

1933.

Kenya

No. 3066.

SUBJECT

C0533/432

The Local Govt (Municipalities) Ordinance.

Previous

18102/32.

Subsequent

See 3299/33 (Nairobi  
Gas Service)

38172/35.

1. Governor Byrnes 11 \_\_\_\_\_ 7 Jan 33  
Trans. indub. authenticated copy of The Local  
Govt. (Municipalities) (Amdt.) Ordinance No 29 of 1932, &  
includes explanation thereof.  
1 copy to library.

2. Col. Sec. Shm \_\_\_\_\_ 11 Jan 33  
Trans. 12 printed copies of Ordinance.  
11 copies to library.

I suppose that this may apply  
to some extent to district Indian  
lorry owners who are also affected  
by the prohibition of commercial transport  
on main roads. - but the order only  
applies to vehicles carrying 6 or more  
persons and seems unobjectionable.

Subject to any legal objections  
signifying nada.

W. S. Parsons  
14/2/33

I think we should want that any exclusive  
license that may be granted under this Ord<sup>s</sup>  
should be limited to a definite term of years  
subject, of course, to renewal.

W. S. Parsons  
14/2

If one adheres to the wording of the  
sub-section, it is the period of prohibition of  
"other" services which should be limited in point of  
time. The question arises whether the maximum period  
should be specified by legislation, or whether it

would be preferable to say "for such period as the Governor in each case may approve". In addition, some provision will be necessary for such period of prohibition to be extended from time to time subject to the Governor's approval.

If the Kenya Government is to be asked to amend the Ordinance in this direction (which I think is desirable), mention should also be made of the phraseology of the penalty clause.

The sub-section makes two provisions -

(a) empowers the Council, subject to provisos

(a) to (d), to prohibit all services but one, and

(b) states that in such case, licences to carry passengers issued under other laws shall not be valid in the municipality except with the Council's consent.

Then the penalty clause states in substance:

"any person who contravenes (a) and/or (b) commits an offence", which scarcely makes sense, but is only a question of draftsmanship.

*A. Casselton*

11.2.55.

I do not at all like the wording. § 34 gives the Council power to carry on motor services for passengers and parcels. The new § 34A gives power to prohibit the carriage of passengers (as word of parcels) where an agreement has been made - or a service started by the Council - by anyone else.

I am not in love with monopolies; but I realize that this may render them desirable. I think however that some restriction is required. As the law stands I doubt whether it would be legal for the concessionaire to carry parcels, parcels being mentioned in the original § 34 & not in the new one. But on the one hand they can't intend to prohibit the carriage of parcels

by the concessionaire, and on the other they can't intend to prevent the carriage of parcels by anyone else. That would be absurd.

I agree to the necessity for limitation as at X and would say that in the first place approval should not be given for more than 5 years. If you give it for more than Nairobi will be saddled with decrepit omnibuses for years and years. Should there not also be provision for revocation in the event of the service not being satisfactory, or should that latter come into the agreement? If the latter then we should say so very definitely.

They will have to repeal & re-enact to get the penalty clause right so, if you agree, I think we might say that it is clumsily drafted that it should

provide for

§ 34(a)

to

Pl. see below

I agree

(1) The limitation of the duration of the agreement to such period as the Gov. may approve

(2) That it should provide for revocation in the event of a bad service - unless that is provided in the agreement - which point should not be overlooked

(3) That the penalty clause isn't sound for the reason given.

and suggest re-drafting and repeal. And ask ask parcels if you think it worth while.

I think at H. see below

J. T. G. Flood

11.2.

I assume that there is no intention to give a concessionaire a monopoly as to the carrying of parcels - on this assumption, he, and all other owners, of vehicles properly licensed under the existing ordinary traffic laws, will be free to carry parcels in Nairobi as heretofore. This being so, there is no need to refer to parcels in the new sub-section (34)(a).

Provision for termination of the agreement on account of an unsatisfactory service should be

contained

contained in the agreement and not in the law. As, however, you agree that the sub-section must be repealed and replaced, the Governor might be asked to state specifically in the new sub-section that the Council shall have the further power to revoke any prohibition upon the termination of an agreement, although I think that the power to revoke is already implied in the present <sup>sub-section</sup> draft.

There is another point which occurs to me - would it not be advisable to add, (for inclusion, say, in a re-drafted paragraph (d)), that notice shall also be given of any intended resolution to extend any period of prohibition in favour of an existing concessionaire.

A. Casson  
25.2.33.

Then draft emanating saying that while the S. of G. will not advise H. H. to exercise his power of disallowance he thinks an early opportunity should be taken to repeal & re-enact for the reasons given above, & say that provision should be made for limitation, revocation, & for notice to be given of extension

A. V. 762

27-2 advice

Please see page 129 of the "Crown Colonies" for March where a ten years monopoly is envisaged with an option to the licensee to take over the same after 5 years.

H. P. P. P. P.  
1/3

Letter from 13/3/33  
to [unclear]  
[unclear]

20 Feb 1934 (1 answer)

8 MAR 1933

4

4. Col. Sec. 3 p.n. .... 24th Feb 33.

Trans. copy of the European Councillors Election (Amat.) Rules, 1932, issued under the Local Govt. (Municipalities) Ord., 1928.

In para 2 of the despatch of 21 152407/28 the Governor was requested to submit rules of this kind in draft for approval before they were issued.

This request has not been observed.

Attention should be invited to the omission.

The amendments seem unnecessary (this is a copy of the Principal Rules below 21 15552/29 marked)

- though in Rule 19 as soon as possible and in Rule 24(2) immediately might properly have been considered in days.

Subject to any legal objections in writing after the 17th.

H. P. P. P.  
21/3/33

No other observations.

A. Casson  
23/3

Pl. off. - mild remonstrance

[Signature]

No. of the bar was too that it wasn't necessary to submit them & asked to send copies separately. This has been done.

It can be put by Library to have copies

This is a mistake from looking at para 5 of draft & not para 2 as proposed

28.3 advice

A. V. 762

23.3 advice



5 To Gov. 226 (H. answer) 31 MAR 1955

6 Governor Byrne 300 12 May 55

States that draft agreement which the Council is negotiating with the Company provides for a ten year duration & requires whether it is desired that maximum period should in this case stand as five years. Requests reply.

