

**KENYA NATIONAL ARCHIVES**  
**PHOTOGRAPHIC SERVICE**

Description of Document LEGISLATIVE COUNCIL DEBATES. VOL. XLIII.

Covering Dates 14th Aug., to 6th Sept., 1951.

Reference No. From Central Government Library.

The following reproduction(s) of document(s), the property of THE KENYA GOVERNMENT have been made by the Photographic Service of the Kenya National Archives solely for the purposes of research, and must not be quoted or otherwise reproduced by any means, either in whole or in part, without the express permission of the Chief Archivist, Office of the Vice-President, P.O. Box 30520, Nairobi, Kenya, to whom all communications respecting this film should be addressed.

Date of Reproduction 5<sup>th</sup> January, 1966



COLONY AND PROTECTORATE OF KENYA

# LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED  
JUNE, 1948

VOLUME XLIII

1951

THIRD SESSION—FOURTH SITTING

14th August, 1951, to 6th September, 1951

## CHRONOLOGICAL INDEX

1951	Columns
14th August .. .. .	1-13
15th August .. .. .	14-66
16th August .. .. .	67-97
22nd August .. .. .	98-133
23rd August .. .. .	134-174
24th August .. .. .	175-224
28th August .. .. .	225-267
29th August .. .. .	268-319
30th August .. .. .	320-367
5th September .. .. .	368-369
6th September .. .. .	370-374

# List of Members of the Legislative Council

## *President:*

HIS EXCELLENCY THE GOVERNOR, SIR P. E. MITCHELL, G.C.M.G., M.C.

## *Vice-President and Speaker:*

HON. W. K. HORNE

## *Ex Officio Members:*

ACTING CHIEF SECRETARY AND MEMBER FOR DEVELOPMENT (HON. C. H. THORNLEY).

ACTING ATTORNEY GENERAL AND MEMBER FOR LAW AND ORDER (HON. J. WHYATT).

FINANCIAL SECRETARY AND MEMBER FOR FINANCE (HON. V. G. MATTHEWS, O.B.E.).

CHIEF NATIVE COMMISSIONER AND MEMBER FOR AFRICAN AFFAIRS (HON. E. R. ST. A. DAVIES, M.B.E.).

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.).

\*ACTING DEPUTY CHIEF SECRETARY AND MEMBER FOR LABOUR (HON. C. H. HARTWELL).

MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT (HON. E. A. VASEY, C.M.G.).

## *Nominated Official Members*

HON. F. W. CARPENTER (Labour Commissioner).

HON. A. HOPE-JONES (Member for Commerce and Industry).

\*HON. K. L. HUNTER, O.B.E. (Assistant Chief Secretary).

\*HON. SIR CHARLES MORTIMER, C.B.E.

\*HON. P. E. H. PIKE (Acting Solicitor General).

BRIEF-GEN. THE HON. SIR GODFREY RHODES, C.B., C.B.E., D.S.O.  
(Special Commissioner for Works and Chief Engineer, Public Works Department).

HON. G. M. ROODAN (Director of Agriculture).

\*DR. THE HON. E. A. TRIM (Acting Director of Medical Services).

\*HON. W. PADLEY, O.B.E. (Secretary to the Treasury).

## *European Elected Members:*

HON. M. BLUNDELL, Rift Valley.

\*LT.-COL. THE HON. F. H. LE BRETON, M.C., Acting Member for Trans Nzoia.

\*HON. M. H. COWIE, Acting Member for Kiambu.

LT.-COL. THE HON. S. G. GHERSIE, O.B.E., Nairobi North.

HON. J. G. H. HOPKINS, O.B.E., Aberdare.

\*HON. W. G. LILLYWHITE, Acting Member for Coast.

HON. L. R. MACONOCHE-WELWOOD, Uasin Gishu.

HON. C. W. SALTER, Nairobi South.

HON. LADY SHAW, Ukamba.

HON. C. G. USHER, M.C., Mombasa.

HON. MRS. A. R. SHAW, Nyanza.

\* Temporary Member.

**LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)**

*Asian Elected Members:*

HON. C. B. MADAN (Central Area).  
HON. I. E. NATHOO (Central Area).  
HON. A. B. PATEL, C.M.G. (Eastern Area).  
DR. THE HON. M. A. RANA, D.B.E. (Eastern Area).  
HON. A. PRITAM (Western Area).

*Arab Elected Member:*

HON. SHARIFF MOHAMED SHATRY

*Nominated Unofficial Members:*

*Representing the Interests of the African Community:*

HON. J. I. K. ARAP CHEMALLAN.  
HON. J. JERUMIAH.  
HON. E. W. MATIU.  
HON. B. A. OHANGA

*Representing the Interests of the Arab Community:*

HON. SHARIFF ABDULLA SALIM.

*Acting Clerk to Council:*

J. H. Butler.

*Assistant Clerk to Council:*

E. V. Borrett

*Reporters:*

Miss R. Seeley  
Miss E. Fraser

**ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS**

**14th August—**

Hon. Member for Arab Interests.

**15th August—**

Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Arab Interests.

**16th August—**

Hon. Member for Nairobi South.  
Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Arab Interests.

**22nd August—**

Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.

**23rd August—**

Hon. Member for Central Area (Mr. Madan).  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.

**ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS—(Contd.)**

**24th August—**

Hon. Director of Agriculture.  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.

**28th August—**

Hon. Sir Charles Mortimer, C.B.E.  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.

**29th August—**

Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Western Area.  
Hon. Arab Elected Member.  
Hon. Member for Arab Interests.

**30th August—**

Hon. Member for Eastern Area (Mr. Patel).  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Arab Elected Member.  
Hon. Member for Arab Interests.  
Hon. Member for African Interests (Mr. Chemallan).

**5th September—**

Hon. Financial Secretary.  
Hon. Chief Native Commissioner.  
Hon. Member for Commerce and Industry.  
Hon. Labour Commissioner.  
Hon. Member for Coast.  
Hon. Member for Nairobi North.  
Hon. Member for Usain Gishu.  
Hon. Member for Central Area (Mr. Madan).  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.  
Hon. Member for African Interests (Mr. Chemallan).

**6th September—**

Hon. Financial Secretary.  
Hon. Chief Native Commissioner.  
Hon. Member for Commerce and Industry.  
Hon. Labour Commissioner.  
Hon. Member for Nairobi North.  
Hon. Member for Usain Gishu.  
Hon. Member for Ukamba.  
Hon. Member for Rift Valley.  
Hon. Member for Aberdare.  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Member for Arab Interests.  
Hon. Member for African Interests (Mr. Chemallan).





## COLONY AND PROTECTORATE OF KENYA

### LEGISLATIVE COUNCIL DEBATES

#### THIRD SESSION, 1951

**Tuesday, 14th August, 1951**

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 14th August, 1951.

The Speaker took the Chair at 10 a.m. The proceedings were opened with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was taken by M. H. Cowie, Esq., Acting Member for Kiambu; W. G. Lillywhite, Esq., Acting Member for Coast; Dr. E. A. Trim, Acting Director of Medical Services; and J. Whyatt, Esq., Acting Attorney General.

#### COMMUNICATION FROM THE CHAIR

##### ORITUARY

*The Hon. T. R. L. Preston*

**THE SPEAKER:** Now that this Council has been constituted, as far as it can be constituted, I have to refer to a rather sad event.

During the recess one of our Members, the Hon. Member for Nyanza, has died. The late Member was a young man and his death was therefore unexpected and beyond doubt a tragic occurrence for his wife and family, to whom this Council offers its sincere condolences. He had not been long with this Council, having been returned on the 9th of August, 1949. Throughout the period from then until his death he had taken an active part in our debates and he was, I would venture to say, a persuasive and

careful rather than a forceful speaker, and made a favourable impression on us all, who will remember him as a very friendly character. Nevertheless he was quite independent and fearless in the expression of his views. I need not enlarge upon his work both in this Council and in its Committees, which is known to you all, nor upon his devotion to the interests of his constituents, but at all times he followed what he believed to be the best interests of the Colony as a whole.

I shall, with your concurrence, direct the Clerk to communicate our condolences to his widow and family and would suggest that as a token of our affectionate regard and as a mark of our respect to his memory, we now stand in silence for a few moments before going on with the Order of the Day.

Council stood in silence for a few moments.

#### MINUTES

The minutes of the meeting of 17th May, 1951, were confirmed.

#### PETITIONS

**THE BRITISH STANDARD PORTLAND CEMENT COMPANY LIMITED (BAMBURI FACTORY) BILL**

*Petition to proceed with*

A Petition to proceed with the British Standard Portland Cement Company Limited (Bamburi Factory) Bill, was read, in accordance with Standing Rule and Order No. 97, by the Clerk.

The question was put and carried.

## PAPERS LAID

The following papers were laid on the table on Tuesday, the 14th August, 1951:—

## BY THE ACTING CHIEF SECRETARY:

- (i) Report of the Planning Committee.
- (ii) Proceedings of the East Africa Central Legislative Assembly, Fourth Session, 1951, Second Meeting.
- (iii) Report on the Administration of the East African Airways Corporation for the year ended 31st December, 1950.
- (iv) East African Industrial Research Board Eighth Annual Report, 1950.
- (v) Report of the Director of Audit, Kenya, on the Accounts of the Non-Self-Contained Services of the East Africa High Commission for the year 1949.
- (vi) East African Statistical Department Annual Report, 1950.
- (vii) Report of the East African Commissioner for 1950.

## BY THE ACTING ATTORNEY GENERAL:

- (i) Judicial Department Annual Report, 1950.
- (ii) Police Department Annual Report, 1950.
- (iii) Immigration Department Annual Report, 1950.
- (iv) Prisons Department Annual Report, 1950.

## BY THE FINANCIAL SECRETARY:

- (i) Inland Revenue Department Annual Report, 1950.
- (ii) Land Bank Annual Report, 1950.

## BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

- (i) Veterinary Department Annual Report, 1949.
- (ii) Agricultural Department Annual Report, 1949.
- (iii) Kenya Meat Commission—First Report and Accounts.

## BY THE ACTING DEPUTY CHIEF SECRETARY:

Printing and Stationery Department Annual Report, 1950.

## BY MR. BLUNDELL (MEMBER FOR RIFT VALLEY):

Report of the Public Accounts Committee on the Colony's Accounts for 1948.

## NOTICE OF MOTION

THE SECRETARY TO THE TREASURY gave notice of the following motion—

## RESOLUTION OF LEGISLATIVE COUNCIL PURSUANT TO SECTION 3 OF THE CUSTOMS TARIFF ORDINANCE

WHEREAS the Governor by Proclamation published as Proclamation No. 33, dated the 17th day of April, 1930, declared the suspended duties on the articles and at the rates specified in the Schedule thereto:

BE IT RESOLVED that this Council approves the making of a Proclamation by the Governor to revoke the suspended duties imposed by Proclamation No. 33 of the 17th April, 1930, on the articles and at the rates set out in the Schedule thereto.

THE SECRETARY TO THE TREASURY: Later I shall ask for the suspension of Standing Rules and Orders to enable the motion to be taken to-day.

## ORAL ANSWERS TO QUESTIONS

## QUESTION No. 42

LT.-COL. S. G. GHERSIE (Nairobi North):

Having regard to the fact that Government Officers are granted a travelling allowance where an officer is accommodated in a dwelling house outside a radius of five miles from the centre of Nairobi and whereas such allowance is subject to income tax assessment, will Government please state whether in equity such allowance should in fact be liable to income tax assessment?

THE FINANCIAL SECRETARY: The reply is in the affirmative.

LT.-COL. GHERSIE: Arising out of that reply, will Government please state why?

THE FINANCIAL SECRETARY: Mr. Speaker, I think the hon. Member will agree that if we extended a concession of this nature to Government servants, it would be quite inequitable not to extend it to other members of the general public. This matter has been very carefully considered, and it is quite clear that the provision of such a general concession would open a very wide door to abuse and evasion of taxation. In these circumstances, the Government cannot contemplate the granting of such a concession.

## QUESTION No. 43

LT.-COL. GHERSIE:

With reference to the collection of income tax will Government please furnish information in regard to the following:—

- (a) Amount assessed but outstanding.
- (b) Collectable during the current year.
- (c) Collectable but not during the current year.
- (d) Amount not collectable.

The above information to be given for the years 1946 (including the period prior to that year), 1947, 1948, 1949 and 1950?

THE FINANCIAL SECRETARY: (a) The amount of income tax assessed but outstanding as at the 31st December for the years 1946 to 1950 is:—

	£
(i) 1946	57,474
(ii) 1947	84,750
(iii) 1948	251,079
(iv) 1949	546,860
(v) 1950	900,579

I regret that the breakdown of the above totals so as to show years of assessment to which the arrears in any year pertain would entail a detailed examination of all outstanding assessments which could not be carried out without seriously disrupting the work of the office of the Income Tax Department. In present circumstances, therefore, I do not think it would be proper to request the department to supply this information.

(b) and (c): It is expected that of the total amount of £900,579 of tax outstanding at the end of 1950, some £600,000 will be collected this year and some £190,000 during 1952 and subsequent years.

(d) Of the total amount of £900,579 of tax outstanding at the end of 1950, it is estimated that £110,000 will not be collectable. This sum includes £100,000 which it is estimated will be the amount by which assessed tax will be reduced as the result of objections and appeals.

LT.-COL. GHERSIE: Mr. Speaker, arising out of the reply (a), will Government arrange to furnish the breakdown figures at some date in the near future?

THE FINANCIAL SECRETARY: Mr. Speaker, I shall be only too pleased to ask the Commissioner to take up that work at some time when it would not dislocate the ordinary work of the department, and if the hon. Member agrees, I shall let him have the information by letter.

MR. BLUNDELL (Rift Valley): Mr. Speaker, arising out of that reply if and when the total of £900,000 odd—this is the amount which the hon. Member suggested might be removed as a result of objections—will the amount swell the surplus balances to that amount?

THE FINANCIAL SECRETARY: Mr. Speaker, in framing the budget for next year the amount of arrears of income tax likely to be collected in that year is taken into account. Such arrears, so collected, may or may not swell the surplus balances, depending on whether the Financial Secretary for that year budgets for a surplus.

## QUESTION No. 44

LT.-COL. GHERSIE:

Having regard to the shortage of Government housing accommodation resulting in certain Government officers being compelled to make their own arrangements in regard to the acquisition of dwelling accommodation, and whereas where the rent paid by the officer exceeds the amount deducted from the officer's salary in respect of rent, such excess is refunded by Government to the officer concerned, and is taken into account in the officer's income tax assessment will Government please state whether the sum so refunded should in equity be subject to income tax assessment?

THE FINANCIAL SECRETARY: The reply is in the affirmative.

The Income Tax Law makes no provision for exempting from taxation allowances paid to Government servants in respect of refunds for rent paid on houses privately hired. To exempt the civil servant from the payment of tax would be to discriminate in their favour as compared with other members of the public also in receipt of similar allowances from their employers.

LT.-COL. GHERSIE: Arising out of that reply, Sir, will Government please state why?

**THE FINANCIAL SECRETARY:** Mr. Speaker, the explanations applicable to this case are precisely the same as were applicable in the case of Question 42. That is to say, Government would not regard it right and proper to extend a concession of this nature solely to Government servants without extending it also to members of the general public. Any attempt to extend it to the general public would undoubtedly result in abuse and evasion of taxation.

**LT.-COL. GHERSIE:** Mr. Speaker, arising out of that reply, is it not a fact that under this arrangement both the land owner and tenant are paying income tax on the amount so paid.

**THE FINANCIAL SECRETARY:** On the face of it, that would appear to be so. But in order to answer the hon. Member's question properly, I would like notice of that question.

QUESTION No. 46

**LT.-COL. GHERSIE:**

Having regard to the fact that relief in respect of income tax assessments may be claimed on premiums paid on account of life insurance policies, and furthermore that no tax is levied on the capital sum when paid out to the beneficiary, will Government please agree that in equity similar relief should be afforded in respect of contributions to provident funds?

**THE FINANCIAL SECRETARY:** The answer is in the negative.

**LT.-COL. GHERSIE:** Mr. Speaker, will Government please state why?

**THE FINANCIAL SECRETARY:** Mr. Speaker, it is possible that the hon. Member is not aware that the benefits which accrue from a life insurance policy—the level of the benefits—has to take into account the fact that the life insurance company is liable to income tax. On the other hand, investments of provident fund money are not liable to income tax. There, Sir, lies the reason for the differentiation in regard to premia paid in respect of those two forms of insurance.

**LT.-COL. GHERSIE:** Mr. Speaker, arising out of that reply, is it not a fact that when a premium is paid on an insurance policy or in relation to a provident fund, at the time they are free

of income tax? It is only when the capital sum of the provident fund is realized that it is taxed. Therefore, I suggest it is putting the money into one pocket and taking it out of the other, and the procedure adopted is misleading the individual contributing to a provident fund.

**THE FINANCIAL SECRETARY:** In regard to provident fund money which has been invested, there is no income tax deducted from the interest accruing but when the capital sum is repaid, income tax is deducted—I think it is only at half the rate of the normal tax. In the case, however, of the insurance benefits all the investments to provide those benefits are subject to full income tax. That is the differentiation.

#### SUSPENSION OF STANDING RULES AND ORDERS

**THE ACTING ATTORNEY GENERAL:** With your permission, Mr. Speaker, I beg to move the suspension of Standing Rules and Orders, to enable the hon. Mr. Padley to move the resolution pursuant to section III of the Customs Tariff Ordinance of which oral notice has already been given.

As hon. Members will appreciate, if Standing Rules and Orders were not suspended to enable him to move that resolution, there would be an interval between his making known his proposal to vary the tariff and the passing of the necessary resolution and consequential executive action required to give effect to his proposals, an interval which would be used, and possibly might be used, by speculators to exploit the situation to their own advantage and to the detriment of the public. It is clear, Sir, therefore, that it is in the interests of the public that Standing Rules and Orders should be suspended, and I beg to move accordingly.

**THE ACTING SOLICITOR GENERAL** seconded.

The question was put and carried.

#### NOTIONS

**REVOKING OF SUSPENDED DUTIES (CUSTOMS TARIFF ORDINANCE, CAP. 262)**

**THE SECRETARY TO THE TREASURY:** Mr. Speaker, I beg to move that:

WHEREAS the Governor by Proclamation published as Proclamation No. 33,

[The Secretary to the Treasury] dated the 17th day of April, 1930, declared the suspended duties on the articles and at the rates specified in the Schedule thereto:

**BE IT RESOLVED** that this Council approves the making of a Proclamation by the Governor to revoke the suspended duties imposed by Proclamation No. 33 of the 17th April, 1930, on the articles and at the rates set out in the Schedule thereto.

Members of the Council, Sir, are aware—

**THE SPEAKER:** Before the hon. Member opens up this matter in Council, I will put it to the hon. Member that his proper procedure is to move into Committee of Ways and Means in accordance with Standing Rule and Order 91 (d).

**THE FINANCIAL SECRETARY:** Mr. Speaker, what is sought is a resolution of the whole Council. Is it your ruling that nevertheless we must go into Committee of Ways and Means?

**THE SPEAKER:** As I understand it, this is a resolution which will in effect alter a rate of taxation, and if you read 91 (d) it seems to me that we have bound ourselves there by our own Standing Order always to deal with it in Committee of Ways and Means. I am open to correction.

**THE FINANCIAL SECRETARY:** Inasmuch, Sir, that as that is your ruling, I formally beg to move that this Council do resolve itself into a Committee of Ways and Means.

**THE ACTING SOLICITOR GENERAL** seconded.

The question was put and carried.

Council in Committee.

#### COMMITTEE OF WAYS AND MEANS

**THE SECRETARY TO THE TREASURY:** Mr. Chairman, Members of the Committee are aware that a Bill entitled an Ordinance to amend the Customs Tariff Ordinance is to be considered during the present sitting of Council. This Bill is the result of the recommendations of an inter-territorial committee appointed to examine the Customs Tariff and to make recommendations for the elimination of anomalies.

One of the recommendations of the committee was that the rate of duty payable in Kenya on certain items of joinery and unmanufactured wood and timber should be reduced from 40 per cent to 20 per cent *ad valorem* by removing or revoking the suspended duty of 20 per cent. This so-called "suspended duty" Sir, was imposed by Proclamation No. 33 of 7th April, 1930, and in view of this it may only be revoked by the same means, that is, by the issue of a further proclamation, revoking the duty consequent upon a resolution to this effect by this Council. The recommendation of the committee has not therefore been reflected in the Bill to which I have just referred but it will become effective should the Council agree to the resolution which I have just moved and the proclamation is issued in accordance with it.

**THE FINANCIAL SECRETARY:** Mr. Chairman, on a point of order, Sir, would it not be better and more appropriate to the procedure of this Committee agreed that any proposed reduction should be effected first when we went back into Council we passed a formal resolution in accordance with the terms that the hon. Member has read out? You see, Sir, we are now in Committee, and what is needed is a resolution of the Council to give effect to this proposal.

**THE CHAIRMAN:** I have not got the absolute identical rules in front of me at the moment, but to the best of my recollection this is entirely due to your own efforts that you have proposed to do it in this way in Council. I am only pointing out, it has to be done in Committee and it has to be a resolution in Committee. If you do not like the form of the resolution which has been moved by the Secretary to the Treasury then you will redraft it if you like and move it in some other form. I have no control over the form that this will take. All that I can say is that if this resolution is agreed in Committee, it will then be reported back to Council in the ordinary way, and then Council can approve it or reject it.

The question that the resolution be recommended was put and carried.

Council resumed.

**THE FINANCIAL SECRETARY:** Mr. Speaker, I beg to report: That the Committee of Ways and Means, having considered the resolution, recommends that

[The Financial Secretary] the resolution be adopted by the Council without amendment.

Mr. Speaker, I beg to move: That the Report of the Committee of Ways and Means be adopted by this Council.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried. (Prolonged applause.)

#### EXCLUSIVE TRADING LICENCE

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that:

WHEREAS—

(1) The Governor by Order published as Government Notice No. 394, dated the 4th April, 1951, declared the area set out in the first column of the Schedule thereto to be an area in which the purchase and sale of the specified African produce set out in the second column of the said Schedule shall be controlled and regulated:

(2) new or improved technical methods of preparation of the said specified African produce in the said area is susceptible of development and will be stimulated and advanced under special control:

BE IT THEREFORE RESOLVED that this honourable Council under the provisions of section 3 of the Marketing of African Produce Ordinance (Cap. 184) hereby approved the grant by the Governor in Council of an exclusive trading licence for the purpose of the said specified African produce in the said area.

Hon. Members are probably aware that under the Marketing of Native Produce Ordinance, section 5, that:

"Where the Governor in Council is satisfied that the production of any particular kind of specified native produce in any declared area is susceptible of development or would be stimulated and advanced under technical direction and management or other special control he may, subject to the approval of the Legislative Council signified by resolution and subject to the provisions of this Ordinance, grant in respect of such

declared area or any part thereof an exclusive trading licence for the purchase of such particular kind of specified native produce."

Now, Sir, this particular area has been submitted to the Governor in Council and now the object of this motion is to seek the approval of Legislative Council that a trading licence should be granted to the East African Tobacco Company, Limited. The East African Tobacco Company, Limited were better known as the British American Tobacco Company, Limited, and have, in the past, had two areas subject to the special trading licences, one at Sagana and one at Kitui and in both cases, thanks to their lending us European agricultural experts in tobacco and thanks to the work they have done, great progress has been made to the benefit of all concerned in the growing of this difficult crop by Africans. The result of the Sagana and Kitui areas have shown, I submit, that the Department of Agriculture was right in its policy when entrusting the development of this industry to that company, and it is now suggested that another small area around the Shikago Trading Centre should also be subject to this exclusive trading licence. That, Sir, is the object of this motion.

I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

#### BILLS

##### FIRST READING

On the motion of the Hon. Attorney General, seconded by the Hon. Acting Solicitor General, the following Bills were read a first time:—

- (1) The Registration of Business Names Bill.
- (2) The Diplomatic Privileges (Extension) (Amendment) Bill.
- (3) The Co-operative Societies (Amendment) Bill.
- (4) The King's African Rifles (Amendment) Bill.
- (5) The Factories (Amendment) Bill.
- (6) The Stamp (Amendment) Bill.
- (7) The Criminal Procedure Code (Amendment No. 2) Bill.
- (8) The Weights and Measures Bill.
- (9) The Export of Timber Bill.

(10) The Veterinary Surgeons Registration Bill.

(11) The Compulsory Military Training Bill.

(12) The Nurses and Midwives Registration (Amendment) Bill.

(13) The Regulation of Wages and Conditions of Employment (Amendment) Bill.

(14) The Penal Code (Amendment) Bill.

(15) The Development Loan Bill.

(16) The Pensions (Increase) Bill.

(17) The Municipalities (Amendment) Bill.

(18) The Juveniles (Amendment No. 2) Bill.

(19) The Justices of the Peace (Amendment) Bill.

Notice was given that all subsequent stages would be taken during the present session.

#### ADJOURNMENT

Council rose at 10.45 a.m. and adjourned until 9.30 a.m. on Wednesday, 15th August, 1951.

**Wednesday, 15th August, 1951**  
Council assembled in the Memorial Hall, Nairobi, on Wednesday, 15th August, 1951.

The Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 14th August, 1951, were confirmed.

#### PAPERS LAID

The following papers were laid on the table on Wednesday, 15th August, 1951:—

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

(a) The Report of the Select Committee on the Water Bill.

(b) The Hide and Skin Trade (Imposition of Cess) (Amendment No. 2) Rules, 1951.

BY THE MEMBER FOR COMMERCE AND INDUSTRY:

Transport Licensing Board Annual Report, 1950.

#### MOTIONS

CONTRIBUTION FROM NYANZA PROVINCE COTTON SALES PROCEEDS FUNDS

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move:

BE IT RESOLVED that payment of a sum of 49,682.18.74 being a contribution calculated at two cents per lb. on 9,682,937 lb. of cotton sold in Nyanza Province in the cotton season 1948-49, be made from the Nyanza Province Cotton Sales Proceeds Fund to the Agricultural Betterment Funds of the Local Native Councils of the cotton-growing districts of Nyanza Province.

Sir, under the Price of Cotton Seed Order, 1942, the difference between the price fixed for and guaranteed to growers of cotton seed and the normal selling price is paid into a fund. In 1950, on the recommendation of the Standing Finance Committee, it was agreed that some 160,000 should be made available from this fund to the Development and Reconstruction Authority in order to enable certain capital works to be

[The Secretary to the Treasury] carried out in the Nyanza Province. Capital works, for example, such as roads, a hospital and a cotton research station. It is necessary, Sir, for provision also to be made to the Local Native Council concerned to meet recurrent expenditure arising from these capital projects and it is to meet this recurrent expenditure that this resolution is before this Council to-day. The arrangements proposed by the resolution have been a subject of recommendation by the Standing Finance Committee but legally it is necessary that these recommendations be ratified by formal resolution. Hon. Members will have noticed that I have referred to the need to make provision for recurrent expenditure whereas this resolution is confined to a one time payment. It will be necessary, therefore, for further similar resolutions of this kind to be brought before the Council and this will be done at the appropriate time.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

MR. MATHU (African Interests): Mr. Speaker, I beg to support this resolution and I would like to know from the hon. Member that has just moved it whether the term Local Native Council is strictly accurate in the sense that the Local Native Councils, which were set up under the Native Authorities Ordinance, have ceased since the introduction and the passing into law of the African District Council Ordinance. If it is not strictly accurate perhaps there might be an arrangement to make the resolution strictly accurate.

THE CHIEF NATIVE COMMISSIONER: I beg to move an amendment to the resolution putting in the words African District Council for the words Local Native Council where they appear in the resolution.

THE SPEAKER: I am afraid the hon. Member was inaudible up here.

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I beg to move an amendment to the resolution and that is that the words African District Council shall be substituted for the words Local Native Council wherever they appear in the resolution.

THE FINANCIAL SECRETARY seconded.

The question of the amendment was put and carried.

The question of the motion as amended was passed and put and carried.

ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE COLONY'S ACCOUNTS FOR THE YEAR 1948

MR. BLUNDELL: Mr. Speaker, I beg to move: That the Report of the Public Accounts Committee on the accounts of the Colony and Protectorate of Kenya for the year 1948 be adopted.

Sir, it would not normally be necessary to take very much time on this motion but during the course of the year an important development has taken place to which I must draw the attention of the Council. Formerly, the report of the Director of Audit travelled home to the Colonial Office and after traversing no less than five different stages was then laid before this Council and during this year the power of devolution was given to this Council in the matter of its accounts and thus also in this particular report, so that in effect, now the responsibility for receiving the report of the Director of Audit and for issuing instructions to him rests solely with this Council. It is necessary therefore for this Council to give some form of direction to the Director of Audit on the way in which he should proceed in dealing with this report, and I propose to make some suggestions for the approval of the Council in order that the Director of Audit may have some guidance in the future under the new procedure.

The reports do not deal with the academic side of the accounts or merely bring to light minor discrepancies or irregularities. We hope that future reports will, as in the case of the Controller and Auditor General in England, deal with the following important matters: (1) Apparently wasteful, or uneconomical expenditure; (2) Any apparent lack of control over expenditure or failure to collect all due receipts. New developments or expansions of existing activities which involve considerable additional expenditure and which by the procedure adopted may not have been sufficiently brought to the notice of this Council. Serious discrepancies in expenditure or estimates. Lack of statutory power other than that

[Mr. Blundell] of the Appropriation Acts, for continuing services. Now in amplification of that I would point out to Council that during the initial implementation of the European Settlement Schemes, the schemes were operated without statutory powers. That has now been regularized, and the scheme works under statutory authority given by this Council. Draw attention to insufficiency of information about subsidies or other objects of expenditure in amplification of that given in the estimates or accounts. Draw attention also to the implications of new departures and developments in expenditure however sanctioned if the Director of Audit considers that attention should be drawn. Now an instance of that is the procedure under which we have up to date been keeping accounts of the Development and Reconstruction Authority and if hon. Members have read the report of the Public Accounts Committee they will see that that Committee has made certain recommendations in regard to keeping these accounts, especially because it is necessary to have schedules which tally with the schedules under the loans Bills when the loans are issued on the London market.

Those, I think, are the main items over which your Public Accounts Committee consider the Director of Audit should, as it were, cast his eye when making his report.

In order not to keep the Council further, Sir, I would like to refer to one most important matter to which we have drawn the attention of the hon. Members on the opposite side, and in particular the hon. and learned Members on the opposite side. At the present time we have adopted this procedure without an Audit Act. Now, we have pressed for that Audit Act from the hon. and learned Members opposite for some time, and I should like to ask that due attention might be given to its provision.

With these words, Sir, I move the motion.

THE FINANCIAL SECRETARY: Mr. Speaker, in rising to second this motion, I would like to congratulate the hon. Member on the lucid way he has expounded the directions which he considers that this Council should give to

the Director of Audit. I may say, Sir, that these matters have naturally been discussed in the Public Accounts Committee itself and I have had the opportunity of discussing the matter further with the hon. Member. I can therefore say at once, Sir, that from the Government side the Government would accept, as proper, the directions proposed.

There is one point, however, Sir, that I should like to make in addition to those made by the hon. Member, and that is this: The system of a Public Accounts Committee and the devolution of power under which the report of the Director of Audit will now be made to this Council, is still something of a new departure in Kenya and, although we are proposing to lay down certain directions to the Director, I suggest that we are still, as it were, in the stage of building up our case law, and we do not wish to give the Director of Audit the impression that this list of directions is exhaustive and cannot be varied. I would suggest, therefore, that in this debate it be made quite clear to the Director of Audit that if he considers that any other matter not falling within the purview of these specific directions, if he considers there is any other matter in regard to which he should fittingly receive the directions of this Council, he should take an appropriate opportunity of saying so, and I would suggest that the most appropriate opportunity would be in the relevant Audit Report addressed to this Council. Thereafter that proposal could be discussed by the Public Accounts Committee, and if that Committee so thought fit, the matter could be brought before the Council when the Report of the Committee is moved for adoption.

Sir, I think my hon. and learned friend, the Attorney General will have taken note of the views expressed by the other side in regard to the need for an Audit Ordinance, and I have no doubt, Sir, that he will take the necessary measures to expedite this matter. With these words, Sir, I beg to support.

LT.-COL. GUERRE: Mr. Speaker, as a member of the Public Accounts Committee, I should like to refer to one particular item—that is, Sir, the appalling or amazing regularity with which the Director of Audit in the past—in fact,

[Lt.-Col. Gherie] year after year—raises the same audit queries and, Sir, with your permission, I would just like to quote an extract from paragraph 19:—

- (i) Absence of Departmental Stores Regulations—first mentioned in 1943.
- (ii) Unsatisfactory Tools and Plant Records—first mentioned in 1944.
- (iii) Undetected Irregularities in charges arising from Railway Warrants—first mentioned in 1945.
- (iv) Irregularities in connexion with Payment of Wages—first mentioned in 1946.
- (v) Use of Allocated Store Accounting for goods specially ordered for works—first mentioned in 1946.

Now, Sir, now that the Public Accounts Committee has been instituted in the Colony, we do sincerely hope heads of services will pay serious attention to queries raised so that it is unnecessary for a repetition in future by the Auditor General in respect of similar queries.

In paragraph 15 you will observe, we endeavoured to find a home for an electric clock which was ordered in 1932 for the High Court. It is still reposing in Unallocated Stores. (Laughter.) One of the greatest difficulties I think, both as regards the Director of Audit and heads of services, possibly has been the delay in the submission of accounts by the Accountant General, but I suggest the fault does not entirely lie at his door. I know certain departments were frightfully late in submitting their accounts to the Accountant General which also delayed matters, but we are hoping, with the new mechanized system of accounts that this may be remedied in the near future.

I beg to support, Sir.

MR. MATHU: Mr. Speaker, in supporting the resolution which has been very ably moved by the hon. Member for Rift Valley, there is one particular I should like to refer to. With your permission, I would like to read paragraph 21 of this report:

"We understand that the Member for Education, Health and Local Government considers that the low

standard of accounting by Local Native Councils (now African District Councils) is largely due to inadequate technical supervision. He considers that where possible these Councils should employ their own qualified staff.

We endorse this view and further endorse the Member's opinion that if African District Councils are unable to provide qualified technical assistants this should be done by the Local Government Department against repayment by the African District Council concerned for the services rendered."

Now, the first part of that paragraph, Sir, I think it is quite reasonable—it is quite fair—that the accounts of the African District Councils should be of the highest standard possible, but I am a bit afraid, I think, of the second part where the Members are proposing that, if the African District Councils are unable to employ qualified technical staff to do their accounts, then I think by implication the Local Government Department is going to impose upon the African District Councils qualified staff against repayment and, of course, we do not know how much. It might be such an expensive affair that it would cripple the finances of the African District Councils, most of which, Sir, are going through very strenuous financial difficulties.

It is on that question I should like to warn the hon. Council—I agree that African District Councils should employ persons who know some accountancy so that they can perform them. I understand already Africans qualified in accountancy overseas are coming forward, and we have some in the Colony already. I suggest that these should be encouraged to be employed by the African District Councils—given proper remuneration, and not the usual salary conditions; something higher, so that they can do their accounts for the Councils. But I should hate to see the Local Government Department remove the very important principle of freedom of local government in every country—that is, to employ their own staff and to do things as they would like things done by themselves.

With these observations, Sir, I support the resolution.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, my hon. friend, Mr. Mathu, has of course read into the "Member's opinion" something which he has made disagree with his own feelings, whereas, of course, the Member's opinion is almost the same as that of Mr. Mathu. The point is, there are quite a number of African District Councils of the poorer or smaller grades which could not afford to employ the type of qualified staff necessary if Local Government finance is to be conducted on a proper basis, and it is obvious that the Local Government Department is the best medium for ensuring that a joint employment should take place, so that one qualified man could cover several district councils.

There is also, Sir, the fact that he has, I think, taken the words "fully qualified" merely to mean "qualified in accountancy". Local Government finance is a very specialized sphere of work. These African District Councils at the present moment, in the great majority of cases, are not operating on a sound Local Government financial basis. With a Local Government body, Sir, it is essential that when, for instance, a building is put up there should be reserve funds. There should be renewal and maintenance funds. Because these African District Councils have not had available to them the qualified Local Government financial advice that they should have had, they are at the present moment in some cases—I use the words advisedly—financially living in a "fool's paradise", because they imagine they have surplus balances they can spend or dispose of, whereas in fact those surplus balances should be largely mortgaged against the reserve renewal and replacement funds, had the proper financial advice and control been made available to them.

The other point I should like to stress, Sir, is: it is the responsibility of Central Government, with all Local Government Authorities through their Local Government Inspectorate to see that the finances of all Local Government Authorities are carried on in a proper manner, and for that responsibility the Local Government Department must have adequate qualified staff. If, in addition to the work they do for their central responsibility, they can ease the work of and advise Local Government bodies, I can assure the hon.

Member it will be in the interests of the Local Government bodies that they should do that work.

THE SECRETARY TO THE TREASURY: Mr. Speaker, I would merely like to refer to the remarks made by the hon. Member for Nairobi North, and to say how heartily I agree with him that the state of affairs, as revealed in paragraph 19, is anything but satisfactory. I should, however, Sir, add that the report with which we are dealing deals with the Director of Audit's report for 1948; I hope and trust—and, in fact, I am sure, Sir—that some quite considerable improvement has been made from that date onwards. However, I, for one, am not going to be satisfied with any kind of improvement. We shall go on and try to achieve much better conditions than have obtained in the past.

I add to that I attach the greatest importance to the prompt replying to audit queries. I realize, Sir, audit queries are often very awkward things, and not the kind of thing one would care to sit down and write an answer to in the next five minutes. It is not always easy to answer an audit query. However, we will try to ensure that departments are as prompt as it is possible to be.

With regard to the clock, Sir, we will try to find some use for this clock which has now reposed in Unallocated Stores for about 20 years. It may be it does not take kindly to the local currents—I do not know. We will see what we can do with it.

I beg to support.

MR. BLUNDELL: Mr. Speaker, I feel there is no need for me to make any further remarks on the report. I recommend it to the Council.

The question was put and carried.

## BILLS

### SECOND READING

#### The Registration of Business Names Bill

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that a Bill entitled an Ordinance to Repeal the Business Names Registration Ordinance and to make better Provision for the Registration of Firms, Individuals and Corporations carrying on a Business under a Business Name, and for Matters

[The Member for Commerce and Industry]  
Incidental thereto and connected therewith, be read a second time.

Well, Mr. Speaker, that is a lawyer's title for a lawyers Bill. And the history of this Bill is almost as long as the title. On the 31st March, 1944, this Council, before I was a Member, in fact, before most of us were Members, noted that a Bill drawn up in 1938 entitled An Amendment of the Business Names Registration Ordinance (Cap. 289) should be enacted. That was in 1944, referring to something that had happened in 1938. However, the matter was then referred to the Trades Advisory Council, which is now defunct, and they spent a good deal of time considering it. On the 13th June, 1950, twelve years after this matter was first mooted, then, Sir, the Association of the Chambers of Commerce of Eastern Africa, that very live body, wrote to me and suggested that we should introduce legislation to prevent firms registering for their own purposes names similar to those held over the years by old established firms. Now, Sir, there was, of course, legislation in existence on this subject. When I say the story of this Bill goes back to 1938, that is true. But there was an Ordinance that went back somewhat further than that, and the Bill before this Council to-day incorporates a number of suggested amendments to the law. Now, Sir, every one of those amendments have been agreed by the Chambers of Commerce and by the Board of Commerce and Industry and by its Legislative Sub-Committee. I do not wish to detain the House, but would crave hon. Members' indulgence if I read out the principal provisions incorporated in the Bill as follows:—

(a) The Registrar General will be empowered to refuse registration of names identical with those already in use. He will also be able to refuse registration of any business name likely to mislead the public as to the nationality, race or religion of the proprietors.

(b) For the purpose of the Ordinance, 21 years will be the age of majority for all races. This will not affect the status of the individual or his right to enter into contracts, but the public will know whether any partner

or proprietor of a firm registered under the Ordinance is under the age of 21 years.

(c) Firms wishing to register a business name will be able to find out, in advance, if such name is available, and if so, may reserve that name for a reasonable period to allow for the printing of stationery.

(d) The period allowed for registration will be extended from 14 to 28 days.

(e) The powers vested in the Governor in section 12 of the existing Ordinance will be exercised by the Registrar General under the new legislation.

That is a point on which the Board of Commerce and Industry specially felt there would be an improvement if the change were made.

(f) The maximum fines prescribed in the Bill are substantially the same as those in the present Ordinance except that the maximum fine for making a false statement has been doubled and the maximum term of imprisonment for this offence has been increased fourfold.

Well, Sir, I do not think I need to say any more about this Bill. It is an agreed measure; it is an effort to deal with an undoubted abuse in connexion with the development of commerce and industry in this country. I should mention that I have a number of minor amendments which I propose to move in the Committee stage.

Having said this, Sir, I recommend the Bill to this Council in the knowledge that having been recommended by the Board of Commerce and Industry, having been recommended by organized commerce and industry in this Colony, and having been drafted so adequately by my learned friend that it must, indeed, be a Bill that will commend itself to hon. Members.

I beg to move.

THE ACTING SOLICITOR GENERAL: Sir, I beg to second.

MR. NATHOO: Mr. Speaker, I rise to support the Bill, but there is one point on which I seek clarification from the hon. Mover of this Bill.

Sir, quite a lot of times it happens that long established businesses belonging to

[Mr. Nathoo]

one group of people, or the race of people, changes hands after many years and one acquired by another set of people who belong to a different race. I want to know, Sir, that in such a case would the Registrar have the power to force these people to change the name of that firm? Because if that is so, Sir, I would like to register my strongest protest because there is a certain amount of goodwill attached to the name and if people have paid for it I do not see why they should be deprived of the right to use that name.

Sir, I beg to support.

MR. MATHU: Just following on the point that has been raised by the hon. Member for Central Area, Mr. Nathoo, the provision that the Registrar shall refuse to register a business name which might mislead the public, I think there is one difficulty. As the hon. Member for the Central Area has pointed out already there are firms in the country out already which definitely would mislead the public because they would think that the business belongs to the Europeans but the business belongs to the Asians or vice versa; how are you going to cover that? Are they going to continue to mislead?

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, to deal first with the point raised by my hon. friend for the Central Area, the Registrar General will have that power. He will use it with the greatest discretion. Now, Sir, the reason why the Registrar General must, in my opinion, have that power, and why the Board of Commerce and Industry, of which my hon. friend is a member, thought that he should have that power is because, while one quite agrees that in the case of a perfectly reliable and respectable firm changing hands and with it the nature of the control or the racial group controlling it changes, there will be no intention to force a change of name. I could think of at least 50 firms and so could he, in this Colony and Protectorate, where a name has been established and respected for very many years and that if the control of the business changed hands, well, of course, there would be no question in my submission of changing the name because that is part of the goodwill of the business. Now, Sir, I am quite certain that in such cases the Registrar General

will, under my direction, exercise the greatest discretion. If there is any abuse in that matter, the Board of Commerce and Industry is there to keep an eye on it. I am quite certain there will not be.

Now, I said, however, that in my submission the power was necessary and this is the reason. It would be perfectly easy, Mr. Speaker (I am not suggesting for one moment that this could happen here, but I have known it to happen in other countries) for a company to be registered, which, shall we say, purports to state that that company is the XYZ Company. The reason why it is registered in such terms is quite obvious to anybody who knows anything about business. Then—possibly a group which would not be in a position to make that particular registration would buy it up for its own purpose. That is a very rare abuse indeed, but it is an abuse that we must guard against and which was in the minds of my colleagues on the Board of Commerce and Industry and the businessmen who advised me in this matter. I do not think, therefore, Sir, that we can possibly give way on the principle involved. What I am quite sure is my hon. friend will have no cause to complain in the administration of this power. If this occurred the matter can be raised at any time in this Council. Again, Sir, if it is a matter of raising the principle and seeking fresh advice there is the Board of Commerce and Industry.

On the point raised by my hon. friend, Mr. Mathu, Member for African Interests, I would like to refer him to section 16 of the existing Ordinance and point out that under clause 17 of the Bill before us registration can be refused where the name is likely to mislead the public as to the nationality whether British or not, race or religion of the proprietor of the business.

Now, Sir, that I think is the point that my hon. friend was worried about and I do not think he has cause to worry. If we have cause to worry this after all is a definitive Bill, amending Bills can always be introduced and the Board of Commerce and Industry is there to enable us to be quite sure that we are advising Government correctly.

With these few words, Sir, I commend this Bill to the Council.

The question was put and carried.

*The Diplomatic Privileges (Extension) (Amendment) Bill*

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I beg to move: That a Bill entitled An Ordinance to Amend the Diplomatic Privileges (Extension) Ordinance be read a second time.

Mr. Speaker, this is a short one-clause Bill which seeks to amend the principal Ordinance in one respect and in one respect only. In one respect and in one respect only, the hon. Members may be aware, at the present time representatives of Governments who attend meetings of international bodies such as the United Nations or the Consultative Assembly of the Council of Europe or Committees or specialized Agencies of such bodies are entitled to privileges analogous to those which are accorded to a diplomatic envoy. But representatives of the non-government bodies who attend such international gatherings are not entitled to any privileges whatsoever. Now, in the past, Mr. Speaker, that was not a matter of very great importance because almost all representatives who did attend such gatherings were representatives of Governments, but recently a new practice has grown up which, I venture to think, is a very admirable practice of sending delegations to these international gatherings consisting of members drawn from the three major political parties in the United Kingdom so that it may be said that the delegation represents the country rather than the particular government of the day. Thus you might get, and indeed you do get, delegations coming from the United Kingdom, for example, to the Consultative Assembly of the Council of Europe consisting of members of the Labour Party and members of the Conservative Party and, if they can be found and can be spared, members of the Liberal Party. Such delegations consisting of members drawn from the three major parties represent, as I have said, not a particular government but the country from which they are sent. Sir, under the law as it stood in the United Kingdom before an amending Act was passed last year, and as it stands in the Colony here to-day, although all the members of such a delegation would have the same status and would perform the same or similar functions whilst attending the International Conference, yet only the members of the Labour Party as representatives of the Government, would

be accorded privileges, and members of the opposition parties who were in the delegation would be accorded no privileges whatsoever. Now that, of course, was due to an oversight when the original Diplomatic Privileges (Extension) Act was passed in the United Kingdom and naturally there was considerable consternation when it was discovered that members of the opposition parties had inadvertently been included in what are sometimes described as the "under-privileges" classes, and accordingly steps were taken forthwith to pass an amending Act in the United Kingdom last year to remedy the deficiency.

Now, Mr. Speaker, the present Bill's purpose is to do precisely the same for this Colony and as I have already explained the main beneficiaries of this amending Bill will be members of the opposition parties and therefore, Mr. Speaker, I venture to hope that hon. Members opposite will have a fellow-feeling in this matter and will readily vote for a second reading of this Bill.

There is only one other point, Mr. Speaker, to which I should refer, to remove the possibility of any misapprehension. This Bill does not seek to enlarge in any way the number of Organizations or specialized Agencies which can claim privileges under the principal Ordinance. The list of specialized Agencies and International Organizations is controlled and strictly controlled by order of the Governor in Council. All that this Bill seeks to do is to ensure that all members of a delegation that attends an international gathering of any of these organizations should share equally in the privileges and immunities that are accorded by the principal Ordinance. In other words, Mr. Speaker, this Bill does not raise any question of principle at all, but merely seeks to remove an anomaly, and for those reasons, Mr. Speaker, I beg to move that it may be read a second time. (Applause.)

THE ACTING SOLICITOR GENERAL  
seconded.

MR. BLUNDELL: Mr. Speaker, I rise to support the Bill, and I do so with all the more pleasure because it is an occasion I am sure upon which all Members on this side of the Council would like me to congratulate the hon. Mover for the crystal clear way in which

(Mr. Blundell)] in his maiden speech he moved this Bill before Council. (Applause.) I think, Sir, it would be an opportune moment to assure the hon. Member that we welcome his presence here and, in addition, we on this side of the Council were very touched that in his maiden speech he should be able to refer, and make such good provisions for Members of the Opposition generally. I think, Sir, apart from a few secular phrases utterances which he made the other day in the routine business of moving and seconding, to-day is his maiden speech and, as I have said, we on this side would like to congratulate him on it. (Applause.)

THE ACTING ATTORNEY GENERAL: Mr. Speaker, if the Council will allow me the indulgence, I should like to express my very sincere thanks to the hon. Member for Rift Valley for the very kind observation that he has made. (Applause.)

The question was put and carried.

*The Co-operative Societies (Amendment) Bill*

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I beg to move: That the Co-operative Societies (Amendment) Bill be read a second time.

Hon. Members will be aware that under section 55 of the present Co-operative Societies Ordinance, when a dispute arises between members of the society or between members of the society and an officer of the society, or, in fact, between one registered co-operative society and another one, those disputes shall be referred to the Registrar for decision. The Registrar can then do one of two things. He can either decide the dispute himself or he can refer the matter then the arbitrators make their decision and if any party is aggrieved by that decision he can refer it back to the Registrar. That is well so far as it goes, but under the present existing Ordinance there is no provision for the decision, either of the Registrar or of the arbitrators, to be enforced and this brief Bill that is now before the Council will make it possible to enforce those decisions by the usual procedure through the Civil Courts. It is a short Bill and I think a very essential Bill to make section 55 workable and I commend it to the Council and beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

The question was put and carried.  
*The King's African Rifles (Amendment) Bill*

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move: That the King's African Rifles (Amendment) Bill be read a second time.

The object of this Bill is sufficiently explained in the memorandum of objects and reasons. It merely is to clarify section 91 of the existing Ordinance. I think no further explanation is required. I beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

The question was put and carried.

*The Factories (Amendment) Bill*

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Factories (Amendment) Bill be read a second time.

It was discovered, Sir, after this Bill had received assent that it did not agree exactly with the version of the Bill which had been passed by this Council. Certain oversights had occurred in the copy of the Bill with the result that some of the amendments made by the Council were not incorporated in the copy submitted for issue. The law officers advised that the only way of amending this Bill to the Council, and this is now being done, I must express the regret of Government that these mistakes occurred. As soon as it came to my notice I took up with the Attorney General the question how such mistakes could be avoided in the future and I believe the Council will be invited shortly to agree to amendments of the Standing Rules and Orders dealing with procedure in the Committee stage, in order to avoid mistakes of this kind.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

The question was put and carried.

*Criminal Procedure Code (Amendment) No. 2) Bill*

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I beg to move: That the Criminal Procedure Code (Amendment No. 2) Bill be read a second time.

Mr. Speaker, this is a short measure and many of its provisions deal with



(The Acting Attorney General) amendments of a formal character which I do not think I should be justified in detaining the Council in discussing on the second reading. But there is one provision in this Bill, Mr. Speaker, which does raise a new principle, which I venture to think will be beneficial to the administration of the criminal law in this Colony.

As hon. Members are aware there are a number of offences which are triable either by a Magistrate or by a Judge of the Supreme Court but there is one important difference between a trial before a Magistrate and a trial before the Supreme Court, and it is this, that in a trial before a Magistrate the maximum sentence that can be imposed is three years, whereas in a trial before a Judge of the Supreme Court it is usually considerably more and sometimes very substantially greater than the three years maximum, which is the limit of the jurisdiction of the subordinate courts.

Now there are many cases, Mr. Speaker, which are not in themselves of a serious character and are therefore quite properly brought before the subordinate court for trial, but when the Magistrate convicts the prisoner, he may learn, at that stage, for the first time from his previous criminal record that the prisoner is a man who has committed the same offence or similar offences on numerous occasions previously, sometimes, I am told, as often as ten times previously and sometimes even as often as on 20 previous occasions. Now, in those circumstances, the Magistrate is still, of course, limited by his jurisdiction to a maximum sentence of three years but it is clearly his duty, or rather it would be his duty if he had the power, to pass a sentence which would prevent such a person preying on society for a considerable number of years; and therefore he should, so it appears to me, as a matter of good administration—I speak of course of the higher form of administration with which only the judiciary are concerned—he should as a matter of good administration pass the case to higher authority, namely to the Supreme Court, where the Supreme Court Judge could impose a sentence appropriate to that particular prisoner, having regard to his antecedents and to

his previous criminal record. But at the moment there is no machinery to enable the Magistrate to take that course and the purpose of this Bill is to remedy that deficiency. In brief, the Magistrate will continue as at present to try numerous offences which in themselves are not very serious or may not be very serious, and which, apart from the previous criminal record of the particular accused, could adequately be dealt with by a Magistrate but, at the same time if this Bill becomes law, the jurisdiction of the Magistrate will be linked to the jurisdiction of the Supreme Court whose powers can be invoked to enable a proper preventive sentence to be passed upon hardened, habitual or incorrigible criminals. I venture to think that the reform of this nature will be beneficial to the administration of the criminal law in this Colony at the present time.

Mr. Speaker, I think at this stage I need not add any further observations on the principle of the Bill, except to say it is one which I would commend to the Council and invite the Council to vote for the second reading.

THE ACTING SOLICITOR GENERAL  
SECONDED.

MR. MATHU: Just one point, Sir, I would like to ask the hon. Member for Law and Order, that is the persons that would be dealt with in the way that he has very carefully explained will be those of not less than 16 years of age. I do not know why 16 was selected because I, personally, would have thought that 18 would be more appropriate so that those under 18 could be dealt with in juvenile courts and if I do not get a satisfactory reply to that, I propose in the Committee stage to move an amendment to put "not less than eighteen years of age" in place of "not less than sixteen years of age".

MR. JEREMIAH (African Interests): Mr. Speaker, I also rise to seek some clarification on paragraph 4. It is proposed that the subordinate court may, in lieu of dealing with him in any manner in which the subordinate court has power to deal with him, commit him in custody to the Supreme Court. Does that mean to say, a man will be punished by a subordinate court and after that come into the Supreme Court for further punishment because the subordinate court could not inflict the high

[Mr. Jeremiah] sentence it would wish? I would like some clarification on this point.

THE ACTING ATTORNEY GENERAL: Mr. Speaker, with regard to the point that has been raised by the hon. Mr. Mathu as to why the age of sixteen was selected, the reason why that was selected was because in the Penal Code, the age of sixteen, under section 28 (1) of the Penal Code, is taken to be the limit below which no corporal punishment can be inflicted upon the prisoner. It is a matter which I would be very glad to discuss further with the hon. Member before the Committee stage and it may be that we shall reach agreement on that particular point.

With regard to the other point that was raised by the hon. Mr. Jeremiah, as I understood it he asked whether a person who was convicted by a subordinate court and then, under this procedure, passed on to the Supreme Court for sentence, could be subjected to punishment by the subordinate court in addition to any sentence that might be passed by the Supreme Court. The answer to that, I can assure the hon. Member, is clearly no. He can be subjected only to one punishment and that punishment if the case is referred to the Supreme Court will be determined in the Supreme Court. I trust that is the assurance that the hon. Member sought and that that meets his point.

I think, Mr. Speaker, there are no further points that arise in the debate and therefore, I do not wish to add any further observations.

The question was put and carried.

*The Weights and Measures Bill*

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that a Bill entitled an Ordinance to repeal the Weights and Measures Ordinance and to make better provision for regulating the use of weights and measures and for matters relating thereto and connected therewith be read a second time.

That, Mr. Speaker, is a descriptive title of the objects and reasons of this Bill. Hon. Members will remember that in the debate on the Cost of Living Report, I undertook to introduce this Bill in this session of Council. One of its

principal objects is to increase very heavily the penalties for giving short weight and I think hon. Members agree with me that, in possibly a limited sense, this is a worthy contribution, with which all of us can agree, towards reducing the cost of living in this country. Some people thought fit, outside this Council, to suggest that short weight is a small thing. I can assure them that amongst the poor, short weight is not a small thing, it is a very real evil that they have to contend with and something that we, as a Council, should give remedy for.

As I said, one of the objects of this Bill is to provide that remedy to protect the very poorest of our people. Having said that, Sir, I doubt whether hon. Members at this stage would wish me to go into detail about the Bill. No doubt, many hon. Members will have points they wish to raise. Most of the Bill, in my submission, is completely non-controversial, and is an attempt to carry out what are the agreed views of all organized commerce in the territory, the agreed views of the Board of Commerce and Industry and, I hope, the agreed views of this Council, but as I said, there may be points which hon. Members wish to raise. I doubt whether, in view of what I think is a very clear statement of the Object and Reasons of this Bill, and in view of the clear points made where changes are envisaged in relation to the existing Ordinance, whether Members would wish me to go through clause by clause. I am, of course, at the service of hon. Members to do my best to meet them on any points they raise. I would, however, refer to clause 48 and hon. Members may notice that provision is made for the setting up of a Weights and Measures Board to assist the Member in an advisory or consultative capacity on technical or administrative matters. That, Sir, is a matter which I will be referring to the Board of Commerce and Industry for their advice at a very early date and is a point of some importance in that I suggest there will be the place to iron out any little technical difficulties that will inevitably arise in the administration of a new Ordinance.

Having said that, I would like to detain hon. Members for a moment or two and refer to another matter. There is also provision in the Bill that our standards of weights and measures should

[The Member for Commerce and Industry]

be kept in a safe place within this Colony. Weights and measures is the unromantic term used in referring to some of the most important marks of maturity in the commercial and industrial life of the Colony. A Standards Department, by that I mean a place where recognized standards are kept, where standards are judged and applied, is a mark of commercial and industrial, and, indeed, of social maturity in the Colony. This, Sir, I submit, is the beginning of something that will grow as this Colony continues to develop. In a limited sense it is an earnest of our confidence in the future of this Colony.

With these words, Sir, I beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

MR. NATHOO: Mr. Speaker, I rise to support the Bill and to say that all organized bodies of commerce have supported the Bill in principle.

There are, Sir, one or two points of detail on which I would like to make some comments in general here, and I would like to say, Sir, that in the Committee stage there are one or two minor amendments I would like to move in the schedule of the Bill.

Sir, in this country, for a very long time a measure known as the *frasila* has been recognized in all commercial circles and this matter was brought to the notice of the Board of Commerce and Industry, but for various reasons it was not accepted to be included in the schedule. There is another point, Sir, made by goldsmiths of this country who wish certain small measures to be recognized as part of the Ordinance and the matter came to my notice too late to make representation before this Bill was drafted. It is therefore my intention, Sir, to move these amendments in the Committee stage.

Sir, I wish to support.

MR. USHER (Mombasa): Mr. Speaker, I rise merely to support my hon. friend Mr. Nathoo, and particularly in regard to what he said about the *frasila*. It is a household word in certain circles, in wide circles, and I think it would be advisable to insert it in the Schedule.

There is just one other observation I would like to make, Sir, and that is in regard to section 31. So very much of the good that this Ordinance will bring depends on an adequate Inspectorate and I would like an assurance from the hon. Mover that he will give it his closest attention and that particularly in the larger towns an adequate Inspectorate will be provided.

Sir, I beg to support.

MR. MATHU: Mr. Speaker, there are two points I want to raise in supporting the second reading of this Bill.

The first has already been referred to by the hon. Mover and this measure is extremely important to protect the poor consumer against the use of short weight. I think it is a very, very important matter, and without that the cost of living of the very low income groups will always be round their necks for reasons which are beyond their control. But then the hon. Mover, and the Bill, under Objects and Reasons, at the end, the usual clause reads "It is not possible to estimate the additional expenditure of public moneys which will be incurred if the provisions of this Bill become law". Well, it is logical and the hon. Mover and myself, and I think the whole Council will agree that if we have to protect the consumer, those who deal with short weights must be found out. (Hear, hear.) That definitely implies a larger number of inspectors and I would like to warn the Council that if this Bill has to achieve what it intends to achieve, it will mean we will have to spend a lot of money to employ inspectors to make sure people in the country districts particularly, not in big places like Mombasa and Nairobi, in country districts where those who deal in short weight feel absolutely free to do exactly what they like because they know the inspector will never come near them: Things go wrong every day. I would like, therefore, to ask the hon. Mover whether he could make clear to the Council that he intends to administer this law to achieve that particular end.

The second point is the one that has been raised by two previous speakers on this side and I think in general, we agree that the *frasila* plays an important part in trade and in certain areas in the Colony, but I think the difficulty that faced the majority of the members of the Board of Commerce and Industry

[Mr. Mathu]

was that unless you have a definite weight for a *frasila*, we could see no reason why we should include it in the Schedule because you can take any articles of weight you like to get thirty-six pounds. It is not illegal to weigh anything that weighs thirty-six pounds, but putting it in the Schedule would suggest that you have to have a weight of thirty-six pounds. I do not think it is necessary to include it in the Schedule.

Sir, I beg to support.

COLONEL LE BRETON (TRANS NZOIA): Mr. Speaker, it is not quite clear to me how this Bill is likely to affect the normal procedure of weighing and disposing of farm produce. As many Members of this Council know, the normal procedure is for a farmer to own an Avery scale or some similar type of scale and to weigh his produce, such as maize, to a weight of 203 lb.

Well, Sir, after these bags are weighed, there is generally a considerable time lag before they are sent into the Kenya Farmers' Association or other produce dealer; owing possibly to original mistakes in weighing or drying out or rats or weevils the bags can then no longer be guaranteed to weigh 203 lb. But that does not normally matter because the produce dealer will reweigh these bags in bulk. Well, Sir, that being so, I submit that the ordinary weighing machines of the farmer need not be subject to the provisions of this Ordinance as they are not the final instrument whereby the sale is made. If, however, it is decided that this should be so, I would point out that there are a very large number of farms in the country and that they are situated at long distances from any town in which an inspector under this Ordinance is likely to be stationed and that also these weighing machines would come under the provisions of section 32 (2) of the Ordinance, i.e. a weighing instrument of delicate construction which can not be conveniently moved, it would therefore be necessary for the farmer to notify in writing his position to the inspector, and, under section 33 (2), upon payment of the prescribed fee an inspector shall attend at the place notified and shall test or examine and stamp any weight, measure, weighing or measuring instrument".

Well, Sir, it would be a great increase in cost to the Colony if this had to be done for every farm in this country. It would mean a full-time job for quite a number of such inspectors and I submit that if it is considered necessary to do this, it would be still less possible to estimate the additional expenditure of public moneys which would be incurred if the provisions of this Bill became law. Otherwise, Sir, I beg to support. (Applause.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, first to deal with the points raised by my hon. friend the Member for the Central Area; as regards the *frasila*, which was also mentioned by the Member for Mombasa and I believe by my hon. friend the Member for African interests, Mr. Mathu. It is not generally known, or it may be generally known, that in East Africa there is no such weight meaning a specific denomination in terms of pounds avoirdupois known as the *frasila*. It varies from 34 lb. in Tanganyika to 36 lb. in Kenya, to 37 lb. in parts of Kenya and Uganda. Therefore, perhaps hon. Members can tell me how on that basis we can, in fact, make a standard and that is the object of this Bill. If we could make a standard, or if you like make an average, then could get Tanganyika to accept it, or get Lamu to accept it, I understand it is slightly different in Mombasa, but I suggest the best way to deal with it is to deal with it as we have done for 50 years. It will, in fact, remain as a customary measure of 36 lb. expressed in lb. avoirdupois. We do not want to stop it remaining as a customary measure, but I do not really think that there is a case for making this a standard measure as there is a case for making the Metric system or the Troy system standard.

To come to the difficult point raised by the hon. Member for Central Area about goldsmith's weights. Well, Sir, I am not an expert in this myself. I own very little gold and I have therefore very little reason even to pawn it. What I would say is this, that there is in connection with the measurement of gold a complication that has nothing at all to do with weights and measures as such. There is the fact that gold has an international standard of value. You might say that does not affect the goldsmith who makes it into jewellery, but on the

[The Member for Commerce and Industry] other hand gold jewellery, gold cigarette cases, gold lighters and the like have got a recognized value in relation to the medium of circulation that has comparatively little to do with the workmanship involved.

Now, Sir, Troy weight is recognized and is convertible into other recognized systems in various parts of the world. The proposals that my hon. friend has in mind to continue the application of the tola, the anna and the rati as measures for goldsmiths in this country have to a certain extent my sympathy. I am aware that they have long been used. On the other hand, Sir, they are not indigenous to this country, they are not wholly indigenous in fact to the Indian goldsmiths' industry in India. The tola is originally a Persian measure. The toman was and is a Persian gold coin. The rati, I believe, comes from the Western Coast of Arabia. The anna, I imagine, comes from India. But, Sir, it is a curious mixture, isn't it? Those three measurements are in fact survivals of three separate measurement systems. Now, again, Sir, I just do not know whether it would work. I cannot accept the argument that the goldsmith or the purchaser could not understand the Troy system. It is a very simple one. I find it difficult to believe that any person buying gold would pay for more gold than he is in fact getting or be satisfied with less. I would have thought that as between two systems we must have the Troy system because it is the international system, at least as far as the British Empire is concerned and the United States is concerned and I should have thought that to have had two systems side by side, both legal, would make the position even more complicated than it is as present. I am certain that these customary weights will continue to be referred to. There is no coin such as the guinea in England but it is still referred to and I have never heard anybody suggest that it should be discontinued. There are all kinds of measurements used in my part of England, in Yorkshire, that appear only in the tables at school.

I do not propose to refer to some of the others because some of the words are such that hon. Members might take objection. (Laughter.)

For all these reasons, I do not pretend that I am able to argue on an expert basis on these Indian measures for gold, what I would suggest to the hon. Member if he feels he must, is to move an amendment. I would, however, commend my point of view to him. We are going to set up an Advisory Committee on that subject. Ordinances can be amended by introducing amending Bills without difficulty. I personally would suggest to this Council that we try the experiment of using the Troy system and see what happens. My own belief is that a year from now, or two years from now, people will not be coming to my hon. friend and saying "Try and get this system through"; I do not think they will bother. If on the other hand, he feels that he must propose an amendment, I cannot promise that Government will accept it, what I can promise is that we will consider it.

My hon. friend the Member for Mombasa, I know has one or two points to discuss with some of his constituents in Mombasa. I have already told him that I will, if business permits in this Council, seek to take the Committee stage early next week to give him an opportunity and I will discuss the other point with my hon. friend if he wishes me to do so.

In regard to the points raised by my hon. friend Mr. Mathu (Member for African Interests) I was very glad to hear him say what short weight means to the poorer sections of the community. I was very glad indeed. He, at least, does know something about the realities as they affect the lives of very many people in this country, and I would say straight away without hesitation that we are going to do everything we possibly can to enforce the law. We have managed after great difficulty to engage two further qualified inspectors of weights and measures. One is actually on the way and one we hope will be leaving next month. I can promise this Council that if I consider it necessary in the enforcement of this Ordinance, I will come to this Council and ask for more money for further recruitment. On what it will cost, of course, one can put it this way, the more successful we are in enforcing the Ordinance, the less it will in fact cost us, because the monetary results one can expect from seeing that all weights and measures are in fact proper weights, will be considerable. It is true that such money

[The Member for Commerce and Industry] will not accrue to the Department, but it will, of course, accrue to the Government.

To come to the last point raised by my hon. friend the Acting Member for Trans-Nzoia. We have got no intention whatsoever of trying to penalize the farmer in regard to weighing his produce. We have got no intention of sending our inspectors to try and make a nuisance of themselves. But I would point out one thing. That many farmers, in fact most farmers, weigh out their *posho* rations, or they put them in a measure. They do in fact carry on transactions using weighing instruments and they do in fact, whether one calls them transactions—perhaps, that is wrong—they do in fact wish to have a reputation for giving correct weight themselves. On the point about shrinkage and loss through rats and so on, that has nothing to do with the Department, that is a matter concerning what the farmer has sold and the man who buys it. If he has a dispute, if your scales are wrong, well naturally the farmer is in exactly the same position as if it so, or if the farmer himself goes to the petrol pump and finds that when it measures ten gallons, in fact he is only getting nine. (Laughter.) I am not suggesting that such a thing could happen, but I am suggesting that we cannot make the farmer a privileged person in regard to fair weight. What we can promise is that this Ordinance will be applied most reasonably. There is no intention of going round and trying to make the inspectors make themselves a nuisance. There is no intention of penalizing him by forcing him to send his scales away, charging him excessive fees, but I do not think that hon. Members for one moment would wish to say that any person in this country who in his business buys and sells by weight should, in fact, be exempt from the law. What all hon. Members would wish is that the law should be applied reasonably and that, Mr. Speaker, I do promise.

The question was put and carried.

Council adjourned at 11 a.m. and resumed at 11.15 a.m.

### The Export of Timber Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that an Ordinance to provide for Controlling the Export of Timber and for its Inspection, Grading, Marking and Handling in transit and for matters connected therewith be read a second time.

Hon. Members will see from the Memorandum of Objects and Reasons that this Bill results from representations made both by the East Africa Timber Board which is an interterritorial advisory body on the timber industry and by the Kenya Forest Advisory Board or Committee which is the advisory body for the Kenya industry.

Both those bodies have recommended that legislation of this nature should be introduced, and I would add from my personal experience that I think it is very necessary in the interests of the timber industry that we should have some control and some grading regulations as regards the export of timber from this Colony.

Hon. Members will also be aware from the Memorandum of Objects and Reasons that the intention is to have similar legislation in all three territories. The Uganda Government has already passed a Bill almost identical with the Bill that is before Council this morning and the Tanganyika Government is intending to do so. The small differences that arise as between the Bills in the three territories are merely differences appropriate to any difference in conditions in the respective territories.

There is one paragraph in the Memorandum of Objects and Reasons to which I would wish to draw the attention of hon. Members and that is the penultimate paragraph which states that it is intended to exempt cyprus and pine from the restriction on the export of ungraded timber to certain countries.

In this connexion, Sir, I understand that it has been represented quite strongly by millers in Kenya that this exemption of cyprus and pine was desirable. The other two territories who do not, or practically do not, grow either of these species are uninterested. I will admit, Sir, that, if it is the wish of the trade and of millers and has the approval of the Forestry Department, that I am willing

[The Member for Agriculture and Natural Resources] that these two species should be exempted for the time being, but I am not prepared and I want to make this quite clear to Council that I am not undertaking on the introduction of this Bill that these two species of timbers will be necessarily exempted for all time. I think it would be very unwise for me to give that assurance.

Dealing with the Bill itself I do not think there are many matters with which I need take up the time of the Council, as the various sections will be dealt with in the Committee stage.

Under section 4 the whole question of obtaining export certificates and of grading and so on is dealt with, and sub-sections (1) and (2) of section 4 may appear rather drastic, but I would point out that the purport of those two sub-sections are in fact under defence regulations in force to-day, and have been in force for some years past.

The other section to which I would make allusion is section 8, where there are provisions about grading that might cause hardship, where charges are imposed and under which decisions can be given as to the grades, and I would merely point out there that any person who is aggrieved with any such decision has the right of appeal within 30 days to the Member. So there is a right of appeal.

Beyond reiterating that I think a measure of this kind is highly desirable, because some of the timber that has in the past been exported from this country has done the industry untold harm, I think, Sir, that I have nothing more to add, except to recommend this Bill to Council. (Applause.)

THE ACTING SOLICITOR GENERAL seconded.

MR. MACOSOCHE-WELWOOD: Mr. Speaker, in rising to support this Bill, I should first of all declare an interest inasmuch as I am a director of the company and also of the Co-operative Selling Society.

There is only one major point which I wish to raise, and that is to give notice in the Committee stage of this Bill I propose to move that an additional clause be inserted, and that clause should read something on these lines: "That

the Forestry Advisory Board, which shall contain representatives of the timber industry, shall advise the Conservator on all matters concerning the administration of this Ordinance". My reason for doing so is that the Conservator may or may not be an expert on timber, and timber conversion. He may primarily be a silviculturist, without much knowledge of the problems of the selling side of the timber industry. I think in a Bill of this kind it is of vital importance that the views of the industry shall be consulted.

There is one point that I should like the hon. Member for Agriculture to explain, and that is when he mentioned clause 8, sub-section (4), giving an appeal to the Member. Does this apply only to clause 8, or does it apply in every case where the Conservator has powers in the Bill? That seems to me a very important point, because he has somewhat arbitrary powers, and I think an appeal should lie in the case of all these powers, and not merely the powers contained in clause 8.

I do not think there is anything else I wish to say about the Bill. I support it very strongly, both as an interested party, because I think it is of immense value to the industry, which I believe may grow to be one of the greatest importance to the country.

I beg to support.

MR. HOKINS (Aberdeen): Sir, there is only one point I wish to bring up and that is in regard to section 7, clause 7. I see that the Conservator of Forests is authorized to make any person a grader. Am I correct in assuming that that means that appointed millers themselves will be appointed graders, or is it the intention to write on a large number of independent graders?

MR. MATHU: I should like to raise just one point, Sir, in supporting the second reading of this Bill. The hon. Member did say that—and the Memorandum of Objects and Reasons has it also—that this measure has been brought in principally as a result of the recommendations made by the interterritorial Committee and by the Kenya Forest Advisory Committee. Sir, I take it that one of the functions of the Kenya Forest Advisory Committee would be to advise the Conservator or the Member about

[Mr. Mathu] all forests in the Colony, including particularly those forests which are managed by the Forest Department on behalf of the African District Councils. I think, Sir, because of that reason, and because of reasons that the African is taking a very great interest in a great part now in the timber industry, and some of the timber crops that will find their way for export and will have gone through African hands, I would like to put to the Member for consideration the Kenya Forest Committee to include Africans on that Committee, and I would like to know what the views of the Member are.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, the hon. Member for Uasin Gishu gave notice that he desired in the Committee stage to bring in a new clause making it necessary for the Conservator to consult the Forest Advisory Committee.

He did also bring in a suggestion that that Committee should consist of certain specified persons. Well, that Committee is statutory, and the Bill which provides for the setting up of the Committee is where one would have to lay down how it is to be composed. But I will go into the hon. Member's proposal, Sir, and no doubt we can discuss it in the Committee stage. I do think it probably is advisable to let in an Ordinance of this kind, which so vitally affects the industry—to let it be appreciated that Government is anxious to consult the industry as far as possible.

The hon. Member also asked if sub-section (4) of section 8 applied to the whole of the Ordinance. I have asked my hon. and learned friend the Attorney General, and he thinks that it does not apply to the whole Ordinance, it only applies to section 8. Before the Committee stage I will go through this Bill again and see if there are any other powers given to the Conservator on which we think there should be an appeal, and if there are any on which I consider there should be an appeal I will move a suitable amendment in the Committee stage. But I think in some of these clauses, you will obviously not want an appeal, I doubt, for instance, that you will want an appeal in regard to the Conservator's powers to suspend or revoke a grader's licence. I think

probably if you had an appeal for that it might lead to a lot of complications.

