person shall sign, issue or use in respect of any timber any document purporting to be an export certificate issued under this Ordinance, if he knows or has reason to believe that the same is false in a material particular

Use of false
export
certificate

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence against this Ordinance

55 12. (1) Any person exporting timber from the Colony may be required by notice in writing to render, within a time to be specified in such notice to the Conservator of Forests a return in the prescribed form showing all timber so exported by him during any specified period

Returns

60 (2) Any person who, having been required pursuant to sub-section (1) of this section to render a return to the Conservator of Forests, fails so to do within the time specified

in the notice requiring such return shall be guilty of an offence against this Ordinance

Rules

13. (1) The Member may make rules generally for better carrying into effect the provisions of this Ordinance

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

- (a) provide for the procedure on application for, and the forms of, export certificates and the place or places to which timber may be exported by virtue of any such certificate, 10
- (b) prescribe different grades of timber,
- (c) provide for the procedure on application for the grading of timber,
- (d) prescribe marks to be placed on different grades of timber to indicate the origin and grade of such timber and provide for the method of placing such marks and the registration thereof, 15
- (e) prescribe the scale of fees to be charged for the grading of timber and for services performed in connexion therewith, 20
- (f) prescribe anything required by this Ordinance to be prescribed,
- (g) prohibit the export of ungraded timber to any specified countries and regulate its export elsewhere 25

Penalty

14. Every person convicted of an offence against this Ordinance in respect of which no special punishment has been provided shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment

MEMORANDUM OF OBJECTS AND REASONS

It has been represented by the East African Timber Board, an inter-Territorial Advisory Body, and by the Kenya Forest Advisory Committee that the absence of any legislation in the East African territories whereby the export of timber can be controlled tends to result in the export of timber which is not up to standard, thereby adversely affecting the reputation of East African timber on the overseas market

It was therefore proposed that similar legislation should be enacted in Kenya, Uganda and Tanganyika to control the export of timber. Uganda has enacted such legislation and it is understood that Tanganyika Territory is preparing a Bill on similar lines. This Bill will accordingly make provision for controlling the export of timber and will enable rules to be made which will provide for the grading and marking of timber. It is proposed that the rules will be based on the grading rules issued by the Imperial Institute of Great Britain. It is considered that the establishment of recognized grades of local timber bearing known marks indicative of the grade will increase the demand for Kenya timbers in the more selective and competitive overseas markets, since buyers will become accustomed to the quality of the grade and mark for which orders are placed.

Provision is made in the Bill for the export of ungraded timber if the seller satisfies the Conservator of Forests that the buyer is aware that the timber is being sold as ungraded, and that it is being sold to a territory to which the export of ungraded timber is not prohibited and that it is clearly marked to indicate that it is ungraded.

Similar provision has been made in the Uganda Legislation and will it is understood be made in the Tanganyika Bill, and is intended as an additional safeguard to the reputation of Kenya timbers.

Under *clause 3* of the Bill the Member may by notice in the Gazette exempt any specific timber from all or any of the provisions of the Bill.

It is intended to exempt Cypress and Pine from the restriction on the export of ungraded timber to certain countries.

It is not possible to estimate what, if any, additional expenditure of public moneys will be incurred if the provisions of the Bill become law.

Nairobi,
12th July, 1951

JOHN WHYATT,
Acting Attorney General

GOVERNMENT NOTICE No 851

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 REPEAL THE WEIGHTS AND
MEASURES ORDINANCE AND TO MAKE
BETTER PROVISION FOR REGULATING THE
USE OF WEIGHTS AND MEASURES AND FOR
MATTERS RELATING THERETO AND CON-
NECTED THEREWITH**

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 Weights and Measures Ordinance, 1951 Short title
2. In this Ordinance, unless the context otherwise requires— Interpretation
 - 5 “cubic yard” means a volume equal to the volume contained in a cube each side of which is one yard in length,
“error” in reference to a weighing instrument includes deficiency in sensitiveness,
“gallon” means a measure of capacity equal to the
10 Imperial standard gallon as defined in the Weights and Measures Act, 1878, of Parliament, 41 & 42 Vict
C 49
“Imperial standard pound” means the Imperial standard pound as defined in the said Weights and Measures Act, 1878, 41 & 42 Vict
C 49
 - 15 “Imperial standard yard” means the Imperial standard yard as defined in the said Weights and Measures Act, 1878, 41 & 42 Vict
C 49
“inspector” means an inspector of weights and measures appointed under section 31 of this Ordinance,
“measuring instrument” includes every instrument for
20 the measurement of number length, capacity, volume, area or quantity,
“pound avoirdupois” means a weight equal to the Imperial standard pound,
“secondary reference standard” means copies of the
25 Colonial Standards which the Governor has procured and caused to be verified and authenticated as such,
“square yard” means an area equal to the area contained in a square each of whose sides is one yard in length,
“stamping” includes casting, engraving, etching, brand-
30 ing or otherwise marking in such manner as to be, so far as practicable, indelible and the expression “stamp” and other expressions relating thereto shall be construed accordingly,
“Superintendent” means the Superintendent of Weights and Measures appointed under section 30 of this Ordinance,
35 “trade” means any transaction mentioned in section 15 of this Ordinance
“weighing instrument” includes scales, balances and every kind of instrument or apparatus for weighing and includes also instruments constructed to calculate and indicate
40 prices in money, to compute wage or any bonus or to count by use of weighing principles, together with all weights and counterpoises belonging thereto,
“yard” means a length equal to the Imperial standard yard

Uniformity
of weights and
measures

3. The weights and measures prescribed by this Ordinance shall be used throughout the Colony

Avoirdupois
weights

4 (1) A pound avoirdupois shall be the primary weight

(2) The weights specified in the first column of Schedule A to this Ordinance are hereby declared to be— **5**

(a) such parts or multiples of a pound avoirdupois as are respectively specified in the second column of the said Schedule A, and

(b) avoirdupois weights

Troy weights

5. The weight specified in the first column of Schedule B to this Ordinance is hereby declared to be— **10**

(a) such part of a pound avoirdupois as is specified in the second column of the said Schedule B, and

(b) a troy weight

Measures of
capacity

6 (1) A gallon shall be the primary measure of capacity **15**

(2) The measures of capacity specified in the first column of Schedule C to this Ordinance are—

(a) hereby declared to be such parts or multiples of a gallon as are respectively specified in the second column of the said Schedule C, and **20**

(b) in this Ordinance referred to as the Colonial measures of capacity

Measures
of length

7. (1) A yard shall be the primary measure of length

(2) The measures of length specified in the first column of Schedule D to this Ordinance are— **25**

(a) hereby declared to be such parts or multiples of a yard as are respectively specified in the second column of the said Schedule D, and

(b) in this Ordinance referred to as Imperial measures of length **30**

Measures
of surface

8 (1) A square yard shall be the primary measure of surface

(2) The measures of surface specified in the first column of Schedule E to this Ordinance are—

(a) hereby declared to be such parts or multiples of a square yard as are respectively specified in the second column of the said Schedule E, and **35**

(b) in this Ordinance referred to as Imperial measures of surface

Measures
of volume

9. (1) A cubic yard shall be the primary measure of volume **40**

(2) Half of one cubic yard and multiples of one cubic yard are in this Ordinance referred to as Imperial measures of volume

Equivalents
of metric
weights and
measures in
terms of
Imperial
weights and
measures
60 & 61 Vict
C 46

10. The table made under sub-section (2) of section 2 of the Weights and Measures (Metric System) Act, 1897, of Parliament, and which is set out in Part III of Schedule F to this Ordinance shall be deemed to set forth the equivalents of Imperial weights and measures and of the weights and measures therein expressed in terms of the metric system and such table may be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system **45** **50**

11. The Governor shall, as occasion may require, procure the standards of measure and weight which, having been derived from the Imperial Standards or which are the Metric Standards set forth in sub-section (1) of section 2 of the said 5 Weights and Measures (Metric System) Act, 1897, are set out in Part II of Schedule F to this Ordinance. Every weight and measure so procured shall be verified at the Standards Department of the Board of Trade in England, before being brought into use. Each such weight and measure shall be 10 made of such materials and in such manner, and shall be placed in such a receptacle as to be, as far as practicable, proof against mechanical and atmospheric agencies, and all other sources of error. The weights and measures so procured and verified shall be the Colonial standards of weight and 15 measure and shall, for all purposes, be conclusively deemed to be true and accurate.

Standards of weights and measures to be procured and carefully kept
60 & 61 Vict
C 46

12. The Colonial standards shall be kept at the Treasury, and the receptacle in which the same are kept shall be secured by two locks at least, which shall not be capable 20 of being opened by the same key.

Depository of the standards

The key of one lock shall be kept by the Accountant General and the key of another lock shall be kept by such other officer as the Governor may appoint. Should there be more than two locks to the said receptacle the key of any 25 other lock shall be kept by such officer as the Governor shall appoint, and the Accountant General and such other officer or officers shall be the wardens of the Colonial standards.

13. (1) The Governor shall procure such copies of the Colonial standards or any of them as he may think fit, and 30 shall provide for verifying the same, and shall cause such copies to be authenticated as secondary reference standards in such manner as he may think proper.

Secondary standards to be also procured

(2) The Governor shall provide secondary standards of weight and measure, and scale beam, of such material and 35 in such form as the Board of Trade in England shall approve, and such standards may, if verified in the manner provided in this Ordinance, be used for the inspection and verification of weights and measures as if they were secondary reference standards.

40 (3) Judicial notice shall be taken of every secondary reference standard.

(4) The secondary reference standards shall, at such times as the Governor may appoint, be compared with the Colonial standards in the presence of the wardens of the Colonial 45 standards, and when necessary shall be corrected and adjusted.

