

38230

C0533/484

38230

KENYA

SPECIAL DISTRICTS (ADMINISTRATION) LEGISLATION.

Previous

Henry (legat) 9/12
R. 297

1936

Subsequent

297	18/3/
309	1/9
<i>Mulastin</i>	13
<i>M: Flood</i>	13
<i>Sir C. Parkinson</i>	14/8
<i>Mr. Roberts (legat)</i>	19.8
<i>Sir C. Parkinson</i>	20/8
<i>Sir C. Parkinson</i>	20/8
<i>R 299</i>	20/8
<i>R 297</i>	20/8
309	20/11
<i>Mulastin</i>	30
303	3/12
299	3/12
297	6/12

TITLE.

A copy of the Special Districts (Administration)
Ordinance, 1934, is to be found below
No. 1 on 23/7/34.

Section 30 of the Principal Ord'ce
provided that the Ord'ce should
continue in force until the 31st
December, 1935 and then expire.
With the 1936 approval the
function declared by Proclamation
at the end of 1935, that the
Ord'ce should remain in force until
the 31st December 1937. It is
now desired that the Ord'ce
should remain in force
operative.

It can, I think, be safely
stated that conditions in the
N. F. District and Turkana have
not improved ^{to the extent} & are likely to
reach a state for a very long
time to come, when the colonial
law (e.g. Native Authority Ord'ce)
can be satisfactorily applied
in those Districts. (To this day
they remain Closed Districts
under the Publishing Districts
Ord'ce.)

Native-Authority laws have considerably
decreased

deceased, compared with
previous years, the fact I
have been remarkably free
of outbreaks & disturbances.
This may or may not be due
to the existence of the special
powers provided under the
Special Districts (Administration)
Ordinance, but the inference is
that it is so.

? Approval for the indefinite
retention of the Ordinance may be
given, but the Governor might
be asked to review the
position in say 5 years
time. We might add that it
is assumed that the Ord. will
inform the Dept. on all occasions
when the application of the
Ordinance outside the N.P. Districts
is contemplated.

[Signature]
12/8/37

J.P. Cassin
13/8

I don't see any need to ask for further reports
or for special information if it is applied outside
the N.P. districts. It works and is useful
& I should have been ready to make it permanent
two years ago.

? Approve

[Signature]

Mr. Roberts says
I agree with what Governor
wishes. But what will
be the right legal procedure?
Should § 30 be repealed,
as suggested in para 3
of this despatch?

accl
13.8.37

[Signature]

I think that will be sufficient. It would be
possible to say that the Ordinance should continue in force
until repealed or amended, but it would look clumsy
to think unnecessary.

(1) e
19.8.

accl
20.8.37
[Signature]

2 So Kenya. 701 (1/10/37) - 30 AUG 1937

? No objection to forward
to the
J.

approve
repeal of § 30?
accl

x
Jagdish
Q. re: Mr. J.P. Cassin's
in C.B. Money's
minute of 9.2.34
I don't call for inf.
the given in such
cases. accl

TITLE.

A copy of the Special Districts (Administration) Ordinance, 1934, is to be found below No 1 on 23177/34.

Section 30 of the Principal Order provides that the Order should continue in force until the 31st December, 1935 and then expire. With the 1935 approval the Governor declared by Proclamation at the end of 1935 that the Order should remain in force until the 31st December, 1937. It is now desired that the Order should remain permanently operative.

It can, I think, be safely stated that conditions in the N. F. District and Turkana have not improved ^{to the extent} or are likely to reach a state for a very long time to come, when the code law (esp. Native Authority Order) can be satisfactorily applied in these Districts. (To this day they remain "Closed Districts" under the Outlying Districts Order.)

John-Litah said, have considerably decreased

deceased, & compared with
previous years, the best I
have been remarkably free
of outbreaks & disturbances.
This may or may not be due
to the existence of the special
powers provided under the
Special Districts (Administration)
Ordinance, but the inference is
that it is so.

Approval for the indefinite
renewal of the Ordinance may be
given, but the Governor might
be asked to review the
position in say 5 years
time. We might add that it
is assumed that the Gov. will
inform the Dept. on all occasions
when the application of the
Ordinance outside the N.F. District
is contemplated.

A. G. S. Smith
12/8/37

J. B. Cassin
13/8

I don't see any need to ask for further reports
or for special information if it is applied outside
the N.F. districts. It works and is useful
& I should have been ready to make it permanent
two years ago.

? Approve.

J. S. G. Ford
15/8

Mr. G. B. G. G. G.

I agree with what Governor
wishes. But what will
be the right legal procedure?
Should § 30 be repealed,
as suggested in para 3
of this despatch?

and
13.8.37

Sir C. Robinson

Yes I think that will be sufficient. It would be
possible to add that the Ordinance shall continue in force
until repealed or amended, but it would be clumsy and
be I think unnecessary.

(Sd/-)

14/8

and

20.8.37

at home

2 So Kenya - 701 (1/1000) - 30 AUG 1937

? No objection to forward

to

i.e. approve
repeal of § 30?

and

J. B. Cassin

Q. The views of
Sir C. B. Money
in the light of 9.2.37
I will call for info.
the given in such
cases. and

Spares to Library.

3. GOV. KENYA.....700.....20.11.37.
"Trs. Ordinance No. 34 of 1937 "Special Districts
(Administration) (Amendment) Ordinance" together
with Legal Report thereon and states that it was
assented to on 9th Nov., 1937.

This ordinance gives effect to para 2 of (2)
in which the SFS. approved the repeal
of § 30 of the main Ordinance

? 193

Clotkey White.