I was also asked whether it was the intention to sign on a vast number of graders, or whether the Conservator would be enabled to appoint reputable millers and graders. I think under the Ordinance it is fairly clear the Conservator of Forests may authorize any person to be a grader for the purpose of carrying out the provisions of this Ordinance. As far as I am aware the Conservator would undoubtedly allow the more reputable millers to do their own grading, no doubt subject to checks periodically on their work. I think it would be very necessary to have those checks to make sure that grading is being done reasonably. It is not the intention to employ vast numbers of graders, we have not got the money to do it.

The hon. Mr. Mathu asked whether it was my intention to suggest to Government that an African should be included in the Kenya Forest Advisory Committee. This is a subject which has been under discussion lately. It has not been finally decided, but I think I can give the hon. Member an assurance that probably an African member will be appointed to that Committee.

The question was put and carried.

#### The Veterinary Surgeons Registration Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move the second reading of an Ordinance to Make Provision for the Registration of Veterinary Surgeons and for other matters incidental to and connected with the Practice of Veterinary Surgery, 1950.

Now, Sir, in introducing this Bill, I would say that the veterinary profession in this country has been pressing for a measure of this kind for at least three years. Other territories have been contemplating similar legislation, but of course their situation differs very considerably from the situation in this Colony, and the need for this kind of legislation is nothing like as pressing in our neighbouring territories as I submit it is in Kenya.

At the moment we have in Kenya quite a large number of persons practising as veterinarians—we have

[The Member for Agriculture and Natural Resources] quite a number of private practitioners—and, of course, we have Makerere graduates, and there is no doubt from the numbers involved, which are considerable now, that it is time we had some method of registration such as is laid down in the Ordinance before the Council. I do not think, Sir, there are very many sections that I need refer to at this stage. The Objects and Reasons are fully given and in them are the reasons for a number of the clauses contained in the Bill. I should, however, just refer to section 4, as I may be asked why do we limit registration to the holder of a degree obtained at a veterinary college or university in Australia, Canada or the Union of South Africa or one recognized by the Royal College of Veterinary Surgeons—why do we debate other fully qualified practitioners from, possibly, other countries from practising in this country, or rather from being registered under section 4? Well, the reason for that is that such other persons can be licensed under section 12, and this particular provision is in accordance with the recommendations of the governing body of the veterinary profession, which is, of course, the Royal College of Veterinary Surgeons, who have seen this Bill and have approved of it. Thus people who are qualified can be dealt with under section 12, although they could not be registered under section 4.

The Bill, of course, does not pretend to be nearly as strict in its implications as a similar Bill might be in other parts of the world. This is a new country, and allowances have been made for that fact. Nevertheless, the time has undoubtedly come when we must have some degree of control over persons purporting to practise veterinary surgery in this Colony; and for that reason, Sir, I commend this Bill to the Council.

THE ACTING SOLICITOR GENERAL seconded.

MR. NATHO: Mr. Speaker, whilst rising to support the Bill, I should like to say something about clause 4 and clause 12, to which the hon. Member has made reference.

Sir, we agree that section 4 (a) of the Bill is quite reasonable, and should cover

all the practitioners, as is the intention, but if there are the qualifications which are given in (b), I do not see the reason why people who are qualified in other dominions besides those mentioned in this are being debarred from practising here. The hon. Member said they are covered under section 12. I beg to differ from him because section 12 definitely says that the Board can only give exemption to those persons who have been in the Service. A new person coming out from Indian or Pakistan, and having qualified there—it seems, Sir, under the present Ordinance that he would be debarred from practising here. I think the law should apply that all veterinary degrees recognized by the Royal College of Veterinary Surgeons should be recognized here, or, if exemption is given to certain dominions, others should be included.

I beg to support.

MR. MATHU: Mr. Speaker, I rise to support the second reading of this Bill, and in doing so I would like to make some observations, and those are to clauses 4, 5 and 12. Under clause 4 I have some doubts as far as the Makerere graduates are concerned in that we do not yet know whether the Makerere Diploma in Veterinary Surgery will be recognized by the Royal College of Veterinary Surgeons. If it will, then I am quite happy because I would rather see Makerere graduates encouraged to come under clause 4, which is a definite clause, than to come under vague clause 12, which in some sub-sections licenses one, and in another removes the licences before the expiration of the time. I will come to that in a second.

For the same reason, Sir, I think under clause 5 (1) it is important that licensed veterinary surgeons should find their place in this Veterinary Board, and under clause 5 (1) (c), there will be four registered veterinary surgeons to be appointed by the Member on this Veterinary Board and, as I said, as the position is in the Colony to-day, none of the Makerere graduates will come under the register of qualifications because Makerere has not yet received the recommendations which the Royal College of Veterinary Surgeons in London gives to other institutions. Therefore I suggest in the Committee stage that I shall propose an amendment to clause 5 (1) (c) so

[Mr. Mathu] as to include one, at least, licensed veterinary surgeon to make sure that Makerere graduates will have their part to play in the Veterinary Board.

After all said and done, the majority of animal population in Kenya to-day is in the Africans' hands—from the rat to the giraffe, and from the cow to the goat—and I think it would be unfair to remove African opinion from a Veterinary Board that will control the policy of veterinary science and practice in the Colony.

Now, coming to clause 12, Sir, clause 12 (1) gives the Board authority to give exemptions to persons who do not hold registrable qualifications in veterinary science, to be granted a licence to practise science, to be granted a licence to practise as veterinary surgeons, and these people must have been servants of the Government of the Colony and Protectorate, or the High Commission, but if that happens, and a person is licensed as provided for under sub-section (4) we if I may, Sir, read it out:

"A licence granted to any person mentioned in paragraph (a) of sub-section (1) of this section shall expire on the date upon which the person to whom it is granted ceases to hold office as a veterinary officer or assistant veterinary officer notwithstanding that the period for which it was granted may not have expired."

I ask you, Sir, whether a licensed practitioner, when in Government service or in the service of the High Commission, when he ceases to be in the service of these two authorities, loses the qualifications or the abilities or the knowledge he has gained during that service? What it means is this: when a licensed practitioner is in Government service he can practise—when he leaves the Government service he cannot practise because the licence under sub-section (4) is removed from him. I submit, Sir, that that will discourage a large number of Africans from taking up veterinary science in Makerere or elsewhere because one would like first of all to make sure that if a man retires or resigns from Government service or from the service of the High Commission, he can continue to earn his bread by the profession that he has practised when he has been in the service of those authorities, and I think it will be a tremendous disservice to this Colony to discourage these Africans from taking up

veterinary science as a result of an enactment of this nature. We hear a great deal against white-collar jobs and we have here the opportunity of young educated Africans coming forward into this field and looking after the animal health of the Colony, and we are here defeating that end by discouraging them in this way. Once we license a person, we should license him and allow him to practise even when he leaves the Government service. If, of course, he has committed certain crimes against the profession, well—that is a different matter—but if he is a very qualified person, and he serves the Government for a number of years, and then he says: "Now, I am going to practise independently," why should we prevent him from doing so? Therefore, Sir, unless someone can think of a better way of doing it, we are suggesting in the Committee stage that clause 12, sub-clause (4) be deleted, and provision be made that when a veterinary surgeon has been licensed he can continue to practise even after leaving the Government service.

Sir, I beg to support.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, it has been my experience for quite a long period in introducing a number of Bills of this nature that I often find that when a debate ensues there is a tendency on the part of Members of this Council to overlook the objects of the Bill before them. Now, the objects of this Bill are to protect the public, and the cattle industry, from persons who purport to be qualified veterinary surgeons and who are in fact not up to their job. I think you will agree that with the magnitude of the stock industry in this country and with the amount of diseases, and some very complicated ones, with which we are faced, that it is most important within the bounds of reasonable provisions to try and ensure that those who practice veterinary surgery are as qualified as it is possible for us to ensure that they are under present conditions.

Now, Sir, most of the questions that have been raised have been based on the dubious principle that you should not debar persons from practising under almost any circumstances, if they have the scantiest pretensions to practical knowledge. If that is the attitude, all I

[The Member for Agriculture and Natural Resources]

can say is that that is exactly diametrically opposed to the purposes of this Bill. Now, Sir, the hon. Mr. Nathoo asked about Indian veterinary surgeons, who had qualifications, and he suggested I think that he could not quite understand—why India was not included in sub-clause (b) of paragraph 4. Well, Sir, all I can say about that is that I think some of his—I will not say definitely that this is so, but I imagine—that some of his qualified veterinarians could be included under sub-clause (a). But I think it would be most unwise for us to agree to a sort of wholesale inclusion allowing anybody who has any qualification or diploma of any kind obtained in India under 4 (b). I will go into this matter again, but I will again repeat, Sir, that these provisions have been deliberately put in, after the governing body of the veterinary profession, the Royal College of Veterinary Surgeons, has been consulted and I will take a great deal of persuading to suggest to Government that they should agree to any change in the present form of the clause 4.

Sir, the hon. Mr. Mathu was anxious if possible to include a diploma of Makerere under clause 4. For the same reasons, I must say that Government could not possibly agree to that suggestion. At the moment, a Makerere student only gets a diploma, and I would suggest, that as it is, this Bill has gone a very long way beyond what other similar Bills provide for in making it possible for persons other than those fully qualified to practice as veterinary surgeons.

The hon. Member then drew attention to the fact that under section 12, any person who is in the service of the Government or of the High Commission or of the Makerere Veterinary School as a veterinary officer or assistant veterinary officer could be given a licence to practice, but that under sub-section (4), that licence would be held to expire on the date on which such persons cease to hold office in that capacity. Now, Sir, I would say that the licence under 12 (1) expires on the termination of such a person's service because that licence was only given him for the purpose of his Government service. That is rather im-

portant, because what we want to avoid is persons taking service, probably under fairly strict supervision under Government, or at one of these institutions, then just disappearing and although unqualified from the point of view of the safety of stock generally, to proceed to practice on their own. If, however, and the hon. Member I must say in justification, once or twice reiterated "proper" persons, if a proper person retires from Government service and wishes to practice, he is I submit provided for fully under 12 (1) (b). It is not our intention to make it difficult for people to have licences, but we do feel there must be some form of control.

The hon. Member has suggested that he is going to move in the Committee stage the cancelling of this proviso under sub-section (4), and I must say that until I hear arguments which are very much stronger than those I have heard so far, I feel Government must insist on the retention, or at any rate, try and secure the retention, of sub-clause (4).

I think, Sir, those are the only points that were raised.

I beg to move the second reading.

MR. MATHU: Mr. Speaker, would the hon. Member give me his views on my observations on 5 (1) (c)? The composition of the Veterinary Board.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg the hon. Member's pardon, Sir, I did mean to refer to that.

The hon. Member suggested under 5 (1) (c) that there should be amongst the four veterinary surgeons to be appointed by the Member after being duly elected, to form part of the Veterinary Board, that there should be included one licensed veterinary practitioner. Well, Sir, I feel at first sight that there is great force in the hon. Member's submission and I would like to have an opportunity of discussing this and I by no means rule his proposal out of order. I think possibly that it might be accepted.

The question was put and carried.

*The Compulsory Military Training Bill.*  
THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move that the Compulsory Military Training Bill be read a second time.

[The Acting Deputy Chief Secretary]  
The Council will remember about a year ago there was considerable discussion in the Press about the proposal that there should be compulsory military training for European British subjects in Kenya between certain age limits. In his speech on the 1951 Draft Estimates, Mr. Thornley, then Deputy Chief Secretary, referred to this scheme and drew attention to the fact that if it were implemented it would form a substantial new item in the Colony's defence expenditure. In April this year, it was announced in the Press that Mr. Thornley and General Dowler were flying to the United Kingdom to discuss the scheme with the defence authorities there. It was later announced that these consultations had been successful, and the United Kingdom authorities had promised their support and assistance in implementing the project.

Finally, in June this year, in a speech made on the occasion of the Annual Production Conference, Mr. Thornley again referred to the scheme and stated that Government was making the necessary arrangements to bring it into operation. The present Bill is one essential step in those arrangements.

The introduction of this Bill does not mean that the Government is of the opinion or has information that war is imminent or likely. But it is obvious that war is a possibility, and it is the duty of every part of the Commonwealth to be prepared if war should occur to make what contribution it can towards the defence of the Commonwealth as a whole. The particular contribution which Kenya will be required to make in the event of war would depend on the scope and theatre of the war. But it is reasonable to suppose that it would be necessary, as it was in the last war, for the King's African Rifles to be considerably expanded and probably for other African units to be raised. For this purpose, European officers will be required, and it is obviously most desirable that they should be drawn from East Africa and should have some knowledge of the language and customs of the people whom they would lead.

The present Bill has been drafted in close consultation with the service authorities, particularly the military authorities, and I would like to take this

opportunity of expressing the Government's gratitude and appreciation of the help and advice which we have received. (Applause.) Without that help and advice it would have been impossible to produce this Bill, because the subject matter is unfamiliar to us; and, of course, it would be equally impossible to bring into existence the other arrangements, the practical and physical arrangements, which will be required for the implementation of this Bill.

Subsequently to the publication of this Bill, the service authorities have suggested a number of amendments, copies of which will be distributed before the Committee stage, and which I shall then make. But they do not affect the main principles or the structure of the Bill, and they are designed to clarify and in some cases to expand, particular sections of it.

The Memorandum of Objects and Reasons explaining the Bill fairly fully, and I do not think it is necessary for me to go through every section and explain it in detail.

Section 2 provides that the Bill shall not apply to the classes of persons specified in the Schedule to the Bill. The Schedule has been very carefully drafted in consultation with the authorities concerned. I think it covers all persons who ought to be exempted from the operation of the Ordinance. I shall move a small number of amendments to the Schedule in Committee stage, the necessity for which had been realized after the Bill was published.

Section 3 consists of definitions and requires no comment or explanation.

Section 4 says who is liable for compulsory training under the Bill. Briefly, persons between the ages of 18 complete and 23 complete are liable to be called up for training, but as Members will see from the Bill, continuation training may go on beyond the age of 23.

Section 5 establishes the training centre and section 6 deals with permanent staff.

Section 7 defines the extent and character of the training liability. This consists of two parts: firstly, full-time training for the period of 168 days in the training centre, and thereafter four years part-time training either as a member of the Kenya Regiment, or, in accordance with the provisions of section 8 of the

[The Acting Deputy Chief Secretary] Bill, with a unit of the Royal Navy or the Royal Air Force established in Kenya.

Section 8 (1) provides that instead of doing his continuation training in the Kenya Regiment, a person may do it with the East African Naval Force, or the Royal Air Force. At the present moment it is impossible for that to happen, because those units do not exist, but it is hoped that they will come into existence shortly.

Section 8 (2) provides that with the approval of the Member, which will be given only on the advice of the appropriate service authority, that is the General Officer Commanding, the Resident Naval Officer or the Air Officer Commanding, a person may be permitted to go to the United Kingdom for training in one of the recognized training schemes there, which normally lasts for two years. On completion of this training, he will return to Kenya and will then be liable for a further 21 years part-time training, either with the Kenya Regiment or, if his training in the United Kingdom is with the Navy or the Royal Air Force, with the appropriate unit here. I shall be moving amendments to section 8 in the Committee stage to clarify the provisions regarding training in the United Kingdom and continuation of training on return from the United Kingdom but these amendments do not affect the main idea of the section.

Section 9 provides that every person called up for training shall be attested, which means that he is required to take the appropriate oath of allegiance to the Crown.

Section 10 defines the way in which the initial period of training is to be reckoned and requires no additional explanation, I think.

Section 11 deals with the public announcement of call-up. Now, it will be seen section 11 (3) allows the Member to publish the call-up notice in respect of the year 1952 up to the end of November, 1951. This provision was put in because we thought that it might not be possible to enact this Ordinance in time to publish the notices as early as November. If, as I hope, it is passed in the present sitting of Council, it should be possible to publish the call-up notice in Septem-

ber or possibly early October, and thereafter to issue the Enlistment Notices under sections 12 and 13. It is obviously desirable for the convenience of the people concerned, the people affected by the Bill, that the call-up notices and the Enlistment Notices should be published as soon as possible before the end of the year 1951.

Section 13 says what is to be contained in the Enlistment Notice. It is proposed to attach to the Enlistment Notice a brief note referring to section 8 of the Bill and describing the Naval, Military and R.A.F. training schemes, which are available in the United Kingdom, for which persons called up under this Bill will be at liberty to apply in accordance with section 8. Of course, as I have already explained, it does not follow that everybody who applies will be allowed to go to the United Kingdom; that will depend on the advice of the G.O.C. or the Resident Naval Officer or the Air Officer Commanding as to the suitability of the individual.

Section 14 provides for the setting up of the Medical Examination Board, and defines its functions.

Sections 15 to 19 deal with the exemptions tribunal, defining its powers and functions. I do not think any explanation is necessary regarding those sections.

Section 20 deals with the liability of persons who are undergoing training in the event of war or other emergencies. I shall move an amendment to this section at the Committee stage to clarify the position of persons who are undergoing training with the Navy or R.A.F., but they will not affect the general principles of the sections, which are to place them at the disposal of the General Officer Commanding or the Resident Naval Officer, or the Air Officer Commanding, according to their type of training.

Section 21 deals with uniform, and section 22 with pay and allowances. There will be an amendment to section 22 to provide for the people doing their service with the Navy or R.A.F.

Section 23 gives the Governor power to prescribe the place of training, which may be outside Eastern Africa. It will not be possible in 1952 for training to take place in Kenya, because no training centre yet exists here. Arrangements

[The Acting Deputy Chief Secretary] have therefore been made. With the Government of Southern Rhodesia for training in 1952 to take place at the King George VI Barracks near Salisbury, I would like to take this opportunity of expressing the Kenya Government's gratitude to the Government of Southern Rhodesia for its very ready co-operation in this matter. In May this year, with representatives of the E.A. Command, I visited Southern Rhodesia in order to arrange the details with the Southern Rhodesia financial and defence departments, and the Staff Corps who are responsible for the training of people in Southern Rhodesia, and will be responsible for the supervision of the training of Kenya men. We were very much impressed with the efficiency of the arrangements in Southern Rhodesia, and with the readiness to co-operate by all the people there with whom we came in contact.

Sections 24 to 30 of the Bill deal with entitlement to re-employment after training is completed, and with the membership, powers and functions of the Reinstatement Committee. The Government hopes that it will not be necessary for the Reinstatement Committees to function, or for people to have recourse to these sections, because we believe that the employers of persons who are called up under this Ordinance will be willing to re-employ them after their compulsory training is completed. Nevertheless, it seems desirable to us that provision should exist in the law to compel re-employment, if that should prove to be necessary.

It will be seen from section 24 (6) that this section will not apply to persons who go to the United Kingdom for training there, in pursuance to the provision there under section 8 (2) of the Bill. A person who goes to the United Kingdom for training will go voluntarily, and it would not, therefore, be reasonable to require the employer to keep employment open for him.

A new section 31 will be inserted (or rather I shall seek to insert it) at the Committee stage, giving exemption tribunals and reinstatement committees power to compel the attendance of witnesses when necessary.

Old section 31 defines offences under the Ordinance. Old section 32 describes

penalties and old section 33 gives the Governor power to make regulations for the carrying out of the provisions of the Ordinance. This will certainly be necessary; there are a number of details which cannot properly be covered in the Bill itself and which will be dealt with by regulations made under the Bill.

Finally, Sir, it is necessary to refer to the cost of the scheme, which was stated at the end of the Objects and Reasons to be approximately £314,000 capital expenditure, plus recurrent expenditure, amounting to about £73,000 in the first year, to a maximum of about £140,000 in the fifth year. I must emphasize that these estimates are approximate, because we have not yet the necessary data to compile accurate estimates. But it is quite certain that the cost of the scheme will be heavy. Nevertheless, the Government believes that if this Council decides that it is our duty to provide compulsory military training in accordance with the provisions in the Bill, in order that the Colony may play its proper part in the event of a war, then the Council will be willing to provide money for this purpose, even though other projects may have to be deferred or even abandoned, and even though additional taxation may be required.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

MR. BLUNDELL: Mr. Speaker, I rise to welcome and support this Bill on behalf of the European Elected Members. We feel very strongly that in times such as these, however small our resources of manpower are, we cannot afford not to make our contribution to the general problems of defence within the Commonwealth. Again, Sir, it is a particularly pleasant duty of mine to welcome this Bill, because the hon. and substantive Member for the Trans Nzoia, whose place I am temporarily occupying, advocated its introduction with such force and conviction. (Applause.) Hon. Members may have forgotten, but I believe that he was the first person to advocate it at a reunion dinner of the XIII East African Division, which took place some two years ago.

There are just three matters to which I wish to refer. We on this side should like to endorse the remarks which the hon. Member made in regard to the co-



(Mr. Blundell) operation which Southern Rhodesia has shown. In a matter of this sort, delay or tardiness is of no use whatsoever, and had it not been for the generous gesture of Southern Rhodesia, we should have had great difficulty in introducing this Bill and implementing it at the present time. (Applause.) Now, I am certain that that provision will be to the advantage of our own young men in that they will get a wider view of the continent in which we live, and its problems. And I am also equally certain that they will be worthy representatives of this, a junior territory, to our sister territory to the south.

There is also one particular clause here which gives me great pleasure, and to which I want to refer. It is clause 8, section (2). I am certain that a great proportion of our young men will be able to avail themselves of this training in the United Kingdom, and, I feel, especially for those who have been born in this country, that they should grasp this opportunity to see the mother country from which we receive our culture and to those ways of life we subscribe.

Lastly, Sir, I should like to ask the hon. Member when he replies to give us his assurance that he will personally see that the equipment and the personnel necessary for the training will be available. We know that there is great strain at the present time, on both training personnel and equipment, and I think on this side of the Council we should like to have an assurance that he has personally investigated that matter, because nothing would be more frustrating than for our young men to have found themselves called up without the proper measures to fit themselves to do their job properly. With these words, Sir, I support the Bill.

MR. SHATRY (Arab Elected Member): Mr. Speaker, in supporting this Bill I have got one point which I would like to raise in this Council. When we were discussing the Budget estimates at the beginning of this year we drew to the attention of the Member for Finance that there should be compulsory training for the Arab community. We are well aware how the Arab Regiment played its part in defending this country when it was thought the enemy was going to invade this Colony, and we at

this stage are earnestly asking that military training should be extended to the Arab community in order that they too will be able again to play their part in defending this Colony. I therefore ask earnestly that Government do give very serious consideration to this request.

With this point, Sir, I strongly support the Bill.

MR. NATHOO: Mr. Speaker, in rising to support the Bill I would like to refer to the remarks made by the hon. Member when he said that war is not imminent, but that there is a possibility of it and that it is the duty of the Government to see that we are prepared for it. I would like to ask him, Sir, is that duty to be confined at all times to only one section of the community? In the past, Sir, in the Press, statements have appeared not only from people who do not matter, but responsible people, who have thrown this argument in the face of the Asian community, that whilst other communities have laid down their lives in the defence of the Empire and this country the Asian community has only amassed vast fortunes in the time of war. I would like it to be recorded that in the past we have requested the Government, and we are requesting them again, that they should introduce the same measures for the Asian community which they are introducing for other people, particularly, Sir, for that section of the community about whose loyalty and allegiance there is no doubt. The Government is quite entitled to make quite sure that this military training is afforded to people who, in times of emergency, will stand by the country and the Government, but, Sir, with that proviso it is essential that all sections of the community should be provided an opportunity to play their part in times of emergency. (Applause.)

MR. MATHU: Mr. Speaker, like previous speakers I rise to support this measure and to say that as it happens the overwhelming majority of the inhabitants of this country for the past two wars have come forward to defend these territories without compulsion. They have come voluntarily and therefore this Bill I do not think primarily refers to those who want to defend their country without compulsion. I refer to the African community. They have played their part, as I say, during the

(Mr. Mathu) two previous wars. I think without murmur and without complaint, and I know, Sir, that I am voicing the opinion of the African community in this land when I say that they shall be, as usual, prepared to lose their all to defend this land.

Now as regards to training, the hon. Member did say that in the event of war the K.A.R. may have to be extended and further African units may be raised. I should like to say, Sir, that when he says "further African units" I hope that perhaps he has in mind getting African contingents in all the services. At the moment I think most of them are in the army. Already there are some being trained in the East African Armoured Force, and I suggest, Sir, the time has come for the Royal Air Force to train Africans as pilots and in other ways. I should like to go further, Sir, and to say that the young generation of all races here does not require to wait for a long time before it can be trained in military matters. I think in some sections of the community of the Colony training starts in the secondary schools, and I should like to see as soon as possible a selection of a few senior secondary schools for Africans which would institute a junior training corps so that the young African could start early to learn the obligations that he will have to fill when he comes of age in the time of need, of defending his country, and I would like to submit to the hon. Member for Defence that this matter should receive very careful consideration. I have already had a discussion with the hon. Chief Secretary about this matter. I know that he is sympathetic but I think it is high time we have a record of this in the official Hansard of this Council.

Now there are a few other matters I would like to refer to, Sir, and they are these. The hon. Member did say that the training that would be required for European officers would be in Southern Rhodesia for others locally, and others perhaps in the United Kingdom, and I would like to suggest to him that it is, I think, desirable that there should be instituted, and very quickly, a system which—be will tell me it is not quite his line of country, but a matter for the General Officer Commanding—that there

should be African commissioned officers. I have raised this I do not know how often, because I do feel we must encourage the African to play his responsible part not only as a combatant, not only as a member of the forces in the lower ranks of the Army, the Navy or the Air Force, but as a member to share with those who are taking the responsibility of the defence of the country in the higher ranks. Until we can have that I think in time you will find that we will discourage a large number of people who are prepared to do their best in the defence of their country.

One final matter, Sir, is the principle contained in section 22 of this Bill before Council. If I may quote sub-section (1), it says:—

"Every person, while undergoing initial training, shall be entitled to such rates of pay, allowances, privileges and entitlements, including entitlement for compensation for injury sustained in the course of duty and compensation to his heirs and assigns in the event of his death in the course of duty, as may be prescribed."

I know, Sir, that since the announcement by the military authorities and by the Government that this country will send a contingent to Malaya to defend that part of the Empire there have been some queries by the African Press regarding compensation in the event of the death of these men when they go to Malaya, and actually when they are in the Service even in this country. The present arrangements as I understand—

THE SPEAKER: I regret to have to interrupt the hon. Member but I should like to know how what he is saying now is relevant to this measure. It may be relevant to some general military matter, but I cannot at the moment see that it is relevant to this Bill, to the principle of this Bill.

MR. MATHU: Sir, might I perhaps say that what I am referring to is what I have read out, in that there will be compensation to his heirs and assigns in the event of the death of a soldier under clause 22.

THE SPEAKER: I have been trying to follow it for some time, I do not see how what you are saying about people going to Malaya and so forth is in any way relevant to the matter.



Mr. MATHU: I withdraw that one, Sir. The Malaya question I leave aside, Sir.

THE SPEAKER: What is proposed there is to send the regular forces, not people who are going to be brought up for compulsory military training. They are all governed anyway by military law. The hon. Member is quite at liberty to continue his speech as long as it is relevant to the motion before the Council.

Mr. MATHU: As you rule, Sir, that this does not refer to regular soldiers but refers only to those who come under compulsory service, then I discontinue my speech, because Africans do not come under compulsory service.

LADY SHAW (Ukamba): Mr. Speaker, I only want to speak on one matter. Earlier to-day we heard the hon. Member for Agriculture say that quite frequently when he had introduced a motion into this Council he had heard the purpose of it misunderstood in this Council. I have heard the purpose of this Bill misunderstood by the last speaker in this Council. He talked, as I think you will all remember, about the necessity for compelling European youths to defend their country and said that the Africans did not need to be compelled to defend their country. Now Sir, that is not the purpose of this Bill. We are not attempting to compel anyone at the moment to defend their country or any other country. The purpose of this Bill is to compel these young men to undertake military training. That is an entirely different matter. When we compel these young men to undertake full-time military training we are not in fact suggesting that they would not be ready to defend their country at any moment—(Hear, hear)—untrained or trained, but it is the belief of all the Europeans, or of nearly all the Europeans in this country that these young men and the type of work which they will have to undertake eventually can only be fully and properly undertaken if they do receive full-time military training. We believe that if a certain section of young men in this country are to receive military training it is only fair that they should all come under it and that a certain number should not be left outside. Therefore the Bill is not merely voluntary military training, but compulsory military training, but I would

here and now like to have it put on record that in providing compulsory military training for any section of young men in this country it is in no way suggested for a moment that it is not believed that they will not be ready and willing to give the fullest possible service to their country or to their empire at any time. (Applause.)

LT.-COL. GIERSTE: Mr. Speaker, I rise to support the Bill, but the hon. Member did say in his opening remarks that he proposed moving certain amendments during the Committee stage, and in the absence of any detailed knowledge in regard to these amendments I would like to mention one or two items which he might like to include at this stage or otherwise give us clarification now. I refer, very briefly, to section 8 (2) in relation to paragraph (3). In paragraph (2) we have a reference "in order to join a training unit", whereas in paragraph (3) it says "to join such officer training unit". There may be some explanation for that, and no doubt the hon. Member will give us that when he replies.

The next one, Sir, is to suggest that in 15 (2) the word "Governor" might be substituted by "Governor in Council".

Finally, Sir, in the Schedule a reference is made to a definition—it defines the position of a person born or domiciled in a dominion. Would the hon. Member give us a definition in what way this Bill affects a subject of a republic within the Commonwealth?

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, to deal first with the request made by the hon. Member for Rift Valley that I would personally ensure that the staff and equipment which will be required for 1952 training will do my very best. Of course, I will do my very best. I can to ensure that does happen, and there is every reason to suppose we shall succeed. When the Chief Secretary and General Dowler were discussing this particular matter with the service authorities in the U.K. they received a promise of co-operation in this matter.

The hon. Mr. Shstry asked the Government to give due consideration to introducing a similar compulsory training scheme for the Arab community, and the hon. Mr. Nathoo made a similar request in respect of the Asian

[The Acting Deputy Chief Secretary] community—the Indian and Pakistan communities. I believe it is the case that, some time ago, the permanent Deputy Chief Secretary said that he would be willing to discuss this matter with representatives of those communities if they approached him upon it. He has now authorized me to say that we shall at any time be prepared to discuss such proposals when representatives of the communities ask for discussion. Of course, it is necessary to say that this compulsory military training is a very expensive matter; and as I have explained, in the case of the European community there is a special need for the arrangement.

The hon. Mr. Mathu raised a number of points. It is appreciated that in the past the African community has very readily volunteered for military service when the necessity arose, and the Government realizes that they will do the same in the future.

With regard to the hope that he expressed that it might be possible to arrange for Africans to be trained as pilots in the Royal Air Force, that is a matter which I will certainly discuss with the Air Officer Commanding. The hon. Member is no doubt aware that in other colonial territories arrangements of that kind have been made. There again, it is necessary to refer to the financial aspect of the matter. I believe it is true that Royal Air Force training is very expensive.

The point about cadet units in African secondary schools, as Mr. Mathu stated has already been discussed with the Chief Secretary. I have not dealt with the matter myself, I am not aware what the position is, but I will look into it, in consultation with the Chief Secretary, and do what is possible in the matter.

The hon. Mr. Mathu also referred to the question, which he has made on previous occasions, of giving commissions to Africans in the King's African Rifles. All I can say is that is a matter which we have under discussion with the General Officer Commanding; it will not be overlooked, I am sorry I can say no more than that.

With regard to the point raised by Mr. Mathu about section 22, I do appreciate the point which he made and I will look into it.

The hon. Member for Nairobi North raised three specific points. Firstly, it is correct that section 8 (2) as it appears in the Bill refers to a training unit and 8 (3) to an officers' training unit. Those sub-sections have been completely re-drafted, and I think he will see that that point is clear when he gets the amendments which I will move at the Committee stage. Briefly, the intention is that people who are selected to go home to the United Kingdom to be trained shall be people who, it is believed, will fit to be officers; but the training arrangements with the United Kingdom are such that you start off in an ordinary training unit, then if proved suitable you go to O.C.T.U. We hope most of our people who go home will find their way to officers' training units; but, when they get home, they turn out not to be suitable for that, they will have to complete their training there in ordinary units. The revised sub-sections will make it clear what will happen to them when they return to Kenya.

Regarding section 15, which deals with the appointment of members of the Exemptions Tribunal, the Member for Nairobi North suggested 15 (2) should be amended so that the Governor-in-Council rather than the Governor appoints the members of the Exemptions Tribunal. I have no objections at all to that and would be prepared to accept an amendment to that effect.

The final point raised by the Member for Nairobi North was regarding the Schedule—he wanted to know the position of a person who is a citizen of a republic in the Commonwealth. Now this is rather a thorny legal subject and one which I would prefer to discuss with the law officers before I say anything. I think the position would be that if this citizen were a British subject, he would be liable under the Ordinance; but it is a legal point and I would rather discuss it with the law officers and then tell the hon. Member what the answer is. I think that is all, Sir.

MR. BUNDEDET: Does the law member know?

The question was put and carried.

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 16th August, 1951.

**Thursday, 16th August, 1951**

Council assembled in the Memorial Hall, Nairobi, on Thursday, 16th August, 1951.

The Speaker took the Chair at 9.32 a.m.

The proceedings were opened with prayer.

**MINUTES**

The minutes of the meeting of 15th August, 1951, were confirmed.

**PAPERS LAID**

(a) BY THE CHIEF NATIVE COMMISSIONER:

African Affairs Department Annual Report, 1950.

(b) BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

Department of Agriculture Annual Report, 1949—Vol. II—Record of Investigations.

**NOTICE OF MOTION**

MR. USHER: Mr. Speaker, I beg to give notice of the following motion:

BE IT REMEMBERED under Standing Order No. 29 (iii) that Standing Order No. 100 relating to the presentation of Private Bills be suspended so that the first reading of a Private Bill entitled "The British Standard Portland Cement Company Limited (Bamburi Factory) Ordinance, 1951" which Private Bill was the subject of a Petition presented to this Council on 14th August, 1951, in accordance with Standing Order No. 97 may be moved on 23rd August, 1951.

I call attention, Mr. Speaker, to the fact that "Rule and" should be deleted in the penultimate line, so that it reads "Standing Order".

On a point of order, Mr. Speaker, I am aware that this motion does not require 24 hours' notice, and I have asked that, if possible, it may be debated to-day.

THE ACTING CHIEF SECRETARY: Mr. Speaker, the Government will be quite prepared, if you allow it, for this motion to be taken after the interval this morning.

THE SPEAKER: Before I can give leave to suspend a Standing Order in a matter of this character, I must be informed and be satisfied that nothing more than the 14 days' notice is intended to be dispensed with. Has everything else been done that ought to have been done, such as the month's notice under Standing Rule and Order 97?

MR. USHER: Sir, the Petition referred to was presented on the 14th in this Council and leave was given to proceed with the Private Bill. The fourteen-day period would I think under the Interpretation and General Clauses Ordinance mean that the Bill could not be presented before the 29th, therefore, it seems that there should be a reduction, if this is successful, of six days.

THE SPEAKER: I am referring to Standing Order 94 which provides that any Private Bill which may directly affect the private rights or property of any person or company, notice should be given to all parties concerned of the general nature and objects of such Bill by advertisement in the Official Gazette to be published one month before the first reading of such Bill; and such advertisement shall be inserted three times at least in the Official Gazette before such first reading of the Bill.

MR. USHER: Sir, there was a notice of the intention of Government to grant this land given in the Gazette of July 24th. It was repeated in the Gazette of July 31st and again in the Gazette of the 7th August.

THE SPEAKER: That is slightly. If I may say so, a different matter, is it not? This provides for a publication of the general nature and objects of the Bill.

MR. USHER: I am not fully instructed about this, Sir, but I understand that the Bill has been available in the office of the Company's solicitors.

THE SPEAKER: I am informed by the Assistant Clerk that such a notice has been published. In that case I will give leave for this motion to be moved at such time as the motion is to be taken.

THE ACTING CHIEF SECRETARY: Then Sir, with your agreement may we take it after the interval this morning?

**ORAL ANSWERS TO QUESTIONS****QUESTION NO. 48**

(LT.-COL. S. G. GHERSIE: Will the Government please furnish the following information regarding that section of the Langata Road connecting Whitehouse and Buckley Roads?)

(a) Who was responsible for the construction of the road?

(b) The cost in that connexion?

(c) The cause of the collapse of the road?

(d) The cost of the present reconstruction?

(e) Who is bearing the cost under (b) and (d)?

THE ACTING CHIEF SECRETARY: I am advised that the answers are as follows:—

(a) The East African Railways and Harbours Administration.

(b) £32,000 for the embankment and road, and £24,000 for the bridge.

(c) The exceptional rains this year accelerated the natural shrinkage of the embankment, and the settlement of the road took place much more rapidly than was expected.

(d) £4,000, which is part of the £32,000 cost of the embankment and road.

(e) The East African Railways and Harbours Administration and the Nairobi City Council jointly.

MR. BLUNDELL: Mr. Speaker, arising out of that reply (c) in view of the experience which was gained on the Dagoretti Escarpment Road, on the question of natural shrinkage, the hon. Member will remember that both on the Kiambu road and the Limuru A Route the scaling and curving was not placed on the roads until the natural shrinkage had had a considerable time to take its effect. Why was not this procedure adopted under (c) of the hon. Member's reply?

(d) Will the hon. Member give the Council an assurance that when the actual cost has been ascertained, he will bring it to the notice of the Council.

THE ACTING CHIEF SECRETARY: Mr. Speaker, in reply to the first point, it was

known that there would be this shrinkage, and what happened was bound to happen. What occurred on this occasion was that it happened rather more quickly than was expected, owing to the very heavy exceptional rains. It was only in order that the road in that state should be enabled to carry the traffic travelling over it that a light bitumen cover was put on it as a purely stop proof measure. It was never intended that that should be the final dressing.

On the second point that the hon. Member raised in regard to the estimate of £4,000, I will certainly inform him when the work is completed of what it actually cost.

LT.-COL. GHERSIE: Mr. Speaker, arising out of the reply to (e), will Government please state the allocation of cost between the East African Railways and Harbours Administration and the Nairobi City Council?

THE ACTING CHIEF SECRETARY: Yes, Sir. The Railways and Harbours Administration are responsible for £34,500 of the cost, and the Nairobi City Council of £21,500.

LT.-COL. GHERSIE: Arising out of that reply, Sir, are Government quite sure the Nairobi City Council will accept that liability?

THE ACTING CHIEF SECRETARY: I am advised, Sir, that the answer which I have given is correct.

MR. BLUNDELL: Mr. Speaker, arising out of the reply just previous to the one to which the hon. Member has made his answer, does no share of this cost in regard to that apportionment of the Nairobi City Council fall upon the revenues of Kenya in regard to any obligations of ours to meet half of the cost?

THE ACTING CHIEF SECRETARY: It is as hon. Members know, Sir, the intention of the Government to make a grant to the City Council of 50 per cent of the cost of the East African Highway. But this expenditure which has taken place now was expected and was part of the cost.

The shrinkage was expected, it merely happened rather more quickly because of the very heavy rains which have taken place.

LT.-COL. GHERSIE: A drop of six feet.

## QUESTION No. 59

LT.-COL. GHERSIE:

Having regard to the fact that the Select Committee appointed to consider the desirability of amending the Legislative Council Ordinance has not yet submitted its report to Council, and whereas a further committee has been appointed to submit recommendations regarding the creation of additional electoral areas, will Government please furnish Council with a statement in respect of the present position?

THE ACTING ATTORNEY GENERAL: The Select Committee has made considerable progress in this matter and has reached conclusions on a number of points which, if their recommendations are approved, will in due course involve amendments to the provisions of the Legislative Council Ordinance. There are, however, certain points affecting the preparation of new voters rolls and the revision of existing voters rolls which cannot be decided until the recommendations of the other committee referred to in the question, namely, the committee concerned with the creation of new European constituencies, are made known, but, as in the meantime it is desirable that some guidance should be given to members of the public regarding the registration of their claims on the voters rolls, I am authorized by Government to say that it is their intention to amend the Legislative Council Ordinance so as to extend the period for forwarding claims from the 31st August to 31st December. This extension will apply to all existing rolls, European, Asian and Arab, and will mean that any claims submitted before the end of the present year will be included in this year's revision of the electoral roll and will, therefore, be effective for the purposes of the general election to be held in 1952.

In addition to revising the existing rolls, it will, of course, be necessary to establish new rolls where new constituencies are created. As soon as it is known what the boundaries of the new constituencies are to be, Government will notify the public of the steps that must be taken by persons residing or carrying on business in the newly defined electoral areas to ensure that their names are registered or re-registered on the appropriate rolls in time to enable them to vote in the general election of 1952.

LT.-COL. GHERSIE: Mr. Speaker, I am sure the public will be most grateful for the explanation.

## BILLS

## SECOND READING

*The Nurses and Midwives Registration (Amendment) Bill*

THE ACTING DIRECTOR OF MEDICAL SERVICES: Mr. Speaker, Sir, I beg to move that the Nurses and Midwives Registration (Amendment) Bill be read a second time. As a result of representations from the Nurses and Midwives Council of Kenya, this amending Bill is designed to remedy certain defects in the principal Ordinance. Depending on the course of training undertaken and examinations passed, a nurse or midwife is entitled to either registration or enrolment, while the principal Ordinance makes provision for a Register, no provision has been made for a Roll for the purpose of enrolment.

Clause 5 of this amending Bill remedies this omission.

Clause 6 simplifies the various categories of nurses and midwives and has the additional advantage of removing any suggestion of racial discrimination. The amendment provided for in clause 9 is necessary to enable the Nurses and Midwives Council of Kenya to achieve its aim of reciprocity of registration in the United Kingdom.

I do not propose to take up the hon. Members' time with any further explanation. The remaining amendments are of a minor character and are fully dealt with in the Memorandum of Objects and Reasons.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

The question was put and carried.

*The Regulation of Wages and Conditions of Employment (Amendment) Bill*

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Regulation of Wages and Conditions of Employment (Amendment) Bill be read a second time. The objects of this Bill are explained in the Memorandum of Objects and Reasons. This is another case in which, unfortunately, certain

(The Acting Deputy Chief Secretary) amendments which were made in Committee were, through an oversight, not made in the copy of the Bill which was submitted for the Government's assent. The object of this Bill is to bring it into line with the Bill passed by this Council.

I have already apologized for mistakes of this kind. As I said before, steps have been taken to see that such mistakes will not occur in future.

THE ACTING SOLICITOR GENERAL  
seconded.

LT.-COL. GHERSIE: Mr. Speaker, I realize that the amendments or most of the amendments, before Council to-day merely reflect decisions taken at the last sitting of Legislative Council, which were inadvertently omitted from the text of the public Ordinances.

I must say, Sir, speaking on behalf of all hon. Members on this side of the Council, that we take a very serious view of these omissions, as it would appear that legislation passed in this Council is not passed correctly or presented properly to His Excellency the Governor or the general public, and it is to be hoped that the new procedure which it is proposed to adopt in regard to the debates on Select Committee reports, will prevent an occurrence of a similar nature in future.

Sir, I am a member of the Wages Advisory Board, and normally I would support the amending Bill, but before doing so, I would like an assurance from Government that consideration will be given to a further amendment which will eliminate the necessity of advertising the Board's recommendations for 30 days prior to such regulations being submitted to the Member. As you are aware Sir, these recommendations must be advertised to the public for criticisms. At a recent meeting of the Board it was realized that it would be most harmful to the machinery of this Board if this gap of 30 days were allowed to exist, more particularly because, for the members to operate effectively, it must operate expeditiously. Perhaps it is appreciated by hon. Members that the information which the Advisory Board received, or had placed at its disposal, is quite often of a very confidential nature, and therefore in advertising for criticisms

when the criticism is received it is practically impossible for the Board to answer questions because of the nature of the information on which their recommendations had been based.

To summarize, Sir, we feel that this Board cannot possibly work efficiently if we have a period of six or seven weeks elapsing between the period when a need for a change in the current minimum basic wage orders is translated into fact.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I only want to intervene to deal with the mistakes to which my hon. friend the Deputy Chief Secretary referred, and to make it absolutely clear that we, on this side of the Council, take just as serious a view as Members opposite of the mistakes of this kind which should occur. These mistakes did occur through what we believe to have been a faulty procedure when considering the Select Committees' reports on these two Bills. It happened that in the case of both the Bills concerned, further amendments, in addition to the amendments proposed in the Select Committees' reports, were made, and were agreed to by Council, when considering the motion for the adoption of the report; and in the consideration of a Bill containing many and sometimes complicated clauses, such as these, when there is no opportunity of going through that Bill clause by clause, as we do always in Committee of the Whole Council in the case of Bills which are not sent to a Select Committee, it is obviously extremely difficult for the staff to keep track of every additional amendment. In order, therefore, to avoid such a thing happening in future, I think Members can anticipate that when the Select Committee, at present considering our Standing Rules and Orders, comes to report it will recommend to Council that every Bill, whether it goes to a Select Committee, or whether it goes direct to a Committee of the whole Council, will have to go through that clause by clause detailed examination in Committee of the whole Council. We believe that this will make it as certain as can be that Bills which are submitted to His Excellency the Governor for assent are in precisely the form in which they pass the third reading in this Council.

MR. BLINDSELL: Mr. Speaker, arising out of the remarks of the hon. Member, the Chief Secretary, may I ask whether

[Mr. Blundell] he has any idea whether there may be other Bills which will be coming forward with similar errors in them or have any steps been taken to see that the Bills passed recently during the period in which these errors have occurred have been checked, because it might well be that matters of this sort will only come to notice over longish periods when some particular point or other arises.

THE ACTING CHIEF SECRETARY: I certainly would not, Mr. Speaker, like to take it on myself looking back over the period of years that this Council has been passing legislation to state that there was no similar mistake in any previous legislation, and, it would be a terrific task for anyone to go through the four large fat volumes of legislation that Members see on the table in an endeavour to ascertain this fact, but I hope and trust that there are no other similar mistakes in previous legislation. I am afraid I could not say more than that.

MR. BLUNDELL: Mr. Speaker, I did stress recently during the period in which these errors to our knowledge have occurred.

THE ACTING CHIEF SECRETARY: So far as we know, Sir, there are no other similar mistakes.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, the only point I think which requires a reply is that raised by the hon. Member for Nairobi North about section 10 of the Bill. It is the intention of the Government—probably at the October sitting of the Council—to introduce an amendment to remedy that difficulty to which he has referred. It is interesting to note that in the original version of this Bill submitted to this Council, the requirements of 30 days' notice did not exist. It was introduced by the Select Committee on the Bill.

The question was put and carried.

#### The Penal Code (Amendment) Bill

THE ACTING ATTORNEY GENERAL: Mr. Speaker, Sir, I beg to move: That the Penal Code (Amendment) Bill be read a second time.

This Bill seeks to make a number of amendments to the Penal Code and as

hon. Members will probably have observed they are of a very miscellaneous character. I think altogether some 15 sections of the principal Ordinance will be affected by this Bill and it may be necessary in the Committee stage to consider those amendments clause by clause. But it would not I think be appropriate, Sir, on the second reading to discuss those amendments in any detail, and perhaps I can best indicate the principle of this amending Bill as if I describe it as a sort of potpourri of amendment adaptations and repeals, all of which have at least in this common that they are designed to remedy deficiencies or to remove anomalies in the existing Penal Code.

For example it is clearly anomalous that a pole-fisher who does his fishing through a ventilator or some aperture that is permanently open should be deemed to be breaking and entering, whereas one who does his fishing through a window which is only temporarily open for ventilation purposes should not be deemed to be breaking and entering. Similarly, it is anomalous that it should be an offence under the Code to break and enter a pavilion, but not an offence to break and enter a club. Or again, it is anomalous that it should be an offence to forge bank-notes, but not an offence under the Penal Code to forge currency notes.

All these anomalies, Mr. Speaker, and many others will be removed as a result of this Bill if it is passed by this Council, and I think I need do no more at this stage than assure hon. Members that the purpose of this Bill is to improve the existing Code wherever experience has shown that it is necessary or desirable that it should be amended.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

#### The Development Loan Bill

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That a Bill entitled an Ordinance to make Provision for the Raising of a Loan of Six Million Pounds Sterling for the Construction of Certain Public Works and Other Purposes be read a second time.

Mr. Speaker, hon. Members will recall that when I moved the second reading of

[The Financial Secretary] the amendment Bill last year, the Development Bill, 1950, I took the opportunity to give a general review of the finances of the Development Plan. That was followed by a further review in the Budget Speech on the 1951 Estimates, and the matter has now been brought up to date by the Planning Committee's report. As that report is to be debated some time during the present sitting I do not propose to take up the time of the Council by going further into the matter at this stage. But I will recall to the minds of hon. Members that a very large proportion of the funds which are to be devoted to the purposes of development are loan funds. Under our programme of borrowing, we intend to go for a total of £18,500,000, of which £2,000,000 will be borrowed for lending to local authorities for their own capital development. Of the total of £18,500,000 we have so far borrowed £6,000,000 by a loan operation which was made early this year and which I think hon. Members will agree was attended by outstanding success. Now, Sir, I know success of that nature is not unconnected with timing, it is not unconnected with the fact that the terms happened to accord exactly with the sentiment of the market at that time. But I think also it is right to say that some measure of that success was due to the great confidence which is shown both here and abroad in the stability of our finance and the soundness of our development plans. (Applause.)

Now, Sir, this Bill now before Council provides for the second instalment of our borrowing programme; and although, of course, it is impossible for me, or anybody else, to say what the result of the flotation will be, I venture to suggest that there is no reason whatever why this second flotation should not be attended with just as much success as our first flotation. Indeed, if the general remarks I heard while I was in London recently are any guide, there persists the same confidence in this country, in its finances and in its general ideas for development as contributed so much to the success of our first loan. (Applause.)

Now, Sir, as for the Bill itself, it is in a standard form. Last year, when I introduced exactly the same type of Bill, I dealt with it clause by clause, and explained to the best of my ability what

those clauses meant. I think it would be wasting the time of the Council if I did the same thing this year, with a precisely identical Bill.

So, Sir, without further ado, I shall beg to move.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

#### The Pensions (Increase) Bill

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Pensions (Increase) Bill, 1951, be read a second time.

Now, Sir, the introduction of this Bill implements the undertaking given by my hon. friend the Deputy Chief Secretary at the time that the Government White Paper No. 1 was debated in the May sitting of this Council. It will be recalled that the White Paper set out the principles of a new scheme of granting certain increases to pensioners of this Government and it was stated that if it transpired from the debate that the Council was in agreement with the principles set out in that White Paper then the Government would bring legislation before Council in the August sitting to implement the principles so set down. In the event, Sir, it was clear from the debate that the Council did endorse those principles and now, therefore, the Bill is before Council for its formal legislative endorsement.

Inasmuch as the principles were fully debated in the May sitting, I do not propose, Sir, to go further into them now.

Clause 3 of the Bill provides for the salient feature of the scheme, that is to say that pensioners whose pensions were fixed upon the pre-1st January 1946 basis will receive an overall increase of 7½ per cent plus an allowance calculated at half the rates of cost of living allowance which are being paid to serving Government officers. The post-1st January 1946 pensioners will receive an allowance calculated at half the rates of cost of living allowance now being paid to serving Government officers. In the first case there is an overall limit of £150 and, in the case of the second class of officers, an overall limit of £75. This is half the overall limit applied in the case of serving Government officers.

[The Financial Secretary]

Clause 4 is designed to implement the principle that no officer who is receiving an increase under the existing Ordinance should receive less under the new Ordinance. Consequently the clause makes provision for the payment of any difference between the present allowance and the new allowance provided for under the new Bill.

I must make special reference, Mr. Speaker, to clause 5, because it does deal with something which is not provided for in the White Paper. It covers the pensions of widows and orphans drawn under the various Widows' and Orphans' Pensions Funds schemes. Now, it is possible that an officer subscribing to such a scheme may have ceased to contribute before the 1st January, 1946, but died some time after the 1st January, 1946. As the principles stood, that pension would be regarded as a post-1946 pension and therefore attracting only one of the two increases provided for in the Bill. It is clear that in all equity such a pension, in spite of not coming into force until after 1st January, 1946, that such a pension ought to be considered as a pre-1st January 1946 pension. Therefore, clause 5 has been inserted to ensure that the recipient of this widow's pension gets the benefit of the difference between pension on pre-1946 basis plus double allowance and pension on post-1946 basis plus single allowance. That case is provided for, Sir, and so for similar anomalies which might otherwise have arisen. I think the Council will agree that to make such provision is fair and equitable.

Another departure made in the Bill as compared with the White Paper finds place in clause 12, where "pensions in public service" has been replaced by "pensions earned under Colonial Administrations". The reason for that, Sir, is this: We feel that since we are dealing with Colonial Service officers the Bill should cover in this behalf only pensions earned in Colonial Service. This small change will make very little difference, and will mean that in some few cases a slightly greater increase in the pension will be grantable. In no case will this change involve any decrease in the addition calculated in accordance with the principles of the White Paper.

Finally, Sir, clause 13 also provides for something not referred to in the

White Paper. In the 1949 Ordinance no provision was made to cover the case where an officer would get less under that Ordinance than he was getting under the previous Ordinance. In practice, we have paid the difference and so tempered the wind to the shorn lambs! Nevertheless, although that was done in practice the fact is that it is strictly not in accordance with statutory sanctions and this amendment will statutorily cover cases of that kind. I am quite sure I am expressing the wish of the Council in making this provision.

Sir, I apologize to Council for the complexity of the Bill, but this case has had a very chequered history. I hope that this Bill involving as it does new principles will set the matter on a permanent basis or rather settle the matter for so long as these abnormal conditions continue.

Sir, I beg to move. (Applause.)

THE ACTING SOLICITOR GENERAL continued.

MR. USHER: Mr. Speaker, before the hon. substantive Member for the Coast left for the United Kingdom recently, he asked me when this Bill came up to take up for him two matters which he mentioned in the previous session on the debate on the White Paper.

First, there was a question of possible retroactivity to a date which he did not specify; but which I am now going to suggest might be the 1st January, 1950. The reason for that which he gave was that representations had frequently been made by pensioners to the Government and that the Government had not proceeded to consider their case with lightning rapidity.

The second point that he made was that over pensions resulting from service in more than one territory. He gave some such example as this, that if one had a pension in respect of service say, in Tanganyika and in Kenya, each based on a salary of £300, those were under present conditions combined and their combination resulted less favourably to the pensioner. Sir, I would ask the hon. Member if he would consider these two matters in his reply. I bring them forward without enthusiasm, but not without due thankfulness for the objects of the Bill.

MR. BLUNDELL: Mr. Speaker, should like to ask the hon. Member to explain to Members on this side how it is that pensioners who must of necessity, by virtue of their being pensioners, be reasonably old, have become "shorn lambs", and if he could tell us—the expression the hon. Member used in regard to pensioners was "tempering the wind to shorn lambs", and we on this side of the Council would like to know why the apparent bottles and monkey glands which are made available to the pensioners are not made available to ourselves.

In the case of a pensioner who is now getting, I think it is half the cost of living on his pension, in the case of a pensioner who is re-employed, he will be also getting the cost of living allowance on his re-employed terms. Let us say for the sake of argument that a pensioner is earning £600 a year on pension plus the increase in this Bill, and £600 a year on re-employed terms. Will the point on the scale at which consideration is given to his cost of living be in the case of his re-employed terms, at the point £600, or at the point £600 plus his pension, for the purposes of his new cost of living allowance? Have I made myself clear? (Laughter.) Well, Mr. Speaker, I will start again!

THE SPEAKER: Is this not really a matter of detail which will be more appropriate to deal with in Committee?

MR. BLUNDELL: With all due respect, Sir, it is a deep matter of principle to assess whether it is right for a pensioner to get 1/2 cost of living. I do not think we could say that that is a matter of detail.

THE SPEAKER: You cannot say whether or not he gets it until you can point to the specific section and argue on this specific section.

MR. BLUNDELL: I accept your ruling, Sir; perhaps the hon. Member opposite can give me clarification.

THE FINANCIAL SECRETARY: Mr. Speaker, I was very interested to hear the hon. Member say that he was referring to these matters at the request of his colleague, and there is no doubt the hon. Member for the Coast is a great die-hard. I thought that he was fully answered

and in a most logical manner on the two points in question during the debate on the White Paper. My hon. friend, the Deputy Chief Secretary, I thought, dealt with his case fully and unanswerably. However, as the hon. Member has raised the matters again and has suggested that we should take this scheme back to the 1st January, 1950—

MR. USHER: On a point of explanation, Mr. Speaker, I think the second point was dealt with, I think reference to Hansard will show that if further representations were made by the Pensioners' Association it was agreed that they would be considered.

THE FINANCIAL SECRETARY: Well, Mr. Speaker, I will deal with the first point first—that the pensioners ought to get this changed scheme retroactively to the 1st January, 1950. The suggestion is that the pensioners themselves have been representing this matter from approximately that time and therefore the Government, having decided that such relief is called for, should ante-date it to the time when the pensioners first started agitating. Sir, I can see no justification for introducing any such principle. It is the experience of Government that disgruntled parties start agitating long before there is any justification, and if Government accepted such a principle I am quite sure that we should get into a very serious mess in regard to many aspects of the administration.

In the second place, the genesis of the action to introduce this new scheme was the introduction of a scheme of cost of living allowances for civil servants which had no means test, and it seemed proper that the new pensions increase scheme which has a cost of living allowance element in it should come into force on the same date as the date on which cost of living allowances for serving Government officers came into force—that is to say the 1st January, 1951. In these circumstances I do not consider that pensioners can have anything to grumble about whatsoever. As to the consideration that the Government does not deal with lightning rapidly with pensioners' requests, I would suggest that the pensioners of Kenya are by no means as unfortunate as they seem to think. In fact, on some standards they can be considered extremely fortunate. There are

## [The Financial Secretary]

plenty of pension schemes in the world to-day which attract no cost of living increase whatsoever and it might interest hon. Members to know that I am personally in receipt of a pension, which, far from having been made the subject of any increase as the result of a rise in the cost of living, has now just been subjected to the imposition of income tax. (Shame!) I merely quote that example not to show that we are not in sympathy with pensioners, but to point out to them that their lot might be considerably worse if they were pensioners of some other Government.

Now the second point, Sir, was this. On the question of aggregating pensions. The hon. Member did not like the principle, that in order to calculate the Kenya share we add the total pensions together, determine what would be the increase payable if all that total aggregated pension was earned in Kenya, and of that increase as calculated pay the proportion which the Kenya earned pension bears to the total. Now, Sir, if we did not adopt such a principle, it would mean that in each territory the corresponding pensions would be taken separately and not in aggregate. Now, inasmuch as we propose a scheme, where under a segregation cost of living allowance scheme is to be applied, i.e. a system which makes for the greatest increase on the lowest part, if each part is going to be taken separately, each part will in effect become the lowest part and there will obviously be a disproportionately high aggregate increase. In other words the increase each officer would get would not be the increase calculable upon the aggregate pension but a number of increases calculated on the lowest segments in each case, and therefore far in excess of what would be justified in accordance with the overall total. Sir, I think that in no circumstances could such a proposition be justified and no representations on this score made to this Government will shift me from the principle adopted in the Bill.

I find it rather difficult to understand the remarks made by the hon. Member for Rift Valley in his reference to "shorn lambs". If the hon. Member would be good enough to explain his point again I should be very grateful.

MR. BLUNDELL: Mr. Speaker, I thought it was inadvertent that the moment a pensioner, who after all, I should have thought, was an old and a rather worn-out and desiccated man, that the moment he becomes a pensioner the hon. Member should refer to him as a "shorn lamb". There seems to be some transmutation of his physical properties occurring—(laughter)—and I hope the hon. Member will put at our disposal on this side, when we retire, whatever this apparatus it which carries out this transmutation. That is all.

THE FINANCIAL SECRETARY: Mr. Speaker, I should have thought the hon. Member himself would have been well aware of the climate of Kenya, and may I also remind him that the large majority of the pensioners we are dealing with are settled in the Rift Valley area and in these circumstances it seems to me quite appropriate to refer to them as "shorn lambs".

The question was put and carried.

## The Municipalities (Amendment) Bill

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move: That the Municipalities (Amendment) Bill be read a second time.

Two matters, Sir, arise under this amending Bill. The first is a principle which has already been accepted by Council and that is the question of publication of notice when by-laws are intended to be brought in by any Municipal Authority, and the period of publication in order that ratepayers may object to the proposed by-laws. This Bill merely amplifies that principle by increasing the number of days during which the public shall have been given notice of the by-laws intended and increases the number of days during which objections may be lodged.

The second point, Sir, that is covered in the Bill deals with Government's position as a landowner in Municipal areas. The Government control of Local Government finance and the amount that a Local Government authority can raise from the general revenue pool of the country is dealt with under the Rating Ordinance, where Government has the right to prevent any Local Government authority in a Municipal area imposing

[The Member for Education, Health and Local Government] has introduced a rate of more than two per cent. There is, however, a second control in the Municipalities Ordinance and that is in the proviso which it is now proposed that we should delete. The position is, of course, that if the Government has agreed under the Rating Ordinance to a rate of more than two per cent on the private landowner and ratepayers in a Municipal area, it would obviously be unjust and inequitable that the Government in its capacity as a landowner should not pay exactly the same rate. The contribution in lieu of rate was, however, limited in this Ordinance to exactly the same as in the Rating Ordinance and the only way that that could be overcome was by coming, at regular intervals in recent years, to this Council with resolutions authorizing a payment in excess of two per cent, inasmuch as the position of the Crown would be indefensible were it not to agree to pay the same proportion as a contribution in lieu of rate as that which it had allowed to be imposed on a private landowner. The Government has felt that it should be right that this anomaly should be removed and the proviso deleted.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

## The Juveniles (Amendment No. 2) Bill

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I beg to move: That the Juveniles (Amendment No. 2) Bill be read a second time and in asking hon. Members to give this Bill a second reading I must crave the indulgence of the Council because this Bill is occasioned by a mistake which occurred when the Juveniles (Amendment) Ordinance was passed at the last sitting of this Council in May.

As hon. Members may recall, when that Bill was in Committee of the Council, a new clause was moved somewhat hurriedly with the object of including in the definition of "Approved Schools" reformatories in South Africa, and also with the object of empowering the Governor to enter into arrangements with the Union of South Africa for the transfer of juveniles from this territory to

reformatories in the Union. Those provisions introduced, as I say, somewhat hurriedly and without mature deliberation, unfortunately conflict with the principle that Colonial Legislatures can only legislate on matters which have effect within their own territorial boundaries, and to do otherwise, as was done in this case, is *ultra vires*. The purpose of this Bill is merely to repeal the Juveniles Ordinance passed in the May sitting and to re-enact it without the offending extra-territorial provisions. As I have already said, I crave the indulgence of the Council in this matter, and I hope the Council will follow the practice followed in another place when mistakes are fully and frankly admitted and deal with the matter sympathetically and generously, and vote for the second reading.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

## The Justices of the Peace (Amendment) Bill

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I beg to move: That the Justices of the Peace (Amendment) Bill be read a second time.

This is a short Bill, Mr. Speaker, which seeks to remove from our existing law a provision which makes race a necessary and indispensable qualification for becoming a Justice of the Peace. I am sure, Mr. Speaker, that it needs no argument on my part to persuade the Council that such a provision in our law to-day is both an anomaly and an anachronism and I feel confident that all Members of this Council will welcome the opportunity which is afforded by this Bill of giving expression to that view. But Mr. Speaker, I welcome this Bill for another reason. It is a reason which appeals to me as a lawyer, and I trust it is a reason which will also appeal to other Members of this Council who are interested in and admit our legal history. The office of Justice of the Peace—Mr. Speaker, is one of the oldest offices known to English law. It has its origins in the 14th century and its first mentioned, I think, in the Great Statute of Edward III in 1360 and from that time up to the present day, with one short, unfortunate and lamentable interval in the 17th century, the appointment of

[The Acting Attorney General] Justices of the Peace has been the exclusive right of the royal prerogative. Throughout that time the holders of the office of Justice of the Peace have been regarded, and rightly regarded, as keepers of the peace, as citizens of distinction and eminence who, by their precept and example, have always sought to sustain the forces of law and order. And how well, Mr. Speaker, they have discharged those duties, I think, is clearly shown by the fact that the office of Justice of the Peace has survived practically unchanged for over six centuries. Therefore, I suggest that the Council in passing this Bill to-day is not merely passing a Bill to remove an anomaly; it is passing on six centuries of tradition, part indeed of the legal heritage of England which I, and I think all those lawyers who have been nurtured in the common law of England, are profoundly proud. And I only wish to add this one further observation: that it is my hope and belief that those who receive this legacy from our English heritage will guard it well and will always seek to uphold the dignity of this ancient office, and will maintain the fine and honourable traditions with which it has been associated for over six centuries.

THE ACTING SOLICITOR GENERAL seconded.

DR. RANA (Eastern Area): Mr. Speaker, it gives me great pleasure and I consider it a privilege on behalf of those who were debarred from this Ordinance and who could not be appointed Justices of the Peace, to express on behalf of all those people and congratulate the Government and the hon. Member for bringing in these amendments—I express the hope that this will be the first step towards creating better relations between all the races who have made this country their permanent home. I further endorse and join with him in the appeal which he has made that those who are lucky enough to have this privilege will uphold the dignity of Justices of the Peace and will see that they do their work and duty in a most honest and fair way, as has been the tradition of the English people.

With these few words I congratulate the Government and the Member and hope that other anomalies, which are slowly and steadily disappearing, in the country will be removed.

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I am most grateful for the assurance that the hon. Dr. Rana has given, that any of those who may in future be appointed to this office as a result of this amending Bill will seek to maintain the great traditions with which it has always been associated.

The question was put and carried.

THE ACTING ATTORNEY GENERAL moved: That Council do resolve itself into a Committee of the whole Council to consider the following Bills clause by clause:—

- (1) The Registration of Business Names Bill.
- (2) The Diplomatic Privileges (Extension) (Amendment) Bill.
- (3) The Co-operative Societies (Amendment) Bill.
- (4) The King's African Rifles (Amendment) Bill.
- (5) The Factories (Amendment) Bill.
- (6) The Criminal Procedure Code (Amendment) Bill.
- (7) The Weights and Measures Bill.
- (8) The Export of Timber Bill.
- (9) The Veterinary Surgeons Registration Bill.
- (10) The Compulsory Military Training Bill.

THE ACTING SOLICITOR GENERAL seconded.

The question that the Council resolve itself into a Committee of the whole Council to consider all the Bills on the Order Paper was put and carried.

#### COUNCIL IN COMMITTEE

At the request of the Members concerned, consideration of the following Bills was deferred:—

- The Registration of Business Names Bill.
- The Weights and Measures Bill.
- The Export of Timber Bill.
- The Veterinary Surgeons Registration Bill.
- The Compulsory Military Training Bill.

*The Diplomatic Privileges (Extension) Bill*

New Clause:

THE ACTING ATTORNEY GENERAL moved: That there be added next after clause 2 the following new clause—

#### *Amendment of the Schedule to the principal Ordinance*

3. The Schedule to the principal Ordinance is amended by substituting for the heading of Part II thereof the following—

Immunities and privileges of representatives, members of committees, high officers and persons on missions.

The question that the new clause be read a first time was put and carried.

THE ACTING ATTORNEY GENERAL moved: That the new clause be read a second time.

The question was put and carried.

The question that the new clause be added to the Bill was put and carried.

#### *The King's African Rifles (Amendment) Bill*

THE ACTING DEPUTY CHIEF SECRETARY moved: That clause 2 of the Bill be amended by substituting for the words— otherwise than by—

(a) Loss of pay which occur in the sub-section to be substituted for sub-section (2) of section 91 of the principal Ordinance, the words— otherwise than—

(a) By loss of pay. The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### *The Criminal Procedure Code (Amendment) Bill*

THE ACTING SOLICITOR GENERAL: There is one amendment to the fourth clause which was asked by the hon. Mr. Mathu.

THE SPEAKER: Unfortunately, no notice has been given of that one.

THE ACTING SOLICITOR GENERAL: No notice has been given but the Government has prepared to accept the hon. Member's request to change "sixteen" to "eighteen".

THE SPEAKER: Why have you not handed a copy to the Clerk.

MR. MATHU: I apologize for not doing so. It appeared to be so simple changing "sixteen" to "eighteen".

THE SPEAKER: It is proposed to amend clause 4 by substituting the word "eighteen" for the word "sixteen" wherever it occurs. If there is no debate on that I will put the question.

The question was put and carried.

#### *The Weights and Measures Bill*

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, again I wish to defer consideration of the Committee stage at certain hon. Members on the side have points they wish to discuss with me.

#### *The Export of Timber Bill*

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I am afraid I must also ask for the consideration of this in Committee stage to be deferred. I have two small amendments which I have not had time to circulate.

#### *The Veterinary Surgeons Registration Bill*

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Again, Sir, I am afraid I have not had an opportunity of circulating the amendment.

#### *The Compulsory Military Training Bill*

THE DEPUTY CHIEF SECRETARY: Mr. Chairman, with your permission I should like to put off the Committee stage of this Bill, because although the amendments have been drafted, I promised the service authorities that they should have more time to scrutinize them.

THE SPEAKER: Council will now adjourn for 20 minutes.

Council adjourned at 10.50 a.m. and resumed at 11.15 a.m.

#### *The Penal Code (Amendment) Bill*

Clauses 2 and 3

THE ACTING SOLICITOR GENERAL: moved: That there be substituted for clauses 2 and 3 the following clause:—

#### *Amendment of section 5 of the principal Ordinance*

2. Section 5 of the principal Ordinance is amended in the following respects:—

(a) by inserting next after the definition of "person employed in the public service" the following new definition—

"police force" includes the Kenya Police Force, established under the Police Ordinance, 1948 (No. 79 of 1948), the Kenya Police Reserve established under the Kenya Police Reserve Ordinance (Cap. 76) and the tribal police established under the Tribal Police Ordinance, 1929 (No. 10 of 1929); and "police officer" shall be construed accordingly; and

(b) by inserting in the definition of "money" the words "currency notes", immediately after the words "bank notes".

**THE ACTING ATTORNEY GENERAL:** Clause 2. The amendment is of a formal character and is necessitated by reason of the fact that there was some mistake in the numbering when the original Bill was printed.

**THE SPEAKER:** This is practically substituting a complete section is it not?

**THE ACTING ATTORNEY GENERAL:** It is Mr. Chairman, yes.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

**MR. USHER:** Might I have an assurance from the hon. Attorney General that the inclusion of the word "chimney" does not mean that the ingress of certain personages at Christmas time will be interfered with—or the normal habit of stoiks.

**THE ACTING ATTORNEY GENERAL:** The hon. Member may rest assured that I shall exercise my discretion as public prosecutor appropriately.

The question that clause 12 stand part of the Bill was put and carried.

#### *The Pensions (Increase) Bill*

**MR. BLUNDILL:** Mr. Chairman, under clause 10 might I ask for clarification on a matter of detail to which I referred earlier today. In calculating this matter for pensioners, the point I wanted to get at was this. If a pensioner is receiving, shall we say, a pension of £600 a year, and he is also re-employed in the service of the Government at a salary of £600 a year, he will under the terms of this Bill receive an increase on the pension. He will, presumably also, under the terms of Government service, receive cost of living allowance for the £600 which he

is enjoying as part of his re-employment. Will the point on the scale at which his cost of living allowance is calculated be the £600 of his re-employed terms or his pension plus this £600, a total of £1,200? My point being, that if it is the former, if it is only calculated on the £600, it would appear that the pensioner will be receiving one and a half cost of living allowances, half on his pension and one on his re-employment terms.

**THE FINANCIAL SECRETARY:** Mr. Chairman, the point raised by the hon. Member is certainly an important point. Quite frankly, it is a point to which I had not given attention, but I undertake that this matter will be investigated. It will be looked at from the point of view of equity and justice and what is right in relation to what this Council intends. It will be dealt with in accordance with the usual principles of fairness which I think may be said to characterize the Treasury of this Government. (Laughter.)

**MR. BLUNDILL:** I was slightly doubtful (in laughter). Anyway, I will accept the hon. Member's explanation. To be quite honest, I was just wondering whether the clouds had not opened—perhaps I should not say this within the jurisdiction of this Council—I am not sure whether that was not the voice of one above!

But at any rate, I appreciate the sentiments expressed by the hon. Member.

**THE FINANCIAL SECRETARY:** Mr. Chairman, I appreciate the simile used by the hon. Member in reference to myself!

**THE FINANCIAL SECRETARY:** Mr. Chairman, I beg to move: That the word "other" occurring in the second line of clause 12 be deleted.

The retention of the word "other" in this clause would have the effect of excluding the Kenya pension for the purposes of computation of the aggregate, which of course is diametrically opposite to the intention. It is therefore proposed that the word "other" should be deleted.

The question was put and carried.

**THE ACTING CHIEF SECRETARY moved:** That the following Bills be reported back to Council without amendment:

The Co-operative Societies (Amendment) Bill.

[The Acting Chief Secretary]

The Factories (Amendment) Bill.

The Nurses and Midwives Registration (Amendment) Bill.

The Regulation of Wages and Conditions of Employment (Amendment) Bill.

The Development Loan Bill.

The Municipalities (Amendment) Bill.

The Juveniles (Amendment No. 2) Bill.

The Justices of the Peace (Amendment) Bill.

and the following Bills with amendment: The Diplomatic Privileges (Extension) (Amendment) Bill.

The King's African Rifles (Amendment) Bill.

The Criminal Procedure Code (Amendment) Bill.

The Penal Code (Amendment) Bill.

The Pensions (Increase) Bill.

Council resumed and the report was adopted.

### BILLS

#### THIRD READING

**THE ACTING CHIEF SECRETARY moved:** That the Diplomatic Privileges (Extension) (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried, the Bill read a third time and passed accordingly.

**THE CHIEF NATIVE COMMISSIONER moved:** That the Co-operative Societies (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried, and the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the King's African Rifles (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

**MR. MATHU:** Mr. Speaker, might I ask whether the King's African Rifles legislation is included in the Laws of

Kenya 1948 and, if not, where the Laws are to be found for the King's African Rifles?

