

No. 2 authenticated copies of the Ordinance relating to Trading Centres & to provide for matters incidental thereto, together with Legal Report.

Spence to
Clegg

2 Collected — 3pm — 19/7/32
100 printed copies of the Order.

Referred to Secy.
1/18
1803/32 K.

The despatch referred to in ① is contained in 17045/31 which deals with the Townships Ordinance; and action on that file is held up pending the completion of action on 26107/32 [now with Mr. Cook in connection with an urgent N.R. matter] which discusses the general question of discriminatory legislation affecting natives in urban areas, and is awaiting the return of Sir R. Hamilton for approval of a draft despatch.

In this case, however, the only possible sting lies in the Regulations to be made under an Ordinance which in itself seems unexceptionable — and for any Regs can be made, the Govt. of Kenya will have received the despatch on the general question.

* in 26107/31

Sum 16 & 17 of
the District Magistrate
on 18243/32 Kenya

The only point which was discussed in Legislative Council was

Whether it was necessary to provide that
the local authority be consulted: this
assumption was given by the Ag. Atty. Gen.
and the point was dropped.

? now send to Legal Dept.
for any observations they may wish to
make.

A.H.G.
23.8.32

L. P. D. 16

The rule-making power vested in the
Gov. by this Order is, subject to
the limitations in ss. 5, 6, 7, about
as wide as the power to legislate
conferred upon the Governor by the
constitution. It is true that it is very
similar to the opening words of
S. 33 of the Townships Order,
but the scope of the power in
that case is indicated by the
73 paragraphs which follow. I
feel quite sure that such an
enactment would never pass the
House of Commons.

Presumably the answer to this is
that the Gov. can be treated to
be moderate in making use of this
Order.

A. D. Robertson
21.9.

Centre (situated for the most part in Native
Reserves) is not really an appropriate
matter for Regulation Council, and I see no
harm in giving the Governor wide powers.

? In suggesting n-d-a, observe
that cl. 4 vests the Governor with
very wide executive powers, and ask
that copies of all rules made under
the clause may be specially
transmitted for S. G. S. information

L. P. D. 16

I am not at all sure that in the
matter of local buying from or selling to
natives, the rule-making power is as
wide as I should like, and in particular
I see no possibility of exclusion from
a trading centre for or repeated
violation.

Amended in the rule book
The Ordinance by its own terms
amended.

21.9.32

Copy has been filed
3 3

L. Gov 717 (1 amended) cons 26 SEP 1932

4
C

Supplement No 2P
Kenya Service. 5/7/52

18217/52

VERNMENT NOTICE NO. 454

THE TRADING CENTRES ORDINANCE, 1932

NOTICE

EXTENSION OF PERIOD OF OPERATION

IN EXERCISE of the powers conferred upon me by section 4 of the Trading Centres Ordinance, 1932 His Excellency the Governor has been pleased to appoint that the said Ordinance shall continue in operation to the 31st day of August 1952.

By Command of His Excellency the Governor

Signed:

This 30th day of June 1952

W. M. LOGAN
Colonial Secretary

Mr. Priestman 23/9

Mr. *Trush* 20/9

Mr.

Mr. Parkinson

Mr. Tomlinson

Mr. C. Bottomley

Sir J. Shackleton

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C
R 23 SEP
D 26

26 September 1932

Answered by No 1
3239/33

Sir,

DRAFT. *Crisis*

KENYA

No.

GOVERNOR

I have etc. to acknowledge

(1) the receipt of your despatch No. 203 of the 8th of June forwarding authenticated copies of the Trade Centres Ordinance, 1932, and to inform you that H.M. will not be advised to exercise his power of disallowance in respect of Ordinance No. 1 of 1932 entitled "An Ordinance Relating to Trade Centres and to Provide for Matters Incidental thereto".

2. I observe that clause 4 of the Ordinance invests the Governor with very wide executive powers. I shall therefore be glad if arrangements may

be

be made for copies of all rules made
under that clause to be specially
transmitted for my information.

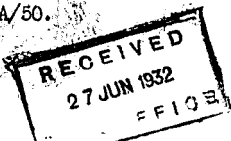
I have etc.

(Sgd.) P. COHEN L-LISTER.



26
THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. / C. AGR. 2/1/5.A/50.
AND DATE



10th June, 1932.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and with reference to Kenya despatch No. 263 of the 8th June, 1932, has the honour to transmit herewith ten printed copies of Ordinance No. X of 1932, entitled "An Ordinance Relating to Trading Centres and to Provide for Matters Incidental thereto".

RECEIVED
27 JUN 1932
COL. OFFICE

8 June, 1932.

No 2
1704531

Sir,

With reference to Kenya despatch No. 26 of the 14th January, 1931, I have the honour to transmit herewith two authenticated copies of Ordinance No. X of 1932, entitled "An Ordinance Relating to Trading Centres and to Provide for Matters Incidental thereto" which passed its third reading in Legislative Council on the 5th May, and to which I assented on the 26th May, 1932, together with the Legal Report in duplicate prepared by the Attorney General.

