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the Authority has taken possession.

(c) Scale of Compensation. It is of interest to note in regard to this point that values claimed in compensation have in most cases, been very considerably in excess of the values appearing in the Valuation Roll. Furthermore I am advised that in no case has compensation been awarded at a value less than that computed in the Roll.

(d) Further subdivision. There are a few cases in which intensive building development made it impossible, without prohibitive cost, to alter existing boundaries and the awkward shape of the original plots have been preserved. Such plots present special difficulties and a great deal of time has been spent by the Authority and the technical officers in advising owners as to a suitable form of subdivision.

It is now possible to have expressed in By-laws the requirements of the Board in regard to subdivision and this point is, I think, covered in the recently approved Mombasa Building and Subdivision of Land By-laws. Further, the power of the Authority to require written undertakings in regard to the making up of roads, has not been repeated in these By-laws, not because it is unreasonable to place this liability on landowners who wish to develop their estate but because a legal and more effective method of effecting this object exists in the Townships (Private Streets) Ordinance, 1924 which can be applied to Mombasa.

It has been found that subdivision of land and building development have continued unchecked since 1926 when the scheme was approved and there must be few cases in which a landowner has not been in a position to pay his rates by increasing the income derived from his holding. It is apparent that the imposition of rates has itself stimulated building.

(e) Late claims. The period within which claims can be lodged under the Scheme is ample but, even so, the

Authority

Authority has never refused to entertain a late claim if a reasonable excuse has been forthcoming. The case quoted was very carefully considered by the Authority who refused to admit the claim for the reason that, subsequent to the delay due to sickness, a further delay of some twelve months took place: furthermore the Authority was satisfied that no obvious injustice was entailed as the case was investigated by its technical advisers who stated that no compensation would, in their opinion, have been payable in any event.

(f). The Mombasa Building and Subdivision of Land By-laws have now been introduced and they replace the former Township Building Rules.

7. Paragraph 7. Rating System. *on form 31 No 14*

This process has been dealt with in commenting on the petition to Your Lordship in my despatch to which this memorandum is an enclosure.

8. Paragraph 8. Representation.

No useful purpose will be served in commenting on the claim for a Common roll. The constitution of the Mombasa Municipal Board was drawn up after careful enquiry by the Local Government Commission and modified as a result of the Round Table Conference.

The absence of Indian members is a matter which this Government regrets, but is also one for which the Indian Community itself is solely responsible, since they decline to nominate any of their representatives to occupy the 7 seats provided for them on the Board.

The relationships between Government and the Mombasa Municipality is a matter which has been approved by the Legislature of the Colony and, is undoubtedly on a generous basis. Vague allegations to the contrary cannot be dealt with. As regards the alleged variation in the scale of valuation between Government and private property this is the first indication of any dissatisfaction in this connection....

connection. The Rating Law permits objections being taken to the Roll on this ground of relative inaccuracy of valuation, but I am not aware that any objection to this effect was, in fact, offered or that there is any foundation for the allegation.

9. Paragraph 9.

The introduction of Municipal administration was an occasion for increasing charges in an attempt to make the service for conseryancy and refuse removal pay for itself, and the Board undoubtedly, and not unnaturally, incurred odium on this account. It was of course a necessary step to take and illustrates the fact that in previous years under direct Government administration insufficient fees for these services were levied. I am satisfied that the services are performed efficiently.

No one would wish to deny that the drainage of the Old Town requires improvement; the process must necessarily be slow and is dependent on the available funds; the refusal of a large number of the petitioners to pay their rates, voluntarily, places the Board in financial difficulties and must have the effect of delaying such improvement.

15968/30



DUPLICATE.

KENYA.
No. 631

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
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C.O.L. OFFICE

25th. September, 1930.

My Lord,

No 11

With reference to paragraph 4 of my despatch No. 546 of the 28th. August last, I have the honour to transmit herewith the "reasoned petition" referred to therein.

Amud 320 - 18 MAY 1931

2. A very large number of points are raised in this petition, which alleges certain matters of fact which need to be verified locally. The petition further refers to another petition presented to me, a copy of which I enclose. It will be observed that this latter raises questions not only in regard to the Local Government (Rating) (Amendment) (No. 2) Ordinance, 1930, but also in regard to Town Planning and other matters. The preparation of a memorandum dealing with all the various points raised will necessarily involve some slight delay.

3. I am therefore forwarding this petition to Your Lordship now, and the observations of this Government thereon will follow in due course.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

H. T. MARTIN.

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, E.C. 4.

P. O. Box 119,
Mombasa,
9th. May, 1950.

To His Excellency the Governor of Kenya,
Government House,
Mombasa.

P E T I T I O N .

MAY IT PLEASE YOUR EXCELLENCY

The Petition of the Mombasa and Coast Landholders Association humbly sheweth as follows:-

1. Your Petitioners' Association, except for a certain number of small landholders, includes practically all the private Indian and Arab landholders in Mombasa who hold the great majority of land in Mombasa other than Crown land.
2. Your Petitioners most humbly and respectfully desire to draw the attention of Your Excellency to several grievances suffered by your Petitioners in particular and in some cases by the community generally, under the Mombasa Town Planning Scheme and the application of the recent Municipal legislation and rating to the Township of Mombasa.

3. Your Petitioners humbly remind Your Excellency of their original objections to the Town Planning Scheme in letters written on behalf of the Arab members on the 25th October, 1924, and the 12th March 1926, and on behalf of the Indian members of the 25th October, 1924, and the 27th April, 1926, which were published in the draft scheme, and also to the letter of Sheikh Ali bin Salim to Mr. Ainsworth Dickson Esq. published on page 27 of the Mombasa Town Planning scheme.

