

EAST AFR. PROT

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REC'D
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Prisons Ordre 1913.

1914

3 inch.

Submit Bill as passed by Leg. Council.
In Sect. 36 (4) the word detention has been
deletion. propose to recommend bill to Council
for this alteration to be made.

Last previous Paper.

1187/18

More copies to library.

Mr. Thompson

Mr. Read. H. J. R.

2/11/14

Mr. Combe's report is very
full & clear.
The order covers all the
points raised by us on
11802 satisfactory. I think
~~11804~~ in particular they have cut
out a large part of the old
order & propose to substitute
regulations.
As to "visiting restrictions" (para.
9. of our D/O on 11802) see
the table annexed to Mr. Combe's

Am 573 - signed by Mr. & Mrs. - 7 Dec 14

next subsequent Paper.

36048

Report - reference to 5.100
of old order 277 of this

We can
? wait till
be get the ^{order} ~~letter~~
in its final
form on the part
is going to recommend
it. CB 3/4 yrs

~~to Thompson~~
~~to Hall~~

at once
H. J. B.
3/15/14

This has come up on the question
of considering the Gov. I am afraid he
is not what you say "a rational
man" therefore to recommend it
is almost impossible. God knows he wants
as to say that amendment is almost
subject to the amendment he mentions.
Can we do this?

Feb. 4. 6. 14

~~to Thompson~~

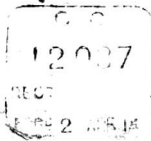
When discussed this, I told it to
be passed on the 15th - today. My opposition
is correct - & they want this practically signed
city to be returned. Why they sent on the
signed city I don't know. Feb. 14/14

at once
H. J. B.

Then ? approve the course
proposed in the
despatch, returning
the copy. CB 1/14

AFRICA PROTECTORATE.

Mares 3rd 1914.



No. 209

Sir,

With reference to my despatch No. 379 of the 10th November 1913, I have the honour to transmit herewith, for favour of assent, two copies of "The Prisons Ordinance 1913" as passed by the Legislative Council on the 18th December last together with a Memorandum and Comparative Table prepared by the late Attorney General.

2. In Sub-Section (b) of Section 36 the word "detention" should read "desertion" and on return of the Bill I propose to recommit it to Council for this alteration to be made.

I have the honour to be,

Sir,

Your humble, obedient servant,

H. Lindsay Beynon

GOVERNOR.

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

MEMORANDUM.THE PRISONS ORDINANCE, 1913.

1. In 1913 the Legislative Council passed an Ordinance to make further and better provision for the organization of the Prisons Staff and the management of Prisons.

The Secretary of State to whom that Ordinance was submitted recommended a number of alterations and in particular suggested that many of the provisions of the Ordinance might more conveniently be dealt with by regulations under the Ordinance.

2. During the present year it has proved beyond any doubt that the Provincial and District Officers cannot devote to the larger Prisons such time as it is necessary for proper supervision of those prisons.

A Committee appointed by His Excellency to inquire into and report to him upon the proposed prison organization in so far as it affected the two first class Prisons recommended that the control of first class Prisons should be transferred from the Administrative Officers to Superintendents whose whole time could be devoted to their duties as such Superintendents and who should be under the immediate orders of the Commissioner of Prisons.

3. His Excellency being satisfied that a alteration in the organization of the Prisons Staff was necessary has approved of the Ordinance being so

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altered so as to permit of Superintendents, not being Administrative Officers, being appointed when necessary.

4. As the alterations recommended by the Secretary of State and those necessary in consequence of the proposed change in the organisation would necessitate a number of substantial amendments to Ordinance passed by the Council, His Excellency has approved of a Bill for a new Ordinance being introduced.

5. That accompanying comparative table will show the alterations which have been made in the new Bill.

B. H. ...

ATTORNEY GENERAL.

Nairobi,
December 9th, 1913.

COMPARATIVE TABLE.

THE PRISONS ORDINANCE, 1913.

The Prisons Ordinance 1913.	The N.A. Prisons Ordinance 1912.	Remarks.
Section 1.	Section 1.	
Section 2.	Section 2.	<p>1. As the office of "Deputy-Superintendent" has been abolished under the new Ordinance and as the term "Head Gaoler" is not used in the new Ordinance, the definition of those terms have been omitted.</p> <p>2. The definition of the term "Matron" is not required ^{as} and the term is sufficiently defined in Section 7 of the N.A. Prisons Ordinance ^{of the N.A. Prisons Ordinance}.</p> <p>3. Provision has been made in Section 18 for the appointment of a Medical Officer to each prison and a definition of the term "Medical Officer" is no longer required.</p>
Section 3.	Section 3.	
	Section 4.	Has been omitted as it deals with matters which may properly be dealt with by Regulations.