**THE ACTING SOLICITOR GENERAL:** Mr. Speaker, The King's African Rifles Ordinance is not included in the revised edition of the Laws of Kenya. It was authorized to be omitted by the Revision of the Laws Ordinance 1948. It is still to be found as Ordinance No. 48 of 1932 in the Volume of the Laws for that year.

The question was put and carried, the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the Factories (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried, and the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the Criminal Procedure Code (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried, and the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the Nurses and Midwives Registration (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried and the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the Regulation of Wages and Conditions of Employment (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**

The question was put and carried and the Bill read a third time and passed accordingly.

**THE ACTING CHIEF SECRETARY moved:** That the Penal Code (Amendment) Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL seconded.**



The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Development Loan Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Pensions (Increase) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Municipalities (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Juveniles (Amendment No. 2) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Justices of the Peace (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

#### MOTION

#### SUSPENSION OF STANDING RULES AND ORDERS

MR. USHER: Mr. Speaker, I beg to move the following resolution:

BE IT RESOLVED under Standing Order No. 29 (iii) that Standing Order No. 100 relating to the presentation of Private

Bills be suspended so that the first reading of a Private Bill entitled "The British Standard Portland Cement Company Limited (Bamburi Factory) Ordinance, 1951" which Private Bill was the subject of a petition presented to this Council on the 14th August, 1951, in accordance with Standing Order No. 97 may be moved on the 23rd August, 1951.

Mr. Speaker, I should like first of all to express to the hon. leader of the Government for giving me an opportunity to introduce this motion to-day.

The requirement for a Private Bill is of course that after the presentation of a petition fourteen days must elapse before the Bill can be presented. That is normal law, the business before this Council during the present session has proceeded with rapidity and it is possible that if this Standing Order were observed and the Bill could not come on before the 29th of this month, in view of the fact that there may be cross petitions and consequently possibly a Select Committee set up that this matter would not be disposed of during the present session.

The object of the present resolution is to bring the first reading of the Bill forward to the 23rd.

I need hardly stress the desirability of concluding this matter completely during the present session. The project is one of great magnitude, and it is only fair to the promoters, who have had already protracted negotiations with the Government in regard to land, and to the objectors as well, that the matter should be disposed of during the present session, since otherwise it would have to stand over until October.

I should not ordinarily be inclined to press for suspension of the Standing Order in question, but in this case the objection is largely removed by the following facts.

First of all attention has been drawn to the project in the Press, before the opening of this session, secondly, there has been a meeting of residents in the vicinity of the land on which this project is to be put into effect. Also before the opening of this session, and in addition to that there have been three Gazette Notices in Gazettes dated the 24th July, the 31st July, and the 7th August. This seems to me, Sir, to indicate that all concerned have been amply notified of the

[Mr. Usher] matter in hand. I need say no more, Sir, and I beg to move.

MR. LILLYWHITE: Mr. Speaker, I will second the motion. I should say that I very heartily agree with the Mover, that it is essential that this matter should be got on with during this session. These are largely matters which do arise in connexion with machinery and things like that, and any delays must put these people to some inconvenience. We have heard cement for the last four or five years at the Coast, and it does seem that the last part of the hundred yards race could be expected during this session. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Speaker, the Government shares the desire expressed by my hon. friend the Member for Mombasa that this matter should, if possible, be disposed of during the present sitting of Council, and in the circumstances explained by him it is prepared to support this motion.

May I also, Sir, take this opportunity of congratulating my hon. friend the Acting Member for the Coast on his delightfully brief maiden speech, so directly to the point. (Applause.)

The question was put and carried.

#### ADJOURNMENT

THE SPEAKER: There being no other matter on the Order Paper, Council will now stand adjourned until Wednesday next, at the hour of 10 in the forenoon.

Council rose at 11.05 a.m. and adjourned until 10 a.m. on Wednesday, the 22nd August, 1951.

#### Wednesday, 22nd August, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 22nd August, 1951.

The Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

#### COMMUNICATION FROM THE CHAIR

THE SPEAKER: Hon. Members, since we last met I have received a letter from the Speaker of the Central Legislative Assembly, in which he asked me to take suitable action with regard to a certain event in the Central Legislative Assembly. Hon. Members will recall that in this Council on the 10th May last it was resolved that a prayer should be submitted to His Majesty to extend the life of the Central Legislative Assembly, and also that the existing members of that body should remain members until the 30th day of June, 1952.

The letter I have received draws my attention to a resolution which was moved by the Administrator and seconded by Mr. Jaffer, and carried unanimously in the Central Legislative Assembly on the 13th June last. It was then resolved that an expression of the Central Legislative Assembly's appreciation of the confidence manifest in this Council's prayer for the extension of the life of the Assembly, be conveyed to the Legislative Council of Kenya.

Accordingly, I have communicated to you this expression of the Central Legislative Assembly's appreciation and that fact will now take its place on the records in the Official Report.

#### MINUTES

The minutes of the meeting of 16th August, 1951, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

##### QUESTION No. 53

MR. PAILEY:

Is the Government aware of the lack of proper accommodation and overcrowding in the Law Court buildings at Mombasa? If the reply is in the affirmative, will the Government please state what steps are being taken to improve the position?

**THE ACTING CHIEF SECRETARY:** Government is aware that the available accommodation in the Law Court buildings at Mombasa is inadequate to requirements and intends to include provision for improvements in the 1952 Draft Estimates.

QUESTION No. 54

LT.-COL. GHERSIE:

In view of the deficiency in certain districts of registration forms used for the purpose of enabling persons to have their names placed on the Legislative Council voters roll, will Government please agree to extend the date for the closing of registers, or alternatively, extend the date for registration and publish supplementary lists which will be valid for exercising a vote at the next General Election?

**THE ACTING CHIEF SECRETARY:** With regard to the first part of the question adequate stocks of these forms are regularly maintained by the Government Printer and are available now. Any shortage which may have occurred recently in any particular district is attributable to sudden and heavy demands for forms by the public but stocks can be replenished immediately on request being made to the Government Printer.

With regard to the second part of the question I would refer the hon. Member to the reply given by my hon. friend the Member for Law and Order on the 16th August to his question concerning the procedure to be followed in preparing the Electoral Rolls for next year's General Election.

QUESTION No. 57

MR. BLUNDELL:

In view of the motion moved by the Member for Commerce and Industry on 16th August, 1950, requesting this Council to approve a sum not exceeding £30,000 for the development of the Gold Mining Industry will Government state what action other than the £5,000 token grant appearing in the 1951 Estimates has been taken in this matter?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** The terms of the Legislative

Council resolution to which the hon. Member refers were conveyed to the Secretary of State in a dispatch advocating the introduction of the proposed Gold Mining Development Grants. Detailed proposals were prepared by the Board of Commerce and Industry. The matter has formed the subject of correspondence with His Majesty's Government which suggested that it would be desirable if discussions on this and other matters affecting the Government's financial policy in relation to the Mining industry might take place in London. Subject to the necessary financial provision being approved it is proposed, in accordance with the recommendation of the Board of Commerce and Industry, to send a delegation to London early in September.

**MR. BLUNDELL:** Mr. Speaker, arising out of that reply, am I to infer that decisions or resolutions of this Council merely advocate the introduction of measures, and that His Majesty's Government in London are the final arbiters.

**THE MEMBER FOR COMMERCE AND INDUSTRY:** I think, Sir, that to assume the full import of the supplementary question the hon. Member has asked, would be unwise.

**MR. BLUNDELL:** Arising out of that answer, Mr. Speaker, would the hon. Member opposite amplify in what way it would be unwise?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** Well, Sir, I have not got the necessary experience or the necessary knowledge of Constitutional development to add to what I have said.

**MR. BLUNDELL:** Mr. Speaker, arising out of that answer, may I ask the hon. Member if he would be good enough to amplify his reply to the supplementary question by a written reply at a later date?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** I shall be very pleased to do so, Sir.

QUESTION No. 67

MR. MATHU:

Whereas the majority of applicants for licences under the Transport Licensing Ordinance are Africans and whereas the African community has

[Mr. Mathu]

no permanent member on the Transport Licensing Board, will the Government please reconstitute the Board so as to include an African permanent member?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** The Transport Licensing Board travels from one part of the Colony to another to perform its functions. Under section 3 of the Transport Licensing Ordinance the Governor may if he considers it desirable, appoint not more than two additional members for any particular meeting. This power has been delegated to the Chairman of the Transport Licensing Board who normally appoints an African member with local knowledge of the area concerned. The Government considers that African interests are best served in this manner.

**MR. MATHU:** Mr. Speaker, arising out of that reply, as there is general dissatisfaction among the African community in regard to these arrangements, is Government really going to stick to them or are they going to change them, and reconstitute the Board as I have asked?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** I think my reply was comprehensive.

QUESTION No. 68

LT.-COL. GHERSIE:

In view of the fact that there is disparity between the price of tea in Kenya and Tanganyika, will the Government please state whether they are satisfied that the arrangements in force to prevent illegal movements of tea from Kenya to Tanganyika are satisfactory?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** In view of the long boundary between Kenya and Tanganyika, Government is satisfied that the Police, the Customs and Excise Department and the Railways Administration are taking all possible steps to prevent unauthorized movements of tea between the two territories.

**LT.-COL. GHERSIE:** Mr. Speaker, arising out of the hon. Member's reply, is Government satisfied that the steps taken are, in fact, effective?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** Sir, to say that any steps of that nature could be completely effective would, I suggest, be unwise. I am quite satisfied that all possible security in that respect is being achieved as a result of Government's action.

QUESTION No. 69

LT.-COL. GHERSIE:

Will the Government please state what arrangements are in force to prevent illegal movements of tea from Kenya to Tanganyika?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** By Government Notice No. 146 of 30th January, 1951, export licences for tea can be issued only by the Kenya Tea Board, and tea has been scheduled as an item for which licences are necessary for export to Tanganyika. The Commissioner of Customs and the General Manager, East African Railways and Harbours have been asked to note the revised licensing procedure and not to permit the export of tea to Tanganyika except on the production of the necessary export licence.

QUESTION No. 70

LT.-COL. GHERSIE:

What steps have been taken to ensure that all District Commissioners and the Police are aware that tea is a scheduled commodity and that exports of tea to Tanganyika require export licences?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** The Official Gazette containing the Government notice listing tea as a commodity for which licences are necessary for export to Tanganyika was distributed in the normal way to all Government departments including District Commissioners and the Police. These latter authorities are therefore aware of the procedure which is now in force.

**LADY SHAW:** Arising out of that reply, Sir, does the hon. Member think the distribution of the Official Gazette is a sufficient way of giving notice of this sort of matter?

**THE MEMBER FOR COMMERCE AND INDUSTRY:** My own view is that, as the Official Gazette is an official publication circulated to officers of the Government,

[The Member for Commerce and Industry]  
 their first duty is to see, as a matter of discipline, whether matters affecting them appear in the Official Gazette. I cannot think of a better way of doing it.

## BILLS

## FIRST READING

On the motion of the Acting Attorney General, seconded by the Acting Solicitor General, the following Bills were read a first time—

The Customs Tariff (Amendment) Bill.

The Miraa Prohibition (Scheduled Areas) Bill.

The Income Tax (Amendment No. 2) Bill.

The Pensions (Amendment) Bill.

The Rabies (Amendment) Bill.

Notice was given that these Bills would be taken through all succeeding stages during the present sitting of Council.

## BILLS

## SECOND READING

## The Stamp (Amendment) Bill

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move: That a Bill entitled "An Ordinance to Amend the Stamp Ordinance" be read a second time. This Bill has its origin in certain proposals with regard to the revision of stamp duties, which were placed before this Council in 1948. These proposals were referred to a Select Committee of Council, and the Bill which we are now considering is designed to give effect to the recommendations of that Committee.

Hon. Members will also notice from the Memorandum of Objects and Reasons that the opportunity has also been taken to exempt from the operation of the Ordinance documents executed by or in favour of the East Africa High Commission in so far as these relate to non-self-contained services, and documents executed by or in favour of His Majesty's Forces. These latter provisions are covered by clause 2 of the Bill.

Clause 3 of the Bill, Sir, relates to stamp duty in connexion with the reconstruction or amalgamation of companies. There is no provision in the existing law

for dealing with stamp duties payable on reconstruction, and consequently in the absence of such provision companies, on reconstruction or amalgamation, have to pay the duty on the full capital of the new company. I do not think I need comment in detail on this lengthy, and rather complicated clause, but I will endeavour to answer any question which hon. Members may raise upon it provided they are not too difficult.

With regard to clause 4, item 36 of the Schedule has been amended by the addition of the words "and letter of renunciation of shares". Under the existing law, it costs more by way of stamp duty to renounce shares than it does to acquire them, and I am sure hon. Members will agree that an amendment in the sense now proposed is most desirable. All the other provisions of clause 4 are in accordance with the recommendations of the Select Committee to which I have referred, and do not, Sir, I think, call for any further comment by me here.

During the Committee stage of the Bill I shall, I am afraid, have to move a small amendment to item 46B, which will be found on page 2 of the Bill. I intend to propose the addition of the words "valid for single journey only" after the words "against railway or air accident". These words, Sir, have been omitted in error. Similarly referring to the same section of the item, that is (b), I shall propose the deletion of all the words after the word "case". Hon. Members may note that under the existing law stamp duty is levied on an *ad valorem* basis. If this Bill becomes law, the duty will be specific, and in this event all the words after the word "case" under item 46B (b) will be redundant.

There is one other matter in connexion with this Bill to which I will refer now, but only briefly, as it requires a further amendment which I will deal with during the Committee stage: It is this. Under item 62 (b) (i) of the First Schedule, where shares are transferred without valuable consideration, the duty is Sh. 10, but cases occur where, usually for family reasons, the owner of shares in an incorporated company wishes to transfer them to members of his family, without any valuable consideration. Some time ago, it was decided that this

[The Secretary to the Treasury]  
 type of transfer also falls within the definition of a settlement, and therefore it attracts a duty of 1 per cent *ad valorem* under item 58 of Schedule I of the principal Ordinance. Under section 7 of the principal Ordinance, where an instrument is so framed as to come within two or more descriptions in the First Schedule it is mandatory that duty shall be levied at the higher or highest of such duties. Any shares, Sir, however, which are transferred with valuable consideration attract a duty of only 1 per cent under section 62 (b) (ii) of the First Schedule. It is clearly anomalous that if one transfers shares in this way, the duty should be less than it is if one gives them away! I intend, therefore to move an amendment at the Committee stage in an endeavour to overcome this anomaly, Sir.

I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

MR. SALTER (Nairobi South): Mr. Speaker, it is gratifying to note that the hon. Mover intends in the Committee stage to move the amendment which he has mentioned in connexion with section 7 of the principal Ordinance. It is of course difficult to visualize a transfer of shares without consideration, which does not fall at the present moment within the definition of a "settlement", in section 2 of the Ordinance, and thus giving rise to the anomalous position which the hon. Mover has mentioned.

But, Sir, there are other matters in connexion with this Ordinance to which I hope the hon. Mover will give some attention.

In the Bill which is now for the consideration of this Council, there are a number of new duties imposed, particularly with regard to insurance policies, and whereas the existing duties provide for comparatively reasonable rates, these have been increased enormously under the Bill now before this Council. It is difficult to reconcile those increases with the last paragraph of the Memorandum of Objects and Reasons given in the Bill. If I might refer to that paragraph, it says it is not expected that any additional expenditure of public moneys will result if the provisions of this Bill become law, but some very slight loss in revenue may result. In my submission, Sir, the in-

creased duties with regard to these insurance policies will not only increase the revenue, but in fact will result in a very considerable increase in the cost of insurance to the public. Indeed, if one looks at them, particularly with regard to the duties imposed for the renewal of policies, it is a matter for comment that in the United Kingdom no such duties are payable, so far as I know, in respect of renewal receipts, and in most instances the initial duty is considerably less in the United Kingdom than that which is sought to be imposed in this Colony. I would invite the hon. Mover's attention to these matters without amplifying them now, because there will undoubtedly be opposition to those increased duties in the Committee stage. Sir, with these words, I beg to support. (Applause.)

MR. USHER: Mr. Speaker, I beg to support this Bill, and also to support what has just been said by my hon. friend the Member for Nairobi South.

At present, I believe, the only type of policy upon which a renewal duty is charged is the fire policy, and as my hon. friend has pointed out, these renewal fees do not obtain in the United Kingdom. Policies are usually renewed from year to year, and for many years by the insuring person, and I feel that this is an imposition which it is difficult to justify. I hope to revert to this matter in the Committee stage.

THE SECRETARY TO THE TREASURY: Sir, I note the remarks made by hon. Member opposite, but on the particular points raised, all I can say, Sir, is that the Bill which is in front of the Council is intended to carry out the recommendations of the Select Committee, the report of which was signed by seven hon. Members of this Council. The Select Committee on the matter of insurance recommended as follows:—

"That policies of insurance, or renewal thereof in respect of any motor vehicle, including incidental insurance against accident to persons, damage done to or suffered by such vehicle or injuries suffered by third parties and any other risk ordinarily covered by such insurance policies:

Sh.  
 "In respect of each vehicle the subject of such a policy or renewal . . . . . 2"

[The Secretary to the Treasury]

And similarly, with regard to other policies of insurance, the Committee said:—

"We considered the amendments proposed in the memorandum by the Member for Finance in the light of evidence submitted and we were impressed with the need for the revision not only of existing rates of duty but of the various classifications of policies. We were unable to accept the arguments addressed to us to the effect that a 'renewal' receipt should be exempt from duty."

At this stage, Sir, all I can say is that the Bill is merely intended to carry out faithfully the recommendations of the Select Committee, which were approved by this Council. (Applause.)

The question was put and carried.

THE ACTING CHIEF SECRETARY moved: That Council do resolve itself into Committee of the whole Council to consider the following Bill clause by clause:—

The Registration of Business Names Bill.

The Weights and Measures Bill.

The Export of Timber Bill.

The Veterinary Surgeons, Registration Bill.

The Stamp (Amendment) Bill.

VII. ACTING SECRETARY GENERAL seconded.

The question was put and carried.

#### COUNCIL IN COMMITTEE

##### Registration of Business Names Bill

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move as follows:—

That clause 2 be re-numbered as sub-clause (1) thereof and that the following new sub-clauses be added:—

(1) Where any person is required by this Ordinance to furnish particulars of his nationality, he shall if a British subject, also state his citizenship, if any.

(3) References in this Ordinance to a change of name do not include a change of name which has taken place before the person whose name has been changed attained the age of two years.

The new sub-clause (2) is made desirable by the provisions of the British Nationality Act, 1948.

The new sub-clause (3) is made necessary because it is common practice amongst the Asian community for a child's name to be changed early in life.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move: That in clause 4 there be inserted the following new paragraph:—

(d) every corporation having a place of business in the Colony and carrying on business under a business name which does not consist of its corporate name without any addition.

This follows the English Companies Act, 1947, but it is not limited to companies defined by the Companies Ordinance. It is a point that very seldom arises, that makes for completeness in the Bill.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move: That in paragraph (c) of sub-clause (1) of clause 4 the words "and the postal address of the firm, individual or corporation" be added at the end thereof.

This is to bring the Bill into line with the practice of having post office boxes here rather than mail delivery.

MR. USHER: Mr. Chairman, I have a matter which I think it is proper to raise on this clause. I have already discussed it with the hon. Mover. There are two clauses, 6 and 9, which require statements of particulars to be sent in. Now, it has been strongly urged in certain quarters that there should be a notification of these statements of particulars in the Official Gazette for a certain period, say for about four weeks, in order that other firms or individuals or corporations may have the opportunity of making representations to the Registrar that he should perhaps disallow

[Mr. Usher]

the registration. There are implications in names which are perhaps only known to the firms and individuals and corporations. It is, of course, not at all suggesting that the Registrar, who would in any case be the final judge of the matter, would not use his discretion properly. I hope that the hon. Mover will find an opportunity, anyhow, in the near future, if he cannot do it now, to give effect to the wish that has been so expressed.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I am very grateful to my hon. friend for raising this important matter, and I will refer it to the Board of Commerce and Industry at a very early date. I am quite sure that if it represents their considered opinion and the considered opinion of those who have raised the point with my hon. friend, that we will be able to do something about it.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move: That sub-clause (3) of clause 16 be amended in the following respects:—

(a) by substituting for the words "or his former name or names" the words "his former name or names";

(b) by substituting for the words "where that nationality is not his nationality or origin" the words "in the case of any individual whose nationality is not his nationality of origin".

These are printing and drafting errors in the Bill.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: I beg to move: That the proviso to sub-clause (6) of clause 15 be amended by substituting for the word "consideration" the word "cancellation". This was a printing error.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### Clause 17

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move: That the following proviso be inserted at the end of sub-section (4):—

Provided that where the Registrar is satisfied that having regard to the nature of any business and the nationality, race or religion of the persons employed therein, the retention of the business name would not be contrary to the public interest, he may in his absolute discretion permit the retention of such name subject to such conditions as he may think fit.

That sub-clause (5) of clause 17 be re-numbered as sub-clause (6) and that the following new sub-clause be inserted:—

(5) Where registration of a business name is refused under the provisions of sub-section (1) of this section, any person carrying on business under that name in circumstances which require registration under this Ordinance shall be guilty of an offence against this Ordinance.

The first proviso arises out of points raised by hon. Members on the other side of the Council. The new proviso (5) is necessary because, as the Bill now stands, there is a penalty for not registering but no penalty for continuing to use a name when registration has been refused.

MR. NATHOO: Mr. Chairman, I welcome the amendment moved by the hon. Member, but I would like an assurance from him that in administrative practice when transactions have taken place in the past where substantial goodwill has been paid for the names, the Registrar will not force these people to change the names of these firms under this Ordinance.

THE MEMBER FOR COMMERCE AND INDUSTRY: The object of the proposed proviso, Mr. Chairman, is to provide for exactly that. Where there is genuine goodwill as a result of a transaction that should not be lost. It is also to prevent abuse in that particular type of transaction.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

MR. USHER: Mr. Chairman, I have an additional amendment to propose. It could only be done this morning.

I beg to move that the following paragraph be substituted for paragraph 17 (1) (d) of the Bill.

(d) which is identical with or is similar to that by which a business or corporation existing, or is already registered, under this Ordinance or under the Companies Ordinance, if in the opinion of the Registrar such registration would be likely to mislead the public.

Sir, the object—

THE CHAIRMAN: Unless the Council is willing and agrees without dissent to take this, I should think it is too late. We have already passed this because we have amended subsequent parts of this clause.

MR. USHER: I tried to get in before.

THE CHAIRMAN: If anybody will give the Chair some notice in advance it is possible to say, but I have got no notice that anything like this was coming on. In fact, when the clause was called by the Clerk, you should have risen before your hon. friend on this side because you were earlier in the clause with your amendment than he is.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, with the greatest respect and in consideration for my hon. friend, would it be possible to move that clause 17 be recommitted and to give him an opportunity to introduce his clause? I happen to know he had great difficulty in getting advice on this point and that explains why he is late in the day.

THE CHAIRMAN: It does not explain why he did not rise on the clause being called, but if Council is perfectly willing, or anybody will recommit it, it is all right.

THE MEMBER FOR COMMERCE AND INDUSTRY: I beg to move: That the clause be recommitted.

The question was put and carried.

MR. USHER: Mr. Chairman, the object of the amendment is this. As the clause stands it appears to be mandatory upon the Registrar to refuse registration in the case of identical names, and it is felt in some quarters that this is a hardship because, and especially in the case of very common names where the public is not at all likely to be misled, there is certainly no intention so to do. The object is to give the Registrar discretion in this matter. I believe it to be a reasonable one and I believe my hon. friend is not averse to accepting it.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am most grateful to my hon. friend for raising this point and I am quite certain that those people who raised it in a most responsible spirit were quite right to do so. I can say Government has pleasure in accepting the amendment.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: I beg to move: That the following proviso be inserted at the end of sub-section (4):—

Provided that where the Registrar is satisfied that, having regard to the nature of any business and the nationality, race or religion of the persons employed therein, the retention of the business name would not be contrary to the public interest, he may in his absolute discretion permit the retention of such name subject to such conditions as he may think fit.

THE CHAIRMAN: I thought we were recommitting the clause as already amended. It is not necessary to go over this again.

THE MEMBER FOR COMMERCE AND INDUSTRY: I was advised by the Attorney General.

THE CHAIRMAN: That was my understanding of it, but if I am wrong I am prepared for you to repeat it all over again. I thought that it was a device simply to get back—to recommit the clause as we amended it. There are all these amendments on record.

### The Schedule

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move:—

(a) That in Form BN/1 in the Schedule there be inserted between the items "Principal place of business" and "Other places of business" the following new item:—

Postal address .....

(b) That in Form BN/2 in the Schedule—

(i) items 5 and 6 be renumbered as items 6 and 7 and the following new item be inserted:—

5. Postal Address .....

(ii) the words "Nationality and Citizenship" be substituted for the word "Nationality" in the second column of the particulars required by item 7 (as renumbered).

(c) That there be substituted for Form BN/3 in the Schedule the following:—

BN/3

### THE REGISTRATION OF BUSINESS NAMES RULES, 1951

(Rule 5)

#### CERTIFICATE OF REGISTRATION

I HEREBY CERTIFY THAT .....

..... carrying on business under the business name of .....

..... at .....

..... has/have been duly registered under number .....

..... pursuant to and in accordance with the provisions of the Registration of Business Names Ordinance, 1951, and the Rules made thereunder.

Given under my hand at Nairobi this .....

..... day of .....

..... One thousand nine hundred and .....

Registrar General.

The question of the amendment was put and carried.

The question of the Schedule, as amended was put and carried.

THE WEIGHTS AND MEASURES BILL  
Clause 49

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to

move: That to clause 49 be added a new sub-section:—

(f) The examination, testing and licensing of persons engaging in or proposing to engage in the repairing or overhauling of weights or measures or weighing or measuring instruments, whether for profit or not, and the fees to be charged for any such licence.

The clause is self-explanatory, Sir. It is to ensure that only those who are properly qualified shall deal with delicate scales such as Avery scales, otherwise damage and consequential expenses may be incurred.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE COMMITTEE adjourned at 10.58 a.m. and resumed at 11.18 a.m.

### The Export of Timber Bill

Clause 4

MR. MACDONALD-WELWOOD: Mr. Chairman, I beg to move: That the following sub-clause be added and numbered (7):—

(7) Any person aggrieved by the refusal of the Conservator of Forests under sub-clause (1) of this clause to grant permission to export timber, may within thirty days of such refusal appeal in writing to the Member, whose decision shall be final.

The object of that amendment, Sir, is that this matter of refusing or granting the right of export, has a grave financial effect on the timber industry, and it appears desirable that there should be some right of appeal from the decision of the Conservator;

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

Clause 5

MR. MACDONALD-WELWOOD: Mr. Chairman, I beg to move: That in paragraph (a) of sub-clause (1) of clause 5 the words "after consultation with the Forest Advisory Committee" be inserted between the word "may" and the word "by" in the second line hereof, "The

[Mr. Maconochie-Welwood] object of that, Sir, is that the Conservator should have the advantage in these matters of consultation with the Timber Industry which it, of course, equally concerned in the Bill.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### Clause 7

Mr. MACONOCHE-WELWOOD: Mr. Chairman, I beg to move: That the following new sub-clause be added to clause 7:—

(4) Any grader aggrieved by any decision of the Conservator of Forests under sub-clause (3) of this clause may, within thirty days of such decision, appeal in writing to the Member, whose decision shall be final.

The Members for that amendment, Sir, are substantially those which I gave for the amendment under clause 4.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### The Veterinary Surgeons Registration Bill

#### Clause 4

Mr. PAILL: Mr. Chairman, I move: That clause 4 (b) be deleted. The reason why I move that, Sir, is that (a) is quite sufficient for our purpose. It states "the holder of a veterinary degree or diploma recognized by the Royal College of Veterinary Surgeons (London)". Sir, if any other degrees or diplomas are to be recognized then I suggest that it should provide "such degrees or diplomas which are recognized by the Royal College of Veterinary Surgeons from any of the countries of the Commonwealth" and I cannot think it is right to include here merely two or three countries. I move that paragraph (b) be deleted.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I am prepared to accept that but I would draw attention to the fact that it would then mean that (a) would have to be deleted. The section would then read:—

4. No person shall be qualified to be registered under this Ordinance unless he is the holder of a veterinary degree or diploma recognized by the Royal College of Veterinary Surgeons (London).

I agree with the hon. Member and as far as I am concerned that would serve the purpose of this Bill.

Mr. NATHOO: Sir, on this subject may I draw to the attention of the hon. Member for Agriculture that in view of the fact that Makerere is giving this diploma and we are contributing heavily to the cost of education there, that efforts should be made for the degree of Makerere to be recognized by the Royal College of Veterinary Surgeons.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think, Sir, I have already dealt with that point during the debate. Makerere at present gives a diploma, but it is not likely to be recognized by the Royal College of Veterinary Surgeons for some years to come. The object of this Bill is to protect the public and to provide that the only persons who can practise under this clause are properly qualified persons of degree taken a very high standard of degree.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### Clause 5

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move: That in paragraph (e) of sub-clause (1) the word "three" be substituted for the word "four", and that for paragraph (d) of sub-clause (1) there be substituted the following:—

(d) Two persons appointed by the Member of whom one shall be a licensed veterinary surgeon.

— During the debate on the second reading of this Bill the point was made by the hon. Mr. Mathu that it would be desirable on the governing body to have a representative of the licensed veterinary surgeons, and I, Sir, have agreed to that and that is the object of this amendment.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### Clause 12

Mr. MATHU: Mr. Chairman, I beg to move: That sub-clause (4) of clause 12 be deleted. The purpose of my amendment, Sir, is to ensure that licensed veterinary surgeons may do their practice independently if they leave the service of the Government or the High Commission. As the sub-clause stands now the effect of it would be that a licensed veterinary surgeon would not be able to practise if he left Government service. The training and experience he has had in Government service will become useless and wasteful and he will not be able to earn his living as a result of the knowledge he has gained during his service. I think that would be very undesirable, Sir, and I am suggesting that this sub-clause be deleted, so that a licensed person can practise after leaving Government service.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I am afraid Government cannot accept that amendment. This clause was most deliberately put in in order, as I repeat again, to safeguard the public from a not uncommon practice. What we wish to avoid is the possibility of, not very highly qualified persons being given a licence for a specific purpose. That is, either practising under some sort of supervision in some Government employment, then merely in many cases disappearing and setting up and practising on their own. Now that has happened—I believe the Director of Medical Services can confirm—in the Medical Department. It is most undesirable and that clause was most deliberately put in to prevent that happening. On the other hand, if a person is capable of practising on his own, or if it is necessary that he should, or if he wishes, there is ample provision in this Bill for a proper person to be given a licence to practise almost anywhere in this Colony on, I submit, terms which are very reasonable and compatible with the conditions in the Colony to-day. That is, he need not be as highly qualified as he might have to be elsewhere, but I cannot agree to expunging clause 4 at this stage.

Mr. JEREMIAH: I rise to support the request made by my hon. friend Mr. Mathu that sub-clause (4) of clause 12 should be deleted. Now, Sir, what we consider is that a man who is already licensed by being a Government servant

must have experience, and I do not think it is possible to suggest that a man who is in Government service and who is registered—it does not matter even if he is not useful, because he can be free in Government service whatever happens. If a man is registered in Government service he must be a qualified man and can be relied upon to practise on his own. It would be, in my view, a great pity not to accept to register those people when they leave the Government service, and it seems to be actually discouraging them from taking up veterinary practice, because it is not possible for one to expect that a man should always remain in Government service. Sometimes he wants to retire into his own business. It has taken him a long time to practise and to acquire the knowledge and I think he should be allowed to practise on his own at liberty. Therefore, Sir, I submit Government should reconsider their decision.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member is mixing up a registered practitioner and a licensed practitioner. A registered practitioner is a fully qualified man, whereas a licensed practitioner is not.

Mr. OIHANOA: Mr. Chairman, I just want to raise a matter on this one regarding the licensed practitioners. I feel that although this matter is being viewed purely and simply from the point of view of the licensed man, it should also be borne in mind that the African public in this country own large herds of cattle needing the services of people of this kind very much, and, as it seems now that we do not have a scheme for producing these necessary highly trained and registered practitioners, it ought to be possible, after an African licensed officer from Makerere has served under the Government for a substantially long time, for him to be licensed to help these poor people who do not have the services of a man of that kind at all, on his own.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, in reply to the statement made by the last Member, the hon. Mr. Ohanga, surely section 12 (1) (b) and 12 (2) provide exactly what the hon. Member was asking for—that is that a person who has served for some time under the Government or the High Commission or the Makerere Veterinary

[The Chief Native Commissioner] School and has performed meritorious service there—when the Board is satisfied that such a man is required to do veterinary work in the districts they may, in fact, allow him to practise there. That, surely, is exactly what the hon. Member asked for.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** I think I will again repeat, Sir, that this Bill is in the very interests of those people to whom the last speaker but one has referred. If one allows semi-qualified persons who have been given a licence to practise under specific conditions, perhaps, as I say, to disappear and practise on their own in the reserves and possibly give inoculations on a large scale to African-owned cattle, not only is it possibly a grave danger to those cattle but it may be a grave danger to the whole country, and it is just in that sort of way they may produce . . . (Inaudible.) That, Sir, is what we have to protect the public against. That is the purpose of this section. That is why we feel in the interest of everybody concerned that we cannot agree to the expunging of that section.

**MR. JEREMIAH:** May I say again, Sir, if that is the fear that is held by Government surely the only remedy is not to license anyone at all who is not satisfactory. Why should a man be licensed if in Government service and then be de-licensed when he leaves it?

**MR. MATTHEW:** Might I mention, Sir, that I think the present arrangement at Makerere is that these men take a four- or five-years' course after School Certificate and that is a very long time. Unless there is something very wrong in the training these men should know exactly what they are doing after five years' training. I think we agree with the hon. Member for Agriculture and Natural Resources that the public must be protected. We do not say people should go about killing other people's cattle—we are with him on that point—but on the other hand we feel if these men can be trusted to deal with stock while they are in Government service they can be trusted to deal with the same stock when they are not in Government service. That is where we differ.

The question that clause 4 be deleted was put and negatived.

The question of the clause as originally drafted was put and carried.

#### Schedule

**MR. HOPKINS:** Mr. Chairman, the exemptions from restrictions set out in part one of the Schedule do not cover cases which so often arise when someone who is not necessarily a farmer or engaged in agriculture calls upon a neighbour or a friend to administer a drench or a ball to a horse which is not engaged in agriculture, or perhaps give of his experience in the treatment of a sick dog. It seems to be the clearly the intention of the Bill that such cases should be covered by the exemptions in Schedule 1. The fact that they are not is quite likely, I think, to give rise to complications. I wish, therefore, to supply the omission by moving that the following words be added to the first paragraph of Part 1 of the Schedule: "or by a person acting otherwise than for reward at the request of the owner."

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Sir, in the Schedule there are certain exemptions given and I think what the hon. Member has in mind is the possibility of an animal falling sick for instance on a farm, and the owner or the person on the farm, for the time being possibly the owner's absence, calling in a neighbour to give treatment. I think that is the sort of case my hon. friend has in mind. If such a case occurs if it is quite obvious that nobody would object and nobody would find fault with a neighbour coming into help out, but if you are going to put that sort of thing in a Schedule as is suggested, I feel sure that you are rather opening the door a little too wide. I know the hon. Member has put in "otherwise than for reward" but even so, Sir, if I give him an assurance in a case of that kind that there would be no prosecution or anything like that contemplated, I hope the hon. Member might possibly see fit to withdraw that amendment.

**MR. HOPKINS:** Sir, I think I did not, perhaps, make myself quite clear. I was not referring to a horse belonging to a farmer or one employed for agriculture. I had in mind the case of a horse or dog belonging to someone who might be living in a township. Those people are not covered at all, and, whereas a

[Mr. Hopkins] farmer can call on a neighbour or someone on his farm to help him, someone living outside the farming area cannot do so and it was to cover those cases that I wish to put in this amendment.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** I think the hon. Member is covered in paragraph 3—"the rendering in an emergency of first-aid for the purpose of saving life or relieving pain".

**MR. HOPKINS:** I would again submit that giving a horse-sickness injection is a matter of routine, and to give a drench or a ball to a horse is not acting in an emergency. I hope the hon. Member will accept this. I do not think it weakens the Bill in any way and it does cover the case of people who are not farmers.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** I must say I do not like it and I am afraid as I have not had time to consult the Director of Veterinary Services, and from my own knowledge, I would prefer to leave this Schedule as it stands. As far as I am concerned, Sir, it should remain as it is.

The question of the amendment was put and, on a division, negatived by 15 votes to 12. (Ayes: Messrs. Blundell, Le Breton, Chemallan, Cowie, Gherle, Hopkins, Jeremiah, Lillywhite, Maconochie-Witwood, Salter, Shary and Lady Shaw. 12. Noes: Messrs. Carpenter, Cavendish-Bentnick, Davies, Hunter, Hope-Jones, Mathu, Sir Charles Mortimer, Messrs. Ohanga, Pike, Sir Geoffrey Rhodes, Messrs. Roddan, Thornley, Trim, Vasey and Whyatt, 13. Did not vote: Messrs. Nathoo, Patel, Pritham and Usher, 4. Absent: Messrs. Hartwell, Madan, Matthews, Padley, Rana and Salim, 6.)

**MR. BLUNDELL:** Mr. Speaker, Mr. Horne, I beg to move: That the word "sixteen" be substituted for the word "eighteen" as the last word of Part 1 of the Schedule.

In moving this amendment, Mr. Horne, I wish to emphasize that agriculture is an industry in which people start work at an earlier age than eighteen and, in effect, the Bill would prevent many assistants and pupils on farms from performing these necessary and delicate

operations. In addition, I would like to draw the attention of the hon. Member to the position of students at the Egerton School of Agriculture. They would not be able to get the necessary experience for these operations in getting their diplomas and certificates.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Mr. Chairman, I am quite prepared to agree with that amendment. I would say, Sir, that as regards the amendment that has just been negatived, I will do what I can to meet the hon. gentlemen, but if they bring these rather sudden amendments before Council, until I know their full implication, I am not prepared to agree with them.

The question of the amendment was put and carried.

The question of the Schedule as amended was put and carried.

**THE ACTING CHIEF SECRETARY:** Mr. Chairman, with your leave and the agreement of the Council, I would like to ask that the Committee stage of the Stamp (Amendment) Bill be deferred until tomorrow. A point has arisen which may require the preparation of a rather complicated amendment, which is my reason for making this request.

**LT.-COL. GHEARIE:** Mr. Chairman, we have no objection from this side of the Council.

**THE CHAIRMAN:** We will not proceed with that Bill now. It is now a question of the Reports.

**THE ACTING CHIEF SECRETARY moved:** That the following Bills be reported back to Council with amendment:—

- The Registration of Business Names Bill.
- The Weights and Measures Bill.
- The Export of Timber Bill.
- The Veterinary Surgeons Registration Bill.

Council resumed and the Member reported accordingly.

#### BILLS

##### THIRD READINGS

**THE ACTING CHIEF SECRETARY moved:** That the Registration of Business Names Bill be read a third time and passed.

**THE ACTING SOLICITOR GENERAL** seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Weights and Measures Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Export of Timber Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Veterinary Surgeons Registration Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

#### SELECT COMMITTEE REPORT ON THE WATER BILL

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move: That the Report of the Select Committee appointed by this Council to consider and report on the Water Bill be approved.

As was to be expected, Sir, from the debate on the second reading of this Bill, instructions that I may say were given to the Select Committee as a result of that debate, the Report which is now before Council is very voluminous and contains, I believe, no less than about 130-odd amendments. This measure, the Water Bill, is a very comprehensive one and deals with many technical aspects and deals with the effects of the use of water on all sorts of people. For that reason the Select Committee went into every single clause of this Bill with great care and took evidence. As a result of the evidence which came before it, reviewed in the light of the debate that took place on the second reading, it has found it necessary to produce all these amendments.

Now, Sir, the main amendment which I would like to refer to before dealing with the amendments in detail is the suggestion to abolish what are now known as sanctions and water rights and to substitute therefor a permit. In explaining why the Select Committee have come to this conclusion, I would like to explain, Sir, that water was originally dealt with in this Colony under the Crown Lands Ordinance, 1902-15. The existing Water Ordinance, the one that is superseded by the Bill that is before Council was passed in 1929, as it was then felt that the very simple provisions that existed in the Crown Lands Ordinance were quite insufficient to deal with the subject of water in the Colony at that time. But, nevertheless, due to difficulties and slumps and one thing and another the 1929 Ordinance was not in fact brought into operation until 1935, by which date it was already out of date.

Holders of permits under the Crown Lands Ordinance were of two categories. They were the ordinary permit and a yearly permit. These were superseded to some extent on the passing of the 1929 Ordinance. The old ordinary permits did lapse on the transfer of land, whereas under the existing Bill a licence does not and a certain number of ordinary permits were changed to licences. But a great many were not. The total of licences that exist under the 1929 Ordinance to-day is as mentioned in the Report 105. It is not intended to interfere in any shape or form with existing licence holders unless they wish to transfer, as I think many will, to the new form of permit.

As regards sanctions that are in operation to-day under the 1929 Ordinance, no existing sanction holder will be interfered with in any shape or form by the new Bill, save on the expiry of a sanction or at the request of a sanction holder. I think there are a number of sanction holders who may wish to transfer.

Now, the real reason why we have got permits instead of licences is, I think, fairly fully explained in the Report.

The only other matter which I think I need refer to is that the composition of the Water Resources Authority has been changed to some extent at the request of

[The Member for Agriculture and Natural Resources]

this Council during the second reading. We have made certain changes as regards water undertakers, to cover such persons for instance as the City Council, because we felt that we were not justified in totally exempting any person or any water undertaker from the whole of Part V of this Ordinance. But, we have provided under a new section 174, to enable the Member at the request of the Water Resources Authority, to exempt such people as for instance the City Council from any or all of the provisions of the Ordinance. Water undertakers who are providing water for, for instance, towns or communities, vary very much in their responsibility and the progress they are making. We did not think it was possible under this Bill to make a wholesale exemption, nor did we think it was desirable to do so.

Lastly, Sir, on general matters, we have provided—that I think again at the request of Members during the second reading—a very much greater measure of the right of appeal against decisions taken. That has been done, as I think will be seen, in a very large number of sections.

The Bill, Sir, was drawn up originally by a Drafting Committee, to whom, I think, before dealing with the Bill in detail, I should express my thanks. (Applause.) Sir Charles Mortimer, Mr. Wil..., and Dr. Parsons devoted many hours and many days to the drafting of the original Bill—(Applause)—and I think we owe them a great deal. I would also like to make specific mention of the immense amount of work that has been done by Mr. Walker in his capacity of Secretary of the Drafting Committee and in his capacity as Secretary for the Select Committee. (Applause.)

Now, Sir, it has occurred to me that it is going to be rather difficult for hon. Members to follow all these amendments merely in the form of an ordinary report. For their convenience we have had printed—and every Member of Council has before them as an Appendix to the Report, it should have that written on the top of it—a re-drafted Bill as it would appear where the amendments which are to be recommended by the Select Committee to be approved by Council. But in

view of the complexity of the amendments, I am wondering, Sir, whether Members would wish me to go through this Bill and the Report as a Report to the Council, or whether it might not be desirable to go through this clause by clause by recommending it to the Committee, which, of course can be done if people feel that way.

I have been informed that certain hon. Members feel that it would be the best way of dealing with this Bill.

MR. BLUNDELL: Mr. Speaker, for the reasons which the hon. Member has given, I should like to draw attention to Standing Rule and Order 80, section 3, and suggest to the Council that we should move a motion that the Bill shall be referred to a Committee of the whole Council. This procedure, Mr. Speaker, needs the support of ten hon. Members, but I am quite confident that ten hon. Members will rise in their places to support my suggestion.

THE SPEAKER: In that case, this Bill will now stand referred to a Committee of the whole Council, and the only point remaining is whether you wish to proceed in Committee at once or on a subsequent day.

THE ACTING CHIEF SECRETARY: I think, Sir, that we should proceed now.

Ten Members rising in support, Council went into Committee.

THE CHAIRMAN: I hope, hon. Members, that I have the arrangement quite clear. I take it we are going into Committee on the Bill as amended by the Select Committee. That is, this one which I have got reprinted. We do not want to move all the amendments which the Select Committee have already made over again.

THE ACTING CHIEF SECRETARY: Mr. Chairman, may I have the position quite clear. Have you ruled?

THE CHAIRMAN: I have not ruled, I am inquiring so that I know where I am.

THE ACTING CHIEF SECRETARY: What the Government would wish, if hon. Members agree, is that we should take the original Bill that was read a first time and move, during the course of its examination in Committee of the whole Council, formally all those recommendations recommended by the Committee



[The Acting Chief Secretary] presenting this Report. We felt that though this may be a rather lengthy process, it will be clearer to Members if that procedure is adopted. That is in Committee of the whole Council we have before us the Bill that was read a first time and the necessary amendments will be moved to bring it into line with the recommendations moved in the Select Committee's Report.

THE CHAIRMAN: Is that the general agreement of the Council, to go through the whole of the original Bill as it was read a second time and then have amendments moved to it which have already been made, I understand, by the Select Committee?

All I have to say is that you are establishing a precedent which is going to be very awkward in future. What object has there been in sending the Bill to a Select Committee if the Select Committee cannot amend a Bill? Hitherto we have always adopted their recommendations or altered them. But we have always proceeded with the Report being the Bill as amended.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, there are several reasons why I would suggest that in the case of this particular Bill that the procedure which has been recommended by the hon. Chief Secretary should be adopted. This is an excessively complicated Bill which deals with all sorts of interests, and I feel that it would be only fair to hon. Members opposite to be able to have full knowledge of the reason why we have made all these alterations in the many clauses of this Bill. But, Sir, apart from that it has I admit been the procedure in the past for a Select Committee to report back to the Council and for Council to debate that Select Committee's Report. But it will be within the knowledge of this Council, Sir, that recently, as a result of adopting that procedure—which I think I am right in saying is not the House of Commons' procedure—there have been mistakes in the final Bill as published, due to the fact that during the debate on the Select Committee's reports there has been an interchange of views between various Members and the Clerk has not had an

opportunity of quite appreciating what amendment to the Select Committee's reports has been desired. I believe, Sir, that because of that in the House of Commons it is the practice to refer a Bill to the Select Committee. When it comes back to the House they have the advantage of having read that Select Committee's Report. But, I understand, Sir, that in the House of Commons the Bill is automatically held to be recommended to a Committee of the whole House when the Select Committee's Report has been received and can be gone into again clause by clause, thus obviating the possibility of any doubt as to what amendments should be approved or slightly changed from the Select Committee's original suggestions. I think this is a typical example, this Bill. If we were to approve the Select Committee's Report exactly as it is printed, well, Sir, I would be only too happy, but I doubt whether that will happen. I am not quite as optimistic as that. I feel there may be some changes, and they may be rather complicated. For that reason, Sir, I do hope we can adopt this system.

THE CHAIRMAN: I am, of course, much impressed by what the hon. Member has said, but we must be careful about these analogies with the House of Commons for one thing, because it is not a regular thing for Bills in the House of Commons to go to Select Committees. They go to Standing Committees, and there are four Standing Committees. They could never get through the Bills in any other way. It is a rule that even if a Bill is sent to a Select Committee in the House of Commons, that Select Committee is empowered to amend it and what they report back is the Bill as amended. Now, if you are going to consider the Bill in Committee, as far as I can see you would consider the Bill which had already got these amendments. That is the view that I take. However, if you think that is dangerous, and you wish to consider and to go back on the work of the Select Committee, then I shall raise no further objection.

#### Clause 1.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That clause 1 be amended by substituting "1951" for "1950".

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

#### Clause 2.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "applicant"—"applicant" means any person who has applied for a permit under the provisions of this Ordinance or who has applied for a water right or sanction under the provisions of the Water Ordinance, 1929;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "artesian well":—

"artesian well" means a well in which water rises to the surface of the ground by natural pressure, and "sub-artesian well" means a well in which water rises by natural pressure above the base of the first impermeable stratum immediately overlying the aquifer in which the water was encountered, but does not rise to the surface of the ground;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "body of water":—

"body of water" means water contained in, or flowing in, a spring, stream, natural lake, or swamp, or in or beneath a watercourse, or in a zone of saturation and includes the water diverted or abstracted therefrom, or stored therein, by means of works carried out under a licence, sanction or permit, but does not include—

- (a) the water in a spring which is situated wholly within the boundaries of the land owned by any one landholder and which does not naturally discharge water into a watercourse extending beyond the boundaries of such land or abutting on the boundaries of such land;

- (b) ground water which is not situated within a conservation area to which a Conservation Area Order made under section 62 of this Ordinance applies, or which is of the nature specified in paragraph (b) of section 26 of this Ordinance, or a well for the construction of which no permit is required under the provisions of section 37 of this Ordinance;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in lines 45 and 46 the word "permit" be substituted for the words "water right or sanction".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in line 48 "Section 33" be substituted for "Section 38".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the definition of "driller" (lines 57 to 59) be deleted.

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the definition of "easement" be amended by substituting the word "permit" for the words "water right or sanction".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the definition of "filed" (lines 3 to 10 on page 824) be deleted.

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "licence":—

"licence" means the document issued under the provisions of the Water Ordinance, 1929, conveying a water right authorizing the abstraction, diversion, obstruction, storage or use of water.

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "licence":—

"licence" means the holder of a licence issued under the provisions of the Water Ordinance, 1929;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the definition of "operator" (line 3 of page 825) the words "sanction or permit" be substituted for the words "or sanction".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following new definition be inserted between the definitions of "operator" and "person":—

"permit" means a document issued under the provisions of this Ordinance authorizing the abstraction, diversion, obstruction, storage or use of water or the drainage of lands;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the definition of the word "priority" (lines 9 to 13 on page 825) be deleted.

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the definition of "Regional Water Board" (line 18 on page 825) the words "section 19" be substituted for the words "section 24".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That between the definitions "Registrar of Titles" and "salt water" be inserted the following definition:—

"rest level" means the maximum level to which the water in a well will rise without being pumped.

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "salt water":—

"salt water" means water containing salt or other minerals or substances in such quantities as, in the opinion of the Water Apportionment Board, to be injurious to vegetation, agriculture, husbandry or health, having due regard to the purposes for which it is to be used and the availability of alternative supplies;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the following be substituted for the definition of "sanction":—

"sanction" means a document issued under the provisions of the Water Ordinance, 1929, authorizing the abstraction, diversion, obstruction, storage or use of water or the drainage of lands;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in line 39 on page 825 the words "the Member, after consultation with the Water Resources Authority" be substituted for the words "the Member" in paragraph (ii) of the definition of "state Scheme".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the definition of "storage" (line 48 on page 825) "section 24" be substituted for "section 29".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the definition of "swamp" (line 61 on page 825) "section 127" be substituted for "section 136".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the definition of "Water Appeal Board" (line 2 on page 826) "section 133" be substituted for "section 142".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That between the definitions "Water Apportionment Board" and "Water Resources Authority" there be inserted the following definition:—

"water bailliff" means any person authorized under the provisions of this Ordinance to perform the duties of a water bailliff;

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That in the proviso to the definition of "water-course" (line 11 on page 826) "section 127" be substituted for "section 136".

The question of the amendment was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That the definition "water right" (lines 11 to 16 on page 826) be deleted.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, I just want to draw the attention of Council to the fact that there are one or two minor misprints in this new Bill. In line 17 "quaffer" is misspelt. They have omitted "Section 26 of" in line 39. They have put in a "water" which should not be there in line 8 on page 4.

The Committee reported back to Council.

THE ACTING CHIEF SECRETARY moved that the Committee rise, report progress, and ask leave to sit again.

Council resumed, the report was adopted, and leave given to sit again.

### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 23rd August, 1951.

### Thursday, 23rd August, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 23rd August, 1951.

The Speaker took the Chair at 9.45 a.m.

The proceedings were opened with prayer.

### MINUTES

THE SPEAKER: The minutes, hon. Members, will be delivered later in the day.

### ORAL ANSWERS TO QUESTIONS

#### QUESTION NO. 60

MR. BLUNDELL:

In view of suggestions which have been made in the United Kingdom that the principle of dividend limitation may be extended to the Colonial Empire will Government give an assurance that there is no intention to introduce into this Colony any such measure so suppressive of development by private enterprise and so calculated to discourage the flow of capital resources to this country for that development.

THE FINANCIAL SECRETARY: This Government gives the assurance asked for.

MR. BLUNDELL: Mr. Speaker, arising out of that reply, over what span of time does the hon. Member intend his assurance to extend? (Laughter.)

THE FINANCIAL SECRETARY: The hon. Member is aware that no Government can commit its successor. I can state however that this Government contemplates no policy which involves a limitation of dividends.

#### QUESTION NO. 61

MR. USHER:

Is Government satisfied that United Kingdom legislation restricting the investment of capital abroad does not, and is not likely to have an adverse effect upon development in East Africa?

THE FINANCIAL SECRETARY: I presume the hon. Member has in mind clause 33 of the United Kingdom Finance Act, 1951, I would refer the hon. Member to

[The Financial Secretary] the statement made by the Chancellor of the Exchequer during the debate in the Committee stage on clause 32 of the Finance Bill, now clause 33 of the Finance Act, 1951. Among other things the Chancellor said: "May I also say that we have no intention whatever of allowing this to interfere with development in the Colonial territories. The point has been raised again, and I make no apology for repeating that in the administration of this clause there is no doubt at all that development in the Colonial territories must loom large in any considerations of public policy. I have no doubt at all that the advisory panel would take them into account, and I, as Chancellor, certainly would do so as well. I would say frankly, that normally if there was no question of tax avoidance and no such motive, Colonial Development would be a decisive consideration in making up our minds whether to allow the migration or not."

MR. USHER: Arising from that reply, Sir, I think the hon. Member will agree that in such cases avoidance of United Kingdom income tax will be an inescapable fact although it might not be a prime motive. If it should appear at any time—

THE SPEAKER: Is the hon. Member making a speech or putting a supplementary question?

MR. USHER: I am coming to the question now. If it should appear at any time that the United Kingdom income tax factor dominated the decision, what would the Government do?

THE FINANCIAL SECRETARY: Mr. Speaker, this Government will watch the operation of this principle with very close attention and should it transpire that in the opinion of this Government that the operation of the clause either generally or in a particular case did impede the investment of development capital in these territories, this Government would have no hesitation whatever in making the necessary representations to His Majesty's Government.

MR. BLUNDELL: Strong?

THE FINANCIAL SECRETARY: Yes, Sir, strong representations.

## BILLS

## FIRST READING

*The British Standard Portland Cement Company Limited (Bamburi Factory) Bill*

MR. USHER: Mr. Speaker, I beg to move: That the British Standard Portland Cement Company (Bamburi Factory) Bill be read a first time.

May I take the opportunity, Sir, to ask whether the Government would kindly arrange for the Bill to be taken through all its stages at the present sitting?

MR. LILLYWHITE: Mr. Speaker, I beg to second that.

THE SPEAKER: All I have to do at this stage, anyway, is to put the question that the Bill be now read a first time.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Speaker, in response to the suggestion made by the hon. Member, I would like to say that the Government is prepared to find the necessary time during the present sitting to take this Bill through all its stages.

THE SPEAKER: In that case there is no need for me to make any order, because, after it has been read a first time, it is only if the Council otherwise orders that I put the question that it be read a second time. It will be read a second time tomorrow.

THE FINANCIAL SECRETARY: Mr. Speaker, the next Bill for second reading on the Order Paper is "The Customs Tariff (Amendment) Bill, 1951". That second reading, Sir, will be moved by my hon. friend, the Secretary to the Treasury, but, Sir, there is some doubt as to whether the moving of the Bill in the manner proper conflicts with the requirements of Standing Rule 91 (d) which, as you know, Sir, is a new rule designed to govern Budget procedure. So in order to avoid any technical objection or misunderstanding on this matter, I thought it advisable to ask for suspension of that Standing Rule. I hope the other side, in the light of this explanation will have no difficulty in accepting a motion of that nature.

With those words, I beg to move that Standing Rule 91 (d) be suspended for the purpose of this second reading.

THE ACTING CHIEF SECRETARY seconded.

THE SPEAKER: I will give leave for the motion to be moved in this case, and I do so for this reason, that we are carrying over from an old procedure to a new, and this will in effect give effect to recommendations of the Committee appointed some considerable time ago, and there will be of course full opportunity in Committee of the whole Council to deal with the Bill pretty thoroughly. I therefore propose the question now that 91 (d) be suspended so that any doubt will be removed.

The question was put and carried.

## BILL

## SECOND READING

*The Customs Tariff (Amendment) Bill*

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move that a Bill entitled "An Ordinance to Amend the Customs Tariff Ordinance" be read a second time. From the 11th August, 1948, Sir, the following resolution was adopted by this Council: that the East Africa High Commission be requested to appoint an interterritorial committee for the purpose of examining the tariff authorities by Customs legislation, and submit recommendations to the Government (a) for the elimination of the anomalies, having due regard to the necessity of maintaining customs revenue at approximately its present level and (b) as to what provisions should be made on drawbacks of duty in respect of materials used in secondary industries, and what safeguards against abuse are necessary. The Committee presented an interim report in 1949 and recommended certain amendments to the Ordinance which were accepted by this Council, and were embodied in Ordinance No. 43 of 1949.

The Bill which is now before Council is designed to make legal the final recommendations of the Committee: in so far as they relate to varying the Customs Tariff. It also makes provision, Sir, for the removal of other anomalies which have come to light subsequently. I do not think, Sir, it is necessary that I should comment in detail on this lengthy list of amendments, but I cannot leave the Bill without inviting the attention of hon. Members to the infinite variety of its provisions. I do not suppose that many hon. Members considered them in detail, but they are worth looking at.

We begin, Sir, with "canned and bottled fish". I do not think I have ever heard of "bottled fish". But before we have time to consider its possibilities, we are in a world which is different from ours: Cheek by jowl we find, "poultry grit and spice, bone meal and bone flour, hessian in the piece and empty cement bags". (Laughter.) These, Sir, are all to be completely free. There is no doubt it is obviously of tremendous importance to someone this should be so—perhaps to us. Who knows? We have hardly even begun, Sir, to grasp the full significance of this, before we find ourselves considering "down-pipes and gutters"; aluminium extrusions and scaffolding; ball and roller bearings; magnets; axes, hatchets and refrigerators; red phosphorus and transmission hose—"transmission hose, of all descriptions", Sir. Do all these things really exist? It is odd, but I suppose they must.

Anyhow, the Bill is designed to reduce or eliminate the duty on them, which is possibly a good thing. The whole point is, it is not going to cost us more than £10,000 a year, and it is surely worth more than that. The thought of the happy faces of the importers of, "containers, tins, bottles and jars, museum and natural history exhibits", not to mention the last item, "flus" when they find all these things are to be free of duty—is surely worth the sacrifice! (Applause.)

THE ACTING SOLICITOR GENERAL seconded.

MR. BLUNDELL: Mr. Speaker, I do not wish to delay the Council. I want to ask the hon. Member in his reply to make clear, as he has obviously examined the Bill in the greatest detail, what exactly is meant under the phrase in the heading (29) "Tyres, other tyres, solid or pneumatic—free"; and again in "Tubes, other tubes not otherwise tubes enumerated—free". I ask that, Sir, because in the Committee the intention of that was to exempt from tax agricultural tyres and tubes which could not be fitted to other vehicles. Recently, when representations were made to the Customs Department on this matter the officer within that Department was unable to interpret this clause.

THE SECRETARY TO THE TREASURY: As you say, Sir, I have spent a little time examining the manifold provisions of this Bill, but I am afraid I cannot answer the

[The Secretary to the Treasury] specific question put by the hon. Member. It says "Other tyres, solid or pneumatic—free: tyres of lorries, trucks, vans and similar vehicles—per pound 55". Is it not perfectly clear, Sir? Anyhow, Sir, if there is any doubt about this it shall undertake to take the matter up if it is found an amendment is required.

The question was put and carried.

#### *The Miraa Prohibition (Scheduled Areas) Bill*

**THE CHIEF NATIVE COMMISSIONER:** Mr. Speaker, I beg to move: That the Miraa Prohibition (Scheduled Areas) Bill be read a second time. Mr. Speaker, this Council has been chewing over miraa now for nearly twenty months. I hope that this will be its final chew. Hon. Members will recollect that when the Bill entitled a Miraa Control (Amendment) Bill came before Council in 1949 it was referred to a Select Committee and in the event that Committee recommended that the Bill should be withdrawn and that the original Miraa Bill should be repealed and that the control of miraa should be confined to the Northern Province. The reason for that, Mr. Speaker, were that the Committee, having heard evidence, were convinced that the excesses and abuses which follow over-indulgence in this shrub occurred mainly in the Northern Province and not elsewhere, and that therefore the control of this shrub and its derivatives should be confined to the Northern Province.

The new Bill, Sir, is designed to effect that control and it prohibits the cultivation of miraa, the purchasing, selling or dealing in miraa, the consumption, use and possession of miraa within the Northern Province. Now it also extends that area to include an area within ten miles of the District Commissioner's office at Isiolo and that part of the Meru Native Land Unit which lies north of the Isiolo-Garba-Tulla Road and one mile south of it. Now the reason for that addition to the area in which we must try to control this miraa is that we must be able to try to control that miraa as it enters the Province. The best miraa I am told, is grown in the Igamba area of Meru, and the main tracks along which I think the miraa is smuggled run from the Njombeni Hills towards the Garba-Tulla Road. It is wise therefore, that we should be enabled to control access to that road and also,

of course, within a short distance of Isiolo itself.

There is only one section Sir, which rather worries me about this Bill which I regret to say I only noticed to-day, and that is, section 4, page 2, of the Bill, lines 7 and 8 on page 2 of the Bill. I find that, if any miraa is discovered in the possession of any person the person has to prove to the satisfaction of the Court that he did not know nor had he any reason to believe that the miraa was in or on such vehicle or animal. How he is expected to know whether it is in such an animal, Sir, I am not quite certain, but I am assured by my legal adviser that we should leave the Bill as it is.

Mr. Speaker, I beg to move. (Applause.)

**THE ACTING SOLICITOR GENERAL:** seconded.

**MR. JEREMIAH:** Mr. Speaker, I stand to support the Bill, but at the same time, Sir, I would like the hon. Mover to tell us what will be the position of the people who are allowed to use miraa in Meru and other places and who may be travelling to the Northern Frontier. Are they going to be prohibited from carrying on their usual practice of using miraa when they go to that area. What would be the position because in this Bill no one is allowed to be in possession of miraa either while travelling or while in that area and I believe that people who are using miraa will have to go into Isiolo some time or other. What will be the position?

**MR. MATHU:** Mr. Speaker, I also arise to support the second reading of this Bill and to say how relieving this measure will be to most of the Meru people and the Embu who grow this shrub. As on previous occasions Sir, I would like to say that the extension of control or rather prohibition in the Northern Province, I agreed to as a compromise, as a member of the Select Committee, because my intention naturally was that most of the evidence that we got was that this commodity should be allowed a free run throughout the Colony. But I think it is reasonable also, particularly because of the representations that were made by the Provincial Administration of the Northern Province, that this commodity should be prohibited in that Province. Now, my apprehension about clause 4 stands as it was

[Mr. Mathu] when this Bill that the Select Committee recommended should be withdrawn, was debated in the Council, because I think that the passengers of a vehicle travelling from Meru to the Northern Frontier or people going there as my hon. friend Mr. Jeremiah remarked, will be put to tremendous hardship to prove that they did not know the presence of miraa and this would take a long time. I still feel that perhaps we ought to limit the responsibility to the owners of the vehicles and to the owners of the premises but to other people who happen to be in the house or happen to be in the vehicle should be exempt from responsibility. If you did not do that, I say Sir, the hardship will be extended to all and sundry. However, I think that it is a point that the hon. Mover should perhaps clarify.

In the Schedule, Sir, point 2 and point 3 where you prohibit the use or growing of miraa to a radius of ten miles of the office of the District Commissioner, Isiolo, and then north of the Isiolo-Garba-Tulla Road and one mile to the south. Those I think I am not very happy about. On the other hand I appreciate that if you have to have effective control you must have a margin into the Meru Land Unit so that to make sure that the miraa is not taken into the Northern Frontier.

Apart from these points I think the measure is going to be of very useful service to all those concerned.

Sir, I beg to support.

**THE CHIEF NATIVE COMMISSIONER:** Mr. Speaker, in reply to the hon. Members, first of all in reply to the hon. Mr. Jeremiah, who asked what would Meru people do who are used to chewing the derivatives of this shrub when they are in the Northern Province. Well, I am afraid that when they are in that Province they will have to stop chewing for the moment.

Then my hon. friend Mr. Mathu commented on the fact that passengers in vehicles travelling into the Northern Province could not be expected to know that that vehicle possibly was carrying that miraa. Well, now, there has been a lot of smuggling into the Northern Province. The Select Committee themselves were convinced that there were excesses of the use of this shrub in the Northern Pro-

vince, and we really have to be firm to see that the shrub and its derivatives are not smuggled into the Northern Province. It would be too easy, I suggest, if we merely confined the responsibility for having miraa in the vehicle to the owner of that vehicle, for the owner, who will probably be somewhere miles away to plead entire ignorance, for the driver to plead ignorance and to hand over miraa to a passenger, for the passenger to pop it under the seat and everybody say they knew nothing about it. I think if we are going to try and stop miraa in the Northern Province we must be firm about it and take all the steps we can.

My hon. friend Mr. Mathu also referred to the third item of the Schedule, that is the portion of the Meru Land Unit lying to the north of the Isiolo-Garba-Tulla Road and one mile to the south of the road. That area is practically uninhabited, I can assure the hon. Member. I have walked over it myself in years gone by and it is very sterile land and I do not think by inserting that in the Schedule we are going to affect the Meru's legitimate use of miraa.

Mr. Speaker, I beg to support the motion.

The question was put and carried.

#### *The Pensions (Amendment) Bill*

**THE FINANCIAL SECRETARY:** Mr. Speaker, I beg to move: That the Pensions (Amendment) Bill be read a second time.

Sir, this Bill is perhaps not up to the level of excitement of previous Pensions (Amendment) Bills that I have had the pleasure of moving, but it is not without interest—to some! The purpose of this Bill is twofold. In the first place it provides for the officer who is transferred from the Kenya service, that is to say from Kenya Government service, to a service to which the Federated Superannuation System for Universities or a similar insurance scheme applies. Under that system there is no time limit fixed for retirement. It is, therefore, possible for an officer, having served only for one year in a service to which that system applies, to retire on pension. Now, if he did so and he had previously served in a pensionable capacity under the Government of Kenya, we should have to pay to him

## [The Financial Secretary]

our proportion of the pension, notwithstanding the fact that he may be retiring in circumstances which, under our Ordinance, would not be recognized as a ground for retirement. The purpose, therefore, of this first amendment is to ensure that the officer will only get that portion of his pension that he had earned in Kenya if he retires from his second service in circumstances which would attract the payment of Kenya pension under the provisions of our existing Ordinance.

The second amendment is designed to protect the officer who is seconded or transferred to service under African District Councils. Some hon. Members will recall that African District Council is a new appellation for the former Local Native Councils. As the matter now stands, if an officer goes to serve under an African District Council and conditions of service there do not provide for retirement on pension, then as matters stand such transfer constitutes a break in his service. The object of this amendment is to secure that notwithstanding the absence of any pensions provisions in his new service, if he retires from that service in circumstances where we would have granted him a pension in Kenya, then he will get that part of his pension which he has earned under the Kenya Government.

Those two objectives are the sole objectives of this amending Bill.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

## The Rabies (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move the second reading of a Bill entitled an Ordinance to Amend the Rabies Ordinance.

This, Sir, is a very simple measure. It merely seeks to render the existing Ordinance applicable to cats as well as to dogs, for as people are aware, cats are very susceptible to rabies and dangerous as carriers from that point of view.

Furthermore, the Bill seeks to increase from Sh. 200 the permissible penalty for failing to destroy or to properly confine

a diseased dog or cat to Sh. 2,000. The object of that, Sir, is to bring this Ordinance in line with the penalties that are provided under the Diseases of Animals Ordinance, because the two Ordinances very often have to be worked in conjunction with one another. Also it has been found that persons are willing to risk flouting the law for Sh. 200 but they would not be so anxious to take the risk for the increased penalty.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

MR. BLUNDELL: Mr. Speaker, I am going to support this Bill, but there is one important matter of principle to which I wish to refer. We are constantly, in this Council, passing legislation which in effect cannot be carried out, and there is in this Bill a glaring instance of that. I would like to draw the hon. Member's attention to the definition of a stray cat: "Stray cat means any cat found wandering at large in a public place and not being under the control or charge of any person." Now, Mr. Speaker, I am well aware that the hon. Member who moved this Bill is, I think, the oldest Member of this Council and, of course, in that time he must have learnt a great deal especially in the last five years in the Government service. If he can tell me the difference between a "stray cat found wandering at large in a public place and not being under the control or charge of any person" and any ordinary cat which belongs to a person and is going across a public place and is not in the charge of that person, I should be very much obliged. (Laughter.)

This is one point on which I would feel the hon. Member is entitled to any promotion which we can give him, if he has indeed evolved a method by which he can control a cat. This is on the same lines and typical of the docking of dog tails in the Veterinary Bill which came before us the other day. It was solemnly suggested that nobody under the age of 18 should dock a dog's tail, but if one was a keen and eager young dog fancier of 17 how on earth could one prevent him docking, for instance, a Scottie's tail without an army of policemen? We are constantly bringing up legislation of this kind. I do draw the hon. Member's attention to it and I

## [Mr. Blundell]

will be grateful if in the hon. Member's reply he is able to tell us how he can distinguish between stray cats and normal cats.

MR. MATIU: Just following on that one, might the hon. Member also in his reply define a "public place"?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In the first place, in my capacity as the President of the E.A. Kennel Club, I trust that Scotties' tails will not be docked! (Laughter.) Apart from that, Sir, I agree with my hon. friend the Member for Rift Valley that it is easy enough to draw attention to what possibly is a shortcoming in the definition of the words "stray cat". On the other hand, we have got to cover "cat" somehow; we have got to include him in the Ordinance! (Laughter.) I am afraid I can think of no better method of describing a cat which is, in fact, a semi-wild cat, of which there are fairly large numbers living in towns and in villages, than the one that has been used, and I think it is a case where one has to use a little common sense as far as it is possible in carrying this Ordinance into effect. The same thing applies, I think in the comments made by my hon. friend Mr. Matiu: A public place, I believe, is defined in a great many Bills, but what we really want to secure, as my hon. friend knows perfectly well, are the powers of destroying or dealing with very large numbers of wild cats and ownerless dogs which roam about in certain parts of the country and which are undoubtedly a great source of public danger. (Applause.)

The question was put and carried.

THE ACTING SOLICITOR GENERAL moved: That Council do resolve itself into Committee to consider the following Bills:—

The Customs Tariff (Amendment) Bill.

The Miraa Prohibition (Scheduled Areas) Bill.

The Pensions (Amendment) Bill.

The Rabies (Amendment) Bill.

THE ACTING DIRECTOR OF MEDICAL SERVICES seconded.

The question was put and carried.

## COUNCIL IN COMMITTEE

## Customs Tariff Bill

## Clause 29

MR. BLUNDELL: Mr. Chairman, Mr. Horne, I was not entirely satisfied with the answer which the hon. Member gave in Council on my query on "Other tyres, solid or pneumatic". The intention of the Committee was to exempt agricultural tyres which could not be used on other vehicles covered under the section above, tyres for lorries, trucks, vans and similar vehicles, etc. The other day when the executive officer of a prominent farming organization rang up the Commissioner of Customs to find out what was meant by this, I understand the Customs were unable to state whether agricultural tyres used on agricultural implements and machinery which could not be used as tyres for trucks, lorries, vans, etc., were exempted. I do not wish to move an amendment if it can be avoided because these Tariff Customs Bills are extremely complicated technically in the wording. I have an amendment in here, which I am quite happy to move but perhaps hon. Members opposite would prefer to postpone continuance of this Bill until they have had an opportunity to examine what is meant in this section by "free".

MR. OLANGA: Mr. Chairman, before that question is answered could we have a ruling from the Chair—whether the hon. Member is right in addressing the Chairman by his personal name.

THE CHAIRMAN: I have never sat in the House of Commons myself. I cannot be said to be even an authority on the etiquette of this Council because I have only sat here for a matter of nearly four years, but I will consider the matter as you consider it of sufficient importance to have raised it and will let you know later on.

THE SECRETARY TO THE TREASURY: Mr. Chairman, I confirm, Sir, that the intention of the Committee was that the amendment should permit free admission of tyres and tubes solely for use with tractors or with agricultural or road-making machines and implements, and that they should be free and that tyres for other uses should be dutiable. If, Sir, the Bill, as now drafted, does not make that clear, then the Government will be

[The Secretary to the Treasury] prepared to give administrative instructions to see that the intentions of the *ad hoc* Committee are carried out.

MR. BLUNDELL: Mr. Chairman, in that event, I will not move my amendment. I am quite happy with the assurance of the hon. Member.

The Committee adjourned at 11.05 a.m. and resumed at 11.25 a.m.

#### The Water Bill

THE CHAIRMAN: Before we proceed in Committee on the Water Bill, I have been having consultations with Members as to how we could save time, and I would point out that I was taken somewhat by surprise yesterday in thinking that it would be necessary to go through the Bill as if the Bill had never been committed before, but the Bill has been committed to a Select Committee after second reading in this Council, and the Select Committee have proposed a large number of amendments as you know, and you have before you the Report of the Select Committee and you also have a copy of the Bill as it would appear if all the amendments proposed by the Select Committee were adopted, as would be the case under sub-order 3 of Order 80 in the general practice of this Council. Owing to its extreme length and complexity, the Council yesterday decided under the second portion of sub-rule 3 that the Bill should be referred to Committee of the whole Council.

