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(2) Except with the permission of the Member no person resident in the scheduled territories, other than an authorized dealer, shall, in the Colony, do any act which involves, is in association with or is preparatory to buying or borrowing any gold or foreign currency from, or selling or lending any gold or foreign currency to, any person outside the Colony

(3) Where a person buys or borrows any gold or foreign currency in the Colony or, being a person resident in the scheduled territories does any act which involves, is in association with or is preparatory to the buying or borrowing of gold or foreign currency outside the Colony, he shall comply with such conditions as to the use to which it may be put or the period for which it may be retained as may from time to time be notified to him by the Member

(4) In this Ordinance—

(a) the expression “foreign currency” does not include any currency or notes issued by the Government or under the law of any part of the scheduled territories but, save as aforesaid, includes any currency other than sterling and any notes of a class which are or have at any time been legal tender in any territory outside the Colony and any reference to foreign currency, except so far as the context otherwise requires, includes a reference to any right to receive foreign currency in respect of any credit or balance at a bank, and

(b) the expression “the scheduled territories” means the territories specified in the First Schedule to this Ordinance, so, however, that the Member may at any time by order amend the said Schedule, either by the addition or exclusion of territories or otherwise, and the said expression shall be construed accordingly

Surrender of gold
and foreign
currency

2. (1) Every person in the Colony who is entitled to sell, or to procure the sale of, any gold, or any foreign currency to which this section applies, and is not an authorized dealer, shall offer it, or cause it to be offered, for sale to an authorized dealer, unless the Member consents to his retention and use thereof or he disposes thereof to any other person with the permission of the Member

The foreign currency to which this section applies is such foreign currency (hereafter in this Ordinance referred to as “specified currency”) as may from time to time be specified by order of the Member

(2) If a person who has obtained the consent of the Member to his retention and use of any gold or specified currency, and has stated in an application for the consent that he requires it for a particular purpose, no longer requires the gold or currency for that purpose, the preceding sub-section shall thereupon apply to him in relation to that gold or currency as if the Member had revoked his consent to his retention and use thereof

(3) A person who acquires any gold or specified currency from an authorized dealer shall be treated for the purposes of this section as if the Member had consented to the retention and use by him of that gold or currency (subject, however to any conditions notified to him in accordance with sub-section (2) of the preceding section), and as if any statement made by him in an application for that gold or currency as to the purpose for which he requires it had been made by him in an application for the Member’s consent to his retention and use thereof

(4) Where a person has become bound under this section to offer or cause to be offered any gold or specified currency for sale to an authorized dealer, he shall not be deemed to comply with that obligation by any offer made or caused to be made by him, if the offer is an offer to sell at a price exceeding that authorized by the Member, or without payment of any usual and proper charges of the authorized dealer, or otherwise on any unusual terms

(5) Where a person has become bound under this section to offer or cause to be offered any gold or specified currency for sale to an authorized dealer and has not complied with that obligation the Member may direct that that gold or
5 currency shall vest in him, and it shall vest in the Member accordingly free from any mortgage, pledge or charge, and the Member may deal with it as he thinks fit, but he shall pay to the person who would but for the direction be entitled to the gold or currency such sum as he would have received
10 therefor if he had sold it to an authorized dealer in pursuance of an offer made under this section at the time when the vesting occurred

(6) In any proceedings in respect of a failure to comply with the provisions of this section, it shall be presumed, until
15 the contrary is shown that the gold or currency in question has not been offered for sale to an authorized dealer

3. (1) Every person in the Colony by whom or to whose order (whether directly or indirectly) any gold or any specified currency in the form of notes is held in the Colony but who
20 is not entitled to sell it or procure its sale shall notify the Member in writing that he so holds that gold or currency

Bailees of gold
and foreign
currency

(2) The Member may direct any person in the Colony by whom or to whose order (whether directly or indirectly) any gold or any specified currency in the form of notes is held in
25 the Colony, whether or not he is entitled to sell it or procure its sale, to cause that gold or currency to be kept at all times in the custody of such banker as may be specified in the direction

4. (1) This section applies to any document of a kind
30 intended to enable the person to whom the document is issued to obtain foreign currency from some other person on the credit of the person issuing it, and in particular to any traveller's cheque or other draft or letter of credit so intended

Travellers
cheques, etc

(2) For the purposes of this Ordinance, the person issu-
35 ing a document to which this section applies, and the person to whom it is issued, shall be deemed respectively to sell and buy foreign currency and where foreign currency is obtained by means of the document to sell and buy that foreign currency

40 (3) Any such document not expressed in terms of sterling shall, if it is of a kind intended to enable the person to whom it is issued to obtain any specified currency, be treated also for the purposes of this Ordinance as itself being specified currency

45 (4) Every person in the Colony who holds or to whose order there is held any document to which this section applies, being a document expressed in terms of sterling, shall encash it or cause it to be encashed in the scheduled territories with the person issuing it or with a banker, unless the Member
50 consents to his retention and use thereof and, where in his application for that consent he has stated that he requires it for a particular purpose, unless also he still requires it for that purpose

(5) A person who acquires any document to which the
55 last preceding sub-section applies from an authorized dealer shall be treated for the purposes of that sub-section as if the Member had consented to the retention and use by him of that document (subject, however, to any conditions notified to him in accordance with sub-section (2) of section 1 of this
60 Ordinance), and as if any statement made by him in an application for that document as to the purpose for which he requires it had been made by him in an application for the Member's consent to his retention and use thereof

PART II—PAYMENTS

Payments in the
Colony

5. Except with the permission of the Member, no person shall do any of the following things in the Colony, that is to say—

- (a) make any payment to or for the credit of a person 5
resident outside the scheduled territories, or
- (b) make any payment to or for the credit of a person
resident in the scheduled territories by order or on
behalf of a person resident outside the scheduled
territories, or 10
- (c) place any sum to the credit of any person resident
outside the scheduled territories

Provided that where a person resident outside the scheduled territories has paid a sum in or towards the satisfaction of a debt due from him, paragraph (c) of this section 15 shall not prohibit the acknowledgment or recording of the payment

Payments outside
the Colony

6. (1) Except with the permission of the Member, no person in the Colony shall, subject to the provisions of this section, make any payment outside the Colony to or for the 20 credit of a person resident outside the scheduled territories, and no person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to the making of any such payment

(2) Nothing in this section shall prohibit the doing of 25 anything otherwise lawful by any person with any foreign currency obtained by him in accordance with the provisions of Part I of this Ordinance or retained by him in pursuance of a consent of the Member

Compensation
deals

7. (1) Except with the permission of the Member, no per- 30 son shall in the Colony make any payment to or for the credit of a person resident in the scheduled territories, and no person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to the making of any such payment outside the Colony, as 35 consideration for or in association with—

- (a) the receipt by any person of a payment made outside
the scheduled territories, or the acquisition by any
person of property which is outside the scheduled
territories, or 40
- (b) the transfer to any person, or the creation in favour
of any person of a right (whether present or future,
and whether vested or contingent) to receive a pay-
ment outside the scheduled territories or to acquire
property which is outside the scheduled territories 45

(2) Nothing in this section shall prohibit the making of any payment in accordance with the terms of a permission or consent granted under this Ordinance

PART III—SECURITIES

Issue of
securities

8. (1) Except with the permission of the Member, no 50 person shall in the Colony issue any security or do any act which involves, is in association with or is preparatory to the issuing outside the Colony of any security which is registered or to be registered in the Colony, unless the following requirements are fulfilled, that is to say— 55

- (a) neither the person to whom the security is to be
issued nor the person, if any, for whom he is to be
a nominee is resident outside the scheduled terri-
tories, and
- (b) the prescribed evidence is produced to the person 60
issuing the security as to the residence of the person
to whom it is to be issued and that of the person,
if any, for whom he is to be a nominee

(2) The subscription of the memorandum of association of a company to be formed under the Companies Ordinance, by a person resident outside the scheduled territories, or by a nominee for another person so resident, shall, unless he subscribes the memorandum with the permission of the Member, be invalid in so far as it would on registration of the memorandum have the effect of making him a member of or shareholder in the company, so, however, that this provision shall not render invalid the incorporation of the company, and if by virtue of this sub-section the number of the subscribers of the memorandum who on its registration become members of the company is less than the minimum number required to subscribe the memorandum, the provisions of the said Ordinance relating to the carrying on of business of a company the number of whose members is reduced below the legal minimum shall apply to the company as if the number of its members had been so reduced

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9. (1) Except with the permission of the Member, a security registered in the Colony shall not be transferred, and a security not so registered shall not be transferred in the Colony unless, in either case, the following requirements are fulfilled, that is to say—

Transfer of securities and coupons

- (a) neither the transferor nor the person, if any, for whom he is a nominee is resident outside the scheduled territories, and
- (b) the transferor delivers to the transferee at or before the time of the transfer the prescribed declarations as to his residence and that of the person, if any, for whom he is a nominee, and
- (c) neither the transferee nor the person, if any, for whom he is to be a nominee is resident outside the scheduled territories, and
- (d) except where the security is registered in the Colony otherwise than in a subsidiary register, the Member is satisfied that the requirements of paragraph (c) of this sub-section are fulfilled

