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ORDER NO.           ⇒ FN/E474  
CAMERA NO.         ⇒ 19  
OPERATOR.           ⇒ EM  
REDUCTION.         ⇒ 12  
EMULSION NO.      ⇒ 321061  
DATE.                ⇒ 15/5/72

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## SCHEDULE I.

## FORM I (REGULATION 7).

## THE MINING ORDINANCE, 1931.

## PROSPECTING RIGHT.

No. ....

The right, subject to the provisions of the Mining Ordinance, 1931, and of the regulations thereunder now in force or which may come into force during the continuance of this right, or any renewal thereof is hereby granted to.....

(1) .....

(2) .....

for one year from the date hereof to prospect for minerals.....

This ..... day of ..... 19.....

.....  
for Commissioner of Mines

FEB 20

(1) Here insert name, address and description of the prospector.

(2) If the prospector is to use this right as employee on behalf of a company, partnership or individual, state name, address and description of employer here.

## FORM II (REGULATION 8).

## THE MINING ORDINANCE, 1931.

## DISCOVERY NOTICE.

## (Block of Reef Claims).

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Right No. .... issued at the office of..... at.....

and having discovered (see Note 1)..... and having established a discovery point by a peg marked O.P. situated (see Note 2).....

hereby claims for a period of ..... days from the undermentioned date of posting this notice the exclusive right of prospecting on all ground open to prospecting within an area described by—

(1) a radius of 400 yards (see Note 3).

(2) a radius of 1,200 yards

from the above-mentioned discovery peg.

Date and hour of posting notice.....

Signature of Locator (see Note 4).....

Signature or mark and name of witness to posting this notice (see Note 5).....

Note 1.—Here insert the nature of the mineral.

Note 2.—Here describe the position of the discovery peg with reference to the position of the discovery notice, by such words as "at the foot of this notice" or "..... feet north-east of this notice," etc., so that the position of the discovery peg can be readily identified.

Note 3.—Delete the section not applicable (see Regulation 9 (c).)

Note 4.—The signature must be that of the actual locator. If the locator is acting under a right issued to another person or to a company, the latter must have proper authority for so doing, and must sign as the agent or attorney for such person or company, and produce his power or authority.

Note 5.—The signature of a witness is not obligatory, but it is highly desirable, as such evidence may be required in case of a dispute.

## SCHEDULE I.

## FORM I (REGULATION 7).

## THE MINING ORDINANCE, 1931.

## PROSPECTING RIGHT.

No. ....

The right, subject to the provisions of the Mining Ordinance, 1931, and of the regulations thereunder now in force or which may come into force during the continuance of this right, or any renewal thereof is hereby granted to.....

(1) .....

(2) .....

for one year from the date hereof to prospect for minerals.

This ..... day of ..... 19..

.....  
for Commissioner of Mines.

FEB: SH. 20.

- (1) Here insert name, address and description of the prospector.  
(2) If the prospector is to use this right as employee on behalf of a company, partnership or individual, state name, address and description of employer here.

## FORM II (REGULATION 8).

## THE MINING ORDINANCE, 1931.

## DISCOVERY NOTICE.

## (Block of Reef Claims)

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Right No. .... issued at the office of ..... at ..... and having discovered (see Note 1) ..... and having established a discovery point by a peg marked D.P., situated (see Note 2) ..... hereby claims for a period of ..... days from the undermentioned date of posting this notice the exclusive right of prospecting on all ground open to prospecting within an area described by—

(1) a radius of 400 yards (see Note 3).

(2) a radius of 1,200 yards

from the above-mentioned discovery peg

Date and hour of posting notice

Signature of Locator (see Note 4)

Signature or mark and name of witness to posting this notice (see Note 5).

NOTE 1.—Here insert the nature of the mineral

NOTE 2.—Here describe the position of the discovery peg with reference to the position of the discovery notice, by such words as "at  $\frac{1}{2}$  foot of this notice" or "..... feet north-east of this notice" etc., so that the position of the discovery peg can be readily identified

NOTE 3.—Delete the section not applicable (see Regulation 9 (a)).

NOTE 4.—The signature must be that of the actual locator. If the locator is acting under a right issued to another person or to a company, he must have proper authority for so doing, and must sign as the agent or attorney for such person, or company, and produce his power or authority.

NOTE 5.—The signature of a witness is not obligatory, but it is highly desirable, as such evidence may be required in case of a dispute.

## FORM III (REGULATION 10).

## THE MINING ORDINANCE, 1931.

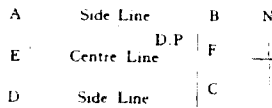
## REGISTRATION NOTICE.

(Block of Reef Claims).

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Right No. .... issued at the office of ..... at ..... has, by virtue of the posting of a discovery notice, under the said right, pegged off a block (see Note 1) ..... reef claims of the form shown below and in the position shown on the plan to be lodged with a copy of this notice, and of the said discovery notice, at the office of the District Officer at ..... on registration

Fill in these particulars —

Insert in space opposite a diagram showing the form and the position of all pegs and the points of the compass in reference to the block as per sample below.



The length of the centre line, E F, is            feet

The length of the end line, A D, is            feet

The length of the end line, B C, is            feet

NOTE 1.—Here insert the nature of minerals and number of claims pegged in the block.

## Certificate

I, ....., of ....., hereby certify that the above Registration Notice is a true copy of the Notice posted on the above ground, and the facts stated therein are true and correct.

Date .....

## FORM IV (REGULATION 13).

## THE MINING ORDINANCE, 1931.

## CERTIFICATE OF REGISTRATION OF LOCATION.

(Block of Reef Claims)

Official No

DISTRICT OFFICER.

19

This is to certify that ..... is the

registered holder of ..... Claims named

the situation of which is stated to be

for Commissioner of Mines.

## FORM V (REGULATION 17).

## THE MINING ORDINANCE, 1931.

## REGISTRATION NOTICE.

(Block of Alluvial Claims).

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Right No. .... issued at the office of ....., at ....., has pegged off a block of alluvial claims of the form shown below, and in the position shown on the plan to be lodged with this notice at the office of ....., at ....., on registration.

Fill in these particulars:—

Insert in space opposite a diagram showing the form of the location and position of all pegs and the points of the compass in reference to the claims as per sample below.



The length of the centre line, E.F., is ..... feet.

The length of the end line, A.D., is ..... feet.

The length of the end line, B.C., is ..... feet.

## Certificate.

I, ..... of ....., hereby certify that the above Registration Notice is a true copy of the Notice posted on the above ground, and the facts stated therein are true and correct.

Date .....

## FORM VI (REGULATION 17).

## THE MINING ORDINANCE, 1931.

## CERTIFICATE OF REGISTRATION.

(Block of Alluvial Claims).

Official No. .... DISTRICT OFFICE. .... 19.

This is to certify that ..... is the registered holder of ..... Alluvial Claims situated ..... and numbered ..... in my register

District Officer

## FORM VII (REGULATION 18 (11))

## THE MINING ORDINANCE, 1931.

## CERTIFICATE OF REGISTRATION

(Coal Location)

Official No. .... OFFICE OF THE COMMISSIONER OF MINES, NAIROBI. .... 19.

This is to certify that ..... is the registered holder of a Coal Location, named ..... the situation of which is stated to be .....

Commissioner of Mines.

## FORM VIII.

## THE MINING ORDINANCE, 1931.

## APPLICATION FOR AN EXCLUSIVE PROSPECTING LICENCE.

(Accompanied by plan of the area applied for in accordance with section 9).

To the Commissioner of Mines (through the Inspector of Mines or District Officer):

Date and hour of receipt by Inspector of Mines or District Officer .....

1. Name of applicant .....
2. Nationality of applicant .....
3. Address in Kenya Colony at which notices, etc., may be served .....
4. Number of applicant's Prospecting Right .....
5. Name of company, corporation, syndicate or person (if any) represented by applicant .....
6. Position held by applicant in relation to or under such company, corporation, syndicate or person .....
7. Approximate area (in square miles) .....
8. Minerals for which applicant desires to prospect .....
9. Statement of geographical position of the area and its position in regard to some town, village or river-crossing or junction in accordance with section 9 .....
10. Name and nationality of directors of company or syndicate (if any) .....
11. Amount of nominal capital and cash working capital .....
12. Is a copy of the memorandum and articles of association lodged with the Commissioner? If not, a copy must be enclosed herewith.
13. Remittance of Sh. .... enclosed herewith.
14. A consecutive description of the boundaries is as follows:—
  - \* The location beacon is situate at .....
  - The magnetic bearing and distance from the location beacon to 1st corner beacon is .....
  - 1st corner beacon to 2nd corner beacon .....
  - 2nd corner beacon to 3rd corner beacon .....
  - and last corner beacon to location beacon .....

Date ....., 19.....  
 Signature of Applicant.

(Remarks on the application by the District Officer or Inspector of Mines:)

## FORM IX.

## THE MINING ORDINANCE, 1931.

## EXCLUSIVE PROSPECTING LICENCE

No .....

The Exclusive Licence, subject to the provisions of the Mining Ordinance, 1931, and of the Regulations thereunder now in force or which may come into force during the continuance of this licence or any renewal thereof, for one year from the ..... day of ..... subject to the special conditions hereunder written, is hereby granted to (here insert name, address and description of licensee) to prospect for minerals (or as the case may be) within the following limits: there insert boundaries of areas delineated approximately on the plan attached hereto, and coloured .....

This ..... day of ....., 19.....

.....  
 Governor.

Special Conditions.

FEB: SH. 150.

REGISTRATION FEB: SH. 10.

## FORM X (REGULATION 26).

## THE MINING ORDINANCE, 1931.

## TRANSFER OF LOCATION.

I, ..... of .....  
in consideration of ..... paid to me by  
..... of .....  
do hereby transfer to him my location No. ...., subject  
to all and singular the terms and conditions under which the  
said location has been held by me, and I, .....  
of ..... do hereby accept the said  
..... subject to the terms and  
conditions aforesaid.

