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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXIII

1957

FIRST SESSION—THIRD MEETING
8th OCTOBER, 1957, to 10th OCTOBER, 1957

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.):

Nominated Members—Non-Government:

THE HON. THE EARL OF PORTSMOUTH.
THE HON. SIR ALFRED VINCENT.

European Elected Members:

THE HON. R. S. ALEXANDER (Nairobi West).
†THE HON. M. BLUNDELL, M.B.E. (Rift Valley).
†GROUP CAPTAIN THE HON. L. R. BRIGOS (Mount Kenya).
THE HON. W. E. CROSSKILL (Mau).
LT.-COL. THE HON. S. G. GHERSIE, O.B.E. (Nairobi North).
THE HON. N. F. HARRIS (Nairobi South).
†THE HON. W. B. HAVELOCK (Kiambu).
THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).
THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).
THE HON. J. R. MAXWELL, C.M.G. (Trans Nzota).
THE HON. MRS. A. R. SHAW (Nyanza).
THE HON. H. SLADE (Aberdare).
THE HON. C. G. USHER, M.C. (Mombasa).
§MAJOR THE HON. G. A. HEATH (Acing) (Coast).

Asian Elected Members:

THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
†THE HON. C. B. MADAN, Q.C. (Central Electoral Area).
THE HON. N. S. MANGAT, Q.C. (Central Electoral Area).
†THE HON. I. E. NATIHO (West Electoral Area).
THE HON. J. C. M. NAZARETH, Q.C. (Western Electoral Area).
THE HON. A. J. PANDYA (Eastern Electoral Area).

African Elected Members:

THE HON. B. MATE (Central Province).
THE HON. T. J. MBOYA (Nairobi Area).
THE HON. D. T. ARAP MOI (Rift Valley Province).
THE HON. J. M. MUMI (Akamba).
THE HON. M. MULIRO (Nyanza North).
THE HON. R. G. NOALA (Coast Province).
THE HON. A. OGIINGA OGIINGA (Nyanza Central).
THE HON. L. G. OGIUDA (Nyanza South).

Arab Elected Member:

THE HON. SHEIKH MAHMOOD S. MACKAWL.

Arab Representative Member:

†THE HON. SHEIKH MOHAMED ALI SAID EL MANDRY.

Clerk of the Council:

A. W. PURVIS.

Clerk Assistant:
H. THOMAS.

Serjeant-at-Arms:
Major F. W. Horne, M.S.M.

Reporters:

D. BUCK. MRS. I. V. HOLMES. MISS S. A. RIDDICK.
MISS M. M. GARDNER.

Honorary Editor: MRS. J. FRYER.

* Deputy Speaker and Chairman of Committees—also Nominated Member.
† Also included in list of Ministers or list of Parliamentary Secretaries.
‡ Acting in the absence of the Hon. S. V. Cooke.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

ELEVENTH COUNCIL

FIRST SESSION—THIRD MEETING

Tuesday, 8th October, 1957

The Council met at thirty minutes past Two o'clock.

(Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair)

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

George Alexander Heath.

PETITION

A Petition to proceed with the British Standard Portland Cement Company (Bamburi Factory) (Amendment) Bill was read, in accordance with Standing Order No. 97, by the Clerk.

Mr. Deputy Speaker put the question that the promoters be allowed to proceed with the Bill, which was carried *unanimously*.

PAPERS LAID

The following Papers were laid on the Table:—

The Index to the Report of the East African Commission of Inquiry on Income Tax, 1956/57.

The East African Posts and Telecommunications Administration Annual Report, 1956, together with the Report of the Auditor-General, East Africa High Commission Services, on the Appropriation and Operating of Accounts for the year, 1956.

The Department of Immigration Annual Report, 1956.

The Instrument under Clause XXIV of the Royal Instructions (Standing Orders, 1957).

The Immigration (Prescribed Organizations) (Amendment) Regulations, 1957.

(By THE CHIEF SECRETARY (Mr. Turnbull))

The Judicial Department Annual Report, 1955.

(By THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones))

The 1957/58 Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya for the year ending 30th June, 1958. (Passed by the Legislative Council on 21st June, 1957.)

The Development Estimates for the year 1957/58. (Passed by the Legislative Council on 21st June, 1957.)

The Land and Agricultural Bank of Kenya Annual Report, 1956.

The Crown Estates Development Fund.

The Report of the Controller and Auditor-General on the Accounts of the Crown Estates Development Fund for the period ended 31st December, 1956.

The Report of the Estimates Committee. The Price Control (Maize and Malze-meal (Posho)) (Amendment) Order, 1957.

The Price Control (Kitui District) (Amendment) Order, 1957.

- The Price Control (Maize and Maize-meal (Posho)) (Amendment) (No. 2) Order, 1957.
- The Price Control (Moyale District) (Amendment) Order, 1957.
- The Price Control (Maize and Maize-meal (Posho)) (Amendment) (No. 3) Order, 1957.
- The Price Control (Maize and Maize-meal (Posho)) (Amendment) (No. 4) Order, 1957.
- The Price Control (Maize and Maize-meal (Posho)) (Amendment) (No. 5) Order, 1957.
- The Price Control (Uganda Cement) Order, 1957.
- The Price Control (Cement) (Amendment) (No. 2) Order, 1957.
- The Land and Agricultural Bank (Fees) Regulations, 1957.
- The Price Control (Cement) (Amendment) (No. 3) Order, 1957.
- (BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))
- The Registrar of Co-operative Societies Annual Report, 1956.
- The African Affairs Department Annual Report, 1956.
- (BY THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston) on behalf of the Minister for African Affairs (Mr. Windley))
- The Department of Agriculture, Annual Report, 1955, Vol. II, Record of Investigation.
- The Department of Veterinary Services Annual Report, 1956.
- The Agriculture (Advance Against Guaranteed Minimum Return) Rules, 1957.
- The Agriculture (Scheduled Crops) (Prices) (No. 1 Amendment) Order, 1957.
- The Crown Lands (Itembe Land Use) Rules, 1957.
- The Nyanza Province Marketing Board (Movement of Regulated Produce) Rules, 1957.
- The Defence (Controlled Produce) (Amendment) Regulations, 1957.
- (BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))
- The Kenya Regiment (T.F.) Annual Report, 1956.
- The Highway Code of Kenya.
- The Treatment of Offenders Annual Report, 1956.
- The Kenya Police Annual Report, 1956.
- The Compulsory Military Training (Pay, Allowances, Compensation and Entitlements) (Amendment) Regulations, 1957.
- The Traffic (Amendment) (No. 2) Rules, 1957.
- The Kenya Regiment (Territorial Force) (Amendment) (No. 2) Regulations, 1957.
- (BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack))
- The Medical Department Annual Report, 1956.
- The Report of the Social Security Committee.
- The Townships (Inspection of Accounts) Rules, 1957.
- The African District Councils and African Locational Councils (Eligibility of Candidates) Rules, 1957.
- (BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack) on behalf of the Minister for Local Government, Health and Housing (Mr. Havelock))
- The Department of Lands Annual Report, 1956.
- The Education Department Annual Summary, 1956.
- The Survey of Kenya Administration Report, 1956.
- The African Teachers Service (Contributory Pensions Fund) Regulations, 1957.
- (BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Courts))
- The Report on Kenya Fisheries, 1956.
- BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt)
- The Annual Report of the Transport Licensing Board, 1956.
- The Mines and Geological Department Annual Report, 1956.

The Annual Trade Report of Kenya, Uganda and Tanganyika for the year ended 31st December, 1956.

(BY THE CHIEF SECRETARY (Mr. Turnbull) on behalf of the Minister for Commerce and Industry (Mr. Hope-Jones))

The Annual Report of the Ministry of Community Development, 1956.

The Probation Service and Approved Schools Annual Reports, 1956.

(BY THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston))

The Road Authority Annual Report, 1st July, 1955 to 30th June, 1956.

(BY THE MINISTER FOR WORKS (Mr. Nathoo))

The Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1956.

(BY LT.-COL. THE HON. S. G. GHERSH, G.B.E.)

ORAL NOTICES OF MOTION

NEW STANDING ORDERS

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council do adopt the Standing Orders framed and proposed by the Governor's Deputy and attached to the Instrument laid on the Table of this Council on 8th October, 1957.

LAND AND AGRICULTURE BANK—
INTEREST ON LOANS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

THAT, subject to the provisions of the Land and Agriculture Bank Ordinance, the loans made to the Land and Agricultural Bank of Kenya should be irredeemable and that the interest to be charged on the first £750,000 of the Bank's equity capital should be 3 per cent, the interest on the second £750,000 should be 4 per cent and the interest on later loans should be at the prevailing market rates.

(Governor's consent signified.)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 62

MR. ALEXANDER (Nairobi West) asked the Chief Secretary: does Government intend to do anything to relieve the personal financial embarrassment caused to many civil servants by reason of them being required to go on overseas leave at regular intervals?

THE CHIEF SECRETARY (Mr. Turnbull): The Government does not accept the inference contained in the question that many civil servants are caused personal financial embarrassment by being required to proceed on overseas leave at regular intervals. Nor have representations been made by the Service to the Government in this connexion.

In individual cases any officer may, if he so wishes and subject to medical approval, be granted permission to spend his vacation leave locally, or to return to the Colony before the expiry of the leave due to him and to complete his leave locally.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, has the Government sought information from any of the staff associations in this respect?

THE CHIEF SECRETARY (Mr. Turnbull): Sir, the Government very rarely has to seek information from staff associations, it is brought to the Government's knowledge, often very forcibly.

Cries of "Answer".

MR. SLADE (Aberdare): Would the Government please seek the opinion of the Civil Service Association in this matter?

THE CHIEF SECRETARY (Mr. Turnbull): I rather think, Sir, that this is a Whiteley Council matter, nevertheless the Government will be happy to do as the hon. Member suggests.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, without going any further than this Council, are not hon. Members opposite who are civil servants aware of this very embarrassment?

SIR CHARLES MARKHAM (Ukamba): They are all so rich!

THE CHIEF SECRETARY (Mr. Turnbull): Yes, Sir, on occasions.

QUESTION NO. 65

MR. ALEXANDER asked the Chief Secretary what is the estimated total amount for the year to 30th June, 1958, attributable to overseas leave pay for civil servants?

THE CHIEF SECRETARY (Mr. Turnbull): It is regretted that a precise estimate cannot be given without a degree of research which would not, it is felt, be justified. An approximate figure is £700,000.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, is it reasonable to assume that all or most of that money is spent outside Kenya?

THE CHIEF SECRETARY (Mr. Turnbull): Sir, I think I am inhibited under Standing Orders from giving an opinion on that matter. A large proportion, I imagine, would be. The same would apply to money spent outside the Colony by professional men, farmers and bankers.

QUESTION NO. 67

MR. ALEXANDER asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

In respect of the Development Programmes, 1954-57 and 1957-60 what, approximately, is the total amount of money allocated to the Swynnerton Plan which is not directly recoverable from either individuals or organizations and of this sum what are the total amounts derived from loans and annual revenues respectively.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Approximately the total amount of money allocated to the Swynnerton Plan which is not directly recoverable from either individuals or organizations, and of this sum the total amounts derived from loans and annual revenues respectively are:—

	Total allocated to Development Plan	Not directly recoverable from individuals or organizations	Non-recoverable from loans	Non-recoverable from annual revenues
1954-57	£2,963,000	£1,938,000	nil	nil
1957-60	£4,714,000	£2,415,000	£230,000	£158,000

MR. ALEXANDER: Mr. Deputy Speaker, Sir, how do those figures reconcile with the totals that we have been given of £4,400,000 in the first period and £5,500,000 in the second, when a far lesser sum seems to be attributable from either loans or revenue? Where does the rest of the money come from?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I think, Mr. Deputy Speaker, Sir, truthfully, that is another question, but I will attempt to satisfy the hon. Member's curiosity.

In the period 1954-57, £4,010,000 came from the Development Estimates passed by this Council in table four. Three hundred and twenty-four thousand pounds comes from a generous grant from the International Co-operation Administration; £147,000 comes from the Emergency Fund for irrigation and survey and £484,000 loan expenditure from ALDEV. One hundred and twenty-eight thousand pounds comes from Colony loan expenditure.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, why are none of these amounts on a repayment basis?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, the hon. Member is not correct in saying none of these amounts are on a repayment basis. If he will look at the figures which he now has in his possession he will see that a certain element is on a repayment basis. Now there is no predetermined allocation of funds between recoverable and non-recoverable. Our policy is to issue loans rather than grants, whenever a scheme or the African people concerned can afford to pay the charges. Grants are essential, however, for many schemes, as the areas concerned cannot always service a loan and an initial uplift has to be given to the economy of the area to enable them to be in a position to take loans in the future. The greater part of the Swynnerton Plan expenditure is for recurrent expenditure on extension services and research which would not be easily chargeable to loan recovery schemes.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, in respect of those areas

[Mr. Alexander]

where it is not possible for them to start repaying immediately, why is it not possible then to defer repayment for some years before in fact they start repaying the loan?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Briefly, Sir, I think that we have to accept that certain areas are so poor that they are not loan-worthy now or in the future, and we prefer to initiate in those areas expenditure on extension services and research in the hope of raising the basic economy of the areas so that eventually they may become loan-worthy.

MR. SLADE (Aberdare): Mr. Deputy Speaker, is it anticipated that these districts which are going to be helped to this extent are going to remain so poor that they are not loan-worthy? Because, if so, I would like to ask the Minister how he thinks that this money is being spent to any advantage?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I must apologize to the hon. Member; I did not hear the last part of his question.