(5) The Governor may at any time cancel any secondary reference standard and direct that the same be no longer used as such.

50 (6) Every secondary standard shall, until the contrary is proved, be deemed to be true and accurate.

14. Once at least in every ten years the Governor shall cause the Colonial standards for the time being to be verified at the Standards Department of the Board of Trade 55 in England, and to be adjusted and renewed if requisite. Before any of the Colonial standards are sent out of the Colony for this purpose, the Governor shall cause to be deposited with the wardens of the Colonial standards such secondary reference standards as he may think fit, and shall provide for the comparison and verification of the same with the

Periodical verification of Colonial standards

Colonial standards, and the authentication thereof in such manner as he may think proper, and such secondary reference standards shall be deemed to be the Colonial standards during such time as the Colonial standards are out of the Colony

5

Trade contracts,
sales, dealings,
etc., to be in
terms of
Colonial weights
and measures

15 (1) Every contract, bargain, sale or dealing, made or had for any work, goods, wares or merchandise or other thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure, shall be deemed to be made and had according to one of the Colonial standards as set out in Parts I and II of Schedule F to this Ordinance, or to some multiple thereof, and if not so made or had shall be void

Provided that a court may in exceptional circumstances in the interests of justice, direct that a person who has received an advantage under such contract, bargain, sale or dealing so declared to be void shall restore it or make compensation for it to the person from whom he received it

(2) All tolls and duties shall be charged and collected according to one of the said Colonial standards as set out in Parts I and II of Schedule F to this Ordinance, or to some multiple thereof

(3) It shall not be lawful to use any local or customary weight or measure, or any heaped measure

(4) It shall not be lawful for any person to use or have in his possession for use for trade any denomination of weight or measure other than those specified in Parts I and II of Schedule F to this Ordinance and any person who acts in contravention of the provisions of this sub-section shall be liable to a fine not exceeding one thousand shillings and the weight or measure shall be forfeited

Sale by
avoirdupois
weight with
exceptions

16. (1) All goods or other things sold by weight or measure shall be sold by avoirdupois or metric weight or Imperial or metric measure, except that—

(a) gold, silver, platinum and other precious metals and goods made in whole or in part thereof may be sold by troy weight,

(b) diamonds and other precious stones may be sold by metric carat weight,

(c) drugs, when sold by retail, may be sold by apothecaries' weight or apothecaries' measure

(2) Any person who contravenes the provisions of sub-section (1) of this section shall be liable on conviction to a fine not exceeding four hundred shillings

Exception for
sale of article
in vessel not
represented as
being of
Colonial or
local measure

17. Nothing in this Ordinance shall prevent the sale, or subject a person to a fine under this Ordinance for the sale of an article in any vessel, where such vessel is not represented as containing an amount of Colonial measure, nor subject a person to a fine under this Ordinance for the possession of a vessel where it is shown that such vessel is not used nor intended for use as a measure

Penalty on use
or possession
of unauthorized
weight, measure
weighing or
measuring
instrument

18. Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some weight or measure authorized by this Ordinance for such use, or a weighing or measuring instrument not constructed to indicate in terms of some weight or measure so authorized, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings or in the case of a second or subsequent offence one

thousand and five hundred shillings, and the weight or measure or weighing or measuring instrument shall be forfeited

19. In using a Colonial measure of capacity, the same
5 shall not be heaped, but either shall be stricken with a round stick or roller, straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken shall be filled in all parts as nearly to the level of the brim as the size and shape of the article
10 will admit

Measure of capacity, when used to be stricken or filled up

20. Every person who uses or has in his possession for use for trade any weight, measure or weighing or measuring instrument which is false or unjust, shall be liable to a fine not exceeding one thousand shillings or in the case of a
15 second or subsequent offence two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and any contract, bargain, sale or dealing made by the same shall be void, and the weight, measure or weighing or measuring instrument shall be liable
20 to be forfeited

Penalty on use or possession of unjust measures etc

21. Where any fraud is wilfully committed in the use of any weight, measure or weighing or measuring instrument, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding two thousand
25 shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three years, and the weight, measure or weighing or measuring instrument shall be forfeited

Penalty for fraud in use of weight, measure or weighing instrument

30 22. (1) A person shall not wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust weight, measure or weighing or measuring instrument, and no person shall sell or expose for sale any weighing instrument unless such instrument bears a valid verification stamp
35 of a date not earlier than one year previous to such sale or exposure

Penalty on sale of weight, measure or weighing instrument

Provided that the provisions of this section shall not apply to a weighing instrument of a type which when made was not intended or designed for use for trade and which was then
40 marked with the words "Not for Trade Use" permanently and clearly on some conspicuous part thereof

(2) Every person who acts in contravention of the provisions of this section shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not
45 exceeding six months or to both such fine and imprisonment

23. Any person who, by means of words, description, advertisement or other indication, whether direct or indirect, makes any false, incorrect or untrue statement as to the number, gauge, weight, measure or quantity of any goods or
50 things, or delivers to any person a less number, gauge, weight, measure or quantity of any goods or things than that demanded or agreed to be sold by way of trade shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to imprisonment for a term not
55 exceeding one year or to both such fine and imprisonment or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three years

Misrepresentation of weight, etc, an offence

Provided that nothing in this section shall affect the operation of the Sale of Goods Ordinance

Cap 290

Stamping of
weights and
measures with
denomination

24. (1) Every weight, except where the smallness of the size thereof renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters

(2) Every measure of length or capacity shall have the denomination thereof stamped on the outside thereof in legible figures and letters 5

(3) A weight or measure not in conformity with this section shall not be stamped with a stamp of verification as provided for under section 26 of this Ordinance 10

Stamping of
verification on
measures,
weights and
weighing
instrument

25. Every measure, weight and weighing or measuring instrument whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Ordinance

Possession of
unverified
weight, measure
or weighing
instrument

26. Every person who uses or has in his possession or control for use for trade any measure, weight or weighing or measuring instrument not stamped as required by this Ordinance, or in respect of which a certificate of justness is required by this Ordinance and no such certificate is in force, shall be liable to a fine not exceeding five hundred shillings or in the case of a second or subsequent offence fifteen hundred shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and shall be liable to forfeit the said measure, weight or weighing or measuring instrument, and any contract, bargain, sale or dealing in connexion with which such measure, weight weighing or measuring instrument was used shall be void 20
25

Iron weights to
have plug of
softer metal on
which to affix
stamp

27. Any inspector may refuse to stamp any iron weight or any weight cased with iron, unless the same shall have a plug of softer metal upon which to impress or affix the stamp 30

Forgery etc., of
stamps on
measures or
weights

28. (1) If any person forges or counterfeits any stamp used for the stamping of any measure, weight or weighing or measuring instrument under this Ordinance or wilfully increases or diminishes a measure or weight so stamped, he shall be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment or, in the case of a second or subsequent offence, to a term of imprisonment not exceeding three years 35
40

(2) Any person who removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into or places the same on another weight or measure or weighing or measuring instrument shall be deemed to forge or counterfeit a stamp within the meaning of this section 45

(3) Any person who knowingly uses, sells, utters, disposes of or exposes for sale any measure, weight or weighing or measuring instrument with such forged or counterfeited stamp thereon, or a weight or measure so increased or diminished, shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding one year or to both such fine and imprisonment or, in the case of a second or subsequent offence, to a term of imprisonment not exceeding three years 50

(4) All measures and weights and weighing or measuring instruments with any such forged or counterfeit stamp shall be forfeited 55

Permissible
errors

29. Any weight or measure, weighing or measuring instrument which does not have a greater error than the limits

of error prescribed under the provisions of this Ordinance shall be deemed to be just and true for all purposes of this Ordinance.

30. (1) There shall be appointed a Superintendent of Weights and Measures who shall *ex officio* be an inspector, and who shall have the general supervision of inspectors

Superintendent of Weights and Measures to be *ex officio* an inspector

(2) The Superintendent shall have power to require an inspector to make such returns and furnish such information as the Superintendent may require and generally may give to an inspector such directions as the Superintendent may think fit

31. (1) The Governor may from time to time for the purposes of this Ordinance appoint suitably qualified persons as inspectors thereunder

Governor to appoint inspectors

(2) Every inspector appointed as aforesaid shall forthwith thereafter enter into a recognizance to the Government of the Colony, dischargeable in a court of competent jurisdiction, in the sum of four thousand shillings for—

(a) the due performance of his office,

(b) the safe custody of all standards, verification stamps and other appliances committed to his charge, and for the surrender thereof to the Member immediately upon ceasing to hold such appointment,

(c) the proper accounting, in such manner as the Member may decide, for all moneys receivable by him by way of fees under this Ordinance

32. (1) The Member shall cause such secondary standards as may be required for the proper working of the provisions of this Ordinance to be delivered to an inspector, and such inspector may, where circumstances do not permit the inspection of any premises call upon all persons in any area having any weights, measures, weighing or measuring instruments for use for trade to produce the same for the purpose of their being examined, verified, stamped or re-stamped at such time and place within that area as he may appoint. There shall be published a notice in the Gazette and in a newspaper circulating within such area stating the time and place so appointed, such time not being earlier than fourteen days after the publication of the notice

Examination and verification of weights and measures, weighing and measuring instruments

(2) Where a weight, measure, weighing or measuring instrument, by reason of it being permanently fixed or of its heavy weight or delicate construction cannot be conveniently moved it shall be sufficient for the purposes of this section if the person who has the same for use for trade notifies in writing its position to the inspector or other officer authorized by the inspector to receive such notifications

