

1935

1935

38222

KENYA

38222 /

CO533/461

Native Registration Legislation

Previous

2312-34

Subsequent

1936

R. 2. 7

247 ✓
Sir J. Maffey ✓
W. W. ✓
S. W. ✓

297

C.9.
NATIVE
(Native Legislation)

Govt. Bureau - No. 135 Conf

29.10.35²

Two copies of draft Bill to amend the Native
Legislation (Amendment Act) & Revised Native
Fishes and Commercial Fish. The Bill is
submitted for the opinion of the Executive
Council.

See note on 20.10.35

The Hood's note follows this sheet
& shows the note at the end of it

Native Bill
1935

Native Bill (3) (Amend) Conf

Beijing

C. O.

Mr Flood, 7/10

Mr

Mr

Mr C. ...

Mr G. ...

Mr J. ... 4/10

Mr J. ...

Mr ...

Secretary of State

AIR MAIL

DOVING CONTRACT

October, 1936

DRAFT

E.S.S. -

CONFIDENTIAL (3)

Governor

...

I have the honour to refer to your confidential despatch No.135 of the 19th of ... in which you forwarded ... to amend the Native Registration ...

The issues raised in this ... and the accompanying despatches are ... The ... but I appreciate the care which has been taken in the ... the ... the ... changes are set out.

I agree that the proposed definitions of "employer" and

Employment

FURTHER ACTION.

"employment or engagement" are improvements on the existing legislation and may be adopted.

4. With regard to Clause 4(2) of the Bill, I note that it makes it obligatory on the registered native (as it is in the existing Ordinance) to request his employer to endorse his certificate on discharge, and upon the employer to endorse the certificate when presented. In Lord Swinton's despatch of the 10th of May, 1938 (paragraph 4), it was suggested that endorsement should only be obligatory on the employer at the voluntary request of the employee, and this point does not appear to have been taken into account, though I do not desire to press the suggestion if you are satisfied that it is impracticable or inadvisable. In particular it may be your view that it would not be right to leave it to the employee, who may well be quite ignorant, to decide whether to ask for endorsement

or

C. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Perms. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

or not. If, however, it is not made compulsory upon the employee to ask for endorsement, then no penalty should be laid upon him if the certificate is not endorsed.

5. At the same time, if Section 6(2) of the Ordinance is to stand when amended as proposed in Clause 4(2) of the Bill, I think that the new Section 8(9) which it is proposed to add by Section 5 of the Bill, requires further consideration. Apart from the fact that the employee may be without an endorsement on discharge owing not to his own fault but to the fault of his employer and of the Registration officer, it is not clear what the position would be of an employee who, having been engaged for a definite term left his employment before the end of it. In that case he would not have been discharged and in suitable cases he

would

would be liable to penalties under the provision of the Employment of Servants Ordinance. Such a person, however, ought not to be liable to penalty under that Ordinance as well as under the new

Section 6(9) which would apparently be the case. I have no doubt that this possibility of a double penalty is not intentional, but it would be well to make the point clear.

6. Clause 6 of the Bill raises the penalty for an employer from £10 to £15 or one month's imprisonment on default, whereas the penalty on the employee under Section 2 of the Ordinance is £15 or three months' imprisonment. It would, I think, be far better if the alternative period of imprisonment were made the same in both cases to correspond with the fine.

7. In this connection I have noted that the penalties imposed upon native employees in this Ordinance and in the allied Ordinances may be considered heavy having regard to the position of natives

who

C. O.

Mr

Mr

Mr

Sir G. Parkinson

Sir G. Tomkinson

Sir C. Bateman

Sir J. Skelton

Permit Us of S

Permit Us of S

Secretary of State.

DRAFT.

FURTHER ACTION.

who cannot be expected to have any financial resources or to appreciate fully the exact nature of the penalties to which they may be liable. I realize that the penalties are the maximum, but I do not imagine that the maximum is imposed in all cases, but I suggest as I have done elsewhere that there is room for a considerable scaling down of the penalties imposed under these Ordinances.

8. I agree with your view that it would be impracticable to allow a registered native time to produce his certificate as has been suggested, so that that proposal may be dropped.