MR. SLADE: If my understanding was correct, Mr. Deputy Speaker, how does the Minister think that this money is being spent to any advantage?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, the money is being spent to advantage in that by extending the services available to the people, we can raise the basic economy of the area and then achieve a loan-worthy basis in that area.

Have I made myself clear to the hon. Member?

MR. SLADE: I would be grateful if the Minister would make himself clear. I am asking if it is anticipated that these areas will become loan-worthy in the future, is there any difficulty about making the loan repayable in the future?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, is the hon. Member referring

to loans in the future or the loans which were initiated in the first place to make the area loan-worthy?

MR. SLADE: The initial loans, Mr. Deputy Speaker.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, I have no objection to looking at that particular point, but I do feel that, in many of the African areas the districts are so very poverty-stricken that we have got to put some initial impetus in the areas before we can raise the economy sufficiently to make them even look at a loan. We have not only got the whole basis of agricultural economy to deal with but we have also got the fundamental fact that very often we have to make the African people understand that development is an advantage to them. Now we cannot do that by immediately, as it were, placing before them the prospects of heavy loan charges.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, in this maze of figures supplied, is it possible to give us quite simply an approximate figure of what has to be borne by the Colony revenue in repaying loans or money that has gone into these areas and that is not on a repayment basis?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I think, Mr. Deputy Speaker, if the hon. Member will look at the figures I have given him and indulge in some mental arithmetic, he will find the facts for himself.

One other point that I would like to answer is this, that by the general injection of money into the economy of these areas, we should raise the general prosperity of the Colony which will of course assist the revenue generally and thus ease the burden on individual members, such as the hon. Member, opposite. In other words, I think the hon. Member has got two choices: we can either stay where we are without raising the economy of these areas or we can inject money into them, raise the economy and thus get a considerable prosperity flowing right through the Colony. That prosperity should meet the interests and burden of loan charges.

MR. ALEXANDER: Mr. Deputy Speaker, surely that answer only applies if these areas become sufficiently prosperous to become liable to income tax? But from what the Minister said earlier, it seems as though they are going to become sub-economic.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, the hon. Member is not correct in what he has put to me. I did say we should be able to raise the economy of these areas to a state where they can become loan-worthy.

And I would like to draw the hon. Member's attention to the fact that income tax is not the only method of raising revenue.

THE DEPUTY SPEAKER (Mr. Conroy): Order, order. We have got a long way from the original question.

QUESTION No. 68

MR. SLADE asked the Chief Secretary:—

- (1) With reference to the pending inquiry concerning the *Mau Mau* rebellion, will any potential witnesses, now or formerly serving the Crown, be debarred from giving evidence, by reason of the Official Secrets Acts or otherwise?
- (2) Will Government take pains to ensure that the position of all such potential witnesses in this matter is made clear to them?

THE CHIEF SECRETARY (Mr. Turnbull): The answer to the first part of the question is in the negative.

The answer to the second part of the question is in the affirmative.

MR. SLADE: Mr. Deputy Speaker, would the hon. Chief Secretary please indicate what measures Government will take to carry out the second proposal, that is to say, to ensure that the position of potential witnesses in this inquiry is made clear to them.

THE CHIEF SECRETARY (Mr. Turnbull): Any person invited to give evidence to the Commissioner will be informed when the invitation is made to him that he will not be inhibited in what he says by the undertaking under the Official Secrets Acts.

MR. SLADE: Mr. Deputy Speaker, what I had in mind in my question was not merely those who are invited to give evidence but those who volunteer evidence and bring themselves to the notice of the Commissioner.

Would Government take steps to make it known publicly that anyone who thinks he has valuable evidence to offer will not be debarred from giving it merely by virtue of his position as a civil servant.

THE CHIEF SECRETARY (Mr. Turnbull): The Government will be happy to do so.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, will the Chief Secretary give the Council some assurance that this inquiry will be held before all these people qualify for the old-age pension?

MOTION

TRANSFER OF POWERS

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Mr. Deputy Speaker, I beg to move that the Draft Orders cited as the Transfer of Powers (Minister for Community Development) (No. 1) Order, 1957, and the Transfer of Powers (Minister for Community Development) (No. 2) Order, 1957, be approved.

Sir, this is part of a process which has taken place in various ministries in order to facilitate the business of Government. These two Orders delegate to the Minister for Community Development certain powers which were previously exercised either by the Governor or by the Governor in Council of Ministers.

Sir, I beg to move.

SIR CHARLES MARKHAM: Sir, on a point of order, can the Minister talk to a motion of which no notice has been given?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Mr. Deputy Speaker, I think that notice was given on 5th June last session.

THE DEPUTY SPEAKER (Mr. Conroy): My understanding is that notice has already been given of this question.

SIR CHARLES MARKHAM: Thank you, Sir.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones) seconded.

Question proposed.

THE DEPUTY SPEAKER (Mr. Conroy): Before I put the question, I wish to inform the Council that notice of this Motion was given on 5th June.

The question was put and carried.

BILL

FIRST READING

The Mombasa Pipeline Board Bill

(The Minister for Agriculture, Animal Husbandry and Water Resources (Mr. Blundell))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): That completes the business on the Order Paper, and I formally adjourn Council until 2.30 p.m. on Wednesday, 9th October.

The Council rose at Three o'clock p.m.

WRITTEN ANSWER TO QUESTION No. 57

MR. N. F. HARRIS (the Member for Nairobi) to ask the Minister for Internal Security and Defence:—

1. Will the Minister state whether it is a fact that the Panel of the Film Censorship Board recommended the banning of the film *I'll Cry Tomorrow* and issued a certificate to that effect?
2. If the answer to 1 is in the affirmative, did the full Board review the film and confirm the views of the Panel?
3. If the answer to 2 is in the affirmative, how is it that the film has been exhibited to public audiences in the Colony?
4. Is it a fact that the Chairman of the Film Censorship Board notified the proprietors of the Shan Cinema that he would be unable to pass any films for showing in their cinema for two weeks due to the absence of the Deputy Chairman of the Board and if so, why did not the Chairman himself attend, in order to comply with the requirements of the law?
5. Has a permanent Deputy Chairman been appointed to the Film Censorship Board, and if not, will steps be taken to make such an

appointment, as his attendance is necessary, in law, in the absence of the Chairman and if such an appointment is not made, how does the Minister intend to ensure that local cinemas have continuity of censored films?

6. What are the respective salaries and qualifications of a Chairman and of a Deputy Chairman of a Film Censorship Board?

REPLY:—

1. Yes.

2. Yes.

3. An appeal was made to the Governor under rule 13 of the Cinematograph Films Censorship Rules, 1953, and the Governor, after seeing the film, allowed the appeal subject to certain conditions.

4. No. The Deputy Chairman of the Film Censorship Board, who normally undertakes the censorship of films presented by the proprietors of the Shan Cinema, went on local leave on 25th July having satisfied himself that the proprietors of the Shan Cinema had on hand such stock of censored films as would not necessitate further censoring before his return. This was confirmed to the Chairman of the Film Censorship Board by the manager for the film distributors concerned. An arrangement was duly made for the Chairman of the Board himself to undertake censorship at the Shan Cinema on Monday, 12th August, on which date there was one Indian film to be censored.

5. There has been a permanent Deputy Chairman of the Film Censorship Board since 1st January, 1950.

6. The salaries of Chairman and Deputy Chairman are £800 and £600 per annum respectively. No specific qualifications are required by law; candidates for the posts are assessed on their personal characteristics, record and experience, and are expected to have common sense and knowledge of local conditions. The Censorship Board operates on behalf of the Uganda Government also, which contributes half its expenses. The Deputy Chairman is therefore required to have knowledge of Uganda conditions, and a knowledge of Hindustani is regarded as a desirable qualification in view of the need to supervise the censorship of Indian films.

Wednesday, 9th October, 1957

The Council met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Schedule of Write-offs authorized by the Minister for Finance and Development as at 30th August, 1957, for amounts exceeding £250 each.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

ORAL ANSWERS TO QUESTIONS

QUESTION No. 63

MR. R. S. ALEXANDER asked the Minister for Finance and Development in respect of the formula for calculating Kenya's share of the investments in the East African Currency Board, how are the cash reserve holdings of the banks determined and apportioned to each of the territories?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The cash reserve holdings of the banks are determined and apportioned to each of the territories on the basis of the figures supplied quarterly by the banks in each of the territories.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, do such territorial cash holdings by the banks reflect the substantial services performed by Kenya for these other territories; and, if not, is Kenya's legitimate share in the investments of the East African Currency Board thereby reduced?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the figures are supplied quarterly by the banks. The figures generally are published in the banking and public finance section of the Quarterly Economic and Statistical Bulletin. I assume that they do reflect the bank's opinions of the whole.

QUESTION No. 64

MR. R. S. ALEXANDER asked the Minister for Finance and

Development does the formula for calculating Kenya's share of the investments in the East African Currency Board take account of factors other than those already named, viz. exports, the cash reserve holdings of the banks and the populations, and if so what are such other factors and how are they measured?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir, no other factors are taken into account. The second part of the question does not therefore arise.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, why is there no account taken of invisible exports and also calculations of permanent capital transferred to Kenya?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the formula is one which is agreed upon by the various territories in so far as the factors can be calculated. The points raised by the hon. Member are, I think, not agreed as calculable by the people concerned.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, do I understand from that that it is not possible to ascertain the figures of capital permanently imported into Kenya?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I would say that it is not possible perhaps to get the formula agreed, except on any other basis than that which we have arrived at.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, is our Minister for Finance prepared to press upon the other Governments the inclusion of these factors so as to increase our share—our calculation of our share—in the East African Currency Board balances.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The hon. gentleman, Sir, should know that the Minister for Finance does everything he can to protect the interests of Kenya. There are other factors which also arise and which might not be entirely to the advantage of Kenya in the overall transaction.

MR. SLADE: Would the Minister, Mr. Deputy Speaker, give a direct answer to the question. Will he, or will he not, make representations on these lines?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, if the hon. Member for the Aberdeens had listened to what I said he would have seen that I gave a very direct answer to the question.

MR. ALEXANDER: Mr. Deputy Speaker, if our Minister accepts that they cannot be calculated then how is he able to press for the retention of these when accepting a *fait accompli*?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Because, Sir, from time to time, those things which, because of the peculiar nature of the East African set-up, cannot be exactly calculated have to be arrived at by assessment there has to be a measure of agreement and it is not only the factors raised by the hon. Member which have to be taken into account in any settlement.

MOTION

NEW STANDING ORDERS

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, I beg to move that this Council do adopt the Standing Orders framed and proposed by the Governor's Deputy and attached to the Instrument laid on the Table of this Council on 8th October, 1957.

Sir, as hon. Members will recollect, the last revision of Standing Orders took place in 1952. A few amendments were incorporated in 1953 and a few further amendments, following the introduction of the ministerial system of government, in 1954. Since then the need for further amendments has, from time to time, been revealed by our experience in this Council and for the last year or so a sub-committee appointed by a Speaker's Committee has been reviewing the Standing Orders and has produced a comprehensive redraft which has been proposed to this Council for its adoption by the Governor, acting through his Deputy, in accordance with the constitutional requirements.

Before I deal with the redraft itself, I should like—and I feel that this Council will endorse the sentiment—to pay certain tributes to those who have assisted in this exercise. First, I should like to mention the Clerk of the Council who

has served as Secretary to the sub-committee and who was responsible for the detailed research—very extensive research—that was involved, the consultation of precedents and models from elsewhere, the preparation of initial drafts and all the other secretarial work—it was a heavy labour—which the deliberations of the sub-committee entailed. He put many hours of work and study into this undertaking and the sub-committee, and, I feel, the whole Council, would wish to express its appreciation of his services in this regard.

Secondly, we had the very great advantage of discussions with Mr. Lidderdale, the Fourth Clerk at the Table in the House of Commons, who visited us, as hon. Members will recollect, in conjunction with Sir Patrick Spens and Mr. Herbert Morrison, and who devoted a very considerable proportion of his time here to discussing our problems and considering both our existing Standing Orders and the ideas which the sub-committee had tentatively formulated for improving, modifying and amending the text of those Standing Orders. After he had returned to England, Mr. Lidderdale assisted us still further by correspondence with advice and drafts and suggestions, and through him we were able also to draw on the knowledge and experience of Sir Edward Fellowes, the Clerk of the House of Commons. To these two gentlemen also I should like on behalf of the sub-committee, and, I feel, on behalf of this Council too, to express our gratitude and indebtedness.

Now, Sir, in this redraft, we have in some respects moved closer to the procedure of the House of Commons: in others, we have, in fact, moved away from it. We have not blindly adopted United Kingdom form, or precedents, for much of it, being founded in historical origins peculiar to that country would be both inappropriate and unnecessarily complex in our own circumstances. In summary, it is perhaps true to say that we have in fundamental principles founded ourselves on the United Kingdom model which, however, in the detail of form and procedure, we have modified and adapted to our own purposes, on lines indeed similar in many instances to those followed by other legislative bodies elsewhere in the Empire and Commonwealth, from whose comparable

[The Minister for Legal Affairs] regulations we have derived much useful guidance and assistance.

I propose, with that introduction to draw the attention of hon. Members to the matters of major change and importance in the redraft, including perhaps a certain amount of reminder on matters of importance which have not been altered, leaving the minor formal and verbal alterations which have been incorporated in the brief explanations which are contained in the sub-committee's report, copies of which have already been circulated to hon. Members.

