



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE No. 1510

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 AFRICAN  
DISTRICT COUNCILS ORDINANCE, 1950**

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 African District Councils (Amendment) (No. 2) Ordinance, 1955, and shall be read and construed as one with the African District Councils Ordinance, 1950, hereinafter referred to as the principal Ordinance. Short title.  
No. 12 of 1950.
2. Section 3 of the principal Ordinance is amended— Amendment of section 3 of the principal Ordinance.
- (a) by substituting for the words "The Governor may, by notice in the Gazette, establish an African District Council", appearing therein, the words "The Governor may from time to time, by notice in the Gazette, establish one or more African District Councils";
- (b) by renumbering the section as sub-section (1) thereof, and by adding a new sub-section as follows:—
- "(2) The Governor may, by notice in the Gazette, add to, alter or vary the area for which an African District Council has been established, and may, by such or further notice, make such orders and give such directions as may be deemed necessary or desirable consequent on such addition, alteration or variation."
3. Section 42 of the principal Ordinance is amended by renumbering the section as sub-section (1) thereof, and by adding a new sub-section as follows:— Amendment of section 42 of the principal Ordinance.
- "(2) (a) The Governor may, by notice in the Gazette, direct that any African District Council shall be wound up.
- (b) On any direction being made under the provisions of paragraph (a) of this sub-section with respect to an African District Council, such Council shall, until dissolved, continue in existence for the purpose only of winding up, and to that end shall, without undue delay, take such steps as may be necessary to wind up its affairs, and in particular shall do such acts as may be required by any order made by the Minister under the provisions of paragraph (c) of this sub-section.
- (c) In order to facilitate any such winding up, the Minister may, by notice in the Gazette, make such orders as he deems necessary or desirable, and particularly, but without prejudice to the generality of the foregoing, to ensure—
- (i) that all or any property, movable and immovable, vested in or belonging to such Council or to which the Council is entitled and all or any assets and claims to which the Council is entitled, shall be transferred to and vested in

such other authority or authorities as exist or may be established for the area or tribe for which such Council was established;

- (ii) that all or any contracts of service, appointments made or powers conferred shall be deemed respectively to have been entered into, made or conferred by such other authority or authorities as aforesaid; 5
- (iii) that all or any works, undertakings, rights, liabilities, contracts, and engagements of the Council, and all actions, suits and legal proceedings by or against the Council, shall be transferred to, vested in, and be enforced, carried on and prosecuted by or against such other authority or authorities as aforesaid; 15
- (iv) that all or any licences, registration and permits issued, made or granted by the Council shall continue in force for the period for which they were issued, made or granted, and shall be deemed to have been issued, made or granted by such other authority or authorities as aforesaid; 20
- (v) that all or any by-laws made by the Council shall be deemed to be the by-laws of such other authority or authorities as aforesaid, and shall continue in full force and effect for such period as the Minister may determine. 25

(d) On the Minister being satisfied that the winding up of an African District Council is completed, he shall, by notice in the Gazette, declare it to be dissolved with effect from such date as shall be specified in such notice."

#### MEMORANDUM OF OBJECTS AND REASONS

Section 3 of the African District Councils Ordinance, 1950, enables a Council to be established for any area or tribe, and section 42 contains provision for the Governor to dissolve any Council.

It has now become necessary to dissolve an existing Council and to substitute in its place two new Councils, and it is apparent that the Ordinance requires amendment before that can be done because in its present form it does not permit more than one Council to be established for any given area, nor does it make any transitional provision as to the vesting of property, rights, liabilities, contracts, legal proceedings and other matters of the Council which is dissolved.

Clause 2 of this Bill amends the Ordinance to permit the establishment of more than one Council for any given area or tribe, and the opportunity has been taken to provide for any subsequent alteration to a Council area.

Clause 3 amends section 42 of the principal Ordinance to empower a Council to be wound up, prior to dissolution. The effect of the clause is that during the winding up process the Council shall continue to exercise legal powers but for the purpose only of the winding up. The clause also empowers the Minister to make orders as to the vesting or transference of the property, rights, liabilities and other matters mentioned above; this is deemed necessary in order to ensure that where a Council is unwilling or unable to divest itself of any of these matters the Minister shall have the power to effect the necessary transfer to such authority or authorities as he deems proper (which would normally be the Council or Councils substituted therefor).

The same clause empowers the Minister to dissolve the Council when winding up has been satisfactorily completed.

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

Nairobi,  
28th October, 1955.

E. N. GRIFFITH-JONES,  
Attorney General.