Dated the ..... day of ..... 19.....

.....  
Transferor.

Witness :

Occupation :

Address :

.....  
Transferee.

Witness :

Occupation :

Address :

STAMP DUTY : SH. ....

REGISTRATION FEE : SH. 10 for each claim or portion of a claim.  
comprising the location.

## FORM XI (REGULATION 27).

## THE MINING ORDINANCE, 1931.

## TRANSFER OF CLAIMS.

I, ..... of .....  
in consideration of ..... paid to me by  
..... do hereby transfer to him the  
following claims which form part of my location No. ....  
Claim(s) No(s) ..... subject to all and  
singular the terms and conditions under which the said location  
and claims have been held by me, and I, .....  
of ..... do hereby accept the said claim(s).  
subject to the terms and conditions aforesaid.

Dated at ..... this ..... day of  
..... 19.....

.....  
Transferor.

Witness :

Occupation :

Address :

.....  
Transferee.

Witness :

Occupation :

Address :

STAMP DUTY : SH. ....

REGISTRATION FEE : SH. 10 for each claim.



## FORM XII (REGULATION 37).

## THE MINING ORDINANCE, 1931.

## APPLICATION FOR A MINING LEASE.

To the Commissioner of Mines (through the Inspector of  
Mines or District Officer) :

Date and hour of receipt by Inspector of Mines or District  
Officer .....

1. Name of applicant .....
2. Nationality of applicant .....
3. Address in Kenya Colony at which notices, etc., may be  
served .....
4. Number of applicant's Exclusive Prospecting Licence or  
Prospecting Right .....
5. Name of company or corporation, syndicate or person (if  
any) which the applicant represents .....
6. Position or appointment held by applicant in relation to, or  
under, such company, corporation, syndicate or person  
.....
7. Area .....
8. Kind of mining lease desired, and mineral to be mined  
.....
9. The length of term desired .....
10. A consecutive description of the boundaries is as follows :—  
The location beacon is situate at.....  
The magnetic bearing and distance from location  
beacon to 1st corner beacon is.....  
1st corner beacon to 2nd corner beacon.....  
2nd corner beacon to 3rd corner beacon.....  
and last corner beacon to location beacon.....

Signature of Applicant.

Date ....., 19.....

(Remarks by Inspector of Mines or District Officer.)

Name, nationality and description of members or directors (if  
any) .....

Amount of nominal capital subscribed and cash working capital  
.....

Is a copy of the memorandum and articles of association of the  
syndicate, corporation or company lodged with the  
Commissioner of Mines? If not, a copy must be  
enclosed herewith.

## FORM XIII (REGULATION 37).

## THE MINING ORDINANCE, 1931.

## MINING LEASE.

No. ....

This lease is granted to (here insert name, address and  
description of lease), for the purpose of mining (here insert  
the mineral or minerals in respect of which the lease is granted)  
in, under or upon (here describe area with boundaries) as the  
same is delineated and coloured..... on the plan  
annexed hereto, for a term of..... years from the  
..... day of....., 19....., at an  
annual rent of Sh....., according to the true intent  
and meaning of the Mining Ordinance, 1931, and subject to  
the provisions thereof and of any Ordinance amending the  
same or substituted therefor, and to all Regulations now in  
force or which may come into force, under any of the said  
Ordinances, during the continuance of this lease and to the  
special conditions hereunder written.

Dated this..... day of....., 19.....

.....  
Governor.

Witness :

Accepted :

.....  
Lessee.

Witness :

Occupation :

Address :

FEE : SH. 100.

REGISTRATION FEE : SH. 10.

STAMP DUTY : SH.....

Special Conditions.

## FORM XIV (REGULATION 44).

## THE MINING ORDINANCE, 1931.

## CERTIFICATE OF ABANDONMENT OF REGISTERED LOCATION.

Official No. \_\_\_\_\_ OFFICE OF COMMISSIONER OF MINES,

NAIROBI.

19

This is to certify that \_\_\_\_\_  
being the registered holder of \_\_\_\_\_ Claims,  
numbered \_\_\_\_\_, and named \_\_\_\_\_  
\_\_\_\_\_ has abandoned such claims

Commissioner of Mines.

## FORM XV.

## THE MINING ORDINANCE, 1931.

## SURRENDER OF MINING LEASE.

Whereas under the provisions of the Mining Ordinance,  
1931, a lease for the purpose of mining minerals (or as the case  
may be) upon or under (here describe area with boundaries  
etc., as in the original lease) was on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, granted to  
for a term of \_\_\_\_\_ years from the date thereof,  
and duly registered in Vol. \_\_\_\_\_ Folio \_\_\_\_\_ of the Register  
of Mining Leases:

And whereas the said \_\_\_\_\_ desires  
to surrender the said lease, and the Governor is willing to  
accept such surrender:

Now these presents witness that the said  
\_\_\_\_\_ doth hereby surrender all his rights, title  
and interest in and under the said lease as from the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

In witness, etc.,

Approved:

Governor.

## FORM XVI

## THE MINING ORDINANCE, 1931.

## ASSIGNMENT OF MINING LEASE.

Whereas under the provisions of the Mining Ordinance,  
1931, a lease for the purpose of mining minerals (or as the case  
may be) upon or under (here describe area with boundaries  
etc., as in the original lease) was on the \_\_\_\_\_ day  
of \_\_\_\_\_ granted to  
for a term of \_\_\_\_\_ years from the date thereof  
and duly registered in Vol. \_\_\_\_\_ Folio \_\_\_\_\_ of the Register  
of Mining Leases:

Now these presents witness that in consideration of the  
sum of \_\_\_\_\_ the said lessee  
doth hereby assign to  
of \_\_\_\_\_ all his rights, title and interest  
in and under the said lease as from the \_\_\_\_\_ day  
of \_\_\_\_\_ for the remainder of the term thereof.

In witness, etc.

Lessee

Witness

Occupation

Address

Lessor

Witness

Occupation

Address

Approved

Governor

STAMP DUTY SH

REGISTRATION FEE SH 10

FORM XVII

## MONTHLY RETURN "A" FOR MINES OTHER THAN ALLUVIAL

NAME OF MINE \_\_\_\_\_ Month \_\_\_\_\_ 193\_\_  
 OWNER \_\_\_\_\_  
 DISTRICT \_\_\_\_\_ REGISTERED NUMBER OF CLAIM(S), LOCATION(S),  
 OR LEASE(S) \_\_\_\_\_

Tons (i) Crushed	Method of Treatment (ii)	GOLD		SILVER	Other Minerals (to be specified) (iii)		Average Grade of Ore Treated	Percentage of Recovery	REMARKS
		oz.	dwt.		oz.	dwt.			

Adjustment for month of \_\_\_\_\_ 19\_\_  
 (Difference between the declared and realized value)

I hereby declare the above particulars true to the best of my knowledge and belief.

Signed \_\_\_\_\_

On behalf of owner.

(i) Short ton of 2,000 lb.  
 (ii) E.g., Sluicing, Concentration, etc.  
 (iii) Tin should be given in lb. of concentrates. Copper, Lead, and Zinc should be given in lb. of metal. Other non-precious minerals in their products should be given in lb.

FORM XVIII

## CONFIDENTIAL MONTHLY RETURN "B" FOR ALLUVIAL WORKINGS

NAME OF LAKE, RIVER, OR STREAM \_\_\_\_\_ Month \_\_\_\_\_ 193\_\_  
 SITUATION OR REG. NO. OF CLAIM, LOCATION, OR LEASE \_\_\_\_\_  
 DISTRICT \_\_\_\_\_  
 OWNER \_\_\_\_\_

Total No. of Cubic Yards Treated (1)	Method of Treatment (2)	PRODUCT RECOVERED				Average Recovery per cubic yard	REMARKS
		GOLD	SILVER	TIN	DIAMONDS		
oz.	dwt.	oz.	dwt.	lb. of concentrate	carats		

Adjustment for month of \_\_\_\_\_ 193\_\_  
 (Difference between the declared and realized value)

I hereby declare the above particulars true to the best of my knowledge and belief.

Signed \_\_\_\_\_

On behalf of owner.

(1) The Inspector of Mines for the District may give permission for this measurement to be taken in tons, or such local measure as may be in use.  
 (2) Sluice, Dredge, etc.

## MONTHLY RETURN "C" FOR ALL MINES

FORM XIX

540

Kenya Proclamations, Rules and Regulations, 1932

PERSONAL

Month.....193

NAME OF MINE.....

REG. NO. OF CLAIM(S), LOCATION(S),

OWNER.....

OR LEASE(S).....

DISTRICT.....

No. of Scaled Staff	Average No. of European Staff other than Scaled Staff	Average No. of Natives and Asiatics Employed	Total Amount Expended in Wages (*)	Total Amount Expended in Purchased in Kenya	REMARKS

\* Excluding staff salaries.

I hereby declare the above particulars true to the best of my knowledge and belief.

Signed.....

On behalf of owner.

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FORM XX.

THE MINING ORDINANCE, 1931.  
MEMORANDUM OF COMPLAINT.

To the Commissioner of Mines:

A.B., of ..... complains of  
E.P., of ..... and says .....

1. That, etc.
2. That, etc.

(Set forth the subject-matter of the complaint in paragraphs.)

The complainant therefore prays  
(set forth relief sought) or such other further relief as shall be just.

The amount sought to be recovered so far as the demand is pecuniary is .....

Dated this ..... day of ..... 19.....

A B

FORM XXI.

THE MINING ORDINANCE, 1931  
NOTICE OF COMPLAINT TO DEFENDANT

Complaint No .....

To (insert name of the defendant) of .....

You are hereby summoned to appear before me at  
..... on the ..... day of .....  
19....., at ..... o'clock in the ..... noon  
precisely, to answer the complaint a copy of which is sent  
herewith, of (insert name of complainant).You may have a summons to compel the attendance of  
any witness or for the production of any books or documents,  
by applying at my office.Given under my hand this ..... day of  
..... 19..........  
Commissioner of Mines.

