

1922-23

GENVA

C.O  
1693

Date

GOVERNOR  
MILTON

1685

12TH DECEMBER 1922

Ref  
Re 9 JA 23

IN CIRCULATION

SUBJECT

E.A. POWER & LIGHTING COY

LICENCE FOR ISLAND OF MOMBASA

- Mr.
- Mr.
- Mr.
- Mr. Grindle
- Sr H. Lambert
- Sr H. Read
- Sr J. Masterton Smith
- Mr. Wood
- Mr. Churchill

Reports has decided that 25 years should be limit of term offered to Coy. Unable to agree to their claim that they are entitled to a period of 42 years.

Previous Paper

MINUTES

*Mr. August Botterley*

*E. O. A.*  
63056  
22

*Handwritten notes on left margin*

The provision in the Electric Power Ordinance, 1919 which is in question is contained in Section 19 A. The original Ordinance provided that "At least 6 months preceding the expiration of a period of twenty-five years from the date of the Distributing Licence, or such shorter period as is specified in that behalf in the Distributing Licence, or . . . . . such local authority shall make application to the Governor-in-Council for the revocation of the existing Distributing Licence . . . . ."

In the discussion with the Mombasa Company, we told them on 9/5/20 that they could have their choice between a Licence under the Ordinance and a special concession for 43 years

Subsequent Paper

*Handwritten notes and signatures at bottom*  
2964  
(Mombasa)

years from 1917 (1920 was suggested later), but <sup>that a special concession would be</sup> subject to the strict observance of the conditions of the original agreement.

The Company ~~was~~ still <sup>ed</sup> hesitating as to whether come under the Ordinance or not. We told them on 14514/20 that, in the amendment of the Ordinance, both the Mombasa and the Nairobi Companies would be excepted from its operation, and we also told them that various amendments of detail were proposed, including the substitution of 42 years for 25 years in Section 19A.

We have, therefore, two <sup>different</sup> entirely definite possibilities:-

- 1) Either the Company stayed outside the Ordinance and got a special concession for 43 years,
- or,
- 2) They were to come under the Ordinance and ~~that~~ in that case the question of the revocation of their licence would arise after 42 years or after such shorter period as might be stated in the licence itself.

I think the Governor is perfectly right in holding that nothing in the correspondence precluded him from

fixing



W. P. ...

Have ... Rf  
(a) the first ... 15342/20

- see 84 -

(b) the ...  
the ... sent to the ...  
the ... the ...

The ... show that the ...  
the ... was ...  
the ... Co. ...  
the ... had ...  
the ... in ...  
the ... (the ...  
the ... an ...

I ... with some confidence ...  
the ... that ...  
the ... involved ...  
the ... over ...  
the ... in this ...  
the ... line I should ...  
the ...

The ...

The ...

The ...

The ...

The ...

For 25 read 42 ...  
the ... of a ...

445

It ... the ...  
to ... as ...  
draw ... to ...  
there is ... reason to ...  
the ... is ...  
point of view ...

W. P. 18-1923

(Action ...  
2964)

W. P. ...

Yes - I think we can pay ...

no ... - but if the ...  
so much the better - as it would ...  
an ... to say that the ...

The no. of years to 22 was at least ...  
he - shall we say - an attraction

as ...

W. P.

18/

W. P. 18-1923

KENYA  
NO 1685.



GOVERNMENT HOUSE  
NAIROBI  
KENYA.

1693  
REF 93 23

12th December, 1922.

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My Lord Duke,

With reference to the telegraphic correspondence in 1920 beginning with Colonial Office telegram of 23rd March, 1920, and ending with Lord Milner's telegram of 13th November, 1920, on the subject of the Mombasa Electric Light Company, I have the honour to inform Your Grace that, on the advice of Executive Council, I recently decided that a period of 25 years should be the limit of the term to be offered to the East Africa Power and Lighting Company in respect of a licence under the Electric Power Ordinance, 1919, for the Island of Mombasa.

2. The licencees, on the strength of two letters from Sir Herbert Read to Mr. Powys Cobb No. <sup>R</sup>9153/1920 of 11th March, 1920 and No. <sup>C</sup>14514/1920 of 25th March, <sup>C. Apr.</sup> 1920, claim that they are entitled to a licence extending over 42 years. I am unable to agree that any such promise is contained in the letters mentioned: the period of 25 years has been adopted for the Nairobi licence which was issued to the same Company, and as it is desirable to secure uniformity, I have offered them a licence on those terms. It will be competent for this Government at the end of the 25 year period, to grant an extension to the Company, should they have maintained an adequate and efficient supply during the currency of the -

YOUR GRACE  
THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S. W.,

h  
13456  
c  
53579  
20

PUBLIC RECORDS OFFICE LONDON

the licence.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and  
most obedient servant,

R. T. Gwynne

GOVERNOR.

for 1693/23 Kenya

448

25 JAN 1923

und  
16492

23

DRAFT

26 Jan 1923

Sir,

I have re. to adv. the

162

London

MINUTE.

of your ... of the

Mr. Brew Jan 1923

Mr. Ballantyne 24/13 f.

Mr. Davis

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby Gore.

Duke of Devonshire.

... in respect of a ... under

The Electric Power Order, 1919, of the Island of

Mombasa and ...

you that I concur in your

view that there is no legal

obligation to grant a licence

extending over 42 years

2. I understand your view that the intention of the late Electrical Engineer in ... of the main Old ...

... however been ...

... where large capital

... would not

expenditure involved 25 years may

reasonably be expected in so short a time as

to be short a period over 25 years

25 years

the capital, and if the

Suppose that the full

with the case of

that point of

to be

...

(Signed) DEVONSHIRE