Now I do not think that that necessarily means that we have to call each clause as we have been doing in the last few minutes on Bills committed immediately after second reading to a Committee of the whole Council. What we are concerned with is the consideration of the Select Committee's Report on the Bill. In that respect I must come back to a matter which I consider a statement of principle which can be found in Campion's Introduction, page 248, First Edition, where he says this: "In the case of a Select Committee on a Bill, the Bill or the Bill as amended, as the case may be, is the Report of the Committee". What we are really considering now is the Bill as amended by the Committee. It is not necessary, and in this matter I am expressing a personal opinion. I have got no authority in "May"

and I can find no details about it there, but it is not necessary to go through the Bill clause by clause. What is necessary, is that the *ex-officio* Member of the Executive Council in charge of the Bill should really state the effect of the Committee's proposals on each clause, as the clause is called, then if any Member takes exception to the proposal of the Committee, he may rise and move whatever amendment he chooses to move, or he may rise even and ask for explanations in a short manner—not necessarily make a speech, if there is not exception taken to the Committee's report.

Now, although I can find no authority in "May" I can find authority both in Southern Rhodesia and in the Union of South Africa on this point, and the learned Clerk of the House of Assembly in the Union of South Africa, puts the matter, I think, quite clearly and I will read you what he says: "When a Bill is referred to a Select Committee after second reading, the Bill remains in the charge of the Member who introduced it, and it is printed in a form showing the amendments proposed. To save time, however, these amendments are not put when the Bill is considered in the Committee of the whole House unless they are challenged by a Member. If they are challenged they can either be agreed to, or negatived or adopted with amendments".

Now you have the whole thing before you and I do not think it is at all necessary that I should be compelled or that the Member in charge of the Bill should be compelled to move all these amendments. It is for Members who take exception to them, to raise the matter as they are laid before you for consideration by the Member who is in charge of the Bill.

I hope I have made that clear. If there is anything that I have not made clear, I shall be glad to be asked about it.

You have only to look at the Minutes of yesterday to see what kind of minutes there will be tomorrow if we go on doing to-day what we were doing yesterday. I will read you also the Standing Order which is the one on which Mr. Kilpin in his book has based himself, and it is in these terms, and I hope we will get something into our new Standing Orders

[The Chairman] on the same lines: "In going through a Bill in committee of the whole House, amendments made on such a Bill by a select committee shall not be moved, nor shall any question be put thereon unless exception be taken to such amendments. Upon exception being taken by any member to an amendment proposed by a select committee, the Chairman shall forthwith put the amendment for discussion."

I am basing myself on that and we shall call the clauses as we were doing and then the hon. Member in charge of the Bill will draw attention to the amendments proposed by the Committee and any Member who then wishes to rise and take exception should do so.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, do I understand you will read out the clauses of the Bill which was before the Council at the second reading.

THE CHAIRMAN: I am quite at liberty, I think, to take the clauses on the new printed copy, if you wish. I think that would be the shorter way still.

THE ACTING CHIEF SECRETARY: Sir, I should very much prefer on behalf of the Government that we should continue, subject to the remarks which you have made, this morning, in the same way that we commenced yesterday.

THE CHAIRMAN: We will take the clauses as numbered in the old Bill, but I shall not put any question unless exception is taken.

It will be accepted that the Select Committee's amendments will be agreed to unless exception is taken.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I would merely point out, Sir, a new clause has been substituted for the original clause 3, a copy of which is before Members and the reason therefor is explained in the Report.

MR. SALTER: Sir, on a point of order in this connexion and with your ruling, would it not be more appropriate to take the Bill as amended by the Committee because that is the Bill now before the Committee and it is to that Bill, as amended, that exceptions have

to be raised, if any. I think that, Sir, is in accordance also with the references you made.

MR. BLUNDELL: Mr. Speaker, may I speak to a point of order for a moment?

I think that that might be a better procedure because the object of this procedure is to avoid errors in the printing arising out of suggested amendments in this Council and I think, therefore, it would be better to move straight on to the amended Bill as before us because as the hon. Member for Nairobi South said that Bill is going to be altered. Otherwise, we will find ourselves altering a Bill which in effect has already been altered; by the Select Committee and I can see in that double process errors arising.

THE ACTING CHIEF SECRETARY: I am only anxious that the procedure will be adopted which will be the most comprehensible to the hon. Members and I would suggest, we carry on with the original Bill this morning because that is how we started yesterday. I thought there might be confusion. But, if remarks of hon. Members opposite are agreed generally by Members of the Council, I will raise no objection on this side towards proceeding on the basis of the amended Bill.

MR. OHANGA: The motion on which we are moving at the moment is to consider the Report of the Select Committee, and of the Bill adopted as a result of the Report. It is the Report we are dealing with, and not the Bill.

THE CHAIRMAN: It is important that we should all know where we are in dealing with something that is somewhat novel. The difficulty which I was under yesterday was the form in which the Select Committee had reported this matter—and they reported in the form of recommendations unfortunately—but there seems to be no doubt at all that when a Bill is committed after second reading or even before the second reading to a Committee, the Committee can make as many alterations as it wishes, provided they are within the scope of the Bill, within the principles which had been agreed upon by Council at the second reading. I have examined the matter and I cannot see that the Committee had gone beyond their powers at

[The Chairman] all. They are within their powers and I agree now with what the hon. Member for Nairobi South suggested, that is that we take the Bill in the form in which it has come from the Select Committee.

Now, we are under no difficulties because we have got as far as clause 2 as it would be amended by the Select Committee if they had had the courage of their convictions to put it higher than "Recommend". So we could well go on now with clause 3 in the reprinted Bill. I think you agree that clause 2 in this printed copy, which is called the "New Bill"—the Select Committee's Bill—is in the form of clause 2 as we amended it yesterday.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: May I follow on a point of order, as I have a good deal to say on the subject—

THE CHAIRMAN: I know you were away this morning unfortunately, and I was not able to consult with you personally, but I did consult with the Chief Secretary and the Attorney General on this matter.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I understand it is the wish of hon. Members opposite when future complicated Bills of this kind come up, that subsequent to the second reading, and the committing of the Bill to a Select Committee, that the amended Bill as it emerges from the Select Committee will become the substantive Bill which will be recommended to the Committee of the whole Council. If that is understood, I think it simplifies procedure a great deal.

THE CHAIRMAN: I hope you are all now clear on that—that the Bill we are considering is the Bill as it has left the Select Committee.

#### Clause 4

MR. MACONOCHE-WELWOOD: Mr. Chairman, in connexion with clause 4, the hon. Member for Natural Resources has given an assurance that water vested in the Crown does not include anything contained in the water or the sporting rights on water on private land.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I take it the hon.

Member is referring to fishing and shooting rights. As far as I am aware these do not come under the provisions of this Bill at all, so nothing here could have anything to do with the rights of a riparian owner in fishing and shooting.

MR. BLUNDELL: On clause 4 I am not at all sure that the hon. Member is right. My interpretation of the Bill is that if one is wading in water one is exempt from the rights of the riparian owner.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member's argument is a riparian owner has certain fishing rights and if you like to walk down the middle of a river you can fish as much as you like. I am not prepared to argue that one.

MR. MACONOCHE-WELWOOD: Mr. Chairman, in view of that reply and the uncertainty of the position, will the hon. Member promise on behalf of the Government if his interpretation is incorrect that an amending Bill will be brought in to safeguard the owners of water on private land to protect sporting rights and other rights appertaining thereto.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid I cannot answer the question that has been put to me, beyond that I do not believe sporting rights come within the purview of this Bill, but I quite appreciate the point on which the hon. Member wishes information and if you will allow me to do so, I will refer to this point again at a later stage during this Session.

#### Clause 6

THE SPECIAL COMMISSIONER FOR WORKS: Mr. Chairman, under clause 6, it has been noted since this Bill was printed that no provision has been made for a quorum. It is therefore suggested that there should be added a further sub-clause as under:—

"Sub-clause (f). Six members of the Water Resources Authority shall form a quorum."

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I am most anxious to have that inserted.

THE ACTING SOLICITOR GENERAL: Mr. Chairman, before you put the question, may I suggest that that ought to be a

[The Acting Solicitor General] new sub-clause and not a new paragraph. It would more appropriately be come sub-clause 8.

THE CHAIRMAN: I agree with you that would be a much better arrangement.

The question was put and carried.

MR. CIEMALLAN: Under clause 6, Sir, Members will have noticed that there is appended to the report a minority note concerning clause 6. When the Committee was considering this Bill it found it possible to recommend that no sectional interests should be considered when appointing the six unofficial members of the Authority. My colleague, the hon. Mr. Jeremiah and myself found it impossible to associate ourselves with that recommendation because we wished to make sure that at least two Africans should be included on the Authority amongst the unofficial members. We feel very strongly about this, Sir, and as water is a resource which is of the greatest interest to the African community we wish to impress upon the Government that it is quite impossible to ignore African representation on the Board. Otherwise, Sir, we entirely agree with the Bill.

MR. JEREMIAH: Mr. Chairman, may I say that we would perhaps be satisfied if—

THE CHAIRMAN: I think that you have not got the matter clear. If you are agreeing with the clause there is no need to say anything. If you want the clause amended it is necessary to move an amendment to it so as to be able to make what you say relevant. Are you wishing to move an amendment to put in more or less what is the effect of your Minority Report?

MR. JEREMIAH: Yes, Sir. With your permission we would like to do so. The amendment I would move is that in clause 6 (3) (e) not less than six shall be unofficials, the words "two of whom shall be Africans" should be added. (Amendment proposed from the Chair.) We have not as yet been able to agree that it should be left open that six unofficial members shall be appointed to the Water Resources Authority. We understand that Government is taking as much care in our interests as possible,

but it would be a great help if Government would try to associate us with each activity. This is a very important matter about water, and if we are to be left out altogether I do not think it would be possible to convince us that the Authority is doing everything possible to protect our interests. We should be satisfied even if the Authority was not doing very much to further our interests, provided we had our own persons on this Authority, and for that reason I trust Government will accept that amendment.

LT.-COL. GHERSIE: Mr. Chairman, as I understand this section, it does not specifically state "Europeans", "Asians", or "Africans". At the same time it does not debar the nomination of Africans amongst these unofficials. I do not think the matter arises at all.

MR. OIHANJA: I think we are speaking from experience. I agree with the previous speaker wholeheartedly that of the six Members none of them is specifically stated as belonging to one race or another, but in our experience, where constitutions have been framed, as the one we have before us now, we find ourselves outside the Authority controlling the whole affair, and every time we come to the Government asking for representation we are referred to the constitution which did not provide for us specifically. The reason, we were told, there is no "Africans" with sufficient experience or knowledge. Our own argument is that if it is a question of experience no one is going to have experience without participation. If people are going to be debarred from participation and then be excluded on the grounds of experience then there is a contradiction in terms, and we will not accept it. We are doing this on principle, because in our experience when it is left vaguely we never get in anywhere.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I rise to oppose the amendment on the grounds that amendments such as this are really introducing a most lamentable form of racial discrimination. That form of racial discrimination which wants to name a particular race on a particular board is putting political issues before the issues at stake, which are technical issues of efficiency. I would say to hon. African Members that they, as a community, have the Chief Native

155 In Committee

In Committee 156

[Mr. Mazonochie-Welwood] Commissioner as their representative, specifically to represent Africans. There always have been, and I think always will be in this country administrative officers who will safeguard and look after the interests of Africans just as capably and just as loyally as any African can do it, and in view of that I most strongly deprecate this amendment and oppose it.

MR. JERLMIAM: Mr. Chairman, although it is said that the Bill does not provide for racial representation or sectional interest may I say that all the proposed official members are Europeans, and why should anyone at all object to mentioning Africans, knowing that in most cases unless that is mentioned they are going to be left out. May I say plainly, Sir, we cannot always entrust our interests to the hands of someone who is not our own.

MR. OHANGA: Mr. Chairman, if I might be allowed to stand up again, the last two speakers stated that this is a technical body. I did not think that was exactly what it was. The Water Resources Authority consists of officials who might be possibly regarded as technical people, but the others, I understand, will not be technical, but anyone of experience who is vitally concerned with the operations of the Authority.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid Government is not prepared to accept this amendment. Every time there is a Bill of this kind we have to listen to a debate identical to the one which is proceeding at the present time. It has been suggested that Africans will be left out, that all experience tends to show they may not get a fair deal. That is the insinuation that is behind the remarks made by my hon. friend who has just spoken. I think it is a great pity that this total misrepresentation invariably comes forward in this form. If we are going to develop this country as partners, with all races as partners, which I believe is the intention of all of us we have got to work together, and together we have got to find people to conduct such an operation as falls to this Board, which is to control and distribute and conserve water throughout the whole of the territory—we have got to get the best people regardless of race,

to serve the interests of all in the best possible manner. But if we are always, on every board of this kind, to stipulate there have got to be so many Africans, so many Indians, so many Somalis, so many Sikhs, so many Baluchis, so many Arabs and so many heavens know what, we will get nowhere at all. I maintain that African interests are abundantly safeguarded, firstly, I trust, by the consciences of the people who will be on this Board. Secondly there will be whoever occupies the post I am occupying at the moment; there will be the Chief Native Commissioner or his representative; there will be the Member for Education, Health and Local Government or his representative, and there will be the Director of Public Works. Admittedly in addition to these there will be unofficials, but there is nothing whatever in this Bill to suggest that those of those need not be, or will not be, or should not be an African. I therefore do suggest that in regard to the composition of the Water Resources Authority we should leave the Bill as it stands. Furthermore I would point out we have Regional Water Boards who give their advice to the Central Authority and it is on these that we will no doubt require the services of Africans in quite large numbers.

MR. MATHU: Just one word, Sir, to say that our representation in this matter is not racial discrimination, because we do not want to bring in any question of racialism at all, Sir. What exactly we are trying to impress upon this Council is exactly what the hon. Member for Agriculture has said: that is, to develop that country in partnership. Partnership means all those who come into the business together. The same words were used by the hon. Member in moving the Road Authority Bill, where we pressed hard that there should be African representation—there is none now. Do you call that partnership? If Africans and Europeans have to work in partnership in this country they must work together in matters like the Road Authority, which concern all of us very vitally, and I do not think we can do more than to say that if it is a partnership it will have to be a partnership in the true sense of the word. It is not, and we would like therefore to register a protest as the result of

157 In Committee

[Mr. Mathu] previous experience that African interests are left out of matters of very vital importance to them, and this is one.

The question was put and, on a division, negatived by 22 votes to 7. (Ayes: Messrs. Chemallan, Jeremiah, Mathu, Nathoo, Ohanga, Pritam and Shary, 7. Noes: Messrs. Blundell, Le Breton, Carpenter, Cavendish-Bentineck, Cowie, Davies, Gherisie, Hope-Jones, Hopkins, Hunter, Lillywhite, Mazonochie-Welwood, Sir Charles Mortimer, Messrs. Pike, Sir Godfrey Rhodes, Messrs. Roddan, Salter, Lady Shaw, Messrs. Thornley, Trim, Usher, Whyatt, 22. Absent: Messrs. Hartwell, Madan, Mathews, Padley, Patel, Rana, Salim, and Vasey, 8.)

Clause 62

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES moved: That sub-clause (2) be amended by the deletion of the word "this" in line 10 on page 23 and the insertion of the word "the".

The question of the amendment was put and carried.

Clause 67

THE SPECIAL COMMISSIONER for WORKS moved: That in line 13 on page 24 the word "triplicate" be substituted for the word "duplicate".

The question of the amendment was put and carried.

Clause 17

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There is a misprint in (6), "restraining the Member from exercising", exercising is misspelled.

Clause 27 (1)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In line 19 "watercourse" has been misspelled.

THE SPEAKER: Verbal amendments of this kind can be made without any motion put.

Clause 62

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The first amendment is in line 10 on page 23. The word "this" should be deleted and the word "the" should be inserted. It should then

read "in a newspaper circulating in the district", etc.

The question was put and carried.

Clause 67

THE SPECIAL COMMISSIONER FOR WORKS: I beg to move: That in line 15 the word "triplicate" be substituted for the word "duplicate".

It was overlooked that one of these forms must go back to the applicant.

The question was put and carried.

Clause 68

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 68 in the marginal note which reads at the moment "Application for right involving drainage or reclamation", I move that the word "right" be deleted and the word "permit" be substituted. It should read "application for permit involving drainage or reclamation".

The question was put and carried.

Clause 70

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 70 there appears after the number 70 the (1) which should be deleted.

THE SPEAKER: Verbal amendments should be made by the Clerk when reprinting the Bill.

Clause 75

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In the marginal note after the word "permit" the word "is" should be inserted.

The question was put and carried.

Clause 80

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 80 there are at the moment five sub-sections. The fifth sub-section should form part of sub-section (4). Therefore, in line 30 I move the deletion of the number (5).

The question was put and carried.

LADY SHAW: On clause 80, Sir, I am a bit doubtful about this—question of whether the Water Resources Authority decision should be final and binding in decision should be final and binding in a question of this kind. I would like to ask the Member why it is that no resolute course to the courts would be possible in a case like that. It is just a question. I do not want to move an amendment.



THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Select Committee went very carefully into rights of appeal and, indeed, have increased those rights immensely in this redrafted Bill. Roughly speaking, where any financial interest is implicated they give a right of appeal to the court, but on strictly technical matters they feel that it would not be very difficult but in some cases even unwise to give appeals to the court. In this particular one we have decided that an appeal to the Water Resources Authority should be final and binding, otherwise there would be no end to it.

I can give the hon. Member an assurance that we have tried to allow for appeals as far as possible in every case.

#### Clause 84

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: At the very bottom line of page 28, it reads at the moment: "an urban project, is not required, grant a licence or permit for" I move, Sir, the deletion of the words "licence or".

The question was put and carried.

#### Clause 87

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In line 33, Sir, it reads: "Board against such intended revision and alteration." I move, Sir, the deletion of the word "and" and the substitution of the word "or". It would then read "against such intended revision or alteration".

The question was put and carried.

#### Clause 88

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In the penultimate line of page 30; it reads: "such permit to another portion of land owned by such permit holder". I will move, Sir, the insertion between the word "of" and "land" the word "the". It then reads: "such permit to another portion of the land owned by such permit holder".

The question was put and carried.

#### Clause 89

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 89 the very last word reads "charge". The word should be "charges". I, therefore, Sir, move the deletion of the word "charge".

The question was put and carried.

#### Clause 92

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In the fourth line they have omitted to deal with "sanction holder" and I would, therefore, move, Sir, that after the word "licensee" the words "or sanction" should come in.

The question was put and carried.

#### Clause 110

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move: That in clause 110, line 5, that the word "required" should be deleted and the word "acquired" should be substituted therefor.

The question was put and carried.

#### Clause 119

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Page 38, the second sub-clause thereof, I beg to move: That on the third line on page 38, the word "other" should be inserted between the words "such" and "person". It will then read: "become the property of such other person, unless ordered to be removed by the Water Appropriation Board at the request of such other person".

The question was put and carried.

#### Clause 122

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There is a slight alteration in clause 122. In line 54 it is suggested it is better to put "it is advisable in the public interest so to do," and delete the word "so," in the next line.

The question was put and carried.

#### Clause 126

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In sub-clause (2), line 24, I beg to move: That after the word "sanction" a comma be inserted and the word "or" be deleted. Furthermore, in line 26, after the word "sanction" a comma be inserted and the word "or" be deleted.

The question was put and carried.

#### Clause 131

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 131,

[The Member for Agriculture and Natural Resources]

line 12, after the word "enter" to insert a comma and in line 13, after the word "notice" to insert a comma.

The question was put and carried.

#### Clause 161

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: In clause 161, or rather before clause 161 on page 52, there appears "Part V], General and Miscellaneous". The "Part VI. General and Miscellaneous" begins, Sir, with clause 162, and not 161, and I therefore move that those words be expunged from where they are now and be reinserted between clauses 161 and 162.

The question was put and carried.

MR. MATIU: Mr. Chairman, I beg to move: That the words "Native Lands Trust Board be substituted for the words Chief Native Commissioner where they occur in clause 164 as well as in the proviso. The effect of that would be, Sir, that where the Member thinks that any action he might take in an African area would affect the African community adversely, the matter should be dealt with by him and the Native Lands Trust Board, and not by the Chief Native Commissioner himself.

That is a point, Sir, I made in the second reading of this Bill, and it is quite a reasonable request, and I ask the Committee to consider it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I appreciate what the hon. Member has said. He must forgive me for giving this matter some consideration, because it requires some time. I would draw the hon. Member's attention first to section 163, that reads as follows:—

"Notwithstanding anything contained in this Ordinance the powers conferred, and the duties and obligations imposed by this Ordinance, shall, in any native area be exercised subject to the provisions of the Native Lands Trust Ordinance."

That, surely, covers the hon. Member in every possible way. He can surely be satisfied that nothing can be done in any native area without the provisions of the Native Lands Trust Ordinance.

Turning now to section 164:—

"Where the Member proposes to exercise any right, power or duty in a native area or in any watershed which drains into such native area, and which, in his opinion is likely to affect adversely the interests of the Africans in such native area, no action shall be taken until after consultation with the Chief Native Commissioner:

Provided that if the Chief Native Commissioner is of the opinion that no such right, power or duty should be exercised the matter shall be referred to the Governor in Council for a decision."

I would draw your attention to "any watershed which drains into such native area."

It might take a very long time to argue with the Native Lands Trust Board in regard to matters which may not affect them. We put this provision in specially to protect the African interests under circumstances over which they may have no immediate control. If you read sections 163 and 164 together they give the maximum security from the point of view of African interests, whilst at the same time enabling one to act with reasonable speed if it is necessary to do so. At this stage, Sir, I find it difficult to agree; in fact, I cannot agree to the hon. Member's suggestion. But I would again point out to him section 163, which I hope he realizes does cover what he needs.

MR. MATIU: Mr. Chairman, section 164 implies that the Member can exercise all the powers given to him in this Ordinance in a case where he does not think that his action would affect the Africans adversely. It is only when he thinks that his action would affect the African adversely that he consults the Chief Native Commissioner. He has the whole field, Sir, and it is that particular minor part where he thinks that the African would be affected adversely that I would like consultation of the Native Lands Trust Board, of which the Chief Native Commissioner is the Chairman. It is only on that particular point that I ask it. I think it is a great pity that the hon. Member for Agriculture would not concede to this request of what I think is a very minor amendment.

[Mr. Mathu]

As to the question of time, that I think can be covered, because if by the time the Member for Agriculture will have found that his action would act adversely against the African community, there will be ample opportunity for him to refer the matter to the Native Lands Trust Board and the Chief Native Commissioner as its Chairman can circularize members instead of calling a meeting. I do not think that would take a very long time. I think it is most unreasonable of Government not to concede.

MR. BLUNDELL: Mr. Chairman, would not the difficulty be met by the deletion of the words from clause 164 "in a native area". As I read the clauses "in a native area" is fully covered under clause 163. The provision of 164 is that it may well happen that action is taken in an area outside an African Land Unit which might affect it. That is that matter to which 164 refers. If, therefore, there could be removed the words "in a native area" and leave "in any watershed" it covers this specific point, i.e. the possible damage to African interests which might accrue from using or doing something in a watershed outside a land unit, whereas in the land unit it is covered quite clearly under 163.

THE CHAIRMAN: We now have another amendment?

MR. BLUNDELL: Mr. Chairman, I am quite happy to move an amendment to delete the words "in a native area" in clause 164 in the second line.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am quite prepared to accept that, Sir, on behalf of Government.

MR. JIRILAH: That would also include the words "native area or in any watershed which drains into such native area". Would that "native area" be deleted or only the first "native area"?

THE CHAIRMAN: We shall have to have a consequential amendment to take out the word "such" and put in the word "a". But I will put the question, which is to take out the words in line 19 "a native area" and to take out the word "such" in line 20 and insert the word "a" in place of "such".

The question was put and carried.

THE CHAIRMAN: Any further speeches on substituting "Native Lands Trust Board" for "Chief Native Commissioner"?

THE CHIEF NATIVE COMMISSIONER: On that point, Sir, while the Government is not prepared to accept that, I can give an assurance to my hon. friend on the other side of the Committee that whenever one of these cases is referred to me by the Member for Agriculture, I will whenever I possibly can, refer it to the Native Lands Trust Board.

The question was put and negatived.

Clause 172

MR. MATHU: Mr. Chairman, sub-clause (d) (iii) of clause 172 reads: "where, under the provisions of this Ordinance, notices or other documents are required to be served on an African in a native area such notices or documents shall have the same force and effect if served on the Chief Native Commissioner or such officer as he may appoint for that purpose".

We are suggesting that that sub-clause be deleted, because we feel that any notices or documents to have any legal effect to be served on any African in the Colony should be served on that African and not on the Chief Native Commissioner or any other officer whom he may appoint. It would not be the first time, Sir, for notices or documents to be served on Africans, particularly when they are wanted to appear in the civil courts of the country, and we could see no difficulty here in serving these notices or documents to individual Africans. I can see a lot of irregularities happening if it is to have force in law if a document is served on somebody else when it is meant to be served on me. I can see that, Sir, and I move that this sub-clause (d) (iii) be deleted.

MR. BLUNDELL: Would not the hon. Member on my left who has moved this amendment, would not his point be met if in 172 under proviso (i) we added the words "or by leaving it with the Chief Native Commissioner or such officer as he may appoint for that purpose".

Now, this one says: "if any landholder is not known and, after diligent inquiry, cannot be found, such notice may be served on him by leaving it,

[Mr. Blundell]

to such landholder with some address of the land, or, if there is not an occupier, then by causing it to be put in a conspicuous position on the property in the Colony last known to have been occupied by him"; and I suggest that we should add this: "or by leaving it with the Chief Native Commissioner or such officers he may appoint for that purpose". That would meet the hon. Member's point, it would be entirely non-racial and there would be no discrimination. That is, I would have a notice stuck up on my farm, presumably, but in the case of Africans, who have not got title to their land, it would be left to the Chief Native Commissioner.

MR. MATHU: Mr. Chairman, that would not meet my case because it would be redundant. Proviso I covers every case. How do we manage to serve summonses on tax defaulters? Why would there be any differentiation in the administration of this particular law?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The provisions of sub-clause (iii) on page 54 are, as I expect the hon. Member is aware, copied straight out of the existing law as it stands to-day. That is the law to-day under the existing Water Ordinance, under section 94 (4) of the 1929 Ordinance. But as I said yesterday, we have gone a great deal further than where we were when the 1929 Ordinance was introduced and I am prepared to accept the hon. Member's suggestion that we cut out sub-clause (iii) of 172.

THE CHAIRMAN: I will put the question to get it on record: that paragraph (iii) of the proviso of clause 172 be deleted.

The question was put and carried.

Clause 178

MR. MACDONOCHIE-WELWOOD: In view of the fact that in clause 178 (1) (o) the words "protection of fish and fish food" are inserted, it would seem to imply that in fact the sporting rights on private land are vested in the Crown in this Bill. For that reason I wish to propose an amendment by the addition of another clause to be numbered 179, and that clause 179 should be renumbered 180. This clause to read:—

"Nothing in this Ordinance shall be deemed to vest in the Crown the sport-

ing rights appertaining to water when such water is situated on private land."

I trust that the hon. Member for Agriculture will be able to accept this amendment.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I have great sympathy, Sir, with the purpose underlying the hon. Member's amendment, but as I have already pointed out in the course of this debate, as far as I am aware this Bill has nothing to do with the sporting rights. The title of the Bill is "To make better provision for the Conservation, Control, Apportionment and Use of the Water Resources of the Colony" and I think if we bring into that also sporting rights and fishing rights we may get ourselves into grave difficulty. What I would prefer to do, Sir—I am afraid I cannot accept this amendment at this stage—as I mentioned to the hon. Member earlier this morning, is that I will undertake either tomorrow or early next week with your leave to make a statement on what the position is as regards sporting rights and fishing rights, and if it is necessary then to amend the legislation or do anything else in order to comply with what I think the hon. Member desires. That then will be a matter for the Council to decide, but I do not think it would be right to bring a clause of that nature into a Bill which is specifically designed for the better control of the distribution and preservation of the water resources of the Colony.

MR. MACDONOCHIE-WELWOOD: Mr. Chairman, in that case perhaps we had better delete in clause 178 (1): "(o) protection of fish and fish food", which section clearly does interpret the Bill as being concerned with matters other than water.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The reason that was put in, Sir, is that it must be renumbered, as indeed it is well known happened in England and Scotland, that when you put in works which are dealt with under this Ordinance you may be able under the rules to force the person putting in the works to put in some form of, say, grill, or something of that kind to preserve the fishing amenities on that body of water. That was the only reason for putting this in. Possibly it would be wiser, in view of

[The Member for Agriculture and Natural Resources] this matter having been raised in debate, to delete sub-clause (o), although it would actually go against the desires of my hon. friend.

MR. BLUNDELL: I should like to talk to my hon. friend on my left, because I think it would be unwise to delete (o), and I think in view of the explanation the hon. Member for Natural Resources has made he would be quite prepared to accept (o).

MR. MACONOCHE-WELWOOD: I am quite prepared to accept (o) because, as the hon. Member knows, my interest in this matter is a sporting interest, and I should hate to see it go. In view of his assurance that he will make it perfectly clear that the sporting rights of water on private land will not be vested in the Crown, and, if necessary, will introduce legislation to see that it is not vested in the Crown, I will withdraw my amendment.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I want to make it clear that what I wish to do is to ascertain, with the help of my hon. and learned friend the Attorney General, exactly what the position is. I can then inform this Council what the position is in these matters, and it is then for the Council to decide whether they wish amending legislation brought in.

#### Clause 179

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There is one more amendment, to clause 179. There should be a margin note which has been omitted, which should read as follows: "Repeal and saving, No. 35 of 1929."

That should go opposite 179.

THE ACTING CHIEF SECRETARY moved: That the following Bills be reported back to Council without amendment:

The Customs Tariff (Amendment) Bill;  
The Mirra Prohibition (Scheduled Areas) Bill;

The Pensions (Amendment) Bill;  
The Rabies (Amendment) Bill;

and that the following Bill be reported back to Council with amendment:

The Water Bill.

The question was put and carried, Council resumed and the Member reported accordingly.

### BILLS

#### THIRD READING

THE ACTING CHIEF SECRETARY moved: That the Customs Tariff (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Mirra Prohibition (Scheduled Areas) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Pensions (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Rabies (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE ACTING CHIEF SECRETARY moved: That the Water Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

### MINUTES

The minutes of the meeting of 22nd August, 1951, were confirmed.

### MOTION

#### ADOPTION OF PLANNING COMMITTEE REPORT

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Report of the Planning Committee be adopted.

In rising to move this motion, Sir, I find myself in a somewhat unusual position. In the first place, I am only a caretaker Member for Development, and in the second place, I have not myself been associated with the work of the Planning Committee. Fortunately, there are on both sides of the Council, members of that Committee who will be able to remedy any deficiency that there may be in my own knowledge of the subject, due to the fact that I have only come into the picture at the very last stage. I am sure also, Sir, that hon. Members will all join with me in regretting that the Chairman of the Committee, Mr. Rankine, is unable to be present to move the adoption of the Report to-day himself (Hear, hear.) He and the members of the Committee spent a very great deal of time and energy on producing this document out of an enormous mass of complicated material and it was indeed a *magnanymous* feat to have to produce this Report. But, Sir, while regretting as we all do that Mr. Rankine is not here to-day, making this speech, I am sure too that all Members will join with me in very warmly congratulating him upon his promotion to Zanzibar, the announcement of which appeared in the Press a few days ago. (Applause.) As, Sir, there are members of the Committee in this Council, I do not propose myself to take up too much time in discussing to-day the actual details in the Report. There is also another reason why I should be brief. It is this. The Report of the Planning Committee sets out generally and in detail all the factors of the problem with which it deals and in the Government's view, the Committee makes satisfactory proposals for tackling this problem during the period 1951 to 1955. I therefore propose, Sir, that my remarks this morning shall be confined to some of the main points in the Committee's Report.

Hon. Members will remember that the interim report of the Planning Committee, which was laid on the table during the 1951 Budget discussions, recommended that a start should be made during the present year with certain

urgent and inescapable new schemes within provisional allocations which it made from additional moneys estimated to be available for development, but which had not been earmarked for specific projects. In the course of a more detailed examination of plans the Committee found that these provisional allocations were inadequate to allow of realistic programmes and in fact in some cases even to meet commitments which have already been accepted by the Council. The Planning Committee wisely, therefore, in my view, decided that it was best to plan against essential needs and not against finances, even if in the result this would result in a deficit. This approach has had two principal advantages. Firstly, it has enabled the Committee to present a well-focused picture of the development problems facing this country as a whole. Secondly, as the moneys available for development during the years 1951 to 1955 cannot be finally assessed at this stage, but can only be estimated, it will be possible to expand the programme or to contract it, should that prove necessary, in a properly balanced manner.

Although, Sir, the plan has been based on essential needs, it may be said that it does not cater for all such needs. For example, the cost of the Mombasa Water Supply major project has not been included in the summary of the proposed expenditure in paragraph 18 of the document, although of course reference is made to this absolutely, vitally important project in other places in the Report. The Committee preferred to regard this problem as a very special one for which special finance will have to be provided. Whilst, Sir, the Government agrees that a deficit of £44 million in a spending programme looked at over the 1951-55 period as being of the order of £234 million, or, if you prefer to look at it over the full period of development covered by the original development Committee, of the order of £354 million, is as far as it is prudent to go, I would nevertheless emphasize that it does attach the greatest possible importance to this Mombasa problem being tackled and is making every effort to secure additional and special finance for the purpose.

The other important case in which some departure has been made from the general principle is in regard to the Medical Plan. To take two individual

## [The Acting Chief Secretary]

examples, the Committee have admitted both with regard to tuberculosis and leprosy that the proposals which they recommend are imperfect and inadequate solutions of the problems. I think, however, it will be agreed that until the Colony has strengthened its economies and its taxable capacity it cannot afford the medical services which wealthier and more developed countries can provide. Indeed, it can be said that the Colony will not achieve the prosperity and well-being which we all hope for if at this stage of its development it spends too high a proportion of its resources on social services. Yet, Sir, within these limitations, the Medical Plan allows for basic preventative and curative services which will provide a valuable framework for future expansion.

This brings me to the subject of education which, I know, given the Planning Committee very considerable concern, not only because of the very large capital provision that the Committee found it necessary to recommend, but also because of the vast recurrent implications of spending so much money on the building of schools. The ever-increasing educational budget also, I should like to assure hon. Members, gives the Government cause for concern, but we agree with the Committee that if we are going to carry out the policies which this Council has adopted in the matter of education then a programme of the kind outlined in the Committee's Report is absolutely essential. I would add that the Government intends to ensure that technical training shall be a first priority of our educational development. The lack of technically trained men of all races has been a retarding factor in the Colony's economy. With this bias towards technical education, expenditure on education which improves the skill of our manpower can be regarded as a national investment just as much as money spent on the more obviously productive services.

Another point, Sir, which I should like to mention in connexion with planning against needs is that the plan is designed to cover a period of five years and the needs envisaged are those which the Committee have considered should be met during that period. Obviously, even

if the problems of the Colony were to remain static, it would not be possible to solve them in as short a period as five years. This is particularly so in the case of the basic problem of the land, especially in regard to reconditioning of African areas and to African settlement.

The provision recommended for these schemes is what is considered can be beneficially spent during the present development period. That is the period which will come to and end at the end of 1955.

Naturally, Sir, the Committee has had to have some regard to priorities in the making of its allocations, but it has proved possible to do this only in the very broadest sense. There remains, and I am particularly conscious of this, for the Development and Reconstruction Authority, whose proper function it is, the very difficult task of allocating the priorities within the general recommendations in the Report which I hope will be approved by the Council on this motion. I mention this, Sir, because I have no doubt that some hon. Members will inevitably be disappointed to find that schemes which they regard as important and urgent are not included in the 1952 Budget when this is laid on the table later in the year. Yet, although the schemes included in this Report are all urgent, some, of course, are more urgent than others. It should also be remembered that in carrying out the schemes for which provision will be made if this report is accepted, availability of staff and materials must play a very important part. Every effort is being made and will go on being made to overcome shortages of staff and materials, but I ought to warn Council that at present, it may well be that the capacity of the works organization and of contractors and supply shortages, will have a more important bearing on the rate of progress at which this plan can proceed than even the provision of the necessary finance.

The short fact is that we cannot, and hon. Members will appreciate this, remain isolated here in Kenya from what is going on in the rest of the world and the rearmament programme of the United Kingdom and of the Commonwealth has inevitably resulted in shortages of certain materials. Furthermore

[The Acting Chief Secretary] it is likely for some time at any rate that this position will not be greatly improved.

In these circumstances, Sir, the Planning Committee have, if I may say so, been wise to emphasize that their plans must be regarded as targets, the progress toward which must be reviewed from time to time. Flexibility is desirable not only because of staff and material difficulties, but also because variations in prices may well upset the calculations on which these plans are based and should further finance not be forthcoming, make some adjustments necessary. It must be remembered also that the carrying out of the programme depends on the satisfactory progress of the Colony's loan programme.

I have just said, Sir, that the progress towards the target set will require to be reviewed from time to time. The Planning Committee recognizing this has recommended in paragraph 34 of the Report that it should be kept in being itself or a new committee should be appointed to undertake this task. Whilst the Government fully agrees that there is a need for such a committee, we have no preconceived ideas as to what form it should take, and this is a matter, Sir, on which I invite the views of hon. Members opposite.

Before I sit down, I ought, I think, to invite the attention of hon. Members to the recurrent implications of the acceptance of a plan of this scale. It is a most difficult exercise to attempt to calculate the recurrent expenditure that inevitably follows in the wake of a capital expenditure. It is, however, a profitable one because, with Governments, as with individuals, it is unsound to build a house larger than one can afford to run.

The Government is satisfied, that in this respect a reasonable balance has been maintained in the recommendations of the Committee but these increases in recurrent expenditure will have to be met largely from taxation. The yield from existing levels of taxation seem to be increasing. Yet the increase will have to be steady and substantial if it is to attempt to keep pace with the ever-growing recurrent expenditure of the

Colony. Some alleviation can be obtained by an increase in fees and in payment for specific services and the Planning Committee have made various proposals for the review of fees and charges in other cases. But as they have pointed out in Chapter 16 of the Report, the return from such increases will be small in relation to the increase in recurrent expenditure which must be expected to result from the development programme which they recommend.

I should not have completed the picture if I did not warn Council also that if a programme of the kind outlined to meet this country's basic needs is desired, then we must be prepared to face the possibility of increases in the scale of existing taxation or of the introduction of some new form of taxation.

Finally, Sir, I should like to pay a tribute to the Chairman and to the members of the Planning Committee. The gestation period has been long, but I am sure that hon. Members will agree with the Government that a healthy child has been born. I remember, as one or two other hon. Members may also remember, an honourable and reverend gentleman in this Council once referred to the Development Committee's Report as the "Yellow Peril". Whatever witty remarks may be forthcoming from hon. Members during the course of this debate, my principal hope is that with that remark in the background, they will not regard this particular document as colourless and dull or grey and cold. I put forward this motion, Sir, in the confident belief that Council would do well to accept it and as I have not myself been personally concerned with the preparation of the report, I can perhaps with even greater conviction, after reading and considering it, honestly state that I believe that it is a sound and healthy blue-print which we should do well to follow during the period to which it relates.

Mr. Speaker, I beg to move.

Mr. BLUNDELL: I beg to second reserving my right to speak.

## ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Friday, the 24th August, 1951.

Friday, 24th August, 1951

Council assembled in the Memorial Hall, Nairobi, on Friday, 24th August, 1951.

The Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

### MINUTES

The minutes of the meeting of 23rd August, 1951, were confirmed.

### ORAL ANSWERS TO QUESTIONS

#### QUESTION No. 36

I.T.-COL. GUERME:

In view of the forthcoming General Election in 1952, and as there has not been any issue of a consolidated Voters Roll for the whole Colony since 1944, will Government please say when they propose to issue the next consolidated Voters Roll for the whole Colony?

**THE ACTING CHIEF SECRETARY:** As already stated by my hon. friend, the Attorney General on the 16th August in answer to a question by the hon. Member for Nairobi North, it will be necessary to prepare new registers where new constituencies are created.

It is also the Government's intention to publish in the Gazette a consolidated list of the names of all persons which have been inserted or expunged from existing registers since the last consolidated list was published in 1944, in sufficient time for it to be available for use at the General Election of 1952.

#### QUESTION No. 38

MR. BLUNDELL:

In view of the recommendation which was made by the Select Committee appointed to report upon the Information Services that the post of Government Press Officer should be held by an officer "with sufficient journalistic experience to enable him to give constructive advice on technical matters to editors who require such assistance" and which was accepted by Legislative Council, will Government state:—

(a) What journalistic and technical experience the present holder of

the post had obtained before his appointment?

(b) The number of editors to whom he has rendered advice on technical matters?

**THE CHIEF NATIVE COMMISSIONER:** In reply to the first part of the question, prior to his appointment, the present holder of the post of Press Officer, Mr. Downes, had been Press Liaison Officer in British European Airways from 1946 to 1948, and gained his journalistic and technical experience during this period, and also when employed as Press Liaison Officer in the Kenya Information Services from July, 1948, to December, 1950, when he was in close and continuous contact and association with the Press; that experience was considered to be adequate for the appointment.

The reply to the second part of the question is six.

MR. BLUNDELL: Mr. Speaker, arising out of that answer would the hon. Member give me details of the newspapers which the six editors represent?

**THE CHIEF NATIVE COMMISSIONER:** Yes, Sir. The newspapers concerned are the following: *Ramogi, Muthira wa Paul, Muranati, Muthauaki, Mumeneri* and the *Kenya Star*.

MR. MATHU: Arising out of that reply, Sir, would the hon. Member give an indication of what improvements have been made as a result of the advice these papers have had?

**THE CHIEF NATIVE COMMISSIONER:** Yes, Sir. The advice given has been on questions of layout, on news sources, on the use and type of illustration and acquisition of material, ink, paper, type and so forth and there is some improvement though not, I am sure, as much as we all hope.

### BILLS

#### SECOND READING

*The British Standard Portland Cement Co., Ltd. (Bamburi Factory) Bill*

MR. USHER: Mr. Speaker, I beg to move: That the British Standard Portland Cement Company Limited (Bamburi Factory) Bill be read a second time.

Members will remember that the petition set out very well the scope and objects of the Bill, and in moving the

(Mr. Usher)

suspension of Standing Orders the other day, I gave further information to the Council. It will, therefore, not be necessary for me this morning to make any long speech.

The objects of the Bill are three-fold. First of all it vests in the corporation certain pieces of land amounting in all to five hundred acres odd. Secondly, it protects or indemnifies the Government against actions for nuisance. Thirdly, it protects or indemnifies the corporation from actions for nuisances other than such as might be caused by negligence.

To take the first object, this particular land has big quantities of the materials required for the manufacture of cement. There is a block which provides the calcareous component and a block which provides the argillaceous component and they are near to each other. (Applause.)

I should mention perhaps that the target date is the middle of 1953, for the commencement of output. And although hon. Members will have noticed that in the Petition the minimum output of cement is put at 10,000 tons, I would remind Council that that is a minimum and as I understand, the output from the beginning will be more in the nature of 350 tons a day. That is 120,000 tons, roughly, in the year. (Applause.) (Laughter.)

Sir, there is a cross-petition in this case put in by objectors who feel that their interest in the adjoining land will be adversely affected, and as that is so I would merely observe that in accordance with Standing Order 101, if my motion is affirmed by the Council, the matter will stand referred to such Committee as you, Sir, may appoint, that is to say a Committee of the whole Council or a Select Committee. I do not wish to discuss the question of objections now because they will be dealt with by the competent body and reported back to this Council.

I think I need say no more, Sir, and I beg to move. (Applause.)

MR. LILLYWHITE: Mr. Speaker, arising to second this motion, I am very interested to hear there was a cross-petition being put in, but I cannot imagine anyone trying to thwart, in any

shape or form, such an enterprise as this. It is not only valuable to the Coast as such, but is valuable to the whole country. (Hear, hear.) We have been suffering for a long time with periodic shortages and this will go a long way to alleviate that position.

As regards the question of nuisances, I am perfectly certain that, under clause 6 of the Bill, the implication is that nuisances will be amply provided against. Why anyone should worry about such a thing as that I cannot understand. We have natural products for the turning out of a good cement, we hope, and in large quantities. I am perfectly certain that a very short time after the erection of this factory, people down there will take very little more notice of it than they would of an ordinary ginger beer factory. As for the nuisances they will not exist as I am certain under the Bill provisions will be made to abate these nuisances.

There are one or two other things such as the filling in of holes, some people feel worried about that. Again I have noted that there will be provisions for the proper protection of these holes against accidents in the way of people or animals falling into them. I need say no more, Sir, but I strongly and very strongly support this Bill. (Applause.)

**THE MEMBER FOR COMMERCE AND INDUSTRY:** Mr. Speaker, I wish to make it clear that the Government supports this Bill. We, too, share the views expressed by the hon. Member and the hon. Member who has just seconded the motion. Having said that, I should make it clear that we naturally wish to meet, as far as practicable, any reasonable objections and provide any reasonable safeguards that are possible, but, Sir, in this matter, the public interest is so clear, and the need for cement in this Colony and Protectorate is so great that we do wish to make it clear that, in our view, the public interest in this matter is overwhelming.

The question was put and carried.

*The Income Tax (Amendment No. 2) Bill*

**THE FINANCIAL SECRETARY:** Mr. Speaker, I beg to move: That The Income Tax (Amendment No. 2) Bill, 1951, be read a second time.

[The Financial Secretary]

Sir, I believe it is the intention of hon. Members opposite to move that this Bill be referred to a Select Committee. I want to make it quite clear that if such a motion is moved from the opposite side of the Council, the Government will accept such a motion. In these circumstances Sir, it will not be necessary for me to go into as great a detail as otherwise in moving this motion, though I am afraid that, in order to explain quite clearly what the principles underlying this matter are, a certain amount of reference to detail is inevitable.

The object of the Bill is to provide the authority whereunder Government can enter into double taxation relief agreements with other Governments. Sir, I might assist hon. Members if I gave something of the background of the events leading up to this present proposal. Up to the 5th April, 1950, the matter as between the United Kingdom and the Government of Kenya was regulated by reciprocal laws whereunder the Government of the United Kingdom granted relief up to one-half the rate of tax applicable in the United Kingdom, and that relief was granted whether the person concerned was a resident of the United Kingdom or a resident of Kenya. That position subsisted up to 5th April, 1950. At that time—i.e. as from that date, however, His Majesty's Government unilaterally abrogated that arrangement. I shall have occasion to refer to this somewhat later. I may say, Sir, that the question of double taxation and its adverse effect on international trade and commerce (Hear, hear) has exercised the minds of Governments for a very long time and, indeed, the League of Nations appointed a committee to go into this matter and to make recommendations. As a result of the report of that committee, His Majesty's Government designed a standard form of agreement, and negotiated that agreement first with the United States of America. Since that time, His Majesty's Government has extended the system of agreement to other countries, including the Dominions and certain members of the Colonial Empire. As long ago as 1946, the United Kingdom Government offered the same agreement to the Government of Kenya, but at that time there existed the arrangement whereunder relief up to one-half

the United Kingdom tax was paid by His Majesty's Government, and we saw no advantage in accepting the proposed change and embracing the agreement. However, Sir, the position as I say changed as from the 5th April, 1950, and we were left with the position where, under the new law, the United Kingdom Government granted relief to its own residents up to three-quarters of its rate of taxation, and the Kenya resident was left without any form of relief whatever. It therefore became necessary to decide whether we should provide for that relief by special legislation or by embracing the agreement; and after many anxious consultations and discussions the Government of Kenya has decided, and now proposes, that the best arrangement is in fact to enter this agreement. As I say, the legislation now before Council is enabling legislation—it is legislation which, if passed, would enable the Government of Kenya to enter such an agreement.

The Bill itself is based upon a model which has been applied to all other Colonies which have entered the agreement in question. The legislation, Sir, is necessarily complex. The subject in question is itself complex, and it is most essential that the legislation should be absolutely precise. The agreement—a copy of which has been laid upon the table of this Council—provides for termination on either of the parties giving the necessary notice. It is therefore not appropriate for it to be embodied in the legislation itself.

I now turn to the actual Bill before Council. I shall try to be brief but, as I say, there are certain things which must be stated in order to bring out the principles underlying this matter.

Clause 3 might prove a little contentious. It purports to remove the obligations to secrecy now imposed upon Income Tax Authorities in relation to a matter coming to their official notice. Now, this prohibition is to be relaxed only in respect of matters arising out of the agreement and for the prevention of fraud. It is necessary to have this clause and to enable the interchange of information between the relevant Income Tax Authorities since, among other things, these agreements provide that the liability to or incidence of tax in one

[The Financial Secretary]

country depends upon the circumstances attaching to an income arising in the other. I may say, that this relaxation of the obligation specifically excludes the exchange of any information in relation to trade secrets or trade processes.

Clause 4 deals with a substantive section of our existing law—that is to say, clause 29. Now, under that clause, a company in Kenya paying a dividend to a shareholder is permitted to deduct only the tax—from that dividend—only the tax which it has itself suffered. In Kenya—as some people may know!—the company tax is Sh. 5 in the pound. When the company pays a dividend, it is entitled to deduct from the gross dividend its own tax liability of Sh. 5 in the pound, and it is required to state on the dividend warrant the nature and amount of that deduction. Now, I can best explain the principle underlying this clause by taking an example. Let us suppose that a Kenya company is making its profits both in Kenya and in the United Kingdom and that it derives its income from the United Kingdom in the form of dividends. Let us suppose that the net income from dividends in the United Kingdom is £1,000. That dividend, though it is met, will have paid both United Kingdom profits tax and also United Kingdom income tax. When it arrives in this country, since we propose, in assessing liability to tax to give credit for the tax already paid, it is quite clear that since our tax is considerably below the tax level in the United Kingdom, no further tax is likely to be attracted. Therefore, if we assume for the sake of discussion that the profits made in Kenya are also £1,000, the total profits for distribution are £2,000. The profit made in Kenya will attract Sh. 5 company tax but, inasmuch as the other £1,000 coming from the United Kingdom has already paid profits tax and United Kingdom income tax, no further tax is likely to be assessed against it in Kenya. Therefore, we have £2,000 worth of income to be distributed as profit to shareholders, £1,000 only of which attracts company tax. The average rate over that £2,000 is thus Sh. 2/50. It is that rate of deduction that may be made and it is that figure which must appear on the dividend warrant.

I hope I have made myself quite clear. It is a very important point.

Now, clause 5 of this Bill is the real clause of substance. It proposes that there shall be added to the existing Income Tax Ordinance a new clause 33A. That clause will purport to empower the Government to enter into a double taxation relief agreement with other Governments, and will also provide that to the extent that those agreements come into force existing arrangements under the existing law will cease to have effect. The same clause also provides for the introduction of a second clause 33A. Clause 33B will provide for the mechanics of the operation of the agreement.

Sub-section (3) of that clause is important. It sets up the way in which the tax payable on income in Kenya is to be determined for the purposes of the relief.

MR. BLUNDELL: Will the hon. Member give an example, a detailed explanation?

THE FINANCIAL SECRETARY: If the hon. Member would like an example, I would be only too pleased to give him one.

Let us suppose there is a Kenya resident, a married man with an income in Kenya of £500 per annum. The income tax payable on that would be about £11. Let us suppose also he has further income from the United Kingdom. Let us suppose that this is also £500. Now, when he brings that income, that other £500, into Kenya, it will have already paid United Kingdom tax. The total income he would receive would be £1,000 and apart from the question of relief he would be liable to a tax of about £59 on that in Kenya. But the second £500 has already paid tax, so that in Kenya we would say that that second £500 is entitled to relief to the extent that it has already paid tax. Inasmuch as tax paid in the United Kingdom is more than this individual would be liable to in Kenya, he will get benefit of relief up to the full Kenya tax, that is to say, the difference between the £11 and the £59. He will thus get full relief on the second £500 in respect of a total liability of £48. Now, in the United Kingdom, the system is different, as it is in some other Colonies. What would happen in the United Kingdom is that they would say that the total tax on the £1,000 is £59; half that is being subject to double tax,

[The Financial Secretary] therefore the relief that should be granted is half the £59. You will see, Sir, that the system of relief in Kenya is more generous to the taxpayer than it is either in the United Kingdom or in many other Colonies.

I hope, Sir, that this example has made the position clear to my hon. friend.

You will have noticed, Sir, that inasmuch as immigrant income of that nature is not likely to attract a further income tax in this country, it is an inducement for people to bring money into this country to the general advantage of Kenya.

Now, again, sub-section (5) is important. It provides that where income is brought into Kenya from the United Kingdom (we assume that the income has already suffered tax, so therefore only the net income would come into Kenya), the liability to tax in Kenya would be on the gross income, that is to say, on the cum-income tax income in the United Kingdom. Now that at first sight may appear to be disadvantageous to the Kenya resident, in actual fact it is not. Under the agreement it is proposed that exemption in the United Kingdom of income accruing there shall depend upon the extent of liability to tax in Kenya. Now, if we say that the liability to tax in Kenya is only on the net amount coming in, then the exemption in the United Kingdom would also apply to a like amount. It will only apply to a sum equal to the net. If we say, therefore, that the liability shall extend to the gross, notwithstanding that only the net will be brought here, the resident will be able to claim the exemption in the United Kingdom over the gross amount. That is the meaning of that sub-section. I shall have occasion to refer to this matter later in this speech in relation to surtax.

Sub-section (6) refers to a case of a Kenya company, for instance, receiving income as dividends from the United Kingdom. This sub-clause lays down that such income shall be regarded as United Kingdom income. Being regarded as United Kingdom income, relief in Kenya would be granted thereon in relation to the profits tax and income tax already paid in the United Kingdom. But for this section the income would be regarded as

Kenya income and therefore not entitled to relief.

Sub-section (7). Sir, is a really complicated matter. I am happy to say that it is not likely to apply in present circumstances in Kenya. The position is this, that if a company pays an ordinary dividend on equity capital, that dividend has attracted in effect both profits tax and income tax. I am referring, of course, to the United Kingdom. On the other hand, a preference dividend at a fixed rate can be said to be unaffected by the imposition of profits tax. It pays, of course, income tax, but inasmuch as the dividend is fixed it can be said to be unaffected by the payment of profits tax by the company. If, however, a Kenya company for instance holds the predominant interest in a United Kingdom concern and the income from that concern accrues both as dividends on equity capital, as well as fixed interest on preference capital, the Kenya companies can be said to have borne the brunt of the profits tax over the whole concern, including profits tax in relation to the preference share capital. This clause provides that in such a circumstance, that is where more than half of the voting power in a United Kingdom company is held by a company in Kenya (and of course vice versa where applicable), then relief can be granted both on equity dividends and preference interest, taking into account (over both sets of income) the income tax as well as the profits tax. That is all that this very complicated section really says.

Sub-section (8) provides that an individual need not claim the benefit of double taxation relief if he does not want to. I believe it is possible to find persons to whom a claim would not do any good, and in fact, might do harm. I am afraid I cannot give hon. Members an example. It is not the intention to force an application for relief upon any individual if such individual prefers not to make such a claim.

Now, sub-sections (9) and (10) refer to the time limits within which claims for relief must be made. The usual period is here included, that is to say, six years. But there is an important addition in that where the income tax law is changed, and therefore the relief available to an individual in relation to some previous year is varied, the six years will run not from that previous year, but from the time of the change.

[The Financial Secretary]

Now, Sir, that has covered the provisions of the Bill, but I am quite sure that hon. Members will not regard this exposition as 'complete' unless I make some reference to what is really the crux of the matter, that is to say, the agreement itself.

As I have said, Sir, I have laid on the table a copy of this agreement and this is the agreement which His Majesty's Government is prepared to offer to the Government of Kenya. Now, Sir, I stress those last words. His Majesty's Government is prepared to offer this agreement. The United Kingdom is not prepared to consider any modification of the agreement. The negotiations in regard to this matter have gone on over many years, most anxious discussions, and although we have tried to secure changes in certain respects; His Majesty's Government has made it quite clear that we either accept this agreement *in toto* or we do not accept any agreement at all. For this reason, Sir, certain provisions may appear illogical, certain may appear difficult to explain, but they have all been subjected to the closest scrutiny, and on the whole, Sir, I would recommend to this Council acceptance of the agreement.

Now, something of the agreement itself.

Paragraph one of the agreement sets out the taxes which are to be made the subject of double taxation relief. They are the profits and income tax in the United Kingdom, and the income tax and personal tax in Kenya. Now, personal tax is a form of tax on income and if a resident of the United Kingdom becomes liable to personal tax in Kenya, he will be able to get relief in respect of it from the United Kingdom Tax Authorities.

Now paragraph 2 (1) contains the usual definitions. They are I think self-evident, but possibly (f) and (k) require some sort of explanation. (f) makes it clear that the industrial and commercial profits refer to trading profits only. The definition does not include dividends, interest or rents. The reason for that is this, that a trading concern in the United Kingdom would not become liable to tax in Kenya unless it had a permanent establishment in this country and then it would be liable to taxation on the trading or industrial profits accruing to that permanent establishment. Unless these

dividends, interests and rents were excluded from the definition of commercial profits, they would escape tax in this country when, in fact, they ought to attract tax. (k) merely records the circumstances in which trading profits earned in this country should attract tax. This I may say, Mr. Speaker, merely reaffirms the existing position and makes no change in practice. Broadly speaking, (k) means that if a trader in the United Kingdom has a permanent establishment here, a permanent establishment engaged in buying and selling things and making profits here, those profits are regarded as liable to Kenya tax. On the other hand if that trader in the United Kingdom merely has an agency here which receives orders and sends them to the United Kingdom for acceptance and execution, that would not be regarded as a permanent establishment for the purpose of this agreement. In other words in the latter case the profits would be regarded as accruing only in the United Kingdom and not attracting Kenya tax and of course vice versa.

Paragraph 2 (2) makes it clear that any penalty tax paid on account of omission or fraud shall not count for the purpose of claiming relief. Quite obviously, if you pay a penalty in one country it would be ridiculous if you could then set it off against your tax in another country.

Paragraph 2 (3) lays down that where income is exempted in one country on the ground that it is liable in the other, that exemption shall apply only to so much of the income as is in fact limited to the second country. The reason for that is quite clear. If without such a provision an individual exempt in country A because of liability in country B could secure full exemption by sending a few pounds to country B. In other words such person would escape income tax in both countries which, of course, would be wrong.

Paragraph 2 (4) provides that the agreement shall be interpreted according to the laws of the contracting country.

Paragraphs 3 (1) and (2) provide that industrial and commercial profits made by a resident of the United Kingdom shall not attract Kenya tax unless that person maintains a permanent establishment here. I have already explained this

[The Financial Secretary] matter. The paragraph of course, provides also for the converse case of a Kenya resident having a permanent establishment in the United Kingdom.

Paragraph 3 (3) provides that only that part of the profit which can be ascribed to the permanent establishment shall be liable. In assessing that profit the permanent establishment will be regarded as treating with its principle at arms length.

Paragraph 4 deals with the case of a firm in one country having complete control of a firm in the other. Now one can understand that it may well suit the controlling firm to reduce the apparent profits or to raise the apparent profits of the concern which it has control. Let us suppose the income tax is very high in the second country that is where this controlled concern exists. It would then be a good thing to keep the apparent profits down. On the other hand, it might be a good thing to inflate them if the tax were low. Arrangements for this manipulation might exist between the controlling and the controlled firms—arrangements which could not exist as between independent firms. Now this paragraph provides that in assessing what profits have accrued to either, they would be treated as if they were independent and engaged in business as independent concerns. Now here, Mr. Speaker, is an example of where the relaxation of the obligation to secrecy (to which I have referred) as between the Income Tax Authorities in one country and those in the other would be justified. Clearly the interchange of information in a case of this kind is essential in the interest of operating the agreement.

Now paragraph 5 provides a case of the complete elimination of double income tax at source. It provides that for the purpose of tax, shipping and air company profits shall be deemed to accrue in the country of residence of the company. Shipping and air companies, have their activities spread over many countries, and it is in respect of them that the most complex problems of double income tax have arisen. This provides that the profit is to be regarded as accruing in the country of residence of the company itself.

Now paragraph 6 is an example of the partial elimination of double tax at source. It proposes that where income

(shall we say in the form of dividends) is accruing in the United Kingdom on behalf of a Kenya resident, provided that the Kenya resident brings that income to Kenya, then United Kingdom surtax will not be charged on it. Now that is an important concession, because it may be that it will encourage wealthy Kenya residents to bring income into this country knowing that by doing so they will escape surtax in the United Kingdom. The general advantage of that to Kenya is plain enough for everybody to see.

Equally, of course, if United Kingdom residents earn income, or have income accruing to them in Kenya, say again in the form of dividends, if they transfer the income to the United Kingdom, Kenya surtax would not be charged thereon. It is a reciprocal arrangement.

Paragraph 6 (3) appears very complex. All it really says is this—that one participating country, shall we say Kenya, is not allowed to charge tax on income accruing inside that territory greater than its normal internal law provides. For instance, in Kenya on company profits we charge a company tax of Sh. 5. This would therefore represent the maximum deduction we are entitled to make before commercial profits which have accrued here are transmitted overseas. The provision would stop the territory of origin trying to tax the profits on the basis of the ultimate recipient's income as some countries have tried to do.

Paragraph 7 is another example of the complete elimination of double tax source. It provides that royalties, excluding mining and mineral royalties, shall be taxed only in the country of residence of the recipient. As far as we are concerned that is a useful clause because we do get a number of small royalty payments accruing here in respect of plays, songs and books, and under the law as it stands we have to collect income tax on those payments although the actual beneficiaries are residents of the United Kingdom. The collection of these small amounts of tax is not worth the amount we get and this provision will relieve the Income Tax Department of the profitless task of collecting. The exclusion of mining and mineral royalties from this clause will be noted. Both royalties accrue from the

[The Financial Secretary] exploitation of the State's assets and it seems proper therefore that the country of origin should receive tax on the royalties which accrue from the exploitation.

Now, Sir, paragraph 8 is also an important paragraph. It provides that Government officials of one territory on duty in the other, even though they may become ordinarily resident therein do not become liable to that country's tax so long as the residence is in respect of the official duty. Furthermore, Government pensioners even though they may exceed the maximum of six months in—shall we say a Kenya pensioner in the United Kingdom—will not be liable to United Kingdom tax if he does not become ordinarily resident in that country. It is a concession made in respect of Government officials and Government officials only.

The second sub-paragraph excludes Government officials employed in a trading concern that Government. I am assured however that the exclusion would not apply to officials of the East African Railways and Harbours and I have no reason to believe that the facility of paragraph 8 would not also be extended to employees of the Posts and Telegraphs Department. I may say, Sir, that every effort was made to get His Majesty's Government to extend this concession to unofficials. We pointed out that visitors to the United Kingdom would stay there much longer and spend much more desirable currency in that country if they were not forced out by the fear of having to face United Kingdom income tax if they overstay the statutory six months. But in vain. The United Kingdom authorities took the view that this concession to Government servants was in the nature of an extension of diplomatic privilege and therefore ought to extend only to Government officials. I appreciate, Sir, that it represents a form of discrimination between the Government servant and the unofficial, but the only way that that discrimination could be eliminated would be by throwing away the advantage which the United Kingdom authorities are prepared to offer to Government officials. Now, Sir, I assure hon. Members that if we threw that concession away there would be no *quid pro quo*

and I therefore advise hon. Members to accept the position and in the hope that His Majesty's Government will see fit, in due course, to extend the agreement to unofficials.

Paragraph 9 gives some relief to unofficial visitors. It provides that so long as such persons do not stay for more than six months in the country visited any earnings in that country are not liable to tax in the country visited, provided they are earnings in respect of services rendered for somebody in the other country and those earnings are liable to tax in their own country. This exception I may say, Mr. Speaker, does not cover the earnings of film stars and stage actors generally.

Now, Sir, paragraph 10 conveys some benefit to unofficial pensioners, that is to say pensioners other than Government pensioners. This paragraph lays down that the unofficial pensioner shall be taxed only in the country of residence of the pensioner. That is to say that if a resident of Kenya, for example, were in receipt of an unofficial pension from sources in the United Kingdom, it would not be taxed by the United Kingdom authorities, although it would of course attract tax here and vice versa. A similar provision is made for annuities. I think this may be regarded as something which may attract unofficial pensioners to Kenya. This, of course, is all to the good.

Paragraph 11 deals with a small matter. It provides for the exemption from tax of funds received by students and apprentices in respect of their subsistence money and fees during the course of study or apprenticeship.

Paragraph 12 is very important and embodies a fundamental principle. As I have said, Sir, there are two methods by which double taxation can be eliminated. In dealing with paragraphs 5, 7 and 10, I explained that in the case of shipping and air businesses, in the case of royalties and in the case of unofficial pensions, the income would be taxed in one country only. That is to say, double taxation is eliminated at source. There is also a limited exemption at source given to dividends in respect of surtax. Now paragraph 12 deals with the case where income is taxable in both countries. It provides that where income is taxed in one country and is again liable in the other country relief from the second



[The Financial Secretary]

may be granted up to the actual tax leviable in that second country. This is, of course, subject to the proviso that the income has already suffered tax not less than the second liability. To apply the principles it means that since it is proposed in Kenya to grant relief up to the total tax already paid in the United Kingdom anybody bringing income from the United Kingdom into Kenya is most unlikely to have to pay any Kenya tax at all. Similarly, of course, if United Kingdom residents take Kenya income into the United Kingdom, the United Kingdom tax authorities would take account of the tax already paid in Kenya in assessing the net amount still payable in the United Kingdom. Paragraph 12 sets out the principles of that proposition.

I do not wish to deal in any detail with the remaining clauses.

Sub-paragraph (3) makes it clear that personal earnings are deemed to be income arising in the territory in which the services are rendered so that relief can be given in the country in which the taxpayer resides.

Sub-paragraph (4) provides for the situation which will arise at the change over from one system of relief to the other. I explain as follows. The income tax year in Kenya starts on the 1st January. In the United Kingdom it starts on the 5th April. Now, if we are to bring this agreement into force with regard to the two different income tax years, we have obviously to make some special provision for the period between the 1st January and the 5th April, and this sub-paragraph seeks to provide the necessary adjustment.

Paragraph 13 provides for the relaxation of the obligation to secrecy to which I have referred and to the need for which I have given many examples.

Paragraph 14 fixes the date from which the agreement will come into force. It will be the 5th April, 1950, as far as His Majesty's Government is concerned and the 1st January, 1950, as far as Kenya is concerned with, as I have already said, special provision for the period in between.

Paragraph 15 of the agreement states that it shall remain in force for an indefinite period, but there is provision for

termination by either side by giving six months' notice before the 30th June in any year. If that notice were given by either side then the agreement would terminate as far as Kenya is concerned on the 31st December of that same year and as far as the United Kingdom is concerned on the 5th April in the succeeding year. Similar provisions would apply to the intermediate period, as apply when the agreement comes into force.

Now, Sir, I have given a broad outline of the proposed legislation and of the agreement it is proposed to enter thereunder. It would doubtless be helpful if I tried to summarize briefly the advantages and disadvantages of the proposition.

As far as the disadvantages are concerned, Kenya would lose the tax at present collected on shipping and air profits, on some royalties and on unofficial pensions paid to United Kingdom residents and, of course, the surtax paid on Kenya dividends remitted to residents of the United Kingdom. I would put that loss of revenue at present at about £25,000. Moreover, Kenya will have to provide the relief for its own residents in respect of United Kingdom tax, and I put that cost at about £15,000 a year making a total of £40,000. But I must point out that the second £15,000 was lost anyway when His Majesty's Government abrogated the arrangement previously existing as from the 5th April, 1950.

Now, on the other hand, there are considerable advantages. In the first place, the Kenya resident concerned previously had to pay both taxes and then had to claim their double-tax relief from the United Kingdom. I have no personal experience of this process myself, but I believe it was a very long and frustrating process. These people will no longer suffer from this procedure since relief will be automatically granted at this end. Government officials will be exempted from United Kingdom tax if they are serving this Government in that country. There is the advantage to Government pensioners so long as they do not become ordinary residents of the United Kingdom. A Kenya resident will not have to pay further tax in Kenya on income brought here if a greater tax has already been paid in the United Kingdom. This should encourage the bringing of money to Kenya, Sir, broadly speaking.

[The Financial Secretary]

I think the individual, certainly, the resident of Kenya, will gain considerably under this Agreement and I should therefore welcome it. The matter is one in which the balance of advantage is difficult to assess. It is a matter which has involved very considerable discussion and anxious consultation, but on the whole I think the balance of advantage, although long term as far as Kenya is concerned, the balance lies in accepting the Agreement. I recommend therefore, Sir, that it be so accepted by the Council.

Now, Sir, I have been on my feet for a very long time and I am very surprised that my Members opposite still have their eyes open! I apologize for the length of time I have taken, but as I have said, Sir, it is impossible to explain the principle of this Bill and the proposed agreement without going into considerable detail.

I will say no more, Sir, but beg to move.

THE ACTING SOLICITOR GENERAL  
seconded.

LT-COL. GHERSIE: Mr. Speaker, we have listened to a very detailed explanation of this Bill, but despite the fact that all hon. Members have no doubt grasped the situation now, the hon. Member did indicate and I think other hon. Members will agree that it is both very complicated and highly technical and for that reason alone, I submit it should be referred to a Select Committee. I understand the Income Tax Authorities have been endeavouring for something like five years to obtain an agreement of this nature, which, I think, is further proof of the complicated nature of this Bill.

Under the circumstances, I do not propose to waste the time of Council. In view of the fact that the hon. Member has agreed that it should go to a Select Committee, therefore, I formally move that the Bill should go to a Select Committee.

THE FINANCIAL SECRETARY: On a point of order, Sir, is it not correct that the question should be put and carried and the second reading given and thereafter the motion be moved for a Select Committee?

THE SPEAKER: After we get the second reading.

MR. BUNDELL: Mr. Speaker, I wish to draw the hon. Member's attention to one clause of the Bill and ask him if he would explain in his reply the implications of clause 33 (A). As I read it, it would be possible for the Governor in Council to make arrangements with another territory similar to those which they have made with United Kingdom, but which might have within them provisions outside this Ordinance and they would in effect become law. As I read the clause, it would therefore mean that the arrangement would be the method by which laws were put forward rather than in the Ordinance. If that is so, I draw it to the attention of the hon. Member or the Select Committee because in my view it is a wrong principle to adopt.

Another point I wish to refer to and that is the question of the privilege officials will receive. I was on the East African Advisory Board when this matter was discussed. Although on this side we are sorry that this relief cannot be extended to Members on this side, nevertheless, I think we would be wrong to "cut off our officials' noses in order to spite our own faces".

All I can say is that I hope in due course, as the hon. Member has put forward himself, we shall induce the United Kingdom Government to regard us all in some privileged capacity when we visit that territory.

MR. MACDONALD-WELWOOD: Mr. Speaker, I only want to refer briefly to one clause which is clause 3, section 4, on the question of secrecy. I am rather confused as to whether the abrogation of the chief secrecy clause which obtained up to the date of this agreement will affect the divulging of information regarding incomes prior to that date. I am not seeking to protect people who have evaded tax, but income tax laws in both countries are so exceedingly complicated that it may well be there are a number of persons prior to the coming into force of this Bill, who may have offended against the Ordinance, and they may not have the money. I think it will be interesting to see whether this abrogates the secrecy clause prior to the coming into force of this new Bill. I shall be very grateful if we can be told something of that by the Financial Secretary.

THE FINANCIAL SECRETARY: Mr. Speaker, I refer you first to the point

## [The Financial Secretary]

raised by the hon. Member for Rift Valley. I would invite his attention to the fact that in the agreement into which we propose to enter with His Majesty's Government, the salient overriding principle is that operation is subject to the laws of the country concerned. I made that point, I think, during my speech, and it is quite clear that no agreement entered into with any country could be repugnant to the principle law of either country under which the agreement is entered. In any case, Sir, I undertake here and now that before the Government enters into any further agreement with any other territory or any other country it will follow precisely the same procedure as it has on this occasion: that is to say, it will publish that agreement in the Gazette and lay a copy on the table of this Council so that, if necessary, a debate thereon may be secured.

Now, Sir, with regard to the question put by the hon. Member for Uasin Gishu it will be seen that the revocation of secrecy is to be in respect of the operation of the agreement. As I read those words, Sir, it means that the obligation will be relaxed only in respect of matters actually arising out of the agreement, and inasmuch as the agreement will come into force on a certain date, the relaxations will come into force only from that date.

The question was put and carried.

LT. COL. GILBERT: Mr. Speaker, I beg to move: That this Bill be referred to a Select Committee.

MR. BLUNDELL: I beg to second.

The question was put and carried.

THE ACTING SOLICITOR GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the Compulsory Military Training Bill clause by clause.

THE ACTING DIRECTOR OF MEDICAL SERVICES seconded.

The question was put and carried.

## COUNCIL IN COMMITTEE

*The Compulsory Military Training Bill*  
THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I explained at the second reading of this Bill that all these amendments were drafted after the Bill

had been published, in consultation with the Service Authorities. None of them alter the main principal structure of the Bill. Therefore, Sir, with your permission, and if it is acceptable to the Committee, I will move them by reference to the paper which has been distributed, without reading them out in detail.

## Clause 3

THE ACTING DEPUTY CHIEF SECRETARY moved: That the definitions of "General Officer Commanding" and "training" in clause 3 be deleted.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 7

THE ACTING DEPUTY CHIEF SECRETARY moved: That in sub-clause (1):—

(i) The words "to undergo an initial period of full-time compulsory military training for a period of not more than one hundred and sixty-eight days under the direction of the General Officer Commanding" shall be substituted for the words "to undergo an initial period of compulsory military training for a period of 168 days under the directions of the Commanding Officer" where the latter words occur in paragraph (a).

(ii) The words "a period of not more than four years" shall be substituted for the words "a period of four years" where the latter words occur in paragraph (b).

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 8

THE ACTING DEPUTY CHIEF SECRETARY moved: That there be substituted for sub-clauses (2), (3) and (4) the following:—

(2) Any person who has been called up under the provisions of this Ordinance may apply to the Member for permission to proceed to the United Kingdom in order to join a training unit of the Royal Navy, the Army or the Royal Air Force instead of undergoing the whole period of training to which he is liable under the provisions

[The Acting Deputy Chief Secretary] of paragraph (a) of sub-section (1) of section 7 of this Ordinance, and the Member may grant such permission if he is satisfied:—

(a) by certificate signed by the Resident Naval Officer, the General Officer Commanding or the Air Officer Commanding, as the case may be, that the applicant is, in his opinion, suitably qualified for admission to any such unit;

(b) that arrangements for his admission to such unit have been made.