FORM XXII.

## THE MINING ORDINANCE, 1931.

## EXPORT PERMIT.

No. ....

Permission is hereby granted to .....  
 on behalf of ..... to export .....  
 packages of (a) ..... containing  
 (b) ....., and marked .....,  
 on which royalty has been paid or secured to the satisfaction  
 of the Commissioner of Mines.

Dated this ..... day of ....., 19 .....

.....  
 Commissioner of Mines.

- (a) Mineral.  
 (b) Quantity.

## SECOND SCHEDULE.

## DEVELOPMENT WORK.

Development work shall consist of shafts, drives, tunnels, winzes, rises upon the block, and bore-holes of a minimum diameter of one inch from which a core is extracted. Development work need not be done upon a reef, but it is requisite that it shall be or have been done with a view to actual development of a reef, and that it shall be new work and not the restoration or clearing out of development work previously done or of old workings. The minimum dimensions for development work and the ratio in which work of larger dimensions or at certain distances from the surface shall be allowed to be reckoned as development work shall be as follows:—

*Grading or Footage.*

No shaft, winze, rise, drive, adit or tunnel of less superficial area than 15 square feet shall count as development work.

Each foot of any shaft, winze, or rise of 15 to 40 square feet superficial area shall count as one foot of development work.

Each foot of any shaft, winze or rise of over 40 square feet and up to 65 square feet superficial area shall count as two feet of development work.

Each foot of any shaft, winze or rise of over 65 square feet superficial area shall count as three feet of development work.

Each foot of any drive, and adit or tunnel from surface of 48 square feet superficial area and over shall count as two feet of development work.

*Depth.*

Each foot of any portion of a shaft, winze or rise or any drift, the floor of which is 60 feet below the natural surface at the working point, shall count as one foot of development work; exceeding 60 feet and up to 100 feet, as one-and-a-half feet; exceeding 100 feet and up to 200 feet, as two feet;

exceeding 200 feet and up to 300 feet, as three feet; exceeding 300 feet and up to 400 feet, as four feet; exceeding 400 feet and up to 500 feet, as five feet; and exceeding 500 feet, as six feet.

#### Distance from Entrance.

Each foot of any portion of any adit or tunnel from surface which is 100 feet to 300 feet from a point in the centre of the roof at the entrance shall count as one-and-a-half feet of development work, and each foot of any portion of 300 feet or more from such point shall count as two feet of development work.

#### General.

All dimensions must be taken at right angles to the line of direction of work.

Depth incline work is to be measured on the incline. The allowances for dimensions and depth or distance from entrance will be cumulative, e.g. each foot of any portion of a shaft of over 65 square feet superficial area which is over 100 feet from surface shall count as six feet of development work.

#### Allowance for Drilling by Hand Augur.

Every yard below 2 yards from the surface to count as one foot of development work.

#### Allowance for Drilling other than by Hand Augur.

Each foot drilled either vertically or horizontally for a distance of 300 feet below the natural surface to count as one foot of development work; exceeding 300 feet and up to 600 feet, as two feet; exceeding 600 feet and up to 900 feet, as three feet; exceeding 900 feet and up to 1,200 feet, as four feet; exceeding 1,200 feet, as five feet.

#### Allowances for Trenching.

Development work also includes trenching or excavating of a minimum depth of three feet which has been performed for the purpose of tracing a reef or proving a deposit, provided that trenching and excavating shall only count as footage for development work in the ratio of six cubic yards of excavation being equal to one foot of development work.

### THIRD SCHEDULE.

FEES.	Sh. cts.
On a complaint	2 00
For every notice to defendant	2 00
For every order of the Commissioner of Mines	5 00
For every witness summons	2 00
Hearing fee	10 00
For the registration of a document	20 00
For the preparation of a lease	100 00
Certificate of suspension of work on exclusive prospecting licence	20 00
Certificate of suspension of working conditions of claim	10 00
Certificate of suspension of working conditions of lease	40 00
On the renewal of a lease	40 00
For search in register, for every half-hour or part thereof	2 00
For copy of a prospecting right, location certificate or extract from any registered document or register, for every hundred words or part thereof	2 00
For extra carbon copy of or extract from any registered document or register, for every hundred words or part thereof	1 00

*Revenue Officer 1893*

GOVERNMENT NOTICE No. 510.  
THE MINING ORDINANCE, 1931

NOTICE.

IT is hereby notified that in exercise of the power conferred upon him by section 2 of the Mining Ordinance, 1931. His Excellency the Governor has been pleased to declare that the following common mineral substances shall not be minerals for the purposes of the said Ordinance—

- Mineral Oils.
- Bitumens,
- Mineral Water.
- Brine,
- Diatomite.
- Gypsum.
- Anhydrite.
- Native Sulphur
- Limestone.
- Dolomite,
- Clays (including Kaolin).
- Sands.
- Gravels,
- Sandstones.
- Constructional Stones
- Ornamental Stones.
- Sodium, Potassium and magnesium Com-  
pounds,
- Bauxite,

if obtainable without underground mining operations

By Command of His Excellency the Governor

Nairobi,  
This 29th day of July, 1932.

E. B. HOSKING,  
for Colonial Secretary.

\$45 50

C. O.

18145/32 Kenya.

- Mr. Priestman 14/7
- Mr. Abraham 14/7
- Mr. Darston 15p.
- Mr. Parkinton.
- Mr. Tomlinson.
- Sir C. Bollenby.
- Sir J. Shuckburgh.
- Perms. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Q.D.  
 R 15 JUL  
 D 18 10

19 July, 1932.

Sir,

DRAFT.

KENYA

NO. 512

GOV.

(4)

I have etc. to acknowledge the receipt of your despatch No.275 of the 9th June forwarding authenticated copies of the Mining Amendment Ordinance, 1932.

2. ~~A~~ <sup>It is</sup> assumed that the issue, in future, of certificates of ownership conferring rights over minerals on the owners will be limited to those issued in respect of the claims mentioned in para.3 of your despatch under reply.

3. The amendment to 67(2)

of



of the principal Ordinance is incomplete and renders that provision ungrammatical, though the ~~amendment~~<sup>meaning</sup> can be gathered from the context. Steps will, no doubt, be taken to amend this Section when further amending legislation becomes necessary.

4. H.M. will not be advised to exercise his power of disallowance in respect of Ordinance No. XV of 1932, entitled "An Ordinance to Amend the Mining Ordinance, 1930".

I have, etc.

(for the Secretary of State)  
(Signed) R. W. HAMILTON.

451

KENYA.

No. 275



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

9<sup>th</sup> June, 1952.

Sir,

168  
17/33/31

With reference to your telegram No. 561 of the 9th December, 1951, in which you signified that His Majesty would not be advised to exercise his power of disallowance with respect to the Mining Ordinance, 1950, I have the honour to transmit two Authenticated copies of Ordinance No. XV of 1952 entitled "An Ordinance to Amend the Mining Ordinance, 1950", which passed its third reading in Legislative Council on the 11th May, and to which I assented on the 26th May, 1952, together with the Legal Report in duplicate prepared by the Attorney General.

Ten printed copies of the Ordinance are being transmitted under separate cover.

2. You will observe that the amendments made by Sections 2, 4, 6, 8 and 11 (2) are those already approved by you; that those made by Sections 5, 7 and 10 are consequential, and that Sections 5, 11, 12 and 13 correct omissions in the principal Ordinance. Section 9 has been included at the suggestion of the Government of Tanganyika Territory and Section 15 is required on account of the definition in the principal Ordinance. The present Ordinance has been made retrospective in order to synchronize with the actual operation of the principal Ordinance.

5. With regard to your request that the words "or hereafter issued" be deleted from Section 5 of that Ordinance, the reasons for the exclusion from the operation of the Ordinance of minerals reserved in existing titles was stated in the second paragraph of Kenya despatch No. 555 of the 18th

12 July 1952  
Aired 5.32

6/17/33/31

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.1.

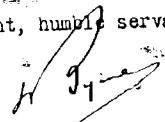
18th September, 1931, and the position is that up to February last the Recorder of Titles had issued 9,000 certificates of ownership including mineral rights, but that about 4,000 claims remained to be dealt with and it is not felt that any distinction should now be made between claims already recorded and those which await action, as from the owners' point of view circumstances have not changed.

4. The amendments now made were discussed with Mr. Streit, Inspector of Mines, Tanganyika Territory, who recently visited this Colony. It is probable that Sir Albert Kitson, who is now engaged in the Kakamega Area, will have some further amendments to suggest and, as regards the policy of permitting an unlimited number of alluvial claims to each prospector, an undertaking was given that his advice would be specifically taken. In the meantime I trust that His Majesty will not be advised to exercise his power of disallowance in respect of this measure.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.  
GOVERNOR.

LEGAL REPORT.

THE MINING (AMENDMENT) BILL, 1932.

-----

It was brought to the notice of Government that the Mining Ordinance, 1930, required amendments in various ways, and this Bill makes those amendments.

Clause 2 amends the title of the Principal Ordinance, which was passed and assented to in 1930 and is numbered in the Series for that year.

Clause 3 amends Section 11 of the Principal Ordinance to provide that samples of minerals exported for the purposes of assay may be exempted from liability to royalties.

Clause 4 repeals Section 30 of the Principal Ordinance. The restriction of one alluvial claim to each prospector has been found to impose an unnecessary hardship on the mining community in Tanganyika, and has accordingly been deleted in the mining law of that Territory. This amendment thus brings our law into line with the law of Tanganyika.

Clause 5 repeals Section 31 of the Principal Ordinance. "Reward claims" are not necessary with no restriction on the number of claims each prospector may hold.

Clause 6 amends Section 33 of the Principal Ordinance. No rent is payable on a claim, and the reference to rent in Section 33 is, therefore, erroneous.

