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GAZETTE NOTICE No. 400

THE COMMISSIONS OF INQUIRY ORDINANCE (Cap. 40)

COMMISSION

By His Excellency Walter Fleming Coutts, Companion of the Most Distinguished Order of Saint Michael and Saint George, Member of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony and Protectorate of Kenya.

WHEREAS I deem it advisable to issue a commission in order that an inquiry be made into the matters herein specified, being matters in which an inquiry would, in my opinion, be for the public welfare;

Now, therefore, in exercise of the power in that behalf vested in me by section 2 of the Commissions of Inquiry Ordinance, I do by this commission appoint and authorize—

GEORGE GILLESPIE BAKER, O.B.E., Q.C.

(hereinafter referred to as the Commissioner) to inquire, accepting the Government's established policy, namely—

- (a) to foster the expansion of the pyrethrum industry;
- (b) to give primary consideration to the interests of growers;
- (c) to ensure that the production and marketing of pyrethrum flowers shall be organized under the law by a statutory board on which growers are adequately represented; and
- (d) to give reasonable protection to the commercial interests of existing processors of pyrethrum extract, into the degree and nature of protection which should fairly and reasonably be accorded by legislation to the interests of the East African Extract Corporation Ltd.

And I do hereby appoint—

CHARLES JOHN MABYN ROSS

to be Secretary to the Commission pursuant to section 6 of the said Ordinance.

And I do direct that the inquiry shall be held at the Conference Hall, East Africa High Commission Headquarters Buildings, Nairobi, with power to the Commissioner in his discretion to adjourn to any other suitable place to hear evidence or for any purpose relevant to the inquiry, and that the inquiry shall commence on the 5th day of February, 1960, and that the report thereof shall be rendered to me within one month after the conclusion of the inquiry or within such extended period, if any, as I may, on application by the Commissioner, allow.

And I do further direct that in executing this commission the Commissioner shall be guided by the following general principles—

- (i) that no person's conduct or character should be called in question by any evidence without due warning being given to that person of the general nature of the allegations against him, and without his being given an opportunity either in person or by his advocate, to be present

at the reception of such evidence, to cross-examine any witness testifying thereto, and, without unreasonable delay, to adduce material evidence in his behalf in refutation of or otherwise in relation to such allegations;

- (ii) that no person's character or reputation should be impugned by hearsay evidence;
- (iii) that no opinion evidence should be admitted as to the character or motives of any person;
- (iv) that the Commissioner should not avoidably depart or permit any departure from the aforesaid principles save only if and to such extent as he may deem such departure necessary to the ascertainment of the truth of the matters into which he is hereby commissioned to inquire; and
- (v) that if and whenever the Commissioner deems any such departure to be so necessary as aforesaid he shall record his reasons therefor in the record of the inquiry and shall report thereon, with his reasons, in his report to me of the inquiry.

And I do finally direct that the inquiry shall generally be held in public, but that the Commissioner shall be entitled, for the due and orderly conduct of the inquiry, for the ascertainment of the truth of the matters into which he is hereby commissioned to inquire, or for safeguarding the principles hereinbefore set out, in his discretion, to hold any part of the inquiry in private, or to exclude any particular person or any class of persons from the inquiry or any part thereof, or otherwise to prohibit, restrict, regulate or control the publication, in the Press or otherwise, of any part of the proceedings of the inquiry or any matter or particular (including the name or identity of any person) arising therein.

Given under my hand and the public seal of Kenya at Nairobi this 30th day of January, 1960.

W. F. COUTTS,
Acting Governor.

GAZETTE NOTICE No. 401

THE COMMISSIONS OF INQUIRY ORDINANCE (Cap. 40)

COMMISSION OF INQUIRY

(GAZETTE NOTICE No. 400 OF 1960)

NOTICE is hereby given that any person who wishes to give evidence before the Commission should submit a short note stating his interest in the matter into which the Commissioner is authorized to inquire, the reason why he wishes to give evidence, and the point or points he wishes to make, not later than 9 a.m. on the 8th day of February, 1960, to the Secretary to the Commission, P.O. Box 30028, Nairobi.

C. J. M. ROSS,
Secretary to the Commission.