

No. 17302 D.

SUBJECT

C0533/415

Estimates, 1932.

Deficit for 1931. Revised Statement.

Temporary Borrowings.

Previous

main file.

REVISION OF RECORDS SECTION

This File should be returned to
Queen Street when no longer required.

Subsequent

FILE C.

Original Telegram filed on 17202/3431
No 2

157
END

Paraphrase of
EXTRACT from/telegram from the Governor of Kenya to the
Secretary of State for the Colonies.

Dated 2nd November 1931 Received Colonial Office
5.50 p.m. 2nd November, 1931
666-----

Secret & Personal

Secondly. As regards tax on official salaries (5)
I propose to follow recommendations of Report of Treasurer's
Conference with one modification namely that I propose that
tax should be at rate of 7½% on that part of any officer's
salary which exceeds £1000 per annum. On this basis tax is
calculated to bring in £51,000.

Bill has been drafted to empower the imposition
of the tax by Governor in Council on salaries (including
duty personal and acting allowances) paid in respect of
services rendered after December 31st 1931 to Government of
Kenya. Scope of Bill will include Kenya Service in Northern
Brigade King's African Rifles, Governors Conference Establishment
Joint East African Meteorological Service and employees of
local authorities.

While exempting emoluments of Officer Administering
the Government I propose to make it clear that I intend to
subject myself to provisions of Bill.

X

ANU 10

"overtime" means an allowance paid to servants of the High Commissioner in accordance with the Regulations for performing duties in excess of prescribed hours of work;

"Sunday and holiday allowance" means an allowance paid in accordance with the Regulations to servants of the High Commissioner for performing duties on Sundays and gazetted holidays;

"High Commissioner" means the High Commissioner for Transport established under the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927;

Cap. 85.

"Provident Fund" means the fund established under the State Railway Provident Fund Ordinance;

"servant of the High Commissioner" has the meaning assigned to that term in the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927;

"Chief Accountant" means the person for the time being acting as Chief Accountant of the Kenya and Uganda Railways and Harbours Administration;

Cap. 34.

"Widows and Orphans' Pensions Scheme" means the scheme established under the Widows and Orphans' Pensions Ordinance and includes any approved scheme as defined in the said Ordinance.

Deductions allowed.

3. In ascertaining the chargeable salary of a servant of the High Commissioner, there shall be allowed a deduction of the amount which such servant contributes to the Widows and Orphans' Pensions Scheme or of his compulsory deposits to the Provident Fund, or if he is not a contributor to the Widows and Orphans' Pensions Scheme or to the Provident Fund the amount of the premium which he pays on a life policy provided such premium does not exceed the amount which the officer would contribute if he were a contributor to the Widows and Orphans' Pensions Scheme or to the Provident Fund.

Power to impose levy on salaries.

4. It shall be lawful for the Governor in Council, at the request of the High Commissioner, by order to impose a levy at a rate to be specified in such order on the chargeable salary of every servant of the High Commissioner, and from time to time to vary the rate of such levy or to suspend it for any specified month or months, and to exempt from the levy any person or class of persons:

Provided that no levy may be imposed under this section at a rate higher than twenty per centum of the chargeable salary of any servant of the High Commissioner.

5. Whenever an order under section 4 of this Ordinance has been made it shall be lawful for the Chief Accountant and his agents at the time of payment to deduct from the salary of each servant of the High Commissioner the amount of levy payable by such servant in respect of the period for which chargeable salary is then due and payable.

Chief Accountant may deduct levy from salary.

6. The proceeds of the levy shall form part of the Railways and Harbours Fund.

Levy to form part of Railway and Harbours Fund.

7. The provisions of this Ordinance shall not apply to—

Exemptions.

- (a) the official emoluments of the High Commissioner;
- (b) reduce the salary of any servant to less than two pounds per month.

8. This Ordinance shall continue in force until the thirty-first day of December, 1932, and shall then expire.

Duration of Ordinance.

Provided that the Governor may, by proclamation, with the approval of the Legislative Council and of the Secretary of State declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

Passed in the Legislative Council the eleventh day of December in the year of Our Lord one thousand nine hundred and thirty-one.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

H. E. BADER

Acting Clerk to the Legislative Council.

35

No. 58 of 1931.

**An Ordinance to Enable a Levy to be Imposed on
the Salaries of Officers in the Service of the
Kenya and Uganda Railways and Harbours.**

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council
thereof, as follows:—

1. This Ordinance may be cited as "the Levy on Salaries
(Transport Services) Ordinance, 1931," and shall come into
operation on the first day of January, 1932.

Short title
and
commence-
ment.

2. In this Ordinance—

Interpretation.

"salary" means the salary paid to a servant of the High
Commissioner in respect of services rendered after the 31st day
of December, 1931, whether such servant is in the Colony or
on leave of absence in or from the Colony and includes duty
allowance, personal allowance, mileage allowance, stabling
allowance, Sunday and holiday allowance, acting allowance
and overtime but does not include any other allowance paid to
a servant of the High Commissioner;

"chargeable salary" means salary after allowing the
deduction prescribed in section 3 of this Ordinance;

"personal allowance" means a special addition to salary
granted personally for the time being to a servant of the High
Commissioner;

"acting allowance" means the allowance paid in accord-
ance with the regulations to a servant of the High Commissioner
while he is acting in a senior office;

"duty allowance" means an allowance paid to a servant
of the High Commissioner in respect of specified duties
by the authority which pays his substantive salary;

"mileage allowance" means an allowance paid to servants
of the High Commissioner as provided for in the Regulations;

"stabling allowance" means an allowance paid to ser-
vants of the High Commissioner as provided for in the
Regulations;



Colony and Protectorate of Kenya.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.,
Governor.

