

1934

1934

23039

KENYA
CO 533/442

23039

CLOSED
UNIT

Constitutional development & Financial Control.

Previous

18028/32
Sg. Finance table
3198/33

R. 209 311
297

Subsequent

23042/34
table of the committee.

18028/32	11/4
18028/32	21/4
18028/32	21
18028/32	18/5
18028/32	8/11
18028/32	15
18028/32	15
18028/32	16/5
18028/32	16/2
18028/32	16/7
18028/32	17/7
18028/32	18
18028/32	18

Your Weekly Office 31 Aug - 1924
 Status question of retention of General Managers K. V. R.
 & other heads of common services ^{on the ground} has been considered & it
 is considered that no change can be made at the moment.
 Presumes action is being taken regarding addl native represent-
 ative & provision for changes in designation of Genl for local Govts,
 & S. of M. & S. S. Status it is for conso. whether Shreekh. P. B. Sen
 Sahin should be appointed as nominated unofficial arabic rep-
 resentative

The points raised in para 2 of the
 previous despatch have been fully
 discussed in the minutes on
 23.8.24, & the new R.L. have
 been set.

The app't of Shreekh. P. B. Sen
 as the Non-official member to
 represent Arab interests in the new rep. ^{in the new rep. Govt} has been
 approved on 23.8.24.

This may be sent by
 C. A. P. ...
 2/14/24
 J. ...
 et al -

Put to Government
 17/24

We shall know more of the when we receive
 the Governor's speech on opening Leg Co. It
 looks like a soft (arab) - and not a
 very non-sensical rep.

No harm anyhow and perhaps ^{15/24} 2000
 J. ...
 S. V. ...

(The Report of Standing Order Committee, providing for establishment of Standing Finance C'ttee. and seeks advice.)

Note on Standing Finance C'ttee

(Has deleted Standing Order 55)

Before No 6 arrived, I had asked Mr. Poyser for - note on the practice in other Cols; No 5 is the result. I had also tried to get into touch with Mr. Brown Felt at the H/C, but without success (it was a Saturday morning!!)

Dh for Amendment on Sir C Bottomley's direction

16/10

It would be wrong to have a vague hope arising as to what the other parties in several instances that some day some measure will be passed that a Colonial Legislature might not have 'power' & that amendments are not meant to be the 'Magna Carta' and that it is possible to have a Government without the money backs of the Mother of Parliaments. Anyhow they have thought better of it.

16.7

By air mail

To Sir J. Byng (L/C Extract from Hansard) 17/7/54 (L. and)

8 Governor Byng

What is the appointment of a Standing Finance Committee of the Leg Council to carry on the work of the Standing Finance Committee & take the place of the Select Committee on Estimates. Encs. copy of report of Select Committee of Leg Council on the aforesaid & seeks approval of action taken.

The Committee is nicely balanced: 3 Officials, 3 European Elected Members, 1 Indian, 1 Native Representative. But a defect in Committee (in itself unlikely) would not mean a defect in Council; the C'ttee is to be advisory only.

Signification of a d. a. meet about the printed copies (see the minutes on 23/5/54). In the meantime ask, & assure Governor that his action meets with S.F.C.'s approval

16/10

So proceed. It is essential to get away from the Select Committee & its solid block of 11 Members. 16/10/54

To Kenya Conf (8 Unsuad)

6 SEP 1934

Registry Note

The envelope transmitting copies of revised
Standing Rules Order of Legation is regular 222 1/2

116

23039/34

94

C. O.

O. D.
R 4 SEP
D

Miss Powell 4/9

Mr. Kenning 4/9/34

6 September, 1934

Mr.

Mr. Parkinson

Sir G. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Sir,

DRAFT.

Kenya.

Conf.

Gov.

(8)

I have the honour
to ack. the receipt of
your Conf. desp. no. 119
of the 20th of Aug,
~~and~~ regarding the
appointment of a
standing Finance
Committee of the
Legislative Council,
and

FURTHER ACTION.

and to assure you that
your action in the
matter meets with my
approval.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

8

AIR MAIL.
KENYA.
No. 119.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
31 AUG 1934
C. O. REGY

10⁴ August, 1934.

CONFIDENTIAL.

Sir,

*Unrecorded
No 5
18038/32*

I have the honour to refer to correspondence terminating with your Confidential telegram No. 18 of the 26th January, 1932, in which you approved the appointment of a Standing Finance Committee, with the following terms of reference: -

"To keep under constant review the economic situation of the Colony in relation to the Government revenues and to report from time to time with a view to enabling Government to take such action as may be necessary to maintain a balance between revenue and expenditure."

2. That Committee has been functioning regularly since its appointment, and has served the purpose for which it was formed. I have, however, for some time been considering the possibility of appointing a Standing Finance Committee of the Legislative Council which would carry on the work of the Standing Finance Committee, advise me on any financial questions which I might from time to time refer to it, and take the place of the present Select Committee on Estimates. As you are aware, that Select Committee consists of Official Members and all the Unofficial Members. It is an unwieldy body. In my opinion, a smaller Committee would be much more satisfactory in expedited consideration of the Estimates.

THE RIGHT HONOURABLE MAJOR
SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.B.,
SECRETARY OF STATE FOR THE COLONIES,
Downing Street, LONDON, S.W.1.

3. A Select Committee of the Council was recently appointed to review the Standing Rules and Orders and I took the opportunity to request them to examine the possibility of devising a workable procedure by which a Standing Finance Committee of the character I had in mind would take the place of the Select Committee in dealing with the Estimates. Copies of their Report, which on this point is unanimous, are appended for your information. The Report was adopted by motion of the Legislative Council on the 25th July, with the following amendment, which is of a formal character: -

"Addition of the following sub-clause to Standing Rule and Order No. 52: -

- (x) The Committee shall continue to sit until dissolved by the Council or until the dissolution of Council".

4. Subsequent to this, on the 26th July, the following motion was passed by the Council: -

"Be it resolved that, in accordance with Standing Rule and Order No. 51, a Standing Finance Committee be appointed for the remainder of the life of the present Council for the purpose of considering and reporting upon the annual and supplementary estimates of revenue and expenditure in accordance with the procedure laid down in Standing Rule and Order No. 52, and of advising the Governor upon such other financial questions as His Excellency may from time to time refer to it. The Standing Finance Committee shall consist of: -

The Hon. the Colonial Secretary (Chairman);
The Hon. the Treasurer;
The Hon. the Chief Native Commissioner;
Lt. Col. the Hon. Lord Francis Scott;
Major the Hon. F. W. Cavendish-Bentinck;
The Hon. Conway Harvey;
The Hon. J. B. Pandya;
The Hon. R. W. Hemsted."

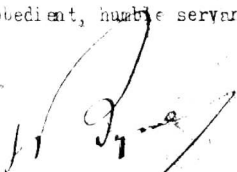
5. Although the Unofficial Members, both European and Indian, are fully aware that no constitutional significance is to be attached to the appointment of a

Standing Finance Committee under the Standing Rules and Orders, the proposal has been warmly welcomed by them and the press, as an indication of the Government's desire to co-operate with unofficial opinion and to give greater status and permanency to the Committee than it would otherwise have. I should be glad to know if the action which I have taken meets with your approval. The Standing Rules and Orders, as amended by the Report, are being printed, and copies will be forwarded in due course for signification of His Majesty's pleasure in accordance with Article XXIV of the Royal Instructions.

I have the honour to be,

Sir,

Your most obedient, humble servant,


BRIGADIER GENERAL,
GOVERNOR.

R E P O R T
O F
THE SELECT COMMITTEE ON THE LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER THE
STANDING RULES AND ORDERS OF THE
COUNCIL

Four Exhibits.

By Motion of the Legislative Council on the 17th April, 1964, the members of the Select Committee were instructed to consider the Standing Rules and Orders of the Council and to report on such amendments thereto as may be considered necessary.

1. That the Standing Rules and Orders be amended as follows:

(a) That the Standing Rules and Orders be amended as follows:

Extraordinary Sessions.

(a) That the Standing Rules and Orders be amended as follows:

Extraordinary Sessions.

(b) The Governor, or in his absence the Administrator in order of precedence, shall be authorized to declare an Extraordinary Session of the Legislative Council to be held on any day or days, and the day or days of such session shall be given of each session of the Council and the day or days shall be given.

