

18061

1932

CO 533/421  
KENYA

18061

NATIVE LANDS TRUST ORDINANCE

LEASES AND LICENCES

17/8/51

ent 32/3/53 NE T. O. ...

rel. Township in Native reserves

re. Demarcation of Native ...

30/1/53, ...

Ry 7/9/51

Preston 9/9

Allen 13/9

W. Stanley 13/9

Wilson 13/9

... 13/9

... 13/9

Allen 13/9

W. Stanley 13/9

18061

The return of Lease Licences  
Granted under the Native Land Trust  
Ordinance during the year 1931

Para 3 and 4. This has been approved  
17/85/10/431

Para 6. The area is 1/2 acre which  
is to be utilized for hospital and  
educational work in addition to  
miscellaneous activities.

Para 8. approved 17/85/10/31

9. 17/85/10/31

10. Same for prospect within the  
lease for 33 to 28 years in  
the subject correspondence with  
Governor Kenya vide 17/85/10/431.

2. There appears to be no limit to  
the area which can be leased provided  
that it is for a period not  
exceeding 33 years.

3. It appears anomaly where  
the preference rental is paid for  
a site for educational use and the  
apparently standard rental of  
5/- an acre charged for hospital  
and educational sites is due to  
the fact that the former merely represents  
an exchange of old native titles for leases.

4. I have no comments except  
to suggest that when the further facts

1 for Kenya - 25 - 207/32

The return of Lease Licences  
Granted under the Native Lands Trust  
Ordinance during the year 1931

Para 3 and 4. This has been approved in  
17185/5/431

Para 6. The area is 7/2 acre which  
is to be retained for hospital and  
educational work in addition to  
mission activities.

Para 8. approved 17185/5/31

9

17/31

10. This proposal to extend the  
lease for 33 to 29 years is  
the subject of correspondence with  
Somalia Kenya side 17185/5/431.

2. It does appear to be no limit to  
the area which can be leased provided  
that it is for a period not  
exceeding 33 years.

3. It appears anomalous, however,  
the preference granted in para 9 for  
a site for educational use and the  
apparently standard rental of  
5/- an acre changed for hospital  
and educational sites is due to  
the fact that the former mainly represents  
an exchange of old native titles for leases.

4. I have no comments except  
to suggest that when the <sup>highest</sup> possible

is not changed in order  
A / With sections to the ordinance the  
circumstances of the case shall  
be directed in the return

H. M. Smith  
28/3/32

B / which should also include reference to previous  
correspondence in such cases as have already  
been referred to S. G. B.

H. M. Smith  
25

(Revised in return 7 March)

I would not ask for the  
information suggested at A - the Secretary  
of State is not called upon to supervise  
the Central Board. Section 10 lays down  
the principles to be observed in fixing the  
rent and it is no use asking for details  
unless we are in a position to form an  
opinion as to the objection exercised  
the Board. It is in my opinion either  
practicable nor desirable to embark on a  
policy of interference in these matters.

As to B. There are only two  
classes of cases under sections 7 and 8  
which involve reference to the Secretary  
of State (a) leases etc. objected to by the  
Local Native Council or any African member  
of the Local Board and (b) leases exceeding  
35 years. Apparently there have been no  
cases under (a) and mention of the  
correspondence is made in each case under (b),  
although

although the actual correspondence is not  
referred to.

As it is the intention to keep  
in a single file all cases referred to  
the Secretary of State it should be easy  
to trace them and I should not worry the  
Governor to make specific references to  
correspondence unless the need for it is  
shown.

As this is the first return?  
acknowledge receipt.

H. M. Smith  
10/3/32

I agree with B.  
C. H. A. The wording of S 10 as to  
highest possible rent is that of the  
general or any specific law, etc. taken from  
Nigeria, where the intention was, to  
the interests of the State, to get the  
possible fixing of the rent (a  
land boom was expected).

Such an intention is hardly  
realisable at in a case where leases  
must have some benefit to the  
country other than rent, but still  
I agree that we need not take up A. yet.  
The returns should be carefully watched.

I agree  
W. H. L. G.  
16/3/32  
H. M. S.

14.3.32  
H. M. S.

To Gov 219 (1 amendment) 19 MAR 1932

3  
Mr Kings - 105 Conf - 18/31  
Submits for reasons stated that there is some ground for reviewing the principle of substituting land for land leased.

I submit a minute - 3/2

Mr Passfield  
9/9/32

As I understand it Lord Passfield's fundamental idea was that there should be no diminution of the existing areas of the national reserves and that a lease for so long as 99 years was in effect such a diminution.

What is involved here is a right reserved to himself by the Crown to require an addition of land if he thinks fit. In the circumstances the Governor no doubt feels precluded from suggesting (though no doubt it is what he has in mind) that the point should be referred to the Land Commission. He therefore goes no further than suggesting that "the S. of S. may agree that there is some ground for reviewing the principle of substituting land for land leased".

It will be seen that the Governor's representations are made on the advice of the members of the Central Lands Trust Board. It may also be pointed out that it has already been decided that the Land Commission is to consider a similar question i.e. the legal requirements as to substitution of land in the

The Land Commission requires substitution of land in order to provide for the transfer of public purposes.

case of mining leases.

Importance is attached to this matter by Ministers, see second page of minutes on 17185/G/31. Subject to this it is thought that this question might very usefully be considered by the Land Commission as part of the review of administrative difficulties contemplated by their last term of reference and I would recommend that the Governor should be informed that the S. of S. has no objection to its being referred to the Commission accordingly.

J.H. Allen  
13/9/32

There can be no harm if consent is given on the general ground that, to be fully useful, the enquiry of the Commission must extend to administrative matters as well as to the provisions of the Ordinance itself.

The point at the end of para. 4 of the despatch was not overlooked here. As regards para. 5, the anomaly can be avoided by not granting a lease of more than 33 years where substitution is impossible.

W.S.D.  
13.9.32  
S. S. Wilson (per name)  
Seen. J. J. J.  
28.9.32. Billie Stone

By Air Mail  
4/18/32

H To Gov Conf (2) (3 Amrod)

3 OCT 1932

~~MS~~

See Kenya Gazette  
Supplement No 28 30/9/32  
Excluding tax for  
putting on  
for Electric power.  
(Registered on  
1866/32)

Parliamentary Question by Mr. Lunn

Transferred  
No 1 on P.O. file to 18624/32

Ma

By Air Mail  
4/10/32

H To Gov Conf (2) (3 Answer)

3 OCT 1932

See King's papers  
Supplement No 38 37/11/32  
Exhibiting records  
for Hotel Reservoir  
for Electric power  
(Kilnwood on)  
1866/32

Parliamentary Question by Mr Lunn

No 1 on P.O file } Transferred  
to 1866/32

Ha

C. O.

20 go by air mail 24/10/32  
18061/32 Kenya.

Mr. Priestman 30/9

Mr. ~~Trustin~~ 30

Mr. ~~Adm~~ 30/9

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley 30. 9 f

Sir J. Stuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

18061/32 Kenya.

C.D.  
R 1-OCT  
D 3

54 3 October  
September, 1932.

DRAFT Comom

KENYA.

CONFIDENTIAL (2)

(No. 3)

GOV.

Sir,

I have etc. to acknowledge  
the receipt of your Confidential  
despatch No. 105 of the 12th A  
the subject of the substitution of  
land for land leased in native  
reserves for periods in excess of  
thirty three years  
I appreciate the fact that to  
be fully useful the enquiry of the  
Land Commission must extend to  
administrative rulings on the  
operation of the Native Land  
Ordinance, as well as to the  
provisions of the Ordinance itself, and  
this point was in view when the terms  
of reference of the Land Commission  
were framed.

C. O.

3 30 go by air mail 24<sup>th</sup> Oct 5

Mr. Priestman 30/9

Mr. ~~Ernest~~ 30

Mr. ~~Adm~~ 30/9

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley 30.9

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

18061/32 Kenya.

C. D.
R 1-OCT
D 3

34 3 October 1932

DRAFT. *Cons*

KENYA.

CONFIDENTIAL. (2)

GOV.

(No. 3)

I have etc. to acknowledge the receipt of your Confidential despatch No. 105 of the 12th August on the subject of the substitution of land for land leased in native reserves *for lands in excess of 1000 acres*.

I appreciate the fact that to be fully useful the enquiry of the Land Commission must extend to administrative rulings on the operation of the Native Lands Trust Ordinance, as well as to the provisions of the Ordinance itself, and *Carisamba* *McGowan* this point was in view when the terms of reference of the Land Commission were framed.

3. I have no objection,

therefore, to <sup>your opinion that</sup> ~~this question being~~  
~~principle refers to the~~ <sup>the</sup> ~~same~~ <sup>disposal being considered of</sup>  
~~referred to the Land Commission as~~

part of ~~the~~ <sup>the</sup> review of administrative

difficulties contemplated by their

last term of reference.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER

3. I have no objection,  
therefore, to <sup>the principle of</sup> ~~this question being~~  
~~referred to the Land Commission as~~ <sup>the</sup> part of the review of administrative  
difficulties contemplated by their  
last term of reference.

I have, etc.

(Sd) P. CUNLIFFE-LISTER

326

The position as regards the question of the substitution of an equivalent area of land in cases of leases exceeding 35 years is set forth in the ~~Section~~ (c) in 17165(D)/31. Briefly the Secretary of State holds himself free to require that the grant of leases for a period of more than 35 years should be conditional on the substitution of other land.

This in effect seems to imply that each case will be considered on its merits by the Secretary of State.

There is much to be said for the Governor's present contention that the substitution of land leased in these cases may lead to various anomalies such as double payment to some Native Administrations and a single payment to others where land is not available.

This has been recognised in the Secretary of State's despatch of the 17th of February in connection with the grants of mining leases in ~~the States~~. It is considered that this question of mining leases is not the only matter in which practical difficulties have arisen in applying the provisions of the Native Land Trust Ordinance, and in the circumstances I think that a review of the Ordinance might well be included in the terms of reference of any Commission entrusted with the enquiry recommended in para. 105 (2) of the report of the Joint Select Committee. The Secretary of State's proposal was duly implemented in connection with the appointment of the Carter Land Commission: (vide para. 7 of the terms of reference which is as follows:

3a 6

The position as regards the question of the substitution of an equivalent area of land in cases of leases exceeding 33 years is set forth in the note at 1-(c) in 17185(D)/31. Briefly the Secretary of State holds himself free to require that the grant of leases for a period of more than 33 years should be conditional on the substitution of other land.

This in effect seems to imply that each case will be considered on its merits by the Secretary of State.

There is much to be said for the Governor's present contention that the substitution of land for land leased in these cases may lead to various anomalies such as double payment to some Native Administrators and a single payment to others where land is not available.

This has been recognized in the Secretary of State's despatch of the 17th of February in connection with the grant of mining leases and it is considered that this question of mining leases is not the only matter in which practical difficulties have arisen in applying the provisions of the Native Land Trust Ordinance, and in the circumstances I think that a review of the working of the Ordinance might well be included in the terms of reference of any Commission entrusted with the inquiry recommended in para. 105 (2) of the report of the Joint Select Committee. The Secretary of State's proposal was duly implemented in connection with the appointment of the Carter Land Commission (vide para. 7 of the terms of reference which is as follows:-

(7) To review the working of the Native Lands Trust Ordinance and to consider how any administrative difficulties that may already have arisen can best be met, whether by supplementary legislation or otherwise, without involving any departure from the principles of the Ordinance.

In the circumstances it seems sufficient to inform the Governor that it is proposed to await the Land Commission report before considering this question, and assume that he will bring this matter to the notice of the Commission.

11/3/78

(7) To review the working of the Native Lands Trust Ordinance and to consider how any administrative difficulties that may already have arisen can best be met, whether by supplementary legislation or otherwise, without involving any departure from the principles of the Ordinance.)

In the circumstances it seems sufficient to inform the Governor that it is proposed to await the Land Commission report before considering this question, and assume that he will bring this matter to the notice of the Commission.

11/3 9/15

KENYA.

No. 105

CONFIDENTIAL COL. OFFICE



RECEIVED  
- 5 SEP 1932

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

12<sup>th</sup> August, 1932.

Now  
17/85/D/13

Duplicate despatch  
referred to  
17/85/D/13

I have the honour to acknowledge the receipt of your despatch Confidential (2) of 24th December 1931, on the subject of the proposed extension to 99 years of the leases held by the Hamisi Sugar Company Limited of land in the Southern Nyika Native Reserve.

2. I note that you approve the extension of the leases to 99 years, but that your decision in this case is not to be regarded as indicating that you will be prepared in future to accept as conclusive the fact that the agreement of the natives concerned had been obtained prior to the passing of the Native Lands Trust Ordinance.

3. With regard to paragraph 3 of your despatch I ordered with the advice and consent of the Central Lands Trust Board that an equal area of Crown Land be added to the Southern Nyika Native Reserve. The acreage originally applied for by the Company was 800 acres but on survey this computation proved to be greatly in excess of the actual area, which is, in fact, only 500 acres.

4. In this connection I undertook on the advice of the Members of the Central Lands Trust board to represent to you that the substitution  
of ...

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W. 1.

27



KENYA.

NO. 105

CONFIDENTIAL

RECEIVED  
- 5 SEP 1932  
COL. OFFICE

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

12<sup>th</sup> August, 1932.

Sir,

I have the honour to acknowledge the receipt of your despatch Confidential (2) of 24th December 1931, on the subject of the proposed extension to 99 years of the leases held by the Ranisi Sugar Company Limited of land in the Southern Nyika Native Reserve.

2. I note that you approve the extension of the leases to 99 years, but that your decision in this case is not to be regarded as indicating that you will be prepared in future to accept as conclusive the fact that the agreement of the natives concerned had been obtained prior to the passing of the Native Lands Trust Ordinance.

3. With regard to paragraph 3 of your despatch I ordered with the advice and consent of the Central Lands Trust Board that an equal area of Crown Land be added to the Southern Nyika Native Reserve. The acreage originally applied for by the Company was 800 acres but on survey this rough computation proved to be greatly in excess of the actual area, which is, in fact, only 609 acres.

4. In this connection I undertook on the advice of the Members of the Central Lands Trust Board to represent to you that the substitution  
of ...

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CURLEVE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W. 1.

Now  
17/85/2/31

Duplicate despatch  
17/85/2/31

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8

of other land for land leased means in fact that the natives concerned receive double payment, first by way of rent for a lease (which could not have been granted had it not been advantageous to themselves) and secondly, by an addition to their Rasse for an equivalent area. Moreover whereas the land leased is leased for a period of 99 years the land substituted is added for ever.

5. Although in the particular case under consideration there is no serious objection to this procedure as there is land adjacent and available it was felt that it might perhaps constitute a somewhat dangerous precedent if it is to be followed in cases where this condition does not obtain. On the other hand, it seems illogical that in cases where there happens to be land available for substitution the natives concerned should be paid twice and in other cases only once. In view of the above considerations you may perhaps agree that there is some ground for reviewing the principle of substituting land for land leased.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*J. A. Byrnes*  
J. A. Byrnes  
BRIGADIER-GENERAL.

GOVERNOR.

KENYA

No. 30



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

20<sup>th</sup> January 1932.

15 FEB 1932  
C.G. OFFICE

Sir,

In accordance with the provisions of Section 8 (4) of the Native Lands Trust Ordinance, I have the honour to forward the following return of Leases and Licences granted under that Ordinance during the year 1931:

LEASES.

