

1933.

Kenya

No. 3033.

SUBJECT

CO 533/431

Mining Ordinance

Previous

3006/1/33.

18145/32.

Subsequent

23061/2/41.

1. Governor Byrne H5 _____ 13th January 33
Trans. in dup. authenticated copy of the Mining (Amend) Ordinance 1932, No 52

1 copy Ordinance to Library

2. Col. Secretary 3/4 _____ 18th Jan 33
Trans. 12 printed copies of Ordinance

Shown to Library

3. Col. Secretary 3/4 _____ 6th Jan 33
Trans. 12 copies of Report of Select Committee on the Mining (Amend) (No 2) Bill

4. Extract from Legislative Council Debate 15 Dec 32

Examination of this amending Ordinance and of the debate in Legislative Council (No. 4) has not disclosed any point which might be open to political criticism with the possible exception of section 5 which amends section 13(1) of the principal Ordinance of 1931.

In the 1925 Mining Ordinance section (13 f) excluded from prospecting "land within Native Reserve except with the consent in writing of the Commissioner of the Province within which the Reserve is situate and on such conditions as may be prescribed"

The draft of the 1931 Ordinance was published in May 1931; but the Secretary of State thought it necessary to telegraph:

"It would seem necessary to substitute in clause 13 i) Native Lands Trust Board for Senior Commissioner of Province within which the Reserve is situate".

The suggested amendment was made in select Committee

No. 2 on 16200/30

Committee and appears in the principal Ordinance as finally passed and sanctioned. The amending Ordinance reverts to a compromise. The authority for giving the consent in writing is to be the Provincial Commissioner of the Province when so appointed by the Governor at the request of the Native Lands Trust Board.

This seems eminently reasonable, but it is possibly capable of a wrong construction by the critics of the Kenya Government's policy. The reason for the amendment is explained in pages 339 and 340 of No. 4.

The rest of the amendments are technical and seem to call for little comment. The debates make it clear that Sir Albert Kitson's view was taken when the amending Ordinance was being drafted.

Subject to any legal observations signify no disallowance.

*W. H. ...
27/12*

No legal observations. If it is thought that, from a political standpoint, some further amendment is desirable, it might be possible to provide that the Native Lands Trust Board should be entitled to incorporate in their request some limitation of the delegate's power, and that the Governor should make the appointment subject to such limitations. For example, the Native Trust Board might very reasonably wish a Provincial Commissioner to exercise the power of consent in all cases except when the land involved is under cultivation.

*A. L. ...
28.2.38.*

Sir C. Bottomley

Do not think it is worth while sending a further amendment of the Ordinance in the sense suggested by Mr. Home, but the point can be covered administratively. It would be well to mention it to the Governor in the despatch signifying non-disallowance and saying he will no doubt bear it in mind.

*S.S.O. 262
28.2*

D. E. S. Gibson

I do not think there can be any reasonable criticism, but you should see.

as Mr. Home proposes?

W.C.S.

28.2.38

Sec of State

You should see this for practical reasons. There is everything to be said for the change, but knowing what our "Regard's" are like it may cause in for criticism.

P.A.L.

1.3.38

new

The main thing is that the Board approves the amendment.

I think it best to refer
the amendment the
N.L.T.B. to impose
any conditions they
thought fit.

P.L.L.
4/3

Discussed. I ask this
is so.
It wd. be well to lay down
that under s 13(i) the
conditions to be stipulated in
the permit wd. continue to
be a matter for the Bd.
& the authority which the
Government proposes on the part
concerned at the request of the
N.L.T.B. wd. be on such
conditions (generally as the Bd.

4
required. Moreover as the
power can only be exercised
at the request of the Bd., the Bd.
wd. retain the power to demand
a guarantee as the delegation of
this power as a special duty
think fit.

P.L.L.
6/3

By the General Manager
7/3/33

To Gov. 162 (1 Answer)

8 MAR 1933

6 Encl. Notice No 733 of 1932
Planning (Amendment) Ordinance
approved: S

P.L.L. 11/2/33

(1)

Registry Note
For previous cases, regarding pollution to rivers, see 3006/35.

7. Governor Byrne 259 _____ 25 May 33

Suggests that an addition be made to Reg. 11 of the Mining (Safety) Regs 1932 with the view to prevention of cyanide pollution of rivers from gold mining operations under adverse as to mining conditions.

8. Pol. Secretary 3 hrs (Commibus) _____ 22 May 33.
Trans. 12 copies of ^{Report} ~~Public Committee~~ for Mining Regulations 1932.

Stewart's library

Nº 8. Put by

Nº 7. ~~Also~~ See page 8 of Nº 15 (flagged)

in 3006/35. At the time that letter was written, I consulted with Sir D. Kitson about the cyanide pollution question; after making enquiries from others he assured me (in conversation) that if the cyanide process is properly managed the possibility of a poison effluent is negligible.

The question now put by the Governor calls, I think, for advice from the Experts C'ttee wh. S. P. has constituted to advise on various matters arising out of the Kaveriside Goldfield. But it seems hardly necessary to summon a special meeting for the purpose; it will be enough to invite the C'ttee's opinion when next they are called together on other matters.

B.Y. in a fortnight ^{10/11/33} ~~11/11/33~~

Signature

Mr. Frydson
Brought abroad minute of 1st June 33.

15.6.33
Registry

There is nothing else in sight for the Committee; and Mr. Green, whom I have consulted, thinks that Imp. Inst. could deal with the problem unaided.

Copy 7 to Imp. Inst. says that S.P. will be grateful for any suggestion wh. they may be in position to offer in regard to the form of the condition to be stipulated in connection with the installation of a cyanide plant.

Signature

9. 1.1. 1933
10. Technical Institute: _____ 29 June 33

Agrees that no cyanide plant should be installed without permit from Commissioner of Mines & Geol. collected from known S.A. Mines, Walker & Mackenzie Regs.

Stewart's library

Copy will end to O.H. L. ref. 7.

Signature
3/7/33

11 To Govt. 502 (w/c 10) A/1
7 answered
6 JUL 1933

Native Affairs Dept Circular No 11
Respecting permits in Native Reserves

Pat by
C. J. Foxman
2/17/33
7/17/33
A. H. Smith
S. B. King

- 13 Govt. Notice No 746 of 1933
- 14 Govt. Notice No 424 of 1933
- 15 Govt. Notice No 624 of 1933
- 16 Govt. Notice No 497504 of 1933
- 17 Govt. Notice No 71242 of 1933
- 18 Govt. Notice No 122 of 1933
- 19 Govt. Notice No 125 of 1933
- 20 Govt. Notice No 166 of 1933

Required for record

Pat by
C. J. Foxman
2/17/33
at mail

(11)

- 21 Govt. Notice No 187 of 1933
- 22 Govt. Notice No 200 of 1933
- 23 Govt. Notice No 264 of 1933
- 24 Govt. Notice No 340 of 1933
- 25 Govt. Notice No 392 & No 393 of 1933

21-25 Pat by
C. J. Foxman
3/18/33
at mail

- 26 Govt. Notice No 456 of 1933
- 27 Govt. Notice No 455 of 1933

Pat by
C. J. Foxman
6/9/33
at mail

28 H.M. Moore (50) _____ 25 Sept. 33.

States a committee has been appointed to examine mining legislation, will shortly report. Seeks advice as to the most practical & economic method of assessing royalties.

Th. Flood

? Refer to the Henry Gold Commission

etc. arranging an early meeting

D. H. Moore

U.S.A. 229 4/10
4/10 same

Sir John Campbell

I attach a copy of the document which I have circulated to the Committee, which will meet in your room at 2-30 pm next Thursday (Oct. 24). Steps are

28A

being taken to provide the information re
N. Rhodesia which the last sentence of
the memo. discards as lacking

28 To A.C. Vivian — cons

29 A.C. Vivian
(Memo. on Northern Rhodesia Royalty system)
29A

(This was prepared by Mr. Vivian in
response to a request (wh. Mr. Cooke was
good enough to communicate to him) for
enlightenment as regards the information
lacking in Kenya.)

13/10

These papers were discussed at a full

meeting of the Kenya Gold Concessions Committee yesterday. The opinions expressed were various, but by a process of elimination the Committee finally reached unanimity on a number of points which I have embodied, for the sake of convenience, in the attached draft reply to No. 26, which should go if possible by next week's air mail.

D
Dorchester
13/10

Yes, the draft will do very well. The Committee took
all sorts of views and in the end Sir Campbell
managed to get them agreed by a process of elimination
13.10.33

Yes. In the multitude of experts there may be
safety; but there is very little in the way of
practical help in framing definite advice.

The 14-10-33.

Sir S. Holton

The suggested sliding scale
tax is ingenious. Taking for
simplicity, the base price as £4,
with a royalty of 5%, the
revenue represents, at £6, a
2 1/2% premium tax and, at £7,

13.7%. This is not excessive.

16.10.33
16.10.33

By air mail 10 To H. H. Moore via 24/10/33
(28 and)

President's letter of

31 R. A. S. Redingue (s.o) 6 Nov. 33

Act. Order of 10 Nov. 33.

no. 4 reason has been

DESTROYED UNDER STATUTE

(see note attached)

J. G. Williams

(M)

32 H. M. M. Moore 11 Nov. 33

Act. No 30 which will be of the greatest assistance to

DESTROYED UNDER STATUTE

the holder.

? P. W. G.

30/11
C. A. M. ...
no. 30

33 Govt. Notice Nos 485 & 486 of 1933.

34 Govt. Notice No 500 of 1933.

35 Govt. Notices Nos 505 & 506 of 1933.

(Nos 32-35 regd. for record vide minute of 25 Aug 33
on 3074/36 Kenya).

35

420

Kenya Proclamations, Rules and Regulations, 1933

GOVERNMENT NOTICE NO. 505

THE MINING ORDINANCE, 1931.

IN EXERCISE of the powers conferred upon me by section 13 (d) of the Mining Ordinance, 1931, and all other powers thereto enabling me, I hereby declare that Government Notice No. 505, dated the 18th day of January, 1933, excluding an area of approximately three square miles in the North Kavirondo District from the operation of the said Ordinance is cancelled with effect from the 1st June, 1933.

Given at Nairobi
this 14th day, 1933.

A. DE V. WADE
Acting Governor & Deputy.

GOVERNMENT NOTICE NO. 506

THE MINING ORDINANCE, 1931.

NOTICE is hereby given that an Exclusive Prospecting Licence has been issued as follows:—

(a) Licensee: The Eldoret Mining Syndicate Limited
(b) Area:—Approximately three square miles along the Yala River in North and Central Kavirondo District, as defined in Government Notice No. 49 of the 1st day of January, 1933.

The area is situated in the North Kavirondo District, and is bounded by the following lines:—

On the North by the Yala River, as defined in Government Notice No. 49 of the 1st day of January, 1933, to the point where the Yala River crosses the boundary between the North Kavirondo District and the South Kavirondo District.

On the East by the Yala River, as defined in Government Notice No. 49 of the 1st day of January, 1933, to the point where the Yala River crosses the boundary between the North Kavirondo District and the South Kavirondo District.

On the South by the Yala River, as defined in Government Notice No. 49 of the 1st day of January, 1933, to the point where the Yala River crosses the boundary between the North Kavirondo District and the South Kavirondo District.

On the West by the Yala River, as defined in Government Notice No. 49 of the 1st day of January, 1933, to the point where the Yala River crosses the boundary between the North Kavirondo District and the South Kavirondo District.

344

GOVERNMENT NOTICE No. 500

THE MINING ORDINANCE, 1931

IN EXERCISE of the powers conferred upon me by section 13 (d) of the Mining Ordinance, 1931, and all other powers therein to enable me, I hereby declare that Government Notice No. 870, dated the 18th day of October, 1932, excluding from the operation of the said Ordinance certain areas traversed by the rivers Lusitu, Sioko and Lugetu in the Nyanza Province, is cancelled with effect from the 2nd August, 1933.

Nairobi.

24th July, 1933

A. DE V. WADE
Acting Governor & Deputy

GOVERNMENT NOTICE No. 483

THE MINING ORDINANCE, 1931

NOTICE is hereby given under section 18 (2) of the Mining Ordinance, 1931, that an application by the Pakapensi Prospecting and Development Company, Limited, has been accepted for consideration for an Exclusive Prospecting Licence over an area of approximately three square miles situated near Lolgorien in the Narok District as described in the Schedule hereto.

Under section 18 (d) of the Mining Ordinance, 1931, this area, excepting such portion held under existing mining title, is therefore excluded to prospecting or to occupation under any prospecting right with effect from the date hereof.

Objections to the grant of the Exclusive Prospecting Licence applied for will be entertained until 25th August, 1933, and should be addressed to the Warden of Mines, P. O. Box 89, Nairobi.

Nairobi.

22nd July, 1933.

E. B. HOSKING,

Acting Commissioner of Mines.

SCHEDULE.

An area comprising approximately three square miles as marked on a map deposited in my office and more particularly described as follows:

Commencing at a point situate at the most southern corner of the Kisumu Prospecting Syndicate's claims Nos. 59 to 80.

thence bounded by a line bearing approximately 204° for a distance of about 4,720 feet;

thence by a line bearing approximately 294° for a distance of about 7,550 feet;

thence by a line bearing approximately 34° for a distance of about 8,200 feet;

thence by a line bearing approximately 114° for a distance of about 4,280 feet;

thence by a line bearing approximately 204° to the most northern corner of the aforementioned claims.

thence by the north-western and south-western boundaries of those claims, to the point of commencement.

The bearings in the above description are referred to magnetic north.

GOVERNMENT NOTICE No. 484

THE MINING ORDINANCE, 1931.

NOTICE is hereby given under section 18 (2) of the Mining Ordinance, 1931, that an application by the Tanami (Australia) Gold Mining Syndicate has been accepted for consideration for an Exclusive Prospecting Licence over an area of approximately 0.4 square miles situated near the Siohko River in the Kakamega District as described in the Schedule hereto.

Under section 13 (d) of the Mining Ordinance, 1931, this area, excepting such portion held under existing mining title, is therefore excluded to prospecting or to occupation under any prospecting right with effect from the date hereof.

Objections to the grant of the Exclusive Prospecting Licence applied for will be entertained until 31st August, 1933, and should be addressed to the Warden of Mines, P. O. Box 89, Nairobi.

Nairobi,

E. B. HOSKING,

22nd July, 1933.

Acting Commissioner of Mines.

SCHEDULE.

An area comprising 0.4 square miles as marked on a map deposited in my office and more particularly described as follows:

Commencing at a beacon at the north-eastern corner of claim No. 73 of Mining Location No. 437;

thence bounded westerly by the northern boundaries of that claim and claim Nos. 27, 37, 4 and 5 to a beacon at the north-eastern corner of claim No. 5, all of Mining Location No. 537;

thence westerly by a straight line to a beacon at the north-eastern corner of claim No. 3265;

thence westerly by the northern boundary of that claim and claim No. 1984 and claim No. 1982 to the north-eastern corner of claim No. 73/10;

thence still westerly by the northern boundary of that claim and claim No. 73/6 and onwards by the straight line which is the production of the northern boundary of the latter claim to its intersection with the eastern boundary of claim No. 2567 or its production northwards;

thence northerly by that line and the eastern boundaries of claims Nos. 2567, 2568, 2569, 2570, 2571, 2572, 2573 and onwards by the straight line which is the production of the eastern boundary of claim No. 2573 to its intersection with the right bank of the Siohko River;

thence up-stream by that right bank to its intersection with the southern boundary of claim No. 2267;

thence easterly by that boundary to a beacon at the south-eastern corner of claim No. 2267;

thence northerly by the eastern boundary of that claim to its intersection with the right bank of the Siohko River;

thence up-stream by that bank to its intersection with the straight line which is the production southwards of the eastern boundary of claim No. 6 of Mining Location No. 537;

thence northerly by that line to the beacon at the south-eastern corner of claim No. 6 and onwards by the eastern boundaries of that claim and claim No. 1 both of Mining Location No. 537, to the point of commencement.

GOVERNMENT NOTICE No. 485

THE MINING ORDINANCE, 1931.

NOTICE is hereby given under section 18 (2) of the Mining Ordinance, 1931, that an application by the Lalgorien Gold Fields Limited, has been accepted for consideration for an Exclusive Prospecting Licence over the area described in the Schedule hereto.

Under section 13 (d) of the Mining Ordinance, 1931, this area, excepting such portion held under existing mining title, is therefore excluded to prospecting or to occupation under any prospecting right with effect from the date hereof.

Objections to the grant of the Exclusive Prospecting Licence applied for will be entertained until 15th August, 1933, and should be addressed to the Warden of Mines, P. O. Box 89, Nairobi.

Nairobi,

17th July, 1933.

E. B. HOSKING,

Acting Commissioner of Mines.

SCHEDULE.

Commencing at a beacon at the north-eastern corner of Location No. 59, MacMillan Estates Claims, known as the Alpha Rav, and situated about 1400 feet north-west of a camp, which camp is approximately 2 1/2 miles from Mount Embogien, and about 1 1/2 miles from the present Post Office;

thence bounded by a beaconed line on a bearing of approximately 200° for a distance of about 1,700 feet;

thence by a line bearing approximately 180° for a distance of about 1,800 feet to a beacon;

thence by a line bearing approximately 117° for a distance of about 1,800 feet to a beacon;

thence by a line bearing roughly on a bearing of 95° for a distance of about 1,100 feet to a beacon;

thence by a line bearing approximately 130° for a distance of about 600 feet to a beacon;

thence by a line bearing approximately 220° for a distance of about 2,100 feet to a beacon;

thence by a line bearing approximately 110° for a distance of about 600 feet to a beacon;

thence by a line bearing approximately 220° for a distance of about 600 feet to a beacon;

thence by a line bearing approximately 210° for a distance of about 1,000 feet to a beacon at the south-eastern corner of the area known as the "Red Rav";

thence by a line bearing approximately 330° for a distance of about 600 feet and a line bearing approximately 292° for a distance of about 1,180 feet and again by a line bearing approximately 204° for a distance of about 600 feet to a beacon at the south-western corner of the aforementioned area;

thence by a line bearing approximately 210° for a distance of about 380 feet to a beacon;

thence by a beaconed line roughly on a bearing of 281° for a distance of about 6,950 feet to a beacon;

thence by a beaconed line roughly on a bearing of 360° for a distance of about 1,470 feet;

thence by a line bearing approximately 275° for a distance of about 300 feet to a beacon;

thence by a line bearing approximately $352^{\circ} 30'$ for a distance of about 600 feet to a beacon;

thence by a beaconed line roughly on a bearing of 100° for a distance of about 1,800 feet;

thence by a line bearing approximately 203° for a distance of about 520 feet to a beacon;

thence by a beaconed line roughly on a bearing of 108° for a distance of about 2,070 feet and again on a bearing of 20° for a distance of about 1,420 feet to the point of commencement.

GOVERNMENT NOTICE No. 486

THE MINING ORDINANCE, 1931.

NOTICE is hereby given under section 18 (2) of the Mining Ordinance, 1931, that an application by Mr. A. G. Nourse has been accepted for consideration for an Exclusive Prospecting Licence over the area described in the Schedule here.