(c) That the Standing Rules and Orders shall be amended as follows and the following substituted therefor -

"Withdrawal
of strangers.

11. The President, or Chairman, if the Council is in Committee, may at any time order strangers to withdraw and absent themselves from the Council Chamber and may order the doors of the Council Chamber to be closed."

(d) That Standing Rules and Orders nos. 16, 17 and 18 be deleted and the following substituted therefor -

"Procedure on
presentation
of Petition.

16. (1) No petition shall be received which is not properly and respectfully worded.

(2) Petitions shall be presented and laid on the Table by a Member of the Council, whose duty it shall be to inform the Council that in his opinion the petition complies with the requirements of this Rule.

(3) It shall be competent for any Member to move that any petition be not received on the ground that it does not comply with the requirements of this Rule, or on any other ground, and if such motion be seconded and carried the petition shall not be received.

17. No speech shall be made when presenting a petition other than such remarks as may be necessary to state the number and general description of the petitioners and the substance of the petition.

18. On the presentation of any petition, it shall lie on the Table, and the Member presenting it may move that it be ordered to be printed or that it be referred to a committee."

(e) That Standing Rule and Order No. 20 be deleted and the following substituted therefor -

"Custody
of papers.

20. All papers laid before the Council shall be deposited with the Clerk who shall be responsible for the safe custody thereof. All such papers shall at all reasonable times be open to the inspection and perusal of members and shall, on notice being given to the Clerk, be produced before Council if any member so desires."

(f) That Standing Rule and Order No. 43 be amended by renumbering sub-Rules (viii), (ix) and (x) as sub-Rules (ix), (x) and (xi) and by the insertion of the following as sub-Rule (viii) -

"(viii) With the leave of the President, any Member may at any time during the course of a debate move that the question be now put. No debate on this motion shall be allowed, and if such motion be carried, the debate shall, subject to the right of reply provided for in sub-Rule (vii) of this Rule, ^{of this Rule} cease and the question shall be put."

(g) That Standing Rules and Orders Nos. 51 to 63 be deleted and the following substituted therefor -

51. The Council may, on motion made and question put appoint Standing Committees, and the provisions of Rules 53 to 63 shall, mutatis mutandis, apply to such Committees. Provided that when a Standing Committee, appointed in accordance with the provisions of this Rule, is requested by the Governor to consider and report to him upon any matter, the report of such Committee on such matter shall not be laid on the table unless the Governor so directs.

Standing
committees.

52. When a Standing Committee on Finance is appointed the following procedure shall be adopted -

- (i) not less than seven days from the date on which the draft Estimates of Revenue and Expenditure for the ensuing year are laid on the Table of the Council the Colonial Secretary or such other Member of the Council as the Governor may appoint, shall move that the draft Estimates be referred to the Committee;
- (ii) on the motion to refer the draft Estimates to the Committee, any Member shall have the right to discuss them in principle and in detail;
- (iii) when the motion referred to in sub-rule (ii) has been adopted, any Member of the Council shall have the right to appear and be heard before the Committee at a place and time to be fixed by the Committee. Provided that any such Member shall have given previous notice to the Clerk of his intention to appear before the Committee and of the particular points on which he wishes to give evidence;
- (iv) the Report of the Committee shall be submitted to the Governor and shall be laid on the Table of the Council;
- (v) the Colonial Secretary or such other Member as the Governor may appoint, shall give notice of the date on which the Report shall be laid on the Table of the Council.

-5-

his intention to move the adoption of the Report and shall at the same time give notice of any amendments to the Report which he proposes to move;

- (vi) any Member of the Council shall have the right to submit written notice of any amendments to the Report which he proposes to move. Provided that any such notice shall be submitted to the Clerk at least one clear day before the day which, under sub-Rule (v) of this Rule, ^{of this Rule,} has been appointed as the day on which the adoption of the Report will be moved;
- (vii) no amendments to the Report, other than those of which notice has been given under sub-Rules (v) or (vi) of this Rule shall be moved;
- (viii) not less than one clear day after the date on which any Schedule of Additional Provision is laid on the Table, the Colonial Secretary, or such other Member as the Governor may appoint, shall move that the said Schedule be referred to the Committee;
- (ix) the Report of the Committee on each such Schedule shall be laid on the Table of the Council, and the Colonial Secretary, or such other Member as the Governor may appoint, shall give notice of motion for its adoption with such amendments, if any, as he proposes to move.

-6-

How appointed.

53. A Select Committee shall be appointed on motion made and question put and shall consist of such members as may be chosen by the Council or by Committee of the whole Council.

May be appointed at any stage.

54. A Select Committee may be appointed by the Council at any stage of its proceedings or when in Committee of the whole Council.

Members may be appointed while Council adjourned.

55. In the event of the members of a Select Committee not having been chosen before the close of a session it shall be competent for the Governor to select members of the Council to serve on the Select Committee so appointed on motion.

Chairman.

56. At the time when the Select Committee is appointed a Chairman thereof shall be named. The Governor may, from time to time, in case of the death or unavoidable absence of a member, appoint another Member of the Council to take the place of such member on the Select Committee.

Quorum.

57. In ^{the} absence of particular instructions as to the number of members of a Select Committee who shall form a quorum, the following provisions shall apply:

Two members shall form a quorum, if the Select Committee consists of not more than five members; three, if the Select Committee consists of six or seven members; four, if the Select Committee consists of eight or nine members; and five, if the Select Committee consists of ten or more members.

Minimum membership.

58. Every Select Committee shall consist of at least three members of the Council.

(iii) by the insertion of the words "where possible" immediately after the comma in line eight.

(Major Cavenish Bontinck dissents from the proposed amendment in (ii) in that he considers that unless any such section be set out in its entirety it may often be difficult for members to appreciate the precise significance of the proposed alteration or amendment).

3. Major Cavenish Bontinck, Major Riddell and Captain Schwartze are of the opinion that steps should be taken to amend Standing Rule and Order No. 32 by the deletion of the proviso thereto. They realize that this proviso is taken direct from the Instructions under the Royal Sign Manual and Signet, but they recommend that representations should be made by this Government with a view to the issue of amending Instructions. Their view is that it is almost impossible to submit any original proposition to the Council which does not, in some measure, reduce or charge some part of the revenue arising within the Colony, or revoke alter or vary an existing charge on the revenue, and therefore, in practice, the proviso is frequently ignored, and, in their opinion, does the intention of a proviso thus would conform to the principles underlying representation of a Legislative Council by means of Elected Members. The majority of the Committee, however, recommends that no action be taken.

4. We realize that the amendments which we have proposed are numerous and we therefore recommend that, if our Report is adopted, steps should be taken to reprint the Standing Rules and Orders as amended. We suggest that an index might with advantage be appended.

5. Captain Schwartze left the Colony before the preparation of our Report but he is in general agreement with our recommendations.

We have the honour to be,
Your Excellency's obedient servants,

- (SIGNED) W. HARRAGIN (CHAIRMAN)
- (SIGNED) T.D.H. BRUCE (MEMBER)
- (SIGNED) E.B. HOSKING (MEMBER)
- (SIGNED) F. CAVENDISH BENTINCK (MEMBER)
- (SIGNED) G.H. RIDDELL (MEMBER)
- (SIGNED) N.S. MANGAT (MEMBER)
- (SIGNED) J.B. PANDYA (MEMBER)

SD. J.F.G. TROUGHTON

SECRETARY

Nairobi, 19th July, 1934.

C.O.

23034/24

Mr. Justice 16/7

Mr. Hunt 16

Mr.

Mr. Parkinson.

Sir G. Tomlinson.

* Sir C. Bottomley, 7/2. f

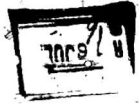
Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Kennedy
Air Mail
f Sir C. Bottomley



DRAFT.

Bring up Sir Joseph Byrne
G.C.T.G. K.B.E. C.B.

2/22

Conf!

17 JUL 1934

My dear Byrne,

Your letter of

the 5th of July about the new
Standing Order for Legislative
Council reached me only
a few hours before your
telegram No. 164 of July 16th.
In the circumstances you would
not wish us to pursue the
point with Mr. Brian Fell.

The enclosed extracts from the
Standing Order of the House of
Commons may be of interest.