Your Petitioners respectfully urge that time has shown that their objections to the Scheme were well founded. At the present moment, nearly four years after the approval of the scheme, the majority of the roads shown on the plan are not yet in existence in fact and the advantages supposed to be conferred on landowners in exchange for the land taken under the Scheme have in many cases proved entirely illusory.

In spite of this the Local Authority have valued Your Petitioners' property as if the roads shown in the Scheme had actually been made. Until the Town Planning Scheme had been properly carried into effect no rates based upon it should have been imposed.

Your Arab Petitioners withdrew their objections on the representations made to them on behalf of Government set out in the letter of Sheikh Ali bin Salim to Mr. Ainsworth Dickson already referred to from which it appeared that the roads in the scheme would actually be made at cost to the landholders of not exceeding 6 per cent per annum of the total cost. The roads have not been made as promised and the taxation of landholders far exceeds this figure.

4. Your Petitioners respectfully reiterate their contentions in the letters already referred to that the land on the Island of Mombasa is far in excess of that required for building purposes and that four-fifths of the land on the Island can be immediately developed and earn revenue as agricultural land only.

During the four years that have elapsed since the contention was put forward Kilindini Road, the main thoroughfare on the Island, is still unbuilt on over the greater part of its length although it has been in existence as a thoroughfare for over 50 years. Practically no development has taken place on Hobley Road, another instance formerly quoted. In these circumstances a capital rate on landholders only is absolutely unjustifiable especially as in this case where there is taxation without representation. Large areas of land have been subdivided and are on the market without finding purchasers. No land is now bought for speculative purposes and house building and development exceed the demand. The imposition of rates on a capital basis has adversely affected the land market and values have fallen in many cases to less than 50 per cent of the valuation on the Roll.

5. At the time that the Mombasa Town Planning Scheme was discussed it was pointed out that Mombasa had been treated unfairly in the past and it was stated that in view of the importance of Mombasa as the port for the whole of the Colony and Protectorate the cost of the Town Planning Scheme would be met by the general revenue and not extorted from Your Petitioners. Your Petitioners feel that this principle has latterly been lost sight of.

6. Your Petitioners humbly desire to draw Your Excellency's attention to certain specific grievances in connection with the working of the Town Planning Scheme:-

(a) Arbitration

At the last moment and without notice to the Public the provisions of the draft scheme with regard to arbitration were altered and an official arbitrator was provided for whose decision should be final and binding upon all parties.

The difficulty and variety of the claims for compensation make it impossible for any one individual to be a suitable arbitrator in all cases. In one class of case an arbitrator with legal knowledge and experience is desirable, in another class of case an expert surveyor and land valuer is the ideal arbitrator and yet in another class of case an architect or practical builder is required. It is practically impossible for any one arbitrator, official or otherwise, to combine all these varied qualifications.

It is impossible to conceal the fact that there is grave and general public dissatisfaction at the idea of all claims for compensation being referred to an official arbitrator instead of to an independent tribunal.

It is an axiom in England that justice shall not only be fair and impartial, but seem fair and impartial.

In the early days of the Scheme when claims for compensation were in practice dealt with by Messrs Dickson and Waddington, who recognised not only the justice but the policy of carrying out these principles an independent arbitrator was agreed to in every case where it was reasonable to do so. The present Municipal Board as a Town Planning Authority have refused to agree to independent arbitration and grave public discontent has arisen in consequence.

(b) Delay

Complaint is made of the delay in settling the claims for compensation. A very large number of claims are still outstanding although nearly four years have passed since the Mombasa Town Planning Scheme came into force.

Mombasa Scheme

Arbitration

Sept 1911

Your Petitioners would also further draw Your Excellency's attention to the principles approved by the Legislature in the Local Government Rating Ordinance, 1929, in Section 5(e) and Section 16 which show that it was contemplated that a rate should be levied on improved values of property. Your Petitioners submit that this principle of rating is fundamentally unsound and that rates should primarily be levied on the income arising from property and not on capital. The market value of property in Mombasa fluctuates violently as much as 50 per cent and no capital valuation can be fair or permanent.

Your Petitioners respectfully protest against the Local Government Rating (Amendment) Ordinance, 1929, which in effect imposes the whole burden of supporting the Municipality of Mombasa on the shoulders of Your Petitioners. This Ordinance is retrospectively and both it and the proposed Local Government Rating (Amendment) Ordinance, 1930, unjustly deprive Your Petitioners of their right to appeal from a valuation roll that was clearly invalid and inoperative at the time it was compiled.

The operation of this Rule is very oppressive where there is no income from which it can be paid. Small holders are having to raise the amount of the rate by mortgaging the property at ruinous rates of interest. The expense of living in Mombasa is driving large numbers of natives off the Island and further reduces the chances of letting land for building purposes.

8. Representation. Your Petitioners respectfully submit that the Municipal Board for Mombasa should be elected by the ratepayers and that a common roll municipal electors should be drawn up consisting of ratepayers only.

*See para 8
Rate 2/1/34*

Your Petitioners feel that the questions arising between the Government and any Municipality in Mombasa should be examined by an independent and impartial Commissioner. No elected body responsible for the citizens of Mombasa has yet approved of the arrangements to be made between the Government and the new Municipality. It is generally felt that the proposed arrangements are unfair to the public of Mombasa. There is grave dissatisfaction at the variation in the scale of valuation between Government property and that of private owners.