Under section 18 (d) of the Mining Ordinance, 1931, this area, excepting such portion held under existing mining title, is therefore excluded to prospecting or to occupation under any prospecting right with effect from the date hereof.

Objections to the grant of the Exclusive Prospecting Licence applied for will be entertained until 15th August, 1933, and should be addressed to the Warden of Mines, P. O. Box 59, Nairobi.

Nairobi.

17th July, 1933.

E. B. HOSKING,
Acting Commissioner of Mines.

SCHEDULE

Commencing at a beacon situated on a bearing of approximately 109° and at a distance of about 1,760 feet from the beacon at the north-eastern corner of Location No. 59, MacMillan Estates Claims, and known as the "Alpha Ray";

thence bounded by a beaconed line roughly on a bearing of $77^{\circ} 30'$ for a distance of about 2,130 feet to a beacon;

thence by a line bearing approximately $118^{\circ} 30'$ for a distance of about 5,850 feet to a beacon;

thence by a line bearing approximately $153^{\circ} 30'$ for a distance of about 600 feet to a beacon;

thence by a line bearing approximately $190^{\circ} 30'$ for a distance of about 2,400 feet to a beacon;

thence by a line bearing approximately 207° for a distance of about 4,050 feet to a beacon;

thence by a line bearing approximately 313° for a distance of about 4,740 feet to a beacon;

thence by a line bearing approximately 391° for a distance of about 2,100 feet;

thence by a line bearing approximately 21° for a distance of about 1,150 feet to a beacon;

thence by a line bearing approximately 112° for a distance of about 380 feet to a beacon at the south-western corner of the area known as the "Red Ray";

thence by a beaconed line roughly on a bearing of 111° for a distance of about 3,550 feet to a beacon (part of which line forms the southern boundary of the above-mentioned area);

thence by a line bearing approximately 43° for a distance of about 600 feet to a beacon;

thence by a line bearing approximately 133° for a distance of about 600 feet to a beacon;

thence by a line bearing approximately 43° for a distance of about 2,100 feet to a beacon;

thence by a line bearing approximately 313° for a distance of about 600 feet to a beacon;

thence by a beaconed line roughly on a bearing of 275° for a distance of about 1,180 feet to a beacon;

thence by a line bearing approximately 297° for a distance of about 1,500 feet to a beacon;

thence by a line bearing 360° for a distance of about 1,600 feet to the point of commencement.

GOVERNMENT NOTICE No. 487

THE MINING ORDINANCE, 1931.

Reference Government Notice No. 415 of the 26th June, 1933.

It is hereby notified for public information that the area described in the Schedule hereto (representing a strip of land approximately two miles in width bordering the lake between Kandu and Homa Point) is excluded from the area in respect of which applications for exclusive prospecting licences have been invited in Government Notice No. 415 of the 26th June, 1933.

Nairobi.

22nd July, 1933.

W. M. LOGAN,
for Acting Colonial Secretary.

SCHEDULE

Commencing at a point situated on the straight line adjoining Homa Trigonometrical Station and Homa Point and distant two miles from Homa Point;

thence north-westerly by that line to Homa Point;

thence generally easterly by the water's edge of Lake Victoria to Kendu Point;

thence due south for a distance of about two miles;

thence south-westerly on a bearing of $247^{\circ} 30'$ approximately for a distance of about $2\frac{1}{2}$ miles;

thence north-westerly on a bearing of $204^{\circ} 30'$ approximately for a distance of about four miles;

thence south-westerly to the point of commencement.

GOVERNMENT NOTICE No. 488

NOTICE

ASIAN CLERICAL STAFF

His Excellency the Acting Governor has been pleased to approve of the confirmation of the undermentioned Clerks their appointments under Section 608 of the Kenya Code of Regulations (Third Edition).

2. In accordance with Section 5 (b) of the Non-European Officers' Pensions Ordinance, 1932, any service before attaining the age of 20 years will not count for pension.

Nairobi,
19th July, 1933.

R. C. M. WOOD,
for Acting Colonial Secretary.

Name	Department	Date of Appointment to the Service	Date of Appointment to present Grade
II GRADE.			
Yashu Mutsa Daudy	Administration	16th September, 1919	1st September, 1932
III GRADE.			
Tara Singh	Public Works	1st January, 1927	27th March, 1930 (1)
R. D. Patel	do	do	do (2)
Mul Raj	do	1st February, 1929	do
M. C. Amin	Postal	1st June, 1929	1st June, 1930
L. R. B. de Souza	Postal	1st July, 1929	1st July, 1930
Balwant Singh	Postal	10th July, 1929	21st July, 1930
J. C. de Souza	Public Works	1st August, 1929	1st August, 1930 (4)
A. J. de Souza	Police	do	do (5)
A. J. V. C. Coimbra	Customs	do	do
Jiwan Singh	Postal	1st September, 1929	1st September, 1930
D. R. Var	Military	11th September, 1929	25th September, 1930
J. de Souza	Treasury	5th October, 1929	5th October, 1930 (8)
F. A. Caryalho	Customs	15th October, 1929	15th October, 1930
S. N. Khanderid	do	do	do
S. R. Nairao	Postal	27th November, 1929	27th November, 1930
Mohamed Bakhan	Judicial	1st January, 1930	1st January, 1931 (9)
C. S. A. Azavedo	Military	do	do (10)
G. B. Shah	Forests	do	do (11)
H. Moraes	Agricultural	do	do (12)
Manilal K. Patel	S. & T. K. A. R.	do	do (13)
H. L. Chawla	do	13th January, 1930	13th January, 1931
H. N. Patel	Customs	1st March, 1930	1st March, 1931
D. J. Savadia	do	do	do
F. A. de Sa	Police	17th March, 1930	17th March, 1931
Thomas A. J. Fernandes	Public Works	1st January, 1929	26th March, 1931 (14)
P. K. Mitra	Police	1st August, 1929	do
A. Collaco	do	1st October, 1929	do
P. de Niro	Administration	2nd October, 1929	do
D. D. Disher	Judicial	1st January, 1930	do (15)
G. J. Arun	Registration	9th January, 1930	do
J. Vaz	do	13th January, 1930	do
Chunilal N. Patel	Police	22nd January, 1930	do (16)
H. E. Amrolla	Judicial	1st February, 1930	do
B. S. Sahdev	do	do	do
G. L. Chaudri	do	do	do
R. L. Puri	do	do	do
G. Ashabhai Patel	S. & T. K. A. R.	6th February, 1930	do
C. J. Botelho	Medical	17th March, 1930	do
Gordhanbhai C. Patel	Police	do	do
G. K. Patel	do	do	do
K. V. Chauhan	Public Works	27th March, 1930	27th March, 1931 (17)
E. Soupe	Coast Agency	do	do
S. Ganpatrav	Postal	26th March, 1930	26th March, 1931
B. S. Varma	do	do	1st April, 1931
Shams-ud-Deen	do	1st April, 1930	do (18)
N. R. Aggarwal	Finger Print	do	1st April, 1931
F. J. Rodrigues	do	14th April, 1930	14th April, 1931
P. S. Vyas	Audit	2nd June, 1930	2nd June, 1931
G. F. de Sa	Police	9th June, 1930	9th June, 1931
J. C. Pinto	Defence Force	1st July, 1930	1st July, 1931 (19)
S. P. Patel	Police	8th July, 1930	8th July, 1931 (20)
G. R. Sharma	Audit	16th July, 1930	16th July, 1931
D. H. Devani	Public Works	1st February, 1929	24th September, 1931
M. S. de Souza	Administration	6th August, 1929	do
B. N. Patel	Customs	1st April, 1930	do
B. R. Chopra	Police	1st July, 1930	do
	do	do	do

B
30

C. O.

Mr. Freeston. 13/10

Mr. Flood 13.10.

Mr. G. J. Campbell

C/O for Sir Cecil Bottomley

S/S

Mr. Parkinson.

AIR MAIL

Mr. Tomlinson.

Sir C. Bottomley. 16.10

Sir J. Shuckburgh.

+ Permt. U.S. of S.

Party U.S. of S.

X Secretary of State

14/10/33

C. O.
23 OCT
24

DOWNING STREET,

24 October, 1933.

My dear Moore,

Your letter of the 23rd of September raises in concrete form an important question which we have long seen to be looming ahead - taxation of the Kenya mining industry.

We have referred it, as you suggested, to a Committee of the best experts available and what follows is based upon their advice, tendered after a thorough discussion.

(1) although in many of the principal gold mining countries (where income tax machinery is already in existence) the tendency has been to abandon royalties in favour of a profit tax, it would in present circumstances be expensive and extremely difficult for the Government of Kenya

DRAFT.

MOORE
20/10

H.M.M. MOORE, ESQ., C.M.G.

*a whole mining -
largely on the hands
of a few big
concerns*

FURTHER ACTION.

Recd. / me.
[Signature]

to

to administer such a tax, especially *perhaps*
in relation to large gold mining
companies domiciled outside the
Colony. The idea of a profits tax
should therefore be abandoned
for the present.

(2) A system of royalties,
predicated according to depth
and quality of ore, possesses many
advantages, but its adoption in
Kenya would be premature, because

(a) The field is not present so
thoroughly developed that discrimination
based on depth is uncalled for.

(b) The exact determination of
the content in sulphur etc., would

be a difficult task upon the
present state of knowledge.

It is recommended that a
committee be appointed to study
the problem of gold mining taxation
in Kenya.

The Committee on Gold Mining
Taxation, Kenya, has recommended
that a flat rate of 5 per cent be
applied to the gross value of the
ore mined.

The Committee on Gold Mining
Taxation, Kenya, has recommended
that a flat rate of 5 per cent be
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ore mined.

C. O.

- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

...
...
...
field is the *main* best
ways of discovering the distribution
of the reefs, is ...

(3) We are therefore left with
a flat rate of royalty, irrespective
of the nature or origin of the ore won.
But discrimination has been suggested
and it is desirable that very careful
consideration be given to the
matter.

A flat rate of 5 per cent is
common to many mining countries. It
was fixed, however, in 1933, and
since then ...
In comparison with the ...
the standard rate of 5 per cent
of gold mining companies have been
entirely unrepresented in the
...
the Gold Coast, Government has ...

~~The amount of the system~~
time. We are assured that this
uncertainty does not infect
deter the investor - he is familiar
with it in similar circumstances
all over the world.

I hope the foregoing advice,
with which we, as laymen, cannot
but agree, will prove of some
assistance to your Committee.

Yours sincerely,

Consulted to Kenya field Commission, C/Ls
12/10/53

29/4/56

Graduated Mining Royalties.

The writer who has had some opportunity of studying graduated mining royalties in Northern Rhodesia submits as follows:-

- i. A flat rate scheme for royalties is too inflexible to be practicable.
- ii. By improving the flexibility of the flat rate, the graduated rate or sliding scale is obtained but even a sliding scale will not always apply.
- iii. The graduated rate on the lines propounded by Mr. Murray-Hughes is as flexible as any useful scheme of the kind could be made but it falls badly short of perfection without the saving clause with which it terminates.
- iv. The graduated rate plus this proviso is the best system. It must be administered by mining technical men in close touch with the mining properties above and below ground. For this purpose the staff of the government mines department is usually available. No extra returns worth mentioning need be called for and the extra expense would be quite trifling if the administration were as suggested.
- v. The alternative profits tax is not recommended on its arbitrary basis, the "life of the mine" is a bad one commonly forgotten once it has been wrongly guessed at, argued over and finally fixed; tax is administered by Tax Department officials who are in occasional contact only with

*Consulted to King's field Concerns C.L.H.
12/10/53*

29/1/6

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- v. The alternative profits tax is not recommended on its arbitrary basis, the "life of the mine" is a bad one commonly forgotten once it has been wrongly guessed at, argued over and finally fixed; tax is administered by Tax Department officials who are in occasional contact only

with

with the business side of the enterprise;
it is an illusive and a retrospect tax.

2. For the sake of brevity the writer must
avoid giving his reasons for preferring -

A. An average flat rate (say 5%) should be
specified in the law itself followed by a proviso
delegating to regulations the remissions, rebates and
increases of that average flat rate. The flat rate
could if necessary, be demanded (pending difficult
decisions to be made on the basis of the regulations)
subject to any rebate, etc. which the regulations may
subsequently admit.

B. A code of regulations of remissions, rebates
and increases of the flat rate on the lines of
Mr. Murray-Hughes' graduated rates plus his final
proviso giving power to make fine adjustments.

This is nearly pure Northern Rhodesia
practice restated as for government ownership of
minerals. The Northern Rhodesia royalty system is
one of the few points in the mining code which the
writer finds unassailable.

A. C. Vivian.
late secretary for Mines.
Northern Rhodesia.

Graduated Mining Royalties

18

The writer who has had some opportunity of studying graduated mining royalties in Northern Rhodesia submits as follows:

i A flat rate scheme for royalties is too inflexible to be practicable.

ii By improving the flexibility of the flat rate, the graduated rate or sliding scale is obtained but even a sliding scale will not always apply.

iii The graduated rate on the lines proposed by W. Murray Hughes is as flexible as any useful scheme of the kind could be made, but it falls sadly short of perfection without the saving clause with which it terminates.

iv The graduated rate plus the proviso is the best system it must be administered by mining technical men in close touch with the mining properties above and below ground. For this purpose the staff of the

Government mine department is usually available. No extra returns worth mentioning need be called for and the extra expense would be quite trifling if the administration were as suggested.

V. The alternative profits tax is not recommended; its arbitrary basis, the "life of the mine" is a head one commonly forgotten once it has been wrongly guessed at, argued over and finally fixed; tax is administered by Tax Dept. officials who are in occasional contact only with the business side of the enterprise; it is an illusive and a retrospect tax.

2

For the sake of brevity the writer must avoid giving his reasons for preferring

A.

An average flat rate (say 5 1/2%) should be specified in the law itself followed by a proviso delegating to regulations

(2 A cont.)

the remissions, rebates and increases of that average flat rate. The flat rate could if necessary, be demurred (pending difficult decisions to be made on the basis of the regulations) subject to any rebate, etc. which the regulations may subsequently admit.

B.

A code of regulations of remissions, rebates and increases of the flat rate on the lines of Mr Murray-Hughes' graduated rates plus his final proviso giving power to make five adjustments.

This is nearly pure N Rhodesia practice restated as for government ownership of minerals. The N Rhodesia royalty system is one of the few points in the mining code which the writer finds inescapable.

J. M. Winman
 late Secretary for Mines,
 Northern Rhodesia.

C. O.

Mr. Cohen 6.10

Mr. ~~Franklin~~ 6.10

Mr. Parkinson

Mr. Tompkinson

Sir C. Boltonley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

DRAFT.

C.D.
R 6 OCT
D 6/10

~~Confidential~~

Answer by Nov 29

For Mr. Cohen's signature

Am. Visa

7 28 33

Imig Stat

6 October 1933

Dr. A. C. Vign

The Mayor

Boston and Arden

Bedford

I am writing to ask what
you will be so good as to

help us with your opinion on a

matter connected with the Kings Register

in North Rhodesia

emission from Kenya

enclosed herewith

and the letter from the

Committee [Land] you will see from

it that a graduated royalty

system has been suggested for

Kenya which is based on the

system now prevailing in North

and South Rhodesia. What the

Enclos. enclosed in
attached

Can the cost to know is whether

the system is costly and difficult

to administer and to manage

but with your special knowledge

and experience you would be the

best person to conduct the

matter

We should be very grateful for any ~~help~~ ~~advice~~ ~~you~~ ~~may~~ ~~feel~~ ~~able~~ ~~to~~ ~~express~~. If it is not ~~for~~ ~~you~~ ~~with~~ ~~it~~ ~~is~~ ~~not~~ ~~your~~ ~~view~~

view, as soon as possible as

~~the~~ ~~Con~~ ~~g~~ ~~the~~ ~~me~~ ~~t~~ ~~s~~ ~~in~~ ~~Th~~ ~~ur~~ ~~sd~~ ~~ay~~
of next week to discuss the question

Yours sincerely

(Sgd) A Cooke

asking too much. perhaps
you could compile a brief
note which could be
shown to the Committee?

Committee and to know whether
the system is costly and difficult
to administer and I thought
that with your special knowledge
and experience you would be the
best person to consult in the

matter. We should be very grateful for any better views
~~which~~ ~~you~~ ~~may~~ ~~feel~~ ~~able~~ ~~to~~ ~~express~~. If it is not
~~possible~~ ~~with~~ ~~you~~ ~~to~~ ~~have~~ ~~your~~
views as soon as possible as

~~the~~ ~~in~~ ~~the~~ ~~next~~ ~~meeting~~ ~~on~~ ~~Thursday~~
of next week to discuss the question.

Yours sincerely

(Sgd) A Cooke

asking too much. perhaps
you could compile a brief
note which could be
shown to the Committee?

T. I. Dept.

22

The attached memo (originating Kenya) is being referred to the Kenya Gold Concision C'tee (of which Mr. J. N. Green is still a member) for discussion next Thursday.

Mr. Flood & I represent the C.O. on the C'tee. I am grateful for anything you can do to supply the information which the last sentence of the memo describes as 'lacking'.

Is there by any chance an officer of the N. Rhod. Mines Dept home on leave?

J. J. Hunter

Completed by G.C.C. 5/10/53

A Committee has been appointed by the Government of Kenya to examine local mining legislation and to make recommendations for any amendments which may be deemed necessary to facilitate development of the Colony's mineral resources", and after sitting during the last two months will shortly report to the Governor. One of the most vexed questions is that of royalty.

At present a 5% royalty on all gold won is collected in Kenya, Uganda and Tanganyika Territory. The Ordinances in the three territories are practically identical and are all based on the Tanganyika Mining Ordinance of 1929. The royalty, however, is prescribed by regulations and not by the Ordinance. The evidence given before the Committee is mainly from mining managers and engineers who are, naturally, anxious to make the royalty as low as possible or even to suspend royalty for a period of years in order to foster the infant mining industry in the Colony.

A flat rate of royalty on all gold won is generally held to be unworkable as a result of production low grade ores and ores which are only extracted at depth or with costly process. If the royalty is too high a claimant may pick the eyes out of a mine and leave behind low grade ore which, by itself, is not a commercial proposition.

One of the alternatives recommended is a profits tax, as in South Africa, but this appears to be difficult of assessment and to tend to put a premium on inefficient working.

24

The scheme that appeals most strongly to the Committee, though as yet it has reached no final decision, is a graduated scale of royalty adjusted to the grade of ore produced, and to the depth from which it is extracted.

It is suggested, too, that the Governor in Council should have the power to reduce even this royalty in cases where it was found to operate against production of exceptionally low grade ore. Monthly returns of production are required, but doubt is felt in certain quarters as to whether complete control can be exercised or a proper assessment arrived at without a greatly increased staff.

The attached scheme of graduated royalties has been propounded by Mr. Murray-Hughes, the Kenya Government's adviser on technical mining matters. He is fully satisfied that the scheme is practicable, and that the fears expressed as to the difficulty of assessment are unfounded. The scheme is based on that which now prevails in Northern and Southern Rhodesia, information is lacking as to whether it proves difficult or costly to administer.