The Gov. says that the public will be safeguarded in the event of a 10 year agreement in that form, writes, etc. will be subject to the Council's approval. Presumably this is provided for in the draft agreement. It is a pity the Gov. has not supplied us with a copy of it to examine, but it is not yet in its final form. If effective provision is made for the control of fares, etc. it should be a more than adequate safeguard.

We must infer that if the agreement is found to be for 10 years then the limitation of the prohibitive in under S-36 A "for such period as the Gov. in each case may approve" will mean for 10 years in the present case; i.e. the prohibition must be concurrent with the agreement. No restrictions with

to

the Overseas Motor Transport Co. will fall through, even at the advanced stage which they have now reached, if the 10 y. period for the agreement is not agreed to. I think we did telegraph approval, but we might wish to see a copy of the agreement.

The Director 24 May

From the definite statement in para. 1 of the draft we can assume that the re-enacting Bill will carry out the suggestion in para. 3 of S of S's draft (No. 3 in file), reserving to the Council the right to revoke the prohibition in the event of unsatisfactory service. But it is perhaps surprising that the Company should have accepted this without asking who is to decide whether the service is satisfactory.

? Tel. approval.

S. Stanton  
24/5

It would have been convenient if the Governor had sent us the agreement, even in its tentative form.

It is by no means clear from No. 6, but it seems to me that the agreement does not contain a clause providing for the revocation of the contract in the

the event of a bad service. It was pointed out in paragraph 3 of No.3 that this was a matter which should have been included in the agreement and the suggestion to amend the legislation was only to implement the agreement if and when the Council had terminated the agreement by virtue of such a clause. The Governor's adoption of our suggested amendment to the Ordinance therefore is not a complete answer to the particular point that was raised. Whether, at this stage of the negotiations with the Company, the Governor would be able to press for the inclusion of a clause permitting the revocation of the agreement on the grounds of an unsatisfactory service is a little doubtful.

The fixing of the normal duration of the agreement at five years was quite a different point (paragraph 6 of No.3), and, having regard to the state of the negotiations and the Governor's assurance, it would seem that we can hardly press this.

*A. Cape Horn*  
26.5.33.

Yes: we can telegraph "no objection to ten year agreement."

The point about power to revoke if the service is not satisfactory is a good one and we can follow up with a despatch confirming the telegram & saying we presume that the Gov. is satisfied that the agreement <sup>as it is</sup> provides for a satisfactory service, and is intended, to secure a satisfactory service, and

*S.T.G. Hand*  
26.5.33

To Gov. Kenya 21.10.32 (6/201) 27/5/33

Probably not, but we should be bound to provide a satisfactory service.

8. To Governor 394 (6/201) 6 June 33.

*(M)*

9. A/Governor's Security Trade 530 12 Sept 33

*Shaw & Henry*

Trans. in duplicate authenticated copy of The Local Govt. (Municipalities) (Amendment) Ordinance No. 5 of 1933, furnishes explanation of the State Agreement between Nairobi Municipal Council & the Province of the Transport Co. was approved on 2<sup>nd</sup> Aug.

The printed Ord. will be forwarded to you in 15 to 27/28 minutes

Clauses 2 and 4 are of minor importance and seem unobjectionable.

Clause 3. It seems a curious state of affairs for the Chairman of the Municipal Boards at Nakuru and Eldoret to be elected, and for the Chairman of the Mombasa Board to be the District Commissioner ex officio and the reason for it is not explained. It is, however, I think a matter for local convenience and we need not take up the point.

Clause 5 which deals with the amendment of Section 52 is rather clumsy and reference to it in any subsequent Ordinance or legal document might be rather difficult.

Section 52(29) <sup>as now amended</sup> gives the Council power to set up a plant for manufacturing animal by-products and subsection 10(b) gives the Council power to make grants of money towards various municipal amenities.

The most important part of the Ordinance is, of course, that part of Section 5 which deals with Section 52(34A) of the Principal Ordinance. This contains all the points that we stipulated for in No.3 i.e. (1) The Governor is now empowered to place a limit on the prohibition and to extend the period of prohibition if necessary. (2) A sub-section (e) has been added giving the <sup>Council</sup> Company power to revoke the prohibition on the termination of the Agreement. (3) The Penalty clause has been re-drafted as requested and

*AP*

and now appears to be all right.

In the covering despatch certain details of the Agreement are given; it is stated that there is provision for cancellation if the Governor is not satisfied that the Company is maintaining an efficient service. Thus our point in No. 6 is met.

Subject to legal observations ? signify non-disallowance i.f.

*Thos Davies* 7/10  
*W. M. ...* 9/10

no dems.

*W. M. ...* 26/10

S.S. marginal note is wrong but we need not bother about that

*W. M. ...* 27/10

*Per 2* *Rowies* : 3/11  
*at me*

*CPA*

*Noted by 2/10*

10 To Kenya 8-21 (9 answer) 6/3 31 OCT 1933

*Liby (Legal)*  
*to see 10*  
*Shank Library*

A. A. G. Secy. 3/11 10 Sept. 33  
Trans. 12 printed copies of Ordinance No 5 of 1933.

*Per 4*  
*Thos Davies* 11/11  
*at me*

*W*

## GENERAL NOTICE No. 259

## MUNICIPAL COUNCIL OF NAIROBI.

THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928. THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) ORDINANCE, 1932.

WHEREAS by section 52 of the Local Government (Municipalities) Ordinance, 1928, as amended by the Local Government (Municipalities) (Amendment) Ordinance, 1932, whenever any service of motor omnibuses for the carriage of passengers is established, acquired, maintained or carried on either by the Council or by any person or corporation under an agreement entered into with the Council the Council is authorized and empowered to prohibit, subject to the approval of His Excellency the Governor, the carrying on by any other person or corporation of any service of motor omnibuses within the Municipality.