Assented to in His Majesty's
name this 18th day of December,
1931.

J. BYRNE.
Governor.

AN ORDINANCE TO ENABLE A LEVY TO BE
IMPOSED ON THE SALARIES OF OFFICERS
IN THE SERVICE OF THE KENYA AND
UGANDA RAILWAYS AND HARBOURS

THE LEVY ON SALARIES (TRANSPORT SERVICES) ORDINANCE 1931.

Order.

IN EXERCISE of the powers conferred upon him by section 4 of the Levy on Salaries (Transport Services) Ordinance, 1931, and subject to section 7 of the said Ordinance, His Excellency the Governor in Council, at the request of the High Commissioner for Transport, has been pleased to impose a levy on the chargeable salary of every servant of the High Commissioner for Transport at the following rates:-

- (1) Where the chargeable salary of a servant of the High Commissioner for Transport does not exceed one thousand pounds per annum5 per centum of the chargeable salary.
- (2) Where the chargeable salary of a servant of the High Commissioner for Transport exceeds one thousand pounds per annum5 per centum on the first thousand pounds of the chargeable salary, and 7½ per centum of the chargeable salary in excess of one thousand pounds.

This levy shall come into force on the 1st day of January, 1932.

By Command of His Excellency the Governor in Council.

Nairobi,

This 19th day of December, 1931.

sd. JUXON BARTON
CLERK TO THE EXECUTIVE COUNCIL.

CYR
PUBLIC RECORDS OFFICE, LONDON

LEGAL REPORT

THE LEVY ON SALARIES (TRANSPORT SERVICES) BILL, 1931.

This Bill is a revenue measure, and applies to servants in the employment of the High Commissioner for Transport. It is a corollary to the Levy on Official Salaries Bill, and has been rendered necessary, in addition to that Bill, because of the fact that the Railway and Harbours Services now form a Unit apart from the Government, and that the Government of Uganda is concerned as well as the Government of Kenya. It will be observed that "chargeable salary" means salary after deducting the amount contributed by a servant of the High Commissioner for Transport to the Widows and Orphans Pensions Scheme or to the Provident Fund or, if no such contribution is made, after deducting the amount of premium paid on his life policy.

Clause 4 allows the imposition of a levy on a servant's chargeable salary up to a limit of 20 per centum.

Clause 5 provides that the Chief Accountant of the Railway may deduct the amount of the levy ^{on a} of servant's salary ^{by}.

Clause 6 lays down that the proceeds of the levy shall form part of the Railways and Harbours Fund.

Clause 7 provides for certain exemptions from the provisions of the Bill.

Clause 8 provides that the Bill shall expire on the 31st December, 1932, unless it is kept alive by a proclamation by the Governor, made with the consent of the Legislative Council and the Secretary of State.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,

22nd December, 1931.

ACTING ATTORNEY GENERAL.

413 PUBLIC RECORD OFFICE LONDON

No. 19 of 1928. "provident fund" means any provident fund established under the Local Government (Municipalities) Ordinance, 1928.

"local authority" means a local authority established under any Ordinance;

"Widows' and Orphans' Pensions Scheme" means the schemes established under the Widows' and Orphans' Pensions Ordinance and the Asiatic Widows' and Orphans' Pensions Ordinance, 1927, and includes any approved scheme as defined in the former.

Cap. 34, No. 20 of 1927.

Deductions allowed.

8. In ascertaining the chargeable salary of an officer, there shall be allowed a deduction of the amount which such officer contributes to the Widows' and Orphans' Pensions Scheme or of his compulsory deposits to a provident fund, or if he is not a contributor to the Widows' and Orphans' Pensions Scheme the amount of the premium which he pays on a life policy provided such premium does not exceed the amount which the officer would contribute if he were a contributor to the Widows' and Orphans' Pensions Scheme.

Power to impose a levy on official salaries.

4. (1) It shall be lawful for the Governor in Council by order to impose a levy at a rate to be specified in such order on the chargeable salary of every officer in the public service and to exempt from the levy any class of persons or any person who in the opinion of the Governor in Council would suffer undue hardship by reason of the imposition of the levy.

(2) It shall be lawful for the Governor in Council at the request of a local authority by order to impose a levy at a rate to be specified in such order on the salary of any officer of such local authority: provided that no such levy shall be imposed under this sub-section unless a levy under sub-section (1) of this section is in force and no levy under this sub-section shall be imposed at a rate higher than the rate of levy for the time being in force under sub-section (1) of this section:

Provided that no levy may be imposed under this section, at a rate higher than twenty per centum of the chargeable salary of any officer.

Treasurer may deduct levy from salaries.

5. Whenever an order under section 4 of this Ordinance has been made it shall be lawful for the Treasurer and his agents at the time of payment to deduct from the salary of each officer in the public service the amount of levy payable by such officer in respect of the period for which chargeable salary is then due and payable.

6. When a levy is imposed under sub-section (2) of section 4 of this Ordinance the powers conferred on the Treasurer by section 5 of this Ordinance shall be exercisable by the treasurer or other authorized officer of the local authority.

Authorized officers of local authorities may deduct levy from salary.

7. (1) The proceeds of the levy on officers in the public service shall form part of the general revenue of the Colony.

Levy to form part of general revenue.

(2) The proceeds of the levy on officers of a local authority shall form part of the revenue of such local authority.

8. The provisions of this Ordinance shall not apply to—

Exemptions.

(a) the official emoluments of the officer administering the Government;

(b) the salary of any servant of the High Commissioner for Transport;

(c) reduce the salary of any officer to less than two pounds per month.