(3) When a measure of capacity made of glass, earthenware or enamelled metal has been stamped it shall not be necessary to produce such measure, unless the original stamp is defaced or has become illegible or the measure has been chipped or cracked

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding five hundred shillings

33. (1) An inspector shall attend with the secondary standards and weighing and measuring instruments in his custody at the time and place notified under sub-section (1) of section 32 of this Ordinance and, upon payment of the prescribed fee, shall there examine every weight, measure, weigh-

Comparison with standards of same denomination

ing and measuring instrument brought or submitted to him which is of a denomination authorized by this Ordinance, and shall test or compare them with such secondary standards, and if he shall find any such weight, measure, weighing or measuring instrument correct he shall stamp it with a stamp of verification in the manner prescribed by rules 5

(2) Where due notification has been given under sub-section (2) of the last preceding section and upon payment of the prescribed fee an inspector shall attend at the place notified and shall test or examine and stamp any weight, measure, weighing or measuring instrument so notified in the same manner as if such weight, measure, weighing or measuring instrument had been brought or submitted to him 10

Certificates of
justness to be
given in
certain cases

34. (1) Whenever an inspector stamps, marks or verifies any weight or measure or weighing or measuring instrument, he shall deliver to the person bringing or submitting the same to him a certificate of fitness in respect thereof in the form set out in Schedule G to this Ordinance, and such certificate shall remain in force from the day of the date thereof for such period, not being less than a year, as the Governor shall prescribe 20

(2) Every inspector who neglects or refuses to deliver a certificate of justness as hereby required shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one hundred and fifty shillings for each such offence 25

Effect of a
certificate
of justness

35. A weight or measure or weighing or measuring instrument marked or stamped under this Ordinance by any inspector may, so long as the certificate of justness in respect of the same shall remain in force, be used in any part of the Colony, unless the same be unjust 30

Power to
inspectors
to enter
premises and
seize weights
and measures
suspected to
be false

36. (1) An inspector may at any reasonable time inspect and test all weights and measures and weighing and measuring instruments which are used or are in the possession of any person, or upon any premises for the purposes of trade, and may cause such weights and measures and weighing or measuring instruments to be compared with the secondary standards, and may apply such tests as may be necessary to determine the accuracy thereof, and may seize and detain such of them as are liable to forfeiture under the provisions of this Ordinance 40

(2) For the purposes of sub-section (1) of this section an inspector may enter any shop, store, warehouse, stall, yard or other premises within the Colony wherein he has reasonable cause to believe that there are any weights or measures or weighing or measuring instruments which he is authorized under the provisions of this Ordinance to inspect or where any goods are bought, sold, exposed or kept for sale, or weighed or measured for sale or conveyance or carriage or any other trade purpose 50

(3) An inspector so authorized as aforesaid may also inspect and weigh or measure any goods on any premises or vehicle, or at any place where goods are bought or sold or exposed for sale, and may stop any vehicle or person carrying goods for sale or delivery to a purchaser and may enter any premises where goods have been delivered to a purchaser in order to ascertain that the provisions of this Ordinance have been complied with, and for any such purpose may use any weight or measure or weighing or measuring instrument which complies with the provisions of this Ordinance and which may be upon such premises or vehicle And such in- 55 60

5 spector may require the production of any documents or records appertaining to the weight or measurement of such goods and such reasonable assistance from any person present and having an interest in such goods as may be necessary for the weighing and measuring thereof

10 **37.** Any person who refuses to produce to an inspector any weight or measure or any weighing or measuring instrument in his possession or custody, whereof such inspector requires the production under this Ordinance, or who obstructs, or hinders any inspector in any examination under this Ordinance of any weight or measure or weighing or measuring instrument or who fails to comply with any reasonable request made by an inspector in the course of his duty under this Ordinance shall be guilty of an offence
15 against this Ordinance and be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding four months or to both such fine and imprisonment

Refusing production of weights, etc., and obstructing inspector

20 **38.** (1) An inspector shall not, during the time he holds office, be a person deriving any profit from or employed in the making, adjusting or selling of weights, measures or weighing or measuring instruments

Inspector not to be maker, seller or adjuster of weights, measures or weighing instruments

25 Provided that in any district where, on the representation of the Member, it appears to be desirable for an inspector to be allowed to adjust weights and measures the Governor may, if he thinks fit, authorize an inspector to act as an adjuster of weights and measures

30 (2) An inspector so authorized may for any such adjustment, make such charges as the Governor shall approve, and shall account for any money received by him in respect of such charges in such manner as the Governor shall direct

35 **39.** Any inspector who stamps a weight or measure or weighing or measuring instrument in contravention of any provision of this Ordinance, or without duly verifying the same by comparison with a secondary standard or otherwise, or is guilty of a breach of any duty imposed on him by this Ordinance, or otherwise misconducts himself in the execution of his office, shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one hundred
40 and fifty shillings for each offence

Penalty on inspector for misconduct

45 **40.** In addition to any other powers contained in this Ordinance, an inspector may arrest and search any person suspected of an offence against this Ordinance or of being in possession of any goods or any weight or measure or weighing or measuring instrument in respect of which he has reason to believe that such an offence has been committed and may seize and detain any such goods or weight or measure or weighing or measuring instrument

Inspector may search, arrest, seize or detain

50 Provided that no person shall be arrested under the provisions of this section unless the inspector has reasonable cause to believe that such person will fail to appear in answer to a summons or unless such person refuses to give his name and address or gives a name or address which the inspector has reasonable cause to believe is false

55 **41.** Such portion of any fine under this Ordinance, not exceeding a moiety as the court before whom a person is convicted thinks fit to direct may, if the court in its discretion so orders, be paid to an informer unless the informer is an inspector of weights and measures or a police officer

Part of fines may be paid to informers

Weights, etc ,
which are
forfeited

42. All weights, measures and weighing or measuring instruments forfeited under this Ordinance shall be broken up, and the materials thereof may be sold or otherwise disposed of as the court shall direct, and the proceeds of such sale shall be applied in like manner as fines under this Ordinance 5

Evidence as
to possession

43. Where any weight, measure or weighing or measuring instrument is found in the possession or control of any person carrying on trade or is found on any premises, whether in a building or not and whether open or enclosed, are used for trade such person shall be deemed for the 10 purposes of this Ordinance, until the contrary is proved, to have such weight, measure or weighing or measuring instrument in his possession for use for trade

Imprisonment
for fraud

44. Where a person is convicted under any section of this Ordinance of any offence, and the court by which he is 15 convicted is of opinion that such offence was committed with intent to defraud, he shall be liable, in addition to, or in lieu of, any fine, to imprisonment for a term not exceeding three years

Publication
of convictions

45. Where a person is convicted before any court of any offence under this Ordinance, the court may, if it thinks 20 fit, cause the conviction to be published in such manner as it thinks desirable

Saving for
liabilities other
wise than under
Ordinance

46. (1) No proceeding or conviction for any offence punishable under this Ordinance shall affect any civil remedy to which any person aggrieved by the offence may be entitled 25

(2) This Ordinance shall not exempt any person from any other proceeding for an offence which is punishable otherwise than under this Ordinance, so, however, that no person shall be punished twice for the same offence

Offences to be
cognizable
to police

47. All offences under the provisions of this Ordinance 30 shall be cognizable to the police, and may be prosecuted by an inspector

Member to
establish a
Weights and
Measures Board

48. The Member shall cause to be established a Weights and Measures Board consisting of not less than five persons of whom two shall be inspectors Such Board shall be 35 convened as often as may be necessary and the Member, or some person for the occasion deputed by him, shall be Chairman thereof The duties of such Board shall be to advise the Member upon any matters arising out of the operation of this Ordinance, which the Member may refer to the Board 40 for advice

Power to
make rules

49. The Governor in Council may make rules generally for better carrying out the provisions of this Ordinance and in particular but without prejudice to the generality of the foregoing power, for— 45

- (a) a table of fees to be charged by the inspector in respect of the examination and stamping of weights, measures, weighing and measuring instruments and the adjusting of weights and measures,
- (b) standards of weight and measure of denominations 50 other than those prescribed by this Ordinance,
- (c) the examination, verification and stamping of weights, measures, weighing and measuring instruments, including the prohibition of a stamping in cases where the nature, condition, denomination, material 55 or principal or construction of the weight measure or instrument appears likely to facilitate the perpetration of fraud,

- (d) the circumstances and conditions under which, and the manner in which, stamps may be obliterated or defaced,
- (e) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights, measures, weighing and measuring instruments,
- (f) the limits of error to be allowed on verification and to be tolerated on inspection either generally or in respect of any trade or trades,
- (g) the articles to be sold by weight only or measure or net weight only,
- (h) the manner of marking the weight or measure or net weight of articles sold in made up packages or vessels on such packages or vessels,
- (i) prohibiting the import of made-up packages or vessels into the Colony for sale within the Colony which do not comply with the requirements of any rules made under this section

50. The Governor in Council may make rules with regard to the examination, verification and stamping of weights, measures, weighing or measuring instruments which are used by any department of the Government or of the East Africa High Commission or by any local authority for the purpose of, or in connexion with, the fixing of tolls, rates, taxes or payments of any description

Examination, verification and stamping of weights, etc., of Government departments

For the purpose of this section "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, and
- (e) in the case of any other area the district commissioner or such other person or authority as the Governor may, by notice in the Gazette, appoint to be a local authority for the purposes of this section

Cap 136

Cap 140

No 12 of 1950

Cap 133

51. All rules made by the Governor in Council under this Ordinance shall, upon the date on which they come into operation, have the same force and effect as if they had been enacted in this Ordinance and shall be laid before the Legislative Council on the first day of the sitting next after the date of their making and shall, subject to the terms of any resolution that may be passed thereon, come into operation thirty days after they have been so laid

