

1928

Kenya

No. 15005

SUBJECT

CO 533/373

Transportation - business

Previous

1020
(K.V. K...)

Subsequent

1020
(K.V. K...)

... of ...
... 1950/27 ...

... to Kenya as in ...
... 1950/27 ...

... in ...
... at ...
... the ...
... of 1950/27:

... also ...
... copy ...

... 48 (in ...)
... 3 ...
... 1950/27

... in Kenya ...

I have spoken to ...

... 3 ...
...
... (...)

SP ... as a X 1950/26

disposed of after reply

you can now

give definite approval

acc. fastness

5.2.29

I think so. The schedule - correct

the margin of the order

H.B.

11/2

agreed

all

11.2.29

at hand

11.7.20

(Parish)

11.7.20

HIGH COMMISSIONER
FOR KENYA

OFFICE OF THE HIGH COMMISSIONER FOR TRANSPORT,
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

50

Sir,

I have the honour to acknowledge the receipt of your despatch No. 113 of the 6th of November referring the terms of the draft Order which it is proposed to issue under Article 3 (1) (i) of the Kenya and Uganda (Transport) Order in Council, 1952 and 1954.

The draft Order is generally in clauses 14 and 19 of the Statute were deleted, as it was considered that they appeared to be unnecessary. In view of the provisions of Article 3 (1) (i) of the said Order which make ownership by the respective Governments of Kenya and Uganda an essential pre-condition of a declaration by an Order of the High Commissioner, the control, working and management of any Railway, etc., declared to be included in the "services" is vested in the High Commissioner and is not in the Government of Kenya or Uganda.

The terms of the Order in the last line but one of the first page of the draft Order is regretted.

I am, Sir, very respectfully,
Yours faithfully,
The Honourable

[Signature]
HIGH COMMISSIONER.

THE RIGHT HONOURABLE
LIEUTENANT COLONEL I.C.M.S. AMERY, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON. S.W.1.

which led to the omission ~~from~~
in Clauses 15 and 19 of the
Schedule of the ~~act~~ ^{reference} referring
to Agencyship.

I have,

etc.

AMERY

150/101
67

Office of the High Commissioner for Transport,
Government House,
Nairobi,
Kenya.

RECEIVED
13 OCT 1928
CCL. OFFICE

24th September 1928.

I have the honour to transmit for
your approval the draft of an Order which I
propose to issue under Section 3 (1) (ii) of
the Transport and Usages (Kenya) Order of
1928.

It is proposed that the
draft of 3rd Section of the
draft of 3rd Section published in
the Kenya Gazette of 27
January 1928 and which
includes new rules and
opportunities should be
the services in the Senate

I have the honour to be,

Sir,
Your most obedient,
servant,

W. J. G. G. G.
W. J. G. G.

HIGH COMMISSIONER

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L. G. M. S. ARNEY, M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, S.W.1.

Chamberlain & Co. Nairobi

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**THE KENYA AND UGANDA (TRANSPORT) ORDERS
IN COUNCIL, 1925 and 1927.**

The High Commissioner for the Colony and Protectorate of Kenya and the Protectorate of Uganda is established.

AND WHEREAS it is provided inter alia by Article 3 (1) of the said Order in Council, 1925, that the Services mentioned in the said Order in Council shall include all such railways, ports, harbours, wharves and steamship services as are now or may hereafter be owned, controlled or managed by the Government of Kenya or the Government of Uganda and as are declared by an Order of the High Commissioner, with the approval of the Secretary of State, to be included in the Services:

NOW THEREFORE, I, Edward William Maseley Grigg, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decorations of the Military Cross, Lieutenant Colonel in His Majesty's Army (retired), Governor and Commander in Chief of the Colony and Protectorate of Kenya, do hereby make the following Order in Council, with the approval of the Secretary of State and in pursuance of the provisions of the said Order in Council, 1925, and the said Order in Council, 1927:

Article 2 (1) (a) of the said Order in Council, do hereby order and declare the railways, ports, harbours, wharves, steamship services and other items mentioned in the schedule hereto which are owned, controlled or managed by the Governments of Kenya and Uganda respectively to be included in the said Services:

Orders dated the 3rd day of February, 1926, and the 13th day of October, 1926, published in the Official Gazette of the 3rd February, 1926, and the 13th of October, 1926, respectively are hereby cancelled.

Edward G. G. G.

