

1925

E. AFRICA  
NYASALAND PROT.

204

22851

REC  
RE. 19 MAY 25

Governor Bowring 159

DATE  
22 April 1925

CIRCULATION :-  
Mr. Douglas  
Mr. G...  
Asst. U.S. of S.

Bankruptcy Legislation

Perm. U.S. of S.  
Part U.S. of S.  
Secretary of State.

Understands that — is under consideration in Kenya and that the assimilation of the Bankruptcy Law of the E.A Group may also be considered. Does not propose to introduce legislation until the views of the L.O.s are known but requests permission to continue the present method of dealing with bankruptcy fees

Previous Paper

MINUTES

M.O. 30430/24 E.A.

The Gov. of Kenya was asked in July, 1924 (30430/24 E.A.) to arrange a

conference between representatives of the E. African Dependencies (excluding

Somalia and) on the subject of bankruptcy law in E. Africa.

On p. 65 of their report the E.A. Commission refer to this proposal, and

"recommend that such a conference, at least between the Law Officers of Kenya, Uganda, Tang, and Zanzibar, should be held as

Copy recd. Treasury 19 Oct. 1925  
or Gov. 45/19/25  
Mr. G...  
Mr. G...  
Mr. G...

Subsequent Paper

B.O. 33911/25

as soon as possible.

The C<sup>o</sup> excluded Nyasaland from  
dealing with any units in this subject, on the  
ground that it is at present detached from  
the main E African group, but they suggest  
that Nyasaland might come into line.

Later.

No general action has yet been taken, so  
far as I know, to deal with the recomm<sup>ns</sup> of  
the H. A. C<sup>o</sup> (which I am making a list).  
Until we can go into this S<sup>t</sup> and  
exp<sup>nd</sup> it to the suggested Conference, I think we  
should allow Nyasaland practice to be  
continued.

Pl. 27.5.25

I do not quite understand why this  
dispatch was written. It is curious that  
we have heard nothing before of this unusual  
arrangement by which the Officer acting  
as Official Receiver takes the fees. Even  
in other cases (e.g. veterinary officers fees  
- except in ordinary private practice) - was it in  
our policy to require all fees to be  
paid into revenue. If the Gov had  
asked about it we should probably  
have heard of it - but as he has seen

fit to raise it I think that we  
should tell him that <sup>such</sup> fees <sup>205</sup> ~~will~~  
in future be paid into revenue.  
[The reference to the Bankruptcy  
legislation seems to be quite  
irrelevant except as damaging  
the Gov's case - as it is admitted  
that in U.K. the fees ~~would~~ would  
be paid into revenue.]

J.P.D.

17.6.25

but that the S of S is prepared to  
consider the question of the grant of a fixed  
annual allowance to the officer who performs the  
duty. Ask that on a statement of the fees  
for the last five years may accompany any  
recommendation.

at once

J. May

20.6.25



MAY 25

GOVERNMENT HOUSE,  
ZOMBA,  
NYASALAND.

22 April, 1925.

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Sir,

I have the honour to report that in the absence of Local Legislation the Imperial Bankruptcy Acts, 1883 to 1890 apply in Nyasaland, and that the machinery of these Acts is not susceptible of application in its entirety to local conditions. For example, the amount of bankruptcy work involved would not justify the appointment of separate Official Receivers who deal with estates in the United Kingdom.

2. It has accordingly, I find, been the practice here for the officer performing the duties of Registrar of the High Court to carry out the duties prescribed for Official Receivers under the Bankruptcy Acts, and to retain for his personal benefit the fees received by him, which fees would in the United Kingdom be paid into Government account. The fees so retained vary between £50 and £100 a year.

3. It is desirable that Bankruptcy Laws should be introduced which would be more suited to local conditions, but I understand that such legislation is in contemplation in Kenya Colony and that the question of the assimilation of the Bankruptcy Law of the East African Group may also be under consideration.

4. If such is the case, I should not propose to introduce any legislation on the subject in

Nyasaland.....

The Right Honourable,

Lieutenant-Colonel L.M.S. Amery, P.C., M.P.,

Secretary of State for the Colonies.

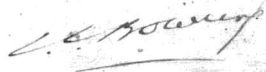
Nyasaland until your views have been communicated to me, and in the meantime I have to request your permission to continue for the present the method of dealing with fees in bankruptcy which has hitherto been in force in the Protectorate.

I have the honour to be,

Sir,

Your most obedient,

humble Servant,



GOVERNOR.