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OF THE  
COLONY AND PROTECTORATE  
OF  
KENYA  
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Colony and Protectorate of Kenya

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CONTENTS

	PAGE
Govt. Notice No. 775—The Treaty of Peace (Covenant of the League of Nations) Order, 1935	1165
„ „ „ 776—The Treaty of Peace (Covenant of the League of Nations) Order, 1935— Order ... ..	1173
„ „ „ 777—The Customs Management Ordinance, 1926—Order ... ..	1174

TO THE HONORABLE SECRETARY OF THE  
NAVY  
WASHINGTON, D. C.

FROM THE HONORABLE SECRETARY OF THE  
NAVY  
WASHINGTON, D. C.

RE: [illegible]

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# Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 775

THE TREATY OF PEACE ACT, 1919.

## NOTICE.

THE Order in Council set out below, and cited as the Treaty of Peace (Covenant of the League of Nations) Order, 1935, is published for general information.

2. The Order in Council extends to the Colony and Protectorate of Kenya, subject to the modifications in Government Notice No. 776 of the 7th day of November, 1935.

3. The various Articles of the Order in Council are to be applied to the Colony and Protectorate as follows :—

- (i) Partial effect has already been given to the provisions contained in Article 1 of the Order in Council by Government Notice No. 746 of 28th October, 1935. Government Notice No. 746 is now revoked by Government Notice No. 777 of the 7th day of November, 1935, which prohibits the export of the goods set out in Part I of the Schedule to the Order in Council.
- (ii) The prohibition of imports provided for in Article 2 of the Order in Council and the prohibition of the export of the goods set out in Part II of the Schedule to the Order in Council will be enforced upon the receipt of further instructions from the Secretary of State.
- (iii) The prohibition of credit to Italy provided for in Article 3 of the Order in Council is to be deemed to be in force as from the date of this Notice.

Nairobi,

This 7th day of November, 1935.

A. DE V. WADE,  
*Colonial Secretary.*

## AT THE COURT AT BUCKINGHAM PALACE,

The 25th day of October, 1935

*Present :*

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty :

AND WHEREAS it is also provided by the said Act that any Order in Council made thereunder may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof :

AND WHEREAS it is expedient for the purpose of carrying out the said Treaty, and for giving effect to the Covenant of the League of Nations contained in Part I thereof, to make the provisions hereinafter contained :

AND WHEREAS by treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in British protectorates and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is pleased by virtue and in exercise of the powers vested in him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of this Order to all such protectorates and to territories in respect of which such a mandate as aforesaid is being exercised by His Majesty's Government in the United Kingdom :

NOW, THEREFORE, His Majesty by and with the advice of his Privy Council is pleased to order, and it is hereby ordered as follows :—

Prohibition  
of certain  
exports to  
Italy.

1. (1) On and after the date of the making of this Order, no goods of any of the descriptions set out in Part I of the Schedule to this Order shall be exported to Italian territory from a port or place in the United Kingdom, and, on and after such date as the Board of Trade may by order appoint, no goods of any of the descriptions set out in Part II of that Schedule shall be exported as aforesaid :

Provided that, subject to such conditions as the Commissioners may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply to goods of any of the descriptions set out in the said Part II which are exported after transit through the United Kingdom or by way of transhipment.

(2) No goods which are for the time being prohibited to be exported as aforesaid shall, at any port or place in the United Kingdom, be shipped or delivered as stores on a vessel or aircraft proceeding to Italian territory, unless the Commissioners are satisfied that the goods are required for use or consumption on that vessel or aircraft.

(3) Section one hundred and thirty-nine of the Customs Consolidation Act, 1876, shall have effect as if the reference therein to goods intended for exportation included a reference to goods intended for shipment or delivery as stores, and section eleven of the Finance Act, 1914 (Session 2), as amended by section nineteen of the Finance Act, 1921, shall have effect accordingly.

(4) The exporter of any goods which, at the time of the exportation thereof, were prohibited by this Article to be exported to Italian territory, shall, if required by the Commissioners, produce evidence to their satisfaction that the goods have not reached Italian territory, and, if the exporter fails to do so, he shall be liable to a customs penalty of treble the value of the goods or one hundred pounds at the election of the Commissioners unless he proves that he did not consent to or connive at the goods reaching such territory and took all reasonable steps to secure that the final destination of the goods was that specified in the customs documents relating to the shipment thereof.