9. Feeling is general among the public of Mombasa that the Municipal Board was introduced too soon and in too great a hurry. The cost of officials and services have been multiplied, the conservancy fees have been doubled and there is general complaint that the efficiency of the services is far less than it was before. In particular the drainage, cleaning and lighting of the Old Town from which a large revenue is collected is disgracefully.

Your Petitioners therefore humbly request Your Excellency to appoint an independent Commissioner to inquire and report as to the following matters:-

- (a) Grievances under the existing Town Planning Scheme for Mombasa, the desirability of amending the Scheme and providing for further subdivisions.
- (b) The incidence of rates on the various communities in Mombasa as compared with the expenditure of the Municipality for the benefit of the various communities, with power to make recommendations to secure a more just and equitable rating system.

(c) The fairness and the propriety of the arrangements to be made between the Government and the Mombasa Municipality with full power to recommend amendment of existing legislation.

AND YOUR petitioners will ever pray etc.

For and on behalf of the Mombasa and Coast Landholders Association.

Vice President.

Sgd. Rashid bin Hood.

Secretary.

Sgd. Tyballi Mulla Davdji.

Mombasa,

1950.

To,

His Majesty's Principal Secretary of State for the Colonies.

Through,

His Excellency the Governor of Kenya.

The humble petition of the Mombasa and Coast Land Owners Association humbly shows as follows :-

1. The members of your petitioners Association are Indian Arab and Native Land Holders on the island of Mombasa and together own the majority of the privately owned land on the island of Mombasa.

2. That your petitioners crave leave to refer to their petition to His Excellency the Governor of Kenya and to His Excellency's reply thereto forwarded herewith

3. That since the said petition was submitted to His Excellency, His Majesty's Court of Appeal for Eastern Africa on the 26th day of June last held that the rate for Mombasa for 1929 was illegal and the Local Rating (Amendment) (No.2) Ordinance 1930 has been passed.

*Reference to 29/1/50
Mombasa
20/1/50
20/1/50
20/1/50*

4. That your petitioners despatched through His Excellency the Governor of Kenya the following cable :-

"Secretary of State for the Colonies,
London.

"Mombasa and Coast Land Holders Association protest against the Local Government (Rating) (Amendment) Ordinance (No. 2) 1930 which retrospectively imposes site value rate for 1929 on Mombasa island notwithstanding serious infractions principal ordinance ousts jurisdiction of courts even in pending appeals claiming exemption from rates and puts sole burden of rates on owners of land without any contribution from holders of commercial and other property stop reasoned petition being forwarded through usual channels"

No 8

5. That the following Ordinances have recently been passed affecting land on the island of Mombasa.

- (i) The Local Government (Municipalities) Ordinance, 1928.
- (ii) The Local Government (Rating) Ordinance, 1928.
- (iii) The Local Government Rating (Amendment) Ordinance, 1929.
- (iv) The Local Government Rating (Amendment) Ordinance, 1930.

(v) The Local Government Rating (Amendment) Ordinance (2), 1930.

6. That a Municipal Board for the Island of Mombasa was constituted in 1928, and a Valuation Roll of the undeveloped site values of land on the Island of Mombasa was prepared without a valuation of improvements as required by Local Government (Rating) Ordinance, 1928, and by a notice dated the 19th day of November 1929 an original rate of 1 (one-half) per cent and an additional rate of 1 (one-eighth) per cent purported to be imposed for the year 1929 to become payable on the 20th day of December 1929. By a further notice dated the 15th day of February 1930 a similar rate was imposed on the unimproved site value of land in Mombasa for the year 1930 to become payable on the 15th day of April 1930. No other rates have been imposed on property on the island the remaining revenue of the Municipality being in general derived from fees or charges for services rendered and a contribution from Government.

7. That a valuation court sat in the middle of 1929 to hear objections to the valuation roll for Mombasa. We were, however, advised by our legal advisers (and correctly so at the time) that the roll was so patently illegal that it was an unnecessary expense to contest such valuations.

8. That there have been three amendments of the Local Government Rating Ordinance 1928 as set out in paragraph No. 5 above, heretofore designed solely to ratify retrospectively the valuation and imposition of a rate for Mombasa.

9. That in Valuation Appeal No. 6 of 1929 in which exemption from rating was claimed inter alia on the ground that the property was not liable to pay rates and which was pending at the time of the passing of the said Local Government Rating (Amendment) Ordinance (2), 1930, the appeal was dismissed on the ground that the jurisdiction of the Court had been taken away by Section IV of the Ordinance. That since the Valuation Roll has been retrospectively validated there has been no opportunity to lodge objections to excessive valuations of the roll.

10. That under the Local Government (Rating) Ordinance 1928 provision is made for valuation of and rates on both undeveloped site values and improvements but under the Amending Ordinances the whole burden falls on land owners such as your petitioners to an unjust and inequitable extent.

11. That where land is improved and is producing rent the owner does not in general care much whether he is rated on improvements or site value or on both; the hardship is felt by owners of land which is developed as agricultural (locally called shamba) land and is capable of no other development in the immediate future and where the rates often exceed the whole possible income. In Mombasa today this includes about three fifths of the Island and is owned by Indians Arabs and Natives and a very few Europeans.

12. That the owners of this agricultural land on the Island pay the larger portion of the rates and are entirely unrepresented on the Municipal Board while the European Community who pay only a fraction of the rates are in a large majority and naturally in the expenditure of the

Handwritten notes:
Mombasa
1929
1930

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Mombasa

board for roads lighting and other amenities the European areas come first and the majority of the ratepayers get very little benefit.