Provided that—

- (i) neither the transferee nor his agent shall be deemed to have committed an offence by reason only that the requirements of paragraph (a) of this sub-section were not fulfilled unless the transferee or as the case may be, his agent, knew or had reason to believe that those requirements were not fulfilled, and
- (ii) neither the transferor nor his agent shall be deemed to have committed an offence by reason only that any of the paragraphs (c) and (d) of this sub-section have not been fulfilled unless, in the case of a non-fulfilment of the requirements of the said paragraph (c), the transferor or, as the case may be, his agent, knew or had reason to believe that those requirements were not fulfilled

(2) Except with the permission of the Member, a security not registered in the Colony shall not be transferred outside the Colony if either the transferor or the transferee, or the person, if any, for whom the transferor or transferee is or is to be a nominee, is resident in the Colony

(3) Except with the permission of the Member—

- (a) no coupon shall be transferred in the Colony if either the transferee or the person, if any, for whom he is to be a nominee is resident outside the scheduled territories,

(b) no person shall in the Colony do any act which involves is in association with or is preparatory to the transfer of any coupon outside the Colony if either the transferor or the transferee, or the person, if any, for whom the transferor or transferee is or is to be a nominee, is resident in the Colony

Issue of bearer
certificates and
coupons

10. Except with the permission of the Member, no person shall, in the Colony issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon, and no person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to such issue or alteration outside the Colony

Substitution of
securities and
certificates
outside the
Colony

11. Except with the permission of the Member—

(1) No person in the Colony shall do any act with intent to secure—

(a) that a security which is—

(i) registered in the Colony, or

(ii) transferable by means of a bearer certificate in the Colony, becomes, or is replaced by, a security registered outside the Colony or a security transferable by means of a bearer certificate outside the Colony, or

(b) that a certificate of title to any other security, is issued outside the Colony in substitution for or in addition to a certificate of title thereto which is in, or is or has been lost or destroyed in, the Colony

(2) No person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony as is referred to in sub-paragraphs (a) or (b) above

Payment of
capital moneys
outside the
Colony

12. Except with the permission of the Member—

(1) No person in the Colony shall do any act with intent to secure that capital moneys payable on a security registered in the Colony are paid outside the Colony, or that, where the certificate of title to a security is in the Colony, capital moneys payable on the security are paid outside the Colony without production of the certificate to the person making the payment

(2) No person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony as is referred to in sub-paragraph (1) above

Duties of persons
keeping registers

13. Except with the permission of the Member, no person concerned with the keeping of any register in the Colony shall—

(a) enter in the register the name of any person in relation to any security unless there has been produced to him the prescribed evidence that the entry does not form part of a transaction which involves the doing of anything prohibited by this Ordinance, or

(b) enter in the register, in respect of any security, an address outside the scheduled territories, except for the purpose of any transaction for which the permission of the Member has been granted with the knowledge that it involved the entry of that address, or

(c) do act in relation to the register which recognizes or gives effect to any act appearing to him to have been done with such intent as is mentioned in the two

last preceding sections, whether done by a person in or resident in the Colony or not

14. (1) Where—

Additional provisions as to nominee holdings

5 (a) the holder of a security is a nominee and the person for whom he is a nominee is resident outside the scheduled territories, or

(b) the holder of a security is not a nominee and is resident outside the scheduled territories,

10 then except with the permission of the Member, no person resident in the Colony shall do any act whereby the holder becomes his nominee in respect of the security

(2) Except with the permission of the Member, a person resident in the Colony for whom the holder of a security is a nominee shall not do any act whereby—

15 (a) the holder being a person resident outside the scheduled territories, holds the security otherwise than as his nominee, or

20 (b) the holder, not being a person resident outside the scheduled territories holds the security as nominee for a person resident outside the scheduled territories

(3) Where the holder of a security is a nominee, then except with the permission of the Member, neither he, if he is resident in the Colony, nor any person resident in the Colony through whose agency the exercise of all or any of the holder's rights in respect of the security are controlled, shall—

30 (a) do any act whereby he recognizes or gives effect to the substitution of another person as the person from whom he directly receives his instructions unless both the person previously instructing him and the person substituted for that person were, immediately before the substitution, resident in the scheduled territories and not elsewhere, or

35 (b) do any act whereby he ceases to be a person bound to give effect to the instructions of another person in relation to the security, unless the person who theretofore instructed him is resident in the scheduled territories and not elsewhere

40 (4) Where the holder of a security is not a nominee and is resident in the Colony then, except with the permission of the Member, he shall not do any act whereby he becomes the nominee of another person in respect of the security, unless that other person is resident in the scheduled territories and not elsewhere

(5) No person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony as is referred to in this section

50 **15. (1) This and the next following section apply to any security except—**

Deposit of certificates of title

55 (a) a security which is registered in the Colony otherwise than in a subsidiary register, and on which none of the dividends or interest is payable on presentment of a coupon, and

(b) any such other securities as may be prescribed, and in the following provisions of this section and in the next following section the expressions "security", "certificate of title" and "coupon" mean respectively a security to which the said sections apply a certificate of title to such a security, and a coupon representing dividends or interest on such a security

(2) It shall be the duty of every person by whom or to whose order (whether directly or indirectly) a certificate of title is held in the Colony, and of every person resident in the Colony by whom or to whose order (whether directly or indirectly) a certificate of title is held outside the Colony, to cause the certificate of title to be kept at all times, except with the permission of the Member, in the custody of an authorized depositary, and nothing in this Part of this Ordinance shall prohibit the doing of anything for the purpose of complying with the requirements of this sub-section 10

(3) Except with the permission of the Member, an authorized depositary shall not part with any certificate of title or coupon required under this section to be in the custody of an authorized depositary

Provided that this sub-section shall not prohibit an authorized depositary—

(a) from parting with the certificate of title or coupon to or to the order of another authorized depositary, where the person from whom the other authorized depositary is to receive instructions in relation thereto is to be the same as the person from whom he receives instructions,

(b) from parting with a certificate of title, for the purpose of obtaining payment of capital moneys payable on the security, to the person entrusted with payment thereof,

(c) from parting with a coupon in the ordinary course for collection

(4) Except with the permission of the Member, no capital moneys, interest or dividends shall be paid in the Colony on any security except to or to the order of an authorized depositary having the custody of the certificate of title to that security, so, however, that this sub-section shall not be taken as restricting the manner in which any sums lawfully paid on account of the capital moneys, interest or dividends may be dealt with by the person receiving them 30

(5) Except with the permission of the Member an authorized depositary shall not do any act whereby he recognizes or gives effect to the substitution of one person for another as the person from whom he receives instructions in relation to a certificate of title or coupon, unless there is produced to him the prescribed evidence that he is not by so doing giving effect to any transaction which is prohibited by this Ordinance 40

(6) Where a certificate of title which under this section should for the time being be in the custody of an authorized depositary is not in the custody of an authorized depositary, then, except with the permission of the Member, no person shall in the Colony, buy, sell, transfer, or do anything which affects his rights or powers in relation to, the security, or do any act which involves, is in association with or is preparatory to any such transaction outside the Colony 45

(7) Except with the permission of the Member, no person in or resident in the Colony shall, in the case of a certificate of title with coupons (whether attached or on separate coupon sheets), detach any of the coupons other than in the ordinary course of collection 50

16. (1) Where a certificate of title to a security is by the last preceding section required to be and is in the custody of an authorized depositary, the provisions of this section shall, except so far as the Member otherwise directs, have effect in relation thereto until— 60

(a) there are delivered to him the prescribed declarations as to the ownership of the security and the residence of the owners thereof, and

(b) in the case of a certificate of title which—

(i) would ordinarily be accompanied by coupons (whether attached or on separate coupon sheets), but

5 (ii) when it comes into the custody of the authorized depositary wants, in order to render it complete, any coupons which would not in the ordinary course have been detached for collection,

10 there have also been deposited with him the coupons so wanting at the time when the certificate of title comes into his custody

Provided that where the said declarations have been delivered to an authorized depositary and he has parted with the certificate of title, paragraph (a) of this sub-section shall
15 not again apply on the certificate coming into the custody of another authorized depositary or again coming into his own custody

(2) Except with the permission of the Member, the authorized depositary shall not part with or destroy the certificate
20 of title or any coupons belonging thereto, otherwise than as mentioned in paragraphs (b) and (c) of the proviso to sub-section (3) of the last preceding section, or do any act whereby he recognizes or gives effect to the substitution of one person for another as the person from whom he receives instructions
25 in relation thereto

Provided that, where the person from whom an authorized depositary receives instructions in relation to any certificate of title becomes bankrupt in the Colony or dies this sub-section shall not prohibit the authorized depositary
30 from recognizing the trustee in bankruptcy or personal representative as the person entitled to give instructions in relation to the certificate of title

(3) The authorized depositary shall place any capital moneys, dividends or interest on the security received by him
35 to the credit of the person by virtue of whose authority he received them, but shall not permit any part of the sums received to be dealt with except with the permission of the Member