I agree also that, in order to avoid possible abuse, the power to demand the production of a certificate should be restricted to police officers of the rank of assistant sub-inspector upwards.

9. Subject to these remarks, I approve the introduction of the Bill

and I request that you will give me,
in due course, an account of any debate
which takes place when it is being
discussed in Council.

I have, etc.

(Signed)

All natives could not read and write, and it was even impossible for them to have definite addresses. Further, a native had several different names and changed his name at various times, while in some cases he may not even give his proper name. Accordingly, for the sake of the natives themselves as well as in the interests of good government, it was deemed necessary to confer identity upon him as done by the Rev. Traugott Derrillate. He went on to say that the value of the certificate was fully appreciated by the great majority of honest workers and the possession of one is the right of every native who comes to the good, honest work which it conferred. In them it could be regarded as man and receive a man's wage. Law-breakers, and others, however, as it is within their capabilities of carrying out the system. The Governor felt that it would be possible to revise the system and to do away with the certificate and he said it would be possible to have independent certificates issued to the natives and to have the same as the certificate now issued. He said that in spite of its being a certificate, the ordinance should be issued and he said the members of Council, and the then representative

Dec 7 10 AM
1932
No 12 on 1721/31/A

Lord Swanton in his reply to the said that it was no part of his intention to side with the supposed interests of racial superiority, or unnecessary legislation on members of the race merely on the ground that such an ordinance was necessary for members of another race in their own interests. He went on to suggest that the Native exemption ordinance should be re-drafted in such a way as to provide more elastic means of exemption and to provide for the enforcement of the same in which competition with the natives should be a condition of his employment. He said that the certificate should be issued to the natives and the employer should be allowed to refuse to employ anyone invited by the Governor to employ another native and the ordinance the entry of particulars should not be obligatory on the employer at the very least request of the employer. He said that the certificate should be issued to the natives and the employer should be allowed to refuse to employ anyone invited by the Governor to employ another native and the ordinance the entry of particulars should not be obligatory on the employer at the very least request of the employer. He said that the certificate should be issued to the natives and the employer should be allowed to refuse to employ anyone invited by the Governor to employ another native and the ordinance the entry of particulars should not be obligatory on the employer at the very least request of the employer.

Not attached
3/11

Ordinance giving greater discretion to Provincial Commissioners and generally simplifying the procedure, but they did not tackle the amendment of the Native Registration Ordinance till now. The bill now forwarded for consideration is quite short but does make things very much easier.

The definition of employer and the definition of employment have been altered. Employment now recognizes the engagement of a native for work in return for food and lodging. Apparently some employers contended that this was not employment and therefore it did not enter it on the certificate. It is for some reason thought feasible that it should be, but such casual employment can hardly be a matter of common occurrence.

Ink is now prescribed as the only vehicle for endorsement on the certificate and the ink must be black or blue-black. Under the old Ordinance ink included indelible pencil, and apparently a practice had appeared whereby employers used different coloured inks to indicate the opinion of the employee.

The recent form runs that a registered native shall, before leaving the service of an employer, request his employer to endorse his certificate. The employer shall forthwith report the matter to the registration officer,

who must then obtain a proper endorsement of discharge from the employer, or complete it himself if the endorsement has been omitted through ignorance or mistake.

It is now proposed to say that every registered native shall, before leaving the service of an employer, request the employer to endorse his discharge upon his registration certificate and it shall be the duty of the employer forthwith to do so. Otherwise there is no change - the alteration being that it is made obligatory on the employer to endorse the certificate on request of the native. In the previous correspondence, however, it was suggested that this obligation involved a degree of hardship which cannot be justified. The Governor in his despatch does not comment upon this and it seems to me somewhat doubtful whether such a provision ^{does not go too far} ~~is not justified~~. At the same time, the certificate is to remain a record book and if it is to contain particulars of wages some such requirement is almost certainly necessary. If it were left optional to employers or employees to indicate the subject of enquiry, that the native has a record book maintained, it might however, be sufficient to say it down that the native shall instead of shall ask the employer to endorse his certificate, leaving the obligation to the employer to be added when asked.

