

1933.

Kenya

No. 3043.

SUBJECT C0533/432



Coffee Production Ordinance

Previous

13288/32

Subsequent

15007/1A/35.6.

1. Copy to Library  
Governor Byrne 20 \_\_\_\_\_ 10 Jan 33  
Trans. in duplicate authenticated copy of the  
Coffee Industry Ordinance No 50 of 1932.

2. Share to Library  
Col. Sec. 3/4 \_\_\_\_\_ 13 Jan 33  
Trans. 12 copies of the Ordinance

The definition of support is new  
The suggestion in 4 and sub 1  
18288/32 has been adopted save  
as regards the payment into General  
Revenue of dealer's licence fees  
which Mr. Stockdale agreed should not  
be regarded as vital and which he has  
been considered by the Executive Council

subject - any comments by  
Mr. Stockdale and by the legal adviser  
signify note - but the despatch  
should not issue until it has been  
possible to bring from the debates that  
the point as regards native coffee in the  
last sentence of 4 in 18288/32 was  
made clear.

A

H. S. P. P. P. P. P.  
13/1/33

No objection from the agricultural point of  
view & approval of the ordinance as passed

J. A. Stockdale  
13/1/33

No legal observations  
M. C. P. P. P. P. P.  
22/2/33

A regards A, - l.w. in a fortnight of  
Debate not rec'd.  
S. Prasad  
in atn

3. Extract from Legislative Council Debates, 20 Dec 32

G3

S. Prasad  
1/3 atn

4 To Govt 161 (1 answer) G/3 8 MAR 1933

5. A/Govs Deputy Secy 514 25.11.33  
Trans. in dup. authenticated copy of the Office  
Industry (Amend.) Ordinance 1933, No 311

6. A/Gov Secy 314 55.11.33  
Trans. 10 printed copies of Ordinance No 311 of 1933.

This hardly calls for legal comment!

G3

S. Prasad  
27/9 atn

7. To Kemple 756 (5 answer) G/3 28 SEP 1933

Library to be 5

8 Proclamations No 8 34

9 Government Notice No 23  
Appointment of office

Part 5  
Provisions : 3/11

10. A/Gov Secy 619 (11-Mail) 2.11.33  
Reports abt. of G. P. K. Bull to be representative of  
Office Board at a salary of Rs 2000 p.a. times of Bull's stipend  
with call on arrival.

? Mr. D. B. ...  
T. & I. O. ...  
of the substance of the ...

A. Page 212 ...  
him dupl. copy L for info.

9201 I wonder what he is supposed to do, and whether  
he will be worth the £ 1,000

( I suppose there would be power to appoint a valuer representative  
under § 11 (3) (c) " advertising the merits of Kemple's coffee  
and increasing its sale and any matters incidental  
thereto" - If not it seems to be ultra vires if there is  
a fairly wide power under 11 (3) (c) anyway )

As at A, ...  
Stockholm see.

I wonder for what term they have  
been here on ...

Is it the app<sup>e</sup>  
made under  
§ 11 (3) (c)?  
G. L. ...

11 To E.A.T.S.T.O. (4th 10) 18/16 16/11/33

Mr. Milligan & Stockdale to see

Secu. Mr. Holm spoke to me about enquiries which the Kenya Coffee planters required to be made in London. He requested that they wanted someone to investigate the whole procedure in London with the object of gradually making direct contracts between producers & consumers. The idea is to cut out the whole middleman of London. Mr. Holm asked me if I knew of any who could advise him on this matter and referred him to Sir Donald Chadwick, Secy. of the Dep. Economic Committee. Mr. Holm says Sir D. Chadwick said I am not aware of the making of this report to Kenya.

It may be assumed, I expect, that this approachment is in connexion with the projected enquiries indicated above.

J.H. Stockdale  
1/12

Sir C. Bottomley

Mr. Milligan would have some remarks on this. He explained, if you recollect, that one of the troubles in Kenya was that each planter was firmly of opinion that he was being done over his coffee because they could not envisage the procedure in the market. I don't see how they ever cut out brokers in a trade like coffee but they may try.

J.H.S. 7/2 1933

\* except those who coffee consumers a high price.

I see very little chance of anything coming of this. G.D. may be interested.

Partly  
G.D.  
5.12.33

Kenya  
1/12

Secu. The workings of all these London produce markets are a bit of a mystery at present & we shall be interested to hear the result of the enquiries. Personally I rather doubt whether the project will get any distance until there is a great relaxation of cooperation among the local planters, resulting in a sound system of grading etc. before it is, but even so it seems unlikely that the buyers here will wish to enter into direct contracts with the local growers, though in some cases much more than elsewhere in the market. At the moment, the market must be a competitive one, not merely one for Kenya.

12. E.A.T.S.T.O.

Ako. No. 11

18th Nov. 33

13 but by  
R. K. Miller  
18.12.33

S. G. Whitehouse  
19/12/33

(M)

TELEPHONE: WHITEHALL 8701/2  
CABLES: EAMATTERS, LONDON  
TELEGRAMS: EAMATTERS, RAND. LONDON  
CHD/DKH.



5 12  
TRADE & INFORMATION OFFICE  
GRAND BUILDINGS  
TRAFALGAR SQUARE, LONDON, W.C.2  
(ENTRANCE IN THE STRAITS)

9572/33

RECEIVED

20 NOV 1933

C. C. REGY

8th November, 1933.

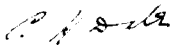
Sir,

I have the honour to acknowledge receipt of your letter of the <sup>16</sup>45th November, No. 3043/33, enclosing me a copy of a dispatch from the Acting Governor of Kenya, on the subject of the appointment of a Representative in London of the Kenya Coffee Board, for which I thank you.

I have the honour to be,

Sir,

Your obedient servant,

  
Commissioner.

The Under Secretary of State,  
Colonial Office,  
Downing Street,  
London, S.W. 1.

AIR MAIL

KENYA

No. 619



6  
GOVERNMENT HOUSE  
NAIROBI  
KENYA

RECEIVED

13 NOV 1933

C. O. REGY

13 November, 1933.

Sir,

I have the honour to inform you that I have been requested by the Coffee Board, constituted under the Coffee Industry Ordinance, 1932, to acquaint you with the fact that the Board has appointed Mr. H.G.H. Bull, a Chartered Accountant, to be its representative in London, and to undertake trade investigations with the ultimate object of the organisation of sales of Kenya coffee. The Board has made provision for the payment to Mr. Bull of a consolidated salary of £1,000 per annum.

2. Mr. Bull, whose address is the Royal Thames Yacht Club, Knightsbridge, sail from this Colony for England on the 28th October, and it is understood that he will call at the Colonial Office on arrival in London.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Mr. Williams*

ACTING GOVERNOR.

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.

*copy to 24/7/33 (11)*

9/7

GOVERNMENT NOTICE NO. 23

THE COFFEE INDUSTRY ORDINANCE, 1932.

APPOINTMENT OF COFFEE BOARD.

IN EXERCISE of the powers conferred upon him by section 3 of the Coffee Industry Ordinance, 1932, His Excellency the Governor has been pleased to appoint the following persons to be members of the Coffee Board constituted under the said section, which provides for the appointment of the Director of Agriculture as first Chairman of the Board:—

*Official Members.*

- The Deputy Director of Agriculture (Plant Industry).
- The Senior Coffee Officer.

*Coffee Dealers.*

- Mr. H. F. Burgman.
- Mr. R. S. Campbell.

*Coffee Planters (Eastern Area).*

- Mr. P. J. H. Caldham.
- Mr. W. McLellan Wilson.
- Mr. R. S. Wollen.

*Coffee Planters (Western Area).*

- Commander A. Coke.
- The Hon. Conway Harvey.
- Commander R. Pakenham Welsh.

By Command of His Excellency the Governor

Nairobi, 10th January 1933. W. M. LOGAN:  
for Colonial Secretary

PROCLAMATION No. 8

THE COLONY AND PROTECTORATE OF KENYA.



THE COFFEE INDUSTRY ORDINANCE, 1932.

PROCLAMATION.

J. BYRNE.

BY His Excellency Sir Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya

IN EXERCISE of the powers conferred on me by section 1 of the Coffee Industry Ordinance, 1932, I hereby appoint the 18th day of January, 1933, as the day on which the said Ordinance shall be deemed to have commenced and come into operation.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi, this 24th day of January, 1933

By Command of His Excellency the Governor.

H. M. M. MOORE.

Colonial Secretary.



