



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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

Vol. LV—No. 55

NAIROBI, 24th November, 1953

Price 50 Cents

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The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
*Clerk of the Legislative Council.*

A BILL ENTITLED  
AN ORDINANCE TO ALLOW AND CONFIRM  
CERTAIN EXPENDITURE INCURRED IN THE  
FINANCIAL YEAR 1952

WHEREAS the expenditure of eighteen million eight hundred and fifty-eight thousand six hundred and twenty pounds, nineteen shillings and sixty-five pents, was necessarily incurred during the Financial Year 1952, on certain services, of which the sum of sixteen million three hundred and thirty-six thousand nine hundred and ninety-four pounds was provided in the Appropriation Ordinance, 1951:

No. 72 of 1951

AND WHEREAS it is now necessary to provide a further sum of two million six hundred and thirty-two thousand five hundred and fifty-nine pounds, sixteen shillings and fifty-five cents:

IT IS, THEREFORE, ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Supplementary Short title.  
Appropriation (1952) Ordinance, 1953.

2. The expenditure during the Financial Year 1952 to the amount of two million six hundred and thirty-two thousand five hundred and fifty-nine pounds, sixteen shillings and fifty-five cents, on the several services specified in the Schedule to this Ordinance and not provided for or not fully provided for by the Appropriation Ordinance, 1951, is hereby allowed and confirmed.

Further expenditure for the year 1952 authorized.

No. 72 of 1951.

SCHEDULE

| Head No. | Head  | Amount<br>£ sh. cts. |
|----------|---|----------------------|
| 1—1      | The Governor .. .. .  | 144 14 51            |
| 1—2      | Judicial Department .. .. .   | 16,931 13 06         |
| 1—4      | Audit Department .. .. .  | 2,587 15 48          |
| 2—1      | Central Administration—Secretariat ..                                   | 8,282 6 89           |
| 2—2      | Administration .. .. .  | 66,020 8 99          |
| 2—4      | Public Works Department .. .. .   | 306,075 9 87         |
| 2—5      | Public Works Recurrent .. .. .  | 40,108 18 78         |
| 2—6      | Public Works Non-recurrent .. .. .                                      | 213,160 0 70         |
| 3—2      | Immigration Department .. .. .  | 6,487 14 08          |
| 3—4      | Police .. .. .  | 134,126 14 74        |
| 3—6      | Registrar General's Department .. ..                                    | 2,276 15 26          |
| 4—1      | Accountant General's Department .. ..                                   | 9,244 14 58          |
| 4—2      | Loans from Revenue .. .. .  | 66,575 4 15          |
| 4—3      | Inland Revenue Department .. .. .                                       | 1,311 12 49          |
| 4—4      | Miscellaneous Services .. .. .  | 571,124 1 60         |
| 4—6      | Public Debt (Kenya Share) .. .. .                                       | 8,371 10 14          |
| 4—8      | Subventions .. .. .   | 31,451 17 20         |
| 4—9      | Emergency Expenditure .. .. .   | 750,000 0 00         |
| 5—1      | Office of the Member for Agriculture and Natural Resources .. .. .      | 542 6 06             |
| 5—2      | Services under the Member for Agriculture and Natural Resources .. .. . | 20,579 5 22          |
| 5—3      | Agriculture Department .. .. .  | 14,724 3 38          |
| 5—5      | Game Department .. .. .   | 3,035 5 64           |
| 6—1      | Coast Agency .. .. .  | 283 14 37            |
| 6—3      | Lands Department .. .. .  | 74,361 12 67         |
| 6—4      | Survey Department .. .. .   | 819 3 75             |

## SCHEDULE—(Contd.)

| <i>Head<br/>No.</i> | <i>Head</i>  | <i>Amount<br/>£ sh. cts.</i> |
|---------------------|--|------------------------------|
| 6—5                 | Military .. .. .   | 34,288 15 90                 |
| 6—6                 | Miscellaneous Services .. .. .   | 26,619 2 54                  |
| 6—7                 | Printing and Stationery Department ..                                      | 19,972 5 85                  |
| 7—1                 | Office of the Member for Education, Health<br>and Local Government .. .. . | 21 14 59                     |
| 7—2                 | Services under the Member for Education,<br>Health and Local Government .. | 403 18 84                    |
| 7—4                 | Education Department .. .. .   | 21,662 7 72                  |
| 7—5                 | Government Chemist's Department ..   | 462 11 87                    |
| 7—6                 | Local Government Contributions .. .. .                                     | 27,996 14 15                 |
| 7—7                 | Medical Department .. .. .   | 104,080 16 14                |
| 7—8                 | Town Planning Department .. .. .   | 706 13 48                    |
| 8—1                 | Office of the Member for Commerce and<br>Industry .. .. .                  | 838 9 85                     |
| 8—2                 | Services under the Member for Commerce<br>and Industry .. .. .             | 4,872 15 98                  |
| Part B.             | Contribution to Cost of High Commis-<br>sion Services .. .. .              | 42,006 6 03                  |
|                     |  | <hr/> £2,632,559 16 55 <hr/> |

## MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to legalize expenditure incurred during the year 1952, in excess of that authorized under the Appropriation Ordinance, 1951 (No. 72 of 1951).

Nairobi,  
28th October, 1953.