Clause 7 makes an amendment to the Principal Ordinance rendered necessary by the repeal of Sections 30 and 31 of the Principal Ordinance.

Clause 8 repeals Section 39 (c) of the Principal Ordinance which refers to rent payable on a claim.

Clause 9 alters Section 40 (2) of the Principal Ordinance to conform with amended procedure now in operation in Tanganyika Territory.

Clause 11 allows the owner of a claim, as well as a lessee, to remove plant therefrom.

Clause 12 gives an inspector and an assistant inspector general power of inspection of mining rights, as well as the Commissioner of mines.

Certain typographical errors are corrected in other clauses. Clause 16 provides that the Ordinance shall be deemed to have come into operation on the 16th day of March, 1932.

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

ACTING ATTORNEY GENERAL.

Nairobi,

11th May, 1932.



Colony and Protectorate of Kenya.

IN THE TWENTY-THIRD 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 26<sup>th</sup> day of May, 1932.

J. BYRNE.

*Governor.*

AN ORDINANCE TO AMEND THE MINING  
ORDINANCE, 1930

No. XV of 1932.

An Ordinance to Amend the Mining Ordinance, 1930.

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 Mining (Amendment) Ordinance, 1932," and shall be read as one with the Mining Ordinance, 1930, hereinafter referred to as "the Principal Ordinance." Short title.  
No 1 of 1931
- 2. Section 1 of the Principal Ordinance is hereby amended by the deletion of the year "1930" and the substitution thereof of the year "1931." Amendment of section 1 of the Principal Ordinance
- 3. Section 11 of the Principal Ordinance is hereby amended by the addition of the following proviso :—  
" Provided that the Commissioner may by permit under his hand exempt from liability to royalties samples of minerals exported for the purposes of assay." Amendment of section 11 of the Principal Ordinance
- 4. Section 30 of the Principal Ordinance is hereby repealed. Repeal of section 30 of the Principal Ordinance
- 5. Section 31 of the Principal Ordinance is hereby repealed. Repeal of section 31 of the Principal Ordinance
- 6. Section 33 of the Principal Ordinance is hereby amended by the deletion of the words "on payment of the prescribed rent" in the last two lines thereof. Amendment of section 33 of the Principal Ordinance.
- 7. Section 38 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto. Amendment of section 38 of the Principal Ordinance.
- 8. Section 39 of the Principal Ordinance is hereby amended by the deletion of sub-section (c) thereof. Amendment of section 39 of the Principal Ordinance

Amendment of section 20 (2) of the Principal Ordinance.

9. Sub-section (2) of section 20 of the Principal Ordinance is hereby amended by the deletion of the word "discovery" in line six thereof and the substitution of the word "location" therefor; and by the insertion of the word "other" between the words "all" and "boundary" in lines six and seven thereof.

Amendment of section 64 of the Principal Ordinance.

10. Section 64 of the Principal Ordinance is hereby amended by the deletion of the words "claim or exclusive prospecting licence" in lines one and two thereof.

Amendment of section 67 of the Principal Ordinance.

11. Section 67 of the Principal Ordinance is hereby amended in the following manner:—

- (1) By the insertion of the words "or claim" between the words "lease" and "may" in line two thereof;
- (2) by the deletion of the words "be permitted" in lines seven and eight thereof;
- (3) by the insertion of the words "or claim holder" after the word "lessee" in line eleven thereof; and
- (4) by the insertion of the words "or claim holder" after the word "lessee" in the last line thereof.

Amendment of section 82 of the Principal Ordinance.

12. Section 82 of the Principal Ordinance is hereby amended by the insertion of the words "an inspector or assistant inspector" after the word "Commissioner" in line one thereof; and by the deletion of the word "an" in the same line and the substitution of the words "any other" therefor.

Amendment of section 83 of the Principal Ordinance.

13. Section 83 of the Principal Ordinance is hereby amended by the insertion of the word "right" between the words "the" and "claim" in line six thereof.

Amendment of section 89 of the Principal Ordinance.

14. Section 89 of the Principal Ordinance is hereby amended by the deletion of the words "Indian Land Acquisition Act, 1894, as applied to" in line two thereof and the substitution thereof of the following words: "provisions of any law relating to the compulsory acquisition of land for the time being in force in"

Amendment of section 101 (7) of the Principal Ordinance.

15. Sub-section (7) of section 101 of the Principal Ordinance is hereby amended by the substitution of the word "metal" for the word "mineral" in the first line thereof, and by the substitution of the word "metals" for the word "minerals" in the last line thereof.

16. This Ordinance shall be deemed to have come into operation on the 16th day of March, 1932. Date of operation.

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

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 of the Legislative Council.



3  
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R E P O R T  
O F  
THE SELECT COMMITTEE OF LEGISLATIVE  
COUNCIL APPOINTED TO CONSIDER AND  
REPORT UPON A BILL TO AMEND THE  
MINING ORDINANCE, 1930.

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Your Excellency,

We, the members of the Select Committee appointed to consider and report on the provisions of a Bill to amend the Mining Ordinance, 1930, have the honour to report as follows:

2. We sat on the 6th May, 1932: Captain Cotter was unable to attend.

3. The Committee recommend that the following should be added as a new Clause 16 to the Bill:-

"16. This Ordinance shall be deemed to have come into operation on the 16th day of March, 1932."

4. The Committee discussed at length the amendments proposed in Clauses 4, 5 and 7 of the Bill and, on the understanding that the question of reintroducing some restrictions in respect of the number of alluvial claims which may be held by any individual would, with other technical points not covered in this Bill, be considered further by Government in the near future recommends that these Clauses should stand unamended.

We have the honour to be,

Your Excellency's most obedient servants,

SD. W. M. LOGAN (Chairman)

SD. C. F. G. DORAN (Member)

SD. H. R. MONTGOMERY (Member)

SD. T. J. O'SHEA (Member)

SD. H. F. WARD (Member)

Nairobi,

6th May, 1932.

## GOVERNMENT NOTICE No. 252.

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

H. E. BADER,  
*Acting Clerk of the Legislative Council.*

**A Bill to Amend the Mining Ordinance, 1930.**

BE IT 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 Mining (Amendment) Ordinance, 1932." and shall be read as one with the Mining Ordinance, 1930, hereinafter referred to as "the Principal Ordinance."

Short title  
No. 1 of 1931.

2. Section 1 of the Principal Ordinance is hereby amended by the deletion of the year "1930" and the substitution thereof of the year "1931."

Amendment of  
section 1 of  
the Principal  
Ordinance.

3. Section 11 of the Principal Ordinance is hereby amended by the addition of the following proviso:—

Amendment of  
section 11 of  
the Principal  
Ordinance.

" Provided that the Commissioner may by permit under his hand exempt from liability to royalties samples of minerals exported for the purposes of assay."

4. Section 30 of the Principal Ordinance is hereby repealed.

Repeal of  
section 30 of  
the Principal  
Ordinance.

5. Section 31 of the Principal Ordinance is hereby repealed.

Repeal of  
section 31 of  
the Principal  
Ordinance.

6. Section 33 of the Principal Ordinance is hereby amended by the deletion of the words "on payment of the prescribed rent" in the last line thereof.

Amendment of  
section 33 of  
the Principal  
Ordinance.

Section 36 of the Principal Ordinance which it is proposed to amend:—

Transfer of claims and interests therein.

36. Subject to the approval of the Commissioner, after a claim has been registered as aforesaid, the holder may in the manner prescribed by the regulations by instrument in writing divide his interest in the claim into such shares as he shall think proper; and may allot shares or transfer the claim or create or transfer any interest therein.

Provided that the holder, who has transferred an alluvial claim for precious metals or precious stones may not hold another such claim until the first claim has been abandoned, subject to the provisions of section 30 and 31.

Section 39 of the Principal Ordinance which it is proposed to amend:—

Claims when liable to forfeiture by the Commissioner.

39. A claim shall be liable to forfeiture by the Commissioner by written notice to the holder or by notice published in the Gazette in the following circumstances:—

- (a) if the person pegging has failed to apply for registration in prescribed manner within the time fixed by section 32;
- (b) if the holder has not produced when demanded by the Commissioner, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed;
- (c) if the rent payable is not paid to the Commissioner within thirty days from the date when it became due, or within such additional time as the Commissioner may allow;
- (d) if the holder fails to render any prescribed return when due, or within such additional time as the Commissioner may allow;
- (e) if the holder has not complied with any of the prescribed conditions; or
- (f) if registration thereof has been obtained by any false or fraudulent representation or concealment.

Nothing in this section contained shall impose any obligation on the Commissioner to declare the forfeiture of a claim.

Section 40 of the Principal Ordinance which it is proposed to amend:—

Obligation on abandonment.

40. (1) Any person who shall abandon his claim shall forthwith notify the Commissioner of such abandonment.

(2) Any person who shall abandon his claim and any person whose claim shall have been forfeited shall forthwith fill up, fence, or secure to the satisfaction of the Commissioner or other prescribed officer all shafts, pits, holes and excavations, in such a manner as to prevent persons or stock inadvertently entering them; and shall remove the discovery beacon and all boundary posts thereon, and in default of so doing, shall be liable to a fine of fifty pounds or to imprisonment for three months, and in addition shall be liable to pay such sum as the Commissioner may certify the cost of doing so will be.

Section 64 of the Principal Ordinance which it is proposed to amend:—

Rent, how recoverable.

64. The rent reserved by any lease, claim or exclusive prospecting licence may be levied or recovered under the authority of or in the name of the Commissioner, in like manner as rent is or shall be leviable or recoverable by law, in cases where private persons only are concerned.

7. Section 38 of the Principal Ordinance is hereby amended by the deletion of the proviso thereto. Amendment of section 38 of the Principal Ordinance.

8. Section 39 of the Principal Ordinance is hereby amended by the deletion of sub-section (c) thereof. Amendment of section 39 of the Principal Ordinance.

