

EAST AFR. PROT

8227

153

REC'D  
REG'D 5 MAR 14

8227

Daily Govt 135  
Dropping

ARBITRATION ORDINANCE NO. IV OF 1914

1914

2nd February

Last previous Paper.

Two copies sent to Lord R.

copies to be sent by

Mr. [unclear]

W. Reed

6/2/14

This is a combined  
the Indian & English  
on the subject. The  
being already given  
extent on the

I have no criticism

Sanction of

16/2/14

at once

[Signature]

S-R

Am 255. 19. 12. 14

Next subsequent Papers  
2102 1/2

GOVERNMENT HOUSE, 160

NAIROBI.

BRITISH EAST AFRICA.

February 9th 1914.

EAST AFRICA PROTECTORATE.

No. 135

827

REC'D  
5 MAR 14

Sir,

I have the honour to transmit herewith two authenticated and ten printed copies of "The Arbitration Ordinance 1913" as passed by the Legislative Council on the 19th of December 1913 together with a Memorandum by the late Attorney General.

I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,



GOVERNOR.

THE RIGHT HONOURABLE

HERBERT HARRIS, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

INCLOSURE No. 2

In Despatch No. 155 of 22/2/1914

161

MEMORANDUM.

8227  
REC'D  
REC'D 5 MAR 14

THE ARBITRATION ACT, 1913.

Under the law at present in force in this  
Proterogate the Courts cannot enforce the award of an  
arbitrator unless the reference to arbitration has been  
made by the order of a Court, or if not so made, the  
agreement to refer has been filed in Court.

The provisions of our laws in so far as they  
require the intervention of the Court in all cases in  
order to give effect to an agreement to refer differences  
to arbitration are not in accordance with the English  
law or the law in force in the larger commercial centres  
of India where the English law has been applied by the  
Indian Arbitration Act of 1899.

The laws relating to references to arbitration  
by agreement of parties are Article 37 of the East  
Africa Order-in-Council 1897 and sections 52-54 of the  
Indian Code of Civil Procedure.

It is in every way desirable that the English  
law should be substituted for the provisions of the laws  
above referred to, and the most convenient method  
of attaining the object desired is to enact an Ordinance  
founded on the English Arbitration Act 1899 and the  
Indian Arbitration Act 1899.

The provision of Article 37 of the East Africa

Order-in-Council 1897 will cease to apply to the Protectorate on the enactment of an Ordinance making other provision relating to arbitration without being expressly repealed by the Ordinance.

Sections 527 to 528 of the Civil Procedure Code must be, and, under the Bill as drafted are, expressly repealed.

ASSEMBLY CHAMBER.

Nairobi.

November 25th, 1913.