Rules to be laid before Legislative Council

52. The Weights and Measures Ordinance is repealed

Repeal Cap 298

Section 4

SCHEDULE A

AVOIRDUPOIS WEIGHTS

<i>Denomination</i>	<i>Parts or multiples of a pound avoirdupois</i>
Grain	1/7,000
Dram	1/256
Ounce	1/16
Stone	14
Quarter-hundredweight	28
Cental	100
Hundredweight	112
Ton	2,240

Section 5

SCHEDULE B

TROY WEIGHT

<i>Denomination</i>	<i>Parts of a Pound Avoirdupois</i>
Ounce Troy	480/7,000

Section 6

SCHEDULE C

COLONIAL MEASURES OF CAPACITY

<i>Denomination</i>	<i>Parts or Multiples of a Gallon</i>
Gill	1/32
Pint	1/8
Quart	1/4
Peck	2
Bushel	8
Quarter	64
Chaldron	288

Section 7

SCHEDULE D

IMPERIAL MEASURES OF LENGTH

<i>Denomination</i>	<i>Parts or Multiples of a Yard</i>
Inch	1/36
Nail	1/16
Foot	1/3
Rod, Pole or Perch	5½
Chain (100 Links)	22
Furlong	220
Mile	1,760

Section 8

SCHEDULE E

IMPERIAL MEASURES OF SURFACE

<i>Denomination</i>	<i>Parts or Multiples of a Square Yard</i>
Square Inch	1/1,296
Square Foot	1/9
Square Rod, Pole or Perch	30¼
Rood	1,210
Acre	4,840

SCHEDULE F

COLONIAL STANDARDS

PART I

Standards of the measures and weights following are those authorized by the Act of the Imperial Parliament, 41 and 42 Vict, Ch 49, intituled "The Weights and Measures Act, 1878", together with certain of the new standards authorized by Orders in Council under the provisions of that Act. The relative Orders are indicated as follows —

- (a) 4th February, 1879
- (b) 14th August, 1879
- (c) 26th February, 1880
- (d) 28th April, 1880
- (e) 18th May, 1881
- (f) 28th November, 1889
- (g) 22nd November, 1890
- (h) 9th October, 1903
- (i) 11th May, 1906
- (j) 16th November, 1906
- (k) 11th July, 1919
- (l) 20th December, 1927
- (m) 4th June, 1946

DENOMINATION OF STANDARDS
Measures of Length

- 100 feet
- 66 feet or a chain of 100 links
- (j) 50 feet
- (j) 33 feet or a chain of 50 links
- (j) 20 feet
- Rod, pole or perch
- 10 feet
- (j) 9 feet
- (l) 100 inches
- (j) 8 feet
- (j) 7 feet
- (j) 10 links
- 6 feet or 2 yards
- (j) 66 inches
- 5 feet
- (j) 54 inches
- 4 feet
- (j) 42 inches
- 3 feet or 1 yard
- (j) 30 inches
- 2 feet
- (e) Half yard
- 1 foot
- (e) Quarter yard
- (e) One-eighth of a yard
- (e) One nail of sixteenth of a yard
- 1 inch divided into 12 duodecimal, 10 decimal, and 16 binary equal parts

Measures of Capacity

- (k) 64 gallons down to 13 gallons
- (c) 4 bushels
- (f) 31 gallons down to 9 gallons
- (e) Bushel or 8 gallons
- (f) 7 gallons
- (f) 6 gallons
- (d) 5 gallons
- (e) Half-bushel or 4 gallons
- (g) 3 gallons
- (e) Peck or 2 gallons
- Gallon
- Half-gallon
- Quart
- Pint
- Half-pint
- Gill
- Half-gill
- Quarter-gill

(o) *Apothecaries' Measures*

Denomination	Containing the following weight of distilled water—
	Temperature = 62° Fahrenheit
	Barometer = 30 Inches
	Imperial Pound = 7,000 grains
A fluid ounce and the multiples thereof from 1 to 40 fluid ounces	1 fluid ounce contains 437.5 grains weight, or 1/160 im- perial gallon
Half a fluid ounce	
A fluid drachm and the multiples thereof from 1 to 16 fluid drachms	1 fluid drachm equals 1/8 fluid ounce
Half a fluid drachm	
A minim and the multiples thereof from 1 to 60 minims	1 minim equals 1/60 fluid drachm

WEIGHTS			
<i>Denomination of Standard</i>	<i>Denomination of Standard</i>	<i>Denomination of Standard</i>	<i>Denomination of Standard</i>
AVOIRDUPOIS WEIGHTS	TROY BULLION WEIGHTS	DECIMAL GRAIN WEIGHTS	(b) APOTHECARIES' WEIGHTS
(a) 100 pounds, or cental	500 ounces	4,000 grains	10 ounces
56 pounds, or (e) half-hundredweight	400 ounces	2,000 grains	8 ounces
(h) 50 pounds, or half-cental	300 ounces	1,000 grains	6 ounces
28 pounds, or (e) quarter-hundredweight	200 ounces	500 grains	4 ounces
(i) 20 pounds	100 ounces	300 grains	2 ounces
14 pounds, or stone	50 ounces	200 grains	1 ounce or 480 grains
(i) 10 pounds	40 ounces	100 grains	4 drachms, or half an ounce
7 pounds	30 ounces	50 grains	2 drachms
(i) 5 pounds	20 ounces	30 grains	1 drachm
4 pounds	10 ounces	20 grains	2 scruples
2 pounds	5 ounces	10 grains	1½ scruples, or half a drachm
1 pound, or 7,000 grains	4 ounces	5 grains	1 scruple
8 ounces, or (e) half-pound	3 ounces	3 grains	½ a scruple
4 ounces, or (e) quarter-pound	2 ounces	2 grains	6 grains
2 ounces	1 ounce, or 480 grains	1 grain	5 grains
1 ounce, or 437½ grains	0 5 ounce	0 5 grain	4 grains
8 drams, or (e) half-ounce	0 4 ounce	0 3 grain	3 grains
4 drams, or (e) quarter-ounce	0 3 ounce	0 2 grain	2 grains
2 drams	0 2 ounce	0 1 grain	1 grain
1 dram	0 1 ounce	0 05 grain	½ a grain
½ dram	0 05 ounce	0 03 grain	
240 grains, commonly called	0 04 ounce	0 02 grain	
10 pennyweights	0 03 ounce	0 01 grain	
120 grains, commonly called	0 02 ounce		
5 pennyweights	0 01 ounce		
72 grains, commonly called	0 005 ounce		
3 pennyweights	0 004 ounce		
48 grains, commonly called	0 003 ounce		
2 pennyweights	0 002 ounce		
24 grains, commonly called	0 001 ounce		
1 pennyweight			

PART II

METRIC STANDARDS

Standards of the measures and weights following are those authorized by the Act of the Imperial Parliament, 60 and 61 Vict, Ch 46, intituled "The Weights and Measures (Metric System) Act, 1897", and with which may be cited the Weights and Measures Acts, 1878 to 1893, together with the new standards authorized by Orders in Council made under the provisions of the Act The relative Orders are indicated as follows —

- (q) 19th May, 1898
- (r) 12th December, 1904
- (s) 14th October, 1913
- (t) 25th June, 1915

DENOMINATIONS OF STANDARDS

Measures of Length

- (f) 20 metres Metre or 1,000 millimetres
- (q) Dekametre or 10 metres Decimetre or 0 1 metre
- Double metre or 2 metres Centimetre or 0 01 metre
- (t) 1¼ or 1 25 metres Millimetre or 0 001 metre

Measures of Capacity

- 20 litres 0 1 litre (decilitre)
- 10 litres (dekalitre) 0 05 litre
- 5 litres 0 02 litre
- 2 litres 0 01 litre (centilitre)
- 1 litre 0 005 litre
- 0 5 litre 0 002 litre
- 0 2 litre 0 001 litre (millilitre)

(q) Cubic Measure

- 1,000 cubic centimetres 10 cubic centimetres
- 500 cubic centimetres 5 cubic centimetres
- 200 cubic centimetres 2 cubic centimetres
- 100 cubic centimetres 1 cubic centimetre (1,000 cubic millimetres)
- 50 cubic centimetres
- 20 cubic centimetres

Weights

20 kilograms	2 grammes
10 kilograms	1 gramme
5 kilograms	5 decigrams
2 kilograms	2 decigrams
1 kilogram (1,000 grammes)	1 decigram
500 grammes	5 centigrams
200 grammes	2 centigrams
100 grammes	1 centigram
50 grammes	5 milligrams
20 grammes	2 milligrams
10 grammes	1 milligram
5 grammes	

(s) Metric Carat Weights

<i>Denomination</i>	<i>Weight in Grammes</i>
500 metric carats (500 c m)	100
200 metric carats (200 c m)	40
100 metric carats (100 c m)	20
50 metric carats (50 c m)	10
20 metric carats (20 c m)	4
10 metric carats (10 c m)	2
5 metric carats (5 c m)	1
2 metric carats (2 c m)	0.4
1 metric carat (1 c m)	0.2
0.5 metric carat (0.5 c m)	0.1
0.2 metric carat (0.2 c m)	0.04
0.1 metric carat (0.1 c m)	0.02
0.05 metric carat (0.05 c m)	0.01
0.02 metric carat (0.02 c m)	0.004
0.01 metric carat (0.01 c m)	0.002
0.005 metric carat (0.005 c m)	0.001

PART III**METRIC EQUIVALENTS**

The table of metric equivalents following is that authorized by Order in Council No. 411 dated the 19th day of May, 1898