NOTICE is hereby given that the Municipal Council of Nairobi, at the meeting to be held on Tuesday, the 27th day of April, 1938, intend to introduce a motion to prohibit, from a date to be hereafter specified of which due notice will be given in the Official Gazette and in a newspaper circulating in the district, the carrying on by any person or corporation of any service of motor omnibuses within the Municipality other than a person or corporation with whom the Council have entered into an agreement with respect to the establishment and carrying on of a service of motor omnibuses within the Municipality.

Any objection to the motion must be sent in writing to the undersigned within one month from the date hereof.

The right of any person to ply for hire within the Municipality with any public vehicle or motor vehicle for the unexpired period of any licence issued prior to the date hereof will not be affected by the motion; nor the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of the Municipality.

Dated this 28th day of February, 1938.

Municipal Offices,  
Government Road,  
Nairobi.

F. S. ECKERSLEY,  
Town Clerk.





GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. 530

RECEIVED  
1933  
C. O. 530

24 September, 1933.

Sir,

Handwritten (10)

No. 6

With reference to the first paragraph of Kenya despatch No. 500 of the 12th May last, I have the honour to transmit two authenticated copies of Ordinance No. XLV of 1933, entitled An Ordinance to Amend the Local Government (Municipalities) Ordinance, 1928 which passed its third reading in the Legislative Council on the 12th August and was assented to in His Majesty's name on the 6th September last, together with the Legal Report in duplicate.

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

No. 3

2. Section 5 of this Ordinance follows the instructions contained in your despatch No. 154 of the 6th March, 1933. In this connection I may mention that the terms of the Agreement between the Nairobi Municipal Council and the Overseas Motor Transport Company Limited were approved on the 2nd August by the Acting Governor, who also approved the exercise by the Council of its power of prohibition for the period of the Agreement. Provision is made in the Agreement for the establishment before the 31st May, 1934 and maintenance by the Company of an efficient service of twelve motor omnibuses, the Agreement to run for ten years from the date of establishment of the service. The Municipal Council retains the right to take over the service and assets as a going concern at any time after the expiry of seven years on giving six months notice, the price, failing agreement, to be determined by arbitration. Provision is also

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.

made ----

made for cancellation of the Agreement in the event of the Governor being satisfied that the Company is not maintaining an efficient service.

3. Section 3 provides that in future the Chairman and Deputy Chairman of a Municipal Board (except Mombasa) shall be elected.

The Local Government Commission, 1927 recommended that the Chairman of a Municipal Board should be nominated by the Governor. It was, however, provided in sections 9(1) and 18 (1) of the Local Government (Municipalities) Ordinance, 1928 that the Chairman of a Municipal Board should be the District Commissioner. Municipal Boards are in existence at Mombasa, Nakuru and Eldoret. At Nakuru and Eldoret the change is welcomed both by the administrative staff and by the Municipal Boards, and will be convenient administratively. It may also be calculated to promote among the unofficial members of these Boards a full sense of responsibility for the efficient administration of municipal affairs.

The reason for excluding Mombasa, where the local authority has to deal with conditions of a special nature, is that neither the Government nor the Mombasa Municipal Board desires the change.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*A. W. WATE*

ACTING GOVERNOR'S DEPUTY.

LEGAL REPORT.

THE LOCAL LOCAL GOVERNMENT (MUNICIPALITIES)  
(AMENDMENT) BILL, 1933.

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The object of this Bill is to make certain amendments to the Principal Ordinance and more particularly to that portion of the Ordinance which empowers a municipal council or board to grant exclusive licences for the conduct of omnibus services within a municipality.

Clause 2 - The reason for this clause is that the election date for municipal councillors is the first working day in June, whereas the candidates then elected do not take their seats until 30th June.

Clause 3 - At the present time the chairman of a municipal board is the District Commissioner. It is proposed to provide that the members of a municipal board may elect their own chairman except in the case of the Municipal Board of Mombasa of which the District Commissioner shall continue to be chairman.

Clause 4 prohibits a councillor from acting as auditor to the council of which he is a member, either himself or through any person in whom he is directly financially interested.

Clause 5 - This clause replaces sub-section (34A) of Section 52 of the Principal Ordinance which sub-section was enacted last year for the purpose of allowing a municipal council to grant exclusive licences for the conduct of omnibus services and to prohibit persons or companies other than an exclusive licensee from conducting such services. It is considered that that sub-section as it stands does not sufficiently

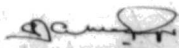
safeguard the interests of the public, and it is therefore proposed that in sanctioning a proposal for the exercise by a municipal council of the powers of prohibition contemplated, the Governor should be empowered to place some limit upon the period of prohibition. This suggestion has been given effect to in this Bill, and, among other alterations that are made in the sub-section, provision has been made for the period of prohibition to be extended from time to time subject to the Governor's approval.

It also makes further provision empowering a council to run a by-products plant and to purchase animals for conversion into by-products, and to expend money on services, whether within or without the municipality in order to improve the amenity of the municipality.

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

Nairobi,

15th August, 1933.

  
ATTORNEY GENERAL.



No XLV.

13  
1933



Colony and Protectorate of Kenya.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

HENRY MONCK-MASON MOORE, C.M.G.,  
*Acting Governor.*

Assented to in His Majesty's  
name this 6<sup>th</sup> day of September  
1933.

H. M.-M. MOORE.

*Acting Governor.*

AN ORDINANCE TO AMEND THE LOCAL  
GOVERNMENT (MUNICIPALITIES)  
ORDINANCE, 1928

**ORDINANCE No. XLV of 1933**

**An Ordinance to Amend the Local Government (Municipalities) Ordinance, 1928.**

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 Local Government (Municipalities) (Amendment) Ordinance, 1933," and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as "the Principal Ordinance."

Short title.  
No. 19 of 1928.

2. Sub-section (1) of section 16 of the Principal Ordinance is hereby amended by the deletion of the words "after every annual election or nomination of councillors" which occur in the fifth line thereof and the substitution thereof of the words "after the thirtieth day of June in each year."

Amendment of section 16 of the Principal Ordinance.

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

Repeal and replacement of section 18 of the Principal Ordinance.  
Chairman and Deputy Chairman of Municipal Boards.