SUITABLE ADDITIONS TO ROYALTY PROPOSALS.

- (a) Should the total value of output gained by the holder of
- (1) a reef claim not exceed £100
 - (2) an alluvial claim not exceed £20 in any one month, the holder shall retain such output for his own benefit.
- (b) Should the value exceed £100 in the one case or £20 in the other and not exceed £1500, the holder shall pay 2½% of the total value.
- (c) Should the value exceed £1500 and be the product of ore yielding not more than one ounce, the holder shall pay 4%.
- (d) Should the value exceed £1500 and be the product of ore yielding more than one ounce, the holder shall pay 5%.
- (e) Should the value exceed £1500 and be the product of not less than 5,000 tons of ore yielding a net greater value than 5 dwts. (or Shs. 30/- worth of mineral), the rate to be 3½% of the total value.
- (f) Should the value exceed £1500 and be the product of not less than 10,000 tons of ore of less than 17½ dwts. value (or Shs. 2/- worth of mineral) the rate to be 3%.
- (g) Proposals b, c, d, e, and f to be subject to a reduction of ½% if the ore is drawn from a shaft the depth of which is greater than 1,000 feet and to a reduction of 1% if ore is drawn from a shaft the depth of which exceeds 2,000 feet.

Where a Company's operations can be shown to be substantially prejudicially effected by the royalties as laid down above, application may be made to the Governor for a revision of the terms.

Such application must be accompanied by a certified statement showing -

1. Capitalization.
2. Working profit per ton.
3. Annual tonnage treated.
4. Estimated life of mine.

A redemption factor of 4% will be allowed in the final decision made.

AIR MAIL

KENYA
No.



28
26
GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
-A00T1933
C. O. REGY

23rd September, 1933.

Dear Sir Cecil,

Ans 30

A Committee has been appointed by the Government of Kenya to examine local mining legislation and to make recommendations for any amendments which may be deemed necessary to facilitate development of the Colony's mineral resources, and after sitting during the last two months will shortly report to the Governor. One of the most vexed questions is that of royalty and I would be most grateful if I could have your advice semi-officially as to the most practical and economic method of assessing it, after consultation, if necessary with Sir William Forster or some other of your mining experts.

At present a 5% royalty on all gold won is collected in Kenya, Uganda and Nyanika Territory. The Ordinances in the three territories are practically identical and are all based on the Tanganyika Mining Ordinance of 1929. The royalty, however, is prescribed by regulations and not by the Ordinance. The evidence given before the Committee is mainly from mining managers and engineers who are, naturally, anxious to make the royalty as low as possible or even to suspend royalty for a period of years in order to foster the infant mining industry in the Colony.

A flat rate of royalty on all gold won is generally held to be undesirable as it may keep out of production low grade ores and ores which are only extracted at depth or with costly process. If the royalty is too high a Company may pick the eyes out of a mine and leave behind low grade ore which, by itself, is not a commercial proposition.

One of.....

One of the alternatives recommended is a profits tax, as in South Africa, but this appears to be difficult of assessment and to tend to put a premium on inefficient working.

The scheme that appeals most strongly to the Committee, though as yet it has reached no final decision, is a graduated scale of royalty adjusted to the grade of ore produced and to the depth from which it is extracted.

It is suggested, too, that the Governor in Council should have the power to reduce even this royalty in cases where it was found to operate against production of exceptionally low grade ore. Monthly returns of production are required, but doubt is felt in certain quarters as to whether complete control can be exercised on a proper assessment arrived at without a greatly increased staff. Government will not, of course, be bound by the recommendations of the Committee, but in the absence of independent technical advice I may find it difficult to turn them down.

I submit ^{attached} the scheme of graduated royalties ^{proposed} propounded by Mr. Murray-Hughes ^{the Government's} adviser on technical mining matters. He is fully satisfied that the scheme is practicable and that the fears expressed as to the difficulty of assessment are unfounded. The scheme is based on that which, I understand, now prevails in Northern and Southern Rhodesia, but I require information as to whether it proves difficult or costly to administer.

Yours sincerely,

Mr. Murray-Hughes

SIR CECIL BOTTOMLEY, K.C.M.G., C.B., F.R.S.,
THE COLONIAL OFFICE,
DOWNING STREET, S.W.1.
LONDON.

SUITABLE ADDITIONS TO ROYALTY PROPOSALS.

- (a) Should the total value of output gained by the holder of
- (1) a reef claim not exceed £100
 - (2) an alluvial claim not exceed £20 in any one month, the holder shall retain such output for his own benefit.
- (b) Should the value exceed £100 in the one case or £20 in the other and not exceed £1500, the holder shall pay 2% of the total value.
- (c) Should the value exceed £1500 and be the product of ore yielding not more than one ounce, the holder shall pay 4%.
- (d) Should the value exceed £1500 and be the product of ore yielding more than one ounce, the holder shall pay 5%.
- (e) Should the value exceed £1500 and be the product of not less than 5,000 tons of ore yielding a net greater value than 5 dwts. (or Shs. 50/- worth of mineral), the rate to be 5% of the total value.
- (f) Should the value exceed £1500 and be the product of not less than 10,000 tons of ore of less than 5 dwts. value (or Shs. 2/- worth of mineral), the rate to be 2%.
- (g) Proposals b, c, d, e and f to be subject to a reduction of 1% if the ore is drawn from a shaft the depth of which is greater than 1,000 feet and to a reduction of 1% if ore is drawn from a shaft the depth of which exceeds 2,000 feet.

Where a Company's operations can be shown to be substantially prejudicially affected by the royalties as laid down above, application may be made to the Governor for a revision of the terms.

Such application must be accompanied by a certified statement showing -

1. Capitalisation.
2. Working profit per ton.
3. Annual tonnage treated.
4. Estimated life of mine.

A redemption factor of 4% will be allowed in the final decision made.

GOVERNMENT NOTICE NO 455

THE MINING ORDINANCE, 1931

BY VIRTUE of section 33 (d) of the Mining Ordinance, 1931, I hereby declare the following area to be excluded from the operation of the said Ordinance with effect from the 3rd July, 1933, provided that such exclusion shall not affect any prospecting or mineral rights already granted, and existing, in respect of the said area or any portion thereof:—

Commencing at the point of intersection of the Mokubiza River with the Kakamega-Kamukoko Road, roughly 4,500 feet west of the trigonometrical station "Akwirangi";

thence northerly by that road to its intersection with the eastern boundary of the block of claims Nos. 1506, 1495-1501;

thence north-easterly by a straight line for a distance of roughly 3,700 feet to the south-eastern corner of claim No. 1193;

thence northerly by the eastern boundaries of claims Nos. 1136 to the north-eastern corner of claim No. 1136;

thence north-easterly by a straight line for a distance of roughly 1,700 feet to the south-western corner of claim No. 1567;

thence easterly by the southern boundary of the block of claims Nos. 1557-1563, 1571, 1579, 1587, 1595 to its intersection with the Kakamega Forest Reserve boundary;

thence generally south-westerly by that boundary for a distance of roughly 6,000 feet to its intersection with a tributary of the Mokubiza River;

thence down-stream by this tributary and onwards by the Mokubiza River to the point of common exit.

Given at Nairobi,
8th July, 1933

H. M. M. MURPHY,
Acting Governor

GOVERNMENT NOTICE No. 456

THE MINING ORDINANCE, 1931

NOTICE is hereby given that Government has under consideration the issue of an Exclusive Prospecting Licence for minerals to W. P. Alderson, Esq. over the area described in Government Notice No. 455 of the 8th July, 1933.

Objections to the granting of this licence should be lodged with the Commissioner of Mines, P.O. Box 330, Nairobi, before the 10th August, 1933.

Nairobi.

8th July, 1933.

E. B. HOSKING,

Acting Commissioner of Mines.

GOVERNMENT NOTICE No. 457

THE MINING ORDINANCE, 1931

Notice.

BY VIRTUE of section 19(1) of the Mining Ordinance, 1931, I hereby declare that trading centres declared under the Trading Centres Ordinance, 1932, whether declared before or after this notice, to be excluded from the operation of the said Ordinance with effect, so far as trading centres already declared are concerned, from the date hereof, provided that such exclusion shall not effect any prospecting or mineral rights already granted, and existing in respect of the said areas or any portion thereof.

Given under my hand and the Public Seal of the Colony at Nairobi this 30th day of June, 1933.

H. M. M. MOORE,

Acting Governor.

THE MINING ORDINANCE 1931

BY VIRTUE of section 43 of the Mining Ordinance, 1931, I hereby declare the following area to be excluded from the operation of the said Ordinance with effect from the date hereof, provided that such exclusion shall not affect any prospecting or mineral rights already granted and existing in respect of the said area or any portion thereof.

An area comprising 640 acres being the southern portion of L.R. No. 5490, Kericho District.

SCHEDULE

Commencing at a beacon situate on the left bank of the Kipsisoit River at the south-eastern corner of L.R. No. 5490.

thence bounded by a line bearing approximately $266^{\circ} 34'$ for a distance of about 1,139 feet to a beacon.

thence by a line bearing approximately $278^{\circ} 18'$ for a distance of about 6,571 feet to a beacon.

thence by a line bearing approximately $74^{\circ} 45'$ for a distance of about 3,542 feet.

thence by a line bearing approximately $206^{\circ} 34'$ for a distance of about 7,250 feet to the centre course of the Kipsisoit River.

thence by that river up-stream to its intersection with a line produced on a bearing of approximately $86^{\circ} 39'$ from that beacon which forms the point of commencement.

thence by that line to the point of commencement.

Nairobi,
2nd June, 1933.

J. BYRNE,
Governor.

GOVERNMENT NOTICE NO. 393

THE MINING ORDINANCE 1931

NOTICE is hereby given that Government has under consideration the issue of an Exclusive Prospecting Licence for Minerals to N. C. Young, Esq., for an area described under Government Notice No. 392. Objections to the granting of this licence should be lodged with the Acting Commissioner of Mines, P.O. Box 370, Nairobi, before the 15th July 1933.

Nairobi,
5th June, 1933.

F. W. HORSBURGH,
Acting Commissioner of Mines.

24³²

GOVERNMENT NOTICE No. 340

THE MINING ORDINANCE, 1925

AND

THE MINING ORDINANCE, 1931.

BY VIRTUE of the powers vested in me I hereby declare Government Notice No. 185 of the nineteenth day of March, 1933 to be cancelled with effect from the first day of June, 1933 in respect of the area described in the First Schedule hereto provided that nothing contained in this notice shall be deemed to authorize general prospecting in the areas specified in the Second Schedule hereto.

Government Notice No. 47, dated the 27th day of January, 1930, is hereby cancelled.

Nairobi,
19th May, 1933.

J. BYRNE.

Governor.

FIRST SCHEDULE.

Commencing at a point on the northern bank of the Gori river on the western side of the main road to Kisii. At 250 feet distance from the centre course of that river:

thence generally easterly by a line parallel to and at 250 feet distance from the centre course of that river to the eastern boundary of the South Kavirondo District produced northwards;

thence along that boundary (a beaconed line) to the boundary between Kenya and Tanganyika Territory;

thence along the last-mentioned boundary to high water mark on Lake Victoria and along that high water mark to a point 250 feet south of the centre course of the main northern branch of the Kuja River at its mouth;

thence easterly by a line parallel to and 250 feet south of the centre course of that river to a point due south of the junction of the right bank of the Gori with the left bank of the Kuja river.

whence northerly by a straight line to that junction;
thence by a straight line of minimum length to its inter-
section with a line 250 feet north of and parallel to the centre
course of the Gori river;

thence generally easterly by that parallel line to the point
of commencement.

This area is that commonly known as Area 5 in Sir Albert
Kilson's Report.

SECOND SCHEDULE.

(a) An area of approximately 2,000 acres applied for under
mining lease by Kenya Gold Mining Syndicate, Limited, and
lying roughly four miles north of the trigonometrical station
"Kwere."

(b) An area of approximately 2,143 acres applied for under
mining lease by Major D. F. Webb and lying roughly seven
miles south-west of the trigonometrical station "Shigaa" and
three-and-a-half miles north of the hill known as "Chitato."

(c) An area of approximately 661 acres applied for under
mining lease by Kisumu Prospecting Syndicate, Limited, and
lying roughly three-and-a-half miles north-east of the trigono-
metrical station "Kwere."

GOVERNMENT NOTICE No. 341

PUBLIC NOTIFICATION.

AN EXERCISE of the powers conferred upon him by
sections 7 and 10 of the Indian Post Office Act, 1898, as applied
to the Colony and the Post Office (Amendment) Ordinance
(Chapter 17 of the Revised Edition) and all other powers
thereunto enabling him, His Excellency the Governor in
Council has been pleased to notify and declare that on and
from the 1st day of June, 1933, the fee, including of postage,
leviable on parcels conveyed by air mail services and addressed
to places named in the following schedule shall be as
follows—

	<i>Sh. pts.</i>
Within Kenya, Tanganyika Territory, Uganda and Zanzibar per half-pound up to a maximum of 11 lb.	1 00
To Great Britain, per half-pound up to a maximum of 22 lb.	3 00

GOVERNMENT NOTICE No. 71

THE MINING ORDINANCE, 1931.

BY VIRTUE of the powers conferred in section 13 (f) of
the Mining Ordinance, 1931, His Excellency the Governor
hereby declares that the area described in the Schedule hereto
is excluded from prospecting.

Government Notice No. 746 of November 10th, 1932, is
hereby cancelled.

By Command of His Excellency the Governor.

Nairobi.

27th January, 1933.

W. M. NICHOLAN,
for Colonial Secretary.

SCHEDULE.

Any part of the Flood Plain or area covered by swamp
which extends for more than fifty feet from the centre of the
Edz. River in the Nyanza Province.

GOVERNMENT NOTICE No. 72

THE MINING ORDINANCE, 1931.

NOTICE IS HEREBY GIVEN that applications for
Exclusive Prospecting Licences will be entertained until
February 28th over the areas closed to prospecting under
Government Notice No. 71.

Nairobi,

The 24th day of January, 1933.

F. B. HOSKING,
Acting Commissioner of Mines.

thence northerly by a straight line to that junction thence by a straight line of minimum length to its intersection with a line 250 feet north of and parallel to the centre course of the Tobi river;

thence generally easterly by that parallel line to that point of commencement.

This area is that commonly known as Area 5 in Sir Albert Kit-on's Report.

SECOND SCHEDULE.

(a) An area of approximately 2,000 acres applied for under mining lease by Kenya Gold Mining Syndicate, Limited, and lying roughly four miles north of the trigonometrical station "Kwera."

(b) An area of approximately 2,149 acres applied for under mining lease by Major B. F. Webb and lying roughly seven miles south-west of the trigonometrical station "Shiga" and three-and-a-half miles north of the hill known as "Chilato."

(c) An area of approximately 661 acres applied for under mining lease by Kisumu Prospecting Syndicate, Limited, and lying roughly three-and-a-half miles north-east of the trigonometrical station "Kwera."

GOVERNMENT NOTICE NO. 341

PUBLIC NOTIFICATION

IN EXERCISE of the powers conferred upon him by sections 7 and 10 of the Indian Post Office Act, 1898, as applied to the Colony and the Post Office (Amendment) Ordinance (Chapter 157 of the Revised Edition) and all other powers thereunto enabling him, His Excellency the Governor in Council has been pleased to notify and declare that on and from the 1st day of June, 1933, the fee, including postage, leviable on parcels conveyed by air mail services and addressed to places named in the following schedule shall be as follows:—

	Sh. cts.
Within Kenya, Tanganyika Territory, Uganda and Zanzibar, per half-pound up to a maximum of 1 lb.	1 00
To Great Britain, per half-pound up to a maximum of 2 1/2 lb.	3 00

GOVERNMENT NOTICE NO. 71

THE MINING ORDINANCE, 1931.

BY VIRTUE of the powers conferred in section 13 (j) of the Mining Ordinance, 1931; His Excellency the Governor hereby declares that the area described in the Schedule hereto is excluded from prospecting.

Government Notice No. 746 of November 10th, 1932, is hereby cancelled.

By Command of His Excellency the Governor

Nairobi.

27th January, 1933.

W. M. LOGAN,
for Colonial Secretary.

SCHEDULE

Any part of the Flood Plain or area covered by swamp which extends for more than fifty feet from the centre of the Edzawa River in the Nyanza Province.

GOVERNMENT NOTICE NO. 72

THE MINING ORDINANCE, 1931

NOTICE IS HEREBY GIVEN that applications for Exclusive Prospecting Licences will be entertained until February 28th over the areas closed to prospecting under Government Notice No. 71.

Nairobi.

This 25th day of January 1933.

B. B. ROBINSON,
Acting Commissioner of Mines.

GENERAL NOTICE No. 129

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

THE MUNICIPAL BOARD OF NAKURU.

BY-LAWS RELATING TO THE SALE OF MILK.

IN EXERCISE of the powers conferred upon it by section 89 of the Local Government (Municipalities) Ordinance, 1928, the Municipal Board of Nakuru has made the following By-laws:

Title. 1. These By-laws may be cited as "the Nakuru Municipality (Milk) By-laws, 1933."

Definitions. 2. For the purpose of these By-laws "dairy" means and includes any farm-house, cowshed, milk store, milk shop or other place from which milk is supplied on or for sale or in which milk is kept or used for purposes of sale or manufacture into butter, cheese, dried milk or condensed milk for sale.

"cowshed" means any shed, stable or other premises in which a cow or cows are kept or accommodated;

"purveyor of milk" means any person who sells milk or exposes, deposits or conveys milk for the purpose of sale, or who delivers milk for or in the process of sale, whether on private premises or in any street or other public place, and whether on his own account, or as agent for or servant of any other person.

Dairies to be licensed.

3. No person shall sell milk, or expose, deposit or convey milk for the purpose of sale or deliver milk for or in the process of sale, or cause milk to be sold or exposed, deposited or conveyed for the purpose of sale or delivered for or in the process of sale, whether on private premises or in any street or other public place within the municipality unless and until the owner or occupier of the dairy where such milk is produced, and the owner or occupier of the shop or other premises from which such milk is sold, or exposed, deposited or conveyed for the purpose of sale, or delivered for or in the process of sale, whether such dairy, milk shop or other premises be situated within or outside the municipality, shall be in lawful possession of a current licence issued by the Municipal Board in respect of such dairy, milk shop or other premises.

To. Rule 1 (d) of Order XXXIX is amended by inserting the words "The memorandum shall be accompanied by a certified copy of the decree or order appealed from" after the word "behalf" appearing in the last line thereof.

1k. Rule 1 (2) of Order XXXIX is amended by inserting the words "or order" after the word "decree" appearing in the second line thereof.

Nairobi.

6th January, 1933.

J. W. BARTH,
Chief Justice,
Supreme Court of Kenya.

S. J. THOMAS,
C. P. J.,
Supreme Court of Kenya.

A. D. A. MAUGREGOR,
Attorney General.

E. K. FIGGIS,
Advocate of the Supreme Court of Kenya,
Member of Law Society of Kenya.

G. G. ATKINSON,
Advocate of the Supreme Court of Kenya,
Member of Mombasa Law Society.

GOVERNMENT NOTICE No. 49

THE MINING ORDINANCE, 1921.