Starting to deal, Sir, with the text of the redraft which is in the possession of Members, I would like first to draw attention to paragraph (b) of Standing Order 2 which appears at the top of page 2 of the redraft. This is a new paragraph which by including, in all references to Mr. Speaker or the Chairman of Committees subsequently in the text, by including in such references any other Member for the time being presiding in Council or in Committee of the whole Council as the case may be, avoids the necessity for repetitive and protracted allusions in this regard throughout the text—allusions to Mr. Speaker, or the Chairman of Committees, or the other Member presiding, as the case may be. You will find, Sir, that throughout the text, except in one or two particular instances when there is an especially emphatic distinction, we refer only to Mr. Speaker or to the Chairman of Committees as the case may be. Those references, in effect, include whoever may be presiding, whether in Council or in Committee at the time.

Passing to Standing Order 8, which is the next one which I think calls for any comment, this Order deals with the Chairman of Committees, and it is to the proviso to that Order that I would seek to draw attention. The effect of the proviso is that if it is inconvenient for the Chairman of Committees to preside in Committee, then either Mr. Speaker or some other Member appointed by the senior Minister present would preside. This, as Members will observe, is a very flexible provision and it covers circumstances which experience has shown it is desirable to cover, in which the Chairman of Committees may be required, or it may be convenient, that he should

participate in the proceedings from the Floor of the Council. The proviso will enable him to do so. Mr. Speaker in those circumstances can preside in Committee, but there may be circumstances in which it may be undesirable or inconvenient for Mr. Speaker to preside in Committee, and accordingly, Sir, this new proviso will allow another Member to be nominated to preside.

It will be observed that the nomination of the Member to preside in place of Mr. Speaker or of the Chairman of Committees is to be done by the senior Minister present. This is a convenient expedient and is in line with the most recent amendments to the Royal Instructions. It will have the result, in effect, that the Leader of the House, instead of having to preside himself as the senior Member, will be able to nominate a suitable Member to preside.

The next Standing Order, 9, provides for the hours of meeting. The normal times of meeting to which we have accustomed ourselves—2.30 p.m. on Tuesdays, Wednesdays and Thursdays, and 9.30 a.m. on Fridays—are retained, but in order to avoid the necessity for a Motion for the suspension of Standing Orders—if, for the convenience of Council, we should ever wish to vary those usual times of meeting—provision has been made for Mr. Speaker to vary those times. In practice, the matter will be discussed first in Sessional Committee and Mr. Speaker will then be invited to vary the times in accordance with his powers under the Standing Order.

Paragraph (4) of this Standing Order deals with the Motion on the Adjournment, and Members will observe that provision is made for a Minister to move the Motion on the Adjournment. This is in accordance with the House of Commons' procedure and is founded in the logic that it is the Government which wishes the Council to adjourn, and it is a Member who has a matter to raise who wishes to raise it before the Council adjourns. Accordingly, the Minister will move the adjournment, and thereby present the opportunity to the Member who has been allotted the right to raise his matter on that sitting day to raise it in the course of the debate.

Obviously, the Minister who is concerned, or the Ministers who are concerned, in the matter to be raised will

[The Minister for Legal Affairs] not move the Motion because by so doing he or they, as the case may be, would preclude himself or themselves from speaking again on that Motion, and so some, if I may so put it, neutral Minister—I use the word without any derogation from the principle of collective responsibility—some disinterested Minister will move the Motion and thereby precipitate the debate.

This paragraph, and also the next Standing Order, 10, which deals with the raising of matters on the Motion for the Adjournment, do have the additional underlying purpose of anticipating the possible development, not necessarily a desirable development, but a possible development, whereby there is competition among Members for the right to raise matters on the Adjournment. In such circumstances their competing claims would have to be resolved, as they are in the House of Commons, by the Speaker, by some means—in the House of Commons it is by ballot. It will be observed that the Member wishing to raise a matter on the Adjournment gives notice of it in writing to Mr. Speaker before the sitting at which he wishes to do so, and Mr. Speaker will then allot a sitting day to him to raise that particular matter on the Adjournment. As I say, this would be by balloting, if necessary, or by such other means, allotting the Adjournment Motion on sitting days to Members seeking to raise matters on the Adjournment.

Normally, as hon. Members will be aware, these matters arise when a Member receives an answer to a question which he finds unsatisfactory and he then states that he finds the answer unsatisfactory and proposes to raise the matter on the Adjournment. He will then have to record in writing the matter which he wishes to raise on the Adjournment, deliver it to Mr. Speaker, and it will then be for Mr. Speaker to allocate a sitting day for him to raise that matter. When it comes to that sitting day, the Motion for the Adjournment will be moved by a Minister, and the debate will be launched in that way.

Hon. Members will also observe that in paragraph (1) of Standing Order 10 the matter which can be raised on the Adjournment is "any matter of admini-

stration for which the Government is responsible". Now this phrase derives from various rulings in the House of Commons as to matters which may not be raised on the Adjournment. Matters which may not be raised on the Adjournment include matters which would entail legislation and matters for which there is no Government responsibility. The phrase implies, in effect, that matters of substance should be raised by way of substantive Motions, the Adjournment procedure affording a convenient opportunity for bringing matters of Government administration to the attention of the Government or for criticism of the Government in regard to matters of administration.

In summary, the debate on the Adjournment is the opportunity to raise grievances, and I would, if I may, quote a passage from *Erskine May* which is contained on page 292 of the 15th edition: "Any matter of Government policy can be raised which does not involve legislation, and the opportunity of criticising the administration"—that is the Government—"is regularly used by leaders of the Opposition and by private Members".

Passing now, Sir, to Standing Order 13 which deals with what are known as dilatory Motions—adjournment of debates as distinct from adjournments of Council—Mr. Speaker is given a discretion to refuse to accept a dilatory Motion if he is of the opinion that it is an abuse of the proceedings of the Council. If, for instance, he felt that it were an attempt to deprive a minority group of its right to express its views, he would refuse the Motion. If he felt that it was merely a Motion moved for some personal convenience and for no more compelling reason he might again refuse to accept the Motion. It is convenient, Sir, in dealing with these dilatory Motions to consider what I might describe as the guillotine alternative, namely the closure of a debate as distinct merely from its adjournment. Now, the closure is provided for in Standing Order 64 of this redraft at the top of page 19. Hon. Members will observe that we have in this redraft altered the procedure for closure. Instead of the old Motion "That the question be now put", we have introduced an amended form of Motion,

[The Minister for Legal Affairs]

"That the Mover be now called upon to reply". I think all Members have felt inhibited to a very considerable degree in the past from moving the closure, however justified the excessive length of the debate may have made that procedure; they have felt inhibited because by so doing they would have cut the debate off at that stage, the Mover would have had no opportunity to reply to the debate and Members who had raised various points during the debate would have had no opportunity of hearing the Mover's answer to those points.

Accordingly, the form of closure in future will be to cut short the debate at the stage at which the closure is moved and agreed except only for the right of the Mover to reply if he so wishes.

The next Standing Order to which I wish to invite attention, Sir, is Standing Order 19 on page 8. It will be observed that a change has been made in this Standing Order which provides for the disposal of matters on the Order Paper. The distinction has been drawn between matters which are business and matters which are not business. Now, matters which are not business are the preliminaries which appear on the Order Paper up to and including Questions. Business, in effect, means Motions, whether in Council or Committee. The commencement of business, therefore, is the first Order providing for a Motion or the continuation of a debate on a Motion moved previously. The significance of this distinction lies in those cases in which certain matters of business are given precedence. The most notable example of course is the debate on the Budget and the Estimates. The debate on the Budget Statement, the financial statement, and on the Estimates takes precedence under Standing Orders over all other business, but it does not mean that on the days on which we take Supply in relation to the Budget and Annual Estimates—it does not mean that we cannot have Papers Laid, Notices of Motion, or Questions, because those are all matters other than business, and they precede business on the Order Paper.

One small point also in respect of Standing Order 19, paragraph (2) reflects what we have found to be a desirable expedient, namely, that the

sequence of business on the Order Paper can be varied by Mr. Speaker, again for the convenience of the Council. We have found on occasion that we have wanted to defer a particular Order to the bottom of the Order Paper, say, and we have in fact done it, but there has been no authority for it.

Part VIII, starting on page 8, and comprising Standing Orders 22 to 26, deals with Questions and has been completely rewritten in amplified form for clearer understanding, for information and for guidance.

It follows the practice which has been adopted in several other legislatures of setting out the regulations by which inhibited the asking or answering of questions, rather than that they should be left, as they have very largely in our existing Standing Orders, to unwritten convention. Going through that Part very briefly, it will be observed that Standing Order 22 (2) requires that a Question shall be of a genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action. It shall not be made the pretext for a debate.

Under Standing Order 24, there are a number of rules included. The first is that a Question shall not be in effect a speech, shall not be limited to giving information, or framed so as to suggest its own answer or to convey a particular point of view. It must be interrogative and seeking information. It must be as brief as possible, and the Member asking it must make himself responsible for the facts which he set out in the question. He is not permitted to quote from newspapers or speeches. (Hear, hear.)

Paragraph 4 of that Standing Order says that a Question shall not repeat in substance any Question already answered in the current Session. I would make it clear, however, that where a Question has been answered once in a Session, although that Question in itself cannot be asked again (and there should not be any need for it to be asked again), it would be in order for a Member to put down a subsequent Question asking what progress had been made in regard to the particular matter which had been the subject of the original Question.

[The Minister for Legal Affairs]

Paragraph (8) provides that a Question shall not raise a question of policy too large to be dealt with within the limits of an answer to a Question. I suggest it is worth bearing that in mind, because we have on occasion had very long and involved Questions, and even longer and more involved replies. The whole virtue of Question Time should lie in its brevity and rapid exchanges rather than in interminable expositions by either side.

Paragraph (9) requires that a Question shall not be asked which makes or implies any charge of a personal nature or which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in his official or public capacity. If hon. Members would refer to Standing Order 58, paragraph (1), they will see there set out the persons whose conduct may be challenged only on a substantive Motion, that is to say, the conduct of Her Majesty, members of the Royal Family, the Governor, Judges or other persons performing functions shall not be referred to except upon a specific substantive Motion moved for that purpose.

It is perhaps unnecessary to draw attention to paragraph (12) which states that Questions shall not be asked the answer to which is already available in ordinary works of reference or official publications.

Paragraph (13) requires that a Question shall not ask whether any statement in the Press or of a private individual or unofficial body is accurate. The underlying reason for that rule is of course that questions can only be addressed to Ministers on matters for which there is Government responsibility.

So much then for the rules regarding the asking of Questions. Hon. Members will observe that Standing Order 25 deals with supplementaries, and reaffirms the rule that supplementaries must be addressed to the purpose of elucidating the answer to the original question. A supplementary is not in order which seeks to elucidate the answer given to a previous supplementary. That, I think, Sir, is all that I need draw the attention of the Council specifically to in regard to Part VIII of the draft which deals with Questions.

Passing to Part IX, which deals with Motions and Amendments, I should like to observe in passing that Standing Order 32, which sets out a number of Motions and amendments which may be moved without notice, is not exhaustive. There is provision elsewhere for special Motions to be moved in certain circumstances without notice. It would make the list somewhat complicated and excessively long, perhaps, if any attempt were made to set out every conceivable form of Motion which can be moved without notice when they are expressly provided for elsewhere in the Standing Orders. But this list in Standing Order 32 notes, for convenience the commoner forms of Motion which may be moved without notice.

Coming to Standing Order 33; this Standing Order, as hon. Members will observe, sets out in some detail the manner of debating Motions and amendments thereto, and it has been set out in this amplified form on Mr. Lidderdale's advice, again, so that there may be a ready source of reference for Members on the procedure in regard to Motions and amendments. The main point which hon. Members may care to note is that in paragraph (4) of Standing Order 33, we have abandoned the existing back-handed form of double Motion which is so confusing, the Motion: "That the words proposed to be left out stand part of the Bill or part of the Motion"; we have substituted, strangely enough, the form "That the words proposed to be left out be left out". (Laughter.)

SIR ALFRED VINCENT: (Nominated Member—(Non-Government)): Hurray!

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): This change will absolve hon. Members and perhaps the Chair, from the mental and vocal gymnastics in which they have previously had to indulge. It should be observed that once the Council has resolved not to leave out certain words, no further Motion to leave out those words can be entertained.

Now there is some importance in this because it may well be that two Members have in mind different amendments to the same passage. There is provision in this Standing Order to indicate which should be taken first, but the danger which has got to be borne in mind is

[The Minister for Legal Affairs] that the Member who would move his amendment second must ensure that the Motion "that the words to be left out be left out", when put on the first amendment, is carried; because if that Motion is negatived, the second Member cannot move his amendment, for his amendment would similarly involve the leaving out of those words which the Council would by then have resolved should not be left out. Accordingly, the procedure would be that when Member "A" seeks to amend sub-section 1, he moves his amendment, the question is put "that the words proposed to be left out be left out", and if that Motion is accepted, those words are left out. The next part of Member "A's" amendment would be put, "that the words of the amendment be inserted". If those words are inserted, then the Member "B" with his subsequent amendment to the same passage would be precluded from pursuing it, because the matter would, so to speak, be *res judicata* by the Council. His procedure is to move an amendment to the Question that the words of the amendment be inserted. His procedure would, therefore, be to move that that Motion be amended and that certain other words be inserted.