1. An area of 24 acres in the Meru Native Reserve, Kikuyu Province, to the United Methodist Church, Meru, for a period of 33 years at a rental of Shs. 5/- per acre per annum for evangelical and educational purposes.
2. An area of approximately 1 acre on the Kiama River in the Fort Hall Native Reserve, Kikuyu Province, to Mr. A. E. Knowles for 3 years at a rental of Shs. 10/- per quarter, for the purpose of a mill.
3. An area of 800 acres in the Southern Mijikanda Reserve, (Digo District), Coast Province, to the Ramisi Sugar Estates for a period of 33 years, from the 1st January 1928 at a rental of 20 cts. per acre per annum for the first 5 years, and thereafter 25 cts. per acre per annum, for the purpose of growing sugar cane. A recommendation has been made to you to increase this lease from 33 years to 99 years.
4. An area of land 15 feet wide between Mado and the Ramisi Sugar Estate to the Ramisi Sugar Estates for ...

19 MAR 1932  
C. G. OFFICE

Su 7/185/1/1931

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CURLIFFE-LISTER, P.C. G.B.E., M.C. M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W. 1.

KENYA

No. 35



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

20<sup>th</sup> January 1932.

15 FEB 1932  
C.C.L. 02

Sir,

In accordance with the provisions of Section 8 (4) of the Native Lands Trust Ordinance, I have the honour to forward the following return of Leases and Licences granted under that Ordinance during the year 1931:-

LEASES.

19 MAR 1932

Copy sent 2/19

1. An area of 24 acres in the Meru Native Reserve, Kikuyu Province, to the United Methodist Church Mission, Meru, for a period of 33 years at a rental of Shs. 5/- per acre per annum for evangelical and educational purposes.

2. An area of approximately 1 acre on the Kiama River in the Fort Hall Native Reserve, Kikuyu Province, to Mr. A. E. Knowles for 3 years at a rental of Shs. 72/- per quarter, for the purpose of a mill.

3. An area of 500 acres in the Southern Nyika Reserve, (Digo District), Coast Province, to the Ramisi Sugar Estates for a period of 33 years from the 1st January 1928 at a rental of 20 cts. per acre per annum for the first 5 years, and thereafter at 40 cts. per acre per annum, for the purpose of growing sugar cane. A recommendation has been made to you to increase this lease from 33 years to 99 years.

4. An area of land 15 feet wide between beds and the Ramisi Sugar Estate to the Ramisi Sugar Estates

for ...

Sir 17/85/2/1931

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CURLIFFE-LISTER, F.C. G.B.E., M.C. M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S. W. 1.

for 33 years as from the 1st January 1928 at a rental of Shs. 36/- per annum for the purpose of a tramway.

A recommendation has been made to you to increase this lease from 33 years to 99 years.

5. An area of approximately 1 acre on behalf of the local authorities (viz. the Local Native Council and Local Land Board) to the Church Missionary Society at Mwakinyungu, Dabida Native Reserve (Voi District), Coast Province, for 33 years at a peppercorn rental, for general evangelical purposes.

6. An area of 12 acres at Maua in the Meru District, Kikuyu Province, to the United Methodist Church Mission, for a period of 33 years from the 1st January 1931 at a rental of Shs. 5/- per acre per annum, subject to the following conditions:-

Boundaries to be fenced or otherwise clearly defined by the lessee.

The site to be used for a hospital for the treatment of African natives and also for evangelical and educational work.

Hospital buildings to be maintained in a state of proper repair.

Hospital to be conducted efficiently and to the satisfaction of the Director of Medical and Sanitary Services.

7. The mill plots Nos. 1 and 2 on the Kapiti River, Embu District, Kikuyu Province, to Mr. G.J. 1414, for a period of 3 years from the 1st January 1931 at a rental of Shs. 144/- per plot per annum.

8. An area of 3 2/3 acres additional to their existing holding in the South Nyeri District, Kikuyu Province, to the Church of Scotland Mission, Tumumu, for a period of 33 years as from the 1st January 1931 at a rental of Shs. 5/- per acre per annum, and limited user. A recommendation has been made to you that this lease be increased from 33 years to 99 years.

9. The areas of 20.1 acres known as L.R. 1194, and

17165/E/31

3

of 1.63 acres, known as L.R. 1195, in the Sagalla Native Reserve, (Voi District), Coast Province, to the Church Missionary Society for a period of 33 years from the 1st January 1931 for general evangelical purposes, at a peppercorn rental. Recommendations to be made to you that this lease be increased from 33 years to 99 years.

See  
17185/E/31

10. An area of approximately 15 acres in Yala Township, Central Kavirondo District, Nyanza Province, to the Hill Hill Mission, for a term of 33 years from the 1st January 1932, at a rental of Shs. 5/- per acre per annum, with the proviso that the lease was conditional on the fulfilment of the educational standards prescribed by the Education Ordinance, 1924, and certified by the Director of Education and also that such standards included the provision of agricultural training. A recommendation has been made to you that this lease be increased from 33 years to 99 years.

See  
17185/G/31

11. Two areas of swamp land of approximately 10 acres and 30 acres respectively, in the Shirazi Native Reserve, Digo District, Coast Province, to the Mandai Sugar Estates for the purpose of growing sugar cane for a period of 33 years from the 1st January 1932, at a rental of 20 cts. per acre per annum for the first 5 years, and thereafter at 40 cts. per acre per annum. (Note. These two areas are adjacent to the Company's present holding.)

12. An area of 3 acres in the Mandi District, Mzoia Province, to Chagan Sidi for the purpose of a pecho mill for a term of 1 year renewable for further periods of 1 year at a time and terminable on 3 months' notice at a rent of Shs. 144/- per annum.

13. An area of 5 acres in the Thura Forest, Meru District, Kikuyu Province, to Mr. Mochoungy for the purpose...

purpose of establishing a sawmill, for a term of 6 years at a peppercorn rental, in view of the Royalties which will accrue to the Local Native Council from timber cutting.

LICENCES.

1. To Mr. Hiddoch of Kisumu on behalf of Mr. Verlaque, to take lime on the West side of Hama Point, South Kavirondo Native Reserve, Nyanza Province, for a fee of Shs. 500/- per annum. Such licence to be renewable annually.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL

G O V E R N O R.

1932.

Kenya.

No. 18061 / 1.

SUBJECT

C O 533 / 42

*Townships in Native Reserves.*

*Native Lands Trust Ordinance 1930.*

Reports on the position in regard to Townships in Native Reserves, as scheduled in the Townships Ordinance, 1930, pointing out the need for development and the unsuitability of local Native Councils to deal with such questions. Forwards a memorandum as sent to Central Lands Trust Board regarding the issue by the Commr of Lands, of leases in Townships in the reserves, and the system of quit-rent.

The Hon

At my request, the Registry have made a thorough search for the C.N.C.'s evidence referred to at the end of para. 2, but in vain.

The Governor proposes that the 15 gazetted Townships situated in Native Reserves should be leased to Government, under the Native Lands Grant Ordinance, for 99 years, and thereafter managed directly by Government.

He admits that the Townships play a very important part in the development of Native Reserves, and are essential to their progress. But the Provincial Native Councils are not fit to administer them.

This is no doubt a significant step in 1932; but to admit that it will be equally true in 2031 is to close the door to the possibilities of improving the efficiency and enlarging the responsibilities of the N.C.'s, which was so strongly urged in the Joint Committee's Report.

It is hardly conceivable that the draftsmen

Handwritten notes on the left margin, including "I made", "Estimated", and "1932".

Handwritten notes on the left margin, including "B. ...", "to ...", and "the ...".

1 Goy. Kenya. 12 Conf. 26.1.1932  
Reports on the position in regard to townships  
in Native Reserves, as scheduled in the townships  
Ordinance, 1930, pointing out the need for development  
and the unsuitability of local Native Councils to  
deal with such questions. Forwards a memorandum as  
sent to Central Lands Trust Board regarding the issue  
by the Commr of Lands, of leases in townships in the  
reserves, and the system of quit-rent.

The Hon

At my request, the Registry have made a  
thorough search for the C.N.C.'s evidence referred to  
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The Governor proposes that the 15 gazetted  
Townships situated in Native Reserves should  
be leased to Government, under § 3 of  
the Native Lands Trust Ordinance, for 99  
years and thereafter managed directly by Government.

He admits that the Townships play a  
very important part in the development of  
Native Reserves, and are essential to their  
progress. But the Local-Native Councils  
are not apt to administer them.

This is no doubt perfectly true  
in 1932; but to admit that it will  
be equally true in 2031 is to close  
the door to the possibilities of improving  
the efficiency and enlarging the responsibilities  
of the N.C.'s which was so strongly  
urged in the Joint Committee's Report.  
It is hardly conceivable that the draftsmen

Handwritten notes on the left margin, including the word "Townships" and other illegible scribbles.

Handwritten notes on the left margin, including the word "Report" and other illegible scribbles.

Handwritten note on the left margin, possibly "No. 2".

of this despatch can have read §§ 78-81, and  
102-5 of that Report.

In his despatch of 6<sup>th</sup> Feb (p. 31  
of the Close Union print), Sir J. Byng  
writes: - "While I am entirely in favour of the  
progress & development of these Councils along  
constitutional lines, I am no less convinced that  
this progress shall be slow & deliberate".  
But the present proposal of <sup>N.R.</sup> ~~the~~ Ministry for  
a century the control of Townships - the  
heads of the Executive Govt. leaves no  
room for the slow & ~~not~~ deliberate  
progress.

You may wish to discuss this with  
Mr. Dargy. I would suggest that the  
Govt's proposals be accepted as the best means  
for progress for the administration of the  
Townships at present, but that he  
should be reminded of the general policy  
in the Close Union Report and I should  
be surprised that it will retain the  
power of directing the cancellation of any  
10-year lease (without previous sanction  
to any sub-lease granted thereunder), if  
and when the progress & development of  
the L.M.C. concerned appears to have  
reached a stage which justifies its

being entrusted with the responsibility of administering  
the Township which is admitted to exist principally  
for its benefit.

(Signed) L.F. Preston.  
8/3.

In order to shorten the actual  
minutes, I attach a note. If the views in that Note  
are accepted, I suggest that the action should be to  
reply to the Governor that the Secretary of State  
has, in his recent telegram, informed the Governor  
of his (the Secretary of State's) decision to set up  
a Land Commission whose terms of reference include  
consideration of any administrative difficulties  
that may have already arisen in connection with the  
working of the Native Lands Trust Ordinance; say  
that the Secretary of State assumes that the policy  
to be adopted in regard to townships in the native  
reserves, in so far as it is affected by that  
Ordinance will now be considered by the Commission,  
and in the meantime he refrains from expressing any  
opinion on the proposals submitted in this despatch;  
and add by a mention of the recommendations of the  
Joint Select Committee in regard to the encouragement  
and development of Native Councils, pointing out  
that whatever arrangements are considered the best  
in existing circumstances <sup>his way</sup> should not be barred  
from associating Native Councils with the control of  
the administration of townships in their areas, in  
so far as this may become desirable as the Councils  
advance in interest and capacity.

As it is not possible to refer in the despatch to the Private and Personal correspondence regarding the Land Commission, the reply now proposed might be accompanied by a semi-official letter explaining why it has been assumed (as indeed in any case seems very desirable) that the Governor would wish this matter postponed for consideration by the Land Commission.

JY Allen

26/3/32

I am afraid that ~~we~~ are heading for an amendment of the Native Lands Trust Ordinance in the direction of making it a little more elastic in administration. If this has to be done there can be no better opportunity than that afforded by the enquiry to be made by the Land Commission; but it is evident that when we have the results of that enquiry, it may not be possible to ~~draw any conclusions from~~ the actual recommendations of the Commission, and that unless the Ordinance is to be amended, whenever trouble arises, both we and the Governor will have to ensure as far as possible that all points of difficulty are taken up at the same time.

I agree to the action proposed to Mr.

Allen's minute.

*Let us have drafts for  
S. S. G. Allen's minute on Thursday  
W.S. 29.3.32*

*Allen*

3

C. O.

18061/1/32 Kenya.

Mr. Phippsman 30/3

Mr. Freeton 30/3

Mr. Allen 30/3

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley. Jo.3

Sir J. Shuckburgh.

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Handwritten:* 286 / 54 32  
64-32

Quarto for Sir S. Wilson's signature

Downing Street,

12 Apr 1932  
March, 1932.

**DRAFT.** conson.

SIR JOSEPH BYRNE, K.C.L.O. ~~and~~ ~~and~~

The S. of S.'s despatch by

this mail in reply to your  
Confidential despatch of the 26th  
January regarding the administration  
and development of townships in  
native reserves ~~to despatch by~~  
affected by the provisions of the  
Native Lands Trust Ordinance.  
assumes that this matter will be  
considered by the Land Commission.

2 dfts.

This assumption is based  
on your private and personal  
telegram to me of the 19th January,  
in which you mention the difficulty

in

09  
2 20

in connection with townships in native reserves as one of the reasons for asking the Commission to review the working of the Ordinance. Although your despatch is dated 7 days later than your telegram, we assume that you still wish this matter postponed for consideration by the Land Commission as indeed seems very desirable.

Yours sincerely  
R. H. ...

C. O.

- Mr. Priestman 30/3
- Mr. ...
- Mr. Allen 30
- Mr. Parkinson
- Mr. Jamison
- Sir C. Bollandy 30
- Sir J. Shuckburgh
- + Perms. U.S. of S. 6/4/52
- Perly. U.S. of S. 6/4/52 p.
- Secretary of State.

18061/1/32 Kenya.

RECEIVED  
D.F.S.

Downing Street,

12 April 1932

Sir,

DRAFT Conservation

KENYA

CONFIDENTIAL

(1)

007

(17312/32)

I have etc. to acknowledge the receipt of your Confidential despatch of the 26th January on the subject of the administration and development of townships in native reserves as affected by the provisions of the Native Lands Trust Ordinance.

2. In my telegram No. 59 of the 23rd March I informed you of my decision to set up a Land Commission whose terms of reference include consideration of any administrative difficulties that may have already arisen in connection with the working of the Native Lands Trust Ordinance. I assume that the policy

2 April

to

to be adopted in regard to townships,  
in the native reserves, in so far as  
it is affected by that Ordinance, will  
now be considered by the Commission,  
and in the meantime I refrain from  
expressing any opinion on the proposals  
submitted in your despatch under reply.

~~In the context of the question,~~  
3. when formulating your proposals

~~In the light of the Land Commission's Report~~

~~you will no doubt give due weight to the~~  
recommendations of the parliamentary

Joint Select Committee, expressed in  
paras. 78-81 and 102-104 of their Report,  
in regard to the encouragement and  
development of Native Councils.

~~It is an opinion that,~~ Whatever  
arrangements are considered the best  
in existing circumstances, ~~it is~~ <sup>It is essential to ensure</sup>  
~~essential to ensure~~ that the way should  
not be barred to associating Native  
Councils with the control of the

administration

In addition to the  
aspects of the matter  
which will fall for  
consideration of the  
Land Commission, it is  
well known &  
known in regard to

to be adopted in regard to townships.  
in the native reserves, in so far as  
it is affected by that Ordinance, will  
now be considered by the Commission,  
~~and~~ in the meantime I refrain from  
expressing any opinion on the proposals

submitted in your despatch under reply.

~~3. when formulating your proposals~~

~~In the light of the Land Commission's Report~~

~~you will no longer give due weight to the~~  
recommendations of the Parliamentary

Joint Select Committee, expressed in

paras. 76-81 and 102-104 of their Report,

in regard to the encouragement and

development of Native Councils.

~~I am of opinion that, whatever~~

arrangements are considered the best

in existing circumstances, ~~it is~~

~~essential to ensure that the way should~~

not be barred to associating Native

Councils with the control of the

administration

In addition to the  
aspects of the matter  
which will fall for  
consideration of the  
Land Commission it  
will be necessary to  
keep in mind the

administration of townships in their

areas, in so far as this may be

*practicable*

desirable as the Councils advance in

interest and capacity.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

7

admini~~str~~ation of townships in their  
areas, in so far as this may become  
*practicable*  
desirable as the Councils advance in  
interest and capacity.