BY VIRTUE of section 13 (d) of the Mining Ordinance, 1921, I hereby declare the following area to be excluded from the operation of the said Ordinance with effect from the date hereof, provided that such exclusion shall not affect any prospecting or mineral rights already granted, and existing, in respect of the said area or any portion thereof:

An area of approximately three square miles, situate within the North Kavirondo District:

Commencing at the intersection of a line bearing 915° true from trigonometrical station Kisa and a line 760 feet south of and parallel to the centre line of the Yala River;

thence bounded by that parallel line westerly and southerly to its intersection with the eastern edge of the Kisumu-Mumias Road Reserve;

thence north-westerly by that road edge to its intersection with a line 750 feet north of and parallel to the centre line of the Yala River;

thence northerly and easterly by that parallel line to its intersection with the line bearing 315° true from trigonometrical station K 55;

thence south-easterly by the latter line to the point of commencement.

Nairobi.

J. BYRNE,

This 15th day of January, 1933.

Governor.

GOVERNMENT NOTICE No. 50

THE MINING ORDINANCE, 1931.

By virtue of section 13 (f) of the Mining Ordinance, 1931, I hereby declare the following areas to be excluded from the operations of the said Ordinance with effect from the date hereof, provided that such exclusion shall not affect any prospecting or mineral rights already granted, and existing, in respect of the said areas or any portion thereof:—

- (a) The area of approximately 318 acres known as Bukura Native Agricultural School situated on both sides of the Butere-Kakamega Road and demarcated by benches. A plan thereof may be seen at the office of the Commissioner of Mines.
- (b) The area of approximately 50 acres allocated to the Government African School in the North Kavirondo District adjoining the western boundary of Kakamega Township. A plan thereof may be seen at the office of the Commissioner of Mines.
- (c) North Margoli Trading Centre as described in the Proclamation of August 15th, 1910, in the Official Gazette (p. 514, O.G. 1910).
- (d) Butere Trading Centre as described under the name of Marama Bazaar in the Proclamation dated 21st October, 1910, in the Official Gazette (p. 623, O.G. 1910).

Given under my hand and the Official Seal at Nairobi this 21st day of January, 1933.

J. BYRNE,

Governor.

GOVERNMENT NOTICE No. 264

THE MINING ORDINANCE, 1931.

BY VIRTUE of section 13 (f) of the Mining Ordinance, 1931, I hereby declare the following areas to be excluded from the operation of the said Ordinance provided that such exclusion shall not affect any prospecting or mineral rights already granted and existing on the area scheduled in Government Notice No. 71 of the 27th January, 1933.

Government Notice No. 166 is hereby cancelled.

Nairobi.

18th April, 1933.

J. BYRNE,

Governor.

SCHEDULE

The area contained by a line extended from the junction of the Kisumu-Yala-Mumias road with the Yala-Kisa-Maragoli road (just south of Yala Trading Centre) thence easterly along the Yala-Kisa-Maragoli road to its junction with the Kakamega-Kisumu road, thence northerly along the Kakamega-Kisumu road for about half a mile to its junction with the road running easterly to Odangas Camp, thence easterly along the Odangas Camp road to the junction of this road with the Kakamega-Bidakho-Kaimosi-Mission road, thence south-easterly along the Kakamega-Bidakho-Kaimosi-Mission road to its junction with the Kaimosi-Kisumu road, thence south-westerly along the Kaimosi-Kisumu road to its intersection with the gazetted boundary of North and Central Kavirondo, thence generally westerly along this boundary to its intersection with the Kisumu-Yala-Mumias road, thence northerly along this road to the point of commencement.

Yala Proclamations, Rules and Regulations, 1933

thence bounded by that parallel line westerly and southerly to its intersection with the eastern edge of the Kisumu-Mumias Road Reserve;

thence north-westerly by that road edge to its intersection with a line 750 feet north of and parallel to the centre line of the Yala River;

thence northerly and easterly by that parallel line to its intersection with the line bearing 316° true from trigonometrical station K15;

thence south-easterly by the latter line to the point of commencement.

Nairobi.

J. BYRNE,

This 18th day of January, 1933.

Governor.

GOVERNMENT NOTICE 50

THE MINING ORDINANCE, 1931.

By virtue of section 13 (j) of the Mining Ordinance, 1931, I hereby declare the following areas to be excluded from the operations of the said Ordinance with effect from the date hereof, provided that such exclusion shall not affect any prospecting or mineral rights already granted, and existing, in respect of the said areas or any portion thereof:—

- The area of approximately 318 acres known as Bukura Native Agricultural School situated on both sides of the Bureiro-Kakamega Road and demarcated by benches. A plan thereof may be seen at the office of the Commissioner of Mines.
- The area of approximately 50 acres allocated to the Government African School in the North Kavirondo District, adjoining the western boundary of Kakamega Township. A plan thereof may be seen at the office of the Commissioner of Mines.
- North Maragoli Trading Centre as described in the Proclamation of August 15th, 1910, in the Official Gazette (p. 514, O.G. 1910).
- Bature Trading Centre as described under the name of Marana Bazaar in the Proclamation dated 21st October, 1910, in the Official Gazette (p. 623, O.G. 1910).

Given under my hand and the Official Seal at Nairobi this 21st day of January, 1933.

J. BYRNE,

Governor.

GOVERNMENT NOTICE No. 264

THE MINING ORDINANCE, 1931.

BY VIRTUE of section 13 (j) of the Mining Ordinance, 1931, I hereby declare the following area to be excluded from the operation of the said Ordinance provided that such exclusion shall not affect any prospecting or mineral rights already granted and existing or the areas scheduled in Government Notice No. 71 of the 27th January, 1933:

Government Notice No. 166 is hereby cancelled.

Nairobi.

13th April, 1933.

J. BYRNE,

Governor.

SCHEDULE.

The areas obtained by a line extended from the junction of the Kisumu-Yala-Mumias road with the Yala-Kisumu-Maragoli road (just south of Yala Trading Centre) thence easterly along the Yala-Kisumu-Maragoli road to its junction with the Kakamega-Kisumu road, thence northerly along the Kakamega-Kisumu road for about half a mile to its junction with the road running easterly to Odangas Camp, thence easterly along the Odangas Camp road to the junction of this road with the Kakamega-Bidako-Kaimosi Mission road, thence south-easterly along the Kakamega-Bidako-Kaimosi Mission road to its junction with the Kajjosi-Kisumu road, thence south-westerly along the Kaimosi-Kisumu road to its intersection with the gazetted boundary of North and Central Kavirondo, thence generally westerly along this boundary to its intersection with the Kisumu-Yala-Mumias road, thence northerly along this road to the point of commencement.

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GOVERNMENT NOTICE No. 200

THE MINING ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by section 8 of the Mining Ordinance, 1931, His Excellency the Governor has been pleased to appoint Second Grade Assistant Inspector of Police Lauraeston Sharp, to be an Assistant Inspector of Mines with effect from the 26th January, 1933.

Government Notice No. 568 of the 23rd August, 1932, is hereby cancelled.

By Command of His Excellency the Governor.

Nairobi,
21st March, 1933.

R. C. M. WOOD,
for Colonial Secretary

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GOVERNMENT NOTICE NO. 187

THE MINING ORDINANCE, 1931
DELEGATION OF POWERS.

IN EXERCISE of the powers conferred upon him by section 18 of the Mining Ordinance, 1931, His Excellency the Governor, at the request of the Central Lands Trust Board, has been pleased to appoint the Provincial Commissioner of the Kikuyu, Nzoia, Nyanza, Coast, Turkana, Ukamba, Rift Valley and Masai Provinces to be the delegate within His Province of the Central Lands Trust Board for the purpose of signing prospecting permits.

By Command of His Excellency the Governor.

Nairobi,
20th March, 1933.

A. DE V. WADE
for Colonial Secretary

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GOVERNMENT NOTICE NO. 166

THE MINING ORDINANCE, 1931.

BY VIRTUE of section 13 (j) of the Mining Ordinance, 1931, I hereby declare the following areas to be excluded from the operation of the said Ordinance with effect from the date hereof provided that such exclusion shall not affect any prospecting or mining rights already granted, and existing in respect of the said areas or any portions thereof, the areas known as North Maragoli, South Maragoli and Bunyore Locations in North Kavirondo District.

Given under my hand and the official seal at Nairobi this 6th day of March, 1933.

J. BYRNE,
Governor.

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GOVERNMENT NOTICE NO. 125

THE MINING ORDINANCE, 1931.

IN EXERCISE of the powers conferred upon me by section 9 of the Mining Ordinance, 1931, and with the approval of His Excellency the Governor, I hereby direct that the powers and duties conferred upon me under Part IV of the said Ordinance shall be exercised by the officers in Nyanza, Nzoin and Masai Provinces holding for the time being the office of Warden of Mines.

Nairobi.

3rd February, 1933.

E. B. HOSKING,
Acting Commissioner of Mines.

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18
GOVERNMENT NOTICE No. 122

THE MINING ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by section 8 of the Mining Ordinance, 1931, His Excellency the Governor has been pleased to appoint with effect from the 16th day of March, 1932, all first and second class magistrates throughout the Colony to be Wardens for the purposes of the said Ordinance.

By Command of His Excellency the Governor.

Signed

This 3rd day of February 1932.

H. M. MOORE,
Colonial Secretary

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15

GOVERNMENT NOTICE NO. 62

THE MINING ORDINANCE, 1961.

NOTICE is hereby given that Government has under consideration the issue of an Exclusive Prospecting Licence for Minerals to the Eldoret Mining Syndicate, over an area described under Government Notice No. 49. Objections to the granting of this licence should be lodged with the Acting Commissioner of Mines, P.O. Box 339, Nairobi, before the 20th February, 1963.

Nairobi this 27th day of January, 1963.

E. B. HOSKING,
Acting Commissioner of Mines

14

GOVERNMENT NOTICE No. 42

MINING ORDINANCE, 1981

NOTICE is hereby given that an application from Mr. M. Huskel has been accepted for consideration for the issue as from 1st March, 1983, of an Exclusive Prospecting Licence over an area of approximately 81 square miles, situated between the Shinyasi Beach and the Lugusidzi River in the North Kavirondo District, and at present held by him under precious minerals reef claims Nos. 1280-1286 and 1550-1595 registered at Kakamega. Any objections to the issue of this licence should be addressed to me at Post Office Box 989, Nairobi, on or before the 15th day of February, 1983, after which date no further objections will be entertained.

Nairobi.

This 20th day of January, 1983.

E. B. HOSKING,
Acting Commissioner of Mines

(13) 43

...thence eastward up-stream by that parallel line to its intersection with the straight line joining trig. points Sha... and New Nyangon.

...thence south-easterly by a part of that straight line to the point of commencement.

The area enclosed is approximately 14 square miles.

Nairobi.

This 10th day of November, 1932.

J. BYRNE,

Governor.

GOVERNMENT NOTICE No. 747

THE MINING ORDINANCE, 1931.

NOTICE is hereby given that Government has under consideration the issue of an Exclusive Prospecting Licence for minerals to—

PARANEUSI SYNDICATE,

over the area described in Government Notice No. 746.

Objections to the granting of this licence should be lodged with the Warden of Mines, P.O. Box No. 82, Nairobi, before the 14th December, 1932.

Nairobi.

This 12th day of November, 1932.

J. W. FLOGAN,

Acting Commissioner of Mines.

GOVERNMENT NOTICE No. 748

CONFIRMATION OF ORDINANCE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. XX of 1932).

AN ORDINANCE TO AMEND THE KING'S SPECIAL RESERVE OF OFFICERS ORDINANCE, 1927.

By Command of His Excellency the Governor.

Nairobi.

C. G. USHER,

This 11th day of November, 1932. for Colonial Secretary

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NATIVE AFFAIRS DEPARTMENT.

Nairobi.

17th March, 1933.

Ref. No. NLEQ 58/1/3/1.

N. A. D. CIRCULAR NO. 11.

All Provincial Commissioners (with copies for District Commissioners).

PROSPECTING PERMITS IN NATIVE RESERVES.

Section 13 (1) of the Mining Ordinance No. 1/1931 was amended by the Mining (Amendment) (No. 2) Ordinance 1932, by the alteration of the word "prescribed" to the word "stipulated" and by the following addition:-

"The Governor, at the request of the Native Lands Trust Board, may appoint any Provincial Commissioner to be the delegate within his Province of the Native Lands Trust Board for the purposes of giving the consent in writing required by this paragraph".

2. The Central Lands Trust Board, before the introduction of the Bill, passed the following Minute:-

Minute No. 59/1932.

"The Board agreed to the proposed addition to section 13 (1) of the Mining Ordinance as published in the Official Gazette of the 8th November 1932, viz:- 'The Governor at the request of the Native Lands Trust Board may appoint any Provincial Commissioner to be the delegate within his Province of the Native Lands Trust Board for the purposes of this paragraph'".

3. - The Governor has been pleased to appoint all Provincial Commissioners to be delegates under Section 13 (1) of Ordinance No. 1/1931, as amended by Ordinance No. 62/1932, (A Notice to this effect will shortly be published in the Official Gazette), and Provincial Commissioners are therefore empowered to grant Permits to prospect in Native Reserves. There is therefore, no longer any necessity for the Central Trust Board to sign such permits but, for the pur

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NATIVE AFFAIRS DEPARTMENT.

Nairobi.

17th March, 1933.

Ref. No. NLES 38/172/1.

K. A. D. CIRCULAR NO. 11.

All Provincial Commissioners (with copies for District Commissioners).

PROSPECTING PERMITS IN NATIVE RESERVES.

Section 13 (1) of the Mining Ordinance No. 1/1931 was amended by the Mining (Amendment) (No. 2) Ordinance 1932, by the alteration of the word "prescribed" to the word "stipulated" and by the following addition:-

"The Governor, at the request of the Native Lands Trust Board, may appoint any Provincial Commissioner to be the delegate within his Province of the Native Lands Trust Board for the purposes of giving the consent in writing required by this paragraph".

2. The Central Land Trust Board, before the introduction of the Bill, passed the following Minute:-

Minute No. 59/1932.

"The Board agreed to the proposed addition to section 13 (1) of the Mining Ordinance as published in the Official Gazette of the 8th November 1932, viz:-
'The Governor at the request of the Native Lands Trust Board may appoint any Provincial Commissioner to be the delegate within his Province of the Native Lands Trust Board for the purposes of this paragraph'".

3. - The Governor has been pleased to appoint all Provincial Commissioners to be delegates under Section 13 (1) of Ordinance No. 1/1931, as amended by Ordinance No. 52/1932, (A Notice to this effect will shortly be published in the Official Gazette), and Provincial Commissioners are therefore empowered to grant Permits to prospect in Native Reserves. There is therefore, no longer any necessity for the Central Land Trust Board to sign such permits but, for the pur-

of record and reference, I shall be grateful if copies of all such permits granted may be sent to this office for filing.

4. A copy of the new form of Prospecting Permit approved by the Central Lands Trust Board at their last meeting held on the 10th February 1936, is attached.

5. In connection with the words "having satisfied me" in paragraph 1 of the Permit, a form of Questionnaire is also attached which it is thought may be useful to Provincial Commissioners as a means of satisfying themselves to the best of their ability that the applicant is "a fit and proper person to be granted a permit to prospect in a Native Reserve".

A. DE V. WADE.
CHIEF NATIVE COMMISSIONER.

MINING ORDINANCE 1931.

PERMIT TO PROSPECT IN A NATIVE RESERVE IN ACCORDANCE WITH SECTION 13 OF THE MINING ORDINANCE 1931.

.....
(hereinafter called "the Licensee") having satisfied me that he is a fit and proper person to be granted a permit to prospect in a Native Reserve, is hereby permitted to enter the Native Reserve for the purpose of prospecting therein subject to the following conditions:-

- (a) The Licensee has before the issue of this permit deposited with the sum of £.....

The said sum shall be repaid to the Licensee upon his surrendering the permit or upon its cancellation as hereinafter provided subject always to the deduction from the said sum of moneys proved to be due and owing by the Licensee for labour employed by him or as compensation payable by him under the Mining Law.

- (b) This permit may be cancelled for any of the following reasons:-
 - (1) surrenders or fails to renew his prospecting right or prospecting licence, or if such right or licence is lawfully revoked;
 - (2) is convicted of any criminal offence against person or property for which he has been sentenced to a term of imprisonment for not less than one month or to a fine of not less than ten pounds;
 - (3) conducts prospecting operations in such a manner that, in the opinion of the Medical Officer of Health the breeding of mosquitoes is facilitated. All constructions and excavations, such as dams, channels, pits, holes, wood work or other constructions must be allowed to remain only so long as they are actually necessary to the work in progress.

On cessation of the work for a period of ten days or more all pits, holes, dams, channels or other excavations or constructions likely to breed mosquitoes must be effectively filled in or drained, and streams or rivers must be left with a perfectly free flow in one central channel.

- (4) fails punctually to pay any labourers employed by him or to pay compensation due under the law relating to mining;
- (5) after residing over 7 days in a native location of the Reserve shall fail to pay on demand to the District Commissioner or to such person as he may direct on behalf of the Local Native Council the sum of ₹/50 per diem or such monthly sum not exceeding 15/- per require;
- (6) conducts himself in the Reserve in a manner prejudicial to peace and good order;
- (7) employs in the Reserve, except with the written permission of the District Commissioner, any person who has been convicted of a criminal offence against person or property and has been sentenced to a term of imprisonment for not less than one month or to a fine of not less than ten pounds, or who has in the Reserve conducted himself in a manner prejudicial to peace and good order.

.....
PROVINCIAL COMMISSIONER.

Date

QUESTIONNAIRE

TO BE COMPLETED BY AN APPLICANT FOR A PERMIT
TO PROSPECT IN A NATIVE RESERVE IN ACCORDANCE
WITH SECTION 18 OF THE MINING ORDINANCE
1931.

- (1) What is the numberdate of issue.....
place of issue.....of your Prospecting
Right?
- (2) Are you a resident in Kenya?.....
If so, what is your address?.....
.....
If not, to what permanent (bank or business) address
in Kenya should official correspondence for you be
addressed?
- (3) Have you been sentenced to a term of imprisonment or
to a fine exceeding £10 for any criminal offence?
.....
- (4) Are you an undischarged bankrupt in this Colony or
elsewhere?
- (5) Is there any judgment outstanding against you for
payment of wages due to natives?.....
- (6) Are you prepared to observe both the spirit and the
letter of the conditions on the permit for which you
are applying?

Signature

Date

11 49

TELEGRAMS: KENYA 3264

IMPERIAL INSTITUTE
LONDON, S.W.



M.4869.

29th June, 1933.

RECEIVED
JUN 29 1933
C.O. 1371

Sir,

In reply to your letter (3033/33) of the 17th June with reference to cyanide pollution, this matter has now been considered by the Legal Committee of this Institute.

