

X.10145  
1927

KENYA

X.10145  
1927

From

Date

CO 533/367

ORIGINAL PROCEDURE (AMENDMENT) ORDINANCE, 1926.

Previous paper	(Minutes within)		
<i>10145/16</i>	<i>Room 1</i>		
<i>16190/30</i>			
<i>(1614) 16/12</i>			
<i>Mr. Skithend 2 1/2</i>			
<i>Mr. Allins 2 1/2</i>			
<i>Room 1 2 1/2</i>			
<i>Library (H. hole) 2 1/2</i>			
<i>S.C. 2 1/2</i>			
<i>Mr. Allins 2 1/2</i>			

NOT TO BE TURNED INSIDE OUT

1. ----- Gov. Grigg ----- 17th January, 1927.  
31.

Trs. two authenticated copies of the Criminal Procedure (Amendment) Ordinance, 1926, (XXI of 1926) together with a copy of the Legal Report by the Attorney General. Ten printed copies will follow.

Spare copy to Library.

*Mr. E. Schmidt  
Mr. G. G. G.*

*Function for as draft.*

*G. Hayler  
21/2/27*

*A.S.  
22/2  
M. Miller*

*27/2*

*atance*

*Library to note, when plain copies recd.*

*Noted  
24/2/27*

*2 to En 168/1 and 23 FEB 1927 9/3*

3. ----- Ag. Col. Sec. ----- 24th February, 1927.  
3 p.m.

Trs. 10 printed copies of the above Ordinance.

Spare copies to Library

*Put  
M. Miller*

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*atance*

*h.*

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Mr. Eberhardt  
Mr. Allen

? function f3 as draft.

G. Haxleriff

21/2/27

A.L.

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W. Allen

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G.H.  
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En 168 (1 aswd)

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3. ----- Ag. Col. Sec. ----- 24th February, 1927.  
3 p.n.

Trs. 10 printed copies of the above Ordinance.

Spare copies to Library

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W. Allen

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W.A.



RECEIVED  
25 MAR 1927  
COL. OF THE SECRETARIAT.

33

NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
No. S. Leg. 1/5/3/6  
AND DATE

24th February, 1927.

With reference to Kenya Despatch No. 31 of the 17th of January, the Acting Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and has the honour to forward ten copies of "An Ordinance to Amend the Criminal Procedure Ordinance". (No. XXXI of 1926).

(L.S.)

EDWARD GRIGG.

[31ST DECEMBER, 1926.]

No. XXXI.

1926.



## Colony and Protectorate of Kenya.

IN THE SEVENTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

EDWARD WILLIAM MACLEAY GRIGG,

K.C.V.O., C.M.G., D.S.O., M.C.,

*Governor.*

### An Ordinance to Amend the Criminal Procedure Ordinance.

[31ST DECEMBER, 1926.] Date of Assent.

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 Criminal Procedure (Amendment) Ordinance, 1926," and shall be read as one with the Criminal Procedure Ordinance (Chapter 7 of the Revised Edition), hereinafter referred to as "the Principal Ordinance." Short title.

2. Section 167 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— Power to dispense with personal attendance of accused.

"167. (1) Whenever a magistrate issues a summons he may if he see reason so to do and shall when the offence with which the accused is charged is punishable only by fine or only by fine and/or imprisonment not exceeding three months, dispense with the personal attendance of the accused provided that he pleads guilty in writing or appears by an advocate.

62. But the magistrate inquiring into or trying the case may, in his discretion, at any subsequent stage of the proceedings, unless the accused has pleaded guilty, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

63. Whenever the attendance of an accused has been so dispensed with and his attendance is subsequently required, the costs of any adjournment for such purpose shall be borne in any event by the accused."

Passed in the Legislative Council the twenty-second day of December in the year of Our Lord one thousand nine hundred and twenty-six

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill

G. R. SANDFORD

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correct and faithful printed copy of the Bill as passed by the Legislative Council.

F. L. DENHAM

*Colonial Secretary.*

W. C. HUGGARD

*Attorney General*

5



KENYA.

No. 31.

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
14 FEB 1927  
COL. OFFICE

17<sup>th</sup> January, 1927.

*Ordinance.  
Legal Report.*  
1927  
23  
March 16/27

Sir,

I have the honour to transmit herewith two authenticated copies of the Criminal Procedure (Amendment) Ordinance, 1926, (XXXI of 1926), together with a copy of the Legal Report by the Attorney General.

2. This Ordinance passed its third reading in the Legislative Council on the 22nd of December and I assented to it in His Majesty's name on December 31st 1926.

3. Ten printed copies of the Ordinance will be sent in due course.

I have the honour to be,

Sir,

Your most obedient humble servant,

*Edward G. G. G.*

G O V E R N O R .

THE RIGHT HONOURABLE  
LT. COL. L.C.M.S. ALERY, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.1

L E G A L   R E P O R TTHE CRIMINAL PROCEDURE (AMENDMENT) BILL,  
1926.  
-----

This Bill has been introduced as the result of strong representations by the Law Society of Kenya. Its object is to give to a person charged with a minor offence the right to absent himself from the hearing of the charge provided he pleads guilty in writing or is represented by an advocate.

The Magistrate is empowered, however, unless a plea of guilty has been entered, to require the personal attendance of the accused at any subsequent stage of the proceedings, and in such case the costs of any adjournment are to be borne by the accused.

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

Nairobi,

23rd December, 1926.

*W. G. ...*  
ATTORNEY GENERAL.