

EAST AFR PROT
14967

C O
14967
REC
RE: 23 MAR 20

OFFICE

TRADERS LICENSING ORDINANCE.

1920

2nd March

previous Paper.

Enquires how far Licensing Officer possesses power of refusing to grant a new licence or to transfer an old one.

*W. V. ...
W. ...
W. B. ...*

See Ord. in ...

*There is nothing in the Ord. as far as
from the, to limit the powers of the
licensing officer as to refusing to
grant ~~and~~ or to transfer a
licence (see § 15 as to transfer).
I asked at the time that the applicant
Ord. provided for an appeal to the
Governor as to transfer.*

*Copy for ...
Enquiries refer to ...*

Subsequent Paper.

*... copy to ...
... for report on working of
... in practice ...
... have been ...
... refused ...*

whether he is satisfied that
power has been entirely with
the licensing officer or some
form of appeal to the Gov. will be
arranged.

? act. may that the Gov.
only come into force at the
beginning of the year & that
we have had no reports from
Gov. on its working - but that
copy of their letter is being
sent to day. for Gov. & promise
for the comm. or receipt of
to reply.

I do not think that licensing officer
possess the power of refusing
to grant new licenses - no such
power is granted under the Ord -
he is only given a discretion as
to the grant of a license after
one has been cancelled for one
of the offences mentioned in sec
14 or this seem to be the limit
of his powers. Section 22 (e)
also tends to support this view.
I take it that the power to grant
a transfer is one that must be
exercised on good cause being
shown & if not granted would
be ordered by the Court to be
granted by proceedings he

the nature of a mandamus. As
however the F.O. consider it
an open question the Governor
might be asked to consider
the question of appeal if he
is advised that the Licensing
officer has a discretion to refuse
a new licence. 62

The insertion of "or c" in the
schedule has been pointed out to
the Governor who recognises it
was inserted by error & asks
whether it might be allowed to
stand until it becomes necessary
to amend the Ordinance. This
would seem the best course as
the addition has no effective force.

Everybody knows the difference
between a Commercial Traveller
& a hawker but the attempt to
define them is likely to create
difficulties - this point is of no
importance as a judge would
doubtless settle the point on broad
lines.

pp 2
3/1/20

There is no power to refuse a licence
except to a person who has been convicted (S 40A).

It is also beyond what makes a proper
obj. of a licence.

As to a person - the Licensing Officer
shall on cause shown allow a licence.

If the licence properly refused - the person

is in the court.

2 Reply to IO Garwe to

Teas the less & My Cous: (to for any

Abous, H.F.B. 1/4/20

telling to

would rather find the situation in

unstable ground; the Public

is not safe to rely on it.

mine

used for

INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1.

22 March, 1920.

C O
14967REC
MAR 20

22

Sir,

I am directed to acknowledge receipt of your letter 9100/20 of the 2nd March, forwarding a copy of the East Africa Traders Licensing Ordinance, 1919.

With regard to this Ordinance I am to observe that no indication appears to be given as to how far the Licensing Officer possesses the power of refusing to grant a new licence or to transfer an old one. Mr. Montagu would therefore be glad to receive further information on this important point.

I am, Sir,

Your obedient Servant,



The Under Secretary of State,

COLONIAL OFFICE.

Public

The Under Secretary, State for India,
Department,
India Office,
London, S.W. 1.

J. & P. 1420/20.

S. 820 (1) O. K. No.

Lam. London

Lo
10967/10/10/10

~~10/10/10~~

disc 43918 ✓

DRAFT.

oag
cap
no 509

9 April 1920

Sir;

MINUTE.

Mr. [unclear] [unclear]
Mr. [unclear] [unclear]

- Mr.
- Mr. Grindle.
- Sir H. Lambert
- Sir H. Read.
- Sir G. Fildes.
- Col. Amery.
- Lord Milner.

I have the honour to
 be to you for your advice,
 the receipt of a letter from
 the [unclear] enquiring as to
 the powers of the Licensing
 Office under the Traders
 Licensing Order 1919.

I am advised that under
 the Order there is no power
 to issue a license to
 a person who has
 committed (S 4(1)) & that
 otherwise every person who

22 words

to [unclear]

makes a proper application & pays
the proper fees & must receive a
license.

3. It allows also that the
licensing officer must ("shall on
cause shown") allow a transfer &

that if such transfer is improper
refused the applicant has
remedy in the courts by way of mandamus.

It shall be held to be ~~clear~~ ^{if on the other hand}
whether the legal advisers ^{it has been}
concern in the above interpretation ^{is referred to}
the order. ^{by the} ^{licensing officer}

It is held that the licensing officer
has power to refuse a license
where I should wish to be held.

whether any reports have in fact been
made. & whether you are satisfied
that such power should rest entirely
with the licensing officer or committee

that some form of appeal to
the court should be provided for

(Signed) MILNER

18/12/1919

DRAFT.

Minister of
Public Dept.
MINUTE.

8 April 19

- Mr. Broun, 6 April
- Mr. Buttonting, 7th April
- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Reid.
- Sir G. Fiddes.
- Col. Anson.
- Lord Milner.

I have to advise the
of your letter of 5th April 1919
of 22nd March with regard to
the East African Licensing
Office 1919

I am to advise you
that the Licensing Officer has
been very busy with his
beginning of the year & that no
reports on the workings have
yet been received from the
field.

A copy of your letter however
is being sent to the Licensing
Officer for his consideration & it
is hoped a further communication on
the subject will be sent to you

2/15/19

April 1932

Draft

copy

sent

no

225 to April

has Ruttenberg

see to know about
 the 30 employees as to the
 comes the business office
 under the readers business
 O. V. 1919, it is clear that
 will furnish me with
 some data on the point
 I shall be glad if you will
 also supply me with a report
 on the working of the office in
 midwest, taking into account business in readers of business
 has been in fact, clear
 & if possible then you are satisfied that
 power should rest entirely