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S U P P L E M E N T
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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 Bills being introduced at the next Session of the Legislative Council.

T S. W THOMAS,
Clerk to the Legislative Council.

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A Bill

Intituled

An Ordinance to restrict temporarily the persons who may engage in business connected with certain Non-Ferrous Metals and Metallic Ores.

1 (1) This Ordinance may be cited as "The Non-Ferrous Metal Industry Ordinance, 1918" Short title and duration

(2) This Ordinance shall continue in force only during the continuance of the present war and for a period of five years
5 after the termination thereof

2 (1) It shall not be lawful for any company, firm, or individual after the expiration of six months from the passing of this Ordinance, or such longer period as the Governor may generally or in any particular case allow, to carry on the
10 business of winning, extracting, smelting, dressing, refining, or dealing by way of wholesale trade, in metal or metallic ore to which this Ordinance applies, unless licensed to do so by the Governor such licence to be in the form set out in the Second Schedule to this Ordinance Prohibition against dealing
in certain metals and ores
without a licence.

11 Provided that the purchase or sale of metal shall not be deemed to be dealing in such metal where such purchase or sale is incidental only to the trade carried on by the purchaser or seller

20 Provided also that no licence shall be required when the winning, extracting, smelting, dressing, refining, or dealing is carried on wholly outside the Protectorate

(2) In the case of a company, firm, or individual with respect to which any of the conditions set forth in the First Schedule to this Ordinance apply, or which is controlled by a
25 company, firm or individual in respect of which any such conditions apply, no licence shall be granted unless the Governor is of opinion that the grant of a licence is expedient, but save as aforesaid any company, firm, or individual carrying on or proposing to carry on such business as aforesaid shall on
30 making application in the prescribed manner, and on furnishing such information and allowing inspection of such books and documents as may be reasonably required, and on payment of the prescribed fee, which shall not exceed Rs 15/- be entitled to a licence under this Ordinance

35 (3) A licence under this Ordinance shall remain in force unless and until it is suspended or revoked

(4) The Governor, if satisfied by evidence not before him at the time when the licence was granted that such company, firm, or individual is, or has become, subject to any of the
40 conditions set forth in the First Schedule to this Ordinance,

or in the case of a company, firm, or individual to which a licence has been granted notwithstanding that it is subject to any such conditions as aforesaid, that it is expedient that the licence should be revoked or suspended, may revoke or suspend the licence

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(5) If any question arises between the Governor and any company, firm, or individual —

(a) as to whether or not the business carried on by the company, firm, or individual is such as to require a licence under this Ordinance, or

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(b) as to whether or not any of the conditions set forth in the First Schedule of this Ordinance apply in respect of the company, firm, or individual, or

(c) as to whether or not the company, firm, or individual is controlled by a company, firm, or individual in respect of which any such conditions apply, or

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(d) as to the requirements of the Governor for the production of books or documents for inspection,

the question shall, subject to Rules of Court, be referred by or on behalf of the Governor to the High Court for determination, and the decision of the Court on any such reference shall be final, and no appeal therefrom shall lie to any other Court

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(6) Where at the expiration of the said six months or longer period allowed by the Governor proceedings on any such application are pending in the High Court, the Court shall, on application being made for the purpose, extend the said period of six months or longer period as respects that company, firm, or individual for such period as may be necessary to allow the question to be determined by the Court, and where the application is made with reference to the suspension or revocation of a licence the licence shall not be suspended or revoked until the question has been determined by the Court

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(7) The Governor shall publish in the prescribed manner the name of any company, firm, or individual to whom a licence has been granted under this Ordinance or whose licence has been suspended or revoked

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Power to require information and inspection of documents

3 The Governor shall have power at any time to require the applicant for a licence or a licensee, or any person who, being a director, partner, manager, or officer of, or the holder of, or a person interested in, shares or securities of, any company, or firm, which has applied for the grant of a licence, or to which a licence has been granted under this Ordinance, or by which the applicant or licensee is controlled, or being the manager of the business carried on by an individual applicant or licensee, is able to give any information as to the constitution, control or management of the company or firm, or the business carried on by the company, firm, or individual, or the beneficial interest of any person in such business, or in any shares or securities of the company or firm, to furnish such information within such time as the Governor may direct, and for the purpose of obtaining or verifying such information any person appointed by the Governor in that behalf shall be entitled to inspect any books and documents belonging to or under the control of such company, firm, or individual, the inspection of which may reasonably be required for the purpose aforesaid

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Offences

4 (1) If any person carries on the business of winning, extracting, smelting, dressing, refining, or dealing in any metal or metallic ore in contravention of this Ordinance without a licence, he shall, on an information being laid by or on behalf of the Governor, be liable on conviction to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding Rs 1,500/- for each day during which the offence continues, or to both such imprisonment and fine

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(2) If any person refuses or neglects to furnish any information which under this Ordinance is required to be furnished within the time within which it is to be furnished or knowingly furnishes any information required to be furnished under this Ordinance which is false in any material particular or having custody of any book or document which a person is