I have, etc.

(Sgd.) P. CUNLIFFE - LIST -

8

NOTE.

The Featham Local Government Commission dealt very briefly, pages 140 and 144, Volume II - with the question of townships and native reserves.

No 2  
It will be seen from the attached Private and Personal telegram from the Governor that in suggesting that the Land Commission should review the working of the Native Lands Trust Ordinance he instanced the difficulty in regard to townships and native reserves; he also instanced the difficulty of mining leases, which is now to be considered by the Land Commission, although, if necessary, in the meantime, the Secretary of State is prepared to allow an amendment of the Native Lands Trust Ordinance to admit of temporary excisions for mining purposes. But that expedient would clearly not be suitable for township

The fact that this despatch is dated seven days later than the telegram cannot, I think, be taken as suggesting any change of view of the Governor that this matter should be considered by the Land Commission. The need for this seems the greater since the proposals appear open to criticism that they do not comply strictly with the provisions of the Native Lands Trust Ordinance, but are rather devised (however reasonable) for getting round. Further, although the Governor rules out "excision" owing to the requirement as to adding land, there remains the fact that if township areas are to be leased to the Government for 99 years the same point will come up, but only in the form of an executive decision by the Secretary of State, where, as the proposed leases exceed 33 years, he will require such an addition to be made.

It may be that these proposals are the

best

9

best that can be devised, even in the interests of the natives themselves - but I think that in all the circumstances, it would be best to assume that it is still the Governor's intention that the matter should be considered by the Land Commission. I gathered from Mr. MacGregor that the additional delay would not be really inconvenient.

This is the third matter - the others being mining and forest - which has recently come up in connection with the working of the Native Lands Trust Ordinance, and I am afraid they do show that there is some substance in the criticism which has been made to me that if that Ordinance is to be given, in all cases, a strict legal interpretation, developments in the native reserves would be stifled, and for this reason it is a very good thing that the working of the Ordinance is to be reviewed by an independent commission.

To turn to the political point referred to by Mr. Freeston in his minute, Mr. MacGregor told me that although townships would, under these proposals, not be dealt with by the Local Native Councils, it did not mean that natives could not be associated with their administration. Natives could be appointed to the Township Committee which advised the District Commissioner in the administration of Grade A townships. Grade B townships are administered by the District Commissioner alone.

But even assuming that it will always be desirable to have some township authorities (of whatever kind) separate from the Local Native Councils, in the same way as municipalities are set up in the settled areas, the time may come when the development of the

Native Councils (not only Local, but possibly, too, Provincial Councils, or even a Central Council, as visualised by the Joint Committee) reaches a point where it may be desirable to associate them with the control of township authorities within their areas, and not leave the latter with independent authority derived solely from the Central Legislature or Executive. That, however, is no doubt looking a long way ahead, and I think it would ~~be~~ premature to make any specific suggestions such as that put forward by Mr. Freeston at "A" in his minute. I therefore think that this aspect of the matter should be referred to only in the most general terms.

(4. B. The Townships Ordinance in 1925/31 has not yet been finally dealt - the has been left up for other papers arising out of "discrimination" which are still in 1925/31  
 view, of 26/2/31 to be circulated)

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 19th January, 1932.

Received in the Colonial Office at 4.2.p.m. on 19th January, 1932.

PRIVATE AND PERSONAL.

Reference to your Private and Personal telegram 13th January. Following for Wilson. Begins. No objection to your revised Terms of Reference though numbers 3 and 5 appear to some extent to overlap ~~as~~ claims contemplated under No.3 arise in most cases from section 86 of Chapter 140.

I suggest addition of a further term as follows:  
"to review working of Native Lands Trust Ordinance and to make recommendations as to any amendments which may appear to be required". In this connection please see my despatch No.665 of the 20th November last on the subject of mining in Native Reserves. There is also difficulty in connection with townships in Native Reserves and as to exchanges of land however advantageous such exchanges may be to the natives concerned. As to personnel while I appreciate your views I think that it would be difficult if not impossible to find two fairminded and unprejudiced local men whose recommendations would command confidence. I therefore recommend that Carter be asked to serve as a one-man Commission with Fazan as Secretary. Ends.

*7. suitable to C? "inserted in my administrative difficulties that may have already arisen can best be met better by supplemental legislation or otherwise without involving any departure from the principles of the*



KENYA.

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA

No. 12

CONFIDENTIAL.

26<sup>th</sup> January, 1932.

Sir,

*No 21 on  
16/10/30*

I have the honour to refer to the correspondence dealing with the enactment of the Native Lands Trust Ordinance, 1930, ~~terminating~~ <sup>terminating</sup> with Sir Edward Brigg's Confidential telegram No. 191 of the 2nd April, 1930, and to the subject of the administration and development of Townships in the Native Reserves as affected by that Ordinance.

*Edward Conf. 12 of 1932*

2. Among the Townships scheduled in the Townships Ordinance of 1930 there are fifteen in Native Reserves which had been included within the boundaries of these Reserves as gazetted in 1926. Since the year 1925 all the income from the alienation of land in these townships has been paid to the Local Native funds of the areas in which they are situated and, while in some of them, certain expenditure has been incurred from the funds of the Local Native Councils concerned, in others expenditure on general township services, such as roads, has continued to be met from the funds of the Colony, which do not however benefit from any revenue therefrom. From time to time, moreover, it may be necessary to create further Townships in these areas.

These Townships play a very important part in the development of Native Reserves, by affording to the native inhabitants ready markets both for the sale of their

produce .....

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CONLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.1.

produce and for the purchase of such goods as they may require, and they are in fact essential to the progress of these Reserves. Questions however of town planning and township administration, including the imposition of rates and the execution of services, are not such as properly be dealt with by a Local Native Council whose principal preoccupation in the matter is as a quasi-landowner and it is, I think, most desirable that these matters should be dealt with on uniform lines in all townships irrespective of the geographical situation of the particular township. You will recollect that this was the view expressed to the Local Government Commission by the late Chief Native Commissioner, and his proposal in regard to a quit rent has been endorsed in principle by the present Acting Chief Native Commissioner and the Provincial Commissioners at their Conference.

3. Under the Native Lands Trust Ordinance there appear to be two ways of achieving this object, viz.
  - (a) By excising the Township areas from the Reserves altogether under section 15 of the Ordinance.
  - (b) By leasing these to the Government under section 8 the Government itself subletting to the individual plot holders.

*Ms. 11  
16010/30*

The question of excising these areas has received careful consideration, but in view of Lord Passfield's Confidential despatch of the 6th March, 1930, excision is clearly a solution to be adopted only in the most exceptional circumstances. The special difficulty in the way of such solution is that it would involve the addition to the reserves of suitable and, if available, contiguous areas of unalienated Crown lands equal in extent and, if possible, equal in value to the areas excluded. It would be impossible in the majority of cases to find such land, and it would further be difficult to justify such an

addition .....

addition in the case of many of these townships where, as for example at Yala, their existence benefits chiefly the natives of the reserves themselves.

There remains, therefore, the method of leasing these areas to the Government, which would then be free to develop them on the same lines as the Townships outside the native reserves. The late Chief Native Commissioner's proposal that these Townships should be taken over by Government on a quit rent in perpetuity, which was made prior to the framing and enactment of the Native Lands Trust Ordinance, would involve an amendment of the Ordinance as it now stands, since it prescribes that leases cannot be granted for a longer period than 99 years. I see no necessity for recommending such an amendment, for if the period of the lease to Government is of sufficient length to enable subleases to be made for such number of years as will justify the erection of substantial and sanitary dwellings by the traders, the main purpose of Government will be served. This will be possible if the head lease to Government is 99 years since subleases to 40 to 50 years can then be issued. I do not think that subleases of any lesser period should be contemplated in the better portions of these townships. In townships outside the native reserves it is the practice either to grant long leases of 99 years for the better sites with a proviso for the erection of buildings in stone, burnt brick or concrete, or to issue leases of 25 years only for plots on which buildings of wood and iron may be erected, but with provision for the extension of these leases to 99 years if buildings of stone, burnt brick or concrete are erected within the original period of 25 years. This system, while providing for the erection of a cheaper form of building by the smaller traders, has proved successful in encouraging buildings of

a more substantial type with consequent considerable improvement in sanitary conditions. This will not, however, be possible unless subleases of 40 to 50 years can be granted and, to enable this to be effected over a reasonably long period of years, a head lease of 99 years to Government will be necessary.

4. A proposal on these lines was submitted to the Central Native Lands Trust Board at its last meeting and was recommended by it, and I trust you will approve it in principle and agree to the period of 99 years in the circumstances of this case. I have instructed that a Committee of Provincial Commissioners should consider and make recommendations in regard to the amount of the quit rent that should be fixed for existing townships in Native Reserves. You may wish to have my recommendations on these details furnished to you in due course.

5. There is the further point as to what course should be followed pending the working out of these details. Since the enactment of the Crown Lands Amendment Ordinance, 1924, it has not been possible to dispose of plots in any township in a Native Reserve since no rules were ever issued. The desirability of issuing such rules was taken up with your predecessor but as the enactment of the Native Lands Trust Ordinance was then approaching achievement, no action was taken. In the meantime development has been held up to the general detriment. A proposal put up in the attached memorandum by the Acting Chief Native Commissioner will be discussed at the next meeting of the Central Native Lands Trust Board. Subject to their acceptance of it, I should be grateful if you would inform me whether you approve the proposal which appears to be eminently reasonable.

I have the honour to be,

Sir,  
Your most obedient, humble servant,

BRIGADIER GENERAL, GOVERNOR.

16

TOWNSHIPS IN NATIVE RESERVES.

MEMORANDUM FOR CIRCULATION TO MEMBERS OF  
THE CENTRAL LANDS TRUST BOARD.

In order to comply with the spirit of the Native Lands Trust Ordinance and to reconcile with that Ordinance the established practice in connection with the issue of leases in Townships in Native Reserves application is made to the Central Lands Trust Board to consent to the continuance of that practice, which is briefly that leases in Townships are issued by the Commissioner of Lands the rents being credited to the Local Native Councils concerned. The townships affected are those shown in the attached Schedule.

2. All the townships scheduled were established and gazetted before the enactment of the Native Lands Trust Ordinance, Individual native interests therefore in occupation of land within the township boundaries have vanished (except in a few instances, e.g. in Kakamega where natives have continued to reside within the boundaries) and have been succeeded by communal interest in the rents paid by plottolders. There seems therefore nothing to be gained by consulting the local natives concerned, or the Local Native Councils or the Local Advisory Land Boards on the grant of every particular lease within the Township boundaries.

3. The policy recommended is consistent with that recently approved by the Central Lands Trust Board under which it is proposed to lease Township areas on a system of quit rents payable to Local Native Councils. Until the amounts of quit rent payable are determined and the quit rent system is put into practice the question of the amount payable on every particular plot will be a matter of concern to the Local Native Council to whom the rent will be paid, but a Local Native Council is not ordinarily the best judge of the value of land in a Township and the Commissioner of Lands in consultation with the Chief Native Commissioner should have no difficulty in assessing the amounts. When the quit rent system is established the Local Native Councils will have no further interest in the amount of the rent of any individual plot.

4. In the meantime development of these Townships is being retarded and it is desirable to end the present impasse. Township development and Township control are not properly within the activities of either Local Native Councils or Local Advisory Land Boards, and it is believed that powers of control and development may be properly entrusted to the Commissioner of Lands without in any way violating the spirit of the Native Lands Trust Ordinance, and further that it is in the general interests of the neighbouring native populations that their townships should be developed along the best lines.

14.11.31.

SCHEDULE.

Grade A.	Ukamba Province.	Machakos (1906).
" B.	Ukamba Province.	Kitui (1909).
	Kikuyu Province.	Embu (1911) Fort Hall (1909) Kiambu (1911) Limuru (1924) Meru (1911).
	Masai Province.	Kajiado (1927) Narok (1916) Ngong (1916).
	Rift Valley Province.	Kabarnet (1918).
	Nzoia Province.	Kapsabet (1909).
	Nyanza Province.	Kakamega (1902) Kisii (1909) Yala (1912).

\* A part of this Township used as a commonage is not in Native Reserve.

No. 18064

(See also subfile 1, (Secret))

SUBJECT

C O 533/421

Kenya Royal Naval Volunteer Reserve Ordinance  
1931

No. 45 of 1931

Previous

Subsequent

See 11049/32 Gen

3142/33 subfile 1 (Secret)

Spence  
copies to  
Library

1 for King ——— 38 ——— 22/1/32 2

The 2 authenticated & 12 printed  
copies of the Royal Naval Volunteer  
Reserve Ordinance, 1931, together with  
Legal Report.

Library

Can you attach a copy of  
the colonial ordinance?

H. P. P. P. P.

22/1/32

but Printed

seems to be the  
same ordinance, but seems  
to be the first of its kind

R. P. P. P.

1/31 (R 12)

I have no comments on the details  
of the ordinance. It is noted that  
the Admiralty - has approved the law  
but a copy should be sent to the  
obsons.

It seems probable that the former  
to have assented to the ordinance  
before the approval of H. M. & Currie  
has been obtained in accordance  
with section 2 of the Act. Steps  
should be taken to obtain the approval  
if the Admiralty - has no objection.

H. P. P. P.  
4/2/32

Spence  
copies to  
Library

No. 2 authenticated & 12 printed  
Copies of the Kenya Royal Naval Volunteer  
Reserve Ordinance, 1931, together with  
Legal Report.

Library

Can you attach a copy of my  
view on the colonial ordinance?

H. P. P. P. P.  
22/1/32

Mr. Priestman

Dear Mr. Priestman  
I am sorry to hear  
to be the first of its kind

H. P. P. P.  
(C. G. P.)

I have no comments on the details  
of this ordinance. It is noted that  
the Admiralty - has approved its terms  
? but a copy should be sent for my  
observations.

It seems premature for the Governor  
to have assented to the Ordinance  
before the approval of H.M. & Council  
has been obtained in accordance  
with section 2 of the Act. Steps  
should be taken to obtain this approval  
if the Admiralty - has no objections.

H. P. P. P.  
4/2/32

In the legal report it is stated that the Admiralty have approved the terms of this <sup>1931</sup> Order. By your opinion any comments on its provisions I should like to see the observations of the Lord Commissioners.

J. C. Hanson 15/3/32

(hope for my return from leave today)

G. S. C. Adams

Booth 23/3/32

I can't think why they should have passed this now, when they have about as much prospect of raising the price as a frog has of growing feathers. However

as ordered.

G. S. C. Adams

23/3/32

2. I am up and will to 1. - 31 MAR 1932

The Admiralty have approved the terms of this Order. By your opinion any comments on its provisions I should like to see the observations of the Lord Commissioners.

3 Admiralty Order - 22 Oct. 32

Suggest steps be taken to approve Order at once: promise <sup>first</sup> la. regarding organization of the R.N.A.V.R.

As the Admiralty suggest that steps should be taken to approve at once the order enclosed with 1 it seems necessary to obtain the approval of the Council in the first instance as laid down by section 2(1) of the Colonial Naval Defence Act, 1931.

? G. D. may be asked to proceed with this

It is <sup>first</sup> a legal point to consider. The Act above mentioned applies only to a Colony. This would appear to make the Ordinance inapplicable to the Protectorate of Kenya and as if so this would eliminate Mombasa and the Coastal Strip there would be no object in proceeding with the Order.