17. (1) The Member may, if in his opinion there are
40 circumstances rendering it necessary or expedient so to do, by order direct that this section shall apply to such securities as may be prescribed, being securities on which capital moneys, dividends or interest are payable in a specified currency or as respects which the holder has an option to require payment
45 of any capital moneys dividends or interest thereon in a specified currency

Special provisions as to dealings in certain securities

(2) Except with the permission of the Member, no person shall, in the Colony, transfer, or do anything which affects his rights or powers in relation to, any security to which this
50 section applies, and no person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony

18. (1) The title of any person to a security for which he
55 has given value on a transfer thereof, and the title of all persons claiming through or under him, shall, notwithstanding that the transfer, or any previous transfer, or the issue of the security, was by reason of the residence of any person concerned other than the first-mentioned person prohibited
60 by the provisions of this Ordinance relating to the transfer or issue of securities, be valid unless the first-mentioned person had notice of the facts by reason of which it was prohibited,

Validation of certain transfers

(2) Without prejudice to the provisions of sub-section (1) of this section, the Member may issue a certificate declaring, in relation to a security that any acts done before the issue of the certificate purporting to effect the issue or transfer of the security, being acts which were prohibited by this Ordinance, are to be, and are always to have been, as valid as if they had been done with the permission of the competent authority, and the said acts shall have effect accordingly 5

(3) Nothing in this section shall affect the liability of any person to prosecution for any offence against this Ordinance 10

Application of
Part III to
secondary
securities

19. (1) This Part of this Ordinance shall apply, with such modifications (if any) as may be prescribed, in relation to any such document as is mentioned in the following sub-section, as if the document created, and were the certificate of title to, a security (hereafter in this Ordinance referred to as a "secondary security") 15

(2) The documents referred to in the preceding sub-section are any letter of allotment which may be renounced, any letter of rights, any warrant conferring an option to acquire a security, any deposit certificate in respect of securities (but not including a receipt by an authorized depositary for any certificate of title deposited in pursuance of this Part of this Ordinance), and such other documents conferring, or containing evidence of, rights as may be prescribed 20

Interpretation
of Part III

20. (1) In this Part of this Ordinance— 25

(a) the expression "registered" includes inscribed,

(b) the expressions "registered in the Colony" and "registered outside the Colony" mean respectively, registered in a register in, and registered in a register outside, the Colony, 30

(c) the expression "security which is registered in the Colony otherwise than in a subsidiary register" means a security which either—

(i) is registered in the Colony and is not and cannot without the necessity for an entry in the register in the Colony become, registered outside, or 35

(ii) is registered both in the Colony and outside but on a transfer cannot, without the necessity for an entry in the register in the Colony, become registered outside in the name of the transferee, 40 and

(d) the expression "a register" includes any book, file or index in which securities are registered

(2) For the purposes of any provision of this Part of this Ordinance prohibiting the transfer of securities, a person shall be deemed to transfer a security if he executes any instrument of transfer thereof, whether effective or not, and shall be deemed to transfer it at the place where he executes the instrument 45

(3) References in this Part of this Ordinance to the person holding a certificate of title or coupon shall be construed as references to the person having physical custody of the certificate of title or coupon 50

Provided that where the certificate of title or coupon is deposited with any person in a locked or sealed receptacle from which he is not entitled to remove it without the authority of some other person, that other person shall be deemed for the purposes of this provision to have the physical custody thereof 55

(4) In this Part of this Ordinance, the expression "holder"—

5 (a) in relation to a security transferable by means of a bearer certificate or to a coupon includes the person holding the certificate or coupon, and

10 (b) in relation to a security which is registered in the name of a deceased person, or of any person who, by reason of bankruptcy, unsoundness of mind or any other disability is incapable of transferring the security, means the personal representative, trustee in bankruptcy or other person entitled to transfer the security

(5) The holder of a security or coupon shall be deemed for the purposes of this Part of this Ordinance to be a nominee
15 in respect thereof if, as respects the exercise of any rights in respect thereof he is not entitled to exercise those rights except in accordance with instructions given by some other person, and references in this Part of this Ordinance to the person for whom the holder of a security or coupon is a
20 nominee shall be construed as references to the person who is entitled to give instructions, either directly or through the agency of one or more persons, as to the exercise of any rights in respect of the security or coupon and is not in so doing himself under a duty to comply with instructions given
25 by some other person

Provided that—

30 (a) a person shall not by reason only that he has a controlling interest in a body corporate be deemed for the purposes of this sub-section to be entitled to give instructions to that body corporate as to the exercise of rights in respect of any security or coupon of which it is the holder, and

35 (b) a person shall not be deemed to hold a security or coupon as a nominee by reason only that he holds it as trustee if he is entitled to transfer the security or coupon without permission from any other person

(6) A certificate of title shall not for the purposes of this Part of this Ordinance be treated as in the custody of an authorized depositary if either—

40 (a) the depositary has no notice of the nature of the certificate, or

(b) the certificate is deposited with him in a locked or sealed receptacle from which he is not entitled to remove it without the authority of some other person

45 (7) Where a certificate of title outside the Colony is by this Part of this Ordinance required to be kept in the custody of an authorized depositary, it shall be deemed to be in the custody of an authorized depositary if—

50 (a) by his direction or with his assent it is in the custody of some other person who holds it on behalf of and to the order of the authorized depositary, and

55 (b) the certificate is not deposited with that other person in a locked or sealed receptacle from which he is not entitled to remove it without the authority of a person other than himself,

and where a certificate of title is by virtue of this sub-section deemed to be in the custody of an authorized depositary, references in this Part of this Ordinance to the depositary parting with the certificate or a coupon belonging thereto shall
60 be construed as references to his permitting the person having the actual custody thereof to part with it otherwise than to

the depositary, and references to his destroying the certificate or such a coupon shall be construed as references to his permitting it to be destroyed

PART IV—IMPORT AND EXPORT

Restrictions on
import

21. (1) The importation into the Colony of— 5

- (a) any notes of a class which are or have at any time been legal tender in the United Kingdom or any part of the United Kingdom, and
- (b) any such other notes as may be specified by order of the Member, being notes issued by a bank or notes 10 of a class which are or have at any time been legal tender in any territory, and
- (c) any certificate of title to any security, including any such certificate which has been cancelled, and any document certifying the destruction, loss or cancella- 15 tion of any certificate of title to a security,

is hereby prohibited except with the permission of the Member

(2) In this section the expression “note” includes part of a note and the expression “security” includes a secondary 20 security

General restric-
tions on export

22. (1) The exportation from the Colony of—

- (a) any notes of a class which are or have at any time been legal tender in the United Kingdom or any part of the United Kingdom or in any other territory, 25 and
- (b) any postal orders, and
- (c) any gold, and
- (d) any of the following documents (including any such document which has been cancelled), that is to say— 30
 - (i) any certificate of title to a security and any coupon, and
 - (ii) any policy of assurance, and
 - (iii) any bill of exchange or promissory note expressed in terms of a currency other than 35 sterling, and
 - (iv) any document to which section 4 of this Ordinance applies not issued by an authorized dealer or in pursuance of a permission granted by the Member, 40
 and any document certifying the destruction, loss or cancellation of any of the documents aforesaid, and
- (e) any such articles exported on the person of a traveller or in a traveller’s baggage as may be prescribed, 45

is hereby prohibited except with the permission of the Member

(2) In this section, the expression “note” includes part of a note, the expression “security” includes a secondary security and the expression “coupon” shall be construed in 50 accordance with the meaning of “security”

Payment for
exports.

23. (1) The exportation of goods of any class or description from the Colony to a destination in any such territory as may be prescribed is hereby prohibited except with the permission of the Member, unless the Commissioner of 55 Customs and Excise is satisfied—

- (a) that payment for the goods has been made to a person resident in the Colony in such manner as may be prescribed in relation to goods of that class or des-

cription exported to a destination in that territory, or is to be so made not later than six months after the date of exportation, and

- 5 (b) that the amount of the payment that has been made or is to be made is such as to represent a return for the goods which is in all the circumstances satisfactory in the national interest

10 Provided that the Member may direct that, in cases to which the direction applies, paragraph (a) of this sub-section shall have effect as if for the reference to six months there were substituted a reference to such longer or shorter period as may be specified in the direction, or as if the words "or is to be so made not later than six months after the date of exportation" were omitted

- 15 (2) For the purpose of satisfying himself in the case of any goods as to the matters specified in sub-section (1) of this section, the Commissioner of Customs and Excise may require the person making entry of the goods for export to deliver to the collector or other proper officer together with
20 the entry such declarations signed by such persons as he may require, and where any such declaration has been so required the goods shall not be exported until it has been delivered as aforesaid

- 25 (3) Where the Commissioner of Customs and Excise is not satisfied in the case of any goods as to the matters specified in paragraph (b) of the said sub-section (1), he shall give his reasons to the person making entry of the goods for export and shall take into consideration any representations made by him

- 30 (4) Any reference in this section to the destination of any goods includes a reference to the ultimate destination thereof