*Metric to Imperial**Linear Measure—*

1 millimetre (mm) (1/1,000 m)	0.03937 inch
1 centimetre (1/100 m)	0.3937 inch
1 decimetre (1/10 m)	3.937 inches
	39.370113 inches
1 metre (m)	3.280843 feet
	1.0936143 yards
1 dekametre (10 m)	10.936 yards
1 hectometre (100 m)	109.36 yards
1 kilometre (1,000 m)	0.62137 mile

Square Measure—

1 square centimetre	0.15500 square inch
1 square decimetre (100 square centimetres)	15.500 square inches
1 square metre (100 square decimetres)	10.7639 square feet
	1.1960 square yards
1 are (100 square metres)	119.60 square yards
1 hectare (100 ares or 10,000 square metres)	2.4711 acres

Cubic Measure—

1 cubic centimetre	0.0610 cubic inch
1 cubic decimetre (c.c.) (1,000 cubic centimetres)	61.024 cubic inches
1 cubic metre (1,000 cubic decimetres)	35.3148 cubic feet
	1.307954 cubic yards

Measures of Capacity—

1 centilitre (1/100 litre)	0.070 gill
1 decilitre (1/10 litre)	0.176 pint
1 litre	1.75980 pints
1 dekalitre (10 litres)	2.200 gallons
1 hectolitre (100 litres)	2.75 bushels

Weight—

1 milligram (1/1,000 grm)
 1 centigram (1/100 grm)
 1 decigram (1/10 grm)
 1 gramme (1 grm)
 1 dekagram (10 grm)
 1 hectogram (100 grm)
 1 kilogram (1,000 grm)

1 myriagram (10 kg)
 1 quintal (100 kg)
 1 tonne (1,000 kg)
 1 gram (1 grm)

1 gram (1 grm)

Avoirdupois

0 015 grain
 0 154 grain
 1 543 grains
 15 432 grains
 5 644 drams
 3 527 oz
 2 2046223 lb or
 15432 3564 grains

22 046 lb
 1 968 cwt
 0 9842 ton
 0 03215 oz (Troy)
 15 432 grains

Apothecaries

0 2572 drachm
 0 7716 scruple
 15 432 grains

EQUIVALENTS OF IMPERIAL AND METRIC WEIGHTS AND MEASURES

*Imperial to Metric**Linear Measure—*

1 inch 25 400 millimetres
 1 foot (12 inches) 0 30480 metre
 1 yard 0 914399 metre
 1 fathom (6 feet) 1 8288 metres
 1 pole (5½ yards) 5 0292 metres
 1 chain (22 yards) 20 1168 metres
 1 furlong (220 yards) 201 168 metres
 1 mile (8 furlongs) 1 6093 kilometres

Square Measure—

1 square inch 6 4516 sq centimetres
 1 square foot (144 square inches) 9 2903 sq decimetres
 1 square yard (9 square feet) 0 836126 sq metre
 1 perch (30¼ square yards) 25 293 sq metres
 1 rood (40 perches) 10 117 ares
 1 acre (4,840 square yards) 0 40468 hectare
 1 square mile (640 acres) 259 00 hectares

Cubic Measure—

1 cubic inch 16 387 centimetres
 1 cubic foot (1,728 cubic inches) 0 028317 cubic metre
 1 cubic yard (27 cubic feet) 0 764553 cubic metre

Measures of Capacity—

1 gill 1 42 decilitre
 1 pint (4 gills) 0 568 litre
 1 quart (2 pints) 1 136 litres
 1 gallon (4 quarts) 4 5459631 litres
 1 peck (2 gallons) 9 092 litres
 1 bushel (8 gallons) 3 637 dekalitres
 1 quarter (8 bushels) 2 909 hectolitres

Apothecaries' Measure—

1 minim 0 059 millilitre
 1 fluid scruple 1 184 millilitres
 1 fluid drachm (60 minims) 3 552 millilitres
 1 fluid ounce (8 drachms) 2 84123 centilitres
 1 pint 0 568 litre
 1 gallon (8 pints or 160 fluid ounces) 4 5459631 litres

Avoirdupois Weight—

1 grain 0 0648 gramme
 1 dram 1 772 grammes
 1 ounce (16 drams) 28 350 grammes
 1 pound (16 oz or 7,000 grains) 0 45359243 kilogram
 1 stone (14 lb) 6 350 kilograms
 1 quarter (28 lb) 12 70 kilograms
 1 hundredweight (cwt) (112 lb) 50 80 kilograms or 0 5080 quintal
 1 ton (20 cwt) 1 0160 tonnes or 1 016 kilograms

Troy Weight—

1 grain	0.0648 gramme
1 pennyweight (24 grains)	1.5552 grammes
1 Troy ounce (20 pennyweights)	31.1035 grammes

Apothecaries' Weights—

1 grain	0.0648 gramme
1 scruple (20 grains)	1.295 grammes
1 drachm (3 scruples)	3.888 grammes
1 ounce (8 drachms)	31.1035 grammes

Note—Approximately, one litre equals 1,000 cubic centimetres, and one millilitre equals 1/1000 cubic centimetres

SCHEDULE G

FORM OF CERTIFICATE OF JUSTNESS

I hereby certify that the weights, measures, weighing and measuring instruments which are indicated hereunder were brought to me by _____, residing at _____, and were this day verified (or stamped or marked) by me, the same having been examined and found correct or were rejected or adjusted by me

Dated at _____ this _____ day of _____, 19____

(Signature),

Deputy Inspector of Weights and Measures

NOTE—This certificate remains in force for _____ calendar months from the date thereof

MEMORANDUM OF OBJECTS AND REASONS

The primary purpose of this Bill will be to make better provision for regulating the use of weighing and measuring apparatus and for matters connected therewith

To achieve these objects the Bill will—

- (a) provide a comprehensive series of denominations of weight and measure many of which though used for many years in trade, were so used by custom and not by law,
- (b) give effect to the advances and developments in weighing and measuring practice which have taken place since the present Ordinance was enacted in 1912,
- (c) give better protection to the public and to traders,
- (d) preclude the use of weights and measures other than those prescribed

The Bill also transfers the administration of the Ordinance from the Commissioner of Police to the Member for Commerce and Industry

Clause 3 of the Bill will provide for the use only of recognized weights and measures

Clauses 4 to 9 inclusive will establish the actual weights and measures which may be used

Clause 10 will provide for reference the precise equivalents of Imperial weights and measures in terms of the metric system

Clause 11 will empower the Governor to procure and verify the necessary standards for comparison

Clause 12 deals with the measures to be taken to provide for the safe custody of the standards

Clauses 13 and 14 will provide for the requisite secondary reference standards, thus ensuring the necessary high quality of equipment to be used by inspectors, and for periodical comparison to preserve accuracy

Clauses 15 and 16 will ensure the use in trade of the wider range of denominations provided by the Bill

Clauses 18 to 23 will prevent the sale or use of unauthorized weights and measures and of unjust apparatus, and protect from exploitation persons who have to purchase such apparatus for use in trade

Clauses 24 to 28 will provide for the periodic inspection of weights and measures and for stamping or marking and will prevent forgery of such stamps or marks and the sale of apparatus with forged or counterfeit stamps or marks

Clause 29 will save apparatus which may be in error within certain prescribed limits

Clause 31 deals with the appointment of suitably qualified inspectors and requires them to enter into recognizances for the proper performance of their duties

Clauses 32 to 37 will provide for the equipping of inspectors with proper apparatus, for the inspection by them of weighing and measuring instruments, for stamping or marking, and for the issue of certificates of justness, and gives certain limited powers of entry, search and seizure in cases where the use of unjust apparatus is suspected

Clause 40 will empower arrest in certain limited and clearly defined circumstances

Clause 44 will provide enhanced penalties in cases where offences are committed with intent to defraud

Clause 48 provides for the setting up of a Weights and Measures Board to assist the Member in an advisory or consultative capacity on technical and administrative matters

Clause 51 enables the making of rules and contains provisions that such rules shall be laid before Legislative Council

Clause 52 will repeal the Weights and Measures Ordinance, Cap 298

It is not possible to estimate the additional expenditure of public moneys which will be incurred if the provisions of this Bill become law

Nairobi,
17th April, 1951

J BASIL HOBSON,
Acting Attorney General

GOVERNMENT NOTICE NO 852

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

SECTION	SECTION
1—Short title and commencement	19—Applications for remission of training or other grounds after training has started
2—Ordinance not to apply to certain classes of persons	20—Special liability for service
3—Interpretation	21—Wearing of uniforms
4—Persons liable for compulsory training	22—Pay, allowances, etc
5—Training Centre	23—Power of Governor to prescribe place of training
6—Permanent staff of the Training Centre	24—Entitlement to re-employment
7—Extent and character of training liability	25—Period for which reinstated person is entitled to be retained in employment
8—Power of the Member to excuse in certain cases	26—No person to be penalized on account of his training obligations
9—Provision regarding attestation	27—Liability when an employer has died or disposed of his interest
10—Initial period of training How reckoned	28—Establishment and membership of Reinstatement Committees
11—Public announcement of call up	29—Applications and proceedings
12—Discretionary powers of the Director	30—Powers of Reinstatement Committees
13—Form and content of notices	31—Offences
14—Medical Examinations Board and its powers	32—Penalties
15—Appointment of an Exemptions Tribunal	33—Power to make Regulations
16—Applications to the Exemptions Tribunal	Schedule
17—Powers of the Exemptions Tribunal	
18—Application on medical grounds for postponement of training after commencement thereof	