At the time available we have
not discussed any other
proposed legislation which you

Extract attached
(1 copy only)

FURTHER ACTION.

particular point has arisen in
Trinidad, Gold Coast, Hong Kong &
British Honduras the Standing Finance
Committee includes all the official
members; in Mauritius it includes
six elected members out of ten,
but nothing is said as to how
they shall be ^{chosen} selected, and I understand
that the electorate is racially
homogeneous.

Yours sincerely
I think I could think that
the creation of the Standing
Order would end your troubles
over this point, but it will come
up every time the Standing Committee
has to be appointed. Such is
Kenya, but ~~perhaps~~ ^{perhaps} anything possible
would.

Yours sincerely

(Signed) W. C. BOTTOMLEY.

Copy for file

Extracts from Standing Orders

House of Commons 1933.

17

X X X X

Constitution of standing committees.

Not more than five standing committees shall be appointed for the consideration of bills or other business referred to a standing committee.

X X X

One of the standing committees shall be appointed for the consideration of all public bills relating exclusively to Scotland and committed to a standing committee, and shall consist of all the members representing Scottish constituencies, together with not less than ten nor more than fifteen other members to be nominated in respect of any bill by the committee of selection, who shall have regard in such nomination to the approximation of the balance of parties in the committee to that in the whole House.

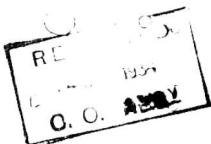
X X X

Nomination of standing committees.

18

Each of the said standing committees shall consist of not less than thirty nor more than fifty members, to be nominated by the committee of selection, who shall have regard to the composition of the House; and

shall



Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 14th July, 1934.

Received 10.28.am.14th July.

No.164

Following message for Bottomley begins.

Reference to my air mail letter personal July 5th yesterday in Executive Council with the approval of the unofficial members I deleted Standing Order No.55 and requested Committee to reassemble and reconsider certain other orders which in my opinion conflicted with parliamentary practices.

Byrne.

Founded 35

Also
H. K.

There shall be a standing committee
Finance of which the Col Sec the
Treasurer and the O.P.W. shall be
ex-officio members and all the
unofficial members of the Council
shall be members of this standing committee
the Col Sec shall be ex-officio Chairman
but only the unofficial members shall
vote.

Number
24

At the meeting of every session
the President shall appoint the
following standing committees
(a) Finance committee consisting
of Receiver General (Chairman)
Collector of Customs
Protector of Immigrants
Six elected members
Two official nominated members
Four unofficial members

B. Honduras
41.

The Gov may from time to time
appoint a standing financial committee
to be composed of all the official &
unofficial members of the Council

send the Estimates after they have been laid on the Table

to the Standing Finance Committee.

It happened that an ad hoc Select Committee had already been appointed to revise our Standing Rules and Orders and this Committee was asked to explore the possibility of introducing the new procedure outlined above.

I have just received an advance copy of their Report in which you will see that it contains an unanimous recommendation regarding the above suggested method of dealing with the Budget.

The point on which I would ask for urgent advice from the Colonial Office is in connection with new Rule 55.

I personally have never before seen in any Standing Rules and Orders a rule defining the political parties to be represented on a Committee and I want to know how I stand in regard to this matter of parliamentary practice before I commit Government to full agreement with the Report.

The European Elected members will press strongly for the insertion of this rule which they think will make their position safer. The Indian view is recorded in the Report and as regards the present members, who are rather fighting amongst themselves, I had a meeting with them and told them

them.....

the position and informed them that they had only one member - Mr. Pandya - who was suitable to represent their interests on a Committee of this nature. I think the responsible Indian community on this occasion will - of course with some protest - fall in with my views, but the position will be rendered more difficult if they find that the Government has bound itself by Standing Order to a similar constitution in the future.

Could you get an opinion from the House of Commons (you remember Mr. Brian Fell who advised us during the 1927 Colonial Office Conference) as to whether it is in accordance with usual parliamentary practice to adopt a Standing Rule of this nature? If the advice is against adoption it would enable me to accept the remainder of the otherwise useful report without the usual turmoil which would result from disallowance based on political grounds only.

Council meets on the 24th and if you could send me a cable as soon as possible after you receive this I would be very grateful.

Yours sincerely,

Sir W.C. Bottomley, K.C.M.G., C.B., O.B.E.
The Colonial Office.
LONDON. S.W.1.

42 *for information*
Hunt *this is final draft - not yet signed* *24*
scapped
102
REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO CONSIDER THE STANDING RULES AND ORDERS OF THE COUNCIL

Your Excellency,

By motion of the Legislative Council on the 27th April, 1934, we were appointed Members of a Select Committee and were instructed to consider the Standing Rules and Orders of the Council and to report on such amendments thereto as may be considered necessary

2. We recommend:-

- (a) That Standing Rule and Order No. 2, be amended by the deletion of the words "one month" in line three and the substitution therefor of the words "forty-two days";
- (b) that Standing Rule and Order No. 11 be amended by the deletion of the words commencing with "strangers in line two down to the end of the Rule and the substitution therefor of the words any stranger or strangers to withdraw and absent themselves from the Council Chamber and may order the doors of the Council Chamber to be closed
- (c) that Standing Rules and Orders Nos. 16, 17 and 18 be repealed and replaced by the following:

16. (1) No petition shall be received which is not properly and respectfully worded

(2) Petitions shall be presented and laid on the Table by a member of the Council, whose duty it shall be to inform the Council that in his opinion the petition complies with the requirements of this Rule

(3) It shall be competent for any member to move that any petition be not received on the ground that it does not comply with the requirements of this Rule, or on any other ground, and if such motion be seconded and carried the petition shall not be received.

17. No speech shall be made when presenting a petition beyond such remarks as may be necessary to state the number and general description of the petitioners and the substance of the petition.

18. Petitions on being received may be read or ordered to be printed, or, if relating to a matter before a committee, ordered to be referred to such committee for consideration and report".

(d) that Standing Rule and Order No. 20 be amended by the deletion of the last sentence and the substitution therefor of the following: -

All such papers shall at all reasonable times be open to the inspection and perusal of members, and shall, on notice being given to the Clerk, be produced before Council if any member so desire.

(e) that Standing Rule and Order No. 20 be amended by renumbering sub-rules (viii), (ix), and (x) as sub-rules (ix), (x) and (xi) and by inserting the following as sub-rule (viii): -

(viii) With the leave of the President, any Member may at any time during the course of a debate move that the question be now put. No debate on this motion shall be allowed, and, if it be carried, the debate shall cease, except that the right of reply provided for in sub-rule (vii) shall be preserved, and the question shall be put.

(f) that Standing Rule and Order No. 54 be renumbered as Standing Rule and Order No. 70, that all following Standing Rules and Orders be consequentially renumbered and that the following new Rules be inserted as Rules 54 - 69: -

STANDING COMMITTEE ON FINANCE.

54. The Council may during the second Session after the general election held in 1934 and during the first Session after any subsequent general election by motion made and question put appoint a Standing Committee on Finance (hereinafter in these Rules referred to as "the Committee").

(Major Cavendish-Bentinck, Major Riddell and Captain Schwartz consider that the word "may" in the first line of this draft Rule should be deleted and the word "shall" substituted therefor).

55. The Committee shall consist of the following Members: -

- Three Official Members (of whom one shall be Chairman).
- Three European Elected Members.
- One Indian Elected member.
- One Nominated Unofficial Member representing the Interests of the African Community.

(Mr. Mangat and Mr. Pandya consider that the above does not provide adequate representation for Indian Interests. They consider the ratio of three European Elected Members to one Indian Elected member to be incongruous with the fact that there are on Council eleven European Elected Members and five Indian Elected members.

They suggest, as alternatives, the following:

- (a) Three Official members;
Three European Elected members;
Two Indian Elected members;
One Nominated Unofficial member
representing Native interests.
- (b) Three Official members;
Two European Elected members;
One Indian Elected member;
One Nominated Unofficial member
representing Native interests
- (c) Four Official members;
Four European Elected members;
Two Indian Elected members;
One Nominated Unofficial member
representing Native interests.
- (d) Two Official Members;
Two European Elected Members;
One Indian Elected Member;
One Nominated Unofficial Member
representing Native interests.)