13. That the rate on undeveloped site values is a novel experiment which has scarcely been tried in England and an old town like Mombasa is the most unsuitable town in Kenya in which to try it. In Nairobi, Kisumu and other towns in the Highlands, the Crown is in general the only owner of undeveloped land, and the usual objections to this form of rating are very keenly felt. That it is a tax on capital and not on income, and creates great hardship where there is no fund out of which the rate can be paid. Owing to the variations in market values on the island of Mombasa which vary to the extent of 50 per cent within a year, values are quite arbitrary, and it is generally felt that the present valuation is excessive. Your petitioners submit respectfully that even if the Government's decision to rate undeveloped site values is confirmed that in Mombasa particularly this rating is being carried out in an unjust and oppressive manner, and to an extent certain to depreciate the value of property. They submit that the rate on undeveloped site values should be a very small one unless it is collected on the transfer of property when there would be a fund available to pay it. They submit that the greater part of the Municipal revenue should be derived primarily from income-bearing property.

*Res. 13/14
faint*

14. That in most systems of rating on the annual value of property, an allowance is made for the period during which the property is unlet or unoccupied, but no such relief is given in the case of undeveloped site value rates.

15. That the unequal incidence of the rates is shown by the following figures. Of the three banks in Mombasa one is rated at £5. 7. 3d. per annum and another at £57. 17. 1d. each for the site of the main business premises situated at the Business centre of the island while an area of land just beyond the area being developed as a native quarter let for £20/- per month as a coconut shamba consisting of 30.03 acres is rated at £75. 3. 6d. per annum. This latter is held as private Wakf and under the provisions of Mahomedan Law cannot be sold or mortgaged and though rated as if it had been fully developed as a native residential quarter cannot be so developed in practice as that demand is more than met by existing lay out schemes and it is quite possible from the discussion on the Board that no further lay out schemes will be sanctioned.

See para 14

16. That even if in England landowners of accommodation land near Towns for many years were not sufficiently rated and that owners of improvements contributed more than their fair share on a rating system based on income or annual value only the balance is not adjusted by putting the whole rate on the owners of land in Mombasa to the exclusion of other property.

17. That the amendment of the Town Planning Ordinance 1919 is still under the consideration of the Government of Kenya.

Your petitioners therefore pray:-

I. That the Local Government (Municipalities) Ordinance, 1938 be amended to provide in respect of Mombasa for a Municipal Council elected by the ratepayers who should form a common roll of voters.

See para 14

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MAY 1939
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II. That an independent Commissioner be appointed to enquire and report on the following matters.

*Refer to
Mombasa
Municipality
Council*

(a) The incidence of rates on the various Communities in Mombasa as compared with the expenditure of the Municipality for the benefit of the various communities, with power to make recommendations to secure a more just and equitable rating system.

(b) The fairness and the propriety of the arrangements to be made between the Government and the Mombasa Municipality with full power to recommend amendment of existing legislation.

AND Your Petitioners will ever pray etc.

For and on behalf of the Mombasa and Coast Landholders Association.

President.

Secretary.

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KENYA.

No. 546



11
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
22 SEP 1930
COL OFFICE

25th August, 1930.

My Lord,

(No. 8.59)

With reference to my telegrams No. 257 and 258 of the 12th August, I have the honour to transmit two authenticated copies of Ordinance No. XXV of 1930 entitled an Ordinance to Amend the Local Government (Rating) Ordinance, 1928, together with the Legal Report thereon in duplicate furnished by the Attorney General. The Ordinance passed its third reading in the Legislative Council on the 17th July and was assented to in His Majesty's name on that day. Ten printed copies of the Ordinance are being transmitted under separate cover.

500

Amud-320-18 MAY 1931

(No. 1)

2. The Mombasa Municipal Board has been faced with serious difficulties in the collection of the rate imposed in 1929 under the Local Government (Rating) Ordinance. To assist the Board in meeting these difficulties the Ordinance was amended in 1929, as explained in the Legal Report transmitted with Kenya despatch No. 761 of the 11th December, 1929. On the 26th June the Court of Appeal for Eastern Africa upheld an appeal by Museji Jivanji against the Municipal Board on the ground that the period elapsing between the 20th November, the date of publication of the notice of imposition of the rate in the local newspaper, and the 20th December, which was fixed as the due date for payment ---

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

payment, was 29 and not 30 days, as required by section 18 of the principal Ordinance, and that therefore the rate was invalid. The nature of the opposition may be judged from this case.

3. It appeared advisable that, in addition to legalising the notice, opportunity should be taken to remove all doubts regarding the legality of the Valuation Roll and the rate imposed in 1929. I am fully satisfied that no hardship will be caused by this action. The "serious infractions of the principal Ordinance" referred to in the telegram from the Mombasa and Coast Landholders Association relate, presumably, to the absence from the Valuation Roll of a valuation of improvements, which has been covered by the Local Government (Rating) (Amendment) Ordinance, 1929, and to the inadequacy by one day of the period 20th November - 20th December, 1929 for the purpose of section 18 of the principal Ordinance.

(see No. 8)

4. I assume that Your Lordship will await the "reasoned petition" of the Mombasa and Coast Landholders Association foreshadowed in their telegram and this will be transmitted, with my observations upon it, as soon as it is received.

I have the honour to be,
My Lord,

Your Lordship's most obedient, humble servant,

Edward Gugg

G O V E R N O R.