(3) Any person who has completed a course of training in the Army in the United Kingdom shall—

(a) if he has qualified as an officer, serve for a period of two years and six months as a member of the Kenya Regiment Reserve;

(b) if he has not qualified as an officer, serve for two years and six months as a member of the Kenya Regiment.

(4) Any person who has completed a course of training in the Royal Navy or the Royal Air Force in the United Kingdom shall serve for a period of two years and six months in any reserve of the Royal Navy or Royal Air Force, as the case may be, which may be established in the Colony.

(5) If any person, having been excused under this section from any compulsory military training under this Ordinance, subsequently fails; in the case mentioned in sub-section (1) of this section to carry out his engagement or, in the case mentioned in sub-section (2) of this section, to join such training unit or to complete the course prescribed for such training, the Member may cancel the permission granted by him and may require such person to complete the whole, or such portion as the Member may direct, of the further period of training to which he was liable at the time when the said permission was granted to him.

The question of the amendments was put and carried.

The question of the clause as amended was put and carried.

## Clause 9

THE ACTING DEPUTY CHIEF SECRETARY moved: That the words "within 24 hours of reporting for such training in accordance with the terms of his enlistment notice" be deleted.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 12

THE ACTING DEPUTY CHIEF SECRETARY moved:—

(i) That the word "Centre" be substituted for the word "School" in sub-clause (2).

(ii) That there be substituted for sub-clause (3) the following:—

(3) Where persons are called up for training in any year in more than one group, the Director of Manpower may, on the application of any person called up for training in that year, transfer him from one group to another.

The question of the amendments was put and carried.

The question of the clause as amended was put and carried.

## Clause 15

THE ACTING DEPUTY CHIEF SECRETARY moved: That in sub-clause (2) the words "Governor in Council" be substituted for the word "Governor".

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 20

THE ACTING DEPUTY CHIEF SECRETARY moved: That in paragraph (b) of sub-clause (1) the words "Resident Naval Officer, the General Officer Commanding or the Air Officer Commanding, as the case may be, to be used for any Naval, Military or Air Force purpose" be substituted for the words "General Officer Commanding to be used for any military purpose".

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 21

THE ACTING DEPUTY CHIEF SECRETARY moved: That the following new sub-clause be added:

(3) Every person while undergoing training in any reserve of the Royal Navy or of the Royal Air Force established in the Colony pursuant to permission granted to such person under section 8 of this Ordinance shall wear the uniform, with distinctive markings or badges, which the regulations relating to any such reserve require to be worn.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 22

THE ACTING DEPUTY CHIEF SECRETARY moved:—

(1) That sub-clause (3) be re-numbered as sub-clause (4); and that the words "or when serving in the Kenya Regiment" occurring therein be omitted and that the words "or from a place of training to his place of residence upon completion of his course of training" be inserted at the end of the sub-clause.

(ii) That the following be inserted as sub-clause (3):—

(3) Every person, after enrolment in any reserve of the Royal Navy or of the Royal Air Force established in the Colony, shall be entitled to such rates of pay, allowances, privileges and entitlements, including entitlement for compensation for injury sustained in the course of duty and compensation to his heirs and assigns in the case of his death in the course of duty, as may be prescribed by the regulations relating to such reserve.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 23

THE ACTING DEPUTY CHIEF SECRETARY moved: That in sub-clause (3) of clause 23 the words "shall subject to the provisions of section 8 of this Ordinance,

upon return to the Colony comply" be substituted for the words "shall upon return to the Colony, comply".

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clauses 31, 32 and 33

THE ACTING DEPUTY CHIEF SECRETARY moved: That clauses 31, 32 and 33 be re-numbered as clauses 32, 33 and 34 respectively and that the following new clause be inserted as clause 31:—

## Power to enforce attendance of witnesses

31. The Exemption Tribunal and a Reinstatement Committee shall have power to summon any person to give evidence before such Tribunal or Committee; and any person who, having been so summoned, fails to attend or to give evidence shall be guilty of an offence against this Ordinance and shall be liable on conviction by a subordinate court of the first or second class to a fine not exceeding two hundred shillings or to imprisonment for a period not exceeding one month.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 32 (as renumbered)

THE ACTING DEPUTY CHIEF SECRETARY moved: That paragraph (c) be relettered as paragraph (d) and that the following new paragraph be inserted as paragraph (c):—

(c) fails to comply with any order made by a Reinstatement Committee under section 30 of this Ordinance; or

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## Clause 33 (as renumbered)

THE ACTING DEPUTY CHIEF SECRETARY moved: That in sub-clause (1) of clause 33 (as renumbered) the word and figures "section 32" be substituted for the word and figures "section 31".

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

## The Schedule

THE ACTING DEPUTY CHIEF SECRETARY moved:—

(1) that in sub-paragraph (b) of paragraph 1, the word "existing" shall be substituted for the word "regular";

(2) that in paragraph 2 the words "such Regiment or Force" be substituted for the words "the Regiment";

(3) that in paragraph 3 the words "compulsory national service in the United Kingdom or in any other part of His Majesty's dominions" be substituted for the words "national servicemen in the United Kingdom";

(4) that in paragraph 8 the word "dominion" be substituted for the word "dominion" wherever the latter word occurs.

The question of the amendments was put and carried.

The question of the Schedule as amended was put and carried.

THE ACTING SOLICITOR GENERAL moved: That the Compulsory Military Training Bill be reported back to Council with amendment.

The question was put and carried. Council resumed and the Member reported accordingly.

## BILLS

## THIRD READING

THE ACTING SOLICITOR GENERAL moved: That the Compulsory Military Training Bill be read a third time and passed.

THE ACTING DIRECTOR OF MEDICAL SERVICES seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

THE SPEAKER: I am asked to-day hon. Members to suspend business for half an hour for certain purposes which I consider reasonable.

Council will suspend until 11.30 a.m. Council adjourned at 10.58 a.m. and resumed at 11.30 a.m.

## MOTION

## PLANNING COMMITTEE REPORT—(Contd.)

THE SPEAKER: There is a motion before the Council on which debate can now be continued, that the Report of the Planning Committee be adopted. I think the motion was proposed last time, but, if not, I will propose it again. It is proposed that the Report of the Planning Committee be adopted.

LT.-COL. LE BRETON: Mr. Speaker, I am sure we all of us desire the full development of our Colony at the minimum cost in the minimum time in consonance with the resources we have at our disposal and, except for one item in this Report, that seems to have been the accomplished aim of the Planning Committee.

My hon. friend, the Acting Chief Secretary, has said that when this Report was proposed, a healthy baby was born. Well, Sir, I am not in a position to comment on the general health of the child, but I would ask my hon. friend to turn the baby over and examine the fearful wen that is growing on the back of his head—a wen that must be excised. I refer to paragraph 110, in which it is recommended that the immense sum—immense to this Colony—the immense sum of £500,000—half a million—should be earmarked for the improvement of communications between the Island of Mombasa and the mainland. Well, Sir, I cannot even agree that those words "the improvement of communications" are truly correct. The public criticism which is mentioned earlier in this paragraph, and which largely caused this item to be inserted in the Report—that public criticism was levelled at the tolls that are charged on the Nyali Bridge. If those tolls were removed, that public criticism would be silenced and the end would be achieved. And yet, Sir, the communications between Mombasa and the mainland would not have been improved.

Sir, the funds that we have available are very small, and I do submit that those that we have should be directed towards increasing our amenities which, in a young colony like this, are still naturally very woefully deficient. To duplicate at great expense an amenity that we already have, seems to me, if not akin to madness, at any rate to be very

poor economies. It is, I fear, only human nature that we should be willing to give large promises to obtain some amenity that we desire, and then, when the novelty of that amenity achieved has worn off, to be reluctant to pay the price which previously had been so gladly offered.

Sir, during the last two centuries, toll gates were very largely responsible for the development of the roads in England. It has been said that toll gates are immoral and should be abolished. Well, Sir, I agree that that should be so in any fully developed country. It should be the aim to abolish those tolls as soon as the country can afford it, but I submit that we have not yet reached that stage. If the toll gate system had not been allowed in Great Britain, the roads system would not have been developed at that time. Sir, this Colony, as regards its road mileage, is still far behind the England of those days, and any available money that we have must be still devoted to new development rather than redeeming tolls on an existing development. £500,000 is recommended in this paragraph and could construct *substantially* some fifty miles of first-class tarmac road, and I, for one, would gladly pay twice or three times the amount of tolls levied on Nyali Bridge if in my journeys to and from Nairobi I could always use another fifty miles of good tarmac road in place of the roads which I at present have to jolt along and, in doing so, I should be certain that I was saving far more than the cost of them to me in reduced repair bills on my car! Surely fifty or even—if the costs go up—forty miles of tarmac is an asset of far greater value to this Colony than merely the replacement of Nyali Bridge by another one that might be toll free. We are told that it is a great hardship to people who live north of the Island to have to pay Sh. 2 every time they cross Nyali Bridge. Well, Sir, we know the cost of running a car and it amounts to something like 70 cents a mile. Therefore, I submit that this toll is only equivalent to their having to journey an extra three miles each time, whereas if they have to pay that they save the time that would be spent on that three miles.

Now, Sir, if we turn to paragraph 116, we see that it is expected, that the

Economic Co-operation Administration will supply £2,500,000 towards the programme on road communications during the next five years. On the other hand, we now hear that our application for this money has failed, so such will not be the case and large economies must be made in any case. If we look at the function of the Planning Committee we set out as the revision of development plans in the light of changing circumstances. Well, Sir, the refusal of this Economic Co-operation Administration money is a very important circumstance which, I submit, might to some extent be offset by the deletion of this item. If we again turn to this paragraph, we see that this £500,000 amounts to two-thirds of the grants for five years to all European and African District Councils. It is greater than the grants to municipalities, and it amounts to 10 per cent of the total sum to be allocated for the primary road network of the Colony for a period of five years. Can such a sum be justified? Sir, I submit that it cannot.

Unless this item is deleted, I beg to oppose.

MR. USHER: Mr. Speaker, Sir, I am not going to be led by my hon. friend into a detailed argument on the subject of tolls. I have already expressed an opinion in this Council some time ago that tolls generally are thoroughly bad finance, and nothing is going to shift me from that. In fact, I have rather more evidence than I had before that that is the case.

Sir, I do wish to call attention to the very careful wording of this Report. (Hear, hear.) It is perhaps dragging a red herring across the trail even to mention the construction of Nyali Bridge. The Government is—or may be shortly—entering upon delicate negotiations with the Company on that subject, and any how I can find in this Report certainly no mention at all of the possibility of constructing Nyali Bridge either within the period remaining—that is to say, to the end of 1955—on thereafter; but I do know that development follows communications, and that the communications between Mombasa Island and the mainland—both north and south—are weak.

I only have one thing to add, Sir. It follows from the suggestion that I have

[Mr. Usher]

just made, and that is that I, personally, should like to feel that this plan is extensible beyond the period which we contemplate and that, if our resources or our capacity are not such as to enable us to carry out what the plan recommends, that we shall address ourselves to development in certain directions over a longer period.

Sir, I beg to support.

MR. MATHU: Mr. Speaker, I have a few remarks to make on this rather colourless document—(Shame!)—and the first is the principle which has been laid down as far back as the time of the Development Committee Report in 1946—the principle that will govern development of this country. In paragraph 9 of the Report, and in paragraph 4 of the Planning Committee Report, this principle is laid down that the basic principle of development will be to use the natural resources of the country, including manpower, in a manner calculated to increase the national income of Kenya in the shortest possible time, so as to raise as soon as possible the standard of living of the majority of the inhabitants.

In paragraph 5 of the Planning Committee Report they indicate what the first priorities are in order to achieve the objective which was laid down by the Development Committee Report; and I think—whether the baby that has been produced is healthy or not—will depend upon the fact whether the Planning Committee has achieved the planning which will enable this baby to be really healthy.

They say in paragraph 5 that: "among the first priorities must be the preservation and improvement of our soils, the development of our forest estate and water supplies"—and this is the point I want to stress: "the opening up of new areas to relieve the pressure on existing land". I have searched through this document, Sir, to see what the Planning Committee has set aside as expenditure for getting new areas to relieve the pressure on the land, and I have not been able to succeed. In paragraph 47 they recommend that: "a careful investigation should be made of possible new areas and in the methods of inducing populations from overcrowded areas to have them and to settle in new ones". But throughout this Report I have not

been able to find anywhere where the Committee has done anything beyond the mere recommendation that some moneys should be expended on settling populations from overcrowded areas to other areas, so that they can attain a high standard of living. I think that is where, Sir, I feel that the hon. Member will have to satisfy me before I can indicate whether I am going to support the adoption of this Report or not.

The Committee agreed, as we all agree, that the majority of the inhabitants of this country are living nearly below subsistence level, and the schemes that have been prepared by the African Settlement Board, for example, and the schemes which have been provided for under paragraph 54 of this Report are not going to achieve the end desired. In fact, very little effect has been made on this congestion and overcrowding of the overwhelming majority of people in this country, so that the standard of living is going down almost every day. As I say, under paragraph 54, we have provision for the expenditure to the extent of £1,584,000 for the next five years. In that paragraph, as I say, I see very little attempt made to provide funds for the development of new areas. I suppose "new" there would mean areas that have not been inhabited before, areas that have been under-developed or areas that are under conditions which would prevent the exploitation of these areas by the human beings. I suggest, Sir, that the most important element of development in this country is to get these areas, whether within the Colony or outside this Colony. It is true, Sir, that the Committee propose that secondary industries should be set up with a view to inducing populations from the overcrowded areas into industrial areas, but there again, Sir, as the Committee itself has pointed out, there are limitations, limitations particularly of the housing of the inhabitants, and so on, and also the conditions of the employment. These are limitations which will have to be overcome if this plan of industrial development is to succeed.

Now, I think we are all agreed, Sir, coming back to the question of the preservation of the soil, we're all agreed that our soils must be looked after. I do not think there is any disagreement on

[Mr. Mathu]

that. But there is a limit to which you can develop or preserve your soil, which is determined by the extent of the acreage under your control. The Planning Committee, by recommending that new areas for development must be found, must have been aware of this fact. The problem which is going to face this country in ten or twenty years' time—in fact, even before the five years' time—we are dealing with here are ones which will arise from the numbers of population figures rising and not catching up with the media by which these populations can support their lives—will be a very acute problem and I suggest to this hon. Council, Sir, that we are not tackling this problem as vigorously and as quickly as we should. It is true that actually the Development Committee did say that although the principle that I have read out will be the governing principle of development, it would not be strictly applied, and that other things may be done although they may not achieve this end. I think it is unfortunate that we should have the extensive flexibility which the Planning Committee suggests in parts of this Report, because I think the major problem which we have to solve here is connected, without doubt, with the land. Without agriculture we would have no wealth in this country (Question?)—the basic factor with which we control our economy is agriculture. In spite of the fact that my hon. friend the Member for Commerce and Industry is posing a question to me, I think the hon. Member will agree that our mineral industry, especially the gold mines, do not pay their way, they have come to this Council for financial help. I think the minerals... are going to discover later may help. We cannot compare ourselves in this respect of mineral wealth with Southern Rhodesia or the Union of South Africa, and before that copies, the land to grow crops and to raise the animals which will be the sources of our economy must be found. Well, I think the hon. Member for Commerce and Industry will have to correct me here.

Just before I leave that part, Sir, I would like to say that other countries, even in Tanganyika next door to us, not very many years ago, the Tanganyikan Government had to buy large areas of

land which were occupied by other people in order to settle the African population there. They appointed a Committee under the Chairmanship of a Mr. Watson, and they did solve some of the problems that were affecting them. I know also, Sir, that similar cases have been done in Swaziland, where the Government there has bought tracts of land to settle the overwhelming majority of Africans there. Why should that principle be ignored by this Government, in what I want to know. This problem must be solved somehow, and I do feel, Sir, that the sooner we realize that this is a very major problem and it is a problem we must tackle, even at the expense of other problems, the sooner we shall be on the right road to developing this country to the benefit of us all.

The next remark which I want to make, Sir, to show that the baby is not as healthy as my hon. friend the Member did say, is on the question of roads. My hon. friend the Member for Trans Nzoia, if I may say so, I was very glad to hear making the remarks which he did, and which I support almost word for word. Now, the Planning Committee has in paragraph 100 a sentence which, if I may be allowed, Sir, I should like to quote. "Goods roads are vital if the development of the Colony is to be maintained and increased." Now, how true that statement is, absolutely true. And then they go on to say in paragraph 104, "We are firmly of the opinion that a better road system is vital to pave the way for more rapid development." How true, again, that statement is. But when I come to paragraph 108, they say, "We also recommend that an allocation of £750,000 should be provided for the overall programme of road reconstruction and improvement in the District Council areas, both European and African." Now, here I am absolutely puzzled—how they can combine these two authorities and give a very small amount to the whole of Kenya—practically the whole of Kenya. The other areas are urban areas. They would not have as large a mileage of roads as the African District Council or the European District Council areas. £750,000, Sir, and communications from Mombasa to the mainland, £500,000, the difference of a quarter of a million pounds. But the point that puzzles me more is that the

[Mr. Mathu]

Development Committee recommended in their report in paragraph 170 that District Council roads, that is the European District Council roads, were to get £430,000, and the roads in the local native areas, £75,000. Now, here the Planning Committee has revised the figures, combined two of them and proposed £750,000. Now, what I would like to know, Sir, is how much of the £750,000 which was allocated by the Development Committee to the African District Council areas has been spent, and how much it is now proposed to increase over and above that for the next five-year period. And further, how is the £750,000 going to be apportioned between the European District Councils and the African District Councils? I say that the combination is unfortunate, and I would prefer that a specific figure were set aside for each of the two sets of Councils, so that we know exactly where we are. If it is the Road Authority which is going to do the job, there again we, the Africans, would be very suspicious of the whole affair because, as I say, we are not represented directly on that Authority. In any case, roads in African areas have been more than deplorable, and this, I say, Sir, has been a cry from us for all these years, and the Government has been, if I may say so, in due respect, very very insensitive to our representations in this matter. I would not say, Sir, that all the inhabitants of this country do not use all the good roads in the country. They all use the good roads in the country, but if the majority of the people have to help in the quick development, which the Committee recommends in their paragraph 104, how is the produce in the purely African areas going to be moved quickly and all the year round, whether wet or dry weather, to the markets, in order to enhance the income of this country, as it was recommended by the Development Committee in 1946. I am sure I will be told that the Road Authority may have plans to get the roads in all areas in good condition, and so on, but I would like to impress upon this Council, Sir, that we feel that the problem of roads, particularly in African District Council areas, has not been tackled in these 50 years as vigorously as it has got to be. And it is in that way that we are reducing

the income of this country, by not encouraging the majority of these people to develop these areas, by giving them proper communications. In 1951, Sir, this year, the African District Councils are going to spend £69,000 on roads. The Development Committee had given them £75,000 for ten years, and under the revision they do not know what they are going to get now. Surely people who help themselves should be helped? It is not all European District Councils who rate themselves.

Now, there has been suggested in the Report that items of revenue which accrue to the Road Authority might have, their taxes increased. Well, I should be the first to say that let us have as much money as we can to improve our road systems, but if the present arrangements are going to continue, that some of the areas in the country are neglected as far as communications are concerned, I would be the first to oppose any imposition of other taxes to be given to the Road Authority for this purpose.

Finally, I would like to make some remarks on buildings. The Government and the Planning Committee, and all of us, agreed that we should go for not very expensive structures in our building programme, that we should economize, and I think the word used was "austere"; that we should have austere standards in our buildings, I agree. But I think that whatever buildings we have should have some dignity. (Hear, hear.)

I would like to have some explanation as to what is going to happen to the Nairobi General Dispensary. I have looked through the Report to see what they are going to do about it, but I have not seen anything about it, and I think that it is high time that we had some suitable buildings for dispensaries, because the present general dispensary has not been as it should be for a long time in the way of space and accommodation.

Prison buildings. There is provision in page 76 of this Report about building new prison buildings, and paragraph 229 has been worrying me, and it has been worrying the Planning Committee as well. That is, that we should make sure that we segregate the first offenders from hardened criminals, and that the accommodation of these criminals should be

(Mr. Mathu) separate, if possible. I would like to know what the detailed arrangements are in regard to making that objective realized.

I believe, Sir, that perhaps we could use our prisoners more economically than we are doing at the moment. I believe we can give them work to do in the Government projects and in African District Council projects as well. Road-making the subject I have been discussing, bridges, etc., and I would like to hear from the hon. Member responsible whether a scheme such as that would not be able to enhance our development programme more quickly in projects that would be suitable for execution by these prisoners, and also whether it would not relieve congestion of our major prisons in the country by having camps out. I am not saying that I think the prisoners should be allowed to run away, but if they can get the opportunity, it might be sometimes useful that they should, if not well employed. However, it is a point on which I would like to hear what the hon. Member has to say.

Before I sit down, may I congratulate the hon. Member for Development for the able way in which he moved the adoption of this Report yesterday. (Applause.) He beats most of us in clarity of diction and precision of his remarks, but his baby is still yet to be seen, whether it is not suffering from malnutrition.

MR. BLUNDELL: Mr. Speaker, in speaking to this motion, I must take a considerable amount of time. I thought it was just as well to warn the Council to begin with.

Now, Sir, in judging this Report, Members must remember that the original demand made upon the Planning Committee was in the region of £24,000,000. In other words, what the Ministers of the country, what the abetted by public opinion, aided and abetted necessary for the development of the country, was £24,000,000. The task was to reduce that £24,000,000 to fit the money in sight. Now, the money we began planning was only—I am giving figures without fractions—about £8,000,000, and the task we were faced

with was reducing £24,000,000 of demands to £8,000,000 of reality. When we examined that problem, it was obvious that in effect, if we produced a plan reduced to £8,000,000, it would not be realistic in that it would completely ignore the implications of policies which had been initiated and agreed to by the Council. (Hear, hear.) I must stress that, because a great deal of the responsibility for this plan and its implications rest upon people in this Council, including myself.

If I might mention a matter very quickly, in the Report, very considerable recurrent charges fall upon the Budget in respect of African education, but that was a commitment which arose straight out of the Beecher Report, and debate thereon, and the acceptance of it. Either this Council must not embark on policies and plans of that nature, either it must do that, or if it does it, then it must accept the recurrent implications which now appear before it in this plan.

It was obvious that if we were to plan to £8,000,000, the plan would not be realistic. Now, there are items in this Report which individual Members would like to cut out. It can be argued in fact that almost any item can be cut out. But if you consider, for instance, the Tourists and National Parks, to which we have made a new allocation of £155,000, one has got to remember that that £155,000 is against an overall total ceiling of about £28,000,000, and I do submit that if you prune away every item, however small, you eventually produce against an overall total of £28,000,000 something which might be unrealistic. Now, it may be as a Colony we shall not be able to finance the extra £4,000,000 which this Report demands over and above the £8,000,000 which we assumed were available. We have tried to cover that in this target, at which we must aim, but it is not our intention that, by accepting this Report, every recommendation in it becomes at once a commitment. It is obvious to me at any rate that if we cannot get above the £8,000,000, well, then we shall have to extend the time necessary for achieving our target. We have put in that provision for extension, because that will help to a certain degree, and to a certain degree only, the

(Mr. Blundell) problems of the Member for Finance in dealing with the capital commitments which this Report puts forward. Since we made this Report also, three very important things have happened which in my view must very much colour one's outlook on the Report. They are these:—

The tremendous rise in primary produce and commodity prices and the general costs of materials since the outbreak of the Korean war. That must effect inevitably our development programme.

The second one is the consequential rise in the cost of living and acceptance by this Council of Cost of Living Allowances of somewhere around £800,000, which in effect are most definitely thrown upon the recurrent Budget.

Lastly, the restriction which I think the hon. Member for Finance will mention later, the restriction on our capacity to borrow due to the pressure in London on the available money sources, especially from the Colonial Empire.

Now, those three items together mean three things. They mean that the actual estimates here will of necessity be overridden—overrun. Where an estimate is, say, £150,000 we must expect that the actual cost will be greater. They mean that our capacity to meet the loan charges within our present revenue is much impaired, because we have already absorbed £800,000 of what might have been surplus revenue by our commitments to civil servants on the cost of living. And, of course, it means inevitably, I think, that we shall not be able to spend the money within the time, because we shall not get the capital finance to do so. These are all points which I think Members of the Council must realize in examining this Report.

Now, Sir, the most important aspect of it, and one to which I should like to draw Members' attention in detail, is the very severe, the substantial rise in recurrent cost. That has been touched on by the hon. Member when moving, but in effect it does present this Council, if accepted, with a minimum rise in recurrent expenditure of £2,300,000 odd a year over the period of the plan. Now, that was an aspect of the Report which worried us considerably. It is just possible

that if the present graph of expansion in the revenue is carried on that, we could meet this recurrent expenditure. I see the hon. Financial Secretary shakes his head—I would say it is just possible on the figures which were then prepared for us. Subject, however, to the remarks which I made on the rise in the cost of materials and the cost of our services generally, because of the cost of living, that probably will not happen.

We attempted to meet that in one respect by making a clear indication in this Report that services demanded must be services paid for. Now, this is not a country of a mature and wealthy economy with a considerable well of finance into which we can dip. This is a young and developing country, which frankly has to make the money with which to develop itself, or attract the money and it is essential that all hon. Members should realize that if they ask for services, they must pay for them. (Hear, hear.) In that connexion I would like to point out that our recurrent bill on African education alone is £542,000 a year at the conclusion of this plan. The recurrent bill for education for all races is close to a million pounds and the logical corollary of accepting our plan and our recommendations is that those services must be paid for by increased fees. There can be proper provision in due places for remission to those who are necessitous, but nevertheless that is a point in this plan to which I should like to draw Members' attention.

Now on the question of the £8,000,000 and the £12,000,000—the £8,000,000 which we assume we shall have available, although I understand that that is not entirely a complete possibility, and the £12,000,000 needed. There are elements in this plan which could be eliminated, and I should just like to refer to them. One could prune, I think, right through the plan, but certain immediate prunings could be done. For instance, one was mentioned. I mention it with some temerity—the Nyali Bridge. It is possible pruning might be done there. A pruning could be done in roads, and the public could accustom themselves to an increasing amount of shaking and an increasing amount of damage to their vehicles. A pruning could also be done in buildings. We have in this Report been realistic. Take the Accountant General's Office. There the clerks—and

[Mr. Blundell] the persons doing the Colony's accounts are cluttered up twelve in an office, with a consequent considerable degree of inefficiency. It is arguable, however, that in the light of the money not being available we could do better with that, but there will be a consequential loss of efficiency and we will not have a valuable site released. The same applies to the Member for Education, Health and Local Government's offices. We need not replace those offices, but what Members have to consider is that if we do not replace them we do not release the revenue which would result from the sale of valuable sites and we agree to a certain amount of inefficiency which results from bad office accommodation and scattered office accommodation. Nevertheless it is necessary to stress subject to some remarks which I am going to make later on the recurrent costs and their implications, it is necessary to stress that we may do this pruning. I shall return to that later.

Now I want to spend a little time further on the recurrent costs and their implications, because that must be a matter which is constantly worrying the Member for Finance. The implications are serious and they can only be met in three ways: one, by abandoning whole portions of the plan; two, by increasing taxation; and three, by, let us hope, a rise in the revenue without an increased taxation—the progressive rise. In the revenue which has been taking place over the last five to six years. Now, Sir, I believe that if we accept this plan we have got to be realistic. The first thing we have got to get firmly in our minds is that the strictest economy has got to be effected in all departments of expenditure. Now I wish to make it quite clear that we on this side constantly ask for new services and hon. Members opposite very often meet those demands, but it is my belief that as a result of the last five years we have built up right through our departmental set-up posts, appointments and expenditures which in all probability we could dispense with. Now the condition which has caused that to happen is the entirely false idea that this is a wealthy country. That false notion has spread, because we have had over the last five or six years, first of all, a great rise in the price of our primary produce; secondly, we have had a

tremendous inflow of capital from overseas for developmental purposes; and lastly, we have generated within the Colony itself, of course, a considerable amount of taxable wealth by the implementation of the original Development Plan. That has conditioned us, together with the recurrent surpluses which the hon. Member for Finance has produced, all to think that we are wealthy. In other words, if I might put what I am trying to say in the simplest possible words, we are like a married man with four children none of whom are being educated. When the education bill comes in the full impact of his fertility will be represented on his balance sheet. (Laughter.) I am trying to stress that we have been expanding in every department, perhaps without a due realization of what the real impact of this development programme is going to make on our economy. I wonder, on that particular angle, whether hon. Members opposite have put enough attention to this particular point. Have we considered in relation to our whole development the general overall policy which it is necessary to carry out? For instance, every penny that we lay out on small, eminently desirable, but not strictly necessary expenditure, makes the tax of the hon. Member for Finance in carrying the burden, the recurrent burden of this £12,000,000 very much more difficult. Again a point I should like to stress—has Government, for instance, given enough attention to development, especially in African areas of high-class primary produce, which would help carry this burden when it falls due? For instance, has Government approached the Pyrethrum Board, of which I am Chairman, with a view to stimulating—with all due regard to the production of pyrethrum in African areas? The point I must stress to this Council is that wealth is not a self-contained segregated apparatus on racial lines. The overall wealth of a Colony transcends race. If all sections are wealthy we can in effect carry this burden. If we reduce the stimulus of wealth merely to one section, then we are in effect reducing our capacity to carry the burden which is undoubtedly going to fall on us.

No, Sir, I do want to suggest to the hon. Member for Finance, because I know it must be worrying him, how he

[Mr. Blundell] is going to carry these extra burdens. I would suggest that we consider escalator to use a terrible word—we should consider expanding the time over which the programme is carried out. I believe there are advantages in that. That will relieve the Member for Finance's burden to a certain extent, but to a certain extent only, because it allows the recurrent accounts which are placed in the Budget to capital account, a longer period to accumulate. A further point, Sir, is that I wish to stress very strongly that the easiest solution to financing this plan is to increase taxation, but I am extremely doubtful whether within reason that is wise. I wish to stress strongly now that one of the best methods of carrying out this development plan is with the maximum development or expansive use of money within the Colony itself by private enterprise. If you increase taxation, the very effect you are taking away is the very developmental factor which will eventually enable you to carry out this plan. Every penny taken from profits of large enterprises in effect a penny taken into Government expenditure for this plan which might, in effect, generate more wealth within the Colony to carry it on the present existing taxation structure, I see the hon. Member for Finance frowning. If he is in the slightest bit doubtful I will repeat it.

THE FINANCIAL SECRETARY:—Mr. Speaker, the hon. Member must appreciate that what he is saying is not wholly true. He must realize that private development is virtually impossible unless there is a framework of Government development which can establish itself and flourish.

MR. BLUNDELL: Mr. Speaker, I do not deny that, but I do not think the hon. Member for Finance will get up in a moment's time and say private development is not reasonably flourishing at the moment, so we can assume the framework of Government development is there. There is a certain element of truth in what he says. (Laughter.) Only a certain element.

THE MEMBER FOR COMMERCE AND INDUSTRY: What about water in Mombasa?

MR. BLUNDELL: Mr. Speaker, I will come to that in a moment. The point I

wish to stress strongly is that this burden can only be borne first of all—I know it is always a matter upon which hon. Members opposite set their teeth and shake their heads—by a pruning of our present expenditure to absolute essentials. That would mean a certain amount of revenue for the increasing implications of this plan. Secondly, I believe that we can meet this by extending the time over which we develop our plan. Lastly I believe, and this is very important, Sir, in view of the changes which I said had taken place since the plan was originally fixed—I do believe hon. Members on the opposite side should accept the recommendation that the Planning Committee should be remanent, and refer the plan back to the Planning Committee having accepted it in principle, with the recommendation that in the light of the changed circumstances of to-day economies might be made. It can only be fitted into our whole economy in the light of the changed circumstances of to-day.

The hon. Member for Commerce and Industry raised the question of the Mombasa Water Supply. That we have only touched upon lightly, but we should be under no delusions. If we cannot finance that water supply from plants outside that to which we have referred, then the whole of this plan can be burnt to-morrow, because in effect you are absorbing—the capital expenditure which is envisaged here will be mainly absorbed in the one item—the Mombasa Water Supply. That, in my view, needs a completely special case, and I would suggest a certain proportion of the burden can be met by ourselves. I would not meet it by increased taxation. I would meet it by, again, a most microscopic scrutiny of everything in this plan that can be cut out or prolonged.

THE FINANCIAL SECRETARY: Mr. Speaker, the hon. Member will appreciate that the microscopic savings that we might effect would have to be magnified very considerably to produce £5,000,000 for the Mombasa Water Supply Scheme.

MR. BLUNDELL: The hon. Member, although he gave all the appearance of intelligent interest, was obviously deluding me. (Shame!) He clearly said that in regard to the water supply, if the whole of the £5,000,000 was going to fall on this Colony, then we are wasting our time debating this Report, but the proper

[Mr. Blundell] approach to that problem is that a proportion, possibly only £1,000,000, should be met by ourselves, and that, I believe, could be met by a pruning here, and a prolongation of the time over which the money is spent, which will undoubtedly help the Member for Finance in meeting this problem.

THE FINANCIAL SECRETARY: Mr. Speaker, did the hon. Member make this recommendation when the Report was under preparation.

MR. BLUNDELL: I cannot understand the hon. Member. He obviously has not read the Report. I think that is the most disgraceful thing for a Member of Finance. In the Report we clearly say that the money for Mombasa must be considered as a separate unit, and indeed representations were made by the hon. Member, that he thought he could find the money outside the money recommended in the Report.

THE FINANCIAL SECRETARY: My question was whether the hon. Member who signed the Report made the suggestion that we should prune the plan to find £1,000,000 for the Mombasa Water Supply when the Report was under preparation.

MR. BLUNDELL: I opened my remarks to-day by saying that when we produced this Report we did so in the light that it must be a realistic document. I did say when I spoke of it, that it was possible to make prunings in it. We did not consider that, though I think, speaking from memory, there is a paragraph in which it says that if the Mombasa Water Supply falls on the Colony much of this Report will be negated. The hon. Member knows very well, when we were discussing this plan, the assumption was the Mombasa Water Supply would be financed outside. It does not look as if that was not likely to happen, and if the hon. Member would allow me to make my point on the Mombasa Water Supply it is only that: it is obvious to me we should attempt to finance the Mombasa Water Supply by a proportion from ourselves, we should approach the Government of Uganda to meet a commitment which, in effect, acts them, and we should approach the United Kingdom to

help us meet a commitment on the most reasonable possible terms for what is, after all, an immediate overall overriding strategic consideration. (Applause.) In order that the hon. Member for Finance may be under no delusion on this, if we have to find £1,000,000, then if we will return this Report to the Planning Committee, I believe that they can find that money by an adjustment of the amounts within the Report. It will cause heartburnings. It will cause a delay in efficiency and buildings, but nevertheless I believe it can be done.

Now, Mr. Speaker, I am afraid I have been a little time, but I thought it most important to try and stress that I do not believe the approach to meeting the cost of this plan is necessarily the simple one of increased taxation. I believe that we shall have to accept, and the Colony must accept, a certain amount of increased taxation for this Report, but I also believe that it is possible by adjusting the Report in certain ways in the manner in which I have put forward—is it possible for us to meet a great deal of the implications of this Report without there being increase in taxation. We must remember that every increase in taxation, whatever the hon. Member for Finance says, is in effect removing from the pool of our national economy the very matters upon which this Development Report can be financed.

Mr. Speaker, I beg to support.

MR. COWIE (Kiambu): Mr. Speaker, for the last few days I have been using my best endeavours to avoid prolonging any debates in this Council, but the hon. Member for Rift Valley, out of 23 items, has picked on the one item in which I am personally interested, and I must declare my interest in that—and that is National Parks and Tourist Traffic. Later in his address he dealt with the possibility of the Planning Committee possibly having to prune and so, having picked on that one item and thrown some doubt on it, I would like to contribute some information in support of it. I praise the Planning Committee for trying to foresee possible future developments in allocating a certain amount of money which I believe in time will attract a greater amount of money. I had the good fortune last year to travel through a large portion of the

(Mr. Cowie) United States and we often quote America as being our main source of tourist traffic. I found there that about one-sixth of the population, roughly over 30,000,000 people, are moved every year by some kind of urge to travel, and they travel mainly within their own country, but I believe myself that a good many of those people could quite easily be attracted to travel to a country such as East Africa. If we only attracted 1 per cent of that travelling public it would increase our visitors to this country by more than half, and from figures compiled last year by the East African Tourist Travel Association it seems fairly clear that something over 20,000 people expended something over £3,000,000 in this country. That, I submit, is a very considerable item as an increase to the national income and therefore amply justifies the expenditure of such a small amount of money over a period of five years which, in the end, will attract even more. I say this, Sir, that I have myself a great deal of anxiety that the rate at which our tourist traffic will increase will outrun the speed at which we are making preparations for it. People, when they begin to come and travel, talk to each other and the increase is quite fantastic. I believe myself that unless we are very careful we will find that our preparations for this increasing tourist traffic will not be sufficient. However, that will be a healthy sign, and I do submit, Sir, that this portion of the Planning Committee Report, in which I am personally interested, has been recommended very wisely and I would like to defend that particular subject.

I beg to support, Sir. (Applause.)

MR. NATHOO: Mr. Speaker, there are several aspects of this Report on which I wish to touch in brief.

First of all, Sir, I would like to refer to the agricultural investigation scheme as mentioned on page 16 under paragraph 51 of the Report of the Planning Committee. I am sorry to see that in spite of the fact that in the past, not only in Kenya but in East Africa, a growing fear has been felt the sugar we produce is not enough for our own consumption, and that we should make every effort to increase our supplies, no mention has

been made at all of this factor and I would like to see some provision in this Planning Committee's Report whereby some more land could be brought under sugar cane so as to supply the growing demands of the country, and thus avoid the very high prices we have to pay for imported sugar.

Turning, Sir, towards the medical side of the Report, I would like to say, Sir, that it is gratifying to see that all sections of the community are making efforts to provide money for hospitals for each of their respective communities and I would like to urge upon the Government that this is the only basis on which they can supply the growing needs of the various races. It is quite impossible that with the increasing commitments on our funds the Government can entirely supply the funds which are required for hospitals of the various communities, and I do urge upon the Government, Sir, that when sections of various communities come to them with plans to provide those hospitals for which they are prepared to pay pound for pound, that the Government should give them every encouragement.

Turning towards education, Sir, I should like to refer to paragraph 156, under which European education has been mentioned. The opening remarks suggest that a great deal of expenditure for European education has to be incurred because there is this compulsory education legislation which exists in this country. I am sorry to see, Sir, that when the Planning Committee is dealing with Asian education in paragraph 161, that, not even remote mention has been made of the fact that the same obligation on Government exists as regards Asian boys particularly in Mombasa, Nairobi and Kisumu. I appreciate, Sir, that with the rising of the cost of education, the rising number of children in the various schools, and the necessarily limited funds which we have at our disposal, that all we might wish to spend on each of the communities' education is not possible, but I do feel, Sir, as has been suggested in paragraph 161, that since a major portion of the Asian education has to be borne by the community in the way of grant aid schools, and the present grant-in-aid rules which give little assistance to the schools need a very drastic and very



[Mr. Nathoo] generous revision. At the moment, the cost per child in a Government school for an Asian pupil is in the vicinity of £25 per head. The amount of assistance given to grant-in-aid schools for each child works out roughly at £6. I wish to ask the hon. Member for Education, does he consider it is fair that only £6 out of £25 should be paid to people to help themselves. I am sure, Sir, his answer must be in the negative and in that case, I would impress upon him that more assistance is needed for these grant-in-aid institutions if they are to continue to carry the burden which under ordinary circumstances should be borne by the Government.

Now, I wish to turn to paragraph 192 of the Report where under paragraph XI the Planning Committee talks about the provision of facilities for industries. Sir, I am very glad to see that as far as the Planning Committee is concerned, every effort is made to increase the secondary industries which must form a very integral part of our economy and of our progress in this country. I, however, regret to say, Sir, that the same need does not seem to have been felt by other departments of Government without whose co-operation it is absolutely impossible to make any progress in this direction.

I would like to refer to the Department of Lands where even for an ordinary simple transaction it takes years to get people to secure decision and title deeds and I do not know how they are going to make progress in industries if that attitude is shown by that Department. (Hear, hear.)

I would like to know if, when the Planning Committee was sitting, they paid any attention to this aspect when they were deciding about the industrial development and the residential development of this country.

There is another point, Sir, under paragraph 203 on which the Acting Member for Kiambu made his maiden speech for which I would like to congratulate him. (Applause.) This tourist traffic, Sir, has to embrace all countries if we are to experience and take full advantage of the benefit of the currency which is bound to come from them. Generally, Sir, particularly in the oriental countries, there is a growing impression that East Africa

is only anxious to get tourists from the European countries. There is a growing feeling that these tourists, when they come out here, are denied facilities and amenities of the hotels and I suggest that the very first opportunity should be taken to see that tourists, when they come out from various countries, whatever may be their colour or their race, they should be awarded the same amenities provided they are prepared to pay for them and it is our duty to make propaganda in all these countries that tourists are welcome whatsoever may their race. (Hear, hear.)

Finally, Sir, there is one point to which I would like to mention and to which the hon. Member for Rift Valley has just referred. That is the extending of the planning period. I would like to say that in the past it has been our experience that whenever this extended programme is to be made it generally is found that certain sections of the community are left behind and all that sacrifice, or delaying in that particular programme affects these particular communities. I do hope, Sir, that if such a plan is proposed, it will be very closely scrutinized and it will be ensured that all sections of the community are brought in when these extensions are made.

Sir, I beg to support.

#### SESSIONAL COMMITTEE REPORT

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to announce that the following Select Committee has been appointed by the Sessional Committee to inquire into the British Standard Portland Cement Company Limited (Bamburi Factory) Bill:—

The Member for Law and Order (Chairman); the Acting Deputy Chief Secretary, Col. le Breton, Mr. A. B. Patel, Mr. Shariff Mohamed Shary, and Mr. Jeremiah (Members).

#### ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 10 a.m. on Tuesday, 28th August, 1951.

Tuesday, 28th August, 1951.  
Council assembled in the Memorial Hall, Nairobi, on Tuesday, 28th August, 1951.

The Speaker took the Chair at 10 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of 24th August, 1951, were confirmed.

#### PAPERS LAID

The following papers were laid on the table on Tuesday, 28th August, 1951:—

By the ACTING CHIEF SECRETARY:

(a) Report by the Director of Audit, Kenya, on the Accounts of the East African Railways and Harbours for the year 1950.

(b) Development and Reconstruction Authority Quarterly Report for the period 1st April to 30th June, 1951.

By the ACTING DEPUTY CHIEF SECRETARY:

Government White Paper No. 4 of 1951—Change of User from Agricultural to Residential, Commercial and Industrial User.

#### NOTICE OF MOTION

Mr. BLUNDELL gave notice of the following motion:—

"The Council notes with alarm the increasing cost of Government and believes that this will result in restricting the resources available to Government for the more essential development of the Colony. It, therefore, requests Government to examine all branches of expenditure with a view to effecting economies."

#### ORAL ANSWERS TO QUESTIONS

##### QUESTION No. 71

Mr. Mathu:

If the Government aware that Africans are dissatisfied with Sh. 600 as compensation for the loss of life of an African in the course of his duty with the military or other sections of His Majesty's Forces? If the answer is in the affirmative, will the Government please state what action it is taking to improve the situation?

THE ACTING DEPUTY CHIEF SECRETARY: It has recently been suggested to the Government that there is dissatisfaction with the death gratuity payable to the heirs of African soldiers, and the matter is now under consideration by the Government.

The death gratuities payable to the heirs are laid down by His Majesty's Forces Pensions and Gratuities (African Military Personnel) Regulations, 1948, made by the Governor in Council under Ordinance No. 24 of 1941. They are Sh. 800 in the case of African Warrant Officers and Staff Sergeants and Sh. 600 in the case of Other Ranks. Where the sole widow of the deceased soldier is the heir these gratuities may be converted, at the option of the widow, into reduced gratuities of Sh. 200 or Sh. 150 together with monthly pensions of Sh. 10 or Sh. 7.50 respectively.

##### QUESTION No. 74

Mr. USHER:

Will Government please give an assurance upon the following points in connexion with cess imposed under the Hide and Skin Trade (Imposition of Cess) (Amendment No. 2) Rules, 1951:—

(a) That it will use its best endeavour to ensure uniformity in the amount of cess in the three Territories concerned—in the case of Tanganyika it being understood that "cess" means "cess"—plus duty;

(b) That it will evolve a formula designed to secure the periodical adjustment of the rates of cess to the market value of the commodity, the period of any adjustment to be not less than three months?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: With reference to the first part of the question, the answer is in the affirmative.

With reference to the second part of the question, the Government has already suggested to the other East African Governments a formula on the lines suggested by the hon. Member for Mombasa. This proposal is still being considered by the Governments of Tanganyika and Uganda. As regards the last sentence in part (b) of the question,

[The Member for Agriculture and Natural Resources] the hon. Member's intention would appear to be to safeguard the industry against changes in the cess at short intervals. It must, however, be pointed out that readjustment of the cess at no shorter intervals than three months might act to the serious detriment of the industry in the event of a rapidly falling market. The point made by the hon. Member will not be lost sight of, however, in the endeavours which are being made, together with the other Territories, to evolve a satisfactory formula.

MR. BLINDELL: Mr. Speaker, arising out of that answer would the hon. Member tell us what is the estimated total amount from the three Territories which is likely to accrue from the cess?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid I must have notice of that, Sir, but I am prepared to give an answer tomorrow.

## BILLS

### FIRST READING

THE ACTING ATTORNEY GENERAL moved: That the Guarantee (High Commission Posts and Telegraph Loan) (Amendment) Bill be read a first time.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

THE ACTING ATTORNEY GENERAL moved: That the Guarantee (High Commission Railways and Harbours Loan) (Amendment) Bill be read a first time.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

THE ACTING ATTORNEY GENERAL gave notice that all subsequent stages of these two Bills would be taken during the present sitting.

THE ACTING ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the following Bill clause by clause:—

The Stamp (Amendment) Bill.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

## COUNCIL IN COMMITTEE

### The Stamp (Amendment) Bill

#### Clause 4

THE SECRETARY TO THE TREASURY: Mr. Chairman, certain amendments have been circulated to clause 4 which I will explain if it is necessary. They have been circulated. I should like to know whether it is incumbent for me to read them out?

THE CHAIRMAN: It means, of course, a large number of amendments to the Schedule of the principal Ordinance. I think they had better be taken in each case where the amount of duty is altered. I think we had better propose them. I think they had better be moved separately. You might make a general statement on the whole lot now. Perhaps that might save time.

THE SECRETARY TO THE TREASURY: The amendment to paragraph (c) of clause 4 is one to which I referred in moving the second reading of this Bill, and I think it needs no further comment here. It is quite a minor amendment and, indeed, it is necessary because of a slight error in the drafting of the Bill. The more important one is the one that there should be substituted for paragraph (c) of clause 4 the following paragraphs:—

(e) by substituting for item 58 the following:—

58. *Settlement*:—

A. Instrument of—

(i) of shares or debentures in an incorporated company or other body corporate—

The same duty as on a Transfer (No. 63) for a sum equal to the amount or value of the property settled.

(ii) of any interest secured by a bond, mortgage deed or policy of insurance—

The same duty as on a Transfer (No. 62) for a sum equal to the amount or value of the property settled.

(iii) in any other case—

Half the duty on a Conveyance (No. 23) for a sum equal to the amount or value of the property settled:

[The Secretary to the Treasury]

Provided that where an agreement to settle is stamped within the duty required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall be reduced by the amount of the duty paid on such agreement but shall not be less than Sh. 1.

B. Revocation of—

The same duty as the Instrument of Settlement but not exceeding Sh. 20.

Exemption—

Deed of dower executed on the occasion of a marriage between Mohammedans and a revocation thereof.

(f) (i) by substituting for the words "without consideration" which occur in sub-paragraph (i) of paragraph (b) of item 62 the words "under which no beneficial interest passes";

(ii) by adding the following new paragraph as paragraph (f) of item 62—

Transfer of immovable property by a liquidator of a company in liquidation to a shareholder in that company in satisfaction of his holding:—

(a) Where the value of the property transferred does not exceed the value of the holding—

Sh. 10.

(b) In any other case—

The same duty as a Conveyance (No. 23) for a consideration equal to the amount by which the value of the property transferred exceeds the value of the holding, in addition to the duty chargeable under (a) hereof.

Two points were raised during the second reading of the Bill and, indeed, before that time, to which I made reference then. They were these: That if shares are transferred without valuable consideration, then under item 62 of the First Schedule to the principal Ordinance, they would attract the present duty of Sh. 10. However, there is no doubt that such transfer also comes under the category of "Settlement", and the duty in the case of a settlement is one per cent.

Section 7 of the principal Ordinance makes it mandatory on the Collector of Stamp Duties to charge the higher of the two rates where they exist. However, if one gives shares away—that is, if one transfers them without valuable consideration—then the duty is one-half per cent. The Government agree that it is anomalous it should cost more by way of stamp duty to give shares away than to sell them. Representations have been made that duty should be Sh. 10 in the case of a transfer of shares without valuable consideration, but the Government, however, is not prepared to agree that that should be so, but is prepared to agree it should be one-half per cent. The object of this amendment to item 58 of the First Schedule to the principal Ordinance is designed to enable that to be done.

The other point which was raised was the case of transfer of insurance policies by endorsement. Under item 62 of the First Schedule to the Ordinance, transfers are exempt from duty. However, it can be said in some cases the transfer of an insurance policy by endorsement is also a settlement and, therefore, in accordance with section 7 of the principal Ordinance will attract duty of one per cent. The proposed amendment to item 58, and the consequential amendment to item 62 will, I think, enable the transfer of insurance policies by endorsement to be free of stamp duty, even if they are also a settlement.

I do not think I have anything further to add at the moment, Sir.

The question of the amendment was put and carried.

The question of the clause as amended was put and carried.

THE ACTING ATTORNEY GENERAL moved: That the Bill be reported back to Council with amendment.

The question was put and carried.

Council resumed and the Member reported accordingly.

## BILLS

### THIRD READING

THE ACTING ATTORNEY GENERAL moved: That the Stamp (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

### MOTIONS

#### PLANNING COMMITTEE REPORT—(Contd.)

MR. PATEL: Mr. Speaker, I rise to support the motion, but I have certain criticisms to offer. In offering criticism, Sir, I am not unmindful of the observations made by the Planning Committee on page 91, paragraph 288, in which the Committee states: "We do not expect our recommendations to please everyone. On the contrary, there are bound to be some who will think that we have gone too far, others that we have not gone far enough. There will be some who will point to omissions, whilst others may find included schemes which they feel could have been omitted at the present time."

Therefore, Sir, I am not going to suggest that because a certain proposal is not agreeable to me I should necessarily oppose the Report, as the hon. Acting Member for Trans Nzoia stated, that because £500,000 were provided in the Report in regard to communications from Mombasa Island to the mainland, he was inclined to oppose the Report. That will not be my view, Sir, if any proposal which I do not like remains part of the Report.

I welcome particularly, Sir, the statements made by the Committee in regard to the social services which appear on page 2, because in this country one often hears that the social services are not as important as what they call the productive services. On page 2, Sir, the Committee states in the first paragraph: "one of the greatest problems is the comparative inefficiency of labour throughout the Colony and the paramount need to increase productivity and particularly the output per man. Expenditure on education, particularly vocational training, and on medical services designed to improve the calibre of our manpower must therefore rank high in priority."

I, Sir, agree with the Committee in that regard and disagree with those who have often argued that the social services are not as important as the productive services. At the same time, Sir, I personally feel unhappy at the comparisons

of these services in some parts of the Report and an apologetic approach in regard to the need for social services in relation to the productive services of the country. Sir, the human being is not only the economic unit in the country, it is more than that, and when one reads in the Report statements that will lead one to believe that the human beings in this country are considered only economic units, one does not only not like it, one feels very unhappy. In consideration of the social services we have to realize that even from purely economic point of view the skill and ability of the human beings designed for this country are the most important factors for the progress and general development of the country.

I welcome, Sir, the three matters provided concerning Mombasa and the Coast. I welcome the recognition by the Committee of the need, and urgent need, for providing a proper water supply for Mombasa. I also welcome the provision made by the Planning Committee of £500,000 for communications between Mombasa Island and the mainland. Thirdly, I welcome the provision made under the Prisons Buildings for building a prison for Mombasa and vacating Fort Jesus as early as possible. I congratulate the Committee for seeing these needs in regard to Mombasa, because we at the Coast have often felt that, owing to the persons considering these matters residing at a high altitude and about 314 miles away from Mombasa, their visibility is often impaired in reviewing such questions concerning Mombasa and the Coast. (Shame!) (Laughter.)

Well, Sir, I heard the other day, on Friday, criticism in regard to this £500,000 from the Acting Member for Trans Nzoia, Colonel le Breton, and the hon. Mr. Mathu. I believe that they have not realized the importance and the need for providing this £500,000. Apart from considering the question of communications between Mombasa and the Mainland North and the Mainland South, one has to consider the importance of Mombasa as a port. Perhaps these Members do not know that Mombasa Island has only an area of about 3,300 acres, out of which 1,000 acres are under Railway and Port Authorities. In that small area for development it is not possible for that port to render proper service to Kenya, Uganda and part of

(Mr. Patel) Tanganyika, for which that port is being developed. For that purpose, Sir, it is absolutely essential that there should be communication, particularly between Mombasa and the Mainland North, by way of a proper bridge. If it is necessary, I think an examination should be made of the ratings of properties on the Mainland North, which will certainly be benefited if there is a bridge free of toll. Mombasa Municipality can be called upon to pay part of those rates towards its scheme, because the lands will go up in value after the building of this bridge. There is absolute need for allowing Mombasa to expand on the northern side by building a proper bridge, otherwise, I think, the port will not be able to do the necessary service to the country. We know that there are so many industries which will be established on the northern side of the island. For all these purposes I think the provision of £500,000 is justifiable and that the opposition did not understand the correct need.

Sir, in regard to the provision made for medical facilities of the country, and in particular the remark made by the Committee on page 42, paragraph 132, I have some observations to make. In the last two lines of paragraph 132 they say: "We therefore hope that the Asian community will find it possible to introduce similar schemes". Now, Sir, I am surprised to read these remarks. It is not for the Asian community to find it possible to introduce similar schemes, but it is for the Government first to make it possible for the Asian community to accept such schemes. As this Council knows, about five or six years back an Asian committee recommended that they were prepared to accept a scheme of the nature provided that the Government will build and equip hospitals to the standard at which the European community took over the hospital schemes of their community, and Government has not so far done it. Therefore, in my view, this Planning Committee has shown a slight ignorance in putting the cart before the horse. They should know that it is not possible for the Asian community to take up a scheme until the recommendations of the Asian committee which were made about five or six years back have been put into practice. It is very well known, Sir, that in regard to provisions for

Asian hospital facilities, apart from the wards in the native hospitals in most of the centres, still there is not a single Asian hospital, and I do not know how the Asian community can be called upon at present to find it possible to introduce similar schemes.

In regard to the Mombasa hospital discussed on page 46 of the Report, I do not know when that hospital will come into existence. I have been hearing about it for the last 26 years, Sir, and nothing has taken place, and I do not know when it will come into existence. In any event, I should like to suggest that if the present hospital site is sold at the present market value, probably a large sum would be realized which could be used for the purpose of putting up the hospital in Mombasa in the proper form and as needed. It appears that the amount provided in the Report, would not be sufficient for the purpose of building a hospital at Mombasa which we have been promised as I say, for more than 25 years.

Now, Sir, I would also like to make some observations in regard to the provisions made for education on page 55 and 56. I have in this Council often stated how the Development and Reconstruction Authority had in this connexion done great injustice to the Asian community. I do not think I need repeat those things on this occasion, but I would certainly like to refer to two items on page 57. In paragraph 164 I find the last two items Housing of Asian Teachers, £100,000 and Purchase of Land, Mombasa, £70,000. So in the provision made for the Asian education building, two items are included which in my view should not be allocated against the education buildings in regard to the Asian community. I do not know why the housing of Asian teachers should not be charged against the other items which come under building. I do not understand also why it has become necessary to spend £70,000 for acquiring land for Indian schools. As far as I understand there were sites which were allocated for Indian schools in Mombasa, and if the Government has through indifference or carelessness lost the opportunities of keeping those sites for Indian schools, I do not think that they should charge such a big sum like £70,000 against the Indian education

[Mr. Patel] building, when particularly they have not in the past done justice in regard to this matter to the Asian community. It is well known Sir, that in the original Development Committee Report the amounts provided for the European education building and the Indian education buildings were nearly equal. Now, if we see the amounts, the difference between the two is very big, and even with this position they are trying to add a £170,000 partly for the housing of Asian teachers and partly for buying school sites in Mombasa. I think it is doing greater injustice than they have done in the past. Personally I think that the Asian community will not feel happy at the provision made here and therefore these two items should be transferred to some other heads. I believe that the whole amount now provided should be reserved for education buildings only.

The hon. Member for the Rift Valley said that it would be necessary to reduce or prune certain items in this Report. I entirely agree with him that in view of the increase in cost of materials and cost of living allowance it will be necessary to make certain adjustments and make certain economies in the items I provided here. But as an Indian Member I have often felt that the most powerful influence are in a position to pull wires and get their things done in preference to those who are unable to exercise such influence. That has been amply demonstrated in regard to education buildings built in this country in the last six years, and I hope that that will not be repeated in pursuance of any influence that may be exercised in this connection. (Applause.)

MR. OHANGA: Mr. Speaker, I would like to praise the few remarks I am about to make by congratulating the hon. Member for the precise manner in which he moved the adoption of this Report. He very wisely refused to go into detail when he was moving, and that has given a very general and good lead to this Council of not going into the details of the provisions contained in this Report, but wise and generally good as such a move may be, I feel that it rather skims over things in such a way that you are unable to know exactly what the contents and the effects of the recommendations are. I

feel that the African people generally suffer very much because their cases in matters of this kind are liable to be taken in the mass, *en bloc*, and it is very difficult to find occasion when detailed considerations are taken up in the case of Africans. Because of this, Sir, I should like to make a few remarks about certain sections of this Report all bearing on what I have said, namely, skimming over.

As this hon. Council is aware the representatives of African interests in this Council have opposed both the original Development Committee Report and also the Beecher Report on African education, to which reference is made in the Report and has already been made also in the moving speech. Now some of the reasons for the opposition to those Reports have been encouraged by the fact that the African needs, usually, are not considered in detail and therefore what would appear to be important from an African point of view is not brought into the full picture when the Report is drawn up or when the motion is moved. I should like to draw attention to such a case by referring to what has already been provided for African education on page 59.

On this page you will find that a certain sum has been allocated for African education and one of the things that would strike even a casual reader of the Report is an omission of a detailed programme as to exactly how this sum of £1,566,000 is going to be spent. In the case of all other races, you will find a scheme to that effect which shows exactly how each amount is going to be spent. Because we happen to be the largest population, the Africans usually in comparison, and in considering matters of this kind, get a very disproportionate allocation when schemes governing the whole Colony are dealt with and I should like to make a suggestion this morning which might lead to some improvements in the future. I feel that the reason why it is very difficult to plan for the future development of Africans in any field is the lack of data and the lack of facts. We cannot have the necessary data on which to plan African development. We shall take for example, the education field. The Beecher Report which has already been referred to here was very conscious of this particular aspect of our

[Mr. Ohanga] development and before they made their recommendations they put a recommendation in page 60 of their Report, number 12, to the effect that planning for African education should be preceded by a comprehensive education survey which will go into the facts of the needs of each race and try as far as possible to co-ordinate and incorporate in their recommendations the needs of the people concerned.

Now, this Report, which we are considering at the moment, has made this provision for African education. The facts are not at the moment known because this Committee, this survey project, has not yet been taken and although you may feel, as has already been said by an hon. Member on this side of Council, that African education is going to cost the Colony in a very heavy expenditure, taken in comparison it is merely a meagre provision, because if the details of the case were known, a very much larger figure would have been involved, and I should like to say that this educational survey ought to be taken up as soon as possible in order that we may know what we are doing. The provision here is not going to achieve very much. It is difficult to say but as has already been stated in the Report it is in accordance with what was planned by the Beecher Report. It is a form of progress but it is very meagre in view of what we people at the present time. What we actually need before we can really see the African development in real perspective is a social economic survey of a very wide comprehensive nature. That will show us the real social needs of the people where they live in the reserves which are, what is what their medical needs are, what their economic needs are, what their social needs are, what their educational needs are, and before a survey of that kind is taken up I am afraid we will continue to suffer in the process.

I should like to refer to page 41, regarding one particular social service. On page 41 of the Report, paragraph 17, the Committee writes this: "We also recommend the continuation of the policy of financing anti-malaria schemes by a combination of free grants and loans to Local Authorities". Those are anti-malarial schemes. These schemes which are for fighting malaria operate mainly in the urban areas. If they do

in the rural areas I should very much like to be told how they operate and what achievements have been made so far. Whenever a medical report comes out one sees figures but usually the figures refer not to what has actually taken place among the people but the cases which are brought forward to the hospitals. Exactly how many children die from malaria fever in the reserves is unknown to any of us and I do not think it will be known until we have some of these anti-malaria schemes operating somewhere in the reserves which we know exactly how much suffering is going on, how many people died and so on, and exactly whether mosquitoes are being discouraged from breeding all round or not, and in conjunction with that, Sir, I would like to draw attention to one very important aspect of anti-malaria control. These last few years the country is very busy doing all it can to control soil erosion and the control of soil erosion controls and preserves the soil. On the other hand when the rains come they are a very liable source of malaria breeding and we will not have another scheme to go hand in hand to control mosquito breeding as well as preserve soil. We preserve soil, breed mosquitoes. Preserve land, allow men to die. That is the end. I say things of this kind are difficult to foresee until we have a survey of that kind, until we have people who are specifically placed there to try and find out exactly how they operate.

I should like to refer lastly, Sir, to one particular paragraph in this Report, which I think is very favourable indeed. So far what I have said criticizes the Report generally, but it would be unfair if I did not praise what is praiseworthy as well as criticizing what demands criticism. (Applause.) On page 51, Sir, there is this which I think is very, very much to the point. Paragraph 147 emphasizes something which I think is a true turn round from the general policy. With your permission I would like to read a bit of it:—

"Although the bulk of the expenditure is for commitments . . . we do not wish to give the impression that we have any doubts as to its desirability. On the contrary, in paragraph 5 we expressed our opinion that the development of our human resources could

[Mr. Ohanga]

not be allowed to lag behind the development of our natural resources. If the fullest benefit were to be derived from the association of these two factors of production. We emphasized the great importance of improving the efficiency of labour and of increasing productivity by education, and in paragraph 40 we drew attention to the desirability of inculcating, by education, a proper appreciation of the grave issues at stake and of securing the co-operation of the population in measures designed to resolve them."

I think the Committee did see the matter in a very correct manner because I am quite sure that although we now live in the atomic age and we realize that most things must be done by machinery, human beings still matter and will continue to matter as long as we are here. It would, therefore, be a grave mistake if large sums were spent in the development of the natural resources, the economic resources of the country, to the utter ignoring of the human resources without which we would not have any human worth at all. With these remarks, Sir, I beg to support the second reading.

Mr. LILLYWHITE: Mr. Speaker, I feel perhaps that after all that has been said I owe the Council an apology for standing on the Nyali Bridge again. Right from the commencement, Sir, of this... one might say it has been the question of free tolls. I do not think the question of a new bridge would have been mooted at all, if it had not been for this particular question, but before we decide or think that we ought to have a new bridge, I think one of the first things is, that we should have a proper independent engineering report on the condition and the potential life of the present Nyali Bridge. To-day we pay these tolls, but at the same time we all realize the terrific advantages that we have got over the old system of crossing from the island to the mainland, that was by the old pontoon service. I shall go so far as to say that we on the North side possibly have not so much to grumble about as those on the South side at the present time. They, however, not only pay the same rates for getting over, but they also lose many hours every day practically to get to their destination. When we have got this re-

port on the Nyali Bridge, Sir, I feel sure that Government will be able to throw out the best way and most economical way in which to go about this. If we do not get free tolls, then I think there is only one thing for it, that it must be a new bridge. But I cannot for one moment think that something cannot be done—some avenue cannot be explored whereby the Nyali Bridge Company can be met and the bridge can either be purchased or Government can subsidize the tolls. I feel sure that if that bridge has the life of anything like 20 to 30 to 40 years that is the line we should take. To spend £300,000 on a new bridge with a bridge that is standing, more or less, side by side that has a 30 to 40 years' life is, I think, just throwing the country's money to the winds.

With those few remarks, Sir, I beg to support.

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I rise to speak on this motion primarily because I feel it is incumbent upon me to answer some of the observations and comments and requests for further details about the prison buildings which were put forward by the hon. Mr. Mathu in his speech, and also to reply to the criticisms which he made with regard to the congestion and overcrowding and other unsatisfactory conditions in the prison buildings which exist at the present time, criticisms which—Mr. Speaker, it appeared to me were put forward with moderation and restraint, but which I would assure the hon. Member lost none of their force and cogency on that account. But, quite apart from rising to answer the speech of the hon. Mr. Mathu, I should, I think, in any case have been tempted to rise to speak on this motion after listening to the speech of the hon. Member for Rift Valley. I listened to his speech, as I always do, with great interest and attention and, at first, I found his use of horticultural metaphors, lavish though they were, attractive and picturesque—

Mr. BLUNDELL: Agricultural.

THE ACTING ATTORNEY GENERAL: Pruning?

Mr. BLUNDELL: I thought the hon. Member was referring to the fertility metaphor.

THE ACTING ATTORNEY GENERAL: If the hon. Member will be patient, he will bear in due course what the horticultural metaphors were. I say I found them picturesque and attractive at first, because they conveyed to me a mental picture of the hon. Member with his pruning knife, using it with skill and care, as an experienced gardener would do, cutting a little here and snipping a little there, and so stimulating the growth and the flow of the sap in the tender plants. But, Mr. Speaker, a little later the hon. Member employed this horticultural metaphor not once or twice but innumerable times and I began to wonder whether the result might not be that this tender plant was going to suffer death by a thousand cuts. Later I was even more alarmed when he threw out this suggestion that we might cut this plan by a matter of a million pounds. At that point it occurred to me the metaphor ought to be changed and he ought to put aside the pruning knife and take up a panga, as it looked as if he intended something like mutilation of an amputation of the tender limbs of this allegedly lusty child. Nevertheless, Mr. Speaker, I feel the hon. Member did not mean to interfere seriously with this plan of which he is the co-author, and plan of which he is the co-author, and which he has supported by seconding this motion. Rather, I venture to think it was the use of metaphors, however attractive they may be, in an excessive degree, which led to clouding of the plan and obscuring the definition of a plan which is, after all, a plan dealing with detailed facts and figures. Now, I am confirmed in that interpretation of the hon. Member's speech, because, when he dealt specifically with the matter of buildings, he made it quite clear that he suggested no alteration whatever, so far as they were concerned. That was a relief to me, Mr. Speaker, because it is a matter with which I am particularly concerned in this speech, namely the buildings which are used as prison buildings, and I have no doubt it was also a relief to the hon. Mr. Mathu, who made some cogent references in his speech to the prison buildings.

The Council will recollect the hon. Mr. Mathu said that he was very concerned at the congestion and overcrowding in the present buildings. So am I. He said that he was concerned at the conditions

which exist in the buildings at the present time as the result of this congestion and overcrowding. So am I. He said, further, he was very concerned that the present buildings were such that you could not separate the first offenders from the old lags and confirmed criminals. So am I. Who in this Council would not be concerned when they know the facts?—And these are the facts without any metaphors, horticultural, biological or agricultural. At the present time there are 8,000 prisoners living in prisons which were built and designed to accommodate 5,000. And, moreover, they were built many years ago—twenty or thirty years ago, I believe—when ideas of accommodation were certainly not spacious, and when the materials chosen were certainly not elaborate, and as a result those buildings, or at least some of them, built only of mud blocks and galvanized iron, are to-day rotting with rust and decay. Fortunately, the overcrowding has been mitigated to some extent by the prison authorities in recent years. They have set up, as hon. Members must know, prison camps so as to relieve—

Mr. BLUNDELL: I did not wish to interrupt the hon. Member, but I wonder if he could speak a little louder.

THE ACTING ATTORNEY GENERAL: I am sorry—so as to relieve, to some extent, the congestion in the permanent prison buildings. Prison camps, as hon. Members know, are enclosed merely with barbed wire, and inside are simple buildings designed to protect prisoners from the weather, to provide places where they can sleep and where they can have their food. They are simple prisons, but they have served the purpose of taking off the excess of the population from permanent prison buildings. They can, I am informed, accommodate, according to proper medical standards, a thousand prisoners. But the same thing is happening to these prison camps as has happened to the other prisons. They, too, are overcrowded and in danger of overflowing. To-day there are 1,800 prisoners in camps which were designed to hold only 1,000. So that in total you have something like 9,800, or say 10,000 prisoners and permanent prison accommodation only for 5,000. When such a situation as that has arisen, it is high time, Mr. Speaker, that the Government

[The Acting Attorney General] threw a planner into the works. And that is what the Government has done. They have, through this Planning Committee, drawn up plans which at last will make a beginning in the attempt to solve this stubborn and difficult problem of prison accommodation. The first project, as the hon. Mr. Patel mentioned, is the new prison at Mombasa. I have read old papers on this matter and I have seen from them that many years ago—15 years or more ago—the then Governor visiting this prison, Fort Jesus, made criticisms and strictures about it. Since that time there has been almost continuous discussion, proposals and counter-proposals in regard to this old prison, but now, at last, as a result of the work of this Planning Committee, there is to be a new prison at Mombasa. Not only is there to be a new prison, not only have plans been drawn up, but the plans are now off the drawing board and six weeks ago the first sod was turned and the beginnings of the new prison at Mombasa were commenced. It is, I think, if I may say in parentheses, a very happy decision of the Planning Committee that as a corollary to erecting the new prison at Mombasa they have decided that the old magnificent pile of buildings known as Fort Jesus shall remain as a national monument and as a witness of the many hundreds of years of history which have passed since the first colonizers came to the Coast and constructed this building.

The prison at Mombasa is the first project which has been begun and when that is built it will be a modern prison and will take all the prisoners who are at present in Fort Jesus. When it will be finished it is difficult to say; perhaps in two and a half or three years.

The second project, and indeed, more important in some ways, is the new prison in Nairobi, where, as hon. Member may know, the decision has been made to start a new prison on a site a few miles outside the City. And that prison, when erected, will certainly be a great credit to this Colony, because it will be the first attempt, I believe, to introduce corrective training on a considerable scale. When it is completed some 300 long-term prisoners, many with previous convictions who might, in ordinary circumstances, be regarded as incorrigible and lost to society for the rest of their lives,

will be taught to be joiners, blacksmiths, tin-smiths, bootmakers and tailors. If they are taught such things they have a trade at their finger-tips when they leave the prison, and the experience of the prison authorities who have dealt with many hundreds of such people is that when they leave the prison with a trade in their hands they rarely come back.

In addition to those two major projects it is necessary to build new prisons at Nyeri, Nakuru and Eldoret, where the materials of the existing prisons are quite unsuited to the long life they have had to endure. The new prisons will be of a permanent character when they are completed, and will be, in effect, replacements of the unsatisfactory structures which now exist. Hon. Members should mark this: they are merely replacements, they are merely providing new accommodation for those who are already overcrowded. They are not providing additional accommodation. Certain projects are also in hand to provide additional accommodation, such as the agricultural farm at Kakamega, but with all those projects in hand it will still be necessary to go on using, and to expand and develop the expedient of the prison camps. That in many ways is no bad thing. I know hon. Members are busy and they have no time to spare, but if they had, they could find not far away from here, a few miles from here, a most admirable example of what can be achieved by prison camps. A few miles down the road at Langata a visitor can walk through the camps and see several fresh, neat, clean buildings which have been erected by the prisoners themselves from stone which they themselves have won from the quarry, and which they themselves have dressed as stone masons after learning the trade of stone masonry in prison. I am told that when the instructor asked for volunteers to learn the stone mason's craft—only ten were needed—there was a mad rush and fifty or more wanted to learn that craft. It seems to me, although it is perhaps presumptuous for me to express an opinion on such matters, that the African has a particular talent for working in stone, and certainly those prisoners show themselves to be very apt pupils. As a result of the tuition they are getting, they are leaving this prison camp with a trade in their hands, and again I say to the

[The Acting Attorney General] Council, they never come back. It is that sort of scheme the prison authorities are seeking to develop and extend throughout the country.

Mr. Speaker, I think perhaps I have said enough to indicate to my hon. friend that the prison authorities are aware of the problems and the difficulties. I venture to think the Council will agree with me when I say that the Prisons Department, although doing its best now—and it is a good best—has in the past been to some extent neglected, and has not had its full share of the money that might have been made available for its purposes. It is on that account, as hon. Members will see from this Report, that a very substantial sum has now been allocated to the Prisons Department. This Department has been—if the hon. Member opposite will allow me to use one just one metaphor—it has been, like a "Cinderella". But, although it has been a "Cinderella", she has now found a fairy godmother, indeed many fairy godmothers. And I look forward, Sir, I am sure they look forward, to the day when she will appear in her new dress, even though it may be presented with broad arrows, and, Mr. Speaker, I look forward too to the day when the fairy godmothers will lend me their magic wands so as to enable me, with one sweeping gesture to solve all these abstruse and difficult prison problems.

LWOI SIKUW (Ukamba): "Mr. Speaker, I was going to preface my remarks by a promise to attempt not to use any metaphors, but after this metaphor, which almost ended by being a simile or something almost more elaborate has been used by the hon. Attorney General, I feel that this promise is now unnecessary!