? legal advice may be written on this point in the first instance

H. P. Jones MBE 24/3/32

The Protectorate point seems to be of substance. The coastal strip, 10 miles in depth, from the T.T. frontier, to a point north of Wita

copy  
the territorial waters of the Colony are of restricted (and, for present purposes, unclear) extent

Mr. Duncanson  
24/10

Mr. Duncanson

I agree with the preceding minutes,

I have got hold of the Colonial Naval Defence Act which I attach. It seems to me that it will first be necessary to amend the Act so that it may apply to protectorates before the Kenya Ordinance can be properly put into force. Do you agree?

Lyons  
26.9.32

Mr. McSwaney.

On the whole, I do not think that any amendment of the Colonial Naval Defence Act, 1931 is necessary. It seems to me that the "territorial waters" referred to in section 2(1) are those for which the Colony of Kenya is responsible, and for which it can presumably legislate.

So far as the 1931 Ordinance itself is concerned, it will of course apply to the Protectorate as well as the Colony (see the proviso to section 2(B) of the Interpretation and

General

General Clauses Ordinance (cap.1).

3rd October, 1932.

H. Duncanson

Then I think that we may proceed with application to the P.C. as proposed by Mr. Priestman

Lyons  
3.10.32

Mr. Duncanson

B. V. Vernon

J. H. Allen  
4/10

6/10/32

Mr. S. Wilson

As to the amendment of the Act, I agree to action, though I am (with Mr. Lyons) not sure that it is necessary.

Lyons  
28/10/32

Wes  
6.10.32

Lyons  
absence

8.10.32

which assumes that sections 2(1),  
 b, 13 and 3 <sup>of the order</sup> are those requiring  
 the approval of the Council under  
 Section 2(1)(a), (b) (c) of the Act.  
 It may be considered desirable to  
 include section 2 of the order in  
 the order because it includes its approval  
 as this is apparently the first order  
 to issue under the 1931 Act it may be  
 considered advisable to obtain Admiralty  
 concurrence in its terms.

115? 17/11/32  
 18/10/32  
 P.S.  
 It will be observed from b i 91978/32  
 that the former is anxious to expedite the  
 making of the order should be expedited  
 I understand that the next meeting of  
 the Navy Council will be about the end of  
 this month or beginning of next month.  
 115?

It appears that this should have gone to  
 Mr. Preston first. However, their draft will do.  
 The draft O-in-C as now altered by  
 me in pencil should be adequate; but  
 I agree that we had better refer it to the  
 Admiralty for their observations.

It would be convenient if a copy of  
 the Imperial Act of 1931 were with the  
 30 papers.  
 19/10/32 14. Duncan.  
 10/11/32 at sea

less the off  
 brought by  
 the absence of  
 30 papers.

4 To Admiralty - 7/11/32 - 21/10/32  
 5/ Kenya 5.0 29 Sept  
 suggests that approval of necessary  
 6-in-C. might be obtained quickly  
 (No. 5 transferred from General file)  
 No 5 ? Reply that endeavours are  
 being made to get the O-in-C to get to  
 the next meeting of the Navy Council  
 but that it has been sent to the  
 Admiralty for its views  
 16/10/32  
 Staff (1) O-in-C in view of Admiralty  
 (2) Mr. Preston will get through  
 about 11/11/32  
 26/10/32  
 at sea

6 To Mr. T. Lester - 1/11/32 - 25/10/32  
 7 Admiralty - 24/10/32  
 Mr. Preston  
 Monthly to Mr. T. Lester has not been received.  
 14.11.32

The inquiry was in decided 1/11/32  
 in both 4 and 7. The second was  
 not a sending and the remainder /  
 11/11/32

8. ~~revising~~  
Concern in terms of draft O.M.C. relating to Kenya  
R.H. V.R. & state this matter regarding formation &  
training must be left to <sup>proper</sup> authorities of the colony, but  
suggest amendments to Gov's proposals.

Send the draft order below  
4 to the T.C. M.F. (C/7)  
- then merge.

H.S. P. <sup>in some</sup>  
5/10/32

MB, the M.F. must merge in  
the 7<sup>th</sup> Nov.

9. To the Hon. Sec. of State (M.F. O.C. 6.) Com. 7/11/32

no 8? a copy should go  
on 91978/32 Gen (Secret) on  
which subject ~~has~~ <sup>has</sup> ~~been~~ <sup>been</sup> ~~discussed~~ <sup>discussed</sup>  
by G.D. A copy should  
be prepared app. my in general  
the proposals in 1 & 2 that file  
with the award ~~proposals~~ <sup>suggested</sup>  
in 8. This could go by  
mail as soon as the O.C.  
is made.

? Item on the file as soon as  
the O.C. is made signify your  
disallowance of the order ~~in~~ <sup>in</sup>  
with 7. Add as in para 3 of 3,  
and include copy of the O.C.  
(also by air mail ~~not~~ <sup>not</sup> so as

to the 9 cases  
have been done  
by the 6 PC  
to the 1st 2nd &  
a resolution a  
in line 6 &  
disposal also  
what of cases the  
not been  
included since  
will not be  
made 1/1/32

to ensure that the minor amendments  
& are followed

M. Priestman  
9/14/32

M. Priestman

I don't think I am concerned with 9

with directly of the

with 9/11/32

I agree with Mr. Priestman

J. G. ...  
9.11.32

In the first place the file should go to  
Mr. Roberts-Wain for his observations on the  
details of the Ordinance.

No one seems to have checked the  
copy of the draft O.M.C. (see my personal  
attention in the attached draft).

The sections in the margin were only inserted  
in the original draft for convenience. They  
were not meant, of course, to appear in  
the Order as printed!

12/1/32

H. Duncan

The Admiralty on re-consideration and I  
do not think it in anything in the  
Order to which I need more attention.  
I have also minutes as regards the model  
on 90499/32.

A.D. ...  
15/11

and in looking to the Gov. in the  
document found a further concern  
as to the model order - let us  
try to have to the Secretary  
with 90489/32 General

St Allen  
15/11/32

I agree - the position of the  
model ordinance is under general  
consideration and this may take  
some time. You may promise a  
further communication about it

Lyons  
16.11.32

St Allen  
16/11/32

10 Provvy Council Office 16/11/32

Letters 2 sealed and 20 plain copies for O.C.

The O.C. includes the errors mentioned  
to Mr. Allen in the note at side of  
Mr. Dun's copy dated 12/11/32.

It may be well to explain the  
figures in the margin of Mr. Moon

I submit 2 drafts. There is also  
action on 91978/32

St Allen  
18/11/32

After speaking to Mr. Dunson, I have suggested  
to Mr. Colin Smith (Provvy Council Office) that  
the O-in-C. should be reprinted, without  
the other marginalia. He is going to let me  
know.

In any event, the first step should  
be to let, as in draft herewith,  
Provvy for preparation, deep conforming  
the letter, enclosing copy of  
of (8) copies of the O-in-C. (which reprinted  
and adding a remark about the project)

Model Ordinance

St Allen  
21/11

P.S. P.C. Office have now telephoned that  
if the copies can be returned to them today  
we can have reprints by Wednesday evening.  
Please to me when it is possible.

11 To Gov. Kemp tel 245 11 and 21.11.32

Copies returned (including 10 plain copies from  
Library)

Now diff. course, as suggested above.

St Allen  
21/11/32



18<sup>th</sup> Admin (w/c 16, 17) Conf 2/16 - 6/1/53

10 C.A. (w/c District of Columbia) 13 Feb 53  
~~DESTROYED UNDER STATUTE~~

20 Govt Notice No 8186/1933

Date of commencement of District

Print by

W.S. P. ...

11/2/33

atml

18 <sup>45</sup> Adm. (w/c 16, 17) Conf. 13/16 - 6/1/33

19 C.A. (w/c Ordinance, & Ord. C) \_\_\_\_\_ 13 Feb 33  
**DESTROYED UNDER STATUTE**

20 Govt. Notice No 8188/1932

Date of commencement of Ordinance

Publy

W.S. P. M. S. M. S.

11/3/33

atm

GOVERNMENT NOTICE NO. 818

THE KENYA ROYAL NAVAL VOLUNTEER RESERVE  
ORDINANCE, 1931.

NOTICE.

IN EXERCISE of the powers conferred upon him by Section 1 of the Kenya Royal Naval Volunteer Reserve Ordinance, 1931, His Excellency the Governor has been pleased to appoint the 1st day of January, 1933, as the date on which the said Ordinance shall come into operation.

By Command of His Excellency the Governor  
Nairobi.

This 24th day of December, 1932

C. G. USHER,  
for Colonial Secretary.

20  
9

GOVERNMENT NOTICE No. 818

THE KENYA ROYAL NAVAL VOLUNTEER RESERVE  
ORDINANCE, 1931.

NOTICE.

IN EXERCISE of the powers conferred upon him by  
Section 1 of the Kenya Royal Naval Volunteer Reserve  
Ordinance, 1931, His Excellency the Governor has been pleased  
to appoint the 1st day of January, 1933, as the date on which  
the said Ordinance shall come into operation.

By Command of His Excellency the Governor

Nairobi,

This 24th day of December, 1932.

C. G. USHER,

for Colonial Secretary

20<sup>9</sup>

AIR MAIL

KENYA

No. 620.



GOVERNMENT HOUSE  
NAIROBI  
KENYA

10  
16

23<sup>rd</sup> December, 1932.

Sir,

No. 13

No. 1

18346/52

I have the honour to refer to your despatch No. 863 of 26th November and previous correspondence on the subject of the early formation of the Kenya Royal Naval Volunteer Reserve, and also to my air mail despatch No. 615 (Reserved) of 22nd December transmitting the estimates of revenue and expenditure for 1933 as passed by Legislative Council on 19th December, 1932. In paragraph 3 (2) of the latter despatch it will be observed that I have undertaken that until the estimates shall have been again reviewed by Legislative Council I will authorize only such expenditure as is necessary to provide essential services.

18346/52  
18346/52  
18346/52

I regard the establishment of the Kenya Royal Naval Volunteer Reserve as an essential part of the defences of the Colony and as such an essential service, and I am most anxious to raise the nucleus of this new force as early as possible in January 1933 in order that the Reserve may be in a position to benefit from instruction from the Staff of the Naval Command-in-Chief, East Indies Squadron when they visit Mombasa in the middle of 1933.

I shall be grateful therefore if a telegram could be sent to me formally authorizing the embodiment of the Reserve.

In order to be in a position to act immediately when this authority is received, I shall by proclamation bring into.....

THE RIGHT HONOURABLE MAJOR,  
SIR PHILIP CUNLIFFE-LISTER, P.C., C.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON. S. W. 1.

and 17

AIR MAIL

KENYA  
No.



GOVERNMENT HOUSE  
NAIROBI  
KENYA

December, 1932.

into force on 1st January, 1933 the Kenya Royal Naval Volunteer Ordinance, 1931.

I have addressed a copy of this despatch to the Governor of Uganda.

I have the honour to be,

Sir,

Your most obedient, humble servant,

ERIC - GENERAL.  
GOVERNOR.

Mr. Priestman 24/11  
 Mr. Austin 24  
 Mr. Robinson 24  
 Mr. Allen 24  
 Mr. Parkinson 24  
 Mr. Tomlinson  
 Sir C. Bottomley  
 Sir J. Shuckburgh  
 Permanent U.S. of S.  
 Party U.S. of S.  
 Secretary of State

for air mail 29 Nov

C. D. 26  
 B. 25 NOV  
 D. 26

November 1932

Sir,

I have etc. to confirm my telegram

DRAFT. (ii)

No. 245 of the 21st // November which reads as follows:-

KENYA  
 No. 863  
GOVERNOR

(For Air Mail of 29th Nov.)

Copy to the Secy 27/11/26 NOV 1932  
 Copy to the Secy 27/11/26 NOV 1932

"Your despatch of the 22nd January No. 38. H.M. will not be advised to exercise his power of disallowance in respect of the Kenya Royal Naval Volunteer Reserve Ordinance No. 25 of 1931. H.M. -in- Council has been pleased to signify approval of that Ordinance so far as is required by the Colonial Naval Defence Act, 1931 section 2(1). Despatch follows."

2. I now transmit to you one sealed copy of the Order-in-Council above mentioned.

3. Ten printed copies of the Order will follow by ordinary mail.

10/11/32

(iii)  
 Copy (with copy of  
 O.C. & Keanda  
 of - number dep.  
 without reference.

Handwritten signature/initials

2. I take this opportunity to inform you that the preparation of a model ordinance for the use of Colonies desirous of forming Royal Naval Volunteer Reserve Forces is under consideration, and that it may be desirable at a later date for an amending ordinance to be passed to bring Ordinance No. 45 of 1931 into conformity with the model.

I shall, however, address a further communication to you on this subject in due course.

I have etc.

4. Fresh letter has been sent to the Secy

Viganda  
Lester

(Sgd.) P. CUNLIFFE-LISTER

2 I take this opportunity to inform you that the preparation of a model ordinance for the use of Colonies desirous of forming Royal Naval Volunteer Reserve Forces is under consideration, and that it may be desirable at a later date for an amending ordinance to be passed to bring Ordinance No. 45 of 1931 into conformity with the model. I shall, however, address a further communication to you on this subject in due course.

Yours etc.

4. Koch 11/11/31  
has been sent to the G.O.

Uganda  
Laverie

(Sgd.) P. CUNLIFFE-LISTER.

23. 11. '32.

NOV 1932

1 copy sent to Mr. Copen mail to For Kenya 863 }  
1 copy sent to Mr. Copen mail to For Kenya 863 }  
1 copy sent to Mr. Copen mail to For Kenya 863 }

Dear Mr. Freeston,

I enclose re-print of the Kenya R. N. O. R. Ordinance in C. 2 sealed & 30 plain copies. Perhaps you would kindly forward copies to your Librarian.

Yours sincerely,

C. W. Humley

12<sup>13</sup>

23. 11. '32.

26 NOV 1932

Dear Mr. Freston,

I enclose re-print of the Kenya R. & R. Ordinance Q. in C. -

2 sealed & 30 plain copies. Perhaps you would kindly pass 10 copies on to your Librarian.

Yours sincerely,  
C. W. Humley.

1 sealed & 10 plain copies sent to Mr. Freston on 23. 11. '32. 577

14

AT THE COURT AT BUCKINGHAM PALACE,

The 10th day of November, 1932.

Present,

**THE KING'S MOST EXCELLENT MAJESTY.**

Master of the Horse.

Mr. Chancellor of the

Lord Colebrooke.

Duchy of Lancaster.

Sir Bolton Eyres-Monsell.

WHEREAS the Legislature of the Colony of Kenya (hereinafter referred to as "the Legislature") has by an Ordinance entitled "The Kenya Royal Naval Volunteer Reserve Ordinance, 1931" (hereinafter referred to as "the Ordinance"), made provision for raising a force for the naval defence of the Colony within its territorial waters under the designation of the Kenya Royal Naval Volunteer Reserve:

AND WHEREAS, under the powers conferred by the Imperial Colonial Naval Defence Act, 1931, the Legislature has further provided in the Ordinance that

- (a) All enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy shall apply within or without the limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service; and
- (b) That the Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel or ~~on~~ shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not; and
- (c) That the whole or any part of the Reserve shall at all times be liable to be employed on active service against an enemy anywhere within or without the limits of the Colony or for the prevention or suppression of internal disorder within the Colony; and
- (d) That the body of officers and men raised in accordance with the provisions of the Ordinance shall form part of the Royal Naval Volunteer Reserve constituted under the Imperial Naval Forces Act, 1901.