9. Sub-section (2) of section 40 of the Principal Ordinance is hereby amended by the deletion of the word "discovery" in line six thereof and the substitution of the word "location" therefor; and by the insertion of the word "other" between the words "all" and "boundary" in lines six and seven thereof. Amendment of section 40 (2) of the Principal Ordinance.

10. Section 64 of the Principal Ordinance is hereby amended by the deletion of the words "claim or exclusive prospecting licence" in lines one and two thereof. Amendment of section 64 of the Principal Ordinance.

men from the danger indicated by such officer until such time as the matter shall have been determined by the Commissioner, and in case of default shall be guilty of an offence against this Ordinance: Provided that if, in the opinion of such officer, there be no immediate danger, he may allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary, and shall specify in writing to ensure the safety of the workmen.

Section 89 of the Principal Ordinance which it is proposed to amend:—

Compensation  
on acquisition  
of land by  
Government.

89. In any case where the Government is acquiring, under the Indian Land Acquisition Act, 1894, as applied to the Colony, any land held under a lease or claim, compensation shall be payable in respect of any disturbance of mining rights, in addition to any other compensation.

Sub-section (r) of section 101 of the Principal Ordinance which it is proposed to amend:—

Power to make  
regulations.

101. The Governor in Council may make regulations in connection with or for all or any of the matters or purposes following:—

- (r) for determining what proportion of any precious mineral per ton any ore may contain without coming under the definition of precious minerals;

14. Section 89 of the Principal Ordinance is hereby amended by the deletion of the words "Indian Land Acquisition Act, 1894, as applied to" in line two thereof and the substitution thereof of the following words "provisions of any law relating to the compulsory acquisition of land for the time being in force in".

Amendment of section 89 of the Principal Ordinance

15. Sub-section (r) of section 101 of the Principal Ordinance is hereby amended by the substitution of the word "metal" for the word "mineral" in the first line thereof, and by the substitution of the word "metals" for the word "minerals" in the last line thereof.

Amendment of section 101 of the Principal Ordinance

#### OBJECTS AND REASONS

It has been brought to the notice of Government that the Mining Ordinance, 1930, requires amendment in various ways, and this Bill makes those amendments.

Clause 2 amends the title of the Principal Ordinance, which was passed and assented to in 1931 and is numbered in the series for that year.

Clause 3 amends section 11 of the Principal Ordinance to provide that samples of minerals exported for the purposes of assay may be exempted from liability to royalties.

Clause 4 repeals section 30 of the Principal Ordinance. The restriction of one alluvial claim to each prospector has been found to impose an unnecessary hardship on the mining community in Tanganyika, and has accordingly been deleted in the mining law of that Territory. This amendment thus brings our law into line with the law of Tanganyika.

Clause 5 repeals section 31 of the Principal Ordinance. "Reward claims" are not necessary with no restriction on the number of claims each prospector may hold.

Clause 6 amends section 33 of the Principal Ordinance. No rent is payable on a claim, and the reference to rent in section 33 is, therefore, erroneous.

Clause 7 makes an amendment to the Principal Ordinance rendered necessary by the repeal of sections 30 and 31 of the Principal Ordinance.

Clause 8 repeals section 39 (c) of the Principal Ordinance which refers to rent payable on a claim.

Clause 9 alters section 40 (2) of the Principal Ordinance to conform with amended procedure now in operation in Tanganyika Territory.

Clause 11 allows the owner of a claim, as well as a lessee, to remove plant therefrom.

Clause 12 gives an inspector and an assistant inspector general power of inspection of mining rights, as well as the Commissioner of Mines.

Certain typographical errors are corrected in other clauses. No expenditure of public moneys will be involved if this Bill becomes law.

The heading of Part I of the Principal Ordinance which it is proposed to amend:—

PART I.

**DIVIDING FENCES, ADVANCES FOR ERECTION THEREOF AND CONTRIBUTIONS TOWARDS COST OF ERECTION.**

Sub-section (1) of section 3 of the Principal Ordinance which it is proposed to amend:—

Bringing areas under the operation of the Ordinance.

3. (1) Whenever it shall be made to appear to the Director—

- (a) that the majority of owners in any area are desirous of being brought under the operation of this Ordinance;
- (b) that such area is adequate in extent and suitable for the purposes of this Ordinance; and
- (c) that the application of the provisions of this Ordinance to such area shall be beneficial to the agricultural interests of the owners, both individually and collectively, therein;

he shall by notice in the Gazette declare such area to be a fencing district.

Sub-section (1) of section 5 of the Principal Ordinance which it is proposed to amend:—

Fencing obligatory in proclaimed district.

5. (1) It shall be obligatory on the owner of a holding within a proclaimed district to erect and maintain a fence along the boundaries of the said holding and the erection of such fence shall be completed within a period which may be specified by the Director.

Sub-section (1) of section 6 of the Principal Ordinance which it is proposed to amend:—

Notice to adjoining owners of intention to erect a dividing fence.

8. (1) Every owner who intends to erect a dividing fence upon his holding under the provisions of section 5 or 7 may, if he desires that the owner of an adjoining holding or Railway or Road Authority shall contribute to the cost of the erection and maintenance of such fence, transmit to that owner or authority written notice dated and in the form as nearly as possible set out in the Schedule to this Ordinance, of such intention, and when he transmits such notice he shall attach thereto the specification of the dividing fence which he desires to erect, together with a statement of the estimated cost thereof.

GOVERNMENT NOTICE No. 185.

THE MINING ORDINANCE, 1930.

By virtue of section 13 (d) of the Mining Ordinance, 1930, I hereby declare the following area to be excluded from the operation of the said Ordinance with effect from the date hereof, provided that such exclusion shall not affect any prospecting or mineral rights already granted, and existing, in respect of the said area or any portion thereof:—

An area of approximately 35,000 square miles, situate within the North Central and South Kavirondo Districts:

Commencing at the Mouth of the Sio River;

thence bounded by the Kenya-Uganda boundary to its intersection with the northern boundary of the Tororo-Maliki Road;

thence by the northern boundary of that road easterly to Maliki;

thence in a generally easterly and southerly direction by the generally northerly and easterly boundary of a main road to where it crosses the Nzoia River near Broderick Falls, and onwards for about a quarter of a mile from the centre course of that river;

thence by a line parallel to and at a quarter mile distance from the centre course of the Nzoia River down-stream to its intersection with the eastern boundary of the Maliki and Mumias Road;

thence southerly by the eastern boundary of that road to a point where it becomes known as the Mumias-Kisumu Road;

thence in a generally south-easterly direction by the general easterly boundary of that Road Reserve to its intersection with the northern 100-foot zone of the Kenya and Uganda Railway Reserve;

thence easterly by that 100-foot zone to its intersection with the eastern boundary of the Central Kavirondo District;

thence generally southerly by the generally easterly boundaries of the Central and Southern Kavirondo District to the Tanganyika Boundary;

thence north-westerly by that territorial boundary to the shores of Lake Victoria;

thence in a generally northerly direction by that Lake shores to the point of commencement.

Nairobi, H. M. M. MOORE,  
This 19th day of March, 1932. Governor's Deputy

GOVERNMENT NOTICE No. 186

THE MINING ORDINANCE, 1930.

Notice is hereby given that Government has under consideration the issue of an Exclusive Prospecting Licence for minerals over the area mentioned in Government Notice No. 185 of the 22nd March, 1932.

Any objections to the issue of this licence should be addressed to me at Box 83, Nairobi, on or before the 19th day of June, 1932, after which date no objections will be entertained.

Nairobi,  
This 19th day of March, 1932.

R. W. LAMBERT,  
for Acting Commissioner of Mines.

Copy registered  
on 18/4/32  
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## GOVERNMENT NOTICE No. 187.

## APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint Frederick Charles Gamble to be an Acting Judge of His Majesty's Supreme Court of Kenya from and including the 18th March, 1932.

Nairobi.

The 17th day of March, 1932.

J. BYRNE,  
Brigadier-General,  
Governor.

## GOVERNMENT NOTICE No. 188.

## THE NATIVE REGISTRATION ORDINANCE, 1921.

(Chapter 127, Revised Laws of Kenya).

## NOTICE.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint K. A. Streets, Esq., Koro, to be a Registration Officer, with effect from the 1st March, 1932, vice D. F. Smith, Esq.

Nairobi,

10th March, 1932.

A. E. T. IMBERT,  
Chief Registrar of Natives.

## GOVERNMENT NOTICE No. 189.

## THE KENYA COTTON RULES, 1923.

IN EXERCISE of the powers conferred upon me under Rules 7 and 8 of the Kenya Cotton Rules, 1923, I hereby order that all old cotton plants in the Nyanza Province shall be uprooted and burned before 2nd April, 1932.

Nairobi,

11th March, 1932.

ALEX HOLM,  
Director of Agriculture.

## GOVERNMENT NOTICE No. 190.

## THE LOCAL GOVERNMENT (DISTRICT COUNCILS) ORDINANCE, 1923.

## THE DISTRICT COUNCIL OF NAIROBI.

## ELECTION—THIKA WARD.

IT is hereby notified in accordance with the provisions of section 23 (1) of the Local Government (District Councils) Ordinance, 1923, that an election will be held on the 5th April, 1932, for the purpose of filling a vacancy on the District Council of Nairobi caused by the retirement of the member for the Thika Ward.

Nairobi,

10th March, 1932.

W. R. McGEAGHE,  
for Acting Commissioner for Local Government,  
Lands and Settlement.

## GOVERNMENT NOTICE No. 191.

## THE MINING ORDINANCE, 1930.

IN EXERCISE of the powers conferred upon me by section 9 of the Mining Ordinance, 1930, and with the approval of His Excellency the Governor, I hereby direct that the powers and duties conferred upon me under Parts IV and VI of the said Ordinance shall be exercised by the person holding for the time being the office of Inspector of Mines.

Nairobi,

This 17th day of March, 1932.