LEGAL REPORT

THE LOCAL GOVERNMENT (RATING) (AMENDMENT)
BILL, (NO. 2), 1930.

Considerable difficulty has been experienced in the collection of rates in the Mombasa Municipality practically every pretended exercise by the Municipality of the powers conferred by the Ordinance having been tested in the courts of the Colony.

Recently the Court of Appeal for Eastern Africa held that the notice fixing the Mombasa rate for the year 1929 was invalid, in that only 29 days notice had been given instead of 30 days as prescribed by the Ordinance.

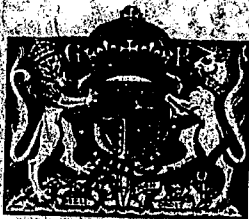
It was therefore considered necessary to legalise that notice, and at the same time, in view of the organized opposition to the payment of rates the opportunity was taken to declare that the rate struck for the year 1929 and the Mombasa Valuation Roll were both final and binding on all parties concerned.

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

Nairobi

July, 1930.


ATTORNEY GENERAL.



Colony and Protectorate of Kenya

IN THE TWENTY-FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

EDWARD WILLIAM MACLEAY GRIGG,
K.C.M.G., K.C.V.O., D.S.O., M.C.,

Governor

Assented to in His Majesty's
name this 7th day of July
1930.

EDWARD W. GRIGG

Governor

An Ordinance to Amend the Local Government
(Rating) Ordinance, 1928.

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 Local Government (Rating) (Amendment) Ordinance (No. 4) 1930, and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.
2. Notwithstanding anything contained in section 18 of the Principal Ordinance the notice appearing in the Official Gazette of 19th November, 1929, being General Notice No. 1570 of 19th November, 1929, and in the "Mombasa Times" of 20th November, 1929, purporting to fix the date when the rate imposed by the Mombasa Municipal

shall be
Mombasa
rate for the
year 1929.

PUBLIC RECORD OFFICE, LONDON

(Interim) Board should become due and payable shall be deemed to be valid notice within the meaning of section 18 aforesaid and shall be deemed to fix the date when the said rate became due and payable and shall be binding on all parties concerned.

Finality of
rate for 1929

3. The said rate declared by the said notice to be due and payable on the date so fixed shall, notwithstanding anything contained in the Principal Ordinance, be deemed to have accrued due and payable on the date so fixed and shall be binding on all parties concerned, and shall not be liable to be contested by suit or otherwise.

Mombasa
Valuation
Roll declared
final and
binding

4. For the purpose of removing doubts it is hereby declared that the Mombasa Valuation Roll signed and certified by the President of the Valuation Court appointed by the Municipal Board of Mombasa on the 12th day of March, 1929, is fixed and binding upon all parties concerned, notwithstanding anything contained in the Principal Ordinance or in any Ordinance amending the same, and no action contesting the said Roll shall be entertained by any Court in the Colony. Provided always that the said Roll shall be subject to the provisions of sub-section (1) of section 3 of the Principal Ordinance relating to the revaluation of rateable property within the Municipality of Mombasa.

Passed in the Legislative Council this _____ day of July, in the year of Our Lord one thousand nine hundred and thirty _____.

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. R. SANDFORD

Clerk of the Legislative Council.

(Interim) Board should become due and payable shall be deemed to be valid notice within the meaning of section 13 aforesaid and shall be deemed to fix the date when the said rate became due and payable and shall be binding on all parties concerned.

Finality of rate for 1929.

3. The said rate declared by the said notice to be due and payable on the date so fixed shall, notwithstanding anything contained in the Principal Ordinance, be deemed to have accrued due and payable on the date so fixed and shall be binding on all parties concerned and shall not be liable to be contested by suit or otherwise.

Mombasa Valuation Roll declared final and binding.

4. For the purpose of removing doubts it is hereby declared that the Mombasa Valuation Roll signed and certified by the President of the Valuation Court appointed by the Municipal Board of Mombasa on the 12th day of March, 1929, is fixed and binding upon all parties concerned, notwithstanding anything contained in the Principal Ordinance or in any Ordinance amending the same, and no action contesting the said Roll shall be entertained by any Court in the Colony. Provided always that the said Roll shall be subject to the provisions of sub-section (1) of section 3 of the Principal Ordinance relating to the revaluation of rateable property within the Municipality of Mombasa.

Passed in the Legislative Council this 17th day of July, in the year of Our Lord one thousand nine hundred and thirty.

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. R. SANDFORD.

Clerk of the Legislative Council.

(Interim) Board should become due and payable shall be deemed to be valid notice within the meaning of section 19 aforesaid and shall be deemed to fix the date when the said rate became due and payable and shall be binding on all parties concerned.

Finality of
rate for 1929

3. The said rate declared by the said notice to be due and payable on the date so fixed shall, notwithstanding anything contained in the Principal Ordinance, be deemed to have accrued due and payable on the date so fixed, and shall be binding on all parties concerned, and shall not be liable to be contested by suit or otherwise.

Mombasa
Valuation
Roll declared
final and
binding

4. For the purpose of removing doubts it is hereby declared that the Mombasa Valuation Roll signed and certified by the President of the Valuation Court appointed by the Municipal Board of Mombasa on the 12th day of March, 1929, is fixed and binding upon all parties concerned, notwithstanding anything contained in the Principal Ordinance or in any Ordinance amending the same, and no action contesting the said Roll shall be entertained by any Court in the Colony. Provided always that the said Roll shall be subject to the provisions of sub-section (1) of section 3 of the Principal Ordinance relating to the revaluation of rateable property within the Municipality of Mombasa.