PART V—MISCELLANEOUS

24. (1) Except with the permission of the Member, no person resident in the Colony who has a right (whether present
35 or future and whether vested or contingent) to receive any specified currency, or to receive from a person resident outside the scheduled territories a payment in sterling, shall do, or refrain from doing, any act with the intent to secure or shall do any act which involves, is in association with or is preparatory to any transaction securing—
40

Duty to collect certain debts

- (a) that the receipt by him of the whole or part of that currency or, as the case may be, of that payment in sterling is delayed, or
45 (b) that the currency or payment ceases, in whole or in part, to be receivable by him

Provided that nothing in this sub-section—

- (i) shall, unless the Member otherwise directs, impose on any person any obligation, in relation to any debt arising in the carrying on of any trade or business, to procure the payment thereof at an earlier time than is customary in the course of that trade or business; or
50 (ii) shall, unless the Member otherwise directs, prohibit any transfer to a person resident in the Colony and not elsewhere of any right to receive any specified currency or payment in sterling
55

- (2) Where a person has contravened the provisions of sub-section (1) of this section in relation to any specified currency or payment in sterling, the Member may give to him or
60 to any other person who appears to the Member to be in a position to give effect thereto (being a person in or resident

in the Colony) such directions as appear to the Member to be expedient for the purpose of obtaining or expediting the receipt of the currency or payment in question, and, without prejudice to the generality of the preceding provisions of this sub-section, may direct that there shall be assigned to the Member, or to such person as may be specified in the directions the right to receive the currency or payment or enforce any security for the receipt thereof

Duty not
to delay sale
or importation
of goods

25. (1) Where—

- (a) any permission or consent has been granted under this Ordinance, or under any corresponding provision of the law in force in any territory comprised in the scheduled territories, subject to a condition providing that, or on the faith of an application stating an intention that, any goods should be sold outside the scheduled territories, or
- (b) any statement or declaration has been made under any provision of this Ordinance or any such corresponding provision as aforesaid that any goods are to be sold outside the scheduled territories, or
- (c) any currency has been obtained in, or by any person resident in, the scheduled territories on the faith of an application stating an intention that any goods should be sold outside the scheduled territories,

then, except with the permission of the Member, no person resident in the Colony who is entitled to sell or procure the sale of the said goods shall do, or refrain from doing, any act with intent to secure or shall do any act which involves, is in association with or is preparatory to any transaction securing—

- (i) that the said sale is delayed to an extent which is unreasonable having regard to the ordinary course of trade, or
- (ii) that, on the said sale, any payment made for the goods is not made in the manner indicated by the condition, statement, or declaration as the case may be

(2) Where—

- (a) any permission or consent has been granted under this Ordinance, or under any corresponding provisions of the law in force in any territory comprised in the scheduled territories, subject to a condition providing that, or on the faith of an application stating an intention that, any goods should be imported from outside the scheduled territories into any part of the scheduled territories, or
- (b) any currency has been obtained in, or by any person resident in, the scheduled territories on the faith of an application stating an intention that any goods should be so imported,

then, except with the permission of the Member, no person resident in the Colony who is entitled to procure the importation of the said goods shall do, or refrain from doing, any act with intent to secure that the importation thereof is delayed to an extent which is unreasonable having regard to the ordinary course of trade

(3) Where in any such case as is specified in paragraph (a), (b) or (c) of sub-section (1), or paragraph (a) or (b) of sub-section (2), of this section—

- (a) the goods have not been sold or imported as indicated by the condition, statement or declaration within the time thereby indicated or, if no time is thereby

indicated, a reasonable time, or (in either case) within such further time as may be allowed by the Member, or

- 5 (b) it appears to the Member that the goods cannot be sold or imported as indicated by the condition, statement or declaration,

the Member may give any person resident in the Colony who appears to the Member to be in a position to give effect thereto such directions as appear to him to be expedient as to the
10 manner in which the goods are to be dealt with

(4) Without prejudice to the generality of the provisions of the last preceding sub-section, the power conferred thereby on the Member to give directions shall extend to the giving of directions that the goods shall be assigned to the Member
15 or to a person specified in the directions

(5) The powers conferred by the two last preceding sub-sections in relation to any goods shall extend to the giving of directions with respect to any goods produced or manufactured therefrom, and, where goods to be sold outside the
20 scheduled territories or to be imported were to be produced or manufactured from other goods, to the giving of directions with respect to those other goods and any goods produced or manufactured from those other goods

26. (1) Where a person—

- 25 (a) has made any payment which is prohibited by this Ordinance, or

(b) being bound under this Ordinance to offer or cause to be offered any specified currency to an authorized dealer, has otherwise disposed of that currency,

30 the Member may direct him to sell or procure the sale of any property which he is entitled to sell or of which he is entitled to procure the sale, being property which represents, whether directly or indirectly, that payment or that specified currency, as the case may be, and may by the same or a
35 subsequent direction specify the manner in which, the persons to whom and the terms on which the property is to be sold

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section, the power conferred thereby on the Member to give directions shall extend to the giving
40 of directions that the property shall be assigned to the Member or to a person specified in the directions

27. (1) Where, under the preceding provisions of this Part of this Ordinance, the Member has power to give directions that any right to receive any currency or payment
45 in sterling or to enforce any security for the receipt thereof, any goods, or any other property shall be assigned to the Member, the Member shall also have power to direct that the right, goods or property shall vest in the Member, and it or they shall vest in the Member accordingly free from any
50 mortgage, pledge or charge, and the Member may deal with it or them as he thinks fit

(2) Where, in pursuance of directions under the said provisions, any right, goods or property is or are assigned to the Member or to a person specified in the directions or any
55 right, goods or property vests or vest in the Member in pursuance of directions given under sub-section (1) of this section, the Member shall pay the net sum recovered by him in respect of the right, goods or property to the person making the assignment or, in the case of any right, goods or property vested in the Member under sub-section (1) of this section, to
60 the person who but for the directions, would be entitled to the right, goods or property

Property
obtained by
infringement
of Ordinance

Provisions
supplemental to
preceding provi-
sions of Part V

Transfer of
annuities,
policies, etc

28. (1) Except with the permission of the Member, no person resident in the Colony shall transfer to a person resident outside the scheduled territories, or who is to be a nominee for a person resident outside the scheduled territories, any right to the sums assured by any policy of assurance, 5 so, however, that where the person liable for the sums so assured makes any payment thereof to a person resident in the scheduled territories and not elsewhere, or makes with the permission of the Member, any payment thereof to any 10 other person—

(a) he shall not be bound to inquire as to the residence of any person other than the person to whom, and (if it is not the same person) the person to whose order the payment is made, and

(b) the payment shall, to the extent of the sums paid 15 discharge him from his liability under the policy, notwithstanding that the payment is made to or to the order of a person who was not entitled thereto otherwise than by virtue of a transfer prohibited by this sub-section 20

(2) Sub-sections (2) and (3) of section 18 of this Ordinance shall apply in relation to any transfer prohibited by this section as they apply in relation to a transfer prohibited by this Ordinance of a security

(3) In this section, the expression "nominee" has, in 25 relation to any policy, annuity or insurance the same meaning as the said expression has in Part III of this Ordinance in relation to a security

Settlements

29. (1) Except with the permission of the Member, no person resident in the Colony shall settle any property, other- 30 wise than by will, so as to confer an interest in the property on a person who, at the time of the settlement, is resident outside the scheduled territories, or shall exercise, otherwise than by will, any power of appointment whether created by will or otherwise, in favour of a person who, at the time of 35 the exercise of the power is resident outside the scheduled territories

(2) A settlement or exercise of a power of appointment shall not be invalid by reason that it is prohibited by this section, except so far as it purports to confer any interest 40 on any person who, at the time of the settlement or the exercise of the power, is resident outside the scheduled territories

(3) Sub-sections (2) and (3) of section 18 of this Ordinance shall apply in relation to a settlement or the exercise of a 45 power of appointment prohibited by this section as they apply in relation to a transfer prohibited by this Ordinance of a security

(4) For the purpose of this section—

(a) any reference to settling property includes a reference 50 to the making of any disposition, covenant, agreement or arrangement whereby the property becomes subject to a trust, or (in the case of a resettlement) to a different trust, and

(b) a person shall be deemed to have an interest in 55 property if he has any beneficial interest therein whether present or future, and whether vested or contingent, or falls within a limited class of persons in whose favour a discretion or power in respect of property is exercisable, and 60

(c) the expression "will" includes any testamentary disposition

(5) No person resident in the scheduled territories shall in the Colony do any act which involves is in association with or is preparatory to any such transaction outside the Colony as is referred to in this section

5 **30.** (1) Where there is served on any person resident in the Colony a notice in writing that the Member wishes any such requirements as are hereinafter mentioned to be complied with by any such body corporate as is specified in the Second Schedule to this Ordinance (hereafter in this sub-section referred to as a "foreign company"), and that person can, by
10 doing or refraining from doing any act—

(a) cause the foreign company to comply with any of the requirements, or

15 (b) remove any obstacle to the foreign company complying with any of the requirements, or

(c) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Member, that person shall do, or, as the case may be,
20 refrain from doing, that act

