



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

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Colony and Protectorate of Kenya.

AN ORDINANCE.

No. 12 OF 1930.

Assented to in His Majesty's name this thirty-first day of May, 1930.

EDWARD GRIGG,
Governor.

[31ST MAY, 1930.] Date of assent.

An Ordinance to Authorise the Governor to make Advances to Farmers.

31st May, 1930.

Date of commencement.

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 Agricultural Short title. Advances Ordinance, 1930."

2. In this Ordinance—

Interpretation.

" Central Board " means the Central Agricultural Advances Board established under section 3 of this Ordinance ;

" Local Board " means a local board established under section 4 of this Ordinance ;

" Farmer " means the owner or occupier of any land in the Colony which is used for agricultural or pastoral purposes.

3. (1) There is hereby established a Central Agricultural Advances Board which shall consist of— Appointment of Central Board.

(a) the Treasurer as Chairman ;

(b) the Commissioner for Local Government, Lands and Settlement ;

(c) the Director of Agriculture ;

(d) two unofficial members appointed by the Governor, who shall hold office during the Governor's pleasure.

(2) For each unofficial member the Governor may appoint a deputy who shall hold office for so long as the unofficial member for whom he is appointed holds office.

4. (1) The Governor may appoint local boards, subordinate to the Central Board, in such provinces or districts as he may think fit. Such local boards shall consist of the Provincial Commissioner as chairman and such unofficial members as the Central Board may from time to time approve. Appointment of local boards.

(2) In the absence of the Provincial Commissioner, a senior administrative officer approved by the Central Board shall be chairman.

5. (1) The Central Board may appoint a fit and proper person to act as secretary to the Board, and may appoint such staff for itself or for local boards as to the Central Board may appear necessary. Appointment of secretary and staff.

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

(3) The secretary and staff shall be remunerated out of the funds at the disposal of the Central Board at such rates as the Central Board may prescribe.

Funds of the
Central
Board.

6. The funds of the Central Board 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 Central Board.

Applications
for advances.

7. (1) All applications for advances shall be in a form prescribed by the Central Board and shall be addressed to the chairman of the appropriate local board, and the particulars in every application shall be verified by statutory declaration.

Method of
dealing with
applications.

(2) The local board shall forward every such application, together with its comments thereon, to the Central Board, which shall consider each application on its merits, and shall fix the amounts (if any) to be allowed, the conditions on, and the time at which such advances shall be made, and the purposes to which such advances shall be applied, which purposes may, at the discretion of the Central Board, include the necessary personal expenses of a farmer.

Rate of
interest on
advances.

(3) All advances shall bear interest at the rate of eight per centum per annum.

Advance to be
charge on
land and
produce.

8. All moneys advanced under the authority of this Ordinance, with interest thereon and all charges incidental thereto and to the repayment thereof, shall be a charge on the land specified in the prescribed form of application, and upon the crops grown or to be grown thereon, when reaped or gathered therefrom, and on the product or article to be cured, made or manufactured from such crops or produce; and upon all farm livestock ordinarily kept on the said land, including the natural increase thereof: Provided that any charge or encumbrance created or any judgment duly registered before the date of the advance shall have priority over the charge hereby created.

Notification
of advances
to Registrar
of Titles.

9. As soon as possible after the approval of any advances by the Central Board the secretary shall fill up the notification in the form in the Schedule to this Ordinance and shall sign and forward the same to the Registrar of Titles, who shall forthwith without charge register such notification against the title affected.

Priority of
advances.

10. Notwithstanding anything in any Ordinance contained, or any provision of law or equity to the contrary, immediately upon the making of the advances authorised by this Ordinance, all persons dealing with the land in respect of which the advance is made or any interest therein shall be deemed to have notice of such advances, and all such dealings shall be and be construed to be subject to the charge and priority created by this Ordinance.

Notification of
repayment.

11. When any advance made under this Ordinance together with all interest and charges thereon has been repaid in full the secretary shall forthwith notify the Registrar of Titles of the fact of such repayment. The Registrar of Titles shall thereupon without charge register such notification against the title affected, and thereupon the charge created by section 8 of this Ordinance shall cease and determine.

Misapplication
of advances.

12. Any farmer who shall apply any advances made to him under the provisions of this Ordinance to any purposes other than those specified by the Central Board shall be liable,

on conviction before a magistrate of the first or second class, to imprisonment, with or without hard labour, for any term not exceeding six months or to a fine of £100 or to both such fine and imprisonment.

13. (1) All crops to be reaped from any land and all produce derived from such crops, and all farm livestock ordinarily kept on any land in respect of which a farmer shall have obtained an advance under the provisions of this Ordinance, shall be dealt with and disposed of as the Central Board may direct. The Central Board in making any such direction shall have power to direct that the proceeds of the sale of any such crops, produce or livestock shall be paid by the purchaser wholly or in part to the Central Board in satisfaction or partial satisfaction of the amount due to the Central Board from such farmer. All crops, produce and livestock as aforesaid in respect of which a direction for disposal has been made by the Central Board shall, until disposed of, be held in trust for the Central Board and managed with due care by the farmer. In the absence of any such direction for disposal as aforesaid all crops, produce and livestock as aforesaid may be dealt with and disposed of by the farmer as he may see fit.

Wrongful disposal of crops.

(2) No such direction shall be given in respect of any crops, produce or farm livestock which are the subject-matter of any contract lawfully entered into by the farmer before the date on which an application for an advance is made by such farmer.

(3) Any farmer who has obtained an advance under this Ordinance, and who disposes of any crops, produce or farm livestock as aforesaid, in any manner contrary to the directions of the Central Board, shall be liable, on conviction before a magistrate of the first or second class, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine of £100 or to both such fine and imprisonment.

