



THE OFFICIAL GAZETTE

OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO 292

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

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE COMPULSORY
MILITARY TRAINING ORDINANCE, 1951**

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 (Amendment) Ordinance, 1952, and shall be read and construed as one with the Compulsory Military Training Ordinance, 1951, hereinafter referred to as the principal Ordinance

Short title

No 57 of 1951

2. Section 4 of the principal Ordinance is amended—

Amendment of section 4 of the principal Ordinance

(a) by substituting for the words “who has attained the age of 18 years but has not attained the age of 23 years” in sub-section (1) the words “who, on the 1st January next following the date of a notice published under section 11 of this Ordinance, will have attained the age of eighteen years but will not have attained the age of twenty-three years”, and

(b) by adding the following new sub-section—

(3) Any person, being liable for compulsory military training under this section and to whom a notice published under section 11 of this Ordinance is applicable, who fails without lawful excuse to undergo or to commence to undergo the whole or any part of the compulsory military training to which he is liable before attaining the age of twenty-three years shall, in addition to any other penalty to which he may be liable, remain liable to undergo such training or part thereof at any time before attaining the age of thirty years, so, however, that if the period of his training has not been completed at the date of his attaining the age of thirty years he shall not be compelled to complete it

3. There shall be substituted for paragraph (a) of sub-section (1) of section 8 of the principal Ordinance the following—

Amendment of section 8 of the principal Ordinance

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

4. Section 11 of the principal Ordinance is amended—

Amendment of section 11 of the principal Ordinance

(a) by substituting for the figures “14” in sub-section (1) the word “fourteen” and by adding to the sub-section the following proviso—

Provided that if at the date of such notice any person to whom it is applicable had not then arrived in the Colony or was temporarily absent from the Colony or for any other sufficient reason was unable to comply with the notice, such person shall, within fourteen days after the date of his arrival in or return to the Colony or within fourteen

days after the cessation of such other sufficient reason as aforesaid, notify the Director of Manpower of his name and address,

and

- (b) by substituting for the words "have attained the age of 18 years but have not attained the age of 19 years" in sub-section (2) the words "will have attained the age of eighteen years but will not have attained the age of nineteen years"

Insertion of new section in the principal Ordinance
Power on application to call up persons to whom notice under section 11 not applicable

5. There shall be inserted next after section 11 of the principal Ordinance the following new section—

11A At any time within one month after a notice under section 11 of this Ordinance has been published any person who is liable under this Ordinance to undergo military training may, notwithstanding that such notice is not applicable to him, apply to the Director of Manpower to be called up for training with the persons to whom such notice relates and the Director may, in his absolute discretion, grant the application and issue to him an enlistment notice in accordance with the provisions of section 12 of this Ordinance

Amendment of marginal note to section 12 of the principal Ordinance

6. There shall be substituted for the marginal note to section 12 of the principal Ordinance the following—

Powers of the Director of Manpower

Amendment of section 14 of the principal Ordinance

7. There shall be substituted for the words "within one month of the receipt of such notice" in sub-section (3) of section 14 of the principal Ordinance the words "within such dates as are specified in the notice aforesaid"

Amendment of section 16 of the principal Ordinance

8. There shall be substituted for paragraph (a) of sub-section (1) of section 16 of the principal Ordinance the following—

(a) that he is undergoing or has concluded arrangements to undergo a course of educational or vocational training, the interruption or postponement of which will seriously prejudice him in his career,

Amendment of section 19 of the principal Ordinance

9. There shall be inserted next after the words "on compassionate grounds" in sub-section (1) of section 19 of the principal Ordinance the words "or on any other ground which the Tribunal consider sufficient"

Amendment of the Schedule to the principal Ordinance

10. The Schedule to the principal Ordinance is amended—

(a) by inserting after the words "special pass" in paragraph 7 the words "or a pupil's pass", and

(b) by deleting the words "born or" in paragraph 8

MEMORANDUM OF OBJECTS AND REASONS

Experience in the working of the Compulsory Military Training Ordinance, 1951 (No 57 of 1951) (herein referred to as the principal Ordinance), has shown that certain amendments to the Ordinance are desirable. The most important amendments which the Bill will make are explained hereunder.

Clause 2 will amend section 4 of the principal Ordinance in two respects. Under sub-section (1) as at present worded a person may be under twenty-three years of age at the beginning of the year when he is called up but may reach that age before he commences his training later in the year. The amendment will make it plain that such a person is liable for compulsory military training. This clause will also add a new sub-section which will ensure that if any person succeeds in unlawfully evading being called up or performing his training before

attaining the age of twenty-three he can be called up and required to undergo the training at any time before attaining the age of thirty years

Clause 3 will amend paragraph (a) of sub-section (1) of section 8 of the principal Ordinance to bring it into line with paragraph (b) of the sub-section so far as naval service is concerned. Since the East African Naval Force is a whole time service it will not be practicable for persons to enlist therein for service of the nature contemplated by the Ordinance

Clause 4 will amend sub-section (1) of section 11 of the principal Ordinance in order to ensure that an obligation rests on any person to whom a notice under the sub-section applies to notify his name and address notwithstanding that by reason of absence from the Colony or other sufficient reason he was unable to do so within fourteen days of the date of the notice

Clause 5 will insert a new section which will enable any person to whom the Ordinance applies to request the Director of Manpower to call him up for training with persons to whom a notice issued under section 11 of the Ordinance applies notwithstanding that the notice does not apply to him

Clause 8 will amend section 16 of the principal Ordinance so as to enable not only a person who is undergoing a course of training to be exempted or to have his training postponed but also a person who has made arrangements to undergo such a course of training

It is not expected that any additional expenditure of public moneys will be incurred if this Bill becomes law

Nairobi,
12th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE No 293

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

A BILL ENTITLED
AN ORDINANCE TO AMEND THE DIPLOMATIC
PRIVILEGES (EXTENSION) ORDINANCE

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

Short title	1. This Ordinance may be cited as the Diplomatic Privileges (Extension) (Amendment) Ordinance, 1952, and shall be read and construed as one with the Diplomatic Privileges (Extension) Ordinance (hereinafter referred to as the principal Ordinance) and any amendments thereto	5
Cap 317		
Amendment of section 2 of the principal Ordinance No 35 of 1951	2. At the end of sub-section (2) of section 2 of the principal Ordinance (as amended by the Diplomatic Privileges (Extension) (Amendment) Ordinance, 1951) there shall be added the following words— “Provided that the order shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of making the order, are required to be conferred on that person in order to give effect to any international agreement in that behalf ”	10 15
Minor amendments to the principal Ordinance	3. The provisions of the principal Ordinance specified in the first column of the Schedule to this Ordinance shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule, being minor amendments consequential on the enactment of the Diplomatic Privileges (Extension) (Amendment) Ordinance, 1951	20
No 35 of 1951		

SCHEDULE
MINOR AMENDMENTS OF THE PRINCIPAL ORDINANCE

SECTION 3

Provisions Amended	Amendments
Sub-section (2) of section 2	(a) For the words “the staffs of representatives of member governments” there shall be substituted the words “the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this sub-section” (b) After the words “conferred on the representatives” there shall be inserted the word “members”
Part IV of the Schedule	(a) For the words “representative’s staff” there shall be substituted the words “official staffs” (b) For the words “the representative of a member Government” there shall be substituted the words “a representative on any organ of the organization” (c) After the words “such a representative” there shall be inserted the words “or member”

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to add a proviso to sub-section (2) of section 2 of the principal Ordinance so as to ensure that no order conferring immunities and privileges shall confer greater immunities and privileges than are required to give effect to any international agreement in that behalf and also in order to make certain minor consequential amendments