I see a picture of perplexity on the other side of the Council. I cannot see behind me!

But having completely confused everybody on this particular issue, I will offer myself for personal explanation and advice if ever the matter should arise. I do not think it is anything which can be further clarified on this particular occasion.

It will be noted in Standing Order 33 (2) that amendments representing a direct negative are precluded. The purpose behind this is that a direct negative can be reflected in the voting. That is in fact the purpose and object of the voting and if it were possible to move a direct negative it could very easily be made a device for securing for Members who have already spoken once a second opportunity to speak, which of course would be an abuse of the rules of debate.

Passing to Part X, which deals with divisions, I should like to draw the attention of hon. Members to Standing

Order 40 which deals with the circumstances in which a division can be ordered. It will be observed that there are two sets of circumstances, one when Mr. Speaker considers that there is a reasonable doubt as to the outcome of the vote when a division is claimed, that is the obvious instance in which a division would be necessary. But we have seen fit to include a provision in paragraph (b) of Standing Order 40, whereby a Member can claim a division and if he is supported by five or more other Members in his claim, then Mr. Speaker must accede to the claim, even though there may, in fact, be no doubt of the outcome of the vote or division.

The reasoning behind this provision is that there may be circumstances in which Elected Members are particularly anxious that their vote on a particular subject should be on record—the way in which they have voted. There may be circumstances in which an Elected Member or a number of Elected Members may wish that the votes of other Elected Members should be on record, and in those circumstances, provided there is sufficient support required of five or more Members, any Member will be able to claim a division as of right.

I should, perhaps, observe here that we have omitted from this Part the previous provision for the declaration of pecuniary interests and the inhibitions on speaking and voting which might arise by reason of pecuniary interests. This is very largely because it is not a rule of debate which is really practicable to enforce. It is very difficult to define what is a pecuniary interest which would disqualify a particular Member from voting or speaking, and there are certain matters in which every Member has an interest, for instance, not so very long ago there was a Bill which regulated the salaries and allowances of Members of this Council. Well, obviously every Member had a pecuniary interest—or hoped he was going to have a pecuniary interest—in that matter. Accordingly, as in the House of Commons, we consider that this should be left entirely to convention. It will, in fact, be a matter of conscience for hon. Members to continue to disclose interests which might be thought to influence their views or their voting on the matter in question.

[The Minister for Legal Affairs]

A very small point in passing—in Standing Orders 45 and 46 there is provision covering confusion or error in regard to divisions, contingencies which in our experience have not been entirely unknown.

Part XI, Sir, deals with the rules of debate. It will be observed that in Standing Order 48 we have omitted the present injunction, which is honoured rather in the breach than in the observance, that Members should rise uncovered when speaking. We have, as a concession to some of our Members, altered this to ensure that they shall not be debarred by having a covering, whether it be in the nature of the very smart covering displayed by my hon. friend, or even a toupee. (Laughter.)

Standing Order 52 deals with the question of speaking twice in debate in Council. The proviso is important, and it is in two parts. The first part provides that a Member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he must not introduce new matter. Now this is the provision, Sir, which applies whenever one Member gives way or is invited to give way to another, and a Member who does give way to another is entitled to expect that that other Member wishes to offer an explanation of some material part of his speech which has been misunderstood. Any person who gets another Member to give way and then rises and introduces new argument is in fact abusing this rule of debate and taking advantage of the good nature of the hon. Member who has given way.

The second paragraph of the proviso provides that reply shall be allowed to a Member who has moved a substantive Motion, but it is to be observed that no right of reply attaches to the Mover of an amendment.

In paragraph (2) of Standing Order 52 we have made provision, on the recommendation of the Committee which considered the limitation of debate that the Mover of a substantive Motion, instead of exercising his right of reply himself, may surrender it in favour of another Member, nominated by him, who has not spoken in the debate. The purpose

of this provision is that we should, your sub-committee felt, move towards the procedure which is common in the House of Commons whereby one Member ordinarily opens a debate and another Member winds up—that, indeed, on each side of the House. This provision will facilitate the adoption of that procedure if and when we are ready for it.

Standing Order 55 deals more precisely than hitherto with the inhibition of anticipation and provides that no Member may anticipate the discussion of a Bill which has already been published as such in the *Gazette* and he may not anticipate the discussion of a Motion of which notice has been given, always, however, with this qualification, that it does not amount to anticipation if the subject matter of the Bill or the subject matter of the Motion of which notice has been given is not likely to be brought before the Council within a reasonable time.

Standing Order 60 follows upon the earlier provision in regard to questions and provides that in the course of debate a Member must accept responsibility for the accuracy of any facts which he alleges to be true. If he alleges a fact to be true, he may either be required to substantiate it or if he is not prepared to substantiate it, or does not substantiate it, he may be required to withdraw his allegation.

I would like to draw attention to the point in Standing Order 63 that seconding a Motion by bowing and reserving the right to speak is a facility only open in respect of the seconding of a substantive Motion. It is not available in seconding an amendment. The reason for that is quite logical because the person who moves or seconds an amendment of a Motion in Council must necessarily be speaking to the question which is before the Council. The question before the Council is the main Motion, therefore neither the Mover nor the Seconder can expect to reserve their right to speak again on that main Motion.

Part XII as it is at present numbered on page 19, will be renumbered when the *redraft* is printed finally, it will be renumbered XII and 64, Standing Order 64A will become 65. This Part has been

[The Minister for Legal Affairs] introduced as a result of recommendations made by a committee appointed by the Sessional Committee to consider the whole question of limitation of debate. The provision which it incorporates is that if a debate is to be limited it should be limited by a Motion moved on the recommendation of the Sessional Committee for limitation in one or both of two ways, either the allocation of a block period of time for the debate and/or a limitation on individual speeches. There will be some renumbering. Sir, of subsequent Parts of the Standing Orders and of Standing Orders 65 and 66, which will become 66 and 67, and the present Standing Orders 67 and 68, which will be combined in one Standing Order 68 to avoid renumbering right through the remainder of the Standing Orders.

Standing Order 73 provides in greater detail, and we hope with greater clarity than hitherto, for the procedure of naming in the enforcement of order. It will be observed that when a Member has been named, then a Motion is made by the senior Minister present that such Member be suspended from the service of the Council. That Motion is made automatically by the Leader of the House if he is present and it is put without amendment, adjournment or debate.

Part XIII, dealing with public Bills, has been substantially reproduced from the existing Standing Orders, but it does provide for the expeditious passage of Appropriation Bills and Consolidation Fund Bills which have, of course, always been considered in Supply. It also provides that there shall not, in future, be the necessity for a formal Motion on First Readings. First Readings will be taken as soon as the order for First Reading is read. There will be no necessity for a Motion.

Now, the introduction of a Bill—perhaps it is as well that we should realize this—is not the first reading of a Bill. The introduction under Standing Order 79 is the handing of sufficient numbers of copies of the Bill to the Clerk for distribution to Members. This is a slight departure from the existing procedure. Where a Bill is introduced by any Member other than a Minister, he must first move a Motion requesting leave to introduce it.

Standing Order 89—a small procedural alteration has been included in that it provides for taking in Committee the clause providing for the short title of a Bill last. We have on occasion come up against the difficulty that, having amended a Bill, we have had to recommit it to vary its short title appropriately in accordance with the amendments.

Members wishing to move amendments at the Committee stage of a Bill will in future have to give notice before the commencement of the day's sitting at which the Committee stage is taken. If they do not give notice to the clerk before the commencement—that is to say, for to-day's sitting they would have had to have given notice before 2.30—the only person who can move any amendment without such notice is the Member in charge of the Bill. The purpose of this provision is that there should not be the opportunity for sudden and snap amendments to be pressed on the Member in charge of the Bill and possibly adopted by the Council without the opportunity of due consideration. If, however, any Member has a last minute amendment and can persuade the Member in charge of the Bill to accept it, then it can be accepted by the Member in charge of the Bill who can adopt it and move it himself.

On the financial provisions of the Standing Orders, the only point which I think it is necessary to bring to the attention of the Council is in Standing Order 109 which provides that both the Annual Estimates and the Financial Statement shall be delivered before 31st day of May. This is to facilitate the simultaneous presentation of Budgets in the three East African territories and the intention is that, as was done this year, the Estimates will be laid and distributed to Members in advance of the Financial Statement and Budget debate.

The next part deals with select committees. The only one in future which will have to be nominated by the Council at the commencement of every session is the Sessional Committee. All other select committees, including the Estimates Committee and the Public Accounts Committee, will be nominated by the Sessional Committee.

It will be observed in Standing Order 120, which provides for the Public Accounts Committee, that the Chairman

[The Minister for Legal Affairs] and the majority of the members are to be Members who are not of the Government side of the Council. It may be that in due course we shall move to the practice of the House of Commons whereby all select committees, including the Public Accounts Committee, reflect the respective voting strengths of the two sides of the House. For the moment, however, it is felt that this present provision is appropriate to our circumstances.

It will be observed that in paragraph (4) of Standing Order 120, the matter is left open whether or not the report of the Public Accounts Committee is debated and adopted or whether any alternative procedure is followed in regard to it. It was the view of the sub-committee and, I think, of the Sessional Committee, generally, subject to any views which the hon. Chairman of the Public Accounts Committee might have, that ordinarily to debate in a single debate a report covering as catholic a field as the whole field of Government finance, which the report of the Public Accounts Committee does cover, would perhaps not serve as useful a purpose as if the report, being laid, were either noted or perhaps not even debated at all as a whole, but leaving individual Members to raise particular points arising in the report when the customary Treasury minute on the report has been delivered to the Public Accounts Committee and made known to the Council. But as it stands the Standing Order is flexible and would permit of either procedure being followed.

The procedure in select committees is required by Standing Order 128 to become as nearly as possible the same as that in Committee of the whole Council, but it does not necessarily mean that we should move to complete formality as in Committee of the whole Council; it does mean that in essence the procedure as in Committee of the whole Council, will be followed and that the minutes of select committees will be in the form of Votes and Proceedings. Where there is a Vote on a particular matter arising, if it is not unanimous, the names of the Members voting and the way in which they Vote will be recorded. This is, perhaps, important because the report of the select committee will be signed by only one

person—the chairman or—failing him some other member deputed by the select committee to sign it on behalf of the select committee. There is in fact, and will be, no such thing as a minority report of a select committee. The report is the report of the select committee which even if not unanimous is nevertheless the report of the select committee, and the Votes and Proceedings will indicate any division of opinion. Such matters as are put to the Vote and not decided unanimously will be recorded, together with the voting, the names of the Members voting, and the manner in which they voted, in the minutes.

Sir, I think there is only one last point to draw the attention of hon. Members to and that is in the last Standing Order of all—142—which provides that these new Standing Orders will come into force on the 22nd day of October, that is to say, this month. The purpose is that if they are adopted they will then come into force immediately before the new Session and will govern our procedure and deliberations in the new Session.

Mr. Deputy Speaker, Sir, I have been, I fear, somewhat lengthy on this matter, but I did not wish that these new Standing Orders should be presented to the Council without reference to matters of major change and matters which I believe to be of some importance to hon. Members when they are considering this draft.

Sir, I beg to move.

THE CHIEF SECRETARY (Mr. Turnbull) seconded.

Question proposed.

LT.-COL. GUERASIG (Nairobi North): Mr. Deputy Speaker, Sir, I would like a little clarification on what the hon. Minister said a moment ago in respect of the Public Accounts Committee. Am I to understand, Sir, that if these Standing Orders are adopted to-day, I would be debarred as Chairman of the Public Accounts Committee in giving notice of a Motion or moving a Motion that that Committee's Report be adopted? The hon. Member did point out that the proper procedure would be to await the Treasury Memorandum on the Public Accounts Committee Report. Well, Sir, I submit that the Treasury Memorandum is

[Lt.-Col. Gheris]

usually appended to the Public Accounts Committee Report but refers to the Public Accounts Report for the previous year. I do believe that it would have the effect of delaying the Public Accounts Committee's Report and it would lose its usefulness. If I may just illustrate with an example, we are now at the stage, Sir, where last April we took evidence on the Controller and Auditor-General's Report on the Accounts of the Colony for the year ended 31st June, 1956. We are now in October, Sir, and yesterday I tabled the Report of the Public Accounts Committee and if we have to await the Treasury Memorandum, which might be out six months hence, we are almost two years behind the actual date of the Colony's accounts on which we are reporting. I do submit, Sir, that the whole value of the Public Accounts Committee Report will be lost as it will be so out of date and half the recommendations, or their criticisms, anyhow, will be past history.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, Sir, I do not want to make a speech of this, could I ask you for a ruling, Sir? There are a lot of very minor questions I would like to ask the Attorney-General, Sir, on these: Could we not go into Committee for these, Sir? Otherwise it does seem to be very much a limitation on the debate on a matter so important to our future conduct in this Council.

THE DEPUTY SPEAKER: We may go into Committee but there must be a Motion that Mr. Speaker do now leave the Chair. The Motion before the house is that on the Order Paper; if the Council wishes to go into Committee the Motion will have to be amended to, "That Mr. Speaker do now leave the Chair". If the Council does not wish to go into Committee then I am sure the Attorney-General will be happy to answer any question which you may wish to ask him. (Attorney-General indicated assent.)