14. No part of any advance made under this Ordinance shall be liable to levy or attachment in execution of any judgment or decree of any court.

Advances not to be levied upon.

15. Any person duly authorised in writing by the Central Board may, at all reasonable times, enter upon and into any land owned or occupied by any farmer to whom an advance has been made under this Ordinance, or into any premises situated on such land and may examine and inspect any crops growing upon or severed from such land and any produce of any such crops or any farm livestock upon such land.

Power to enter premises.

16. Any person who knowingly obstructs any person authorised as aforesaid in any such inspection as is authorised by this Ordinance shall be liable on conviction before a magistrate of the first or second class to a fine not exceeding twenty pounds.

Obstructing an inspection.

SCHEDULE.

FARMERS TO WHOM ADVANCES HAVE BEEN MADE.

Application Number.	Name and address of Farmer.	Name of Farm.	Land Office Number.	Date of Advance.

Statement of Assets.

1. Cash
2. Private income (per annum)
3. Any reversionary interests under wills, settlements, or other documents,
if so, state particulars

4. Value of Crops and the produce of crops, whether standing, in stock, or in transit :—

Crop	Quantity	Total Value .. £

5. Value of Residence and other farm buildings
- State details:—

6. Value of machinery and implements on farm (depreciation deducted) :—

7. Value of household and personal effects

8. Number and value of livestock on farm :—

Class of Livestock	Number	Value.. £

Carried over ... £

\mathcal{L}

9. Any other assets, *e.g.*, property, shares, Life Assurance Policies, etc.

(State particulars)

10. Particulars and amounts of any debts due to applicant

Total £

11.	Value of farm exclusive of items set out above	£
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12. Are foregoing assets covered by insurance? If so, give details

Form C.

Statement of Liabilities.

L

1. Details of Mortgages or other encumbrances affecting the Land and names of Mortgagees

Total £

2. Details of Mortgages, Pledges, Hire Purchase Agreements, Bills of Sale or other Hypothecations on other assets as stated in Form B:—

Total £

3. Statement of other Outstanding Liabilities, including Bank Overdraft, etc. :—

[illegible]

Total £

4. Give particulars of any registered judgment, pending Judicial Proceedings, or other Legal Action taken or being taken against you or your property.....

Form D.**1. Statement of Average Monthly Expenditure necessary to Maintain present Development.**

(i) Labour (insert below number of labourers and average rate of pay, including cost of rations

£

Total £ ..

(ii) Other wages/or salaries

(iii) Mortgages and other interest

(iv) Rent

(v) Manures, Insecticides, etc.

(vi) Fuel, Oil, etc.

(vii) Machinery and Implements (including repairs and replacements)

(viii) Upkeep of Farm Buildings

(ix) Necessary household and family expenses

(x) Any other charges (give details)

Total (Other Charges) £

Total (Monthly) £

Form D.—*contd.***2 (a) Average Monthly Quantity and Value of Animal Products.**

(Here give details of average quantity and value of animals products sold monthly)

Class of Produce	Quantity	Value .. £	
Milk			
Cream			
Butter			
Ghee			
Cheese			
Bacon and Ham ..			
Wool			
Any other animal products			
Monthly Total £			

2 (b) Average Monthly Quantity and Value of other Products.

(Here give details of average quantity and value of other products sold monthly)

Class of Produce	Quantity	Value £	
Posho			
Timber			
Any other products..			
Monthly Total £			

2 (c) Monthly Earning derived by Applicant and his dependents other than those set out above, including Contracts and Employment.

Particulars	Amount £	
Monthly Total .. £		

Form E.

1. Particulars of action taken to obtain further credits (if any) and result

2. Amount and particulars of advance or advances applied for and for what purposes required

3. Names and addresses of any guarantors for any advance which may be made under this application

4. Particulars of security offered by the applicant in respect of existing assets, also in respect of any crops planted or to be planted and other products to be realised

Form E.—Contd.

I, _____
 of _____
 do solemnly and sincerely declare that the statements made by me in this and the
 preceding pages of this application for an agricultural advance are true.

AND I make this solemn declaration conscientiously believing the same to be true and by
 virtue of the provisions of the Statutory Declarations Act of 1835.

Declared at _____
 In the district of _____
 This _____ day of _____ 19____
 Before me (signed) _____

(Commissioner for Oaths or
 Justice of the Peace.)

Signature of Applicant.

Stamp Duty
 Rs. 2/-

I HEREBY AUTHORISE the _____
 Bank of _____ (address) _____
 and all my other creditors to make full disclosure of my affairs within their knowledge, to either the
 Local Board or the Central Agricultural Advances Board, if required, and I hereby indemnify each
 and every one of them against any action or claim at my instance in respect of anything so disclosed
 by any of them.

Signature _____

Form F.

Comments of Local Board.

To be signed by all
Members. present }

SIGNED _____

(Members of Local Board).

At _____

Date _____

GOVERNMENT NOTICE NO. 315.

THE AGRICULTURAL ADVANCES ORDINANCE, 1930.

NOTICE.

Application forms may be obtained at District Commissioners' Offices, Post Offices, and Police Stations. They should be made out in triplicate and forwarded to the Provincial Commissioner of the Province in which the applicant resides. In the case of Nzoia Province applications should be addressed to the Provincial Commissioner, Eldoret, or the District Commissioner, Kitale, and in the case of Kikuyu Province applications should be addressed either to the Provincial Commissioner, Nyeri, or the District Commissioner, Nairobi. The envelopes in which the applications are forwarded should be plainly marked "confidential."

Nairobi,

31st May, 1930.

H. H. RUSHTON,

Treasurer.