**A BILL ENTITLED
AN ORDINANCE TO MAKE PROVISION FOR THE
COMPULSORY MILITARY TRAINING OF
CERTAIN PERSONS IN THE COLONY AND FOR
MATTERS INCIDENTAL THERETO AND CON-
NECTED THEREWITH**

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 Compulsory Military Training Ordinance, 1951, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint
52. This Ordinance shall not apply to the classes of persons specified in the Schedule to this Ordinance
3. In this Ordinance, unless the context otherwise requires—
“Army Act” means the Army Act 1881, 44 and 45 10 Victoria, Ch 58, and every Act amending or replacing the same,
“to call up” means to serve with an enlistment notice and “called up” shall be construed accordingly,
“Commanding Officer” means the Commanding Officer 15 of the Training Centre appointed under section 6 of this Ordinance,
“Director of Manpower” means the Director of Manpower appointed under section 6 of the Compulsory National Service Ordinance, 1951,
20 “enlistment date” means the date specified in the enlistment notice as the date upon which the person to whom such notice is addressed is required to present himself for initial training,
- Short title and commencement
- Ordinance not to apply to certain classes of persons
- Interpretation
- No 19 of 1951

“enlistment notice” means the notice issued under section 12 of this Ordinance,

“General Officer Commanding” means the General Officer Commanding, East Africa,

“initial training” means the period of training prescribed under paragraph (a) of section 7 of this Ordinance,

“training” means military training, instruction or exercise, of whatever kind,

“Training Centre” means the Kenya National Service Training Centre established under section 5 of this Ordinance

Persons liable
for compulsory
training

4. (1) Except as provided in section 2 of this Ordinance every male British subject of European descent resident or being in the Colony, who has attained the age of 18 years but has not attained the age of 23 years, shall be liable for compulsory military training in accordance with the provisions of this Ordinance

(2) If any person liable for compulsory military training under this section is granted by the Exemptions Tribunal a postponement of his enlistment date, he shall, at any time within one year after the expiration of the period of such postponement be liable to be called up for compulsory military training in accordance with the provisions of this Ordinance, notwithstanding that he may, at the time of being so called up, have attained the age of 23 years

Provided that no person called up under the provisions of this sub-section shall be required to perform any training after he has attained the age of 30 years

Training Centre

5. There is hereby established the Kenya National Service Training Centre, the purpose of which shall be to provide compulsory military training, in accordance with the provisions of this Ordinance for persons liable for compulsory military training

Permanent staff
of the Training
Centre

6. (1) The permanent staff of the Training Centre shall consist of a Commanding Officer and such number of officers, warrant officers, non-commissioned officers, other military ranks and civilian clerical and other personnel as the Governor, after consultation with the General Officer Commanding, may authorize

(2) The Commanding Officer and all other members of the permanent staff shall be appointed by the General Officer Commanding

(3) The pay and conditions of service of civilian members of the permanent staff shall be such as the Member may determine

Extent and
character of
training
liability

7. (1) Every person who is, under section 4 of this Ordinance, liable for compulsory military training shall be liable—

(a) to undergo an initial period of compulsory military training for a period of 168 days under the directions of the Commanding Officer at such place, being either within or without the limits of the Colony, as the Governor may order. The place at which such person is required to undergo such training shall be specified in the enlistment notice issued to such person under section 12 of this Ordinance, and

(b) upon completion of the period prescribed in paragraph (a) of this section, to be compulsorily enrolled for a period of four years as a member of the Kenya Regiment and, for the duration of the said period,

to undertake such annual courses of training as may be ordered by the commanding officer of the said Regiment in accordance with the provisions of the Kenya Regiment (Territorial Force) Ordinance

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5 (2) The provisions of the Army Act and King's Regulations relating to discipline and the procedure and evidence at courts martial shall apply to every person while undergoing initial training either within or without the limits of the Colony

10 8. (1) Any person who has completed his initial training may, in the discretion of the Member, be excused, by permit signed and issued to him by the Member, from the obligation imposed by paragraph (b) of sub-section (1) of section 7 of this Ordinance, if either—

Power of the Member to excuse in certain cases

15 (a) he engages to enlist in the East Africa Naval Force and to serve therein for a minimum period of four years, or

(b) he engages to enlist in any auxiliary or reserve unit of the Royal Air Force which may be established in the Colony and to serve with such unit for a minimum period of four years

20 (2) Any person who has completed 30 days initial training may apply to the Member for permission to proceed to the United Kingdom in order to join a training unit, whether of the Royal Navy, the Army or the Royal Air Force, instead of undergoing any further period of training to which he is liable under the provisions of paragraph (a) of sub-section (1) of section 7 of this Ordinance, and the Member may grant such permission if he is satisfied—

30 (a) by certificate signed by the Commanding Officer of the Training Centre that he applicant is, in his opinion, suitably qualified for admission to such unit, and

35 (b) that arrangements for his admission to such unit have been made

(3) If any person having been excused under this section from any compulsory military training under this Ordinance, subsequently fails, in the case mentioned in sub-section (1) of this section to carry out his engagement, or in the case mentioned in sub-section (2) to join such officer training unit or to complete the course prescribed for such training, the Member may cancel the permission granted by him and may require such person to complete the whole, or such portion as the Member may direct, of the further period of training to which he was liable at the time when the said permission was granted to him

40 (4) Any person who has completed a course of training in any training unit as aforesaid shall be entitled to deduct from the period of four years enrolment required under paragraph (b) of sub-section (1) of section 7 of this Ordinance the period of his course of training in any such training unit, and the provisions of this sub-section shall apply to any person excused under sub-section (1) of this section from the obligation imposed by the aforesaid paragraph (b) of sub-section (1) of section 7

55 9. Every person called up for military training under the provisions of this Ordinance shall, within 24 hours of reporting for such training in accordance with the terms of his enlistment notice, sign a prescribed form of attestation

Provision regarding attestation

Initial period of
training
How reckoned

10. (1) The period of initial training to which a person is liable under this Ordinance shall commence to run from, and shall include, the day on which he signs the prescribed attestation form, and thereafter every day upon which he carries out the duties prescribed in accordance with the training programme fixed by the Commanding Officer of the Training Centre shall count towards fulfilment of his initial training 5

(2) Any time taken in travelling to the Training Centre shall not, except as otherwise provided in section 23 of this Ordinance, count as part of the training period 10

(3) If, at the end of any course of initial training, any person has failed, without reasonable cause or excuse, to complete his period of initial training, he may be required by the Commanding Officer to attend and remain at the Training Centre for a further period of training until he has completed his initial training 15

(4) If any person, being prevented through sickness or other good cause from completing his full course of initial training, leaves the Training Centre under the authority of a permit granted to him under section 18 or section 19 of this Ordinance and, upon the expiry of the period of postponement granted to him in such permit, is again called up he shall, if he has completed less than one-third of his period of initial training, undergo the full period of initial training, if he has completed one-third or more of his initial training he shall be required to undergo only the remaining portion of his initial training 20 25

Public
announcement
of call up

11. (1) Subject to the provisions of sub-section (3) of this section the Member shall, not later than September of each year, publish a notice in the Gazette stating by reference to age the persons who will be called up for compulsory military training during the next succeeding year and requiring such persons to notify the Director of Manpower of their names and addresses within 14 days of the date of the notice 30 35

(2) Every notice under sub-section (1) of this section shall state that persons who have attained the age of 18 years but have not attained the age of 19 years on the 1st January next following will be called up

(3) In respect of the year 1952, the Member may publish the notice at any time up to the end of November, 1951 40

Discretionary
powers of the
Director

12. (1) Within one month of the publication of the notice mentioned in section 10 of this Ordinance, the Director of Manpower shall issue to every person to whom the notice applies an enlistment notice 45

Provided that if the Member has stated in the notice that only a specified number of the persons within any particular age limits are to be called up, the Director of Manpower shall decide, by lot drawn in such manner and in the presence of such number of persons as the Member may direct, which persons within such age limits shall be called up, so as to ensure the call up of the number required 50

(2) If the programme of the Training School for any year is arranged so that the persons to undergo initial training in such year will be required to undergo such training in more than one group, with different dates of commencement assigned to each group, the Director of Manpower shall decide which persons within any age limits to be called up for training in such year shall be included in any such group and shall specify the date of the commencement of their initial training accordingly in their enlistment notices. 55

(3) If any two persons, having received enlistment notices warning them for training in the same year but in different groups, having different dates of commencement, mutually wish to exchange, they may apply to the Director of Manpower who shall have power to effect such exchange by amendment of their enlistment notices

(4) The Director of Manpower may cancel any enlistment notice issued in error and, by an amending notice, correct any error made in any enlistment notice

10 **13.** (1) Every enlistment notice, cancellation of enlistment notice, postponement of enlistment notice, every amendment to any of the said notices, and every exemption certificate issued under the provisions of this Ordinance shall be in the prescribed form and shall be signed by the Director of
15 Manpower or a person authorized to sign on his behalf

Form and
content of
notices

(2) Every enlistment notice shall specify the date on which the person addressed in such notice is to report for duty, the officer to whom he is to report, and the place at which he is to report

20 (3) Every enlistment notice shall require the person to whom it is addressed to present himself at such place as may be specified in such notice for initial training and shall also require him, on completion of the initial training, to become enrolled in the Kenya Regiment and there to undergo the
25 further period of training to which he is liable under this Ordinance

(4) Every notice issued under this section shall be sent to the person to whom it is addressed by registered post

(5) Every enlistment notice, other than an enlistment
30 notice issued in the year 1951, shall allow at least two clear months between the date of issue of the said notice and the enlistment date. An enlistment notice issued in 1951 shall allow at least one clear month between the date of its issue and the enlistment date