The Committee agrees with the suggestion made in the Governor's letter to regulate that no cyanide plant may be installed without permit from the Commissioner of Mines and on such conditions as he may stipulate.

In stipulating such conditions with reference to cyanide treatment, attention will no doubt be given to the importance of enclosing the dumps by means of an efficient tailings dam, to prevent cattle from feeding on grasses in the immediate vicinity.

In this connection the Governor perhaps cannot do better than follow the Mines, Works and Machinery Regulations 1911, as amended in 1913, for the Union of South Africa, where the Mines Department has had much experience of difficulties arising from the cyanide treatment of gold ores.

I enclose a few extracts from these regulations, indicating their scope.

Yours obedient servant,

Director.

(Lt.-Gen. Sir Wm. Purse)

The Under Secretary of State,
Colonial Office,
Downing Street,
S.W.1.

Copy to Gov (11)

UNION OF SOUTH AFRICA.
Mines, Works and Machinery regulations 1911
as amended 1914.

Section 7(1)

Water containing poisonous or injurious matter in suspension or solution must be effectually fenced off to prevent inadvertent access to it, and notice boards shall be put up in suitable places to warn persons from making use of such water.

(2)

In no case may water containing any injurious matter in suspension or solution be permitted to escape without having been previously rendered innocuous.

Section 158(1b)

[The manager shall]

Provide for adequate watch to be kept on all artificial constructions on his mine or works, for conserving water or which may cause water to converge or accumulate, and give notice without delay to the manager or his representative, of all mines or works situated below such constructions of any possibility of flooding by reason of such constructions.

(16)

Submit for the approval of the Government Mining Engineer plans and specifications giving details of construction and catchment area of any dam to be constructed for the purpose of conserving water.

(17)

So construct any slimes dam in the neighbourhood of any building, thoroughfare or other public road or railway that no danger to life or limb or damage to property can result therefrom.

Section 170

When tailings are used for filling worked-out areas underground, the moisture contained in such tailings and the liquid draining off therefrom shall not have a higher cyanide content than 0.001 per cent expressed as cyanide of potassium.

Section

Section 277(3)

The Cyanide manager is among the list of persons to be efficient in first aid.

Section 278(1)

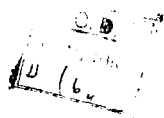
At every mine or works where cyanide is used there shall be kept in a conspicuous and convenient place a sufficient supply of a satisfactory and efficient antidote for cyanide poisoning approved by the Government Mining Engineer.

- (2) Such antidote shall be kept in a box labelled "Cyanide Antidote", and explicit directions for the use of such antidote shall be affixed inside the lid of the box.
- (3) All vessels used for the treatment with acid of zinc slimes from the cyanide process shall be fitted with mechanical agitators and hoods or other appliances of such a nature that the fumes generated in such vessel shall be carried direct to the external air.
- (4) An adequate supply of wholesome drinking water shall be provided in each testing room and assay office, and this supply shall be distinctly labelled "drinking water".

5033/11 Kenya

C. O.

Mr. *Rowan* 157433
Mr. *Steele* 157
Mr. *82*



9 32

- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Partly U.S. of S.
- Secretary of State.

Answered by No 10

7 June, 1933

DRAFT.

*The Director
Imperial Institute*

*25 April 1933
(No 7)*

I am etc to transmit
in the accompanying
copy of a despatch from
the Governor of Kenya
regarding the question of
prevention of cyanide
pollution to rivers
from gold mining
operations.

(2) Sir that I am sure you
will be grateful for
any suggestions which
you may be in a position
to offer in regard to
the framing of the
conditions to be
stipulated in connection
with the installation of
a cyanide plant.

L. B. FREESTON
(Signed) L. B. FREESTON

15th February, 1933.

Your Excellency,

COMMITTEE ON MINING REGULATIONS, 1932.

We have the honour to report that in accordance with your instructions a meeting of the Committee was held at the Secretariat at 2.0 p.m. on Friday the 10th of February, 1933, the following being present:—

1. The Acting Commissioner of Mines (Chairman).
The Honourable Conway Harvey.
The Honourable T.J.O. Shea.
The Honourable H.R. Montgomery, Provincial Commissioner, Nyanza Province.
2. The Honourable Attorney General (Mr. MacGregor) and the Warden of Mines (Mr. Snelgar) kindly attended the meeting upon request.
3. Our terms of reference were: "To make recommendations on general lines as to the steps which are required to secure the legitimate interests of persons who pegged claims under the Mining Ordinance, 1931, prior to the introduction of the Revised Mining Regulations, 1932". In order the more effectively to examine the question, we found it necessary also to take under cognisance the position of claimholders under the Mining Ordinance, 1925, at Kakamega.
4. It was felt that while claimholders were justified in expecting security of tenure upon compliance with the law, it was a legitimate demand of Government that claims should be proved speedily, and that the retention of areas which had been blindly pegged in the early days of the Kakamega rush should be permitted only upon proof of reef-in-place. It is desirable, therefore, to declare a policy which, while not operating harshly upon claimholders and others who had invested capital in the belief that the law would remain unchanged, would secure speedy development of the field, the early issue of the ultimate form of mining titles, viz. leases, and in the meantime would protect bona fide workers.
5. We have the honour, therefore, to recommend the grant of six months extension to all persons who pegged claims under the Mining Ordinance, 1931, prior to the promulgation of the Revised Regulations, 1932, provided that each case is examined on its merits by the Commissioner of Mines who should be satisfied that the claimholder does not desire to retain his holding purely for obstructive and speculative reasons. In the latter event no extension should be permitted, but the claimholders should be forced to repeg and register the area under the Revised Regulations, 1932 upon expiry of his present claims.
6. The extension for six months may not be sufficient for some of the larger concerns, but we do not

feel that the old regulations should be permitted to apply for a longer period. To meet this difficulty, therefore, we have the honour to suggest that claim holders who do not wish to apply for the privilege discussed in paragraph 5 above, should be permitted to apply for an exclusive prospecting licence over the area covered by their existing claims. Here again, each case must be left to the discretion of the Commissioner of Mines, who should not only be satisfied that speculative obstruction did not exist, but should prescribe the technical terms for the licence. We realise that this procedure means a loss of revenue, but we do not think that the Mining Department budget can be balanced from Kakamega for several years. The exclusive prospecting licence should grant the right to peg claims and thereafter to proceed according to the law.

7. It appears that the Acting Commissioner of Mines has already taken certain steps in accordance with and in anticipation of these recommendations, and we endorse his action.

8. With regard to claims under the Mining Ordinance, 1925, though this is actually beyond our terms of reference, we recommend that provided the law is complied with in the matter of returns and development work, claimholders should be permitted to proceed to mine under their claims. If, however, experience shows that leases are not applied for within the first two years of the lives of the claims, the position should be again reviewed to ascertain what steps should be taken to force claimholders to come under the current law.

We have the honour to be,

Your Excellency's obedient servants,

E.B.HOSKING : Acting Commissioner of Mines.

H.R.MONTGOMERY. Provincial Commissioner,
Nyanza

CONWAY HARVEY. Member.

THOMAS J. O'SHEA. Member.

February 15th, 1933.

His Excellency,
Brigadier-General
Sir Joseph A. Byrne, K.C.M.G., K.B.E., C.B.,
Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya,
NAIROBI.

KENYA

No. 239



GOVERNMENT OF KENYA
NAIROBI
KENYA

RECEIVED
18 MAY 1933
COL. OFFICER

25 April, 1933.

Sir,

I have the honour to address you in the question of preventing cyanide pollution to rivers from gold mining operations.

I am advised that when the cyanide process is properly conducted river pollution should not result, but that it might occur in the case of improperly worked systems, or badly constructed plants. It has been suggested that an addition should be made to Regulation 11 of the Mining (Safety) Regulations, 1932, to provide that no cyanide plant may be installed without a permit from the Commissioner of Mines and on such conditions as he may stipulate. As regards the framing of these conditions, I should be grateful for such information and advice as you may be in a position to give.

Forward (11)

Neq 15/11/32

4/17/33

I have the honour to be,

Sir,

Yours faithfully,

[Handwritten signature]

SECRETARY OF MINES
NAIROBI

Colony and Protectorate of Kenya

GOVERNMENT NOTICE NO. 733

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

G. BERESFORD STOOKE,
Acting Clerk of the Legislative Council.

A Bill to Amend the Mining Ordinance, 1930, and the Amendments thereto.

BE IT 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 Mining (Amendment) (No. 2) Ordinance, 1932," and shall be read as one with the Mining Ordinance, 1930, as amended by the Mining (Amendment) Ordinance, 1932, hereinafter referred to as "the Principal Ordinance."

Short title.
No. 1 of 1932.
No. 15 of 1932.

2. Section 2 of the Principal Ordinance is hereby amended by deleting the definitions of "claim," "shaft" and "pit" and inserting the following definitions:—

Amendment of section 2 of the Principal Ordinance.

"claim" means a portion of land lawfully taken possession of for the purpose of prospecting and mining and forms the suit of a mining location;

"mining location" means a portion of land lawfully taken possession of for the purpose of prospecting and mining

"mining location" means a registered block of land in respect of which mining rights may be acquired under the Mining Ordinance.

"mine" includes any place, excavation or working whereon, wherein or whereby any operation in connexion with mining is carried on;

"to mine" means intentionally to win minerals and shall include any operations necessary for the purpose;

"minerals" means all minerals and mineral substances, other than mineral oils, and may be precious metals, precious stones or non-precious minerals, but shall not include clay, murrum, lime, sand or other stone, or such other common mineral substances as the Governor may by notice in the Gazette declare not to be minerals for the purposes of this Ordinance;

No. 2 of 1930 "Native Lands Trust Board" means the Native Lands Trust Board established under the Native Lands Trust Ordinance, 1930.

No. 9 of 1930 "Native Reserve" has the meaning assigned to it in the Native Lands Trust Ordinance, 1930.

"non-precious minerals" means all minerals other than precious metals or precious stones;

"notice" means a notice in the Gazette;

"open-cast" means any uncovered excavation which has been made from the surface for the purpose of winning minerals;

"owner" or "occupier" includes an owner in fee simple, a lessee, a grantee, a licensee and a native in lawful occupation of Crown land;

"person" includes corporation, company, syndicate or individual;

"precious metals" means gold, silver or metal of the platinum group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

"precious stones" means any diamond, emerald, opal, ruby, sapphir, turquoise, and any other stones which the Governor in Council may by notice declare to be included in this definition.

"prescribed" means prescribed by this Ordinance or any regulations made thereunder.

"private lands" includes lands privately owned and land the subject of a grant, lease or licence from the Crown;

"to prospect" means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land;

"the regulations" means the regulations made under this Ordinance;

"salt licks" means those deposits of salt or other mineral which have been or are being used as salt licks for cattle, whether privately owned or not;

"shaft" and "pit" mean any vertical or inclined tunnel other than a slope or winze, which is or might be used for winding, travelling, draining or ventilating purposes in connexion with prospecting or mining operations;

"tailings" means all gravel, sand, slimes, or other substance which is the residue of bona fide mining operations.

Section 4 of the Principal Ordinance which it is proposed to amend:—

Employment
of officers.

8. The Governor may appoint an officer, to be styled the Commissioner of Mines (hereinafter referred to as "the Commissioner"), and such other officers, to be known as Inspectors and Assistant Inspectors of Mines, Wardens and Registrars, as may be necessary for the carrying into effect of the provisions of this Ordinance.

Section 12 of the Principal Ordinance which it is proposed to amend:—

Prospecting
right.

12. (1) The Commissioner or other prescribed officer may issue to any person a prospecting right in the prescribed form upon the payment of the prescribed fee: Provided that a prospecting right shall not be granted

- (a) to any person who is under eighteen years of age;
- (b) to any person who is unable to read or to any person who is incapable of understanding this Ordinance in such a way as to form a reasonable guide to and restriction on his actions.

(2) A prospecting right may be granted to an individual as agent for another individual.

(3) A prospecting right shall not be granted to a company or partnership as such, but may be granted to an individual as

3. Section 8 of the Principal Ordinance is hereby amended by deleting the words "and such other officers, to be known as" in the third line of the section, and by inserting the words "and such other officers" after the word "Registrars" in the fifth line of the section.

4. Section 19 of the Principal Ordinance is hereby amended by deleting sub-section (2) of the section and substituting therefor the following:

(2) A prospecting right may be granted to an individual as agent for another individual if such agent is the lawfully constituted authority of such individual, by inserting the words "body of persons" after the word "company" wherever such word appears in sub-section (3) of the section, and by deleting all the words after the word "issue" in sub-section (4) of the section.

agent of the company or partnership. In such case, the application for the prospecting right must be made by the individual in person, who must either be the lawfully constituted attorney of the company or partnership or produce an application in writing for the grant of the prospecting right to the individual as agent for the company or partnership, signed by a director or responsible manager or partner of the company or partnership. Such application must contain an undertaking by the company or partnership with the Government to be responsible for the acts and omissions of the individual, who shall also be responsible for his own acts and omissions.

(4) A prospecting right shall not be transferable and shall be in force for a period of one year from the date of issue, but may be renewed for a period of one year from the date of expiration thereof or of the expiration of any renewal thereof upon application being made in the prescribed form and upon payment of the prescribed fee.

(5) A prospecting right shall be produced whenever demanded by the user or occupier of private land on which the holder thereof is prospecting, or by any administrative officer, officer of the Mines Department or police officer.

(6) A fee of twenty shillings shall be paid for every prospecting right.

Section 18 of the Principal Ordinance which it is proposed to amend—

18. The following classes of land are (save where otherwise provided) excluded from prospecting or occupation under any prospecting right:

- (a) Land dedicated or set apart as a place of burial or for any public purpose other than mining, except with the consent of the Governor.
- (b) Any area situated within any municipality or township except with the consent of the owner or holder of surface rights and of the Governor or municipal or township authority.
- (c) Lands held under grants or leases giving the holder rights of working the minerals, non-precious minerals, precious metals, and precious stones which are recognized by the Government.
- (d) Any area over which exclusive prospecting or mining rights have previously been granted by the Governor.

5. Section 18 of the Principal Ordinance is hereby amended, of section 18 of the Principal Ordinance, by deleting the word "made" in the last line of paragraph (d) of the section and by substituting therefor the words "accepted for consideration", by substituting the word "stipulated" for the word "prescribed" at the end of paragraph (f) of the section, and by the insertion at the end of the said paragraph (f) of the words "The Governor, at the request of the Native Lands Trust Board, may appoint any Provincial Commissioner to be the delegate within his province of the Native Lands Trust Board for the purposes of giving the consent in writing required by this paragraph".

and are still subsisting and any claim in respect of which an application in the prescribed form has been made for such rights.

- (e) Land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the Railway Administration.
- (f) Any area which is the site of or is within one hundred yards of any building, dam or reservoir, owned by Government, except with the sanction of the Governor.
- (g) Any street, road or highway, without the consent of the Governor or of the municipal corporation or other public body having the control thereof.
- (h) Salt licks which have been or are being used for cattle.
- (i) Land within a Native Reserve except with the consent in writing of the Native Lands Trust Board and on such conditions as may be prescribed.
- (j) Land which the Governor may by notice declare to be excluded from prospecting.

Should any question arise as to whether any particular land is excluded under this section, it shall be referred to the Governor, whose decision shall be final and conclusive.

Section 15 of the Principal Ordinance which it is proposed to amend—

15. Subject to the exceptions in section 14 and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supply, the holder of a prospecting right may—

- (1) prospect for any minerals on any land in the Colony;
- (2) whilst engaged in bona fide prospecting, erect on any unoccupied land his camp and such buildings or machinery as may be necessary for the purpose of prospecting and for such purpose or for domestic purposes take timber and water from any lake, stream or watercourse; Provided that he shall not—
 - (a) divert water from any river, stream or watercourse without the consent of the authority having the control thereof, or

Prospecting
right
privileges.

6. Section 15 of the Principal Ordinance is hereby amended by deleting sub-section (6) of the section and substituting therefor the following—

- (6) apply for an exclusive prospecting licence and apply for the registration of claims and locations and apply for a mining lease.

and are still subsisting and any area in respect of which an application in the prescribed form has been made for such rights.

- (e) Land reserved for the purpose of any railway or situated within one hundred yards of any railway except with the consent of the Railway Administration.
- (f) Any area which is the site of or is within one hundred yards of any building, dam or reservoir owned by Government except with the sanction of the Governor.
- (g) Any street, road or highway without the consent of the Governor or of the municipal corporation or other public body having the control thereof.
- (h) Salt licks which have been or are being used for cattle.
- (i) Land within a Native Reserve except with the consent in writing of the Native Lands Trust Board and on such conditions as may be prescribed.
- (j) Land which the Governor may by notice declare to be excluded from prospecting.

Should any question arise as to whether any particular land is excluded under this section, it shall be referred to the Governor, whose decision shall be final and conclusive.

Section 15 of the Principal Ordinance which it is proposed to amend:—

Prospecting
right
privileges.

Section 15. Subject to the exceptions in section 14 and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supply, the holder of a prospecting right may—

- (1) prospect for any minerals on any land in the Colony;
- (2) whilst engaged in bona fide prospecting erect on any unoccupied land his camp and such buildings or machinery as may be necessary for the purpose of prospecting and for such purpose or for domestic purposes take timber and water from any lake, stream or watercourse.

Provided that he shall not—

- (a) divert water from any river, stream or watercourse without the consent of the authority having the control thereof, or

6. Section 15 of the Principal Ordinance is hereby amended by deleting sub-section (6) of the section and substituting therefor the following:—

- (6) apply for an exclusive prospecting licence and peg and apply for the registration of claims and locations and apply for a mining lease.

- (b) prospect in a forest or game reserve unless he has first given notice to the officer in charge of such reserve and complies with the conditions lawfully imposed by such officer;
- (3) sink shafts or wells or dig trenches;
- (4) on any land not excluded from prospecting take for his domestic use water from any lake, river or stream and with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment therefor, any fuel other than standing timber;
- (5) graze upon lands not excluded from prospecting such horses or other animals as may be necessary for his subsistence and for the carrying on of prospecting or mining, free of charge on unoccupied Crown lands and on private lands on payment or tender of a reasonable sum in payment therefor;
- (6) apply for an exclusive prospecting licence, claim or a mining lease.

Section 18 of the Principal Ordinance which it is proposed to amend:—

Exclusive
prospecting
licences.

18. (1) The Governor may grant an exclusive prospecting licence to any person who himself holds a prospecting right or to any person who employs a holder of a prospecting right.

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall satisfy the Governor that he has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made and the payment of any compensation which may be payable to the owners and occupiers of the land in respect of which the licence is required and shall, if required by the Governor or by the regulations, furnish a financial guarantee for such sum as the Governor may direct or as may be prescribed. Notice of every such application shall be published in the Gazette.

(3) The Governor may grant or withhold the grant of an exclusive prospecting licence as he may think proper.