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

Nairobi,
12th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE No 294

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

ARRANGEMENT OF SECTIONS

SECTION	SECTION
PART I—PRELIMINARY	PART III—GRANT OF LOANS BY THE BOARD
1—Short title	10—Loans
2—Interpretation	11—Repayment of loans
	12—Loans to be free of interest
PART II—ESTABLISHMENT OF BOARD AND PROVISION OF MONEYS	PART IV—MISCELLANEOUS PROVISIONS
3—Establishment and constitution of Board	13—Appeals
4—Board to be a body corporate	14—Accounts
5—The Chairman	15—Accountant General and Director of Audit to have access to accounts, etc kept by the Board
6—Procedure and meetings of the Board	16—Board may require production of books, accounts, etc
7—Execution of documents	17—Power to make rules
8—Exemption from stamp duty and other charges	18—Secrecy
9—Moneys to be set aside by Legislative Council	19—False statements

A BILL ENTITLED
AN ORDINANCE TO PROVIDE FOR THE GRANTING OF FINANCIAL ASSISTANCE FOR THE UNDERGROUND DEVELOPMENT OF GOLD-MINES IN THE COLONY AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

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

PART I—PRELIMINARY

1. This Ordinance may be cited as the Gold-mines Development Loans Ordinance, 1952
2. In this Ordinance unless the context otherwise requires—
- 5 “the Board” means the Gold-mines Development Loans Board established under section 3 of this Ordinance,
- “gold-mine” means any mine which produces gold either alone or in conjunction with any other mineral

PART II—ESTABLISHMENT OF BOARD AND PROVISION OF MONEYS

3. (1) There is hereby established a Board to be known as the Gold-Mines Development Loans Board which shall be constituted in the manner provided in sub-section (2) of this section
- 15 (2) The Board shall consist of the Secretary for Commerce and Industry who shall be the Chairman, the Senior Mining Engineer of the Mines and Geological Department and two persons appointed by the Member after consultation with the East African Chamber of Mines and the Board of Commerce and Industry
- 20 4. The Board shall be a body corporate and shall be capable of suing and of being sued, and of purchasing or otherwise acquiring, holding and alienating property, movable and immovable, and, subject to the provisions of this Ordinance, of doing or performing such acts and things as bodies corporate may by law do and perform
- 25 5. (1) The Chairman shall preside at all meetings of the Board at which he is present,

(2) If the Chairman is absent from any meeting the Board shall elect one of their number to act as Chairman at that meeting

Procedure and
meetings of
the Board

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of the business of the Board, and such meetings shall be held at such place and time and on such days as the Board may determine 5

(2) A quorum of the Board shall be two

(3) The decisions of the Board shall be by a majority of votes. If the votes are equal the chairman of the meeting shall have an additional vote 10

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board 15

(5) Subject to the provisions of this Ordinance, the Board shall have power to regulate its own proceedings

Execution of
documents

7. All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board if signed by the Chairman of the Board and one other member 20

Exemption from
stamp duty and
other charges

8. (1) No stamp duty, transfer duty or registration fee shall be payable in respect of any transfer of property to the Board otherwise than by way of mortgage or security for an advance 25

(2) Subject to the exception contained in sub-section (1) of this section, no certificate, instrument or other document issued by or in favour of the Board in giving effect to the powers conferred upon it by this Ordinance shall be subject to stamp duty or to any fee or charge whatsoever, nor shall the Board be liable for the payment of any search or inspection fee in any mining titles or deeds registry or other registration office 30

Moneys to be
set aside by
Legislative
Council

9. (1) There shall be set aside from public revenues for the purposes of this Ordinance such sum of money as may be voted for the purpose by the Legislative Council 35

(2) The Accountant General shall, out of the moneys so set aside, make such payments as the Board may by resolution direct 40

PART III—GRANT OF LOANS BY THE BOARD

Loans

10. (1) It shall be lawful for the Board, upon such terms and conditions as the Board shall think fit to grant a loan to the owner of any gold-mine for the underground development of such gold-mine 45

(2) An application for the grant of a loan under this section shall be made and signed by or on behalf of the owner of the gold-mine and shall be in such form and shall contain such particulars as may be prescribed by rules made under this Ordinance 50

(3) The Board may in its absolute discretion grant or refuse any application for a loan

(4) The amount of any loan to be made under this section shall be calculated in accordance with the provisions of rules made under this Ordinance

11. A loan made under this Ordinance shall be repay- Repayment of
able in such manner and subject to such conditions as may be loans
prescribed

12. Every loan granted under this Ordinance shall be Loans to be
5 free of interest free of
interest

PART IV—MISCELLANEOUS PROVISIONS

13. Any person aggrieved by a decision of the Board in Appeals
relation to any application for a loan may, within thirty days
of such decision, appeal in writing to the Member whose
10 decision shall be final

14. (1) The Accountant General shall, as soon as pos- Accounts
sible after the 31st March in each year, transmit to the Mem-
ber for Finance to be laid on the table of the Legislative
Council, a statement of accounts audited and certified by the
15 Director of Audit showing the gross amount of loans made and
moneys received by the direction or on behalf of the Board
during the preceding twelve months

(2) In addition to the accounts in this section mentioned
the Board shall render to the Member for Finance from time
20 to time such other accounts, reports and statements as the
Member for Finance may require

15. The Accountant General and any other officer in his Accountant
department in the public service deputed by him, and the General and
Director of Audit and any other officer in his department Director of
25 deputed by him, shall have full access to all such accounts, Audit to have
documents, papers and books as may be kept by the Board access to
accounts, etc ,
and the Board shall at all times furnish to any such officer any kept by the
Board
information he may require

16. (1) The Board may from time to time while any loan Board may
30 granted by this Ordinance or any part of such loan has not require
been repaid by notice in writing require the person to whom production of
such loan was granted to produce or cause to be produced any books, accounts, vouchers, receipts or other documents re-
lating to the operation of the gold-mine in respect of which
35 such loan was granted etc

(2) Any person who without lawful excuse fails to pro-
duce any books, accounts, vouchers, receipts or other docu-
ments as aforesaid in compliance with the terms of any notice
in writing requiring such production shall be guilty of an
40 offence and shall be liable on conviction before a subordinate
court of the first class to a fine of one thousand shillings or to
imprisonment for six months or to both such fine and im-
prisonment

17. (1) The Governor in Council may make rules Power to make
45 generally for better carrying out the provisions of this rules
Ordinance

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

50 (a) prescribe the form and contents of an application for
a loan under this Ordinance,

(b) provide for the manner in which and the means by
which the amount of any loan to be granted under
this Ordinance shall be calculated,

(c) prescribe the form of agreement for a loan,

- (d) prescribe the manner in which and the conditions subject to which a loan under this Ordinance shall be repayable,
- (e) prescribe the fee which shall be payable on every appeal to the Member under section 13 of this Ordinance and prescribe the circumstances in which any such fee may be refunded, and
- (f) prescribe anything required by this Ordinance to be prescribed

Secrecy

18. (1) Any person having any official duty or being employed in the administration of this Ordinance shall regard and deal with all documents, information, returns and forms relating to applications for advances or the making of advances under this Ordinance as secret and confidential

(2) Any person having possession of or control over any documents, information, returns or forms relating to any of the matters aforesaid who communicates or attempts to communicate such information or anything contained in such documents, returns or forms to any person—

- (a) other than a person to whom he is authorized by the Governor to communicate it, or
- (b) otherwise than for the purpose of this Ordinance, shall be guilty of an offence, and shall be liable on conviction before a subordinate court of the first class to a fine of two thousand shillings or to imprisonment for six months or to both such fine and imprisonment

False statements

19. Any applicant for an advance who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true shall be guilty of an offence, and shall be liable on conviction before a subordinate court of the first class to a fine of two thousand shillings or to imprisonment for twelve months or to both such fine and imprisonment, and shall further be liable to have any advance made to him by the Board cancelled forthwith, and to repay to the Board forthwith all sums advanced to him together with interest thereon

MEMORANDUM OF OBJECTS AND REASONS

On the 18th August, 1950, the Legislative Council passed a resolution authorizing a scheme for the granting out of the public revenues of financial assistance for the underground development of gold-mines. Following on this resolution negotiations with the Secretary of State for the Colonies were commenced and culminated in a delegation from the Colony visiting London during 1951 when the approval of His Majesty's Government to the scheme was given. This Bill will make the statutory provision necessary to implement the scheme.