In order to tighten up things, it is proposed to have it an offence for the native after the expiration of the employment to be in possession

All natives could not read and write, and it was even impossible for them to have definite addresses. Further, a native had several different names and changed his name at various times, while in some cases he may not even give his proper name. Accordingly, for the sake of the native himself as well as in the interests of good government, it was necessary to confer identity upon him as done by the registration certificate. He went on to say that the value of the certificate was fully appreciated by the great majority of honest workers and the possession of one is the ambition of most native boys coming up to adulthood, since they believe that it conferred upon them a claim to be treated as men and receive a man's wage. Law-breakers, and others whose interest it is to gain their identities, of course hate the system. The Governor did not think that it would be possible to revise the system so as to go away with the objection and he said it would be absurd to make Europeans, Indians and other little persons take about the form of passport merely to appease unreasoning native prejudices. He went on to say that he was of opinion that the abolition of the system would not be in the true interests of the native population and that in spite of its apparent unpopularity the Registration Ordinance should be retained. In this he had the support of all his members of Council, including Canon Leakey, the then representative of the natives.

Lord

Dep. of 10 May
1932.
No 12 on 17217/31

Lord Swinton in his reply to this said that it was no part of his intention "to impose in the supposed interests of racial equality an unnecessary legal obligation on members of one race merely on the ground that such an obligation is necessary for members of another race in their own interests". He went on to suggest that the Native Exemption Ordinance should be re-drafted in such a way as to provide more elastic means of exemption for the literate native. Further, he said it was difficult to defend the enforcement of those sections which compelled a native employee to ask for particulars of his employment to be entered on the certificate and place an invariable obligation on the employer to enter such particulars. He therefore invited the Governor to consider whether in revising the Ordinance the entry of particulars should only be obligatory on the employer at the voluntary request of the employee. He further suggested amendment of the sections of the Ordinance which gave the police power to call for the immediate production of a certificate and suggested that it should be sufficient if it was produced within a reasonable time, say, 24 or 48 hours.

When Lord Swinton visited Kenya he discussed the matter and the Governor said he thought that the natives themselves would object to the abolition of the Ordinance while Mr. La Fontaine said the provisions for entering wages were generally popular.

Kenya did proceed to amend the Exemption

Ordinance

Note attached to
3111 / 33.

Ordinance giving greater discretion to Provincial Commissioners and generally simplifying the procedure, but they did not tackle the amendment of the Native Registration Ordinance till now. The Bill now forwarded for consideration is quite short but does not make things very much easier.

The definition of employer and the definition of employment have been altered. Employment now recognizes the engagement of a native for work in return for food and lodging. Apparently some employers contended that this was not employment and therefore did not enter it on the certificate. It is for some reason thought feasible that it should be, but such cases of employment can hardly be a matter of common occurrence.

Ink is now prescribed as the only vehicle for endorsement on the certificates and the ink must be black or blue-black. Under the old Ordinance ink included indelible pencil, and apparently a practice had appeared whereby employers used different coloured inks to indicate their opinion of the employee.

Section 6 in its present form runs that every registered native shall, before leaving the service of an employer, request his employer to endorse his discharge on his certificate, and in the event of the employer refusing, the native shall forthwith report the matter to the nearest registration officer,

who

who must then obtain a proper endorsement of discharge from the employer, or complete it himself if the endorsement has been omitted through ignorance or mistake.

It is now proposed to say that every registered native shall, before leaving the service of an employer, request the employer to endorse his discharge upon his registration certificate and it shall be the duty of the employer forthwith to do so. Otherwise there is no change - the alteration being that it is now obligatory on the employer to endorse the certificate on request of the native. In the previous correspondence, however, it was suggested that this obligation involved a degree of hardship which cannot be justified. The Governor in his despatch does not comment upon this and it seems to me somewhat doubtful whether such a provision ^{does not go to} ~~is~~ ~~not~~ ~~be~~ ~~the~~ ~~best~~ ~~interest~~ ~~of~~ ~~the~~ ~~native~~. At the same time, if the certificate is to remain in its present form and if it is to contain particulars of wages some such requirement is almost certainly necessary. If it were left optional then employers or employees might defeat the object of ensuring that the native has a record of his activities. It might, however, be sufficient to lay it down that the native "may" instead of "shall" ask the employer to endorse his certificate, leaving the obligation on the employer to endorse it when asked.