Passed in the Legislative Council this 7th day of July, in the year of Our Lord one thousand nine hundred and thirty.

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. R. SANDFORD,

Clerk of the Legislative Council.

X15-965/30 W 45

C. O.
Mr. *Carson* 579/5

20 Aug 53
10

Mr. *Baltimore*
Sir J. Stuckert
Str. G. Arnold
Perm. U.S. of S
Party U.S. of S
Secretary of State

Sir

I have etc to ask the recd
of you tel. no. 257 of 12
Aug. which you communicated
to me re) petition against
Mentrose & Coast Warehouse
Assocn against the Local
Sole (Rating) (Amendment)
Once (no 2) of 1953.

DRAFT

W. J. G.
(in)
No. 659

I shall be glad if
the Assocn may be in a position
to have received their petition
which awaits the rest of the
petition which they state
being forwarded to me
I have also to

X(5-965/30) 45

10

30
106
1930

0.0
Mr. [unclear] [unclear]

Mr. Bottomley
Sir J. Shackleton
Sir G. Grindal
Foreign U.S. of S.
Public U.S. of S.
Secretary of State

Sir:

I have etc. to add the rest

of yr tel. no. 257 of the 12th

Aug. which you communicate

to me a protest against the

Membrane of Coast Landings

Assoc. against the Social

Soft (Rating) (Amendment)

Order (no 2) of 1930

2. I shall be glad if

the Assoc. may be able to

have receive their protest

which would be rest of the

DRAFT.

W. G. [unclear]
No. 659

RECEIVED
12 AUG
COL
S

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

(Dated 12th August Received Colonial Office 6.20 p.m. 12th
August, 1930.)

No. 257.

Following from Mombasa and Coast Landholders Association
begins. To the Secretary of State for the Colonies Mombasa
and Coast Landholders Association protest against Local Govern-
ment (Rating) (Amendment) Ordinance (No. 2) 1930 which retros-
pectively imposes site value rate for 1929 on Mombasa Island
notwithstanding serious infraction of principal Ordinance
ousting Jurisdiction Courts even in pending Appeals claiming
exemption from rate and puts sole burden of rate on land
without any contribution from holders of commercial and other
property. Reasoned Petition being forwarded though paid no
attention to Ends. Recoverable.

20 AUG 1930

RECEIVED
12 AUG
C.O.
46

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

(Dated 12th August. Received Colonial Office 6.20 p.m. 12th August, 1930.)

No. 257.

Following from Mombasa and Coast Landholders Association Begins. To the Secretary of State for the Colonies Mombasa and Coast Landholders Association protest against Local Government (Rating) (Amendment) Ordinance (No. 2) 1930 which retrospectively imposes site value rate for 1929 on Mombasa Island notwithstanding serious infraction of principal Ordinanceousting Jurisdiction Courts even in pending Appeals claiming exemption from rate and puts sole burden of rate on land without any contribution from holders of commercial and other property. Reasoned Petition being forwarded though paid no attention to Ends. Recoverable.

UN 99407
257
Approved

KENYA

No. 427



6
GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
21 JUL 1930
COL. OFFICE

26 June, 1930.

My Lord,

I have the honour to transmit two authenticated copies of Ordinance No. XIII of 1930 entitled an Ordinance to Amend the Local Government (Rating) Ordinance, 1928, together with the Legal Report thereon in duplicate furnished by the Attorney General. The Ordinance passed its third reading in the Legislative Council on the 17th April and was assented to in His Majesty's name on the 10th June, 1930. Ten printed copies of the Ordinance are being transmitted under separate cover.

Forwarded - 609 - 1 AUG 1930 - 9/3

2. The Local Government (Rating) Ordinance, 1928 requires that a Valuation Roll shall contain a valuation of improvements. In Nairobi it is clear that the valuation of improvements cannot be completed in time to allow of inclusion in the new Valuation Roll before the 1930 rate is imposed and a similar position may arise in Nakuru and Eldoret. While the principle of including an improvements valuation as a necessary part of the Roll is retained, it appeared desirable to provide that a first Valuation Roll could be legalised by certificate, notwithstanding that it does not contain a valuation of improvements.

3. I trust that His Majesty will be advised

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON.....S.W.1

not to exercise his power of disallowance in respect of
this measure.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

Edward Gigg

G. V. E. N. O. R.



Colony and Protectorate of Kenya
 IN THE TWENTIETH YEAR OF THE REIGN OF
 HIS MAJESTY KING GEORGE V.
 EDWARD WILLIAM MAULEAY GRIGG
 K.C.M.G., K.C.V.O., D.S.O., M.C.

Governor

Assented to in His Majesty's
 name this 10th day of June
 1930

EDWARD GRIGG

Governor

**An Ordinance to Amend the Local Government
 (Rating) Ordinance, 1928.**

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 Local Government
 (Rating) (Amendment) Ordinance, 1930," and shall be
 read as one with the Local Government (Rating) Ordinance,
 1928, hereinafter referred to as "the Principal Ordinance."

Sho: 1184
 No. 20 of 1928

2. Section 5 of the Principal Ordinance is hereby
 amended by the addition thereto at the end thereof of the
 following proviso:—

Addition of
 proviso to
 section 5 of
 the Principal
 Ordinance

Provided that in the case of the first valuation
 (roll) prepared for any local authority, the Commissioner
 for Local Government may by certificate under his hand

declare that the value of any improvements are required to be shown by paragraph (c) of this section need not be included in each valuation roll, and such valuation roll shall be deemed to be a valid and proper valuation roll notwithstanding that it does not contain a valuation of such improvements.