The requirements with respect to which such a notice may be given are as follows, that is to say, that the foreign company shall—

25 (i) furnish to the Member such particulars as to its assets and business as may be mentioned in the notice,

30 (ii) sell or procure the sale to an authorized dealer of any gold or specified currency mentioned in the notice being gold or specified currency which it is entitled to sell or of which it is entitled to procure the sale,

(iii) declare and pay such dividend as may be mentioned in the notice,

35 (iv) realize any of its assets mentioned in the notice in such manner as may be so mentioned,

(v) refrain from selling, transferring, or doing anything which affects its rights or powers in relation to, any such securities as may be mentioned in the notice

40 (2) Except with the permission of the Member, no person resident in the Colony shall do any act whereby a body corporate which is by any means controlled (whether directly or indirectly) by persons resident in the Colony ceases to be controlled by persons resident in the Colony

45 Provided that this sub-section shall not prohibit any person from selling any securities authorized to be dealt in on any recognized stock exchange in the Colony if the sale takes place in pursuance of an agreement entered into in the ordinary course of business on that exchange

50 No person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony as is referred to in this sub-section

55 (3) Except with the permission of the Member, no person resident in the Colony shall lend any money or securities to any body corporate resident in the scheduled territories which is by any means controlled (whether directly or indirectly) by persons resident outside the scheduled territories

60 Provided that this sub-section shall not apply where the lender after making such inquiries as are reasonable in the circumstances of the case does not know and has no reason to suspect that the body corporate is controlled as aforesaid

No person resident in the scheduled territories shall in the Colony do any act which involves, is in association with or is preparatory to any such transaction outside the Colony as is referred to in this sub-section

(4) For the purposes of this section and of the Second Schedule to this Ordinance, persons resident in the Colony or outside the scheduled territories shall be deemed to control a body corporate notwithstanding that other persons are associated with them in the control thereof if they can together override those other persons

(5) In this section the expression "security" includes a secondary security

PART VI—SUPPLEMENTAL

Exemptions

31. Any provision of this Ordinance imposing any obligation or prohibition shall have effect subject to such exemptions as may be granted by order of the Member and any such exemption may be either absolute or conditional

Blocked
accounts

32 Where—

(a) under any provision contained in Part II of this Ordinance, the permission of the Member is required for the making of a payment or the placing of any sum to the credit of any person resident outside the scheduled territories, or

(b) any payment falls to be made by an authorized dealer on the sale of any gold or specified currency by any foreign company within the meaning of sub-section (1) of the concluding section of Part V of this Ordinance, being a sale made to comply with any requirement notified under that sub-section,

the Member may direct that the sum payable or to be credited shall be paid or credited to a blocked account only, and, where such a direction is given the provisions of the Third Schedule to this Ordinance shall have effect in relation to the payment or crediting of the sum

Contracts, legal
proceedings, etc

33. (1) It shall be an implied condition in any contract that, where, by virtue of this Ordinance, the permission or consent of the Member is at the time of the contract required for the performance of any term thereof, that term shall not be performed except in so far as the permission or consent is given or is not required

Provided that this sub-section shall not apply in so far as it is shown to be inconsistent with the intention of the parties that it should apply, whether by reason of their having contemplated the performance of that term in despite of the provisions of this Ordinance or for any other reason

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(2) Notwithstanding anything in the Bills of Exchange Ordinance, neither the provisions of this Ordinance, nor any condition whether express or to be implied having regard to those provisions, that any payment shall not be made without the permission of the Member under this Ordinance, shall be deemed to prevent any instrument being a bill of exchange or promissory note

(3) The provisions of the Fourth Schedule to this Ordinance shall have effect with respect to legal proceedings, arbitrations, bankruptcy proceedings, the administration of the estates of deceased persons, the winding up of companies, and the proceedings under deeds of arrangement or trust deeds for behoof of creditors

34. (1) The provisions of the Fifth Schedule to this Ordinance shall have effect for the purpose of the enforcement of this Ordinance

Enforcement and
administration

(2) Persons belonging to the following classes, that is to say—

- (a) bankers, authorized dealers, authorized depositaries,
- (b) persons to whom any powers of the competent authority under this Ordinance are delegated,
- (c) persons who with the permission of the competent authority are in possession of documents which would, but for the permission, have to be in the custody of an authorized depositary,
- (d) persons concerned with the keeping of any register in the Colony, and
- (e) persons entrusted with the payment of capital moneys, dividends or interest in the Colony,

shall comply with such directions as may be given to them respectively by the Member, being—

- (i) in the case of any such persons, directions as respects the exercise of any functions exercisable by them by virtue of, or by virtue of anything done under, any provision of this Ordinance, or
- (ii) in the case of authorized dealers, such directions as aforesaid or directions as to the terms on which they are to accept gold or foreign currency or directions requiring them to offer their gold or specified currency for sale to the Member on such terms as may be specified in any such directions

35. This Ordinance shall bind the Crown and shall apply to transactions by a Government department or other person acting on behalf of the Crown, and the competent authority shall not, by virtue of any contract made by them or on their behalf in relation to any securities, be under any obligation to grant any permission under Part III of this Ordinance or any exemption from the provisions of the said Part III

Application to
the Crown

36 The Member may by order make such transitional provisions as appear to him necessary or expedient in consequence of the exercise by any authority of any other power to make orders under this Ordinance

Treasury orders

37. (1) Any permission, consent or authority granted under this Ordinance—

Other powers

- (a) may be either general or special, and
- (b) may be revoked by the competent authority, and
- (c) may be absolute or conditional, and
- (d) may be limited so as to expire on a specified date unless renewed, and
- (e) shall be published in such a way as, in the opinion of the competent authority to give any person entitled to the benefit of it an adequate opportunity of getting to know of it, unless in his opinion publication is not necessary for that purpose

(2) Any directions given under any provision of this Ordinance—

- (a) may be either general or special, and
- (b) may be revoked or varied by subsequent directions, and
- (c) shall be given to such persons, and in such manner as the competent authority thinks appropriate, and if so given shall be valid for all purposes

(3) Notwithstanding paragraph (c) of the last preceding sub-section, a person shall not by virtue of any direction given by the competent authority under this Ordinance, be convicted of an offence against this Ordinance, unless the direction was served on him or he knew or avoided getting to know, of 5 the giving thereof

Provided that where reasonable steps were taken for the purpose of bringing the purport of the direction to his notice, it shall be for him to show that he neither knew nor avoided getting to know of the giving thereof 10

(4) The competent authority may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers (other than any power to make orders or to give authority to apply for a search warrant) to any person, or 15 class or description of persons, approved by him, and references in this Ordinance shall be construed accordingly

(5) Any document stating that any permission, consent, authority or direction is given under any of the provisions of this Ordinance by the competent authority, and purporting 20 to be signed on his behalf, shall be evidence of the facts stated in the document

Financial provisions

38. Any expenses incurred under or by virtue of this Ordinance by any Government department shall be paid out of moneys provided by the Legislative Council and any sums 25 received under or by virtue of this Ordinance by any Government department shall be paid into the general revenues of the Colony

Branches

39. (1) The Member may by order or direction provide that, for such of the purposes of this Ordinance as may be 30 specified in the order or direction—

(a) any transaction with or by a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is 35 situated, and

(b) the making of any book entry or other statement recording a debit against a branch of any business in favour of any other branch of that business, shall be treated as a payment to that other branch, and 40

(c) any property held by or on behalf of the person carrying on the business shall be deemed to be held by such of the branches of the business as may be determined in accordance with the order or direction, and any such order or direction which makes, for any of 45 the purposes of Part III of this Ordinance, such provision as is mentioned in paragraph (c) of this sub-section may contain provisions declaring the circumstances in which a branch is to be treated as a nominee for any other branch

(2) Any reference in sub-section (1) of this section to a 50 branch of a business shall be deemed to include a reference to the head office of that business

(3) Sub-sections (1) and (2) of this section shall apply in relation to any body of persons (whether corporate or unincorporated) carrying on any activity, whether for the purpose 55 of profit or not, as they apply in relation to a business

Persons leaving the scheduled territories

40. Where a person resident in the Colony leaves the scheduled territories the Member may before, at or after the time he leaves the scheduled territories, direct that, for such period as may be specified in the direction, payments by 60 him or on his behalf and to him or to his credit and trans-

actions in or in relation to securities or secondary securities in which he is in any way concerned shall, whether or not he continues to be resident in the Colony, be subject to such restrictions as may be specified in the direction

- 5 **41.** (1) For the purposes of this Ordinance, a personal representative of a deceased person shall, unless the Member otherwise directs, be treated as a resident in the territory where the deceased person was resident for the purposes in question at the time of his death and as not resident else
10 where, so far as relates to any matters in which the personal representative is concerned solely in his capacity as such

Determination of residence

- (2) The Member may give directions declaring that for all or any of the purposes of this Ordinance a person is to be treated as resident or not resident in such territories as may
15 be specified in the directions