MR. SLADE: Mr. Deputy Speaker, I have got nothing to add to the illuminating speech made by the hon. Attorney-General, except that I did not hear among the people to whom he paid tribute mention of the Government Printer. Certainly one ought to recog-

nize the work he did on this and the trouble to which he was put. I know he had to make a good many editions on very short notice and he has done this work extremely well.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, on clause 109, I am wondering whether the Attorney-General would accept an amendment there. I have not got the wording of it, if I give him the idea, perhaps he can guide me, Mr. Deputy Speaker. It is this, the clause at the moment reads: "The Annual Estimates shall be laid on the Table of the Council and the Financial Statement thereon shall be delivered not later than the last day of May".

You may remember, Sir, that when dealing with the Budget debate I did question the necessity of having the economic and financial review presented verbally to us in this Council and I asked whether it was not possible to have this printed and delivered to us before Budget Day so that the Budget Speech, in fact, merely becomes what we all want to hear, and that is the Minister for Finance's proposals for changes in taxation. This year, for example, I think, if I remember rightly, the Budget Speech lasted nearly two hours, ten minutes of which were the actual Budget proposals, the rest of it we could have had printed and we could have read it at our leisure. It was quite impossible to sit and listen to this mass of figures and statistics that were quoted to us. I am sure it is no pleasure to anybody to listen to.

SIR ALFRED VINCENT: Mr. Deputy Speaker, Sir, I would like to support my hon. friend, the Chairman of the Public Accounts Committee. Of course, it does depend upon what value the Government puts on the deliberations of the Public Accounts Committee. I regard it as of the utmost importance, and I know of the tremendous amount of work involved in being a member of the Public Accounts Committee of this Council. Now, if the valuable work that they do is merely going to be just "one of these things" and passed over, and when they go to the greatest trouble to take and report evidence and to try to save money—the public money—then I do not think that we need a Public Accounts Committee.

[Sir Alfred Vincent]

I do feel that it is quite wrong that the Public Accounts Committee Report should be merely noted. I believe that the Public Accounts Committee Report needs action; as is taken in another place—where I am chairman of three—action is taken immediately that report is issued, Sir. And then, when the Public Accounts Committee Report comes before us we are told what action has been taken. But if we are not going to be allowed really to discuss the fundamentals and the difficulties and the problems which have arisen during any particular financial year then I would say that the value of the work of the Public Accounts Committee entirely disappears. I shall be very sorry to see that happen, Sir, because they have a very great duty to perform. It is quite impossible for the ordinary Government machine to do what the Public Accounts Committee does. But if we are going to regard it as being of little value then I am surprised at any hon. Member, on this side of Council at any rate, taking the trouble to be a member of it.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Deputy Speaker, Sir, let me say at the very outset of this reply that the Government attaches the greatest possible importance to the Public Accounts Committee's investigations and report. Nothing which I said in moving this Motion should be thought to detract in any way from that view. The Government view is indeed that the Public Accounts Committee is probably the most important committee of this Council. It was in no sense to derogate from the value of the Public Accounts Committee, or to suggest any procedure which would reduce the benefit which we and the country and the Government derive from the Public Accounts Committee's investigations and report, no motive that we should reduce that benefit, that I suggested certain modifications in the procedure which we have followed hitherto. Those suggestions were indeed made so that we might derive an even greater benefit from the Public Accounts Committee—a more precise examination by this Council of the points raised by the Public Accounts Committee. That was why I suggested in moving that a single debate on a report

which covers the whole field of Government finance, unless that debate were to go on almost interminably, is not really appropriate because the real importance of the Public Accounts Committee's Report lies in the particular points to which it draws attention. There is not necessarily any single theme running through the Public Accounts Committee's Report; and the procedure which I suggested is in fact the procedure which is followed in the House of Commons with the Public Accounts Committee in England. There is no suggestion that the House of Commons in any way belittles the value of the Public Accounts Committee or its investigations or its report—none whatsoever; but the view is taken in the United Kingdom that it is not, being so wide and catholic a report, susceptible of a single debate. Accordingly in England it is merely laid on the Table, and then when the Treasury Memorandum is presented—

LT.-COL. GHERIS: Two years later!

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): A year later, probably.

When it is presented, the Government answer to the various points raised is with the Public Accounts Committee. It is then open to any Member to raise a Motion on any particular point or points he wishes to: because speaking generally—and this may not apply in every instance (but I think it will apply in a good many instances, as I think my hon. friend will agree)—if when the Public Accounts Committee's Report is laid, it is followed by a debate for its adoption before the Treasury Memorandum has been prepared, then the Government is not in a position to deal with the points raised, because the procedure for the Treasury Memorandum is the procedure for examination and consideration of the points raised in the Public Accounts Committee's Report.

Now, I do suggest to my hon. friend—and of course it is always open to him or anyone else to raise a debate for the adoption of the Public Accounts Committee's Report; and nobody is attempting to deny him or any other Member that right—that it might be of considerably more value that debates—if necessary, a succession of debates—on matters

[The Minister for Legal Affairs] raised in the Public Accounts Committee Report should be directed to particular matters of importance arising from that report and especially after those points have had the detailed and deliberate consideration of the Government; and this can only be after the Treasury Memorandum has been prepared.

As I say, neither I, the Sessional Committee, nor the sub-committee which framed this redraft of Standing Orders, wish to be pedantic in any sense on this subject. We merely put forward the ideas and it is for this Council to decide what procedure it wishes to adopt—always with this qualification that it is open to any Member to give notice of a Motion to adopt, to note, or to reject the report of the Public Accounts Committee, or any other report; and there is nothing in these Standing Orders which affects that position in any way at all.

LT.-COL. GUIERSIE: The Treasury Memorandum is submitted to the Public Accounts Committee.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): I think perhaps that the hon. Member and I might continue this discussion at another time and in another place. But what I did want to make clear in my reply, both in reply to his points and to the points made by the hon. Corporate Member, was that these suggestions have been put forward in good faith with a view to taking the maximum possible advantage and benefit from the investigations and the report of the Public Accounts Committee, and in no sense to attempt to pigeon-hole its report or put it one side or belittle it in any way, because, as I have said, the Government attaches the greatest possible importance to this particular activity of this Council and of that particular Committee.

I am very grateful to my hon. friend the Member for Aberdare for reminding me of the very willing and ready and excellent assistance of the Government Printer in producing this redraft. He has, poor fellow, had a great burden to carry in the form of constant amendments of his proofs and of requests for the almost impossible task of producing new proofs and prints "by yesterday". I might add that this point had not entirely

escaped me because it had been raised in the Sessional Committee and the expression of our appreciation was not only recorded by the Sessional Committee but was to be conveyed to the Government Printer.

The only other point with which I have to deal is the point which was raised by the hon. Member from Nairobi West in regard to Standing Order 109. The point which he raised does not in fact require any amendment of the Standing Order. All the Standing Order requires is that the Financial Statement shall be delivered by 31st May. It does not in any way deal with the content of the Financial Statement. If, therefore, he wishes the length or the subject-matter of the Financial Statement to be curtailed it is a matter which he will have to sell to my hon. friend the Minister for Finance. Or, if he wishes some other form of procedure to be adopted then that alternative procedure could be adopted under the existing terms of the Standing Order.

Sir, I beg to move.

The question was put and carried.

BILL

SECOND READING

The Mombasa Pipeline Board Bill Order for Second Reading read.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, I beg to move that the Mombasa Pipeline Board Bill be read a second time.

Mr. Deputy Speaker, it was decided in 1951 that it was best for the administration of the bulk supply of water to Mombasa to set up a statutory Board on the lines of the English Water Board which acts in a similar capacity in the United Kingdom. The scheme envisages eventually the construction of two pipelines and the first of these pipelines was completed in April, 1956. The second is scheduled, according to the development needs, to be started in some ten to twelve years' time.

The pipeline now constructed is capable of supplying up to 8,000,000 gallons a day and it is intended that the second should have a similar capacity.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

These pipelines, together with the earlier water supply already in existence, should then cater for the needs of Mombasa for upwards of the next 30 years, as far as we can see at the present time.

The Government felt that it was better for the day-to-day administration of the pipeline to be dealt with by a Board, particularly in view of the amount of money borrowed from other than Government sources, and the future potential development with the consequential further necessity to raise capital which may fall upon us in the future.

It was intended originally, I think, that the Water Pipeline Board should also act as a water undertaker, but there is no intention that it should do so at the moment as the reticulation system of Mombasa itself is highly complicated; but provision is in the Ordinance for the Board to apply to undertake the responsibilities of water undertaking if it so wishes.

That, Sir, really is the origin of the Bill and I would like now to turn to various clauses in the Bill and draw hon. Members' attention to them. I do not intend, Mr. Deputy Speaker, to touch upon them all but only to draw attention to those to which I think special notice needs to be made.

Clause 5 (2). One object, Sir, is the transfer of property to the Board; and another object in permitting the Minister to designate the contracts made by or on behalf of the Government is to allow me as the Minister to hand over to the Board clear cut responsibilities in regard to the pipeline and not to burden the Board with various outstanding claims which may remain from contractors due to, for instance, variations in contract during the building period.

There has been, Sir, some question on clause 5 (3) (a) as to whether the Board can accept that the Minister should ask for payment in this manner. We consider that if the Board accumulates funds in any way it should be advantageous for the Minister to be able to require the Board to repay part or all of the capital cost of the undertaking within a given time. In any event the clause 5 (4) pro-

vides a certain amount of flexibility in this matter.

Clause 5 (3) (b) provides for repayment of the money Government has put into this scheme—that is, it lays down the form in which the Board shall repay money which the Government has put into the scheme; and in particular it puts forward that all the money invested, together with any part of the loans provided by other than Government sources and which the Government has already repaid, may be returned to the Government.

Under the section dealing with finances, Mr. Deputy Speaker, I would like to draw hon. Members' attention to clause 8 (1)—charges for water. The Government considered that it would be wise to publish the bulk rate for water. We also consider that by controlling the charges it will be possible for the Government to control the amount of money laid aside in the reserve and similar funds. That is important because a decision on those matters must affect the water rate charged to the consumers in Mombasa. The Government feels that those powers should be subject to the approval of the Minister. It is intended by us, Sir, to ensure as far as possible that any profits accumulated shall be used in order to restrict the water rate to the minimum.

Clause 8 (2) allows concessional rates in certain specific circumstances to be applied.

Clause 13, Sir, is the next clause to which I should like to draw the attention of hon. Members. I shall be moving in the Committee stage amendments to this clause to show more clearly the date and timing of the handing over of the accounts to the auditor and their presentation in the Council. I apologize to hon. Members for moving this amendment after the publication of the Bill, but the Auditor-General has put forward these suggestions, and I think they are wise ones. In order to ensure that there should be only a reasonable time between the submission of the accounts to the Auditor-General and the laying of the accounts in Legislative Council.

Clause 14, by stating that the functions of the Board are public functions enables the Board to have the power to acquire land compulsorily in accordance with the law in force for the time being.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

I think this is a necessary provision for the Board if it is going to develop and expand and properly use the potential available to that area if water is supplied properly.

In the Schedule, Mr. Deputy Speaker, I would like to draw hon. Members' attention to the composition of the Board. The composition of the Board is a chairman and eight members who shall be appointed by the Governor in Council. Now, Sir, we have specifically refrained from designating the individual persons who shall be appointed to the Board. We should certainly as a Government wish to appoint three members who would represent the East African Railways and Harbours who have a considerable financial interest in the Board, the Government of Uganda who have expressed a wish to be associated with the work of the Board in view of their contribution to the capital fund, and the Mombasa Municipal Board which has been the party mainly interested in the reticulation and which must have representation on the Board. That would leave five members and it would be my intention to put to the Governor in Council the persons who were really competent in the administrative, financial and technical fields to advise on the best working of the Board, both from the point of view of daily running, from the point of view of technical expansion in the future and from the point of view of satisfying the debenture holders who have invested money in the scheme. In selecting those persons, Sir, it would be my view that we should try to cover, as far as possible, persons who have had experience in these fields—the field of Government because we have a considerable amount of money invested in the scheme, the commercial field because much of the lifeblood of the Colony depends upon the Port of Mombasa, the agricultural field because of the importance of water to agriculture, and financial interests generally, together with the interests of the Colony as a whole.

We have, as a Government, rejected the thought here that, in a Board of this sort which is mainly set up to administer close to £5,000,000 of money invested in the best interests of the people and the Port of Mombasa, and the Colony, they

should be specifically put there for sectional or representational reasons. As I say, I want to find people who are competent to do the job to the best of their ability and to the satisfaction of the people of the country.

I do not think, Mr. Deputy Speaker, that there is anything more to which I need to refer; and I beg to move the Bill.

THE MINISTER FOR WORKS (Mr. Nathoo) seconded.

Question proposed.

MAJOR HEATH (Acting Member for the Coast): Mr. Deputy Speaker, Sir, I notice in Gazette Notice No. 3287 that it is intended from 1st October to raise the water rates of Mombasa.

Now, Sir, for those who do not know Mombasa as well as I do—it is very much like coming to Nairobi after having been away for two years to see the enormous number of buildings going up and the expansion in the industrial areas; and the same applies to Mombasa. What I am perturbed at is surely the consumption of water should go up with the buildings and facilities which have gone up, and the industrial areas.

Sir, I feel that north of Mombasa, extending for 35 miles, we have an area there on the coast which is very little developed and that is chiefly due to water scarcity. I have been informed from fairly good sources that the Mzima-Mombasa pipeline could be tapped somewhere west of Mombasa; and that could be tapped to provide water for the area that I am talking about without endangering the present supplies of Mombasa.