JOHN WHYATT,  
*Attorney General.*

GOVERNMENT NOTICE No. 1898

The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
*Clerk of the Legislative Council.*

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY AND APPLICATION OF ORDINANCE

- 1—Short title, reservation, commencement and duration.
- 2—Application of Ordinance and interpretation.

PART II—FORFEITURE AND SETTING-APART ORDERS

- 3—Forfeiture and penal setting apart of land and interests in land.
- 4—Effect of forfeiture order and of setting-apart order.
- 5—Interests which may be the subject of a forfeiture order and land which may be the subject of a setting-apart order.
- 6—Description of interests in forfeiture orders and of lands in setting-apart orders.

SECTION

- 7—Subsequent user of land the subject of a setting-apart order.
- 8—Prior consultation by Governor and Provincial Commissioners.
- 9—Offences under this Ordinance.
- 10—Offences to which this Ordinance applies.

PART III—APPEALS AND COMPENSATION

- 11—Establishment of forfeiture. Appeals Tribunal.
- 12—Compensation to innocent persons.
- 13—Jurisdiction of the land.
- 14—Membership of Tribunal.
- 15—Procedure of Tribunal.
- 16—Power to add to jurisdiction of Tribunal.
- 17—Finality of decisions of Governor and Tribunal.
- 18—Revocation of forfeiture orders and setting-apart orders.

**A BILL ENTITLED  
AN ORDINANCE TO MAKE PROVISION FOR THE  
FORFEITURE OF THE LANDS OF PERSONS  
CONVICTED OF CERTAIN OFFENCES AND OF  
PERSONS LEADING OR ORGANIZING ARMED  
OR VIOLENT RESISTANCE AGAINST THE  
FORCES OF LAW AND ORDER, AND FOR THE  
PENAL SETTING APART OF LANDS SITUATE IN  
THE NATIVE LANDS IN WHICH SUCH PERSONS  
HAVE INTERESTS AND FOR MATTERS CON-  
NECTED THEREWITH AND INCIDENTAL  
THERE TO**

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council thereof,  
as follows:—

PART I—PRELIMINARY AND APPLICATION OF ORDINANCE

1. (1) This Ordinance may be cited as the Forfeiture of Lands Ordinance, 1953, and shall be reserved for the signification of Her Majesty's pleasure thereon, and subject to such signification, shall come into force upon such day as the Governor shall by notice in the Gazette declare that Her Majesty's assent has been given thereto.

Short title,  
reservation,  
commencement  
and duration.

(2) This Ordinance shall continue in force until such day as the Governor shall, by proclamation made in exercise of the powers conferred by section 3 of the Emergency Powers Order in Council, 1939, direct that the provisions of Part II of such Order in Council shall cease to have effect in the Colony:

G.N. No. 1102  
of 1952.

Provided that upon the expiry of this Ordinance subsection (3) of section 13 of the Interpretation and General Clauses Ordinance (which relates to the effect of repeals) shall apply as if this Ordinance had been repealed.

Cap. 1.

2. (1) The provisions of this Ordinance shall extend to—  
(a) all lands (including Native Lands) within the Central Province of the Colony; and

Application of  
Ordinance and  
interpretation.

(b) all lands elsewhere in the Colony situate in any Municipality, Township or Urban District.

- Cap. 100. (2) In its application to Native Lands as aforesaid, this Ordinance shall in so far as any of its provisions are inconsistent with any of the provisions of the Native Lands Trust Ordinance be deemed to amend that Ordinance to the extent of such inconsistency. 5
- Cap. 136. (3) For the purposes of this Ordinance—
- Cap. 133. (a) "Municipality" means any municipality established by or under the Municipalities Ordinance;
- (b) "Township" means any area declared or deemed to be declared a township under the Townships Ordinance; 10
- No. 30 of 1952. (c) "Urban District" means any urban district within the meaning of the Local Government (County Councils) Ordinance, 1952.

## PART II—FORFEITURE AND SETTING-APART ORDERS 15

Forfeiture and  
penal setting  
apart of land  
and interests in  
land.

### 3. (1) Where—

- (a) any person is, or has at any time after the 20th day of October, 1952, been, convicted of an offence to which this Ordinance applies; or
- (b) the Governor is satisfied that any person is leading 20  
or organizing, or has, at any time after the date aforesaid, led or organized, armed or violent resistance against the forces of law and order, whether or not he has been apprehended, charged or convicted in respect thereof, 25

the Governor may—

- (i) by order (hereinafter called a forfeiture order) naming such person, declare that any interest which such person has in any land situate outside the Native Lands shall be forfeited to the Crown; 30
- (ii) by order (hereinafter called a setting-apart order), naming such person, declare that any land being land forming part of the Native Lands in which such person has any interest shall be deemed to be set apart as hereafter in this Ordinance provided. 35

(2) Every setting-apart order and every forfeiture order shall be published in the Gazette and shall take effect upon such publication or upon such day as may be specified therein.

Effect of  
forfeiture  
order and  
of setting-apart  
order.

Cap. 160.  
Cap. 155.  
Cap. 159.

4. (1) Forthwith upon a forfeiture order coming into effect the interest which is the subject thereof shall vest in 40  
the Crown without further or other assurance than this Ordinance, and the Registrar of Titles, the Registrar of Crown Lands or the Registrar of Coast Land Titles, according as the title of the land in which such interest subsists is registered under the provisions of the Registration of Titles Ordinance, the Crown Lands Ordinance or the Land Titles Ordinance, shall record against such title an appropriate memorandum recording such vesting. 45

Cap. 100.

