



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO 794

## BIRTHDAY HONOURS LIST, 1955

HER MAJESTY THE QUEEN has been graciously pleased to approve the following appointments —

*Commander of the Most Excellent Order of the British Empire (Civil Division)*

Gordon Gibson Chief Mechanical Engineer, East African Railways and Harbours  
Robert Alston Hammond, Director of Veterinary Services Kenya (until recently)  
Victor Herbert Merttens, Commissioner of Inland Revenue and Commissioner of Income Tax (until recently)  
Andrew James Don Small, General Manager and Deputy Chairman East African Power and Lighting Co., Ltd

*Officer of the Most Excellent Order of the British Empire (Civil Division)*

Frank Wingate Carpenter, Labour Commissioner, Kenya (until recently)  
Hugh Alexander Evan Hopkins, Provost and Rector of All Saints Cathedral, Nairobi, and Archdeacon of Nairobi (until recently)  
Charles Herbert Newton Jackson, Chief Entomologist, East African Tsetse and Trypanosomiasis Research and Reclamation Organization  
Edwin Alfred Trim, Deputy Director of Medical Services, Kenya  
John William Milner Williams, Regional Director, East African Posts and Telecommunications Administration

*Member of the Most Excellent Order of the British Empire (Civil Division)*

George Alexander Graham Adamson, Senior Game Ranger Kenya  
Paul Haycroft Berry, District Officer, Kikuyu Guard (until recently)  
Kathleen Mary Foord, Matron, Lady Gigg African Maternity Hospital, Pumwani  
Thomas Vivian Greenwood, Engineer, East African Malaria Unit, Amani, Tanganyika  
William Leonard Lewis, Senior Livestock Officer, Department of Veterinary Services  
John Pinney, District Commissioner  
Abdul Rashid, Special Grade Clerk, East African Railways and Harbours  
William Belcher Greaves Raynor, District Commissioner  
James Stewart, Permanent Way Inspector (Special Grade) East African Railways and Harbours  
James Arnold Sweeney, Acting Assistant Commissioner of Police  
Tom Andrew Watts, District Commissioner

*British Empire Medal (Military)*

Husein Ibrahim, Chief Petty Officer (Instructor), Royal East African Navy

*British Empire Medal (Civil)*

Chrysostom s/o Kihage, Chief of Screening Team  
Sebi Fadamulla, Inspector of Police Grade II  
Jones Samuel Fondo, Secretary/Treasurer, Giriama African District Council  
Lal Khan, Leading Artisan, East African Railways and Harbours  
Elizabeth Fraser Kydd, Reserve Police Officer Kenya Police Reserve  
Eli Okwaro Ochieng, Chief Warder, Grade II

*Colonial Police Medal for Meritorious Service*

Peter Michael Becker, Senior Reserve Police Officer Kenya Police Reserve  
Edward Belsoi, Assistant Inspector of Police  
Donald Cartwright Assistant Superintendent of Police  
Patrick Gronow Davis, Acting Senior Superintendent of Police

Lovain Thomas Dunman, Assistant District Commandant, Kenya Police Reserve  
Aubrey Noel Francombe, Deputy Provincial Commandant, Kenya Police Reserve  
Philip Nzuje Jacob Kaloki, Probationary Inspector of Police  
Gideon Mumo Nzoika, Assistant Inspector of Police  
Oloo s/o Meso, Assistant Inspector of Police  
James Myles Oswald, Superintendent of Police  
Kesava Subramonya Pillai, Chief Inspector of Police  
John Vincent Prendergast, Senior Superintendent of Police  
Matendechero Rinyulu, Probationary Assistant Inspector of Police  
Robert William Spooner, Senior Reserve Police Officer, Kenya Police Reserve

*Queen's Commendation for Valuable Service in the Air*

Phillip Elvy Henn, Pilot, East African Airways Corporation  
Patrick Anthony Travers, Pilot, East African Airways Corporation

*Queen's Medal for Chiefs*

Abdi Ogleh, Chief, Wajir District  
Dube Guyo, Chief, Ormo-Garissa District  
Muthoka wa Muli, Chief, Machakos District

GOVERNMENT NOTICE NO 795

## AWARDS OF THE BADGE OF HONOUR

THE Governor has been pleased to make the following awards of the Badge of Honour —