Now, in that coastal area, we have something like eight hotels which provide for tourists and also up-country people who want to come down and stay at the coast (as they cannot afford to go home); and some of these hotels through lack of water facilities are not able to provide waterborne sanitation which is so necessary these days. Incidentally in that area we have the Bamburi Cement Works; we have large residential areas being built up; we have industries that are likely to be built in the very near future; and then we have sisal plantations which are probably the finest in

[Major Heath]

East Africa. All these require water in a big way; and I can assure you that the members of the various associations have already submitted to their associations requests for water to be provided.

Now, Sir, I think this is a scheme which should be thought out very carefully; and the Minister for Water Resources should take a vital interest in this proposed scheme, and by providing this water from the Mzima-Mombasa supply it will no doubt reduce the present tariffs without any thought of increasing them as from 1st October.

For these reasons I oppose this increase of water rate for Mombasa. (Applause.)

MR. USHER (Mombasa): Mr. Deputy Speaker, I have a few points to raise upon this Bill which I hope will have support.

I was very glad to hear my hon. friend, the acting Member, speak out so well in his maiden speech and to make such very good points. Particularly I was glad to hear him emphasize a point which we all know about—namely that we all want more water consumption and that unless there is more water consumption we must put up with the water rates which we have now.

Now, Sir, I see that one of the first things that happens is that the Minister passes over to the Board, among other things, debts. I am rather interested to know what those debts are. They are the capital debts of roughly £5,000,000, but that includes an element of which I should like the Minister to take note.

It will be within the memory of some hon. Members that when this scheme was first put forward there was considerable objection on the ground that the scheme removed certain faunal and floral amenities. The scheme was in fact amended. The amended scheme, as we understood it, cost a great deal more than the original scheme would have done.

Now, Sir, it is not that the people who are consumers in Mombasa, for instance, objected to the revision of the scheme. They were glad of it. But they did feel that the cost of the preservation of these faunal and floral amenities

which were to be enjoyed by all might be paid for by all.

The second point I wish to make, Sir, is this: A part of the finance consists of overdrafts from the bank. I do not know what the total amount is, but I should be obliged if the Minister would let us know in what manner it is supposed that the Board itself should liquidate these debts. It may be, of course, that the Government is about to fund the debts. If so, I have not heard of it. But if the Board is to take over that liability then perhaps the Minister would indicate in what manner the Board could possibly discharge these debts. The overdrafts are very considerable.

These next point I wish to make, Sir, is that it appears to me—and I may be quite wrong about this—that this Bill which we are now considering overrides completely the Water Ordinance. Under this Ordinance, the Minister may do certain acts in consultation with the Board, the Board being bulk suppliers. If we go to the final clause, No. 17, we see that "The Minister may, after consultation with the Water Resources Authority and the Board, give to the Board such directions of a general or specific character as to the exercise and performance of its powers in fulfilling its functions as appear to the Minister to be requisite in the public interest, and the Board shall give effect to any such direction".

Now, Sir, one of the functions of the Board as a bulk supplier, as I understand the matter here, would be to supply water to water undertakers. But, this being a bulk supply, it does not seem to me that there is any need for any undertaker to apply; as he would under the Ordinance, to the Water Resources Authority, or rather, the Water Apportionment Board. I should be very grateful if the Minister would clarify this matter because it is one of very considerable importance, as I shall show in a few minutes.

I pass now to the general question of the protection of the interests of the Board. If this were not water but were electric power, the situation would be this: that the Board would be able to say that within a certain area it had a right to supply water, provided that it

[Mr. Usher] could do so. I am not at all sure that in fact the Board should not have that power. It may be that it does. If it has, I should like to know clearly that it has got it, because it does seem to me that where you have got a number of contiguous areas, some of which have reasonable water resources and others have not, it is important that a single authority should be able to say "Yes" or "No" to an application to be a water undertaker.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Just like sewers.

MR. USHER: Yes, just like sewers.

I can think of no better authority perhaps as an undertaker, anyhow for its own area, than the municipal board. However, I should very much like the Minister to clear this matter up and particularly to satisfy us that he is giving the Board in this Bill adequate protection against the development of water resources which would be to the prejudice of its own revenues.

I was very glad to hear what the Minister had to say about the appointment of members of the Board. I am not quite sure whether one member as a representative of the municipal board would be sufficient, but he can consider whether, perhaps, there should be two. I am not at all sure either whether, if the Board were to be an undertaker generally, it would be prejudicial to have representation on the Board. That is another question which he might possibly consider. I cannot see that it would be so prejudicial myself, but the question does arise in my mind.

Sir, I welcome this Bill, and beg to support.

MR. NGALA (Coast Province): Mr. Deputy Speaker, Sir, I am talking on the constitution—section 17, Part I. I was very happy to see the different bodies that might be represented in the whole constitution but I would like the Minister to consider the interests of the people at Mazaras or places through which the pipeline goes. You will remember, Sir, that while discussing the question of the water supply at Mombasa a few months ago, I pointed out the needs of the people in Duruma and Mazaras, and

already there has been some misunderstanding between the railway people at Mazaras and the local people. Since the pipe goes through their land at Duruma particularly, I feel that they should be represented, that is, Kwale District, because when it comes to the question of acquiring land; this will very closely concern the people in Kwale District and possibly at Mazaras. At the moment, very many acres have been acquired at Mazaras in the Kwale District, and I feel that that district should have representation on the Board.

I would also like the Minister to explain a little what his attitude is as regards the interests of these people in the Kwale District who are very much concerned and are experiencing a serious shortage of water. Last time, I suggested that there should be a system of tapping this main line so that they are also served with water as the Mombasa people are. This particularly concerns the people just about fifteen miles east of Samburu and the people round about Mazaras.

As far as the increase in the water rate is concerned, I would like to mention a very strong resentment over the increase in the water rate expressed by Africans in Mombasa, particularly those living in Changamwe Estate and those living in the Port Tudor Estate, because the existing rates have already been a sufficient burden on the Africans who are so poorly paid and have to undergo the necessity of paying a very high house rent in both estates. I would therefore strongly agree with the Member for the Coast that we feel it should not be necessary to increase the water rate.

I feel strongly that if an extension of water services in the Likoni area and Kisauni and some parts of Changamwe was implemented, it would not be necessary to raise the water rate, particularly as there is so much reserve water at present in the Mombasa water supply. Therefore I feel that it is entirely unnecessary to raise the water rate and I entirely endorse the opinion of my hon. colleague the Member for the Coast.

With that, Sir, I beg to support.

SIR ALFRED VINCENT: Mr. Deputy Speaker, Sir, I realize that Mombasa and its "Parishes" are going to need a great deal of water and I understand from the Mover that he was already envisaging a

[Sir Alfred Vincent]

second pipeline which I took—although he did not say so—to run parallel to and from the sources as the present pipeline from Mzima. Well, I do hope that we shall not have the same amount of dispute which we had over the original pipeline and how the water was going to be extracted from the vicinity of the Mzima Springs, and that the Minister will see that water readings are taken now, especially in the dry seasons, to know to what extent water can be extracted from the Mzima Springs.

I think that the Members who have spoken on behalf of the coastal regions have pointed out the dire necessity for a greater water supply and I do hope that the Water Board are not going just to lean back and say to themselves, "Well, we've got the Mzima Springs, and that's that". I think other supplies, or other possible sources of supply must be a matter for continuing investigation, because if Mombasa goes on expanding, and its environs, as it is to-day, you will have another water problem on your hands in the very near future in terms of years.

Now, Sir, under paragraph 7: I do not think the hon. Mover said very much about that. If he did, I did not hear him—my attention was distracted. This paragraph deals with the powers of the Board. I always shudder when yet another of these mammoth organizations is created with whom we have to do despatching "battle", and I say that, Sir, as Chairman of the trustees of the National Parks. We have very generously allowed the water authority to take water from Mzima Springs and I believe our suggestions ultimately, after a great deal of difficulty, did indeed save this ungrateful Government about £250,000 as the necessity for filter plants there was obviated. But I do think that amongst all these gentlemen who have got to be such supermen, and have a knowledge of everything which is required to run any enterprise, I do think that one of them should at least be a trustee of the National Parks through which the pipeline passes for a very great distance, and for which the trustees are responsible, and very rightly co-operate with those in charge of this pipeline.

Now, at the present time, I believe it is in the hands of the Public Works

Department, but under clause 7, the Minister can put it in the hands of all sorts of funny people; or should I say other funny people, Sir. There I think it is going to save a lot of time and a lot of dispute because I believe the Mover's description of the type of man required for the Board exists very plentifully amongst the Members of the trustees of the National Parks, and I do, from a practical and a realistic point of view, not ask him to say he will do it, Sir, but I am trying to sow the germ of the idea now so that before he does get all the vacancies filled, he will at least consider it.

In saying that, Sir, I am not being funny or attempting to be funny, I believe that where you have two bodies who have a dual responsibility, the closer you can get them together the better it is from the outset to save of arguments and from the practical side. I believe that you should try and get them together on the one Board so as to save an enormous amount of correspondence, an enormous amount of disputes and a lot of unfriendly feeling between the officials of the various bodies.

Otherwise, Sir, I support.

MR. TYSON (Nominated): Sir, I think the remarks which the hon. Members on the other side have made all emphasize what I think is the really important point, that the success of this undertaking will depend very largely upon the constitution of the Board. What we have got to do, what Government have got to do, it seems to me, is to make sure that as far as possible, without naming the authorities who are to be represented, that all interests shall be brought into the scheme from the very beginning so that the Board starts off with the good will of all concerned.

I agree with the hon. Corporate Member when he said that we want to avoid arguments and rows cropping up after the scheme has been launched, and I believe that can be done if, as I believe the Minister intends, the Board will, as far as is practicable and without being unwieldy, represent all the various interests concerned.

The functions of the Board are, it seems to me, fairly clearly set out in section 6 and the point which has been raised by one hon. Member in regard

[Mr. Tyson] to water charges is dealt with, I think, under clause 8. But when it comes to a question of supplying these areas on the mainland north of Mombasa to which reference has been made, it seems to me that it will be the function of the Board to find new customers for water and to frame their charges in such a way that the undertaking can be made profitable at the same time without making the charges exorbitant. As I say, I think clause 8 makes provision for preventing excessive charges being made. Sir, I support the Bill.

CAPT. HAMLEY (Nominated): Mr. Deputy Speaker, I am speaking as a man who has got to put his hand in his pocket for some of this water, and I am already dismayed to hear the scrambling going on for representation of bodies on this Board, I feel that what the water consumer of Mombasa wants are people with business acumen, people who really understand the business of selling water in bulk and not so much of the representatives of the National Parks and Railways and other odds and ends. The ratepayers of Mombasa want a Board composed of people who understand the financial business of selling water, and in whom they can have confidence. I do hope that the Minister will bear that in mind from the start.

I beg to support, Sir,

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, I should like to congratulate the hon. Member for the Coast on his maiden speech in this Council. (Applause.) I should also like to say, Sir, that I am sure that we all hope that his fortune at the polls will enable him to make a second one at a later date in the future.

Now, Sir, he raised in particular the question of the water rates. First, he opposed the rise in water rates recently, as did the hon. African Member for the Coast Province. I think I ought to say, Sir, that Government felt that as a rise in the water rates was essential, and we should raise them before we handed over the undertaking to the Board. It seemed to us unreasonable to land the Board up immediately with the unpleasant task of raising water rates.

Now the water rates had to rise because consumption is not as great as we originally estimated in terms of the capital invested in the scheme, and of course interest rates on money have considerably risen since the scheme was originated, and those were the only reasons why the rates have risen.

The hon. Member may be interested to know that in order to help, a considerable portion, in fact, the whole of the reserve fund built up, has been contributed to the scheme so that it can to a certain extent help the consumer in Mombasa against further rises.

The hon. Member went on, Sir, to raise the question of development to the north of Mombasa and suggested that if we were to develop to the north, we could increase consumption and therefore need never have raised the water rates. Thus it may interest the hon. Member to know that we have got three schemes for the development of water to the north of Mombasa, and that after considering the matter, he might like to know that the first is at Maji ya Chumvi and will travel well north up towards Kilifi. Well, the water will not be at "Chumvi" itself, but it comes off at a point on the railway called Maji ya Chumvi. The second comes off at Mazeras and would travel down to Nguu Tatu and will be available to supply the Nyalia area and as far north as Bamburi. So, some of the points that the hon. Member has made have been met.

Now, there is no reason whatsoever why we should not extend those schemes. For instance, we could take the first scheme I have mentioned from Maji ya Chumvi and carry it well to the north towards Kilifi; the only inhibiting factor is finance. And the hon. Member can rest assured that if and when it appears profitable to do so, there is no reason why the Board should not undertake it.

The hon. Member also asked me to take a vital interest in the matter and I think by coming here to-day, Sir, with this information I have shown that I have interested myself in the matter. Indeed much of what he advocates is in course of being undertaken.

Now, Sir, the hon. Member for Mombasa raised a particular pet hobby of his, which is the extra cost of the Mzima

[The Minister for Agriculture, Animal Husbandry and Water Resources] Springs. Now I would not like to commit in any way my future Minister for Agriculture but I will say this, Sir—there might be some right in his contention that the Colony as a whole should pay for the extra cost, if indeed there was any extra cost. But the fact that the water is being taken from the actual source of the springs and not as on the original scheme from a dam at the end of a Long Pool has resulted in a considerable saving to the scheme. So that in effect the users of Mombasa are not subsidizing the Colony as a whole. The acumen and intelligence of the people of this country in suggesting that the water should be taken from the source and not from the Long Pool is actually helping the people of Mombasa. So I hope the hon. Member will accept that if we had used the original scheme at the Long Pool the cost would have included an additional £250,000 for water purification and filtration plant at that site, whereas by taking from under the source of the springs, above the Long Pool, the additional cost is considerably less than the £250,000 which was in the scheme for purification. So the people of Mombasa have been beneficiaries and have no need to consider in any way that the Colony has debited them with unnecessary charges.