9. This Ordinance shall continue in force until the thirty-first day of December, 1932, and shall then expire:

Duration of Ordinance.

Provided that the Governor may, by proclamation, with the approval of the Legislative Council and of the Secretary of State declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

Passed in the Legislative Council the eleventh day of December in the year of Our Lord one thousand nine hundred and thirty-one.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

H. E. BADER

Acting Clerk to the Legislative Council.

No. 57 of 1931.

An Ordinance to Impose a Levy on Official Salaries.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Levy on Official Salaries Ordinance, 1931," and shall come into operation on the first day of January, 1932.

Short title
and
commence-
ment.

2. In this Ordinance—

Interpretation.

"salary" means the salary paid to an officer in respect of services rendered after the 31st day of December, 1931, whether such officer is in the Colony or on leave in or from the Colony and includes duty allowance, personal allowance, and acting allowance, but does not include any other allowance paid to an officer;

"chargeable salary" means salary after allowing the deduction prescribed in section 3 of this Ordinance;

"personal allowance" means a special addition to salary granted personally for the time being to an officer;

"acting allowance" means the allowance paid in accordance with the regulations to an officer while he is acting in a senior office;

"duty allowance" means an allowance paid to an officer in respect of specified duties by the authority which pays his substantive salary;

"High Commissioner for Transport" means the High Commissioner for Transport established under the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927;

"public service" means the service of the Government of Kenya and includes service in the Colony with the Northern Brigade of the King's African Rifles, with the Governors' Conference Establishment or in the Joint East African Meteorological Service;

No. LVII.

29
1931.



Colony and Protectorate of Kenya.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., O.B.,
Governor.

Assented to in His Majesty's
name this 18th day of December,
1931.

J. BYRNE.
Governor.

**AN ORDINANCE TO IMPOSE A LEVY ON
OFFICIAL SALARIES**

THE LEVY ON OFFICIAL SALARIES ORDINANCE,
1931.

O r d e r .

IN EXERCISE of the powers conferred upon him by section 4 of the Levy on Official Salaries Ordinance, 1931, and subject to the provisions of section 8 of the said Ordinance, His Excellency the Governor in Council has been pleased to impose a levy on the chargeable salary of every officer in the public service at the following rates:-

- (1) Where the chargeable salary of an officer does not exceed one thousand pounds per annum 5 per centum of the chargeable salary.
- (2) Where the chargeable salary of an officer exceeds one thousand pounds per annum... 5 per centum on the first thousand pounds of the chargeable salary, and 7½ per centum of the chargeable salary in excess of one thousand pounds.

This levy shall come into force on the 1st day of January, 1932.

By Command of His Excellency the Governor in Council.

Nairobi,

This 19th day of December, 1931.

Sd. JUKON BARTON,

CLERK TO THE EXECUTIVE COUNCIL.

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PUBLIC REGISTRATION OF THE
OFFICE LONDON

27

Clause 9 provides that the Bill shall expire on the
31st December, 1932, unless kept in force by proclamation by
longer
the Governor with the approval of the Legislative Council and
the Secretary of State.

In my opinion, His Excellency the Governor may
properly assent to this Bill in the name and on behalf of His
Majesty.

Nairobi,
23rd December, 1931.

T. D. H. ...
ACTING ATTORNEY GENERAL.

LEGAL REPORT

THE LEVY ON OFFICIAL SALARIES BILL, 1931.

This Bill is a revenue measure, and provides for the imposition of a levy, up to a maximum of 20 per centum, by the Governor in Council upon the chargeable salaries of officers in the public service, and, at the request of a local authority, of officers in the service of a local authority.

It will be observed that "chargeable salary" means salary after deducting the amount contributed by an officer to the Widows and Orphans Pensions Scheme, or to a Provident Fund, or, if no contribution to the Widows and Orphans Pensions Scheme is made, after deducting the amount of premium paid on his life policy.

Clause 4 allows the imposition of a levy on an officer's chargeable salary up to a limit of 20 per centum, and at the request of a local authority, and provided that a levy on salaries of Government officers is already in force, a levy on the salaries of officers of such local authority, at a rate not exceeding the rate being paid by Government officers.

Clause 5 empowers the Treasurer to deduct the amount of the levy from the salaries of public officers.

Clause 6 provides for the deduction of the amount of the levy (if any) from salaries of officers of local authorities.

Clause 7 provides that the proceeds of the levy on the salaries of public officers shall be paid to general revenue, and that the proceeds of the levy on officers of local authorities shall be paid to the revenue of such local authority.

Clause 8 specifies certain exemptions from the Bill.

PRINTED BY THE
OFFICE OF THE
LONDON



4
25

KENYA

GOVERNMENT HOUSE,
NAIROBI,
KENYA

N.O. 737 RESERVED.

31st December, 1931.

Sir,

No 3.

Ordinances.

With reference to my telegram No. 393 of the 30th of December, I have the honour to transmit, for signification of His Majesty's pleasure, two authenticated and two printed copies each of "the Levy on Official Salaries Ordinance, 1931" and "the Levy on Salaries (Transport Services) Ordinance, 1931" which passed their third readings on the 11th December, 1931, and to which I assented in His Majesty's name on the 18th December, 1931.

Legal Reports.

Orders.

I also enclose two copies of the Legal Reports and two copies of the Orders dated the 19th December imposing the levies in question.

2. Ten printed copies of each of the Ordinances are being transmitted separately.

I have the honour to be,
Sir,
Your most obedient, humble servant,

BRIGADIER-GENERAL.
GOVERNOR.

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

Unward (10)

deductions will be made. In so informing them

I am to request that you will indicate that the

levy has been rendered necessary owing to the

financial situation and is a purely temporary

measure.

