

1924

KENYA

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1 JUL 2

Date
1924

Mr. *Galt*
Mr. *Brett*
1st U.S. of S.

2nd U.S. of S.
3rd U.S. of S.
Secretary of State

Previous Paper

MINUTES

This is in order. No standing
for quarter, subject a note.
Approved by 5/24

Subsequent Paper

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KENYA
No. 736



GOVERNMENT HOUSE,
NAIROBI,
KENYA

1 JUL 1924

SIR,

I have the pleasure to acknowledge the receipt of your letter of the 27th inst. and in reply to inform you that the same has been forwarded to the appropriate authorities for their consideration.

I am sorry to hear that you have been discharged from the service and I shall be glad to hear of your success in the future.

I am, Sir, very respectfully,
Yours faithfully,
The Secretary of State for the Colonies

YOUR Obedient Servant

G. V. R. N. S. D.

THE RIGHT HONOURABLE

J. H. THOMAS, P. C., M. P.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET - LONDON, S. W.

COLONIAL PENSIONS, &c.

ARTICULARS required to be furnished in reference to persons recommended for Superannuation, Compensation or Compassionate Allowances, or Gratitudes on retirement.

(On filling up this Paper refer to the Instructions in page 4.)

Name of Applicant: **Njuguna wa Kamau (Native)**

Office or Situation: **Head Boy, Land Department,**

Recommended for: **a GRATITUDE** Shs. 300/-

Age: _____

Service in Years and Months: **10 Years and 3 Months,**

Salary or Wages (Actual): Shs. 600/-

Emoluments: _____

Total amount of Salary or Wages and Emoluments on which Gratuation is payable: Shs. 600/-

Character of Service: _____

Details of the several Appointments held by Applicant, with the nature of the same, and the nature of the Salary from other allowances, and specifying such Allowances: _____

Type of Appointment	Date of Commencement	Date of Termination	Rate of Salary	Allowances	Nature of Allowances
Head Boy, Transport Department	1.1.14	23.4.14	336		
Head Boy, Land Department	24.4.14		432		
	1915		432		
	1918		480		
	1920		552		
	1921	20.2.24	600		

Statement, if the circumstances warrant it, that the Applicant "has discharged his duties "with diligence and fidelity, to the satisfaction of the Head Officer or Officers of his "Department," to be signed by any two of such Head Officers, if there shall be more "than one, or by such Head Officer, if there shall be but one, together with "such a "statement as will exhibit the merit, and value, and labour of the services of the Person "recommended, embracing as long a period of his public service as can be authentically "stated," and observations as to Special Services, Suspension, Reprimand, &c., with full "particulars of any injuries received on duty, or other claims or matters for consideration.

*Ninguna has Haman has
discharged his duties with
diligence & fidelity*

A. G. Dada
for COMMISSIONER OF LANDS

Gratuity

Computation, by the Treasurer, of the ~~Income~~ Ac.—

I certify that the Gratuity which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to Three hundred and sixty shillings (Shs. 360/-)

and I base my Certificate on the following calculation—

Date of First Appointment - 1st January 1906.

Date of Retirement - 1st March 1924.

	Years	Months	Days.
Actual Service	18	2	0
TOTAL	18	2	0

Actual Salary Shs. 600/- a year.

Gratuity earned under Section IV of the Superannuation Act, 1907, being at the rate of £1 (one pound) for every year of service Shs. 360/-

Treasurer,

W. S. Dada
For Treasurer

Nairobi, 17th May 1924.

The Colony and Protectorate of Kenya

Instructions.

10. Whether each of the Appointments held by the Applicant has been on the Fixed Estate List of the Colony.

Y E S

11. Whether the duties of the several offices or positions held since the Applicant entered Civil Service have been such as to require that the holder should visit the whole or the greater part of the Colony.

Y E S

12. Whether holding any other Public Appointment or receiving or claiming to receive Public Money by Compensation, Half Pay & otherwise.

N O

13. If any kind of Pension or other Allowance has been continued under the Imperial Civil Compensation Act, 1908 and 1927 the annual amount of Pension or Allowance continued and the amount of Compensation should be inserted.

N O

14. The date of the last day of duty performed by the Applicant in the Colony.

From

19

Date of Commencement of duty : 20th. February 1924.

16. Date of Commencement of Salary : 29th. February 1924.

Gratuity is due

17. Date from which gratuity is due : 1st. March 1924.

Railways.

1. (1) There shall be established the office of High Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda.

(2) The High Commissioner for Transport shall be a Corporation sole under that name with perpetual succession and an official seal, and may sue and be sued under the above name.

2. The person holding the office of High Commissioner for Transport shall, unless it is otherwise directed by His Majesty's Secretary of State for the Colonies (hereinafter referred to as the Secretary of State) be the person administering the Government of Kenya.

The control, working and management of all railways, ports, harbours and steamer services (hereinafter referred to as "the Services") which are or hereafter may be declared by the High Commissioner to be controlled, worked or managed by the Government of Kenya or by the Government of Uganda shall vest in the High Commissioner for Transport (hereinafter referred to as "the High Commissioner"); and all powers necessary for and incidental to the said control working and management are hereby conferred on the High Commissioner.