(2) Forthwith upon a setting-apart order coming into effect the land which is the subject thereof shall, notwithstanding any requirement of the Native Lands Trust Ordinance relating to the setting apart of land thereunder including any requirement for the payment of compensation to any person, be deemed to have been duly set apart under and in accordance with the provisions of Part III of that Ordinance, 50  
but such land shall, as provided by section 9 of that Ordinance, remain part of the Native Lands; without prejudice to section 7 of this Ordinance, any land in respect of which a setting-apart order is in force may be utilized, dealt with or 55

disposed of for any such purpose or in any such manner as is specified in sections 21, 23 or 24 or Part V of the Native Lands Trust Ordinance. Cap. 100.

5. Subject to the provisions of this Ordinance—

5 (a) a forfeiture order may be made in respect of any interest in land whether such interest be in possession or reversion, vested, contingent or otherwise;

10 (b) a setting-apart order may be made in respect of any land situate within the Native Lands whether the interest in such land of the person named in the order be in possession or reversion, vested, contingent or otherwise and notwithstanding that such interest subsists only by virtue of or under native law or custom.

Interests which may be the subject of a forfeiture order and land which may be the subject of a setting-apart order.

15 6. (1) A forfeiture order shall contain such description of the interest to which it applies and of the land in which the interest subsists as the Governor thinks adequate to describe the same.

Description of interests in forfeiture orders and of lands in setting-apart orders.

20 (2) A setting-apart order shall contain such description of the land to which it applies as the Governor thinks adequate to describe the boundaries and extent of such land.

25 7. (1) Without prejudice to the provisions of sub-section (2) of section 4 of this Ordinance, where any land has been set apart by a setting-apart order the Provincial Commissioner of the Province in which such land is situate may authorize the user thereof for such local or general public purpose or communal purpose as he may think fit

Subsequent user of land the subject of a setting-apart order.

30 (2) The Governor may, by notice in the Gazette, declare what is a local or general public purpose or a communal purpose for the purposes of this Ordinance.

35 8. (1) In exercising any powers conferred upon him by this Ordinance the Governor may consult the Local Board for the district concerned, and for the purpose of such consultation the Local Board may co-opt such, and such number of, additional members as it may think fit.

Prior consultation by Governor and Provincial Commissioners.

40 (2) In exercising the powers conferred upon him by section 7 of this Ordinance the Provincial Commissioner shall consult the Local Board for the district concerned and where any disagreement arises between him and the Local Board as to the exercise of such powers the Provincial Commissioner shall exercise the same in accordance with such directions as may be given by the Governor.

45 (3) For the purposes of this section "Local Board" means the Local Land Board established under section 3 of the Native Lands Trust Ordinance.

Cap. 100.

9. (1) Any person who—

50 (a) knowing that a forfeiture order has been made whereunder the Crown is entitled to immediate occupation of any land, remains in occupation, or enters or re-enters into occupation, thereof or of any part thereof, otherwise than by the authority of the Crown; or

55 (b) knowing that a setting-apart order is in force in respect of any land, remains in occupation, or enters or re-enters into occupation, thereof or of any part thereof, otherwise than by lawful authority granted under the provisions of this Ordinance,

Offences under this Ordinance.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprison-

ment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Any police officer or administrative officer may remove from any land in respect of which a setting-apart order is in force or to which the Crown is entitled to immediate occupation as aforesaid any person who is in occupation thereof or of any part thereof otherwise than by lawful authority or the authority of the Crown as aforesaid and such removal may, if and to such extent as may be necessary, be effected by force, and any buildings or other structures, crops, plants, trees or shrubs being upon or in such land and belonging to such person shall be forfeited to the Crown.

Offences to which this Ordinance applies.

Cap. 27.

10. This Ordinance applies to all offences being offences punishable by law with death or with imprisonment for a term of or exceeding seven years, which are committed in furtherance of the objects of an unlawful society or with a seditious intention within the meaning of the Penal Code.

### PART III—APPEALS AND COMPENSATION

Establishment of Forfeiture Appeals Tribunal.

11. There shall be set up, to exercise the jurisdiction hereafter mentioned in this Ordinance, a Tribunal to be called "the Forfeiture Appeals Tribunal", hereinafter called the Tribunal.

Compensation to innocent persons.

12. Where any person—

(a) not being the person named in a forfeiture order, establishes that he is legally entitled to a share or interest in the interest affected by the order; or

(b) not being the person named in a setting-apart order, establishes that he is legally entitled to a share or interest in the land declared to be set apart thereby,

he shall be entitled to fair and reasonable compensation based upon the market value of the share or interest to which he is entitled as aforesaid.

Jurisdiction of the Tribunal.