Further to tighten up things, it is proposed to make it an offence for the native after the expiration of his employment to be in possession

possession

possession of a certificate with no endorsement on discharge, and the penalty for this is a fine not exceeding £10 or imprisonment up to three months. The present penalty is a fine not exceeding £15 or three months' imprisonment or both, and it will be seen that the penalty is being reduced.

I am not at all responsible for the decision to make certificates and the certificate not endorsed, but I suppose the two things go together.

The penalty on the employer for not producing returns and certificates is raised to £15 with imprisonment in default for a period not exceeding one month. It would probably look better if three months were inserted as the alternative in both cases, or else one month embodied in Section 8. As it stands, there might be a charge of discrimination against the natives.

On the other hand, self-employment of Clause 15 the Governor points out that give time to produce a certificate would nullify the provisions of the Ordinance, since the native could easily abscond, while power to call for the production of a certificate is a valuable check on undesirable characters. The Governor does suggest amendment of the clause to restrict the power to demand certificates to

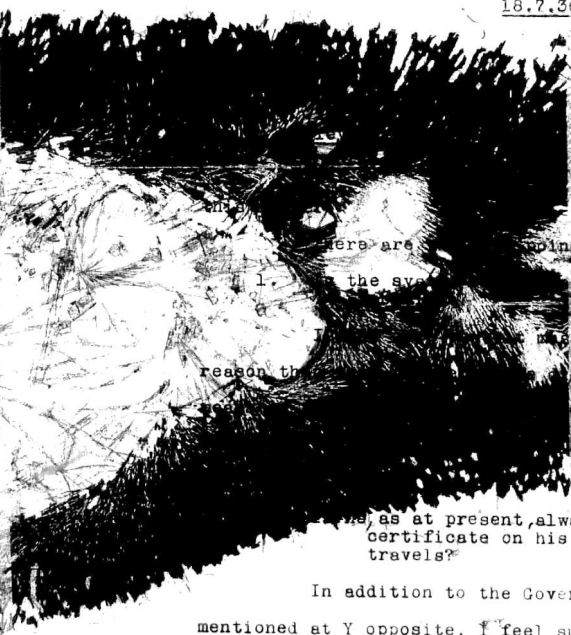
police

police officers of or above the rank of Assistant Sub-Inspector, which will remove one of the main causes of objection as set out in the 1931 correspondence.

As it is mostly a re-look and re-arrangement we can agree to its introduction without comment as at A & B above if thought worth while.
18.7.36.

Not find a re-look
This is only an amendment
Bice
W.D.

OFFICE
SECRETARY
GOVERNMENT
NATIVE AFFAIRS
NAIROBI



thoroughly into

here are points:
1. the system of registration to
past, if for no other
reason the native did not have this
would, in Kenya,
whenever he left
as at present, always to carry the
certificate on his person when he
travels?

In addition to the Governor's reasons mentioned at Y opposite, I feel sure that the suggestion that he should be given time to produce it would not help matters. My own position, if I were to lock up my driving licence in my house and be asked to produce it within a certain time, would be simplicity itself compared with that of the native in certain circumstances.

I do not much like Mr. Flood's suggestion at A. It is in the native's interest that if his

certificate

certificate has an entry of employment it should also have an entry of discharge and I do not think that it should be left to the untutored labourer to decide whether he shall ask for that entry to be made or not. But if A is adopted then, as I have added marginally, there can be no penalty on the native if the certificate is not endorsed.

As regards B I agree that the penalties on the employer should be made similar in the two cases. There are altogether too many penalties in these Ordinances, and so far as the natives are concerned I think we might ask the Governor whether they cannot be scaled down. As Sir G. Bushe has frequently pointed out, high penalties are an obsession in Kenya.