Provided that a person who has previously held such licence shall not within a period of one year after its expiry be granted a further licence in respect of any portion of the area in respect of which he has previously held a licence. This

7. Section 18 of the Principal Ordinance is hereby amended by inserting the words "by methods approved by him" after the word "prospecting" in the fourth line of sub-section (2) of the section; by deleting sub-section (5) of the section and substituting therefor the following:—

Amendment of
section 18 of
the Principal
Ordinance.

(5) An exclusive prospecting licence shall be valid for one year from the date thereof, subject, on submission of a programme of further development, to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years and by adding the following after sub-section (7):—

(8) On the granting of an exclusive prospecting licence a fee of such amount as the Governor in each case may determine, not exceeding in any case five shillings per square mile, shall be payable in addition to all other fees due."

prohibition shall extend to any person associated with the former holder of the licence.

(4) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles.

Provided that, under special circumstances the Governor may at his sole discretion grant exclusive prospecting licences over areas exceeding eight square miles upon such terms and conditions as he may think fit.

(5) An exclusive prospecting licence shall be valid for one year from the date thereof, subject to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years in the case of an alluvial deposit, and of six years in the case of a lode deposit.

Provided that the Governor may, on such terms as he may think proper, grant a renewal of such licence in respect of an alluvial deposit for a fourth year if it be shown to his satisfaction that prospecting operations have been stopped or seriously hindered by special circumstances beyond the control of the licensee.

Provided further that in the case of a lode deposit, the Governor may on any renewal of such licence direct that such renewal is allowed in respect of a specified portion only of the area of the licence.

(6) All exclusive prospecting licences shall be registered at the office of the Commissioner in the prescribed manner.

(7) For every exclusive prospecting licence there shall be paid a registration fee of ten shillings, and a conveying fee of seven pounds-ten shillings.

Section 20 of the Principal Ordinance which it is proposed to amend :-

20 (1) The holder of an exclusive prospecting licence shall have the sole right of prospecting upon the lands within the area of his prospecting licence and for such purpose may

(a) enter upon the lands within such area with his agents and workmen and thereon exercise all or any of the rights conferred upon the holder of a prospecting licence;

(b) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights;

and

8. Section 20 of the Principal Ordinance is hereby amended by inserting in the second line thereof after the words "sole right of prospecting" the words "and, with the consent of the Commissioner, of alluvial mining, subject to such fees as the Commissioner may determine, not exceeding in any case two shillings for every 10,000 square feet" and by deleting sub-section (2) of the section and substituting therefor the following :-

(2) An exclusive prospecting licence shall confer upon its holder the sole right during the currency of the licence to engage in such prospecting as aforesaid.

(c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connexion with his prospecting operations.

(2) The holder of an exclusive prospecting licence who shall have fulfilled all the conditions attached thereto may be granted, subject to the provisions of this Ordinance, a mining lease or leases over the whole or any part of the area the subject of the licence.

Section 24 of the Principal Ordinance which it is proposed to replace —

Obligation of the holder of exclusive prospecting licence.

24. The holder of an exclusive prospecting licence shall during the continuance of the licence adequately carry on, to the satisfaction of the Commissioner, bona fide prospecting operations on the lands included in the area in respect of which the licence has been granted.

Provided that the Commissioner may on the application of the holder for good cause shown by writing under his hand suspend the obligation imposed by this section in respect of any licence for such time as to the Commissioner may seem proper.

Section 26 of the Principal Ordinance which it is proposed to amend —

Payment of compensation to owners or occupiers of land.

26. (1) The holder of a prospecting right or of an exclusive prospecting licence shall, on demand being made by the owner or occupier of land upon or under which prospecting operations are or have been carried on, pay him fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land by such operations, and shall, on demand being made by the owner of any crops, trees, buildings, or works damaged by the exercise of the right or licence or by any agent or servant of the holder, pay compensation for such damage.

9. Section 24 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 24 of the Principal Ordinance. Obligations of the holder of exclusive prospecting licence.

24. (1) The holder of an exclusive prospecting licence shall during the continuance of the licence diligently follow the programme of prospecting operations submitted to the Commissioner at the time of his application.

Provided that the Commissioner may, on the application of the holder and for good cause shown by writing under his hand, suspend the obligation imposed by this section in respect of any licence for such time as to the Commissioner may seem proper.

(2) Failure to exercise due skill and due diligence shall be a ground for cancellation of the licence.

(3) Whether due skill or due diligence is being shown shall be a matter within the discretion of the Commissioner, whose decision shall be final.

10. Section 26 of the Principal Ordinance is hereby amended by inserting in the second line of the section after the words "prospecting licence" the words "or of a mining location"; by inserting in the first line of sub-section (5) of the section after the words "prospecting right or" the words "the right to work a location"; by deleting in the fourth line of the same sub-section the word "or" between the words "right" and "licence"; and by inserting the words "or licence" after the word "licence" and in the last line but one of the same sub-section by deleting the word "or" between the words "right" and "exclusive" and inserting in the last line the words "in section" after the words "prospecting licence".

Amendment of section 26 of the Principal Ordinance.

(2) (i) If the holder of a prospecting right or exclusive prospecting licence fails to pay compensation when demanded under sub-section (1) or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier may take proceedings before the Commissioner, in which case the provisions of Part IV of this Ordinance shall apply:

Provided that when the claimant is a native, the Administrative Officer in charge of the district shall, if the native so desires, assess and determine the amount of the compensation, and that the decision of such Administrative Officer shall in such case be final, subject only to an appeal to the Governor.

(ii) Notice of appeal against the decision of the Administrative Officer shall be given to such officer within fourteen days of the date on which his decision is notified to the party desiring to appeal.

(3) The sum awarded by the Commissioner or Administrative Officer, or, when there has been an appeal, by the Governor, shall be paid by the holder of the prospecting right or exclusive prospecting licence to the person entitled thereto, within fourteen days of the date on which the amount of the award is notified to the holder of the right or licence.

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be paid out of any moneys deposited by the holder of the right or licence under section 16 or, if no moneys or insufficient moneys have been deposited, may be used for by the persons entitled thereto in any court.

(5) The Governor may suspend the prospecting right or exclusive prospecting licence of the person in default until the amount awarded has been paid and until the holder of the right or licence has deposited with the Government such further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable, the Governor may revoke the prospecting right or exclusive prospecting licence of the person in default.

Section 28 of the Principal Ordinance which it is proposed to replace

28. Mining shall be lawful under a claim or a mining

Provided that pending the grant of the mining lease the holder may grant permission to the applicant to mine

11. Section 28 of the Principal Ordinance is hereby repealed and the following substituted therefor:

28. Mining shall be lawful for the holder of a location or mining lease or for the holder of an exclusive prospecting licence duly authorized under section 20 (1) of this Ordinance.

Repeal and re-enactment of section 28 of the Principal Ordinance, 1926.

on the area applied for on such conditions and subject to such restrictions as the Commissioner may think fit, and provided also that the provisions of the Ordinance and regulations which are applicable to mining leases shall apply to any areas in respect of which application has been made for a lease and on which permission to mine has been granted. Such permission may at any time be withdrawn by the Commissioner.

Section 35 of the Principal Ordinance which it is proposed to amend:—

Duration of claim

35. The claim shall be granted for one year from the date of pegging, and may be renewed, subject to the provisions of sections 16 and 26, for further terms of one year each.

Section 37 of the Principal Ordinance which it is proposed to repeal:—

Amalgamation of claims

37. The Commissioner may permit the amalgamation of any number of adjoining claims of the same class.

Section 39 of the Principal Ordinance which it is proposed to amend:—

Claims, when liable to forfeiture by the Commissioner.

39. A claim shall be liable to forfeiture by the Commissioner by written notice to the holder or by notice published in the Gazette in the following circumstances:—

- (a) if the person pegging has failed to apply for registration in prescribed manner within the time fixed by section 32;
- (b) if the holder has not produced when demanded by the Commissioner, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed;
- (c) if the holder fails to render any prescribed return when due, or within such additional time as the Commissioner may allow;
- (e) if the holder has not complied with any of the prescribed conditions; or
- (f) if registration thereof has been obtained by any false or fraudulent representation or concealment.

Nothing in this section contained shall impose any obligation on the Commissioner to declare the forfeiture of a claim.

12. Section 33 of the Principal Ordinance is hereby amended by deleting the words "The claim shall be granted" in the first line of the section, and substituting therefor the words "A mining location shall be valid".

Amendment of section 33 of the Principal Ordinance.

Section 37 of the Principal Ordinance is hereby repealed.

Repeal of section 37 of the Principal Ordinance.

14. Section 39 of the Principal Ordinance is hereby amended by inserting after the words "A claim" in the first line of the section the words "or location".

Amendment of section 39 of the Principal Ordinance.

Section 40 of the Principal Ordinance which it is proposed to amend —

Obligation of abandonment 40. (1) Any person who shall abandon his claim shall forthwith notify the Commissioner of such abandonment.

(2) Any person who shall abandon his claim and any person whose claim shall have been forfeited shall forthwith fill up, fence, or secure to the satisfaction of the Commissioner or other prescribed officer all shafts, pits, holes and excavations, in such a manner as to prevent persons or stock inadvertently entering thereon, and shall remove the location beacon and all other boundary posts thereon, and in default of so doing, shall be liable to a fine of fifty pounds or to imprisonment for three months, and in addition shall be liable to pay such sum as the Commissioner may certify the cost of doing so will be.

Section 43 of the Principal Ordinance which it is proposed to replace —

Grant of leases

43. The Governor may grant a lease to the holder of a prospecting right or of an exclusive prospecting licence, provided that in either case the lease applied for shall be wholly within the boundaries of that licence, or to the holder of a claim in respect to the whole or any part of the area of his claim.

Section 47 of the Principal Ordinance which it is proposed to amend —

Duration of lease.

47. A lease may be granted for such term, not being less than five or more than twenty-one years, as the Governor may think proper:

Provided that when permission to mine on the area is granted under section 28 pending the grant of the lease, such term shall commence from the date of the grant of such permission.

Section 67 of the Principal Ordinance which it is proposed to amend —

Owner may remove plant

67. The owner of any plant, machinery, engines or tools on any forfeited or surrendered lease or claim may within three months from the date of forfeiture or surrender or within such further period as the Commissioner may allow remove such plant, machinery, engines or tools, but shall not, under a

15. Section 40 of the Principal Ordinance is hereby amended by substituting the words "registration notice" for the words "location beacon" in the second sub-section of the section. Amendment of section 40 of the Principal Ordinance.

16. Section 43 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— Repeal and re-enactment of section 43 of the Principal Ordinance.

43. The Governor may grant a lease to the holder of a mining location or of a coal location in respect to the whole or any part of his location. Grant of leases.

17. Section 47 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto. Amendment of section 47 of the Principal Ordinance.

18. Section 67 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— Repeal and re-enactment of section 67 of the Principal Ordinance.

67. The owner of any plant, machinery, engines or tools on any forfeited or surrendered lease or location may within three months from the date of forfeiture or surrender, or within such further period as the Commissioner

penalty of not more than one hundred and fifty pounds or less than seven pounds ten shillings for each such offence, remove or interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed they may be sold by auction by the order of the Commissioner at the risk of the former lessee or claim-holder. The net proceeds of such sale shall be paid into the Treasury and held until applied for by such former lessee or claim-holder.

Section 74 of the Principal Ordinance which it is proposed to replace:

Minerals to which this Part applies.

74. The minerals referred to in this Part shall be tin ore and mica in the unmanufactured state, and shall include any other mineral to which the Governor in Council may, by notice apply this Part.

Section 82 of the Principal Ordinance which it is proposed to amend:

Powers of officers.

82. The Commissioner, an inspector or assistant inspector, or any other officer duly authorized by him in that behalf, at all reasonable times by day or night, but so as not unreasonably to impede or obstruct work in progress, may

- (i) enter, inspect and examine any land on which prospecting or mining operations are being conducted or which is the subject of any right, licence, claim or lease;
- (ii) examine into and make inquiry respecting the condition and ventilation thereof, and all matters relating to the safety and health of the persons employed;
- (iii) inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works and ways;
- (iv) examine and take extracts from all books, accounts, vouchers and documents relating thereto, or to any minerals obtained therefrom;
- (v) inspect the storage of explosives upon any mine and direct in what manner the same shall be stored;
- (vi) exercise all powers necessary for carrying this Part of the Ordinance into effect.

lessee may allow, remove such plant, machinery, engines or tools, but shall not remove or interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed, they may be sold by auction by order of the Commissioner at the risk of the former lessee or the holder of a location. The net proceeds of such sale, after deducting the costs thereof, shall be paid into the Treasury and held until applied for by such former lessee or holder of a location. Any person who in breach of this provision removes or interferes with any timber in a mine shall be guilty of an offence against this Ordinance.

19. Section 74 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

Repeal and re-enactment of section 74 of the Principal Ordinance. Minerals to which this Part applies.

74. The minerals referred to in this Part shall be any mineral in the unmanufactured state to which the Governor in Council may, by notice, apply this Part.

20. Section 82 of the Principal Ordinance is hereby amended by deleting paragraph (iv) of the section and substituting therefor the following:

Amendment of section 82 of the Principal Ordinance.

(iv) examine and take extracts from all books, accounts, vouchers and documents relating to prospecting or mining operations or to any minerals obtained by such operations, and examine and take samples of any material being mined.

Amendment of
various
sections of
the Principal
Ordinance.

21. The Principal Ordinance is hereby further amended by substituting the word "location" for the word "claim" wherever such word occurs in sections 20, 42, 61, 62, 79, 83, 84, 88, 91, 92 and 93 of the Principal Ordinance, and the words "mining location" for the word "claim" wherever such word occurs in sections 36 and 38 of the Principal Ordinance.

OBJECTS AND REASONS.

The objects of these amendments are to adapt the Principal Ordinance in view of experience, to clarify certain points, and to provide generally for mining by means of registered locations and leases rather than by claims and exclusive prospecting licences and leases.

Clause 2.—The definition of "claim" is amended to form the unit of a mining location. Definitions of "mining locations" and of "coal locations" are inserted, definitions of "pit" and "shaft" are deleted. They appear only in the Safety Regulations, and are there defined.

Clause 3.—Provision is made for the appointment of such officers as may be required.

Clause 4.—Section 22 is amended to prevent unauthorized representation and irregular panning.

Clause 5.—The words of section 13, sub-section (d), was ambiguous. It is amended to have a statutory meaning. Sub-section (f) has been found to be obsolete in practice.

Clause 6.—Provision is made for the holder of an exclusive prospecting licence to register his mining locations prior to obtaining a lease.

Clause 7.—An approved programme of work is now required. The provisos deleted were ambiguous with their reference to alluvial deposits and lode deposits in connexion with exclusive prospecting licences.

An additional sub-section providing for a fee is added, as now assistance can be given through the Geological Survey.

Clause 8.—Provision is made for alluvial mining on a large scale under an exclusive prospecting licence where the panning of small individual alluvial claims would not be practicable.

The new sub-section entitles the holder of an exclusive prospecting licence panning of claims and registering locations instead of proceeding directly to a lease. This is essential for the subsequent payment of claim licences.

Clause 13.—Amalgamation of claims is no longer desirable as the mining location is the unit of amalgamated claims.

Clause 16.—A lease can only be obtained on the basis of a location.

Clause 17.—Proviso deleted unnecessary as work is continued on the mining location.

Clause 18.—This section has been redrafted; no repeated amendments made it vague. The reference to a minimum penalty has been deleted.

Clause 19.—It seems unnecessary to define any particular mineral until application has been received by the Commissioner to work any such mineral.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

GOVERNMENT NOTICE No. 734

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

G. BERESFORD STOOKE,
Acting Clerk of the Legislative Council.

A Bill to Provide for the Establishment and Government of a Force armed the King's African Rifles and for matters incidental thereto.

BE IT 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 King's African Rifles Ordinance, 1932."

Interpretation of terms.

2. In this Ordinance, unless the context otherwise requires,

"Army Act" means the Imperial Statute 44 and 45 Vict., cap. 59, as amended from time to time, or any Imperial enactment substituted therefor;

"administrative officer" means any official charged with the civil administration of a district;

"battalion" or "unit" includes the Somaliland Camel Corps, the Supply and Transport Corps, the Northern Brigade Headquarters and the Northern Brigade Signal Section;

"Brigade Commander" means the officer in command of a brigade;

"boy" means any person enlisted or enrolled as a band, drummer or signal boy, and such kind as he is appointed as a bandsman, drummer, signaller or is transferred to a company for duty as a soldier;

"British warrant or non-commissioned officer" means warrant or non-commissioned officer recruited from the British Army;

"locally enlisted British warrant or non-commissioned officer" means a warrant or non-commissioned officer appointed by the Governor for service in the Supply and Transport Corps on such terms and conditions as he may approve;

Section 2 of the Principal Ordinance, which it is proposed to amend.

Interpretation.

2. In this Ordinance, unless inconsistent with the context—

"alluvial" includes all forms of mineral deposits, which do not fall within the definition of "lode";

"claim" means a portion of land lawfully taken possession of for the purpose of prospecting and mining, but does not include land comprised in a mining lease;

"Government" means the Government of the Colony;

"High Commissioner" means the High Commissioner for Transport established by the Kenya and Uganda (Transport Orders in Council, 1931 and 1932);

"lode" or "reef" includes all true fissure veins, contact veins, aggregated veins, bedded veins, scudaceous breccias, stockworks, such irregular deposits as conform generically to the above classification, and beds of any mineral, such as beds of iron stone;



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE
OF
KENYA

Published under the Authority of His Excellency the Governor of the
Colony and Protectorate of Kenya

Vol. XXXIV.—No. 49

NAIROBI, November 15, 1932

Price 50 Cents

Registered as a Newspaper of the G. P. O.

Published every Tuesday

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SUPPLEMENT

KENYA PROCLAMATIONS, RULES AND REGULATIONS

C. O.

3033/33

Kenya

570

Mr. Foster 6/3

Mr. Horn 6/3

Mr.

Mr. Parkinson

Mr. Tomlinson

Sir C. Pollock

Sir J. Sturges

Perms. U.S. of S.

Party U.S. of S.

Secretary of State

C.D.
6-MAR
D. 60

6 MAR 1953

DRAFT.

Kenya
N° 162
per

S. J.

I have the honor to

acknowledge the receipt of your letter of the 15th of February transmitting copies of an Ordinance to Amend the Mining Ordinance 1931 and the Amendment thereto.

Section 5 of the Amending Ordinance provides for the delegation to a Board of the authority of the National Lands Trust Board in respect of the consent in writing to be proposed within a National Reserve. It has no doubt that the conditions to be stipulated in the permit will continue to be -

matter for the Board, and that
the delegation of authority to the Provincial
Commission will be on such conditions
generally as the Board may require.
I assume moreover that it will be
within the competence of the Board to
request the Governor to terminate
or to vary the delegation of their
authority, as and when they think
fit.

3. H.D. will not be referred
to Governor in form of an address
in respect of O.S. No 52 of 1931
entitled The Mining (Amendment) (No. 1)
Ordinance, 1931.

(Sgd.) R. GUNLIFFE-LISTER.

matter for the Board, and that
the delegation of authority to the Provincial
Commissioners will be on such conditions
generally as the Board may require
I assume moreover that it will be
within the competence of the Board to
request the Governor to terminate
or to vary the delegation of their
authority as and when they think
fit.