9.6

THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
No. S / G. AGR. 1/2/5/1/11.  
AND DATE

5 SEP 1935

O.F.O.

5 September, 1935.

No 5

The Acting Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and with reference to Kenya despatch No. 512 of the 2nd September, 1935, has the honour to transmit to you five printed copies of Ordinance No. XXXIV of 1935 entitled "An Ordinance to Amend the Coffee Industry Ordinance, 1932."

J.H.L.



9 6  
THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
No. S. O. No. and  
AND DATE

1/2/5/1/11.

2. SEP 1933

5. September, 1933.

The Acting Colonial Secretary of the Colony and  
Protectorate of Kenya presents his compliments to the  
Under Secretary of State for the Colonies, and with  
reference to Kenya despatch No. 512 of the 2nd September,  
1933, has the honour to transmit twelve printed copies  
of Ordinance No. LXXIV of 1933 entitled An Ordinance to  
Amend the Coffee Industry Ordinance, 1932.

No 5

JAL

No. XXXIV.

1933



Colony and Protectorate of Kenya.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
HENRY MONCK-MASON MOORE, C.M.G.,  
*Acting Governor.*

Assented to in His Majesty's  
name this 25 day of August,  
1933.

H. M.-M. MOORE  
*Acting Governor.*

AN ORDINANCE TO AMEND THE COFFEE  
INDUSTRY ORDINANCE, 1932

ORDINANCE No. XXXIV of 1933

An Ordinance to Amend the Coffee Industry Ordinance, 1932.

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 Coffee Industry (Amendment) Ordinance, 1933," and shall be read as one with the Coffee Industry Ordinance, 1932 (hereinafter called "the Principal Ordinance"), and shall be deemed to have come into operation on the 31st day of December, 1933.

2. Sub-section (2) of section 3 of the Principal Ordinance is hereby amended by the deletion of the word "first" which appears in the fifth line thereof and the substitution thereof of the word "second".

Amendment of section 3 (2) of the Principal Ordinance.

Passed in the Legislative Council the tenth day of August, in the year of Our Lord one thousand nine hundred and thirty-three.

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

Young Clerk of the Legislative Council

KENYA.

No. 5/2.



125  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

20 SEP 1933

20<sup>th</sup> September, 1933.

C. O. REGY

Sir,

-----  
I have the honour to transmit two authenticated copies of Ordinance No. XXXIV of 1933 entitled, An Ordinance to Amend the Coffee Industry Ordinance, 1932, which passed its third reading in the Legislative Council on the 10th August and was assented to in His Majesty's name on the 25th August last, together with the Legal Report in duplicate prepared by the Attorney General.

2. Twelve printed copies of the Ordinance are being transmitted under separate cover.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Adriano*

ACTING GOVERNOR.

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.

LEGAL REPORT.

THE COFFEE INDUSTRY (AMENDMENT) BILL, 1933.

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As it stands at present the Principal Ordinance provides that the Coffee Board shall convene a conference in the first half of each calendar year after the passing of the Ordinance, at which conference elections of members of the Coffee Board shall be made. It is considered by the Coffee Board that from a seasonal point of view in relation to the collection of the levy provided for by the Principal Ordinance the second half of the year would be much more convenient and appropriate for the convening of the conference, and this Bill makes the desired amendment.

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

Nairobi,  
11th August, 1933.

*A. J. A. M. G. G.*  
ATTORNEY GENERAL.

3  
14

best after very careful and long consideration in the interests of all the parties concerned. I would, therefore, ask hon. Members to vote for the adoption of this Report.

HIS EXCELLENCY: The question is that the Report of the Select Committee on the King's African Rifles Bill be adopted.

The question was put and carried.

### BILLS.

#### THIRD READING.

##### THE KING'S AFRICAN RIFLES BILL.

THE HON. T. D. H. BRUCE: Your Excellency, I beg to move the third reading and passing of the King's African Rifles Bill.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to second the motion.

The question was put and carried.

The Bill was read a third time and passed.

#### SECOND READINGS.

##### THE COFFEE INDUSTRY BILL.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. A. HOLMS): Your Excellency, I beg to move the second reading of a Bill to make provision for the Advancement and Control of the Coffee Industry.

Sir, the principle of raising funds by means of levies for the benefit of specific industries and for supplementing departmental effort is one which is becoming increasingly applied in different countries. In Kenya we have had the subject under consideration now for some years past. In its application to the coffee industry it has been put forward during the last seven years and has been actively considered in the framework of legislation for no less than five years. It may interest the House if I say in passing, in regard to another industry—the sisal industry—the same principle has been approved by the organization representing the industry and a Sisal Industry Bill has actually been printed and has received the full approval of the sisal growers, but just at the time when it was about to come before this House there was a collapse in the sisal industry. I mention that just to show that more than the coffee industry has agreed to the principle of applying money for the benefit of the industry.

It is interesting to note that early proposals in connexion with this matter were of a much more ambitious character. It was proposed at one stage by the Coffee Planters' Union

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It is interesting to note that early proposals in connexion with this matter were of a much more ambitious character. It was proposed at one stage by the Coffee Planters' Union

that no less a sum than £76,000 should be obtained from Government and spent chiefly upon research and experimental work. At a slightly later stage it was proposed to raise the funds required by means of a high licence fee upon coffee planters. Some hon. Members may recall that in the Report of the Agricultural Commission of 1929 it was proposed that the minimum licence fee to coffee growers should be £10.

For various reasons Sir Alfred was not given to these different proposals and a Bill in somewhat different form and reducing somewhat the activities of the Coffee Board was published by Government for information and criticism in about April, 1931. That Bill was not favoured by the Coffee Council or the Coffee Planters' Union; in fact, it was turned down by them. The next stage was reached when, shortly after my return to the Colony, towards the end of 1931, I was invited by representatives of leading coffee planters to bring the whole question again under review. During this last year's meetings almost too numerous to mention have been held between certain staff of the Department and the Council of the Coffee Planters' Union, with the Coffee Consulting Committee and with individual growers. Again the Bill was very fully discussed at the last Coffee Conference and finally it has been closely examined perhaps on three occasions in consultation with the provisional Coffee Board. I can assure the House, Sir, that it has been no easy task to secure that measure of agreement which has now been obtained. There has unfortunately been in the country a considerable difference of opinion with regard to this whole movement, but I am glad to be able to inform the House that the Bill as it stands does, I believe, represent the practically unanimous report of the coffee factors of this Colony, excepting perhaps in regard to two particular provisions in it, and I would mention these now. One is the retention by Government of a Sh 30 registration licence fee for a coffee planter under the Coffee Registration Ordinance. The other is the inclusion in the Bill of clause 9 (5) whereby anything affecting coffee-growing by natives in any native reserve is excluded from the Bill itself.

With regard to the first point, Sir, I would say on behalf of Government that Government is not prepared to surrender the revenue derived from the Sh. 30 registration fee. It amounts to £1,200 odd, and in consideration also of the fact that from public funds there is spent an estimated amount of £5,000 odd on what may be regarded as police protective measures and over £8,000 on research and experimental work services for the industry, it is considered not unreasonable that Government should retain this revenue derived from registration fees.

With regard to the other question, the exclusion of native coffee-growing from the Bill, I am ready to admit, Sir, that, having regard to the very controversial character of this subject, coffee growers and the delegates to the Coffee Conference were, not unnaturally, somewhat apprehensive. But since the Coffee Conference was held, Sir, I have taken the opportunity of placing the whole question before the provisional Coffee Board and have explained to that Board the main principles underlying the control which Government propose to exercise under special Native Coffee Growing Rules. I explained also, Sir, that having regard to particular circumstances and requirements the Bill before the House was entirely inappropriate as a measure to cover such a field and in fact that the necessary control could not be given within the scope of this Bill. Further, that there existed under another Ordinance, the Crop Production and Live Stock Ordinances, full opportunity for dealing by means of Rules with the whole question of native coffee-growing.

In order perhaps to dispose of this particular matter at this stage I would also inform the House that these Native Coffee Growing Rules have reached the stage whereby it is hoped that they will shortly be promulgated, and they make provision for a very substantial measure of control by the Director of Agriculture such as could not be embraced in the Bill now before the House. I do not wish to go into any details, Sir, but I should like to inform the House that while the present ban on natives growing coffee will be removed it is the intention of Government that no native will be allowed to grow coffee excepting to begin with in areas declared by the Director of Agriculture as suitable for this purpose and by virtue of a permit granted by him. Furthermore, the Director has to be completely satisfied that the necessary staff provision is made and will be made for the exercise of that control over native coffee-growing, for the inspection necessary and so forth. Then again, all coffee plantations in native reserves will have to be cultivated to the satisfaction of the Director of Agriculture and factories can only be erected with his approval and must be maintained and managed in such a way as to satisfy him.

