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KENYA

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C0533/435

Registration and Survey of Vessels  
on Lake Victoria.

Previous

18290/32.

Subsequent

23204/34.

~~18290/32~~  
~~23204/34~~  
R 297

13/4  
18  
18

1. Paper circulated in connection with the E.A. Governors Conference 1933. 2

2. Extract from Proceedings of E.A. Governors Conference 1933.

Note

The E.A. Governors do not wish to comment on Nos 19 & (see 4002/38 E.A.).

? Put by

J. Austin  
18/4

S. Deed  
18/4

It's a rumour. Part of the fuss is about changing names which is absolutely forbidden by § 11 of the ~~UNIA~~ Ordinance!!

J. W. Reid

18-4

(C)

Registry Note

A report on the Registration & Survey of Native Vessels on Lake Victoria is reqd. in 5193/33 J.T. (No. 17)

(C)

II. REGISTRATION AND SURVEY OF VESSELS ON LAKE VICTORIA.

The Conference had under consideration a memorandum by the Government of Kenya, Paper No. GC(23)17.

SIR BERNARD BOURDILLON said he recognised the desirability of uniform legislation in a question such as this but wished in the first place to have further information as to the proposed method of registration and survey on Lake Victoria.

BRIGADIER-GENERAL RHODES explained that in the past a Marine Officer of the Kenya and Uganda Railways had been sent to the different ports round the Lake for the purpose of registration and survey of vessels at appropriate intervals and this seemed to work satisfactorily. He further explained other details in connection with the survey of vessels.

**THE CONFERENCE**

RECOGNISED that it was desirable that legislation in respect of registration and survey of vessels on Lake Victoria should be as uniform as possible and considered that any further detailed action necessary in the matter should be taken by correspondence.

GC(33)17.

## CONFERENCE OF GOVERNORS OF BRITISH EAST AFRICAN TERRITORIES.

February, 1933.

REGISTRATION AND SURVEY OF VESSELS  
ON LAKE VICTORIA.

Memorandum by the Government of Kenya.

1. Each of the three territories of Kenya, Uganda and Tanganyika has enacted legislation providing for the registration of vessels navigating their respective waters in Lake Victoria, the legislation being as follows:-

Kenya: The Registration of Lake Vessels Ordinance (1910) - Cap.110 Vol.II Revised Laws of Kenya.

The Rules of 25th September, 1913 - page 961, Vol.II Revised Orders, Proclamations, Rules and Regulations etc.

Uganda: The Registration of Vessels Ordinance (1904), - Cap.79, Vol.I Revised Laws of Uganda. Rules thereunder.

Tanganyika: The Native Vessels Ordinance (1921) - Cap.115, Vol. II Revised Laws of Tanganyika.

The Lakes Victoria and Kioga Navigation Order in Council, 1921, with its regulations and amendments thereto issued by the Secretary of State for the Colonies, provide for the safety and control of navigation on or over the waters of the two lakes irrespective of British inter-territorial boundaries.

2. In Kenya the administration of the Registration of Lake Vessels Ordinance was from the beginning placed in the hands of an officer of the Marine Department of what is now the Kenya and Uganda Railways and Harbours Administration.

Fees due under the Ordinance are collected and retained by that Administration towards the cost of the service.

To facilitate the administration of the Kenya Ordinance arrangements have been made with the other Governments whereby it is now possible for a central register of all registrations to be kept in Kisumu.

Since the Secretary of State issued Additional Regulations, dated the 13th January, 1930, under the Lakes Victoria and Kioga Order in Council, an officer of the Marine Department of the Kenya and Uganda Railways and Harbours has also been the surveyor appointed by the Governors of all three territories to certify any ships to be unsafe when necessary.

3. The General Manager, Kenya and Uganda Railways and Harbours, has recently pointed out to the Kenya Government that....

- (v) In Sections 10, 17, 20 and 21 substitute "Kenya and Uganda Railways and Harbours Administration" for "Government of the Colony."
- (vi) adding the words "by the prescribed officer or" after the word "by" in line 8 of Section 10.
- (vii) adding the words "the prescribed officer or" after the word "and" in line 5 of Section 17 and deleting the words "Customs officer" in line 6 of that Section.
- (viii) deleting the words "or to a Customs officer" in Section 20.
- (ix) In Sections 2 and 5 or in the Rules a definition of the words "fishing vessel."

5. In order to reduce the fees set forth in the Kenya Rules under the Ordinance to more equitable proportions, to avoid the anomaly of charging the same fee for endorsements of change of a vessel's name as for change of ownership of a vessel, and with a view to assisting the fishing industry the General Manager has proposed a revised scale of fees in the accompanying copy of draft Rules.