3. H.D. will not be advised
to exercise his power of disallowance
in respect of Ord. No 52 of 1932
intituled The Mining (Amendment) (No 2)
Ordinance, 1932.

(Sgd.) R. QUILIFFE-LISTER.

Recommendation No. 7 deals with the position of retrenched bachelors who have attained pensionable status. At the present moment, as the law stands, these officers are entitled to nothing beyond a refund of half the contributions which they have made during their service. They have represented—and, I think, very properly and justly represented—that that provision puts them in a very unfortunate position. They have been compulsory contributors. A great majority of them have confidently hoped to marry later in their service. Because they have made compulsory contributions they have been debarred, for financial reasons, from making adequate provision by way of life assurance, and they now find themselves with nothing but a refund of half the contributions they have made, insurance premia in the meantime going up rapidly against them. The object of the amendment is to enable them, being in receipt of pension as they are, and being in a position in which the Crown Agents, as administrators of the Fund, can deduct the contributions from them, to continue to contribute, if they so elect.

The third recommendation, Sir, is that this Bill be given retrospective effect from the 1st October last. That is necessitated by the fact that it was necessary for the Crown Agents, dealing with officers who had been retrenched as a result of the economies made in 1931, to have some date on which to work. The Crown Agents have informed this Government that the 1st October is a satisfactory date in that it will enable them to give an effective option to every officer who has been retrenched prior to that date and to every officer who may subsequently to that date have been retrenched.

Those are the only recommendations to which I need draw attention, but there is a rider to the Report. Your Excellency will recollect that when this Bill was read a second time the hon. Member for Nairobi North reminded the House that an opportunity of considering the principles underlying the legislation had been promised to this Council and it was then agreed, Sir, that this Select Committee might go a little beyond its ordinary province of consideration of the details of the Bill and consider some of the principles. That has been done, and it is the feeling of the Select Committee, the strong feeling, Sir, that there is an inequity in that part of the legislation which deals with compulsory contributors in that the only exemption is to officers who are appointed for a definite term of not more than twenty months, or those who, being appointed for an indefinite term, are subject to one month's notice. There is a considerable number of officers in the Service, Sir, particularly on loan works, who are appointed on ordinary agreement terms and subject to three months' notice. They are compulsory contributors under

4

the legislation, but so long as they are bachelors, Sir, find it is on behalf of bachelors only the Select Committee desires to make representations, so long as they are bachelors, they are faced with the certainty that their tenure of office is temporary, that they are forced to contribute, that they are getting no benefit from those contributions, that all they will get is half the contributions back and that there is in fact, no real likelihood that they will be absorbed into the pensionable establishment. Those are the facts that led the Select Committee to add this rider. It is the hope of the Select Committee, Sir, that they have ventured a sufficient case to justify this Government taking the matter up with the Secretary of State, and we venture, Sir, to express the hope that that will be done and that some solution will be found to alleviate the position of those temporary officers. I beg, Sir, to move that the Report be adopted.

THE HON. T. D. H. BAUER (SOLICITOR GENERAL) : I beg to second the motion.

HIS EXCELLENCY: The question is—

That the Report of the Select Committee on the Widows' and Orphans' Pensions (Amendment) Bill be adopted.

The question was put and carried.

BILLS.

THIRD READING.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Widows' and Orphans' Pensions (Amendment) Bill be read a third time and passed.

THE HON. T. D. H. BAUER: Your Excellency, I beg to second the motion.

The question was put and carried.

The Bill was read a third time and passed.

SECOND READINGS.

THE MINING (AMENDMENT) (NO. 2) BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENTS (MR. W. M. LOGAN): Your Excellency, I beg to move that the Mining (Amendment) (No. 2) Bill be read a second time.

The Objects and Reasons, Sir, contain in the first paragraph the purpose of this Ordinance, which are to adapt the Principal Ordinance in view of experience, to clarify certain points, and to provide generally for mining by means of registered locations and leases rather than by claims and exclusive prospecting licences and leases. It is your intention, Sir, to refer this Bill to a Select Committee and I may therefore perhaps be excused from going through all the clauses of the Bill in any explanation, and to confine my remarks to the three principal points with which the Bill deals, namely, mining by means of registered locations and leases, amendments that are introduced into the Bill in dealing with exclusive prospecting licences, and the amendment to section 74 of the Bill dealing with trade in gold.

One of the principal features of the previous mining provisions in this Colony, Sir, was the absence of any necessity on the part of a prospector actually to find gold in reef or in place prior to registering a claim. The consequence of that was that at Kakamega very large areas of land were pegged into claims without the evidence on the spot of the existence of pay gold. The disadvantages of that system early became obvious to the prospectors themselves, and on the arrival in the Colony of Sir Albert Kitson and Mr. Murray Hughes consultations were held on that point and regulations were introduced in August, 1922, to provide for the necessity of discovering reef in place before a claim was registered. In those regulations provision was also made for dealing with claims by way of mining locations and in order to bring the nomenclature in the regulations and in the Ordinance into conformity various alterations are being suggested now in this Bill. The definition of "claim" is slightly amended; a new definition of "mining location" is introduced in clause 2, and in clauses 12, 13, 14 and 21 amendments, generally of a consequential nature, are proposed.

In connexion with exclusive prospecting licences, the first clause dealing with that point, clause 5, proposes two amendments. The first amendment is of an obviously necessary nature. The existing provision provides whenever application is made for an area to be closed to be the subject of consideration of an application for an exclusive prospecting licence, that area is automatically debarred from prospecting. I think, Sir, for quite obvious reasons, we wish to alter the word "made" and substitute for it "accepted for consideration" to obviate applications that are quite unreasonable in their nature. In the same clause provision is proposed for appointing any Provincial Commissioner to be the delegate of the Native Lands Trust Board in his Province for the purpose of giving the consent in writing required by the paragraph of

the legislation, but as long as they are bachelors, Sir, and it is on behalf of bachelors that the Select Committee desires to make representations. As long as they are bachelors, they are faced with the certainty that their tenure of office is temporary, that they are forced to contribute, that they are getting no benefit from their contributions, that all they will get is half the contributions back and that there is, in fact, no real likelihood that they will be absorbed into the pensionable establishment. Those are the facts that led the Select Committee to add this rider. It is the hope of the Select Committee, Sir, that they have made out a sufficient case to justify this Government in taking the matter up with the Secretary of State, and we venture, Sir, to express the hope that that will be done and that some solution will be found to alleviate the position of those temporary officers. I beg, Sir, to move that the Report be adopted.

THE HON. T. L. J. BAKER (HONICTON GRANGE) : I beg to second the motion.

HIS EXCELLENCY: The question is—

That the Report of the Select Committee on the Widows' and Orphans' Pensions (Amendment) Bill be adopted.

The question was put and carried.

BILLS

THIRD READING

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Widows' and Orphans' Pensions (Amendment) Bill be read a third time and passed.

THE HON. T. D. H. BAKER: Your Excellency, I beg to second the motion.

The question was put and carried.

The Bill was read a third time and passed.

SECOND READINGS

THE MINING (AMENDMENT) (NO. 2) BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENTS, LANDS AND SETTLEMENT (MR. W. M. LODAN): Your Excellency, I beg to move that the Mining (Amendment) (No. 2) Bill be read a second time.

The Object and Reasons, Sir, contain in the first paragraph the purposes of this Ordinance, which are: "to adapt the Principal Ordinance in view of experience, to clarify certain points, and to provide generally for mining by means of registered locations and leases rather than by claims and exclusive prospecting licences and leases." It is your intention, Sir, to refer this Bill to a Select Committee and I may therefore perhaps be excused from going through all the clauses of the Bill in any explanation, and to confine my remarks to the three principal points with which the Bill deals, namely, mining by means of registered locations and leases, amendments that are introduced into the Bill in dealing with exclusive prospecting licences, and the amendment to section 74 of the Bill dealing with trade in gold.

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the original Ordinance. It has been a somewhat tedious procedure to follow the provisions of the Principal Ordinance in detail up to the present time where the Native Lands Trust Board itself must give the consent in writing, and that Board has approved the amendment proposed.

In clause 7, in dealing with exclusive prospecting licences generally, we are proposing that definite programmes of development should be put in with applications in the first place for exclusive prospecting licences so that Your Excellency yourself in considering an application may have before you evidence of the capital resources of the applicants and also detailed evidence as to the manner in which they propose to proceed in the area which might be granted to them. Similarly, when the original period expires and an applicant applies for renewal a programme of further development has also to be submitted.

In clause 9 the provisions are tightened up to some extent to enable the Commissioner to ensure that the holder of the exclusive prospecting licence actually carries out the programme he has promised to perform, and if he does not do so power is given to cancel the licence.

At present, Sir—reverting for the moment to clause 6—the provisions of the Ordinance provide that the holder of a prospecting licence can move directly to the position of a leaseholder, that is to skip the intervening period of a location or claim holder. There seems to be no reason why a person to whom consideration has already been given in the granting of an exclusive prospecting licence should receive special consideration in being allowed to avoid the necessity of registering locations and claims and avoiding the payment to Government of certain dues.

Under the provisions of the Ordinance as they stand it is not possible for the holder of an exclusive prospecting licence to undertake any actual mining, and in clause 8 we are proposing that such persons may, with the consent of the Commissioner, engage in alluvial mining, subject to payment of the fees which are calculated on the basis of a fee charged per claim. There appears to be little reason, Sir, why an applicant who has received permission to prospect over an area of land for coal should not be allowed to undertake any alluvial mining that may be feasible in that area subject to the registration of his location in the ordinary way, and in clause 11 there is an amendment to provide that mining shall be lawful for the holder of a location or mining lease or for the holder of an exclusive prospecting licence.

Later on this morning, Sir, I shall be proposing the second reading of a measure dealing with trading in unwrought precious metals, and at this juncture I may perhaps call attention to clause 19 of this Bill which amends section 74 of the Principal Ordinance. Up to the present time we have been operating under section 74 in regard to the issue of gold dealers' licences but it is felt that, especially in connexion with precious metals, it is more desirable to have separate legislation, and consequently this amendment has the effect of leaving the actual provisions of the Principal Ordinance to apply to non-precious metals only.

The other points in the Bill I suggest may be more effectively dealt with in Select Committee and I beg to move the second reading.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to second.

HIS EXCELLENCY: The question is that the Mining (No. 2) (Amendment) Bill be read a second time.

THE HON. CONWAY HARVEY: Your Excellency, I should like to take this opportunity of congratulating Government on the most excellent atmosphere which has prevailed in the Nakuru goldfields since the rush first started nearly a year ago. The absence of friction, which is usually such a prominent feature of gold rushes, is almost entirely due to the tactful handling of the situations which have arisen from time to time by the administrative and all other officers concerned. It is very refreshing—I will not say surprising—to find administrative officers dealing promptly and efficiently with problems which lack the inspiration of precedent. The Inspector of Mines, Sir, and his Assistant have also worked like Trojans, very very often far from eighteen to twenty hours a day; they are all working hard and they deserve and have secured the encomiums of all with whom they have been brought into contact. The miners themselves, Sir, would wish me to thank Government for the attention that has recently been given to the very important matter of roads in the mining area.

Now, Sir, there have been so many enactments in connexion with mining and such a mass of rules and regulations that it is almost impossible for any ordinary human being fully to appreciate their significance, and I would ask the hon. the Commissioner, Sir, if he could possibly make it convenient to issue an easily understandable revised version of the legislation as it stands to-day at the earliest possible moment. There is no doubt whatever, Sir, that the legislation should

the original Ordinance. It has been a somewhat tedious procedure to allow the provisions of the Principal Ordinance in detail up to the present time where the Native Lands Trust Board itself must give the consent in writing, and that Board has approved the amendment proposed.

In clause 7, in dealing with exclusive prospecting licences generally, we are proposing that definite programmes of development should be put in with applications in the first place for exclusive prospecting licences so that Your Excellency yourself in considering an application may have before you evidence of the capital resources of the applicants and also detailed evidence as to the manner in which they propose to proceed in the area which might be granted to them. Similarly, when the original period expires and an applicant applies for renewal a programme of further development has also to be submitted.

In clause 9 the provisions are tightened up to some extent to enable the Commissioner to ensure that the holder of the exclusive prospecting licence actually carries out the programme he has promised to perform, and if he does not do so power is given to cancel the licence.

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Later on this morning, Sir, I shall be proposing the second reading of a measure dealing with trading in unworked precious metals, and at this juncture I may perhaps call attention to clause 19 of this Bill which amends section 74 of the Principal Ordinance. Up to the present time we have been operating under section 74 in regard to the issue of gold dealers' licences but it is felt that, especially in connexion with precious metals, it is more desirable to have separate legislation, and consequently this amendment has the effect of leaving the actual provisions of the Principal Ordinance to apply to non-precious metals only.

The other points in the Bill I suggest may be more effectively dealt with in Select Committee and I beg to move the second reading.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to second.

HIS EXCELLENCY: The question is that the Mining (No. 3) (Amendment) Bill be read a second time.

THE HON. CONWAY HARVEY: Your Excellency, I should like to take this opportunity of congratulating Government on the most excellent atmosphere which has prevailed in the Kakamega goldfields since the rush first started nearly a year ago. The absence of friction, which is usually a prominent feature of gold rushes, is almost entirely due to the tactful handling of the situations which have arisen from time to time by the administrative and all other officers concerned. It is very refreshing—I will not say surprising—to find administrative officers dealing promptly and efficiently with problems which lack the inspiration of precedent. The Inspector of Mines, Sir, and his Assistant have also worked like Trojans, very very often for from eighteen to twenty hours a day; they are still working hard and they deserve and have secured the encomiums of all with whom they have been brought into contact. The miners themselves, Sir, would wish me to thank Government for the attention that has recently been given to the very important matter of roads in the mining area.

Now, Sir, there have been so many enactments in connexion with mining and such a mass of rules and regulations that it is almost impossible for any ordinary human being, had to appreciate their significance, and I would ask the hon. the Commissioner, Sir, if he could possibly make it convenient to issue an easily understandable revised version of the legislation as it stands to-day at the earliest possible moment. There is no doubt whatever, Sir, that the legislation should

be designed to promote the exploitation of these important fields in the most businesslike and economic manner possible in the best interests of the Colony, but, Sir, above all things what should be aimed at is security. For the proper development of these fields we must attract experienced mining authorities and capital. As Your Excellency knows full well, capital is a shy bird, and it demands and I suggest must have security. I do not suggest that point has been overlooked; Your Excellency, but from many remarks which I have heard from people who are prepared to invest very large capital in this undertaking I would ask Government very seriously to consider giving capital the maximum of security in connexion with the Kakamega field. Frequent changes, Sir, are most unsettling.

Now, Sir, it seems to me that the measure presently under discussion has been designed to fit the new regulations, which in most respects are most admirable. I suggest the most important feature of those new regulations rests in the fact that they do eliminate that awful vice of mining fields known as blind pegging, but, Sir, a good deal of alarm has been created and much apprehension exists in the minds of those who bore the heat and burden of the day a year ago and pegged out claims, arranged programmes of development and secured big capital in many cases with the object of developing their holdings which were pegged out under the old regulations, and I do suggest, Your Excellency, that it would be a very grave breach of faith if any new conditions were imposed which very seriously affected the rights honestly and properly acquired of people who are genuinely developing their holdings. I have no sympathy whatever, Sir, with blind peggers who just wait for someone to come along and buy those claims and who do nothing with them, but I do suggest that those who acquired vested interests under the old regulations are entitled to a good deal of consideration. I understand, Your Excellency—perhaps I am wrong—that under the new regulations, which presumably are now law, all these people must re-peg at a given date. Under the new regulations that involves to my mind a very large amount of wasteful development work instead of development being done in one corner or one promising part of the claim holding, under the new regulations it will be necessary to dig a series of holes or shafts all over the property. To my mind that is not economical development and it creates an unnecessary amount of disturbance to those who have surface rights on the property concerned.

Another objection, Sir, to my mind is that, under the proposed new regulations, all those who have pegged under the old laws do not know where they are, and they have no

title whatever to go to the big companies I mentioned a moment ago who are willing and prepared to acquire those holdings and work them.

Now, Sir, I should like to ask whether the Government, at the conclusion of this session, will be good enough to appoint a very small committee of people who know the subject, and who are definitely and closely identified with mining, just to go into this vexed question very, very carefully, listen to objections, examine any proposals which may be presented and make recommendations to Government for the cases to be met in a fair, just and reasonable manner of those people who at the present moment imagine they have a right.

I have just made a suggestion to make, Your Excellency, in the consideration of a motion from the Commissioner. As a result of several visits to the fields and long discussions with all and sundry, I have been asked to suggest to Government the desirability at the earliest possible moment of transferring the registration office, which is now in Kakamega Township, twelve miles from the centre of the goldfields, to a place in close proximity, if not in the same building as the present Inspector of Mines. That, Sir, would be a very, very great convenience, and I suggest it might be greatly to the advantage of Government to do that at the very earliest possible moment.

LET COL. THE HON. J. G. KIRKWOOD: Your Excellency, I do not intend to detain the House for more than a few moments in view of the fact that the Bill is being sent to a Select Committee which I appreciate I would, however, ask that Committee in studying the Bill, to consider first and foremost but not solely and solely the question of security. Since Kakamega started, whatever security there was originally, a great deal has been taken away by the action of the Ordinance. There was a period when the mining laws had been altered again when the Ordinance was interfered with again. The effect of continued changes of the mining laws has been to create a state of confusion and a state of peace of the party has not the minimum of security. The laws are changing, and it has not been possible to get the necessary security. I think it is necessary to consider before you can peg out in the Zealand, Australia, South Africa, or anywhere else, I have never heard of that, and that being so, I think it is absolutely unnecessary to pass a simple law that will give to the individual or individuals have the right to peg is sufficient, and they should be able to remain their claims licenses from time to time provided they are developing without the necessity of making any further changes.

That has caused a great deal of disturbance in Kakamega and I know several people who have claims there and at the moment they are shifting almost every week, frantically digging holes all over the country, trying to apply the new regulations. I also know one case where ten claims were pegged under the old Ordinance, or they were pegged just before the last alteration was made. The effect of the alteration is that where they had ten claims, they have now to claim five times that amount and repeat. That gentleman to my own certain knowledge packed up his traps and went back to his farm. They have lost the possibility of that area being developed, and so the game is going on.

To come back to my original point, I should like to ask the Select Committee to consider in every possible way how they can best give security to those who are now developing and likely to develop Kakamega. I believe myself—I have had a great deal of experience and having that experience I have now got to the age of wisdom. I have no interest in Kakamega whatever. The biggest puzzle to me that I have ever seen is that you can get gold dust off your car wheels. You can almost get out and pan and get colour almost anywhere. One claim I was in took five hundred ounces of alluvial gold in ten days. I believe it will be a very big thing for the Colony and will definitely turn out to be a permanent gold-mining field, and probably one of the best in the world, but I do advise caution and, if the request which was put in by the hon. Member for the Lake for the publication at the very earliest date of concise and precise terms showing what the regulations are to do, we shall be very grateful. I hope my few remarks will be noted by the Select Committee.