W. M. LOGAN,  
Acting Commissioner of Mines.

## GOVERNMENT NOTICE No. 192.

## THE MINING ORDINANCE, 1930.

IN EXERCISE of the powers conferred upon me by section 9 of the Mining Ordinance, 1930, and with the approval of His Excellency the Governor, I hereby direct that the powers and duties conferred upon me under Part IV of the said Ordinance shall be exercised by the person holding for the time being the office of the District Commissioner of the North-Kavirondo District.

Nairobi,

This 17th day of March, 1932.

W. M. LOGAN,  
Acting Commissioner of Mines.

## GOVERNMENT NOTICE No. 193.

## THE MINING ORDINANCE, 1930.

IN EXERCISE of the powers conferred upon him by section 8 of the Mining Ordinance, 1930, His Excellency the Governor has been pleased to appoint Charles Thomas Cogle to be an Inspector of Mines for the purpose of the said Ordinance.

By Command of His Excellency the Governor.

Nairobi,

This 17th day of March, 1932.

R. W. LAMBERT,  
for Colonial Secretary.

## GOVERNMENT NOTICE No. 194.

## THE COMPANIES ORDINANCE.

(Chapter 93 of the Revised Edition.)

PURSUANT to section 247, sub-section 5 of the above Ordinance, it is hereby notified that the undermentioned Company has this day been struck off the Register of Companies and the Company is dissolved:—

Kenya Advertising Company, Limited.

Nairobi,

This 17th day of March, 1932.

W. M. KEATINGE,  
Registrar of Companies.

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**SUPPLEMENT No. 11**

**COLONY AND PROTECTORATE OF KENYA**



**Supplement to the Official Gazette**

**Proclamations, Rules and Regulations**  
**(No. 11)**

**Vol. XXXIV.—No. 12**

**March 15, 1932**

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GOVERNMENT NOTICE No. 176.

THE MINING ORDINANCE, 1930.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by section 101 of the Mining Ordinance, 1930, His Excellency the Governor in Council has been pleased to make the following Regulations:—

MINING REGULATIONS, 1931.

1. These Regulations may be cited as "the Mining Regulations, 1932."

FEES, RENTS, ROYALTIES.

2. The fees set out in the Fourth Schedule shall be paid in respect of the matters and things specified in that Schedule.

3. The rent payable for a mining lease under section 29 of the Mining Ordinance, 1930 (hereinafter called "the Ordinance"), shall be payable annually in advance without demand, and shall be paid to the Commissioner of Mines (hereinafter called "the Commissioner"), and shall be in addition to any royalties.

4. Royalties shall be payable on demand to the Commissioner, who may, if so requested, thereupon issue a permit to export the mineral on which royalty has been paid.

5. (1) Royalty shall be payable at the following rates:—

(a) On gold: A royalty of five per cent on the gold won, on the gross sum realized.

(b) On other minerals: As prescribed by the Governor in Council from time to time by notice in the Gazette.

(2) When it is desired to export minerals, the Commissioner may make an estimate of the amount of the royalty to be paid, which amount shall be paid, or security given for its payment, to the Commissioner, before export, whereupon the Commissioner shall issue an export permit:

(3) Within six months of the export, or such extended time as the Commissioner may allow, a sales account in respect of such minerals shall be produced to the Commissioner, and any adjustment made which may be necessary to effect payment of the royalty actually payable.

(4) When the minerals are not being exported, royalty shall be payable at any time on demand by the Commissioner.

(5) Save where expressly exempted by the Commissioner the claim-holder or lessee shall keep proper books and accounts showing the expenses incurred and the profits earned, and the Commissioner or other official authorized by him shall have access at all times to such books and accounts and the right to make and keep extracts therefrom.

#### PROSPECTING RIGHTS.

6. Prospecting rights may be issued by the Commissioner or by any officer of the Mines Department on his behalf. A prospecting right shall not carry with it the right to enter the classes of land prescribed by section 13 of the Ordinance except as therein provided. A prospecting right shall be substantially in accordance with Form I in the First Schedule.

7. Any person desiring to obtain a prospecting right shall make an application in Form XI in the First Schedule, and shall give the particulars required in the said form. The same form shall be used in an application for the renewal of a prospecting right, and such a renewal may be effected by the issue of a fresh prospecting right. Each application shall be supported by a duly stamped declaration.

#### EXCLUSIVE PROSPECTING LICENCES.

8. An application for an exclusive prospecting licence shall be made to the Commissioner through the Inspector of Mines or District Officer, in duplicate in the Form XII in the First Schedule, and shall give the particulars therein required.

9. (a) A sketch plan in duplicate on a reasonable scale shall accompany the application, and shall show the following details:—

- (i) The approximate position of the chief local objects, land marks or any other beacons in the neighbourhood.
- (ii) The topographical features in such a manner as will illustrate the position of the boundaries and enable them to be identified on the ground.
- (iii) The approximate distance and direction of some town or village which is shown on maps of the Colony as supplied by the Survey Department.

(iv) The area concerned shall be adequately shown with relation to known trigonometrical points or topographical features to enable the area to be surveyed if required by the Commissioner.

(b) If the Commissioner is not satisfied with the adequacy of the sketch plan submitted, he may refuse to consider the application.

10. The prescribed fees shall accompany the application.

11. The Commissioner may, if satisfied that a survey is necessary for the prevention of differences as to boundaries of the land, or for securing a proper definition of the area, included in any licence, give notice to the holder of such licence that a survey and plan are required of the land included therein, and thereupon the licensee at his own expense shall cause the land to be surveyed by a licensed surveyor, and shall produce the plan to the Commissioner, and the survey and plan shall be such as the Surveyor General may approve. If the licensee fails to produce the plan within such time as the Commissioner by writing requires, the Commissioner may cancel the licence by notice in the Gazette.

12. Within one month after the date of the licence the licensee shall erect suitable boundary beacons (as defined in Regulation 53) at all necessary points of the boundaries and shall at all times at each corner beacon and at each beacon on a main stream keep the boundary lines for a distance of fifty yards in each direction cut and cleared of vegetation, and shall, if required by the Commissioner, clear of vegetation all or any of the boundary lines specified by the Commissioner: Provided that the holder of a licence shall not be required to clear any line more often than once in any year.

13. During the term of the licence the licensee shall post and maintain a notice in a conspicuous position on the land showing clearly the situation and direction of all boundaries.

14. An application for amalgamation of exclusive prospecting licences shall be in Form XV and the certificate of amalgamation in Form XVI in the First Schedule.

15. Application for the renewal of an exclusive prospecting licence shall be made through the Commissioner at least two months before the expiration of the licence. When such application has been made as aforesaid, but the holder has not been notified as to whether his application is allowed before the

(4) When the minerals are not being exported, royalty shall be payable at any time on demand by the Commissioner.

(5) Save where expressly exempted by the Commissioner the claim-holder or lessee shall keep proper books and accounts showing the expenses incurred and the profits earned, and the Commissioner or other official authorized by him shall have access at all times to such books and accounts and the right to make and keep extracts therefrom.

#### PROSPECTING RIGHTS.

6. Prospecting rights may be issued by the Commissioner or by any officer of the Mines Department on his behalf. A prospecting right shall not carry with it the right to enter the classes of land prescribed by section 13 of the Ordinance except as therein provided. A prospecting right shall be substantially in accordance with Form I in the First Schedule.

7. Any person desiring to obtain a prospecting right shall make an application in Form XI in the First Schedule, and shall give the particulars required in the said form. The same form shall be used in an application for the renewal of a prospecting right, and such a renewal may be effected by the issue of a fresh prospecting right. Each application shall be supported by a duly stamped declaration.

#### EXCLUSIVE PROSPECTING LICENCES.

8. An application for an exclusive prospecting licence shall be made to the Commissioner through the Inspector of Mines or District Officer, in duplicate in the Form XII in the First Schedule, and shall give the particulars therein required.

9. (a) A sketch plan in duplicate on a reasonable scale shall accompany the application, and shall show the following details:—

- (i) The approximate position of the chief local objects, land marks or any other beacons in the neighbourhood;
- (ii) The topographical features in such a manner as will illustrate the position of the boundaries and enable them to be identified on the ground.
- (iii) The approximate distance and direction of some town or village which is shown on maps of the Colony as supplied by the Survey Department.

(iv) The area concerned shall be adequately shown with relation to known trigonometrical points or topographical features to enable the area to be surveyed if required by the Commissioner.

(b) If the Commissioner is not satisfied with the adequacy of the sketch plan submitted, he may refuse to consider the application.

10. The prescribed fees shall accompany the application.

11. The Commissioner may, if satisfied that a survey is necessary for the prevention of differences as to boundaries of the land, or for securing a proper definition of the area, included in any licence, give notice to the holder of such licence that a survey and plan are required of the land included therein, and thereupon the licensee at his own expense shall cause the land to be surveyed by a licensed surveyor, and shall produce the plan to the Commissioner, and the survey and plan shall be such as the Surveyor General may approve. If the licensee fails to produce the plan within such time as the Commissioner by writing requires, the Commissioner may cancel the licence by notice in the Gazette.

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13. During the term of the licence the licensee shall post and maintain a notice in a conspicuous position on the land showing clearly the situation and direction of all boundaries.

14. An application for amalgamation of exclusive prospecting licences shall be in Form XV and the certificate of amalgamation in Form XVI in the First Schedule.

15. Application for the renewal of an exclusive prospecting licence shall be made through the Commissioner at least two months before the expiration of the licence. When such application has been made as aforesaid, but the holder has not been notified as to whether his application is allowed before the

date on which the licence expires, the holder may continue his prospecting operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the licence would, but for such renewal, have expired.

16. The holder of a prospecting right or an exclusive prospecting licence who may desire to retain or dispose of any minerals obtained in the course of prospecting shall make application in writing to the Commissioner, and shall in such application state the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the mineral was obtained, and shall furnish such other information as the Commissioner shall require.