- 56. The Governor may, from time to time, in case of the death or unavoidable absence of a member of the Committee, appoint another member of the Council to take the place of such member on the Committee.
- 57. Five members of the Committee shall form a quorum.
- 58. The draft Estimates of Revenue and Expenditure shall, before the close of the year immediately preceding the year to which they relate, be laid on the Table of the Council.
- 59. Not less than seven days from the date on which the said draft Estimates are laid, the Colonial Secretary, or such other member of the Council as the Governor may appoint, shall move that the draft Estimates be referred to the Committee.
- 60. On the motion to refer the draft Estimates to the Committee, every Member shall have the right to discuss them in principle and in detail.
- 61. When the motion referred to in Rule 60 has been adopted, any Member of the Council shall have the right to appear and be heard before the Committee at a place and time to be fixed by the Committee; provided that any such Member shall have given previous notice to the Clerk of his intention to appear before the Committee and of the particular points on which he wishes to give evidence.

16
24 Aug

62. The Report of the Committee shall be submitted to the Governor and shall be laid on the Table of the Council.

63. The Colonial Secretary, or such other member as the Governor may appoint, shall give four clear days' notice of his intention to move the adoption of the Report and shall at the same time give notice of any amendments to the Report which he proposes to move.

64. Any Member of the Council shall have the right to submit written notice of any amendments to the Report which he proposes to move: Provided that any such notice shall be submitted to the Clerk at least one clear day before the day which under Rule 63 has been appointed as the day on which the adoption of the Report will be moved.

65. No amendments to the Report, other than those of which notice has been given under the two preceding Rules, shall be moved.

66. At any time after the motion for the adoption of the Report has been accepted the necessary Appropriation Bill shall be passed through all its stages without debate.

67. All Schedules of Additional Provision compiled in accordance with Colonial Regulation No. 281, or any Regulation amending or replacing the same, shall be laid on the Table of the Council.

68. Not less than one clear day from the date on which any such Schedule is laid, the Colonial Secretary, or such other member as the Governor may appoint, shall move that the said Schedule be referred to the Committee.

69. The Report of the Committee on each such Schedule shall be laid on the Table of the Council and the Colonial Secretary, or such other Member as the Governor may appoint, shall give notice of motion for its adoption with such amendments, if any, as he proposes to move.

(g) that new Standing Rule and Order No. 80 be amended by (1) the deletion of the word 'fourteen' in the first line thereof and the substitution therefor of the word 'twelve'; (2) the deletion of the word 'whole' in line 6 and the substitution therefor of the words 'relevant part' (Major Gwendolin-Bontick dissents from this recommendation); and (3) by the insertion of the words 'where possible' immediately after the comma in line 8.

(n) that new Standing Rule and Order No. 98 be amended by the deletion of the figures '80' in line four and the substitution therefor of the figures '90'

3. We consider that the custom of addressing the President as Your Excellency is not consonant with Standing Rule and Order No. 43 (i). In our opinion the correct form of address is "Mr. President" or "My Chairman" as the case may be, and we recommend that this form should be used in future.
4. Major Cavendish Bantick, Major Riddell and Captain Schwartze are of the opinion that steps should be taken to amend Standing Rule and Order No. 32 by the deletion of the proviso thereto. They realise that this proviso is taken direct from the Instructions under the Royal Sign Manual and Signet, but they recommend that representations should be made by this Government with a view to the issue of amending Instructions. Their view is that it is almost impossible to submit any original proposition to the Council which does not, in some measure, reduce or change some part of the revenue arising within the Colony, or revoke, alter or vary an existing charge on the revenue, and therefore, in practice, the proviso is frequently ignored. The majority of the Committee, however, recommend that no action be taken.
5. We realise that the amendments which we have proposed are numerous and we therefore recommend that, if our Report is adopted, steps should be taken to reprint the Standing Rules and Orders as amended.
6. Captain Schwartze left the Colony before the preparation of our Report, but he is in general agreement with our recommendations.

We have the honour to be,

Your Excellency's obedient servants,

(Signed) W. MARRAGIN (Chairman).
 T. L. S. BRUCE.
 E. B. MCKING
 F. CAVENDISH-BANTICK
 W. G. RIDDELL
 H. S. LANGAT
 J. B. BANTICK

J. F. G. TROUGHTON
 Secretary
 14 July 1934

Selected from The Times

FINANCIAL CONTROL IN KENYA

GOVERNMENT CONCESSION

FROM OUR CORRESPONDENT

NAIROBI, MAY 11

A semi-constitutional change in Kenya was intimated by the Governor to the Legislature to-day. He announced his intention to provide for the appointment of a standing Finance Committee of the House. It will be a non-statutory but permanent body. The European elected members heartily welcome this further sign of co-operation between the Government and the colonists.

It is understood that the Committee will be empowered to assist the Government in the preparation of the Budget and may be regarded as a halfway measure to meet the demand for greater financial control by the colonists, which was a feature of the recent General Election. It is expected that the members of the Committee will include Government, European, Indian, and Arab representatives with at least one representative of the natives, but the European claim for majority control will not be granted.

The Government announces that the Carter Land Commission report will be issued on Monday, when Sir Philip Cunliffe-Lister, is expected to make a statement in the House of Commons.



KENYA.

GOVERNMENT HOUSE
NAIROBI,
KENYA

No. 36

CONFIDENTIAL.

Friday, 1963.

SIR,

No 3
1963/7/31
No 3/14/5/33

I have the honour to refer to your Confidential despatch (S) of 10th July, 1963, and to Sir Joseph Byrne's Air Mail Confidential despatch No. 61 of 12th May, 1963, on the subject of the composition of the Kenya Legislative Council, and to state that careful consideration has been given to the question of the retention on the Council of the General Manager of the Kenya and Uganda Railways and Harbours and of the other heads of common services. The conclusion has been reached, however, that there is no possibility of making any change at the moment. Any such change would entirely upset the balance between officials and unofficials and might well give rise to further demands from the unofficial community for constitutional advance.

2. The present constitution of the Council is as follows:-

THE RT. HON.
MAJOR SIR PHILIP CURLEWNE-LISTER, B.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1.

OFFICIALS.

Ex-Officio
Nominated

OFFICIALS:

European Elected
Indian "
Arab
Scheikha, representing
Arabian interests,

There is thus an official majority of the net including
the Governor's votes.

The question of appointing an additional representa-
tive of native interests, and of removing the restriction
which at present confines such representatives to Christian
missionaries was discussed with you during your recent
visit to the colony and it was agreed that an additional
representative should be appointed, and the restriction
removed, without further delay. It is proposed that
the necessary Additional Instructions under the Royal
Sign Manual and Signet will be issued as a matter of course. In
this connection, I would invite your attention to Sir
Joseph Byrne's despatch of 11th January, 1934.

23/3/34

No 1

25/4/34

W.A.C.

It is proposed that efforts will be taken to provide
for the change in designation of the Commissioner for
Local Government, Lands and Settlement, and the Director
of Medical and Sanitary Services.

3. It is for consideration whether, after the
forthcoming general election, it would not be desirable
to appoint Sheikh Ali bin Salim, B.A., as the nominated
official Arab to represent Arab interests. This
appointment, if made, would reduce the official majority
to the Governor's votes. It is not thought that the
smallness of the official majority is of serious con-
sequence so long as the majority is in fact retained,

for

3.

For should it happen that all the unofficials combined
against the Government, the occasions on which it would
be necessary for the issue to be forced to a decision
are likely to be rare.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Wm. P. ...

GOVERNOR'S DEPUTY

Govs. Deputy Secy 36 Conf _____ 8 March 1904
 States question of retention of General Manager K. V. B. & other heads of common services has been considered & it is considered that no change can be made at the moment. Presumes action is being taken regarding adml. native represent. alive & provision for changes in designation of Genl. for local Govts. & O.S. 1905. States it is for Govt. whether Sheikh Ali bin Salim should be appointed as nominated unofficial ambassador to the Sultan.

Rela C Room 297
 not 23/4/04 Kungu,
 16/4/04

The points raised in para 2 of the previous despatch have been fully discussed in the minutes on 23/4/04, & the new R.P. have been issued.

The app't of Sheikh Ali bin Salim as the Hon. Unofficial Member to represent Arab interests has been approved on 23/4/04.

? This may be finally
 C. J. G. 21/4/04
 B. D. 21/4/04

~~Extract from the memo of 12 May 04.~~

? Part by C. J. G. 17/7/04

We shall know more of this when we receive the Governor's speech on opening Leg. Co. 11. This is up to Central - and not any remaining up.