13. There shall be referred to and determined by the Tribunal every question or dispute as to—

(a) the nature or extent of any interest affected or alleged to be affected by a forfeiture order;

(b) the boundaries or extent of any land in which any such interest subsists or is alleged to subsist;

(c) whether the person named in a setting-apart order had at the date upon which such order was made or came into effect, any such interest in the land which is the subject of the order as is referred to in paragraph (b) of section 5 of this Ordinance;

(d) the boundaries or extent of any land to which a setting-apart order applies or is alleged to apply or not to apply;

(e) whether any person is entitled to compensation under the provisions of section 12 of this Ordinance;

(f) the amount (if any) of compensation properly payable to any person under the provisions of section 12 of this Ordinance;

(g) any other matter arising out of or in any way attributable to a forfeiture order or a setting-apart order which but for the provisions of this Ordinance would be within the jurisdiction of any court, except the competence of the Governor to decide whether or not a person is such a person as is referred to in paragraph (b) of sub-section (1) of section 3 of this Ordinance.

**14.** (1) The Tribunal shall consist of a President and not less than three other members as the Governor may determine, to be appointed by the Governor.

Membership of  
Tribunal.

(2) The President shall be either a person who has held high judicial office under the Crown (whether in the Colony or not) or a barrister-at-law or solicitor of the United Kingdom of at least seven years' standing or an advocate of at least seven years' standing, and the other members of the Tribunal shall include at least one person who has experience of native law and custom.

(3) In the case of the temporary absence or inability to act of the President, the Governor may appoint another member of the Tribunal to act as deputy for the President, and a member so appointed shall, when so acting have all the functions of the President.

(4) If a member of the Tribunal becomes, in the opinion of the Governor, unfit to continue in the office or incapable of performing his duties, the Governor shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

(5) Subject to the provisions of sub-section (4) of this section, the appointment of a member of the Tribunal shall be for such term as may be determined by the Governor and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Tribunal shall be eligible for reappointment thereto.

**15.** (1) Subject to the provisions of this Ordinance, the jurisdiction of the Tribunal may be exercised by any three or more of its members of whom the President shall be one, and references in this Ordinance to the Tribunal shall be construed accordingly.

Procedure of  
Tribunal.

(2) Where necessary the members who are to sit with the President and deal with any case shall be selected by the President.

(3) Whenever a case is dealt with by the Tribunal—  
(a) the President shall preside at the hearing;  
(b) a decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority and, in the event of an equality of votes, the President shall be entitled to a second or casting vote.

(4) No costs or expenses shall be allowed in any proceedings before the Tribunal.

(5) Subject to the provisions of this Ordinance, the Governor may make rules for regulating proceedings before the Tribunal and may in particular—

(a) make provision—

(i) as to the form in which any decision of the Tribunal is to be given;  
(ii) as to the time within which any proceedings before the Tribunal are to be instituted;  
(iii) as to the evidence which may be required or admitted in any such proceedings;

(b) provide for the Tribunal to sit with assessors when dealing with cases calling for special knowledge.



Power to add  
to jurisdiction  
of Tribunal.

16. (1) The Governor may by order direct that any question or dispute relating to or arising out of a forfeiture order or a setting-apart order other than such a question or dispute as is specified in section 13 of this Ordinance shall be referred to and determined by the Tribunal, and an order made under this sub-section may be made in respect of a particular question or dispute or generally in relation to questions or disputes of a particular class or description. 5

(2) An order may be made under this section notwithstanding that proceedings have been commenced in any court in relation to any question or dispute falling within the scope of the order, and thereupon the court shall order that such proceedings shall determine, without prejudice however to the power of the court to make such order as to the costs of the proceedings already had before it as it shall think just. 10 15

(3) An order made under this section may contain such supplementary and consequential provisions as appear to the Governor to be necessary or expedient, and any such provisions may be revoked or varied by a subsequent order.

(4) Where the Tribunal is exercising or purporting to exercise a jurisdiction conferred upon it by virtue of an order made under this section, the provisions of section 17 of this Ordinance shall have effect with respect to that jurisdiction. 20

Finality of  
decisions of  
Governor and  
Tribunal.

17. (1) Neither the competence of the Governor to decide, as a matter of fact or law, that any person is such a person as is referred to in paragraph (b) of sub-section (1) of section 3 of this Ordinance nor any forfeiture order or setting-apart order made or purporting to be made by the Governor under this Ordinance, shall be questioned by writ of prohibition or certiorari or in any legal proceedings whatsoever in or before any court of the Colony. 25 30

(2) Every decision of the Tribunal made in exercise or purported exercise of its jurisdiction under this Ordinance shall be final both as to fact and to law, and no such decision shall be questioned by writ of prohibition or certiorari or in any legal proceedings whatsoever in or before any court of the Colony. 35

(3) No writ of mandamus or other legal process whatsoever shall issue in any court of the Colony to compel the Governor to revoke or vary any forfeiture order or setting-apart order, whether in exercise of the powers conferred on him by section 18 of this Ordinance or otherwise. 40

Revocation of  
forfeiture orders  
and setting-apart  
orders.

