

S U P P L E M E N T
TO
O F F I C I A L G A Z E T T E

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E A S T A F R I C A



P R O T E C T O R A T E

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His Excellency has approved of the following Bill being introduced at the next Session of the Legislative Council.

C. E. SPENCER,
Clerk to the Legislative Council

T A B L E O F C O N T E N T S.

	P A G E.
1. A Bill intituled an Ordinance to amend the Law Relating to Vagrants	...1-3
2. A Bill intituled an Ordinance to Provide for the Arrest and Surrender of Fugitive Offenders from the Territory known as German East Africa	... 5

A Bill

Intituled

An Ordinance to Amend the Law Relating to Vagrants.

1. This Ordinance may be cited as "The Vagrancy Ordinance, 1919." The Governor-in-Council may by order published in the Gazette apply this Ordinance to any area in the Protectorate.

Short title and operation.

5 2. In this Ordinance unless the subject or context otherwise requires the expression :— Interpretation.

"Magistrate" means a Magistrate holding a Subordinate Court of the 1st or 2nd class.

10 "Native" means any person who is a native of Africa not of European or Asiatic origin or descent and includes any Somali or Swahili.

"Vagrant" means :—

(a) Any person asking for alms;

15 (b) Any person wandering about or without leave of the owner thereof lodging in any verandah, outhouse, shed or unoccupied building or in any cart, vehicle or other receptacle and not having any visible means of subsistence;

(c) Any person wandering about without employment.

20 3. Any police officer may arrest without warrant any person who is apparently a vagrant and shall at the earliest opportunity take him before the nearest Magistrate. Powers of arrest.

4. (1) It shall be lawful for the Governor to provide houses of detention at such places within the Protectorate as he shall think fit for the reception of vagrants. Power to establish houses of detention for vagrants.

25 (2) The Governor may from time to time appoint such superintendents and medical and other officers for the management of such houses of detention as he may think fit.

30 (3) Every such superintendent, medical and other officer shall be deemed to be a public servant within the meaning of the Indian Penal Code as applied to the Protectorate.

5. It shall be lawful for the Governor-in-Council from time to time to make Regulations for the management of houses of detention. Such Regulations shall include among other things Regulations for :— Regulations for management of houses of detention.

35 (a) The search of the person and clothing of any person admitted to the house of detention.

(b) The custody or destruction of the clothing and effects of the inmates.

(c) The diet, dress and accommodation of the inmates.

(d) Personal cleanliness, hours, meals, labour, and general conduct. 5

(e) Medical examination of any person admitted to the house of detention.

(f) Recording particulars for the future identification of the inmates.

(g) Discharge. 10

and may prescribe punishments for disobedience to such Regulations to be inflicted by the superintendent not exceeding one week's confinement or one week's reduced diet or both such punishments. The nature of such confinement and diet shall be prescribed by Regulations. 15

Obtaining employment.

6. (1) The superintendent of any house of detention shall use his best endeavours to obtain suitable employment outside such house for the vagrants admitted thereto.

(2) When any such employment is obtained any vagrant who refuses or neglects to avail himself thereto shall be liable on conviction to imprisonment of either description for a term not exceeding six months. 20

Discharge by Governor.

7. The Governor may at any time order the discharge of any person detained in a house of detention.

Work.

8. Every person detained in a house of detention shall be put to any labour of which the Medical Officer shall certify him to be capable. Any such person who refuses to perform such labour or who performs such labour in a negligent or unsatisfactory manner shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding one month. 25 30

Provisional houses of detention in prisons.

9. The Governor may by order direct that suitable provision shall be made in any prison in the Protectorate for the use thereof as a house of detention under this Ordinance and the provisions of this Ordinance and any Regulations thereunder shall apply to any such house of detention situated in a prison. 35

Repatriation of vagrants.

