

W.A.

EAST AFR. PROT
30053

33

Governor
Belfield 755

CRIMINAL LAW AMENDMENT ORDINANCE
NO. XVIII OF 1914

1914
13th August

Trs copies with Legal Report.

Last previous Paper.
902
3249 1/2

Mr. G. E. 27 Oct 1913

*Insert Dept
Mr. Ferguson*

Share copies to Selby

*Noted
J.H.S.
20/2/14*

Mr Harris

W. S. R.

22/9/14

*... kept this for the relevant paper on
his subject. The question of adherence
remains as on the memo with 4662
... as far as I can make out no
further legislation has been received
except the Extradition Ord^{no} (6 of 1914)*

*They have met over two months
on 3249/113.*

W. S. R. 10. 14

Sanction the Ord CG. 9. 10. 14.

Next subsequent Paper.

4/15/14

*... is desirable to consider
notification of adherence
T.C.K.*

14.10.14 at mee

*reached me
26/10/14*

GOVERNMENT HOUSE,
NAIROBI.
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

No. 755.

August 13th, 1914.

Sir,

With reference to your despatch No.100
of February 3rd, I have the honour to transmit
herewith two authenticated and ten printed copies
of The Criminal Law Amendment Ordinance 1914 as
passed by the Legislative Council on the 4th
instant together with an explanatory memorandum
by the Attorney General.

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. Conroy, Bejiced,

GOVERNOR.

THE RIGHT HONOURABLE

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

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

INCLOSURE *no 2*

In Despatch No. 755 of *August 1914*

THE CRIMINAL LAW AMENDMENT ORDINANCE, 1914.

MEMORANDUM.

This Bill has for its object the amendment of the law relating to offences which come within the scope of the White Slave Traffic Agreement 1904 and the International Convention for the suppression of the White Slave Traffic 1910 in order that the Protectorate Government may be in a position to adhere to both the Agreement of 1904 and the Convention of 1910.

2. A draft Bill was submitted to the Secretary of State and approved by him with certain suggested amendments ^{his} vide No. 100 of the 3rd February 1914. Such amendments have been included in the Bill as introduced in the Legislative Council and passed.

3. The Bill as passed may be assented to and published without further reference to the Secretary of State.

4. The Comparative Table supplied with No. 1234/13 of this office should be sent home with the Ordinance.

S. J. W. EARTH
ATTORNEY GENERAL.
B.

32491/13

COMPARATIVE TABLE.

&&&&

AN ORDINANCE TO AMEND THE CRIMINAL LAW
AMENDMENT ORDINANCE, 1913.

Clause 1.

Short Title.

Clause 2.

Procuration.

Section 2 of the Criminal Law Amendment Act 1885.

As the term "woman" is defined in the Criminal Law Amendment Ordinance 1913 as "a female of any age," the words "or girl" are omitted throughout the Bill.

The last paragraph of the Clause has the same effect as Section 1 of the Criminal Law Amendment Act 1912.

Clause 3.

Procuring
the defilement
of a woman by
threats or
fraud or
administering
drugs.

Section 3 of the Criminal Law Amendment Act 1885.

Some of the offences defined in this clause would, if committed under certain circumstances, constitute rape, attempted rape or abetment of rape within the Indian Penal Code for which the punishment exceeds 2 years' imprisonment. The words "under circumstances not amounting to rape, attempted rape, or abetment of rape" have been inserted in the clause in the Bill.

Section 5 of the Criminal Law Amendment Act 1885.

See Section 5 of the Criminal Law Amendment Ordinance 1913 and Section 90 of the Indian Penal Code.

Clause 4.
householder,
etc. permitt-
ing defilement
of girl under
12 years on
his premises.

Section 6 of the Criminal Law Amendment Act 1885.

Under the Indian Penal Code the defilement of a girl under 12 years is rape.

The defilement of a white girl over 12 and under 16 is punishable under Section 5 of the Criminal Law Amendment Ordinance 1913.

The defilement of a black or coloured girl over 12 years of age under circumstances not amounting to rape is no offence under the laws of the Protectorate.

Clause 5.
householder
etc. permitt-
ing defilement
of white girl
under 16 years
on his
premises.

Section 7 of the Criminal Law Amendment Act 1885.

See Sections 359-366 of the Indian Penal Code.

Clause 6.
attention
with intent
in brothel.

Section 8 of the Criminal Law Amendment Act 1885.

The provisions of Section 9 of the English Act are sufficiently covered by the Criminal Procedure Code.

<p>Clause 7. Power of search.</p>	<p>Section 10 of the Criminal Law Amendment Act 1885.</p>
<p>Clause 8. Male person living on earnings of prostitution or persistently soliciting.</p>	<p>Section 1 of the Vagrancy Act 1898 as amended by the Criminal Law Amendment Act 1912.</p>
<p>Clause 9. Woman aiding etc. for gain the prostitution of another woman.</p>	<p>Sub-section (4) of Section 7 of the Criminal Law Amendment Act 1912.</p>
<p>Clause 10. Power to award whipping for certain offences.</p>	<p>Section 3 and Section 7 (5) of the Criminal Law Amendment Act 1912. Under Section 34 of the Courts Ordinance Natives may be ordered to be whipped in lieu of or in addition to any other punishment.</p>