35 **14.** (1) There is hereby established a Board, to be known as the Medical Examinations Board, which shall consist of a Chairman and such number of members as the Director of Medical Services shall by notice published in the Gazette, appoint

Medical
Examinations
Board and its
powers

40 (2) The Board shall have power to appoint any medical practitioner to be a medical examination officer for the examination of persons called up for compulsory military service under this Ordinance

(3) Subject to the provisions of sub-section (4) of this
45 section any person who has received an enlistment notice under this Ordinance shall, within one month of the receipt of such notice, submit himself for examination by a medical examination officer appointed by the Board, and upon examination of any such person the medical examination
50 officer shall forward a report of the result of such examination to the Board

(4) The Board may upon the application of any person, dispense with the personal attendance of any such person before a medical examination officer and, in lieu thereof, may
55 accept a medical certificate signed by any qualified medical practitioner, without prejudice, however, to the right of the Board in its discretion at any subsequent time to require examination of such person by a medical examination officer appointed by the Board

(5) On receipt of a medical examination report on any such person as aforesaid, the Board may either grant or refuse exemption from compulsory military training or may grant postponement of such training for a stated period and may require re-examination on the expiry of such period, and upon any such re-examination the Board may either grant exemption, or grant a further postponement, or certify that the person examined is fit to be called up

(6) The Chairman of the Board shall notify the Director of Manpower of the decision arrived at as the result of any examination or re-examination held under the provisions of this section and the Director of Manpower shall communicate such decision to the person concerned

Appointment of
an Exemptions
Tribunal

15 (1) There is hereby established a tribunal, to be known as the Exemptions Tribunal for the hearing and disposal of applications for exemption from, or postponement of, training made on other than medical grounds by any person who has been called up under the provisions of this Ordinance

(2) The Exemptions Tribunal shall consist of a Chairman and such number of members as the Governor shall appoint

Applications to
the Exemptions
Tribunal

16 (1) Any person who receives an enlistment notice under this Ordinance may, within fourteen days of the receipt of such notice, apply for exemption from compulsory military training or for a postponement of such training on any of the following grounds—

- (a) that he is undergoing a course of educational or vocational training, the interruption of which will seriously prejudice him in his career,
- (b) that the profession, business or undertaking in which he is engaged will suffer serious loss if he is called up, or if he is called up at that particular time,
- (c) that he is a conscientious objector,
- (d) that, on personal grounds other than the above, his call up at such a time would cause undue hardship

(2) Every application under sub-section (1) of this section shall be made to the Exemptions Tribunal

Powers of the
Exemptions
Tribunal

17. The Exemptions Tribunal, upon receipt of an application made under section 16 of this Ordinance, shall fix a date for consideration of the said application, shall notify the applicant of such date and give him an opportunity of appearing personally in support of his application, and shall then either grant or refuse exemption, or grant or refuse a postponement, as it may deem fit

Application on
medical grounds
for postpone-
ment of training
after commence-
ment thereof

18. If while undergoing compulsory military training any person becomes so medically unfit that the medical officer concerned recommends that a postponement of his training should be granted his commanding officer shall have power to grant a postponement for such period as he may think fit

Applications for
remission of
training on other
grounds after
training has
started

19. (1) If a person, in the course of his training, wishes to apply to be released from further training on compassionate grounds he may make application through his commanding officer to the Exemptions Tribunal and the said Tribunal may either grant or refuse release, or grant a postponement of further training for a stated period

(2) If an applicant for release under the provisions of this section is, at the time of such application, undergoing training at any place without the limits of the Colony and his commanding officer considers the case to be of great urgency he

may himself grant or refuse release or grant a postponement of further training for a stated period but shall report any action so taken by him to the Exemptions Tribunal

(3) Any action taken under the provisions of this section shall be reported by the Exemptions Tribunal to the Director of Manpower

20. (1) Notwithstanding anything to the contrary in this Ordinance, every person undergoing compulsory military training shall—

Special liability
for service

10 (a) in the event of general mobilization, be deemed to have been called up for military service under the provisions of the Compulsory National Service Ordinance, 1951, and shall be subject, in all respects, to the provisions of that Ordinance until the end
15 of such mobilization,

No 19 of 1951

(b) in the event of a state of emergency being declared under any law of the Colony for the time being in force, be at the disposal of the General Officer Commanding to be used for any military purpose during the period of such emergency and shall, for
20 such period be subject to the provisions of the Compulsory National Service Ordinance, 1951

No 19 of 1951

(2) On the expiry of the period of any such mobilization or state of emergency, as the case may be, the Member
25 shall have power, in his discretion, to order that the number of days so served shall count in diminution or extinction of any period of compulsory military training to which any person was still liable at the time of such mobilization or declaration of the state of emergency

30 **21.** (1) Every person, while undergoing initial training, shall wear such uniform, with such distinctive marks or badges, as may be prescribed

Wearing of
uniform

(2) Every person, while undergoing training with the Kenya Regiment in accordance with the provisions of paragraph (b) of sub-section (1) of section 7 of this Ordinance,
35 shall wear the uniform, with distinctive marks or badges, of the Kenya Regiment

22. (1) Every person, while undergoing initial training, shall be entitled to such rates of pay, allowances, privileges
40 and entitlements, including entitlement for compensation for injury sustained in the course of duty and compensation to his heirs and assigns in the event of his death in the course of duty, as may be prescribed

Pay, allowances,
etc

(2) Every person, after enrolment in the Kenya Regiment in accordance with the provisions of paragraph (b) of sub-section (1) of section 7 of this Ordinance, shall be entitled to such rates of pay, allowances, privileges, and entitlements, including entitlement for compensation for injury sustained in the course of duty and compensation to his heirs and
50 assigns in the case of his death in the course of duty, as may be prescribed by regulations made under the Kenya Regiment (Territorial Force) Ordinance

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(3) For the purposes of this section a person shall be deemed to be on duty at all times in the course of his
55 initial training or when serving with the Kenya Regiment or when proceeding, in accordance with the provisions of this Ordinance, from one place of training to another

Power of
Governor to
prescribe place
of training

23. (1) The Governor may, by Order, provide for the initial training of any persons called up under this Ordinance to be performed within or without the limits of the Colony, and any such Order shall specify the place or places at which such training shall be performed and shall contain such 5 provisions as may be necessary effectually to carry into effect the intention of the Order

(2) Any order under sub-section (1) of this section which provides for the initial training of any person to be performed without the limits of the Colony shall provide that 10 the enlistment notice addressed to any such person shall specify a place within the Colony (to be known as a "reporting centre") at which such person shall report

(3) Every person upon completion of his full period of initial training at any place outside the Colony shall upon 15 return to the Colony, comply with the provisions of paragraph (b) of sub-section (1) of section 7 of this Ordinance

(4) The period of the initial training of any person who performs such initial training outside the Colony shall commence on the day on which he reported to the reporting 20 centre but there shall not be included therein any period occupied in returning to the Colony

Entitlement to
re employment

24. (1) A person called up for compulsory military training under the provisions of this Ordinance may, if he was in employment at the time of receiving the enlistment 25 notice, make application to his employer in writing at any time before the enlistment date, for reinstatement in employment at the end of his period of initial training and the said employer shall be under an obligation so to reinstate him either—

(a) in the occupation in which he was employed at the time of the receipt of his enlistment notice, on terms and conditions not less favourable to him than those which would have been applicable to him in that occupation if he had not been so called up, or 30

(b) if it is not reasonable and practicable that he should be taken into employment in that occupation and on those terms and conditions, in the most suitable occupation and on the most favourable terms and conditions which are reasonable and practicable in 35 the circumstances of the case

(2) Every employer shall so re-employ or make available such alternative employment to the applicant for reinstatement at the first opportunity after the completion by the said applicant of his period of initial training and shall, in any 45 case, make such re-employment or such alternative employment available to him within thirty days of the completion of the said training

(3) If any such employer fails to comply with the preceding provisions of this section or if the applicant for re- 50 instatement in employment considers that the terms and conditions of the employment offered are less favourable to him than those under which he would be working if he had not been called up, the said applicant may make application in writing to the Reinstatement Committee appointed under 55 section 28 of this Ordinance for the area in which he was formerly employed by the said employer

(4) If the employer has made an offer of re-employment or alternative employment under the provisions of sub-section (2) of this section and the applicant for reinstatement has 60 failed to take up such employment within sixty days of the offer being made to him in writing, the former employer shall be quit of his obligation towards the said applicant, except—

(a) that where the applicant has made an application to the Reinstatement Committee under the provisions

of sub-section (3) of this section, the period of sixty days shall be reckoned from the date of the order of that Committee, unless otherwise expressly stated in such order,

5 (b) that where the applicant is prevented by sickness or injury from taking up such employment within sixty days, he may take up the employment within such period as the Reinstatement Committee may, upon application made to it by the applicant, direct

10 (5) If the employer is unable, without grave hardship to himself or to others, to perform his obligations under this section, he may make application in writing to the said Reinstatement Committee to be released therefrom and the Committee may make such order as the justice of the case
15 requires

(6) The provisions of this section shall not apply to any person who has, pursuant to permission granted by the Member, under sub-section (2) of section 8 of this Ordinance, proceeded to the United Kingdom to join a training unit

20 **25.** (1) Any person who has been reinstated in employment under the provisions of section 24 of this Ordinance shall be entitled—

Period for which
reinstated person
is entitled to be
retained in
employment

(a) if he was serving on a contract of service with a specific date of conclusion, to have the date of conclusion extended for a period equal to the period
25 of his absence while undergoing initial training together with such number of days, not exceeding thirty as may intervene between the conclusion of such period of training and his re-entry into employment with the employer, and