He also asked me, Sir, how we intend to liquidate the amounts which have been advanced—I hardly like to call them overdrafts on such a grand scale—by the various banking consortia in this country. It is the intention of the Government—and we have no reason to feel that we will not be able to do it—to arrange with the Board to take over these amounts by debenture.

MR. USHER: Would the hon. Minister make clear the amounts—the total amounts of the overdrafts?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Well, Sir, I will do; I did not do so because the hon. Member did not specifically ask that—he merely wondered what they were.

MR. USHER: The amounts now.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RE-

SOURCES (Mr. Blundell): The National Bank of India has put forward £750,000 into the scheme, Barclays Bank £300,000, and the Standard Bank of South Africa £300,000. I had better give the hon. Member the whole of the figures: the Government of Uganda has contributed £1,000,000; the East African Railways and Harbours £500,000, and the Joint Colonial Fund £1,748,000. We have been able to offset of these capital amounts by Government credit balances £83,000, leaving a total of £4,681,000 for the total financing of the scheme. I think that gives the hon. Member the figures he requires.

It will be our intention to float off as much of that as we can—I think a suitably chosen word—by an issue of debentures from the Board to the persons who advanced the money.

The hon. Member, Sir, has asked me whether this Bill overrides the Water Ordinance and I would like to check that up between now and the Committee stage to-morrow, but after examining the matter and discussion with my hon. and learned friend, we are of the opinion that it does not. Before anybody can become a water undertaker, they would have to, of course, carry out the provisions of the Water Ordinance, so it is inherent, I think, that before either this Board can become a water undertaker for any specific project or other persons can become water undertakers in the area of the Board's operations the Water Board would have to be consulted.

The hon. Member, Sir, also raised the question of the protection of the interests of the Board. Now, I have not always found in this Council that there was unanimous support for the interests of the East Africa Power and Lighting Company but I would say, Sir, that before any major undertaking could take place in the area of operation of this Board the Water Resources Authority and the Water Appointment Board would consider the particular question which the hon. Member has raised. I will give an assurance that I will ask them to bear in mind his remarks for the future if a contingency of that nature arose.

There is already—and I apologize to the hon. Member for the Coast Province—an agreement by which this Board will become an undertaker for the Mackinnon

[The Minister for Agriculture, Animal Husbandry and Water Resources] Road, Mazeras—Mariakani and Voi areas. I will deal a little bit more in detail with that when I come to the hon. Member's points.

Finally, Sir, the hon. Member for Mombasa asked whether I thought that the interests of the Mombasa Municipal Board in this Board, as I understood him to say, would be prejudicial to the municipal board becoming a water undertaker. Now, Sir, I do not know whether the hon. Member would agree with me but I feel if the people of Mombasa are going to have confidence in their supply of water and if above all the water undertaker, who is reticulating from the bulk supply, is to have confidence in that bulk supply, it would be as well if they had representation on the Board, and I intend that they should have representation on the Board, because so far from it not being prejudicial I think it is essential to achieve that close working from the very beginning with the bulk supplier and the immediate water undertaker.

Now, going on, Sir, to the points raised by the hon. Member for the Coast Province, he asked whether it would be possible us to tap the line and supply various areas on route and I do give him an assurance that it is perfectly possible, and we have already indeed set in motion the necessary steps for this Board to become water undertakers to various areas in his particular constituency, for instance at Mackinnon Road, Mazeras and Mariakani.

He stated also, Sir, that he felt that the interests of these people would dictate representation on that Board. Well, I have already said I did not want to have dictation of the composition of the Board made by sectional interests, and therefore, Sir, all I can assure the hon. Member is that I will bear his remarks in mind but I cannot give him any assurance that I will specifically put sectional interests on. I will make exactly the same remark, Sir, to the hon. and Nominated Corporate Member in regard to the interests of the National Park. Where it is possible to get a man who has a considerable background of all these interests I shall try to appoint him; where it is not possible I shall certainly

put the efficiency and the administration of the Board before sectional interests.

Sir the hon. Member also said—to use his own words—that strong resentment had been expressed at the rise in the water rate in Mombasa. Well, I have explained to him that if the water rate in Mombasa was not to entail a loss to the Board it was necessary to raise the rates, firstly because the cost of finance has risen and secondly because consumption has still to develop.

But I would point out to the hon. Member that when the recent rises took place in Mombasa, no rise took place in the *debe* rate which is largely used by African householders who have not got water laid on to their premises.

The hon. Corporate and Nominated Member, Sir, asked whether provision was being made for water readings so that we would be quite certain in the event of further development in that we were not damaging other interests. I would like to assure him that those readings are being taken regularly already. Secondly, he asked whether alternative supplies would receive continuous attention and I should like to give him an assurance that they will. Thirdly, Sir, he raised the question as to whether I felt it would be wise to have on a representative of the National Parks in view of the fact that £250,000 have been saved by the acumen of the trustees of the National Parks. Well, Sir—

SIR ALFRED VINCENT: I am afraid the Mover misunderstood what I said. I said that their pipelines ran right through the National Park and we were a great deal responsible for it physically. That is nothing to do with the £250,000 that has been saved.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, I think the hon. Member will agree that whether he was right to do so or not, he did drag in the £250,000, and implied that that was largely due to the acumen of the trustees and was an additional reason, therefore, for my weighting representation possibly in their favour. Well, Sir, the only answer I will give him on that is that I have listened with attention to the excellent case he has made and I will bear it in mind.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

I do not think, Sir, I need answer the points made by the two hon. Nominated Members who spoke last except to say that I agree in general with what they have put forward.

Sir, I would like to move the Second Reading.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): That concludes the business on the Order Paper. I therefore adjourn Council until 2.30 p.m. to-morrow, Thursday, 10th October.

Council rose at forty-nine minutes past Four o'clock.

Thursday, 10th October, 1957

The Council met at thirty minutes past Two o'clock.

(Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair

PRAYERS—

ORAL ANSWERS TO QUESTIONS
QUESTION No. 59

MR. ALEXANDER asked the Minister for Finance and Development why it is necessary for Government to wait until the future budgets of the Colony to deal with those recommendations in the Coates Report on income tax which do not involve finance and which are purely of an administrative or legal nature?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The recommendations in the Coates Commission Report on Income Tax which do not involve finance and which are of a purely administrative and legal nature are under consideration by the administrations concerned. A statement will be made by the High Commission in due course.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, is it possible to say when that statement is likely?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir, not at this stage.

QUESTION No. 66

MR. ALEXANDER asked the Minister for Agriculture, Animal Husbandry and Water Resources, is it a fact that the retail price of *posho* in Kenya (Nairobi) is approximately 31 cents a pound as against approximately 22 cents a pound in Uganda (Kampala) and if so what are the reasons for this difference?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): It is a fact that the retail price of maize meal in Kenya is 31 cents per lb.

In Uganda there is a free market for maize and the price of maize and maize meal is not fixed. There have been wide fluctuations of price in recent years. My information is that since the beginning

[The Minister for Agriculture, Animal Husbandry and Water Resources] of this year the retail price of maize-mel has varied between 20 and 25 cents per lb. The reasons for the difference between this price and the Kenya price are as follows:—

(1) The Uganda producer has received this year, according to report, about Sh. 18 for 200 lb. of maize in bag but this price varies widely from year to year. The Kenya producer is paid this year at the buying centres a price which varies from Sh. 27/83 to Sh. 31/18 according to locality, or for maize delivered in 10-ton lots to railhead a price of Sh. 39/98 less the export cess of Sh. 5 per bag.

(2) It is the policy of this Government under the provisions of the Agriculture Ordinance to maintain a stable agricultural industry and to guarantee a price for maize and other essential crops which will give an economic return to the producer and will ensure so far as possible that the Colony is self-sufficient in essential foodstuffs at reasonably steady prices.

(3) It is also the policy of this Government to allow a fair, but not excessive, margin of profit to millers and traders in maize and maize products, and to control prices accordingly. These profit margins are not controlled in Uganda.

MR. CROSSKILL (Mau): Mr. Deputy Speaker, will the Minister undertake to endeavour on behalf of Kenya to buy up the Uganda surplus of stock feed for Kenya at a lower price?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, there is already a surplus in this country of maize to the tune of many hundreds of thousands of bags and I do not feel it would be in the best interests of the country to add to that surplus by buying up unwanted maize from a neighbouring territory.

MR. HARRIS (Nairobi South): Arising out of the original answer, would the Minister agree that it would be better to use the surplus maize in this country

for stock feeds at export parity prices rather than export it?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, that has already been done at close to export parity prices as the hon. Member knows in connexion with the industry which he has the honour to serve.

MR. HARRIS: Is it being done, or is it going to be done?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The main thing, Mr. Deputy Speaker, is that it has been done.

MR. CROSSKILL: Arising out of the Minister's reply to the first supplementary question—

THE DEPUTY SPEAKER (Mr. Conroy): Order, order. You can only ask supplementary questions to the original answer.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, arising out of the Minister's answer when he chose to give the price to the producer, would he add to that and give us the amounts attributable to the distributor and the retailer as well?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I think, Mr. Deputy Speaker, subject to your ruling, surely that is another question?

MR. CROSSKILL: Mr. Deputy Speaker, arising out of the original question, would the Minister undertake to do his utmost to get the High Commission to standardize the price of maize throughout the whole of East Africa?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, it is certainly not a matter for the High Commission. It would be a matter for the autonomy of the three territories concerned and I would certainly have no objection to putting the hon. Member's suggestion before the neighbouring territories.

MR. HARRIS: Would the Minister tell us, arising out of the original reply, to what extent the differential between the Uganda price the Kenya price is due to the cost of maize control in this country?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I find it difficult to make these calculations in my head, Sir, I did circulate to the hon. Member last year, with the whole breakdown, a memorandum to which I would like to draw his attention and ask him to refresh his memory.

MR. HARRIS: Would the Minister agree, Sir, that the differential is influenced very considerably by the cost of maize control?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Sir, I would not agree. The differential is as between the price of maize and maize-mel here in Kenya is substantially less, proportionately or on a percentage basis than the differential between the price of the producer in Uganda and the on-cost to the consumer in Uganda, very considerably.

Mrs. HUGHES (Uasin Gishu): Mr. Deputy Speaker, can the Minister tell us the cost of imported maize from South Africa to the consumer in Nairobi in the event of their being a maize shortage locally?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, on the basis of maize-mel, which is the original question, no less than Sh. 62/70 per bag.

COMMITTEE OF WAYS AND MEANS

Order for Committee read—Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

LAND AND AGRICULTURAL BANK—
INTEREST ON LOANS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move:—

THAT, subject to the provisions of the Land and Agricultural Bank Ordinance, the loans made to the Land and Agricultural Bank of Kenya should be irredeemable and that the interest to be charged on the first

£750,000 of the Bank's equity capital should be 3 per cent, the interest on the second £750,000 should be 4 per cent and the interest on later loans should be at the prevailing market rates.

For the benefit of those Members of the Committee who are not cognizant of the history and capital structure of the Land Bank, I would say that at present the capital position is as follows: a loan made to it in 1930 of £240,000, the final date of redemption being 1970. A 1933 loan of £260,000, the final date of redemption, 1967; a 1936 loan of £250,000, the final date of redemption, 1961. Those loans carry interest at 3 per cent per annum. That is a total of £750,000. A loan made in 1954 of £750,000, redemption 1960/61, interest, 4.02 per cent; a loan made in 1957 of £250,000, redemption 1976/80, interest, 5.64 per cent.

Sir, hon. Members will recall that the Bank was established with the prime object of promoting the reorganization of agriculture in the Colony on a stable basis by the advancing of money to farmers at reasonable interest rates on the security of their land at a time when that type of facility was not very easily obtainable. These advances, which have helped so much in the development of our agricultural industry, have, in order to achieve their object, to be put out to the farmers for lengthy periods of up to 30 years. It is obviously unsatisfactory for a lending institution of this kind to be uncertain as to whether it might be called upon to repay its capital either in the near future in some cases, or at periods certainly well within the 30-year period for which they are lent.

Now, Sir, the evidence as to the intention of Government in the early days in dealing with these loans is somewhat conflicting inasmuch as in the memorandum which was circulated to Members of Legislative Council on 25th August, 1944, the phrase suggested that "the arrangement being that when the loans have been repaid. . ."

On the other hand, a year later in 1945, another memorandum contained the statement, "The position is that the capital of the Bank represents a permanent investment by Government", and it was in support of this latter view

[The Minister for Finance and Development]
that when I moved a Motion to increase Land Bank capital, it was stated that "This, of course, is Government's intention shall not be repayable"; merely interest will be payable and it will, indeed, be a revolving fund until such time as this Council or circumstances force the position, to be altered".

Now, Sir, I hope that hon. Members will not get up and say that there was a change of opinion from time to time, because it is obvious that there has been. I think it is equally obvious that if this facility to the agricultural industry of this country is to be maintained, that we must clear up the position as to whether they can reckon that they have the equivalent of equity capital, have only to meet interest payments, or whether, indeed, they must add to their working costs the instalments for the repayment of the loan.