Clauses 3 and 4 deal with the constitution and incorporation of a Board in which is vested the power to grant loans under the Ordinance.

Clauses 5 and 6 deal with the procedure at meetings of the Board and *clause 7* provides how deeds and other documents shall be executed by the Board.

Clause 8 exempts from stamp duty and other charges transactions to which the Board is a party.

Clause 9 provides for the setting aside by the Legislative Council of moneys for the purposes of the Ordinance and authorizes the Accountant General to make, out of such moneys, any payments directed by the Board by resolution.

Clause 10 confers power on the Board to grant loans for the underground development of gold-mines and sub-clause (4) provides that the amount of any such loan shall be calculated in accordance with the provisions of rules made under the Ordinance

Clause 11 provides that a loan shall be repayable in such manner and subject to such conditions as may be prescribed and *clause 12* declares any such loan to be free of interest

Clause 13 makes provision for an appeal to the Member by any person aggrieved by a decision of the Board in relation to any application for a loan

Clause 14 requires the Accountant General to transmit to the Member for Finance to be laid on the table of Legislative Council a statement of accounts duly audited and certified by the Director of Audit, and *clause 15* provides for the Accountant General and the Director of Audit to have access to all accounts, books, etc., as may be kept by the Board

Clause 16 gives to the Board a right to require any person to whom a loan has been granted and while such loan is unpaid to produce any books, accounts, vouchers, receipts or other documents relating to the operation of the gold mine in respect of which the loan was granted

Clause 17 enables the Governor in Council to make rules for better carrying out the Ordinance and in particular to prescribe the manner in which and the means by which the amount of any loan shall be calculated and the manner in which the conditions subject to which it shall be repayable

Clause 18 provides for dealing with documents, etc., relating to applications for a loan as secret and confidential and makes it an offence to communicate to any unauthorized person the contents of any such document

Clause 19 provides a punishment for any applicant for a loan wilfully making false statements or failing to disclose material facts

If the provisions of this Bill become law additional expenditure of public moneys will be incurred. In the first year it is expected that this will amount to approximately £40,000

Nairobi,
12th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE No 295

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

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE LOCAL
GOVERNMENT (RATING) ORDINANCE**

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

Short title

Cap 137

Amendment of
section 2 of
the principal
Ordinance

1. This Ordinance may be cited as the Local Government (Rating) (Amendment) Ordinance, 1952, and shall be read and construed as one with the Local Government (Rating) Ordinance, hereinafter referred to as the principal Ordinance

5

2. There shall be substituted for the words "twelve months" which occur in the definition of "time of valuation" in section 2 of the principal Ordinance the words "eighteen months"

MEMORANDUM OF OBJECTS AND REASONS

Experience has shown that in the larger municipalities the period of twelve months within which all the work of valuation must now be completed is insufficient and the object of this Bill is to extend the period to eighteen months

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

Nairobi,
14th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE No 296

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

A BILL ENTITLED
AN ORDINANCE TO AMEND THE ELECTRIC POWER
ORDINANCE

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

1. This Ordinance may be cited as the Electric Power (Amendment) Ordinance, 1952, and shall be read and construed as one with the Electric Power Ordinance, hereinafter referred to as the principal Ordinance Short title
Cap 174
2. Section 2 of the principal Ordinance is amended in the following respects— Amendment of
section 2 of
the principal
Ordinance
- (a) by substituting for the definitions of “distributing main” and “public authority” the following—
- “distributing main” means that portion of any electric supply line which is used or is intended to be used to give origin to service lines for the purpose of the general supply,
- “public authority” means the Government or the High Commission or any department or branch of the Government or of the High Commission,
- (b) by substituting for the words “or any apparatus ancillary thereto,” in the definition of “electric supply line” the words “or any apparatus (including apparatus for switching, controlling, transforming, converting or otherwise regulating electrical energy) ancillary thereto”, and
- (c) by adding to the definition of “supply terminals” the following new paragraph—
- (iii) in any case in which the supply of electrical energy is made to a street lamp, at the point of attachment to the distributing main of the electric supply line serving such lamp
3. Sub-section (1) of section 24 of the principal Ordinance is amended in the following respects— Amendment of
section 24 of
the principal
Ordinance
- (a) by inserting next after the words “lay down a distributing main” the words “to be operated at low or medium pressure”, and
- (b) by adding the following proviso—
- Provided that the provisions of this sub-section shall apply only to any premises on which the building or any part thereof for which a supply of electrical energy through the distributing main to which the requisition relates is situated not more two hundred yards from the street
4. Section 27 of the principal Ordinance is amended in the following respects— Amendment of
section 27 of
the principal
Ordinance
- (a) by inserting next after the words “within two hundred yards from any distributing main” in sub-section (1) the words “operating at low or medium pressure”,

(b) by substituting for the words "a supply of electrical energy for those premises in accordance with the provisions of the distributing licence and this Ordinance" in sub-section (1) the words "in accordance with the provisions of the distributing licence and this Ordinance a supply of electrical energy for those premises at supply terminals located within two hundred yards from such distributing main or nearest boundary of the street or road reserve as aforesaid", and 10

(c) by inserting after the words "shall not be compelled to give" in sub-section (5) the words "or to continue to give" and by deleting the words "and shall not give a supply of electrical energy to any premises in any case where the supply to such premises is prohibited by the rules made under this Ordinance" in the said sub-section 15

Insertion of new section 27A in the principal Ordinance

When electrical energy shall not be supplied

5. There shall be inserted next after section 27 of the principal Ordinance the following new section—

27A The authorized distributor shall not give or continue to give a supply of electrical energy to any premises or any part thereof— 20

(a) if the supply of electrical energy to such premises or to that part thereof is prohibited by rules made under this Ordinance, 25

(b) if the premises or that part thereof is the subject of an order for demolition made at the instance of the public or local authority within the area of whose jurisdiction the premises are situate

Insertion of new section 35A in the principal Ordinance

Consolidation of licences held by same licensee

6. There shall be inserted next after section 35 of the principal Ordinance the following new section— 30

35A (1) Any licensee under this Ordinance who is authorized by two or more distributing licences to supply electrical energy in two or more adjacent areas of supply may make application to the Governor in Council for the consolidation of such licences, and the Governor in Council may, if it is shown to his satisfaction that the granting of such an application will be in the interests both of the consumers in every area of supply concerned as well as of the licensee, revoke the existing several licences held by the licensee in respect of such areas and grant to the licensee in their stead a consolidated licence in respect of an area of supply comprising the areas formerly covered by the several licences 35 40

Provided that the provisions of section 120 of this Ordinance shall not apply to the revocation of any licence by the Governor in Council pursuant to the provisions of this section 45

(2) An application under this section shall be made by the licensee after advertisement in the manner prescribed by section 126 of this Ordinance 50

Provided that—

(i) the period prescribed by sub-section (4) thereof for the making of representations or objections shall whatever the nature of the application, be thirty days, and 55

(ii) the advertisement shall clearly direct the attention of any local authority concerned to the provisions of section 19 of this Ordinance

(3) Where simultaneous applications have been made by a licensee under the provisions of this section, and under the provisions of section 35 of this Ordinance for the alteration of the area of supply to which any of the distributing licences mentioned in this section relates, the Governor in Council may, subject to the provisions of section 35 aforesaid, take any such alteration into account in determining the area of supply to be covered by any consolidated licence granted under the provisions of this section

(4) The Governor in Council may, if in his opinion it is equitable so to do, include in any consolidated licence granted under the provisions of this section such terms and conditions, whether or not they are the same as or similar to the terms and conditions contained in the distributing licences revoked by him hereunder, as he may think fit