30 (b) if he was serving on a verbal agreement or a written contract with no specified date of termination, to be retained in such employment for a period equal to the number of days worked under the said verbal agreement or contract up to the time when his
35 initial training commenced

Provided that the employer—

(a) may not dismiss him within three months of his reinstatement in employment, and

40 (b) shall not be obliged under this paragraph to retain him in employment for more than one year from the date of his reinstatement

(2) Both the employer and the person reinstated shall have the right to make an application in writing to the Reinstatement Committee for the area in which the place of
45 employment is situated if, in the opinion of either, the provisions of this section would operate harshly, and in any such case the Committee shall have power to make such order as the justice of the case may require

50 **26.** Every person reinstated in employment under the provisions of this Ordinance shall continue to be liable, unless excused under any other of the provisions of this Ordinance, to comply with the provisions of paragraph (b) of sub-section (1) of section 7 of this Ordinance, and any employer who in any
55 manner prevents or hinders any person from performing that obligation or penalizes him on account of his performance thereof shall be guilty of an offence against this Ordinance

No person to be
penalized on
account of his
training
obligations

60 **27.** If an employer of any person called up for compulsory military training dies or disposes of his interest in the business in which such person was employed while such person is undergoing his initial training, the successor in interest to such employer in relation to such business shall, for

Liability when
an employer has
died or disposed
of his interest

the purposes of this Ordinance, fulfil the obligations to which such employer would have been liable under the provisions of this Ordinance, had he not so died or disposed of his interest

Establishment
and membership
of Reinstatement
Committees

28. (1) The Member shall appoint a Reinstatement Committee for such area or areas in the Colony as he may think fit 5

(2) Every such Reinstatement Committee shall consist of a Chairman and four members who shall be appointed by the Member 10

(3) Of the four members of the Committee two shall be persons selected by the Member to represent employers and two shall be persons selected by the Members to represent employees

Applications and
proceedings

29. (1) Every application under section 24 of this Ordinance shall be made to the Reinstatement Committee for the area in which the applicant for reinstatement was employed at the time of his call up 15

(2) Every application under section 25 of this Ordinance shall be made to the Reinstatement Committee for the area in which the applicant has been reinstated in employment 20

(3) The Director of Manpower shall have power, if so requested by the Reinstatement Committee to which an application has been made and if the parties mutually consent, to direct that the case be transferred to and heard by the Reinstatement Committee having jurisdiction in the area in which the head office of the employer's business is situated 25

(4) Every application made to a Reinstatement Committee shall be in writing and shall state the grounds upon which it is made 30

(5) A copy of every application made under this Ordinance shall be sent by the applicant at the time of making the application, to the other party affected

Powers of
Reinstatement
Committees

30. (1) Every Reinstatement Committee to which an application is made under the provisions of this Ordinance shall fix a date for the consideration of the application and, after giving notice to the parties and affording them an opportunity to appear personally before the Committee and to submit any document, should they desire to do so, shall have power, subject to the further provisions of this section, to determine the matter and make any order which the justice of the case may require, including the making, when it is satisfied that default of any obligations under this Ordinance has occurred, of either or both of the following orders— 40

(a) an order requiring employment to be made available to the applicant by the employer on such date, in such occupation, on such terms and conditions and at such place as may be specified in the order, being employment which, in the opinion of the Committee, is such as should in accordance with the foregoing provisions of this Ordinance be made available, 50

(b) an order requiring that there shall be paid by the employer to the applicant by way of compensation for any loss suffered or likely to be suffered by him by reason of any default of such employer a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the opinion of the Committee, the applicant would, if the obligations imposed by this Ordinance had been duly discharged, have been entitled to receive from his employer in respect of the period during which he is required to be employed by the employer 60

(2) Any person aggrieved by any order of a Reinstatement Committee made under this section may appeal to the Supreme Court

(3) The Supreme Court shall have power to set aside or amend any order of a Reinstatement Committee and to make any other order which the justice of the case may require

(4) The Supreme Court may make rules regulating the procedure to be followed upon any appeal under sub-section (2) of this section

31. Any person who, without reasonable cause or excuse—

(a) fails to comply with the requirements of any notice issued to him under the provisions of this Ordinance by the Director of Manpower, or

(b) fails to present himself for examination by a medical examination officer or the Medical Examinations Board when required to do so under the provisions of this Ordinance or

(c) fails to notify the Director of Manpower of his name and address pursuant to any notice in the Gazette published under sub-section (1) of section 11 of this Ordinance,

shall be guilty of an offence against this Ordinance

32. (1) Any person who is guilty of an offence against section 31 of this Ordinance shall be liable, upon conviction by a subordinate court of the first or second class, to a fine not exceeding five hundred shillings or to imprisonment for any period not exceeding two months or to both such fine and imprisonment

(2) Any employer who is guilty of an offence against section 26 of this Ordinance shall be liable, upon conviction by a subordinate court of the first class to a fine not exceeding one thousand shillings or to imprisonment for any period not exceeding two months or to both such fine and imprisonment

33. The Governor in Council may make Regulations for better carrying out the provisions of this Ordinance

SCHEDULE

(Section 2)

1 Officers, Warrant Officers non-commissioned officers and men of—

(a) the Royal Navy the Regular Army and the Royal Air Force,

(b) the regular reserve of the Royal Navy, Army and Royal Air Force,

(c) the Territorial Army and the Territorial Army Reserves

2 Officers, Warrant Officers, non-commissioned officers and men of the Kenya Regiment and the East Africa Naval Force who joined the Regiment before the 1st July 1951, or so long a time as they continue to serve with the said Regiment or with the said Naval Force

3 Any person who has already completed the full course of training required by any legislation relating to national servicemen in the United Kingdom

4 Civilians engaged in the United Kingdom who are serving with any of His Majesty's Forces in the Colony or in a civil department of the Imperial Government

5 Members of the Kenya Police Force established under the Police Ordinance, 1948

6 Ministers of religion who have undergone a ceremony of ordination in a recognized Church

7 Any person whose presence in the Colony is governed by an "in transit" pass or a "visitor's pass" or a "special pass" issued under the provisions of the Immigration (Control) Regulations, 1948

8 Any person who is, under the provisions of any Act in force in a dominion, a national or citizen of that dominion within the mean-

ing of that Act or who is a person born or domiciled in a dominion, if in either case he has been ordinarily resident in the Colony for less than two years

For the purpose of this Schedule "dominion" means a dominion within the meaning of the Statute of Westminster, 1931

MEMORANDUM OF OBJECTS AND REASONS

This Bill will make provision for the compulsory military training of all male European British subjects between the ages of eighteen and twenty-three years, other than those classes of persons mentioned in the Schedule. The training which such persons will be required to undergo is a continuous period of five and a half months initial training which may be performed at any place, either within or outside of the Colony as the Governor may order, and after the completion of this period of initial training enrolment in the Kenya Regiment for a period of four years during which they will be required to perform the annual training prescribed for members of that Regiment. For the purpose of providing initial training the Bill establishes a Training Centre to be known as the Kenya National Service Training Centre.

Provision will also be made in the Bill for the Member to excuse enrolment in the Kenya Regiment if any person enlists for four years in the E.A. Naval Force or in any auxiliary or reserve unit of the Royal Air Force which may be established in the Colony. Furthermore, in the case of any person who has completed not less than thirty days of his initial training, provision is made whereby he may be allowed to be excused from any further initial training in order to join a training unit of the Royal Navy, the Army or the Royal Air Force in the United Kingdom.

The Director of Manpower is required to issue a notice not later than September in each year intimating by reference to age the persons who it is proposed to call up for training during the next following year. The notice will require every person liable to be called up pursuant to it to notify to the Director of Manpower his name and address. In respect of this year, however, special provision is made to enable the notice to be issued not later than the end of November. Within one month of the publication of this notice the Director of Manpower is required to issue to each of the persons to be called up during the following year an enlistment notice specifying the date on which and the place at which the person to whom it is addressed is required to report (*Clauses 11, 12 and 13*).

By *clause 14* of the Bill a Medical Examinations Board is established which is empowered to appoint medical examination officers to examine persons called up for training. The Board may excuse the examination of any person by a medical examination officer and accept in lieu thereof a medical certificate signed by a private medical practitioner. The Board is given power on the report of a medical examination officer to grant exemption from training or to grant a postponement thereof for a stated period or to certify that the person is fit to be called up.

Clauses 15, 16 and 17 establish an Exemptions Tribunal consisting of a chairman and such members as the Governor shall appoint, provide for the grounds, other than medical, upon which a person may apply to be exempted from undergoing training or may obtain a postponement thereof and empowers the Tribunal to grant or refuse exemption or a postponement. *Clauses 18 and 19* provide for postponement of training after such training has commenced on medical and compassionate grounds.

The Bill also contains in *clauses 24 to 30* provisions designed to ensure reinstatement in the same or similar employment after a person has performed his five and a half months' initial training. Exception is, however, made in the case of a person who has been granted permission under sub-section (2) of section 8 to join a training unit in the United Kingdom. *Clause 28* provides for the appointment of Reinstatement Committees to hear applications either from employers or from persons employed when in the opinion of the applicant any provisions of the Ordinance would operate harshly and the Committee is empowered to make any order which the justice of the case may require. Under *clause 30*, which provides for the orders which such a Committee may make, express provision is made for an appeal to the Supreme Court by any person aggrieved by any such order.

If this Bill becomes law it is expected that there will be incurred additional capital expenditure of public money amounting to approximately £314,000, and additional recurrent expenditure amounting to about £73,000 in the first year, rising annually until it reaches its maximum of about £140,000 in the fifth year.

Nairobi,
16th July, 1951

JOHN WHYATT,
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