(5) If the Commissioners have reason to suspect that any declaration made in the course of making entry before shipment by a person about to export goods of any description set out in the Schedule to this Order is untrue in any material particular, the goods may be detained until the Commissioners are satisfied as to the truth of the declaration and, failing such satisfaction, the goods shall be forfeited.

(6) The provisions of this Article shall be in addition to and not in derogation of the provisions of section eight of the Customs and Inland Revenue Act, 1879, as amended by any other enactment, of the Exportation of Arms Act, 1900, and of any Proclamation or Order in Council made under the said enactments.

2. (1) On and after such date as the Board of Trade may by order appoint, no goods consigned from, or grown, produced or manufactured in, Italian territory shall be imported into the United Kingdom, except gold or silver bullion or coin :

Prohibition  
of Italian  
imports.

Provided that, subject to such conditions as the Commissioners may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply—

- (a) to goods which had before the date aforesaid left the place from which they were last consigned; or
- (b) to goods imported for exportation after transit through the United Kingdom or by way of transshipment.

(2) Goods prohibited to be imported by this Article shall be deemed to be included among the goods enumerated and described in the Table of Prohibitions and Restrictions Inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

(3) If at any time a question arises under this Article whether any goods alleged to have been consigned from any country other than Italian territory were so consigned or were not grown, produced or manufactured in Italian territory, it shall be lawful for the Commissioners to require the importer to furnish to them in such form as they may direct proof in respect of the country from which the goods were consigned and in which the goods were grown, produced or manufactured, and unless proof is furnished to the satisfaction of the Commissioners that the goods were consigned from, and grown, produced or manufactured in, some country other than Italian territory, the goods shall be deemed to be goods consigned from, or grown, produced or manufactured in, Italian territory.

(4) For the purpose of this Article—

- (a) goods which have been grown or produced in Italian territory and have been subjected to some process in some other country shall be deemed to be goods grown or produced, as the case may be, in Italian territory, unless it is proved to the satisfaction of the Commissioners that twenty-five per cent or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to a process undergone since the goods last left Italian territory; and
- (b) goods which have been manufactured partly in Italian territory and partly in some other country shall be deemed to be manufactured in Italian territory, unless it is proved to the satisfaction of the Commissioners that twenty-five per cent or more of the



value of the goods at the time aforesaid is attributable to processes of manufacture undergone since the goods last left Italian territory.

3. (1) On and after such date as the Treasury may by order appoint, no person shall in the United Kingdom—

Prohibition  
of credit to  
Italy.

(a) make, contribute to, participate in, or assist in the making or issue of any loan (wherever the loan is made or issued or to be made or issued) to or for the benefit of—

- (i) the government of any Italian territory; or
- (ii) any person (not being a body corporate) of whatever nationality resident in any such territory; or
- (iii) any person (wherever resident), being a body corporate incorporated under the law of any such territory; or

(b) offer for subscription, underwrite or otherwise assist in the issue of, or subscribe for, any shares (wherever issued or to be issued) in any such body corporate.

(2) Without prejudice to the generality of the foregoing provisions of this Article, any person who either—

(a) by giving a guarantee or becoming a party to a bill of exchange, assumes any liability for the payment of money and thereby enables another person to raise money; or

(b) buys a bill of exchange, not being a bill payable on demand, from another person; or

(c) in connection with a sale of goods, gives credit in any form to or for the benefit of another person;

shall be deemed for the purpose of this Article to make a loan to or for the benefit of that other person:

Provided that a person shall not be deemed to make a loan by reason only that he delivers goods the price whereof has been paid on or before delivery in manner provided by Article 4 of the agreement regarding trade and payments embodied in an Exchange of Notes dated the twenty-seventh day of April, nineteen hundred and thirty-five, between His Majesty's Government in the United Kingdom and the Italian Government.

(3) Nothing in this Article shall be taken to prohibit the performance of any contract made before the date of the making of this Order with any Government or person other

than such a Government or person as is mentioned in subparagraph (a) of paragraph (1) of this Article, but save as aforesaid the provisions of this Article shall have effect notwithstanding anything in any contract.