18. (1) The Governor may by order at any time revoke or vary any forfeiture order or setting-apart order:

Provided that the revocation or variation of a forfeiture order or a setting-apart order shall not prejudice or affect anything lawfully done or suffered thereunder prior to such revocation or variation. 45

(2) The Governor may in any order made under this section give such consequential or incidental directions as he may think necessary or expedient, and in particular, without prejudice to the generality of the foregoing, may give directions for securing the repayment to the Government of any expenditure incurred by the Government prior to such order on or in respect of the interest or land to which the order relates. 50 55

## MEMORANDUM OF OBJECTS AND REASONS

The provisions of this Bill extend to all land (including Native Lands) within the Central Province and to all lands elsewhere in the Colony situate within any municipality, township or urban district. The Bill empowers the Governor to make orders (called respectively Forfeiture Orders and Setting-apart Orders) forfeiting land or interests in land of—

- (a) persons who have been convicted of offences to which the Ordinance applies, namely offences punishable with death or with imprisonment for a term of seven years or more and committed in furtherance of the objects of an unlawful society or with a seditious intention; and
- (b) persons who are leaders or organizers of armed or violent resistance against the security forces, whether or not they are at large, charged or convicted (*clause 3*).

The effect of a Forfeiture Order, which is the form of Order affecting an interest in land outside the Native Lands, is to vest the interest in the Crown (*clause 4 (1)*). The effect of a Setting-apart Order, which is the form of Order appropriate to the Native Lands, is that the land is deemed to have been set apart under and in accordance with the Native Lands Trust Ordinance. Land affected by a Setting-apart Order may be utilized for any local or general purpose as defined by the Native Lands Trust Ordinance, or may be made the subject of a lease under Part V of that Ordinance, that is to say, to any person for such terms and subject to such conditions as the Governor may deem expedient, in which event the stand premium, if any, and the rent payable under the lease, would be payable to the African District Council concerned (*clause 4 (2)*).

In addition, land affected by a Setting-apart Order may, on the authority of the Provincial Commissioner, be used for any other local or general or communal purpose (*clause 7*).

*Clause 8* provides that, in exercising their respective powers under the Ordinance, the Governor may consult the Local Land Board for the district concerned, and the Provincial Commissioner shall consult such Board; in the event of any disagreement between the Provincial Commissioner and the Board, the matter will be referred to the Governor.

Under *clause 9* it is an offence for any person to wrongfully enter into or remain in occupation of any land in respect of which a Forfeiture Order or a Setting-apart Order is in force.

Part III of the Bill (*clauses 11 to 18 inclusive*) provides for the setting up of a Forfeiture Appeals Tribunal to determine matters arising out of Forfeiture and Setting-apart Orders and in particular to determine whether compensation is payable to any innocent party.

Under *clause 14* the Tribunal will consist of a Chairman, being either a person who has held high judicial office or who is a barrister, solicitor or advocate of at least seven years' standing, and not less than three other persons, including one person having experience of native law and custom; the appointments will be made by the Governor.

*Clause 17* contains important provisions regarding the exclusion of legal proceedings upon, or upon any matter arising out of, a Forfeiture Order or Setting-apart Order; in particular the competence of the Governor to make such an Order is not to be questioned in any legal proceedings and the decisions of the Appeal Tribunal likewise are to be final.

*Clause 18* deals with the powers of revocation and variation of Forfeiture and Setting-apart Orders and with matters incidental thereto.

No appreciable expenditure of public moneys will be involved if the provisions of this Bill become law.

Nairobi,  
11th November, 1953.

JOHN WHYATT,  
Attorney General.

GOVERNMENT NOTICE No. 1899

The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
Clerk of the Legislative Council.

## ARRANGEMENT OF SECTIONS

## SECTION

- 1—Short title.
- 2—Interpretation.
- 3—Authority to raise the Loan.
- 4—The Loan to be a charge on general revenues and funds of the Colony.
- 5—No other loan to rank in priority to the Loan.
- 6—Application of the Loan.
- 7—Terms and conditions of the Loan.
- 8—Accountant General to keep register of bonds.

## SECTION

- 9—Transfer of bonds.
- 10—Closing of register.
- 11—Appropriation out of the general revenues of sums to meet interest when due.
- 12—No notice of trust to be received or registered.
- 13—Exemption from stamp duty.
- 14—Power to make regulations.
- 15—Provisions of General Loan and Stock Ordinance, 1950, not to apply.

**A BILL ENTITLED  
AN ORDINANCE TO MAKE PROVISION FOR  
BORROWING THE SUM OF TWO MILLION  
POUNDS FROM THE COLONIAL DEVELOP-  
MENT CORPORATION AND FOR THE APPRO-  
PRIATION, APPLICATION AND REPAYMENT  
THEREOF**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Specific Loan (Colonial Development Corporation) Ordinance, 1953.

Interpretation.

2. In this Ordinance—

“Accountant General” means the officer for the time being acting as Accountant General of the Colony; 5

11 and 12  
Geo. 6, c. 15.

“Corporation” means the Colonial Development Corporation established by section 1 of the Overseas Resources Development Act, 1948, of the United Kingdom;

“the Loan” means the moneys authorized by this Ordinance to be borrowed from the Corporation by the 10 Governor;

“Member” means the Member of the Executive Council for the time being responsible for Finance.

Authority to  
raise the Loan.

3. The Governor is hereby authorized to borrow from the Corporation, either at one time or by instalments, the 15 sum of two million pounds.

The Loan to  
be a charge on  
general revenues  
and funds of  
the Colony.

4. The Loan and all interest and other charges thereon are hereby charged upon and shall be payable out of the general revenues and funds of the Colony.

No other loan  
to rank in  
priority to  
the Loan.

5. No other charge on the general revenues and funds 20 of the Colony ranking in priority to the charge created by section 4 of this Ordinance shall be created except with the prior consent of the Corporation:

Provided that nothing in this section contained shall prevent the creation of a charge or charges on the general 25 revenues and funds of the Colony ranking *pari passu* with the charge created by section 4 of this Ordinance.

