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NATIVE AUTHORITY ORDINANCE No.22 OF 1912

States has been recommitted to the League Council.
Sends copies with usual legal report. Reports as to the
jurisdiction of Native Tribunals., and as to the question
of requiring Native authority to obtain the approval of
the District Officer to an order to be issued under
Section 7. Has assented to the Ordinance.

Copies to Lib?

Noted
Conf 12/2/12

Mr. Jenkinson

A. J. R.

22/25

I think this meets
our points on 2291
sufficiently

Mr. J. Fuller

Sanction V.F. ?

A. J. R.

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Subsequent Paper

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GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

October 19th 1912.

AFRICA PROTECTORATE

Confidential
No. 115

C.O.
36710
Recd
Nov 20 NOV 12

Sir,

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22291

Ordinance
Memorandum

With reference to your Confidential despatch of the 23rd August, I have the honour to inform you that the Native Authority Ordinance No. 22 of 1912 was recommitteed to the Legislative Council on the 16th ultimo for the purpose of inserting the definition of the word Native in Section 14, and two authenticated and ten printed copies are transmitted herewith, together with an explanatory Memorandum by the Attorney General.

2. As regards the points raised in paragraph 3 of your despatch under reply I may say that the jurisdiction of Native Tribunals is prescribed and regulated by the Rules issued under the powers conferred by Section 10 of the Courts Ordinance 1907. Provision is made in those rules both for the revision of and appeals from the decisions of Native Tribunals and, generally, all matters dealt with in Part III of the Gold Coast Ordinance No. 5 of 1883 are or can for the present be satisfactorily covered by rules under that Ordinance.

3.

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

3. Under the existing rules the jurisdiction of Native Tribunals in criminal matters is limited to dealing with petty offences against Native laws and customs. The Native Authority Ordinance will amplify that jurisdiction to the extent of allowing the Native Tribunals to punish natives, subject to their jurisdiction, for disobeying the lawful orders of a Native authority. When the rules were promulgated it was considered inadvisable to confer upon Native Tribunals authority to deal with offences other than those against native laws and customs. If and when it is considered that Native Tribunals should be given jurisdiction to punish natives for offences against any particular Ordinance or other law, the rules can be altered to the extent then considered necessary or advisable.

4. On the question as to whether provision should be made in the Ordinance requiring a Native authority to obtain the approval of the District Officer to an order to be issued under Section 7 it has not been considered desirable to make such provision as the powers reserved to Administrative Officers to direct the cancellation of improper orders are sufficient for the protection of persons subject to the jurisdiction of a Native authority.

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

I have the honour to be,
Sir,
Your humble, obedient servant,

H. Lowry Bayard

GOVERNOR.

INCLOSURE No. 2
in Despatch No. 116 of 19.11.1912



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THE NATIVE AUTHORITY ORDINANCE, 1912.

LEGAL OPINION.

This Ordinance was returned to the Council on His Excellency's instructions in order that an interpretation of the term "Native" should be inserted in Section 14.

An interpretation of "Native" was inserted in the same terms as in the Native Hut and Poll Tax Ordinance 1910.

The Ordinance can now be assented to and published.

KATMANDU,
October, 1912.



LEGAL OFFICER, KATMANDU.

THE NATIVE AUTHORITY (AMENDMENT) ORDINANCE, 1920.

STATEMENT OF OBJECTS AND REASONS.

401

The object of the above Ordinance is to add to Section 7 of the Principal Ordinance a provision similar to that contained in the Native Authority Ordinance, 1919, (Uganda) whereby the provision of paid porters and other labour for the public service is ensured.

The periods of time mentioned in sections 2 I (a) and (b) are in conformity with the instructions of His Majesty's Secretary of State for the Colonies contained in his despatch No. 254 of 20th September, 1919.

Nairobi.

SA. K. J. MUIR MACKENZIE.

12th day of March, 1920.

ACTING SOLICITOR GENERAL.

THE NATIVE AUTHORITY ACT AND ORDINANCE, 1920.
ORDINANCE NO. 111.

tion
Remarks.

Short title.

Amendment of Section 7 of the Native Authority Ordinance, 1920, by the addition of a clause providing for paid porters and other labour for the public works and for making provision that no man shall be called on to work for a longer period than 60 days in any one year or who has been employed for 3 months during the preceding 12 months. Other amendments to sub-sections II and III of this section are consequent upon the amendments made for the effect of the Principal Ordinance.

Made at,

BY THE GOVERNOR
KENYA

1st day of April, 1920.

COMMISSIONER GENERAL