PART VII—SPECIAL PROVISIONS

- 42.** (1) The Member may by order direct—

Acquisition by Member of certain securities

- (a) that, subject to any exemptions for which provision may be made by the order, no person shall, except
20 with permission granted by or on behalf of the Member, sell, transfer or do anything which involves the creation of a charge on, or affects his rights or powers in relation to securities of any such class as may be specified in the order, being a class of
25 securities which, in the opinion of the Member, are likely to be marketable outside the Colony, and

- (b) that the owner of any securities of the said class shall, in such manner and within such period as may be specified in the order, make a return to the
30 Member giving such particulars with respect to those securities as may be so specified

For the purposes of this subsection a person who mortgages or pledges a security shall be deemed thereby to create a charge on the security

- 35 (2) At any time while an order made under the preceding sub-section with respect to securities of any class is in force the Member if he is of opinion that it is expedient so to do for the purpose of strengthening the financial position of the Colony, may, by an order made generally with respect to any
40 specified securities of that class, or by directions given with respect to any securities of that class of which any particular person is the owner, transfer to himself the securities to which the order or directions relates or relate, at a price specified in the order or directions being a price which, in the opinion
45 of the Member, is not less than the market value of the securities on the date of the making of the order or the giving of the directions

- Provided that where the Member has by an order made under this sub-section transferred to himself securities in
50 respect of which returns had before the date of the making of that order been made to the Member under an order made under the last foregoing sub-section, then, if by an order or directions subsequently made or given under this sub-section the Member transfers to himself securities which would have
55 been transferred to him under the former order if such a return as aforesaid had been made before that date, the minimum price at which the securities may be transferred shall be the price specified in the former order subject to such reduction as the Member thinks fit in respect of any dividend
60 or interest payable since the date of the making of that order, or a price which in the opinion of the Member is the market value of the securities on the date of the making or giving of the subsequent order or directions, whichever is the less

(3) Where any order is made, or any directions given, under the last preceding sub-section with respect to any securities—

(a) those securities shall forthwith vest in the Member free from any mortgage, pledge or charge, and the Member may deal with the securities as he thinks fit,

(b) the owner of any of those securities, and any person who is responsible for keeping any register or book in which any of those securities is registered or inscribed or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Member may direct to be done for the purpose of securing that the security and any document of title relating thereto will be delivered to the Member or to such person as the Member may direct, and, in the case of any registered or inscribed security, that the security will be registered or inscribed in the name of the Member or such person as the Member may direct

(4) The duty to deliver any security under the last preceding sub-section shall include a duty to do all such things as are necessary to secure that any dividends or interest on that security becoming payable on or after the date of the making of the order or the giving of the directions will be paid to the Member and where, in the case of any security payable to bearer which is delivered in pursuance of the said sub-section any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Member thinks fit

Provided that, where the price specified in the order or directions in relation to any securities is ex any dividend or ex any interest, this sub-section shall not apply to that dividend or interest or to any coupon representing it

(5) A certificate signed by any person authorized in that behalf by the Member that any specified securities are securities transferred to the Member under this section shall be treated by all persons responsible for keeping any registers or books in which the securities are registered or inscribed, or who are otherwise concerned with the registration or inscription of those securities, as conclusive evidence that the securities have been so transferred

(6) Where, by virtue of paragraph (a) of sub-section (3) of this section, any security has become vested in the Member, then, at any time before the steps required by paragraph (b) of that sub-section to be taken in relation to that security have been taken, the Member may, by a declaration made in writing by him or on his behalf, divest himself of the security, and thereupon the order or directions in consequence of which the security so became vested in the Member shall be deemed, for all purposes, not to have been made or given with respect to that security

(7) For the purposes of this section the expression “security” does not include—

(a) an annuity granted under the Government Annuities Act, 1929, of the United Kingdom or an annuity to which either Part I or Part II of that Act applies, and

(b) a life assurance policy or other contract entered into with an assurance company for securing the payment in the future of any capital sum or sums or of an annuity

43 Where the Member has by an order made under sub-section (2) of the foregoing section transferred to himself securities in respect of which returns had before the date of the making of that order been made to the Member under an order made under sub-section (1) of that section he may give directions to the owner of any security which would have been transferred to him under the said order if such a return as aforesaid had been made before that date requiring him to take such steps as may be specified in the directions to sell, or to procure the sale of, the security

Power of Member to direct sale of certain securities

44. The Member may give such directions as to the custody and disposition of documents of title relating to securities, or relating to any class or description of securities specified in the direction as appear to the Member to be expedient

Custody and disposition of documents of title to securities

45. (1) Where the Member is satisfied that owing to the changes in the external or internal position of any country or territory action is being, or is likely to be, taken to the detriment of the economic position of the Colony, or otherwise to the prejudice of the efficient prosecution of any war in which His Majesty's Government in the United Kingdom may be engaged, the Member may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Member, of any order given by or on behalf of the government of that country or territory or any person resident therein at the time when the directions were given or at any later time while the directions are in force, in so far as the order—

Power of Member to prohibit action on certain orders as to gold, etc

(a) requires the person to whom the order is given to make any payment or to part with any gold or securities, or

(b) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held

(2) Where any directions are given under this section with respect to any country or territory, a branch in that country or territory of any business, whether carried on by a body corporate or otherwise, shall, for the purposes of this section, be treated in all respects as if the branch were a body corporate resident in that country or territory

46. Without prejudice to any special provision contained in this Ordinance the Member may, for the purpose of securing compliance with this Ordinance, give to any person directions requiring him, within such time, in such manner and to such persons as may be specified in the directions, to furnish such information as may be so specified and produce for inspection any relevant books, accounts or other documents

Power to call for information

PART VIII—INTERPRETATION AND SHORT TITLE

47. (1) In this Ordinance, except so far as the contrary is expressly provided or the context otherwise requires—

General provisions as to interpretation

“authorized dealer” means in relation to gold or any foreign currency, a person for the time being authorized by an order of the Member to act for the purposes of this Ordinance as an authorized dealer in relation to gold, or, as the case may be, that foreign currency,

“authorized depositary” means a person for the time being authorized by an order of the Member to act as an authorized depositary for the purposes of Part III of this Ordinance,

“bearer certificate” means a certificate of title to securities by the delivery of which (with or without endorsement) the title to the securities is transferable,

“certificate of title to securities” means any document of title whereby a person recognizes the title of another to securities issued or to be issued by the first-mentioned person, and in the case of any such document with coupons (whether attached or on separate coupon sheets) includes any coupons which have not been detached,

“coupon” means a coupon representing dividends or interest on a security,

“foreign currency” has the meaning ascribed to it by section 1 of this Ordinance,

“gold” means gold coin or gold bullion,

“policy of assurance” means any policy securing payment of a capital sum or annuity on the occurrence of a specified event which is certain to happen and includes—

(a) any policy by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, and

(b) any policy securing the payment of an immediate annuity,

and the reference in this definition to the occurrence of a specified event which is certain to happen shall include the occurrence, which is certain to happen, of one of specified events none of which by itself is certain to happen,

“prescribed” means prescribed, for the purposes of the provision in question, by order of the competent authority,

“scheduled territories” has the meaning ascribed to it by section 1 of this Ordinance

“secondary securities” has the meaning ascribed to it by section 19 of this Ordinance,

“securities” means shares, stock, bonds, notes (other than promissory notes), debentures, debenture stock, units under a unit trust scheme and shares in an oil royalty,

“specified currency” has the meaning ascribed to it by section 2 of this Ordinance as extended by section 4 thereof,

“unit trust scheme” means any arrangements made for the purpose, or having the effect, of providing for persons having funds available for investment, facilities for the participation by them, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of any property whatsoever,

“unit” means, in relation to a unit trust scheme, a right or interest (whether described as a unit, as a sub-unit or otherwise) which may be acquired under the scheme

(2) Any provision of this Ordinance (however worded), the effect of which is to prohibit the doing of any act where a person to or by whom the act is to be done or who stands in a specified relation to any property possesses any specified attribute as to residence or otherwise shall, where the act is done to or by two or more persons or, as the case may be, where two or more persons stand jointly in that relation to the property operate to prohibit the doing of that act if any of those persons possess that attribute, and any provision of this Ordinance imposing an obligation on any person to do an act if he possesses any specified attribute as to residence or otherwise shall, in relation to any act which can only be done by two or more persons jointly—

(a) where all those persons possess that attribute, operate to impose a joint obligation on all of them to do the act, and

(b) where some only of them possess that attribute, operate to impose a separate obligation on each one of them who possesses that attribute to do all he can to secure the doing of the act

5 (3) Any power conferred by this Ordinance to prescribe the declarations which are to be furnished on any occasion shall include a power to require that the declarations shall be made by specified persons and shall be verified in a specified manner

10 (4) Nothing in this Ordinance shall be construed as requiring the Member to pay any sum otherwise than in sterling or otherwise than in the Colony, and any provision of this Ordinance requiring the Member to pay any sum to any person shall, where that sum is in a specified currency, be
15 construed as a provision that the Member shall pay to that person the amount in sterling which he would have received for the specified currency if he had sold it to an authorized dealer in pursuance of an offer made under section 2 of this Ordinance at the time when the said sum is paid