I find it difficult, Sir, to support the adoption of this Report, in view of the vast sums involved and the briefness, or comparative briefness, of the period which it is intended to cover. In his speech, the hon. Member for Rift Valley pointed out among his metaphors that circumstances had greatly changed since this Report was written. It was believed when it was written that a very great deal of the money involved could be raised by loan. We now believe it cannot be raised by loan. We have been faced—we are faced—with the enormous additional expenditure of almost a mil-

lion pounds a year recurrent for the additional cost of salaries in the form of cost of living allowances, and we now know that we are not likely to get the E.C.A. money. All these circumstances, Sir, do produce a completely different situation from the situation which existed when the Report was written, and I think it shows courage on the part of the hon. Member for Rift Valley when, in spite of having signed the Report, he draws our attention—albeit supporting the Report—to these facts.

Now, with these things in view, I do feel that it can only be wise and prudent to extend the period over which much of this Report deals, the period, for instance, that will be occupied by the building of quite a number of the buildings (not those which are already started) and also of the extension of a number of the services. This would be not only wise, but would be prudent and realistic, and does not mean that we are casting away the Report or even pruning it, but that we are dealing with it with relation to the circumstances which we now know exist. This five-year proposal, of course, is to my mind too short, and I do believe that the hon. Member's suggestion that the Planning Committee should be permitted to reconsider its proposals is a thoroughly sound one, in view of and taking into account the different circumstances which have arisen.

Now, looking at the Report broadly, I think it has one most alarming feature, and that is the large sum of additional recurrent charges for social services as compared with the very much smaller sum for additional recurrent charges on agricultural services. Agriculture, which includes agriculture, veterinary, forests, water development, all these things combined, are estimated at an additional recurrent cost of £400,000 roughly, whereas health and hospital services, education and community development are estimated at an additional recurrent cost of roughly £1,000,000. This suggests a great imbalance between the more immediately productive they may be on a long-term analysis, can only be described as social services. There seems to be a great danger of building up an edifice of social services for which the actual wealth of the country is not sufficient to pay. We all know there is a

[Lady Shaw] great need for the protection of the land, restoration of the land—in the native reserves more particularly—the stimulation of better farming methods, and the vital necessity for water development. I have no criticism of any plan, however short term, which may have as its object the achievement of those ends. But I have to confess that I have great doubts as to the size and, more particularly, the speed of the educational programmes. I am not suggesting that education of the best possible kind is not desirable, tremendously desirable, but the country must earn and produce the money to spend upon its social services, and must not allow itself to build up social services which will outrun our capacity to pay. Sir, we have often heard of "casting our bread upon the waters", Education and medical services are "casting bread upon the waters", but we have also heard it is only returned to you "after many days", and at least it is necessary to have the bread to cast. (Applause.)

Now, Sir, the Planning Committee mentioned that certain of their plans are made as a result of the Beecher Report, and that I know it is true. The Beecher Report was accepted by this Council, and I believe it to be the very best blueprint for African education that it is possible to have devised, but I do believe at the same time that the period over which the Beecher Report should be implemented could be lengthened. Now, I am being quite consistent about this, in spite of the fact that I was a signatory of the Beecher Report, because in that Report I had a note recorded saying that: "while supporting the principles on which the plan was based", I felt that "it could only be implemented at the dimensions suggested if the African community itself provided a large part of the revenue from which this additional provision could be made". Now this I believe to be true, not only of African education, but of all education. It is just as true of one race as of another. No race can regard education as a right without making adequate contributions for its provision. And unless and until this can be done, all education plans should be spread out over a longer period. We hear so much of the needs of the people. I

heard a speech this morning which was only a repetition of many speeches which I have heard on previous occasions—on the crying need for services, but we very very seldom hear, Sir, of the crying need for, a sense of responsibility, and for the absolute necessity for hard work and for the development of the wealth whereby these services can be produced, and supplied. Until that wealth is produced, those services must go slow. We are merely heading for bankruptcy if we do not recognize that fact. It seems to me such an obvious fact that it is surprising to me frequently to hear it go unrecognized by other people. One would sometimes imagine that it was believed—not only by hon. Members on my left but by a large number of people in the country, that money "falls like gentle rain from heaven above" or like manna, and bears no relation to the earth upon which it falls.

I want to mention just one particular item in this Report. I do not propose to criticize any other details. I particularly want to mention it because it happens to come in the list of services of which I greatly approved, but there is one proposal which I do not approve of on page 18, which is called the (Konza Live-stock Improvement Centre, on which it is proposed to spend £20,400. That, I presume, is on top of the money spent on the purchase of the land. It is proposed to breed Zebu cattle. There the wisdom of this project is at least questionable, and it is strongly opposed by a number of experienced cattle farmers, firstly, on the grounds that even if the breeding of such cattle were going to be of great advantage to the country, it would take a very long period of selective breeding, a long period to achieve results of any real value. The second objection, to my mind, is the more cogent, that is that the Veterinary Department is not the body to undertake farming. To my mind, the activities of the Veterinary Department should be perhaps not entirely confined, but more or less confined to disease control, experimental work and research, but not farming. We have already had one—well, you might call it rather discouraging—instance of Veterinary Department farming at Machakos district. They have seven hundred acres of land, fenced,

[Lady Shaw] complete with dips, milking sheds, calf pens, etc., in the district for about 20 years, perhaps more. It has been under the charge of a series of stock inspectors, and it is attached to that most valuable institution, the Veterinary Station at Machakos. But, Sir, after all these years of activity, the production which has come from that farm is not particularly impressive. There has been a certain number of sittings of eggs which have gone into the reserve; I believe some sheep and, to crown it all, one bull! Now, that bull is a dipped bull, he has got all his life so far in this veterinary station. He has been dipped all the time, and now he is being sent into an unapproved reserve, where, I suppose, he will last a short time. But that, Sir, is not a very impressive result for a farm which has had a great deal of capital spent on it and which I imagine cannot score than just pay its way anyway.

Now, Sir, I do not wish to suggest that the sum involved in this case is very large, but I do think that, at a time when money is obviously short, that type of scheme should be, may I say, pruned from the Report. Anyhow, it involves a thing to which I have the strongest objection, namely the extension of farming by the Veterinary Department. If it were possible to develop really good types of native cattle—which could go into the reserves, then perhaps there might be some excuse for it. But these cattle are being reared and dipped throughout their lives, and they are useless in most of the reserves, where no dips exist.

So far as European areas are concerned, I believe there are already reserves from which Zebu cattle can be obtained.

Now, Sir, I do not want to go into any more details of this kind, I merely want to summarize my main criticisms. I would say that I would find it possible to approve of much in this Report if it were extended over a longer period, particularly the proposed expenditure on education, and I would wish to reinforce the request which the hon. Member for Mt. Valley made, that the Planning Committee should be kept in being or reconstituted to this end.

I beg to oppose. (Applause.)

MR. SHATRY: Mr. Speaker, in supporting the motion, I would like to add my voice to the views already expressed by the hon. Member for Mombasa and the hon. Member for Eastern Area, and the Acting Member for the Coast on paragraph 110 of the Report.

Now, Sir, great criticism has already been voiced by certain hon. Members on the item of £500,000 allocated for improvements on communications between the Island and the mainland, and some Members would like to see this item deleted before they support the motion. I am glad to note that members of the Planning Committee, themselves, admit in their Report that the Nyali Bridge and the Likoni Ferry are not satisfactory links and that they have no doubt that better communications would greatly assist and encourage development on the Island and on the mainland. The sum earmarked for this purpose is not very large as the need is very great, but it would go a long way to solving the problem which has caused a great deal of public criticism in the whole Colony. The Coast has probably the worst possible means of communication. Very large areas are cut off for months because of bad roads and when people have to pay companies to get across from the Island either to the north or to the south. Consider yourselves, what would have been the condition of up-country and Uganda, had the mail train and goods trains and motor vehicles that left Mombasa Island daily and to pay a toll to a private company operating in and owning the Makupa Causeway. As the development of the island goes on, many old residents are finding it difficult to live in Mombasa due to high prices of the land. The present market price of plots in Mombasa, Sir, has gone up to a very high extent so that the rural communities, Arabs and Africans, are forced to leave the Island and look for another place on the mainland. For these reasons, Sir, if these poor people are not encouraged to put up their buildings or engaged in such as we have just last week passed the second reading of the Cement Factory Bill, if we do not encourage these people, Sir, I think the cost of those living will rise and rise higher to those people living on the Island. It will be a great help for Sir, to these people if they had free access from the Island to the



(Mr. Shatry)  
as well as a great encouragement for development from the point of view of industry and settlement.

I am sure, therefore, Sir, that the Coast may find sympathizers among Members of this Council in this issue.

With these remarks, Sir, I support the motion. (Applause.)

THE FINANCIAL SECRETARY: Mr. Speaker, the general finances of this plan have not been overlooked, they have not escaped attention in this debate by other speakers, but I think a word from the Treasury at this juncture would not be entirely amiss. Now, I shall be factual, Sir, and not argumentative.

I would refer first of all to the fact that in the finances which the Planning Committee envisaged as being available, these finances contain provision for twelve and a half million pounds loan funds. That twelve and a half million is the residue of the original eighteen and a half which it was proposed to raise over the ten-year period. As the Council is aware, six million of that eighteen and a half million were raised by a very successful loan operation early this year. That leaves the twelve and a half million to be raised over the subsequent period. Now, Sir, it is a fact that the pressure for development finance on the loan market is such that it is a matter of some doubt whether we shall be able to raise that twelve and a half million on the London market. The pressure arises from the fact of rising costs, that other Colonies are pressing their development plans and, of course, there is this major intervening factor of rearmament. If I were asked my opinion, I would say that we stand a very good chance of raising the bulk of our money, but we should be unwise to assume that we should be able to raise the whole of it on the London market. If, therefore, behoves us to watch the position with great care and to explore other sources of capital finance. (Hear, hear.)

Hon. Members opposite may assume that such examination is taking place. Various possibilities present themselves, but, among others, there is the possibility of the International Bank of Development and Reconstruction. Unfortunately, it is not likely that the other

sources which present themselves will provide terms as advantageous to us as straight borrowing on the London market. In the case of the International Bank, loans are made available at 4 per cent. What is more, the term of the loan is rarely permitted to exceed 15 years. And even more restrictive is the condition normally imposed by the Bank authorities that the Sinking Fund should be a full one. Now, if we have to borrow any considerable proportion of our finance in that way, there is no doubt that we shall have to reorientate our ideas in regard to immediate recurrent effect of our capital spending.

Even if, however, we do succeed in raising this twelve and a half million, there is still this unfortunate and very pressing problem of the four and a half million pounds gap which represents the difference between available finance and the plan which the Committee regards, after every bit of pruning that could be done, as the essential minimum of development, the essential minimum of development if we are to have balanced expansion in the period in question. There is this unfortunate four and a half million pounds gap. What are we going to do about this?

Now, Sir, it has been suggested that we should extend the period of the plan. We should extend its time. For how long? How long do we propose to extend it? It seems to me, Sir, that in the case of a development plan, as in the case of a contract, time is *ex hypothesi* the very essence of the matter. Immediately you remove the time factor, the plan ceases to be a plan, and it is my experience, Sir, it is my experience that things which are not put down to be done within a certain time tend to become things which are not done at all. (Hear, hear.) There is no doubt, Sir, that unless you have a plan, which is to be completed within a given time, the whole thing loses its dynamic.

I would suggest, therefore, Sir, that to some extent it is something of a counsel of despair to suggest that the only way to solve the problem is to extend the planning indefinitely.

Now, Sir, I say that if we are going to be realistic we have to face the plan as it stands and what confronts us immediately is this problem of the four and a half million pounds deficit. And I would

(The Financial Secretary)  
say that this is one of the most pressing problems with which we are faced to-day. I would further suggest that it is a matter for every thinking person of this Council to give attention to. It is not only a matter for Government, it is a matter for this whole Council. I must add, however, for the guidance of hon. Members, that the facile and easy solution of extra borrowing is, for the reason that I have given, one which is not likely to be a starter.

The Mombasa Water Supply Scheme has not been included in this total deficit. The cost of that would swell the gap a great deal, further. It is estimated to cost not less than £5,000,000. There is no doubt whatever that if an attempt were made to fit that into the plan as it stands with the available finance it would mean a complete disruption of the whole plan. Therefore I do not think anybody would deny that it has to have special and *ad hoc* treatment. It must be taken out of the plan completely and subjected to special treatment. What is the solution of this? I must confess immediately that the solution has not yet been found, but there is no hour of any working day in which that problem is not under the most active consideration, and I will say this, that a solution will be found, and indeed I say it shall be found. I am not yet in a position, Mr. Speaker, to make any statement in this behalf, but I hope, at no distant date will I be able to do so.

Now, Sir, a great deal has been said about recurrent expenditure flowing from this plan. I think the hon. Member for Rift Valley pointed to the very heavy recurrent commitments which spring from the execution of the plan, and he expressed the hope that it might be possible that our expanding revenue on our present taxation basis would be sufficient to meet this heavy increasing recurrent expenditure. Mr. Speaker, I also hope the same, but I should be failing in my duty to the Council if I did not say at once that I think that it is a vain hope. It is true that the revenue is buoyant, but even more buoyant, Mr. Speaker, is the recurrent expenditure. The £2,300,000 is the recurrent expenditure to which the hon. Member referred, and which will come from the plan, takes no account of the increasing recurrent expenditure on the ordinary Colony side, and I will say that: that

having regard to the relentless pressure for increased social services—and when I say this I am entitled to look at every part of the Council on the other side—having regard to the relentless pressure for increased social services and constantly rising costs, our recurrent expenditure is rising at a most alarming rate. Therefore, Sir, although it is true that the revenue curve is upward, so is the expenditure curve, and although so far the expenditure curve has been below the revenue curve that they must cross is certain. In these circumstances, Mr. Speaker, it would be quite unrealistic to suppose that we are going to be able to cover the recurrent expenditure which flows from this plan as well as from the increased recurrent expenditure which flows from the Colony without increased taxation. It is true, I admit, that the plan itself, when it has been fully unfolded, will increase our wealth, and therefore the income of the State, but there is no doubt whatever that the return in the form of income from this plan is a very much longer term affair than the impact of recurrent expenditure. In other words, Sir, we have to meet our bill well in advance of the return that we secure from paying the bill, and that must never be lost sight of.

Now I see that in the Report it is proposed that the Planning Committee should remain in being and should bring the plan under constant review. I presume that what is mainly in the minds of the Committee is that projects may become out of date and ought to be replaced by others, contents will become out of date and so forth, but I would suggest that one of the most important and most fundamental aspects from which any such review ought to be undertaken is in regard to the recurrent expenditure. A review from this aspect should be constant and should it transpire that there is any suspicion, any danger of the recurrent expenditure outrunning our assessed capacity to meet it, there is no doubt whatever that we should be quite ruthless in cutting out those projects which are not characterized by a direct revenue return in favour of others that will give us such a return.

Now Sir, I have perhaps been rather gloomy, but I have tried to state the facts. Facts are not always very pleasant but these are the facts as I



[The Financial Secretary] see them to-day. Uncomfortable as they may be, I know the Council will agree that they are facts that should not be blinkt!

With those words, Mr. Speaker, I support the motion.

MR. MACNOCHIE-WELWOOD: Mr. Speaker, I rise to give that rather qualified support to the Report given to it by my hon. friend the Member for Ukamba. I can only support it on the same terms as the did, that the time should be extended, and in that connexion I fail rather to understand the point made by the hon. Member for Finance, that if you have not got the time, the thing would never be done. We are not suggesting there should be no time. We are suggesting an extension of time. The time of this Report may be five years and we are suggesting that it be extended to seven, eight, ten years. We are not suggesting there should be no fixed time in which it would be done. But there is one point which I confess puzzles me. That is whether in framing this Report the planners were aware that in fact they would not be able to raise all this money by loans, and in that connexion I would very much like to hear the views of my hon. friend the Member for Rift Valley.

MR. BRUNDILL: Mr. Speaker, on a point of explanation, I understood that the money would be available from loans and it was for that reason we put in paragraph 16, which allows an extension of time to meet the possibility that we cannot enter the loan market to coincide with the Report. That is what I understood.

MR. MACNOCHIE-WELWOOD: Well Sir, in view of that it would seem that the planners themselves were not aware of the position as it was going to be, and that therefore, in view of the changed circumstances, something must be altered. I submit the thing to be altered is mainly the time which we take to implement it—the time as well as the pruning which has already been suggested.

THE FINANCIAL SECRETARY: Mr. Speaker, I am taking on a point of real explanation. (Hear, hear.) I have not stated that the £12,500,000 would not

be forthcoming. I merely stated that there might be difficulty in getting the whole of that money from the existing source—the London money market. It is Government's determination to find the full amount though it may not come from that source, so there is no need for any readjustment on that account.

MR. MACNOCHIE-WELWOOD: Sir, I think we appreciate that fact, but there have been repeated suggestions, both by the hon. Member for Finance and by the hon. Chief Secretary, that this plan cannot be implemented without very considerable increases of taxation. By this time that must be clear to everybody in this Council. Now I have a word to say on that. I do not know what the proposals would be for raising that taxation, but knowing the general views of the hon. Member for Finance it is clear to me that it is most unlikely that that increased finance would come from indirect taxation. Now the Plewman Report recommended very strongly that the ratio between direct and indirect taxation in a country such as this which is multi-racial and with a different standard of living—

THE FINANCIAL SECRETARY: Mr. Speaker, on a point of order, would the hon. Member not fix me so directly with his eye? (Laughter.)

MR. MACNOCHIE-WELWOOD: I am sorry you are so sensitive!

THE SPEAKER: The hon. Member should address the Chair. (Laughter.)

MR. MACNOCHIE-WELWOOD: Be that as it may, it is certain that the methods are bound to be those of direct taxation, and it seems to me that we cannot possibly afford further direct taxation at this stage for the very reason that we are having difficulty in raising loans on the London market. There is only one way in which the real wealth of this country can be increased and that is by the investment of money by private enterprise and we have an opportunity to-day, when taxation rates are extremely high in the United Kingdom, of attracting that capital, and I believe that any suggestion of increases on a large scale of direct taxation will have a very adverse effect in obtaining that money. There is a tendency to-day to believe that the only way in which you can develop a

(Mr. Macnochie-Welwood) country is by Government planning. Well, up to a point that is true. You must have the framework to work on, as has been often said, but you must also have the encouragement of private enterprise, and that is the one thing that we cannot afford to discourage at this time if the Report is to work at all.

There is another point which appears to me in raising the loans, that we have to some extent missed the market, and it is probably likely that we shall have to pay increased rates of interest. That also makes me feel that we must increase the term of the plan, and, maybe, reduce the amount of it, less that adds a still further burden of recurrent expenditure to the country which, I think, it would be unable to bear.

The hon. Member for Finance has already made one point which I wish to make, which I consider of the highest importance. That is that social services, however much they may be of ultimate benefit, will take an enormous time, particularly in an undeveloped country as this with a backward community, to pay dividends, and as they go on mounting and mounting in cost there will be very little return from them, and it may well be that we shall have no choice but to slow up the pace of social services in this country, for the simple reason that the money will not increase at the same rate as the services; I must agree with the hon. Member for Finance that we have been guilty in the past and will be guilty in the future of asking for more social services, but the time has come when informed people in this Council have a duty to perform to their own constituents, whether they be European, Asian or African, and to tell them that services have to be paid for, and to tell them that no more services in fact can be had with the money at present existing.

I have little more to say, except once more to reiterate that only by lengthening this plan is the plan itself possible of achievement, and our motto in this matter must be gradual advance, rather than a sudden spurt of progress followed possibly by recession—possibly even worse—disaster.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, when I listen, Sir, to these debates which

occur at such frequent and recurrent intervals on the clash between social services expenditure and revenue and I listened, Sir, to the speeches from the other side of the Council, I am reminded of a poem that I learned as a very small child so many years ago, which had in it some lines to this effect: "and those behind cried forward, and those in front cried back". At that particular time it was left to some noble band to take their courage in their hands, to take the broad sword and stand and defend their country against the possible dangers, and it seems to me that time and again Government is willy nilly placed in this somewhat heroic position.

I would like, Sir, at this particular time to congratulate the then Acting Hon. Member for Kiambu on his brief but this constructive maiden speech in this Council, and in one way to regret that he is not here to hear those congratulations. I would also like, Sir, at the same time to say how pleased we are to see back the substantive Members for Trans Nzoia and Kiambu—(Applause)—and to say, Sir, that we commiserate with them on the silence that is imposed upon them in this debate. We realize how very tantalizing it must be and how much they must regret that they are not signatories to the Report so that the device of asking for an expression of opinion can give the people the chance to make a second speech. (Question.)

Now, Sir, a number of points have been raised which, of course, effect particularly the portfolios that I have the responsibility for, in so far as Government is concerned, and I shall endeavour to deal with those as best I can, but I feel before we go very much further, as paragraph 16 of the Report has been quoted in part, it would, Sir, be just as well to let us take the further sentences of paragraph 16: "In our view it is not possible significantly to reduce the scope of the plan or to omit many of its various component schemes, without seriously retarding the co-ordinated development of the Colony. In saying this we do not overlook the serious financial burden which the implementation of this plan is estimated to place upon the Colony. For this reason, and because at this stage it is not possible to determine the exact extent to which it can be financed, we recommend that the provisions imposed

(The Member for Education, Health and Local Government)

should be regarded not as firm allocations, which indeed for obvious reasons they cannot be, but as targets at which the Colony should aim, and that the progress which can be made towards these targets should be determined at frequent intervals in the light of the finances available at the time and with regard to the financial and economic outlook for the future". Which, in fact, shows, Sir, that this Planning Committee, which has on it as its signatories to its Report a number of names we respect very much, had a very realistic view of the position, but I suggest that the fact that they visualized was that the review should take place at the very beginning, and that the spirit of pessimism should be so prevalent that within almost 24 hours of signing the Report they should say: "We cannot do this". There is also to bear in mind that time and again, and particularly is this found in regard to the educational proposals, that these are the minimum proposals under our obligations.

Now, Sir, there has been some talk of extending the period of this plan. Let us look, if we may, at the page which gives the European education proposals on page 55, paragraph 15B. As the Member for Education, Sir, I must state quite bluntly that this programme, even as it is, will not allow Government to meet in full its compulsory statutory obligations for European education. And one small upward trend in European immigration will mean that Government will be unable to comply with the statutory obligations that this Legislative Council has placed upon it. So, if we are to extend the plan, let us begin by studying those things which can be removed. And, I suggest, let us start—as so many Members seem willing to do—on the educational proposals. Let us say which of these proposals we are prepared to extend, which we are prepared to take into the future and let us determine now at what point the Member for Education must say to the communities in general: "I am sorry, we cannot fulfil the obligations that have been placed upon us". This, Sir, is not a question of this or that possibility, this is a question of compliance with a statutory act, an Ordinance which is

on the books. We cannot, I suggest, unless we are prepared to withdraw that Ordinance, not make every attempt to comply with the statutory obligations placed upon us. So that let us, Sir, not begin to talk in an airy-fairy way of extension. Let us not begin to talk about lasting it out for another three or four years, because seven or eight years was the period I was hearing talked about, but let us say what we are prepared to do without, and on what points we are prepared to extend and at what point we are prepared to say to the people of this country: "We cannot carry on with our education programme".

MR. MATHU: What about African education, there is no statutory obligation on it?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If the hon. Member can wait, I can assure him that I shall reach that question eventually.

Now, Sir, let me deal with part of the medical side that has been raised. Central Government has in the past accepted the responsibility for the services on the medical side which may well be regarded as being of purely local benefit. Within the past year we have had to make a stand on this because of the limited funds at our disposal, and we have had to say to Local Government Authorities: "Dispensaries, in so far as they are of particular or local benefit must be regarded primarily as the responsibility of the Local Government Authority, therefore dispensaries must be paid for mainly from the pocket of the ratepayer and the Government will assist where possible on a Public Health grant basis of approved expenditure".

Answering my hon. friend, Mr. Mathu, that means, in fact, that in so far as dispensary work in Nairobi is concerned it must be regarded from now on as primarily the task of the Nairobi City Council. Government had included in its plan some money for a dispensary building and negotiations are at present, and have been for some months past, in train with the Nairobi City Council as to what shall be the future of the Dispensary Service and how it can be improved. We have full

(The Member for Education, Health and Local Government)

consciousness of the problem and are pressing the Local Government Authority to accept its responsibility in this regard. I hope that that covers the point raised by my hon. friend Mr. Mathu.

Now, dealing again with the medical side, the hon. Mr. Ohanga raised the question of anti-malarial schemes. I am a little surprised, as it has been carried on in Nyanza for some time, that the hon. Member seems to be completely unaware of the Ngoina scheme where, for some considerable time past with the help of the Colonial Development and Welfare money, we have been carrying out a small experimental scheme in order to obtain information as to anti-malarial work in rural areas. The entomologist who has been handling this scheme is stationed at Kericho and I personally went over the scheme some few months ago to see what could be done to carry it on should the Colonial Development and Welfare Fund fail us. I am speaking from memory, but I think I am right in saying that the cost of that scheme, allowing for overdrawn and not motor transport worked out at about five shillings per hut and that, if it were applied generally throughout the country, would be a colossal bill; a bill which could only be met at the sacrifice of, presumably, other social services.

MR. OHANGA: On a point of explanation, Mr. Speaker, I think I was talking about medical survey and not medical research. I understand that the Kericho scheme is a medical research. What I have in mind is a medical survey which would bring out the necessary data.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The hon. gentleman has forgotten that he referred specifically to the paragraph which referred to anti-malarial services, and if he will look back, he will see that he referred to two groups, one was the question of the medical survey and the other one the anti-malarial. I am dealing with the anti-malarial survey which is taking place in the hon. gentleman's own province amongst his own people.

Now, Sir, there is by no means settled agreement as to the best policy to be undertaken dealing with malaria in rural areas. Certain people have collected or

obtained over a period of years what my hon. friend the Director of Medical Services would describe as an "immunity", which I have always tried to describe as a "resistance" to malaria. They have malaria, but they exhibit none of the drastic or bad symptoms except in rare cases, and they have therefore, built up a resistance over years which has lessened the harmful effect of malaria in its more tragic aspects. Well, Sir, it has worried quite a number of experts and in the past six months, I have listened to very firm arguments on both sides of the question. If you spend money and destroy that immunity and then you cannot keep up the scheme and you cannot keep control and the malaria creeps in again, you have left those people in a far worse state than if you had done nothing at all. I recognize that there is an argument on the other side, but this is something when we are spending limited money that is to be considered very carefully, and the Directors of Medical Services on an inter-territorial basis have met and discussed this and have asked for funds to provide a common research into this very problem in order that the Government, through the Member for Health, shall have some guide as to what is the best policy to follow in this particular case.

The thing, Sir, is not always as easy as the hon. Member, the hon. Mr. Ohanga visualizes. My hon. friend, the Acting Director of Medical Services, would, I think, say that in the Fen District of England many years ago, malaria was very rife. No anti-malarial measures were taken on a specific basis. None. But, a concentration over many years, on an improvement in the standard of living in people in their living conditions and in their general habits, of itself, in time, wiped out malaria, and it may well be that the best we can do for the wiping out of malaria in this country would be to concentrate on the gradual raising of the conditions of living, rather than to attempt to spend money on a specific scheme, particularly when as the hon. Member said, every measure, almost, taken to improve soil erosion, leads to a malarial increase. However, Sir, the only assurance I can give the hon. Member is that we are studying that particular problem and that we are, and

[The Member for Education, Health and Local Government] have been for some time, going as deeply as we can into the possibility of a survey of this kind.

Now, Sir, the hon. Mr. Nathoo, dealt with the question of the pound for pound grant. I need hardly, I think, assure him, Sir, that in so far as this Government is concerned, the Government having regard to the finance available will always stand pound for pound applications sympathetically. The limitation is the finance available and the fact that every application has to be brought before this Legislative Council and that the decision, that is that particular tact, will of course, rest in the hands largely of the Members opposite. But, he need have no worry but that any scheme that we feel can be recommended to Council will certainly have Government's sympathetic support.

The hon. Mr. Patel, Sir, dealt with the question of Asian hospitals and Asian hospital treatment relief funds. Had the hon. Member had time to read the paper which was laid in his file this morning—Sir, the Development and Reconstruction Authority Report for the period 1st April to 31st June, 1951, on page 5, he would have seen: "New buildings started during the quarter included (i) Group Hospital, Nairobi—Asian Ward Block". So that, to say that we have promised and are not doing anything is perhaps not as correct to-day as it might have been a few months ago.

The position in Mombasa is that, if in the Planning Report funds are voted, we shall be moving towards, I hope, the starting of the Mombasa Asian hospital before very long. But there is one point on which, Sir, I think I must have a slight argument to be honest. Although I agree, as he knows to some extent that it is essential that hospital facilities shall be provided before the fund comes actually into being, nevertheless, Sir, we have shown our intent, and by action as well as by word, to move forward provision of Asian hospital facilities. We are considering them on a pound for pound basis at Kisumu; at Kitale, at Eldoret, we are only waiting the scheme, and throughout the areas of Nyeri, Thomson's Falls, Malindi, they are being considered on a pound for pound basis. But

the hon. gentleman seems to think that the reason for a hospital treatment relief fund is to relieve Government of some burden. That is not correct. The European hospital treatment relief fund (taxation) is not a Government tax. Not in any shape or form. It is a rate imposed by the community on the community, to assist the poor of its own community. I think that if the hon. Asian Elected Members delay it for very much longer they will find that they are in fact doing an injustice to the poor of their own community, who will feel these increasing fees pressing more and more heavily upon them. I suggest that this should not be used as an excuse not to get on with what can be done to relieve a burden which—as the cost of hospitalization in Asian areas reaches, as it must do, even with Government subsidy, something like Sh. 22 a day, if food and services are to be at a reasonable standard—will press heavily upon the poor individual in the Asian community; surely, therefore, now is the time to move towards some scheme which will provide relief for the poorer people, and not wait until hospital facilities are provided in every case, because even where hospitals are already there and where beds are occupied, the pressure upon the poor individuals is an increasingly heavy factor. I think, Sir, that has covered all that there is on the medical side. I hope I have not omitted any point.

Now, Sir, I must move to education. On the educational side, Sir, I have pointed out that the provisions for European education are insufficient to meet the compulsory education requirements. On the Asian education, I must point out that the only competition on Government is the education of Asian boys in the major towns. The Government, however, as is shown in the paragraph 164, in the allocations there, is endeavouring to go beyond that, because it recognizes that an unbalanced education inside the Asian community could do great damage.

We are providing contributions both direct and on a capital grant-in-aid basis for the education of Asian girls as well as endeavouring to meet our statutory obligations. But, Sir, it is, of course, the fact, Sir, that the Asian community does a great deal, and I hope will continue to do a great deal, to meet its own educational burden through the provision

(The Member for Education, Health and Local Government) of capital sums on a £ for £ basis, and that is one of the reasons why we are able to make finance available for girls' education, it is because the Asian community is assisting in meeting the primary burden, and I think due credit must be given there, Sir. But if we did not have that assistance from the Asian community, if the Asian community left us to meet the complete primary responsibility, in the big towns, that would mean that in fact there would be no money available for girls' education within the limits of finance now made available to us.

The hon. Member dealt with the question of the housing of Asian teachers. Now, Sir, inside the European school programme, which is shown on page 55, housing for staff is included; by the accident or necessity that most European schools are boarding schools because of the scattered nature of our community, housing staff is included in this building factor. In the case of the Asians, it is not, because boarding schools do not occur in this list; it was at my personal request, and I must take full responsibility for this, that the Planning Committee put £100,000 in addition there for Asian teachers' housing, because I was so worried and dissatisfied with the living conditions of a great number of Asian teachers. We cannot expect a teaching staff to have respect for itself, to be in that frame of mind and morale in which pupils will benefit if they live under the conditions that so many Asian teachers live in to-day, and that was a specific request by myself in order to try and improve the conditions under which Asian teachers live. I have no hesitation in saying that that £100,000 is completely inadequate, but I should hate to see it removed from the vote and put into some general pool, where battle for every house would have to take place.

On the question of purchase of land in Mombasa, I am sure the hon. Member is well aware that a great deal of land has been made available from time to time for Asian schools in Mombasa. The time has come when it looks as if it is going to be insufficient, so more land has to be bought, and I think it is obvious that if it is bought for educa-

tional purposes, there is only one vote against which it can be placed, and that is the educational vote.

On the question of African education, Sir, the hon. Member, Mr. Otanga, got himself just a little confused. He quoted a paragraph which said that surveys should be made and at the same time complained that there were no details in the Planning Committee Report. The answer is obvious; there can be no details until the surveys are completed, and the surveys which have been undertaken by the District Education Boards are in the process of completion. The details will appear where they should appear, in the year-by-year programmes of the Expansion of African Education.

Now, Sir, the hon. Mr. Mathu, Sir, and I am sure that he said it at this particular stage somewhat with his tongue in his cheek, said "What about compulsory education for Africans?" The hon. Member knows, having been a member of the Beecher Committee, knows the financial impossibility of compulsory education at the present moment. He knows the bill if we attempted such a step would be one that would almost paralyse any other activity in the community. He also knows, Sir, that even if we introduced it by a stroke of the pen to-morrow, we should not have the teachers to carry out compulsory education until the Beecher Report has been implemented to a great deal more than at present. I would like to say this on the Beecher Report, Sir. This is the only reference I shall make to that particular argument. That the opinions which the hon. Acting Chief Secretary expressed in his capacity as Member for Education at that time and the opinions which I expressed in that debate which I should say, the pending Member for Education, have not only not changed as a result of our experience of the past few months but have been confirmed in my belief that the Beecher Report has carried African education more along the line of reality than any step we have taken for years. (Applause.) Of course, the bill—

THE SPEAKER: It is now 12.45, time to interrupt business. I believe that the hon. Chief Secretary wishes to make a statement.

## SESSIONAL COMMITTEE REPORT

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to announce that the following Select Committee has been appointed by the Sessional Committee to inquire into the Income Tax (Amendment) Bill:—

The Member for Finance (Chairman).

The Member for Education, Health and Local Government.

Mr. Havelock.

Mr. Macintosh-Welwood.

Mr. Nathoo.

I have also to announce, Sir, that the Sessional Committee has appointed Mr. Saller in the place of Colonel le Breton on the Select Committee appointed last Friday to consider the British Standard Portland Cement Company Limited (Bamburi Factory) Bill.

## ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Wednesday, 29th August, 1951.

Wednesday, 29th August, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 29th August, 1951.

The Speaker took the Chair at 9.40 a.m.

The proceedings were opened with prayer.

## MINUTES

The minutes of the meeting of 28th August, 1951, were confirmed.

## ORAL ANSWERS TO QUESTIONS

QUESTION No. 45

LT.-COL. GHERSIE:

1. With regard to a patient seeking admission to the European General Hospital will Government please state:—

(a) Whether a civil servant receives preference over a non-official?

(b) If the answer is in the affirmative, the reason therefor?

(c) If the answer is in the negative why the patient is invariably asked if he is a Government servant?

2. Having regard to the fact that the Hospital Authorities endeavour to ascertain from the patient the name of his private doctor, what action is taken when the patient is either unconscious or not in a fit state to supply the required information, or has no private doctor?

3. Whether a duty doctor will be made available to attend to patients requiring immediate attention in an emergency?

4. Whether provision will be made whereby casualty beds are kept available at one specific hospital for emergency cases, and the fact published through the Press?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT:

1. (a) The answer is in the negative; (b) therefore does not arise.

(c) The patient is not invariably asked if he is a Government servant. It is necessary to ascertain if the patient's doctor is a private practitioner or a Government medical officer. Nursing sisters have been instructed to ask "Who is your doctor?" in order to get the required information.

[The Member for Education, Health and Local Government]

2. If a patient is unconscious and no relative or friend is able to supply the required information, the Government medical officer on duty is called. If a patient has no private doctor, he is asked which private practitioner he wishes to attend him. Should he not express any preference, the roster in the hospital is consulted and the appropriate private doctor is called.

3. A doctor is on duty at the hospital most of the day and is on call for the remainder of the 24 hours. The staff position will not permit the posting of an additional medical officer for duty within the hospital during the night.

4. It is not possible to guarantee that a bed will always be available at the hospital for casualties. The number of beds is limited and there is always a waiting list of patients. It is impossible therefore to keep even two or three beds for each sex almost permanently empty against the possibility of accidents. An effort is however made to keep a bed available but as the demand is unpredictable and irregular no guarantee can be given.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply to (1), would the hon. Member like evidence to confirm that patients are invariably asked if they are civil servants?

As regards the answer to (2), Sir, if the appropriate private doctor is not available, what happens then? (4) Would the hon. Member explain how an emergency case is accommodated under the circumstances he explained a minute ago?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: In answer to (1), I can assure the hon. gentleman I have taken evidence, also from the point of view of the staff of the hospital. There is nothing I regret more than these continual, often unfounded, baseless rumours which do great injustice to staff at hospitals who do their best to serve the public in a very great degree.

LT.-COL. GHERSIE: Mr. Speaker—

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Would the hon. Member agree that as I had to sit down

until he finished, he should do the same? (Laughter.)

With regard to his question to (2), Sir, obviously in the interest of humanity, if an appropriate private doctor is not available, the Government doctor on duty would be called.

(4) It is a matter of expediency that very often patients who are, shall we say, not altogether fit to be removed, have to be moved in order to make way for an emergency case.

LT.-COL. GHERSIE: Arising out of that reply, would the hon. Member reply to my question in regard to No. (1)?

Would be like evidence to the effect that this question is invariably asked?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I would undoubtedly like evidence, but I wish to inform the hon. Member that I have already received the evidence from the one side which says this question was asked and on the other side which says this question was not asked.

QUESTION No. 47

MR. MACINTOSH-WILWOOD:

(a) Will Government state whether the compulsory inspection of vehicles for T.L.B. licences includes those requiring C as well as B licences?

(b) If the answer is in the affirmative is Government not aware that this imposes an extra inspection charge of Sh. 20 per licence?

(c) If the answer to (b) is also in the affirmative will Government state why such a charge is to be imposed in view of their repeated assurances that the whole question of a C licence will be reconsidered?

THE MEMBER FOR COMMERCE AND INDUSTRY:

(a) The answers to (a) and (b) are in the affirmative.

(c) It has become increasingly clear since the Police began checking vehicles operating on the roads that it is in the public interest that all such vehicles should be in a safe condition. Under these circumstances, it is considered that no charge should be made in the proposed procedure with regard to C Licence Vehicles.

MR. MACOSHOE-WELWOOD: Arising out of that reply is Government of the opinion that financial impositions of this kind should be applied without reference to this Council.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, Government does not consider these constitute financial impositions as they are inspection fees.

## QUESTION No. 62

LT.-COL. GHERSIE:

Will Government state how many ships' working days were lost at the Port of Mombasa in respect of (a) ocean-going vessels; (b) coasters; during the following periods:—

January/December, 1948, January/December, 1949, January/December, 1950, January/June, 1951.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am advised that the following were the number of days on which ships were in port at Mombasa but not working, including days under repair and days awaiting cargo:—

(a) Ocean-going vessels:—

1948	1,016
1949	1,552
1950	1,068
1951 (Jan. to June)	1,150

(b) Coasters:—

1948 (Sept. to Dec.)	190
1949	942
1950	1,033
1951 (Jan. to June)	502

LT.-COL. GHERSIE: Mr. Speaker arising out of that reply, would the hon. Member agree that based on conservative figures of £300 per day for an ocean-going vessel and £75 for a coaster, the figures disclosed represent a loss of £1,635,335 to the shipping companies, and if this loss is not remedied it will result in increased freight charges which will affect the cost of living?

THE MEMBER FOR COMMERCE AND INDUSTRY: As the hon. Member has had time to work out his arithmetic, and I have not, I will not contest his figures. (Laughter.) With regard to the second part of the question, quite clearly continued delays which are incurred must result in higher costs, but the position is, I believe, being improved.

## QUESTION No. 63

LT.-COL. GHERSIE:

Will Government state the daily average number of goods trains leaving Mombasa Island in the following periods:—

January/December, 1948,  
January/December, 1949,  
January/December, 1950,  
January/June, 1951?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am advised that the averages for the periods referred to are:—

	Average No. of goods trains	Total tonnage for the year
Jan.-Dec., 1948	6.7	734,342
Jan.-Dec., 1949	6.3	831,868
Jan.-Dec., 1950	8.1	915,294
Jan.-June, 1951	7.2	477,714

LT.-COL. GHERSIE: Mr. Speaker, arising from that reply, would the hon. Member state if it is the intention of the East African Railways and Harbours to increase the number of goods trains and, if so, when that is likely to occur?

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, Sir. The East African Railways and Harbours Administration, so I am advised, intend to increase the number of trains as the trucks become available. Now, Sir, it might appear from these averages that I have read out that there has been some diminution in the amount of tonnage carried. The hon. Member will appreciate that, in spite of the average number of goods trains going down, the amount of tonnage shifted has gone up. The East African Railways and Harbours are, as I said, intending to increase the tonnage carried by the train leaving the port for up-country as additional wagons become available.

## QUESTION No. 64

LT.-COL. GHERSIE:

Is Government aware of the serious delay in shipments of cargo from Mombasa resulting from the delay in discharge and dispatch of vessels at the port of Mombasa?

THE MEMBER FOR COMMERCE AND INDUSTRY: Government is informed by the East African Railways and Harbours

[The Member for Commerce and Industry] Administration that a combination of untoward circumstances did result temporarily in a condition of congestion at Mombasa which, I am advised, is now being cleared rapidly.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply, is Government satisfied that a similar congestion will not arise in the future, and, if so, in view of the fact that certain shipping lines have refused to load cargo for the port of Mombasa, that full publicity will be given to the fact in order to alleviate further anxiety in regard to importers.

THE MEMBER FOR COMMERCE AND INDUSTRY:—Mr. Speaker, Government will do everything in its power to alleviate the very real anxiety of the importers. I am certain the East African Railways and Harbours Administration will also do so. Having said that, I would like to furnish the hon. Member with information as to the reasons why that congestion I referred to in my original reply took place, because he will agree, I am certain, that a number of those factors are not within the control either of the East African Railways and Harbours or this Government. I am advised that these were the principal reasons for that congestion:—

1. The inability of the Conference Lines to arrange special cement and vehicle loaders in the port of Mombasa in the early months of the year.
2. Subsequent attempts to make good the backlog created by this shortage.
3. The consequent bunching of shipping in Mombasa port.
4. Abnormal weather conditions, which prevented ships being worked more than one day in two.
5. The effects of these abnormal weather conditions on the main lines.

In addition, Sir, certain other delays in shipments of cargo from Mombasa arose out of strike conditions in the United Kingdom, and delays are still arising through the inability of the Conference Lines to provide special vehicle cement loaders during the current month. I think, Sir, that the reasons I have given for the delays the hon. Member

referred to make the point fairly clear that a good many of those causes are outside the control either of this Government or of the East African Railways and Harbours. Having said that, I can promise that every effort will be made to alleviate those conditions as far as it is in our power to do so.

## QUESTION No. 65

LT.-COL. GHERSIE:

Is Government satisfied that the present maximum number of trains which can leave Mombasa Island daily is capable of dealing with the maximum daily intake of the port. If not, will Government state what steps the Railway Authorities propose taking to remedy the position, and if the highest priority is being given to this matter.

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is informed by the East African Railways and Harbours Administration that it is satisfied that the capacity of the railway connecting Mombasa with the hinterland is more than capable of dealing with the maximum daily intake of the port. The maximum daily discharge of general cargo at the port is approximately 1,430 ½ w tons while as much as 2,439 ½ w tons were dispatched by rail in one day.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply it is to be understood, of course, that this information comes from a reliable source. I know that Government is well informed on this subject, but is Government satisfied that the Railway Authorities are making provision for the natural expansion and development of the Colony, having regard to that reply?

THE MEMBER FOR COMMERCE AND INDUSTRY: Before answering the second part of the hon. Member's supplementary question, I would like to make it quite clear that this Government accepts implicitly the accuracy of the information given to it by the Railway, and regards that body as a highly reliable source.

Having dealt with that point, I would answer the second point of my hon. friend's supplementary question by saying that I am certain the Railway Administration's judgment in regard to the development of this country is just as likely to be correct as the hon. Member's own estimation, or mine.

## QUESTION No. 66

LT.-COL. GHERSIE:

In view of the congestion which until very recently prevailed at the port of Mombasa and the consequential disturbing effect on the cost of living and disastrous revenue, will Government agree in the event of a similar emergency arising, that motor vehicle transport licences be issued to provide for the transport of goods from Mombasa to Nairobi by road?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is satisfied that should an emergency arise in which the Railway is unable to provide adequate clearance of goods from the Coast and road transport could contribute substantially to this need, the Transport Licensing Board would give serious consideration to any application submitted to it in the light of all the prevailing circumstances.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply, will Government agree that a serious consideration should be translated into action?

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I have always understood that serious consideration is a preliminary to action. (Laughter.)

LADY SHAW: Mr. Speaker, arising out of that reply, is the hon. Member aware that the proper term is "active consideration"?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am most grateful to the hon. and gracious lady.

## QUESTION No. 72

LT.-COL. GHERSIE:

Arising from the reply given by the hon. Member for Finance in answer to a question on August 14th when he stated that he required notice of the question, will Government agree that in assessing income tax on the amount refunded to a Government servant, being the amount paid in respect of rent in excess of the amount granted as housing allowance, that income tax is in fact being charged against both tenant and landlord on the one transaction.

THE FINANCIAL SECRETARY: Government agrees that in assessing the amount refunded to Government servants the amount in question is charged with income tax both when received by the Government servant and when received by the landlord. The Government cannot agree that there is only one transaction. There are, in fact, two distinct transactions.

LT.-COL. GHERSIE: Mr. Speaker, arising from that reply, will Government agree that the amount at present refunded to an officer in this connexion should, in all fairness, be paid direct by Government to the landlord, thereby eliminating the officer from the transaction, with the result that he is not charged income tax on an amount from which he has received no monetary benefit.

THE FINANCIAL SECRETARY: The Government does not agree that that would be an appropriate way of dealing with the matter, Sir.

LT.-COL. GHERSIE: It is a fact then, that there are two classes of civil servants—the one who is housed, and therefore pays no income tax on the excess amount paid, and the other who does?

THE FINANCIAL SECRETARY: As the hon. Member is aware I am really quite an expert on double income tax but not quite such an expert on single income tax. If the hon. Member would like a reply to that question he will have to give me notice.

## QUESTION No. 73

LT.-COL. GHERSIE:

(1) Will Government please state whether or not the Posts and Telegraphs Advisory Board recommended that in regard to subsequent issues of stamps the words East Africa or British East Africa should be substituted for the words Kenya, Tanganyika and Uganda?

(2) If the answer is in the affirmative, will Government please state why it decided to oppose the recommendation?

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, Sir, the answer to the first part of the question is in the affirmative.

(The Member for Commerce and Industry)

The Government considered that Kenya, Uganda and Tanganyika could set properly appropriate the title "East Africa" since other European Powers have territories in East Africa and even the title "British East Africa" might be objectionable as Zanzibar has its own postage stamps. It was therefore considered, both by the Kenya Government and that of Tanganyika, that the words "Kenya, Uganda and Tanganyika" should be retained.

LT.-COL. GHERSIE: Mr. Speaker, arising out of that reply, and in view of the fact that the words "East Africa" are used in connexion with the East African Railways and Harbours and the East African Posts and Telegraphs, is there really any substance in the hon. Member's reply?

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, Sir. As far as I am aware, Zanzibar has not got a railway.

MAJOR KEYSER: Five miles.

THE MEMBER FOR COMMERCE AND INDUSTRY: I should imagine, Sir, that the railway the hon. Member was referring to, was closed before the war.

## MOTIONS

REPORT OF THE PLANNING COMMITTEE—  
(Contd.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, when Council adjourned yesterday I had dealt with most of the points that had arisen and I had arrived at the position so far as the Beecher Report is concerned. I have averted Government's belief that the Beecher Report was a step forward and was endeavouring at that particular time to point out to the hon. Members for African-Interests that the bill for the Beecher Report is in itself a somewhat considerable bill, and that much more could not be added to it without a great increase in the revenue resources.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: My hon. friend Mr. Nathoo, Sir, dealt with the question of grant-in-aid rules. He has given certain figures quoting the cost of education as £25 per child, and the Government contribution as £6 per child. The hon. Member knows as well as I do that the grant

covers the education of girls as well as boys, which is not a Government statutory obligation, and I think a somewhat, shall I say, more reasonable proportion or a more reasonable figure could have been shown.

That does not alter, I think, Sir, the fact that there is a great deal that needs consideration in the hon. Member's argument, and for the last few weeks, Sir, we have had new rules under consideration. They have been discussed quite considerably, because, of course, they have financial implications, but I hope that before long we shall be able to place in the hands of the hon. Member our suggestion for an extended amount of contribution. He will, I am sure, understand that I cannot commit the Government. I can merely say that these matters are under review.

The hon. Member for Rift Valley, Sir, referred in his speech to the fact that the educational services might be met by increased fees. Now, Sir, I think if the hon. Member, I regret to see he is not here, nevertheless, I consider it is of such importance it should be placed on record. If the hon. Member looks at paragraph 153 on page 53 he will find this statement by the Planning Committee: "We are concerned at the very great increase in recurrent costs which these educational plans will entail. Whilst we appreciate that the question of the level of fees has been thoroughly examined in recent years by the various Committees set up to consider educational policies, it will be appreciated that none of these Committees had before them the full picture of the total cost of education to the Colony. Nor was it their special function to consider how the bill should be met. We sider how the bill of the very heavy consider that in view of the very heavy recurrent bill which will fall upon the revenues of the Colony for salaries and running expenses in addition to the large capital expenditure proposed, and particularly in view of the increase in prices and recurrent costs, a further investigation should be undertaken in order to determine whether some adjustment of fees can be made."

This is the important point, Sir, which rather concerns the hon. Member for the Rift Valley in his statement that the entire cost could be met from fees—"We realize that any contribution"—if I may

[The Member for Education, Health and Local Government] interrupt myself, the hon. Member for Klamhu seems a little doubtful whether that was the statement but I took very great care last night to check this with the hon. Member for Rift Valley's speech as it appeared in Hansard, and it is only because I want to draw attention to that particular side of his statement that I refer to it now—"We realize that every contribution which can thus be made may not relieve the general taxpayer of the recurrent burden to any very substantial extent, but we attach great importance to bringing home to those who benefit from them the real cost of the services they receive, and to the principle that where services are provided the individuals who benefit should pay as much of the true cost as they can reasonably be expected to bear"—a statement, Sir, which which Government wholeheartedly agrees, but, of course, we could not allow it to go on record, that the entire cost could be borne from fees. (Heas, hear.)

Now, Sir, that ties up with page 62 and paragraph 181. Here, again, I beg the consideration of the Council whilst I place this particular paragraph on record:

"It will be obvious from the figures in paragraph 177 that every additional place provided in schools for each group by the capital programme we have proposed will automatically result in an increase in the recurrent charges to be borne by the Central Government. An examination of the expenditure and revenue from tuition in European and Asian secondary schools reveals that the fees actually charged represent varying percentages of the actual cost to the Education Department (according to the class in which the pupil is being taught and the type of school), the lowest figure being 26 per cent and the highest 50 per cent. The figure for African schools is estimated to be between 10 per cent and 15 per cent. There is also a considerable element of subsidization though less than that for tuition, in the case of boarding for both European and Africans in primary and secondary schools. We recognize there is some justification for the State subsidizing the cost of primary tuition, but we feel

that where boarding facilities, both primary and secondary, are provided or where the State provides tuition outside its statutory obligations, the fees charged should bear a closer relationship to the true cost. We have not overlooked the desirability of the provision of assistance for the higher education of those who prove themselves fit to derive benefit from it but we suggest that this might take the form of State scholarships rather than remission of fees. We would commend these suggestions to whatever body is set up to undertake the investigation into the scale of educational fees which we have recommended in paragraph 153."

I would like to say, Sir, that it is on those lines that we are reviewing educational finance at the moment. One of the, shall I say, not disturbing but one of the most potent factors in the developing cost of education is the proportion of secondary education in regard to the total of education of any particular group which is emerging, and there is little doubt that we are probably undertaking a burden of service in the secondary education aspect higher than even the most advanced of countries if communities are to be taken by community as against the overall picture. Government statutory obligation is up to the age of 15, whereas a great deal of our secondary education is of course carried on long beyond that phase, and it may well be that this Council will have to consider as an alternative to bearing the full burden, whether there shall not be a much greater proportion of that cost of secondary education beyond the statutory age limit to be borne by the parent concerned, but, and I must issue this warning, Sir, with a very strong but, but we must have regard to the limit of the individual capacity to pay, because if we cut off the quality of our education at the top we shall see a gradual deterioration in our human resources. Whilst it is easy to deal with this matter in words and say, "let us have a policy of remission of fees" the best parents and the best children are often reluctant to accept the "charity" of remission. Therefore, it may be necessary, as we reduce our burden on the one hand, to increase the access on the other hand through scholarships.

[The Member for Education, Health and Local Government]

Finally, Sir, I listened to my hon. friend, Mr. Mathu, in his opening remarks which referred to this book as a colourless document. I happened, when the Regional Development Committee Report was debated, to have the honour of sitting on the opposite side of this Council and I can remember hon. Members who represented African interests at that particular time referring to the Development Committee as the "yellow peril". The "yellow peril" which I then endeavoured to change to the name of the "orange ops". In my immaturity of good days has done a great deal of good for this country.

It was the foundation on which a lot of our development has taken place and I think my hon. friend is as likely to prove wrong in his prognostication about this document as he did about the "yellow peril". I can only imagine it was the colour of the volume that gave him the idea that it was colourless, but I would remind him, Sir, that it is grey, and that grey is the colour of the stone on which and from which most of the permanent things in this country are built.

I beg to support.

MR. SALTER: Mr. Speaker, I propose to be very brief in my address. The hon. Member for Education, Health and Local Government has invited our attention to paragraph 16 on page 5 of the Report and he has said that a review, such as that in that paragraph, of the proposed provisions at this stage would not be appropriate, and with that I think we would all agree. But he has gone further, I think, Sir, and he has given us a warning, a warning against any extension of time in the carrying out of this plan, because as I understood him he said that if there was such an extension Government would be in danger of being unable to carry out with regard to educational matters, particularly schools I think, the statutory obligations which have been laid upon them, and the result of that would be either that there would have to be some repeal of the present law or that we should have to go without something else in this Report. Now, Sir, I would submit that

there can never be any question of our going without anything which is included in this plan. It is a question of how and when we are going to implement all the proposals. I say that, Sir, because it does appear from the paragraphs 15 and 16; both on page 5, that it was the intention of the Committee, first of all to present a properly balanced and reasonably realistic programme for the necessary—I stress the word necessary—development of the Colony during the next five years, rather than present a plan which the Committee knew would not meet the minimum needs of the situation. Secondly, it would seem that, because they realized the serious financial burdens which would have to be laid upon the Colony, they recommended that the provisions should be regarded as targets, albeit minimum targets, at which we should aim. Thirdly, that programmes should be determined at frequent intervals having regard to present conditions, and the financial and economic outlook of the future. I submit there lies the key to this whole plan. The Committee have obviously cut their cloth very fine and it would appear that if there were either delays or any lessening of the provisions in this plan, the whole balance of it would be upset. They have, in effect, said "subject to the safeguards in paragraph 17 as to the checking of recurrent expenditure, these are the projects which must be carried out during the next five years if the co-ordinated development of the Colony is not to be retarded". Now, Sir, that is the opinion of men who have great knowledge and experience of our present problems and our future needs, men who have devoted very anxious thought and examination to these matters. They recognize, of course, Sir, that this plan will not please everybody, and indeed, the voice of criticism has already been heard in this Council. But I do suggest that we must accept this plan *in toto*. We may have to consider priorities. We may have to consider carrying it out in phases, but I do submit that we must carry it out and we must not delay it. Let us put the machine in motion now. Let us be prepared also to take reasonable risks, as indeed any pioneer in a new country must if the country is to go ahead. I would like to ask that we should take those reasonable

[Mr. Salter] risks with confidence in ourselves to overcome our difficulties and faith in our future.

Sir, I beg to support.

MR. JEREMIAH: Mr. Speaker, I rise to say a few words with regard to the Report. I shall confine my remarks with regard mainly to the recommendation about the development of the country.

Sir, in paragraph 5, page 1 of the Report we see these words "We appreciate that Kenya is primarily an agricultural country with little mineral wealth so far discovered and that its prosperity depends largely on the healthy development of its land in the widest sense". Now, Sir, that is where I would like to make a few remarks, on the healthy development of the land in the widest sense. We have the African Land Settlement and Utilization Board, whose function, as far as I can think, it is to try and develop the land for the benefit of Africans, mainly, who are living in congested areas. We also have the Agricultural Department, which tries its best to assist the Africans in order to produce better in their land. Very little Sir, has been done with regard to opening new lands for African settlement and while we cannot grumble for what has been done, it is sometimes very surprising and very discouraging to see that even in some places the land which is already developed by the Africans, they are in some cases asked to vacate the land. I refer particularly Sir, to what is taking place at present in the Teita district, where some people who have been developing the land and have been on the land for about 30 years have been asked to vacate the land in order that the wild animals may have a free go at it. Now, Sir, if you are to develop the land in the widest sense, I think the land which is already developed should not be left to go fallow again. The best thing to do is to encourage the people who are developing it to do better. Also Sir, in the same district there is some land which people have been cultivating for years and have been able to produce their living. But as the land is only marsh land, a company had to put a dam on that land and land which was in use by the Africans is now of no use, the place is full

of water. Instead of encouraging the people to develop the land and help the land, we see more discouragement.

Now, Sir, I would like the hon. Member to reply as to what has happened to the land which was promised 3 or 4 years ago that they would get from the Teita Concession. As far as I know nothing has been done about that. The discussion of the proposal with the company has already been settled, but the people of Teita have not been given the land to use, the land is still lying idle. The word "development" of the land actually does not seem to materialize in that way.

The Report, Sir, speaks about doing what it can in the way of propaganda amongst the Africans in order to convince us of the good of developing the land and the good of progress, but I believe Sir, that whatever kind of propaganda is going to be undertaken action will militate against that, and I would request the Government to try and actually follow what is suggested in this Report, because I agree that the Report is an excellent one, but that action taken by Government is not actually in conformity with what is suggested in the Report.

We had last week agreed to the second reading of the Bill with regard to the production of cement at the coast. That Sir, is one of the developments which I think will be very helpful to the country. But I was very surprised to hear some of the hon. Members trying to think that the fund allocated to this Report of half a million pounds to link up the Mombasa Island to the mainland is too much. I should say it is not too much. I think more is needed to improve the communications in that area. We want development of the land and I think better development can be achieved if we have better communication, and that is one of the things which should be improved and encouraged.

Now, Sir, I have said nothing about education and social services. Some Members seem to think that perhaps much more is being spent on the social services, especially amongst the Africans. But I believe, Sir, that those hon. Members who so only look at the question of Africans, forgetting that almost in every case they are fully provided for.

[Mr. Jeremiah] I commend this Report, Sir, to the wholehearted support of the Council, and I support it.

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I would like to reply to the points made by the last speaker referring to the Teita area. He mentioned that there were Africans apparently being moved from an area of land which he said they were developing in the middle of the Game Park. I think he must be referring to a place called Ndolo. There was a settlement of hunters at Ndolo and various people of other tribes who have land units of their own, have also settled in that bit of Crown land which is a few miles to the east of Voi. That is Crown land, it is barren land, it has, true, the Voi River passing very close to it, but this is usually dry. But it is Crown land, it is not in any native land unit and those people are being moved from there as they continue to hunt and destroy the game in that vicinity. There is no question whatever of their being moved from a native land unit.

My hon. friend also referred to land concerning which I think he said some settlement had been arrived at, whereby a portion of land would be returned to a native land unit and I think that must be Mwatungu block. Am I correct in that one?

MR. JEREMIAH: Mr. Speaker, I was referring to the Teita Concession.

THE CHIEF NATIVE COMMISSIONER: That is right. The Mwatungu block is on the north side of the railway running from Voi to Taveta. A settlement has been reached in that case and it is simply a matter of survey, which is going on now, before we can get all that tied up.

MR. JEREMIAH: Mr. Speaker, may I ask a question on a point of information? The Teita Concession was land already surveyed and I do not know what other surveys are being done.

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, the Mwatungu block is part of the Teita Concession and although the whole may have been surveyed, if you are going to take away a part, you have got to survey that part.

THE ACTING CHIEF SECRETARY: Mr. Speaker, we have had during the last few days a long and interesting debate on the very comprehensive proposals in this Report. I hope, and I think, that I am right in interpreting the speeches which we have heard as being in general support of these recommendations. It was inevitable, Sir, that all the details of the recommendations in this Report would not particularly appeal to every Member, and I shall have some observations to make later on some of the criticisms in detail which we have heard during the debate.

But I would first like to say something about the anxiety which has been expressed by several hon. Members as to whether, in view of changed circumstances since this Report was prepared, it will, in fact, be possible to complete the whole plan envisaged in it within the time allotted for it. Although what I am going to say now has very largely been covered by my hon. friend the Member for Nairobi South, I think it is important to place on record the Government's view on this very important question. It is perfectly clear from this Report that just such a situation may be said to be developing, a situation in which we must face rising costs and other factors which will make more difficult the completion of this plan, within the time, was very much in the minds of the members of the Committee when they produced this Report. I would like, with your permission, Sir, to place on record exactly what they have written about in paragraph 34 to which I referred briefly, but which I did not quote, in my opening remarks.

They write: "Conditions may well change as they have changed in the past, and priorities may alter. For this reason alone we would emphasize once more the point made in our Interim Report that planning is a continuous process. We therefore recommend that the Planning Committee should be kept in being or that a new committee be appointed to keep the situation under review and to re-define the targets from time to time as may be required".

Again, Sir, in paragraph 23 they write, and this again, if I have your permission, I should like to quote. It is directly relevant: "As we have said, the plan which we recommend should be regarded



[The Acting Chief Secretary] as targets and if it provides financially sound and physically possible to reach the targets during the next five years then no doubt appropriate ways of finding the additional finance will be examined and the most economical methods adopted, having regard to the nature of the projects and the financial and economic position of the Colony. Should it be found impossible or undesirable to produce during the next five years sufficient funds to bridge the deficit it does not necessarily mean that the programme must be abandoned. It may merely have the result of spreading the spending proposed over a longer period of years".

Now, Sir, as I said in moving the motion, the Government fully agrees with the recommendation that the Planning Committee should remain in being and it is clear from what has been said during this debate that hon. Members in this Council generally agree also with that proposal. Indeed, I do not myself believe that the Planning Committee, which is a Standing Committee, ever thought that its work was completed with the submission of this document. Hon. Members will note from page 105 of the Report, Appendix I, that their first report submitted last year was labelled "Interim Report". Hon. Members will also note from paragraph 3 on the first page of this document that they say: "we have the honour to submit a fuller report". They do not use the words "Final Report". And I undertake to-day, on behalf of the Government, that the Committee shall continue to stand for the purpose recommended in paragraph 34. (Applause.)

That, Sir, I believe, with the hon. Member for Nairobi South, will meet the anxiety which I know very reasonably exists in Members' minds in the circumstances, and I hope that Government will not be pressed to go further and request that the Committee be invited immediately to revise this document.

I was a little nervous, I will admit, during the speech of my hon. friend the Member for Rift Valley, and I think it significant that I noticed when reading over the corrected flimsy copy of the Hansard record of his speech during the week-end, that indeed the Palantype machine broke down just as he was coming to a particular sug-

gestion—(Laughter.)—but I believe having read the speech again that probably before he came to make that particular suggestion, he had in mind the situation which would arise if in fact outside and separate finance was not to be made available to implement the Mombasa Water Supply Scheme. And indeed, if such a situation should arise, it would be necessary not only to find the million pounds that he sought to find by pruning, but in all probability much more of the capital otherwise allocated in this Report. But, let me emphasize while on this subject the remarks of my hon. friend the Member for Finance yesterday, when he showed that he was not pessimistic about the possibility of finding separate finance for this particular project. I therefore worry much, hon. Sir, and believe, that when we come to vote on the question of this motion, that subject to what I have said, and the undertaking that I have given, the Report will receive the unanimous approval of this Council.

Reference has been made to the need in all probability for some extra taxation if the plan is to be completed in the time, and I was glad that the hon. Member for Rift Valley made it clear that a reasonable increase in taxation would have his support, although he would not like to see, and this I think was the tenor of his remarks, the easy way of imposing considerable increases in taxation adopted for the purpose. Well, Sir, I am sure I do not need to explain that this Government or perhaps I should say my hon. friend the Member for Finance, would most certainly not for the simple and theoretical objective of arranging for the financing of this plan within this particular period, ever suggest to this Council any crippling increase of taxation, which although it might result in a slowdown of the plan being completed, would certainly not give us the substance of development which the Planning Committee had in mind in making their recommendations. I am quite certain that any suggestions which may be forthcoming for increased taxation will have in mind the points which have been made by hon. Members opposite, and would not in the view of the Government which made them, have the effect of keeping out desirable investment from abroad.

[The Acting Chief Secretary] And now, Sir, I will come to some of the observations made by hon. Members during the course of the debate.

The hon. Acting Member for Trans Nziya attacked the provision of £500,000 for communications between Mombasa Island and the mainland. He thought that this sum was out of all proportion to moneys recommended for improving communications elsewhere, and he went so far as to state that unless this item were removed, he would oppose the adoption of the Report. Well, Sir, I should like if I may, to quote a few sentences on this subject in the Report. They are in paragraph 110, on page 56: "Both the Nyalni Bridge and the Likoni Ferry have been the subject of a good deal of public criticism from time to time. Although they have provided much-needed links, neither can be regarded as entirely satisfactory from the point of view of present-day traffic demands and they are likely to become progressively less so in the future. There is no doubt that better communications would greatly assist and encourage development on the Island and on the Coast mainland. We are not in a position to decide exactly what is the best means of meeting this problem. The question of a new bridge or bridges or an improved ferry require careful examination by experts" and I would like to underline those last few words. It is the intention of the Government to proceed at this stage only with a proper engineering survey of possible sites for a new bridge taking the North Mainland with the Island. That means that the only expenditure which would be undertaken against this proposed allocation up to the end of 1952 would be some £10,000. A survey of that kind would have to precede any decision to build a bridge whether the intention was to build it in the next four years, the next eight years or in the next twelve years, and the resulting information would be valuable and essential whenever the time came to build a bridge; and I have no doubt whatsoever that sooner or later a new bridge will have to be built.

Mr. HAVELOCK: Would the hon. Member tell me, Sir, if this matter will be referred to the Road Authority for their advice?

[The Acting Chief Secretary: Mr. Speaker, I have, in fact, had some discussion on the subject with the Chairman of the Road Authority and will certainly be prepared to discuss the matter with him again. But, I make that particular point because before any large sum is spent on the building of this bridge, there will be opportunity for one of the reviews of the plan which will be undertaken by the Planning Committee as the years progress towards its completion. I do therefore hope that after what I have said, my hon. friend, the substantive Member, with all the robust vigour that he has come back with; will not follow the threat of his elder ego.

MAJOR KEYSER: May I make a speech, Sir? (Laughter.)

[The Acting Chief Secretary: The next speaker, Sir, is my hon. friend, Mr. Mathu, and the first point of criticism which he made related to what I think he described as the lack of specific provision for the purchase of land for the settlement of Africans living in congested areas. Well, Sir, I would refer him to paragraph 54, and I have no doubt, although the Committee recommended that the Member for Agriculture should have a wide measure of discretion in how those funds are used, I do not doubt—indeed it is a fact—that some of the money allocated, £1,584,000, will certainly go to finding and developing new land for settlement. The need for flexibility which the hon. Member did not like in this context, when he said that he would rather have seen some specific provision made, is, I think, emphasized powerfully in paragraphs 47 and 48 of this Report, and I think in view of what he said that I should quote them to have them on the official record.

The Planning Committee write in those two paragraphs:—

"We recommend that a careful investigation should be made of possible new areas and into the methods of inducing populations from overcrowded areas to leave them and to settle in new ones. This is so relieving congested areas is so important that we cannot afford to neglect any possible means of resolving it."

[The Acting Chief Secretary]

They go on in the following paragraph:—

"In the meantime we believe that as much finance is being earmarked as it is possible usefully to spend during the period under review for the schemes at present in mind. Should it be possible to proceed with schemes of mass-migration quicker than we envisage, then in our opinion the question of reallocating finance for this purpose must be examined, for we believe that this is one of the ways in which the quickest progress can be made towards the solution of our land problem."

Now, Sir, when one reads and studies those two paragraphs I submit that it cannot possibly be maintained that the Planning Committee did not recognize, as my hon. friend does, the enormous importance of this subject.

He went on to mention that the Governments of Tanganyika Territory and Swaziland had in the past purchased land for African settlement, and asked why this Government should not do the same. Well, Sir, I think that I should remind him to-day that, very recently, land has been purchased by this Government for African settlement. I would remind him of the Kipkaren and Kaimosi estates, some 11,281 acres, which were purchased for the use of the Nandi. Another 1,000 acres of Solik farms were purchased recently for the Kipsigis. Further land, previously owned by the East African Estates at the Coast, some 25,000 acres was purchased also comparatively recently for the use of Coast Africans. I think, in view of the remarks which he made, it is only fair that these facts should go on record in reply.

Turning to the question of roads, the hon. Member deprecated that no more than £750,000 could be made available for District Council Roads. Well, I too, am sorry that no more money could be made available for District Council Roads, but when one considers all the many projects that have to be implemented from a limited amount of funds, it is understandable that although, no doubt, the Committee would like to have recommended much more money for roads, they have had to have regard to the other needs as well.

My hon. friend would have preferred that £750,000 to have been separately earmarked for District Council Roads in European areas and African District Council Roads. Well, I think that we can rely upon the Road Authority, whose responsibility for allocating these funds it now is, to take into consideration all that the hon. Member has said about the condition of the roads in African areas. It is their responsibility to make these allocations. How they do it will be reflected in the annual estimates which the Authority is required to submit to the Member for Development and which, under the law, have to be laid on the table of this Council. There will, therefore, be opportunity, if the hon. Member cares to, when the time comes, to have those estimates discussed in Council.

While on this subject, perhaps I should say also that as with all the other recommendations in this Report, these particular recommendations are not necessarily hard, fast and binding; and if the Road Authority should wish to alter the particular sums earmarked for particular purposes, as, for instance, between Municipalities and District Councils, they are, of course, notwithstanding the suggestions in this Report, perfectly at liberty to recommend that this should be done; and just as the allocations recommended in this Report are no more than recommendations to this Council, so would be any such adjustment as might be recommended by the Road Authority, and the final decision would rest with this Council.

My hon. friend asked me how much of the £750,000 earmarked in the Development Committee's Report for African District Councils' roads had, in fact, been spent. The reply is that up to the end of 1950, £53,000 had been actually expended.

I now turn to certain observations made by the hon. Member for the Rift Valley, whose general explanation of how the Committee had tackled its task was an interesting and useful contribution to the debate. He stated though that there are elements in the plan which could be eliminated. Well that, of course, is correct, but as is shown in paragraphs 15 and 16, it could only be done at a cost. It would mean that the co-ordinated

[The Acting Chief Secretary]

development of the country was not going ahead in the way that the Planning Committee thought essential.

The hon. Member also said that in the past few years, posts, appointments and other items of expenditure, with which we probably could dispense, had been built up and he frankly admitted that a good deal of it was due to pressure and recommendations from himself and his colleagues. Well, I do not want to challenge that statement, but I think I ought to make the point that such expenditure as could be saved in that particular way would really be chicken-feed having regard to the ever-increasing expenditure bill required to meet the cost of the services which this Council is demanding. The only real way of finding any really worthwhile savings will be if services, and not individual posts here and there, are done without.

Mention was also made by my hon. friend of the Mombasa Water Supply Scheme. I do not think that it is necessary for me to say more on that subject than was said by my hon. friend the Member for Finance yesterday. The problem is being very urgently and actively tackled and I am optimistic as is my hon. friend that we shall be successful in solving it.

My hon. friend the Member for Education, Health and Local Government congratulated the Acting Member for Kiambu yesterday on his maiden speech. I would like to associate myself with those remarks. It was, if I may say so, a speech in true character expressing the opinions which one would expect of a man who has probably done more than anyone else to develop the splendid national asset that we have in National Parks. (Applause.)

The hon. Member for Central Area, Mr. Nathoo, made a number of observations all but one of which have I think been dealt with by my hon. friend the Member for Education. I was however sorry that he could not resist another barb at the Department of Lands, but I would remind him that a Committee has recently been investigating the work of that Department of which he was a member.

Mr. BLUNDELL: Have you taken any action as a result of the Committee's report?

THE ACTING CHIEF SECRETARY: A good deal has already been done and more will be done in the future to give effect to the recommendations in the Committee's report. But, do let me say this for the Department. It has been under constant criticism for a very long time. A lot is being done to put things right and I do hope that it will be given a little breathing space in order to get itself really efficiently organized and under way. Let it have a breathing space for a few months.

I think, Mr. Speaker, that either I, or my colleagues have now dealt with all the points that have been raised during the course of the debate. If I have omitted any that I should have replied to, I apologize to the Members, and it remains for me to say in conclusion that I do most earnestly hope that notwithstanding all the difficulties that we shall have to face during the next four years, we shall accept the challenge in this Report; and that we shall accept as our aim and objective the completion of the plan within the period recommended for it.

I said in my opening remarks that there were factors quite outside our control such as availability of supplies, works capacity and others, which may make impossible the achievement of that end. The substance of my plea this morning is that we shall not add one more factor, which is within our own control, that of lacking the determination to make the plan succeed if it shall be found practically possible to do so.

Mr. Speaker, I beg to move.

The question was put and carried.

#### INCREASE IN COST OF LIVING ALLOWANCES FOR GOVERNMENT SERVANTS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move as follows:

BE IT RESOLVED that the scheme provisions for the calculation of cost of living allowances in respect of Government servants be amended to provide that the allowance should be calculated as that at 30 per cent on the first £100, 40 per cent on the next £200, 10 per cent on the remaining £350 and 5 per cent on a maximum of £160 per annum and that this amendment shall take effect from the 1st July, 1951.

