



# THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE No. 934

## IN THE LEGISLATIVE COUNCIL OF THE COLONY AND PROTECTORATE OF KENYA

### THE BRITISH STANDARD PORTLAND CEMENT COMPANY LIMITED (BAMBURI FACTORY) BILL

UNTO the Honourable The Legislative Council of the  
Colony and Protectorate of Kenya in Council assembled

The Humble Petition of the British Standard Portland  
Cement Company Limited a Limited Liability Company in-  
corporated in the Colony of Kenya and whose registered  
office is situate at Sadler House, Sadler Street, in the City of  
Nairobi in the said Colony sheweth as follows —

1 That your Petitioner has applied to the Crown for the  
grant of a Lease of various lands and hereditaments in the  
said Colony and Protectorate of Kenya situate near Bamburi  
in the Coast Province of the said Colony and Protectorate

2 That your Petitioner has applied for the grant of a  
Lease for 99 years of the said lands for the purposes of  
excavation of coral rock and shale for the manufacture of  
Portland Cement and for the erection of a cement factory and  
its ancillary buildings

3 That your Petitioner has agreed with the Crown that  
within four years from the commencement of the said grant  
your Petitioner will produce a minimum output of Cement of  
10,000 tons in each year and that such output will be increased  
by 10,000 tons in each year until a minimum output of 50,000  
tons of Cement per annum is obtained

4 That your Petitioner has agreed with the Crown that  
all factory buildings will be erected to conform with an  
approved design and that all the requirements of the local  
Health Authorities will be complied with and fulfilled

5 That your Petitioner is aware of the necessity for  
regular and adequate supplies of cement being obtainable in  
the Colony and Protectorate of Kenya and desires to com-  
mence production at an early date in an endeavour to meet  
the demand for cement caused by the development of the said  
Colony

6 That it is expedient in the public interest and in the  
interests of the development of the said Colony and Pro-  
tectorate that the powers and immunities contained in the Bill  
hereunto annexed should be conferred on your Petitioner

7 That the objects of the said Bill cannot be effected  
without the authority of the Legislative Council,

Your Petitioner therefore humbly prays that leave be given to bring in a Bill to your Honourable Council for effecting the objects and purposes aforesaid in the terms of the Bill hereunto annexed or in such other terms and with such other powers and provisions and subject to such conditions and regulations as to your Honourable Council may seem meet

And your Petitioner will ever pray, etc

Dated at Nairobi this 27th day of July, 1951

THE COMMON SEAL of the British  
Standard Portland Cement  
Company Limited was hereunto  
affixed in the presence of —

J HUGHES, *Director*  
RICHARD WOODLEY,  
*Director*  
I MACLENNAN,  
*Secretary*

L S

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

J H BUTTER,  
*Acting Clerk to the Legislative Council*

By Resolution, in accordance with Standing Rule and Order No 97 Legislative Council has approved the introduction into Council of the following Bill —

**A BILL ENTITLED**  
**AN ORDINANCE TO AUTHORIZE THE MANUFACTURE OF CEMENT ON CERTAIN LAND NEAR BAMBURI IN THE COLONY AND PROTECTORATE OF KENYA BY THE BRITISH STANDARD PORTLAND CEMENT COMPANY LIMITED AND TO PROVIDE FOR THE GRANT OF A LEASE OF SUCH LAND TO THE SAID COMPANY FOR THE AFORESAID PURPOSE AND FOR PURPOSES INCIDENTAL TO AND CONNECTED THEREWITH**

WHEREAS the British Standard Portland Cement Company Limited has been incorporated and registered in the Colony of Kenya for the purposes *inter alia* of the manufacture and sale of cement and allied products

AND WHEREAS for the purposes aforesaid the said Company has entered into negotiations with the Government of the Colony and Protectorate of Kenya for the grant to the Company of a lease of certain lands situate near Bamburi in the Coast Province of the said Colony and Protectorate of Kenya for the purpose of erecting thereon a cement factory and other ancillary buildings and works and thereafter of conducting the business of the manufacture of cement and allied products

AND WHEREAS the erection of the said factory and works and the subsequent working thereof and manufacture of cement would be of great public advantage

AND WHEREAS the Company proposes to construct such factory and works and to engage in the manufacture of cement and it is expedient that the Company should be authorized to engage in such manufacture of cement on the aforesaid land near Bamburi in the Coast Province and that powers should be conferred on the Company for these purposes