(4) Nothing in this Article shall apply to any loan to or for the benefit of an institution which is certified by the Treasury to have a humanitarian or religious object.

(5) If any person contravenes the provisions of this Article he shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and a fine; or

(b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(6) Where a contravention of this Article by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Exercise of  
powers of  
Board of  
Trade.

4. Anything authorized to be done under this Order by the Board of Trade may be done by the President of the Board, or, in his absence, by a Secretary of State.

Application of  
Order to cer-  
tain British  
Possessions,  
Protectorates  
and Mandated  
Territories.

5. (1) This Order shall extend to the following countries, namely—

(a) the Isle of Man and the Channel Islands;

(b) all the colonies, except colonies administered by the government of a Dominion within the meaning of the Statute of Westminster, 1931;

(c) all British protectorates;

(d) all territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

(2) In the application of this Order to any such country as aforesaid, references to the United Kingdom shall be construed as references to that country, and this Order shall be subject to such modifications as may be made by the Governor in Council, Governor or High Commissioner of that country for adapting to the circumstances thereof the provisions of this Order.



6. (1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) Order, 1935. Short title,  
and inter-  
pretation.

(2) In this Order the expression "Italian territory" means the Kingdom of Italy and the colonies and dependencies thereof and any territory in the effective military occupation thereof.

(3) Articles 1 and 2 of this Order shall be deemed to be an Act relating to the Customs within the meaning of the Customs Consolidation Act, 1876, and shall be construed as one with that Act and the enactments amending that Act, and in those Articles the expression "the Commissioners" means the Commissioners of Customs and Excise.

(4) The Interpretation Act, 1889, as amended by any subsequent enactment applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. Hankey.

#### SCHEDULE.

##### GOODS PROHIBITED TO BE EXPORTED TO ITALIAN TERRITORY.

###### PART I.

*Goods prohibited to be exported as from date of Order.*

1. Rifles and carbines and their barrels.
2. Machine-guns, automatic rifles, and machine pistols of all calibres, and their barrels.
3. Guns, howitzers and mortars of all calibres, their mountings, barrels and recoil mechanisms.
4. Ammunition for the arms specified in paragraphs 1 and 2 of this Part of this Schedule; filled and unfilled projectiles and prepared propellant charges for the arms specified in paragraph 3 of this Part of this Schedule.
5. Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.
6. Tanks, armoured vehicles and armoured trains, and armour plate of all kinds.
7. Vessels of war of all kinds, including aircraft carriers and submarines.
8. Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or air screws, fuselages, aerial gun mounts and frames, hulls, tail units and undercarriage units.
9. Aircraft engines.

10. Revolvers and automatic pistols of a weight in excess of 1 lb. 6 oz., and ammunition therefor.
11. Flame-throwers and all other projectors and machines (including smoke producing apparatus) used for chemical or incendiary warfare.
12. Mustard gas, Lewisite, Ethyldichlorarsine, Methyl-dichlorarsine, Ethyl-iodoacetate, Chloroacetophenone, Chlorosulphonic Acid, Diphenylaminechloroarsine, Bromobenzylcyanide, Diphenylchloroarsine, Diphenylcyanoarsine, Phosgene, Chlorpicrin and all other noxious substances whatsoever intended for offensive or defensive purposes in warfare.
13. Explosives of every description.

#### PART II.

*Goods prohibited to be exported as from date appointed by the Board of Trade.*

1. Iron ore and concentrates, ground, unground or briquetted.
2. Iron and steel scrap and waste.
3. Metals, unwrought, of the following descriptions, namely—
  - (a) Aluminium;
  - (b) Chromium;
  - (c) Manganese;
  - (d) Nickel;
  - (e) Tin;
  - (f) Titanium;
  - (g) Tungsten;
  - (h) Vanadium.
4. Alloys, unwrought, containing any metal specified in paragraph 3 of this Part of this Schedule, including ferro-alloys but excluding steel and alloy steel; ores, concentrates and residues, ground, unground or briquetted, and matte containing any such metal; and scrap and waste of the said metals.
5. Aluminium oxide (but not including abrasives).
6. Ferro-molybdenum.
7. Ferro-silicon.
8. Rubber (raw), including crepe; rubber latex.
9. Waste, scrap and reclaimed rubber.
10. Horses, mules, donkeys, camels, and all other transport animals.