B. D. 17/7/04

4. Sir J. Byrnes (S.O.) _____ 5th July
(Tys. Report of Standing Orders Committee providing for establishment of Standing Finance C'ttee. and seeks advice.)

6. Standing Finance Committee of Leg. Council
Sir J. Byrnes (S.O.) _____ 12th July
(Has deleted Standing Order 55)

Before No 6 arrived, I had asked Mr. Poyser for a note on the practice in other Colonies; No 5 is the result. I had also tried to get into touch with Mr. Brian Felt at the H/C, but without success (it was a Saturday morning!)

D.h. for Arranged on Sir C. Bottomley's direction.

D. Hamilton
16/10

It would be Kenya! I have a vague hope - reading at about the pace of the order submitted in recent times - that some day people in Kenya will realize that a Colonial Legislature ought not to have "parties" & that unofficials are not meant to be "His Majesty's Opposition", and that it is possible to work a Government without the monkey-freaks of the Modes of Parliaments. Anyhow they have thought better of it.

J.E.O. 2/10
16.7.

To Sir J. Byrnes (L/C. but not from Kenyan side) 110 17/7/54
(L. Council)

8. Governor Byrnes 114 (a) _____
Reports the appointment of a Standing Finance Committee of the Leg. Council to carry on the work of the Standing Finance Committee & take the place of the Select Committee on Estimates. & asks copy of report of Select Committee of Leg. Council on the appointment of this Committee & seeks approval of action taken.

The Committee is nicely balanced: 3 Officials, 3 European Elected Members, 1 Indian, 1 Native Rep. But a defect in Committee (in itself unlikely) would not mean a defect in Council; the C'ttee is to be advisory only.

Signification of n.d.a. must await the printed copies (see the minutes on 23/5/54). In the meantime ask, & assure Governor that his action meets with S.F.C.'s approval.

D. Hamilton

So proceed. It is expedient to 3/9. Get away from the Select C'ttee to the Standing Finance Committee with its solid block of 4 unopposed members.

10/10/54

By air mail

To Kenyon Conf (8 Wmsud)

6 SEP 1934

Registry Note

The dispatch transmitting copies of revised
Standing Rules Order of Reg. Council is register 23259/34

Kenyon

116

23039 / 34

9

C. O.

C. D.
R 4 SEP
D

Miss Powell 7/9

Mr. Kenning 16/9/34

6 September, 1934.

Mr.
Mr. Parkinson.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

sin,

I have the honor

to ack. the receipt of
your Conf. despatch No. 119

(s)

of the 20th of Aug,
and regarding the

appointment of a
standing Finance

Committee of the
Legislative Council,

and

DRAFT.

Kenya.
Conf.
Gov.

FURTHER ACTION.

and to assure you that
your action in the
matter meets with my
approval.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

8

AIR MAIL.

KENYA.

NO. 119



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

August, 1934.

RECEIVED
AUG 1934
C. O. REGY

CONFIDENTIAL.

Sir,

I have the honour to refer to correspondence terminating with your Confidential telegram No. 18 of the 26th January, 1932, in which you approved the appointment of a Standing Finance Committee, with the following terms of reference: -

Answered 5

18018/32

"To keep under constant review the economic situation of the Colony in relation to the Government revenues and to report from time to time with a view to enabling Government to take such action as may be necessary to maintain a balance between revenue and expenditure."

2. That Committee has been functioning regularly since its appointment, and has served the purpose for which it was formed. I have, however, for some time been considering the possibility of appointing a Standing Finance Committee of the Legislative Council which would carry on the work of the Standing Finance Committee, advise me on any financial questions which I might from time to time refer to it, and take the place of the present Select Committee on Estimates. As you are aware, that Select Committee consists of four Official Members and all the Unofficial Members, and is an unwieldy body. In my opinion, a smaller Committee would be much more satisfactory in expediting consideration of the Estimates.

THE RIGHT HONOURABLE MAJOR
SIR PHILIP CONLIFFE-LISTER, P.C., O.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
Downing Street, LONDON, S.W.1.

3. A Select Committee of the Council was recently appointed to review the Standing Rules and Orders and I took the opportunity to request them to examine the possibility of devising a workable procedure by which a Standing Finance Committee of the character I had in mind would take the place of the Select Committee in dealing with the Estimates. Copies of their Report, which on this point is unanimous, are appended for your information. The Report was adopted by motion of the Legislative Council on the 25th July, with the following amendment, which is of a formal character: -

"Addition of the following sub-clause to Standing Rule and Order No. 52: -

(x) The Committee shall continue to sit until dissolved by the Council or until the dissolution of Council".

4. Subsequent to this, on the 26th July, the following motion was passed by the Council: -

"Be it resolved that, in accordance with Standing Rule and Order No. 51, a Standing Finance Committee be appointed for the remainder of the life of the present Council for the purpose of considering and reporting upon the annual and supplementary estimates of revenue and expenditure in accordance with the procedure laid down in Standing Rule and Order No. 52, and of advising the Governor upon such other financial questions as His Excellency may from time to time refer to it. The Standing Finance Committee shall consist of: -

The Hon. the Colonial Secretary (Chairman);
The Hon. the Treasurer;
The Hon. the Chief Native Commissioner;
Lt. Col. the Hon. Lord Francis Scott;
Major the Hon. F. W. Cavendish-Bentinck;
The Hon. Conway Harvey;
The Hon. J. B. Pandya;
The Hon. R. W. Hemsted."

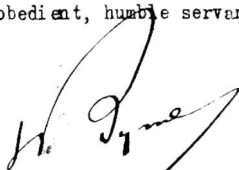
5. Although the Unofficial Members, both European and Indian, are fully aware that no constitutional significance is to be attached to the appointment of a

Standing Finance Committee under the Standing Rules and Orders, the proposal has been warmly welcomed by them and the press, as an indication of the Government's desire to co-operate with unofficial opinion and to give greater status and permanency to the Committee than it would otherwise have. I should be glad to know if the action which I have taken meets with your approval. The Standing Rules and Orders, as amended by the Report, are being printed, and copies will be forwarded in due course for signification of His Majesty's pleasure in accordance with Article XXIV of the Royal Instructions.

I have the honour to be,

Sir,

Your most obedient, humble servant,


BRIGADIER-GENERAL,
GOVERNOR.

REPORT
OF
THE SELECT COMMITTEE OF THE LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER THE
STANDING RULES AND ORDERS OF THE
COUNCIL

Your Excellency,

By Motion of the Legislative Council on the 27th April, 1934, we were appointed Members of a Select Committee and were instructed to consider the Standing Rules and Orders of the Council and to report on such amendments thereto as may be considered necessary.

2. We recommend -

(a) That Standing Rule and Order No.2 be deleted and the following substituted therefor -

"Ordinary sessions.

2. Ordinary sessions of the Legislative Council shall be held at such time and at such place as the Governor may by Proclamation appoint. Provided that a session shall be held not later than forty-two days after each General Election."

(b) That Standing Rule and Order No.3 be deleted and the following substituted therefor -

"Extraordinary sessions.

3. The Governor, or in his absence the Member first in order of precedence, may call an Extraordinary Session of Legislative Council at any time that he may deem expedient, six days' notice being given of such session except in cases of urgency when the earliest practicable notice shall be given."

(c) That Standing Rule and Order No.11 be deleted and the following substituted therefor -

Withdrawal
of strangers.

11. The President, or Chairman, if the Council is in committee, may at any time order strangers to withdraw and absent themselves from the Council Chamber and may order the doors of the Council Chamber to be closed."

(d) That Standing Rules and Orders nos. 16, 17 and 18 be deleted and the following substituted therefor:

"Procedure on
presentation
of Petition.

16. (1) No petition shall be received which is not properly and respectfully worded.

(2) Petitions shall be presented and laid on the Table by a Member of the Council, whose duty it shall be to inform the Council that in his opinion the petition complies with the requirements of this Rule.

(3) It shall be competent for any Member to move that any petition be not received on the ground that it does not comply with the requirements of this Rule, or on any other ground, and if such motion be seconded and carried the petition shall not be received.

17. No speech shall be made when presenting a petition other than such remarks as may be necessary to state the number and general description of the petitioners and the substance of the petition.

18. On the presentation of any petition, it shall lie on the Table, and the Member presenting it may move that it be ordered to be printed or that it be referred to a committee."