3. The Services shall be known by the name of the Kenya and Uganda Railways.

6. (1) The High Commissioner may appoint a General Manager who shall have such of the authority and powers of the High Commissioner as may be delegated to him by the High Commissioner or may be conferred upon him by

H.M.S. Secretary of State
for the Colonies
the
W.M.C. Secretary of State
for the Colonies
the
the High Commissioner
shall be
the High Commissioner
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the High Commissioner
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the High Commissioner
shall be

control working and management of any railway, port, harbour
steamer service which he may hereafter require by agreement
such an agreement, and any such railway, port, harbour or steamer
shall be the duty in which it is so required

Specials.

1. (1) There shall be established the office of High Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda.

(2) The High Commissioner for Transport shall be a Corporation sole under that name with perpetual succession and an official seal, and may sue and be sued under the above name.

2. The person holding the office of High Commissioner for Transport shall, unless it is otherwise directed by His Majesty the Secretary of State, for the Colonies (hereinafter referred to as the Secretary of State) be the Officer administering the Government of Kenya.

3. The control, working and management of all railways, ports, harbours and steamer services (hereinafter referred to as "the Services") which may or hereafter may be declared by the High Commissioner to be controlled, worked or managed by the Government of Kenya or by the Government of Uganda shall in the High Commissioner for Transport (hereinafter referred to as "the High Commissioner"); and all powers necessary for and incidental to the said control working and management are hereby conferred on the High Commissioner.

4. The Services shall be known by the name of the Kenya and Uganda Railways.

5. (1) The High Commissioner may appoint a General Manager who shall have such of the authority and powers of the High Commissioner as may be delegated to him by the High Commissioner or may be conferred upon him by

H.M.'s Principal Secy of State for the Colonies

5/21/51

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In any act done by the General Manager in pursuance of his duties, it shall be presumed that he was duly authorized thereto.

(2) The High Commissioner may in addition to the General Manager appoint servants as may be necessary for the efficient working of the Services.

(3) Persons so appointed or deemed to be appointed as hereinafter provided shall be servants of the High Commissioner but shall not and remain in the service of the Crown and shall be deemed to be in the public service of Kenya and Uganda.

(4) All persons who at the date of this Ordinance are employed in the service shall, on the date hereof, be deemed to be appointed by the High Commissioner upon the terms and conditions of their existing employment so far as is consistent with the provisions of this Ordinance, and without prejudice to the continuity of their existing rights.

(5) The High Commissioner may make regulations with regard to all or any of the following matters:-

(a) the appointment, discharge and dismissal of servants, the minimum and maximum rates of pay, incremental scales, grading and classification of emoluments, leave of absence, and all other conditions of service in any department, office or branch of the service,

(b) the security to be given by servants and the amount

16. The names of all members appointed to the Council shall be forthwith notified in the ^{Official} Gazette of Kenya and Uganda, and any member of a Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes.

17. Each official member shall hold office during the term of the Council to which he is appointed, and shall be eligible for re-appointment for a period of not more than one year after the expiration of his term of office.

18. The Council shall meet at such times and places as may be determined by the Council.

19. If any member of the Council shall be prevented from attending any meeting of the Council, the Governor may, if he thinks fit, appoint another person to attend in his stead.

20. The Council shall be deemed to have met if a majority of its members are present.

21. The Council shall have the power to regulate its own procedure.

22. The Council shall have the power to elect a Chairman and a Secretary.

23. The Council shall have the power to elect a sub-committee to inquire into any matter referred to it.

24. The Council shall be deemed to have met if a majority of its members are present.

25. The Council shall be deemed to have met if a majority of its members are present.

26. (1) The High Commissioner may consult the Council upon all matters concerning the administration and working of the services.

reserve the matter for submission to the Secretary of State. The approval by the High Commissioner of any minute of the Council shall be sufficient authority for the General Manager to act thereon.

16. There shall be constituted for the port of Kilindini a Port Advisory Board (hereinafter referred to as "the Board") which shall consist of

- (a) the Port Captain
- (b) a senior official of the Services,
- (c) two official members representing the local community of Mombasa,
- (d) two members representing shipping interests,

(e) if the High Commissioner so directs, two members representing the lightering interests.

(2) All appointments to the Board shall be made by the High Commissioner and shall be held during his pleasure.

(3) The Chairman of the Board shall be appointed by the members. If at any meeting the Chairman is not present such other member as may be chosen ^{by a majority} shall preside.

(4) The Secretary of the Board shall be an official of the Services.

17. It shall be the duty of the Board to advise (if the Council) on all matters connected with the working of Kilindini port.

(5) ^(The Kenya and Uganda Railways) The General Manager and the Commissioner of Customs of Kenya and Uganda shall be entitled to attend the meetings of the Board.