I come now, Sir, to the consideration of the clauses of the Bill, and without going into too much detail the House might perhaps expect me to explain and amplify some of the provisions contained in certain of the clauses. Members will note the very representative character of the conference which appears under the head of definitions. That I think is a matter of first importance because this conference is responsible among other things for appointing the Coffee Board from time to time. With the permission of the House, Sir, I propose to move an amendment under the head of definitions

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whereby there will be included after "Director" a definition of "export." I might add it to Members now so that they may have an opportunity of thinking the matter over in case they wish to raise the question on the Committee stage. It would read—

"export" means export from the Colony to a place outside the limits of the Uganda Protectorate or Tanganyika Territory or Africa.

That has been included in consultation with my hon. colleagues the Attorney General and the Commissioner of Customs, and the point is definitely related to clauses 10 (1) and 10 (3). Without the inclusion of that new definition the difficulties of administering the levy fund might be increased. It is not considered worth while to elaborate the organization for the collection of the levy through the Customs Department whereby special means would have to be taken to collect small amounts on the small quantities of coffee passing into Tanganyika and Uganda.

Clause 3 refers to the constitution of the Board. I hope hon. Members will consider that it is very representative in character. It will consist of the Director, who will be the first chairman, two members to be appointed by yourself, Sir, one of them being a member of the Department of Agriculture, two licensed coffee dealers, three coffee planters from roughly the east of the Rift Valley and three from roughly the west of the Rift Valley. Now there is only one point I should like to make here, Sir, and that is rather to offer a personal opinion on the matter. My own feeling is that in the light of experience it will be found necessary and advisable to increase the number of coffee dealers by at least one, having regard in particular to the main functions of the Board itself, which are very largely concerned with advertising, with marketing, exploitation of markets and so forth, and my personal opinion is that on that particular side, which is so important, the representation of coffee dealers who have more knowledge of this subject than coffee planters is on the light side and it would be an advantage to the Board if the number was increased. However, I would explain to the House that the subject was considered at the coffee conference, the coffee conference was not disposed to increase the number beyond two and I would suggest to the House that you leave it at that, but I am inclined to think that in the light of experience there may be some amendment necessary to the Ordinance at a later stage.

Under section 3 (2) there is a peculiar provision; it says "The first appointment of members of the Board under paragraphs (c), (d) and (e) of sub-section (1) of this section shall

be made by the Governor on the recommendation of the Director." The explanation is this, Sir, that the very representative coffee conference was held before this Bill was in a suitable shape to be passed through this House, and it was not considered necessary or advisable to hold another coffee conference in order to give effect to the provisions of the Bill. The Coffee Conference therefore proceeded to elect persons who could be nominated to the Board and I gave the Conference the assurance, Sir, with your approval, at the time, that I would recommend to you the appointment of those persons to the Coffee Board who were nominated at the last Coffee Conference.

The first proviso under section 4 (1) is, I think, of some importance. Both the Councils, Committees and Boards with whom I have had to deal with this matter found great difficulty in framing this particular proviso, but I hope and believe that it will now work. The intention of that is not to impose any undue liabilities upon retail sellers of coffee who are genuinely carrying out the ordinary provision trade. I should like to explain, Sir, that under clause 4 (2) there is an alteration there as compared with the draft passed at the coffee conference but which has been since amended and included with the approval of the Provisional Coffee Board. It was previously suggested that the District Commissioner should, before issuing a licence, take the opinion of the Coffee Board thereon. On closer examination it would seem that as this was an executive and administrative matter it would be better that the District Commissioner should consult the Director and the Director in turn in particularly difficult cases or uncertain cases would, I have no doubt, in his wisdom consult the Coffee Board, as and when necessary. In any case, Members will appreciate that it gives more protection than is given under the existing legislation because under the existing legislation the District Commissioner has full power on his own authority to issue these licences.

With regard to clause 4 (5) hon. Members will note that the coffee dealer's licence has been increased from Sh. 10 to £10. That may seem a considerable jump, but from inquiries made in the matter we are informed by the coffee dealers that they have no objection to paying £10, and in this way they will make a fair contribution to the levy because there is no other way in which a contribution can be made by coffee dealers to the levy fund itself. But the main object behind this considerable increase, Sir, was to secure that those connected with coffee dealing would be persons of repute and would be able to satisfy Government and the Coffee Board that they were dealing in a legitimate trade—dealing, rather, in a trade carried out legitimately.

I will pass on now, Sir, to the important clause 10 which is one dealing with the levy itself. Members will note that the amount of the levy shall in no event exceed one shilling per hundredweight, provided also that no levy shall be imposed in respect of half-coffee. Then it was considered advisable, Sir, to state in the Bill that during the first year of its operation the levy should not exceed fifty cents per hundredweight. I do not think any difficulties will be created thereby because it will take the Coffee Board some considerable time to make the necessary preparations for expenditure on a considerable scale to be done wisely.

Section 10 (3) is the ordinary commercial point that reasonable notice shall be given before the levy is collected.

With regard to section 10 (3), to which I have referred when I was dealing with the question of the definition of "export", my friend the Commissioner of Customs has been good enough to undertake the collection of this money through his Department, and I have every reason to believe that collected in this way and administered in this way there will be for all practical purposes no extra money expended in the cost of collection and that the whole of the money obtained will go into the fund.

Hon. Members will notice in section 11 (1) that at the end it says "and of such sums as the Legislative Council may from time to time vote for the purpose." It was the hope of the Coffee Conference and the provincial Coffee Board—I trust perhaps not an entirely pious hope—that this Council might be able in its generosity to vote every now and again a sum of money to supplement the fund.

I do not think I need, Sir, repeat to the House the provisions of clause 11 (3). They are very clearly stated and they form the main functions of the Board. They are to deal with advertising and propaganda work, with better marketing and the exploitation of new markets, and any other service which in the opinion of the Governor in Council is a fit and proper one on which to spend the fund. Members will notice that under clause 11 (3) (c) there is no intention to pay fees to the members of the Board; they will only get their travelling and out-of-pocket expenses.

Clause 13, I think, is an important section and it means this: that the coffee planters of the Colony who find this money will be assured that from time to time there will be presented to them through their representatives on the executive of the Coffee Conference an annual report dealing with the work of the Board itself, how it has spent its money, the progress of the industry, and so forth. I will not occupy the time of the House longer, Sir, in dealing with the provisions of the Bill.

but I should like to make one or two more general comments before I close. This Coffee Board will have great opportunities for rendering valuable services to the coffee industry. There is great scope in the provisions of the Bill for the improvement of marketing, for the exploitation of new markets and the better preparation of coffee for market. But it will be the first duty of the Board to see that the present high reputation of Kenya coffee is maintained and that it is not infringed. Again, I would hope, though it is not entirely a matter for the Board to decide—that from time to time, too, there will be funds available for intensive research and experimental work, which might be conducted from time to time and which is outside the resources of the Department of Agriculture. The levy is in my opinion not such as would bear hardly on the individual, while it should contribute such a total sum that the Coffee Board will be possessed of the necessary ways and means to promote and foster this important industry.

Your Excellency referred in your opening speech to the importance of this industry to the State. It is also, if I may say so, of great importance to the Railway Administration. Unfortunately it is not one of those industries which is likely at any time to create any peak traffic conditions.

Sir, I have been privileged during the last years to have been responsible in this House for the introduction of many important measures and as this may be the last time that I shall deal with one of major importance, may I be allowed to say that I have been glad to have been associated with a Bill in connexion with which there has been so much and so close collaboration with my Department and a Bill related to an industry which makes the greatest contribution to the production of wealth in this Colony. Hon. Members, I feel sure that I can confidently rely upon you for your unanimous support to the principles of this Bill, which really means, in short, helping the industry to help itself.

THE HON. T. D. H. BUTCHER: Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is that the Coffee Industry Bill be read a second time.

