

SUPPLEMENT
TO
OFFICIAL GAZETTE

OF THE

EAST AFRICA



PROTECTORATE

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His Excellency has approved of the following Bills being introduced at the next meeting of the Legislative Council.

T. S. THOMAS,

Clerk to the Legislative Council.

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1. A Bill intituled an Ordinance to make provision for the suppression of the Abuse of Opium and certain other Drugs.
2. A Bill intituled an Ordinance to supply a further sum of money for the service of the year ended the 31st of March, 1913.
3. A Bill intituled an Ordinance to Regulate the Business of Pawnbroking.
4. A Bill intituled an Ordinance to make provision for the Protection of Patents and Designs.
5. A Bill intituled an Ordinance to amend the Lamu Boat Registration Ordinance, 1906.
6. A Bill intituled an Ordinance to make further and better provision for the Regulation of Wireless Telegraphy.

A Bill

Intituled

The Public Health Ordinance, 1913.

A Bill

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The Public Health Ordinance, 1913.

1. (1) This Ordinance may be cited as "The Public Health Ordinance, Short Title, 1913."
- (2) This Ordinance shall apply to :
 - (a) all lands situate within five miles of the limits of any Application. Township.
 - (b) all lands situate within ten miles of any Railway Station, and
 - (c) any area to which the Governor may by notice in the Gazette apply the Ordinance.
2. (1) There shall not be any division and letting in lots, or any division and sale in lots, for building sites of any land not within a Provisions as to division, &c. of any lands for building sites. Township, until :
 - (i) There shall have been deposited with the Chief Sanitary Officer:
 - (a) a plan in duplicate showing the situation and boundaries of such land, the manner in which it is intended to divide the land, the position and width of roads to be made over and through such land, the level for surface drains, the area (if any) to be reserved for residential purposes only, the area (if any) to be reserved for business premises only, the area (if any) to be reserved for the occupation of Europeans only, the area (if any) to be reserved for the occupation of Non-Natives (not being Europeans) only, the area (if any) to be reserved as a Native Location, the area (if any) to be reserved for recreation grounds or as open spaces, and the area (if any) to be reserved for any public buildings.
 - (b) a contour map of the lands intended to be sold or leased ;
 - (c) a statement in writing by the owner of the land as to :
 - (i) the provisions which have been made or will be made for the construction of any road or roads or of any drain shown on the plan.
 - (ii) the source from which the occupants of the lots can procure a suitable and sufficient water supply ;
 - (d) such other documents, statements, information or thing as the Chief Sanitary Officer may demand ; and
 - (ii) The Chief Sanitary Officer's approval of the plan has been notified to the owner in the manner hereinafter provided.
- (2) The Chief Sanitary Officer shall, as soon as conveniently may be after the receipt of such plans map and statement, consider the same and may request the owner of the land to attend before him and lay before him or explain any facts relating to the matter, and when such plan is approved he shall forward one copy thereof to the owner of the land to which it relates with a certificate that the plan has been approved and upon receipt thereof such owner may proceed to divide and let, or divide and sell (as the case may be) the land referred to in accordance with such plan ; provided always that if the Chief Sanitary Officer does not approve of such plan he shall forthwith communicate his decision in writing to the owner of such land, who may within fourteen days after the receipt of such communication appeal to the Governor in Council whose decision shall be final.

- (3) The duplicate of a plan approved by the Chief Sanitary Officer shall be certified by him and retained in his office.
 - (4) Any person dividing and letting any land in lots or dividing and selling any lot before such plan has been approved as aforesaid or except with the consent in writing of the Chief Sanitary Officer otherwise than in accordance with such approved plan shall be liable to a penalty not exceeding fifteen rupees for every day or part of a day in which the provisions of this section or any of them have not been complied with.
 - (5) Any person renting or purchasing any piece of any land so divided and let or so divided and sold before such plan as aforesaid has been approved or except with the consent in writing of the Chief Sanitary Officer otherwise than in accordance with such plan shall be liable to a penalty not exceeding fifteen rupees for every day or part of a day in which the provisions of this section or any of them have not been complied with.
 - (6) Whenever any plan or note or memorandum on any plan approved by the Chief Sanitary Officer shall show that any area is to be reserved for any special purpose or for the occupation of any class of persons, any person who shall without the consent in writing of the Chief Sanitary Officer use or permit to be used or shall occupy or permit to be occupied any land within such area otherwise than as shown as aforesaid shall be guilty of an offence and shall be liable to a penalty not exceeding fifteen rupees for every day or part of a day during which the offence shall continue.
 - (7) Where before the commencement of this Ordinance any land shall have been laid out in lots for building sites such land shall be deemed to be divided and let or divided and sold in lots (as the case may be) if any lot which has not been sold or let before the commencement of the Ordinance is thereafter sold or let.
Provided, however, that the Governor in Council may in the case of any such land by order published in the Gazette postpone the operation of this section in relation to such land for such time as may be specified in such order.
3. (1) Whenever the Chief Sanitary Officer shall consider that in the interest of the public health any road or drain shown on a plan deposited with him under the last preceding section should be constructed, or that a proper and sufficient water supply should be provided for the area to be divided and let or sold in lots, he may before approving the plan require the owner of the land to give an undertaking in writing that he will construct such road or drain or provide such water supply to the satisfaction of the Chief Sanitary Officer within such time as the said Chief Sanitary Officer shall determine.
- Power of Chief Sanitary Officer to require owner of land to furnish security for constructing road, &c., necessary in the interest of the public health.
- (2) The owner of any land who may be required to give any undertaking under the preceding sub-section shall give or procure to be given to the Government of the Protectorate security by bond with one or more sureties approved by the Chief Sanitary Officer in such sum as the Chief Sanitary Officer may determine for the faithful and punctual fulfilment of such undertaking, and the Chief Sanitary Officer shall not approve the plan of the proposed subdivision until such security shall have been given.
Provided, however, that any owner who is required to give such undertaking may appeal to the Governor in Council whose decision shall be final.
 - (3) Whenever any person shall give a bond under the last preceding sub-section, and it shall appear that a condition of such bond has been broken, the Attorney General may sue for and recover for the use of the Government of the Protectorate the amount recoverable in respect of such breach of the condition of the said bond.
 - (4) Any sum recovered in respect of the breach of a condition of a bond under this section shall be devoted to such purposes in connection with the land in relation to which the bond shall have been given as the Governor in Council shall determine.

4. All penalties under this Ordinance shall be recovered as a civil debt recoverable summarily on the complaint of the Chief Sanitary Officer or of some other officer or person authorised by the Chief Sanitary Officer to lay such complaint, and shall be paid to the revenues of the Protectorate. Penalties under this Ordinance how recoverable.

5. For the purposes of this Ordinance the term "Township" shall mean a place declared to be a Township for the purposes of the East Africa Townships Ordinance, 1903. "Township" defined.

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Provisions as to division, &c. of any lands for building sites.

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- Power of Chief Sanitary Officer to require owner of land to furnish security for constructing road, &c., necessary in the interest of the public health.
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