The Prisons Ordinance 1913.	The E.A. Prisons Ordinance 1912.	Remarks.
Section 4.	Section 5.	
Section 5.	Section 6.	
Section 6.	Section 7.	
Section 7.	Section 8.	
Section 8.	Section 9.	<p>The last paragraph in the section of the earlier Ordinance is omitted as it is already covered by the definition of the term "Commissioner."</p>
Section 9.		<p>This is a new provision and provides for the appointment of a Superintendent to each prison.</p> <p>It is proposed that, in the case of all prisons other than the two first class prisons at Nairobi and Mombasa, the District Officers shall be appointed to be Superintendents.</p> <p>In the case of each of the two first class prisons, an officer should be appointed to be the Superintendent who will be free to devote the whole of his time to his duties as Superintendent.</p> <p>The Superintendents will be under the immediate control of the Commissioner of Prisons.</p>

The Prisons Ordinance 1918.	The R.A. Prisons Ordinance 1912.	Remarks.
		Sections 10 and 11 of the earlier Ordinance which prescribed the powers and duties of Provincial and District Commissioners have been abolished.
Section 10.	Section 12.	
Section 11.	Section 13.	
	Section 14.	The provisions which authorised the Governor to issue rules and the Commissioner to issue instructions are dealt with separately in Sections 18 and 116 of the new Ordinance.
	Section 15.	See Section 22 in new Ordinance.
	Section 16.	See Section 23 in new Ordinance.
	Section 17.	See Section 24 in new Ordinance.
	Section 18.	Omitted; a proper subject for Regulations.
	Section 19.	See Section 25 in new Ordinance.
Section 12.	Section 20.	The last line is taken from Section 14 of the earlier Ordinance.

The Prisons Ordinance 1913.	The E.A. Prisons Ordinance 1912.	Remarks.
Section 13.		See remarks on Section 14 of the earlier Ordinance.
Section 14.	Section 21.	
Section 15.	Sections 22 & 23.	
Section 16.	Section 26.	The last part is new and is necessary if inquests are to be held in the case of every death of a person in prison.
	Sections 24 & 25.	Have been omitted and should be covered by Regulations.
	Section 27.	See Section 76.
Section 17.	Section 28.	
Section 18.		New. No provision was made in the earlier Ordinance for the appointment of the Medical Officer.
Section 19.	Section 29.	
Section 20.	Section 30.	
Section 21.	Section 31.	

The Prisons Ordinance 1848.	The R.A. Prisons Ordinance 1912.	Remarks.
Section 22.		A general section directing Gaolers, Matrons and Subordinate Officers to perform such duties as may be imposed upon them by the Regulations. Sections 32-39 of the earlier Ordinance have been omitted and should be incorporated in the Regulations.
Section 23.	Section 16.	
Section 24.	Section 17.	
Section 25.	Section 19.	
Section 26.	Section 40.	
Sections 27-41.	Sections 41-55.	
Section 42.	Section 56.	
Section 43.	Section 57.	The words at the end of the section "and until so examined shall so far as is possible be kept apart from other prisoners" have been added on the recommendation of the Secretary of State.
Sections 44-52.	Sections 58-66.	

The Prisons Ordinance 1912.	The K.A. Prisons Ordinance 1912.	Remarks.
Sections 53-55.	Sections 67-77.	
	Sections 78-81.	Omitted to be covered by the Regulations.
Sections 64-66.	Sections 82-84.	
	Sections 85-89.	Omitted to be dealt with by Regulations.
Sections 67-69.	Sections 90-92.	
	Section 93.	Omitted to be dealt with by Regulations.
Section 70.	Section 94.	
Sections 71 & 72.	Sections 95 & 96.	
Section 73.	Section 97.	Altered in accordance with the instructions of the Secretary of State.
Sections 74 & 75.	Sections 98 & 99.	
Section 76.	Section 27.	Altered in accordance with the instructions of the Secretary of State.

The Prisons Ordinance 1912.	The E.A. Prisons Ordinance 1912.	Remarks.
Section 77.	Section 100.	<p>Altered.</p> <p>The Secretary of State has directed that provision shall be made for the regular visitation of all prisons by Visiting Justices.</p> <p>Provision has been made in this section for Regulations to be issued providing for the frequent visitation of all prisons.</p> <p>It would be impossible to make general provision as to the duties of Visiting Justices which would be applicable to all prisons in the Protectorate.</p>
Section 78.	Section 101.	Omitting the last paragraph.
Section 79.	Section 102.	
Sections 80-83.	Sections 103-106.	
Sections 84-86.	Sections 107-109.	
Sections 87-96.	Sections 110-119.	
Sections 97-104.	Sections 120-127.	
Section 105.	Sections 128 & 129.	Altered as recommended by the Secretary of State.

The Prisons Ordinance 1913.	The E.A. Prisons Ordinance 1912.	Remarks.
Section 106.	Section 130.	
Section 107.	Section 131.	
Sections 108-115.	Sections 132-139.	
Section 116.		New.
Section 117.	Section 140.	

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17 June 1914.

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E.S.P.

No. 573

John H. Selfield

MINUTE

Mr. Harper 15/6/1914

Mr. Bottomley 15.6.14

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.

Mr. Thompson.

1/2 of report to
by committee

l.c.s.

15/6/14

Sir,

I have the honour to acknowledge
the receipt of your despatch,
No. 207, of the 3rd of March,
~~and to inform you that~~

relating to "The Prisons
Ordinance 1913", and to

inform you that I approve

of the bill being recommended

to the legislative council and

if you are willing to the Order shall
be signed forth with the amendment proposed.

The signed copy of

the bill forwarded with your

despatch is returned
herewith as requested.

1/2 of report to
by committee
l.c.s.
15/6/14

1/2 of report to
by committee
l.c.s.
15/6/14