AND WHEREAS by virtue of sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" these further provisions require the approval of His Majesty in Council in so far as they relate to the matters specified in paragraphs (a) (b) and (c) of the said sub-section :

NOW, THEREFORE, His Majesty having taken these further provisions of the Ordinance into consideration is pleased by and with the advice of His Privy Council to give, express, and signify His approval thereof in all respects so far as is required by the said sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931"

*m. p. a. Hawkey*

AND WHEREAS by virtue of sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" these further provisions require the approval of His Majesty in Council in so far as they relate to the matters specified in paragraphs (a) (b) and (c) of the said sub-section:

NOW, THEREFORE, His Majesty having taken these further provisions of the Ordinance into consideration is pleased by and with the advice of His Privy Council to give, express, and signify His approval thereof in all respects so far as is required by the said sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931"

*M. P. A. Hawkey*

C. O.

18064/32

15

Kemp

Mr. Austin 21/11  
Mr. Roberts-Wray 21  
Mr. Patten 21 atarce

Coded over

3/ 21/11 186

Mr. Tomlinson  
C. C. Bottomley  
Sir J. Shuckburgh  
Sir G. Grindle  
Permt. U.S. of S.  
Partly. U.S. of S.  
Secretary of State

C. O.  
R 28 FEB  
D. 1/1/38

No 2245

**DRAFT:** (cont)

Your disp. 22 Jan. 38

H.P. will not be advised  
to exercise his power of  
discretion in respect of  
Kemp's Naval Volunteer  
Reserve Ordinance No 45 of  
1937. H.P. in Council  
has been pleased to  
signify approval of that  
Ordinance so far as is  
required by Colonial Naval

ref: 2/6/1/11

Defence Det. 1931

Section 2 (B)

~~Section 2 sub section~~

\*0 Despatch follows

In any correspondence on this subject please quote No. 137 and address —

THE CLERK OF THE COUNCIL,  
PRIVY COUNCIL OFFICE,  
WHITEHALL, S.W.1.

PRIVY COUNCIL OFFICE

RECEIVED  
17 NOV 1932  
COL OFFICE

16<sup>th</sup> November 1932

2 sealed  
+ 20 plain  
copies.

I am directed by the Lord President of the Council to transmit to you the accompanying Order of His Majesty in Council of the 10<sup>th</sup> instant relating to

*Kenya Royal Naval Volunteer Reserve Ordinance 1931*

and I am to request that you will bring the same before the Secretary of State for *the Colonies*

I am,

Sir,

Your obedient Servant,

*M. P. A. Hankey*

The Under Secretary of State,  
&c., &c., &c.,

*Colonial Office*

In any communication on this subject please  
quote No. 139207 and address

THE CLERK OF THE COUNCIL,  
PRIVY COUNCIL OFFICE,  
WHITEHALL, S.W.1.

10 16  
PRIVY COUNCIL OFFICE.

RECEIVED 16<sup>th</sup> November 1932  
17 NOV 1932  
COL OFFICE

Sir,

I am directed by the Lord President of the Council to  
transmit to you the accompanying Order of His Majesty in  
Council of the <sup>10<sup>th</sup></sup> instant relating to the  
*Kenya Royal Naval Volunteer Reserve Ordinance 1931*  
and I am to request that you will lay the same before the  
Secretary of State for *the Colonies*

*2 sealed  
+ 20 plain  
copies*

I am,

Sir,

Your obedient Servant,

*M. P. A. Hankay*

The Under Secretary of State,  
&c., &c., &c.

*Colonial Office*

AT THE COURT AT BUCKINGHAM PALACE

The 10th day of November, 1932.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Master of the Horse.

Lord Colebrook

Sir Bolton Eyres-Monsell.

Mr. Chancellor of the

Duchy of Lancaster.

WHEREAS the Legislature of the Colony of Kenya (hereinafter referred to as "the Legislature") has by an Ordinance entitled "The Kenya Royal Naval Volunteer Reserve Ordinance, 1931" (hereinafter referred to as "the Ordinance"), made provision for raising a force for the naval defence of the Colony within its territorial waters under the designation of the Kenya Royal Naval Volunteer Reserve:

AND WHEREAS, under the powers conferred by the Imperial Colonial-Naval Defence Act, 1931, the Legislature has further provided in the Ordinance that

- (a) All enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy shall apply within or without the limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service; and
- (b) That the Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel or partly on shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not; and
- (c) That the whole or any part of the Reserve shall at all times be liable to be employed in active service against an enemy anywhere within or without the limits of the Colony or for the prevention or suppression of internal disorder within the Colony; and
- (d) That the body of officers and men raised in accordance with the provisions of the Ordinance shall form part of the Royal Naval Volunteer Reserve constituted under the Imperial Naval Forces Act, 1903;

AND WHEREAS by virtue of sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" these further provisions require the approval of His Majesty in Council in so far as they relate to the matters specified in paragraphs (a) (b) and (c) of the said sub-section :

NOW, THEREFORE, His Majesty having taken these further provisions of the Ordinance into consideration is pleased by and with the advice of His Privy Council to give, express, and signify His approval thereof in all respects so far as is required by the said sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931".

M. P. A. Hankey.

AND WHEREAS by virtue of sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" these further provisions require the approval of His Majesty in Council in so far as they relate to the matters specified in paragraphs (a) (b) and (c) of the said sub-section :

NOW, THEREFORE, His Majesty having taken these further provisions of the Ordinance into consideration is pleased by and with the advice of His Privy Council to give, express, and signify His approval thereof in all respects so far as is required by the said sub-section (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" .

M. P. A. Hankey.



28

L.P.—No. 8-18  
8

Any further communication should be addressed to—

**CONFIDENTIAL.**

Admiralty, S.W.1.

The Secretary of the Admiralty,  
London, S.W.1

3rd November, 1938

Reference "M.02127/38"

Sir,

NDH

In reply to your letter of 21st October last, enclosing a copy of a draft Order-in-Council relating to the formation of the Kenya Royal Naval Volunteer Reserve, I am commended by My Lords Commissioners of the Admiralty to say that they concur in the terms of the draft Order-in-Council.

2. My Lords have noted the detailed arrangements for the formation, organisation and training of the proposed force, as set forth in the Governor's despatch of 28th July, and forwarded for their consideration under cover of your letter of 18th August last, M. 91978/38. *Not* They feel that these matters must be left largely to the discretion of the authorities of the Colony and the Commander-in-Chief, but in general they are of opinion that the scheme is satisfactory.

*Not*  
91978/38  
*See*

3. I am, however, to suggest the following small amendments to enclosure A to the Governor's despatch  
Para.3(iv). Delete "that" in line 5, or alternatively substitute "I understand that".

The Under-Secretary of State,  
COLONIAL OFFICE.

EWB.



Any further communication  
should be addressed to—

The Secretary of the Admiralty,  
London, S.W.1

quoting "M. 02127/32"

**CONFIDENTIAL.**

Admiralty, S.W.1

3rd November, 1932.

Sir,

NDH  
In reply to your letter of 21st October last, enclosing a copy of a draft Order-in-Council relating to the formation of the Kenya Royal Naval Volunteer Reserve, I am commanded by My Lords Commissioners of the Admiralty to say that they concur in the terms of the draft Order-in-Council.

2. My Lords have noted the detailed arrangements for the formation, organisation and training of the proposed force, as set forth in the Governor's despatch of 23rd July, and forwarded for their consideration under cover of your letter of 18th August 1932, No. 91978/32. No 1  
91978/32  
I feel that these matters must be left largely to the discretion of the authorities of the Colony and the Commander-in-Chief, but in general they are of opinion that the scheme is satisfactory.

3. I am, however, to suggest the following small amendments to enclosure A to the Governor's despatch:

Para. 3(iv). delete "that" in line 5, or alternatively substitute "I understand that".

Para. 4/

The Under-Secretary of State,  
COLONIAL OFFICE.

EWB.

Para. 4. Add: The same standards are to apply to officers except that in their case, vision should be:-

- Executive ..... Best eye 6/6ths, other 6/12ths.
- Engineer ..... Best eye 6/9ths, other 6/12ths.
- Special Branch. As necessary.

Medical	}	Not less than 6/60 each eye correcting to 6/6 each eye with glasses.
Accountant &		
Accountant (c) Chaplain		

4. So far as my Lords are in a position to judge from the information before them, the estimates of expenditure furnished to the Governor by the Commander-in-Chief are correct. The outlay visualised in the first year (i.e. for training manuals, charts and signalling equipment) would, therefore, be about £65,270.

I am, Sir,

your obedient servant,

J.S. Bar...

8.

Para. 4. Add. The same standards are to apply to Officers except that in their case, vision should be:-

- Executive ..... Best eye 6/6ths, other 6/12ths.
- Engineer ..... Best eye 6/9ths, other 6/12ths.
- Special Branch. As necessary.

Medical	}	Not less than 6/60 each eye correcting to 6/6 each eye with glasses.
Accountant &		
Accountant (c) Chaplains		

So far as my Lords are in a position to judge from the information before them, the estimates of expenditure furnished to the Governor by the Commander-in-Chief are correct. The outlay visualised in the first year (i.e. for training mammals, charts and signalling equipment) therefore, be about 265-270.

I am, Sir,

Your obedient servant,

JS Barnes

18064/32 Kenya 7<sup>10</sup>

180657  
19  
C. O.

Mr. Mrs. Line 29/10  
Mr. Mrs. 29/10  
Mr. Parkinson

Mr. Tomlinson  
Sir C. Bottomley  
Sir J. Shuckburgh  
Permt. U.S. of S.  
Parly. U.S. of S.  
Secretary of State.

Important and confidential

28 Oct 1932

I am etc. to refer to the letter from the Dept. of the 21<sup>st</sup> October in which the observations of the Lords Commissioners of the Admiralty on the a draft order in Council relating to the Kenya Royal Naval Volunteer Reserve.

As in London has now been received that it is necessary for any document for the next meeting of the Kenya Council to be <sup>sent</sup> to the Council Office

DRAFT. Amson

The Secretary  
Admiralty

not later than the 8<sup>th</sup> Nov I  
to request that a transcript  
of the Ross Commission  
concerning a possible bridge  
this was in the draft of the  
3. I request that the  
same of your reply  
to this letter

Yours  
R. S. [Signature]

not later than the 8<sup>th</sup> Nov. In  
to request that a list of  
of the roads concerned  
can now be a possible bridgeable  
their views in the draft order.

3. In to request that the  
James of a very early reply  
to this letter.

Yours  
R. D. [Signature]

C. O.

18064/1932 Kenya

C.O.  
R. 27 OCT  
D 27

Mr. Priestman 27/10/32

Mr. Allen

Arthur

Copy for Mr. Allen's signature

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Sir G. Grindle

Presd. U.S. of S.

Presd. U.S. of S.

Secretary of State

Downing Street,

28 October, 1932

~~Dear Sir,~~

Dear Wells

I refer to your Secret

DRAFT. Copy

MAJOR T. C. WELLS, O.B.E.,  
M.C.

(5) letter No. 295 Vol. 4 of the 29th  
Sept., about the Order-in-Council  
necessary for the constitution of  
a Royal Naval Volunteer Unit in  
Kenya.

The position is that the  
necessary Order is in draft, and  
has been sent to the Admiralty  
for their observations, and no

will

will do our best to get it

through the next meeting of the

Privy Council unless the

Admiralty raise any conundrums which

~~are necessary~~ *to delay.*

*Yours sincerely*

(Signed) H. I. ALLEN

will do our best to get it  
through the next meeting of the  
Privy Council unless the

Admiralty raise any conundrums *which*  
~~Admiralty~~ *lead to delay.*  
.....

*Yours sincerely*

(Signed) H. T. ALLEN

W.M.H. 22  
C. 5

GOVERNMENT HOUSE,  
KENYA,  
EAST AFRICA

SECRET  
VOL. 4

29th September, 1932.

Dear Allen,

On the 29th July last His Excellency sent to the Secretary of State a Secret despatch on the subject of a Royal Naval Volunteer Unit for Kenya, and in it very strongly urged that the necessary Order-in-Council should if possible be obtained quickly, so that advantage could be taken of the enthusiasm at Mombasa.

We are very anxious here that this enthusiasm should not be allowed to cool, and also we wish to form the nucleus of the force in time for a good deal of preliminary training to be done before the Fleet visits us in the early summer of 1933.

I dare say that it is difficult to obtain an Order-in-Council at this time of the year, but I should be very grateful if you could do anything to push things on.

Grogan

H.T. ALLEN, ESQ.,

27/9/32

W.M. 22  
5

GOVERNMENT HOUSE,  
KENYA,  
EAST AFRICA.

SECRET.  
S.S. VOL. 4.

29th September, 1932.

Dear Allen,

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29/10/32  
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I dare say that it is difficult to obtain an Order-in-Council at this time of the year, but I should be very grateful if you could do anything to push things on.

Grogan.....

H.T. ALLEN, ESQ.,

Grogan and the Elected Members have been stirring up the farming community and there is an unofficial inter-territorial conference sitting in Nairobi really to protest against Income-Tax. But H.B. keeps well and cheerful, and receives not a little comfort from the knowledge that a good many of the sound business men and of the "successful" farmers are behind him.

I was steady on and off for a while, having five goes of malaria contracted I believe in Dar-es-Salaam. But I seem to have got rid of it at last and am very fit.

I hope you are flourishing.

Yours sincerely,



H. T. ALLEN, ESQ.  
COLONIAL OFFICE,  
DOWNING STREET, S.W. 1.

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I hope you are flourishing.

Yours sincerely,



H. T. ALLEN, ESQ.,  
COLONIAL OFFICE,  
DOWNING STREET, S.W. 1.

C. O.

13 Nov  
4

Mr. Priestman

20  
19/10

18064/32 Kenya.

Mr. ~~...~~

Mr. ~~...~~

Mr. ~~...~~

Mr. Tomlinson

Sir G. Holliday

Sir J. Shackleton

Perm. U.S. of S.

Party. U.S. of S.

Secretary of State

C.D.  
R 21 OCT  
D 21

Answered by NOS

21 October, 1932.

CONFIDENTIAL

DRAFT. *Amson*

THE SECRETARY,

ADMIRALTY.

Sir,

*In view of the terms of*  
~~the~~ *to refer to your*

(3)

letter of the 22nd September Conf.  
No. H.02127/32 on the subject of the  
Kenya Ordinance providing for the  
establishment of the Kenya Royal Naval  
Volunteer Reserve,

I am, to <sup>the</sup> say that ~~the~~ *he*  
Committee ~~later~~ *proposes to* <sup>take</sup>  
~~the~~ *suggestion that the*

*the steps necessary to* ~~approve the Kenya~~  
~~Ordinance should be taken at once and~~  
*accordingly*  
I am to transmit to you ~~in~~ *the*  
~~before the~~ *draft*  
~~the accompanying copy of a~~ *draft*  
~~Order-in-Council which has been~~  
prepared with *this draft in view.*

Obtain the approval of H.H.  
in Council of certain provisions  
of the Ordinance, as required  
by section 2(1) of the Colonial  
Royal Expenditure Act 1931.

~~Ordinances to be brought into effect.~~

3. The S. of S. will be glad to receive any observations which the L.Crs. may wish to offer on his draft Order, and as it is desirable that the Order should be made at the next meeting of the Privy Council, he will be glad to receive the views of the L.Crs. of the Admiralty at a very early date.

I am, etc.

~~Ordinance to be brought into effect.~~

3. The S. of S. will be glad to receive any observations which the L.Crs. may wish to offer on this draft Order, and as it is desirable that the Order should be made at the next meeting of the Privy Council, he will be glad to receive the views of the L.Crs. of the Admiralty at a very early date.

I am, etc.

DRAFT ORDER-IN-COUNCIL.