#### CLAIMS.

17. Claims which may be pegged under a prospecting right or exclusive prospecting licence shall not exceed the following dimensions —

- (a) A precious metals reef claim : 1,500 feet in length along the supposed strike of the reef and 600 feet in width.
- (b) A precious metals or stones alluvial claim : 800 feet by 100 feet.
- (c) A precious stones claim, other than alluvial : 20 acres.
- (d) A non-precious mineral claim, not including mica : 40 acres.
- (e) A mica claim : 500 acres.

18. The shape of a claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram. In the case of non-precious mineral claims and precious stones claims other than alluvial, the length of the longer side shall not exceed thrice the length of the shorter side.

19. Any person pegging a claim shall, before lodging an application for registration thereof, erect—

- (a) at one corner of the claim a temporary beacon as defined by regulation 53 which shall be known as the location beacon and shall bear the following information in addition to that prescribed in the said regulation—
  - (i) the length and width of the claim in feet,

- (ii) the magnetic bearings of the boundary lines forming the corner at which the location beacon is erected;

- (b) at each of the remaining corners of the claim a substantial post projecting at least four feet above the ground on which shall be clearly and indelibly marked the initials of the person pegging the claim and the date of pegging.

and shall cut at each corner of the claim two trenches not less than six feet in length and one foot in depth along the boundary lines forming each corner of the claim.

20. Any person applying to register a claim shall sign an application in Form XIII in the First Schedule. Such application shall be forwarded to or produced at the office of the Inspector of Mines or District Officer in whose district the claim is situated, together with a fee of ten shillings, and a plan in duplicate giving the dimensions in feet of the claim to be registered and as full particulars and measurements as possible to enable the claim to be located on the general maps of the district. Such officer shall thereupon record the date and time of receipt on the application, and shall forward it to the office of the Commissioner for registration. The Commissioner shall, if satisfied that the application is in order, issue a claim in Form III in the First Schedule and shall register such claim in the prescribed manner.

Provided that the fee for the registration of any claim pegged before the promulgation of the Ordinance shall be Sh. 1.

21. On receiving notification of the registration of the claim and of the official number thereof, the holder shall clearly paint and keep painted during the period of the claim such number on the location beacon of the claim, or otherwise effectively show and maintain such number.

22. As between applicants, priority shall be determined by the time the application was received in order at the office of the Inspector of Mines or the District Officer, as the case may be.

23. Regulation 15 shall apply *mutatis mutandis* to a claim.

date on which the licence expires, the holder may continue his prospecting operations unless and until notified that his application is disallowed. If allowed the renewal shall date from the date on which the licence would, but for such renewal, have expired.

16. The holder of a prospecting right or an exclusive prospecting licence who may desire to retain or dispose of any minerals obtained in the course of prospecting shall make application in writing to the Commissioner, and shall in such application state the kind and quantity of minerals in respect of which the application is made and the situation of the land from which the mineral was obtained, and shall furnish such other information as the Commissioner shall require.

#### CLAIMS.

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- (a) A precious metals reef claim 1,500 feet in length along the supposed strike of the reef and 600 feet in width.
- (b) A precious metals or stones alluvial claim 300 feet by 100 feet.
- (c) A precious stones claim, other than alluvial 20 acres.
- (d) A non-precious mineral claim, not including mica 40 acres.
- (e) A mica claim : 500 acres.

18. The shape of a claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram. In the case of non-precious mineral claims and precious stones claims other than alluvial, the length of the longer side shall not exceed thrice the length of the shorter side.

19. Any person pegging a claim shall, before lodging an application for registration thereof, erect—

- (a) at one corner of the claim a temporary beacon as defined by regulation 53 which shall be known as the location beacon and shall bear the following information in addition to that prescribed in the said regulation—

- (i) the length and width of the claim in feet;

- (ii) the magnetic bearings of the boundary lines forming the corner at which the location beacon is erected.

- (b) at each of the remaining corners of the claim a substantial post projecting at least four feet above the ground on which shall be clearly and indelibly marked the initials of the person pegging the claim and the date of pegging.

and shall cut at each corner of the claim two trenches not less than six feet in length and one foot in depth along the boundary lines forming each corner of the claim.

20. Any person applying to register a claim shall sign an application in Form XIII in the First Schedule. Such application shall be forwarded to and produced at the office of the Inspector of Mines or District Officer in whose district the claim is situated, together with a list of bearings and a plan in duplicate giving the dimensions in feet of the claim to be registered and as full particulars and measurements as possible to enable the claim to be located on the general maps of the district. Such officer shall thereupon, on the date and time of receipt on the application, forward it to the office of the Commissioner for registration. The Commissioner shall, if satisfied that the applicant is entitled to issue a claim in Form III in the First Schedule, and shall register such claim in the prescribed manner.

Provided that the fee for the registration of any claim pegged before the promulgation of this ordinance shall be Sh 1.

21. On receiving notification of the registration of the claim and of the official number assigned, the holder shall clearly paint and keep painted during the period of the claim, such number on the location beacon of the claim, or otherwise effectively show and maintain such number.

22. As between applicants, priority shall be determined by the time the application was received in order at the office of the Inspector of Mines or the District Officer, as the case may be.

23. Regulation 15 shall apply *mutatis mutandis* to a claim.

24. (a) The holder of any claim other than a reef claim shall, unless he has been informed that registration has been refused, either by himself or by some person in his employ, after thirty days from the date of application for registration, diligently carry on prospecting or mining operations during the continuance of the claim to the satisfaction of the Commissioner.

(b) The holder of a reef claim shall for each year of the continuance of the claim execute upon the area of the claim at least sixty feet of the development work of the nature set forth in the Second Schedule.

25. Excess work on one claim shall be allowed to count towards the working conditions on contiguous claims under the same ownership, provided they have been previously amalgamated.

26. The Commissioner may, on written application, and for any reason appearing sufficient to him, allow the holder of a claim to effect a smaller amount of development work than that prescribed.

27. All differences as to the boundaries of claims shall be decided by the Commissioner or by such officer as he may appoint in that behalf.

28. When any person has pegged more ground than he is entitled to, any other person may peg such ground on any side of the claim, provided that no shaft is interfered with.

29. Any person taking forcible possession of a claim or commencing to work the same after his right to take possession thereof or to work the same has been disputed, shall be liable to forfeit all right and title to the possession of such claim, and shall be liable to a fine not exceeding ten pounds.

30. The holder of a registered claim may, in Form VII in the First Schedule, transfer the same, and the transferee shall, within thirty days of the date of the transfer, apply to the Commissioner for registration of such transfer, and on payment of the prescribed fees the Commissioner shall register such transfer in the Claim Register.

31. The holder of a registered claim or the registered owner of a share in such claim, may, in Form VIII in the First Schedule, transfer a share or shares in the said claim; and the transferee shall, within thirty days of the date

of the transfer, apply to the Commissioner for registration of such transfer, and on payment of the prescribed fees the Commissioner shall register such transfer in the Claim Register.

32. Application to amalgamate claims shall be made in Form XV in the First Schedule to the Commissioner, who may on payment of the prescribed fees give to the applicants a certificate of amalgamation in Form XVI in the said Schedule. If the Commissioner has granted a certificate of amalgamation of a number of claims, he shall permit the labour or development work performed in respect of all such claims to be performed on any one or more of them.

33. Regulation 11 shall apply, *mutatis mutandis*, to claims.

#### LEASES.

34. Leases shall be of the following classes:—

- (i) Precious metals or non-precious minerals lode lease.
- (ii) Precious metals or non-precious minerals alluvial lease.
- (iii) Precious stones lease.

35. (1) The respective areas of leases shall be as follows:—

- (i) The area of precious metals or non-precious minerals lode lease shall not exceed 50 acres.
  - (ii) The area of precious metals or non-precious minerals alluvial lease shall not exceed 640 acres.
  - (iii) The area of a precious stones lease shall not exceed 20 acres.
- (2) The shape of the area shall be either—
- (a) rectangular, in which case the width of the rectangle shall not be less than 200 yards or one-third of its length, whichever is the shorter; or
  - (b) a polygon of not less than four nor more than ten sides, in which case no point of a given side shall be less than 200 yards distant from any other non-adjacent side:

Provided that when it is desired that a boundary should be identical with the boundary of another area or for other good cause, the Commissioner may, in his discretion, allow a departure from these provisions.

24. (a) The holder of any claim other than a reef claim shall, unless he has been informed that registration has been refused, either by himself or by some person in his employ, after thirty days from the date of application for registration, diligently carry on prospecting or mining operations during the continuance of the claim to the satisfaction of the Commissioner.

(b) The holder of a reef claim shall for each year of the continuance of the claim execute upon the area of the claim at least sixty feet of the development work of the nature set forth in the Second Schedule.

25. Excess work on one claim shall be allowed to count towards the working conditions on contiguous claims under the same ownership, provided they have been previously amalgamated.

26. The Commissioner may, on written application, and for any reason appearing sufficient to him, allow the holder of a claim to effect a smaller amount of development work than that prescribed.

27. All differences as to the boundaries of claims shall be decided by the Commissioner or by such officer as he may appoint in that behalf.

28. When any person has pegged more ground than he is entitled to, any other person may peg such ground on any side of the claim, provided that no shaft is interfered with.

29. Any person taking forcible possession of a claim or commencing to work the same after his right to take possession thereof or to work the same has been disputed, shall be liable to forfeit all right and title to the possession of such claim, and shall be liable to a fine not exceeding ten pounds.

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Provided that when it is desired that a boundary should be identical with the boundary of another area or for other good cause, the Commissioner may, in his discretion, allow a departure from these provisions.

36. A lease shall be substantially in Form IV, an assignment thereof in Form IX, and a surrender thereof in Form X, in the First Schedule, or as near thereto as circumstances admit.

37. The applicant before forwarding his application shall in the event of the area or any part thereof being private land, serve a notice on the owner stating his intention to apply for a lease, and shall insert a similar notice in the Gazette.

38. Any person objecting to the granting of a lease shall lodge with the Commissioner his objections in writing, setting out the grounds thereof, before the expiry of four weeks from the date on which the notice required by Regulation 37 is inserted in the Gazette.