(e) That Standing Rule and Order No. 20 be deleted and the following substituted therefor -

Custody
of papers.

20. All papers left before the Council shall be deposited with the Clerk who shall be responsible for the safe custody thereof. All such papers shall at all reasonable times be open to the inspection of any member of the Council, on notice being given to the Clerk, and shall be produced before Council if any member so desires."

(f) That Standing Rule and Order No. 43 be amended by renumbering sub-rules (viii), (ix) and (x) as sub-Rules (ix), (x) and (xi) and by the insertion of the following as sub-Rule (viii) -

"(viii) With the leave of the President, any Member may at any time during the course of a debate move that the question be now put. No vote on this motion shall be taken, and, if such motion be carried, the debate shall, subject to the right of reply provided for in sub-Rule (vii), ^{of this Rule} cease and the question shall be put."

(g) That Standing Rules and Orders Nos. 51 to 63 be deleted and the following substituted therefor -

51. The Council may, on motion made and question put appoint Standing Committees, and the provisions of Rules 53 to 63 shall, mutatis mutandis, apply to such Committees. Provided that when a Standing Committee, appointed in accordance with the provisions of this Rule, is requested by the Governor to consider and report to him upon any matter, the report of such Committee on such matter shall not be laid on the Table unless the Governor so directs.

Standing
committees.

52. When a Standing Committee on Finance is appointed the following procedure shall be adopted -

- (i) not less than seven days from the date on which the draft Estimates of Revenue and Expenditure for the ensuing year are laid on the Table of the Council the Colonial Secretary or such other Member of the Council as the Governor may appoint, shall move that the draft Estimates be referred to the Committee;
- (ii) on the motion to refer the draft Estimates to the Committee, any Member shall have the right to discuss them in principle and in detail;
- (iii) when the motion referred to in sub-Rule (ii) has been adopted, any Member of the Council shall have the right to appear and be heard before the Committee at a place and time to be fixed by the Committee. Provided that any such Member shall have given previous notice to the Clerk of his intention to appear before the Committee and of the particular points on which he wishes to give evidence;
- (iv) the Report of the Committee shall be submitted to the Governor and shall be laid on the Table of the Council;
- (v) the Colonial Secretary, or such other Member as the Governor may appoint, shall give four clear days' notice of

his intention to move the adoption of the Report and shall at the same time give notice of any amendments to the Report which he proposes to move;

(vi) Any Member of the Council shall have the right to submit written notice of any amendments to the Report which he proposes to move. Provided that any such notice shall be submitted to the Clerk at least one clear day before the day which, under sub-Rule (v) of this Rule, has been appointed as the day on which the adoption of the Report will be moved;

(vii) no amendments to the Report, other than those of which notice has been given under sub-Rules (v) or (vi) of this Rule shall be moved;

(viii) not less than one clear day after the date on which any Schedule of Additional Provision is laid on the Table, the Colonial Secretary, or such other Member as the Governor may appoint, shall move that the said Schedule be referred to the Committee;

(ix) the Report of the Committee on each such Schedule shall be laid on the Table of the Council and the Colonial Secretary, or such other Member as the Governor may appoint, shall give notice of motion for its adoption with such amendments, if any, as he proposes to move.

How appointed.

53. A Select Committee shall be appointed on motion made and question put and shall consist of such members as may be chosen by the Council or by Committee of the whole Council.

May be appointed at any stage.

54. A Select Committee may be appointed by the Council at any stage of its proceedings or when in Committee of the whole Council.

Members may be appointed while Council adjourned.

55. In the event of the members of a Select Committee not having been chosen before the close of a session it shall be competent for the Governor to select members of the Council to serve on the Select Committee so appointed on motion.

Chairman.

56. At the time when the Select Committee is appointed a Chairman thereof shall be named. The Governor may, from time to time, in case of the death or unavoidable absence of a member, appoint another Member of the Council to take the place of such member on the Select Committee.

Quorum.

57. In ^{the} absence of particular instructions as to the number of members of a Select Committee who shall form a quorum, the following provisions shall apply -

Two members shall form a quorum, if the Select Committee consists of not more than five members; three, if the Select Committee consists of six or seven members; four, if the Select Committee consists of eight or nine members; and five, if the Select Committee consists of ten or more members.

Minimum membership.

58. Every Select Committee shall consist of at least three members of the Council.

Sittings when Council adjourned.

59. A Select Committee may continue to sit although the Council may be adjourned, and it shall not be dissolved until the presentation to the Council of its report or until dissolved by the Council.

Power to call evidence etc.

60. All Select Committees shall have power, which shall be exercised by the Chairman, to call any Head of Department or any Official Member of the Legislative Council to give evidence or may invite him to take part in their deliberations, but no person so called or invited shall possess a vote.

Report to be signed by Chairman and members.

61. The report of every Select Committee shall be signed by the Chairman thereof or in his absence by the member first in order of precedence and by every member of the Select Committee who agrees with the terms of the report, and shall be laid on the Table.

Minority Reports.

62. Any Member or members dissenting from the opinion of a majority of a Select Committee may put in a written statement of the reasons for such dissent and such statements shall, if presented in time, be appended to the Report of the Select Committee.

Services of Clerks.

63. All Select Committees shall, as far as may be, have the services of the Clerk of the Council."

- (h) That Standing Rule and Order No.64 be amended -
 - (i) by the deletion of the word "fourteen" in the first line thereof and the substitution therefor of the word "twelve";
 - (ii) by the deletion of the word "whose" in line six and the substitution therefor of the words "relevant part"; and

(iii) by the insertion of the words "where possible" immediately after the comma in line eight.

(Major Cavendish Bentinck dissents from the proposed amendment (ii) in that he considers that unless any such section be set out in its entirety it may often be difficult for members to appreciate the precise significance of the proposed alteration or amendment).

3. Major Cavendish Bentinck, Major Riddell and Captain Schwartze are of the opinion that steps should be taken to amend Standing Rule and Order No. 22 of the deletion of the proviso thereto. They realize that this proviso is taken direct from the Instructions under the Royal Sign Manual and Signet, but they recommend that representations should be made by this Government with a view to the issue of amending Instructions. Their view is that it is almost impossible to submit any original proposition to the Council which does not, in some measure, reduce or charge some part of the revenue arising within the Colony, or revoke alter or vary an existing charge on the revenue, and therefore, in practice, the proviso is frequently ignored; nor, in their opinion, does the intention of a proviso thus worded conform to the principles underlying representation on a Legislative Council by means of Elected Members. The majority of the Committee, however, recommend that no action be taken.

4. We realize that the amendments which we have proposed are numerous and we therefore recommend that, if our Report is adopted, steps should be taken to reprint the Standing Rules and Orders as amended. We suggest that an index might with advantage be appended.

5. Captain Schwartze left the Colony before the preparation of our Report but he is in general agreement with our recommendations.

We have the honour to be,
Your Excellency's obedient servants,

(SIGNED)	W. HARRAGIN	(CHAIRMAN)
(SIGNED)	T. D. H. BRUCE	(MEMBER)
(SIGNED)	E. B. HOSKING	(MEMBER)
(SIGNED)	F. CAVENDISH BENTINCK	(MEMBER)
(SIGNED)	G. H. RIDDELL	(MEMBER)
(SIGNED)	M. S. MANGAT	(MEMBER)
(SIGNED)	J. K. PANDYA	(MEMBER)

SD. J. F. G. TROUGHTON

SECRETARY

Nairobi, 19th July, 1934.

C.O.

23039/32

117

Mr. Justice 16/7
Mr. Hood 16
Mr.

Kenya

Mr. Parkinson

Sir G. Tomlinson

X Sir C. Bottomley 16.7.34

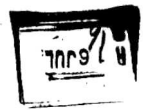
Sir J. Shuckburgh

Permt. U.S. of S.

Partly. U.S. of S.

Secretary of State.

Air Mail
4⁰ for Sir C. Bottomley



DRAFT.

Conf!

17 JUL 1934

Brig. Gen. Sir Joseph Byrne
G.C.B. K.B.E. C.B.

My dear Byrne,

Your letter of

the 5th of July about the new
Standing Order for Legislative
Council reached me only
a few hours before your
telegram No. 162 of July 16th.
In the circumstances & you will
not wish us to pursue the
point with Mr. Dixon Fell.

Extract attached
(copy only)

The enclosed extracts from the
Standing Order of the House of
Commons may be of interest.

