

1921

670

KENYA

C.O  
52915

DATE

26TH SEPTEMBER 1921

24 OCT 21

C.A.S.  
NOTIFY

1353

SUBJECT

MAINTENANCE ORDERS REFORMS ORDER NO. XXIII  
OF 1921

Enclosed copies with usual legal reports.

MINUTES

~~Mr. G. H. Hart~~  
~~Mr. Kebley~~  
General Sect.

1. The definition of dependants  
amending sub. 1  
below to include

which the maintenance

2. sub. 2 <sup>P.S.P.</sup> into two and  
the courts by which an order may be made  
? suggest - substitution of the following:

(2) The court by which an order is to be so  
referred as <sup>appearing</sup> well, if the court by which the order  
was made was a court of superior jurisdiction  
to the High Court, if the court was not a court of  
superior jurisdiction, be a subordinate court of the  
first class.

15 Nov 21  
10 Jan 23

20  
22/09

MINUTES.

MINUTES NOT TO BE WRITTEN  
ON THIS SIDE.

to extend the <sup>order</sup> to maintenance  
order in other possessions &  
and suggest draft clause as we  
have done in other colonies.

(Note to ...  
...  
...)

A.H.

2/11/21

3/16 to Behaviour &  
Records are record  
transfer. Minutes  
188

at [unclear]

KENYA.  
No. 1353.

671



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

26th September, 1921.

52915  
OCT 21

Sir,

Ordinance  
Statement  
Explanatory  
Table.

With reference to Viscount Milner's Circular (A) despatch dated the 8th of October, 1920, on the subject of the Maintenance of Law (Facilities for Enforcement) Act 1920, I have the honour to transmit herewith two authentic copies of the Maintenance Ordinance, 1921, which was passed by the Legislative Council on the 30th of August, 1921, together with a Statement of Objects and Reasons and an Explanatory Table prepared by the Attorney-General.

2. I have assented to the Ordinance on behalf of His Majesty.

I have the honour to be,

Your humble servant,

*W. K. L. G.*

ACTING GOVERNOR.

THE RIGHT HONOURABLE  
WINSTON CHURCHILL, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S. W.,

THE MAINTENANCE ORDERS REFORMS ACT, 1921.

AT POINT OF ORDER AND REVISION

The following has passed: The request of the  
 Government of India to amend the Act in  
 order to enable the Government to  
 make orders in respect of the  
 maintenance of the Act.

The following has passed: The request of the  
 Government of India to amend the Act in  
 order to enable the Government to  
 make orders in respect of the  
 maintenance of the Act.

ATTEST

W. M. L. VILLIERS, JUDGE.

**THE RECEIPTS OF THE DISTRICT OF COLUMBIA SINCE 1914**

**RECEIPTS**

1914

1915

1916

Amount in the District of Columbia  
Orders made in District of Columbia  
Section 2 of Imperial Act

Amount in the District of Columbia  
Orders made in District of Columbia  
Section 2 of Imperial Act

Amount of orders made in District of Columbia  
in respect to the  
Section 2 of Imperial Act

Amount of orders made in District of Columbia  
in respect to the  
Section 2 of Imperial Act

Amount of enforcing Maintenance Orders  
Section 2 of Imperial Act

Total of orders made in District of Columbia  
Section 2 of Imperial Act

Amount to be retained in proceedings  
Section 2 of Imperial Act

C. D.  
R 10 NOV  
D 1921

DRAFT.

*Amend -*  
*23/10/21*  
*22*

15 November, 1921

Sir,

Y.A.  
1934  
ernor.

I have the honour to acknowledge the receipt of Colonel Netley's despatch No. 1263 of the 26th of September, forwarding copies of Ordinance No. 33 of 1921 entitled "An Ordinance to facilitate the enforcement in the Colony and Protectorate of Maintenance Orders made in England and Ireland and vice versa".

MINUTE.

(2) I am advised that the Ordinance as passed is not altogether satisfactory and requires amendment as follows:-

In the definition of "dependants" the phrase "in that part of His Majesty's dominions in which the maintenance order was made" should be substituted for the words "in England or Ireland".

Section 3(2) does not provide for all the Courts by which orders may be made and I would suggest the substitution of the following subsection therefor:-

"(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the High Court and, if the court was not a court of superior jurisdiction, be a court of the first class."

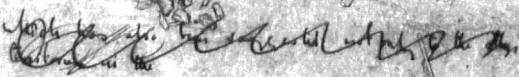
amendment is required  
in the orders made in  
Kenya. It will be all the  
necessary if the  
necessary if the  
necessary if the  
necessary if the

(3) When amended as indicated above the Ordinance will provide for reciprocity only with England and Ireland, and does not contain - as it might - a provision on the lines of Section 12 of the Imperial Act for the extension of the Ordinance to maintenance orders made in another Colony or Protectorate or Dominion which may hereafter be willing to enter in to reciprocal relations with Kenya in this matter. In view of the large group of British administered territories in Eastern Africa it would seem desirable to establish such reciprocity; and, if you concur in that view, the provision to be added to the Ordinance should be on the following lines:-

"Where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any British possession or any territory under His Majesty's protection for the enforcement with in such possession or territory of maintenance orders made by Courts in the Colony or Protectorate of Kenya, the Governor may by Proclamation extend this Ordinance to maintenance orders made by Courts within such possession or territory, and thereupon this Ordinance shall apply to such maintenance orders as if they had been made in England or Ireland."

(4) Accordingly, I shall be glad if you will take steps to introduce an amending Ordinance embodying the amendments indicated above and also, unless you see any objection to the proposal, in which case you will no doubt inform me, the provision suggested in the preceding paragraph. In the meantime no advice will be tendered to His Majesty with regard to Ordinance No. 33 of 1921, and no steps will be taken to extend the Imperial Act to Kenya.

I have etc.



(Signed) WINSTON S. CHURCHILL