

SPECIAL ISSUE



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GAZETTE NOTICE No 1466

The following Despatch which has been received by His Excellency the Governor from the Secretary of State for the Colonies is published for general information —

DESPATCH**Kenya No. 662**

THE COLONIAL OFFICE,
THE CHURCH HOUSE,
GREAT SMITH STREET,
LONDON, S W 1
21st April, 1958

SIR,

In my despatch No 231 of the 10th February I undertook to send you a further despatch covering some of the matters of policy arising from the new constitutional arrangements and modifying where necessary the views expressed in my predecessor's despatches No 587A and 588A (published in Kenya as Supplement No 18 to the Official Gazette on 17th April, 1954) which it would be convenient to revise in the light of developments since April, 1954

2 Turning first of all to the obligations and responsibilities of members of the Council of Ministers, those who accept office will, as at present, be required to accept collective responsibility for Government policy, to support and vote with it in the Legislature, and to support that policy both in public and private. They will also, like their predecessors, be expected to devote all their time to their ministerial work and to dispose of any private interests which might, in the Governor's opinion, conflict with their official duties and obligations. The rules which should govern ministerial conduct, set out in my predecessor's despatch No 588A, remain valid, and you may wish to arrange for them to be republished replacing the term Parliamentary Secretary by Assistant Minister.

3 The special obligations laid upon Ministers by the last two sentences of paragraph 6 of my predecessor's despatch No 587A clearly have to be looked at again.

4 The first obligation, related to my predecessor's statement of policy, has, in some respects, served its purpose. But I have no doubt that before recommending individuals for appointment as Ministers you will satisfy yourself that they are prepared to respect the constitution as now established and to devote their energies, as did former members of the Council of Ministers, to maintaining a framework of law and order throughout Kenya, within which progress can be made towards the broad objectives of

- (i) Building within the British Commonwealth a strong and prosperous Kenya owing loyalty to the British Crown
- (ii) Promoting racial harmony and friendliness and developing opportunities for all loyal subjects, irrespective of race or religion, to advance in accordance with character and ability
- (iii) Securing that individual rights of private property are respected

5 As to the second obligation related to the special rights of racial communities in certain distinct areas, your Government has already considered the report by the Royal Commission on Land and Population in East Africa (Cmd 9475) and made known its views in your despatch No 333, published in Cmd 9801. I consider that these views take a realistic account of the facts, and so form a reasonable basis for future policy in this matter. They were expressed after consideration in the Council of Ministers and the conduct of future Ministers in regard to them will no doubt be conditioned by the obvious requirement that Ministers must retain your confidence and that of their colleagues if they are to remain effective members of a working team. I am confident that it will be your purpose, and that

THE HON SIR EVELYN BARING, G C M G K C V O
GOVERNMENT HOUSE,
NAIROBI, KENYA

of your Ministers, to encourage an attitude to land based on the principles of good husbandry and the most advantageous employment of natural resources, and to promote, in lieu of arguments over racial reservations, a co-operative endeavour to use and conserve the fertile soil of Kenya for the lasting prosperity of all its inhabitants, present and future

6 As is mentioned in paragraph (11) of Cmd 309, the office of Parliamentary Secretary will be changed to that of Assistant Minister. The practical effect of this will be that their Ministers, although remaining solely responsible for their portfolios and for decisions taken in fulfilment of these responsibilities, will associate Assistant Ministers with them in the formulation of policy, either over the whole range or over a part of their duties as they see fit. Assistant Ministers should be selected from Members of the Legislative Council or be appointed thereto as soon after they take office as can conveniently be arranged. Assistant Ministers, in their capacity as Members of the Legislative Council, will be allotted appropriate duties by their Ministers in connection with their Parliamentary work.

7 With the end of the experimental arrangements devised by my predecessor, and the creation of a permanent and enlarged Council of Ministers, I have decided that the Executive Council no longer meets any useful purpose. Accordingly, no provision has been made for the Council in the new constitutional instruments, its functions will be assumed by the Council of Ministers.