18. The High Commissioner may make regulations prescribing
 (a) the duties of the Board and the matters on which the Board shall be consulted
 (b) the manner in which the meetings of the Board shall be convened and when meetings shall be held,
 (c) the quorum necessary to constitute a meeting,
 (d) and generally as to all such matters as may be necessary for the effective carrying out of the object and purposes of Article 17.

19. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues derived from the administration of the services.

Estimates of revenue and of expenditure on working account (revenue and net revenue accounts) and from settlement and reserve 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 for consideration and shall thereafter be transmitted with the report of the Council to the High Commissioner for approval and transmission to the Secretary of State for his attention. As soon as may be after approval by the High Commissioner and before approval by the Secretary of State such estimates shall be submitted to the Legislative Council 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.

18. The High Commissioner may make regulations prescribing ^(shall be submitted to the Board for its approval)
 (a) the duties of the Board and the matters on which the Board shall be consulted
 (b) the manner in which the meetings of the Board shall be convened and when meetings shall be held,
 (c) the quorum necessary to constitute a meeting,
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19. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues derived from the administration of the services.

Estimates of revenue and of expenditure on various accounts (revenue and not revenue accounts) and from settlement and reserve 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 for consideration and shall thereafter be transmitted with the report of the Council to the High Commissioner for his approval and transmission to the Secretary of State for his attention. As soon as may be after approval by the High Commissioner and before ^{transmission} ~~approval~~ by the Secretary of State such estimates shall be submitted to the Legislative Council 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 the Controller by the Secretary of State shall be sufficient authority for the expenditures specified therein.

24. No money shall be withdrawn from the Railway or Harbour Fund except as approved in estimates submitted to the Secretary of State as provided in Article 23. The High Commissioner may authorize the withdrawal of money as may be necessary for the carrying out of such approved work. Subject to such regulations as may be prescribed by the High Commissioner, the total amount of authorized expenditures in excess of the provisions of Article 23 shall not exceed the amount provided and no excess expenditure is covered by this Article or other provisions.

25. The Railway Fund shall be administered with care and efficiency for the purpose of industrial development in Kenya and for the provision of cheap transport. As far as possible, the provisions as may be made in this Article shall be sufficient to meet the requirements of the Railway Fund for contingencies, the total amount of which shall not exceed the amount provided.

(a) The Railway Fund shall be used for working and maintenance

(b) contributions for renewals, betterments, stores or other purposes, and

(c) the payment of interest and sinking fund charges due on capital not being capital contributed out of railway or harbour revenue

26. The High Commissioner shall not be required either by the Government of Kenya or by the Government of Uganda to provide any facilities either gratuitously or

sanction of the estimate by the Secretary of State shall be sufficient authority for the expenditure specified therein.

24. No money shall be withdrawn from the Railway and Harbour Fund except as approved in estimates submitted to the Secretary of State as provided in Article 23. The High Commissioner may authorize the withdrawal of money as may be necessary for the carrying out of such approval. Subject to such regulations as may be prescribed by the High Commissioner, the total amount of railway expenditure in excess of the provisions of the said Article shall be paid as provided and as far as there is covered by the said Article or other Acts.

25. The Railway and Harbour Fund shall be administered with a view to the promotion of industrial development in the Colony and to the provision of cheap transport. In furtherance of the objects of the said provisions as may be authorized by the High Commissioner, the total amount of the said Fund shall be sufficient to meet,

(a) the expenses of the railways for working and maintenance,

(b) contributions for renewals, betterments, charges or other purposes, and

(c) the payment of interest and sinking fund charges due on capital not being capital contributed out of railway or harbour revenue

26. The High Commissioner shall not be required either by the Government of Kenya or by the Government of Uganda to provide any facilities either gratuitously or

at a rate of charge which is insufficient to meet the costs involved in the provision of such services or facilities, unless the Government concerned undertakes to pay the amount of loss incurred by reason of the provision of such services and facilities.

24. If the working of the services results in a loss for any financial year, the Council shall consider whether, and in what proportions, such loss shall be made good by the Colony and Protectorate of Kenya and the Protectorate of Uganda, and shall make recommendations accordingly to the High Commissioner. After consulting the Governments of Kenya and Uganda the High Commissioner shall submit the proposals of the Council for the decision of the Secretary of State.

25. No loan shall be raised for the construction of new railways or for additions to the capital assets of the services except by the Government of Kenya and the Government of Uganda in such proportions as the Secretary of State may determine, and any loan so raised shall be authorized and appropriated by Ordinance.

26. If any railway is constructed by either the Government of Kenya or the Government of Uganda or both against the advice of the High Commissioner, the High Commissioner may declare that such railway shall be included in the services and in such case the loss, if any upon the working of such railway shall be made good to the Railway and Harbour Fund by the Government or Governments

at a rate of charge which is insufficient to meet the costs involved in the provision of such services or facilities, unless the Government concerned undertakes to pay the amount of loss incurred by reason of the provision of such services and facilities.

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Governmental concerned.

28. 27

26. The High Commissioner shall forward to the Secretary of State all regulations made by him under this Order, and such regulations may be disallowed by the Secretary of State.