THE HON. CONWAY HARVEY: Your Excellency, I rise to support the motion, as some form of centralized control is absolutely essential if the coffee industry is to survive the present period of over-production and keen competition. As the hon. mover so truly said, Your Excellency, I cannot remember any Bill which has ever been subjected to such intensive scrutiny as this measure. As a representative coffee planter I have been privileged to take part in most of those

preliminary discussions and I should like to express the gratitude of coffee planters to Government for the manner in which their representatives have been met throughout. A very large number of coffee planters' suggestions have now been incorporated in this measure and the excellent result that has been achieved, Your Excellency, is due in no small measure to the spirit of reasonableness displayed by the hon. Director, who presided over most of these meetings. Although the measure affects coffee planters particularly, Your Excellency, everyone must be aware of the importance to the Colony of an industry which represents a capital investment of rather more than five million pounds, an industry which during the year 1930 exported no less than 310,000 cwt. of coffee valued at one and a half million pounds, and which incidentally contributed £20,000 to railway revenue. In Kenya, Sir, there are 926 coffee growers who have succeeded in planting up 97,000 acres and the value of the result of this planting, Sir, during 1930 represented no less than 4 per cent in value of the total agricultural exports from Kenya.

I do not intend, Sir, to traverse any of the detailed provisions of this measure, which have been so clearly and lucidly explained by the hon. member, but, Sir, there is one thoroughly bad feature of Government policy reflected in this Bill. I allude, Sir, to the fact that, with certain safeguards, natives are for the first time to be encouraged to grow coffee. Now, Sir, this particular aspect of the problem, as Your Excellency is aware, has been very carefully considered by the Agricultural Commission which sat a few years ago under the distinguished chairmanship of so eminent and impartial an authority as Sir Daniel Hall. The signatories to that Report, Your Excellency, a short extract from which I propose to read in a moment, include the then Chief Native Commissioner and Mr. C. M. Dobbs, than whom no one was ever more solicitous for native welfare. The extract I should like to read, Your Excellency, is in these terms. On this vexed subject of coffee-growing by natives, on page 35 of the Report, Sir, it says:

"From any economic view of the policy of the Colony as a whole, it would be the height of unvision to imperil the great existing industry, which annually pays over half a million pounds in wages to native labour, in order to allow a small number of advanced natives to earn the greater cash return per acre derived from coffee as against other crops. The gain to the natives from wages paid in the coffee plantations is assured. The all-round profit they would derive from coffee-planting is doubtful, for many of the plantations would undoubtedly have to be grubbed out by order because of disease, whereby the owners would lose the results of many years previous cultivation."

That, Sir, was the considered conclusion of the Agricultural Commission, after taking voluminous evidence throughout the Colony from all the interests involved.

Now, Sir, much has been said about the substantial profit derived by natives from coffee-growing in Tanganyika and Dr. Drummond Shiels is reported in the *East African Standard* of the 7th August last to have said in the House of Commons that the Kilimijiro Native Planters' Association of Tanganyika Territory has a membership of 12,231 owning about 6,000,000 trees. Now, Sir, at prices of very simple calculations shows that this works out at an average gross income per year of Sh. 32, which compares very unfavourably indeed with the average wage of Sh. 150 derived by the same native in European employment. Why imperil an established industry, which means so much to the Colony, for the sake of conferring a very doubtful benefit on the natives, who, in my humble opinion, is very much better employed in growing food-stuffs and dedicating his energies to crops he knows something about? I suggest, Sir, that this is being done to placate political agitators, who will very soon think of some other imaginary grievance with which to fan the flame of political agitation.

Now, Sir, on the subject of over-production, which everyone knows is a fact to-day, it may interest the House to know that a suggestion is now under consideration for the destruction of no less than 400,000,000 trees in that coffee-producing country known as San Paulo, whereas everyone knows that in Brazil, the greatest coffee-producing country in the world, thousands and thousands of tons of coffee are destroyed annually; and a recent decree in that country, Your Excellency, absolutely forbids the planting of any more coffee for a period of no less than three years. The danger to coffee, from theft and disease are so obvious, Sir, as to require no elaboration from me at this stage.

There is just one other point, Your Excellency. Apropos of natives growing coffee, I should like to say that we do repose very great confidence in the safeguards which I have every reason to believe will be introduced by the Agricultural Department of this Colony and its extremely competent staff of agricultural officers. Now, Sir, Government expenditure, in my humble opinion, has never been related to the importance of the industry and, as is indicated in this Bill, planters are desirous of helping themselves by imposing a voluntary cess, the proceeds of which are to be spent for the advertising and general advancement of the industry by a Board elected by coffee growers themselves, and I hope at no distant date, Sir, Government will find itself in a position to recognize its obligations to an industry which is doing so much to help itself.

LT. COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I rise to support the motion before the House, and I only have one point to make, Sir, in support of what my hon. friend on the left (the hon. Member for the Lakes) has just said that in agreeing to this Bill the coffee planters of this country and we Elected Members on this side of the House do not in any way withdraw from the position we have taken before that it is inadvisable for the Government to encourage the growing of coffee by natives. We have agreed to this Bill as it is because we believe that if coffee growing by natives is to be encouraged the proposals put forward by the hon. Director are the best way of controlling them. At the same time, Sir, coffee planters here do maintain that they have invested their large capital in the country on the understanding—I will not say any pledge or anything of that sort—that coffee growing by natives would not be encouraged. I do not wish to go further into the details of the opposition, some of which have been put forward by my hon. friend, but I did just want to make that point quite clear, Sir.

LT. COL. THE HON. C. G. DURHAM: Your Excellency, I also will follow in the footsteps of my leader in opposing this growing of coffee by natives. If natives have their *shambas* adjacent to a present plantation just how long will Government refuse permission to those natives if they apply for it? You cannot, to my mind, possibly tell natives who own *shambas* where the European *shambas* are surrounded by natives, that coffee will not grow there. Is it feasible that any native will apply for any land a long way away in the reserve when he can get it close at hand? Naturally he is going to grow it where he knows quite well it will grow and he may get a decent crop. I am very greatly afraid that if pressure is brought to bear from home, as is so frequently done, we shall have to admit this. You cannot dispossess them of the land. If you tell them definitely the land is suitable they will say what are you going to do about it? Are you going to buy it? No, it is in the native reserve where he will attempt to grow coffee, and they will support him at home. I am opposing it for that reason.

I wonder how greatly it is realized the European coffee crop will drop in price if natives are allowed to grow coffee adjacent to their *shambas*? Sir, from the native point of view the effect of the supervision definitely provided by Government of the native is that he has to pay for it. I want you to realize how little he will make out of his coffee crop because quite definitely where a European owner can and does look after his own *shamba* when the native establishes a *shamba* he will have to employ somebody to look after it or Government

will have to do it for him and what he will get out of it is nothing or very little. I think it the Government's duty to persuade the native not to grow coffee.

THE HON. HAKIM SINGH: Your Excellency, I beg to ask permission to delete the last paragraph of clause 11 (1) which reads: "There shall be established a fund to be known as the coffee levy fund which shall consist of all moneys paid in respect of the levy and licences issued under section 4 of this Ordinance."—I wish that the following words should be deleted which it goes on to say, "and of such sums as the Legislative Council from time to time vote for the purpose." I am afraid, Sir, that if the authority is given in this clause eventually some money from the general revenue will be devoted to this levy fund which is derived from all communities and from those communities which have nothing to do with this coffee planting. Certainly all the industries should pay for themselves. There should be no subsidised business such as is done in the way of wheat, maize and also coffee. I am opposed to the view of the hon. Member for Kikuyu that the natives should not be allowed to grow coffee. Sir, there should be no monopoly in any kind of business and encouragement should be given or at least freedom should be given to every community to do any sort of business they like.

THE REV. CANON THE HON. G. BUNN: Your Excellency, I do not intend to take up the time of the House but I should like to point out if I may, Sir, that it does not seem to me from the Bill that the Government encourages natives to grow coffee. It is one thing for the Government to encourage the natives to grow coffee and it is a totally different thing for the Government to prohibit. When the time comes and when men of intelligence arise that are capable of looking after a plantation it is a totally different thing for the Government to prohibit them from such an enterprise if they feel inclined to do so; but that such planting should be under the strictest rules and regulations as imposed by the Department of Agriculture I am in entire agreement with. I do not think the industry of which we have heard to-day as being of such wonderful benefit to the whole Colony, which unquestionably it is, should be endangered for the lack of supervision and for the lack of rules regulating any native coffee that should be planted in the reserves; but that the natives should be allowed when the time comes and they are capable of doing it to plant such coffee is in my mind only justice, and in that I just want to say that it is one thing to encourage or to persuade the native to grow coffee but a different thing to prohibit him from growing when he is capable of doing so.