7. There shall be inserted next after section 61 of the principal Ordinance the following new section—

Insertion of
new section
61A in the
principal
Ordinance

61A (1) Where any tree or hedge obstructs or interferes with the construction by an authorized distributor of any electric supply line, or interferes or is likely to interfere with the maintenance or working of any such line, owned by an authorized distributor, the authorized distributor may give notice to the owner or occupier of the land on which the tree or hedge is growing requiring him to lop or cut it so as to prevent the obstruction or interference, subject to the payment by the authorized distributor of the expenses reasonably incurred by him in complying with the notice

Power to lop
trees and
hedges
obstructing
supply lines

Provided that in any case where such a notice is served upon an occupier who is not the owner of the land on which the tree or hedge is growing a copy of the notice shall also be served upon the owner thereof, if his address is known

(2) If within twenty-one days from the giving of such notice the requirements of the notice are not complied with, and neither the owner nor occupier of the land gives such counter notice as is hereinafter mentioned, the authorized distributor may cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid

(3) If within twenty-one days from the giving of such notice the owner or occupier of the land on which the tree or hedge is growing gives a counter notice to the authorized distributor objecting to the requirements of the notice, the matter shall, unless the counter notice is withdrawn, be referred to the Member who, after giving the parties an opportunity of being heard, may make such order as he thinks just, and any such order may empower the authorized distributor (after giving such reasonable prior notice to any person by whom such counter notice was given of the commencement of the work as the order may direct) to cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid, and may determine any question as to what compensation (if any) and expenses are to be paid

Provided that any party aggrieved by any decision of the Member with regard to compensation may within thirty days after being notified of such decision appeal to the Supreme Court against such decision and the decision of the Supreme Court shall be final 5

(4) The authorized distributor shall issue instructions to his or its officers and servants with a view to securing that trees and hedges shall be lopped or cut in a woodmanlike manner and so as to do as little damage as may be to trees, fences, hedges and growing crops, and shall 10 cause the boughs lopped to be removed in accordance with the directions of the owner or occupier, and shall make good any damage done to the land

(5) Any compensation or expenses payable to the owner or occupier by the authorized distributor under this 15 section shall be recoverable summarily as a civil debt

(6) Where for the purpose of the construction or maintenance of an electric supply line operated above medium pressure it is necessary to fell any trees, this section shall apply to the felling of trees in like manner 20 as it applies to the lopping of trees

(7) This section shall apply to electric supply lines owned or to be constructed by a bulk supply licensee in like manner as it applies to electric supply lines owned or to be constructed by an authorized distributor 25

Amendment of
section 67 of
the principal
Ordinance

8. Section 67 of the principal Ordinance is amended by substituting for the full stop at the end of paragraph (d) a semicolon and the word "or" and by adding the following new paragraph—

(e) by such other method of charge as may be authorized 30 by by-laws made by the licensee with the approval of the Governor in Council under section 146A of this Ordinance

Amendment of
section 69 of
the principal
Ordinance

9. Section 69 of the principal Ordinance is amended in the following respects— 35

(a) by deleting the words "after the expiration of three years" in sub-section (1),

(b) by deleting the proviso to sub-section (1), and

(c) by adding the following new sub-sections—

(3) Before making any application or repre- 40 sentation to the Governor in Council under the provisions of sub-section (1) of this section the intending applicant shall give notice by public advertisement of the intended application or representation not less than fourteen days before the application or repre- 45 sentation is to be made

(4) Every such advertisement shall be published once in the Gazette and once in a newspaper circulating in the area of supply to which the application relates and shall contain the following particulars— 50

(a) a short title descriptive of the application or representation,

(b) the date of the intended application or representation,

(c) the name, address and description of the 55 applicant,

(d) a statement of the object of and reasons for the application or representation,

(e) a description of the area or areas (if any) and of any public or local authority, company, person or body of persons (if any) which will or may be affected by the grant of the application or representation,

(f) a statement of the manner in which such area or areas, public or local authority, company, person or body of persons will or may be affected by the grant of the application or representation

(5) Every such notice shall state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application or representation shall do so by letter addressed to the Governor in Council and marked on the outside of the cover enclosing it, "Electric Power Ordinance", on or before the expiration of fourteen days from the date of the application or representation as stated in the notice and that a copy of such representation or objection shall be forwarded to the applicant

(6) The application or representation addressed to the Governor in Council may be printed or typed and shall be signed or sealed as may be legally necessary by or on behalf of the applicant and shall be delivered to the Governor in Council duly marked on the outside of the cover enclosing it, "Electric Power Ordinance", and the applicant shall forward therewith proof of the applicant's compliance with the provisions as to notices on or before the date stated in the notice as being the date of the application or representation

10. There shall be substituted for the proviso to sub-section (1) of section 74 of the principal Ordinance the following—

Amendment of section 74 of the principal Ordinance

Provided that where any company, person or body of persons has given to the licensee a deposit as security for payment for the supply of electrical energy the licensee may at any time while any such charge or other sum remains unpaid after notice as aforesaid—

(i) apply such deposit in or towards payment thereof, or

(ii) discontinue the supply of electrical energy to such company, person or body of persons, or

(iii) apply such deposit towards payment thereof and if any part of such charge or other sum remains unpaid thereafter discontinue the supply of electrical energy to such company, person or body of persons,

until such charge or other sum together with any expenses incurred in disconnecting such supply and any lawful charges for or incidental to the reconnexion thereof have been paid

11. There shall be substituted for the proviso to sub-section (1) of section 132 of the principal Ordinance the following—

Amendment of section 132 of the principal Ordinance

Provided that—

(i) the provisions of this sub-section shall not apply to the extension or amplification of an existing generating station or to the installation of additional plant therein if—

(a) the prior approval of the Member has been obtained, and

(b) such additional plant is of the same type and character as the existing plant,

whether or not the additional plant is to be installed in the existing building or in any extension thereof or in a new building adjacent 5 to the existing building,

(ii) if any additional plant which is to be installed is not of the same type and character as the existing plant, the provisions of this section shall apply subject to the following modifications, 10 that is to say, as if—

(a) the period of the notice required to be given by this sub-section was fourteen days,

(b) for references to the Governor in Council there were substituted references to the 15 Member,

(c) for the words “sixty days” in sub-sections (3) and (6) there were substituted the words “fourteen days”

12. There shall be inserted next after section 146 of the 20 principal Ordinance the following new section—

insertion of
new section
146A in the
principal
Ordinance

Power of
licensee to
make by-laws

146A (1) A licensee may, with the approval of the Governor in Council, make by-laws to be observed by consumers of electrical energy governing generally the supply, use, metering, methods of charge and charges for 25 electrical energy

(2) By-laws made under this section may in particular, but without prejudice to the generality of the power conferred by sub-section (1)—

(a) provide for the conditions of supply, 30

(b) provide for the terms and length of contracts required to be entered into,

(c) provide for the requirements to be observed by the owners or occupiers of multi-storey and industrial premises in respect of any works 35 whether the property of the owner or occupier or of the licensee,

(d) prescribe the charges to be paid by consumers in respect of the reading of meters other than the periodical reading made by the licensee, 40

(e) provide for the terms and conditions upon which premises are connected, works are tested or repaired, and prescribe the charges (other than the actual cost of repair work) to be paid therefor,

(f) prescribe from time to time the rates to be paid by 45 consumers for electrical energy consumed by them,

(g) prescribe the pressures at which electrical energy is to be supplied to consumers, 50

(3) At least fourteen days before application for 50 approval of any by-laws intended to be made by a licensee under the provisions of this section is made notice of intention to apply for such approval shall be given in the Gazette and in one or more local newspapers circulating in the area to which the by-laws apply 55

(4) For at least fourteen days before application for approval of any by-laws is made a copy of the by-laws shall be deposited at the offices of the licensee and shall at all reasonable hours be open to public inspection

without payment, and the licensee shall on application by any person and on payment of a sum not exceeding fifty cents for every hundred words furnish to such person a copy of the by-laws

- 5 (5) By-laws made under this section shall, unless some other date is therein specified have effect from the date of the approval thereof which said approval shall be notified by publication in the Gazette and in the newspaper or newspapers in which notice of the intention to
10 apply for approval was published