Application of  
the Loan.  
No. 17 of  
1953.

6. The Loan shall be appropriated to and applied for the purposes of the Housing Ordinance, 1953, and no other purposes.

7. (1) The terms and conditions upon and subject to which the Loan shall be borrowed shall be such as may be agreed between the Member and the Corporation consistently with the provisions of this Ordinance, and such agreement may provide for—

Terms and conditions of the Loan.

10 (a) the creation of and the issue to the Corporation of bonds for securing the Loan, in such form, in such amounts not being less than ten thousand pounds each issued at such times and made subject to such terms and conditions as, subject to the provisions of this Ordinance, may be agreed between the Member and the Corporation; and

(b) the conversion of the said bonds, when required by the Corporation, into stock or other securities.

15 (2) Any such agreement as aforesaid may be executed by the Member on behalf of the Governor.

20 8. (1) The Accountant General shall keep a register in which all bonds issued under the provisions of this Ordinance shall be registered, and in which all transfers, and transmissions thereof shall be registered.

Accountant General to keep register of bonds.

(2) Such register or a copy of any entry therein certified by the Accountant General, or a person nominated by him for the purpose, shall be prima facie evidence of the title of any person to any bond of which he is entered in the register as the holder.

30 9. All bonds issued under the provisions of this Ordinance shall be transferable by an instrument of transfer in a form approved by the Accountant General, and any endorsement upon any such bond purporting to record the transfer or transmission thereof or any dealing therein certified by the Accountant General, or a person nominated by him for the purpose, shall be prima facie evidence of the transfer, transmission or dealing.

Transfer of bonds.

35 10. (1) The Accountant General may, for a period not exceeding fourteen days previous to each payment of interest on any bonds registered under the provisions of this Ordinance, close the register of those bonds as regards transfers upon giving not less than seven days' notice of such closing; such notice shall be published in the Gazette and a newspaper circulating in the Colony.

Closing of register.

(2) The persons who on the day of such closing are registered as bond holders shall, as between themselves and their transferees, be entitled to the interest then next payable on the bonds.

45 11. So long as any portion of the Loan remains outstanding the Governor shall from time to time appropriate out of the general revenues and funds of the Colony such sums as are required to meet all payments becoming due under the terms and conditions of the agreement referred to in section 7 of this Ordinance and shall authorize the Accountant General to make such payments on the days on which the same fall due.

Appropriation out of the general revenues of sums to meet interest when due.

55 12. No notice of any trust in respect of any bond shall be entered in the register or be receivable by the Accountant General.

No notice of trust to be received or registered.

13. No stamp duty shall be payable in respect of any interest, warrant or transfer of a bond.

Exemption from stamp duty.

Power to  
make  
regulations.

**14.** The Governor in Council may make regulations for all or any of the following purposes—

- (a) registering bonds in the register;
- (b) prescribing the persons who may be registered as bond holders; 5
- (c) prescribing the method by which any payment in respect of the bonds shall be made;
- (d) prescribing the method by which bonds may be transferred;
- (e) providing for the registration, payment of interest on, 10  
repayment of principal of, and transfer of bonds in the case of persons who are under legal disability;
- (f) providing for the replacement of bonds lost or destroyed;
- (g) generally for the better carrying out of the provisions 15  
of this Ordinance.

Provisions of  
General Loan  
and Stock  
Ordinance not  
to apply.  
No. 14 of  
1950.

**15.** Notwithstanding anything contained in the General Loan and Stock Ordinance, 1950, the provisions of that Ordinance shall not apply to the Loan or to any such bonds as aforesaid or anything done under this Ordinance.

#### MEMORANDUM OF OBJECTS AND REASONS

This Bill is designed to authorize the raising of a loan of £2,000,000 from the Colonial Development Corporation for the purposes of the Housing Ordinance, 1953.

In *clause 7* provision is made for the issue of bonds to the Corporation and for the conversion of such bonds, when required by the Corporation, into stock or other securities.

Apart from the direct charge to Expenditure of interest and redemption payments and minor charges of administration, it is not expected that any additional expenditure of public moneys will be incurred if the provisions of this Bill become law. A small loss of revenue on account of stamp duty will arise under the provisions of *clause 13* and it is intended that, as in the case of loans raised in the London Market, interest to non-residents will be free of tax.

Nairobi,  
13th November, 1953.

JOHN WHYATT,  
Attorney General.

GOVERNMENT NOTICE No. 1900

The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
Clerk of the Legislative Council.

**A BILL ENTITLED  
AN ORDINANCE TO AMEND THE SPECIAL TAX  
(TEMPORARY PROVISIONS) ORDINANCE, 1953**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Special Tax (Temporary Provisions) (Amendment) Ordinance, 1953, and shall be read and construed as one with the Special Tax (Temporary Provisions) Ordinance, 1953, hereinafter referred to as the principal Ordinance, and shall come into force on the 1st day of January, 1954.

Short title and commencement.

No. 3 of 1953.

2. Section 2 of the principal Ordinance is amended in the following respects—

Amendment of section 2 of the principal Ordinance.