6. The Kenya Government favours the proposed revision of Rules and considers that, although by recent rules under the Fish Protection Ordinance fishing vessels have to undergo separate and additional registration for which an annual fee of Shs.5/- is payable, the fees now proposed in respect of fishing vessels under the Registration of Lake Vessels Ordinance will constitute a considerable reduction in fees at present payable under that Ordinance in respect of such vessels.

This Government, however, considers that the Rules require further amendment as follows :-

- (a) A definition of the words "fishing vessel" - vide paragraph 4 supra.
- (b) In Rule (c) substitute "Kenya and Uganda Railways and Harbours Administration" for "Government of the Colony or of Uganda."

7. In view of the proposed amendment to the Kenya Ordinance numbered (ii) in paragraph 3 of this memorandum, the General Manager is of opinion that fees should be payable for surveys made under Regulation 10A of the Regulations under the Lakes Victoria-Kioga Navigation Order in Council, 1921, and that such fees should be made to the authority performing the service.

Whilst Regulation 10A provides for all vessels to be open at all times for inspection by a surveyor, this in practice can only be enforced by adopting the proposed amendment to the Kenya Ordinance, numbered (iii) in paragraph 3 of this Memorandum.

The survey fees proposed by the General Manager for those classes of craft governed by the Kenya Registration of Lake Vessels Ordinance are as follows :-

(i).....

- (i) Vessels of 15 tons burthen and upwards Shs.100/-
- (ii) Vessels of less than 15 tons burthen navigated otherwise than by oars, paddles or poles only " 30/-
- (iii) Vessels of less than 15 tons burthen navigated by oars, paddles or poles only " 5/-

This Government is moreover of opinion that it would be necessary in the event of the proposal in paragraph 3 (iii) of this Memorandum being adopted, to request the Secretary of State for the Colonies to amend Regulation 10A, issued under the Order in Council, further so as to make the survey of vessels and the issue of a Survey Certificate compulsory. This Government therefore desires the views of the other Governments on this aspect of the question.

8. Since it is desirable that the legislation relating to the registration of vessels applicable in each territory should conform, as far as practicable, to that in the other territories, the Government of Kenya would be glad to learn whether the Governments of Uganda and Tanganyika would be willing to amend any legislation in their respective territories so as to bring such into conformity with Kenya legislation on the subject, which it is proposed to amend as stated in paragraph 3, 4 and 6 of this Memorandum, and to adopt a uniform scale of fees as proposed in paragraph 5 of the Memorandum.

The Government of Kenya would also welcome the views of the Governments of Uganda and Tanganyika on the suggestions contained in paragraph 7 of the Memorandum.

Nairobi,  
3rd January 1933.

CHAPTER 110.

REGISTRATION OF VESSELS NAVIGATING LAKE VICTORIA.

Ordinance No.17 of 1910.

15th August, 1910.

1. This Ordinance may be cited as "the Registration of Lake Vessels Ordinance."

2. In this Ordinance:-

"Master" includes every person (except a pilot) having command or charge of any vessel.

"Vessel" means any description of vessel used in navigation;

3. Every vessel employed in navigation in the waters of Lake Victoria within the Colony, which belongs to, or is used by any person residing in the Colony, or to any company or partnership carrying on business therein, shall unless exempted, be registered, lettered, and numbered in manner hereinafter provided.

4. Every application for registration of a vessel shall be in writing, and in the Form A. in the schedule hereto, or to that effect, and shall be sent or delivered to the prescribed officer.

5. For the purposes of registration, numbering, and lettering, vessels shall be divided into three classes:-

First Class: - Vessels of fifteen tons burthen and upwards;

Second Class: Vessels of less than fifteen tons burthen, navigated otherwise than by oars, paddles, or poles only;

Third Class:- Vessels of less than fifteen tons burthen navigable by oars, paddles, or poles only:

Provided that the officer to whom the application to register is made may, if he thinks proper, place any small vessel occasionally navigated or propelled by sail in the third instead of the second class.

6. On the receipt of the application and of the prescribed fee the prescribed officer shall, after inspecting the vessel, register her in the Register of Shipping, which shall be in the Form B in the schedule hereto, or to that effect, and shall contain the particulars therein appearing.

7. On registration of the vessel such officer shall issue to the applicant a certificate of registry in the Form C in the schedule hereto.

8. Once in every year the owner of every vessel shall submit his certificate of registry for examination by the prescribed officer, who shall sign his name on the back of the said certificate, together with the date of examination, as a record of its authenticity and correctness.