30/11

J. J. P...
30/11

at once

Noted
L. C. ...
9/12/37

Kenya 1057 . 3 Amend. C/s . 3 DEC 1937

DESTROYED UNDER STATUTE

AIR MAIL

KENYA

No. 700



GOVERNMENT HOUSE
NAIROBI
KENYA

20 November, 1937.

Sir,

I have the honour to forward two authenticated and twelve printed copies of Ordinance No. XXXIV of 1937 entitled "An Ordinance to Amend the Special Districts (Administration) Ordinance, 1934", together with a Legal Report thereon by the Attorney General.

2. This Ordinance passed its third reading in the Legislative Council on the 1st November 1937, and I assented to it in His Majesty's name on the 9th November, 1937.

I have the honour to be

Sir,

Your most obedient, humble servant,

W. Brooke-Popham

AIR CHIEF MARSHAL.

GOVERNOR.

THE RIGHT HONOURABLE
W. CRMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.



Colony and Protectorate of Kenya

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI

HENRY ROBERT MOORE BROOKE-POPHAM
G.C.V.O., K.C.B., C.M.S., D.S.O., A.F.C. *Governor*

Assented to in His Majesty's
name this 9 NOV. 1937
1937.

R. BROOKE-POPHAM

Governor

AN ORDINANCE TO AMEND THE SPECIAL
DISTRICTS (ADMINISTRATION)
ORDINANCE, 1934

ORDINANCE No. XXXIV of 1937

**An Ordinance to Amend the Special Districts
(Administration) Ordinance, 1934**

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 Special Districts
(Administration) (Amendment) Ordinance, 1937, and shall be
read as one with the Special Districts (Administration) Ordinance,
1934, hereinafter referred to as the Principal Ordinance.

Short title.

No. 13 of 1934.

2. Section 30 of the Principal Ordinance is hereby
repealed.

Repeal of
section 30
of the
Principal
Ordinance.

Passed in the Legislative Council the first day of November,
in the year of our Lord one thousand nine hundred and
thirty-seven.

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.

R. W. BAKER-BEALL

Acting Clerk to the Legislative Council.



LEGAL REPORT

THE SPECIAL DISTRICTS (ADMINISTRATION) (AMENDMENT)
BILL, 1957

The object of the Bill is to repeal section 30 of the Principal Ordinance under which that Ordinance will expire at the end of 1957 unless declared by proclamation with the consent of the Legislative Council and the Secretary of State, to remain in force until a date to be fixed in such proclamation.

The measure has proved a success and no good reason is seen for retaining this section.

No Comparative Table accompanies the Bill since the amendment contained therein is not modelled on any Colonial Ordinance or Imperial Act.

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

Nairobi,
1st November, 1957.


ATTORNEY GENERAL

C. O.

38230/37

2

Mr. Grossmith. ^{3/18}

Mr. Paskin 24/8/37

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET.

30 August, 1937.

C
R 24 AUG
D 27 -

Sir,

I have etc. to acknowledge the receipt of your despatch No.436 of the 5th of August, in which you recommended that the Special Districts (administration) Ordinance, 1934, which expires on the 31st December 1937, should be retained on a permanent basis.

2. I have read with interest your report on the working of the Ordinance in the Northern Frontier District, and I see no reason to differ from the view that the retention of the Ordinance on a permanent basis is now fully justified. I accordingly approve of the early introduction of legislation to repeal Section 30 of the Ordinance.

DRAFT.

KENYA

NO. 701

GOVERNOR

FURTHER ACTION.

3. I shall be glad if you will ~~inform me~~
inform me on ~~such~~ ^{any} occasions ^{when it may be} as it is desired
to apply the Ordinance outside the Northern
Frontier District.

I have, etc.

(Signed) W. ORMSBY GORE.

AIR MAIL

KENYA

No. 436

C. O.



GOVERNMENT HOUSE

NAIROBI

KENYA

5 August 1937.

Sir,

With reference to Mr. Malcolm MacDonald's despatch No. 948 of the 23rd November 1935, on the subject of the Special Districts (Administration) Ordinance, 1934, which, under Section 30, expires on the 31st December 1937, I have the honour to inform you that I am advised that the Ordinance has operated so satisfactorily during the past three years that its retention on a permanent basis is now fully justified.

2. In regard to the working of the Ordinance, which has been applied only to the Northern Frontier District, I have little to add to the observations made by Sir Joseph Byrne in his despatch No. 578 of the 9th November 1935. Section 17 has again proved effective in checking encroachments on water and grazing and thus avoiding more serious trouble; the powers provided in Section 13 have also been useful, and although it has never yet been necessary actually to put them into effect, the fact that they are known by the tribesmen to exist, has been sufficient to prevent bloodshed. Passports are now issued to tribesmen proceeding outside the Northern Frontier District, and no difficulty has been experienced in the matter of taking thumb prints. All fines collected under the Ordinance are credited to the Natives' Trust Fund, and applied...

THE RIGHT HONOURABLE
 W. ORMSBY GORE, P.C., M.P.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET,
 LONDON, S. W. 1.

(2) ON 1935 FILE

Amal

(4) ON 1935 FILE

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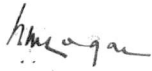
applied to purposes for the benefit of the natives of the areas concerned, such as the improvement of water supplies and the construction of roads.

3. I shall be glad therefore to receive your approval for the early introduction of legislation to repeal Section 30 of the Ordinance.

I have the honour to be,

Sir,

Your most obedient, humble servant,



GOVERNOR'S DEPUTY.