

EAST LEB PROT

23103

FEB 10 1920

567

23103

G. A. G. 326  
HOWING

1920

31st MARCH

at previous paper.

THE VAGRANCY ORDINANCE, 1920

Trans copies of, has assigned to

*Trans copies sent to Librarian.*

*Mr. Parkinson.*

4022  
R1  
237/20

~~Mr. Parkinson~~

*Please see the Vagrancy Regulations 1900 (page 37) first E. County*

*This is a consolidating Ordinance, but at the same time makes some material additions to the existing law. It does not however unduly enlarge the powers of the police.*

*It gives power to establish houses of detention - a new departure - & the necessity of these would seem to point to the Vagrancy question being an expensive one, a costly.*

*I do not think <sup>much</sup> can be done against pauperism, though under exceptional circumstances so long as the power of detention is given to enlarge the area of the relief of the poor.*

*Sanction L.F. 82.*

*H.H.*

~~Mr. Parkinson~~

*Mr. Parkinson*

59332





Chief Justice instructing

then we might direct treatment of  
an ascending rule - deleting 2 (c),  
counting the last English as § 14; substituting  
"apparently under" for under, the apparent  
a missing the word "and" before the word  
provide a line § - a suit as proposed  
with regard to the relevant part a note for  
an annual report on the working of the  
rule.

56)

J. G. S.  
27/12/20

Lord Justice

I should not like to direct  
an order at the ordinary point about  
females as the legal lawyers would  
considerably by pointing out that  
the legal position is as the law states.

But we can write as to it that  
provision about, I thought which is  
advised that the legal position is  
as the law states, I thought which is  
advised that the legal position is  
as the law states, I thought which is

of the legal position is  
as the law states, I thought which is  
advised that the legal position is  
as the law states, I thought which is

MS

23103

OFFICE PROTECTORATE  
No. 536

GOVERNMENT HOUSE,  
NAIROBI, 10 MAR 1923

20 March, 1923

530

FINANCE  
Memorandum

I have the honour to transmit, herewith, two authenticated and ten printed copies of 'The Vagrancy Ordinance, 1923' as passed by the Legislative Council on the 30th of January 1923, together with a memorandum by the Acting Solicitor General.

I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,  
Your Lordship's  
humble, obedient servant,

ACTING GOVERNOR.

THE HIGH COMMISSIONER  
RESIDENT OFFICE, P.O. BOX 10, N.A.C. (P.O. B.O.),  
SECRETARY OF STATE FOR THE COLONIES,  
ADAM STREET,  
LONDON, W.1.

STATEMENT OF OBJECTS AND REASONS.

The object of the above Ordinance is to consolidate and render adequate to the needs of this Protectorate Law relating to Vagrancy. The prior enactment, the Vagrancy Regulations, 1900, is consequently repealed. The Ordinance is largely based on the Law obtaining in Ceylon. Wide powers of arrest are given to the Police and the establishment of houses of detention are provided for together with the necessary powers given to the Governor-in-Council to make Regulations for their management.

Power is also given to the Governor-in-Council to expatriate Vagrants other than Natives and British Subjects born in the Protectorate and to return Natives to their reserves.

The Powers of Magistrates dealing with cases of Vagrancy are defined and penalties for persons who are found second time to be Vagrants are prescribed. Special provisions are also made for juvenile Vagrants; it has been found that this class are particularly prevalent in certain townships in the Protectorate.

Short title.

Definitions:— The definition of the word "house of detention" has been somewhat extended from that which it bore in the former statute, the words "house of detention" being now defined as a place where a person is confined for any purpose, and the three sections (a), (b) and (c) were eventually decided upon as being most applicable to the present circumstances and amenable to adaptation to the various needs of the Township of York, East and West.

Power is given to the police to arrest without warrant any person apparently a vagrant and direction as to such cases to be taken before a magistrate as possible thereafter.

Provisions for the establishment of houses of detention for vagrants and their proper staffing.

Provides that the Governor in Council may make regulations for the management of such houses of detention.

Superintendent

- (1) Provides that the Superintendent of such houses of detention shall endeavor to obtain suitable employment outside for vagrants admitted and, in case of refusal, to the extent of the vagrant to work as a day laborer.
- (2)

Gives Power to Governor to discharge a vagrant detained in a house of detention at any time.  
Provides for the work of inmates of a house of detention and makes a refusal or neglect to work an offence.

Prisons may be made provisional Houses of detention.

(1) Provides for the repatriation of certain vagrants if after a period not exceeding 5 months from the time the vagrant is admitted to a house of detention no work is obtainable for him.

(2) and makes provision for the vagrant to be placed on a board ship and detained on board whilst such ship is within the jurisdiction of the Protectorate.

(3) Similarly provision is made for the return of natives to their tribal reserve.

(1) Magistrates are given powers over persons found as a fact by them to be vagrants (1) to order them to find work and (2) to order their detention in a house of detention or (3) in the case of natives, to order their return to their reserve.

(2) The Section also gives the return of a vagrant natives without permission from the reserve an offence.

(3) and provides for the interim detention of the native

(4) pending his return to his reserve.

Provides the Magistrate with the necessary powers to enforce his orders under the preceding section.



reception

bonities

A subsequent conviction for vagrancy is not offered  
 available with imprisonment or increasing  
 the fine. The fine or other penalty  
 is imposed to make under this statute.  
 Special provisions are made for the treatment of  
 juveniles by returning them to the custody of their  
 parents or guardians, and in the event of a warrant  
 juveniles have been brought before the court.  
 Power is given to arrest via process of a writ  
 case to be administered.

The Vagrancy Regulations, 1901, are repealed.

Yours

20th day of March 1910

of 1910

Post  
29/10/20 local

Draft

575

Sal  
No  
So  
oag

Downing Street

11 June 1920

Dear Sir  
I have the honour to acknowledge the receipt of your despatch  
No. 336 of the 31st of March and to inform  
you that His Majesty will not be advised to exercise his power of disallowance  
with respect to the Ordinance No. 9 of 1920  
of the Legislature of the East  
An Ordinance to amend the Law  
Relating to Vagrants

2. I have to remark however, that you  
will take the first convenient opportunity  
of introducing the following small  
amendments, which are to be

- 1) ~~Article 2 (f) should be deleted.~~
- 2) ~~to be inserted in clause 1 worded as follows~~  
"under the apparent age"

the first ~~of the amendments~~ in the marginal  
of note should be added to  
"apparently under the age" which is  
should be inserted before "not"