~~am. etc.~~

(Signed) L. C. PRELSTON.

12 Jan 32

6/16/32
24

Mr. Eastwood

Mr. Roberts

Mr. Freeston

Mr. Allen

Mr. Tomlinson.

Sir O. Bottomley,

Sir J. Shuckburgh,

Sir G. Grindle,

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET,

January, 1932.

Fromy sig
L.H.

J.B.

Gentlemen,

attach

I enc. to transmit to you

for your information and guidance a

copy of two Ordinances passed by the

Legislative Council of Kenya and two

Orders made by the Governor of Kenya

under these Ordinances for the purpose

of raising a temporary levy on the

salaries of all officials and servants

of the Kenya and Uganda Railways and

Harbours Administration for a period of

one year as from the 1st January, 1932.

DRAFT for conson

CROWN AGENTS.

Minute

~~2 Ordinances~~

~~2 Orders~~

spare copies of all h'with.

~~I do request you to make~~

deductions as specified in these

and Order

Ordinances from all leave salaries paid

by you in respect of services rendered

or leave taken after the 31st December,

1931. All officers at present on leave

should be informed at once that these

deductions

An official letter will be sent to you as soon as the Ordinances have been formally sanctioned in the meantime, you should

Letter on it will be necessary for you to inform all

DECODE

RECEIVED
12 JAN 1932
COL OFFICE

Telegram from the High Commissioner for Transport Kenya-Uganda
to the Secretary of State for the Colonies

Dated 12 January 1932. Received 2.4 p.m. 12 January 1932.

17302/c/32

NOT Confidential Your telegram No.2 Confidential Salaries
levy Transport Service. Uganda Ordinance 36 identical with
Kenya 58. Identical Order with Kenya approved by Governor of
Uganda 31st December and being published with effect from
1st January.

Copy to: (a)

22
C O P Y

1000

FROM THE TREASURER, NAIROBI. KENYA TO THE
CROWN AGENTS

PT 34

Via Eastern & Imperial.

Telegram recd and dated 9.1.32.

Collect levy on 1932 salaries after
allowing sbatement in respect of amount
contributed to the Widows & Orphans
Pension Fund. Levy imposed on
5% first £1000 7½% any chargeable
salaries above £1000.

Treasurer.

P/274

Mr. Freeston,
East Africa Department,
COLONIAL OFFICE

With reference to our minute of the 6th instant, please see the attached copy of a telegram received from the Treasurer Kenya, regarding the levy on salaries.

We have interpreted it to mean that the levy should be made as shown in the following example:-

Salary	£500. - -	per annum.
Less Widows & Orphans contributions.	..	<u>£24. - -</u>	" "
		£476. - -	" "
Levy @ 5% on £476 ..		<u>23.16. -</u>	
Net amount payable		<u>£452. 4. - -</u>	" "

The Ordinance has, I suppose, not yet reached you, but if you know its number, we could quote it on the payment forms.

We have heard nothing from the General Manager, about the Kenya and Uganda Railway levy.

J. Jones

Pay Department
CROWN AGENTS

12th January 1932

wh
1116

1931, regarding the refund to the revenues of the

East African Governors' Conference and the Meteorological Service of a proportion of the

levy collected from their staffs serving in Kenya. This, however, ~~will~~ ^{will} no doubt be

effected by the passing of a financial

resolution by the Legislative Council when the details have been settled at the ^{forthcoming} Gov-

ernors' Conference which ~~is to be held next~~ ^{is to be held next} March.

3. I shall be glad to learn what ^{steps} ~~steps~~

improving the levy on the salaries of are being taken with regard to ~~the~~ ^{some} members

of the joint Customs and Postal services of

Kenya and Uganda, and the King's African Rifles

I have etc.

(-1) P. CUNLIFFE-LISTER.

17302/C/31 Kenya.

C. O.

Mr. Pooley 22/1/32.

Mr. Hatch ^{22/1}

Mr. Freeston ^{22/1}

Mr. Parkinson

Mr. Tomlinson

Sir C. Bollenby

Sir J. Shuckburgh

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C.D.
R 22 JAN
D 22

22 January, 1932.

Gentlemen,

With reference to your

(No.8)

minute, P/274, of the 12th January, I am

etc. to transmit to you, for your informa-

tion and guidance, copies of two

Ordinances and two Orders enacted by the

Government of Kenya for the purpose of

raising a temporary levy on the salaries

of all officials and servants of the

Colonies, and of the Kenya and Uganda

Railways and Harbours Administration, for

a period of one year as from the 1st Jan.

1932. A copy of a list from the R.C. for

Transport, Kenya & Uganda, is also enclosed.

2. It is understood that you are

now complying with instructions in the

matters which you have received from the

Government of Kenya and from the Trans-

port Administration.

I am etc.

DRAFT.

The Crown Agents

for the Colonies.

2 Ordinances (Copies already sent semi-officially)

2 Orders

Tel. 13 Jan 32

(7)

(This should be typed in the margin of the letter and given copies of the Ordinance and Orders to the R.C. for Transport, Kenya & Uganda)

2 dfts.

(copy) Handle it all

10 19/

C. O.

- Mr. Pooley 82/1/32
- Mr. Hatcher 24/
- Mr. Freeston 24/
- Mr. Parkison
- Mr. Tomlinson
- Sir C. Bottomley
- Sir J. Shuckburgh
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State

Recd 7/18/28/32

25 January, 1932

Sir,

DRAFT.