9. On change of ownership a fresh certificate of registry must be applied for, and the former certificate be given up, in order that the same, together with the former registry, may be cancelled; and on a change of master due notice shall be given of such change, which shall be duly noted in the register, and be endorsed on the certificate of registry. A failure on the part of the owner of any vessel to comply with the requirements of this section shall subject the owner to the same penalties as would have been incurred if the certificate of registry had never been applied for.

10. The master of every vessel registered under this Ordinance shall have the certificate of registry on board his vessel at all times; and any master not having such certificate on board, or failing to produce the same when required as provided by section twenty of this Ordinance, shall, in the absence of any reasonable excuse (proof whereof shall lie on him), be liable, together with his vessel and crew, to be taken by the commander of any ship belonging to the Government of the Colony, without warrant, summons, or other process, into the nearest or most convenient port or place, and there to be ordered by a court on any proceeding in a summary manner to pay a penalty not exceeding thirty pounds.

11. After registration no change shall be made in the name of any vessel.

12. Every vessel shall be lettered and numbered.

13. The letter or letters and number shall be placed on each bow of the vessel, three or four inches below the gunwale.

The breadth of the paint of the letters and number shall be:- for vessels of first class, two and a half inches; for vessels of the second and third classes, one and three quarter inches.

The height of the letters and numbers shall be:- for vessels of the first class, eighteen inches; for vessels of the second and third classes, ten inches.

The same letter or letters and number shall also be placed on each side of the mainsails of the vessel.

14. When vessels carry, or have attached to them, small boats, as tenders or otherwise, such boats must be marked with the same numbers and letters as the vessels to which they belong.

15. All vessels, of whatever class, shall have their names, and those of the ports or places to which they belong, painted on the outside of the sterns in letters which shall be at least three inches in height.

16. The letters, numbers and names placed on vessels, and on the sails of vessels, shall be clearly painted in white paint on a dark ground, or in black paint on a light ground, and shall not be effaced, covered, or concealed in any manner whatsoever.

17. If any vessel required to be registered, lettered and numbered, in pursuance of this Ordinance, is not so registered, lettered and numbered, in the manner prescribed, the owner and the master shall each be liable to a penalty not exceeding thirty pounds, and the commander of any ship belonging to the Government of the Colony or customs officer may seize and

detain....

detain such vessel, and prevent her from proceeding on her voyage and from being employed as aforesaid until it is duly registered, lettered and numbered, and may, for that purpose, take it back into the nearest or most convenient port or place within the Colony.

18. The names, letters and numbers of vessels shall be inserted on the certificate of registry or other official papers of those vessels.

19. The certificate of registry or other official papers of vessels shall contain the description and tonnage of each vessel, as well as the names of its owner and of its master.

20. The master shall whenever required, exhibit his certificate of registry to the commander of any ship belonging to the Government of the Colony or to a customs officer or to the prescribed officer.

21. The execution of the requirements of this Ordinance concerning certificates of registry, the lettering and numbering of vessels, is placed under the supervision of the prescribed officer and of the commanders of vessels belonging to the Government of the Colony, and all other officers designated by the Governor for that purpose.

22. In all proceedings against the owner or master of or any person belonging to any registered vessel for offences against this Ordinance, and in all actions or proceedings for the recovery of damages for injury done by any such vessel, such register shall be conclusive evidence that the persons registered at any date as owners of such vessel were at that date owners thereof, provided that:-

(1) This provision shall not prevent any proceedings or action being taken or instituted against any person not registered who is beneficially interested in the vessel;

(2) This provision shall not affect the rights of the owners among themselves, or the rights of any registered owner against any person not registered who is beneficially interested in the vessel;

(3) Save as aforesaid, the registry of any vessel shall not confer, take away, or affect any title to or interest in the vessel.

23. All penalties, offences, and proceedings, under this Ordinance may be recovered, prosecuted, and taken in a summary manner in any court of the Colony.

24. The Governor in Council may by rule or order:-

(1) Exempt any vessel or class of vessels from the operation of this Ordinance or any part of it;

(2) Appoint such officer or officers as he may think fit to perform the duties and exercise the powers of the prescribed officer;

(3) Prescribe any matter which by this Ordinance

is intended to be prescribed;

- (4) Generally give any directions necessary or expedient for carrying this Ordinance into effect; and
- (5) Prescribe the fees to be taken under this Ordinance.

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REGISTRATION OF LAKE VESSELS ORDINANCE (CHAPTER 110 OF THE REVISED EDITION) RULES.