18. At the first meeting of a Municipal Board held after the 1st day of October, 1933, the Chairman and Deputy Chairman of the Board shall be elected in the manner provided in section 16 of the election of Mayor and Deputy Mayor of a Municipal Council, and all the provisions of section 16 shall apply to the offices of Chairman and Deputy Chairman of a Municipal Board equally as to the offices of Mayor and Deputy Mayor of a Municipal Council, provided that the District Commissioner shall be Chairman of the Municipal Board of Mombasa."

4. Section 41 of the Principal Ordinance is hereby amended by inserting the following sub-section immediately after sub-section (4):—

Amendment of section 41 of the Principal Ordinance.

"(4A) No councillor or his partner or his employer or employee, or any company of which a councillor is a director shall act for the council for reward as an auditor."

Amendment of  
section 52 of  
the Principal  
Ordinance.

5. Section 52 of the Principal Ordinance is hereby amended by deleting paragraphs (29) and (34A) thereof, and substituting therefor the following:—

"(29) To establish, erect, maintain and control plant for the manufacture of by-products and to purchase animals for the purpose of conversion into by-products and to sell all by-products resulting from the carrying on of any works which the council is authorised to carry on."

"(34A) Notwithstanding any provisions of the Ordinance, or the Traffic Ordinance, 1928, or any other law, whenever any service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of passengers is established, acquired, maintained or carried on either by the council or by any person or corporation under an agreement entered into with the council under this Ordinance, to prohibit, for such period in each case as the Governor may approve, the carrying on by any person or corporation (other than a person or corporation with whom the council has entered into an agreement as aforesaid) of any such service; and when any prohibition has been so made and approved, no licence issued under any law in respect of any public vehicle or motor vehicle carrying passengers for hire or reward, if such public vehicle or motor vehicle be licensed to carry more than six passengers shall, without the consent of the council, entitle any person to ply for hire with such public vehicle or motor vehicle within the municipality: Provided that the council may from time to time extend the period of prohibition above mentioned for such period as the Governor may approve:

Provided that—

- (a) the right of any person to ply for hire within the municipality with any public vehicle or motor vehicle for the unexpired period of any licence issued prior to the coming into force of this sub-section shall not be affected;
- (b) the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of the municipality shall not be affected by this sub-section;
- (c) the powers of the council under this sub-section shall not be exercised in respect of any such service established, maintained or carried on by any person

No. 90 of 1938.

or corporation under an agreement entered into with the council unless and until the terms of such agreement have received the approval of the Governor;

- (d) before any resolution to prohibit the carrying on by any person or corporation of any such service is made by the council, notice of the intention to introduce a motion for this purpose shall be given by publication in the Gazette and in at least one newspaper circulating within the municipality. Such notice shall be given once in each week for four succeeding weeks and any objections received shall be laid before the council at the meeting appointed to consider the motion and copies thereof shall be forwarded to the Governor: Provided further that all the provisions of this paragraph shall apply to any resolution to extend any period of prohibition already existing;

- (e) the council shall have power to revoke any prohibition imposed under this sub-section upon the termination of an agreement entered into under this sub-section.

Any person (other than a person or corporation with whom the council has entered into an agreement under this sub-section) who carries on any service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of passengers, or who plies for hire or reward any public vehicle or motor vehicle carrying any passengers, if such public vehicle or motor vehicle be licensed to carry more than six passengers, without the consent of the council, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and, in addition to a fine not exceeding ten pounds in respect of each and every day upon which he contravenes the provisions of this sub-section."

and by inserting after the word "museums" in paragraph (10) the words "agricultural and horticultural societies," and by inserting the following paragraph as paragraph (10n):—

"(10n) To make grants of money, subject to the consent of the Governor, towards the establishment and maintenance of road, air, postal or telegraphic services, within or without the municipality, for the purpose of improving the amenity of the municipality."

No. XLV

Local Government (Municipalities) 1933

Repeal, **C. The Local Government (Municipalities) (Amend-  
No. 31 of 1932** ment) Ordinance, 1932, is hereby repealed.

Passed in the Legislative Council the twelfth day of August, in the year of Our Lord one thousand nine hundred and thirty-three.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

**H. E. BADER**

*Acting Clerk of the Legislative Council.*



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Mr. Davies 1

Mr. Groom 2 P.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

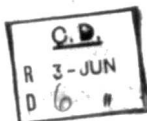
Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.



6 June, 1933.

DRAFT.KENYANo. 394Governor

Sir,

I have etc. to acknowledge the receipt of your despatch No.300 of the 12th of May on the subject of the Local Government Municipalities (Amendment) Ordinance, 1932, and to confirm my telegram No.122 of the 27th of May, which ran as follows:-

(insert text of No.7)

2. I suggested in para.3 of my despatch No.154 of the 6th of March that the agreement between the Municipal Council and the Company should contain a clause providing for the revocation of the contract in the event of the service's proving inadequate. In the absence of a copy of the tentative draft of the

agreement

agreement, I am unaware whether  
specific provision to this effect  
has, in fact, been inserted, but

I ~~take it that I may assume that~~  
<sup>presume that</sup>

you are satisfied that the agreement  
is <sup>generally</sup> calculated to secure a satisfactory  
service.

I have etc.

(Sgd.) P. CUNLIFFE-LISTER.

AIR MAIL

KENYA

No. 300



6  
GOVERNMENT HOUSE  
NAIROBI  
KENYA 19

RECEIVED  
22 MAY 1933  
COL. OFFICE

12<sup>th</sup> May, 1933.

Sir,

I have the honour to refer to your despatch No. 154 of the 6th March, 1933, on the subject of the Local Government Municipalities (Amendment) Ordinance, 1932, and to inform you that it is proposed to repeal this Ordinance and re-enact it in accordance with the suggestions contained in paragraphs 2 - 6 of your despatch. (Paragraph 6 is the second paragraph numbered 5).