(No.4) receipt of your Reserved despatch No.737

Kenya.
No. 69 (Reserved)
Gov.

of the 31st December, 1931, and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinances No. LVII and LVIII of 1931 of the Legislature of Kenya,

entitled "An Ordinance to Impose a Levy on Official Salaries" and

entitled "An Ordinance to ^{impose} a Levy to be Imposed on the Salaries of Officers in the Service of the Kenya and Uganda Railways and Harbours" and "An Ordinance to ~~impose a Levy on Official Salaries~~" respectively.

2 dfts.

2. I observe that no provision is made in the ~~latter~~ Ordinance for complying with the direction given in my telegram No. 371 of the 18th December,

(No. 10 - 17302/31)

Recd. Mr. ...

Mr. Freeston,
COLONIAL OFFICE

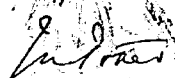
IMMEDIATE

Note

With reference to your minute No. 17302/C/32 of the 12th January, we have now received from the Administration of the Kenya & Uganda Railway and Harbours, a schedule of the officers on leave and the amounts to be levied upon their salaries.

We observe that in cases where officers contribute both to the Provident Fund and also under the East African Widows' & Orphans' Pension Scheme, the latter contributions have not been deducted in arriving at the chargeable salaries.

In Section 3. of the Kenya Ordinance no distinction is made between compulsory and voluntary contributions to the Widows' & Orphans' Pension Scheme, in connection with their treatment in arriving at chargeable salary, and it therefore seems to us doubtful whether the intention of the corresponding Transport Services Ordinance is to exclude voluntary contributions to the Widows' & Orphans' Pension Scheme made by compulsory contributors to the Provident Fund.



Pay Department,
Crown Agents,
19th January 1932.

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wh

13
M

COLONY AND PROTECTORATE OF KENYA.

S/E 52/20A/1.

CIRCULAR No. 83.

G. 72.

A. 9.

D. 2.

THE SECRETARIAT.

NAIROBI,

KENYA

28th December, 1931.

LEVY ON OFFICIAL SALARIES.

I am directed by the Governor to inform you that owing to the urgent need for further economies in public expenditure, it has been decided to impose a levy on official salaries ~~as~~ from the 1st January next.

2. The text of the "Levy on Official Salaries Ordinance, 1931," and the relative Order by the Governor in Council will be found in the Official Gazette dated 22nd December, 1931. It will be seen that the Order will have effect for one year only unless specifically extended for a further period.

3. In making this announcement, His Excellency directs me to say that while fully recognizing and regretting the hardship to individuals involved, he is confident that officers will accept cheerfully this further sacrifice from the Service which is necessitated by the present financial emergency and which is of a similar nature to that required from their colleagues in the United Kingdom and many other countries at the present time.

J. E. S. MERRICK,

Acting Colonial Secretary.

To:

All Heads of Departments.

All Provincial Commissioners.

ORIGINAL IN P/294.

KENYA AND UGANDA RAILWAYS AND HARBOURS,
CHIEF ACCOUNTANT'S OFFICE.

NAIROBI,
KENYA.

27th January, 1932.

RECD.C.A. 22.2.32.

No.E.1/S.351.

URGENT.

THE CROWN AGENTS
FOR THE COLONIES.

Gentlemen,

Re Levy on Salary.

With further reference to this office letter No.E.2/S.351 dated 8.1.32, I have to advise you that according to legal opinion now received, no levy is payable by staff, in respect of leave earned for service rendered prior to 1.1.1932, but levy is payable in respect of return leave and in respect of leave granted for services rendered after 31.12.31. I accordingly enclose herewith amended lists showing therein the reduced annual amounts payable and the dates from which payable. I shall be glad if you will kindly consider all the lists forwarded to you under the cover of this office letter No.E.2/S.351 of 8.1.32, as cancelled.

Yours faithfully

(Sgd.) J.S. GONEY.

Acting Chief Accountant.

ENCLS. Lists.

letter pending the receipt of a further communication from this office.

3. A copy is enclosed for your information of a telegram to the High Commission for transport.

(Signed) L. B. FREESTON

O. O.

Mr. Fustler 23/2
Mr. Dunbar 23/2/32
Mr. Allen 23 abance
Mr. Tomlinson.

Sir G. Bottomley.
Sir J. Shackburgh.
Sir G. Grindle.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

King

13C

3/14
Coded & sent
5.30 pm 26.2.32

DRAFT. Tel.

Highcom
Nairobi.

Hand 21

CP, 25 FEB 1932

No 4. Salaries Levy. I am advised that legal opinion referred to in letter of 27 Jan from ^{Allen} Chief Accountant to Crown Agents is plain from untenable. Macgregor concurs. C.A. are being directed to defer acting on instructions in this letter for the present. Please report following copy mail.

SECEP

2 dft

Copy to J.A. in copy: dft

Public Affairs Office, London

15-14

17302C
Kemp

C. O.

Mr. Fisher 23/2
Mr. ~~Mr.~~ Duncan 23/2/32
Mr. Allen 23/2
Mr. Tomlinson.

- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Presd. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

C. O.
R: 24 FEB
D 25

25 FEB 1932

DRAFT.

C.A.

Gentlemen

With ref^y to the letter of the 27th Jan. from the Acting Chief Accountant of the Kemp & Partners Railway & Harbours Administration of which a copy has been communicated to this Dept. an account states that the local opinion regarding the construction of the Kemp & Partners (Transport Services) Ltd. of 1931 appears to have on present advice to be untenable.

2. You should therefore defer action on the ^{above} Chief Accountant's instruction contained in this:

2 d/ta

~~copy - d/ta~~

COPY
Original in P/274

The Treasury,
Nairobi,

Ref. No. 4570/81

KENYA.

23rd January 1932.

recd. C.A. 15th February, 1932.