Amendment of
section 26 of
the Principal
Ordinance.

3. Section 26 of the Principal Ordinance is hereby amended by inserting the words "or tenants in common" after the word "owners" in the fifth line of the section.

Tenants in
common.

4. When any rate imposed upon any tenants in common of rateable property shall remain unpaid for a period of three months after the date on which such rate shall have become fixed to become due and payable, the local authority may at any time within twelve months after the imposing of the rate demand the amount of such rate or any part thereof from any one of such tenants in common, and on non-payment thereof may (after one month from the date of such demand, recover the same from such tenant in common, and every such tenant in common by whom such rates have been paid or from whom they have been recovered may recover from each of the other tenants in common the proportion of such rates which is payable by him, and for the purposes of such recovery the production of the receipt for such rates so paid by or recovered from such tenants in common shall be conclusive proof that such amount was so paid by or recovered from him.

Jurisdiction
of magistrates
of the first
class.

6. Anything in the Courts Ordinance to the contrary notwithstanding, a magistrate of the first class shall be deemed to have jurisdiction to hear appeals under section 22 of the Principal Ordinance, to issue warrants under section 21 of the Principal Ordinance, and to hear and determine claims for the recovery of rates under section 20 of the Principal Ordinance, and these sections shall be construed as if the reference therein to the magistrate having jurisdiction were a reference to a magistrate of the first class.

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

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. F. SANDFORD
Clerk of the Legislative Council.

LEGAL REPORT

THE LOCAL GOVERNMENT (RATING) (AMENDMENT) BILL, 1930.

Section 5 (e) of the Local Government (Rating) Ordinance, 1928, requires that a valuation roll must contain a valuation of improvements.

In practice, both in Nairobi and Mombasa, it has been found impossible to complete the valuation of improvements within the time anticipated and a similar position may arise elsewhere. It is therefore proposed to amend the Ordinance so as to provide that the first valuation roll prepared under section 5 may be certified to be a valid and proper valuation roll notwithstanding that it does not contain a valuation of improvements.

Opportunity has been taken to provide that tenants in common are on the same footing as joint tenants for rating purposes, and that a tenant in common who pays rates may recover proportionately from his fellow tenants.

Clause 5 removes a doubt as to the meaning of the phrase "magistrate having jurisdiction".

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

Nairobi,

18th April, 1930.

ATTORNEY GENERAL.

KENYA

No 761



GOVERNMENT HOUSE
NAIROBI

KENYA

December, 1929

My Lord COL OFFICE

I have the honour to transmit two authenticated copies of the Local Government (Rating) (Amendment) Ordinance, 1929 together with two copies of the Legal Report furnished by the Attorney General. The Ordinance passed its third reading in the Legislative Council on the 21st October last and I assented to it in His Majesty's name on the 16th November. Ten printed copies of the Ordinance are being transmitted under separate cover.

2. As explained in the Legal Report, the Ordinance is designed to meet certain difficulties which arose in connection with the omission of a valuation of improvements from the Mombasa Valuation Roll as certified by the Valuation Court under section 10 of the Local Government (Rating) Ordinance, 1928.

3. I trust that His Majesty will be

advised

TO.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.
SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

(D O N D O N . . . S W 1)

13 JAN 1930 9/3

ANSWY - Gov 761

15408
1928

advised not to exercise his power of
disallowance in respect of this measure.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

Edward Gigg

G O V E R N O R

No. 24 of 1929.

54

Assented to in His Majesty's name this sixteenth day of November 1929.

EDWARD GRIGG,
Governor

Date of assent. [16th November, 1929.]

An Ordinance to Amend the Local Government (Rating) Ordinance, 1928.

Date of commencement. 16th November, 1929.

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

Short title: 1. This Ordinance may be cited as "the Local Government (Rating) (Amendment) Ordinance, 1929" and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as "the Principal Ordinance".

Valuation Roll as signed by President of Valuation Court shall be deemed to be valuation roll for Mombasa. No. 19 of 1928. 2. Notwithstanding anything contained in the Principal Ordinance, the valuation roll of the unimproved value of land signed and certified during the year 1929 by the President of the Valuation Court appointed by the Municipal Board of Mombasa on the 19th day of March, 1929 (hereinafter referred to as "the Mombasa Valuation Roll") shall be deemed to be the valuation roll of rateable property in force within the Municipality of Mombasa excepting the area on the mainland included within the boundaries of Mombasa Municipality as defined in the Third Schedule to the Local Government (Municipalities) Ordinance, 1928, and shall, subject to the provisions of sub-section (1) of section 3 of the Principal Ordinance, be fixed and binding upon all parties concerned.

Provided, however, that nothing in this Ordinance shall absolve the President of such Valuation Court from the obligation to comply with the provisions of section 11 of the Principal Ordinance, with respect to the Mombasa Valuation Roll, or shall affect the right of any person to appeal from the decision of such Valuation Court within the period specified and in the manner provided in section 12 of the Principal Ordinance.

3. The Municipal Board of Mombasa shall, as soon as may be, cause a valuation of improvements to be made and added to the Mombasa Valuation Roll, and such roll with the addition of such valuation of improvements shall be deemed to be a valuation roll under the Principal Ordinance.

Provided that such valuation of improvements shall in all respects be dealt with in the same manner as if it were a new valuation roll made in accordance with section 2 of the Principal Ordinance.