20 (5) The obligations and prohibitions imposed by this Ordinance shall, subject to the express limitations contained therein, apply to all persons, notwithstanding that they are not in the Colony and are not British subjects

25 48. (1) This Ordinance may be cited as the Exchange Control Ordinance, 1950 Short title and commencement

(2) This Ordinance shall come into force on such day as the Governor may, by notice published in the Gazette, appoint, and—

30 (a) different days may be appointed for different purposes and for different provisions thereof, and

(b) the power of the Governor to make transitional provisions consequent on the making of an order under this Ordinance shall extend to the revocation, in consequence of any order made under this subsection, of any of the provisions of the Defence
35 (Finance) Regulations, 1939

SCHEDULES

FIRST SCHEDULE

Sec 1

THE SCHEDULED TERRITORIES

- 1 The fully self-governing countries of the British Commonwealth except Canada
- 2 Any colony under the dominion of His Majesty
- 3 Any territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations
- 4 Any British protectorate or British protected state
- 5 The Irish Republic
- 6 Iraq
- 7 Iceland
- 8 Burma
- 9 Hachemite Kingdom of Jordan

SECOND SCHEDULE

Sec 30

FOREIGN COMPANIES

1 The bodies corporate in question are bodies corporate not incorporated under the law of the Colony in the case of which any of the following conditions is fulfilled—

- (a) that the body corporate is by any means controlled (whether directly or indirectly) by persons resident in the Colony,
- (b) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital would be receivable directly or indirectly by or for the benefit of persons resident in the Colony,

- (c) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors would be receivable directly or indirectly by or for the benefit of persons resident in the Colony, or
- (d) that more than one-half—
 - (i) of the interest payable on its loans and loan capital, if any, or
 - (ii) of the dividends payable on its preference share capital, if any, or
 - (iii) of the dividends payable on its share capital, if any, not being preference share capital
 is receivable, directly or indirectly, by or for the benefit of persons resident in the Colony

2 Where the identity of the persons by whom or for whose benefit any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by a person resident in the Colony of a power of appointment or similar power, the sum, assets, interest or dividends shall, for the purposes of this Schedule, be deemed to be receivable directly or indirectly by or for the benefit of persons resident in the Colony

Sec 32

THIRD SCHEDULE

BLOCKED ACCOUNTS

1 In this Schedule, the expression "a blocked account" means an account opened as a blocked account at an office or branch in the Colony in favour of any person by a banker authorized by the Member to open blocked accounts, and the expression "the banker" means, in relation to any person, a banker who opens a blocked account in favour of that person

2 Where a direction is given that a payment is to be made to a blocked account only, then, subject to the next following paragraph—

- (a) the manner in which the payment may be made shall be either—
 - (i) to the banker, with a direction that it is to be credited to a blocked account of that person (which direction may, in the case of a payment by means of a cheque or warrant, be made by marking the cheque or warrant with the words "blocked account of" (naming the person in question) or words to the same effect), or
 - (ii) by a crossed cheque or warrant drawn in favour of that person, marked with the words "payable only to blocked account of payee" or words to the same effect, and
- (b) the sum collected shall be credited by the banker to a blocked account of that person

3 Where a direction is given that a sum is to be paid or credited to a blocked account only, then, notwithstanding the direction, the sum may, with the consent of the person to whom it is to be paid or credited, and subject to the requirements of Part III of this Ordinance, be invested instead in the purchase for that person of any such investments as may be prescribed for the purposes of paragraph (a) of the proviso to the next following paragraph

4 Any sum standing to the credit of a blocked account shall not be dealt with except with the permission of the Member

Provided that, subject to compliance with the requirements of Part III of this Ordinance—

- (a) the whole or any part of any such sum may, at the request of the person in whose name the account stands, be invested through the banker in such investments as may be prescribed, and
- (b) nothing in this Schedule shall be construed as restricting the manner in which the investments acquired may be dealt with

5 Where a person in whose name a blocked account is standing becomes bankrupt in the Colony or dies, the banker may, notwithstanding anything in paragraph 4 of this Schedule, transfer the account to the name of the trustee in bankruptcy or personal representative, but, save as aforesaid, no change shall, except with the permission of the Member, be made in the name in which the account stands, and where any such change is made (whether or not

the permission of the Member is necessary therefor) the account shall remain a blocked account notwithstanding the change, and the provisions of this Schedule shall apply accordingly

6 Where—

- (a) a sum is due from any person to any other person but the Member directs that it shall be paid or credited to a blocked account only, and
- (b) the person to whom the sum is due nominates such an account to the person from whom the sum is due,

the last mentioned person is under a duty to the person to whom the sum is due to cause the sum to be paid or credited to that blocked account, and the crediting of any sum to a blocked account in pursuance of a direction of the Member shall, to the extent of the sum credited, be a good discharge to the person from whom the sum is due

Provided that in the case of a sum due under a contract this paragraph shall not apply in so far as it is shown to be inconsistent with the intention of the parties that it should apply

FOURTH SCHEDULE

Sec 33

LEGAL PROCEEDINGS, ETC

1 The provisions of Part II of this Ordinance shall apply to sums required to be paid by any judgment or order of any court or by any award as they apply in relation to other sums, and it shall be implied in any judgment or order of any court in the Colony, and in any award given under the law of the Colony, that any sum required to be paid by the judgment, order or award (whether as a debt, as damages or otherwise) to which the said provisions apply shall not be paid except with the permission of the Member

2 Nothing in this Ordinance shall be construed as preventing the payment by any person of any sum into any court in the Colony but the provisions of Part II of this Ordinance shall apply to the payment of any sum out of court, whether under an order of the court or otherwise, to or for the credit of any person resident outside the scheduled territories

3 Without prejudice to the provisions of any enactments relating to the making of rules of court, rules of court—

- (a) enabling any person who is required by any judgment, order or award to pay any sum, if he apprehends that the payment of that sum is unlawful under this Ordinance except with the permission of the Member, to pay that sum into court, and
- (b) declaring that payment of a sum into court by virtue of the preceding sub-paragraph, together with the delivery to the other party concerned of such evidence of the payment as may be prescribed by the rules, shall, to the extent of the payment, be a good discharge to the person making the payment, and
- (c) so regulating the process of execution which may issue in respect of any sum required to be paid by any judgment, order or award as to secure that, unless it is shown, in such manner as may be prescribed by the rules, that the permission of the Member for the payment of the sum is not required under this Ordinance or has been given without conditions, the proceeds of the execution will be paid into court, and, so far as is necessary for that purpose, varying the form of any writ of execution or other similar document or the duties of any officer to whom any such writ or other similar document is directed,

may be made, as respects the Supreme Court, or any other court, by such authority as may be designated in that behalf by the Chief Justice

Provided that—

- (i) the form of any bankruptcy notice shall be such as may be prescribed by the Member, and
- (ii) nothing in this paragraph shall affect the provisions of any legislation which requires rules of court for subordinate courts to have the concurrence of the rule-making authority of the Supreme Court

4 (1) In any proceedings in a prescribed court and in any arbitration proceedings, a claim for the recovery of any debt shall not be defeated by reason only of the debt not being payable without the permission of the Member and of that permission not having been given or having been revoked

(2) No court shall be prescribed for the purpose of this paragraph unless the Member is satisfied that adequate provision has been made therefor by rules of court for the purposes specified under the last preceding paragraph

5 (1) In any bankruptcy, in the winding up of any company or in the administration of the estate of any deceased person (being a bankruptcy, winding up or administration carried on under the law of the Colony), a claim for a sum not payable without the permission of the Member shall, notwithstanding that the permission has not been given or has been revoked, be admitted to proof as if it had been given and had not been revoked

Provided that nothing in this sub-paragraph shall be construed as affecting the application of the provisions of Part II of this Ordinance to payments by any trustee, liquidator, personal representative or other person in any such bankruptcy, winding up or administration

(2) The provisions of this Ordinance restricting the making of settlements shall not apply to any deed of arrangement made for the benefit of creditors generally, and the provisions of sub-paragraph (1) of this paragraph shall apply in relation to proceedings under any deed of arrangement as they apply in relation to proceedings in bankruptcy

6 A debt for the payment of which the permission of the Member is required under this Ordinance shall, if in other respects it complies with the requirements of sub-section (1) of section 6 of the Bankruptcy Ordinance, be allowed to be a good petitioning creditor's debt, notwithstanding the said requirement, if and to the extent that the debt can be satisfied either by a payment into court or by a payment to a blocked account

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Sec 34

FIFTH SCHEDULE

ENFORCEMENT

Part I—General Provisions as to Evidence and Information

1 (1) Without prejudice to any other provisions of this Ordinance, the Member may give to any person in or resident in the Colony directions requiring him, within such time and in such manner as may be specified in the directions, to furnish to them, or to any person designated in the directions as a person authorized to require it, any information in his possession or control which the Member or the person so authorized, as the case may be, may require for the purpose of securing compliance with or detecting evasion of this Ordinance

(2) A person required by any such directions as aforesaid to furnish information shall also produce such books, accounts or other documents (hereafter in this Part of this Schedule referred to as "documents") in his possession or control as may be required for the said purpose by the Member or by the person authorized to require the information, as the case may be