HIS EXCELLENCY: If no other hon. Member wishes to speak I will call upon the Director of Agriculture to reply.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I am grateful to the House for the response which they have given to this Bill, ~~that~~ I must say that I very deeply regret indeed that the discussion and the criticism should have centred around the question of native coffee-growing. That is a subject which has been discussed *ad nauseum, ad infinitum* in this Colony for the last ten years and I do not think it helps very much in the circumstances and the difficulties of Government in this matter by repeating the sort of remarks and criticisms that have been made this morning. Sir, it is not the opinion of the Government that the European coffee industry of this Colony will be imperilled if natives grow coffee under proper control and supervision. If it were so, I for one should not be a party to doing a great deal to administer the work in connexion with this particular subject, but the fact remains, Sir, that since the Hall Commission sat in 1929 a good deal of information has been obtained and experience derived. There is abundant evidence in the neighbouring territories that native coffee plantations under the sort of control and supervision which is exercised there at the present time are in just as fit a state of good cultivation as those under European ownership. I do believe, Sir, that that will be found to be the case in this country provided always, Sir, that Government provides the Department of Agriculture with the necessary staff to do this technical service and to exercise control and supervision. I hope and believe also, although the point was not raised, that the reputation of Kenya coffee will not suffer on the world's markets. We intend to set up such an organization whereby coffee produced in the native reserves will be of a quality equally as good as that produced in European plantations and can be sold safely under the Kenya mark.

I think there is only one other point, Sir, which arose in the course of the debate to which I need reply. I do not think that the hon. Hakim Singh would probably attempt to deal in the course of two or three sentences with the very difficult question of the organization of technical and scientific services. He seemed to propose that such services should be rendered by individual organizations representing the different industries. I suggest to him that if he goes into the matter a little more fully he will find that it is an entirely impracticable proposal. You would have the wheat industry employing chemists, entomologists and so forth; the maize industry would have the same; the coffee industry would have the same; the sugar industry would have the same; and so forth, and you would have such enormous overlapping and wasted effort and uneconomical expenditure that the whole thing would topple to the ground purely from the point of view that it is entirely impracticable. No, Sir, in every country

Principal Ordinance, and one of those conditions is that no land in the native reserves may be leased which is under beneficial occupation by the native population.

It is obvious therefore that in a closely cultivated and thickly populated district such as North Kavirondo no leases can legally be permitted under those sections. It is therefore proposed, in this Bill to have recourse to section 15 of the Ordinance under which the Governor is empowered to exclude areas for the development of mineral resources; but there is a proviso to that section, which says that in every case of such exclusion an area equal in extent and, so far as possible, equal in value must be added to the reserve from, if possible, contiguous and suitable country elsewhere. Now, Sir, it is obvious that that will be a very cumbersome and impracticable business to add a piece of suitable land, equal in extent and so far as possible equal in value in the case of every area, for a Governor has abundant evidence in the neighbouring territories that native coffee plantations under the sort of control and supervision which is exercised there at the present time are in just as fit a state of good cultivation as those under European ownership. I do believe, Sir, that that will be found to be the case in this country provided that the Government provides the Department of Agriculture with the necessary staff to do this technical service and to exercise control and supervision. I hope and believe also, although the point was not raised, that the reputation of Kenya coffee will not suffer on the world's markets. We intend to set up such an organization whereby coffee produced in the native reserves will be of a quality equally as good as that produced in European plantations and can be sold safely under the Kenya mark.

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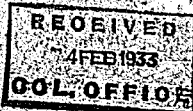
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21 2  
THE SECRETARIAT,  
NAIROBI,  
KENYA



January, 1933.

WHEN REPLYING  
PLEASE QUOTE  
N.O.S. AGR. 1/2/5/13. Vol. II.  
AND DATE

No 1

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and with reference to Kenya despatch No. 20 of the 10th January, 1933 has the honour to transmit twelve printed copies of Ordinance No. I of 1932 entitled "An Ordinance to Make Provision for the Advancement and Control of the Coffee Industry".

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RECEIVED  
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Colony and Protectorate of Kenya.

IN THE TWENTY-THIRD 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 11th day of December, 1932.

Governor.

AN ORDINANCE TO MAKE PROVISION FOR  
THE ADVANCEMENT AND CONTROL  
OF THE COFFEE INDUSTRY

## No. L of 1932

## An Ordinance to Make Provision for the Advancement and Control of the Coffee Industry

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 Coffee Industry Ordinance, 1932" and shall come into operation on such date as the Governor may by proclamation appoint.

Short title and Commencement.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

"Board" means the Board established under the Ordinance;

"burr" means coffee dried in the fruit or cherry;

"coffee" means the fruits or parts thereof of *Coffea* species and includes "clean coffee", "parchment coffee", "burr" and roasted and/or ground berries;

"coffee dealer" includes any person who buys or sells, cleans or grades commercially in a factory other than on the plantation, or otherwise deals in, unroasted coffee;

"coffee plantation" includes any area of land on which coffee is grown for the production of berries, or for the growing and sale of coffee plants;

"coffee planter" includes any person who owns, manages or occupies a coffee plantation;

"conference" means any meeting of delegates appointed by farmers' associations or similar bodies in coffee-producing districts and by organizations representing trade interests convened for the purpose of election of members of the Board as provided under section 3 of this Ordinance and for the consideration of any other matters affecting the coffee industry;

"Director" means the Director of Agriculture;

"export" means export from the Colony to a place outside the limits of the Uganda Protectorate or Tanganyika Territory or of the Colony;

Inspector means any magistrate, European Police Officer or any European officer of the Department of Agriculture.

Trade samples means samples of coffee not exceeding ten pounds in weight.

Composition of the Board.

3. (1) There shall be constituted a Board to be known as the Coffee Board which shall consist of

- (a) The Director, who shall be the first chairman;
- (b) Two members to be appointed by the Governor, of whom one shall be a member of the Department of Agriculture;

(c) Two licensed coffee dealers to be elected at the Conference by delegates from organizations representing trade interests;

(d) Three coffee planters who shall be elected at the Conference by coffee planters who own, occupy or manage coffee plantations situated to the east of the Meridian of longitude thirty six degrees twenty five minutes east of Greenwich;

(e) Three coffee planters who shall be elected at the Conference by coffee planters who own, occupy and manage coffee plantations situated to the west of the Meridian of longitude thirty six degrees twenty five minutes east of Greenwich.

(2) The first appointments of members of the Board under paragraph (c), (d) and (e) of sub-section (1) of this section shall be made by the Governor on the recommendation of the Director. The Board shall convene a Conference in the first half of each calendar year after the passing of this Ordinance at which elections of such members to the Board as is provided in sub-section (1) of this section shall be made.

(3) Subject to the provisions of sub-section (1) (c) of this section the Board shall elect a chairman and vice-chairman annually.

(4) Members of the Board other than those referred to in paragraph (a), (b) and (c) of sub-section (1) of this section shall hold office during the Governor's pleasure.

(5) With respect to the members elected at each Conference, the following provisions shall apply :-

(a) Of the two members of the Board elected under sub-section (1) (c) of this section, one shall retire annually.

(b) Of the three members of the Board elected under sub-section (1) (d) of this section, one shall retire annually.

(c) Of the three members of the Board elected under sub-section (1) (e) of this section, one shall retire annually.

(d) The order of retirement of members under sub-section (b), (c) and (e) of this section shall be decided by ballot by the Board.

(e) Any member retiring as aforesaid shall be eligible for re-election.

(6) In any case in which the Board is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office the Board may appoint some fit person to be a deputy to act for that member during such incapacity; and any deputy shall while he acts as such, have all the powers and authorities of the member for whom he is so acting.

(7) In the absence of the chairman and vice-chairman from any meeting of the Board a chairman for such meeting shall be chosen by the members present.

(8) The chairman of a meeting shall have a casting vote in addition to a deliberative vote.

(9) At its first meeting the Board shall fix the number required for a quorum and make rules for the conduct of its business.

(10) The chairman shall within one month convene a meeting of the Board upon receipt of a requisition signed by three members of the Board calling upon him to do so.

(11) The Board shall be a body corporate having perpetual succession and a common seal, and shall be capable in law of suing and being sued, and of purchasing, holding and alienating land and other property movable or immovable.

Meetings

(11) The Board shall meet not less than once in three months.

Licence to deal in coffee

(1) No person shall conduct the business of a coffee dealer unless and until he is licensed in that behalf by the District Commissioner of the district in which his principal business premises are situated.

Provided that no retail seller of provisions shall require a licence for the purchase of clean coffee from a licensed coffee dealer or coffee planter or for the sale of such coffee in retail quantities not exceeding five pounds in weight, and that such retail seller shall keep a register of all purchases of such coffee.