Provided that no such by-laws shall have effect to the prejudice of any consumer until the expiration of one month or in the case of any special agreement with a consumer such longer period as may be provided in the
15 agreement for notice of termination from the date of the publication of notice of such approval in the Gazette

- (6) Every contract between the licensee and any consumer for the supply of electrical energy subsisting at the date from which any by-laws made under this section
20 have effect shall subject to the proviso to sub-section (5) of this section be deemed to be varied to such extent as the provisions of such by-laws render necessary

(7) A copy of the by-laws when approved shall be printed and deposited at the offices of the licensee by whom the by-laws are made and shall at all reasonable
25 hours be open to public inspection without payment and a copy thereof shall on application be furnished to any person on payment of such sum as the Member may from time to time approve

- (8) The production of a printed copy of any by-laws purporting to be made by a licensee under this section upon which is endorsed a certificate purporting to be signed or sealed as may be legally necessary by the
30 licensee stating—

- 35 (a) that the by-laws were made by the licensee,
(b) that the copy is a true copy of the by-laws,
(c) that on a specified date the by-laws were approved by the Governor in Council, and
(d) the date from which the by-laws have effect shall
40 be prima facie evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this sub-section

- 45 **13.** The word "Member" shall be substituted for the word "Governor" in the principal Ordinance except where it occurs in section 28, for the first time in sub-section (4) of section 40, in section 76 and in paragraph (c) of sub-section (1) of section 113

Transfer of powers from the Governor to the Member

- 50 **14.** The word "Member" shall be substituted for the words "Governor in Council" in section 25 (except where they occur in the proviso to sub-section (1), for the second and third times in sub-section (3), and in sub-sections (4) and (7)), sections 26, 55 (1) (a) and (d), 56 (1) (a) and (d), 57, 59 and 62 (2) of
55 the principal Ordinance

Transfer of powers from Governor in Council to Member

- 15.** The provisions of the principal Ordinance mentioned in the First Column of the Schedule to this Ordinance shall have effect subject to the minor amendments set out in relation thereto in the Second Column of such Schedule

Amendments to the principal Ordinance

SCHEDULE

<i>First Column</i>	<i>Second Column</i>
Marginal note opposite the long Title	Substitute for the marginal note "22 of 1933" the marginal note "22 of 1923"
Section 4	<p>(a) Substitute for the words "and the pressure in any part of the system connected thereto does not exceed 150 volts in the case of direct current or 50 volts in the case of alternating current" where they occur in the proviso to sub-section (1) the words "in the case of a public or local authority and 100 kilowatts in the case of a company, person or body of persons and the pressure in any part of the system connected thereto does not exceed medium pressure"</p> <p>(b) Substitute for sub-section (2) the following— (2) No public or local authority within the area of supply of an authorized distributor may, after having been offered a supply of electrical energy by such authorized distributor, use any form of energy for power or lighting purposes (excepting portable power and portable lighting purposes) other than electrical energy without the approval of the Governor in Council which approval shall not be refused in any case in which the Governor in Council is satisfied that the public or local authority concerned will be unduly prejudiced by such refusal</p> <p>Provided that nothing in this sub-section shall prevent the use of steam or internal combustion engines for locomotive purposes, or the generation of electrical energy for the lighting of such vehicles</p>
Section 11	Substitute in sub-section (1) for the words "bulk supply licence" the words "bulk supply licensee"
Section 18	Substitute for the marginal note "25 of 1928, s 2" opposite sub-section (1) the marginal note "25 of 1938, s 2"
Section 25	Insert the words "(including the cost of additional works for generation, transmission or distribution)" next after the words "any other item of outlay" which occur in the further proviso to sub-section (1)
Section 28	<p>(a) Substitute for the words "one month's notice to the authorized distributor" in the proviso to sub-section (1) the words "giving to the authorized distributor such notice, not being less than one month, as the Member may in the circumstances of each case direct"</p> <p>(b) Substitute for the words "the Governor" in sub-section (2) the words "an electrical inspector"</p>
Section 34	<p>(a) Substitute for the words "within bulk supply area" which occur in sub-paragraph (i) of paragraph (a) of sub-section (4) the words "within a bulk supply area"</p> <p>(b) Delete the semi-colon which occurs after the words "bulk supply area" in sub-paragraph (i) of paragraph (b) of sub-section (4)</p>
Section 42	<p>(a) Substitute for the words "in the forms and containing the particulars prescribed in the Schedule to this Ordinance" the words "and such statements shall, in the case of a licensee who is not a public or local authority, be in the form and contain the particulars prescribed in the forms set out in the First Schedule to this Ordinance, and in the case of a licensee who is a public or local authority, be in the form and contain the particulars prescribed in forms set out in the Second Schedule to this Ordinance"</p> <p>(b) Substitute for the words "at a price not exceeding one shilling" the words "at such price as the Member may approve"</p>

<i>First Column</i>	<i>Second Column</i>
Section 45	Insert the word "First" before the word "Schedule" wherever it occurs in paragraph (d) of sub-section (1)
Section 55	Substitute for the word "descriptions" in paragraph (b) of sub-section (1) the word "description"
Section 57	(a) Substitute for the words "existing work" in paragraph (a) the words "existing works" (b) Substitute for the words "that officer" in paragraph (g) the words "his agent"
Section 58	Substitute for the word "notices" in paragraph (d) of sub-section (2) the word "notice"
Section 63	(a) Substitute for the words "supply line or work so laid down" in sub-section (1) the words "supply line or works so laid down" (b) Substitute for the words "electric line" in sub-section (2) the words "electric supply line"
Section 72	Substitute for the words "type or consumers" in the proviso to sub-section (2) the words "type of consumers"
Section 83	Substitute for the words "electrical inspection" in sub-section (1) the words "electrical inspector"
Section 93	Substitute for the words and figures "section 99" in sub-section (2) the words and figures "section 98"
Section 101	Insert after the word "agreed" the words "in writing"
Section 106	(a) Substitute for the words "through which electrical energy is supplied by a licensee" in paragraph (c) of sub-section (1) the words "belonging to a licensee" (b) Delete the words "until the matter complained of has been remedied, but no longer," in sub-section (1) (c) Insert after the words "discontinue the supply of electrical energy to the premises of such consumer" in sub-section (1) the words "and abstain from resuming such supply if already discontinued for such period as the Court may direct"
Section 113	(a) Substitute for the words "transmitted through the post" in sub-section (1) the words "sent by registered post" (b) Substitute for paragraphs (a) and (b) the following— (a) In the case of the Governor in Council or the Member, the office of the Member (b) In the case of the power board, the office of the board
Section 122	Delete the word "signalling" in paragraph (c) of sub-section (1)
Section 124	Substitute for the marginal note the following— "Governor in Council and Member may delegate powers to the power board"
Section 125	Substitute for the marginal note the following— "Approval of the Governor in Council or Member 14 of 1939 Second Schedule"
Section 134	Substitute for the words "any and" in paragraph (a) the words "any land"
Section 141	Substitute for the words "the Water Ordinance, 1929" wherever they occur the words "the Water Ordinance, 1951" and for the marginal note "35 of 1929" the marginal note "56 of 1951"
Section 142	Substitute for the words "one hundred shillings" in sub-section (3) the words "one thousand shillings"
Section 144	Delete the words "and of the place where copies of the draft rules" where they occur for the second time in sub-section (1)
Section 146	Substitute for the words "at a price not exceeding two shillings" in sub-section (1) the words "at such price as the Member may approve"
Schedule	(a) Substitute for the word "Schedule" the words "First Schedule" (b) Insert at the top of Form No 1 which follows next after Form No IX the words "Second Schedule"

MEMORANDUM OF OBJECTS AND REASONS

Experience has shown that the Electric Power Ordinance (Cap 174) (herein referred to as the principal Ordinance) needs amendment in certain respects. The most important respects in which this Bill will amend the principal Ordinance are explained hereunder.

