

X

1927

10558

KENYA

C 0533/372

X

1927

10558

Land Grants for Retiring Civil Servants

Previous

R. 3956

Subsequent

X. 15195

28

L'62

3/1

620

12/1

M^r ~~W. H. H. H.~~

2/1

M^r W. H. H.

23/1

W. H. H.

23/1

W. H. H.

23/1

XEA

Para 12 copy of Report of Committee on Land Grants for Retiring Civil Servants - (I have copies to library)

There was the limited scheme in 1922 - 46257/2280 - The actual case of 46257/2280 see 3669/26 which was also the discussion in the 24th Oct 1927

As far as I can discover this is the first mention of any 'scheme' but see Pass Cuttings X 2939/26 no's 218 & 322

There seems a good deal to be said for encouraging retired officials to settle in the colony, & I don't see that the question of principle whether or not port servants should be allowed to hold land really arises again on this. But see X 3956/26 & X 3669/26 (Granted that they should hold land I can see no objection to any of these proposals unless it be that 5 years is too long a period before retirement under which officials might benefit - for the reason see § 10 & 11.

? Put by

Forward (2)

[If attach a note from the Library about the Leg: C¹ Proceedings app? you might be reminded we can not tell the for: submit proposals? 11/11/27

12.1

The most important question is the relation which clause 11 bears to Ord. Reg. 41, which prohibits any local investment... which might bring them (i.e. public officers) private interests into real or apparent conflict with their public duties, or in any way, influence them in the discharge of their duties."

In view of the paramount importance of retaining intact the principle of this regulation I should now wish the Governor, when he considers the 'tee's' report, to bear in mind ~~their~~ ^{the} necessity that whatever action it may be decided to take on that report the principle mentioned must be fully safeguarded

R. P. W. S. M. A.

23.1.28

It is reported that a breach was made in Kenya when Kenya officials were allowed (subject to Government) to acquire land during service, & that also occurred during the final term.

(Copy F 450/26 77)
(X 2110-2112)

20th 200

In the case of the above-mentioned officials the Government should be notified of any such acquisition of land.

W. H. B. 23.1.28



THE SECRETARY
NAIROBI

AS.

WHEN REPLYING
PLEASE QUOTE
NO. OF F.B. 1/1/52.
AND DATE

RECEIVED
-2 JAN 1928
COL. OFF.

2 December, 1927

The Colonial Secretary of the Colonies and Protectorate of Kenya presents compliments to the Under Secretary of State for the Colonies and has the honour to transmit twelve copies of the following papers:-

Legal
on 10/5/27/14
SEPARATE

Civil Procedure Rules, 1927.
Report of the Committee on Land Grants for Retiring Civil Servants.

4



COLONY AND PROTECTORATE OF KENYA

R 3957

LAND GRANTS
FOR
RETIRING CIVIL SERVANTS.

LAND GRANTS FOR RETIRING CIVIL SERVANTS.

REPORT OF COMMITTEE.

The Committee appointed by His Excellency to consider and report on the draft of a scheme for Retiring Civil Servants (reference your Memorandum No. 100 of the 3rd January last) has the honour to furnish the following report and recommendations.

2. During the first meeting of the Committee the correspondence between the Governments of Uganda and Tanganyika and the Governors' Conference was read.

3. The Committee desires to recommend the adoption of a scheme on the lines of the draft appended hereto, whereby retiring officials may be given special facilities for acquiring land and settling in the Colony.

This recommendation is based on the grounds:

- (a) that it would be of immense benefit to the Colony to secure as settlers men who are well acquainted with the country and its requirements; and
- (b) that it is sound policy to encourage the expenditure in the Colony of pensions provided from E.A. funds.

4. It is considered that the scheme should be open to officials of all the E.A. Dependencies without differentiation.

5. The question of the availability of suitable land was not investigated as being outside the terms of reference of the Committee; it is believed, however, that no serious difficulty will arise in this connection.

6. The Committee is of the opinion that the scheme should embrace not only agricultural land of all classes, but also suburban plots suitable for residential purposes or small holdings, e.g., Kileleshwa, L.O. No. 1702 (near Nairobi) and Tigoni Township.

7. Whilst it is felt to be undesirable to make special reservations of land for the purpose of the scheme, it is recommended, particularly with reference to suburban areas, that Government, when considering general proposals of land alienation, keep in view the possible requirements of civil servants retiring in the future, and not exhaust all the available land during the early period.

8. The most suitable size of units of land of various types for the purposes of the scheme was discussed by the Committee. It is believed that the Kenya Land Advisory Committee has made recommendations on this subject. The Committee trusts that it will not be in conflict with those recommendations in recording its opinion that the most suitable units are:—

Pastoral land	5,000 acres
Mixed farming land	750—1,200 acres.
Coffee land	100 acres.
Suburban plots	(a) in the vicinity of Nairobi—not exceeding 10 acres. (b) elsewhere—in general should not exceed 25 or 30 acres.

Much, of course, depends on transport facilities.

9. In addition to the above scheme for the encouragement of retiring East African officials towards securing Crown land in Kenya, the following proposals for assisting retiring officers of the Kenya Government to acquire land in the Colony, other than Crown land, are submitted.

10. It is provided by section 18 of the European Officers Pensions Ordinance, No. 11 of 1927—that where an European officer, holding a pensionable office, who is not on probation or agreement, dies while in the service of Kenya, and during the five years preceding his death, has continuously held pensionable office in Kenya or office in other public service which were, when he held them, pensionable under the pensions regulations applicable to such service, it shall be lawful for the Governor in Council to grant to his legal personal representatives a gratuity of an amount not exceeding one year's pensionable emoluments; and section 14 of the Schedule of the Ordinance gives such officer the option of being paid in lieu of any pension accruing under the Ordinance, a pension at the rate of three-fourths of such pensions together with a gratuity equal to ten times the amount of the reduction so made in pensions.