HIGH COMMISSIONER FOR TRANSPORT

RECEIVED

This

DAY OF

1926

SCHEDULE

1. Uganda Railway from Mombasa to Kisumu Pier including branch lines on the Island of Mombasa.
2. Voi-Kahe Branch Railway from Voi to Kahe Junction.
3. Magadi Railway from Magadi Junction to Lake Magadi.
4. Nyeri Branch Railway from Nairobi to Narro Moru.
5. Uasin Gishu Railway from Nakuru Junction to Turbo.
6. Solai Branch Railway from Rongai to Selai.
7. Kitale Branch Railway from Tesera to Kitale.
8. Railway Extension from Turbo to Mombasa.
9. Elgeyo Railway from Jinja Pier to Mombasa.
10. Port Bell-Kampala Railway from Port Bell Pier to Kampala.
11. Tanga-Soroti Branch Railway from Tanga to Soroti.
12. Kavirondo Branch Railway from Kisumu to Kisumu.
13. Thomson's Falls Branch Railway from Kisumu to Thomson's Falls.
14. Jinja-Kampala Railway from Jinja to Kampala.
15. Steamship tug and lighter services on Lake Victor and

all the ports, harbours, docks, piers, wharves, navigation signs and marks which are now or may hereafter be used in connection with and as a part of the said Services.

Steamship and lighter services on Lake Kioga between the ports, harbours, docks, piers, wharves, navigation signs and marks which are now or may hereafter be used in connection with and as a part of the said Services.

17. Steamship, boat and lighter services on Lake Albert and on the River Nile between Lake Albert and Niamira and all ports, harbours, docks, piers, wharves, navigation signs and marks which are now or may hereafter.

hereafter be used in connection with and
as part of the said Services.

18. Motor vehicles, garages and other buildings, etc., as
are now or may hereafter be used in connection
with and as part of the said Services.

The Ports, Harbours, Docks, Piers, Wharves, navigating
lights and marks on the Coast of the Protectorate
of Kenya to ~~be~~ ^{be} ~~connected~~ ^{connected}
therewith and the ~~lighting~~ ^{lighting} and ~~spot~~ ^{spot} ~~services~~ ^{services}
which are ~~at present~~ ^{at present} or ~~may hereafter~~ ^{may hereafter} be carried
out at the Port of Mombasa by contractors.

X-100-100

57

Mr. Bottomley
Mr. E. J. Harding

C. U.
R. 15-11-1941
D. 2-4

[The following text is extremely faint and largely illegible due to heavy scribbles and noise. It appears to be a letter or report.]

in the same which...

of the...

has received...

the...

Department...

might be...

from...

the...

SECRET

Gen. [unclear]

Dir of Comms [unclear]

711

Mr.

Mr.

Mr.

Mr. Bottomley

Mr. B. J. Harding

Mr. J. Shuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gere

Lord Local

Mr. A. G. G.

DRAFT.

With regard to the 14
amendment of Article

17, I would point

out that it will

be ~~possible~~ ^{possible} to

~~insert~~ ^{insert} the ~~word~~ ^{word}

~~word~~ of ~~the~~ ~~text~~

~~of~~ the ~~text~~ ~~and~~ ~~insert~~

estimate of the Railway

& Post Services ~~are~~ ^{are}

~~is~~ ~~announced~~
~~inserted~~ to both the

R. ~~and~~ ~~Finance~~ ~~Board~~

~~and~~ ~~Finance~~ ~~Board~~

AT THE COURT AT BUCKINGHAM PALACE

The 20th day of November, 1927.

THE KING VS. MOSES WOODS ET ALIA

Minister of the Interior
Secretary Sir W. Joynson
Hicks

Attorney General
Gilmour
Sir Arthur Douglas

WHEREAS the Kenya and Uganda Transport Board of 1926, made provision for the employment of a Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda and for matters relating thereto

And whereas it is expedient to amend the Statute in that behalf

Now ENACTED, that the Statute in that behalf made shall be amended in the manner in which is expressed in the Schedule to this Statute, as if the Statute in that behalf made were contained in one Statute, and as if the Statute in that behalf made were contained in one Statute.

And whereas it is expedient to amend the Statute in that behalf made in the manner in which is expressed in the Schedule to this Statute, as if the Statute in that behalf made were contained in one Statute, and as if the Statute in that behalf made were contained in one Statute.

And whereas it is expedient to amend the Statute in that behalf made in the manner in which is expressed in the Schedule to this Statute, as if the Statute in that behalf made were contained in one Statute, and as if the Statute in that behalf made were contained in one Statute.

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And whereas it is expedient to amend the Statute in that behalf made in the manner in which is expressed in the Schedule to this Statute, as if the Statute in that behalf made were contained in one Statute, and as if the Statute in that behalf made were contained in one Statute.

And whereas it is expedient to amend the Statute in that behalf made in the manner in which is expressed in the Schedule to this Statute, as if the Statute in that behalf made were contained in one Statute, and as if the Statute in that behalf made were contained in one Statute.

17
END

- (b) Not more than two members who shall be appointed by the Governor of Kenya.
- (c) Not more than two members who shall be appointed by the Mombasa Chamber of Commerce.
- (d) Not more than one member who shall be appointed by the Association of East African Chambers of Commerce.
- (e) Not more than two members, of whom one shall be appointed in Mombasa, who shall be appointed by the Governor of Uganda.