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authorised to inspect under this Ordinance, refuses or wilfully neglects to produce the book or document for inspection, or forges or fraudulently alters or uses or permits to be fraudulently used any licence issued under this Ordinance, he shall
 5 be liable on conviction to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding Rs 300/- or to both such imprisonment and fine

(3) Where the person guilty of an offence under this Ordinance is a company every director, manager, secretary,
 10 and other officer of the company who is knowingly a party to the default, shall also be guilty of the like offence, and liable to the like punishment

5 (1) A company carrying on any business to which section two of this Ordinance applies, which has issued share
 15 warrants to bearer may give notice requiring the holders of the share warrants to surrender their warrants for cancellation and to have their names entered in the register

Provisions as to Warrants to bearer

(2) The notice shall be given by advertisement in the "Official Gazette" and by any other method by which notices
 20 to, or for the information of, holders of share warrants to bearer are required to be given by the regulations of the company or the conditions of issue of the warrants

(3) Where such a notice has been given no person shall, as holder of a share warrant, be entitled to attend or vote at
 25 any meeting of the company, and any dividends or interest which may become payable in respect of any shares represented by share warrants shall be retained by the company until the share warrants have been surrendered for cancellation

(4) For the purposes of this Ordinance the expression
 30 "share warrants to bearer" includes any bearer securities which confer on the holder thereof any voting power with respect to the management of the company

6 No information as to any person or any business obtained under this Ordinance shall be published except for
 35 the purposes of legal proceedings under this Ordinance, and if any person knowingly publishes any information in contravention of this provision he shall be liable on conviction to imprisonment of either description for a term not exceeding three months or to a fine not exceeding Rs 300/- or to both
 40 such imprisonment and fine

Provisions as to secrecy

7 The Governor may prescribe fees and make rules in respect of anything which, under this Ordinance, is to be prescribed and generally for carrying this Ordinance into effect, and such rules shall provide for excluding from dealings
 45 by way of wholesale trade within the meaning of this Ordinance dealings in quantities below such limits as may be prescribed generally or as respects any particular metal or metallic ore

Rules

Provided that all such rules shall be laid before the Legislative Council as soon as may be after they are made,
 50 and if such rules or any of them are not approved by the majority of the members present such rules shall be revoked or amended as the case may be in accordance with any resolution passed by the Legislative Council and provided that any such revocation or amendment of any rule made by the
 55 Legislative Council shall not affect anything done or any proceedings taken or any sentence inflicted under or by reason of the revoked or amended rule

8 All documents purporting to be documents made by the Governor shall be received in evidence, and shall be deemed
 60 to be such documents without further proof unless the contrary is shown

Evidence of documents

9 (1) A company carrying on any business to which section two of this Ordinance applies may give notice requiring a shareholder or debenture holder to make a declaration under
 65 the Statutory Declarations Act, 1835, as to the beneficial ownership of the shares or debentures standing in his name, and as to the nationality of such beneficial owner

Declarations

(2) The notice shall be given by any method by which notices to, or for the information of, holders of shares or debentures are required to be given by the regulations of the company or the conditions of issue of the debentures

(3) Where such a notice has been given no person shall as holder of a share be entitled to attend or vote at any meeting of the company, and any dividends or interest which may become payable in respect of any shares or debentures shall be retained by the company until the shareholder or debenture holder shall have made such declaration as aforesaid 5 10

(4) For the purposes of this section the expression "shares" and "debentures" include stock and debenture stock and "shareholder" and "debentureholder" have corresponding meanings

Metals or ore^s to which Ordinance applies

10 The metal and ores to which this Ordinance applies 15 are zinc, copper, tin, lead, nickel aluminium, and any other non-ferrous metals and ores to which this Ordinance may be applied by order of the Governor the expression "metal" shall not include metal which has been subjected to any manufactur- 20 ing process except such as may be prescribed, and the expres- sion "ore" shall include concentrates mattes, precipitates and other intermediate products

Section 2

FIRST SCHEDULE

CONDITIONS

1 That any director of the company or any partner of 25 the firm, or the individual, or any manager or other principal officer employed by the company, firm, or individual, is a person who is or has been a subject of a State which is now at war with His Majesty or an enemy controlled corporation

2 That in the case of a company, any capital of the 30 company is or was at any time after the commencement of this Ordinance held by or on behalf of an enemy, including any stock or shares of the company vested in the custodian by virtue of any order made under the Trading with the Enemy Ordinances, 1915 and 1916 35

3 That the company, firm, or individual is or was at any time after the commencement of this Ordinance party to any agreement, arrangement or understanding, which enables or enabled an enemy to influence the policy or conduct of the business 40

4 That the company, firm, or individual is or was at any time after the commencement of this Ordinance interested, directly or indirectly, to the extent of one-fifth or more of the capital profits or voting power in any undertaking whether or not in the Protectorate, engaged in business of a kind to which 45 this Ordinance applies, in which enemies are also interested, directly or indirectly, to the extent of one-fifth or more of the capital profits or voting power