Subject to this, I agree that we can approve of the introduction of the Bill. I think we might say that when the Bill is sent home the Secretary of State would be glad to have with it an account of any debate which has passed on the Bill.

W.C.S.

24.7.36.

(1) As to point (1) in Sir C. Bottomley's minute: It seems to me that it is possible, if it is desired, to distinguish between the functions of the certificate of registration as a means of identification and as a "character". The form of the certificate

(see page 1179 in the Volume of Rules attached) is in two distinct parts - the heading shows the native's identity and the particulars below show the story of the native's employment. It would be possible to repeal the provisions of the Ordinance which relate to the latter aspect, retaining those which relate only to identification.

(2) A. of Mr. Flood's minute. Assuming that Section 6(2) is to stand as ~~a mandate~~ ^{amended} the new Section 8(9) seems to me wrong. Apart from the fact that the native may be without an endorsement of his discharge owing to the fault of the Registration Officer (see the latter part of Section 6(2)) I do not know what the position is if, for example, a native who is employed for a definite term leaves his employment before the end of the term. One cannot talk of a "discharge" in this case, and he will be punished in a proper case under the provisions of the Employment of Servants Ordinance. He ought not to be punished twice. The absence of an entry showing his discharge will, I should have thought, make subsequent employment so difficult that this will be sufficient punishment.

(3) B. I do not see any legal objection here. The offence under Section 9 is less serious than those under Section 8. The imprisonment is merely in default of payment of fine, and a £15 fine to an employer is a good deal less severe a punishment than a £10 fine to a native. Under Section 13 there are heavier penalties on the employer.

I agree, however, that the penalties imposed by these Ordinances on natives might well be reduced.

W.C.S.
19.8
Secretary of State
In his minute of August 5th on
3822/36, Sir J. Laffoy indicated that
after

after legal scrutiny these
three Bills should be
submitted to you,

There is nothing very
material in this one, except
that Mr Dale has found a
good point - in his opinion
(overlooked) dealing with the
Hood's A. It should certainly
be put before you.

Subject to that, & the ^{points} ^{mentioned}
points mentioned in ^{the} ^{minutes}
(including, I think, my own
point about the security of
passengers on ^{the} ^{line})
I authorize the introduction
of the Bill.

L. S.
19/8/36

~~19/8/36~~ 9 4 6, 6 (6) (16) 1) Jan

12 Oct 1936

AIR MAIL

KENYA

No. 135



25/10/35
GOVERNMENT HOUSE
NAIROBI
KENYA

CONFIDENTIAL.

29 October 1935.

17 NOV 1935

C. O. NEGY

Sir,

17217/19/35
With reference to Sir Philip Cunliffe-Lister's Confidential despatch of the 10th May 1932 on the subject of native registration, I have the honour to transmit copies of a draft bill to amend the Native Registration Ordinance, Chapter 127 of the revised Edition, together with a comparative table prepared by the Attorney General, for your consideration.

I shall be glad to receive your observations on the bill before its submission to my Executive Council with a view to publication for introduction into Legislative Council.

The two draft bills forwarded with my Confidential air mail despatch No. 134 of 29th October, 1935, and my Confidential air mail despatch No. 136 of 29th October, 1935, are closely concerned with the matter now under consideration and should be read in conjunction with this despatch.

3. It will, I think, be convenient if my observations take the form of a memorandum commenting on those Clauses of the bill which require explanation and I therefore propose to adopt this course.

4. Clause 2 (2). The definition of "employer" has been amended to correspond with the definition contained in the Employment of Servants bill forwarded with ...

THE RIGHT HONOURABLE
MALCOLM MACDONALD, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

with my Confidential air mail despatch No. 154 of 29th October, 1935.

5. Clause 2 (3). The definition of "employment or engagement" has been clarified in order to deal with the situation which occasionally arises where a native is engaged for work in exchange for food and lodging, the employer claiming that the native is not a paid servant and therefore there is no necessity to endorse his Registration Certificate.