Clause 2 will make amendments to certain of the definitions in section 2 of the principal Ordinance.

Section 24 of the principal Ordinance gives a right to the owner or occupier of any premises along a street to require an authorized distributor to erect or lay down a distributing main for the purpose of general supply throughout that street. It is considered reasonable that this right should be exercisable only by an owner of premises on which the building for which the supply is required is within 200 yards of the street. *Clause 3* provides for this.

Similarly *clause 4* will amend section 27 of the principal Ordinance to limit the obligation of the authorized distributor to give a supply of electrical energy to supply terminals located within 200 yards from the distributing main or the nearer boundary of the street or road reserve.

Clause 4 also deletes from section 27 (5) the prohibition against an authorized distributor giving a supply of electrical energy to any premises in respect of which by rules made under the Ordinance a supply is forbidden to be given. It is considered that this provision is inappropriately placed in this sub-section and it has accordingly been incorporated in a new section 27A which *clause 5* of the Bill will insert. Section 27A will also prohibit the giving or continued giving of a supply of electrical energy to premises which have at the instance of a local authority been ordered to be demolished. At present the licensee has no authority to discontinue supply to such premises.

Clause 6 will insert a new section 35A which will provide for the circumstances in which and the conditions subject to which a licensee may apply for the consolidation of separate distributing licences relating to adjacent areas of supply into one licence. Such consolidation may be made only if it will be in the interests not only of the licensee but also of the consumers in all the areas concerned. Sub-section (4) gives express power to the Governor in Council to impose new conditions in any consolidated licence whether similar to existing conditions or not.

Clause 7 will insert a new section 61A which will provide, subject to adequate safeguards and a right of appeal to the Member, for the lopping and felling of trees which obstruct the construction or interfere with the maintenance or working of any electric supply line.

Clause 8 will amend section 67 of the principal Ordinance so as to authorize a licensee to provide for some other method of charge for electrical energy by means of by-laws made under section 146A. Since all by-laws made under that section have to receive the approval of the Governor in Council it is considered that this will ensure adequate protection of the interests of the consumer.

Section 69 of the principal Ordinance contains provisions relating to the revision of the maximum prices or methods of charge which a licensee is authorized to charge or use. The section forbids revision for a period of three years from the date when they were fixed or last revised, as the case may be. In view of the rapidly changing costs of fuel, wages and other matters which have a direct effect on the prices and methods of charge it is considered impracticable to provide against revision for any particular period of time. *Clause 9* accordingly deletes from section 69 the words "after the expiration of three years" in sub-section (1) and deletes altogether the proviso to the sub-section. The clause also adds to the section new sub-sections providing for the giving of notice by advertisement of an intention to make an application under the section for the revision of prices or methods of charge so that any interested party may make representations against the proposal.

Clause 10 will amend the proviso to section 74 of the principal Ordinance so as to enable a licensee to cut off the supply of electrical energy when a consumer has failed to pay his bill even though the licensee may hold a deposit from the consumer. This is considered necessary as a deterrent to unscrupulous persons taking advantage of the periodical reading of meters by a licensee to gain another few weeks' supply for which they have no intention of paying after their deposit has been exhausted.

Clause 11 will amend the proviso to section 132 of the principal Ordinance so as to enable additional plant to be installed in an existing generating station even though it is not of the same type and character as the existing plant. In the case of dissimilar plant, however, the amended proviso requires a shortened period of advertisement and requires the Member instead of the Governor in Council to consider any objection made to the installation of such additional plant.

Clause 12 will insert into the principal Ordinance a new section 146A which will confer on licensees power to make by-laws governing the supply, use, metering, methods of charge and charges for electrical energy. The section contains adequate provisions for publicity of by-laws intended to be made and requires that they shall only be made with the approval of the Governor in Council. Provision is also made for publicity for the by-laws after they have been made. These provisions follow very closely the procedure in the United Kingdom in relation to the by-laws of local Government bodies.

In conformity with the Membership system *clause 13* makes provision where appropriate throughout the principal Ordinance that the powers now vested in the Governor shall in future be exercisable by the Member.

Clause 14 confers on the Member certain more or less formal powers which at present are required to be exercised by the Governor in Council.

Clause 15 will effect a number of minor amendments to the various sections of the Ordinance mentioned in the first column of the Schedule to the Ordinance.

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

Nairobi,
14th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE NO 297

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

**A BILL ENTITLED
AN ORDINANCE TO AMEND THE ADVOCATES
ORDINANCE, 1949**

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

Short title and
commencement

No 55 of 1949

1. (1) This Ordinance may be cited as the Advocates (Amendment) Ordinance, 1952, and shall be read and construed as one with the Advocates Ordinance 1949, hereinafter referred to as the principal Ordinance

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(2) This Ordinance shall, except as provided in sub-section (2) of section 8 of this Ordinance, come into operation on such date as the Governor may appoint by notice published in the Gazette

Amendment of
section 7 of the
principal
Ordinance

2. Paragraph (iv) of sub-section (1) of section 7 of the principal Ordinance is amended by substituting for the words 10 "Law Agents admitted to practise in Scotland" the words "Writers to Her Majesty's Signet and Solicitors admitted to practise in Scotland"

Amendment of
section 9 of
the principal
Ordinance

3. Section 9 of the principal Ordinance is amended—

(a) by substituting a colon for the full stop at the end of 15 sub-section (1) and by adding the following proviso—

Provided that where, in the opinion of the Committee an application under paragraph (b) of this sub-section does not disclose any *prima facie* case, 20 the Committee may refuse such application without requiring the advocate to whom the application relates to answer the allegations and without hearing the applicant,

(b) by substituting for paragraph (i) of sub-section (3) the 25 following—

(i) the Committee shall give the advocate whose conduct is the subject matter of the application an opportunity to appear before it, and shall furnish him with a copy of any affidavit made 30 in support of the application, and shall give him an opportunity of inspecting any other relevant document not less than seven days before the date fixed for the hearing,

(c) by substituting for the words "the advocate charged" 35 where they occur in paragraphs (ii) and (iii) of sub-section (3) the words "the advocate to whom the application relates"

Amendment of
sections 10, 12
and 13 of the
principal
Ordinance

4. The principal Ordinance is amended by substituting for the words "the advocate charged" where they occur in sub-section (2) of section 10 and in sections 12 and 13 thereof the words "the advocate to whom the application relates"

Repeal and
replacement of
section 15 (1) of
the principal
Ordinance

5. There shall be substituted for sub-section (1) of section 15 of the principal Ordinance the following new sub-section—

(1) The Court, after considering the evidence taken by the Committee and the report and having heard the advocate for the Committee and the advocate to

whom the application relates or his advocate, and after taking any further evidence, if it thinks fit to do so, may admonish the advocate to whom the application relates or may make any such order as to removing or striking his name from the Roll, as to suspending him from practice, as to payment by him of a fine not exceeding ten thousand shillings, as to the payment by any person of costs and otherwise in relation to the case as it may think fit

6. There shall be substituted for section 18 of the principal Ordinance the following section—

Repeal and replacement of section 18 of the principal Ordinance

18 Where, in proceedings under or by virtue of this Ordinance, any advocate is admonished, or an order is made as to the removing or striking his name from the Roll, as to suspending him from practice, or as to payment by him of a fine or costs, the Registrar shall cause a note of the effect of such admonition or order to be entered against the name of the advocate on the Roll, and, where the order so directs, shall remove, or strike off, the name

Orders of the Court to be noted on the Roll

7. The principal Ordinance is amended by inserting immediately after section 20 thereof the following new section—

Insertion of new section 20A in the principal Ordinance

20A (1) (a) Where a person who is or was a clerk to an advocate but is not himself an advocate has been convicted of larceny, embezzlement, fraudulent conversion or any other criminal offence in respect of any money or property belonging to or held or controlled by the advocate by whom he is or was employed or any clerk of such advocate, or

Disciplinary powers as to clerks

(b) where it appears to the Law Society of Kenya (hereinafter referred to as 'the Society')—