## GOVERNMENT NOTICE No. 776

THE TREATY OF PEACE (COVENANT OF THE  
LEAGUE OF NATIONS) ORDER, 1935.

## ORDER.

WHEREAS in the above Order in Council made under the Treaty of Peace Act, 1919, effect is given to the Covenant of the League of Nations contained in Part I of the Treaty of Peace signed at Versailles on the 28th day of June, 1919 :

AND WHEREAS the said Order in Council has been extended by virtue of the provisions of Article 5 (1) thereof to the Colony and Protectorate of Kenya :

AND WHEREAS in Article 5 (2) of the said Order in Council it is provided *inter alia* that the said Order in Council shall be subject to such modifications as the Governor may make for adapting the provisions of the Order in Council to the Colony and Protectorate of Kenya :

NOW, THEREFORE, in exercise of the powers conferred upon me by Article 5 (2) of the said Order in Council, I do hereby order that the provisions of the said Order in Council shall be construed as follows in their application to the Colony and Protectorate of Kenya :—

- (1) The reference in Article 6 (3) to the Customs Consolidation Act, 1876, shall be construed as a reference to the Kenya Customs Management Ordinance, 1926.
- (2) All references to "the Commissioners" shall be construed as references to the Commissioner of Customs of the Colony of Kenya.
- (3) All references to "the Treasury" shall be construed as references to the Treasurer of the Colony of Kenya.

Nairobi,

This 7th day of November, 1935.

J. BYRNE,

Brigadier-General,

Governor.

## GOVERNMENT NOTICE No. 777

## THE CUSTOMS MANAGEMENT ORDINANCE, 1926.

## ORDER.

IN EXERCISE of the powers conferred upon him by section 111 of the Customs Management Ordinance, 1926, His Excellency the Governor has been pleased to prohibit, as from the date of this Order, all exportation from the Colony to Italian territory of any of the goods or classes of goods specified in the Schedule hereto.

For the purposes of this Order the expression "Italian territory" means and includes the Kingdom of Italy and the Colonies and dependencies thereof and any territory in the effective military occupation of Italy.

Government Notice No. 746 dated the 28th day of October, 1935, is hereby revoked.

By Command of His Excellency the Governor.

Nairobi,

This 7th day of November, 1935.

A. DE V. WADE,  
*Colonial Secretary.*

## SCHEDULE.

GOODS PROHIBITED TO BE EXPORTED TO ITALIAN  
TERRITORY.

1. Rifles and carbines and their barrels.
2. Machine-guns, automatic rifles, and machine pistols of all calibres, and their barrels.
3. Guns, howitzers, and mortars of all calibres, their mountings, barrels and recoil mechanisms.
4. Ammunition for the arms specified in paragraphs 1 and 2 of this part of this Schedule; filled and unfilled projectiles and prepared propellant charges for the arms specified in paragraph 3 of this part of this Schedule.
5. Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.

6. Tanks, armoured vehicles and armoured trains, and armour plate of all kinds.

7. Vessels of war of all kinds, including aircraft carriers and submarines.

8. Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or air screws, fuselages, aerial gun mounts and frames, hulls, tail units and under-carriage units.

9. Aircraft engines.

10. Revolvers and automatic pistols of a weight in excess of 1 lb. 6 oz., and ammunition therefor.

11. Flame-throwers and all other projectors and machines (including smoke producing apparatus) used for chemical or incendiary warfare.

12. Mustard gas, Lewisite, Ethyldichlorarsine, Methyl-dichlorarsine, Ethyl-iodoacetate, Chloroacetophenone, Chloro-sulphonic Acid, Diphenylaminechloroarsine, Bromobenzylcyanide, Diphenylchloroarsine, Diphenylethanoarsine, Phosgene, Chlorpicrin, and all other noxious substances whatsoever intended for offensive or defensive purposes in warfare.

13. Explosives of every description.

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and the same is the only one of the kind known to the Commission.

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