THE HON. T. J. O'SHEA: Your Excellency I have pleasure in supporting the second reading of this Bill and I appreciate the action of Government in deciding to refer it to a Select Committee. It is obvious that Government is actuated by the desire to improve the present existing faulty regulations, and we have all good reason to know that the Commissioner of Mines is anxious to give the greatest possible security to those engaged in this new industry. But, Sir, I would urge that we should not go from one extreme to the other. Were there not something to be said for the system of blind pegging it would never have been introduced into the Colony. When it was agreed in principle, the arguments were strong in its favour. I listened to the debate on the first mining bill passed in the Colony—I believe it was nearly ten years ago—and on the occasion opinion was almost unanimously in favour of the principle advocated by my hon. colleague on my right (the hon. Member for Plateau North)—the principle of blind

pegging. In principle we have seen at Kakamega that it is evil, and so Government has now wisely, I think, decided that it should cease; but I do urge, Sir, that the Government should not go to the other extreme and, in endeavouring to eliminate the evil of blind pegging, deprive people who are genuinely developing from the benefits of their discoveries, as they might very well do if they pass the present amendment Bill as suggested.

I would also urge upon Government, Sir, that it should not think of this question of pegging claims, registering locations and looking for leases in terms of the extra amount of money to be received by Government for the privilege of doing these things. I would ask Government to take a broader outlook and recognize that these things are, in comparison with the mining industry as started on sound lines and that, in the matter of tenure of property, it is giving the security it must have if it is to make progress. That being so, Sir, I am very sorry indeed to have heard from the Commissioner of Mines that he seems to have been, in the opening up of the property, all the steps laid down in the Ordinance should be gone through, merely because, if that were not done, Government would lose a few pickings in the shape of registering claims. I would ask them to reconsider that attitude. There is no advantage whatever in insisting on a number of formalities being complied with.

I have much pleasure in supporting the second reading.

MR. THE HON. SIR ROBERT SHAW: Your Excellency with a due sense of the privilege I enjoy in addressing this Council for the first time, I should like, if I may, to add a few remarks to what has been said by hon. Members on this side of the House who have already spoken in this connection. I do not wish to add anything to what they have said in describing the conditions in the fields themselves, and such recommendations as they have suggested for improving the regulations which Government have tried to bring in. My experience has shown me to deal with the new situation. I would do, if I might, strongly to support the suggestion made by the hon. Member for the Lake that Government should consider the appointment of a Select Committee to go into the existing laws, amendments and regulations and under the Ordinance in order to try and get the matter finally right. The point of view that I would like to bring to Your Excellency's notice in this connection is, obviously enough, not that of the present gold-diggers, if I may so call them, but that of the agricultural community of the country.

REPORT OF THE SELECT COMMITTEE
OF LEGISLATIVE COUNCIL APPOINTED
TO CONSIDER AND REPORT UPON THE
PROVISIONS OF A BILL TO AMEND THE
MINING ORDINANCE, 1930, AND THE
AMENDMENTS THERETO.

Your Excellency,

We, the members of the Select Committee of Legislative Council appointed by Your Excellency, have the honour to report that we have duly considered the provisions of a Bill to amend the Mining Ordinance, 1930, and the amendments thereto and recommend that the Bill be amended in the following respects:

1. That in the title of the Bill the figures "1930" be altered to "1931".
2. That clause 1 be amended by the deletion of the figures "1930" in the third line thereof, and the substitution therefor of the figures "1931".
3. That clause 4 be amended by the deletion of the word "authorities" in the sixth line thereof, and the substitution therefor of the word "attorney".

We have the honour to be,

Your Excellency's most obedient servants

- Sd. W. H. Logan (Chairman)
- Sd. T. D. E. Bruce (Member)
- Sd. E. P. Montgomerie (Member)
- Sd. Conroy Harvey (Member)
- Sd. I. J. O'Shea (Member)



2 80

THE SECRETARIAT,
NAIROBI.

KENYA.

WHEN REPLYING
PLEASE QUOTE
NO. MIN. 1/1/6/2/75.
AND DATE

1.
13th January, 1933.

No 1

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. 45 of the 13th January, 1933, has the honour to transmit twelve printed copies of Ordinance No. III of 1932 entitled "An Ordinance to Amend the Mining Ordinance, 193", and the Amendments thereto".

JAL



Colony and Protectorate of Kenya.

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

Assented to in His Majesty's
name this 5th day of December, 1932.

Governor.

AN ORDINANCE TO AMEND THE MINING
ORDINANCE, 1931, AND THE AMENDMENTS
THERE TO

No. LII of 1932

An Ordinance to Amend the Mining Ordinance, 1931, and the Amendments 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 Mining (Amendment) (No. 2) Ordinance, 1932," and shall be read as one with the Mining Ordinance, 1931, as amended by the Mining (Amendment) Ordinance, 1933, hereinafter referred to as the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by deleting the definitions of "claim," "shaft," and "pit," and inserting the following definitions:

"claim" means a portion of land lawfully taken possession of for the purpose of prospecting and mining and forms the nucleus of a mining location;

"coal location" means a portion of land lawfully taken possession of for the purpose of prospecting and mining coal;

"mining location" means a registered block of claims in respect of which mining rights may be acquired under a prospecting right.

3. Section 8 of the Principal Ordinance is hereby amended by deleting the words "and such other officers, to be known as" in the third line of the section, and by inserting the words "and such other officers," after the word "Registers" in the fifth line of the section.

4. Section 12 of the Principal Ordinance is hereby amended by deleting sub-section (3) of the section and enacting therefor the following:

(3) A prospecting right may be granted to an individual as agent for another individual if such agent is the lawfully constituted attorney of such individual.

by inserting the words "body of persons" after the word "company" wherever such word appears in sub-section (3) of the section; and

by deleting all the words after the word "issue" in sub-section (4) of the section.

Amendment of section 13 of the Principal Ordinance.

5. Section 13 of the Principal Ordinance is hereby amended by deleting the word "made" in the last line of paragraph (4) of the section and by substituting therefor the words "accepted for consideration"; by substituting the word "stipulated" for the word "prescribed" at the end of paragraph (6) of the section; and by the insertion at the end of the said paragraph (6) of the words: "The Governor, at the request of the Native Lands Trust Board, may appoint any Provincial Commissioner to be the delegate within his province of the Native Lands Trust Board for the purpose of giving the consent in writing required by this r."

Amendment of section 15 of the Principal Ordinance.

6. Section 15 of the Principal Ordinance is hereby amended by deleting sub-section (6) of the section and substituting therefor the following:

(6) apply for an exclusive prospecting licence and peg and apply for the registration of claims and locations and apply for a mining lease.

Amendment of section 18 of the Principal Ordinance.

7. Section 18 of the Principal Ordinance is hereby amended by inserting the words "by methods approved by him" after the word "prospecting" in the fourth line of sub-section (2) of the section; by deleting sub-section (5) of the section and substituting therefor the following:

(5) An exclusive prospecting licence shall be valid for one year from the date thereof, subject, on submission of a programme of further development, to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years.

and by adding the following after sub-section (7)

(8) On the granting of an exclusive prospecting licence a fee of such amount as the Governor in each case may determine, not exceeding in any case five shillings per square mile, shall be payable in addition to all other fees due.

8. Section 20 of the Principal Ordinance is hereby amended by inserting in the second line thereof after the words "sole right of prospecting" the words "and, with the consent of the Commissioner, of alluvial mining, subject to such fee as the Commissioner may determine, not exceeding in any case two shillings for every 10,000 square feet" and by deleting sub-section (3) of the section and substituting therefor the following:

Amendment of section 20 of the Principal Ordinance.

(3) An exclusive prospecting licence shall confer upon the holder the sole right during the currency of the licence to peg claims as prescribed.

9. Section 24 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

Repeal and re-enactment of section 24 of the Principal Ordinance.

24. (1) The holder of an exclusive prospecting licence shall during the currency of the licence diligently follow the programme of prospecting operations submitted to the Commissioner at the time of his application.

Obligations of the holder of an exclusive prospecting licence.

(2) Provided that the Commissioner may, on the application of the holder and for good cause shown, by writing under his hand suspend the obligation imposed by this section in respect of any licence for a time as to the Commissioner may seem proper.

(3) Failure to exercise due skill and due diligence shall be a ground for cancellation of the licence.

(4) Whether due skill or due diligence is being shown shall be a matter within the discretion of the Commissioner, whose decision shall be final.

10. Section 26 of the Principal Ordinance is hereby amended by inserting in the second line of the section after the words "prospecting licence" the words "or of a mining location"; by inserting in the first line of sub-section (5) of the section after the words "prospecting right or" the words "the right to work a location"; by deleting in the fourth line of the same sub-section the word "or" between the words "right" and "licence"; and by inserting the words "or location" after the word "licence"; and in the last line but one of the same subsection by deleting the word "or" between the words "right" and "licence" and inserting in the last line the words "or location" after the words "prospecting licence".

Amendment of section 26 of the Principal Ordinance.

Repeal and re-enactment of section 23 of the Principal Ordinance.

11. Section 23 of the Principal Ordinance is hereby repealed and the following substituted therefor:

Mining when lawful.

23. Mining shall be lawful for the holder of a location or mining lease or for the holder of an exclusive prospecting licence duly authorized under section 20 (1) of this Ordinance.

Amendment of section 33 of the Principal Ordinance.

12. Section 33 of the Principal Ordinance is hereby amended by deleting the words "The claim shall be granted in the first line of the section and substituting therefor the words "A mining location shall be valid"

Repeal of section 34 of the Principal Ordinance.

13. Section 34 of the Principal Ordinance is hereby repealed.

Amendment of section 35 of the Principal Ordinance.

14. Section 35 of the Principal Ordinance is hereby amended by inserting after the words "a claim" in the first line of the section the words "or a claim"

Amendment of section 40 of the Principal Ordinance.

15. Section 40 of the Principal Ordinance is hereby amended by substituting the words "registration notice" for the words "location beacon" in the second sub-section of the section.

Repeal and re-enactment of section 43 of the Principal Ordinance.

16. Section 43 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

Grant of leases.

43. The Governor may grant a lease to the holder of a mining location or of a coal location in respect to the whole or any part of his location.

Amendment of section 47 of the Principal Ordinance.

17. Section 47 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto.

Repeal and re-enactment of section 47 of the Principal Ordinance.

18. Section 47 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

Owner may remove plant, etc. on surrender.

67. The owner of any plant, machinery, engine or tools on any forfeited or surrendered lease or location may within three months from the date of forfeiture or surrender, or within such further period as the Comptroller may allow, remove such plant, machinery, engine or tools, but shall not remove or interfere with any timber in any mine. If such plant, machinery, engine or tools

are not so removed, they may be sold by auction by order of the Commissioner at the risk of the former lessee or the holder of a location. The net proceeds of such sale, after deducting the costs thereof, shall be paid into the Treasury and held until applied for by such former lessee or holder of a location. Any person who in breach of this provision removes or interferes with any timber in a mine shall be guilty of an offence against this Ordinance.

19. Section 74 of the Principal Ordinance is hereby repealed and the following section substituted therefor:

Repeal and re-enactment of section 74 of the Principal Ordinance.

74. The minerals referred to in this Part shall be any mineral in the unmanufactured state in which the Governor in Council may by notice apply this Part.

Minerals to which this Part applies.

20. Section 82 of the Principal Ordinance is hereby amended by deleting paragraph (iv) of the section and substituting therefor the following:

Amendment of section 82 of the Principal Ordinance.

(iv) extracts and like extracts from all books, accounts, vouchers and documents relating to prospecting or mining operations or to any mineral obtained by such operations, and all mine and tank stamp, of any material being mined;

21. The Principal Ordinance is hereby further amended by substituting the word "claim" for the word "claim" wherever such word occurs in sections 29, 42, 51, 62, 78, 88, 89, 88, 91, 92 and 93 of the Principal Ordinance, and the words "mining location" for the word "claim" wherever such word occurs in sections 89 and 93 of the Principal Ordinance.

Amendment of various sections of the Principal Ordinance.

Passed in the Legislative Council the twenty-first day of December 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.

G. BUREFORD STOOKE

Acting Clerk of the Legislative Council.

KENYA.

No. 45



GOVERNMENT HOUSE.

NAIROBI.

KENYA.

RECEIVED
- 4 FEB 1933
COL. OFF.

37 January, 1933.

Sir,

With reference to your despatch No. 532 of the 19th July last, I have the honour to transmit two authenticated copies of Ordinance No. LIII of 1932 entitled an Ordinance to Amend the Mining Ordinance, 1931 and the Amendments thereto, which passed its third reading in the Legislative Council on the 21st December and received my assent in His Majesty's name on the 1st December, 1932, together with the Legal Report in duplicate prepared by the Attorney General.

Twelve printed copies of the Ordinance are being transmitted under separate cover.

2. As regards paragraphs 2 and 7 of your despatch under reference, the assumption contained in paragraph 2 is correct and section 18 of the present amendment substitutes a new section for section 67 of the Principal Ordinance.

3. The amending Ordinance provides generally for making the 'mining location' or 'coal location' the basis of mining operations, and the essential step towards the acquisition of a mining lease.

Certain amendments consequential on the introduction of these locations are made.

4. Alterations

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.

No 5
16/145/32

Amend (s)

85

4. Alterations in the provisions for making and dealing with applications for Exclusive Prospecting Licences have been made in the light of experience.

The mere making of the application no longer closes to prospecting the area applied for unless the application is entertained for consideration. As the law previously stood, it was possible for ill-considered applications to hinder genuine prospecting. A programme of work must now be submitted, approved and adhered to when applications are made for a grant or a renewal thereof.

A fee per acre is chargeable as assistance may now be given through the Geological Survey.

5. Mining is only to be permitted from a location or a lease, and no longer under Exclusive Prospecting Licences except in the case of alluvial concessions, where the pegging of locations, possibly over swamps or wide rivers, is impracticable.

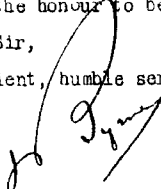
6. Other amendments are designed to do away with certain ambiguities, difficulties or irregularities which have been discovered in applying the Principal Ordinance.

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

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER GENERAL.
GOVERNOR.

Experience of the working of the Mining Ordinance, 1930, has indicated the necessity of amending the Principal Ordinance in certain respects.

This Bill embodies these amendments, and also provides generally for mining by means of registered locations and leases rather than by claims and exclusive prospecting licences and leases.

Clause B. - The definition of "claim" is amended to form the unit of a mining location. Definitions of "mining locations" and of "local locations" are inserted; definitions of "pit" and "shaft" are deleted. They appear only in the Safety Regulations, and are there defined.

Clause C. - Provision is made for the appointment of such officers as may be required.

Clause D. - Section 12 is redrafted to prevent unauthorised representation and irregular passing.

Clause E. - The wording of Section 13, sub-section (c) was ambiguous; "prescribed" has a statutory meaning. sub-section (d) has been found cumbersome in practice.

Clause F. - Provision is made for the holder of an exclusive prospecting licence to register his mining locations prior to obtaining a lease.

Clause G. - An approved programme of work is now required. The provisions deleted were ambiguous with their reference to alluvial deposits and lode deposits in connection with exclusive prospecting licences.

An additional sub-section providing for a fee is added as now assistance can be given through the Geological Survey.

88

Clause 8. - Provision is made for alluvial mining on a large scale under an exclusive prospecting license where the pegging of small individual ^{alluvial} claims would not be practicable.

The new sub-section entails on the holder of an exclusive prospecting license pegging of claims and registering location instead of proceeding directly to a lease. This is essential for the subsequent payment of claim licences.

Clause 13. - Amalgamation of claims is no longer desirable as the mining location is the unit of amalgamated claims.

Clause 16. - A lease can only be obtained on the basis of a location.

Clause 17. - Proviso deleted unnecessary as work is continued on the mining location.

Clause 18. - This section had been redrafted, as repeated amendments made it vague. The reference to a minimum penalty had been deleted.

Clause 19. - It seems unnecessary to define any particular mineral until application has been received by the Commissioner to work any such mineral.

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

[Sd.] T. W. F.

SOLICITOR GENERAL,
FOR ATTORNEY GENERAL.

Nairobi,

22nd December, 1933.

Clause 8. - Provision is made for alluvial mining on a large scale under an exclusive prospecting license where the pegging of small individual/alluvial claims would not be practicable. 88

The new sub-section entails on the holder of an exclusive prospecting license pegging of claims and registering locations instead of proceeding directly to a lease. This is essential for the subsequent payment of claim licenses.

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Clause 16. - A lease can only be obtained on the basis of a location.

Clause 17. - Proviso deleted unnecessary as work is continued on the mining location.

Clause 18. - This section has been drafted, and repeated amendments made it vague. The reference to a minimum penalty has been deleted.

Clause 19. - It seems unnecessary to define any particular mineral until application has been received by the Commissioner to work any such mineral.

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

[Sd.] T. W. F.

SOLICITOR GENERAL,
for ATTORNEY GENERAL.

Nairobi,

22nd December, 1933.

LEGAL REPORT

THE MINING (AMENDMENT) BILL, 1932.

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This Bill embodies these amendments, and also provides generally for mining by means of registered locations and leases rather than by claims and exclusive prospecting licences and leases.

✓ Clause 2. - The definition of "claim" is amended to form the unit of a mining location. Definitions of "mining locations" and of "coal locations" are inserted; definitions of "pit" and "shaft" are deleted. They appear only in the Safety Regulations, and are there defined.

✓ Clause 3. - Provision is made for the appointment of such officers as may be required.

*2 only added
provision for
mining*

✓ Clause 4. - Section 12 is redrafted to prevent unauthorized representation and irregular panning.

Clause 5. - The wording of Section 13, sub-section (d), was ambiguous; "prescribed" has a statutory meaning. Sub-section (i) has been found cumbersome in practice.

✓ Clause 6. - Provision is made for the holder of an exclusive prospecting licence to register his mining locations prior to obtaining a lease.

Clause 7. - An approved programme of work is now required. The provisos deleted were ambiguous with their reference to alluvial deposits and lode deposits in connexion with exclusive prospecting licences.

An additional sub-section providing for a fee is added as now assistance can be given through the Geological Survey.

Copy: c!

Clause 8. - Provision is made for alluvial mining on a large scale under an exclusive prospecting licence where the pegging of small individual/alluvial claims would not be practicable.

The new sub-section entails, on the holder of an exclusive prospecting licence pegging of claims and registering locations instead of proceeding directly to a lease. This is essential for the subsequent payment of claim licences.

Clause 13. - Amalgamation of claims is no longer desirable as the mining location is the unit of amalgamate claims.

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Clause 17. - Proviso deleted unnecessary as work is continued on the mining location.

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Clause 19. - It seems unnecessary to define any particular mineral until application has been received by the Commissioner to work any such mineral.

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

T. G. H. M.
SOLICITOR GENERAL
for ATTORNEY GENERAL.

Nairobi,

22nd December, 1932.