11. The Committee recommend that in the case of officers who express their intention of retiring on pension within five years, and are eligible to do so, and who express the further intention of remaining in the Kenya Civil Service until retirement, and who have given notice of their intention to accept a reduced pension and gratuity under section 14 of the Schedule of the Ordinance, the Government should, if requested to do so, advance to them sums not exceeding the amount which in the event of death the Governor in Council would be empowered by the section of the Ordinance quoted, to pay to their estates, or not exceeding the amount which will be payable to them as commuted pension, whichever is the lesser amount, for the purpose of enabling them to purchase and develop prior to retirement, land other than Crown land, in order that it may be ready for their beneficial occupation immediately after retirement.

12. It is proposed that any amount advanced should bear a reasonable rate of interest, and that it should be a condition of the agreement that, if not previously repaid, the advance would be deducted in full out of the gratuity which would become payable under the Pensions Ordinance on retirement or at death as the case may be. As a further security against loss it is proposed that the Government should take a mortgage over the property for the amount of the advance, and that no transfer of the property be permitted until the mortgage has been discharged.

13. The Committee feel that if each application for an advance is considered on its merits (the consideration to include the probability or otherwise of granting a gratuity to the officer's estate in the event of death) and the expenditure on development is required to be in accordance with a plan approved by the Committee referred to in paragraph 4 of the proposed scheme, the Government will be fully secured against loss; they also feel that very great encouragement will be given by the scheme to the settlement of officers in the Colony on retirement; and that the security on which it is proposed to make advances under the scheme will be considerably greater than that accepted by several of the Dominions under their settlement schemes.

14. The Committee wish to express the opinion that this alternative scheme for enabling retiring civil servants to acquire privately owned land must not be permitted to effect the alienation of Crown land in Kenya for the purposes.

15. The Committee desire to draw the attention of Government to the final clause of section No. 155 of the Code of Regulations. As at present framed the effect of this regulation is to hasten the departure of retiring officials within two months of cessation of duty. It is desirable to use every reasonable means to encourage officers to make Kenya their permanent home.

An officer who intends to settle in Kenya may desire to commute the development of his farm immediately on retirement, and defer his return home until the farm is fully established.

This Committee records that the privilege accorded by the section under reference be extended to a period of two years from the date of cessation of duty, and that a period equivalent to the length of the voyage be granted as additional leave on full pay irrespective of whether the passage be claimed within two months as at present in force under this section.

Nairobi,
17th June, 1927.

R. CLIFTON GRANNUM.
W. F. G. CAMPBELL.
E. VAUGHAN KENEALLY.
C. G. DURHAM.

PROPOSED SCHEME OF GRANTS OF LAND TO RETIRING
CIVIL SERVANTS.

1. Only officers on the permanent and pensionable establishment, in any of the B.S. Dependencies shall be eligible to participate, and then only during their final five years of pensionable service.

2. A schedule of farm and suburban land available for application will be prepared by the Land Department, arranged in suitable units for individual settlements, and not more than one unit will be allotted to any applicant.

3. This schedule will indicate the area of the unit and the value placed upon it by Government, and will periodically be revised.

4. A small permanent Committee should be established to consider applications and make recommendations to Government.

5. Allotments shall be made free of auction, but subject to the payment of the scheduled price and on the general conditions hereunder noted.

General Conditions.

(a) The land shall be granted under the ordinary conditions of the Crown Lands Ordinance, 1915, except where hereinafter varied.

Term.

(b) The term of the grant shall be in the case of agricultural land, 999 years and in the case of small suburban plots, 99 years.

Rent.

(c) Rent to be payable for agricultural land at the rate of 20 cents per acre per annum (revisable as in Crown Lands Ordinance) and for suburban plots at a rate to be indicated in the aforementioned schedule.

Purchase Price.

(d) No part of the purchase price to be demanded until 3 years from the date of allotment; thereafter the purchase price to be payable by 12 equal annual instalments on the 1st January in each year.

Development.

(e) Development conditions to be imposed in the grant but the period for development to commence on the date of retirement.

Occupation.

(f) The land allotted must be personally occupied by the allottee for a period aggregating 3 years within the first 5 years from the date of retirement. Any occupation completed prior to retirement not to count for the purpose of this condition.

Transfer.

(g) No transfer to be permitted until the occupation condition has been complied with, except in the case of death or to another retiring officer who may be equally eligible for participation in the scheme. Transfer at any subsequent time except in the case of death or to any person other than an official eligible to participate in the scheme to be permitted only on payment of the full outstanding balance of purchase price. In the case of transfer on the death of the allottee or to an official eligible to participate, the transferee shall take over all outstanding obligations.

Fees and Charges.

(h) The allottee will be required to pay on issue of title—survey fees, cost of deed, registration fee, stamp duty.

(i) Titles must be completed within 12 months of the date of allotment.

6. It is recognised that in individual cases special circumstances may arise which would make the strict enforcement of some of the above conditions inadvisable; in such cases the general authority vested in His Excellency the Governor under section 6 (3) of the Crown Lands Ordinance, 1915, to waive or vary conditions of leases may be invoked.

PUBLIC RECORD OFFICE

CO 533/372

END

TOTAL EXPOSURES →