(i) in the course or as a result of any proceedings before the Committee under this Ordinance, or

(ii) in the exercise of their powers under rules made under this Ordinance,

that a person who is or was a clerk to an advocate but is not himself an advocate, has been a party to any act or default of such advocate, in respect of which an application or complaint has been or might be made against such advocate to the Committee, an application may be made by or on behalf of the Society to the Committee that an order be made directing that as from a date to be specified in such order, no advocate shall in connexion with his practice as an advocate take or retain the said person into or in his employment or remunerate the said person without the written permission of the Society, which may be given for such period and subject to such conditions as the Society may think fit

(2) An application under this section shall be made to and be heard by the Committee in accordance with rules made under this section, and on the hearing of any such application the Committee shall have power to make such order as is referred to in this section and an order as to payment by any party of costs

(3) Every order made by the Committee under this section shall be prefaced by a statement of their findings in relation to the facts of the case and shall be signed by the Chairman of the Committee or by a member of the Committee authorized by the Committee to sign the

same and any document purporting to be an order so signed shall be received in evidence in any criminal proceedings or in any proceedings under this Ordinance and shall be deemed to be such an order without further proof unless the contrary is shown 5

(4) Every order made by the Committee under this section shall be filed with the Secretary to the Committee and the file kept by him for that purpose may be inspected by any advocate during office hours without payment but shall not be open to the inspection of any 10 person other than an advocate

(5) For the purposes of any application made to them under this section the Committee may administer oaths and the applicant and any person with respect to whom the application is made may take out a summons 15 requiring any person to give evidence or to produce documents but no person shall be compelled under any such summons to produce any document which he could not be compelled to produce on the trial of an action 20

(6) The Committee, with the concurrence of the Chief Justice, may from time to time make rules for regulating the making, hearing and determining of applications under this section including rules as to who shall be parties to any such application, as to the service 25 of any notice or order upon any party, and as to whether any such application shall be heard prior to, in the course of, concurrently with or subsequent to the hearing of any application against an advocate under section 9 of this Ordinance 30

(7) Any person with respect to whom an order has been made by the Committee under this section may, within thirty days of such order, appeal therefrom to the Court, whose decision shall be final

(8) Any person who, whilst there is in force in 35 respect of him an order under this section seeks or accepts employment by or remuneration from an advocate in connexion with his practice as an advocate without previously informing him of such order, shall on summary conviction be liable for each offence to a fine not 40 exceeding one thousand shillings

(9) Proceedings under the last preceding sub-section may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced 45 by any person other than the Society or a person acting on behalf of the Society, except with the consent of the Attorney General

(10) If any advocate knowingly acts in contravention of the provisions of an order of the Committee under this 50 section as made and not appealed against or as confirmed upon appeal, as the case may be, or in contravention of any condition subject to which any such permission as aforesaid has been given by the Society, a complaint in respect of that contravention may be made by or on 55 behalf of the Society to the Committee Any such complaint shall be dealt with in the same manner as an application under paragraph (b) of sub-section (1) of section 9 of this Ordinance

8. (1) In sub-section (1) of section 22 of the principal 60 Ordinance paragraph (b) shall be relettered as paragraph (c) and the following new paragraph shall be inserted—

(b) pay to the Registrar a fee of sixty shillings, and,

(2) This section shall be deemed to have come into operation on the 3rd January, 1950

9. Section 38 of the principal Ordinance is repealed

Repeal of section 38 of the principal Ordinance

10. Part VI of the principal Ordinance is repealed, with the exception of section 52 thereof, which shall be renumbered as section 75A and inserted next after section 75 of the said Ordinance

Repeal of Part VI of the principal Ordinance, save section 52 thereof

MEMORANDUM OF OBJECTS AND REASONS

The principal Ordinance was based partly on the Solicitors Act, 1932, and partly on the Nigerian Legal Practitioners Ordinance, 1933. In dealing with disciplinary proceedings against advocates the disciplinary committee known in Kenya as the Advocates' Committee, has met with certain difficulties which do not obtain under the old and well-tried system in force in England, and the present Bill is designed, by bringing the Kenya system as far as possible into line with the English system, to remove those difficulties.

Section 9 of the principal Ordinance makes reference to charges which shall be brought against advocates, and section 38 defines certain acts or omissions by advocates as professional misconduct, whereas under the English system it is recognized that there are no practical limits within which the expression "professional misconduct" can be defined, nor can charges embracing all the possible aspects of that expression be codified.

The procedure in England is that allegations of fact are brought against a solicitor, and the Disciplinary Committee, representing the reputable and competent members of the profession decide whether the facts disclose conduct which is regarded by them as disgraceful or dishonourable.

Clause 3 (b) and (c) of the Bill will remove the reference to charges in section 9 (and consequentially in other sections) of the principal Ordinance.

Although the proviso to section 38 (2) of the principal Ordinance enables offences *not* specified in the section to be reported, it is considered that the principles involved, which are of considerable importance and go to the root of the system, are liable under the present Ordinance to be misunderstood and it is thought that the only way to clarify them beyond doubt is to remove the section in its entirety and thus leave to the Court in any case reported to it by the Advocates' Committee an unfettered discretion to determine whether or not any acts do or do not amount to professional misconduct. Clause 9 of the Bill will accordingly repeal section 38 of the principal Ordinance.

On examination of the Solicitors Acts further points of difference appear which it has been considered desirable to take the opportunity to remove.

Clause 3 (a) provides that the Advocates' Committee may refuse an application without requiring the attendance of the advocate against whom allegations have been made, where it considers that no *prima facie* case has been shown. This is already provided by rule under section 9 (1), but it is not considered that such a rule is strictly *intra vires* the powers conferred by the present sub-section.

Clause 5 will amend section 15 of the principal Ordinance to authorize the imposition of a monetary penalty.

Clause 6 will amend section 18 of the principal Ordinance to provide that a note shall be made of every order made against an advocate in relation to any disciplinary proceeding, and not merely orders for the removal of the advocate's name from the Roll of Advocates.

Clause 7 will insert a new section in the principal Ordinance to provide a means of control over the employment by advocates of clerks considered unsuitable for such work.

Clause 10 repeals the whole of Part VI of the principal Ordinance except section 52 which is renumbered as section 75A. This part deals with the requirement that advocates shall keep accounts and it is considered that greater flexibility would be attained by making regulations to the same effect under section 74 (1) of the principal Ordinance. It is proposed to bring the regulations into force at the same time as the amending Ordinance.

The opportunity has been taken to make the following additional amendments, which experience has shown to be desirable

Section 7 of the principal Ordinance, which defines the qualifications necessary for admission as an advocate, includes in subsection (1) (iv) the category "Law Agents admitted to practise in Scotland" The term "Law Agent" has been out of date in Scotland since the passing of the Solicitors (Scotland) Act, 1933, and in any case neither that expression nor the word "Solicitor" includes a member of the Society of Writers to Her Majesty's Signet As Writers to the Signet are in all respects as fully qualified as Solicitors, *clause 2* of the Bill has been introduced to include them as well as to remove the obsolete expression "Law Agents"

Under the Rules of Court (Legal Practitioners) which the principal Ordinance revoked, provision was made for the payment of a fee of Sh 60 for the annual renewal of an advocate's practising certificate The principal Ordinance contains no such provision and as it was intended that a fee should be payable for each practising certificate (and advocates have in fact paid such a fee) *clause 8* will provide for this retrospectively to the 3rd day of January, 1950, the date on which the principal Ordinance came into force

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

Nairobi,
28th February, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE No 298

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

A BILL ENTITLED
AN ORDINANCE TO ALLOW AND CONFIRM
CERTAIN EXPENDITURE INCURRED IN THE
FINANCIAL YEAR 1949

WHEREAS the expenditure of eleven million, two hundred and forty-three thousand, three hundred and thirty-nine pounds, seventeen shillings and seventy-one cents was necessarily incurred during the Financial Year 1949 on certain services of which the sum of nine million, four hundred and eighteen thousand and eight hundred and twelve pounds was provided by the 1949 Appropriation Ordinance, No 4 of 1949 1949

