



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE
OF
KENYA
(SPECIAL ISSUE.)

Published under the Authority of His Excellency the Governor of the
Colony and Protectorate of Kenya.

Vol. XXXI.—No. 11.

NAIROBI, February 15, 1929.

Price 50 Cents.

Registered as a Newspaper at the G. P. O.

TABLE OF CONTENTS

	PAGE
Proclamation No. 38—Meeting of the Legislative Council	319
. Govt. Notice No. 97—A Bill for Introduction into Legislative Council	319

Colony and Protectorate of Kenya.

PROCLAMATION NO. 38.

COLONY AND PROTECTORATE OF KENYA.

MEETING OF LEGISLATIVE COUNCIL.

I, Jacob William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in exercise of the powers vested in me by Instructions under the Royal Sign Manual and Signet, dated the 11th day of September, 1920, do hereby direct that a Session of the Legislative Council be held at the Memorial Hall, Nairobi, on Thursday, the 21st day of February, 1929, at 10 a.m.

Given under my hand at Nairobi, on this the 15th day of February, 1929.

J. W. BARTH,

Acting Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 97.

His Excellency the Acting Governor has approved of the following Bill being introduced into Legislative Council.

G. R. SANDFORD,

Clerk to the Legislative Council.

A Bill to Provide for the Conservation, Control and Distribution of Foodstuffs in the Colony during the Present Year.

BE IT 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 Food Control Ordinance, 1929.” Short title.

2. In this Ordinance, the term “ foodstuff ” includes anything capable of being used as food for man or of being converted into food for man. Interpretation.

3. (1) Without prejudice to any other power of prohibiting or regulating the exportation of goods from the Colony, the Governor may from time to time, by proclamation, prohibit, restrict or regulate the exportation from the Colony or from any area or place therein of any foodstuff. Power to prohibit exportation of foodstuffs.

(2) Every person concerned in the exportation or attempted exportation of any foodstuff in contravention of any proclamation issued under this section shall be guilty of an offence against this Ordinance, and shall be liable, on conviction by a magistrate, for every such offence, to a penalty not exceeding five hundred pounds or to imprisonment of either description for a period not exceeding two years, or to both.

Establishment
of Food
Control Board.

4. (1) For the purposes of this Ordinance there shall be established a Food Control Board (hereinafter referred to as "the Board") which shall consist of :—

(a) The Director of Agriculture as Chairman;

(b) The Treasurer as Deputy Chairman;

(c) The Chief Native Commissioner,

and three other persons, not being members of the public service, to be nominated by the Governor.

(2) The Chairman or Deputy Chairman and two other members shall form a quorum.

(3) Questions before the Board shall be decided by a majority of votes of those present and voting, and, in the case of equality of votes, the Chairman or Deputy Chairman, as the case may be, shall have a second or casting vote.

(4) Each member of the Board (not being a member of the public service) may, in the discretion of the Board, be paid out of the funds of the Board such reasonable out-of-pocket expenses as may from time to time be incurred by him in connection with attendance at meetings of the Board.

Appointment
of Secretary
and staff.

5. (1) The Board may, subject to the approval of the Governor, appoint a fit and proper person to act as Secretary to the Board, and may, subject to the like approval, appoint and assign to the Secretary such clerical staff as to the Board may appear necessary.

(2) The Secretary to the Board shall exercise such powers and perform such duties as may be assigned to him by the Board.

(3) The Secretary and clerical staff shall be remunerated out of the funds of the Board at such rates as the Governor in Council may, on the recommendation of the Board, prescribe.

Funds of the
Board.

6. The funds of the Board for the purpose of the exercise of its powers and the performance of its duties under this Ordinance shall consist of such moneys as the Governor may, with the sanction of the Legislative Council, from time to time authorise the Treasurer to pay to the Board.

Powers and
duties of
Board.

7. (1) The powers and duties of the Board shall be as follows :—

(a) To advise the Governor in regard to the issue, from time to time, of proclamations under section 3 of this Ordinance;

(b) To order all persons holding or controlling stocks of any foodstuffs for the purpose of sale, whether by wholesale or retail, to make full and accurate returns in writing, at such periods or within such time as may be stated in the order, showing the quantity of any foodstuffs held or controlled by such persons;

(c) To order any person holding or controlling stocks of any foodstuff to refrain from disposing, whether by sale or otherwise, of such stocks or any part thereof without the written permission of the Board;

(d) To acquire, at such prices as may be fixed by the Board, such quantities of foodstuffs as may from time to time be required by the Board for purposes

of famine relief, and to require delivery of foodstuffs so acquired at such railway station as may be named by the Board;