And provided further that no licence shall be given by any person who deals only in coffee grown outside the Colony.

(2) The issue of such licence shall be in the discretion of the District Commissioner who before issuing any such licence shall consider the Director thereon. It shall be competent for the District Commissioner to prescribe as a condition of the issue of a licence that it shall be endorsed by the District Commissioner of every district in which business under the licence is to be carried on.

(3) Every such licence shall specify the premises on which such business may be carried on.

(4) Every licence under this section shall be issued annually and, subject to any cancellation which may be imposed under section 18, shall remain in force until the thirtieth day of June next following the date on which it was issued.

(5) There shall be payable in respect of every such licence and every renewal thereof a fee of ten pounds.

Provided that only one licence fee shall be payable in respect of any or all premises in which the business of the licensee is carried on throughout the Colony.

Licence to keep books

(1) Every licensee under section 4 of this Ordinance shall keep on his licensed premises a register in English or Kivavulu of all purchases or sales of coffee made in pursuance of his licence, and shall within forty-eight hours of each such sale or purchase insert in such register the name and address of each vendor or purchaser of coffee, as the case may be, the quantity purchased or sold and the date of the transaction.

Provided that if the method of dealing in or disposing of coffee be otherwise than by purchase or sale the licensee shall enter in the register the method of such dealing or disposal and the date thereof.

(3) It shall be lawful for an Inspector to enter upon the premises of any coffee planter or coffee dealer or retail seller of provisions and inspect all coffee kept therein and to demand the production of and inspect any licence or any register kept in pursuance of this section, and any obstruction or denial of entry and any refusal to produce such licence or register shall be deemed to be an offence.

6. Every licensee under section 4 of this Ordinance shall always keep exhibited in English characters not less than three inches deep over the outer floor of his shop or place of business his name and the words "licensed coffee dealer" in English or Kivavulu.

Licence to exhibit his name, etc.

7. Every licensed dealer shall submit such returns at such periods to such persons as the Governor by rule may prescribe.

licence to submit returns

8. Nothing in section 4 of this Ordinance contained shall be deemed to prohibit any licensed coffee planter from selling the produce of his own plantation to a licensed coffee dealer, or to any person for his own consumption or for planting, or from exporting the same from the Colony.

Having for sale licensed coffee dealer

Provided that such licensed coffee planter shall enter in a book to be kept for that purpose a full and true account of all such sales and dealings and shall produce such book for inspection upon demand made by an Inspector.

Provided further that any person may, without a licence buy from a licensed coffee dealer or licensed coffee planter coffee for his own consumption or for planting, but for no other purpose.

9. (1) No person shall plant or plantain any coffee plantation unless and until he is in possession of a licence issued to him in that behalf by the District Commissioner of the district in which such coffee plantation is situated.

Coffee planters Licences

(2) There shall be payable in respect of every licence issued under this section a fee of thirty shillings.

(3) Every licence under this section shall be issued annually and shall expire on the thirtieth day of June next following the date on which it was issued.

(4) The issue of licences under this section shall be in the discretion of the District Commissioner, who, before issuing any such licence, shall consult the Director thereon. Provided that in such opinion shall be necessary in the case of coffee planters previously licensed under the Registration of Coffee Plantations and Coffee Dealers Ordinance.

(5) The provisions of this section shall not apply to any coffee plantation in any native reserve.

10. (1) It shall be lawful for the Governor on the recommendation of the Board from time to time to publish a proclamation in the Gazette to impose a levy on all coffee produced in and exported from the Colony (hereinafter referred to as the levy). Provided that the amount of such levy shall in no event exceed one shilling per one hundred weight or one of a one hundred weight of coffee and provided also that no levy shall be imposed in respect of gum.

Provided further that during the first year of its being in operation the amount of such levy shall not exceed fifty cents per one hundred weight or part of a one hundred weight of coffee.

Provided also that nothing in this section contained shall prohibit any licensed coffee planter or coffee dealer or the Board from exporting trade samples without payment of such levy.

(2) No levy shall become operative until two months after the date of the proclamation imposing it.

(3) As from the date on which a levy becomes operative under sub-section (1) of this section no coffee produced in the Colony shall be exported from the Colony unless the levy has been paid to the Commissioner of Customs in respect of such coffee and any person who exports or attempts to export any such coffee from the Colony without paying such levy thereon shall be guilty of an offence.

11. (1) There shall be established a fund to be known as the coffee levy fund which shall consist of all moneys paid in respect of the levy and licences issued under section 4 of this Ordinance, and of such sum as the Legislative Council may from time to time vote for the purpose.

(2) The coffee levy fund shall be in the custody of the Treasurer, who as soon as possible after the last day of each month shall pay the amount of such fund into an account

Coffee Levy Fund

opened in the name of the Board with a bank approved by the Governor; and the receipt of such bank for sums so paid shall be a full and effectual discharge to the Treasurer.

(3) The Board shall apply such moneys as follows:

(a) in payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the course of its business;

(b) to the cost of advertising the merits of Kenya coffee and increasing its sale, by efforts to extend existing markets and exploiting new markets, and any matters incidental thereto;

(c) to the payment of travelling and other local expenses to the members of the Board at rates to be approved by the Governor;

(d) to the employment of such staff as the Board may think fit for the purpose of carrying out its functions;

(e) with the approval of the Governor in Council, to any other service which in the opinion of the Board is calculated to promote the welfare of the coffee industry or the more economic production or preparation of coffee.

12. The accounts of the coffee levy fund shall be audited in such manner as the Governor may direct, and shall, as soon as may be after the close of each year and after audit as aforesaid, be published in such manner as the Governor may direct.

And the publication of accounts.

13. The Board shall prepare annually reports of its operations which shall be submitted to the Governor and be published in such manner as the Governor may direct.

Annual reports.

14. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Liability of member of the Board.

15. Any person who is guilty of an offence against this Ordinance or who contravenes or fails to comply with any of the provisions of this Ordinance shall be liable, on conviction before a magistrate of the first or second class, for every such offence, contravention or failure to comply with the provisions of this Ordinance to a fine not exceeding one hundred pounds.

Penalty.

No. 1

Coffee Industry

1932

or to imprisonment for a period not exceeding six months or to both such fine and imprisonment; and if the magistrate thinks fit, to the cancellation of any licence issued under section 7 of this Ordinance.

Offences cognisable to police.  
Power to make rules.

16. All offences under this Ordinance shall be cognisable to the police.

17. The Governor in Council may make Rules—  
(a) prescribing the returns and the form thereof to be made by licensed coffee dealers;  
(b) generally for the better carrying out of the provisions of this Ordinance.

Repeal.

18. The Registration of Coffee Plantations and Coffee Dealers Ordinance (Chapter 183 of the Revised Edition) is hereby repealed.

Provided that a coffee dealer's licence issued to any person under section 7 of the said Ordinance shall remain in force until the thirtieth day of June next following the date on which it was issued, and it shall not be necessary for any person to whom such licence was issued to take a licence under this Ordinance until after the said thirtieth day of June.

Passed in the Legislative Council the twenty-first day of December, in the year of Our Lord one thousand nine hundred and thirty-two.

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.

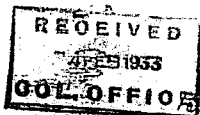
**C. BERESTFORD STOOKE**

*Acting Clerk of the Legislative Council.*



21 2  
THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
No. AGH. 1/2/5/13. Vol. II.  
AND DATE



January, 1933.

*No1*

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and with reference to Kenya despatch No. 20 of the 10th January, 1933 has the honour to transmit twelve printed copies of Ordinance No. L of 1932 entitled "An Ordinance to Make Provision for the Advancement and Control of the Coffee Industry".

*AGL*

-----



Colony and Protectorate of Kenya.

IN THE TWENTY-THIRD 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 1st day of December, 1932

*Governor*

AN ORDINANCE TO MAKE PROVISION FOR  
THE ADVANCEMENT AND CONTROL  
OF THE COFFEE INDUSTRY

No. L of 1932

**An Ordinance to Make Provision for the Advancement and Control of the Coffee Industry.**

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

1. This Ordinance may be cited as "the Coffee Industry Ordinance, 1932" and shall come into operation on such date as the Governor may by proclamation appoint.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

"Board" means the Board established under this Ordinance;

"buni" means coffee dried in the fruit or cherry;

"coffee" means the fruits or parts thereof of *Coffea* species and includes "clean coffee", "parchment coffee", "buni" and roasted and/or ground berries;

"coffee dealer" includes any person who buys or sells, cleans or grades commercially in a factory other than on the plantation, or otherwise deals in, unroasted coffee;

"coffee plantation" includes any area of land on which coffee is grown for the production of berries, or for the growing and sale of coffee plants;

"coffee planter" includes any person who owns, manages or occupies a coffee plantation;

"conference" means any meeting of delegates appointed by farmers' associations or similar bodies in coffee-producing districts and by organizations representing trade interests convened for the purpose of election of members of the Board provided under section 3 of this Ordinance and for the consideration of any other matters affecting the coffee industry.