(The Financial Secretary)

Now, Sir, the Council will recall that during the debate on the Cost of Living Allowances Select Committee Report in the February sitting of this Council, the Government expressed agreement with the view set down in the Report that the allowances proposed should be regarded as an award not to be reviewed until the New Year unless in the meantime some abnormal circumstances supervened to make such earlier review desirable. And later it was stated that an abnormal circumstance, for the purpose of this statement, would be considered as a 10-point rise in the relevant cost of living index.

Now, Sir, since that time, there has been a 10-point rise in the wage adjustment index which covers people above the lowest range of salary—that is to say, the Asians and the Europeans—and there has been a 22-point rise in the retail price index which applies to people on the lower ranges of salary—that is to say, the Africans.

Now, Sir, that being so, and in accordance with a statement that was made, the Government has undertaken the review promised. Now, the rise of 10 points in the wage adjustment index—that is to say, the index which covers people on salaries above the lowest, a rise of 10 points in that index corresponds to a further increase of about six per cent in the cost of living relative to the base year of 1948. On the other hand, a rise of 22 points in the retail price index which applies to people on the lowest salaries—that is to say, African employees—a rise of 22 points means approximately a rise of nearly 11 per cent in the cost of living compared with the basic year.

Now, the Government, having examined the position, has concluded that a rise of six per cent in the cost of living in respect of persons above the lowest salary scale is not such a rise as should attract further relief. The Government appreciates that the rise is not insignificant, but considers that the persons who are on salary levels above the lowest should be able to absorb that rise in their own standard of living.

Now, Sir, while the Government is in full sympathy with Government servants and, indeed, with all members of the community on whom the cost of living is pressing, the Government feels that

the Government servant cannot be singled out as a specially privileged section of society in respect of whom every rise in the cost of living should be offset. (Hear, hear.) Unpalatable as this process may therefore be, the Government considers that Government servants on salaries above the lowest level must absorb the new increase themselves, either by adjustments in their own domestic budgets, or, if necessary, by accepting some lowering in their standard of living. With regard to persons, however, who are covered by the retail price index, it is the Government's view that such persons have little or no margin of manoeuvre within which they can absorb any significant increase in the cost of living. It is in respect of these persons, however, that the cost of living has risen a further 11 per cent and it is the Government's view that such persons cannot be expected to absorb a rise of that magnitude without the danger of serious hardship. The purpose of the adjustment proposed, therefore, in this resolution is to offset the rise in the cost of living in respect of such persons. It is considered that these persons will be covered by a salary level of about £100 per annum, and it is for this reason it is proposed to subdivide the lowest segment of £300 in the present scheme into two segments, the lowest of which will be £100 and the next will be £200, and, on the first segment of £100, to grant a further additional allowance equal to 10 per cent, making on that £100 a total of 30 per cent. The other percentages will remain unchanged throughout.

It is also proposed in the new adjusted scheme to uplift the present maximum of £150 per annum to £160 per annum. This means that the £10 increase which will arise from 10 per cent extra on the first £100 will persist throughout the whole scheme. Now, it is true that an extra £10 will, in some small measure, offer—or rather afford—a further relief to Government servants on salaries above the lowest in respect of the present increase, but it is not, strictly speaking, granted on that account. It is granted in order that we may maintain the general structure of the present scheme, and also in order to avoid telescoping which would otherwise occur within the scheme itself. Should it become necessary for us further to adjust

(The Financial Secretary)

this scheme at a later date, in respect of persons on salaries above the lowest, the existence of this £10 will, of course, be taken into account. The motion proposes that the new adjustment should take effect from the 1st July, 1951, the reason for that being that the rises in the indices to which I have referred took place—or eventuated—from the end of June, 1951.

Now, Mr. Speaker, the cost of this adjustment—if accepted—will be £90,000 in 1951, and £180,000 in the full year, 1952.

MR. BLUNDELL: £180,000 or £108,000?

THE FINANCIAL SECRETARY: £180,000, Mr. Speaker.—Twice ninety.

Now, Sir, those sums are very considerable, and it is the intention of Government—as it did in the present year—it is the intention of the Government as far as 1952 is concerned, to effect such economy as is possible in order to absorb this increased cost to the maximum possible extent during that year.

Mr. Speaker, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

LT-COL. GHERSIE: Mr. Speaker, as I understand the position, the hon. Member feels that, having given an undertaking that once there was a ten-point increase in the cost of living, he was morally bound to recommend additional relief.

THE FINANCIAL SECRETARY: Mr. Speaker, it might help the hon. Member if, at that stage, on a point of explanation, say that there was no such explanation, say that there was no such explanation. We were morally bound to give a review and he will notice the Government is not proposing to give any relief in respect of those persons to whom the relevant index has risen only ten points.

LT-COL. GHERSIE: Sir, having reviewed the position, I suggest that he felt morally bound to recommend relief. Having reviewed the position, has the hon. Member come to the conclusion that the only remedy is an increase in the cost of living allowance? Personally, consider that that is not the solution of the problem, and I believe there are

many civil servants who would agree with me on that point of view; and on that subject, Sir, I would be awfully glad if I could be informed what body—particularly what civil servants—have been consulted in this matter? Have the Civil Servants Organisation or the European Civil Servants' Advisory Board been consulted? I, Sir, happen to be an acting member of that latter Board and, with your permission, I would like to refer to one or two of their Terms of Reference:—

To ensure the greatest measure of co-operation between the Government and the general body of civil servants in matters affecting the Service.

2. To provide the best means for utilizing the ideas and experience of the staff.

3. To secure that representations of the staff are fully consulted regarding the conditions under which their duties are carried out.

4. And this one, Sir, to consider and advise on the general principles governing terms and conditions of service, e.g., recruitment, office hours, promotion, discipline, tenure, housing, leave, allowances, remuneration, superannuation, etc.

Now, Sir, I submit that the suggested method will only afford a temporary relief. It will probably create inflation and certainly there will be repercussions on the non-official community. What we require to-day is a reduction in the cost of living rather than an increase in cost of living allowances. I would be awfully glad, Sir, to be informed what channels, if any, the hon. Member has examined with a view to satisfying the position; I have some in mind, and I wonder if the hon. Member has considered them. For instance, a reduction in certain essential items in regard to customs duties, and an addition to housing allowance, or relief in income tax, I believe, Sir, I can anticipate his reply, which will be that any relief through those channels will necessitate increased taxation elsewhere. But that would not be strictly correct, because presumably we will have to find or we will probably be faced with increased taxation in order to meet the cost of the present cost of living allowance. I quite well understood the hon.

(LL-Col. Gherisi)

Member when he said that he would hope to effect the necessary savings elsewhere, but I submit that this is only a temporary relief, and we shall be confronted with this position again later.

If the policy, Sir, of increasing cost of living allowance every time there is a few points' rise in the cost of living is to be persisted in, then what will be the ultimate result? The Government machine will become financially embarrassing, we shall later on be faced with financial chaos, and probably drastic retrenchment. If there is to be any relief as far as the cost of living is concerned, I submit it must be afforded to all sections of the community, and not one section singled out for preferential treatment. That is why I submit, Sir, that these other channels should be surveyed and reviewed with a view to finding relief elsewhere. We must face facts, it is no use living in the clouds or like the ostrich burying one's head in the sand. If we are to face this additional expenditure, then we must have compensating savings effected elsewhere.

MR. MATHU: Mr. Speaker, I rise to support this motion, and I do so because I think that the need for it has already been made out, not only by the Government in introducing this motion, but I do know, Sir, through my conversations with the other members of the Civil Service that they are going through a very hard time, and actually when the hon. Member for Finance gave notice of this motion I was about to word my own, that a review should be made, although I knew nothing about the indices rising 6 or 11 per cent. The position of these lower paid civil servants has become extremely difficult. I agree with the previous speaker that the remedy of this situation is a temporary one, but it is a temporary remedy we cannot avoid because the suggestion of introducing wider measures for reducing the cost of living would mean appointing a committee to go into the Customs Tariff, to look into the income tax arrangements, to look into the prices of essential commodities, and so on. Now these lower paid civil servants, I do not think could wait for another three, four or five months, for a committee on cost of living reductions to report to this

Council. Therefore I feel, Sir, that although there might be on the part of Government no consultations with, perhaps, bodies that need consulting, I think that Government has acted very wisely to take quick action in this matter, and I would like to say, Sir, that this Council should support this motion and then, if necessary go into the whole question of what we are to do in 1952, to try and solve, or rather reduce, the cost of living which is rising every day. It is true, Sir, and I think we did make this point during the debate on the Cost of Living Commission Report, that the whole community living in Kenya today—all the people are finding it hard—they are not getting any relief; any allowances on the cost of living, because they are not in the Government service, but we do not ignore the fact that rising prices of everything almost is the fact—it is in the newspaper to-day that practically all the oils have gone up—tomorrow it will be something else—the next day, almost every day, the prices will go up. The Price Control office are very busy announcing rises in practically everything that goes into the domestic budget of all the communities of this country, but I do say, Sir, that this motion envisages no finality—it does not envisage any finality in resolving this problem. Its temporary nature, I think, does require our going back into the whole matter to see what can be done in regard to 1952. But I would like to hear from the hon. Member for Finance what is happening. Are there any things in the country here which form a part of the domestic budget that we can reduce the price of so that we can make the life of the common person easier than it is at the moment. It is going too far, I think, I do not want to make criticism, but I saw criticism of the present British Government made in the United Kingdom against their opposition about these matters of cost of living rise in the United Kingdom and I think the Government and ourselves all put together ought again to review the whole position and see what to do, because it is getting beyond, I think, what the common man can accommodate.

Now there is a final word I would like to say in regard to the people who have had their retail price index rise by 22 points, or the cost of living index by

(Mr. Mathu)

11 per cent from the basic year of 1948. If we start with a 30 per cent increase on the first £100 a year. Now what happens to the fellows with less than £100 a year, because they are worse off than those with £100 a year or more? I may be told that comes to the Minimum Wage Board and that kind of thing, but they are worse off than the £100 people.

THE FINANCIAL SECRETARY: Mr. Speaker, if the hon. Member will give me a moment, I think it will save misapprehension if I explained to him that in the wording of the motion the 10 per cent runs throughout the first £100, so that anybody on £50 would get 25 extra. I hope that that makes the matter quite clear to the hon. Member.

THE SPEAKER: Before the hon. Member proceeds I want to point out that though this motion refers to 20 per cent on the next £200 and all the words there following, that is no amendment to the original scheme. I am right there, I think. The only alteration is in the first £100—(THE FINANCIAL SECRETARY: Correct, Sir.)—and the debate accordingly should be limited, and we should not run away into the whole of the general cost of living question and everything like that.

MR. MATHU: Well, actually, Mr. Speaker, I have made my points. The first is that the first £100 people are very hardly hit and I think they deserve the extra 10 per cent. The other people I was worrying about, the hon. Financial Secretary has removed my misapprehension and I can say no more but that I wholeheartedly support this amendment to the original motion.

MR. HAVELOCK: Mr. Speaker, on a point of order, is not the £160 maximum also an alteration?

THE SPEAKER: Yes, it is.

MR. HOPKINS: Mr. Speaker, while I, of course, sympathize with all those who are hit by the rising cost of living, whether they are inside of the service or out of it, I am not a little concerned that Government should have found it necessary to come back to this Council and ask for an increase in the cost of living allowance so soon

after it was first granted. Further, I feel that Government's method of dealing with rising costs by chasing them with rising emoluments is wrong, and will aggravate rather than relieve the position. I have discussed this question of an increase in the cost of living allowance with quite a number of Government servants, and I have been very impressed with how many have expressed dispendent doubts as to whether this raising of the cost of living allowance each time the price index rises a given number of points will really give them anything but very temporary relief. They are beginning to realize in fact, that they are beginning to realize that there has been a rise in the part that there has been a rise in the emoluments of civil servants this is very quickly being followed by a general rise in salaries and wages throughout the Colony. That, again is followed by an increase in the cost of life's essentials, so that in a very short time the Government servant finds himself back exactly where he started. I do not, of course, quarrel with the hon. Member's intention to try and find economies in the cost of living allowance, but I should, however, like to make it clear that in no way do I believe that this saving of money on one vote in order that you can spend more in another is going to make any real difference to the cost of living. At the best, this robbing Peter to pay Paul does no real harm. But what we really need is to do something which will really have the effect of starting a downward trend in the cost of living. I can think of nothing which would do more good than a decrease in the cost of Government, but in view of the motion which I see in the Order Paper in the name of the hon. Member for Rift Valley, that would probably be a better opportunity for discussing this.

In pursuance of the promise given by the hon. Member for Finance in the last cost of living allowance debate, I note that he has made savings of £138,000. Now, Sir, I should like to ask that we should be given information as to how the savings were effected. I should also like to have information as to how he proposes to effect savings on the present proposals. I do not mean that I want him in his reply to give me these details, because I think what I want postulates a written statement.

[Mr. Hopkins]

Finally, Sir, I should like to protest against what now seems to be the established practice of Government; I refer to their sponsoring of schemes for the relief against rising costs which have the effect of bringing the emoluments of the lower paid, less experienced, and therefore generally less efficient, juniors nearer to those of the more experienced and more efficient higher-paid officials. This telescoping of emoluments is, I am sure, a short-sighted policy, which in the long run must have the effect of making the senior officials most discouraged, as well as removing from the junior officers the incentive to achieve greater financial security and social security by harder work and greater efficiency. Sir, I protested some two to three years ago against the introduction of this principle into schemes for the relief of pensioners. I protested against it again in the cost of living allowance debate which took place a few months ago, and I wish now once again to express my strong objections to its inclusion in the proposals before Council.

Sir, I believe that in all the circumstances this relief which is proposed is necessary, and with the reservations which I expressed I therefore intend to support the motion.

MR. MARONCHE-WILWOOD: Mr. Speaker, I rise briefly to oppose the motion. I think this question of giving a cost of living allowance to-day would be utterly premature, and exceedingly dangerous. I am extremely doubtful if the lower paid middle groups of the Civil Service are at the present time worse paid than their prototypes in other employment, and I believe that people of that sort will very much resent the granting of a cost of living allowance at this time. I meant to speak at some length on this question of telescoping, but it has already been ably dealt with by my hon. friend the Member for Aberdare. I would like to say this additionally, that if we persist in this practice of giving cost of living allowances, by always diminishing the gap between salaries it is serious as all these cost of living allowances tend to become permanent; we do not live in a world where the cost of living is in the least likely to go down, it is likely to go up, and be followed by devaluation rather than by deflation, and under those

circumstances what we are doing is to narrow the gap between the top, the middle and the bottom, and I believe that efficiency is impossible under those circumstances, because it is on those at the top upon whom the efficiency of any country or any business chiefly must depend.

Furthermore, I think that cost of living allowance in this instance is particularly dangerous, as a cost of living allowance to civil servants must perform to be a cause in itself of a rise in the cost of living to others, as well as being an effect of the rise in the cost of living. For those reasons, I am afraid this time I must oppose it. I believe that the hardship is not as great as has been suggested, and brought up again if there had been the matter could have been well left over a further rise this year.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I have no intention of anticipating the reply which my hon. friend the Member for Finance will make to this debate, but it is clear that there is a misunderstanding in the minds of both the two hon. gentlemen who have just sat down. They have both deprecated this tendency, or what they call a tendency, to telescoping, reducing the margin between the emoluments of the persons in the top ranks and those lower down in the scale. There is, Sir, no such tendency whatever in these present proposals. My hon. friend made the point in his opening remarks. This £10 increase runs right through the whole of the salary ranges of the service, and it is precisely to avoid reproducing this tendency yet again, that the maximum of £150 has been raised to £160. That, Sir, is a fact.

MR. HOPKINS: Sir, does not the hon. speaker realize that this proposal is giving an increase on the whole of the salary of the junior people, and only on a very small portion of the senior people? Surely that is tantamount to telescoping?

THE ACTING CHIEF SECRETARY: I do not think it is. Where you have an increase of £10 right throughout you do not keep the margin the same. You do not vary the margin, but so long as that is clear, that was the only point that I wished to make.

The only other point I wished to emphasize—it has already been made—it is that in putting forward these proposals the Government has sought to

[The Acting Chief Secretary]

provide relief only in respect of that proportion of an officer's emoluments in respect of which there is definite hardship. We believe that the lowest paid employees have no margin within which they really can manipulate their own domestic budgets in order to make possible the finding of the extra money required to meet these rising costs. That is why the proposal which is now put forward is, as we have thought, a moderate one, necessary to meet what we believe to be a hardship emergency for the lowest, and only the lowest, paid members of the Service.

I beg to support.

MR. HAVELOCK: On a point of order, Sir, arising out of the remarks of the hon. Member, it is obvious that a rise of the maximum allowance from £150 to £160 affects all grades of the Civil Service; therefore, Sir, does your ruling still stand which you made to the hon. Member for African Interests that we may not discuss all grades.

THE SPEAKER: Yes, I am now clear in the matter, that everybody throughout the service will get £10 on his first £100 of salary. That is, supposing a man now has £650 a year, he is getting £95 at the present time, he will be getting £105. A man on Sh. 40 a month will get 30 per cent. on his Sh. 40 a month, and he will now go up to Sh. 52. I think it is more general than I previously imagined. I thought there was a limit, but I was wrong.

MR. HAVELOCK: Thank you, Sir.

MR. BLUNDELL: Mr. Speaker, I must make it clear that I support the motion before the Council.

Now, I think it is easy to be tempted to oppose it, but I am convinced that on the figures which the hon. Member for Finance put before us, the lower grades, which are mainly covered in the motion, need this assistance. Now I ought to make it clear that my support is entirely dependent, and has been given, on the assurance which the Member for Finance made, that he will effect savings to this amount. I have here an amendment which I intended to move to tie that assurance up well and proper! But I think, in view of his remarks, it is not necessary.

There is one point I would like to refer to, which is this: I believe it would enormously assist public opinion in this matter if, at the time of the Budget Session, as the hon. Member for Aberdare suggested, he was able to indicate to us the savings which in effect he had made and thus convince us of—there is no need to convince us, but to make assurance doubly sure—of his integrity. (Laughter.)

I want to make two points, Sir, on this cost of living motion. One is this. If we are constantly going to have a cost of living allowance of this nature, I believe hon. Members opposite must ensure, and we have said it before, that this service is efficient. I believe that as the cost of the service rises, we cannot afford to carry bodies within it, specially in the middle sections, which are expensive, which are not efficient and do not carry out their duties with dispatch. Further, I would like to ask the hon. Member, when he replies, what action Government has taken, for instance, to reduce the cost of living in regard to housing, by examining the possibility of bringing within Nairobi sewage schemes to allow a closer number of houses per acre, and thus reduce the cost of housing in terms of the land upon which it is built.

I would like to ask the hon. Member whether they have satisfied themselves that they have taken all the steps necessary to import artisans for the building trade from other sources, which might also in their turn reduce the cost of building. Now, I mention this, Sir, because in view of the ruling you have just given, especially for the people in the higher income groups, the cost of housing is a very large item indeed in the cost of living. I believe that a concerted attack upon the cost of housing would probably give us the best avenue to deal with this problem of the constantly rising cost of living.

Now, Sir, if I might just return to the assurance the Member gave us that he will effect savings, I wish to stress how keenly I anticipate them. If that process is carried out, logically we shall achieve what the first settler who ever came to what the first settler wished, the complete elimination of the Government, because as the rise in the cost of living continues we shall reduce the number of bodies and

[Mr. Blundell] the result will be that the hon. Members opposite will, if I may coin the phrase, "Cola" themselves! (Applause.)

MR. NATHOO: Mr. Speaker, I rise to support the motion before the Council, Sir, because I feel that we have no choice in the matter at all. The case the hon. Member for Finance has made out for this increase is, I am afraid, so strong that we cannot but support it. My fear, however, is, Sir, that with the trend of prices as they are at the moment, I fear that even after a few months have passed, we shall be faced again with a similar motion for a rise in the cost of living allowance unless some method is found to peg prices. It has been suggested in some quarters, Sir, that the only way of avoiding this rising cost of living is to go back on rationing, and ensure that the essentials of life are available to all at a certain level. If we are to be faced with this increasing and constant demand for increase in this cost of living allowance, much as we detest this system of rationing, I feel, Sir, that the general economy of the country will force us to that position, and I hope, Sir, that Government in the meantime will again investigate into the matter and see if there is any other method of affording relief, which is only temporary, than this cost of living.

THE FINANCIAL SECRETARY: Before the hon. Member sits down, will he explain for my guidance and the guidance of my hon. colleagues on this side precisely what form rationing should take in order to reduce the cost of living?

MR. NATHOO: Well, Sir, I am not very versed in what I have been told, but I was informed, Sir, that in the United Kingdom the only way in which prices had been able to keep the prices down to the level they are at the moment is the fact that rationing still exists on all essential articles, and I suppose the ultimate reason for those low prices are subsidies. Much as we dislike these subsidies, Sir, if we find that these are the only way in which we can peg the prices down against our rising costs, we will have to agree to it, Sir, because with this constant demand for increasing cost of living allowances we do not know what our commitments are, and as time goes on, Sir, we are likely to get into deep waters.

MR. MATHU: Would the hon. Member also include in his system of rationing the coupon system?

MR. NATHOO: That is what I had in mind.

MR. HAYLOCK: Mr. Speaker, I find myself in some difficulty, as I have not been able to study the papers and reports on which, presumably, this recommendation by Government is based. I would like very much to know the weighting of the rise of the cost of living, especially for the lower paid people, that is, where has the rise been most burdensome in the last six months or so, is it in fact—I am talking now of the lower-scaled employees—is it in fact on items which are part of the rising standard of the African, or is it on items which are essential to his living?

Now, as regards the rising standard of the African, Sir, we hope to see it increase and, of course, it must come, and in fact on that line alone I think we must admit and accept the fact that African wages in the future will be higher. I am by no means opposed to it, in fact it is obviously the right thing for the proper development and the economic security of this country, that the greater number of the inhabitants of the country should have a higher standard of living, therefore more money to spend. But it seems to me that this continual extension of the cost of living allowance system is not the right way to meet that. I believe that as far as the lower paid employees are concerned, we should recognize the fact that their salaries must progressively rise over a number of years, that we should periodically review their salary scales, salary scales, and not tie it entirely to the cost of living, as it is being done to-day. In other words, let us get back to the worth of the man rather than to the matter of what it costs him to live. We want to pay for what is given. Now, Sir, this matter has been discussed in different debates a number of times, and I have pointed it out before, and I point out again, that if a man demands more than he is worth, then he is not going to be employed, and employers, whether they shall be Government or private, will find some other method for replacing him with someone else, either with another type of person, or with machines. That

Mr. Haylock] can be done in many ways. Therefore, it is very doubtful as to the advisability of carrying on with this policy of cost of living allowances being stepped up at every rise in the point system, or whatever it is called.

The other thing that worries me, in spite of remarks that my hon. colleagues on this side have made as to the teleology, is there really a necessity for another £10 for even the highest paid civil servants? It all amounts to quite a lot of money, and is there really that necessity, as the hon. Mover said. Should that not be part of the sacrifice that the higher paid civil servants should make, together with the remainder of the community?

Another point, Sir, is the matter which has again been raised by hon. Members on this side but not specifically. That is, what efforts have Government made to meet suggestions which have been put forward from this side of the Council from time to time on this matter of cost of living. That again ties up with the question that I dealt with at the beginning of this speech.

I remember in the cost of living debate at the beginning of the year, I said I thought that the really heavy burdens on all sections of the population were transport and housing rent, and I still believe that those are the heaviest items in anybody's budget. That is on a normal national budget, not the budget of a man who has a club bill of Sh. 500 a month or something. Now, has anything been done to try to meet this particular burden of transport? At the time, I think I mentioned that it may be a responsibility of the City Council of Nairobi to go into that matter, because I think it is the transport costs which are very heavy on the townsmen. The agricultural man does, at least, have some relief in that he can include his transport costs in the cost of production.

For instance, I understand that at one time a bus was run to Kileleshwa in order to take the civil servants to their offices. I understand very few made use of that bus. Well, has that been gone into? Has it been tried again and have the Civil Servants Association been approached on that matter? Of course this does not only apply to people in Kileleshwa but it may

very well apply to the lower wage groups within which we are dealing more specifically in this motion.

The matter of housing does not affect the civil servants as much as the ordinary citizen, as to my mind his rent is very reasonable. But, will the hon. Member tell us in reply whether those aspects of this problem have been studied by Government. I certainly cannot see how they can have been sufficiently studied without some result. Although I have expressed doubts, Sir, and grave doubts as to the wisdom of continuing to follow this policy of increased cost of living allowances, I am not going to oppose this motion. I understand from my colleagues that there is a burden—that is a difficult time for certain sections of the Civil Service and I also understand that the great majority of them have agreed to support this motion with the provision that was made by the hon. Member for Rift Valley and therefore I would not go against them in this particular matter. But I have my doubts and wish to register them.

Just before I sit down, there is one more point I would wish to make. Again in relation to the burden, the allocation of the burden within the cost of living of different people where it has become heavily—and especially where it has become more expensive in the last six months—if it is in the cost of foodstuffs, all I can say is this, that after a certain amount of travel in the last few months, I have come to the definite conclusion that the price of foodstuffs in Kenya is cheaper. I would say, than anywhere else in the world and I mean that when I say it; anywhere else in the world in spite of subsidies and other things that other countries have got. The cost of our foods in Kenya is really extremely reasonable.

Sir, I beg to support.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I have been asked to deal with one point raised by the hon. Member for Rift Valley, who is, unfortunately, not in his seat at the moment, which seems to me to have only a remote connexion with the question of cost of living allowances; that is the provision of sewage schemes in the larger towns, mainly Nairobi, so that more houses can be built to the acre. The Government has that matter under

[The Acting Deputy Chief Secretary] consideration, and the Member for Health and Local Government and I have discussed it with the City Council. The rate at which it can be done depends upon the money available to the City Council to provide sewers, and the rate at which the manpower available can build the new sewage systems.

MR. BLUNDELL: Is it under "active consideration", "active and strong consideration", or merely "under consideration"?

THE ACTING DEPUTY CHIEF SECRETARY: Very active consideration!

THE SPECIAL COMMISSIONER FOR WORKS: I will deal with one point that has been mentioned and that is housing. It is, of course, an unfortunate fact that at the present time it is very expensive to build houses. The reasons for that are probably well known, but one or two of the more important ones I would like to touch on. Much of the difficulty faced by the imported effort in this country which has been developing during the past two or three years is due to the very expensive overheads that have to be carried by contractors who come out here for the first time to start building work of this kind. Many of them have to set up expensive offices, they have imported artisans who are not always happy when they get here and do not always fit in with the general conditions of the country. On the other hand, they have been handicapped too by the failure in the supply of materials such as has been mentioned already this morning, cement. Steel is another very important material which seems to hold up work and prevents a considered programme from being carried out which will keep contractors fully employed. The question of artisans comes home to us in that we are trying to train local artisans—(Applause)—and improve their standard of craftsmanship. Now, that can only be done with proper supervision, proper training schemes and also, which I hope will be brought about shortly, a proper system of testing whereby craftsmen can be tested and graded with regard to their skill and paid accordingly. So many of our local craftsmen have the idea that once they can handle a tool, in a way, that they are highly skilled craftsmen and therefore entitled to the top scale

of salary. Well, all these sort of things have a bearing on the cost of building, and at the moment it is unfortunately true that costs have risen quite sharply in the last six or eight months and that they are now higher than they have been in the past, and higher than they are in many other parts of the world, where we would expect, perhaps, costs to be greater than they are out here, but I am afraid that no immediate hope can be given of those costs coming down. It depends, I say, first of all on a better and cheaper supply of materials and, secondly, on improved skill and better results from such skill.

MR. USHER: Mr. Speaker, these proposals now before the Council result, I think, from an undertaking by the hon. Financial Secretary that Government would review the position in certain circumstances and those circumstances have now arisen. What I want to know is how does that guarantee now stand and when does the next review take place? On the 1st January, or after a rise of a point or two? I am rather apprehensive because I feel that once an undertaking has been given to review after certain conditions have been fulfilled, there follows something in the nature of a moral obligation to do something about it, and personally in those circumstances I think I should feel rather more comfortable if it might be dealt with in this way—that the matter should be kept under constant review.

MR. JEREMIAH: Mr. Speaker, I also stand to support the motion. My only fear is that the increase which we are asked to recommend to civil servants is going in a few days to be absorbed by the rising cost of living. Last time when an increase was given immediately the price in the shops rose and the position remained as it was and I am inclined to agree with the hon. Member for Nairobi North when he suggested that Government should try to seek some alleviation of hardship through other channels such as house allowance and so on, but in the meantime I support the motion.

THE FINANCIAL SECRETARY: Mr. Speaker, I think that the essence of the points which have been made from the other side is the question of the cost of living itself. The greatest doubts have

[The Financial Secretary] been expressed from the other side as to whether in meeting the cost of living the granting of temporary allowances which, by their nature, must be presumed to rise as the cost of living rises—the greatest doubts have been expressed as to whether that is the best way of dealing with this problem. And as a corollary to that, we have been asked on the Government side "Why doesn't the Government do something positive about the cost of living rather than take this negative attitude by increasing emoluments each time there is a rise in the cost of living?" Now, Sir, when hon. Members talk to me about the question of the rise in the cost of living I have got me on my favourite subject! I can only thus point to them—look at the position in any country in the rest of the world; look at the United States with its tremendous power to control its economy—what is the position there? Admittedly, there is a lull at the moment, but these last 12 months have seen the development of very serious inflationary conditions in that country and a most disturbing rise in many of the commodities that enter into consumption, or that enter into capital production. It is true, Mr. Speaker, that at the moment that process seems to have died down, but if I were asked my opinion I would say that within the next 12 months, with the great pressure to get the rearmament programme into its stride, in the United States, the next 12 months will see a fresh impulse given to this inflationary tendency, an impulse which might prove very much worse not only to the United States but to every other country in the world than the one we have so far experienced. Let us take the case of Australia. Every day in any economic or financial paper—what do we see—HEADLINES—INFLATION—Australia, a country with all that money, with all that intrinsic wealth! In the first quarter of this year the wholesale price index in Australia rose by 18 per cent, and in the second quarter by 28 per cent, and we talk about the unfortunate effects of the cost of living in this country. We have to ask the hon. Member sitting opposite, the hon. Member for Kiambu, that whatever people may say, in this country the cost of foodstuffs here is lower than any other place he visited throughout his travels. Let us keep the

problem, Mr. Speaker, in perspective. I can think of plenty of ways of keeping down the cost of living. But I should have to be a dictator to do it. Let us put a price freeze—let us put a price freeze on cereals, on primary produce—quite simple! It does not matter about the farmer as long as the price to the consumer is kept down!

MAJOR KEYSER: Abolish consumption!

LT.-COL. GHEARIE: On a point of explanation no one has ever suggested that the whole cost of living is governed by the price of food.

THE FINANCIAL SECRETARY: Mr. Speaker, my reply does not give the slightest implication that I am covering only food. I take that as one example to refute the general complaints in this country that the cost of living is out of control. What I am trying to say is this: that this inflationary pressure is world wide. We are in a raging sea and I can say this, Mr. Speaker, that if in the United States the Government of that country, with its all-powerful economy, and in the United Kingdom, with their highly controlled economy, they cannot control it, then I suggest, Mr. Speaker, that this Council can hardly expect the Financial Secretary of the Government of Kenya to do it. (MR. HAYLOCK: Work more.)

Now, Sir, I will say this: that I do not wish to give the impression that our attitude is one of defeatism. We have done so in the past, and will continue to do all we can, to see that the cost of living does not rise above what it ought to, but obviously we cannot control the import price of imported goods. Let us take the cost of petrol and oil. It is known in this Council that in the consumption of petrol and oil the United States is not only more than the rest of the world put together, but very much more, and the whole of the world structure is bound to be reflected by the consumption in that country. If it is suggested that we can control this price by controlling consumption in that country? If we could we might be able to control the price in Kenya but I suggest, Mr. Speaker, it is something wholly beyond our control. Price control we do impose and will impose, but there are obvious limitations to its effects. No imposition of price control in this country



[The Financial Secretary] can affect the f.o.b. price at Liverpool of goods coming here for consumption. (Hear, hear.) And in the end, of course, these prices—the prices f.o.b. Liverpool—enter into the cost of production of primary produce in this country. The farmer must use machinery and implements, he must use oils and petrol, and it is in regard to those things that his cost of production *must* go up. (Applause.) Mr. Speaker, I hear applause from certain sections opposite. Obviously, they may expect me to try to take too much advantage of what I have said this morning. (Laughter.)

Now, Sir, the hon. Member for Nairobi North asked why it was that we had singled out only one section of the Government servant community, that is Africans, for this relief. Sir, I thought I made this quite clear in my opening speech. What I meant was that the people on the lowest segment are the people whose margin of manoeuvre either is non-existent or is so limited that it cannot absorb a further rise.

LI. COL. GUERINI: Mr. Speaker, on a point of explanation the distinction I was making in singling out one section of the community was official *vis-à-vis* non-official.

THE FINANCIAL SECRETARY: Mr. Speaker, I stand corrected. The hon. Member will, however, still note the remarks which I made in my opening speech, that it is the Government's view—and I reiterate that view—that we cannot single out the Government servants as a specialized section of society in respect of which every rise in the cost of living must be offset. In this matter, however, we are acting as employers. We have got to see that our people get a reasonable "do" in this matter. We are not singling them out as a Government. We are trying to do something for them as employers and trying to do what we regard as the very minimum compatible with fairness. Surely that is what any good employer would seek to do?

Sir, I think that the various other points have been covered, but I would like to refer to the question asked by the hon. Member for Aberdare. He asked me if it were true that we had a saving

this year in accordance with the undertaking I gave that as much of the gap between the surplus we expected this year and the overall cost of the original cost of "Cola"—that is to say about £150,000—I undertook to see that the Government imposed economies to cover as much of that difference as possible. The actual saving that has been effected was not £150,000—it was proved impossible to do that, Mr. Speaker—but the total sum actually saved was £138,000 which I think it will be agreed, Mr. Speaker, went a long way towards implementing our promise. The hon. Member asked me in what way this was done. Well, Sir, this saving was spread throughout all the portfolios of my hon. colleagues, and to attempt to state these details across the floor of the Council would take a very long time indeed.

MR. HOPKINS: Sir, what I asked, and I am sorry I did not make myself clear, is that at some time convenient to the Member he would give us a written statement how and where these reductions were made, and in addition to that a statement of how the reductions are going to be made in the future economies which he has promised us.

THE FINANCIAL SECRETARY: Sir, I will certainly undertake, if it is the hon. Member's wish, to provide the necessary information indicating how £138,000 was in fact saved in 1951, and I also undertake that during the coming Budget Session I will indicate how it is proposed to absorb this £180,000, or as much as possible of that £180,000 during the coming year.

MR. HAVLOCK: What about the £90,000?

THE FINANCIAL SECRETARY: Sir, my notes are rather illegible. I think it was due to the shaking of my hand owing to the ire roused in me by the references to the cost of living! But I see reference to certain remarks made by the hon. Member for Kiambu. I think his question on housing has been answered and as for transport I think there is a very great deal in what he says, and I can assure the hon. Member that I have interested myself in this very much ever since he made his original remarks. But I think he will appreciate, it is a matter relating to the transport system of Nairobi. And this matter as I understand

[The Financial Secretary] by the under active consideration by the authority concerned, that is to say, the City Council.

Mr. Speaker, if there are any other points which I have not answered in this other diffused debate I will be only too pleased to do so if hon. Members would draw my attention to them, but failing that, Mr. Speaker, I beg to move.

MR. USHER: Mr. Speaker, would the hon. Member reply to my point as to when the next review takes place.

THE FINANCIAL SECRETARY: Mr. Speaker, in reply to that I can only say what I had, in fact, intended to say, i.e. that I intend to follow precisely the principle the hon. Member himself suggested, that this matter will be kept under constant review.

The question was put and carried.

#### INCREASES IN COST OF LIVING ALLOWANCES FOR GOVERNMENT PENSIONERS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move:

BE IT RESOLVED that in the event of the Pensions (Increase) Ordinance, 1951, receiving the Governor's assent this Council approves an amendment being made to the Second Schedule thereto by order of the Governor in Council made under *pari passu* (iii) to sub-section (2) of section 1 of the Ordinance to provide that with effect from 1st July, 1951, where the pension is a pension specified in the First Schedule to the Ordinance then subject to the provisions of the Ordinance—

- if the pension does not exceed £100 per annum the increase shall be 15 per centum of the amount of the pension;
- if the pension exceeds £100 per annum but does not exceed £300 per annum the increase shall be 15 per centum of the first £100 of the pension and 10 per centum of the remainder of the pension;
- if the pension exceeds £300 per annum but does not exceed £650 per annum, the increase shall be 15 per centum of the first £100 of the pension, 10 per centum of the next £200 of the pension and 5 per centum of the remainder of the pension;

(d) if the pension exceeds £650 per annum, the increase shall be 15 per centum of the first £100 of the pension, 10 per centum of the next £200 of the pension, 5 per centum of the next £350 of the pension and 2½ per centum of the remainder of the pension.

Mr. Speaker, hon. Members will recall that when I moved the Pensions (Increase) Bill it was stated that the proposals *inter alia* provided for an increase in the pension for both pre-1946 pensioners and post-1946 pensioners by an allowance equal to half the rates of "Cola", if I may use that term, Mr. Speaker, as a portmanteau expression—half the rates of "Cola" which were subsisting for serving Government officers. It was understood that it was possible that the rates for serving Government officers might be varied and for that reason it was provided in the Bill itself, that is to say section 3 (2) proviso (ii), that the Second Schedule which sets out the rate of these allowances could be varied by an order of the Governor in Council, provided the approval of this Council was secured, such approval to be signified by a resolution. Mr. Speaker, it is that resolution which is now before the Council, and the need for it stems from the fact that we have just varied the scheme applicable to Government servants, and for that reason the Second Schedule should be varied *pari passu*.

Mr. Speaker, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

MR. BLUNDELL: Mr. Speaker, I merely rise to ask the hon. Member two points. Will he inform the Council the cost of this motion. I think he failed to do so. The second point is this—I am not quite clear—in my own mind—are we now establishing the principle that pensions are inextricably tied to the cost of living, because if that is so, that is a principle that I think the attention of this Council should be drawn to and I certainly would not support that on a long term basis.

THE FINANCIAL SECRETARY: Mr. Speaker, on the question of cost I regret that I omitted to mention this. It is certainly an important point in relation to motions of this kind. The cost is estimated to be about £8,000 per annum,



[The Financial Secretary]

On the question of whether we are tying pensions to cost of living, or cost of living allowances, I am rather surprised to hear the hon. Member raise this point at this stage. I think it was made quite clear in the debate on the Pensions Increase Bill itself, that what we were proposing to do was to give both pre-1946 and post-1946 pensioners an allowance equal to half the cost of living allowances subsisting from time to time in relation to Government servants and indeed it was because we felt that the scheme applicable to Government servants might be varied that the provision in the law was made to vary the schedule covering these allowances by means of this procedure. I repeat that I am rather surprised, Mr. Speaker, that the hon. Member did not appreciate that at the time.

MR. SALTER: Arising out of the first part of the hon. Member's reply, Sir, might I ask him another question: that is whether the sum of £8,000 includes the increases which may be anticipated in pensions resulting from the savings of personnel in Government—in other words, if there are savings in the Government by reduction in personnel, presumably the people who are leaving the service or a portion of them will become eligible for pensions.

THE FINANCIAL SECRETARY: Mr. Speaker, I am not quite sure whether the hon. Member is asking Government, whether, if it has been able to swallow the camel, it is going to strain at the gnat, but I can only say that the £8,000 has been calculated taking every known circumstance into consideration—but only the known ones. It is rather difficult, even for the Government, to take into consideration unknown factors! (Laughter.)

The question was put and carried.

#### ADJOURNMENT

Council rose at 12.44 p.m. and adjourned until 9.30 a.m. on Thursday, 30th August, 1951.

MR. BLUNDELL: Mr. Speaker arising out of that answer, would the hon. Member explain to me the method of diversion of supplies or allocation to the various areas.

Thursday, 30th August, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 30th August, 1951.

The Speaker took the Chair at 9.35 a.m. The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of the 29th August, 1951, were confirmed.

#### MODE OF ADDRESSING THE CHAIR IN COMMITTEE

THE SPEAKER: Hon. Members, a point of order was raised by Mr. Obanga a few days ago on the question of the style to be used in addressing the Chair. I have considered the matter and I see that it was decided on the 15th December, 1948, that the mode of addressing the Chair in Committee should be "Mr. Chairman". You will find the reference in column 325, Volume 31.

#### ORAL ANSWERS TO QUESTIONS QUESTION NO. 75

MR. BLUNDELL:

Will Government state the amount of cement which has been sailed from Mombasa up country during the months of June, July and August to date to:—

- Nairobi?
- Uganda?
- Kenya up country from Nairobi?

THE MEMBER FOR COMMERCE AND INDUSTRY: Railings from Mombasa were:—

	Cement tons	Clinker tons	Total tons
(a) Nairobi—			
June .. ..	3,823	2,249	6,072
July .. ..	4,719	1,783	6,502
August (to 23rd)	2,980	—	2,980
(b) Uganda—			
June .. ..	4,125	—	—
July .. ..	3,110	—	—
August (to 23rd)	4,919	—	—
(c) Up-country stations other than Nairobi—			
June .. ..	2,817	—	—
July .. ..	3,550	—	—
August (to 23rd)	1,593	—	—

MR. BLUNDELL: Mr. Speaker arising out of that answer, would the hon. Member explain to me the method of diversion of supplies or allocation to the various areas.

THE MEMBER FOR COMMERCE AND INDUSTRY: The allocation of supplies is, of course, in relation to the supplies available and is made by the major exporters. The limiting factor unless, of course, the port is empty of cement is the capacity of the railway to send the cement up country. There are, therefore, two inter-acting factors, the availability of cement within the country and the capacity of the railway to ship it.

MAJOR KEYSER: Arising out of that reply, would the hon. Member tell us whether he is satisfied that up-country towns are getting their fair supplies of cement in comparison to Nairobi.

THE MEMBER FOR COMMERCE AND INDUSTRY: Well, Sir, I would suggest that nobody could be satisfied that this country is obtaining its full requirements of cement. I have given the figures as to what is going up country. Whether that is a fair share or not, I do not know, just as I would not be able to say whether Nairobi obtains a fair share. What I do know is, that the amounts Nairobi is obtaining and the amounts up-country areas are obtaining, in both cases is inadequate to meet their needs.

MAJOR KEYSER: Arising out of that reply, would the hon. Member agree with me that it would appear that Nairobi is getting two and one-half to three times as much as the rest of the country and that on appearance would not seem quite fair.

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, I could not agree. Before expressing any opinion—I do not agree or disagree—I would want to know the relative priorities of all the building projects in Nairobi in relation to those up country.

MR. BLUNDELL: Mr. Speaker, arising out of all those answers would the hon. Member tell me whether there are any alternative sources of supply for Uganda other than those mentioned in his answer.

THE MEMBER FOR COMMERCE AND INDUSTRY: I cannot answer for the Government of Uganda but I do understand that a cement works is being completed near Tororo.

MR. BLUNDELL: Is that cement works in operation? Is there no cement production in Uganda other than what is imported?

THE MEMBER FOR COMMERCE AND INDUSTRY: Before I can answer for a concern which I understand is financed by the Government of Uganda, I would have to communicate with the Government of Uganda. I cannot answer questions on their behalf without communicating with them.

MR. HAVELOCK: Would the hon. Member say who allocates the requirements of Government as against those of private enterprise.

THE SPECIAL COMMISSIONER FOR WORKS: I do not know whether I can throw any light on this point, Sir, but we arrange our own indents at the Colonial Office and the Crown Agents and those indents are in due course shipped. When they reach Mombasa they are then sent to us, but how the allocation at home is done, I do not know, but I think the orders are placed direct with the suppliers and are compiled with in the ordinary, normal course of business.

MR. HAVELOCK: Would the hon. Member please get the information for me, Sir.

THE SPEAKER: I dare say. Put it on notice.

#### QUESTION NO. 78

MR. SALTER:

Will Government consider the immediate introduction of legislation to provide for the labelling of tinned foodstuffs showing the maker's name and address and the weight and contents of each tin?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government has under consideration the introduction of legislation of the type proposed.

MR. SALTER: Arising out of that reply Sir, would the hon. Member indicate when such legislation is expected to be introduced.

THE MEMBER FOR COMMERCE AND INDUSTRY: As the hon. Member will appreciate the matter must be discussed with the canners and with the Health Authorities, and when those discussions have been completed then the matter will go to the Board of Commerce and Industry, and I hope that legislation can be introduced at a comparatively early date in this Council.

## MOTION

## INCREASE IN COST OF GOVERNMENT

MR. BLUNDELL: Mr. Speaker, I beg to move: That this Council notes with alarm the increase in cost of Government and believes this will result in restricting the resources available to Government for the most essential development of the Colony. It therefore requests Government to examine all branches of expenditure with a view to effecting economies.

Mr. Speaker, before I begin to speak on my motion, I should like to ask for an assurance from the hon. Leader of the Government that the machines to which he referred yesterday are in order: that my words will be recorded correctly.

Now, Sir, I am moving this motion not in an aggressive manner or in a destructive manner of the Government, but in order to express a point of view which has been held certainly amongst my constituents, and I am certain amongst many of my colleagues. Basically, I feel that over the last five years we have tended to depart from what is fundamental in this Colony—that we are a poor country. That has come about because we have had the illusion of wealth. The illusion of wealth is a combination of many factors. One is the great flow of capital into the country immediately after war. A second one was the backing of pent-up financial resources which were released at the end of the war, which were amassed by the general slow process of generating money which took place during the war and the last is a curious combination in my view of our initial low price structure in cereals with an consequent belief that the Civil Service was an easy burden to carry, followed by the recent adjustment of agricultural prices more in keeping with that of the world, with a consequent realization to the country that the Civil Service is in effect an expensive structure in relation to our resources.

Now, I feel it is important to express this point of view at the present time, because over the last five years we have tended—very often at the instigation of the Members on this side of the Council, often with the connivance and active encouragement of Members on the other side of the Council—we have tended to build up posts—services, etc.—which are not essential. They might well be desirable—in fact one has only

got to attempt to abolish a post to realize all the vital necessity for keeping it as advanced by hon. Members opposite—but what I am trying to put over is this: that in a poor country with limited development and limited resources there is only a certain amount of money which we can afford to move towards to the administrative Governmental machine, and the first priority on that money has got to be the servicing, for instance, of our loans, for our development. Certain statutory commitments to which we are bound, such as the education programme, the acceptance by this Council of the Beecher Report, the Compulsory Education Ordinances, the vital necessity of maintaining communications in order that the development of the country can progress, and such matters as the Mombasa Water Supply.

Now, every time that we vote a sum of money to some highly desirable, but not fundamentally essential, service—we are in effect cutting into the ceiling which is available to us to finance the developmental programme. Now, I think that an illustration of that is best put as follows: Had we not had to meet the recent cost-of-living allowances to civil servants (which now amount to over a million), that million would have been available on the revenue side to meet expenditure arising out of the new Planning Committee Report, or the old Development Report, but in effect that money is not available, and we have taken up the slack which was available in that it has vanished into the emoluments of civil servants, many of the posts of which we have agreed to over the last five years.

Now, what I am trying to put forward is this: I believe that every post has got to be most rigorously examined, because every post created, if it is not an absolutely essential post, eats into the fluid resources available to meet the recurrent expenditure which would arise within the next five years from our developmental programme. Now, the question we should ask ourselves is: "Have we got a large ceiling or buffer above our present taxation upon which we can draw to finance the developmental programme and the Planning Committee Report which we accepted yesterday?" Knowing—or at least suspecting—that

[Mr. Blundell] the Member for Finance would have to come to this Council in October with proposals for increased taxation, and to wishing to clear my mind as to the attitude which I should adopt to those proposals before my constituents, I obtained recently the figures for income tax, and I was indeed astonished at the burden which income tax creates in the higher incomes, and I took out a figure to which I wish to refer now. On an income of £10,000 the income tax and surtax—not hospital tax—runs very close indeed to £5,000; that is to say, it may be surprising but that figure is higher than the similar instance in the Union of South Africa. In other words, a man with an income of £10,000 a year here is paying more in taxation—ordinary income tax and surtax—than a similar income group in the Union. In addition to that, he pays the Hospital Authority tax, and on top of that he has numerous vexatious petty matters which occur round about January 1st, and, of course, very heavy and high indirect taxation: so that we can say that taxation in this country is not—as is popularly supposed—light. It is not. It is heavy.

Now, I am not raising this from a personal angle, because in that figure of income I am not in the slightest bit interested. I do not wish to be confronted in the debate that a man of income of £10,000 can well afford to hand-over to the state £5,000. That is not the point. We have to strike a balance between what the State in a developing country can take from the individual for its legitimate fundamental basic structure upon which its country is based, and what is wise to leave to the individual for his own progressive development in the country. I do not think I need to develop that, but if a man is, shall we say, farming, or is in business, the surplus profits to his own standard of living are nearly always reinvested in the country of his adoption and cause additional wealth.

In addition, Sir, over this whole matter, I am seriously alarmed at the cost of the Civil Service. I am not raising—to use a rather unparliamentary word—"Cocking a snook" at the Civil Service at all. (Laughter.) I am raising that as a constructive matter; but when we create a post—any post—we create

first a salary, and those numerous thousands by thousands of the scale which appear in the Estimates. We also create cost of living allowance. We create pensions, we create leave, and above all we create housing. Now, those are all matters which impinge very strongly on our wealth, and I am certain at the present time that we are carrying in our Governmental administration too heavy a burden for the country.

Now I am not going to deal now with ways and places—in fact I think that savings could be made—I shall have the pleasure of listening to the hon. Member opposite on this I have no doubt—but I do wish to put forward two things. I believe we have got to examine with microscopic care any suggestions for new services. Now it is obvious that some services expand of themselves. Many of the services under the Member for Education, Health and Local Government to-day, for instance, education itself—it is a service which expands, and by a natural regeneration of people, one cannot avoid it. That is a natural expenditure in my view which we have got to accept. There is also expenditure which arises out of such things as the Mombasa Water Supply; the acceptance of the Planning Committee Report—those are commitments I am afraid we have either got to accept or we shall have got to alter our policy; but, in addition, there are posts—being added—constantly to the Budget structure, which I submit are not necessary, and I do wish to urge upon the hon. Member opposite that at this time, when he has no doubt either conceived his Budget, or is in the process of conceiving it, that he will regard it very severely in the light of my remarks.

Now, to finish the introduction to my motion, I have two things: one is a cutting from the Times which I think is most pertinent, and refers to a recent report on the Singapore riots—in Singapore itself, in their Legislative Council. It is so pertinent that I must bring it to your attention, because there is a constant interchange of the higher constellations on the opposite benches and territories such as this and Singapore. It is what the Attorney General, the hon. and learned Attorney General, in the Legislative Council of Singapore, said about civil servants. It is so pertinent, it is so pertinent to my motion, and so

[Mr. Blundell] underlines the vital necessity of not creating new posts, that I feel I have an absolute right to read it out. This is what he said: "He reminded the Council that Colonial officers were dismissed or punished only in the most exceptional cases".

Now, the reason for my mentioning that is that if we allow our overall structure to extend beyond, possibly, our capacity to carry it, we shall be faced with this point of view being presented to us when it comes to trying to reduce it.

Lastly, Sir, I want to say this—and I think it is necessary to say it. People in this world today are not born Conservatives or Liberals—they are born, I think, Socialists or Tories. The difference between the two is quite simple. If you are a Socialist you believe that the people's money is best in the pockets of the State, and if you are a Tory, you believe, as Lord Cromer, that the people's money is best in the pockets of the people. I wish to suggest that the happy mean between those two points of view is what we should strive at. Now, although we must accept responsibility, hon. Members opposite must also accept responsibility, and, above all, our constituents must also accept responsibility through their constant and vociferous demands for new services far—the present position. It is my belief, and a very firm belief, that we are transferring too much, in a young and developing country, of the people's money into the pockets of the State.

Mr. Speaker, I beg to move. (Applause.)

MR. HOPKINS: Mr. Speaker, I rise to second the motion. In the debate of the Report on the Cost of Living Commission, besides saying that I thought that Government should take the lead in setting an example in economy, I expressed the view that until the spirit of economy and self-sacrifice was more wide-spread in the country than it was at that time, that we should make little progress in bringing about a reversal in the upward trend of prices, no matter how many commissions and committees we appoint to solve the problem for us. I believe, however, that in the light of threats of increased taxation, and by

reason of the further rise in the cost of living, that the country is now more prepared than it ever has been before to accept sacrifice in their living standards—to accept decreased state services, and to put up with the inconveniences for which a reduction of Government expenditure would undoubtedly give rise.

In my opinion therefore, Sir, the time is most opportune for us to investigate with as little delay as possible the possibility of reducing Government expenditure to a degree which will have some real effect on reversing the upward trend of prices. I do not, however, think that we should leave the responsibility of deciding what economies can and should be made entirely to the Government, firstly, because the Unofficial Members are themselves largely to blame for the present high cost of Government, in that at some time or other all of us have pressed for increased expenditure or increased services which would benefit the people whom we represent; secondly, because it is mainly we who will have to convince the people of this country of the necessity for economies and for accepting a lower standard of public services.

Another reason why I feel the Unofficial Members should be associated with Government in this matter is that those who have taken no part in the drawing up of a plan are often the best people to make constructive suggestions for its improvement, and are very often far more competent to do this than the authors of the plan themselves. The hon. Financial Secretary yesterday, in his somewhat indignant reply to those who had criticized the ever rising cost of living in Kenya, implied that little good could be done by us out here to reduce the cost of living, because the factors which gave rise to it were controlled outside of this Colony. He protested that when he said this he was not being a defeatist but merely a realist, but Sir, with the greatest respect I submit that he was adopting a defeatist attitude, because even if we cannot control the prices of the necessities which are imported, we can in any event, in many cases do with less of them and the same Sir, applies to local products. We, are most of us, consuming more than we should. While I cannot altogether support the suggestion which the hon. Member for the Trans Nzoia interjected into the debate yesterday that

[Mr. Hopkins] consumers should be abolished. I do however, think it would be of great benefit to the country if the extravagant consumer could be abolished. One of the main difficulties has been that hitherto most of us have tried to maintain the same standard of living as we did when prices were low and shortages were practically unknown, and when we found it was difficult to pay for this standard of living all we have done is to complain that we should get a higher price for our produce or our services or our wares, as the case may be. This spirit of carefree extravagance has been adopted not only by individuals, but by Government, the greatest of all our spenders. Sir, Government speakers in the debate on the Development Report yesterday, showed by their general attitude and their hostility towards any suggestion for the reduction of expenditure that Government has, as yet, little appreciation of its responsibilities in setting an example for prudent economy to the rest of the country.

THE FINANCIAL SECRETARY: Why not abolish the Report and finish with it.

MR. HOPKINS: Sir, I think I am trying to say what is reasonable. I think it would be unreasonable to do that, and that is why I am not making that suggestion. Now, Sir, I was going to say that these are some of the reasons why I urged that both Government and Unofficial Members should be associated in any investigation as to how expenditure can be reduced. If Government agrees that the proposed investigation should take place, and I cannot see why they should resist it, I would very much like to see some Member on the other side put forward an amendment which would have the effect of associating Members on this side with Government in this enquiry. The fact that the hon. Financial Secretary has been able recently to affect savings of £138,000 without any apparent dilocation of the Government machine and without any apparent upsetting of the public convenience leaves me with the strong conviction that further and very much greater economies are probably possible especially if the people of the country are prepared, as I believe they are, to make sacrifices themselves. I should like to make it clear, Sir, that I do not advocate wholesale retrenchment of pensionable posts. This in the past

has proved itself to be an expensive means of trying to bring about economy. I should, however, like to see some realistic attempt on the part of the Government to implement its often repeated promise to cut out the dead wood, by which I have taken them to mean the retrenchment of the inefficient and ineffective who we know exist in almost every branch of the Service. There are, moreover, many ways of effecting economy other than wholesale retrenchment of pensionable officers, and I believe myself that any careful investigation would show that not only in Nairobi and in Provincial Headquarters, but more particularly in the various districts and the native reserves of this Colony, there are innumerable heads of non-essential expenditure which could be pruned or even cut out altogether without detriment to Government policy or to a reasonable standard of efficiency.

Sir, I am not going to enlarge any further on the subject of Government expenditure as many of the points which I might refer to have been very adequately covered by the Mover and there are also others who I hope will bring up important points. I will conclude by saying that I have already lived through one period of financial depression in Kenya. I feel that there are indications that there may be another, but I believe most earnestly that we can prevent another such disaster only if we refuse to allow the resilience of our past war revenue to go to our heads, so that it prevents us from slowing down expenditure on the very many expensive schemes to which we had our attention drawn in the debate yesterday, and also I believe that our general attitude to Government expenditure should be such as to make easier the task of the hon. Financial Secretary to follow a policy of prudent and conservative finance.

Sir, I beg to second the motion.

MR. HAVELLOCK: Mr. Speaker, I only have a few points to contribute to this debate and when it comes to criticism of Government policy of this sort I do usually try to produce some specific positive suggestions as to how the general implications of the motion before the Council can be put into action. It is very difficult indeed, but I would like to suggest to the hon. Member responsible for the financial policy of this country that

[Mr. Havelock] he might direct his attention, and I hope he has already done so in studying the forthcoming Budget proposals, to the item of long-term research which we have been spending a certain amount of money on in the past. I am not saying, of course—no sensible man would say—that long-term research is completely non-essential, but I think it has been made plain enough by speeches by hon. Members to-day and in the debates yesterday, and, indeed, by the hon. Financial Secretary himself, that we have got to prune, and we have got to cut somewhere, and I am suggesting that we consider a long-term research is the place we might cut, not short term.

Another point is, I feel that the time has come when we should re-examine the whole position of the terms of service of our civil servants. I cannot believe—in fact I am absolutely sure, that a country of this sort with the very rapidly expanding demands of the peoples of the country for services supplied by the civil servants—I cannot see that we will be able to bear the cost of the type of terms which are now in force. I appreciate well enough the difficulties, especially, when we have to recruit from Britain to provide the men for the jobs that are so necessary and, of course, we have to pay what they are worth—in fact we will not get them unless we do. I know also there are the difficulties of the combined Colonial Service, and we have to fall in line to a great extent with the terms offered by other Colonies, but we must surely begin to move towards the day when we have our own Civil Service in this country on the lines of, shall we say, Southern Rhodesia. I have spoken on this subject many times and nothing has really been done. Of course, the first time was at that terrific debate on the Salaries Commission, but it is really necessary, and I only deal with this particular specific item as regards terms of service—is it still necessary to provide the overseas leave at such frequent periods that we do at the moment. Naturally, any departure from the present terms would have to be on a voluntary basis, as members of the Service have joined it on the understanding that they will receive the terms which are now in force, but I believe we could, through alternative voluntary schemes or

offers to civil servants, get quite a number of them to accept longer tours, and maybe shorter leaves. It may not actually save us any money in cash, actually the cash that the man himself obtains, but I feel it might save us quite a considerable amount of money in replacements, which must be quite a heavy item in our Civil Service costs.

Another completely different aspect of this matter which I would ask the hon. Financial Secretary to direct his attention—could we not use private enterprise more than we do at the moment in place of Government expenditure, and Government enterprise? I am thinking very especially of townships supplies of water, that is one that comes to mind immediately. There are many other schemes. Would it not be possible for a private company to supply water in these growing townships at cost, of course, to the consumer. It would provide, I think, a sound, although not a very high return, but a sound investment for private money which I am sure, to some extent, is available both in London and here. If he did that, if he used that idea, we would save ourselves a considerable amount of capital money. Government capital moneys, to be directed to other very necessary schemes, and we would also save to a great extent, the recurrent expenditure on running such water schemes. Admittedly, the consumer would probably have to pay a little more for his water than if it were run by a private concern or Government or Local Government, indeed, there are many difficulties such as the terms to be offered by a private company to take over such an enterprise. One of the terms would have to be that a long period would have to be available during which they could operate, otherwise it would not be worth their while, but I do believe it is worth examining that aspect, and I am quite sure that the use of private money in ways of that sort—and water supplies are by no means the only way—we would probably be able to use what scanty money we have at the moment, what Government money we have at the moment, in other very necessary development projects.

Now, there have been great fears expressed Sir, in this Council, at the growing inflation in this country, and,

[Mr. Havelock] it is very apparent to everybody. May I suggest one thing, that I think it was the hon. Financial Secretary who mentioned the American financial position and how inflation is growing in the United States. In spite of the inflation in the United States, in spite of the increased cost of goods in the United States, I suggest that the increased salaries which that economy can stand has actually raised the standard of living in that country in the last year or two rather than lowered it. In other words although prices of goods are higher, wages have gone up even faster, and why have they gone up? Because of the way they have increased their production is phenomenal, and per head, that is the answer to my mind; that is the answer towards meeting inflation without lowering the standard of living. (Hear, hear.) Nobody wants it that standard of living and although it may be necessary to prune one's own, there is standard in this or that way, where there are temporary shortages of certain materials which we cannot obtain, on the whole surely we must aim at raising our standard of living of all our peoples, and the only way to do that is to produce, to produce goods which may be bought, to produce more per head, and there is a terrific scope, I submit, in this country for increased production per head.

Now, Sir, to tie in with that, if it is accepted, that it is necessary for us to produce more per head, then is it not obvious that any capital moneys or any recurrent moneys that Government have available for expenditure must be used on productive services and immediately on productive services at the expense of long-term production? That is an old, old argument that has been banded back and forth in this Council over a number of years, but in this particular period where I repeat the only way we can face our problem is to quickly immediately step up the production per head then the great majority, the great bulk of any money that Government has for capital investment must be put to productive services.

We, therefore, Sir, have got to accept, and all communities have to accept, and I for one am very, very well prepared, and I am sure all my European colleagues here are prepared, to sell this to their

constituents—we must accept for a time, any—until we build up the production per head, a lower standard of Government supply of social services. If we want, as indeed we may want, to supply our own to some extent, then we can go ahead and do it at our own cost. Meanwhile, what money is available here in order to stabilize the economy of the country must certainly be invested in directly, immediately productive services.

Sir, I beg to support.

MR. SALTER: Mr. Speaker, I hope I may be forgiven if I draw a comparison on a rather broad basis between the organization in the Administration in peace time here and what prevailed say, in a Command Headquarters during the time of war. There is a close analogy in many respects, and if I might strike a personal note, I did for a time have to be responsible for war establishments in this Command and I found that whenever a new unit was created, unless it was very closely watched and its functions carefully watched too, it tended to grow into a very large service. Secondly, it was very often found that it was only with very great difficulty that that unit could be disbanded, even when it had ceased to serve the purpose for which it was created. That, Sir, did not apply, of course, to the fighting units whose organization was naturally guided and controlled by needs and activities in the field, it tended to apply only to those units which were base units.

Now, Sir, it does seem to me that the same sort of thing tends to happen, I speak with great respect, in the Administration in peace time. A service is started, and no doubt started because there is a present need for it, but perhaps the need does not grow, or perhaps it even disappears, and yet it is difficult to disband the particular department or section of the department that was dealing with that particular service.

Now, Sir, there is another matter taken by way of comparison and that was, as hon. Members or many of them would know, we had what was called an F.F.C., a Field Force Ceiling. You were allotted so many men to do the task and you could not have a new establishment unless it fitted within your ceiling—the number of men, overall, which had been allotted to that particular area concerned.

[Mr. SALTER]

I would throw out a suggestion for consideration that some such ceiling might be given to the Civil Service Administration.

THE FINANCIAL SECRETARY: Including the Judges?

MR. SALTER: Including everything. And within that ceiling you will construct and establish the way the country is going to be governed. You may have 2,000 men, I am merely mentioning a figure by way of example, and those 2,000 men will be allocated to the jobs in every department, judicial or otherwise, and I would ask, and seriously ask, that some consideration be given to that kind of matter rather than let it expand without control. I will not say entirely without control, but merely without any ceiling or maximum being attached to it.

One other thing which the hon. Member for Kiambu, I think, has touched on, and that is the great expense which is involved by officers of the Administration going away, and of course deservedly going away, for periods of leave. It means not only the expense of that, but it means the expense of a replacement of that officer whilst he is on leave. I am not suggesting for one single moment that a man who comes out in the Service is not entitled to and does not deserve his leave. But I do mean that greater consideration should be given to the recruitment of people who live in this part of the world, whose homes are here and who, therefore, when they take their leave, do not necessarily have to go away for six months out of the country. Sir, I feel that that again would save a very great cost in the administration of this country.

I beg to support.

MR. UMURI: Mr. Speaker, I also beg to support the motion. I hope that this debate will at least have done one thing. It will have contributed to the elimination of two sayings which I find particularly irritating. One is, "we cannot isolate ourselves from world conditions", and the other is, "we have to provide for our ever expanding services".

Now, Sir, I was greatly encouraged by hearing the hon. Member for Finance yesterday saying that he had been able to find savings to cover the cost of his cost of living allowance which we passed

in Council yesterday. That, Sir, is very encouraging, and the object of this motion is that economies should be found for that purpose.

There is one thing, however, which I should like to say about it, and that is that I think we shall probably be faced with a great many occasions when relief will be called for, and I do hope that if and when the Government examines the possibility of retrenchment in the sense of this motion, it will try to cover not only what we see ahead of us for the following year, but to have an ample margin to cover other possible relief.

Sir, these cost of living allowances are not, I venture to suggest, the right way to meet the difficulties, and I think we have sufficiently indicated elsewhere that we hope that other ways will be found to afford any relief that may be necessary. May I use a homely illustration of this, I like perhaps a number of people of my age, find difficulty in coping with my waist line. Now there are ways in which one can do that and I have chosen two. I use saccharine instead of sugar. I eschew potatoes as well as bread. I am not very fond of potatoes and bread and I like saccharine as much as I like sugar. There are two other things which I could do, and if I did apply those remedies I should succeed in reducing my waist line. That I feel to be very much the attitude of the Government to certain suggestions that have been made for relief other than by cost of living allowances, because the cost of living allowance is a very simple method and the others are unpalatable and therefore are not applied.

Sir, I beg to support.

MAJOR KEYSER: Mr. Speaker, could I ask the hon. Member, the Acting Chief Secretary, whether he does not think it is rather imprudent for anybody out shooting to bang off all their ammunition to try to get the birds to rise and whether if he does not agree with me he would not put up the covey for us to shoot at later on.

THE ACTING CHIEF SECRETARY: If my hon. friend had not been so quick to catch your eye, Sir, and to rise to his feet he would have seen that one of my colleagues was about to rise.

MAJOR KEYSER: He allowed seven people to bang off on this side!

THE FINANCIAL SECRETARY: Mr. Speaker, I rise as the principal pleasanter involved on this side. (Applause.)

Mr. Speaker, the Government fully agrees with the wording of the first part of this motion and its reference to the effect of rising recurrent expenditure on our capacity to develop. It is quite clear that if we spend money on recurrent services we have that much money less for capital development. This is self-evident. Indeed, what is even worse, if recurrent expenditure rises beyond certain levels it impinges not only upon the immediate moneys available, but what is worse it impinges upon taxation potential otherwise in reserve for future development. To that extent of course, it does impinge most adversely upon our capacity to engage in wealth-producing development.

Now, Sir, it is quite true that over the last few years the recurrent expenditure of the Government has risen very steeply. What are the reasons for that? The first reason is quite clearly increasing costs. Government, no more than the individual, is immune from the effect of rising prices. Prices in respect of goods which we import have experienced a most substantial rise. Following that there has understandably been a rise in the price of primary produce. Every item of stores imported on Government account has risen markedly. Every service that the Government receives from its officers has to be paid for by our own money. The cost of travelling, for instance, has gone up very markedly indeed. Consider the effect of a rise in the price of *posho*. A rise of 1 cent per lb. in the price of *posho* produces a three-point rise in the retail price index, and when it is realized that there are 15,000 African employees of the Government, the effect of any significant rise in the price of *posho* upon the Government bill can be appreciated.

Following therefore all the other increases which arise in this way, the Government is faced sooner or later with the necessity of asking that some relief be given to Government servants to offset the rising cost of living. In this Council, I am afraid, we are only too familiar with the expression "Cola", but "Cola" is clearly inevitable unless real hardship is to fall upon the Government

servant. Now "Cola" this year and the coming year will cost the country something like £2,000,000. What could we not have done with that £2,000,000 had it not had to be used in that way? When I think of that fundamentally important scheme which for want of funds cannot be fitted into our Development plan, when I think of that £2,000,000 in relation to that, then at the risk of levity, I would say it is enough to make the Mombasa people's mouth water!

Now, Sir, I shall come back a little later to this question of inflation which the hon. Member for Kiambu has raised, but before I do so I would like again to stress the tremendous effect that rising prices have had upon the Government bill. They have had a serious effect upon everybody's domestic bill and it is inevitable, therefore, that they must have the same effect much magnified upon the Government bill. That is the first factor and very important factor which apart from any question of expanding services has operated to raise the cost of recurrent expenditure of Government over these last two or three years.

Now, the second factor is that of policy. At the risk of wearying hon. Members, I must emphasize the great effect of policy. It is no use thinking that we are going to have any profound, or indeed any significant effect upon the overall recurrent expenditure in this country, the overall recurrent bill to be met, by simply printing a clerk here, a clerk there or an officer here or an officer there. It is no use thinking you are going to do any real good at all. We have had these committees, we have had them before. They have gone into all this with a small-tooth comb, and what has happened? The few clerks they have cut out here or cut out there have been entirely offset by the upsurge of recurrent expenditure produced by new policy decisions and reflected in the next estimate; the effect has utterly disappeared from the Budget. It is policy, Mr. Speaker, it is policy that matters.

Let us look at a few classic examples. The policy of the Beecher Report, the policy of this Council. Look at the accepted by this Council. Look at the size of the recurrent expenditure that is involved. It will run to hundreds of thousands every year. What effect is it going to have to cut out a few hundreds

(The Financial Secretary) of pounds by pruning, shall we say, a few night watchmen here of a few clerks there compared with that?

Let us take the cost of compulsory military training. That, I think, can be regarded as a policy decision. The cost of this in the coming year is expected to be not less than £80,000 recurrent, and it will rise. And possibly the hon. Members opposite of three or four years time, seeing it rise will be stirred to move another motion of this kind!

Then, Sir, let us look at the cost to the country of another policy decision, that we should borrow the finance for our capital plan. The commitment in regard to servicing our public debt in the coming year, that is to say 1952, is likely to be £540,000 higher than it was in 1950. A straight policy decision. Mr. Speaker, produces more than half a million pounds recurrent on the Budget.

MR. HAVITOCK: Including Sinking Fund?

THE FINANCIAL SECRETARY: £540,000. Mr. Speaker, may be taken as the expert Treasury computation, including every thing of the cost of servicing those loans.

Now, Sir, I would, with the permission of yourself and Council, like to refer to the speech I made in those far-off days of November 1949, when I had the honour to introduce the Estimates for 1950 into this Council. This is what I said and little did I think, Sir, that I would be repeating those words to-day:—

"Council will remember that in the opening passages of the speech I referred to my perturbation at the prodigious appetite displayed by the infant budget. It is possible that the significance of my metaphorical remark may have escaped full notice and I therefore take this opportunity of enlarging upon the theme. It will be recalled that on my diagnosis the appetite was derived from hereditary characteristics. In other words, our overall rate of expenditure is conditioned not so much by what we are saying to-day as by what we said yesterday. It is conditioned in fact, by a policy previously laid down and approved. In this connection, I invite the attention of hon. Members to the remarks made by Sir Wilfrid Woods in his fiscal survey of

Kenya, Uganda and Tanganyika. This acute observer points out, that the individual output of work by Government officials, their rates of pay and allowances, their office systems and general technique, the utility of work done in recording and tabulating facts, methods and costs of maintenance and construction are all highly important matters which must have an influence on the amount of taxation required. That influence, however, is quite unlikely to be in any way comparable with the effect of policy. An assumption that the financial implications of a far reaching scheme, for instance, can be avoided or transformed by even the most economical methods betrays an absence of a sense of proportion."

What was said then, Mr. Speaker, is as true to-day as it was then.

Now, Sir, I will say, therefore, that though the Government is prepared to review the position such a review is in any case effected annually at the time of the Estimates. I can assure hon. Members opposite that such a review is being undertaken at this very time. Although that review will be undertaken again and again the effect of it upon the recurrent budget is likely, as I say, to be quite insignificant compared with the effect of maintaining the policy which has been laid down and endorsed by this Council.

Now, Sir, my hon. colleagues on this side will deal with a number of points of detail which have been raised—but I would like to talk about this question of inflation which the hon. Member for Kiambu has mentioned. Now, I want to make it quite clear, Sir, that this country is not, repeat not, suffering from primary inflation in the accepted classical sense. It is not suffering from inflation in that sense—in the sense of too much money chasing too few goods. Is anybody in this Council going to tell me that to-day in Kenya there is too much money chasing too few goods? That is not so, Sir. If such is the assertion—in what circumstances I would like to know. Which goods are too few? On the contrary, my impression is that goods are in plenty. Stores are well stocked and, indeed, overstocked. I believe in Mombasa there is considerable apprehension amongst stockists of piece goods as to how they are going to sell their goods. They are overstocked. They cannot get

(The Financial Secretary)

of them in time to meet the position of goods coming in at lower prices. What we are suffering from in this country, Sir, is not inflation in the accepted sense but imported inflation—a secondary inflation produced by the pressure of the great Powers upon strategic raw materials and a diversion of a very considerable capacity to the world's productive capacity to rearmament, to something which cannot be consumed. It is obvious that if a large proportion of the world's wealth is dissipated in rearmament, then there must be less wealth in consumer goods for everybody to share, and everyone must get poorer in terms of real wealth. Standards of living must consequently fall. It is obvious. It is no use kicking against the pricks. We have got to accept it. Either you are going to lower your standard of living and be protected or you are going to live in a "fools' paradise" and see the day when a predatory enemy invades you and converts you to economic slavery. You cannot have it both ways.

Mr. Speaker, we are faced then with this secondary inflation, this effect of high prices abroad, this rising cost of imported goods which must, of course, enter powerfully into our economy. These prices enter into our production here—and the cost of our production must rise. Inevitably the cost of living must rise, even in relation to goods produced here. Inevitably, I say—it cannot be helped.