In the time available, we have
not discussed any other
Colonial legislation which you

FURTHER ACTION.

particular point has arisen. In
Trinidad, Gold Coast, Hong Kong &
British Honduras the Standing Finance
Committee includes all the unofficial
members; in Mauritius it includes
six elected members out of ten,
but nothing is said as to how
they shall be ^{chosen} selected, and I understand
that the electorate is racially
homogeneous.

Yours sincerely

I wish I could think that
the creation of the Standing
Order would end your troubles
on this point, but it will come
up every time the Standing Committee
has to be appointed. Such is
Nanga, but personally, if
I have any thing to do
with it.

W. C. Bottomley

(Signed) W. C. BOTTOMLEY.

(Handwritten signature)

Resolved, That Standing Orders

Be of the Following Tenor.

47

X X X X

That the committee shall be appointed for the consideration of all bills introduced in a standing committee.

X X X

That of the standing committee shall be appointed for the consideration of all public bills relating thereto to be introduced and committed to a standing committee, and shall consist of all the members representing several constituencies, to wit: not less than ten nor more than fifteen, whose names to be selected in respect of any bill by the committee of selection, and shall have regard to such nomination of the consideration of the balance of parties in the assembly to that in the whole House.

X X X

shall have power to discharge members from time to time, for non-attendance or at their own request, and to appoint others in substitution for those discharged. Provided that, for the consideration of all public bills relating exclusively to Wales and Monmouthshire, the committee shall be so constituted as to comprise all members sitting for constituencies in Wales and Monmouthshire. The committee of selection shall also have power to add not less than ten nor more than thirtyfive members to a standing committee in respect of any bill referred to it, to serve on the committee during the consideration of such bill, and in adding such members shall have regard to their qualifications. Provided that this order shall not apply to the standing committee on Scottish bills.

X X X



Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 14th July, 1934.

Received 10.28.am.14th July.

No.164

Following message for Bottonley begins.
Reference to my air mail letter personal July 5th
yesterday in Executive Council with the approval of the
unofficial members I deleted Standing Order No.55 and
requested Committee to reassemble and reconsider certain
other orders which in my opinion conflicted with
parliamentary practices.

Byrne.

Proposed 35

Also
to be
H.K.

There shall be a Standing Committee
Finance of which the Collector and
Treasurer and the P.W. shall be
ex-officio members and all the
unofficial members of the Council
shall be members of this Standing Committee
The Collector shall be ex-officio Chairman
but only the unofficial members shall
vote.

Members
44

At the opening of every session
the President shall appoint the
following standing committees:

- (a) a Finance Committee consisting of
 - Revenue General (Chairman)
 - Collector of Customs
 - Protector of Immigrants
 - Six elected members
 - Two official nominated members
 - Four unofficial members

B. Honduras
46

... the Gov. may from time to time
appoint a Standing Financial Committee
to be composed of all the official &
unofficial members of the Council

CONFIDENTIAL



SECRET

11
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA

My dear Gottenley,

He is always being frustrated here with unexpected difficulties and unfortunately no present difficulty has been presented to be just before the Air Mail closes, hence this hastily drafted letter.

Change (7)

I decided some time ago with the warm approval of all elected members to appoint a Standing Finance Committee of Legislature to deal before this Committee will be laid, from time to time, the latest appreciation of our revenue position and it will be asked to advise on any important proposals for the expenditure of public money outside that approved in the Estimates. They will also report on the Schedule of Expenditure Varrants.

At the same time it occurred to ~~us~~ all that we could no longer maintain the present absurd system of dealing with the Estimates. Under this system all elected members sit on the Select Committee and, now that the Indians are back again, this means endless waste of time and money. We were anxious and with the consent of the elected members to change the procedure and in the first instance

send....

send the Estimates after they have been laid on the Table to the Standing Finance Committee.

It happened that an ad hoc Select Committee had already been appointed to revise our Standing Rules and Orders and this Committee was asked to explore the possibility of introducing the new procedure outlined above.

I have just this moment received an advance copy of their Report from which you will see that it contains an unanimous recommendation regarding the above suggested method of dealing with the Budget.

The point on which I would ask for urgent advice from the Colonial Office is in connection with new Rule 55.

I personally have never before seen in any Standing Rules and Orders a rule defining the political parties to be represented on a Committee and I want to know how I stand in regard to this matter of parliamentary practice before I commit Government to full agreement with the Report.

The European Elected members will press strongly for the insertion of this rule which they think will make their position safer. The Indian view is recorded in the Report and as regards the present members, who are rather fighting amongst themselves, I had a meeting with them and told them them.....

the position and informed them that they had only one member - Mr. Pandya - who was suitable to represent their interests on a Committee of this nature. I think the responsible Indian community on this occasion will - of course with some protest - fall in with my views, but the position will be rendered more difficult if they find that the Government has bound itself by Standing Order to a similar constitution in the future.

Could you get an opinion from the House of Commons (you remember Mr. Brian Fell who advised us during the 1927 Colonial Office Conference) as to whether it is in accordance with usual parliamentary practice to adopt a Standing Rule of this nature? If the advise is against adoption it would enable me to accept the remainder of the otherwise useful report without the usual turmoil which would result from disallowance based on political grounds only.

Council meets on the 24th and if you could send me a cable as soon as possible after you receive this I would be very grateful.

Yours sincerely,

Sir W.C. Bottomley. K.C.M.G., C.B., O.B.E.
The Colonial Office,
LONDON. S.W.1.

42 - for information.
Hunt This is final draft - but yet signed or appd
19.47
102

REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER THE STANDING RULES AND
ORDERS OF THE COUNCIL

Your Excellency,

By motion of the Legislative Council on the 27th April, 1934, we were appointed Members of a Select Committee and were instructed to consider the Standing Rules and Orders of the Council and to report on such amendments thereto as may be considered necessary

2. We recommend:-

- (a) That Standing Rule and Order No. 2 be amended by the deletion of the words "one month" in line three and the substitution therefor of the words "forty-two days";
- (b) that Standing Rule and Order No. 11 be amended by the deletion of the words commencing with "strangers" in line two down to the end of the Rule and the substitution therefor of the words any stranger or strangers to withdraw and absent themselves from the Council Chamber and may order the doors of the Council Chamber to be closed
- (c) that Standing Rules and Orders Nos. 16, 17 and 18 be repealed and replaced by the following:-
 16. (1) No petition shall be received which is not properly and respectfully worded
 - (2) Petitions shall be presented and laid on the Table by a member of the Council, whose duty it shall be to inform the Council that in his opinion the petition complies with the requirements of this Rule.
 - (3) It shall be competent for any member to move that any petition be not received on the ground that it does not comply with the requirements of this Rule, or on any other ground, and if such motion be seconded and carried the petition shall not be received.
17. No speech shall be made when presenting a petition beyond such remarks as may be necessary to state the number and general description of the petitioners and the substance of the petition.
18. Petitions on being received may be read or ordered to be printed, or, if relating to a matter before a committee, ordered to be referred to such committee for consideration and report.

- (d) that Standing Rule and Order No. 20 be amended by the deletion of the last sentence and the substitution thereof of the following: -

"All such papers shall at all reasonable times be open to the inspection and perusal of members and shall, on notice being given to the Clerk, be produced before Council if any member so desires".

- (e) that Standing Rule and Order No. 43 be amended by renumbering sub-rules (viii), (ix) and (x) as sub-rules (ix), (x) and (xi) and by the insertion of the following as sub-rule (viii): -

(viii) "With the leave of the President, any member may at any time during the course of a debate move that the question be now put. No debate on this motion shall be allowed, and, if it be carried, the debate shall cease, except that the right of reply provided for in sub-rule (vii) shall be preserved, and the question shall be put".

- (f) that Standing Rule and Order No. 54 be renumbered as Standing Rule and Order No. 70, that all following Standing Rules and Orders be consequentially renumbered and that the following n.w Rules be inserted as Rules 54 - 65: -

STANDING COMMITTEE ON FINANCE.

54. The Council may during the second Session after the general election held in 1934 and during the first Session after any subsequent general election by motion made and question put appoint a Standing Committee on Finance (hereinafter in these Rules referred to as "the Committee").

(Major Cavendish-Bentinck, Major Riddell and Captain Schwartz consider that the word "may" in the first line of this draft Rule should be deleted and the word "shall" substituted therefor).