Gentlemen,

I have the honour to confirm my telegram dated the 21st January which read as follows:-

"Further to my telegram dated 9th January levy on
"salaries. Levy does not apply to following Hughes
"and Ball Postal Lane Reynolds and Perceval-Maxwell
"King's African Rifles. Treasurer."

2. The officers in question proceeded on leave from the Uganda Protectorate and belong to services to the cost of which the Uganda Government contributes and pending the receipt of directions from the Secretary of State it has been decided, for the time being, to defer the collection of the levy in these cases.

3. I shall be grateful if you will notify these officers that the amount of levy due from them will be recovered when the Secretary of State has decided upon what proportion of their salaries the levy is payable.

I have the honour to be,

Gentlemen,

Your obedient Servant,

(Sgd.) J. E. ROSS

for Treasurer.

THE CROWN AGENTS FOR THE COLONIES.

16¹²

REC
19 FEB 1932
CC - 3

P/274

East African Clerical Section
COLONIAL OFFICE.

109

23. 1. 32.

With reference to Colonial Office letter No. 17302/C/31, of the 22nd January 1932, regarding the levy recently imposed on the salaries of Kenya Government officials, I enclose for your information a copy of a letter which we have received from the Government of Kenya on the subject.

We shall be glad if you will inform us in due course of the amount of levy to be deducted from the officials mentioned therein.

W. J. de

Pay Department,
Crown Agents' Office,
18th February 1932

bw 10

11
18

*Extract from Supplement No 5
Kenya Gazette - 2/2/32.*

Kenya Proclamations, Rules and Regulations, 1932

GOVERNMENT NOTICE No. 87

THE LEVY ON OFFICIAL SALARIES
ORDINANCE, 1931

ORDER

IN EXERCISE of the powers conferred upon him by section 4 (1) of the Levy on Official Salaries Ordinance, 1931, His Excellency the Governor in Council has been pleased to exempt from the levy all ranks of the 4th Battalion of the King's African Rifles stationed in Kenya so long as no levy is imposed in Uganda.

By Command of His Excellency the Governor in Council
Nairobi,

This 29th day of January, 1932.

JUXON BARTON
Clerk to the Executive Council

RECEIVED
19 MAR 1932
COLONIAL OFFICE

1932

P/259/5

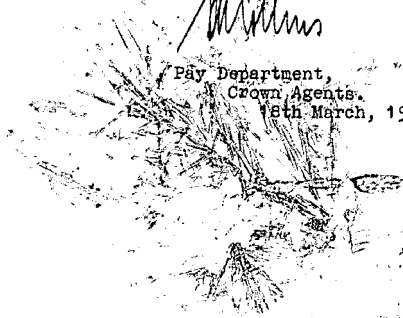
East African Clerical Section,
COLONIAL OFFICE.

File

We shall be glad to learn whether you are yet in a position to reply to our minute of the 18th February, regarding the partial exemption from the levy imposed by the Kenya Government of certain Posts and Telegraphs and King's African Rifles officials who proceeded on leave from Uganda and who belong to services to the cost of which the Uganda Government contributes.



Pay Department,
Crown Agents.
18th March, 1932.



Telegram from the High Commissioner for Transport Kenya and Uganda to the Secretary of State for the Colonies.

Dated 2nd May. Received at 4-29pm 2nd May 1932.

17302/c/31

(No 14)

No 14. Your telegram No 4. Salary levy. I have consulted Kenya and Tanganyika and reconsidered question. I agree that officers of administration should be treated in the same way as officers of Kenya and Tanganyika and levy should be deducted from salary payable on leave granted in respect of services rendered prior to 1932.

Copy to G.A. 1332

of Kenya and Tang. Territory, and
that the levy should be deducted
from salaries payable on leave
accrued in respect of services
rendered prior to the 1st Jan.

1952

C. O.

17302 C

218

Mr. *Fulton* 4/5 fs

4931

Mr.
Mr.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. O.
P 4-MAY
D 4

DRAFT.

Wicks

CA.

~~CA~~

Gentlemen

With refer to the
letter from this Office of the
25th Feb. I am re. to
inform to you a copy
of a letter from the H.C.
for Transport Kenya
Uganda, from which you
will observe that he agrees
that officers of the Kenya
& Uganda Railways &
Harbours Administration should
be treated on regards
Salary being in the
same way as officers

~~CA~~

Do for tel. No. 473

26 Feb. 32.

ORDER BY STATUTE

18 Extract from Supplement No. 5
Kenya Gazette. 2/1/32
Rept in accordance with minute
on 1800/32 K. (Fogarty's file)

17. Cavan Agents — 18/2/32
Reminder ref. No. 16.

19. This point was referred to the former
in para 3 of 10: the assumption that
in enclosure 16 that the question was
one for the decision of S. of P. who
replied in 17.

CA's may be informed by
minute reference 19 that the views
of the former Kenya are awaited
and that we are without a
position to reply to 16.

As regards the question of
reproducing a reply, the Governor may
not be able to reply fully by telegram
and 17 acted as a reminder that
? telegraph asking the Governor
when a reply may be expected to
para 3 of 10.

H.S. P. Smith

2/2/32

We shall no doubt hear more of this when the Report
of the Governor's Conference arrives; no action is necessary
at present.
P. H. [Signature] 10/5/32

20) H. Cr. Transport — Feb 14 — 2/1/32

Reply to No. 14, & agree that Officers
of the Railway Administration should be treated
in the same way as Officers of Kenya & Tanganyika
& Levy should be deducted from salary
payable on leave granted in respect of
services rendered prior to 1932.

Copy C.O.S reference 15
requesting that they will now
take steps to deduct from the
salaries of Railway Administration
Officers on leave a levy in accord
with the terms of the telegram.