Parameno Otono s/o Othigo Otieno, East African Railways and Harbours, Nairobi  
John Griball Silas, East African Railways and Harbours, Mombasa  
Bimishe Kitao, East African Railways and Harbours, Mombasa  
Fanuel Orika, East African Railways and Harbours, Kisumu  
Omari Kinyachio, Posts and Telecommunications Administration, Nairobi  
Frederick Karori Kachama, East African Literature Bureau, Nairobi  
Miss Eleanor Bodger, Missionary, Kaloleni  
Chief Ngwai Boli, Taita District  
Daudi Owino (Chief) Nairobi  
Chief Paul Mundi, Muthurwa  
William Kaman, Interpreter, Turkana District  
Osman Muslim, Station Headman, Mandera  
Tomeno Cheptulel West Suk  
Juma Tagoon, Head Station Hand, Tambach  
Mikael Mukolwe, Senior Interpreter, Kakamega  
Nicodemo Wasumwa, Kakamega  
David Munube, Teacher, Machakos  
Chief Njage wa Muthangato, Embu District  
Njuguna s/o Irioko, Kikuyu Guard Sergeant-Major, Kikuyu  
Salvador Patrick Rosario Max Cordeiro, Cashier, Nyeri District  
Andrea Muturia, Sergeant Tribal Police, Fort Hall  
Khamis s/o Ahmasi, Office Messenger, Mombasa  
Johnstone Maina Ruhru, Field Assistant, Kikuyu  
Joseph Francis D Souza, Assistant Accountant, Nairobi  
Rozario Eustaquio Coutinho, Clerk, Nairobi  
Duncan Kabungo s/o Wabungu, Clerk, Nyeri  
Micheki s/o Honge, Chief Warder Clerk, Nairobi  
Felix Caetano Poifrio Dantas, Chief Clerk, Nairobi  
Gilbert Wambia Okuku, Chief Warder, Nairobi

Nairobi,  
9th June, 1955

R G TURNBULL,  
Chief Secretary.

GOVERNMENT NOTICE NO 796

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

A W PURVIS,  
*Clerk of the Legislative Council*

**A BILL ENTITLED  
AN ORDINANCE TO AMEND THE FORFEITURE OF  
LANDS ORDINANCE, 1953, AND THEREBY TO  
PROVIDE FOR THE FORFEITURE AND PENAL  
SETTING APART OF LANDS AND INTERESTS IN  
LAND OF PERSONS PARTICIPATING OR AIDING  
IN ARMED OR VIOLENT RESISTANCE AGAINST  
THE FORCES OF LAW AND ORDER AND FOR  
THE SIMPLIFICATION AND EXPEDITION OF  
PROCEDURES UNDER THE SAID ORDINANCE**

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 11 of 1954

1. This Ordinance may be cited as the Forfeiture of  
Lands (Amendment) Ordinance, 1955 and shall be read and  
construed as one with the Forfeiture of Lands Ordinance,  
1953 (hereinafter referred to as the principal Ordinance), and  
shall come into force upon such day as the Governor shall 5  
by Proclamation in the Gazette declare that Her Majesty's  
assent has been given thereto

Amendment of  
long title of  
the principal  
Ordinance

2. The long title of the principal Ordinance is amended  
by inserting immediately after the word "ORGANIZING",  
appearing therein the words "OR PARTICIPATING OR 10  
AIDING IN"

Amendment  
of section 2  
of the principal  
Ordinance

3 Sub-section (3) of section 2 of the principal Ordinance is amended in the following respects—

(i) by relettering paragraphs (a) (b) and (c) thereof as  
paragraphs (b) (c) and (d) respectively, and 15

(ii) by inserting therein a new paragraph (a) as follows—

(a) "Local Board" means the Local Land Board  
established under section 3 of the Native Lands  
Trust Ordinance,

Cap 100

Amendment  
of section 3  
of the principal  
Ordinance

4 Section 3 of the principal Ordinance is amended in 20  
the following respects—

(a) in paragraph (b) of sub-section (1) thereof, by inserting  
immediately after the words "led or organized,"  
appearing therein, the words "or has, at any time on  
or after the appointed day, participated or aided in," 25

(b) in sub-section (1) thereof by adding immediately after  
paragraph (ii) the word "or" and a new paragraph  
as follows—

or (iii) make an order (hereinafter called a native land  
rights confiscation order) which shall have effect 30  
as hereafter in this Ordinance provided,