10 (a) by substituting for the definition of "adult male Kikuyu" the following definition—

"adult male Kikuyu" means a male member of the Kikuyu tribe of or over the apparent age of eighteen years;

(b) by deleting the definition of "Kikuyu"; and

15 (c) by inserting next after the definition of "adult male Kikuyu" the following definitions—

"adult male Embu" means a male member of the Embu tribe of or over the apparent age of eighteen years;

20 "adult male Meru" means a male member of the Meru tribe of or over the apparent age of eighteen years.

3. Section 4 of the principal Ordinance is amended by inserting immediately after the word "Kikuyu", appearing therein, a comma and the words ", Meru and Embu".

Amendment of section 4 of the principal Ordinance.

4. Section 5 of the principal Ordinance is amended in the following respects—

Amendment of section 5 of the principal Ordinance.

(a) by substituting for sub-section (1) thereof the following sub-section—

30 (1) Subject to the provisions of section 7 of this Ordinance, the special tax shall be payable to a collector on the 31st day of January in each year at the place appointed for the purpose under the provisions of section 6 of this Ordinance:

35 Provided that, in the case of any adult male Kikuyu, Meru or Embu who is not in a scheduled area on or before the 31st day of January in any year but becomes liable to pay the special tax in that year by reason of the fact that he enters a scheduled area after the aforesaid 31st day of January, the special

tax shall become payable on the date on which such adult male Kikuyu, Meru or Embu so enters a scheduled area as aforesaid.; and

(b) by inserting immediately after the words "special tax due" appearing in sub-section (2) thereof the words "from him". 5

Insertion of new section 8A in the principal Ordinance.

5. There shall be inserted, immediately after section 8 of the principal Ordinance, the following new section—

Exemptions; powers of District Commissioners. Cap. 252.

8A. Without prejudice to the powers of the Governor under the provisions of section 12 of the African Poll Tax Ordinance (incorporated herein), the District Commissioner of any district comprised within a scheduled area may, by notice in the Gazette, exempt from the provisions of this Ordinance, in respect of any year, any specified persons or persons of any specified class or description, and any such class or description may be made ascertainable by reference to the tribe, place of residence, origin or registration under the Registration of Persons Ordinance, age or employment of the persons to whom the exemption is intended to relate. 15 20

Cap. 50.

Amendment of section 9 of the principal Ordinance.

6. Section 9 of the principal Ordinance is amended by inserting immediately after the word "Kikuyu", appearing in paragraph (ii) of the proviso thereto, a comma and the words ", Meru or Embu".

Amendment of the Schedule to the principal Ordinance.

7. The Schedule to the principal Ordinance is amended by substituting for the words "the 31st day of October of the year in which the tax is due" appearing in the second column thereof the words "on or before the date on which the tax is due". 25

#### MEMORANDUM OF OBJECTS AND REASONS

It is considered that in view of the recent serious situation in the Meru and Embu Districts the Special Tax (Temporary Provisions) Ordinance, 1953, should be amended so as to render members of the Meru and Embu tribes, in addition to members of the Kikuyu tribe, liable to payment of the Special Tax in respect of the year 1954, but that, as certain members or sections of these two tribes have not permitted *Mau Mau* infiltration, District Commissioners should be empowered to exempt any such members or sections, in addition to the existing powers of District Officers to exempt individuals.

Clause 3 of the Bill accordingly extends the liability for payment of the Special Tax to every male Meru and Embu in a scheduled area.

Clause 5 empowers District Commissioners of any district comprised within a scheduled area to exempt a section of a tribe or group of persons from payment of the Special Tax.

It is considered that for administrative convenience the Special Tax should become payable on the same date as that on which the African Poll Tax is payable and clauses 4 and 6 of the Bill provide accordingly.

It is not possible to estimate the amount of revenue which will accrue if the provisions of this Bill become law.

Nairobi,  
18th November, 1953.

JOHN WHYATT,  
Attorney General.



GOVERNMENT NOTICE NO. 1901

The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
Clerk of the Legislative Council.

**A BILL ENTITLED  
AN ORDINANCE TO APPLY CERTAIN SUMS OF  
MONEY FOR THE SERVICE OF THE HALF-YEAR  
ENDING THE 30th DAY OF JUNE, 1954**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Appropriation Ordinance, 1953. Short title.

2. The public revenues for the half-year ending the 30th day of June, 1954, and other funds of the Colony are hereby charged towards the service of such half-year with the sum of twelve million four hundred and eighty-one thousand one hundred and five pounds in respect of the Colony and the further sum of three million four hundred and eighty-six thousand seven hundred and eight pounds in respect of the Development Fund. Public Revenue and other funds charged.

3. The moneys granted by the Ordinance shall be applied for the purposes and services specified in the First and Second Schedules to this Ordinance. Application of moneys granted.

4. The Accountant General of the Colony is hereby authorized and required from time to time upon the warrant or order of the Governor to pay out of the revenue and other funds of the Colony for the several services specified in the First and Second Schedules to this Ordinance the said sum of twelve million four hundred and eighty-one thousand one hundred and five pounds and the said further sum of three million four hundred and eighty-six thousand seven hundred and eight pounds which will come in course of payment during the half-year ending the thirtieth day of June one thousand nine hundred and fifty-four. Accountant General's authority for payment.