AND WHEREAS these purposes cannot be effected without the authority of the Legislative Council of the Colony and Protectorate of Kenya

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

1. This Ordinance may be cited as The British Standard Portland Cement Company Limited (Bamburi Factory) Ordinance, 1951 Short title

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

“cement” means any product consisting principally of coral, shale, lime, silica, alumina and iron-oxide or of some of such ingredients, which has been calcined and ground to a fine powder which on hydration is capable of setting to a hard mass

“Company” means the British Standard Portland Cement Company Limited or their successors in title

“factory” includes all buildings and structures within the same curtilage used for—

- (a) the housing of machinery, plant or apparatus of any description for the manufacture of cement or the generation of power for such manufacture, or
- (b) the storage of any raw materials, fuel or stores necessary for the manufacture of cement, or
- (c) the storage of any cement prior to the time at which the property in such goods passed to any person other than the Company, or
- (d) the proper administration of the business of the Company in relation to the manufacture of cement and the sale thereof, or
- (e) canteens, rest rooms, recreation rooms, lavatories, baths and wash rooms for workers employed by the Company in the manufacture of cement or in any process incidental to such manufacture

3. Subject to the provisions of this Ordinance the lands described in the Schedule to this Ordinance are hereby vested in the Company for the purposes mentioned in the next succeeding section for a period of ninety-nine years upon such terms and conditions as may be determined by the Member for Commerce and Industry Grant of Lease

4. The Company is hereby authorized on the lands described in the Schedule to this Ordinance and in accordance with the terms and conditions determined as aforesaid to manufacture cement and for that purpose to erect and maintain a factory thereon and to install and maintain such plant and machinery therein as may be necessary for the purpose of the manufacture of cement, and to erect and maintain such other buildings as may be necessary as residences for employees of the Company employed in connexion with the manufacture of cement at the aforesaid cement factory Authority to Company to manufacture cement

5. No action, suit or other proceeding of any kind shall be brought by any person against the Crown or against any department of the Government or against any officer thereof as such in respect of or arising out of the vesting under the provisions of section 3 of this Ordinance of the lands described in the Schedule to this Ordinance, or in respect of or arising out of the manufacture of cement or of the carrying on or doing of any other operation or act by the Company in pursuance of the provisions of this Ordinance Actions against Government



Nuisance

6. The Company is hereby exonerated from liability for nuisance in respect of any works carried on in connexion with the said manufacture of cement or which are carried on by or with the consent of the Company pursuant to the business of the Company unless such nuisance is caused or contributed to by any negligence in the installation or operation or maintenance of the works of the Company or of any works carried on in conjunction with the said manufacture of cement 5

Saving of rights of the Crown, bodies corporate and other persons

7. Nothing in this Ordinance shall in any way prejudice or affect any rights of His Majesty The King, his Heirs and Successors, in any respect, or any body politic or corporate or of any other person, excepting only such as are mentioned in this Ordinance and those claiming by from and under them 10

#### SCHEDULE

(i) All that piece of land admeasuring 15 acres or thereabouts contiguous to and on the western boundary of Plot No 355 Mombasa Mainland North Section 1 This plot is more particularly shown and coloured red on plan Coast Lands Surveys (General) No 30, deposited at the Public Map Office, Survey of Kenya, Nairobi

(ii) All that piece of land containing by admeasurement 297 acres or thereabouts situate near Bamburi and lying to the west of Plots Nos 396 and 355 Mombasa Mainland North Section 1 and at approximately 250 yards from the western boundaries of the said plots and bounded on the south by Plot No 67 (revised) Mainland North Section 1 and on the west partly by Plot No 354 and partly by a portion of Plot No 337 known as Aerodrome Reserve and on the north by other Crown lands, which said Plot is more particularly shown together with the boundaries thereof coloured green on plan Coast Lands Surveys (General) No 30 deposited at the Public Map Office, Survey of Kenya, Nairobi

(iii) All that piece of land known as Mombasa Mainland North, Section II, Plot No 326, lying to the west of the Mombasa-Malindi main road, admeasuring 203 acres or thereabouts This Plot is more particularly shown and coloured blue on plan Coast Lands Surveys (General) No 30, deposited at the Public Map Office, Survey of Kenya, Nairobi