5 That the company, firm, or individual, is by any means whatever subject, directly or indirectly, in the conduct 50 of their or his business to enemy influence or association

6 That, in the case of a company, the company has issued share warrants to bearer and has not given notice under this Ordinance requiring the holders of the share warrants to surrender their warrants for cancellation 55

For the purpose of this schedule —

The expression "enemy" means a subject of a State which is now at war with His Majesty and an enemy controlled corporation

The expression "enemy controlled corporation" means any 60 corporation —

(a) where the majority of the directors or the persons occupying the position of directors by whatever name called are subjects of such a State as aforesaid, or

5 (b) where the majority of the voting power is in the hands of persons who are subjects of such a State as aforesaid, or who exercise their voting powers directly or indirectly on behalf of persons who are subjects of such a State as aforesaid, or

(c) where the control is by any means whatever in the hands of persons who are subjects of such a State as aforesaid, or

10 (d) where the executive is an enemy controlled corporation or where the majority of the executive are appointed by an enemy controlled corporation

The expression "capital" in relation to a company means any shares or securities issued by the company which carry, or would, if the necessary formalities were complied with, 15 carry any voting power with respect to the management of the company, and shall also include debentures and debenture stock and money lent to the company

SECOND SCHEDULE

Section 2 (1)

FORM OF LICENCE

20 (Name of company, firm, or individual) of
is hereby licensed under the Non-Ferrous Metal Industry Ordinance, 1918, to carry on the business of winning, extracting, smelting, dressing, refining, and dealing by way of wholesale trade in the metals or metallic ores to which the said
25 Ordinance applies

Governor

A Bill

Intituled

An Ordinance to amend the Law Relating to Criminal Procedure.

1 This Ordinance may be cited as "The Criminal Pro- Short title
cedure Amendment Ordinance, 1918," and shall be read as
one with the Criminal Procedure Ordinance, 1913, hereafter
referred to as the Principal Ordinance

5 2 The Governor-in-Council may by order direct that any Special District
area in the Protectorate shall be a special district for the pur-
poses of this Ordinance

3 The Governor may for any good and sufficient reason
by appointment in the Gazette confer upon any District Com-
missioner, or other officer, in charge of a special district holding
10 a subordinate Court of the First or Second class, power to
try natives for offences under Chapter VI of the Indian Penal
Code, murder, culpable homicide not amounting to murder,
and attempt and abetment of such offences

15 Provided that all such offences shall be tried with the aid
of assessors, and shall be inquired into and tried in the manner
prescribed for the trial of such offences by the High Court
under the Principal Ordinance

4 No sentence of death or sentence of imprisonment Confirmation of sentences
20 exceeding six months or sentence of whipping exceeding 12
lashes imposed under the powers conferred by the preceding
section shall be carried into effect and no fine exceeding
Rs 500/- imposed under such powers shall be levied until
the record of the case or a certified copy thereof has been
25 transmitted to and the sentence has been confirmed by the
High Court. Provided that no death sentence shall be carried
into effect until in addition to the confirmation by the High
Court such sentence has been confirmed by the Governor

5 Whenever a sentence of death shall be confirmed by
30 the High Court, such Court shall forthwith transmit the record
of the case or a certified copy thereof to the Governor for his
confirmation

A Bill

Intituled

An Ordinance to amend the Native Authority(Famine Relief)Ordinance, 1918.

1 This Ordinance may be cited as “The Native Authority Short title
(Famine Relief No 2) Ordinance, 1918,” and shall be construed
together with “The Native Authority (Famine Relief) Ordinance,
1918,” hereinafter referred to as the Principal Ordinance

5 2 The Principal Ordinance shall be and is hereby amended Amendment of section 2 of
as follows — the Principal Ordinance

(1) By the deletion in section 2, sub-section (1) of the
Principal Ordinance of the word “and”

10 (2) By adding the word “and” at the end of section 2,
sub-section (ii) of the Principal Ordinance

(3) By adding to section 2 of the Principal Ordinance
the following sub-section (iii) —

15 (iii) requiring any native residing in his jurisdiction to
cultivate land within the local limits of such jurisdiction to
such reasonable amount as the headman may prescribe The
crops accruing from any such cultivation shall be the property
of the native

A Bill

Intituled

An Ordinance to amend the Customs Tariff Ordinance, 1909.

1 This Ordinance may be cited as "The Customs Tariff Short title
Amendment Ordinance, 1918," and shall be read as one with
the Customs Tariff Ordinance, 1909, (hereinafter referred to
as the Principal Ordinance) and all Ordinances amending the
5 same

2 On and after the coming into operation of this Amendment of Table
Ordinance the Table of Exemptions from Import Duties set of Exemptions from
out in the Principal Ordinance shall be varied by adding Import Duty
thereto the following —

10 36 Natalite

Any natalite lying on the Customs premises or in Customs
warehouses on the coming into operation of this Ordinance
shall be exempt from import duty