That, Sir, is the reason for the Motion now before us. It will be noted, Sir, that the second part of the Motion refers to the interest rates. The interest rate of 3 per cent is the average on which the sum referred to, £750,000, has been made available to them in the past. The interest rate on this second £750,000 is put in at 4 per cent although the interest charges at present and payable by the Government on the loans from which this money was given was 4.02 and 5.64 per cent respectively. But it has been, I think, felt wise that we should level out the rate and recognize, in the lower rate of interest at which this money is passed on to the Land Bank, that that is to fulfill the very laudable objects for which the Land Bank exists.

I do not think, Sir, I need say any more in explanation of this Motion, which as I pointed out, refers specifically to the irredeemability or otherwise of the capital and the rate of interest to be charged on the loans which have been made available.

Sir, I beg to move.

Question proposed.

MR. SLADE (Aberdare): There is only one question, Mr. Chairman, which I want to ask on this Motion and that is with regard to the rate of interest on what is described as later loans, that is those beyond the initial £1,500,000. The

Motion says, Sir, that the interest on these later loans is at prevailing market rates and I am not quite clear whether it will be a fixed rate being the rate prevailing at the time the loan is made, or whether it will be the rate of interest over the life of the loan, which is now an indefinite lifetime, which will vary from time to time over the life of the loan according to these market rates. I do think that is rather important, Sir, that in this case where you have an irredeemable loan, the Land Bank should not be saddled indefinitely with a very high rate of interest just because that was the rate of interest prevailing at the time the loan was made. I hope the Minister can assure me that this is meant to mean a variable rate of interest according to current market rates.

MR. HARRIS (Nairobi South): Mr. Chairman, I have one question for the Minister. I think he can probably make me quite happy with his reply but in the case of another Government finance corporation which invests temporary surplus funds by lending them to the Land and Agricultural Bank, does this Motion have any effect on those loans whatsoever?

MR. ALEXANDER: I suggest it would complete our information if the Minister when he replies tells us just how this capital which is involved is, in fact, going to be redeemed. I understand that it is money advanced to the Land Bank in the first place by the Government. That being so, the Government have borrowed it, I imagine, from somewhere else and have got to pay it back. I imagine, in the course of the years that the Land Bank has had this money, that they have been building up funds with which to repay these loans, or if they have not, they have continued to lend the capital which has been repaid to them by their own borrowers. If, in fact, my assumption is correct that this is capital which has been borrowed in the first place by the Government, is it a fact, then, that it is in the ultimate the central revenue of the Colony that will have to bear the loan repayment element—the capital repayment element—in respect of these loans that are for all time now left with the Land Bank?

THE CHAIRMAN (Mr. Conroy): If no other hon. Member wishes to speak I will ask the hon. Mover to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, with regard to the first point made by my hon. friend, the Member for Aberdare, the intention of this Motion is that the interest on later loans should be at the prevailing market rates, that is at the time at which the loan is granted to the Land Bank. I know the fear, I think, which exists in the hon. Member's mind that if, for instance, the Bank had to borrow money at the present moment at a high rate, it would be a burden over the years. That, I think, is correct and I believe that the correcting action would have to be a Motion in this Legislative Council with regard to a readjustment in a downward direction such as we have now taken with regard to the £750,000, in recognition of the work of the Land Bank, or alternatively the raising of a loan which would enable the Land Bank to repay and borrow at the lower prevailing rates. The irredeemability of it is the Government will not call upon them to repay.

The point made by my hon. friend, the Member for Nairobi South; this does not affect the short-term facilities at all. The short-term facilities have proved indeed a very welcome help to the Bank during a time when their capital position has become, and is indeed becoming, extremely difficult. Through this type of short-term finance we would hope to avoid the borrowing during the high-rate period which the hon. Member for Aberdare fears.

Now with regard to my hon. friend, the Member for Nairobi West, the answer is that this is an irredeemable loan. This is treating it as equity almost in a commercial bank, and the revenue of the country will have to meet the loan capital repayment charges. But it will, of course, have the equivalent investment in the Land Bank as a result of that operation. I think, Sir, that covers the point made by my hon. friend. I do not know if there is anything I have left unanswered in what he said, then that, Sir, completes the reply.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the resolution on the Order Paper without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair]

REPORT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to report that the Committee of Ways and Means has considered the Resolution that "subject to the provisions of the Land and Agricultural Bank Ordinance, the loans made to the Land and Agricultural Bank of Kenya should be irredeemable and that the interest to be charged on the first £750,000 of the bank's equity capital should be 3 per cent, the interest on the second £750,000 should be 4 per cent and the interest on later loans should be at the prevailing market rates" and has approved the same without amendment.

Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D. Q.C. in the Chair]

The Mombasa Pipeline Board Bill

Clause 1

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I should like to make an explanation to the Council. Yesterday in moving the Second Reading, when replying to the hon. Member for the Coast Province I said that the Board would become a water undertaker with regard to the supply at Mackinnon Road, Mazeras and Mariakani. I was wrong, Sir; the Board will supply in bulk and the water undertaking will be done by the Secretary for Works. The water supply will be there but I am afraid I gave the hon. Member the impression that the Board

[The Minister for Agriculture, Animal Husbandry and Water Resources] will be a water undertaker. The Board will not; the Board will be a water supplier.

Clause 1 agreed to.

Clause 2

MR. USHER: Mr. Chairman, Sir, there is just one small point which I want to clear up. This arises out of certain remarks of mine on the Second Reading. Clause 2, the definition of water undertaker read with clause 6 (a) left some doubt in my mind as to what is the intention. However, I understand now that it is the intention that the water undertaker should be the water undertaker appointed under the Water Ordinance, 1951, and I believe that that is what the hon. Member for Rift Valley really wanted. If so, I am pleased to say no more about it except that I think it might have been a little clearer to everybody, perhaps, if it had been said that water undertaker means a water undertaker appointed under the Water Ordinance of 1951. However, these are mysteries into which I must not go. The only thing which I would point out now, Sir, is that I see in the new Bill that it is proposed that the definition of water undertaker should be deleted because according to the Statement of Objects and Reasons it is not necessary and has given rise to difficulties.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I can only agree with the hon. Member, I said yesterday that the operation of the Water Ordinance will govern the operation of the Board. If the Board wishes to become a water undertaker it can only do so under the provisions for it becoming a water undertaker as laid down in the Water Ordinance, 1951. I think that answers the hon. Member's question.

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

Clause 5

MR. ALEXANDER: Clause 5 beginning with sub-paragraph (3) (a). The services provided by Mombasa, and I think we must realize that in the early stage the

bulk of this water will obviously be consumed in Mombasa; the services provided by Mombasa have an effect on the costs throughout the rest of Kenya. And it is important that there should be no violent fluctuations in the finances of this particular Board.

With those remarks, I turn to the Annual Estimates, page 213, which deal with the Mombasa water supply and I see there for the year 1957/58 that some £91,000 is transferred from a reserve fund in order to balance the finances of the Mombasa water supply. I would like the Minister to tell us whether this particular fund—because in the Estimates there is no indication of where it has come from or how it has been built up—is to be transferred to this Water Board and if so what is the size of it and is it of a sufficient size to enable the Mombasa Water Board for enough years ahead to stabilize the price of water so that there are no violent fluctuations which in turn will have their repercussions throughout the country.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Well, Sir, I cannot answer all the questions the hon. Member has asked me; but certainly the amount that has been transferred would not be sufficient to provide anything like the funds for the eventual water supply. I did, when moving the Second Reading of the Bill, say that it will be the intention of the Minister to publish the bulk supply rate for water from the pipeline which will obviously be the really-ultimate controlling factor for water charges in Mombasa and we should hope to keep both the interest rates and administrative charges as low as possible.

I do not therefore think that there will be any great fluctuation in the price of water in Mombasa from circumstances which we cannot at the moment foresee. The only factors which will basically affect it will be the cost of maintaining technical services, which should, I think, move on a reasonable level and the cost of finance which will alter from time to time.

MR. ALEXANDER: Mr. Chairman, I think the Minister—I am grateful to him for that explanation—has missed my

[Mr. Alexander] point: This £91,000 in this year's Estimates that is transferred from a reserve fund—which he has not told me much about in his reply—is when we look at it, more than 25 per cent of the total income of the water supply, and what I have asked is whether there are plenty more of these figures of £91,000 tucked away to keep this Board going sufficiently long until the day when it has got a water consumption large enough to have to do away with transfers from a fairy godmother in order to avoid raising substantially the price of water in Mombasa.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, as I have already stated, had the hon. Member given me notice that he was going to raise this, I would have been able to give him a more adequate reply. I cannot really answer the question which he has put to me in detail. All I can tell him is that we have used the reserve which was accumulated in respect of Mombasa water supply to the full in restricting the charges to the public. I regret, however, Sir, that I cannot give him the breakdown of the balance between the amounts of the reserve which we have used, the allocations per year, and the amounts that come in from recurrent revenue from the sale of water, without an examination of the relevant papers; I have not got them here.

MR. ALEXANDER: Mr. Chairman, that is indeed clearer; I understand now that this fund is exhausted and therefore in future years figures of £91,000 or perhaps something less or more have got to come from somewhere in order that the charges are not substantially raised. Now, how is that going to be catered for?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I cannot accept that the fund is exhausted. What I did say was that the reserve fund in the name of the Mombasa Water Supply was transferred—£27,000. I said quite clearly to the hon. Member I cannot give him the breakdown and the allocation of that reserve fund as per any given year, as not having had

notice of this particular point, I have not got the details with me.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I would just like to ask the hon. Member for Nairobi West whether the point of his argument is that the case might arise, in his opinion, where the annual revenue of the country might have to subsidize the cost of water to the people in Mombasa. Is that the gravamen of his argument? Is that his fear?

MR. ALEXANDER: Mr. Chairman, it is very clear from reading page 213 that unless there is some more reserve fund, some other financial fairy godmother somewhere, substantial revenue has got to be put into this Board from somewhere in order that the prices are not increased.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I have not got the pages from which the hon. Member is reading. Is he certain that £91,000 is a recurrent revenue item, and not a capital item? If it is a reduction of the capital expenditure of the Mombasa water scheme, by capitalization of the reserves, then, indeed, the argument which the hon. Member is sustaining is no longer valid.

MR. ALEXANDER: No, Sir, this figure is clear enough; it is in the Appropriations-in-Aid, and water charges and meter rates come to £250,000 and withdrawals from the reserve fund £91,000. With those two figures the finances of the water supply are balanced. I am worried about the £91,000 and whether there are any more figures of £91,000 tucked away somewhere else to help this Board in their moment of need.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I think the answer, Mr. Chairman, is this, that at the time that those figures appeared in the hon. Member's Estimates, the water rate in Mombasa was Sh. 3 per 1,000 gallons. It was raised to Sh. 3/50 per 1,000 gallons and the rise from Sh. 3 to Sh. 3/50 is designed to eliminate a consequential entry of £91,000.

MR. USHER: Mr. Chairman, I wonder if I can relieve the hon. Member's mind.

(Mr. Usher)

I do not wish to enter into this battle of financial giants but the position really is this, as I understand it, that if the consumption increases as we have estimated it will increase, we shall be "out of the red", as they say, in ten years' time.

Mr. ALEXANDER: What happens in the meantime?

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clauses 8 to 12 agreed to.

Clause 13

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I beg to move that clause 13 be deleted and that there be substituted for it the amendment already circulated to the hon. Members.

I did apologize, Sir, yesterday for this last-minute amendment but it was done at the request of the Auditor-General who now carries out the audit in that it does constrain the Board to present its accounts within certain periods for the better and more expeditious examination of them.

Amendment agreed to.

Clause 13 as amended agreed to.

Clauses 14 to 17 agreed to.

Schedule agreed to.

Title and enacting words agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the Mombasa Pipeline Board Bill and its approval thereof with amendment.

Question proposed.

The question was put and carried.

Council resumed.

(Mr. Deputy Speaker (D. W. Conroy, Esq.) in the Chair)

REPORT

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Deputy Speaker, I beg to report that the Committee of the whole Council has considered the Mombasa Pipeline Board Bill and approved the same with amendment.

THE DEPUTY SPEAKER (Mr. Conroy): We have had one amendment in Committee. It has been the practice where there have been substantial, difficult amendments to take the Third Reading on another day. This, which I think I am entitled to take notice of, was not an amendment of great principle and provided that the Council does not object I propose to take the Report and the Third Reading now.

Report ordered to be considered to-day.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I beg to move that the report of the Committee of the whole Council on the Mombasa Pipeline Board Bill be approved.

The question was put and carried.

BILL

THIRD READING

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I beg to move that the Mombasa Pipeline Board Bill be now read a Third Time. Mr. Deputy Speaker, I am now in a position to answer the question which the hon. Member for Nairobi West raised during the Committee stage. The amount of £91,000 to which he referred was an amount in that particular year only, and we have used the amount of the reserve fund, a total of £210,000, in an estimated payment each year to the Mombasa water supply over the next ten years in order to help meet the cost to the consumer. We estimate—as the hon. Member for Mombasa has said—that at the end of ten years the consumption will be enough to eliminate the deficit which we are now meeting by annual grants from the Reserve Fund.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): That concludes the business on the Order Paper, and Council will accordingly stand adjourned *sine die*.

Council rose at sixteen minutes past Three o'clock.

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VOLUME LXXIII

8th October, 1957, to 10th October, 1957

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