Rec'd copy on Mr. Allen's letter on 9/30/32
K.W.

Deal with
separately
[Signature]

(Close the Uganda Office
in respect of leave on
K.V.B. Staff is filed
on 22043/32 Uganda)

[Signature]
2/5/32

21 J. G. A. - w/c 20 -- 5 MAY 1932

As to
Mr. [Name]
[Signature]
as to [Name]

Go ref. to No. 10
last para
[Signature]

N.B.
[Signature]
seen
[Signature]
to [Name]
[Signature] later
1932 file

13A Copy of letter from Mr. Accountant, K.R., to C.A.
 As to levy payable by Staff in respect of leave earned for service prior to 1/1/32 dated 27/1/32
 Mr. D. Allen
 Mr. Allen

We have discussed details herewith
~~decision~~ if approved, C.A. (Mr. Patten) should
 be warned by telephone.

AP 24

A. Patten
 23/2.

Mr. Allen
 27/2
 at all

14 To H.C. Transport Bd. No. 4 cons. 24 Feb. 32.

15 To C.A. - w/c 14 - 2

16 Crown Agents _____ 18/2/32

Copy letter from Treasurer, Nairobi
 & asks for instructions regarding the collection
 of levy from certain Officers of the
 Postal Service & the K.A.R.

This shows that the Nairobi Treasurer is
 expecting S.P.S. to decide what he has already
 referred to Kenya in the last para of N^o 10.

C.A. are cordially asking of the Treasury
 letter; it is no doubt they are passing on the notification
 suggested in para. 3.

A. Patten
 26 at all

13A

Copy of letter from Hk. Accountant, KAR, to C.A.
As to levy payable by Staff in respect of leave earned for service prior to 1/1/32

Mr. D. [unclear]
Th. Allen

We have discussed. Drafts herewith.

~~decision~~ if approved, C.A. (Th. Patten) should be warned by telephone.

PA 24

J. Patten
23/2

H. Allen
27/2

at all

14 To HCR Transport Bd. No. 4 cons. 24 Feb. 32.

15 To CA - w/c 14 - 2: 1/32

16 Crown Agents _____ 18/2/32

Pro. Copy letter from Treasurer, Nairobi
& asks for instructions regarding the collection
of levy from certain Officers of the
Postal Service & the KAR.

This shows that the Nairobi Treasurer is
expecting S.O.S. to decide what he has already
referred to Kenya in the last para of N° 10.

C.A. are cordently assisting the Treasurer
letter if no doubt they are pressing on the subject
suggested in para 3.

J.P.
J. Patten
26/2

Noted
L. Strickland
10/17/32

10 to

to Gov. G. R. R. —

Cons

25 JAN 1932

(H. C. C. C.)

to
see for
rel. to
10

11. Civil Servants. Minutes — 19/1/32
Have received from K. R. Administration a
Schedule of Officers on leave & amounts to be
levied on their salaries. Refers to the
different treatment by Kenya & U.K. Transport
in arriving at chargeable salaries.

I have since explained to Mr. Potter by telephone (after
speaking to Mr. Allen) that the Dept. would prefer
correspondence on this and any similar points of
doubt to be conducted between C.A. & the Col. Sec.

No further action necessary

Put by

A. C. C. C.
28/1/32

1/2 Ag. Col. Secy — 3/Jan. — 11/1/32

DESTROYED UNDER STATUTE

Pro. 10 printed copies each of the
Ordinances "the Levy on Official Salaries
Ordinance, 1931" & "the Levy on Salaries
(Prenatal Services) Ordinance, 1931"

All copies sent to Library.
? Put by

Copy of Kenya Secretariat Circular
No. 203 — 28/1/32
for record.

deals with... It's for Henry Thomas & 5
deal with them & in the case of
differences the Jot & comes in to
adjudicate, but need not interfere
at this stage beyond acting for
wife.

Sanction the trace re: to
the decision as to the decision
minute & ask what's being
done as regards the combined
services.

Write to the CH as at
B (let the final award stand
\$10 per week instead of actual
wages then gain) add that
it's understood that they are
now employed with wages as
the subject which they have read
from the Feb 2 hour at the
Proudfit Union

JW Allen 19/1/32
at trace

9 To Ed (as 20 Dec. 20 Dec. 1932) 22 Jan. 1932

A copy of the letter to Crown Agents without enclosures ^{shall} go to the Governors of Kenya and Uganda and the High Commissioner for Transport.

Then to Mr. Seel for action on 13760.

8
No 8 has reached me since dictating the above. I have spoken to Mr. Potts, a view for action is necessary on 8

J. C. Stewart
13/11

See minutes on 30250/B/31 and 13760/32.

G. Seel
13.1.32

I have no legal observations to make on the Ordinance. The Crown Agent's method of calculation is, so far as the operation of the Ordinance is concerned, correct.

J. C. Stewart 14/1/32

In the important report of the Treasurers' Conf^{ce} in 19302 B it was stated that, unless a lease made a levy then was uniformly, the combined postal, customs & military services would present difficulties. We are not told how those difficulties are being

7. H.C. Transport — Tel. Conf. — 12/1/53
Uganda Ordinance 26, identical with
Kenya 58, approved by Gov. Uganda
Identical order with Kenya
1st December & being published with
effect from 1st January.

Mr. J.C. Howard
Mr. Seel
Mr. Allen

X1

These Ordinances and the Orders made thereunder correspond with what was anticipated. No provision is made for complying with the direction given in No. 10 on 17302/B as regards refunding to the Governors' Conference and Meteorological Service revenues (which are built up of contributions from several East African Governments) a proportion of the levy collected from their staffs by Kenya; but this can no doubt be effected by a Legislative Council financial resolution when the details have been settled at the Governors' Conference next March.