2. In the final paragraph of your despatch it is stated that you consider that approval of an agreement between the Municipal Council and the Company should not be given for a period of more than five years. The draft agreement which the Council is at present negotiating with the Company provides for a ten year duration, the Council having the right to take over the service at a valuation at any time after the expiry of five years, and the Company having the option of renewal of the agreement for a further period of five years, if at the end of the ten year period the Council shall not have exercised its right to take over the service. The point has been considered by the Council, which has expressed the definite view that, having regard to all the circumstances, the ten year period is reasonable, and the Council has been informed by the Company that, if the limitation to five years is insisted upon, they will be compelled to withdraw their offer. I attach for your information a copy of the Company's letter of the 24th April, 1933, addressed to the Town Clerk. In my opinion the Council and the public will be sufficiently

safeguarded ---

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 3  
For General (8)  
Ansd. Tel. (7)

ans (7)

safeguarded by a ten years agreement, seeing that fares, timetables, routes etc., will be subject to the approval of the Council.

3. Negotiations between the Council and the Company were practically complete but are now suspended pending settlement of this point. I should be grateful, therefore, if you would inform me as early as possible by telegram whether in the light of the preceding paragraph you desire that the maximum period of the agreement should in this case stand as five years. The effect of the option of renewal suggested to be given to the Company depends upon the relative provisions of the agreement, the final draft of which has yet to be prepared. Should a request for approval of such an option be made to the Government, it would of course require careful consideration.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL,  
GOVERNOR.



24th April, 1933.

COPY.

21

The Town Clerk,  
NAIROBI.

Dear Sir,

I am in receipt of your letter of to-day's date, enclosing copy of a letter, which you have received from the Hon. Commissioner for Local Government.

I regret to learn that the Secretary of State considers five years to be a sufficiently long agreement, and I would respectfully suggest that this may be due to the fact that he is not aware of the circumstances attending this particular case.

I would point out that the interests of the public are actually very amply protected by the fact that

- (1) The Municipality have the right to take over the Service after five years, if they so wish.
- (2) Fares, timetables and routes must be approved by the Municipality.

The establishment of an up-to-date, modern Bus Service in Nairobi is admittedly a speculative business, and only three years ago was considered, by your own Committee, to be an impossibility without a heavy subsidy.

The Capital required, and the organisation and experience necessary to run such service successfully are considerable, and I venture to think that no reputable Company would risk their Capital and their experience in a venture of this kind without adequate protection against outside competition.

As far as my Company is concerned, I regret to say that if the recommendation of the Secretary of State is insisted on by Government, we shall be compelled to withdraw the offer we have made.

We have made it clear from the beginning that we consider the monopoly we have asked for essential, and we still hold that opinion.

We speak from experience gained in another part of the British Empire, and we should not be prepared to repeat that experience here.

I feel sure, however, that when the safeguards, included in the draft agreement, are considered, it will be realised that Public interests are amply protected against any exploitation, even if such exploitation had been economically possible.

I am,

Yours faithfully,  
for and on behalf of

OVERSEAS MOTOR TRANSPORT CO. LTD.

(Sd.) K.A. BROWNE.

Director.

C. O.

Mr. Priestman 1/5/33.

Mr. *Arnold 29/1/33*

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.



*Handwritten scribbles and numbers: 5-22*

*Handwritten '54' with a diagonal slash*

DOWNING STREET,

31 MARCH, 1933.

DRAFT.

KENYA.

NO. 226

GOVERNOR.

Sir,

I have etc., to acknowledge the receipt of a copy of the European Councillors Election (Amendment) Rules, 1932, issued under the Local Government (Municipalities) Ordinance, 1928, forwarded under a (4) third personal note dated the 24th of February from the Colonial Secretary.

2. I do not wish to comment on the Rules in question, but I think

it desirable that I should be placed in a position

to do so if necessary, prior to the issue of

such Rules. I shall, therefore, be glad

if the instructions contained in paragraph 2 of

Mr. Amery's despatch No. 136 of the 25th February,

(2) on 15407/28.

1929 may be observed in the future.

I have, etc.,

(3rd) P. OUNLIFF-LISTER



THE SECRETARIAT,  
NAIROBI,  
KENYA.

4  
23

WHEN REPLYING  
PLEASE QUOTE  
NO. & DATE. 1/2/22. Vol. IV.  
AND DATE

24 February, 1933.

*Lyons (s)*

*No. 1 on  
18102/32*

*No 2 on  
15407/28*

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 his third personal note of the 18th February, 1932, has the honour to transmit, in accordance with the instructions contained in Mr. Amery's despatch No. 136 of the 25th February, 1929, a copy of the European Councillors Election (Amendment) Rules, 1932, issued under the Local Government (Municipalities) Ordinance, 1928.

GOVERNMENT NOTICE No. 804

THE LOCAL GOVERNMENT (MUNICIPALITIES)  
ORDINANCE, 1928.

RULES.

IN EXERCISE of the powers conferred upon him by section 15 of the Local Government (Municipalities) Ordinance, 1928, His Excellency the Governor in Council has been pleased to make the following Rules—

1. These Rules may be cited as "the European Councillors Election (Amendment) Rules, 1932" and shall be read as one with the European Councillors Election Rules, 1929, hereinafter referred to as "the Principal Rules."

2. Rule 4 of the Principal Rules is hereby revoked and the following substituted therefor—

4. Subject to the provisions of these Rules every person shall be entitled upon application to the registering officer in the form prescribed in the First Schedule hereof, to be enrolled in the European voters' roll who is—

- (1) of wholly European origin or descent; and
- (2) of not less than twenty-one years of age; and
- (3) (a) is an owner (as defined in the Local Government (Rating) Ordinance, 1928) of property within the municipality of the capital value of not less than one hundred pounds which is rateable under the provisions of the said Ordinance; or
- (b) has been for twelve months out of the twenty-four months preceding the date of application for enrolment in occupation of business premises in the municipality of an annual value of thirty-six pounds or more; or
- (c) (i) has resided in the municipality for twelve months out of the twenty-four months preceding the date of application for enrolment and either
  - (ii) has been in occupation for a like period of residential premises in the municipality of an annual value of thirty-six pounds or more; or
  - (iii) is, at the date aforesaid, and has been for six months out of the preceding twelve months, in receipt of earnings at the rate of not less than ten pounds per month;

Provided that in the municipalities of Nairobi and Mombasa the rate of earnings under paragraph (e) (iii) shall be not less than fifteen pounds per month.