- 5 (e) To dispose, in such manner and on such terms as the Board may think fit, of any foodstuffs acquired under the last preceding paragraph;
- (f) To fix, by order, the maximum price at which any foodstuff may be sold or purchased, either by wholesale or retail. Any order under this paragraph may
10 be of general application or may apply to any particular locality or localities;
- (g) To purchase outside the Colony and to import such foodstuffs as in the opinion of the Board may from time to time be required to supplement local supplies;
- 15 (h) To arrange for the delivery of foodstuffs at convenient centres for the purpose of distribution in areas where, in the opinion of the Board, famine relief is required;
- 20 (i) To requisition, at such rates as may be determined by the Board, such means of transport as may from time to time be required by the Board;
- (j) Subject to the approval of the Governor, to make Rules for the better carrying out of the powers and duties of the Board and of the provisions of this Ordinance;
- 25 (k) To draw up and promulgate such forms as the Board may consider necessary:

Provided that for the purpose of fixing prices under paragraphs (d) and (f) of this sub-section the export price ruling in London on the fifth day of February, 1929, for deliveries
30 up to and including April, 1929, shall be taken as a basis in the case of foodstuffs marketable on or before the thirtieth day of April, 1929; and thereafter such prices shall be fixed on the basis of the export price ruling in London on the last day of the month preceding the date of acquisition under paragraph
35 (d) or the date of the issue of an order under paragraph (f), as the case may be.

(2) Every order made under paragraphs (b) and (f) of the preceding sub-section shall be published in the Gazette and shall take effect as from the date of such publication.

40 **8.** Any person who, without reasonable excuse, the proof of which shall lie upon such person—

- 45 (a) fails or neglects to make any return ordered by the Board under sub-section (1) (b) of the last preceding section, or who makes any return which is false or inaccurate; or
- (b) disposes or contracts or attempts to dispose of any stocks of foodstuffs or any part thereof contrary to an order made under sub-section (1) (c) of the last preceding section; or
- 50 (c) fails to deliver at such railway station as may be named by the Board any foodstuffs acquired by the Board under sub-section (1) (d) of the last preceding section; or

- (d) sells or purchases, or contracts or attempts to sell or purchase, whether on credit or for cash, any foodstuffs in respect of which a maximum price has been fixed by the Board under sub-section (1) (f) of the last preceding section, at a price exceeding the price so fixed; or 5
 - (e) fails to provide such means of transport as may be in his possession or under his control when such means of transport has been requisitioned by the Board under sub-section (1) (i) of the last preceding section; or 10
 - (f) contravenes or fails to comply with any Rule made by the Board under sub-section (1) (j) of the last preceding section; or
 - (g) obstructs or hinders the Board or any member thereof or any person acting under the authority of the Board in the lawful exercise of any power or performance of any duty conferred or imposed upon the Board under this Ordinance, 15
- shall be guilty of an offence against this Ordinance. 20

Power to
license
dealers in
foodstuffs.

9. (1) The Board may, in its discretion, grant licences to fit and proper persons to deal in foodstuffs, and may, by order published in the Gazette, prohibit the sale to or purchase from any person other than a licensed dealer of any such foodstuff. 25

(2) Any person who, without reasonable excuse, the proof of which shall lie upon such person, contravenes any order made under this section shall be guilty of an offence against this Ordinance.

General
penalty for
offences.

10. (1) Any person who is guilty of any offence against this Ordinance or against any Rule made thereunder for which no penalty is expressly provided shall be liable, on conviction before a magistrate, for every such offence, to a penalty not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding one year, or to both. 30 35

Aiding or
abetting
offences.

(2) Any person who aids, abets, counsels or procures the commission of any offence against this Ordinance shall be deemed to have committed such offence and shall be punishable accordingly. 40

Offences
cognizable
to the police.

11. Offences against this Ordinance shall be cognizable to the police.

Power to
enter premises.

12. Any person duly authorised in writing by the Board may, at all reasonable times, enter upon and into any land, house, shop, vessel or any premises within the Colony for the purpose of ensuring the due carrying out of the provisions of this Ordinance or any orders or Rules made thereunder, and may examine and inspect the stock of foodstuffs therein; and such person may, in case of opposition or obstruction, use such force as may be necessary to effect such entry, and shall not be liable for any damage directly or indirectly occasioned by such forcible entry. 45 50

13. If any person is ordered by the Board under section 7 (1) (c) of this Ordinance to refrain from disposing of any foodstuffs, and such foodstuffs are not subsequently acquired by the Board under section 7 (1) (d), the Board shall pay to such person compensation for any loss proved to the satisfaction of the Board to have been sustained by him in consequence of his compliance with the order of the Board.

Provision for compensation in certain cases.

14. No person shall be liable for any breach of contract if such breach is caused by any order made by, or the exercise of any power conferred upon, the Board under this Ordinance.

Protection in case of breach of contract.

15. This Ordinance shall continue in force until the thirty-first day of December, 1929, and shall then expire.

Duration of Ordinance.

OBJECTS AND REASONS.

The losses of foodstuffs due to locust destruction and the threatening position arising from the present locust invasion necessitates the adoption of measures whereby foodstuffs for the use of man may be conserved, controlled and distributed.

This Bill provides for an emergency organisation calculated to achieve these purposes with the least disturbance of existing trade and trade connections.