The fact that Uganda has legislated ^{consequently} accordingly removes any difficulty as regards the K.U.R. There will, however, remain certain anomalies in respect of

(a) the Joint Customs and Postal Services in Kenya and Uganda. The effect of the legislation will be that a Customs Clerk or Postmaster stationed in Kenya will be subject to the levy; if he is transferred in the ordinary course of administration to a station in Uganda, he will become exempt; and vice versa. This may give rise to protests from members of the service, but is inevitable; the alternative

requiring an official to pay the levy irrespectively of which Territory enjoys his services would not only be legally impossible without amendment of the Ordinances, but would give rise to even greater hardships.

(Officers of either Department coming on leave would presumably be liable to levy on leave salary if they were stationed in Kenya immediately before coming home, and exempt if stationed in Uganda. In the meantime, however, the Crown Agents should be instructed to issue payment in such cases subject to adjustment on the officer's return to East Africa).

(b) The King's African Rifles - as to which see the Inspector-General's protest in 13760/32 below. That protest is based on a misconception. There is no question of "Subjecting to a reduction the salary originally offered"; the salary remains unchanged, but becomes liable to a temporary tax. The incidence of taxation already varies as between the different Territories in which the K.A.R. may be called upon to serve, and all that is now proposed is an extension of the principle of differential taxation according to Territory.

Subject to legal observations, signify non-disallowance of the Kenya Ordinances by telegram.

Then send Crown Agents official copy of the Ordinances and Orders and of the telegram in No. 7; authorise them to effect deductions accordingly mentioning the point at (a) above regarding Postal and Customs officials. They should also be instructed (as was done in the case of Tanganyika) to warn all officers on leave that future salary payments will be subject to these deductions.

He must see this also re regards CA - his cannot distinguish as all the leave of in Ken. come emanate as from Kenya & all the officers in service are shown in the Kenya 26, though some Uganda Postal Officials are also shown in the Prot. to Kenya 26.

413 PUBLIC RECORDS OFFICE LONDON

that in the meantime any payments made
(e.g. to officers returning from leave, or
at the end of their agreements) shd.
be "cut" provisionally

Circulars in red when the
air-mail dep. is recd.

J. H. ...
2/1/32
alt

4 Gov. Kenya 137. Reserved. 31st Dec. 1931

Trs. 2 authenticated and 2 printed copies of
"The Levy on Official Salaries Ordinance, 1931" Nos 7
"The Levy on Salaries (Transport Services) Ordinance
1931" Nos 7
together with 2 copies of the Legal Reports and
Orders dated 19th December imposing the levies in
question.

This was discussed.

We know from a Dep. just
in from Uganda that they are
passing a similar Ordⁿ to the
Kanga Colony Ordⁿ. But there

is no mention either there or
here of the what is being done
in Uganda as regards the
railway.

One wd.
imagine that an identical ^{or Railways} Ordⁿ
for Uganda should have been
issued in Uganda concurrently
with the Kanga Ordⁿ & Order.

It is however hardly safe to assume
that this has been done.

Subject to legal advice
the Ordⁿ may be non-discriminated.
We shd. begin by telegraphing as
a Dept. to Uganda to make
sure on the railway point & by
writing to the C.A. also - i Dept

J. H. ...
11/1/32

By/om any other further is done
of opinion that the position of Uganda with
regard to the levy on Salaries (Transport Services)
Ordinance should be elucidated.

I have found the letter & consulted
the letter to C.A. into a minute

DEPARTMENT OF PUBLIC WORKS
STATUTE
To His Highness the Governor - K. 2. Conf - 11/1/32
C.A. (1/2 copies Ordinance Nos. 788 & 789) - 11/1/32

See the Transport Ordⁿ in C. H. ...
p. 825

C.D. 533
415
PUBLIC WORKS DEPARTMENT
LONDON

1. Extract from Secret & Personal Telegram from
Governor Kenya dated 2nd November 1931
(Levy on Official Salaries.)

No. Governor, Kenya. Tel. 380. Reserved. 29.12.1931
DESTROYED UNDER STATUTE cons.

Gov. Kenya. Tel. 393 Res. 30.12.1931
"..... Levy on official salaries & salaries
of Transport Services will be imposed with effect
from 1st January, 1932. Despatch containing both
ROYED UNDER STATUTE ordinances leaves by tomorrow's Air mail.

Mr. Freeston.

No. 3 does not answer our questions, but
perhaps we might write to the Crown
Agents as in draft herewith for conson. The
draft follows the lines of the Tanganyika draft,
& the T.T. Dept. has no more precise info than
we have.

Freeston
31.12.31

I feel quite certain that there are
in fact no abatements, since the
Secy of T.T. stated in a recent
let. that, like the Secy of Kenya, he
was opposed to these abatements &
did not propose to introduce them
(Pr. in circ.)

Freeston

The Allen thought it unsafe to write officially
till we have the Ordinances. I have told CA
by phone that we cannot give definite
instruction & till about Jan. 9th or 10th but

2
Extract from Secret & Personal Telegram from
Governor Kenya dated 2nd November 1931
(Levy on official salaries)

To Governor, Kenya Tel. 380 reserved. 29.12.1931
DESTROYED UNDER STATUTE gone.

Gov. Kenya. Tel. 393 Res. 30.12.1931
"..... Levy on official salaries & salaries
of transport services will be imposed with effect
from 1st January, 1932. Despatch containing both
ORDINANCES leaves by tomorrow's Air mail."
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instructions till about Jan. 9th or 10th, but