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

(3) A native land rights confiscation order may  
be made against one or more persons named therein  
and shall be published in the Gazette and shall take 35  
effect in accordance with the provisions of this  
Ordinance upon such publication or upon such day  
as shall be specified therein

(4) In this section "the appointed day" means  
such day as may be appointed by the Governor by 40  
notice in the Gazette for the purposes of this section



(5) Any one or more of the orders aforesaid may be made in respect of the same person

5. Section 7 of the principal Ordinance is amended by deleting sub-section (2) thereof

Amendment of section 7 of the principal Ordinance

5 6. The principal Ordinance is amended by inserting immediately after section 7 thereof two new sections as follows—

Insertion of new sections 7A and 7B in the principal Ordinance

Effect of  
and disposal  
of land  
10 affected by  
a native land  
rights  
confiscation  
order

7A Where a native land rights confiscation order is made against any person, the following provisions shall apply as respects any land, situate within the Native Lands, in which such person has any interest, whether such interest be in possession or reversion, vested, contingent or otherwise—

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(a) where the land is not clan land or land otherwise held communally, according to native law and custom, all the right, title and interest of such person in or to the land shall, forthwith upon the order coming into effect and, without further or other assurance than this Ordinance, vest in the Local Board (as if such Board were a body corporate with perpetual succession empowered to hold and dispose of land or any right, title or interest in or to land) and the Local Board may at any time thereafter, with the approval of the Provincial Commissioner, dispose of the same, whether by way of gift, sale, exchange, tenancy, licence or other assurance, or may, to the extent of such right, title or interest as aforesaid, authorize the user of the land for such local or general public purpose or communal purpose as the Provincial Commissioner may approve, and any proceeds of sale, rents or profits derived by or accruing to the Local Board from or in respect of the land shall be applied in the first instance in or towards defraying any compensation payable or paid under section 12 of this Ordinance in respect of any share or interest in the land, and, subject thereto, shall be paid into the revenues of the African District Council within whose area the land is situate or, if there is no such Council, into the African Trust Fund established under the African Trust Fund Ordinance,

Cap 103

(b) the Provincial Commissioner shall, as soon as may be, in consultation with the Local Board ascertain and certify the boundaries or extent of any such land, and the nature or extent of any such right, title or interest, as vests in the Local Board by reason of the provisions of paragraph (a) of this section, and every certificate of the Provincial Commissioner under this paragraph shall be lodged with and form part of the records of the Local Board and shall, subject to the provisions of section 13 and of sub-section (2) of section 17 of this Ordinance, be final and binding for all purposes and in all respects,

(c) where the land is clan land, or land otherwise held communally, according to native law and custom, all the right, title and interest therein or thereto of such person shall forthwith upon the order coming into effect, be extinguished,

(d) a Provincial Commissioner may at any time, after consulting the Local Board, and whether or not an action suit, claim or proceeding has been brought or instituted or is pending or in course of being heard in relation to any land, certify whether or not such land is clan land, or land otherwise held communally, according to native law and custom and any such certificate shall be final and binding in all respects for the purposes of this Ordinance

Governor's  
powers to  
declare local  
or general  
public  
purpose and  
communal  
purposes

7B The Governor may by notice in the Gazette, declare what is a local or general public purpose or a communal purpose for the purposes of this Ordinance

Amendment of  
section 8 of  
the principal  
Ordinance

7. Section 8 of the principal Ordinance is amended by deleting sub-section (3) thereof

Amendment of  
section 9 of the  
principal  
Ordinance

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

(a) in sub-section (1) thereof, by inserting, immediately following paragraph (b) thereof, the word "or" and a new paragraph as follows—

or (c) being a person against whom a native land rights confiscation order is in force, uses, remains in occupation of, or enters or re-enters into occupation of any land or part thereof in respect of which the order has effect whether by virtue of the provisions of paragraph (a) or paragraph (c) of section 7A of this Ordinance,

(b) in sub-section (2) thereof, by inserting, immediately after the words "a setting-apart order is in force", the words "or in respect of which a native land rights confiscation order has effect as aforesaid"