6. Clause 3. It is not only desirable that endorsements on Registration Certificates should be made in a legible and permanent manner, but cases have occurred of employers using ink of different colours to indicate that the native has been unsatisfactory. The clause as drafted, will prevent this.

7. Clause 4 (2), makes it obligatory for an employer to endorse a discharge on the Registration Certificate immediately on request. The necessity for this clause arises from the fact that it is sometimes difficult to obtain an endorsement of discharge from an unreasonable employer thereby resulting in hardship to the employee.

8. Clause 5 (1), is a corollary to Clause 4 (2).

9. Clause 5 (2), amends Section 8 of the Principal Ordinance in order to make imprisonment a punishment which can be imposed only in default of payment of a fine.

10. Clause 6, increases the fine which can be imposed for offences in connection with Labour Returns from £10 to £15.

Imprisonment is made an alternative punishment in default of payment of a fine only.

11. Clause 7, increases the fine which can be imposed for offences in connection with illegal possession of Certificates from £10 to £15.

Imprisonment is made an alternative punishment in default of payment of a fine only.

12. Clause 8 (1), prohibits the engagement of a native with a mutilated Certificate.

13. Clause 8 (2), makes production of a registration Certificate to the prospective employer prior to engagement compulsory.

14. Clause 8 (3). Imprisonment is made an alternative punishment in default of payment of a fine only.

It is noted in paragraph 5 of the despatch

... requires...
... the Certificate to an...
... or 24 hours after...
... proposed would, to a...
... of the Ordinance as...
... of the Ordinance as...

... Ordinance
... to demand the
... constitutes, in the case
of towns, a valuable check on undesirable characters.

I do, however, consider that this power should not be entrusted to police officers of subordinate rank, in view of the opportunities for abuse which arise. The Clause now suggested prohibits any police officer below the rank of assistant sub-inspector from demanding the production of registration Certificates.

I should also remark that Section 15 of the Ordinance ...

Ordinance is mainly enforced in the towns, and in Nairobi is only enforced by a police order between the hours of 6.30 p.m. and 6.30 a.m.

16. Clause 10, repeals Section 16 of the Principal Ordinance. Offences of desertion are now non-cognizable and action can only be taken on the sworn complaint of an employer. Section 16 has therefore lost its intention.

17. Clause 11, increases the penalty imposable under Section 17 of the Principal Ordinance, from a fine not exceeding £30 to a fine not exceeding £50.

Imprisonment is made an alternative punishment in default of payment of a fine only.

18. Clause 12, is designed to simplify the procedure in charges brought against persons for offences against the provisions of the Ordinance.

19. I agree that there is no objection to the suggestion contained in paragraph 6 of the despatch under reply, that the present form of Registration Certificate should be amended by printing the various headings, etc., in Swahili as well as English, and provision for this will be made in due course by rules under the Ordinance.

I have the honour to be,

Sir,

Your most obedient, humble servant,


BRIGADIER-GENERAL.

G O V E R N O R.

15

A BILL TO AMEND THE NATIVE REGISTRATION
ORDINANCE.

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.

Cap. 127.

1. This Ordinance may be cited as the Native Registration (Amendment) Ordinance, 1934, and shall be read as one with the Native Registration Ordinance (Chapter 127 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Amendment of section 2 of the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended -

- (1) by deleting the definition of "ink";
- (2) by deleting the definition of "employer" and substituting therefor the following -

"'employer' means any person, or any firm, corporation or company who or which has entered into a contract of service to employ any servant, and the agent, foreman, manager or factor of such person, firm, corporation or company, and where a servant has entered into a contract of service with the Government or with any officer on behalf of the Government, the Government officer under whom such servant is working shall be deemed to be his employer;

Provided that no Government officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith."

and

- (3) by ~~the~~ inserting the following new definition -

"Employment or engagement" means the employment or the engagement of a native who, in return for his services, is paid any money or ~~xxx~~ is given any consideration whatsoever."

Endorsement to be made in black ink.

3. Every endorsement required by this Ordinance or by the Principal Ordinance to be made on a registration certificate shall be made in black or blue-black ink.

Amendment of section 6 of the Principal Ordinance.