Now, Mr. Speaker, I have been on my feet for some time. I have tried to deal in a general way with this disturbing problem, I have tried to impress upon the hon. Mover and other Members opposite that the kind of examination demanded, might produce here and there some little economy, it might, but the effect upon our recurrent expenditure, on the order of our recurrent expenditure, is likely to be quite insignificant. What hon. Members opposite have got to consider is overall policy. Are we following the right policy? A motion on the question of policy would be quite a very different matter from this one—a very different matter indeed. If, the hon. Members opposite are prepared to tell the country that we do not want this

that or the other service, let them state what these services are. That is the kind of pruning that will have effect upon recurrent expenditure, not the cutting of a clerk here and a clerk there. So I say, Mr. Speaker, that provided it is appreciated that the review asked for is the kind of review that we in Government undertake annually at the time of the Budget every year, provided that is understood, this Government will accept the motion. (Applause.)

MR. HOPKINS: Sir, may I ask the hon. Financial Secretary as to his attitude towards the suggestion of associating us with that review.

MAJOR KEYSER: Mr. Speaker, I should like to preface my remarks by saying a word about the Civil Service and I am sure, Sir, that all hon. Members on this side of the Council who have spoken already and mentioned the Civil Service will agree with what I have got to say. There is an inclination, not only in Kenya, a general inclination to make rather cheap jibes at the Civil Service and I am sure that anything said to-day in this Council was not meant to be in the form of a cheap jibe. I often feel that a good conscientious civil servant is undervalued by the number and cheapness of some of the jibes that are made, and therefore, at the risk of being possibly acquiring a certain amount of unpopularity, I am going to say that, in my own view it is that in our Civil servants we are most fortunate in having a set of human beings who are conscientious and who have the general interest of the country at heart. (Heard, heard.)

Now, Sir, the civil servants are only human beings and we all know human beings have a considerable number of weaknesses and there are bound to be a certain amount of weak elements in the Civil Service, and it is those few weak elements that really give rise to criticisms that have taken place, and my own criticisms of the Civil Service would be that they are not jealous enough of their reputation, of their own accord to see that the weak elements are removed. I have great pleasure in saying what I have about the civil servants because I have felt it for a very long time.

Now, Sir, the hon. Member for Finance did use the term "taxation potential", and I am not quite certain what he meant

## [Major Keyser]

by taxation potential. Taxation potential may be a limit that he places on taxation, beyond which the citizen breaks down, but it might also mean the taxable capacity of the country, the extent to which the taxable capacity of the country can be increased. Now, Sir, I would like to say that I am one of those who believes that too heavy a rate of taxation on the individual is harmful, and that in certain countries of the world to-day, there is no question about it, it is having a very serious effect, not only on the economic structure of the Colony but on the moral structure of the country, and I do hope that we will never reach the stage where taxation has those effects on the economy and on the individual of this Colony.

Now, Sir, with regard to the other interpretation of taxation potential, that is, the increase of the taxable capacity of the country, I think that is one interpretation that we should concentrate on and one of the objects of the Development Committee in making the recommendations they did, was because they thought that the money that would be spent on development would increase the taxable capacity of the Colony. And while they did visualize, at the same time, the great increases in recurrent expenditure which would result from the development of their Report, they also, of course, visualized an increase in revenue, and there is no doubt to-day that one of the difficulties we are coming up against is the great increase in recurrent expenditure consequential on the carrying out of the Development Committee's recommendations. But, Sir, it does seem to me that the Estimates of the Increase of revenue consequential on the development that is taking place are below the hopes of the Development Committee.

Now, a lot of the money was to be spent on education and they hoped that education would increase the taxable capacity of the Colony.

Now, Sir, we are a country whose economy is based almost entirely on agriculture. We have to purchase a considerable amount of our requirements from overseas, and we can only do that by very great export, and I do agree, Sir,

very strongly with what the hon. Member for Kiambu has said about productivity. I believe that our problem to-day is one of manpower, as it is in other countries.

Now, it is significant, Sir, that when a deputation or a body of the trade unions went over to America to confer with American trade unions, I am told that in discussing the matter with, I think it was the Engineering Union of America, the British trade unions said to them, "but don't you object very strongly to our companies paying these enormous dividends to parasites?" and the American answer to that was, "what the hell do you mean. We wouldn't work for a firm that did not pay 50 per cent dividends". They take a pride in their productivity in America and that is the reason why America is in such a very strong economic position today, because the productivity of the individual is on such a very high level, and the reason why I believe that our economy is in such a poor state is because our productivity of the individual is so tremendously low, lamentably low. (Hear, hear.)

Now, Sir, this particular point has been raised in this Council for years on end. I heard the hon. Member for Finance himself make those remarks two years ago, but there is no significant change in the productivity unless it was an adverse change in my opinion.

What, I would like to know from the other side, is being done in order to increase this productivity of the individual in order to bring it home, for instance, to the people of this Colony generally, that unless they can solve that problem of productivity, unless we can produce more, we are never going to have the services we ought to have in this country, we cannot possibly pay for them.

Now, Sir, we are going to spend a vast amount of money on education and if that money is not going to result in an increase of productivity of the people of this Colony then we are sunk.

Now, I did not have an opportunity of speaking on the Planning Committee Report, but, Sir, I am not going to do so now. But I would, very shortly, like to say that I would support that plan, and I would support it being an attempt to get it done within the time, for this reason.

## THE FINANCIAL SECRETARY: Nyali Bridge.

MAJOR KEYSER: No, Sir, I am not going to speak on the Nyali Bridge, because then I should be out of order immediately. But, generally speaking, I would support the Planning Committee. After all, the Planning Committee themselves were not committed to Nyali Bridge, although they did put aside a token vote for it. I agree with that part of it I would support the Planning Committee Report, because if you look at our past history you will find that we have always been faced with a fear of not being able to meet our commitments, or a fear of increased taxation, or something, and because of that fear we have failed to carry out the development of the Colony, and therefore we have suddenly found, after a period of some 20 years of complete inactivity on the development side of the Colony, we have found ourselves, as it were, forced to carry out a very rapid and enormous development plan at a time when costs were very high. Well, Sir, I must admit that I feel a little bit nervous myself of the future, but at the same time I feel that we must take the risk to-day. We must take our courage in both hands and continue with this Development Plan and hope that by wise administration and wise judgments during that period that we are going to 'come out' on the right side. But, Sir, we have heard a lot of fears expressed on the present period of inflation. But, Sir, nothing frightens me more than the awful spectre of peace, because if, tomorrow, suddenly, the spectre of war disappeared completely, we would be faced with the most frightful economic debacle in the world. What is going to happen to all the stock piling in the countries that are rearming? Do you think they are going to carry them on and wait for another period of rearmament? Of course not, they will offload them. What is the result going to be? You have only to start offloading bread, wheat, or something, and the whole economy goes west. So I am more frightened of a sudden disappearance of the rearmament that is taking place in the world than of the present conditions.

Sir, in any case, I think we are going to find ourselves in difficulties, but I believe that if we are developed we will

be able to face a bad period far better than if we had no development at all.

Now, Sir, the hon. Member did go on to say that we have had various committees, and we have had a considerable number of attempts to reduce the cost of the Civil Service. Well, that is so, but I am not sure that they were carried out in the right way. I do not quite agree with that. They were, shall we say, not fully efficiently carried out, and I am going to tell you why: because, some years ago, it was decided—after severe criticisms of the rising cost of the Secretariat, to introduce a firm of commercial experts to reorganize the Secretariat. Now, Sir, office organization is to-day the job of an expert, and I do not think that one can expect an officer, who rises in the ordinary course of his duty to the head of a department to be an expert in office organization. The firm who examined the Secretariat made certain recommendations. Now, we held the view, on this side of Council, that all those recommendations have not been carried out, and that far greater economies would have been effected had they been carried out. We do not feel satisfied with the results of that examination, because we felt that the recommendations had not been carried out to the full. But, Sir, why was that firm of experts not retained to examine departments, big spending departments such as the Public Works Department, the Accountant General's Department, other departments of Government, in order to see whether considerable sums of money could not be saved? A similar firm examined the Railway organization, and I am told that the saving in the Railway was a very big amount per annum. Now, I believe that one of the reasons why that firm was not retained was because and the same results could be obtained by having our own man trained in that particular subject of office organization. Now, Sir, I am unaware that any steps have been taken to have a trained man brought out here with that particular duty, and perhaps, Sir, in reply to this debate, the hon. Chief Secretary would tell us what has been done about it.

Sir, there is one direction in which, I believe, considerable savings could be made. The hon. Member did refer to military training, and there is one other



(Major Keyser)

item of expenditure which has grown enormously in these past years, and I feel it just as wasteful as that of military training, and that is the Police. Nevertheless, in the circumstances in which we are placed, it would be extremely unwise of us not to face the expenditure, both on the military training and on the police. The military training is enforced upon us by circumstances over which we have no control whatsoever, but, Sir, the police vote is one that always gets my goat—I think that is the appropriate term to use in that respect—because it is one that is caused by circumstances that arise entirely within this Colony, and I think it is monstrous—to use the term of Mr. Cooke—to have to spend the vast sums we are spending on police in order to keep law and order within our Colony, and it is a point that should be thought of very carefully by the people of this Colony. We cannot go on spending more and more on our police and more and more on our education. I think one has got to be cut down. We have got to maintain law and order. If we maintain law and order at a more and more expensive rate every year, then education—or some other service—has got to suffer.

Sir, I think I have taken long enough the time of the Council, and I beg to support the motion.

THE LABOUR COMMISSIONER: Mr. Speaker, in the Budget debate of 1947—I see that the hon. Member for Trans Nzoia is not here—I am rather sorry he is not—he made much the same point, Sir, that he made today. He laid at the door of the African, particularly I think, not coming out to work, the troubled economy of the time. During that debate, Sir, I was a member of Council and I pointed out that it was not so much the fact of the African not coming out to work, but that once having come out to work, he did not work hard enough.

Now, Sir, the hon. Member to-day has taken that point and has made the same point. He attributes our lack of productivity to the fact that the African worker in the country does not do sufficient work. That, Sir, is perfectly true. That has been said by a number of persons over the years and nobody is going to dispute it. We are also asked,

Sir, what is Government doing about it. Now, Government can only produce the sort of climate in which the worker can produce more and do his best. I think the actual amount of work which is done by any worker is more affected by his immediate relations between himself and his employer. I think that nobody would deny that. My hon. friend Sir Godfrey Rhodes yesterday told the Council that a lot has been done, or was hoped to be done, by way of increasing the efficiency of the artisan, and I would like to emphasize that particular point, that as a department we are going to come to Council within this year and put before it certain plans which we have already put into operation, in order to achieve just this increase in the output of the artisan. As regards the ordinary manual labourer upon which agriculture particularly relies, the general output of this man, I think, has increased, very slightly it is true, but it has increased somewhat in the last four or five years. In my tours around the country I have had evidence from farmers who have said that they are satisfied with the output of their labour. I see a question arising on the other side, but it is a fact there are a number of farmers who are able to-day to get from their labour the amount of work which they said they could not get some years ago. We are, as a department, trying to achieve better conditions of service for these persons, in the hope that the output will increase. It has been advanced that what is the use of increasing the amenities if the output itself does not increase commensurately. Well, Sir, that is a vicious circle. I am afraid that we shall have to give it a try. So far it must be admitted that we have not succeeded in raising output very much by any other way, and we feel that by creating reasonable conditions of employment that in time the velocity of work which has been developed over the centuries amongst Europeans and Asian countries will also be adopted by the African in this country.

Sir, I beg to support.

LT.-COL. GHERSIE: Mr. Speaker, I merely wish to add two brief observations to what has already been said in this debate. The first, Sir, refers to a question put to the hon. Member for Finance yesterday, and to which there was no reply. That was, that I do hope

(Lt.-Col. Gherisie)

on matters of this nature he will consult, what I consider anyhow, the appropriate bodies and obtain their advice, and I suggest a body such as the European Civil Servants Advisory Board. Secondly, Sir, and I hope I will not be accused of being inconsistent because I propose to advocate the increased, or further expenditure being incurred, in at least one Government department. Realizing as I do that the Estimates are under consideration, and also Government having accepted this motion, I honestly believe that if greater financial assistance were rendered to the Income Tax Department it would produce large dividends in the very near future and would probably help us to solve some problems that we are discussing to-day.

MR. MATHU: I really did not intend to intervene in this debate, but there are two points that have been mentioned by previous speakers which I think I ought to emphasize—in some places, perhaps, give greater co-operation.

The first is in regard to the points that have been raised by many speakers regarding the productivity of the economic resources in the country, and it has been pointed out that we must increase our productivity many times more if we have to maintain an adequate standard of national economic wealth, and there are very few people, I think, who would disagree with that. We must produce more in every direction. The part that the African people have played in the production of wealth in this country is a very notable one, and nobody, of course, would say that they must not increase their capacity to produce and to contribute to the economic wealth of this country. The hon. the Special Commissioner for Works told the Council recently that they are having a scheme—or continuing with a scheme—for training artisans—I think primarily African artisans—and the hon. Labour Commissioner has made the same point.

Now, I think what we must do as far as producing these skilled men to enhance our economic development and encourage sufficient incentives and encouragements for the men we produce. We have a few technical institutions like the Kabete Trade School or the Thika Trade School, and we are in the process of setting up a technical college in Nairobi.

I feel, Sir, that although we must in the end set up a very high standard for these men, that initially we must put them on their way, knowing that they are not absolutely up to the standard, so that gradually we will build up the standard of skill which has been achieved by other parts of the world, who came into the picture earlier than ourselves. I do not think that encouragement of the artisans we have produced has been as it should be. Even in Government departments a lot has still to be done to achieve this end. In the commercial firms and in private industries the same story is the case. I feel, Sir, that we cannot wait for imported products of these men from overseas. We have got the manpower that is necessary. All that we want is the drive to train them quickly and to give them the necessary incentive so that they can take up technical jobs, both in the official and non-official fields. I do not believe that we can solve the problem either immediately or in a long-range way by importing more of these people. We have got the material—all we have to do is to use that material wisely, Sir, and to encourage the material to give us what we want.

Now, the question of manual labour has been mentioned, and I think that I would be the last man to disagree with the view that these people must put up their output to the highest degree possible, and any people in the employment on farms or in industry or anywhere who do not pull their full weight should be discharged, because they are not a credit to the economic welfare or the reputation of this country. I say that in the full conviction that that is the way to do it. On the other hand, we, as employers, have our part to play in this job. The hon. Labour Commissioner did say that we must face the question of say that we must face the question of this vicious circle. You say we want high output. Labourers must have reasonable amenities that all workers in the world must have. On the other hand, you know that you cannot work hard if your tummy is empty, neither can you work hard if you are not having moderately comfortable sleeping accommodation, neither can you work hard when you have no future prospects either of promotion in your job or of social security. Now, there is that nightmare, Sir, of the manual labourer who has a family and



[Mr. Mathu] earns so much per month, the meagre wages, I must say, of Sh. 10, Sh. 12 or Sh. 15 a month. A man with three or four children and, as it happens in this society he may have three or four wives. It is not something that would encourage the labourer to work as long as we would like him to, or even to give the highest output, as all of us agree that he should do. It is, I think, therefore, on that part of the employer a very important matter to consider these matters, and to see that this man must be given a minimum standard of living that would enable him to work and to produce more. We have to be realistic about this, because the worker, after all, is a human being. We must also not only care about the worker himself, but his family, the future of his children. We must consider them, and that is where the question of social security comes in and all the social amenities that ought to come after the output has been increased should, I think, precede this question about giving him the encouragement.

There is another point, Sir, which I think I must mention, which concerns the improvement in relations between the employer in this case in relation to his African labour. There has been, I must say, a tremendous improvement between the relations of the employer and the employee in this country. I must say that there is still a long way to go to treat the labourer as a human being. The African is very sensitive to the language or to the look any person gives to him in the morning. I have said this before in this Council, and I think we still have something to do there, to improve, so that this man can start on a day's work cheerfully and intending definitely to produce more and work hard.

I should like, in dealing with the question of productivity, to say, Sir, that there has been a tremendous improvement in the standard of production from African areas; cash crops have been produced, I think, more recently than any time, when they were working on their own. There has been a tremendous improvement. I agree we must do more, but I think the African has realized now more than any time before that he must produce more, not only for his own

good, but for the good of this country. And I say to him publicly now that unless he works almost twelve hours a day, his future and the future of this country is doomed.

Now, one final word, Sir, about the effecting of economy by the Government, as this motion is requesting them to do. I think this has been covered by many hon. Members, and I do not want to detain the Council by any prolongation of this point. But I have one point I would like to make, which I think might help, and that is that I think—particularly in African areas—we are specializing too much. I would like, for example, the health inspector to combine both health inspecting work and the welfare work. At the moment we have a Health Department which does practically the same work as a welfare officer. Now, why do you not combine the two, and get the fellow who wants to get the people working hard and playing the games—they are all combined together. I put that as a suggestion, that I do not think we can afford this over-specialization. (Hear, hear.) I have seen what these health workers do and the welfare workers. They are doing a good job, but it is possible to combine those two and achieve the same end. We might economize a great deal there. There is quite a lot of duplication in that issue, and I want to know what the reaction of Government is to that. But I think here the hon. Member for Rift Valley will be able to say something. (Applause.)

Sir, I beg to support.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Mr. Speaker, there are one or two small matters to which I would like to refer with reference to this motion.

In the first instance, of course, this motion is no novelty in this Council. There have been a good many such motions, over the past years, and almost every year. By saying that, it does not in the least mean that I do not agree with it, but its implementation presents difficulties. As hon. Members are aware, and, in this regard, I would stress what my hon. friend the Member for Finance has said, Government is fully alive to the dangers which they can see lying

the Member for Agriculture and Natural Resources] ahead from the constantly rising cost of Government, and I would reiterate that Government is doing—as I know to my cost—all that it possibly can to reduce the cost of Government services.

Certain suggestions have been made for remedying the situation—or, shall we say, reducing the cost of Government. I think the hon. Member for Kiambu talked about the terms of service and more or less made suggestions that it was time we had either a local civil service or a civil service engaged on different terms. Now, Sir, that idea is of course no novelty. In 1932 the Expenditure Advisory Committee made the same proposals, and at about that time we created a local civil service. I would say, Sir, that that junior civil service, call it what you will, was, I think, a failure. It is very difficult to have two classes of civil service. It is, I think, almost impossible in practice over a period to carry that into effect. And furthermore, Sir, if it is a question of creating a new class, I think it is engaging our own people. I think it is a very bad thing to suggest that persons who are born and educated in Kenya and live in Kenya are in any way inferior to a similar type of person engaged outside.

There may be something to be said about the hon. Member's suggestion about leave. But there, again, I think there are disadvantages in the people always taking their leave in this Colony. It is not so much that the health conditions affect them, or that climatic conditions in any way are unsuitable to Europeans, but I think intellectually one is inclined to get a little narrow minded if one is in a Government service, always meeting the same old people and doing the same thing in the same comparatively small community. However, that is a personal view. In short, Sir, what I wanted to say about the suggestion about fresh terms of service and possibly a local civil service, is that it has been tried and the hon. Member will, I am sure, appreciate my argument—

**MR. HAVELOCK:** Mr. Speaker, to make my point absolutely clear, I did not suggest there should be any difference in the actual cash emoluments as between any civil servants of the same status. My suggestion was that the leave conditions might be varied, but the cash saved from

the leave and the passage would be given to the man concerned. His actual receipts would be the same. I agree entirely with the hon. Member that the way it was done before—the very lowly paid local civil service and the rather higher paid other civil service—that the great gap between the two was a complete failure, and we could not possibly have it again.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** In fact, the hon. Member suggested savings would arise mostly from replacement which, of course, might represent some saving.

**MR. HAVELOCK:** Yes.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** The hon. Member also suggested the possibility of private enterprise undertaking township water supplies. Well, I agree with the hon. Member that, where that is possible, it should certainly be done, but I think he will find that in most cases, either the township supplies have been taken over by local authorities, or they are in most cases the type of supply that would not attract private capital. It is the duty, unfortunately, of Government in the interest of public health to provide such a service. In a growing country it will be appreciated that the inhabitants of such small places live as a very scattered community. This type of supply is expensive and the amount of water contained is small. At this stage, therefore, I see no alternative to Government expenditure a great deal of money and having itself to accept the responsibility for a number of these small township supplies. But as these small townships grow, I agree that there is a great deal to be said for the hon. Member's suggestion, and that the idea should be pursued as soon as it is practicable to do so, to hand these water supplies over to the private enterprise or to a local authority. But here again, Sir, I would suggest that it will be some time before most of these supplies have reached that stage.

**MR. HAVELOCK:** What about Thika?

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Thika is a case in point.

On a question of research, the hon. Member was a little critical of log-tenner research, as he called it, which was being carried out. Well, as the hon.

[The Member for Agriculture and Natural Resources] Members are aware, there is a Committee sitting on the activities of the High Commission *vis-à-vis* this Colony, and amongst those responsibilities, of course, is the provision of long-term research facilities. Those have to be gone into. But I would stress that the country has now reached a stage when certain lines of research long overdue must be undertaken. I do not suppose the hon. Member would suggest any curtailment in what is variously known as the technological research or *ad hoc* research, or applied research, that is to say, in what he referred to as "short term" research, which is going on in the Colony to-day; for instance, plant breeding, inquiries into certain animal diseases, some of our grassland experiments, or some of our work on soils, because, those, I submit, are absolutely essential if we are to continue developing at the pace we are in agriculture to-day.]

I think those are the only points with which I am personally connected that have been raised in this debate. The hon. Member for the Trans Nzoia made it perfectly clear that in any remarks that he made he was in no way being critical of those who are Government servants. Now, Sir, I have been on both sides of this Council, and during the last few years it has fallen my lot to be placed at the head of several departments, and that to have to administer many Government officials, and I was very glad indeed to hear what the hon. Member has said, and I feel it would be only right for me to endorse his remarks. (Hear, hear.) Although I arrived on this side of the Council as a "stranger in the land", I think naturally that my ambitions were to do the best I could on this side of the Council, and in charge of Government departments for the Colony as a whole. Never in my life have I had more complete loyalty than I have received from the civil servants with whom I have had to deal. (Applause.)

In conclusion, Sir, this Council notes with alarm the increasing cost of Government, and in that respect, as the hon. Member for Finance has said, we entirely agree. The object of this motion is to request the Government to examine

perhaps more meticulously than it has in the past, ways and means of reducing that expenditure. Now with that, again, I think everybody on this side of the Council is in agreement. In view of the difficult and perhaps rather cloudy future that is before us and which is entirely appreciated by every Member in this Council, I am quite certain there is nobody on the Government side who is not going to do their level best to try and reduce the expenditure properly submitted in the next estimates. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Speaker, after the remarks which have been made by my colleagues, there is not a great deal that it is necessary for me to add to this debate. We do share the concern of all hon. Members at the increasing costs of Government, and we are going this year—as we do every year, not only when the new Budget is under preparation, but indeed all the way through the year—to see to it that the expenditure is kept to what Members responsible for the conduct of services regard as the absolute minimum necessary to efficiency.

I must, however, Sir, make some reference to the remarks which were made by the hon. Member for Aberdare. He stated that Government had no ideas of economy. Well, Sir, if he had the slightest knowledge of the difficulty which Members of the Government have when they wish to increase the cost of the services under their charge in order to provide what they consider the minimum efficient service he would not have made that charge. He can have no idea of the difficulty they have to convince the Treasury that there is this necessity, and as a Member of the Standing Finance Committee, the hon. Member perhaps knows better than many others the very extreme pressure which is often made on the Government, even between Budgets to provide additional finance. I would like too, to assure him and other hon. Members that there is quite a lot of material which comes forward for presentation to the Standing Finance Committee, which fails to pass the scrutiny and the very severe tests which are put to it by my hon. friend the Member for Finance and the Treasury. (Applause.) We are, Sir, and I want to say this very bluntly, very very conscious of the need for economy. We are

[The Acting Chief Secretary] responsible people, and we face the future with just the same anxieties as hon. Members on the other side of the Council.

The hon. Member went on to say that he believed there was dead wood in every department of the Government, which ought to be cut out. Well, Sir, it is frightfully easy to throw out those sort of remarks without producing any evidence whatever in support of them. I have said, and other Members on this side have said, during the past years, that we would do our utmost to cut out dead wood from the Government service. We have, Sir, done our utmost, and I personally—with other Members of the Government—have spent many many hours carrying out that undertaking which has been given more than once in this Council.

He also said how easy it would be to cut out what he described as non-essential expenditure which he was sure could be dispensed with without upsetting the healthy progress of development. Well, Sir, what can we cut out? Would it not be very much better, rather than coming forward with that sort of general statement, to give us a lead and say what is not required, which is costing us money?

MR. HOPKINS: Sir, may I just say that if Government would be willing to associate Members on this side of the Council with their investigation, that then we would possibly be able to show them how to cut out some of this expenditure. I presume that the hon. Member does not mean that we should make criticisms perhaps of who is not necessary and what service is not necessary in this debate.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I certainly—and I am sure that I speak for all my colleagues on this side—will welcome assistance from hon. Members opposite in reviewing the expenditure estimates of the departments for which we are responsible. I and other Members of the Government last year invited hon. Members opposite to go through the estimates of the departments under our control with us before they were ever discussed on the floor of this Council, and I repeat that invitation to-day. I will welcome—and I am perfectly

certain, that all my hon. friends on this side also will welcome—assistance, and help from hon. Members opposite in this matter.

I would also like to refer to the point made by the hon. Member for Kiambu, and the emphasis that he placed on the productive services, I am certainly not, Sir, going to quarrel with him on anything that he said on the subject. It was a point which was kept very much in mind by the Planning Committee. The difficulty comes of course in trying to make up one's mind what is a productive service; and it is a fact which came out during the debate on the Planning Committee's Report and indeed actually in that Report, that much of the greatest percentage of increase in the cost of the administration which we are going to have to face during the next four years is directly attributable to our developing educational services, and during the debate on the Planning Committee's Report I do not think that there was a single suggestion made that those services should be cut. That is something which must be borne prominently in mind when considering the perfectly reasonable observation that the hon. Member made.

Turking to the remarks of the hon. Member for Nairobi South again, I do not wish to join issue with anything which he said, except just to make the point that it really would not, I think, be possible to put a ceiling on costs of administration without at the same time placing a ceiling on the services that those costs were required to meet.

MR. SALTER: Sir, I was not referring to costs. I was referring to personnel.

THE ACTING CHIEF SECRETARY: Well, Sir, it is not very much the same thing? Surely it is because personnel have to be provided that we have to find the means of paying for them.

Referring to the remarks of the hon. Member for Trans Nzoia I would like to join my hon. friend, the Member for Agriculture, in thanking the hon. Member for the remarks which he made about the Civil Service. Remarks of that kind from him make a great deal of difference to a Service which is working, at this particular time, very often under conditions of difficulty and strain. He conditions of difficulty and strain. He asked me what action Government took following the report of the Industrial

[The Acting Chief Secretary]

Consultants who came out here to advise us as to how we could save money in introducing a measure of reorganization in the Secretariat, and certain other departments. Well, Sir, in general, the recommendations of those consultants, in so far as the Secretariat was concerned, were accepted and put into operation. There was, as the hon. Member will remember, one notable exception which was resolved by vote in this Council. I refer to the number of Establishment Officers required to look after the Civil Service Establishment. On that particular recommendation this Council decided that it would not be possible for the work to be done with the reduced establishment recommended by the Consultants. (Shame.) I can also inform the hon. Member that since that time we have been fortunate in being able to acquire the services of Mr. Dinkley, a Treasury expert, to advise us on the Accountant General's office. He has done his work, made his recommendations, and again I think I am correct in saying that the recommendations which he made have been put into effect. I was also asked, I think, whether those Consultants had been invited to review the Public Works Department. They were not asked to do this, Sir. The matter was very carefully considered by the Chief Secretary and my hon. friend the Special Commissioner for Works, and it was decided that as the department was in the process of being reorganized under my hon. friend's direction that the time was not appropriate to impose yet a further examination into its organization. The question was, however, very carefully considered.

It only remains, Sir, for me to say that I did not realize, when my hon. friend the Member for Education was speaking yesterday, how almost uncontrollable must have been the extent of the restraint imposed upon my hon. friend the Member for Trans-Nzoia, but I am sure that all of us have been glad that he has been allowed such licence to-day which has made good, to a large extent, what we were not privileged to hear from him yesterday. (Laughter.) I beg to support.

THE SPEAKER: I should say "liberty" not "licence". (Laughter.)

MR. BRUNDELL: Mr. Speaker, I must confess that I am disappointed at the

angle which has been subtended by this Council on my motion. I should like to congratulate the hon. Member for Finance on his speech. It is attractive to us on this side of the Council to see him getting such a masterly hold of his subject after the fees which we have contributed to his schooling over the last two years, and he said many things which did exactly portray what I wanted to get out of this motion. For instance, he said that one of the factors we had to consider was the rise in the cost of Government, and that in addition to that there was the £2,000,000 which has fallen upon us as a result of cost of living allowance. That is exactly the point I was trying to bring out. We are a poor country, one of the poorest countries probably in the world; and with this rising cost of Government we have no cost of living allowance which, as a country, we can call upon to meet it. We can only meet it by increasing our taxation and up to a point negating our development or reducing the cost of Government, and it is a factor which the people of this country must meet. I agree absolutely with him on the question of policy, and I did hope that as a result of this report all Members of this Council, both on this side and on the other, would make it their business to place it squarely before the public that if they demand policies which finally result in expenditure, we may well build up a structure which we cannot afford. (Hear, hear.) Now Mr. Mathu, Sir, made two points which I would just like to deal with very quickly. It is often being brought before this Council, the low wages of, for instance, agricultural labourers. I think he said Sh. 10 or Sh. 12. That completely eliminates the housing, food and medical attention which is provided; which brings the real wealth of the wage to somewhere about Sh. 45 or Sh. 50 a month. Secondly, Sir, I must point out that we cannot build a country on an economy of three wives. One wife may be a necessity, two wives are a luxury, three wives are a lunacy. (Laughter.) I am submitting to this Council that we cannot build the economy of this country on a basis which is both luxurious and lunatic.

MR. MATHU: Would the hon. Member propose the setting up of a thousand mental homes where all the Africans would have to go?

MR. BRUNDELL: No, Sir, I am proposing to the hon. Member that the obvious impact of economic necessity will reduce the number of wives from three, four upwards, down to one.

Now Sir, we have had from the other side of the Council suggestions as to where these cuts should take place, and to where these suggestions which I should like to put forward; but first let me say this: I agree with the Member for Finance that the odd, what he called "chickenfeed", the pruning of recurrent expenditure, cutting (I am looking now at the hon. and learned gentleman opposite) cutting of the recurrent expenditure, will not entirely meet the problem, but nevertheless every penny we can save on not vitally essential recurrent expenditure is a penny in hand to meet the costs which are ahead of us, and I think it is worth our examining that angle. Now we have over the last two years, but not the last Budget because we despair of getting hon. Members opposite to see reason—we did move many reductions, and with one exception, the Dietician and his staff, which was put forward by the hon. Director for Medical Services, we were unsuccessful. I was speaking the other day to a Member of this Council for many years, a man of great intellect who contributed much to our debates and who was finally promoted to the High Commission—He had seen my motion in print and congratulated me on it and told me how essential it was I should move it. I said: "Yes, I am going to, and I am going to mention that in the High Commission I think savings might be made." "Oh", he said, drawing back immediately. "In my department there is not a post that is not vitally necessary. There is not a service which the public are not demanding and expecting every day." That is the angle which we have all of us got to throw off. Any man of natural energy, enterprise, and enthusiasm—those three magnificent "E's"—any such man obviously, if he is keen on his job, wants all the posts he can get to get on with his job, the truth of the matter is, I am submitting, we cannot afford it. I think we can make cuts on these items on the "chickenfeed" side.

I believe community development is desirable, but I think it is a luxury we cannot afford. The hon. and learned

Member opposite will forgive me, after such a brief interval in the country, if I tell him straight out that I think the Police vote imposes too great a burden on the expenditure of the Colony. It is too high a percentage in relation to that to which the Police vote of other countries bears, and I believe we have got to see either how we can make the Police more efficient, or how we can make law and order better preserved.

The Minor Improvements vote is a very high vote in the Budget, minor improvements to public buildings and that sort of heading, that is, I know at least three or four houses where the facilities for the passing away of waste tissues in the human body have been doubled. I think that is a luxury but not a necessity, and I believe there an economy can be made. Again I would urge on hon. Members opposite the greatest attention to the demands of the High Commission. There is an insidious constant attack upon the public purse. I know the officer there dealing with economies: I was astonished to find six or seven officers under him. I cannot see why we have this superimposed burden upon our own burden. I think there is an opportunity for retrenchment. (Hear, hear.)

Now, Sir, none of those things will of course deal with the major problem, but I am distressed that the hon. Member for Finance should wave his hand airily and say that minor cuts in the recurrent expenditure do not meet the problem. That at least will help it.

I think that what we want to get out of this motion are two things. They are a really radical and rigorous examination of our expenditure. I am not satisfied with the hon. Member when he says his "yearly review". His yearly review is the most namby pamby thing that has confronted us every year, with an increase in the Budget of something like a million.

THE FINANCIAL SECRETARY: Mr. Speaker, is the hon. Member not aware that every Budget in the world to-day is increasing, not by millions but by thousands of millions. The United States has just produced the record Budget in the whole of its history in war or peace, and is it supposed those influences do not affect this country?

Mr. BLUNDELL: Mr. Speaker, I hope that this rise from millions to thousands of millions is not an indication of the voraciousness of his appetite! What I am saying, of course, is—of course the Budget must go up as the country increases. What I am urging is the most rigorous examination of every root, because I believe if that is not done we will not be able to meet the essential commitments of what lies ahead of us arising out of Development Plans. That is what I am urging—not dragging in all this business about the United Kingdom and the United States. It is completely extraneous. This is a poor country. It has an uncontrolled economy and it cannot dominate the economy as the United Kingdom and the United States can. It cannot do it. It is a poor country. We must face facts. Now, Sir, I am suggesting that the hon. Member for Finance should indulge in rigorous—

Must use the word "cutting", because this word "pruning" has been debarrated to me. Secondly, Sir, what we have got, all of us, to make up our minds to is that we must eschew new services. We must condition the public to accepting that fact, and what I am asking for is that every Member here should attune his mind to that.

Now, Sir, the hon. Member for Trans Nzoia paid a tribute to civil servants, and I should like to endorse that. I have never, in my 27 years, in this country, been one of those persons who considered that a civil servant was a parasitic growth. He is not. He is a necessary concomitant in the development of the country, but please do not forget it—he is an expensive burden in terms of the emoluments and conditions necessary to attract him.

Lastly, Sir, I would like to say this. I am asking every Member here, and the public of this country, to accept a self-denying Ordinance over the constant demand for new services, new developments, new research, new everything, because none of those things can be carried. (Applause.) None of those things can be carried unless the basic fundamental wealth of the country is broadened to carry them. That is what I wish to say. Finally I must say this, because I am dissatisfied, I am dissatisfied with the intensity of action which I think hon. Members opposite intend to

bring in this matter. I wish to utter a word of warning. I know that there are many motions like this which have been moved in the past. I can remember this country when it was a small very poor country indeed, a backwater in the world, and we are now in the forefront of a great expansive movement over Africa, but nevertheless my warning is this: if we continue to have ideas above our income then we shall meet serious financial difficulties.

Mr. Speaker, I beg to move. (Applause.)

The question was put and carried.

### BILLS

#### SECOND READING

#### *The Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill*

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Guarantee (High Commission Posts and Telegraphs) (Amendment) Bill be read a second time.

Mr. Speaker, I have not got very much to add to what is already stated in the Object's and Reasons attached to the Bill. The position is that Condition 2 of the Treasury Order requires that sufficient funds should be made available in the United Kingdom to meet the sums required by any judgment, decree, rule or order of a court in the United Kingdom in relation to any such securities affected. Now, Sir, section 4 of the principal Ordinance provides only for the remittance to the Crown Agents of the sums necessary to implement any guarantee. That is to say, in relation to capital and interest payments. It is considered necessary, therefore, to make this addition in order to require that sums necessary to meet any judgment, decree, rule or order of a court in the United Kingdom should be remitted upon that judgment, rule or order.

Now, although this amendment may in some senses be regarded as formal, it is rather more than formal, because its omission might conceivably raise a doubt in the minds of the investing public that the High Commission securities involved have not full trustee status. Now, any such suspicion or doubt is bound to affect adversely the terms on which loans of this nature could be raised, and I do not need to explain to

[The Financial Secretary] hon. Members that expensive loan money means expensive development and therefore expensive services, something which affects adversely every person in this Council and, indeed, every person in the country. I may say that similar legislation is being passed in the other two territories.

Mr. Speaker, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

Mr. HAVELOCK: Mr. Speaker, I am sure the hon. Member will excuse my ignorance. Would he please explain what actual financial responsibility might apply or might arise out of a judgment, rule or order, apart from the payment of capital and dividends and interest?

Mr. MACONOCHE-WELWOOD: Mr. Speaker, there is one point I should like the hon. Member to clarify in his reply, and it is this. This presumably is a joint and several guarantee by the three territories, as occurred in the original High Commission Loan. I know the hon. Member was endeavouring to make arrangement so that we knew the amount of our liability in respect of the loan proportionately. I should like to know whether he was successful in effecting that in the main loan and whether that has been effected for this loan also. In other words, whether we have a proportional liability which is laid down in this joint and several guarantee.

THE FINANCIAL SECRETARY: Mr. Speaker, in reply to the question put by the hon. Member for Kiambu, the answer is this. Supposing that the implementation of the guarantee were disputed in a court, and that litigation was overruled by the court, then obviously not only would it be necessary to implement the guarantee by the payment of capital and interest, but there would also be costs, which might represent a very considerable sum. It is to provide for such a contingency that this clause has been introduced.

With regard to the question asked by the hon. Member for Uasin Gishu, I want to make it quite clear that this Bill is not providing for any new loan. It is merely a necessary addition to our existing Guarantee Ordinance. With regard to his question as to whether this Govern-

ment was successful in getting the other Governments to agree to sharing equally the liability under this guarantee, the answer, Mr. Speaker, is in the affirmative.

The question was put and carried.

#### *The Guarantee (High Commission Railways and Harbours) (Amendment) Bill*

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Guarantee High Commission Railways and Harbours Loan (Amendment) Bill be read a second time.

Mr. Speaker, what I have said in regard to the Posts and Telegraphs Bill applies precisely to this Bill. It seems to me there is no need to repeat what I have said. (Hear, hear.)

Mr. Speaker, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

THE ACTING ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the following Bills clause by clause:—

#### *The Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill.*

#### *The Guarantee (High Commission Railways and Harbours Loan) (Amendment) Bill.*

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

### COUNCIL IN COMMITTEE

The Bills were considered clause by clause.

THE ACTING ATTORNEY GENERAL moved: That the Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill and the Guarantee (High Commission Railways and Harbours Loan) (Amendment) Bill be reported back to Council without amendment.

The question was put and carried. Council resumed and the Members reported accordingly.

## BILLS

## THIRD READING

THE FINANCIAL SECRETARY moved: That the Guarantee (High Commission Posts and Telegraphs (Loan) (Amendment) Bill be read a third time and passed.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried, and the Bill read a third time and passed accordingly.

THE FINANCIAL SECRETARY moved: That the Guarantee (High Commission Railways and Harbours Loan) (Amendment) Bill be read a third time and passed.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried, and the Bill read a third time and passed accordingly.

## ADJOURNMENT

Council rose at 12.30 p.m. and adjourned until 10 a.m. on Wednesday the 5th September, 1951.

## Wednesday, 5th September, 1951.

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 5th September, 1951.

The Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

## MINUTES

The minutes of the meeting of 30th August, 1951, were confirmed.

## PAPERS LAID

The following papers were laid on the table:—

(a) BY THE ACTING ATTORNEY GENERAL:

The Report of the Select Committee appointed to consider the British Standard Portland Cement Company, Limited (Bamburi Factory), Bill.

(b) BY THE SPECIAL COMMISSIONER FOR WORKS:

The Public Works Department Annual Report, 1950.

## ORAL ANSWERS TO QUESTIONS

## QUESTION No. 76

LI-COL. GIBBS:

In view of the acute shortage of business premises in the City of Nairobi and the desire of the general public to abolish rent control at some convenient date, will Government please agree to offer for sale as soon as possible at least two acres of Government land—subdivided into business plots, the conditions of sale to provide for:—

(a) Buildings suitable to the City and of modern construction, to be erected within a reasonable period?

(b) A restriction in regard to the period governing the right of resale of the plots in order to prevent speculation?

THE ACTING DEPUTY CHIEF SECRETARY: Yes, Sir. The Government agrees that it is desirable to release Crown land in the City of Nairobi for business purposes and is already taking action to that end.

## Adjournment

Mr. HAVELOCK: Arising out of that answer, Mr. Speaker, can the hon. Member give any indication as to when this land may be released?

THE ACTING DEPUTY CHIEF SECRETARY: Sir, I would rather not give any definite length of time, but I can say that I and the Member for Local Government, who is also concerned, are doing our very best to expedite the completion of the matter.

## ADJOURNMENT

Council rose at 10.3 a.m. and adjourned until 10.00 a.m. on Thursday, 6th September, 1951.

## Thursday, 6th September, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 6th September, 1951.

The Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

## -ADMINISTRATION OF OATH

The Oath of Allegiance was taken by Mrs. A. R. Shaw, Member for Nyanza.

## MINUTES

The minutes of the meeting of 5th September, 1951, were confirmed.

## MOTION

SELECT COMMITTEE REPORT—THE BRITISH STANDARD PORTLAND CEMENT COMPANY, LIMITED (BAMBURI FACTORY) BILL.

THE ACTING ATTORNEY GENERAL: Mr. Speaker, I beg to move: That the Report of the Select Committee, which was appointed to consider the British Standard Portland Cement Company (Bamburi Factory) Bill be adopted, and I do so, Mr. Speaker, with all the more confidence and assurance in view of the fact that this Report has received not only the unanimous assent of the Committee, which was perhaps to be expected, but also has received the unqualified approval of the promoters and of the objectors of this Bill. (Applause.) In other words, Mr. Speaker, this Report so far, at least, has achieved the rare and perhaps unique distinction of pleasing everybody. As hon. Members are aware, the consideration of a Private Bill by a Select Committee is a comparatively rare procedure in this Legislature, particularly where, as in the present case, there are a number of petitioners who object to the preamble and to the clauses in the Bill, and I venture to think that in dealing with the issues that were raised in this case, the Select Committee not only decided the question as between the parties satisfactorily, but, in developing the procedure, also made a useful contribution to the growing practice and custom and usage of this Legislature, which will provide useful guidance to similar committees in the future.

Now, Mr. Speaker, the Promoters appeared before your Committee by

[The Acting Attorney General] Counsel and likewise the Objectors appeared by their Counsel; evidence was called in support of the allegations in the preamble of the Bill, and evidence was called in support of the counter-allegations put forward by the Objectors. The witnesses were examined, cross-examined and re-examined and throughout all these proceedings your Committee was very conscious that that Committee was very individual to express his personal views, but in a judicial capacity, endeavouring to evaluate the evidence and to arrive at fair and just decisions as between the parties.

The issues may be briefly summarized thus: on the one hand, the expediency in the public interest of erecting a cement factory in Kenya, and not only in Kenya, but on this particular spot in Kenya; and on the other hand, the need to safeguard the private residential plot holders in this neighbourhood from nuisance that might be created as a result of the noise and the fumes and the dust from the factory. The task of the Committee was to have regard to the broad issues of public policy which were thus raised and at the same time to reconcile them with the fair and just objections of the opponents of the Bill. In discharging this task, the Committee were greatly assisted by the helpful attitude of the Cement Company, the Promoters of the Bill, who throughout showed a real and genuine desire to meet all reasonable objections which might be put forward. (Applause.) At the same time the Committee were equally assisted by the helpful attitude of the individual opponents of the Bill who showed great good sense and a spirit of compromise which enabled your Committee, Mr. Speaker, to reconcile the conflicting interests of the opponents and the Promoters of this Bill. As a result, an agreement was reached between the parties which may be summarized briefly as follows: firstly, the factory should be located on a site at the furthest western limit of the factory area, as far away as possible from the residential plots. The distance must not be less than 1,000 yards from the residential plots, and it may well be—it may turn out to be—as much as 1,300 yards. So expressing the matter in round terms, the factory will be approximately three-quarters of a mile

away from the nearest residential plot. That distance, Mr. Speaker, it is considered should be adequate to minimize all objectionable noises from the factory, and it is hoped will minimize them to the extent that they will scarcely be noticeable to anyone residing near the beach. The second point, upon which agreement was reached, was that a part of the factory area, and a very substantial part of the factory area, should not be operated for the next 25 years for the purpose of quarrying or blasting. The part in question is that area which is nearest to the residential plots and is more particularly defined on a plan which is attached to the Committee's Report. It will be sufficient, I think, Mr. Speaker, for present purposes, if I say that the effect of neutralizing that area will be that there will be no quarrying or blasting within a quarter of a mile of a residential plot for the next 25 years. The third point upon which agreement was reached was that the company should construct a new road which will provide an alternative means of access to the residential plots without the necessity of traversing the factory area. Now all those three points are covered by amendments which have been inserted in the clauses and in the Schedule to the Bill which is annexed to the Committee's Report. There is one additional matter which was dealt with in the course of the hearing, but which is not covered by a specific amendment in the Bill. During the hearing the Promoters by their Counsel, undertook to plant a belt of casuarina trees on the eastern boundary of this factory area, which will eventually screen the factory buildings from the residential plots and will also provide a barrier or buffer to any sounds or dust which might reach as far as that. The casuarina trees, as hon. Members probably know, are very quick growing particularly on coral land such as this, and it is reasonable to expect in a few years' time there will be a belt of mature and tall trees, and indeed beautiful trees and, in my humble opinion, as casuarina trees are, which will effectively screen any factory buildings from the residential plots. So we may eventually find that the last state of the Bamburi beaches is that they are more beautiful than the first state. The result of all this, Mr. Speaker, is that if this Report is adopted and, if this

[The Acting Attorney General] Bill, as amended, is passed to-day; Kenya will, within a measurable distance of time, have a cement factory of its own, a factory which will be equipped with the latest, modern, most up-to-date, and efficient machinery, which it is possible to procure anywhere. In other words it will be a factory which from the technical point of view will be second to none in the world. (Applause.) And at the same time, Mr. Speaker, the amenities and the attractions and beauties of the Bamburi beaches will, I venture to hope, be safeguarded and preserved for as long as the surf continues to roll. (Applause.)

Mr. USHER: Mr. Speaker, I have the pleasure of seconding the motion, which has been moved in the most felicitous terms by the hon. and learned Attorney General, and there is nothing I can usefully add beyond, perhaps congratulations to the authors of the Report. This is an important occasion because for one thing, the country at large can see that the rights of private individuals are safeguarded by the procedure laid down for the use of this Council, and that this hon. Council will always seek to maintain those rights. Best of all, Sir, I feel that this great enterprise is launched in an atmosphere of goodwill and friendliness, which, with the effluxion of time will become firmly cemented. (Laughter.)

I beg to second. (Applause.)

Mr. COOKE: Mr. Speaker, as Member for the constituency in question, and as

one who was not present during the preliminary debates, I would like, Sir, to join with my hon. friend the Member for Law and Order in congratulating both parties on the spirit of goodwill and sweet reasonableness which they have shown from beginning to end on the matter. This, Sir, is a great enterprise which will have, we hope and indeed know, repercussions throughout the whole country, and it will be to the benefit of the Coast in particular and the whole country in general.

I will end with expressing the hope that the spirit of enterprise which has been shown by that company will be shown by similar companies throughout this great land so as to help the prosperity of Kenya in future.

The question was put and carried.

### BILLS

#### THIRD READING

Mr. USHER moved: That the British Standard Portland Cement Company, Limited (Bamburi Factory), Bill be read a third time and passed.

THE ACTING ATTORNEY GENERAL seconded.

The question was put and carried and the Bill read a third time and passed accordingly.

### ADJOURNMENT

Council rose at 10.20 a.m. and adjourned until 10 a.m. on Tuesday, 23rd October, 1951.

# Index to the Legislative Council Debates

## OFFICIAL REPORT

Third Session—Fourth Sitting

Volume XLIII

14th August, 1951 to 6th September, 1951

### EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time=1R, 2R, 3R;  
In Committee=IC; Referred to Select Committee=  
SC; Select Committee Report=SCR; Recommended to  
Council=Re.CI.; Withdrawn=Wdn.

#### Acting Attorney General—

(Mr. J. Whypai)  
Adoption of Oath, 1  
Withdrawal Planning Committee Report,  
240, 241  
The British Standard Portland Cement Co.  
Lid. (Bamburi Factory) Bill, 365, 374  
The Compulsory Military Training Bill, 12  
The Co-operative Societies (Amendment) Bill,  
12  
The Criminal Procedure Code (Amendment  
No. 2) Bill, 12, 30, 137  
The Customs Tariff (Amendment) Bill, 103,  
The Development Loan Bill, 12  
Fig.: Diplomatic Privileges (Extension)  
(Amendment) Bill, 12, 27, 29, 48  
The Export of Timber Bill, 12  
The Factories (Amendment) Bill, 12  
The Income Tax (Amendment No. 2) Bill,  
103  
The Justices of the Peace (Amendment) Bill,  
12, 86, 87  
The Juveniles (Amendment No. 2) Bill, 12,  
85  
The King's African Rifles (Amendment) Bill, 12  
12  
Legislative Council Ordinances—Amendments,  
71  
The Miraa Prohibition (Scheduled Areas)  
Bill, 103  
The Municipalities (Amendment) Bill, 12  
The Nurses and Midwives Registration  
(Amendment) Bill, 12  
Papers Laid, 3, 348  
The Penal Code (Amendment) Bill, 12, 75,  
91  
The Pensions (Amendment) Bill, 101  
The Pensions (Increase) Bill, 12  
The Rabies (Amendment) Bill, 161  
The Registration of Business Names Bill, 12  
The Regulation of Wages and Conditions of  
Employment (Amendment) Bill, 12  
The Stamp (Amendment) Bill, 12  
Suspension of Standing Rules and Orders, 8  
The Veterinary Surgeons Registration Bill, 12  
The Weights and Measures Bill, 12

#### Acting Chief Secretary—

(Mr. C. H. Thornley)  
Adoption of Planning Committee Report,  
169, 246, 290, 294  
The British Standard Portland Cement Co.  
Lid. (Bamburi Factory) Bill, 136

Consolidated Voters Rolls, 175  
Defeatment of Committee Stage, 122  
Increase in cost of Government, 336, 356,  
357, 358  
Increase in cost of living allowances for  
Government servants, 304  
Lack of accommodation in Law Court build-  
ings at Mombasa, 99  
Langata Road Construction, 69, 70  
Papers Laid, 3, 225  
Procedure in Committee on Select Com-  
mittee Report, 126, 149, 150  
Registration forms for voters, 99  
The Regulation of Wages and Conditions of  
Employment (Amendment) Bill, 74, 75  
Suspension of Standing Order No. 100, 97

#### Acting Deputy Chief Secretary—

(Mr. C. H. Hartwell)  
Compensation for loss of life of an African,  
228  
The Compulsory Military Training Bill, 12,  
164, 195, 196, 198, 199, 200, 201  
The Factories (Amendment) Bill, 30  
Government land in Nairobi, 368, 369  
Increases in cost of living allowances for  
Government servants, 310, 311  
The King's African Rifles (Amendment) Bill,  
30, 89  
Papers Laid, 3, 225  
The Regulation of Wages and Conditions of  
Employment (Amendment) Bill, 72, 75

#### Acting Director of Medical Services—

(Dr. E. A. Trim)  
Administration of Oath, 1  
The Nurses and Midwives Registration  
(Amendment) Bill, 21

#### Acting Solicitor General—

(Mr. P. E. H. Pike)  
The Compulsory Military Training Bill, 58  
Contribution from Nyanza Cotton Sales  
Proceeds Funds, 15  
The Co-operative Societies (Amendment) Bill,  
12, 30  
The Criminal Procedure Code (Amendment  
No. 2) Bill, 32, 89  
The Customs Tariff (Amendment) Bill, 103,  
118  
The Development Loan Bill, 12, 78

INDEX—(Contd.)

378

The Diplomatic Privileges (Extension)  
(Amendment) Bill, 12, 24  
Exclusive Trading License, 12  
The Export of Timber Bill, 12, 43  
The Factories (Amendment) Bill, 12, 30  
The Income Tax (Amendment No. 2) Bill,  
103, 191  
The Justices of the Peace (Amendment) Bill,  
12, 87  
The Juveniles (Amendment No. 2) Bill, 12,  
86  
The King's African Rifles (Amendment) Bill,  
12, 30  
The Miraa Prohibition (Scheduled Areas)  
Bill, 103, 139  
The Municipalities (Amendment) Bill, 12, 85  
The Nurses and Midwives Registration  
(Amendment) Bill, 72  
The Penal Code (Amendment) Bill, 12, 75,  
90  
The Pensions (Amendment) Bill, 103, 143, 144  
The Pensions (Increase) Bill, 12, 80  
The Rabies (Amendment) Bill, 103  
The Registration of Business Names Bill,  
12  
The Regulation of Wages and Conditions of  
Employment (Amendment) Bill, 12, 73  
The Stamp (Amendment) Bill, 12, 105  
Suspension of Standing Rules and Orders, 8  
The Veterinary Surgeons Registration Bill,  
12, 47  
The Water Bill, 152  
The Weights and Measures Bill, 12, 35

#### Administration of Oath—

1, 370

#### Bills—

The British Standard Portland Cement Co.  
Lid. (Bamburi Factory) Bill, 1R 136,  
2R 176, SCR 368, 370, 374  
The Compulsory Military Training Bill,  
12, 27, 29, 48, IC 193, 3R 201  
The Co-operative Societies (Amendment)  
Bill, (1R 12, 2R 29, IC 88, 3R 93)  
The Criminal Procedure Code (Amendment  
No. 2) Bill, 1R 12, 2R 30, IC 88, 3R 94  
The Customs Tariff (Amendment) Bill, 1R  
103, 2R 137, IC 146, 3R 168  
The Development Loan Bill, 1R 12, 2R 76,  
IC 88, 3R 94  
The Diplomatic Privileges (Extension)  
(Amendment) Bill, 1R 12, 2R 27, IC 88,  
3R 93  
The Export of Timber Bill, 1R 12, 2R 42,  
IC 114, 3R 123  
The Factories (Amendment) Bill, 1R 12,  
3R 90, IC 88, 3R 94  
The Guarantee (High Commission Posts and  
Telegraphs Local) (Amendment) Bill, 1R  
227, 2R 364, IC 366, 3R 367  
The Guarantee (High Commission Railways  
and Harbours Local) (Amendment) Bill,  
1R 277, 2R 366, IC 366, 3R 367  
The Income Tax (Amendment No. 2) Bill,  
1R 103, 2R 178, SC 267  
The Justices of the Peace (Amendment) Bill,  
1R 12, 2R 84, IC 88, 3R 94  
The Juveniles (Amendment No. 2) Bill, 1R  
12, 2R 85, IC 88, 3R 94  
The King's African Rifles (Amendment) Bill,  
1R 12, 2R 30, IC 88, 3R 93

The Miraa Prohibition (Scheduled Areas)  
Bill, 1R 106, 2R 139, IC 146, 3R 168  
The Municipalities (Amendment) Bill, 1R 12,  
3R 94, IC 88, 3R 94  
The Nurses and Midwives Registration  
(Amendment) Bill, 1R 12, 2R 72, IC 88,  
3R 94  
The Penal Code (Amendment) Bill, 1R 12,  
2R 75, IC 90, 3R 94  
The Pensions (Amendment) Bill, 1R 103,  
2R 142, IC 146, 3R 168  
The Pensions (Increase) Bill, 1R 12, 2R 78,  
IC 91, 3R 91  
The Rabies (Amendment) Bill, 1R-103, 3R  
143, IC 146, 3R 168  
The Registration of Business Names Bill,  
1R 12, 2R 22, IC 107, 3R 123  
The Regulation of Wages and Conditions of  
Employment (Amendment) Bill, 1R 12,  
2R 73, IC 88, 3R 94  
The Stamp (Amendment) Bill, 1R 12, 2R 103,  
IC 22, 3R 230  
The Veterinary Surgeons Registration Bill,  
1R 12, 2R 46, IC 115, 3R 123  
The Water Bill, SCR 14, 123, 131, 3R 168  
The Weights and Measures Bill, 1R 12, 2R  
33, IC 114, 3R 123

#### Blundell, Mr. M.—

(Member for Rift Valley)  
Adoption of Planning Committee Report,  
174, 211, 217, 218, 219, 240, 242, 255,  
256, 293  
Cement raised up-country from Mombasa,  
320, 321  
The Compulsory Military Training Bill, 58,  
66  
The Customs Tariff (Amendment) Bill, 118,  
146  
Development of Gold Mining Industry, 99,  
100  
The Diplomatic Privileges (Extension)  
(Amendment) Bill, 24  
Hide and Skin Trade (Imposition of Ceas.),  
12  
The Income Tax (Amendment No. 2) Bill,  
182, 194, 195  
Increase in cost of Government, 323, 359,  
361, 363  
Increases in cost of living allowances for  
Government servants, 297, 305, 311  
Increases in cost of living allowances for  
Government pensioners, 67, 70  
Langata road construction, 69, 70  
Notice of Motion, 225  
Papers Laid, 3  
The Pensions (Increase) Bill, 81, 84, 91, 92  
Principle of Dividend Limitation, 114  
Procedure in Committee on Select Committee  
Report, 140  
Public Accounts Committee Report on  
Colony's Accounts for 1948, 16, 22  
Qualifications of Government Press Officer,  
175, 176  
The Regulation of Wages and Conditions  
of Employment (Amendment) Bill, 74, 75  
The Rabies (Amendment) Bill, 144  
Select Committee Report on the Water Bill,  
126  
The Veterinary Surgeons Registration Bill,  
12  
The Water Bill, 152, 163, 164

**Bretton Jr, Col. F. H.—**

(Acting Member for Trans Nzoia)  
Adoption of Planning Committee Report, 202  
The Weights and Measures Bill, 157

**Carpenter, Mr. F. W.—**

(See Labour Commissioner)

**Cavendish-Bentlick, Major F. W.—**

(See Member for Agriculture and Natural Resources)

**Chief Native Commissioner—**

(Mr. E. R. St. A. Davies, M.B.E.)  
Adoption of Planning Committee Report, 285

The Co-operative Societies (Amendment) Bill, 29

Contribution from Nyanza Province Cotton Sales Proceeds Funds, 15

The Miraa Prohibition (Scheduled Areas) Bill, 159, 161

Papers Laid, 67

Qualifications of Government Press Officers, 176

The Veterinary Surgeons Registration Bill, 118

The Water Bill, 164

**Chermallan, Mr. J. K. Arap—**

(Nominated Unofficial Member for the African Community)  
The Water Bill, 153

**Committees, Select—**

The British Standard Portland Cement Co., Ltd. (Bamburi Factory) Bill, 224

The Income Tax (Amendment No. 2) Bill, 267

**Communications from the Chair—**

Central Legislative Assembly, 98

Obituary—The Hon. T. R. L. Preston, I.

**Cooke, Mr. S. V.—**

(Member for Coast)  
The British Standard Portland Cement Co., Ltd. (Bamburi Factory) Bill, 173

**Cowle, Mr. M. H.—**

(Acting Member for Kiambu)  
Administration of Oath, 1  
Adoption of Planning Committee Report, 220

**Davies, Mr. E. R. St. A.—**

(See Chief Native Commissioner)

**Financial Secretary—**

(Mr. V. G. Matthews, O.B.E.)  
Adoption of Planning Committee Report, 217, 218, 219, 251, 256

Committee of Ways and Means, 9, 10

The Development Loans Bill, 76

The Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill, 364, 365

The Guarantee (High Commission Railways and Harbours Loan) (Amendment) Bill, 366

The Income Tax (Amendment No. 2) Bill, 178, 182, 193, 194

Income tax on amount refunded to Government servant as house allowance, 276

Income tax on excess rents, 6, 7

Income tax assessment on contributions to provident funds, 7, 8

Income tax outstanding, 5

Income tax on travelling allowance, 4

Increase in cost of Government, 325, 329, 337, 338, 345, 362

Increase in cost of living allowances for Government servants, 294, 297, 301, 307, 312, 314, 319, 316, 317

Increase in cost of living allowances for Government pensioners, 317, 318, 319

Investment of capital outside United Kingdom, 134, 135

Papers Laid, 3

The Pensions (Amendment) Bill, 142

The Pensions (Increase) Bill, 78, 81, 82, 84, 92

Principle of Dividend Limitation, 134

Procedure, 9, 136

Public Accounts Committee Report on Colony's Accounts for 1948, 17

**Chersie, Lt.-Col. S. G.—**

(Member for Nairobi North)  
Admission to the European Hospital, 268, 269, 270

Arrangements in force to prevent illegal movements of locs, 102

Average number of goods trains leaving Mombasa, 272

The Compulsory Military Training Bill, 64

Consolidated Voters Rolls, 175

Government land in Nairobi, 368

Illegal movement of tea from Kenya to Tanganyika, 101

The Income Tax (Amendment No. 2) Bill, 193, 195

Income tax assessment on contributions to provident funds, 7

Income tax on amount refunded to Government servant as house allowance, 275, 276

Income tax on excess rents, 6, 7

Income tax outstanding, 5

Income tax on travelling allowance, 4

Increase in cost of living allowances for Government servants, 297, 314, 315

Increase in cost of Government, 348

Langa road construction, 69, 70

Legislative Council Ordinance—Amendments, 71, 72

Licences for motor transport of goods from Mombasa to Nairobi, 275

Maximum number of trains leaving Mombasa, 274

Public Accounts Committee Report on Colony's Accounts for 1948, 18

Registration forms for voters, 99

The Regulation of Wages and Conditions of Employment (Amendment) Bill, 73

Serious delays in shipment of cargo, 272, 273

Ships' working days lost at Mombasa, 273

Ships taken to ensure the exports of tea require export licences, 102

The Water Bill, 154

**Barwell, Mr. C. H.—**

(See Acting Deputy Chief Secretary)

**Baroket, Mr. W. B.—**

(Member for Kiambu)  
Adoption of Planning Committee Report, 209

Current railed up-country from Mombasa, 321

Government land in Nairobi, 369

The Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill, 365

Increase in cost of Government, 330, 338, 355, 354

Increase in cost of living allowances for Government servants, 301, 305, 308, 316

**Hops-Jones, Mr. A.—**

(See Member for Commerce and Industry)

**Horse, Mr. W. K.—**

(See The Speaker)

**Hopkins, Mr. J. G. H.—**

(Member for Aberdare)  
The Export of Timber Bill, 44

Increase in cost of Government, 327, 329, 342, 357

Increase in cost of living allowances for Government servants, 301, 304, 316

The Veterinary Surgeons Registration Bill, 120, 121

**Iremiah, Mr. J.—**

(Nominated Unofficial Member for the African Community)  
Adoption of Planning Committee Report, 283, 285

The Criminal Procedure Code (Amendment No. 2) Bill, 32

Increase in cost of living allowances for Government servants, 312

The Miraa Prohibition (Scheduled Areas) Bill, 140

The Veterinary Surgeons Registration Bill, 117, 119

The Water Bill, 153, 155

**Keyser, Major A. G.—**

(Member for Trans Nzoia)  
Adoption of Planning Committee Report, 290

Current railed up-country from Mombasa, 321

Increase in cost of Government, 336, 342, 345

**Labour Commissioner—**

(Mr. F. W. Carpenter)  
Increase in cost of Government, 347

**Lillywhite, Mr. W. G.—**

(Acting Member for Coast)  
Administration of Oath, 1

Adoption of Planning Committee Report, 229

The British Standard Portland Cement Co., Ltd. (Bamburi Factory) Bill, 136, 177

Suspension of Standing Order No. 100, 97

**Maconochie-Welwood, Mr. L. R.—**

(Member for Usain Ng'iga)  
Adoption of Planning Committee Report, 255, 256

The Export of Timber Bill, 43, 114, 115

The Guarantee (High Commission Posts and Telegraphs Loan) (Amendment) Bill, 365

The Income Tax (Amendment No. 2) Bill, 184

Increase in cost of living allowances for Government servants, 303

Transport Licensing Board, 270, 271

The Water Bill, 151, 152, 154, 165, 166, 167

**Mathu, Mr. E. W.—**

(Nominated Unofficial Member for the African Community)  
Adoption of Planning Committee Report, 205, 260

African member of Transport Licensing Board, 100, 101

Compensation for loss of life of an African, 23

The Compulsory Military Training Bill, 60, 62, 63

Contribution from Nyanza Province Cotton Sales Proceeds Funds, 15

The Criminal Procedure Code (Amendment No. 2) Bill, 32, 39

The Export of Timber Bill, 44

Increase in cost of Government, 349, 360

Increase in cost of living allowances for Government servants, 299, 301, 308

The Miraa Prohibition (Scheduled Areas) Bill, 140

Public Accounts Committee Report on Colony's Accounts for 1948, 19

Qualifications of Government Press Officers, 176

The Rabies (Amendment) Bill, 145

The Registration of Business Names Bill, 25

The Veterinary Surgeons Registration Bill, 48, 52, 117, 119

The Water Bill, 156, 161, 162, 164, 165

The Weights and Measures Bill, 56

**Matthews, Mr. V. G.—**

(See Financial Secretary)

**Member for Agriculture and Natural Resources—**

(Major F. W. Cavendish-Bentlick, C.M.G., M.C.)

Exclusive Trading Licence, 11

The Export of Timber Bill, 42, 43

Hide and Skin Trade (Imposition of Ceas), 220, 227

Increase in cost of Government, 352, 354

Papers Laid, 3, 14, 67

Procedure in Committee on Select Committee Report, 157, 169, 151, 152

The Rabies (Amendment) Bill, 143, 145

The Select Committee Report on the Water Bill, 157, 128, 129, 130, 131, 132, 133, 135, 157, 158, 159, 160, 161, 162, 165, 166, 167

The Veterinary Surgeons Registration Bill, 46, 50, 52, 115, 116, 117, 118, 119, 120, 121, 122



**Member for Commerce and Industry—**

- (Mr. A. Hope-Jones)  
Adoption of Planning Committee Report, 217  
African member of Transport Licensing Board, 101  
Arrangements in force to prevent illegal movements of tea, 102  
Average number of goods trains leaving Mombasa, 272  
The British Standard Portland Cement Co. Ltd. (Bamburi Factory) Bill, 178  
Cement railed up-country from Mombasa, 320, 321  
Development of Gold Mining Industry, 99, 100  
Illegal movements of tea from Kenya to Tanganyika, 101, 102  
Issues of Stamp, 276, 277  
Labelling of tinned foodstuffs, 122  
Maximum number of trains leaving Mombasa, 274  
Papers Laid, 14  
The Registration of Business Names Bill, 22, 23, 103, 104, 107, 110, 111, 112, 113  
Serious delays in shipment of cargo, 272, 273  
Ships' working days lost at Mombasa, 271  
Steps taken to ensure that exports of tea receive certificate, 102  
Transport Licensing Board, 270, 271  
The Weights and Measures Bill, 33, 38, 114

**Member for Education, Health and Local Government—**

- (Mr. F. A. Vasey)  
Admission to the European Hospital, 268, 269, 270  
Adoption of Planning Committee Report, 257, 260, 277  
The Municipalities (Amendment) Bill, 84  
Public Accounts Committee Report on Colony's Accounts for 1948, 21

**Nathoo, Mr. I. E.—**

- (Member for Central Area)  
Adoption of Planning Committee Report, 231  
The Compulsory Military Training Bill, 60  
Increases in cost of living allowances for Government servants, 307, 308  
The Registration of Business Names Bill, 24, 100  
The Veterinary Surgeons Registration Bill, 47, 116  
The Weights and Measures Bill, 15

**Notice of Motion—**

- Increasing cost of Government, 225  
Suspended Duties (Customs Tariff Ordinance), 4  
Suspension of Standing Rule and Order No. 100, 67

**Obituary—**

- Hon. T. R. L. Preston—Communication from the Chair, 1

**Othanga, Mr. B. A.—**

- (Nominated Unofficial Member for the African Constituency)

- Adoption of Planning Committee Report, 225, 262  
Mode of Addressing the Chair in Committee, 146  
Procedure in Committee on Select Committee Report, 150  
The Veterinary Surgeons Registration Bill, 116  
The Water Bill, 154, 155

**Oral Answers to Questions—**

- No. 42 Income tax on travelling allowance, 4  
43 Income tax outstanding, 5  
44 Income tax on excess rents, 6  
45 Admission to the European Hospital, 268  
46 Income tax assessment on contributions to provident funds, 7  
47 Transport Licensing Board, 270  
48 Lamoga Road Construction, 69  
51 Lack of accommodation in Law Court buildings at Mombasa, 98  
54 Registration forms for voters, 99  
56 Consolidated voters rolls, 175  
57 Development of Gold Mining Industry, 99  
58 Qualifications of Government Press Officer, 175  
59 Legislative Council Ordinance—Amendments, 71  
60 Principle of Dividend Limitation, 134  
61 Investment of capital outside United Kingdom, 134  
62 Ships' working days lost at Mombasa, 271  
63 Average number of goods trains leaving Mombasa, 272  
64 Serious delays in shipments of cargo, 272  
65 Maximum number of trains leaving Mombasa, 274  
66 Elements for export transport of goods from Mombasa to Nairobi, 275  
67 African member of Transport Licensing Board, 100  
68 Illegal movements of tea from Kenya to Tanganyika, 101  
69 Arrangements in force to prevent illegal movements of tea, 102  
70 Steps taken to ensure that exports of tea receive export licence, 102  
71 Compensation for loss of life of an African, 225  
72 Income tax on amount refunded to Government servant as house allowance, 275  
73 Issues of Stamp, 276, 277  
74 Hide and Skin Trade (Imposition of Cess), 226  
75 Cement railed up-country from Mombasa, 320  
76 Government land in Nairobi, 368  
78 Labelling of tinned foodstuffs, 322

**Paddy, Mr. W.—**

(See Secretary to the Treasury)

**Papers Laid—**

3, 14, 67, 225, 348

**Patel, Mr. A. B.—**

- (Member for Eastern Area)  
Adoption of Planning Committee Report, 231  
Lack of accommodation in Law Court buildings at Mombasa, 98  
The Veterinary Surgeons Registration Bill, 115

**Petitions—**

- British Standard Portland Cement Co. Ltd. (Bamburi Factory) Bill, 1

**Pike, Mr. P. E. H.—**

(See Acting Solicitor General)

**Rana, Dr. M. A.—**

- (Member for Eastern Area)  
The Justices of the Peace (Amendment) Bill, 87

**Rhodes, Brig. Gen. Sir Godfrey—**

(See Special Commissioner for Works and Chief Engineer, P.W.D.)

**Salter, Mr. C. W.—**

- (Member for Nairobi South)  
Adoption of Planning Committee Report, 231  
Increase in cost of Government, 334, 335, 358  
Increases in cost of living allowances for Government pensioners, 319  
Labelling of tinned foodstuffs, 322  
Procedure in Committee on Select Committee Report, 149  
The Stamp (Amendment) Bill, 105

**Secretary to the Treasury—**

- (Mr. W. Padley, O.B.E.)  
Contribution from Nyanza Cotton Sales Proceeds Funds, 14  
The Customs Tariff (Amendment) Bill, 137, 119, 146  
Notice of Motion—Suspended Duties, 4  
Revoking of Suspended Duties (Customs Tariff Ordinance), 8, 9  
The Stamp (Amendment) Bill, 103, 106, 228

**Shah, Mr. S. M.—**

- (Arab Elected Member)  
Adoption of Planning Committee Report, 250  
The Compulsory Military Training Bill, 59

**Shaw, Mrs. A. R.—**

(Member for Nyanza)  
Administration of Oath, 370

**Shaw, Lady—**

- (Member for Ukamba)  
Adoption of Planning Committee Report, 245  
The Compulsory Military Training Bill, 63  
The Water Bill, 158

**Speaker, The—**

- (Mr. W. K. Horne)  
Communication from the Chair, Central Legislative Assembly, 98  
Communication from the Chair, Obituary, 1  
Mode of addressing the Chair in Committee, 146, 320  
Procedure, 9, 10, 137  
Procedure in Committee on Select Committee Report, 126, 127, 128, 147, 149, 150, 151, 153  
Relevancy, 62, 63  
Suspension of Standing Rules and Orders, 68

**Special Commissioner for Works and Chief Engineer, Public Works Department—**

- (Brig. Gen. Sir Godfrey Rhodes, C.B., C.B.E., D.S.O.)  
Cement railed up-country from Mombasa, 320  
Increases in cost of living allowances for Government servants, 311  
Papers Laid, 368  
The Water Bill, 152, 157, 158

**Standing Rules and Orders, Suspension of—**

3

**Thornley, Mr. C. H.—**

(See Acting Chief Secretary)

**Trim, Dr. E. A.—**

(See Acting Director of Medical Services)

**Usher, Mr. C. G.—**

- (Member for Mombasa)  
Adoption of Planning Committee Report, 204  
The British Standard Portland Cement Co. Ltd. (Bamburi Factory) Bill, 136, 176, 373, 374  
Hide and Skin Trade (Imposition of Cess), 226  
Increase in cost of Government, 335  
Increases in cost of living allowances for Government servants, 312, 317  
Investment of capital outside the United Kingdom, 134, 135  
Notice of Motion—Suspension of Standing Order No. 100, 67, 68  
The Penal Code (Amendment) Bill, 91  
The Pensions (Increase) Bill, 80, 82  
The Registration of Business Names Bill, 108, 111, 112  
The Stamp (Amendment) Bill, 106  
Suspension of Standing Order No. 100, 95  
The Weights and Measures Bill, 35

**Vasey, Mr. E. A.—**

(See Member for Education, Health and Local Government)

**Whyatt, Mr. J.—**

(See Acting Attorney General)

**KENYA NATIONAL ARCHIVES**  
**PHOTOGRAPHIC SERVICE**

Description of Document LEGISLATIVE COUNCIL DEBATES. VOL. XLIII.

14th Aug., to 6th Sept., 1951.

Reference No. From Central Government Library.

**END**