"Director" means the Director of Agriculture,

"export" means export from the Colony to a place outside the limits of the Uganda Protectorate or Tanganyika Territory or of the Colony.

"Inspector" means any magistrate, European Police Officer or any European officer of the Department of Agriculture;

"trade samples" means samples of coffee not exceeding ten pounds in weight.

Composition of the Board.

3. (1) There shall be constituted a Board to be known as "the Coffee Board" which shall consist of—

(a) the Director who shall be the first chairman;  
(b) two members to be appointed by the Governor, of whom one shall be a member of the Department of Agriculture;

(c) two licensed coffee dealers to be elected at the Conference by delegates from organizations representing trade interests;

(d) three coffee planters who shall be elected at the Conference by coffee planters who own, occupy or manage coffee plantations situated to the east of the Meridian of longitude thirty-six degrees twenty-five minutes east of Greenwich;

(e) three coffee planters who shall be elected at the Conference by coffee planters who own, occupy and manage coffee plantations situated to the west of the Meridian of longitude thirty-six degrees twenty-five minutes east of Greenwich.

(2) The first appointments of members of the Board under paragraphs (c), (d) and (e) of sub-section (1) of this section shall be made by the Governor on the recommendation of the Director. This Board shall convene a Conference in the first half of each calendar year after the passing of this Ordinance at which elections of such members to the Board as is provided in sub-section (1) of this section shall be made.

(3) Subject to the provisions of sub-section (1) (c) of this section the Board shall elect a chairman and vice-chairman annually.

(4) Members of the Board other than those referred to in paragraphs (c), (d) and (e) of sub-section (1) of this section shall hold office during the Governor's pleasure.

(5) With respect to the members elected at each Conference, the following provisions shall apply:—

(a) Of the two members of the Board elected under sub-section (1) (c) of this section, one shall retire annually;

(b) Of the three members of the Board elected under sub-section (1) (d) of this section, one shall retire annually;

(c) Of the three members of the Board elected under sub-section (1) (e) of this section, one shall retire annually;

(d) The order of retirement of members under sub-section (1) (c), (d) and (e) of this section shall be decided by ballot by the Board;

(5) (a) (b) and (c) of this section shall be decided by ballot by the Board;

(e) Any member retiring as aforesaid shall be eligible for re-election.

(6) In any case in which the Board is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office the Board may appoint some fit person to be a deputy to act for that member during such incapacity; and any deputy shall, while he acts as such, have all the powers and authorities of the member for whom he is so acting.

(7) In the absence of the chairman and vice-chairman from any meeting of the Board a chairman for such meeting shall be chosen by the members present.

(8) The chairman of a meeting shall have a casting vote in addition to a deliberative vote.

(9) At its first meeting the Board shall fix the number required for a quorum and make rules for the conduct of its business.

(10) The chairman shall within one month convene a meeting of the Board upon receipt of a requisition signed by three members of the Board calling upon him to do so.

(11) The Board shall be a body corporate having perpetual succession and a common seal, and shall be capable in law of suing and being sued, and of purchasing, holding and alienating land and other property movable or immovable.

(12) The Board shall meet more than once in three months.

4. (1) No person shall conduct the business of a coffee dealer unless and until he is licensed in that behalf by the District Commissioner of the district in which his principal business premises are situated.

Provided that no retail seller of provisions shall require a licence for the purchase of clean coffee from a licensed coffee dealer or coffee planter or for the sale of such coffee in retail quantities not exceeding five pounds in weight, and that such retail seller shall keep a register of all purchases of such coffee.

And provided further that no licence shall be required by any person who deals only in coffee grown outside the Colony.

(2) The issue of such licence shall be at the discretion of the District Commissioner, who, before issuing any such licence, shall consult the Director thereof. It shall be a condition of the issue of a licence that it shall be endorsed by the District Commissioner of every district in which business under the licence is to be carried on.

(3) Every such licence shall specify the premises on which such business may be carried on.

(4) Every licence under this section shall be issued annually and, subject to any cancellation which may be imposed under section 15, shall remain in force until the thirtieth day of June next following the date on which it was issued.

(5) There shall be payable in respect of every such licence and every renewal thereof a fee of ten pounds.

Provided that only one licence fee shall be payable in respect of any or all premises in which the business of the licence is carried on throughout the Colony.

5. (1) Every licensee under section 4 of this Ordinance shall keep on his licensed premises a register in English or Kivwahili of all purchases or sales of coffee made in pursuance of his licence, and shall within forty-eight hours of each such sale or purchase insert in such register the name and address of each vendor or purchaser of coffee, as the case may be, the quantity purchased or sold and the date of the transaction.

(Provided that if the method of dealing in or disposing of coffee be otherwise than by purchase or sale the licensee shall enter in the register the method of such dealing or disposal and the date thereof.)

(2) It shall be lawful for an Inspector to enter upon the premises of any coffee planter or coffee dealer or retail seller of provisions and inspect all coffee kept therein and to demand the production of and inspect any licence or any register kept in pursuance of this section, and any obstruction or denial of entry and any refusal to produce such licence or register shall be deemed to be an offence.

6. Every licensee under section 4 of this Ordinance shall always keep, exhibited in English characters not less than three inches deep, over the outer door of his shop or place of business, his name and the words "licensed coffee dealer" in English or Kivwahili.

7. Every licensed dealer shall submit such returns at such periods to such persons as the Governor by rule may prescribe.

8. Nothing in section 4 of this Ordinance contained shall be deemed to prohibit any licensed coffee planter from selling the produce of his own plantation to a licensed coffee dealer, or to any person for his own consumption, or for planting, or from exporting the same from the Colony.

Provided that such licensed coffee planter shall enter in a book to be kept for that purpose a full and true account of all such sales, dealings and shall produce such book for inspection upon demand made by an Inspector.

Provided further that any person may without a licence buy from a licensed coffee dealer or licensed coffee planter coffee for his own consumption or for planting, but for no other purpose.

9. (1) No person shall plant or maintain any coffee plantation unless and until he is in possession of a licence issued to him in that behalf by the District Commissioner of the district in which such coffee plantation is situated.

(2) There shall be payable in respect of every licence issued under this section a fee of thirty shillings.

(3) Every licence under this section shall be issued annually and shall expire on the thirtieth day of June next following the date on which it was issued.

(4) The issue of licences under this section shall be in the discretion of the District Commissioner, who, before issuing any such licence, shall consult the Director thereon: Provided that no such opinion shall be necessary in the case of coffee planters previously licensed under the Registration of Coffee Plantations and Coffee Dealers Ordinance.

(5) The provisions of this section shall not apply to any coffee plantation in any native reserve.

10. (1) It shall be lawful for the Governor, on the recommendation of the Board from time to time by proclamation in the Gazette to impose a levy on all coffee produced in and exported from the Colony, hereinafter referred to as the levy: Provided that the amount of such levy shall in no event exceed one shilling per one hundredweight or part of a one hundredweight of coffee, and provided also that no levy shall be imposed in respect of buni:

Provided further that during the first year of its operation the amount of such levy shall not exceed five cents per one hundredweight or part of a one hundredweight of coffee.

Provided also that nothing in this section contained shall prohibit any licensed coffee planter or coffee dealer or the Board from exporting trade samples without payment of such levy.

(2) No levy shall become operative until two months after the date of the proclamation imposing it.

(3) As from the date on which a levy becomes operative under subsection (1) of this section no coffee produced in the Colony shall be exported from the Colony unless the levy has been paid to the Commissioner of Customs in respect of such coffee and any person who exports or attempts to export any such coffee from the Colony without paying such levy thereon shall be guilty of an offence.

11. (1) There shall be established a fund, to be known as the coffee levy fund which shall consist of all moneys paid in respect of the levy, and licences issued under section 4 of this Ordinance, and of such sums as the Legislative Council may from time to time vote for the purpose.