10. (1) If within a reasonable time not exceeding three months from the date on which a vagrant was committed to a house of detention no suitable employment is obtainable for him if such vagrant is not a British subject born in the Protectorate or a native of the Protectorate the Governor-in-Council may order him to be repatriated and he shall be repatriated accordingly and any person who returns to the Protectorate after having been repatriated under this Ordinance without the licence of the Governor in writing first had and obtained shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding six months. 40 45

(2) For the purpose of repatriating a vagrant under subsection (1) of this section it shall be lawful for such officer as the Governor may direct to place the vagrant on board ship and such vagrant shall be detained on board and shall be deemed to be in lawful custody while the ship is within the jurisdiction of the Protectorate. 50 55

(3) If within a reasonable time not exceeding three months from the date on which a vagrant was committed to a house of detention no suitable employment is obtainable for him if such vagrant is a native of the Protectorate the Governor-in-Council may order him to be returned to the area if any reserved for the use of his tribe or sub-tribe and he shall be returned accordingly and any native who after having been returned to the area reserved for the use of his tribe or sub-tribe leaves such reserve without the licence in writing of the Provincial Commissioner of the Province in which such 60 65

reserve is situated first had and obtained shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding six months.

11. (1) When any person is brought before a Magistrate as Powers of Magistrates.
5 being apparently a vagrant if after due inquiry the Magistrate find as a fact such person is a vagrant he may :—

(i) Order him to find work within such time as he may prescribe and direct on what date and time such vagrant shall report to the Magistrate;

10 (ii) Order him to be detained in a house of detention; or

(iii) Order him if he be a native of the Protectorate to be returned to the area, if any, reserved for the use of his tribe.

(2) If any native who under this section is ordered to find 15 work fails to find such work or fails to report to the Magistrate as directed the Magistrate may order him to be returned to the area, if any, reserved for the use of his tribe.

(3) Any native who after being returned under this section to the area reserved for the use of his tribe or sub-tribe leaves 20 such area without the licence in writing of the Provincial Commissioner of the Province in which such reserve is situated shall be guilty of an offence and shall on conviction be liable to imprisonment of either description not exceeding six months.

(4) A Magistrate may order the detention of a vagrant 25 who is a native in a house of detention or in prison pending his return to the area reserved for the use of his tribe or sub-tribe.

12. A Magistrate may issue such warrants as may be Warrants.
30 necessary to carry into effect any order issued by him under the preceding section and a vagrant when held under such a warrant shall be deemed to be in lawful custody.

13. Any person who has once been found by a Magistrate Offences.
35 to be a vagrant or who has been committed to prison as a vagrant under the Vagrancy Regulations, 1900, shall on any subsequent conviction of vagrancy be liable to a term of imprisonment of either description not exceeding six months in addition to any other order which a Magistrate may make under this Ordinance.

40 14. The Vagrancy Regulations, 1900, are hereby Repeal.
repealed, provided that such repeal shall not affect any conviction and sentence under such Regulations or any order made thereunder.

A Bill

Intituled

An Ordinance to Provide for the Arrest and Surrender of Fugitive Offenders from the Territory known as German East Africa.

1. This Ordinance may be cited as "The Fugitive Offenders (German East Africa) Surrender Ordinance, 1919." Short title.

2. Where in that part of the territory now known as German East Africa in British military occupation a warrant Power to arrest
fugitive offenders from
German East Africa.
 - 5 has been issued for the apprehension of any person accused of an offence punishable by law in the aforesaid territory and such person is or is suspected of being in or on his way to the Protectorate any Magistrate holding a Subordinate of the First or Second Class if satisfied that the warrant was issued by a
 - 10 person having lawful authority to issue the same may endorse such warrant and the warrant so endorsed shall be a sufficient authority to apprehend the person named in the warrant and return him in like manner as if the aforesaid territory were
 - 15 a British Possession of a group in which the Protectorate was included within the meaning of Part II of the Fugitive Offenders Act, 1881, and the provisions of that Act shall apply accordingly.

3. This Ordinance shall remain in force during the Duration of
Ordinance.
 - 20 British military occupation of the territory now known as German East Africa.