(3) Nothing in the preceding provisions of this paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity

(4) Where a person is convicted for failing to give information or produce documents when required so to do under this paragraph, the court may make an order requiring the offender, within such period as may be specified in the order, to comply with the requirement to give the information or produce the documents

2 (1) If a justice of the peace is satisfied by information on oath given by a person authorized by the Member to act for the purposes of this paragraph either—

(a) that there is reasonable ground for suspecting that an offence against this Ordinance has been or is being committed and that evidence of the commission of the offence is to be found at any premises specified in the information, or in any vehicle, vessel or aircraft so specified, or

(b) that any documents which ought to have been produced under the preceding paragraph and have not been produced are to be found at any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorizing any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft

(2) A person authorized by any such warrant as aforesaid to search any premises or any vehicle vessel or aircraft, may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft as the case may be, and may seize any article found on such person or in the premises or in the vehicle, vessel or aircraft which he has reasonable ground for believing to be evidence of the commission of any offence against this Ordinance or any documents which he has reasonable ground for believing ought to have been produced under the preceding paragraph

Provided that no female shall, in pursuance of any warrant issued under this paragraph, be searched except by a female

(3) Where, by virtue of this paragraph, a person has any power to enter any premises, he may use such force as is reasonably necessary for the purpose of exercising that power

3 (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under or by virtue of this Ordinance or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of an offence against this Ordinance may be retained for a period of three months or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, until the final determination of those proceedings

(2) For the purposes of this paragraph, any person to whom any powers of the competent authority under this Ordinance are delegated or on whom any functions are conferred by or by virtue of this Ordinance, including any police officer, shall be deemed to be an executive authority

(3) For the purposes of this paragraph, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and, if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn

(4) The powers conferred by this paragraph in relation to any article shall be in addition to, and not in derogation of, any powers otherwise exercisable in relation thereto

4 No person in or resident in the Colony shall—

- (a) with intent to evade the provisions of this Ordinance, destroy, mutilate, deface, secrete or remove any documents,
- (b) in furnishing any information for any of the purposes of this Ordinance, make any statement which he knows to be false in a material particular, or recklessly make any statement which is false in a material particular,
- (c) obstruct any person in the exercise of any powers conferred on him by virtue of this Part of this Schedule

Part II—General Provisions as to Offences

1 (1) Any person in or resident in the Colony who contravenes any restriction or requirement imposed by or under this Ordinance, and any such person who conspires or attempts, or aids, abets, counsels or procures any other person, to contravene any such restriction or requirement as aforesaid, shall be guilty of an offence punishable under this Part of this Schedule

Provided that an offence punishable by virtue of Part III of this Schedule shall not be punishable under this Part of this Schedule

(2) Where an offence punishable under this Part of this Schedule has been committed by a body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances

(3) Any person who commits an offence punishable under this Part of this Schedule shall be liable—

(a) on summary conviction by a subordinate court of the first class, to imprisonment for not more than three months or to a fine or to both

(b) on conviction by the Supreme Court, to imprisonment for not more than two years or to a fine or to both,

and where the offence is concerned with any currency, any security, any gold, any goods or any other property, the court may, if it thinks fit so to do, order the currency, security, gold, goods or property to be forfeited

(4) Except in the case of a body corporate convicted on indictment, the maximum fine which may be imposed for an offence punishable under this Part of this Schedule shall be—

(a) on conviction by a subordinate court of the first class, ten thousand shillings, and

(b) on conviction by the Supreme Court, twenty thousand shillings,

so, however, that (in either case) where the offence is concerned with any currency, any security, any payment, any gold, any goods or any other property, and does not consist only of a failure to give information or produce books, accounts or other documents with respect thereto when required so to do under Part I of this Schedule, a larger fine may be imposed not exceeding three times the amount or value of the currency, security, payment, gold, goods or property

2 (1) No proceedings for an offence punishable under this Part of this Schedule shall be instituted, except by or with the consent of the Attorney General

Provided that this sub-paragraph shall not prevent the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence

(2) Proceedings against any person in respect of an offence punishable under this Part of this Schedule may be taken before the appropriate court in the Colony having jurisdiction in the place where that person is for the time being

(3) Any proceedings which may be taken in a subordinate court against any person in respect of any offence punishable under this Part of this Schedule may, notwithstanding anything to the contrary in any law, be taken at any time within twelve months from the date of the commission of the offence or within three months from the date on which evidence sufficient in the opinion of the Member to justify the proceedings comes to the knowledge of the Member, whichever period last expires, or where the person in question was outside the Colony at the date last mentioned, within twelve months from the date of which he first arrives in the Colony thereafter

(4) For the purposes of this paragraph a certificate of the Member as to the date on which such evidence as aforesaid came to the knowledge of the Member shall be conclusive evidence thereof

Part III—Import and Export

1 The enactments relating to customs shall, subject to such modifications, if any, as may be prescribed to adapt them to this Ordinance apply in relation to anything prohibited to be imported or exported by any of the provisions of Part IV of this Ordinance except with the permission of the Member as they apply in relation to goods prohibited to be imported or exported by or under any of the said enactments, and any reference in the said enactments to goods shall be construed as including a reference to anything prohibited to be imported or exported by any of the provisions of the said Part IV except with the permission of the Member

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2 Any declaration required to be given under Part IV of this Ordinance shall, for the purposes of the Customs Management Ordinance be deemed to be a declaration in a matter relating to customs

Cap 261

3 If anything prohibited to be exported by any provision of the said Part IV is exported in contravention thereof, or is brought to a quay or other place, or water-borne, for the purpose of being so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable for an offence to which the Customs Management Ordinance applies

4 Without prejudice to any of the preceding provisions of this Part of this Schedule any person who, on any occasion, is about to leave the Colony or arrives in the Colony (which person is hereafter in this paragraph referred to as "the traveller") shall, if on

that occasion he is required so to do by an officer of Customs or an immigration officer—

- (a) declare whether or not he has with him anything prohibited to be imported or exported by any of the provisions of the said Part IV except with the permission of the Member, and
- (b) produce any such thing as aforesaid which he has with him,

and the officer may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such thing, and, if the officer has reasonable grounds for suspecting that the traveller has about his person any such thing, search him, and may seize anything produced as aforesaid or found upon such examination or search as aforesaid as to which the officer has reasonable ground for suspecting that it is prohibited to be imported or exported by any of the provisions of the said Part IV except with permission of the Member

Provided that no female shall be searched in pursuance of this paragraph except by a female

5 Sub-paragraph (2) of paragraph 1 of Part II of this Schedule shall apply also to offences punishable by virtue of this Part of this Schedule

MEMORANDUM OF OBJECTS AND REASONS

At present the control of currency and foreign exchange is regulated under the Defence (Finance) Regulations, 1939. These Regulations are, however, due to expire on the 10th December, 1950. The currency and exchange position within the sterling area still continues to be such, however, that it is essential for controls to be continued so as to ensure, *inter alia* that—

- (a) all foreign exchange earned by residents within the sterling area (i.e. the scheduled territories), whether as payment for exports, payment for services or as dividends on investments, is actually remitted to the sterling area and thereby made available for meeting the cost of essential foreign payments, and
- (b) that foreign exchange is made available to residents in the sterling area only for essential purposes

2 Since it is apparent that control will be necessary for some years to come it is considered desirable to replace the Defence (Finance) Regulations, 1939, by an Ordinance

3 This Bill, which follows the United Kingdom Exchange Control Act, 1947, very closely, is based on a model Ordinance on which each of the colonies has been requested to frame its exchange control legislation. While the Bill may appear to be rather more elaborate than is absolutely necessary to meet the minimum exchange control requirements of the Colony its provisions are in fact based entirely on the wide and detailed experience of conditions obtaining throughout the sterling area which the United Kingdom authorities have gained in the last decade. Moreover, it is considered important that there should exist in the colonies legislation which is as nearly identical as possible with the United Kingdom legislation since this will prevent the exploitation by persons in other parts of the sterling area of any gaps in local legislation for the purpose of circumventing the exchange control of their own country

4 Further reasons for having virtually identical legislation are that the administration of the Ordinance will be rendered easier in this Territory since the benefit of United Kingdom administrative practice and judicial decisions will be available and applicable. Furthermore it is reassuring and helpful to the mercantile community to know that exchange control in this Colony is legislated for and administered in a manner virtually identical with the United Kingdom practice and procedure. The identity of sectional numbers is particularly helpful in this behalf

5 It is for the reasons indicated in paragraphs 3 and 4 that the Bill departs in some minor respects from the usual form in which Bills are usually drafted in this Colony. It is important to note that the Bill, while more elaborate than the present Regulations, does not of itself provide for any more restrictive control than the Regulations themselves provide. In many respects by making the position absolutely clear the Bill renders compliance with the control easier than do the present Regulations.

It is not expected that any additional expenditure of public moneys will be incurred if the provisions of this Bill become law.

Nairobi,
25th July, 1950

K K O'CONNOR,
Attorney General