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EAST AFR. PROT.
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C.O.
21509
REC'D
JUN 13 1913

Governor
Beitfeld 403

CIVIL DEBTS (SUMMARY RECOVERY) ORDINANCE 1913
NO. V

1913

27th May

Last previous page

Two copies with Legal Report has assented to the Ordinance.

copies to library

Noted
27/5/13

M. J. Thompson

N. 2 R.

25/6/13

This is intended to codify the law on the subject. The report fully explains everything to object to.

G. 25/6/13

Sanction 17.

at once

N. 2 R.

30/6/13

514 - 2 July

Best subsequent Paper

20/7/13

SK

C O
21509
GOVERNMENT HOUSE,
NAIROBI, REC^d
BRITISH EAST AFRICA

EAST AFRICA PROTECTORATE.

May 27th, 1913.

No. 403.

Sir,

I have the honour to transmit herewith two authenticated and ten printed copies of the Civil Debts (Summary Recovery) Ordinance 1913, as passed by the Legislative Council on the 27th of March, together with a memorandum by the Attorney General.

Ordinance
Memo by A.G.
8-4-13

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

I have the honour to be,

Sir,

Your humble, obedient servant,

H. G. B. B. B.

GOVERNOR.

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

INCLOSURE

21509

In Despatch No. 403 of 27th May 1913
24 JUN 13

LEGAL REPORT.

THE CIVIL DEBTS (SUMMARY RECOVERY) ORDINANCE, 1913.

1. The Indian Acts applied to this Protectorate do not prescribe the procedure to be followed for the recovery of monies declared by law to be a civil debt recoverable summarily, and in the absence of any provision in the Indian Applied Acts it is necessary that the Courts should look to the English Summary Jurisdiction Act as prescribing their powers and the procedure to be followed. With the exception of Town Magistrates there are few Magistrates who are familiar with or in fact have ever read the provisions of the Summary Jurisdiction Act.

2. It is considered that it would be advisable to incorporate in a short Ordinance such of the provisions of the Summary Jurisdiction as relate to proceeding for the summary recovery of a civil debt, and are required to supplement the jurisdiction and powers of Magistrates under the Criminal Procedure Code.

3. The Ordinance is in my opinion a useful and proper Ordinance for enactment for this Protectorate.

MAIDONI,
April, 1913.

ATTORNEY GENERAL.

RECORDED AT LOCAL OFFICE, LONDON.

THE CIVIL DEBTS (SUMMARY RECOVERY) ORDINANCE, 1913.

Section 1. Short Title.	
Section 2. Civil debts and sums recoverable where a Magistrate may be recovered in the manner prescribed by this Ordinance.	
Section 3. Jurisdiction of Magistrates.	As in civil matters.
Section 4. Commencement of proceedings.	It is convenient having regard to Section 5 Sub-section (1) that complaints should in all cases be made in writing.
Section 5. Magistrate to issue summons.	The Summary Jurisdiction Act and Rules thereunder.
Section 6. Warrant not to issue but if defendant fails to appear Magistrate may proceed ex parte.	

Section 7.
 to be
 tried as
 a common
 law.

This is necessary as under the law now governing procedure in Criminal Courts, only a European Defendant could claim the right to give evidence on oath.

Section 9.
 Order of
 payment.

Section 10.
 Order
 of
 dist.

Section 11.
 Dist.

Section 12.
 Writs ordered
 to be paid
 recoverable as
 fines.

By the distress and sale of the moveable property of the debtor Section 306 of the Criminal Procedure Code.

Section 13.
 Imprisonment
 in default of
 payment of
 writs ordered.

Section 35 (2) of the Summary Jurisdiction Act 1879 and Section 8 of the Debtors Act 1869.

Section 14.
 Appeal.

Section 15.
 High Court may
 take jurisdiction.