A married woman who is qualified for enrolment under paragraphs (1), (2) and (3) (e) (i) of this Rule shall be entitled to be enrolled notwithstanding that she does not possess either of the qualifications numbered (ii) and (iii) in paragraph (3) (e), provided that her husband is so qualified.

For the purposes of this Rule the expression "business premises" means any premises which are occupied by persons carrying on their profession, trade or business, and the expression "in occupation of" relates only to persons who are liable for payment of rent in respect of premises of which they are in actual occupation and does not include clerks, servants, agents or workmen of such persons.

3. Rule 7 of the Principal Rules is hereby revoked and the following substituted therefor:—

7. Where any municipality is divided into wards every person who is enrolled in the European voters' roll in respect of a property qualification shall be entitled to be enrolled once in each ward in which he owns rateable property of the capital value of not less than one hundred pounds; and every person who is enrolled in respect of a residential qualification shall be enrolled in the ward in which he resides; and every person who is enrolled in respect of a business qualification shall be enrolled in the ward in which the business premises in respect of which such qualification is derived are situate:

Provided that no person shall be enrolled in the same ward in respect of both a property and a residential qualification, or in respect of both a property and a business premises qualification or in respect of both a residential and a business premises qualification."

4. Rule 14 (1) of the Principal Rules is hereby amended by the insertion of the words "in respect of a property or residential qualification" after the word "municipality" in line 3.



5. Rule 15 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 15 (1) The first election of European councillors or members of any municipality shall take place on a date to be notified by the Commissioner for Local Government in the Gazette.

(2) Of the councillors or members so elected, one-third, or as near as may be, shall retire on the thirtieth day of June immediately following the date upon which the first election is held, and one-third, or as near as may be, shall retire on the thirtieth day of June next ensuing, and the remaining one-third, or as near as may be, shall retire on the thirtieth day of June next again ensuing.

Provided, however, that where the municipality is divided into wards, and each ward is represented by more than one councillor or member, an equal proportion (or as near as may be) of the number of councillors or members representing each ward shall retire on each succeeding thirtieth day of June.

(3) The order of retirement of councillors or members under this section shall be determined by lot.

(4) Any councillor or member elected prior to the first day of January, 1933, who would, under the Principal Rules, become due to retire on or after that date shall, notwithstanding the actual date of determination of the period for which he was elected, retire upon the thirtieth day of June in the year in which his retirement would, under the Principal Rules, have become due."

6. Rule 16 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 16. (1) After the first election of councillors or members as aforesaid, an annual election shall be held upon the first day in June which is neither a Sunday nor a public holiday in each and every year for the purpose of electing European councillors or members to replace those whose terms of office expire upon the thirtieth day of the same month.

(2) The councillors or members elected at every such annual election shall hold office for a period of three years."

7. Rule 17 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 17. (1) Any vacancy caused by the death of an elected European councillor or member or by an elected European councillor or member vacating his seat for any reason other than the expiration of his term of office shall be deemed to be a casual vacancy.

(2) Whenever a casual vacancy shall occur, an election shall be held as soon as possible for the purpose of filling such vacancy and the councillor or member to be elected to fill such vacancy shall be elected in the manner provided for the election of candidates at the annual election. Any councillor or member elected to fill a casual vacancy under this section shall hold office for the remainder of the term for which the councillor or member whose place he has taken would have been entitled to remain in office:

Provided that a casual vacancy caused by the death or retirement of a councillor or member within three months of the date of expiry of his period of office may be filled at the annual election next ensuing."

8. Rule 19 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 19. If at any election no person is nominated or elected or less persons are elected than there are vacancies to be filled, a second election shall be held as soon as possible for the purpose of electing a European councillor or member to fill any vacancy so remaining."

9. Rule 21 (2) of the Principal Rules is hereby amended by the deletion of the words "nor more than fourteen."

10. Rule 24 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 24. (1) If at the expiration of the time appointed for the election the number of duly nominated candidates for any municipality or ward, as the case may be, does not exceed the number of European councillors or members to be elected for such municipality or ward, the returning officer shall forthwith declare such candidate or candidates to be elected, and shall publish the result of the election in the Gazette.

5. Rule 15 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 15 (1) The first election of European councillors or members of any municipality shall take place on a date to be notified by the Commissioner for Local Government in the Gazette.

(2) Of the councillors or members so elected, one-third, or as near as may be, shall retire on the thirtieth day of June immediately following the date upon which the first election is held, and one-third, or as near as may be, shall retire on the thirtieth day of June next ensuing, and the remaining one-third, or as near as may be, shall retire on the thirtieth day of June next again ensuing.

Provided, however, that where the municipality is divided into wards, and each ward is represented by more than one councillor or member, an equal proportion (or as near as may be) of the number of councillors or members representing each ward shall retire on each succeeding thirtieth day of June.

(3) The order of retirement of councillors of members under this section shall be determined by lot.

(4) Any councillor or member elected prior to the first day of January, 1933, who would, under the Principal Rules, become due to retire on or after that date shall, notwithstanding the actual date of determination of the period for which he was elected, retire upon the thirtieth day of June in the year in which his retirement would, under the Principal Rules, have become due."

6. Rule 16 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 16. (1) After the first election of councillors or members as aforesaid, an annual election shall be held upon the first day in June which is neither a Sunday nor a public holiday in each and every year for the purpose of electing European councillors or members to replace those whose terms of office expire upon the thirtieth day of the same month.

(2) The councillors or members elected at every such annual election shall hold office for a period of three years."

7. Rule 17 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 17. (1) Any vacancy caused by the death of an elected European councillor or member or by an elected European councillor or member vacating his seat for any reason other than the expiration of his term of office shall be deemed to be a casual vacancy.

(2) Whenever a casual vacancy shall occur, an election shall be held as soon as possible for the purpose of filling such vacancy and the councillor or member to be elected to fill such vacancy shall be elected in the manner provided for the election of candidates at the annual election. Any councillor or member elected to fill a casual vacancy under this section shall hold office for the remainder of the term for which the councillor or member whose place he has taken would have been entitled to remain in office.