FIRST SCHEDULE

| Vote No. |  | Amount<br>£ |
|----------|--|-------------|
| 1—1      | The Governor .. .. .                                     | 19,384      |
| 1—2      | Judicial Department .. .. .                              | 100,667     |
| 1—3      | Legislative Council .. .. .                              | 35,165      |
| 1—4      | Audit Department .. .. .                                 | 39,209      |
| 2—1      | Office of the Chief Secretary .. .. .                    | 26,710      |
| 2—2      | Administration .. .. .                                   | 556,799     |
| 2—3      | Department of Information .. .. .                        | 59,397      |
| 2—4      | Police .. .. .   | 889,849     |
| 2—5      | Prisons .. .. .  | 305,785     |
| 2—6      | Office of the Member for African Affairs .. .. .         | 7,248       |
| 2—7      | Registrar of Co-operative Societies .. .. .              | 8,224       |
| 2—8      | Miscellaneous Services .. .. .                           | 3,640       |
| 3—1      | Office of the Member for Legal Affairs .. .. .           | 4,236       |
| 3—2      | Immigration Department .. .. .                           | 27,201      |
| 3—3      | Legal Department .. .. .                                 | 15,365      |
| 3—4      | Registrar General's Department .. .. .                   | 12,029      |
| 4—1      | Office of the Member for Finance and Development .. .. . | 2,206       |
| 4—2      | The Treasury .. .. .                                     | 81,159      |
| 4—3      | Inland Revenue Department .. .. .                        | 36,778      |
| 4—4      | Miscellaneous Services .. .. .                           | 1,110,736   |
| 4—5      | Pensions and Gratuities .. .. .                          | 367,841     |



## FIRST SCHEDULE—(Contd.)

| Vote<br>No.   |  | Amount<br>£        |
|---------------|--|--------------------|
| 4—6           | Public Debt .. .. .  | 735,135            |
| 4—7           | Rent and Interest to H.H. the Sultan of Zanzibar   | 8,000              |
| 4—8           | Price Control .. .. .  | 7,561              |
| 4—9           | Loans from Revenue .. .. .   | 109,750            |
| 4—10          | Public Works Department .. .. .  | 352,617            |
| 4—11          | Public Works Recurent .. .. .  | 658,031            |
| 4—12          | Public Works Non-Recurent .. .. .  | 35,960             |
| 4—13          | Contribution to Emergency Fund .. .. .   | 2,000,000          |
| 5—1           | Office of the Member for Agriculture and Natural<br>Resources .. .. .                        | 10,702             |
| 5—2           | Services Under the Authority of the Member for<br>Agriculture and Natural Resources .. .. .  | 43,682             |
| 5—3           | Agricultural Department .. .. .  | 311,102            |
| 5—4           | Forest Department .. .. .  | 153,322            |
| 5—5           | Game Department .. .. .  | 36,946             |
| 5—6           | Veterinary Services .. .. .  | 246,918            |
| 5—7           | Miscellaneous Services .. .. .   | 49,599             |
| 6—1           | Office of the Member for Education and Labour  | 7,437              |
| 6—2           | Labour Department .. .. .  | 88,309             |
| 6—3           | Coast Agency .. .. .   | 8,984              |
| 6—4           | Education Department .. .. .   | 1,517,298          |
| 6—5           | Military .. .. .   | 354,487            |
| 6—6           | Miscellaneous Services .. .. .   | 43,427             |
| 6—7           | Printing and Stationery .. .. .  | 119,758            |
| 7—1           | Office of the Member for Health, Lands and<br>Local Government .. .. .                       | 9,067              |
| 7—2           | Services Under the Authority of the Member for<br>Health, Lands and Local Government .. .. . | 9,382              |
| 7—3           | Local Government Department .. .. .  | 11,020             |
| 7—4           | Lands Department .. .. .   | 49,775             |
| 7—5           | Government Chemist's Department .. .. .  | 2,938              |
| 7—6           | Local Government Contributions .. .. .   | 395,651            |
| 7—7           | Medical Department .. .. .   | 681,167            |
| 7—8           | Town Planning Department .. .. .   | 4,413              |
| 7—9           | Survey Department .. .. .  | 64,773             |
| 7—10          | Miscellaneous Services .. .. .   | 26,027             |
| 8—1           | Office of the Member for Commerce and Industry   | 8,203              |
| 8—2           | Services Under the Authority of the Member for<br>Commerce and Industry .. .. .              | 31,458             |
| 8—3           | Mines and Geological Department .. .. .  | 25,295             |
| 8—4           | Weights and Measures Department .. .. .  | 7,020              |
| 8—5           | Department of Trade and Supplies .. .. .   | 19,635             |
| 8—6           | Miscellaneous Services .. .. .   | 4,770              |
| 9—1           | Contributions to the Cost of High Commission<br>Services .. .. .                             | 521,858            |
| Total .. .. . |  | <u>£12,481,105</u> |

## SECOND SCHEDULE

|                          |            |
|--------------------------|------------|
| Development Fund .. .. . | £3,486,708 |
|--------------------------|------------|

## MEMORANDUM OF OBJECTS AND REASONS

This Bill will give statutory sanction for public expenditure during the half-year ending 30th June, 1954, on the basis of the Estimates of Expenditure for that period to the extent that they are in due course approved by the Legislative Council.

Nairobi,  
20th November, 1953.

J. WHYATT,  
Attorney General.