Mr. 17/14 5/line 18/10  
to [unclear]

Mr. Duncan 19/10/32  
as altered by [unclear] [unclear]  
H.D.

H. Allen 17/10  
for copying as  
alter in para.  
at once

Whereas the Legislature of the  
(hereinafter referred to as "the Legislature")  
Colony of Kenya has by an Ordinance

entitled "The Kenya Royal Naval  
Volunteer Reserve Ordinance, 1931"  
(hereinafter referred to as "the Ordinance")

made provision for the constitution  
~~of a force~~  
~~and establishment of a body of volunteers~~  
~~for the naval defence of the Colony~~  
~~forming part of the Royal Naval Volunteer~~  
~~within its territorial waters~~  
~~Reserve constituted under the Imperial~~  
~~Naval Forces Act, 1903,~~ under the

designation of the Kenya Royal Naval  
Volunteer Reserves:

AND, WHEREAS, under the powers  
conferred by the Imperial Colonial  
Naval Defence Act, 1931, <sup>the</sup> (the Legislature)  
has further provided in the (said) [unclear]  
~~Royal Naval Volunteer Reserves Ordinance~~ [unclear]  
~~1931,~~ that

- (a) All enactments and regulations  
for the time being in force for the  
enforcement of discipline in the Royal  
Navy shall apply within or without the  
limits

(Section 12(1))

DRAFT ORDER-IN-COUNCIL.

Mr. 1914 5/11/1910  
The Director

Mr. Dunca 19/10/32  
as attached by Mr. J. D.

Mr. Miller 19/10  
In copying as  
attached in serial  
of force

Whereas the Legislature of the  
(hereinafter referred to as "the Legislature")  
Colony of Kenya has by an Ordinance

entitled "The Kenya Royal Naval

Volunteer Reserve Ordinance, 1931"

(hereinafter referred to as "the Ordinance")

made provision for the constitution

~~of a force~~

~~and establishment of a body of volunteers~~

~~for the naval defence of the Colony~~

~~forming part of the Royal Naval Volunteer~~

~~within its territorial waters~~

~~Reserve constituted under the Imperial~~

~~Naval Forces Act, 1903, under the~~

~~designation of the Kenya Royal Naval~~

~~Volunteer Reserve:~~

AND, WHEREAS, under the powers

conferred by the Imperial Colonial

Naval Defence Act, 1931, <sup>the</sup> Legislature

has further provided in the <sup>said</sup> Kenya

~~Royal Naval Volunteer Reserve Ordinance,~~

~~1931,~~ that

(a) All enactments and regulations

for the time being in force for the

enforcement of discipline in the Royal

Navy shall apply within or without the

limits

(Section 12(1))

limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service, and

(b) That the Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel or partly on shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not; and

(c) That the whole or any part of the Reserve shall at all times be available to be employed on active service against an enemy anywhere within or without the limits of the Colony or for the prevention or suppression of internal disorder within the Colony; and

(d)

(d) That the body of officers and ~~men~~ raised in accordance with the provisions of the ~~said~~ Ordinance shall form part of the Royal Naval Volunteer Reserve constituted under the Imperial Naval Forces Act, 1903 under the designation of the Kenya Royal Naval Volunteer Reserve.

AND WHEREAS by virtue of subsection (1) of Section 2 of the said "Colonial Naval Defence Act, 1931" these further provisions require the approval of His Majesty-in-Council

in so far as they relate to the matters specified in paragraphs (a) (b) (c) of the said Ordinance, and the enforcement of discipline, general and training and the liability for general service in the Royal Navy in respect of the officers and men of the Reserve.

NOW, THEREFORE, His Majesty having taken the ~~said~~ provisions of the ~~said~~ Ordinance into consideration is pleased

by

(Section 3)

(Section 6)

(Section 13)

by and with the advice of his  
Privy Council to give, express, and

signify his approval thereof in  
all respects so far as is required

by the ~~herein recited~~ <sup>said subsection (1) of section 2 of</sup> provision of

the said "Colonial Naval Defence  
Act, 1931."

by and with the advice of his  
Privy Council to give, express, and

signify his approval thereof in  
all respects so far as is required

by the <sup>same subsection (1) of section 2 of</sup>  
~~the said "Colonial Naval Defence~~

~~Act, 1931.~~

STATUTORY RULES AND ORDERS

1921, No. 1134.

**KENYA, COLONY, AND PROTECTORATE.**

**THE KENYA COLONY AND PROTECTORATE (BOUNDARIES) ORDER  
IN COUNCIL, 1921.**

At the Court at Buckingham Palace, the 31th day of June, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by an Order in Council bearing date the 11th day of August, 1902, and entitled the East Africa Order in Council, 1902, (a) the territories comprised in the East Africa Protectorate were defined;

And whereas by an Order in Council bearing date the 11th day of June, 1920, and entitled the Kenya (Annexation) Order in Council, 1920, (b) the territories comprised in the East Africa Protectorate, save and excepting only such territories as were included as form part of the dominions of His Highness the Sultan of Zanzibar, were annexed to and now form part of His Majesty's dominions and are known as the Colony of Kenya;

And whereas by an Order in Council bearing date the 19th day of August, 1920, (c) it is provided that the territories comprised in the East Africa Protectorate other than those so annexed as aforesaid shall be known as the Protectorate of Kenya;

And whereas it is desirable that the territories referred to in the said Orders in Council shall be more particularly defined:

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

1. This Order may be cited as the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921.

2. The limits of this Order are the territories comprised in the Colony and Protectorate of Kenya which include the following:

(1) The territories comprised in the Protectorate of Kenya are bounded on the East by the Indian Ocean on the

(a) S.R. & O., 1902, No. 611.

(b) S.R. & O., 1920, No. 1312.

(c) S.R. & O., 1920, No. 1312.

[Price 1d. Net.]

**KENYA, COLONY, AND PROTECTORATE.**

**THE KENYA COLONY AND PROTECTORATE (BOUNDARIES) ORDER  
IN COUNCIL, 1921.**

At the Court at Buckingham Palace, the 27th day of June, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by an Order in Council bearing date the 11th day of August, 1902, and entitled the East Africa Order in Council, 1902, (a) the territories comprised in the East Africa Protectorate were defined;

And whereas by an Order in Council bearing date the 11th day of June, 1900, and entitled the Kenya (Annexation) Order in Council, 1900, (b) the territories comprised in the East Africa Protectorate, save and excepting only such territories therein included as form part of the dominions of His Highness the Sultan of Zanzibar, were annexed to and now form part of His Majesty's Dominions and are known as the Colony of Kenya;

And whereas by an Order in Council bearing date the 15th day of August, 1902, and entitled the Kenya Protectorate Order in Council, 1902, (c) it is provided that the territories comprised in the East Africa Protectorate other than those so annexed as aforesaid shall be known as the Protectorate of Kenya;

And whereas it is desirable that the territories referred to in the said Order in Council shall be more particularly defined:

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

1. This Order may be cited as the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921.

2. The limits of this Order are the territories comprised in the Colony and Protectorate of Kenya which include the following:—

- (1) The territories comprised in the Protectorate of Kenya are bounded on the East by the Indian Ocean, on the

(a) S.R. & O., 1902, No. 641.

(b) S.R. & O., 1900, No. 2147.

(c) S.R. & O., 1902, No. 1162.

[Price 1d. Net.]

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STATUTORY RULES AND ORDERS,  
1921, No. 1184.

KENYA, COLONY, AND PROTECTORATE

6  
THE KENYA COLONY AND PROTECTORATE (BOUNDARIES) ORDER  
IN COUNCIL, 1921.

At the Court at Buckingham Palace, the 27th day of June, 1921

PRESENT,

The King's Most Excellent Majesty in Council

Whereas by an Order in Council bearing date the 11th day of August, 1902, and entitled the East Africa Order in Council, 1902, (a) the territories comprised in the East Africa Protectorate were defined:

And whereas by an Order in Council bearing date the 11th day of June, 1920, and entitled the Kenya (Annexation) Order in Council, 1920, (b) the territories comprised in the East Africa Protectorate, save and excepting only such territories therein included as form part of the dominions of His Highness the Sultan of Zanzibar, were annexed to and now form part of His Majesty's dominions and are known as the Colony of Kenya:

And whereas by an Order in Council bearing date the 11th day of August, 1920, and entitled the Kenya Protectorate Order in Council, 1920, (c) it is provided that the territories comprised in the East Africa Protectorate other than those so annexed as aforesaid shall be known as the Protectorate of Kenya:

And whereas it is desirable that the territories referred to in the said Orders in Council shall be more particularly defined:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921.

2. The limits of this Order are the territories comprised in the Colony and Protectorate of Kenya which include the following—

- (1) The territories comprised in the Protectorate of Kenya are bounded on the East by the Indian Ocean, on the

(a) S.R. & O., 1902, No. 461.

(b) S.R. & O., 1920, No. 2143.

(c) S.R. & O., 1920, No. 2144.

[Price 1d. Net.]

North the Southern branch of the Tana River, on the West by a line following the line of coast at a distance of 10 sea miles from high water mark, and on the South by the Tanganyika Territory. The Protectorate of Kenya includes Kari and Kipini, the Island of Lamu, and the Station of Kisumu with a radius landward of 10 sea miles, and all adjacent islands between the rivers Umba and Tana.

- (2) The territories comprised in the Colony of Kenya are bounded on the East by the Protectorate of Kenya and the Indian Ocean, on the North-east by the Juba river and the South-western boundary of the Italian sphere, on the North by the Abyssinian frontier, on the West by the Uganda Protectorate and Lake Victoria Nyanza and on the South by Tanganyika Territory, and includes all adjacent islands between the Rivers Tana and Juba and in Lake Victoria Nyanza.

3.—(1) The Governor, with the approval of the Secretary of State, by Proclamation, divide the territories within the limits of this Order into Provinces or Districts in such manner and with such sub-divisions as may be convenient for purposes of administration describing the boundaries thereof and assigning the names thereto.

(2) If a question arises whether any place is or is not within any Province or District and such question does not appear to be determined by any such Proclamation or other evidence it shall be referred to the Governor and a certificate under his hand and seal shall be conclusive on the question and judicial notice shall be taken thereof.

And the Right Honourable Winston Spence, one of His Majesty's Principal Secretaries of State, is to give the necessary directions thereon accordingly.

Almeric FitzRoy.

LONDON:

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21, FORT STREET, EDINBURGH;  
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1921.

North by the northern branch of the Tana River, on the West by a line following the line of coast at a distance of 10 sea miles from high-water mark, and on the South by the Tanganyika Territory. The Protectorate of Kenya includes Kav and Kipini, the Island of Lamu, and the Station of Kisumu with a radius landward of 10 sea miles, and all adjacent islands between the rivers Uмба and Tana.

(2) The territories comprised in the Colony of Kenya are bounded on the East by the Protectorate of Kenya and the Indian Ocean, on the North-east by the Juba river and the South-western boundary of the Italian sphere, on the North by the Abyssinian frontier, on the West by the Uganda Protectorate and Lake Victoria Nyanza and on the South by Tanganyika Territory, and includes all adjacent islands between the Rivers Tana and Juba and in Lake Victoria Nyanza.

3.—(1) The Governor may, with the approval of the Secretary of State by Proclamation, divide the territories within the limits of this Order into Provinces or Districts in such manner and with such sub-divisions as may be convenient for purposes of administration describing the boundaries thereof and assigning the names thereto.

(2) If a question arises whether any place is or is not within any Province or District and such question does not appear to be determined by any such Proclamation or other evidence it shall be referred to the Governor and his certificate under his hand and seal shall be conclusive on the question and judicial proceedings shall be taken thereon.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein according to law.

*Almeric FitzRoy*

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Colonial Naval Defence Act, 1931.

[21 GEO. 5. CH. 9.]

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3a



ARRANGEMENT OF SECTIONS.

1931.

Sections

1. Colonial ~~of~~ war.
2. Colonial naval forces.
3. Expenses of colonial vessels and naval forces while at disposal of His Majesty.
4. Short title, repeal and saving.

Colonial Naval Defence Act, 1931.

[21 GEO. 5. CH. 9.]



ARRANGEMENT OF SECTIONS

A.D. 1931.

Sections

1. Colonial vessels of war.
2. Colonial naval forces.
3. Expenses of colonial vessels and naval forces while at disposal of His Majesty.
4. Short title, repeal and saving.



## CHAPTER 9.

An Act to amend and consolidate the Colonial Naval Defence Acts, 1805 and 1809.

[3rd March 1831.]

BE it enacted by His King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The legislature of any colony may, with the approval of His Majesty in Council, make provision at the expense of the colony for maintaining and using vessels of war, subject to such conditions as His Majesty in Council may approve.

(2) The powers conferred on the legislature of a colony by the last foregoing subsection may be exercised in conjunction with the legislature of any other colony.

(3) His Majesty in Council may, on such conditions as he thinks fit, authorize the Admiralty to accept any offer made by the Government of a colony to place at His Majesty's disposal for general service in the Royal Navy any vessel of war maintained by the colony, and while any such vessel is at the disposal of His Majesty as aforesaid, it shall be deemed for all purposes to be a vessel of war of the Royal Navy.

2.—(1) Where the legislature of any colony has made provision for raising a force for the naval defence of the colony within its territorial waters, that legislature force



## CHAPTER 9.

An Act to amend and consolidate the Colonial Naval Defence Acts, 1865 and 1909.

[3rd March 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The legislature of any colony may, with the approval of His Majesty in Council, make provision at the expense of the colony for maintaining and using vessels of war, subject to such conditions as His Majesty in Council may approve. (Colonial vessels of war.)

(2) The powers conferred on the legislature of a colony by the last foregoing subsection may be exercised in conjunction with the legislature of any other colony.

(3) His Majesty in Council may, on such conditions as he thinks fit, authorise the Admiralty to accept any offer made by the Government of a colony to place at His Majesty's disposal for general service in the Royal Navy any vessel of war maintained by the colony, and while any such vessel is at the disposal of His Majesty as aforesaid, it shall be deemed for all purposes to be a vessel of war of the Royal Navy.

2.—(1) Where the legislature of any colony has made provision for raising a force for the naval defence of the colony within its territorial waters, that legislature

A. D. 1931

may, with the approval of His Majesty in Council, further provide that all or any of the officers and men of that

- (a) shall, whether serving ashore or afloat or within or without the limits of the colony, be subject to all the enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy, with such modifications and adaptations as may be made by the legislature to suit those enactments and regulations to the circumstances of the colony;
- (b) shall be liable to service and training in any ship, establishment or other place without the limits of the colony, whether belonging to the colony or not;
- (c) shall, in the case of officers or men entered on the express terms of accepting general service in the Royal Navy in emergency, form part of the Royal Naval Reserve or of the Royal Naval Volunteer Reserve or that some shall form part of the Royal Naval Reserve and others of the Royal Naval Volunteer Reserve:

Provided that the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Reserve and Royal Naval Volunteer Reserve raised in the United Kingdom shall not, subject to the provisions of the next following subsection, apply to officers or men raised by a colony except in so far as those enactments and regulations may be applied by the legislature of the colony under the foregoing provisions of this subsection.

(2) His Majesty in Council may, on such conditions as he thinks fit, authorise the Admiralty to accept any offer made by the Government of a colony to place at His Majesty's disposal for general service in the Royal Navy the whole or any number of the officers or men of the force raised by the colony as aforesaid, and while any such officers and men are at the disposal of His Majesty—

- (a) such of them as do not form part either of the Royal Naval Reserve or of the Royal Naval

A. D. 1931.

Volunteer Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Navy;

- (b) such of them as form part of the Royal Naval Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Reserve raised in the United Kingdom while in actual service;
- (c) such of them as form part of the Royal Naval Volunteer Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Volunteer Reserve raised in the United Kingdom while in actual service:

Provided that the amount of the pay, wages, pensions, grants and other emoluments of any such officers and men while at the disposal of His Majesty, or of their wives, widows, children or other dependants, shall be such as may be determined by the legislature of the colony.

