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GOVERNMENT NOTICE No. 108

AT THE COURT AT BUCKINGHAM PALACE,

*The 20th day of December, 1927.*

Present :

THE KING'S MOST EXCELLENT MAJESTY.

MASTER OF THE HORSE.

SECRETARY SIR JOHN GILMOUR.

SECRETARY SIR W. JOYNSON-  
HICKS.

SIR ARTHUR STEEL-MAITLAND.

WHEREAS the Kenya and Uganda (Transport) Order in Council, 1925, made provision for the establishment of a High Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda and for matters relating thereto :

AND WHEREAS it is expedient to amend the said Order as hereinafter appears :

Now, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Act, 1887, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows :—

1. The Kenya and Uganda (Transport) Order in Council, 1925, is hereby amended in the following respects :—

(1) By the deletion of Article 4 and the substitution of the following in the place thereof :—

“ 4. The Services shall be known as the Kenya and Uganda Railways and Harbours.”

(2) By the deletion of Articles 8 to 17 inclusive and the substitution of the following in the place thereof :—

“ 8. (1) There shall be constituted :—

(i) a Kenya and Uganda Railway Advisory Council (hereinafter referred to as the Council) which shall consist of :—

- (a) Not more than two official members representing the Colony and Protectorate of Kenya.
- (b) Not more than two official members representing the Protectorate of Uganda.
- (c) Not more than two unofficial members representing the Colony and Protectorate of Kenya.
- (d) Not more than two unofficial members representing the Protectorate of Uganda.

The official members representing the Colony and Protectorate of Kenya shall be appointed by the Governor of Kenya, and the official members representing the Protectorate of Uganda shall be appointed by the Governor of Uganda. The unofficial members shall be appointed by the Governor in Council of Kenya or Uganda as the case may be.

(ii) a Harbour Advisory Board (hereinafter referred to as the Board) which shall consist of :—

- (a) The person holding the office of Commissioner of Customs for the Colony and Protectorate of Kenya and Uganda Protectorate.
- (b) Not more than two members who shall be appointed by the Governor of Kenya.
- (c) Not more than two members who shall be appointed by the Mombasa Chamber of Commerce.
- (d) Not more than one member who shall be appointed by the Association of East African Chambers of Commerce.
- (e) Not more than two members, of whom one shall be resident in Mombasa, who shall be appointed by the Governor of Uganda.

The persons appointed members under paragraph (b) hereof shall be persons who, in the opinion of the Governor of Kenya, represent shipowning interests. The persons appointed under paragraphs (c) and (d) hereof shall not nor shall any of them be persons employed by or connected with any shipping company or firm.

(2) The General Manager may be present at all meetings of the Council or of the Board and take part in the discussion, but shall not be entitled to vote.

(3) Any person appointed by the High Commissioner to be the Port Manager may be present at all meetings of the Board and take part in the discussion, but shall not be entitled to vote.

9. The names of all members appointed to the Council or the Board shall be forthwith notified in the Official Gazette of Kenya and Uganda, and any number of a Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes.

10. (1) Each official member of the Council shall hold office during the pleasure of the Governor by whom he is appointed, and each unofficial member shall hold office for a period of two years from appointment subject to such conditions as may be laid down by the Governor in Council by whom he is appointed.

(2) Each member appointed to the Board shall hold office for two years from the date of appointment.

11. The chairman of the Council shall be the senior official member representing the Colony and Protectorate of Kenya, provided that when meetings are held in Uganda the senior official member present representing the Protectorate of Uganda shall preside.

The chairman of the Board shall be the Commissioner of Customs.

12. If any member of the Council shall be prevented by absence, or other cause, from acting, the Governor by whom he is appointed may appoint some other person to act and vote in his place until he shall return, or be able to resume his functions.

If any member of the Board shall be prevented by absence, or other cause, from acting, the person or body by whom he is appointed may appoint some other qualified person to act and vote in his place until he shall return or be able to resume his functions.

13. The High Commissioner may make, and when made may vary or revoke regulations prescribing as regards the Council or the Board :—

- (a) The fees and expenses which may be paid or allowed to members.
- (b) The quorum necessary to constitute a meeting.
- (c) The intervals at which meetings shall be held, the manner in which the business shall be conducted, the method of voting, and the form in which the minutes shall be kept.

14. (1) The High Commissioner may consult the Council or the Board upon any matter concerning the administration and working of the Services, and shall consult the Council or the Board or both the Council and the Board as he considers proper upon the following matters :—

- (a) Any substantial alteration in the tariff of rates, fares and charges of the Services.
- (b) All estimates of revenue and expenditure, including Loan Services.
- (c) All Government Bills relating to the Services prior to submission to the Legislative Council of Kenya or Uganda, as the case may be.
- (d) The expenditure of any sum exceeding £2,500 in respect of any one railway or harbour work or service other than a work or service covered by sanctioned working estimates or carried out under an authorised construction, betterment or renewals programme.
- (e) Alterations in the scales of salaries, wages or hours of employment, or other important conditions of employment.
- (f) Substantial reduction of staff.
- (g) The abolition of any office in the Services carrying a salary of £1,000 per annum or over.

(h) Substantial changes in the organisation of the Services.

(i) All questions of general policy in connection with the administration, control, working or management of the Services.

15. (1) All Government Bills relating to the Services shall, prior to submission to the Legislative Council of Kenya or Uganda, as the case may be, be submitted to the High Commissioner by the Government introducing the Bill.

(2) The Council and the Board shall be entitled to submit to the High Commissioner within a reasonable time of receiving a copy of the proposed Bill a minute containing comments on the proposed Bill and it shall be the duty of the High Commissioner to forward such minute to the Government concerned.

16. The minutes of the Council and the Board shall be submitted to the High Commissioner through the General Manager. The High Commissioner shall, as soon as may be after the receipt of any minute, and after considering any matter in connection therewith which may be represented to him by the General Manager, either act upon the minute or refer it back to the Council or the Board as the case may be for further consideration or reserve the matter for submission to the Secretary of State.

17. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues derived from the administration of the Services, and from which all disbursements shall be made.

Estimates of receipts and of expenditure on revenue and net revenue accounts, and from betterment and renewal funds or other funds established by contributions from revenue, shall be prepared by the General Manager before the commencement of the financial year in which the expenditure is to be incurred, and supplementary and additional estimates may be prepared from time to time as may be necessary. Such estimates shall be submitted to the Council and to the Board respectively for consideration, and shall thereafter be transmitted with the recommendations of the Council and of the Board to the High Commissioner for approval and transmission to the Secretary of State for his sanction.

As soon as may be after approval by the High Commissioner and before sanction by the Secretary of State, such estimates shall be submitted to the Legislative Councils of Kenya and Uganda, which may by resolution approve or disapprove of the estimates or propose modifications. The resolutions of the Legislative Councils shall be submitted for the consideration of the Secretary of State. Sanction of the estimates by the Secretary of State shall be sufficient authority for the expenditure specified therein."

2. This Order may be cited as the Kenya and Uganda (Transport) Amendment Order in Council, 1927, and shall be read as one with the Kenya and Uganda (Transport) Order in Council, 1925, and the said Orders may be cited as the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927.

M. P. A. HANKEY.