Ten printed copies of the Ordinance are being sent under separate cover.

2. In the sixth paragraph of the despatch under reference it was noted that a number of old Townships had been omitted from the Schedule to the Townships Ordinance, 1930, as they were not considered to be of sufficient importance to retain that status. There have also existed in the past a number of groups of shops, mostly in the Native Reserves, which have been in fact Trading Centres but have not been legally constituted, nor has the land which they occupy been set aside for that purpose.

It is now desirable to provide specifically for the establishment of such centres with a legal status and the Ordinance enclosed herewith provides for the minimum amount of control which is considered to be necessary in addition to supervision exercised by Medical Officers of Health under the Public Health Ordinance.

The ----

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON...S.W.1.

Answered 7/7 26 SEP 1932

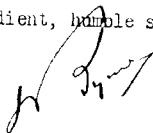
The procedure laid down in the Native Lands Trust Ordinance and the Rules issued thereunder will, of course, be followed in the case of Trading Centres situated in Native Reserves.

3. I trust that His Majesty will not be advised to exercise his power of disallowance in respect of this measure.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL,
G O V E R N O R.

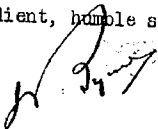
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3. I trust that His Majesty will not be advised to exercise his power of disallowance in respect of this measure.

I have the honour to be,

Sir,

Your most obedient, humble servant,



G O V E R N O R . BRIGADIER-GENERAL,

This Bill makes provision for the establishment of trading centres, and may be cited as the Trading Centres Act, 1938. It provides for the establishment of Trading Centres, and provides for the establishment of District Committees of the District in which it is situated, and further provides that the Government may make rules for the good order and government of any trading centre.

Clause 2 of the Bill provides that the Governor may by notice in the Gazette declare any place to be a trading centre, and define or alter its boundaries and assign a name to it.

Clause 3 provides that a trading centre shall be administered by the District Committee of the District in which it is situated.

Clause 4 provides that the Government may make rules to make rules in respect of all such matters as are necessary or desirable for the maintenance of the health, safety, and well-being of the inhabitants or for the good order and government of any trading centre.

Clause 5 makes it clear that the power to make rules shall include the power to fix fees, charges, or tariffs for any service rendered to the inhabitants of a trading centre.

Clause 6 provides for a penalty in case of a breach of any rule made under the Bill.

Clause 7 lays down that any expense incurred by the Government in consequence of any breach of any rule by any person or in the execution ~~of any work~~ of any work directed by a rule to be done by any person and not executed

my name shall be paid by the person committing such breach
or failing to execute such work.

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



Witness my hand and seal this 10th day of May, 1866.

Witness my hand and seal this 10th day of May, 1866.



Colony and Protectorate of Kenya.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.
Governor.

Assented to in His Majesty's
name this 26th day of May, 1932.

J. BYRNE.

Governor.

AN ORDINANCE RELATING TO TRADING
CENTRES AND TO PROVIDE FOR MATTERS
INCIDENTAL THERETO

No. X of 1932.

An Ordinance Relating to Trading Centres and to Provide for Matters Incidental Thereto.

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 Trading Centres Ordinance, 1932" and shall come into operation upon such date as the Governor may by notice in the Gazette appoint. Short title and commencement.
2. The Governor may from time to time by notice in the Gazette declare any place to be a trading centre and define or alter its boundaries and assign a name to it, provided that, prior to the exercise of any such powers, the proposals shall be submitted for the recommendations of the District Council (if any) having jurisdiction over the area within which it is proposed to establish a trading centre. Power to declare trading centres.
3. A trading centre shall be administered by the District Commissioner of the district in which it is situated. Administration of trading centres.
4. The Governor may from time to time make rules in respect of all matters as are necessary or desirable for the maintenance of the health, safety and well-being of the inhabitants or for the good order and government of any trading centre. Rules for trading centres.
5. The power to make rules shall include the power to fix reasonable fees, charges or tariffs for any service rendered to the inhabitants of the trading centre. Power to fix fees, etc.
6. The Governor may, by rule, impose a fine or imprisonment or both such fine and imprisonment, for the breach of any rule made under this Ordinance, and may also impose different fines and different periods of imprisonment in case of successive or continuous breaches, but no such fine shall exceed fifty pounds, and no such period of imprisonment shall exceed six months. Penalty for breach of Rules.

Expenses incurred in consequence of breach of Rule to be paid by person committing breach.

Any rule may further provide that, in addition to any such fine and imprisonment, any expenses incurred by the Government in consequence of any breach of such rule or in execution of any work directed by any such rule to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

Passed in the Legislative Council the fifth day of May in the year of Our Lord one thousand nine hundred and thirty-two.

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.

H. E. BADER

Acting Clerk of the Legislative Council.