8 The Council of Ministers will be composed in accordance with sections 11 and 16 of the Kenya (Constitution) Order in Council, 1958, and on the lines indicated in paragraphs (9) and (10) of Cmd 309. In general I consider that the division of responsibilities as between public service and unofficial Ministers should continue without major alterations, and I should wish to be consulted upon any changes which you consider should be made. As contemplated in paragraph (10) of Cmd 309, however, you may find it expedient to make adjustments in the burden of responsibilities carried by individual Ministers, and in this connection I would observe that, in conformity with section 11 of the Kenya (Constitution) Order in Council, 1958, it is, subject to Her Majesty's instructions, permissible to appoint six, seven or eight Ministers from within the public service, the remaining number of Ministers being appointed from without the public service, in accordance with paragraph (10) of Cmd 309, including four Europeans, two Africans and two Asians.

9 I shall communicate to you separately the names of those persons for whose appointment Her Majesty gives instructions.

10 Finally you will observe that in Part IV of the Kenya (Constitution) Order in Council, 1958, being the part providing for the Council of State, a distinction is in section 56 drawn as regards Consolidated Fund and Appropriation Bills in that the periods during which the Council of State may, if it so decides, intervene in accordance with the procedure prescribed in the Order in Council are appreciably shorter in the case of Consolidated Fund and Appropriation Bills than in the case of other Bills. The reason for this distinction, as for distinctions of a similar nature embodied in sub-section (3) of section 40 (relating to publication of Bills before their introduction in the Legislative Council) and in sub-section (1) of section 41 (relating to the Governor's reserved powers), is that the supply of money necessary to sustain the essential processes of the Government cannot be deferred beyond a certain limit, namely the end of the financial year. The passage of the Consolidated Fund Bills and Appropriation Bills through their decisive stages in the Legislative Council is dependent on, and follows in point of time, examination by the Legislative Council of the estimates of expenditure and the resolutions of the Council in regard to those estimates. In accordance with established practice, this legislative process, in substance, does not reach its conclusion until only a very short period before the end of the financial year, and it is necessary to ensure that its conclusion is not deferred by reason of any intervention by the Council of State beyond the end of the financial year. In view of these factors, peculiar to the case of Consolidated Fund Bills and Appropriation Bills, it has been found that the only practical means of enabling the Council of State to exercise its powers, if it so desires, in respect of such Bills is to curtail the periods during which those powers will be exercisable in these exceptional cases.

I have the honour to be,

Sir,

Your most obedient humble servant,

ALAN LENNOX-BOYD

GAZETTE NOTICE NO 1467

KENYA LEGISLATIVE COUNCIL

ELECTION OF SPECIALLY ELECTED MEMBERS

In pursuance of the provisions of regulation 27 (1) of the Legislative Council (Specially Elected Members) Regulations, 1958, I, Ferdinand William Cavendish-Bentinck, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of St Michael and St George, upon whom has been conferred the decoration of the Military Cross, Speaker of Kenya Legislative Council, hereby declare the following candidates in the election for Specially Elected Members of Legislative Council, held in the Council Chamber of Parliament Buildings, Nairobi on 22nd April, 1958 to be duly elected —

EUROPEAN GROUP

MICHAEL BLUNDELL
 WILFRID BOWEN HAVELOCK
 BRUCE ROY MCKENZIE
 HUMPHREY SLADE

AFRICAN GROUP

MUSA SHIMEJERO AMALEMBA
 JOHN MARK MUCHURA
 NEWLAND GIBSON NGOME
 WANYUTU WAWERU

ARAB AND ASIAN GROUP

Division I—ARAB

MOHAMED ALI SAID EL-MANDRY

Division II—ASIAN OF THE MUSLIM FAITH

IBRAHIM ESMAIL NATHOO

Division III—ASIAN NOT OF THE MUSLIM FAITH

CHUNILAL MADAN
 NAHAR SINGH MANGAT

(Signed) F CAVENDISH-BENTINCK

Speaker

22nd April 1958