4. Notwithstanding anything contained in the Principal Ordinance or in this Ordinance no additional rate or rates exceeding in any one financial year one-eighth of one per centum shall be imposed under sub-section (3) of section 15 of the Principal Ordinance until such time as a valuation of improvements has been added to the Mombasa Valuation Roll as provided in the last preceding section.

Municipal Board of Mombasa to cause Valuation Roll to be made with addition of valuation improvements.

No additional rate exceeding one-eighth per cent. to be imposed until valuation of improvements is added.

Assented to in His Majesty's name this sixteenth day of November, 1929.

EDWARD GRIGG,
Governor.

Date of assent.

[16TH NOVEMBER, 1929.]

An Ordinance to Amend the Local Government (Rating) Ordinance, 1928.

Date of commencement.

16th November, 1929.

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

Short title:

1. This Ordinance may be cited as "the Local Government (Rating) (Amendment) Ordinance, 1929", and shall be read as one with the Local Government (Rating) Ordinance, 1928, hereinafter referred to as "the Principal Ordinance".

No. 20 of 1928.

Valuation Roll as signed by President of Valuation Court shall be deemed to be valuation roll for Mombasa.

2. Notwithstanding anything contained in the Principal Ordinance, the valuation roll of the unimproved value of land signed and certified during the year 1929 by the President of the Valuation Court appointed by the Municipal Board of Mombasa on the 12th day of March, 1929 (hereinafter referred to as "the Mombasa Valuation Roll") shall be deemed to be the valuation roll of rateable property in force within the Municipality of Mombasa excepting the area on the mainland included within the boundaries of Mombasa Municipality as defined in the Third Schedule to the Local Government (Municipalities) Ordinance, 1928, and shall, subject to the provisions of sub-section (1) of section 3 of the Principal Ordinance, be fixed and binding upon all parties concerned.

No. 19 of 1928.

Provided, however, that nothing in this Ordinance shall absolve the President of such Valuation Court from the obligation to comply with the provisions of section 11 of the Principal Ordinance, with respect to the Mombasa Valuation Roll, or shall affect the right of any person to appeal from the decision of such Valuation Court within the period specified and in the manner provided in section 12 of the Principal Ordinance.

3. The Municipal Board of Mombasa shall, as soon as may be, cause a valuation of improvements to be made and added to the Mombasa Valuation Roll, and such roll with the addition of such valuation of improvements shall be deemed to be a valuation roll under the Principal Ordinance.

Provided that such valuation of improvements shall in all respects be dealt with in the same manner as if it were a new valuation roll made in accordance with section 3 of the Principal Ordinance.

4. Notwithstanding anything contained in the Principal Ordinance or in this Ordinance no additional rate or rates exceeding in any one financial year one-eighth of one per centum shall be imposed under sub-section (2) of section 15 of the Principal Ordinance until such time as a valuation of improvements has been added to the Mombasa Valuation Roll as provided in the last preceding section.

Municipal Board of Mombasa to cause Valuation Roll to be made with addition of valuation of improvements.

No additional rate exceeding one-eighth per cent. to be imposed until valuation of improvements is added.

Provided further that before such District Council shall vote upon such resolution, at least sixty days notice shall be given at a meeting of such District Council of the proposal to raise such loan, and a copy of the proposed resolution shall be published in the Gazette and in one or more newspapers (if any) circulating within the District once a week for six consecutive weeks and shall also be exhibited in a conspicuous place at or near the public entrance to the offices of such District Council.

AN ORDINANCE

No. 28 of 1929

Assented to in His Majesty's name this sixteenth day of November, 1929.

EDWARD GRIGG
Governor.

[16th November 1929] Date of assent

An Ordinance to Amend the Stock Traders
Licence Ordinance.

16th November 1929

Date of
commencement

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 Stock Traders Short Title Licence (Amendment) Ordinance, 1929,' and shall be read as one with the Stock Traders Licence Ordinance (Chapter 59 of the Revised Edition) hereinafter referred to as 'the Principal Ordinance.'

2. Section 5 of the Principal Ordinance is hereby repeated, and in lieu thereof shall be read the following:

Issue of
licences and
fees payable
therefor.

5. (1) Licences under this Ordinance may be obtained at the office of a resident commissioner or district commissioner and shall be in such form as the Governor may prescribe.

LEGAL REPORT.

THE LOCAL GOVERNMENT (RATING) (AMENDMENT) BILL, 1929.

The Local Government (Rating) Ordinance, 1928, requires that the Valuation Roll shall be prepared so as to show both the unimproved value of land and the value of improvements. The Valuation Roll to which the Mombasa Municipal Board has invited objections contains a valuation of the unimproved value of land only.

In view of the fact that the imposition of a site value rate for 1929 before the valuation of improvements is completed might be legally questioned, it is considered advisable to validate the Valuation Roll as approved by the Valuation Court.

The Bill therefore provides that the Valuation Roll as signed and certified by the President of the Valuation Court shall be deemed to be the Valuation Roll of rateable property in force within the Municipality of Mombasa and that the Municipal Board shall, as soon as may be, cause a valuation of improvements to be made and added to the Roll.

In order to meet the objection that the imposition of rates on site values only unfairly penalises the landowner and that, had a valuation of improvements existed, the Board might have imposed a rate on improvements, it is provided that no additional rate on site values exceeding one-eighth of one per cent shall be imposed until a valuation of improvements has been added to the Roll.

56
END

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

Nairobi.

16th November, 1929.



ATTORNEY GENERAL.

56
END

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

Nairobi,

16th November, 1929.



ATTORNEY GENERAL.