(2) The coffee levy fund shall be in the custody of the Treasurer, who as soon as possible after the last day of each month, shall pay the amount of such fund into an account

Cop. 123

Levy

Coffee levy fund

opened in the name of the Board with a bank approved by the Governor, and the receipt of such bank for sums so paid shall be a full and effectual discharge to the Treasurer.

(3) The Board shall apply such moneys as follows:—

(a) in payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the course of its business;

(b) to the cost of advertising the merits of Kenya coffee and increasing its sale by efforts to extend existing markets and exploiting new markets, and any matters incidental thereto;

(c) to the payment of travelling and out-of-pocket expenses to the members of the Board at rates to be approved by the Governor;

(d) to the employment of such staff as the Board may think fit for the purpose of carrying out its functions;

(e) with the approval of the Governor in Council, to any other service which in the opinion of the Board is calculated to promote the welfare of the coffee industry or the more economic production or preparation of coffee.

12. The accounts of the coffee levy fund shall be audited in such manner as the Governor may direct, and shall, as soon as may be after the close of each year and after audit as aforesaid be published in such manner as the Governor may direct.

Audit and publication of accounts

13. The Board shall prepare annually a report of its operations which shall be submitted to the Conference and be published in such manner as the Governor may direct.

Annual report

14. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Liability of member of the Board

15. Any person who in guilty of an offence against this Ordinance or who contravenes or fails to comply with any of the provisions of this Ordinance shall be liable, on conviction before a magistrate of the first or second class, for every such offence, contravention or failure to comply with the provisions of this Ordinance to a fine not exceeding one hundred pounds

Penalty

or to imprisonment for a period not exceeding six months or to both such fine and imprisonment; and if the magistrate thinks fit, to the cancellation of any licence issued under section 4 of this Ordinance.

Offences cognizable to police.

Power to make rules.

16. All offences under this Ordinance shall be cognizable to the police.

17. The Governor in Council may make Rules—

- (a) prescribing the returns and the form thereof to be made by licensed coffee dealers,
- (b) generally for the better carrying out of the provisions of this Ordinance.

Repeal.

18. The Registration of Coffee Plantations and Coffee Dealers Ordinance (Chapter 153 of the Revised Edition) is hereby repealed:

Provided that a coffee dealer's licence issued to any person under section 7 of the said Ordinance shall remain in force until the thirtieth day of June next following the date on which it was issued, and it shall not be necessary for any person to whom such licence was issued to take a licence under this Ordinance until after the said thirtieth day of June.

Passed in the Legislative Council the twenty-first day of December, in the year of Our Lord one thousand nine hundred and thirty-two.

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.

G. BEPPELO, CLERK

Acting Clerk of the Legislative Council

or to imprisonment for a period not exceeding six months or to both such fine and imprisonment; and if the magistrate thinks fit, to the cancellation of any licence issued under section 4 of this Ordinance.

Offences cognizable to police.

Power to make rules.

16. All offences under this Ordinance shall be cognizable to the police.

17. The Governor in Council may make Rules—

- (a) prescribing the returns and the form thereof to be made by licensed coffee dealers;
- (b) generally for the better carrying out of the provisions of this Ordinance.

Repeal.

18. The Registration of Coffee Plantations and Coffee Dealers Ordinance (Chapter 153 of the Revised Edition) is hereby repealed.

Provided that a coffee dealer's licence issued to any person under section 7 of the said Ordinance shall remain in force until the thirtieth day of June next following the date on which it was issued, and it shall not be necessary for any person to whom such licence was issued to take a licence under this Ordinance until after the said thirtieth day of June.

Passed in the Legislative Council the twenty-first day of December, in the year of Our Lord one thousand nine hundred and thirty-two.

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.

G. BENESTORD STOOKE.

*Acting Clerk of the Legislative Council.*



KENYA  
NO 20

1-28  
GOVERNMENT HOUSE  
NAIROBI.  
KENYA

RECEIVED  
4 FEB 1933  
COL

10<sup>th</sup> January, 1933.

Sir,

(4)  
No 6  
18266/32

With reference to your telegram No. 262 of the 2nd December last, I have the honour to transmit two authenticated copies of Ordinance No. I of 1932, entitled an Ordinance to Make Provision for the Advancement and Control of the Coffee Industry, which passed its third reading in the Legislative Council on the 31st December and was assented to in His Majesty's name on the 31st December, 1932, together with the Legal Report in duplicate prepared by the Attorney General.

Twelve printed copies of the Ordinance are being transmitted under separate cover.

No 1  
18288  
18266/31  
No 4  
18266/32  
18288

2. The purposes of the Ordinance have already been explained in Kenya despatch No. 421 of the 30th August last, and amendments have been made to meet all the suggestions contained in your despatch No. 825 of the 8th November and enclosure with the exception of the point regarding coffee dealers' licences. In this connection I note that you would prefer that the coffee dealers' licence fee should remain at its present figure and be credited to general revenue, separate provision being made, if necessary,

Yours .....  
10F

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



KENYA

No 50

GOVERNMENT HOUSE  
NAIROBI  
KENYA

RECEIVED  
4 FEB 1933  
COL

70<sup>2</sup> January, 1933.

Sir,

(4)  
No 6  
18266/32

With reference to your telegram No.262 of the 2nd December last, I have the honour to transmit two authenticated copies of Ordinance No.L of 1932, entitled an Ordinance to Make Provision for the Advancement and Control of the Coffee Industry, which passed its third reading in the Legislative Council on the 21st December and was assented to in His Majesty's name on the 31st December, 1932, together with the Legal Report in duplicate prepared by the Attorney General.

Twelve printed copies of the Ordinance are being transmitted under separate cover.

No 1  
15258  
18266/31  
No 4  
18266/32  
18288

2. The purposes of the Ordinance have already been explained in Kenya despatch No.421 of the 30th August last, and amendments have been made to meet all the suggestions contained in your despatch No.825 of the 8th November and enclosure with the exception of the point regarding coffee dealers' licences. In this connection I note that you would prefer that the coffee dealers' licence fee should remain at its present figure and be credited to general revenue, separate provision being made, if necessary,

for .....

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, F.C., F.R.S., M.C., R.F.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.1.

for a special levy from coffee dealers to the Fund.

3. This point, together with the other points raised in your despatch, was discussed by the members of the proposed Coffee Board including the Director of Agriculture, at a meeting held on the 24th November, when it was explained that the annual sum derived from these licence fees was under £100 and that all dealers were willing and able to pay the increased fee provided for by the Bill. It was further pointed out that there was no other practicable way of securing an adequate contribution from the coffee dealers, in the absence of an organization representing them, and that the increased fee tended to ensure that only reputable persons engaged in the trade.

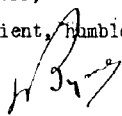
The matter was further considered in Executive Council on the 10th December, when Council advised that the provision made in the Bill should stand.

4. I trust that His Majesty may be advised not to exercise his power of disallowance in respect of this measure.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General  
GOVERNOR.

LEGAL REPORT.

THE COFFEE INDUSTRY BILL, 1932.

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Representations have been made to Government by organizations and persons connected with the coffee industry that the advancement of that industry would be promoted if funds were made available for advertising Kenya coffee and for extending markets for its sale; also in other directions generally for the promotion of the industry.

2. With these objects in view the present coffee dealers licence, together with the proceeds of a levy on all coffee exported, is funded under the control of a Coffee Board to be devoted to these purposes.

3. Opportunity has been taken to tighten up the control of the operations of coffee dealers. This Bill also embodies the main provisions of the Registration of Coffee Plantations and Coffee Dealers Ordinance, which is repealed.

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

*T. D. H. [Signature]*

SOLICITOR GENERAL.  
or ATTORNEY GENERAL.

Nairobi,

22nd December, 1932.

THE COFFEE INDUSTRY BILL, 1932.

31  
END

Representations have been made to Government by organizations and persons connected with the coffee industry that the advancement of that industry would be promoted if funds were made available for advertising Kenya coffee and for extending markets for its sale; also in other directions generally for the promotion of the industry.

2. With these objects in view the present coffee dealers licence, together with the proceeds of a levy on all coffee exported; is funded under the control of a Coffee Board to be devoted to these purposes.

3. Opportunity has been taken to tighten up the control of the operations of coffee dealers. This Bill also embodies the main provisions of the Registration of Coffee Plantations and Coffee Dealers Ordinance, which is repealed.

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

[Sd.] T. M. H. G.  
SOLICITOR GENERAL,  
FOR ATTORNEY GENERAL.

Nairobi.

22nd December, 1932.