Provided that a casual vacancy caused by the death or retirement of a councillor or member within three months of the date of expiry of his period of office may be filled at the annual election next ensuing."

8. Rule 19 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 19. If at any election no person is nominated or elected or less persons are elected than there are vacancies to be filled, a second election shall be held as soon as possible for the purpose of electing a European councillor or member to fill any vacancy so remaining."

9. Rule 21 (2) of the Principal Rules is hereby amended by the deletion of the words "nor more than fourteen".

10. Rule 24 of the Principal Rules is hereby revoked and the following substituted therefor:—

" 24. (1) If at the expiration of the time appointed for the election the number of duly nominated candidates for any municipality or ward, as the case may be, does not exceed the number of European councillors or members to be elected for such municipality or ward, the returning officer shall forthwith declare such candidate or candidates to be elected, and shall publish the result of the election in the Gazette.

(2) If the number of duly nominated candidates exceeds the number of European councillors or members to be elected as aforesaid, the returning officer shall forthwith adjourn the election for the purpose of taking a poll, and shall publish immediately in the Gazette and in one or more newspapers circulating in the municipality, and cause to be posted in such conspicuous places as he shall think fit within the ward or wards in which a poll is to be taken, a notice specifying—

- (a) the ward or wards in which the poll will be taken;
- (b) the date on which the poll will be taken, which shall not be less than fourteen days from the date of the publication of the notice;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers and seconders;
- (d) the place or places at which the poll will be taken and the portion of the municipality or ward, as the case may be, allotted to each polling station.

(3) No election which is adjourned for the purpose of taking a poll shall be declared invalid for the reason that the poll was not held or completed before the thirtieth day of June in the year in which such election is held."

11. Rule 41 of the Principal Rules is hereby amended by the addition of the following words at the end of the Rule:

"The result of the election shall be published by the returning officer in the Gazette."

12. The First Schedule to the Principal Rules is hereby amended by the deletion of the paragraph headed "Qualifications of Voters" and by the substitution therefor of the text of Rules 4 and 7 of the Principal Rules as hereby amended.

By Command of His Excellency the Governor in Council.

Nairobi,

10th December, 1932.

G. BERESFORD STOOKE,  
Clerk to the Executive Council.

(2) If the number of duly nominated candidates exceeds the number of European councillors or members to be elected as aforesaid, the returning officer shall forthwith adjourn the election for the purpose of taking a poll, and shall publish immediately in the Gazette and in one or more newspapers circulating in the municipality, and cause to be posted at such conspicuous places as he shall think fit within the ward or wards in which a poll is to be taken, a notice specifying—

- (a) the ward or wards in which the poll will be taken;
- (b) the date on which the poll will be taken, which shall not be less than fourteen days from the date of the publication of the notice;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers and seconders;
- (d) the place or places at which the poll will be taken and the portion of the municipality or ward, as the case may be, allotted to each polling station.

(3) No election which is adjourned for the purpose of taking a poll shall be declared invalid for the reason that the poll was not held or completed before the thirtieth day of June in the year in which such election is held.

11. Rule 41 of the Principal Rules is hereby amended by the addition of the following words at the end of the Rule:—

"The result of the election shall be published by the returning officer in the Gazette.

12. The First Schedule to the Principal Rules is hereby amended by the deletion of the paragraph headed "Qualifications of Voters" and by the substitution thereof of the text of Rules 4 and 7 of the Principal Rules as hereby amended.

By Command of His Excellency the Governor in Council.

Nairobi,

10th December, 1932.

G. BERESFORD STOOKE,  
Clerk to the Executive Council.

C. O.

27 3<sup>27A</sup>

Mr. Priestman 1/3

Mr. ~~Smith~~ 2/3

Mr. Home 3/3

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Stuchburgh.

Perms. U.S. of S.

Privy. U.S. of S.

Secretary of State.

3056/33 Kenya.



6 March, 1935.

Sir,

DRAFT. Comm. v. Municipal

I have etc. to acknowledge

KENYA.

NO. 1544

GOV.

the receipt of your despatch No. 11

(1) of the 7th January forwarding

authenticated copies of Ordinance

No. 29 of 1932 entitled "An Ordinance

to amend the Local Government

(Municipalities) Ordinance, 1928".

2. I am of opinion that the

Ordinance as enacted does not

sufficiently safeguard ~~the interests of the public and the Government of the Municipality.~~

I consider it desirable that power

should be reserved to the Governor to

limit the duration of an agreement

entered into with a Municipality under

this Ordinance. This could be effected

by the deletion in Section 34A. of the

words

*in sanctioning a proposal for the exercise by the Council of the powers of prohibition contemplated, the Governor should be empowered to place some limit upon the period of prohibition.*

words "subject to the approval of the Governor" and by the substitution thereof of the words "for such period as the Governor in each case may approve".

In addition some provision would be necessary for <sup>to</sup> ~~such period of prohibition to be extended from~~ time to time subject to the Governor's approval.

3. Provision for the termination of an agreement on account of a service proving unsatisfactory should, of course, be contained in the agreement, and I am advised that the power to revoke such a service is already implied in the present sub-section. Nevertheless, as amendment of the section will be necessary, the opportunity might I think be taken to state specifically in a new sub-section that the Council shall

any prohibition which <sup>might be</sup> made by the Council in favour of ?

C. O.

- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Stuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT

shall have the further power to revoke any prohibition upon the termination of an agreement.

4. It would I consider also be desirable to recast sub-section (d) so as to provide that notice shall also be given of any intended resolution to extend any period of prohibition in favour of an existing concessionaire.

5. The penalty clause should also be redrafted. <sup>sub-</sup> Section 34A makes two provisions:

- (1) empowering the Council, subject to proviso (a) <sup>to</sup> ~~and~~ (3), to prohibit all services except one, and
- (2) stating that in such case licences to carry passengers issued under other laws shall not be valid in the Municipality except

except with the Council's  
consent.