3. Nothing in this Act or any Order in Council made thereunder shall be taken to authorise the payment out of the revenues of the United Kingdom of any expenses incurred in equipping, or maintaining, or repairing, or in providing the pay, wages, pensions, grants or other emoluments of any such officers or men or of their wives, widows, children or other dependants, but any such expenses may be so provided by Parliament and so far as moneys may be so provided by Parliament

4. (1) This Act shall be cited as the Colonial Naval Defence Act, 1931.

(2) The Colonial Naval Defence Act, 1865, and the Colonial Naval Defence Act, 1902, are hereby repealed:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, any provision made or authority given in pursuance of the Colonial Naval Defence Acts, 1865 and 1902, if in

Short title, Colonial Naval Defence Act, 1931.  
 repeal and saving 23 & 25 Vict. c. 14.  
 0 Edw. 7. c. 19.  
 52 & 53 Vict. c. 63.

A.D. 1931

may, with the approval of His Majesty in Council, further provide that all or any of the officers and men of that force—

- (a) shall, whether serving ashore or afloat or within or without the limits of the colony, be subject to all the enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy, with such modifications and adaptations as may be made by the legislature to adapt those enactments and regulations to the circumstances of the colony;
- (b) shall be liable to service and training in any ship, establishment or other place without the limits of the colony, whether belonging to the colony or not;
- (c) shall, in the case of officers or men entered on the express terms of accepting general service in the Royal Navy in emergency, form part of the Royal Naval Reserve or of the Royal Naval Volunteer Reserve or that some shall form part of the Royal Naval Reserve and others of the Royal Naval Volunteer Reserve:

Provided that the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Reserve and Royal Naval Volunteer Reserve in the United Kingdom shall not, subject to the provisions of the next following subsection, apply to officers or men raised by a colony except in so far as those enactments and regulations may be applied by the legislature of the colony under the foregoing provisions of this subsection.

(2) His Majesty in Council may, on such conditions as he thinks fit, authorise the Admiralty to accept any offer made by the Government of a colony to place at His Majesty's disposal for general service in the Royal Navy the whole or any number of the officers or men of the force raised by the colony as aforesaid, and while any such officers and men are at the disposal of His Majesty—

- (a) such of them as do not form part either of the Royal Naval Reserve or of the Royal Naval

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A.D. 1931

Volunteer Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Navy;

- (b) such of them as form part of the Royal Naval Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Reserve raised in the United Kingdom while in actual service;
- (c) such of them as form part of the Royal Naval Volunteer Reserve shall be subject to all the enactments and regulations for the time being in force relating to officers and men of the Royal Naval Volunteer Reserve raised in the United Kingdom while in actual service:

Provided that the amount of the pay, wages, pensions, grants and other emoluments of any such officers and men while at the disposal of His Majesty, or of their wives, widows, children or other dependants, shall be such as may be determined by the legislature of the colony.

3. Nothing in this Act or any Order in Council made thereunder shall be taken to authorise the payment out of the revenues of the United Kingdom of any expenses incurred in equipping or maintaining any vessel, officers or men placed at the disposal of His Majesty under this Act, or in providing the pay, wages, pensions, grants or other emoluments of any such officers or men or of their wives, widows, children or other dependants, but any such expenses may be so paid, if, and so far as monies may be provided by Parliament in any year for that purpose.

4.—(1) This Act may be cited as the Colonial Naval Defence Act, 1931.

(2) The Colonial Naval Defence Act, 1865, and the Colonial Naval Defence Act, 1909, are hereby repealed:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, any provision made or authority given in pursuance of the Colonial Naval Defence Acts, 1865 and 1909, if in

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A.D. 1931. force at the commencement of this Act, shall continue in force, and, so far as it could have been made or given in pursuance of this Act, shall have effect as if made or given in pursuance of this Act.

(3) The powers conferred by this Act are in addition to, and not in derogation of, any powers which would be exercisable by the legislature of a colony apart from this Act.

(4) Nothing in this Act shall be taken to affect the provisions of the Naval Discipline (Dominion Naval Forces) Act, 1911.

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IMMEDIATE

L.P.—No.

Any further communication should be addressed to—

The Secretary of the Admiralty,  
London, S.W.1

quoting M.02127/32.

Admiralty, S.W.1.

22nd September, 1932.

Sir,

I am commanded by My Lords Commissioners of the Admiralty to refer to your letters No. 91978/32 of the 18th ultimo and No. 18064/32 of 31st March last, concerning the formation of a Royal Naval Volunteer Reserve in Kenya.

No 3 on  
90499/32  
Encl

2. My Lords did not ~~approve~~ the ordinance which was passed by the Legislature of Kenya in December last as, at the time of its receipt, they had under consideration the preparation of a model ordinance for use of colonies desirous of forming R.N.V.R. forces. A final draft of the model ordinance was forwarded to you under cover of Admiralty Letter M.01738/32 of the 5th instant, with the suggestion that copies might be sent to the colonies concerned.

3. My Lords consider that it may be desirable for Kenya, at a later date, to present a pending ordinance so as to bring the ordinance dated 15th December, 1931, into line with the model form, and in this manner provide for collaboration with another colony and for the rescinding

The Under Secretary of State,  
Colonial Office,

S. W. 1.

or/

A.D. 1931. force at the commencement of this Act, shall continue in force, and, so far as it could have been made or given in pursuance of this Act, shall have effect as if made or given in pursuance of this Act.

(3) The powers conferred by this Act are in addition to, and not in derogation of, any powers which would be exercisable by the legislature of a colony apart from this Act.

(4) Nothing in this Act shall be taken to affect the provisions of the Naval Discipline (Dominion Naval Forces) Act, 1911.

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IMMEDIATE.

CONFIDENTIAL.

L.P. No. 3

Any further communication  
should be addressed to—The Secretary of the Admiralty,  
London, S.W.1.

quoting M.02127/32.

Admiral  
22nd September, 1932.

Sir,

I am commanded by My Lords Commissioners of the Admiralty to refer to your letters No. 91978/32 of the 18th ultimo and No. 18064/32 of 31st March, 1932, concerning the formation of a Royal Naval Volunteer Reserve in Kenya.

2. My Lords did not comment on the ordinance which was passed by the Legislature of Kenya in December last as, at the time of its receipt, they had under consideration the preparation of a model ordinance for use in colonies desirous of forming R.N.V.R. forces. A final draft of the model ordinance was forwarded to you under cover of my letter M.01738/32 of the 5th instant, and in the suggestion that copies might be sent to the colonies concerned.

3. My Lords consider that it may be desirable for Kenya, at a later date, to pass an amending ordinance so as to bring the ordinance dated 15th December, 1931, into line with the model form, and in this manner providing for collaboration with another colony and for the rescinding

The Under Secretary of State,  
Colonial Office,

S. W. 1.

or/

No 3 on  
90499/32  
Encl

or variation of regulations made by the Governor.  
This is not, however, a matter of urgency; and in My Lords' opinion the ordinance of 15th December, 1931, which conforms generally to the requirements of the Colonial Defence Act, 1931, is not unsatisfactory in its present state.

4. My Lords feel that it is very desirable to take advantage of the enthusiasm for the inauguration of R.N.V.R. force, which appears to exist in Kenya at present. They suggest, therefore, in the circumstances outlined in the preceding paragraph, that the steps necessary to approve the ordinance of December, 1931, be taken at once.

5. A further letter will be addressed to you as soon as practicable concerning the detailed organisation of the Kenya R.N.V.R. suggested by the Governor.

I am, Sir,

Your obedient servant,

*J. H. Phillips*

1864/32 Kenya

32  
7

G. O.

Mr. *Proby* <sup>24/3/82</sup>

Mr. *Kenning* <sup>24/3/82</sup>

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

2 D  
1 1

*Recd at No. 30*  
*Dir. Secy. Gen. 29/3/82*

31 March, 1932

**DRAFT.**

*The Secretary*  
*Ministry*

I am to  
transmit to you the  
draft of a bill  
which has been  
laid before the  
House of Commons  
and is now  
before the  
Committee of  
the House of  
Commons.  
The bill is  
intended to  
provide for the  
establishment of  
the Kenya  
Royal Naval  
Reserve.  
The bill is  
of the nature  
of a bill of  
amendment  
and is intended  
to amend the  
Kenya  
of the Navy  
Act, 1917.  
The bill is  
now before  
the Committee  
of the House  
of Commons  
and is expected  
to be passed  
in the course  
of the session.

*Kenning*  
*24/3/82*

The D. of S. will  
be glad to receive any  
views which the Lords

Somebody may wish to  
offer on the Ordinance.

I am etc.

(Signed) H. T. ALLEN

Committee may wish to  
offer on this Ordinance

I am etc.

(Signed) H. T. ALLEN



KENYA  
NO 38

GOVERNMENT HOUSE  
NAIROBI,  
KENYA

29<sup>th</sup> January, 1932.

Sir,

copy - sent to ...

21305/31

In reference to Lord Passfield's Circular despatch of the 16th April, 1931, enclosing a copy of an Act amending and consolidating the Colonial Naval Defence Acts, 1865 and 1909, I have the honour to transmit two authenticated and twelve printed copies of an Ordinance intitled "the Kenya Royal Naval Volunteer Reserve Ordinance, 1931", which duly passed its third reading in the Legislative Council on the 27<sup>th</sup> November, 1931, and to which I assented in His Majesty's name on the 15th December, 1931.

2. A copy of the Legal Report by the Attorney General is also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Brigadier-General,  
GOVERNOR.

THE RIGHT HONOURABLE

MR SIR PHILIP CURLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1

KENYA.

No. 38



GOVERNMENT HOUSE  
NAIROBI  
KENYA

22<sup>nd</sup> January, 1932.

Sir,

With reference to Lord Passfield's Circular despatch of the 16th April, 1931, enclosing a copy of an Act amending and consolidating the Colonial Naval Defence Acts, 1865 and 1909, I have the honour to transmit two authenticated and twelve printed copies of an Ordinance intituled "the Kenya Royal Naval Volunteer Reserve Ordinance, 1931", which duly passed its third reading in the Legislative Council on the 27th November, 1931, and to which I assented in His Majesty's name on the 15th December, 1931.

2. A copy of the Legal Report by the Attorney General is also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Brigadier-General,

GOVERNOR.

THE RIGHT HONOURABLE

LORD SIR PHILIP ORRIDGE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W. 1

## THE KENYA NAVAL VOLUNTEER RESERVE ORDINANCE, 1931.

## LEGAL REPORT

This Bill provides for the establishment of a Kenya Naval Volunteer Reserve. The Colonial Naval Defence Acts were amended this year by the Colonial Naval Defence Act, 1931, which empowers the legislature of any Colony, with the approval of His Majesty in Council, to make provision, at the expense of the Colony, for maintaining and using war vessels, and vessels and the personnel attached thereto may be placed at the King's disposal for general service with the Royal Navy. The Admiralty have approved the terms of this Bill and the approval of His Majesty in Council will, it is hoped, be obtained in due course.

2. Clause 2 empowers the Governor to raise a number of officers and men to be entered in the terms of being liable

- (a) to serve as crew in any vessel provided and maintained for the purposes of this Bill;
- (b) to perform such duties as the Governor may by regulation prescribe;
- (c) to general service in the Royal Navy in emergency.

3. Clause 3 provides that such officers and men shall form part of the Kenya Naval Volunteer Reserve constituted under the Naval Forces Act, 1903, under the designation of the Kenya Royal Naval Volunteer Reserve and also provides that the Governor may offer to place the whole or any number of such

officers

THE KENYA NAVAL VOLUNTEER RESERVE ORDINANCE, 1931.

LEGAL REPORT.

This Bill provides for the establishment of a Kenya Naval Volunteer Reserve. The Colonial Naval Defence Acts were amended this year by the Colonial Naval Defence Act, 1931, which empowers the legislature of any Colony, with the approval of His Majesty in Council, to make provision, at the expense of the Colony, for maintaining and using war vessels. Such vessels and the personnel attached thereto may be at the King's disposal for general service with the Royal Navy. The Admiralty have approved the terms of this Bill and the approval of His Majesty in Council will, it is hoped, be obtained in due course.

2. Clause 2 empowers the Governor to raise a body of officers and men to be entered in the terms of being liable

- (a) To serve as ordered in any vessel provided and maintained for the purposes of this Bill;
- (b) to perform such duties as the Governor may by regulation prescribe;
- (c) to general service in the Royal Navy in emergency.

3. Clause 3 provides that 50 officers and men shall form part of the Kenya Naval Volunteer Reserve constituted under the Naval Forces Act, 1903, under the designation of the Kenya Royal Naval Volunteer Reserve and also provides that the Governor may offer to place the whole or any number of such officers

officers or men at His Majesty's disposal for general service in the Royal Navy.

4. Clause 4 provides that the Reserve shall be maintained at the expense of the Colony out of moneys provided by the Legislative Council.

5. Clause 5 lays down that every member of the Reserve shall be entered for a term of three years and that at the expiration of every third year of his period of service as a volunteer he shall be entitled to claim his discharge.

6. Clause 6 deals with the instruction to be given to members of the Reserve.

Clause 8 stipulates that every member of the Reserve shall be a British subject of European Race or origin, but Clause 9 allows the Governor to enter for service non-Europeans in such terms as he may think fit.

B. Clause 12 provides that enactments and regulations in force in the Royal Navy shall apply to members of the Reserve, and that the Government and organization of the Reserve shall be prescribed by regulations made by the Governor.

9. Clause 13 provides that members of the Reserve shall be liable to be employed on active service against an enemy anywhere, within or without the Colony, or for the suppression of disorder in the Colony.

10. Clause 14 gives the Governor power to deal with the movements and examination of vessels in time of war or strained relations.

11. Clauses 16, 17, 18, and 19, make the doing of various

officers or men at His Majesty's disposal for general service in the Royal Navy.

4. Clause 4 provides that the Reserve shall be maintained at the expense of the Colony out of moneys provided by the Legislative Council.

5. Clause 5 lays down that every member of the Reserve shall be entered for a term of three years and that at the expiration of every third year of his period of service as a volunteer he shall be entitled to claim his discharge.

6. Clause 6 deals with the instructions to be given to members of the Reserve.

7. Clause 8 stipulates that every member of the Reserve shall be a British subject of European Race or origin, but Clause 9 allows the Governor to enter for service non-Europeans in such terms as he may think fit.

8. Clause 12 provides that enactments and regulations in force in the Royal Navy shall apply to members of the Reserve, and that the Government and organisation of the Reserve shall be prescribed by regulations made by the Governor.

9. Clause 13 specifies that members of the Reserve shall be liable to be employed on active service against an enemy anywhere, within or without the Colony, or for the suppression of disorder in the Colony.

10. Clause 14 gives the Governor power to deal with the movements and examination of vessels in time of war or strained relations.

11. Clauses 16, 17, 18, and 19, make the doing of various

various acts by members of the Reserve forces and Clause 20 provides penalties for those offences.

12. Clause 21 empowers the Governor to make Regulations for the training and inspection of the Reserve, appointments to commissioned or non-commissioned rank, and generally for the better carrying out of the provisions of the Bill.

13. In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,  
28th November, 1931.

*T. G. ...*  
ACTING ATTORNEY GENERAL.

1931.



Colony and Protectorate of Kenya.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V

JOSEPH ALOYSIUS BYRNE, K.O.M.G., K.H.E., C.B.,  
Governor.