4.(1) Sub-section (1) of section 6 of the Principal Ordinance is hereby amended by inserting the words "or employs" after the word "engages" in the first line thereof.

(2) Sub-section (2) of section 6 of the Principal Ordinance is hereby amended by deleting the first three lines thereof and substituting therefor ~~if~~ the following words -

"(2) Every registered native shall, before leaving the service of an employer, request such employer to endorse his discharge upon his registration certificate and it shall be the duty of the employer forthwith to do so. In the event of the employer refusing or"

Amendment of
section 8 of
the Principal
Ordinance.

5. Section 8 of the Principal Ordinance is hereby amended -

(1) by the addition of the following new sub-section -

"(9) Having departed from the service of his employer, from whatever cause, is, after the expiration of the period of his employment, in possession of a certificate bearing an endorsement of employment but no endorsement of discharge."

(2) by deleting the last three lines of the section and substituting therefor the words "shall upon conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a term not exceeding three months."

Repeal and replacement of section 9(3) of the Principal Ordinance.

6. Sub-section (3) of section 9 of the Principal Ordinance is hereby deleted and the following is substituted therefor -

"(3) Failure to comply with the requirements of this section shall render the person liable to a fine not exceeding fifteen pounds or in default of payment to imprisonment for a term not exceeding one month."

Amendment of section 12 of the Principal Ordinance.

7. Section 12 of the Principal Ordinance is hereby amended by deleting the last three lines thereof and substituting therefor the following words -

"of this section shall on conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a term not exceeding three months."

Amendment of
section 13 of
the Principal
Ordinance.

8. Section 13 of the Principal Ordinance is hereby amended -

(1) by deleting sub-section (5) thereof, and substituting therefor the following -

"(5) Shall destroy, alter, imitate, mutilate, make a false entry in or in any way improperly tamper with any certificate or container belonging to a native whether such native is in his employ or not; or who shall knowingly engage or employ a native in possession of a registration certificate bearing any of the mutilations, dishonest erasures or additions mentioned in sub-section (6) of section 8 of this Ordinance;"

(2) by deleting sub-section (7) thereof, and substituting therefor the following -

"(7) Shall engage or employ any unregistered native or any native who does not first produce his registration certificate. (The provisions of this sub-section shall only apply to such persons or such districts as may be prescribed);"

(3) by deleting the last two lines of the section and substituting therefor the following -

"hundred pounds or in default of payment to imprisonment for a term not exceeding one year."

Amendment of section 15 of the Principal Ordinance.

9. Section 15 of the Principal Ordinance is hereby amended -

- (1) by substituting the words "police officer of or above the rank of Assistant Sub-Inspector" for the words "police officer" which occur in the first line of the section; and
- (2) by substituting the words "in default of payment to imprisonment for a term not exceeding one month." for the words "imprisonment of either description for a period of one month or to both."

Repeal of section 16 of the Principal Ordinance.

10. Section 16 of the Principal Ordinance is hereby repealed.

Amendment of
section 17
of the
Principal
Ordinance.

11. Section 17 of the Principal Ordinance is hereby amended by deleting the last three lines thereof and substituting therefor the following -

"conviction shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment for a term not exceeding three months."

12. The Principal Ordinance is hereby amended by inserting therein, as Section 19A, the following:-

19A. Where proceedings are instituted against any person for an offence or for a number of offences against the provisions of this Ordinance, such person may, notwithstanding the provisions of the Criminal Procedure Code, if such offences are of the same kind be charged with and tried at the same time for any number of such offences'.

No. XI of
1930.

COMPARATIVE TABLE

THE NATIVE REGISTRATION (AMENDMENT) BILL, 1935

Clause of
the Bill.

Remarks

- 1. Short title.
- 2. The definitions of "employer" and "employment or engagement" are new. The deletion of the definition of "ink" is consequential to Clause 3.
- 3. New.
- 4.(1) Verbal amendment only.
- (2) New.
- 5.(1) Consequential to Clause 4(2).
- (2) New.
- 6. New.
- 7. New.
- 8. New.
- 9. New.
- 10. New.
- 11. New.
- 12. New.