The penalty clause then states in  
substance that any person who  
contravenes <sup>(1)</sup>~~(a)~~ and/or <sup>(2)</sup>~~(b)~~ commits  
an offence which is obviously not  
what the clause is intended to  
convey.

5. H.M. will not be advised  
to exercise his power of disallowance  
in respect of Ordinance No.29 of  
1932, but I suggest that for the  
reasons above stated an early  
opportunity should be taken to  
repeal the Ordinance and to re-enact  
it in accordance with the foregoing  
suggestions.

6. As regards the duration of  
an agreement entered into ~~under~~ the  
provisions of this Ordinance, it is  
necessary to ensure that the Council  
may be in a position to review the  
situation

for the purpose of  
proceeding under



30  
2



THE SECRETARIAT,  
NAIROBI,  
KENYA.

RECEIVED  
- 4 FEB 1933  
COL. OFFICE

11<sup>th</sup> January, 1933.

WHEN REPLYING  
PLEASE QUOTE  
No. S. M. O. 11/2/5/37.  
AND DATE

NdI

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.11 of the 7th January, 1933, has the honour to transmit twelve printed copies of Ordinance No.XXIX of 1932 entitled "an Ordinance to Amend the Local Government (Municipalities) Ordinance, 1928."

AL

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No. XXIX.

31  
1932



Colony and Protectorate of Kenya.

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

Assented to in His Majesty's  
name this 30 day of December, 1932.

*Governor.*

AN ORDINANCE TO AMEND THE LOCAL  
GOVERNMENT (MUNICIPALITIES) ORDINANCE,

1928

**No. XXIX of 1932**

**An Ordinance to Amend the Local Government  
(Municipalities) Ordinance, 1928.**

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 Local Government (Municipalities) (Amendment) Ordinance, 1932," and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as "the Principal Ordinance." Short title.  
No. 19 of 1932.

2. Section 32 of the Principal Ordinance is hereby amended by the addition after sub-section (34) of the following sub-section:—

(34A) Notwithstanding any provisions of this Ordinance, or the Traffic Ordinance, 1928, or any other law, whenever any service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of passengers is established, acquired, maintained or carried on either by the Council or by any person or corporation under an agreement entered into with the Council under this Ordinance, to prohibit, subject to the approval of the Governor, the carrying on by any person or corporation (other than a person or corporation with whom the Council has entered into an agreement as aforesaid) of any such service; and when any such prohibition has been so made and approved, no licence issued under any law in respect of any public vehicle or motor vehicle carrying passengers for hire or reward, if such public vehicle or motor vehicle be licensed to carry more than six passengers, shall, without the consent of the Council, entitle any person to ply for hire with such public vehicle or motor vehicle within the municipality. No. 26 of 1928.

Provided that—

- (a) the right of any person to ply for hire within the municipality with any public vehicle or motor vehicle for the unexpired period of any licence issued prior to the coming into force of this sub-section shall not be affected;



33

KENYA.  
No. //

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
4 FEB 1933  
COL. OFFICE

January, 1933.

*Amended (3)*

No. XXIX

Local Government (Municipalities) 1932

- (b) the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of the municipality shall not be affected by this sub-section;
- (c) the powers of the Council under this sub-section shall not be exercised in respect of any such service established, maintained or carried on by any person or corporation under an agreement entered into with the Council unless and until the terms of such agreement have received the approval of the Governor;
- (d) before any resolution to prohibit the carrying on by any person or corporation of any such service is made by the Council, notice of the intention to introduce a motion for this purpose shall be given by publication in the Gazette and in at least one newspaper circulating within the municipality. Such notice shall be given once in each week for four succeeding weeks, and any objections received shall be laid before the Council at the meeting appointed to consider the motion and copies thereof shall be forwarded to the Governor.

Any person who contravenes the provisions of this sub-section shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and, in addition, to a fine not exceeding ten pounds in respect of each and every day upon which he contravenes the provisions of this sub-section."

Passed in the Legislative Council the seventeenth 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. BERESFORD STOOKE

Acting Clerk of the Legislative Council.

Sir,

I have the honour to transmit two authenticated copies of Ordinance No. XXIX of 1932 entitled an Ordinance to Amend the Local Government (Municipalities) Ordinance, 1928, which passed its third reading in the Legislative Council on the 17th December and was assented to in His Majesty's name on the 30th 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. The Government was approached in July last by the Overseas Motor Transport Co., Ltd. with a view to the establishment by the Company of a motor passenger transport service in Nairobi. The Company represented, as an essential condition of its undertaking such a service, that it should be protected from competition, and it appeared likely that, unless an exclusive licence could be granted, the Nairobi public would remain without a service the institution of which was recommended by the Cost of Living Commission in 1929. The Local Government (Municipalities) Ordinance, 1928 did not empower a Municipal Council to grant an exclusive licence, but the Nairobi Municipal Council agreed that the law should be .....

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.

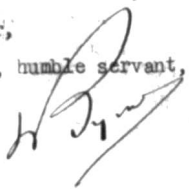
be amended in this respect in order that, in the event of the successful conclusion of negotiations between the Council and the Company, the service could be started without undue delay. There is little doubt that it would be impossible to operate an omnibus service in Nairobi or indeed in any town in the Colony as a public utility undertaking, with due regard to the interests of the community, without considerable financial loss, unless the service is protected from uncontrolled competition and possibly assisted in some other directions where assistance can be justified. The powers conferred by the amending Ordinance are, it will be observed, exercisable only with the approval of the Governor.

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

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER GENERAL.  
GOVERNOR.

LEGAL REPORT.

THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT)  
BILL, 1932.

-----

This Bill empowers a municipal council or board to grant an exclusive licence for a passenger transport service within a municipality, subject to certain safeguards.

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

  
ATTORNEY GENERAL.

Nairobi,

19th December, 1932.



36  
END

LEGAL REPORT.

THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT)  
BILL, 1932.

-----

This Bill empowers a municipal council or board to grant an exclusive licence for a passenger transport service within a municipality, subject to certain safeguards.

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

(Sd.) A. D. A. MacGregor,

ATTORNEY GENERAL.

Nairobi,

19th December, 1932.