IN EXERCISE of the Powers conferred upon him by Section 24 of the Registration of Lake Vessels Ordinance (Chapter 110 of the Revised Edition) His Excellency the Governor in Council has been pleased to make the following Rules:-

1. These Rules may be cited as the Registration of Lake Vessels Ordinance Amendment Rules 1932 and shall be read as one with the Registration of Vessels Navigating Lake Victoria Rules of the 25th September 1913 hereinafter referred to as "the Principal Rules".

2. Rule 2 (2) of the Principal Rules is hereby revoked and the following substituted therefor:-

"2. The Senior Marine Officer of the Kenya and Uganda Railways and Harbours and any officer authorised by him to act for him in this behalf shall be the officer to perform the duties of the prescribed officer under the Ordinance".

3. Rule 4 of the Principal Rules is hereby revoked and the following substituted therefor:-

"4. The following fees shall be payable:-

(1) Upon registration of a vessel -

- (a) 1st Class - Vessels of 15 tons burthen and upwards ..... Shs. 60/-
- (b) 2nd Class - Vessels of less than 15 tons burthen navigated otherwise than by oars, paddles or poles only . Shs. 40/-
- (c) 3rd Class - Vessels of less than 15 tons burthen navigable by oars, paddles or poles only ..... Shs. 20/-

(2) Upon any endorsement upon a Certificate of Registration of change of owner - half the above fees.

(3) Upon any endorsement upon a Certificate of Registration of change of Master ..... Shs. 5/-

(4) Upon any endorsement upon a Certificate of Registration of change of Ship's name ... Shs. 5/-

(5) Upon any other endorsement upon a Certificate of Registration ..... Shs. 20/-

Items Nos. 2, 3, 4 and 5 do not apply to vessels used solely for fishing purposes. The fee for any such endorsement above enumerated upon a Certificate of Registration of such vessels shall be ..... Shs. 5/-

By Command of His Excellency the Governor in Council.

NAIROBI.

This                      day of                      1932.

CLERK TO THE EXECUTIVE COUNCIL.

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**REGISTRATION OF VESSELS NAVIGATING LAKE VICTORIA.**  
LAW OF KENYA - CHAPTER 110. 25th September, 1913.

**MUBES.**  
(Section 24).

1. The following vessels are exempt from the provisions of the Registration of Lake Vessels Ordinance :-
- (a) Native canoes.
  - (b) Yachts, vessels or boats used solely for pleasure or private purposes.
  - (c) His Majesty's ships or vessel belonging to the Government of the Colony or of Uganda.
  - (d) Vessels registered in the Uganda Protectorate under the Uganda Registration of Vessels Ordinance or under any Ordinance substituted therefor, provided the owner of such registered vessel does not reside in the Colony.
  - (e) Vessels registered at Mwanza in Tanganyika Territory: Provided that the owner of such registered vessel does not reside in the Colony.
2. (1) The port for the registration of vessels shall be Kisumu.  
(2) The Superintendent of Marine and in his absence any officer authorised by the Superintendent of Marine to act for him in this behalf shall be the officer to perform the duties of the prescribed officer under the Ordinance.

3. The Master of any vessel, who may be required by any rule under the Railways Ordinance to deposit the certificate of registry of his vessel with any railway servant whilst the vessel is alongside any railway pier, shall, if the certificate has been so deposited be exempt from the provisions of Section 10 of the Registration of Lake Vessels Ordinance during the time that the vessel is lying alongside or in the neighbourhood of the pier.

4. The following fees shall be payable:- f. s. d.

(1) Upon Registration of a vessel -	
(a) 1st Class - Vessels of 15 tons burthen and upwards .....	6. 0. 0
(b) 2nd Class - Vessels of less than 15 tons burthen navigated otherwise than by oars, paddles or poles only .....	4. 10. 0
(c) 3rd Class - Vessels of less than 15 tons burthen navigable by oars, paddles or poles only .....	3. 0. 0
(2) Upon any endorsement (other than a change of Master) - half the above fees.	
(3) Upon any endorsement upon a change of Master....	10. 0

No..... FORM C. Registration of Vessels. Colony & Protectorate of Kenya  <u>Certificate of Registry.</u>  Name..... of..... Owner..... Master..... Letter & Registered No..... Class ....., Tonnage..... Description..... Signature of Registering Officer.....	No..... FORM C. Registration of Vessels. Colony & Protectorate of Kenya.  <u>Certificate of Registry.</u>  Under Registration of Lake Vessels Ordinance.  Name.....of..... Owner..... Master.....No. of Crew..... Class..... Tonnage..... Letter and Registered No..... Description ....., ....., Kisumu..... .....19 ....., Signature of Registering officer.....
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