55. The Committee shall consist of the following Members: -

Three Official Members (of whom one shall be Chairman).

Three European Elected Members.

One Indian Elected member.

One Nominated Unofficial Member representing the Interests of the African Community.

(Mr. Mangat and Mr. Pandya consider that the above does not provide adequate representation for Indian Interests. They consider the ratio of three European Elected Members to one Indian Elected member to be inconsistent with the fact that there are on Council eleven European Elected Members and five Indian Elected Members.

they suggest, as alternatives, the following: -

- (a) Three Official members;
Three European Elected Members;
Two Indian Elected members;
One Nominated Unofficial member
representing Native Interests.
- (b) Three Official members;
Two European Elected Members;
One Indian Elected member;
One Nominated Unofficial member
representing Native Interests
- (c) Four Official members;
Four European Elected members;
Two Indian Elected members;
One Nominated Unofficial member
representing Native Interests.
- (d) Two Official Members;
Two European Elected Members;
One Indian Elected member;
One Nominated Unofficial member
representing Native Interests.)

- 56. The Governor may, from time to time, in case of the death or unavoidable absence of a member of the Committee, appoint another member of the Council to take the place of such member on the Committee.
- 57. Five members of the Committee shall form a quorum.
- 58. The draft Estimates of revenue and expenditure shall, before the close of the year immediately preceding the year to which they relate, be laid on the Table of the Council.
- 59. Not less than seven days from the date on which the said draft Estimates are laid, the Colonial Secretary, or such other member of the Council as the Governor may appoint, shall move that the draft Estimates be referred to the Committee.
- 60. On the motion to refer the draft Estimates to the Committee, every Member shall have the right to discuss them in principle and in detail.
- 61. When the motion referred to in Rule 60 has been adopted, any Member of the Council shall have the right to appear and be heard before the Committee at a place and time to be fixed by the Committee; provided that any such member shall have given previous notice to the Clerk of his intention to appear before the Committee and of the particular points on which he wishes to give evidence.

62. The Report of the Committee shall be submitted to the Governor and shall be laid on the Table of the Council.
63. The Colonial Secretary, or such other Member as the Governor may appoint, shall give four clear days' notice of his intention to move the adoption of the Report and shall at the same time give notice of any amendments to the Report which he proposes to move.
64. Any Member of the Council shall have the right to submit written notice of any amendments to the Report which he proposes to move: Provided that any such notice shall be submitted to the Clerk at least one clear day before the day which under Rule 63 has been appointed as the day on which the adoption of the Report will be moved.
65. No amendments to the Report, other than those of which notice has been given under the two preceding Rules, shall be moved.
66. At any time after the motion for the adoption of the Report has been accepted the necessary Appropriation Bill shall be passed through all its stages without debate.
67. All Schedules of Additional Provision compiled in accordance with Colonial Regulation No. 201, or any Regulation amending or replacing the same, shall be laid on the Table of the Council.
68. Not less than one clear day from the date on which any such Schedule is laid, the Colonial Secretary, or such other Member as the Governor may appoint, shall move that the said Schedule be referred to the Committee.
69. The Report of the Committee on each such Schedule shall be laid on the Table of the Council and the Colonial Secretary, or such other Member as the Governor may appoint, shall give notice of motion for its adoption with such amendments, if any, as he proposes to move.
- (g) that new Standing Rule and Order No. 80 be amended by (1) the deletion of the word "four" in the first line thereof and the substitution therefor of the word "twelve"; (2) the deletion of the word "whole" in line 6 and the substitution therefor of the words "relevant part" (Major Gwendien-Bentinck dissents from this recommendation); and (3) by the insertion of the words "where possible" immediately after the comma in line 8.
- (a) that new Standing rule and Order No. 98 be amended by the deletion of the figures "80" in line four and the substitution therefor of the figures "90".

3. We consider that the custom of addressing the President as "Your Excellency" is not consonant with Standing Rule and Order No. 43 (i). In our opinion the correct form of address is "Mr. President" or "Mr. Chairman" as the case may be, and we recommend that this form should be used in future.

4. Major Cavendish Bentinck, Major Hiddell and Captain Schwartze are of the opinion that steps should be taken to amend Standing Rule and Order No. 32 by the deletion of the proviso thereto. They realise that this proviso is taken direct from the Instructions under the Royal Sign Manual and Signet, but they recommend that representations should be made by this Government with a view to the issue of amending Instructions. Their view is that it is almost impossible to submit any original proposition to the Council which does not, in some measure, reduce or charge some part of the revenue arising within the Colony, or revoke, alter or vary an existing charge on the revenue, and therefore, in practice, the proviso is frequently ignored. The majority of the Committee, however, recommend that no action be taken.

5. We realise that the amendments which we have proposed are numerous and we therefore recommend that, if our Report is adopted, steps should be taken to reprint the Standing Rules and Orders as amended.

6. Captain Schwartze left the Colony before the preparation of our Report, but he is in general agreement with our recommendations.

We have the honour to be,

Your Excellency's obedient servants,

(Signed) W. HARRIS (Chairman).

J. B. PARDY.

Extract from The Times 16 May 1952

FINANCIAL CONTROL IN KENYA

GOVERNMENT CONCESSION

FROM OUR CORRESPONDENT

NAIROBI, MAY 11

A semi-constitutional change in Kenya was intimated by the Governor to the Legislature to-day. He announced his intention to provide for the appointment of a standing Finance Committee of the House. It will be a non-statutory but permanent body. The European elected members heartily welcome this further sign of co-operation between the Government and the colonists.

It is understood that the Committee will be empowered to assist the Government in the preparation of the Budget and may be regarded as a half-way measure to meet the demand for greater financial control by the colonists, which was a feature of the recent General Election. It is expected that the members of the Committee will include Government, European, Indian, and Arab representatives with at least one representative of the natives, but the European claim for majority control will not be granted.

The Government announces that the Carter Land Commission report will be issued on Monday, when Sir Philip Cunliffe-Lister is expected to make a statement in the House of Commons.



GOVERNMENT HOUSE
NAIROBI
KENYA

KENYA

No. 51

CC. 100/51

1st Dec., 1951.

SIR,

No. 3
17407/51

No. 3178/53

I have the pleasure to refer to your letter of the 21st September, 1951, and to the report of the Kenya Air Force Commission of Enquiry, dated 12th May, 1951, on the subject of the 'efficiency' of the Kenya Legislative Council, and to state that careful consideration has been given to the substance of the criticism on the Council of the general character of the Kenya and Uganda Constitutions, and to the views expressed therein, and that it is the policy of the Government to ensure that the efficiency of existing or future Councils would entirely meet the needs of the individuals and un-officials and might well give rise to further demands from the un-officials for constitutional advance.

The proposed constitution of the Councils is as follows:-

THE RT. HON.
MAJOR SIR PHILIP CURLETT-LESTER, C.B., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOMINION SECRET, 10 DOWNING STREET.

OFFICIALS:

Ex-Officio	11
Nominated	9

UNOFFICIALS:

European Elected	11
Indian "	5
Arab "	1
Nominated, representing African interests,	1.

There is thus an official majority of two not including the Governor's votes.

The question of appointing an additional representative of native interests, and of removing the restriction which at present confines such representatives to Christian missionaries was discussed with you during your recent visit to the Colony and it was agreed that an additional representative should be appointed, and the restriction removed, without further delay. It is presumed that the necessary Additional Instructions under the Royal Sign Manual and Signet will issue in due course. In this connection, I would invite your attention to Sir Joseph Byrne's despatch No.26 of 11th January, 1934.

It is presumed that opportunity will be taken to provide for the changes in designation of the Commissioner for Local Government, Lands and Settlement, and the Director of Medical and Sanitary Services.

3. It is for consideration whether, after the forthcoming general election, it would not be desirable to appoint Sheikh Ali bin Salim, K.B.E., as the Nominated Unofficial Arab to represent Arab interests. This appointment, if made, would reduce the official majority to the Governor's votes. It is not thought that the maintenance of the official majority is of serious consequence so long as the majority is in fact retained,

for/

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No 1

25142/34

una

AMM
 Approved
 20/1/34

3.

for should it happen that all the unofficials combined
against the Government, the occasions on which it would
be necessary for the issue to be forced to a decision
are likely to be rare.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Wm. Lake

GOVERNOR'S DEPUTY.