AND WHEREAS it is now necessary to provide a further sum of one million, eight hundred and twenty-four thousand, five hundred and twenty-seven pounds, seventeen shillings and seventy-one cents

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

1. This Ordinance may be cited as the Supplementary Appropriation (1949) Ordinance, 1952

Short title

2. The expenditure during the Financial Year 1949 to the amount of one million, eight hundred and twenty-four thousand, five hundred and twenty-seven pounds, seventeen shillings and seventy-one cents, on the several services specified in the Schedule to this Ordinance and not provided for or not fully provided for by the 1949 Appropriation Ordinance, 1949, is hereby allowed and confirmed

Further expenditure for the Financial Year 1949 authorized

No 4 of 1949

SCHEDULE

Head No	Head	Amount		
		£	s	cts
3	Audit Department	3,212	19	84
4	Central Administration, Secretariat and Legislative Council	12,528	1	03
4A	Central Administration, Secretariat and Legislative Council Extraordinary	15	9	00
5	Public Works Department	202,783	19	37
6	Public Works Recurrent	60,159	12	80
7	Public Works Extraordinary	1,029	1	19
8	Immigration Department	1,006	2	67
10A	Police Extraordinary	36,435	8	20
11	Prisons	11,219	18	83
11A	Prisons Extraordinary	2,330	18	52
12	Registrar General's Department	303	19	50
12A	Registrar General's Department Extraordinary	55	4	00
13	Accountant General's Department	8,040	0	90
15	Inland Revenue Department	4,275	16	41
15A	Inland Revenue Extraordinary	13,171	15	50
16	Miscellaneous Services	120,946	2	30
16A	Miscellaneous Services Extraordinary	760,269	17	48
17A	Pensions and Gratuities Extraordinary	4,966	17	87
20	Subventions	4,404	13	85
25A	Forest Department Extraordinary	326	6	67
27	Veterinary Services	54,476	8	38
27A	Veterinary Services Extraordinary	8,557	2	76
28A	Administration Extraordinary	7,140	13	02

<i>Head No</i>	<i>Head</i>	<i>Amount</i>		
		<i>£</i>	<i>s</i>	<i>cts</i>
29	Civil Aviation (Kenya)	3,506	4	98
29A	Civil Aviation Extraordinary	5,633	14	06
30	Coast Agency	66	17	15
31A	Education Department Extraordinary	8,385	1	27
33	Labour Department	525	14	23
33A	Labour Department Extraordinary	10,220	5	51
34	Lands	9,384	7	08
34A	Lands Extraordinary	280	12	50
36	Military	2,848	12	60
37	Miscellaneous Services	4,990	16	05
37A	Miscellaneous Services Extraordinary	37,601	2	46
39	Printing and Stationery	6,004	1	45
43	Government Chemist	270	9	59
44	Local Government Contributions	6,551	11	07
44A	Local Government Contributions Extraordinary	15,184	9	99
45	Medical Department	9,829	7	95
45A	Medical Department Extraordinary	311	12	14
46	Miscellaneous Services Extraordinary	213,872	14	88
Part B	Contribution to the Cost of High Commission Services	153,896	15	57
Part B	Contribution to the Cost of High Commission Services Extraordinary	17,506	17	09
		<hr/> £1,824,527 17 71 <hr/>		

MEMORANDUM OF OBJECTS AND REASONS

This Bill will legalize expenditure incurred during the year 1949 in excess of that authorized under the 1949 Appropriation Ordinance, 1949 (No 4 of 1949)

Nairobi,
10th March, 1952

JOHN WHYATT,
Attorney General

GOVERNMENT NOTICE NO 299

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

**A BILL ENTITLED
AN ORDINANCE TO ALLOW AND CONFIRM
CERTAIN EXPENDITURE INCURRED IN THE
FINANCIAL YEAR 1950**

WHEREAS the expenditure of twelve million seven hundred and seventy thousand eight hundred and seventy-two pounds, seven shillings and thirteen cents was necessarily incurred during the Financial Year 1950 on certain services, of which the sum of ten million nine hundred and sixty-five thousand one hundred and eighty-four pounds was provided in the 1950 Appropriation Ordinance 1950

No 8 of 1950

AND WHEREAS it is now necessary to provide a further sum of one million eight hundred and five thousand six hundred and eighty-eight pounds, seven shillings and thirteen cents

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

1. This Ordinance may be cited as the Supplementary Appropriation (1950) Ordinance, 1952 Short title

2. The expenditure during the Financial Year 1950, to the amount of one million eight hundred and five thousand six hundred and eighty-eight pounds, seven shillings and thirteen cents on the several services specified in the Schedule to this Ordinance and not provided for or not fully provided for by the 1950 Appropriation Ordinance, 1950, is hereby allowed and confirmed Further expenditure for the Financial Year 1950 authorized
No 8 of 1950

SCHEDULE

<i>Head No</i>	<i>Head</i>	<i>Amount</i> £ s cts
1	The Governor	244 18 28
2	Judicial Department	1,059 16 68
3	Audit Department	1,069 7 82
5	Public Works Department	240,331 10 44
6	Public Works Recurrent	66,295 4 46
7	Public Works Extraordinary	354,628 1 33
8A	Office of the Member for Law and Order Extraordinary	4 7 00
9A	Immigration Department Extraordinary	76 13 34
10	Legal Department	33 14 64
10A	Legal Department Extraordinary	114 8 25
11A	Police Extraordinary	70,917 11 41
12	Prisons	37,561 2 79
12A	Prisons Extraordinary	79 5 56
13	Registrar General's Department	1,099 15 81
14	Accountant General's Department	2,634 0 61
15	Loans from Revenue	255,743 18 66
16A	Inland Revenue Department Extra- ordinary	308 11 47
17	Miscellaneous Services	140,984 10 83
17A	Miscellaneous Services Extraordinary	161,640 2 23
18	Pensions and Gratuities	35,168 5 36
18A	Pensions and Gratuities Extraordinary	1,069 2 65
21	Subventions	23,689 6 95
21A	Subventions Extraordinary	69,228 16 00
25A	Forest Department Extraordinary	122 15 38
26A	Game Department Extraordinary	717 17 94
27A	Veterinary Services Extraordinary	6,345 14 39
28A	Administration Extraordinary	29,259 12 43

<i>Head No</i>	<i>Head</i>	<i>Amount</i>	
		<i>£</i>	<i>s cts</i>
29A	Civil Aviation Extraordinary	3,870	15 88
30	Coast Agency	193	1 91
31A	Education Department Extraordinary	2,004	2 51
34A	Lands Department Extraordinary	28,272	3 52
35	Survey Department	21,148	13 73
35A	Survey Department Extraordinary	42	10 98
36A	Military Extraordinary	10,816	3 47
37	Miscellaneous Services	8,600	0 50
37A	Miscellaneous Services Extraordinary	20,163	18 59
41	Health and Local Government Department	1,122	15 66
41A	Health and Local Government Department Extraordinary	297	11 30
43	Local Government Contributions	37,067	5 39
43A	Local Government Contributions Extraordinary	2,880	0 00
44	Medical Department	4,416	1 48
45A	Miscellaneous Services Extraordinary	8 769	0 71
46A	Mines and Geological Department Extraordinary	279	13 40
47	Naval Expenditure (K R N V R)	4,500	0 00
Part B	Contributions to the Cost of High Commission Services	16,744	9 59
Part B	Contributions to the Cost of High Commission Services Extraordinary	134,071	4 22
	Other Governments' Share of Joint Services Expenditure		1 58
Total		£1,805,688	7 13

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to legalize expenditure incurred during the year 1950, in excess of that authorized under the 1950 Appropriation Ordinance, 1950 (No 8 of 1950)

Nairobi,
3rd March, 1952

JOHN WHYATT,
Attorney General