Assented to in His Majesty's  
name this 13<sup>th</sup> day of December,  
1931.

J. BYRNE.

Governor.

AN ORDINANCE TO PROVIDE FOR THE  
ESTABLISHMENT OF THE KENYA ROYAL  
NAVAL VOLUNTEER RESERVE

No. XLV.

37

1931.



Colony and Protectorate of Kenya.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V

JOSEPH ALOYSIUS BYRNE, K.O.M.G., K.B.E., C.B.,  
Governor

Assented to in His Majesty's  
name this 15<sup>th</sup> day of December,  
1931.

J. BYRNE

Governor.

AN ORDINANCE TO PROVIDE FOR THE  
ESTABLISHMENT OF THE KENYA ROYAL  
NAVAL VOLUNTEER RESERVE

No. 45 of 1931.

An Ordinance to Provide for the Establishment of the Kenya Royal Naval Volunteer Reserve.

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

1. This Ordinance may be cited as the Kenya Royal Naval Volunteer Reserve Ordinance, 1931, and shall come into operation on such date as the Governor by notice in the Gazette shall determine.

2. In accordance with the provisions of the Colonial Naval Defence Act, 1931, and with the approval of His Majesty in Council as therein provided, the Governor may by proclamation raise a body of officers and men to be entered on the terms of being liable

- (a) to serve as ordered in any vessel provided and maintained for the purposes of this Ordinance;
- (b) to perform such other duties as the Governor by regulation may prescribe;
- (c) to general service in the Royal Navy in emergency.

3. Such body of officers and men shall form part of the Body to form Royal Naval Volunteer Reserve constituted under the Naval Reserve Act, 1903, under the designation of the Kenya Royal Naval Volunteer Reserve (hereafter referred to as "the Reserve"), and the Governor may from time to time place the whole or any number of such officers and men at His Majesty's disposal for general service in the Royal Navy.

4. The Reserve shall be maintained at the expense of the Colony out of moneys provided by Legislative Council. Reserve to be maintained at expense of Colony.

No. 45 of 1931.

Ordinance to Provide for the Establishment of the Kenya Royal Naval Volunteer Reserve.

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

1. This Ordinance may be cited as "the Kenya Royal Naval Volunteer Reserve Ordinance, 1931," and shall come into operation on such date as the Governor by notice in this Gazette shall determine.

2. In accordance with the provisions of the Colonial Government Naval Defence Act, 1931, and with the approval of His Majesty in Council as therein provided the Governor may make a proclamation to a body of officers and men to be entered on the terms of being liable

- (a) to serve as ordered in any vessel provided and maintained for the purposes of this Ordinance;
- (b) to perform such other duties as the Governor by regulation may prescribe;
- (c) to general service in the Royal Navy in emergency.

3. Such body of officers and men shall form part of the Royal Naval Volunteer Reserve constituted under the Naval Forces Act, 1903, under the designation of the Kenya Royal Naval Volunteer Reserve (hereinafter referred to as "the Reserve") and the Governor may order to place the whole or any number of such officers and men at His Majesty's disposal for general service in the Royal Navy.

4. The Reserve shall be maintained at the expense of the Colony out of moneys provided by Legislative Council.

Body to form part of the Royal Naval Volunteer Reserve.

Reserve to be maintained at expense of Colony.

Period of service.

5. Every member of the Reserve shall be entered for a term of three years, and shall during such term be subject to the provisions of this Ordinance, and at the expiration of every third year of the period of his service as a volunteer he shall be entitled to claim his discharge.

Instruction.

6. The Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel, or partly on shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not.

Reserve to consist of units.

7. The Reserve shall consist of such units as the Governor may by proclamation in the Gazette appoint.

Members to be British subject of European race or origin.

8. Every member of the Reserve must be a British subject of European race or origin between the ages of eighteen and fifty.

Governor may enter non-European subject for service.

9. The Governor may enter for service in any ship or vessel any non-European for such period and on such terms and conditions as he may think fit, and thereupon the provisions of section 12 of this Ordinance shall apply to such non-European.

Constitution of Reserve.

10. The Reserve shall consist of such numbers of officers, warrant officers, petty officers and men as the Governor may decide. The officers of the Reserve shall be commissioned by the Governor, and such commissions shall not be deemed to be vacated by the death or retirement from office of the Governor, until the same were issued.

Governor may dispense with services.

11. The Governor may at any time dispense with the services of any officer or member of the Reserve.

Enactments and Regulations in force in Royal Navy to apply to Reserve.

12. (1) All enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy shall apply, within or without the limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service.

Organization, conditions of service, etc., to be prescribed by Regulations.

(2) The organization, administration and conditions of training of, and the conditions of service in the Reserve shall be prescribed by regulations made by the Governor. Such regulations may in particular provide for the appointment of

commissioned, warrant and petty officers to train and command, or to serve as officers with the men of the Reserve, whether ashore or afloat, and for the calling into actual service of the officers and men of the Reserve.

(3) For the purposes of this section the term "actual service" shall have the same meaning as in the Royal Naval Reserve Volunteer Act, 1859, as incorporated in the Naval Forces Act, 1903.

13. The whole or any part of the Reserve shall at all times be liable to be employed on active service against an enemy anywhere within or without the limits of the Colony, or for the prevention or suppression of internal disorder within the Colony.

14. (1) In time of war or strained relations the Governor may issue orders and instructions—

(a) forbidding or restricting in any way the entrance to or departure from a port;

(b) forbidding or restricting in any way the movement of vessels when within the limits of a port;

(c) for the examination of all vessels leaving a port or being within a port;

(d) for the taking of such other steps as may be thought necessary or desirable for securing the safety of a port, or otherwise, for the purpose of defence.

(2) For the purposes of this section the term "port" shall include in addition to the ordinary limits of the port, each other area, by land or sea, which may be deemed to any part for the said purposes.

(3) The Governor may delegate his powers to persons in the execution or furtherance of the provisions of this section.

15. Any person who wilfully obstructs any portion of the Reserve or any officer or man thereof in the performance of any service or duty under this Ordinance shall be guilty of an offence.

Period of service.

5. Every member of the Reserve shall be entered for a term of three years, and shall during such term be subject to the provisions of this Ordinance, and at the expiration of every third year of the period of his service as a volunteer he shall be entitled to claim his discharge.

Instruction.

6. The Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel, or partly on shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not.

Reserve to consist of.

7. The reserve shall consist of such units as the Governor may by notification in the Gazette specify.

Member to be British subject of European race or origin.

8. Every member of the Reserve must be a British subject of European race or origin between the ages of eighteen and fifty.

Government may enter non-European for service.

9. The Governor may enter for service in any ship or vessel any non-European, such period and on such terms and conditions as he may think fit, and hereupon the provisions of section 11 of this Ordinance shall apply to such non-European.

Constitution of Reserve.

10. The Reserve shall consist of such numbers of officers, warrant officers, petty officers and men as the Governor may think fit, and such commissions shall be deemed to be vacated by the death or retirement from office of the Governor by whom the same were issued.

Government may dispense with service.

11. The Governor may at any time dispense with the service of any officer or member of the Reserve.

Enactments and regulations in force in Royal Navy to apply to Reserve.

12. (1) All enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy shall apply, within or without the limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service.

Organisation, conditions of service, etc., to be prescribed by regulations.

(2) The government, organisation, administration and training of, and the conditions of service in the Reserve shall be prescribed by regulations made by the Governor. Such regulations may in particular provide for the appointment of

commissioned, warrant and petty officers to train and command, or to serve as officers with the men of the Reserve, whether ashore or afloat, and for the calling into actual service of the officers and men of the Reserve.

(3) For the purposes of this section the term "actual service" shall have the same meaning as in the Royal Naval Reserve Volunteer Act, 1859, as incorporated in the Naval Forces Act, 1903.

Definition of "actual service." 23 Vic. c. 40. 3 Ed. VII. c. 6.

13. The whole or any part of the Reserve shall at any time be liable to be employed on active service against an enemy anywhere within or without the limits of the Colony, or for the prevention or suppression of internal disorder within the Colony.

14. (1) In time of war or strained relations the Governor may issue orders and instructions—

- (a) forbidding or restricting in any way he may think fit all entrance to or egress of vessels from a port;
- (b) forbidding or restricting in any way he may think fit the movement of vessels when within the limits of a port;
- (c) for the examination of all vessels seeking to enter or leave a port or being within a port;
- (d) for the taking of such other steps as may be thought necessary or desirable for securing the safety of a port, or otherwise, for the purposes of defence.

(2) For the purposes of this section the term "port" shall include in addition to the ordinary limits of the port, such other area, by land or sea, as the Governor may assign to any port for the said purposes.

(3) The Governor may delegate to any person or persons the execution or furtherance of any orders or instructions issued under this section.

15. Any person who willfully obstructs any portion of the Reserve or any officer or man thereof in the proper performance of any service or duty under this Ordinance shall be guilty of an offence.

Aiding or inducing member of Reserve to desertion of duty.

16. Any person who—
- agrees with, or induces or attempts to induce any officer or man of the Reserve to neglect or to act in conflict with his duty as an officer or man of the Reserve; or
  - who is a party to, or aids or abets, or incites to, the commission of, any act whereby any lawful order given to any officer or man of the Reserve or any law or regulation with which it is the duty of any officer or man of the Reserve to comply may be evaded or infringed; or
  - who supplies or is a party to supplying any officer or man of the Reserve with intoxicating liquor when such officer or man is on duty and prohibited by regulations or instructions from receiving or taking intoxicating liquor.

shall be guilty of an offence.

Failure to attend training in Reserve.

17. Any officer or man of the Reserve who fails without just cause (the proof whereof shall lie upon him) to attend at any time or place appointed for instruction, training or exercise shall be guilty of an offence.

18. Any officer or man of the Reserve who, without proper authority and permission, gives, sells, pledges, lends, or otherwise disposes of any arms, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Reserve shall be guilty of an offence, and, in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition.

Wrongful retention of property.

19. Any person who on discharge from the Reserve fails to render up any arms, ammunition, accoutrement, clothing, supplies or other article supplied to him as an officer or man of the Reserve on demand being made to him by the proper authority shall be guilty of an offence, and in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such failure or neglect.

20. (1) Any person who is guilty of an offence against Penalties, the provisions of this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds, and in default of payment, to imprisonment for a term not exceeding three months.

(2) Any officer or man of the Reserve who is convicted of an offence under section 17 of this Ordinance may, in addition to or in lieu of any other penalty, be committed to detention at any depot, training camp or station of the Reserve, for the purpose of undergoing instruction, training or exercise during such detention; and any officer or man of the Reserve who, having been committed to detention under this sub-section escapes therefrom or fails to return there to or fails properly to carry out the instruction, training or exercise given under such detention, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one month; provided that in the committal of an offender to detention under this sub-section the period of detention shall not necessarily be continuous, nor shall it exceed in any one sentence of commitment, a total number of days' detention in excess of twice the total number of days on which the instruction, training or exercise should originally have been attended by such officer or man.

21. The Governor may make regulations relating to all Regulations, or any of the following matters or things, namely:

- the numerical establishments of ships of the Reserve, and the grades, ranks and appointments therein;
- the training and inspection of the Reserve, the formation of training camps, the establishment of depots or stations of the Reserve, and the holding of manoeuvres for the Reserve;
- the attendance at courses of instruction of officers or men of the Reserve;
- the seniority of officers of the Reserve, and the appointment to, promotion to and tenure of commissioned or non-commissioned rank in the Reserve;
- the conditions of medical fitness and efficiency on which officers and men of the Reserve may continue to serve in the Reserve after completing their first term of service;
- the regulation of goods or accommodation in time of war or strained relations;

Aiding or inducing member of Reserve to derelict of duty.

16. Any person who—

- (a) agrees with, or induces or attempts to induce any officer or man of the Reserve to neglect or to act in conflict with his duty as an officer or man of the Reserve; or
- (b) who is a party to, or aids or abets, or incites to, the commission of, any act whereby any lawful order given to any officer or man of the Reserve or any law or regulation with which it is the duty of any officer or man of the Reserve to comply may be evaded or infringed; or
- (c) who supplies or is a party to supplying any officer or man of the Reserve with intoxicating liquor when such officer or man is on duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence.

Failure to attend training in Reserve.

17. Any officer or man of the Reserve who fails without just cause (the proof whereof shall lie upon him) to attend at any time or place appointed for instruction, training or exercise shall be guilty of an offence.

Wrongful disposal of property.

18. Any officer or man of the Reserve who, without proper authority and permission, gives, sells, pledges, lends, or otherwise disposes of any arms, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Reserve shall be guilty of an offence, and, in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition.

Wrongful retention of property.

19. Any person who on discharge from the Reserve fails or neglects to render up any arms, ammunition, accoutrements, clothing, supplies or other article supplied to him as an officer or man of the Reserve on demand being made to him by the proper authority shall be guilty of an offence, and in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such failure or neglect.

20. (1) Any person who is guilty of an offence against the provisions of this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds, and in default of payment, to imprisonment for a term not exceeding three months.

(2) Any officer or man of the Reserve who is convicted of an offence under section 17 of this Ordinance may, in addition to or in lieu of any other penalty, be committed to detention at any depot, training camp or station of the Reserve, for the purpose of undergoing instruction, training or exercise during such detention; and any officer or man of the Reserve who, having been committed to detention under this sub-section escapes therefrom or fails to return thereto or fails properly to carry out the instruction, training or exercise given under such detention, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one month. Provided that in the committal of an offender to detention under this sub-section the period of detention shall not necessarily be continuous, nor shall it exceed in any one sentence of commitment, a total number of days' detention in excess of twice the total number of days on which the instruction, training or exercise should originally have been attended by such officer or man.

21. The Governor may make regulations relating to all or any of the following matters or things, namely:—

- (a) the numerical establishments of units of the Reserve, and the grades, ranks and appointments therein;
- (b) the training and inspection of the Reserve, the formation of training camps, the establishment of depots or stations of the Reserve, and the holding of manoeuvres for the Reserve;
- (c) the attendance at courses of instruction of officers or men of the Reserve;
- (d) the seniority of officers of the Reserve, and the appointment to, promotion to and tenure of commissioned or non-commissioned rank in the Reserve;
- (e) the conditions as to physical fitness and efficiency in which officers and men of the Reserve may continue to serve in the Reserve after completing their first term of service;
- (f) the requisitioning of goods or accommodation in time of war or strained relations;

- (g) the issue and the maintenance, accoutrements, ammunition, supplies, clothing and equipment for officers or men of the Reserves;
- (h) returns, books, forms and correspondence relating to the Reserves;
- (i) the establishment and conduct of institutions for providing recreation and refreshment to officers or men of the Reserves;
- (j) generally for the better carrying out of the provisions of this Ordinance.

Passed in the Legislative Council the twenty-seventh day of November, in the year of Our Ford one thousand nine hundred and thirty-one.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council, and is presented for authentication and assent as a true and correct copy of the said Bill.

H. E. BADER

Acting Clerk of the Legislative Council.

Royal Naval Volunteer Reserve 1931

- (g) the issue and care of arms, accoutrements, ammunition, supplies, clothing and equipment for officers or men of the Reserve;
- (h) returns, books, forms and correspondence relating to the Reserve;
- (i) the establishment and conduct of institutions for providing recreation and refreshment to officers or men of the Reserve;
- (j) generally for the better carrying out of the provisions of this Ordinance.

Passed in the Legislative Council the twenty-seventh day of November the year of Our Lord one thousand nine hundred and thirty-one.

The printed impression has been carefully compared by me with the Bill which passed the Legislative Council, and is presented for authentication and passed as a true and correct copy of the said Bill.

H. E. BADER

Acting Clerk of the Legislative Council.