Amendment of  
section 12 of  
the principal  
Ordinance

9. Section 12 of the principal Ordinance is amended by inserting immediately following paragraph (b) thereof the word "or" and a new paragraph as follows—

or (c) not being a person named in a native land rights confiscation order, establishes that he is legally entitled to a share or interest in any land affected by the order in the manner provided by paragraph (a) of section 7A of this Ordinance,

Amendment of  
section 13 of  
the principal  
Ordinance

10 Section 13 of the principal Ordinance is amended by adding thereto a new paragraph as follows—

(h) the nature or extent of any interest, or the boundaries or extent of any land, affected or alleged to be affected by a native land rights confiscation order in the manner provided by paragraph (a) of section 7A of this Ordinance

Amendment of  
section 16 of  
the principal  
Ordinance

11 Sub-section (1) of section 16 of the principal Ordinance is amended by inserting immediately after the words "or a setting-apart order", appearing therein, the words "or a native land rights confiscation order"

**12** Section 17 of the principal Ordinance is amended in the following respects—

section 17 of the  
principal  
Ordinance

(a) in sub-section (1) thereof, by inserting immediately after the words "or setting-apart order" appearing therein,  
5 the words "or native land rights confiscation order",

(b) in sub-section (3) thereof, by inserting immediately after the words "or setting-apart order", appearing therein, the words "or native land rights confiscation order"

**10 13.** The principal Ordinance is amended by inserting immediately before section 18 thereof the following heading—

Insertion of  
heading in the  
principal  
Ordinance

#### PART IV—GENERAL

**14** Section 18 of the principal Ordinance is amended by substituting for sub-section (1) thereof the following  
15 sub-section—

Amendment of  
section 18 of  
the principal  
Ordinance

(1) The Governor may by order at any time revoke or vary any forfeiture order, setting-apart order or native land rights confiscation order, and any order made under this sub-section in relation to a native land rights confiscation order may be made so as to apply to all the persons  
20 against whom the order is made or to some one or more of such persons only or in respect of any particular land or interest affected thereby

Provided that the revocation or variation of a forfeiture order, setting-apart order or native land rights  
25 confiscation order shall not prejudice or affect anything lawfully done or suffered thereunder prior to such revocation or variation

**15.** Section 19 of the principal Ordinance is amended by  
30 inserting immediately after the words "setting-apart order", where those words twice appear therein, the words "or native land rights confiscation order"

Amendment of  
section 19 of  
the principal  
Ordinance

#### MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Forfeiture of Lands Ordinance, 1953, in such a manner as to extend the powers of forfeiture conferred thereby so as to include power to forfeit the native land rights not only of persons leading or organizing but also of persons participating or aiding in, armed or violent resistance against the forces of law and order. In addition to the present procedure under the principal Ordinance for forfeiture or penal setting-apart of identified lands and interests in land, a simplified and more expeditious procedure is introduced whereby "native land rights confiscation orders" may be made naming any number of persons as subjects thereof, and forfeiting all existing lands and land rights of such persons in the Native Lands the lands and land rights affected by such orders will be subsequently identified, non-clan land being vested in Local Land Boards with wide powers of disposal, and rights in clan land being extinguished. It is intended that the Bill after enactment and subject to Her Majesty's assent, shall be brought into force simultaneously with the withdrawal of the present surrender offer.

Clause 4 sets out the provisions which, by way of amendment of section 3 of the principal Ordinance, will confer the powers to make "native land rights confiscation orders"

Clause 6 introduces a new section 7A into the principal Ordinance providing for the effect of such orders on lands and land rights of the persons named therein, for the disposal and use of non-clan lands affected thereby, and for the extinction of rights in clan land affected thereby



*Clause 9* amends section 12 of the principal Ordinance in regard to compensation to innocent persons whose rights or interests are adversely affected by such orders and *clause 10* brings within the jurisdiction of the Tribunal established under section 11 of the principal Ordinance questions and disputes as to the nature or extent of any interest or the boundaries or extent of any non-clan land, alleged to be affected by a native land rights confiscation order, since clan rights will merely be extinguished by such orders no question of compensation will arise in regard thereto

By *clause 14*, sub-section (1) of section 18 of the principal Ordinance (which relates to revocation or variation of orders) is amended to include within its scope native land rights confiscation orders

The remaining amendments contained in the Bill are either formal or consequential

No additional expenditure of public moneys will be incurred if this Bill is enacted

Nairobi,  
10th June, 1955

E N GRIFFITH-JONES,  
*Attorney General*