The persons appointed members under paragraph (a) hereof shall be persons who, in the opinion of the Governor of Kenya, are not otherwise interested. The persons appointed under paragraphs (c) and (d) hereof shall not include any of those persons employed by or connected with any shipping companies.

The persons appointed members under paragraph (a) hereof shall be persons who, in the opinion of the Governor of Kenya, are not otherwise interested. The persons appointed under paragraphs (c) and (d) hereof shall not include any of those persons employed by or connected with any shipping companies.

The names of all members appointed to the Council by the Governor of Kenya and Uganda, and any number of a Gazette containing a notice of any such appointment shall be deemed sufficient notice thereof in all purposes.

(1) Each official member of the Council shall hold office during the pleasure of the Governor by whom he is appointed. Any additional member shall hold office for a period of three years appointment subject to such conditions as may be determined by the Governor in Council by whom he is appointed. Each member appointed to the Board shall hold office for a period of three years from the date of appointment.

The Chairman of the Council shall be the senior official member representing the Colony and Protectorate of Kenya, provided that when meetings are held in Uganda the senior official member present representing the Protectorate of Uganda shall preside.

The Chairman of the Council shall be the Commissioner of Customs.

If at any time after the Council shall be appointed by the Governor of Kenya, the Governor of Kenya may appoint some other person to the Council in place of any member who shall be unable to discharge his duties. Any member of the Board shall be prevented from acting in any capacity or other cause from acting for a period of three months. The Governor may appoint some other person to the Council in place of any member who shall be unable to discharge his duties.

13. The High Commissioner may make, and when made may vary or revoke regulations prescribing as regards the Council or the Board:—

- (a) The fees and expenses which may be paid or allowed to members.
- (b) The quorum necessary to constitute a meeting.
- (c) The intervals at which meetings shall be held, the manner in which the business shall be conducted, the method of voting, and the form in which the minutes shall be kept.

14. (1) The High Commissioner may consult the Council or the Board upon any matter concerning the administration and working of the Services, and shall consult the Council or the Board or both the Council and the Board as he sees fit in the following matters:—

- (a) All matters relating to the tariff rates, fares and charges of the Government.
- (b) All estimates of revenue and expenditure, including the Budget.
- (c) All Government Services relating to the Council of Kenya or Uganda in the course of the year.
- (d) The operation of any law or regulation in respect of any civil railway or harbour work or service other than a work or service covered by a contract or work contract or carried out under an authorized construction, betterment or renewals programme.
- (e) Alterations in the scales of salaries, wages or leave or employment, or other important conditions of employment.
- (f) The annual production of steel.
- (g) The abolition of any office in the Services carrying a salary of £1,000 per annum or over.
- (h) Substantial changes in the organization of the Services.
- (i) All questions of general policy in connection with the administration, control, working or management of the Services.

15. (1) All Government Bills relating to the Services shall, prior to submission to the Legislative Council of Kenya or Uganda, as the case may be, be submitted to the High Commissioner by the Government introducing the Bill.

(2) The Council and the Board shall be entitled to submit to the High Commissioner within a reasonable time of receiving a copy of the proposed Bill a memorandum of objections to the proposed Bill and it shall be the duty of the High Commissioner to forward such memorandum to the High Commissioner.

The Council and the Board shall be submitted to the High Commissioner through the General Manager. The High Commissioner may, as soon as may be after the

receipt of any minute, and after considering any matter in connection therewith which may be represented to him by the General Manager, either act upon the minute or refer it back to the Council or the Board as the case may be for further consideration or reserve the matter for submission to the next meeting of the Council.

17. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues derived from the administration of the Services, and from which all disbursements shall be made.

Estimates of receipts and of expenditure on revenues and other accounts, and from betterment and renewal funds or other funds established by contributions from revenue, shall be prepared by the General Manager before the commencement of the financial year in which the expenditure is to be incurred, and supplementary and additional estimates may be prepared from time to time as may be necessary. Such estimates shall be submitted to the Council and to the Board respectively for consideration, and shall thereafter be transmitted with the recommendations of the Council and of the Board to the High Commissioner for approval and transmission to the Secretary of State for his sanction.

As soon as may be after approval by the High Commissioner and before sanction by the Secretary of State, such estimates shall be submitted to the Legislative Councils of Kenya and Uganda, which may by resolution approve or disapprove of the estimates or propose modifications. The resolutions of the Legislative Councils shall be submitted for the consideration of the Secretary of State. Sanction of any estimate by the Secretary of State shall be subject to the expenditure specified therein.

4. This Order may be cited as the Kenya and Uganda (Finance) Amendment Order in Council, 1927, and shall be laid upon one with the Kenya and Uganda (Finance) Order in Council, 1925, and the said Order may be cited as the Kenya and Uganda (Finance) Order in Council, 1925 and 1927.

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