39. An application for a lease shall be made in duplicate in Form XIV in the First Schedule, and shall give the particulars therein required, and shall be forwarded to the Commissioner through the Inspector of Mines or District Officer accompanied by one year's rent and plans in duplicate drawn to a reasonable scale, which shall give the information concerning the area applied for in the same manner as prescribed by Regulation 9.

40. The grant of a lease shall be subject to the land in respect thereof being surveyed. Regulation 13 shall apply, *mutatis mutandis*, to a lease.

41. On receipt of the Governor's approval of the grant of a lease, the Commissioner shall notify the applicant for the lease, who shall cause the area to be surveyed at his own cost by a leasing surveyor, under the direction of the Surveyor General.

42. On completion of a survey to the satisfaction of the Surveyor General, the Surveyor General shall cause the necessary deed plans to be prepared at the cost of the applicant for the lease, and shall forward such plans to the Commissioner, who shall prepare a lease attaching a copy of the plan thereto, and shall forward the lease to the Governor for execution.

43. Regulations 12 and 13 shall apply, *mutatis mutandis*, to a mining lease.

44. Notice shall be given by the Commissioner in the Gazette of the grant, forfeiture or surrender of any lease, claim or exclusive prospecting licence.

45. (1) The lessee shall, within six months of the date of the commencement of the lease, or within such further time (if any) as the Commissioner may allow, commence mining operations on the area of the lease, and shall thereafter during the continuance of the lease, unless prevented by local disturbances or unavoidable accident, vigorously and effectually carry on mining operations on the said area to the satisfaction of the Commissioner.

(2) The lessee of a lode lease shall for each year of the continuance of the lease and for every ten acres or part thereof included in the area of the lease, execute at least fifty feet of development work of the nature set forth in the Second Schedule.

(3) The lessee of an alluvial lease shall keep continuously employed on the land the subject of the lease in mining operations thereon five labourers for every twenty acres or part thereof and included in the area of the lease, or labour-saving apparatus equivalent thereto, calculated at the rate of one horse-power to eight labourers (the horse-power of such apparatus being determined in the manner prescribed in the Third Schedule).

46. Regulation 32 shall apply, *mutatis mutandis*, to leases.

47. Regulation 26 shall apply, *mutatis mutandis*, to a lease.

48. Every lessee and every holder of an exclusive prospecting licence or claim when not resident in the Colony, or when the lessee or holder is a syndicate or company with its head office elsewhere than in the Colony, shall appoint and at all times have an attorney resident in the Colony with full powers to represent the lessee or holder in all matters relating to his lease, claim or licence, and shall, as soon as possible after making such appointment, send to the Commissioner a copy of the power of attorney, and of any document by which any such power of attorney is altered.

49. There shall be kept at the principal office within the Colony of a lessee or the holder of a claim accurate and regular accounts containing full particulars of all minerals obtained under the lease or claim in the manner in which they have been disposed of, the number of Europeans and the number of non-Europeans employed in mining operations on the area of the lease or claim.



36. A lease shall be substantially in Form IV, an assignment thereof in Form IX, and a surrender thereof in Form X, in the First Schedule, or as near thereto as circumstances admit.

37. The applicant, before forwarding his application shall in the event of the area or any part thereof being private land, serve a notice on the owner stating his intention to apply for a lease, and shall insert a similar notice in the Gazette.

38. Any person objecting to the granting of a lease shall lodge with the Commissioner his objections in writing, setting out the grounds thereof, before the expiry of four weeks from the date on which the notice required by Regulation 37 is inserted in the Gazette.

39. An application for a lease shall be made in duplicate in Form XIV in the First Schedule, and shall give the particulars therein required, and shall be forwarded to the Commissioner through the Inspector of Mines or District Officer accompanied by one year's rent and plans in duplicate drawn to a reasonable scale, which shall give the information concerning the area applied for in the same manner as prescribed by Regulation 9.

40. The grant of a lease shall be subject to the land in respect thereof being surveyed. Regulation 13 shall apply, *mutatis mutandis*, to a lease.

41. On receipt of the Governor's approval of the grant of a lease, the Commissioner shall notify the applicant for the lease, who shall cause the area to be surveyed at his own cost by a licensed surveyor, under the direction of the Surveyor General.

42. On completion of a survey to the satisfaction of the Surveyor General, the Surveyor General shall cause the necessary deed plans to be prepared at the cost of the applicant for the lease, and shall forward such plans to the Commissioner, who shall prepare a lease attaching a copy of the plan thereto, and shall forward the lease to the Governor for execution.

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45. (1) The lessee shall, within six months of the date of the commencement of the lease, or within such further time (if any) as the Commissioner may allow, commence mining operations on the area of the lease, and shall thereafter during the continuance of the lease, unless prevented by local disturbances or unavoidable accident, vigorously and effectually carry on mining operations on the said area to the satisfaction of the Commissioner.

(2) The lessee of a lode lease shall for each year of the continuance of the lease and for every ten acres or part thereof included in the area of the lease, execute at least fifty feet of development work of the nature set forth in the Second Schedule.

(3) The lessee of an alluvial lease shall keep continuously employed on the land the subject of the lease in mining operations thereon five labourers for every twenty acres or part thereof and included in the area of the lease, or labour-saving apparatus equivalent thereto, calculated at the rate of one horse-power to eight labourers (the horse-power of such apparatus being determined in the manner prescribed in the Third Schedule).

46. Regulation 32 shall apply, *mutatis mutandis*, to leases.

47. Regulation 26 shall apply, *mutatis mutandis*, to a lease.

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49. There shall be kept at the principal office within the Colony of a lessee or the holder of a claim accurate and regular accounts containing full particulars of all minerals obtained under the lease or claim and the manner in which they have been disposed of, the number of Europeans and the number of non-Europeans employed in mining operations on the area of the lease or claim.

50. (1) Twice yearly, on dates to be determined by the Commissioner in each case, every lessee and every holder of a claim or of an exclusive prospecting licence shall send to the Commissioner a written statement setting forth —

- (a) The name of the lessee or holder.
- (b) The date and number of the lease, claim or licence.
- (c) Any change which may have been made in the appointment of the attorney, and, in the case of a company, in the officers of the company, during the preceding six months.
- (d) The nature of the operations being conducted on the area of the lease, claim or licence.
- (e) The average number of Europeans and non-Europeans employed on the area in mining or prospecting during the preceding six months.
- (f) The amount paid in wages to persons actually engaged in mining or prospecting operations on the area of the lease, claim or licence or in supervising such operations during the preceding six months and the amount of wages paid to Europeans on leave.
- (g) The nature and value of any machinery or plant brought on to or removed from the area since the previous return.
- (h) The kind and quantity of minerals obtained during the preceding six months and the manner in which they have been disposed of.
- (i) The particulars of any death or accidents which may have occurred amongst the employees during the preceding six months.
- (j) Any further particulars that the Commissioner may call for.

(2) As soon as circumstances may permit after the 31st day of December in each year, a written statement, showing the working costs of the mining or prospecting operations on the area of lease, claim or licence during the preceding year, shall be sent in manner provided in paragraph (1) of this regulation.

(3) The statements required by this regulation shall be signed and certified to be correct—

- (a) in the case of an individual lessee or holder resident in the Colony, by the lessee or holder;

(b) in the case of an individual lessee or holder not so resident, or in the case of a syndicate or company having its head office out of the Colony, by the resident attorney of the lessee or holder, syndicate or company;

(c) in the case of a syndicate or company having its head office in the Colony, by the manager or secretary of the syndicate or company.

51. A lessee and the holder of any claim or licence granted under the Ordinance or any regulation thereunder shall produce his title whenever demanded by any officer of the Mines or Survey Departments or by any administrative officer.

52. A licence to purchase minerals under Part V of the Ordinance shall be in Form V in the First Schedule.

53. (1) A temporary beacon and a boundary beacon shall consist of a stone monument three feet above the ground, or a post not less than five feet long, and not less than four inches in diameter or three inches square, supported in an upright position by a mound of stones not less than three feet high and not less than four feet square at the base. Where stones are not available, earth may be used. A board or metal plate not less than twelve inches square shall be securely attached to the beacon and placed so as to face inward, and shall bear a notice containing the following information:

- (i) The name of the applicant, and the company, syndicate or person represented, if any.
- (ii) The date of the erection of the beacon.
- (iii) The number of the applicant's prospecting right.
- (iv) The letters E.P.L., M.L., representing exclusive prospecting licence, claim, or mining lease, as the case may be.

(2) A line of stones or a trench not less than one foot deep shall be made along the boundary for a distance of ten feet on each side of a temporary or boundary beacon.

54. All beacons and notices required to be erected under these Regulations shall be maintained in good order by the claim-holder or licensee during the currency of the claim or licence.

50. (1) Twice yearly, on dates to be determined by the Commissioner in each case, every lessee and every holder of a claim or of an exclusive prospecting licence shall send to the Commissioner a written statement setting forth—

- (a) The name of the lessee or holder.
- (b) The date and number of the lease, claim or licence.
- (c) Any change which may have been made in the appointment of the attorney, and, in the case of a company, in the officers of the company, during the preceding six months.
- (d) The nature of the operations being conducted on the area of the lease, claim or licence.
- (e) The average number of Europeans and non-Europeans employed on the area in mining or prospecting during the preceding six months.
- (f) The amount paid in wages to persons actually engaged in mining or prospecting operations on the area of the lease, claim or licence or in supervising such operations during the preceding six months, and the amount of wages paid to Europeans on leave.
- (g) The nature and value of any machinery or plant brought on to or removed from the area since the previous return.
- (h) The kind and quantity of minerals obtained during the preceding six months and the manner in which they have been disposed of.
- (i) The particulars of any death or accidents which may have occurred amongst the employees during the preceding six months.
- (j) Any further particulars that the Commissioner may call for.

(2) As soon as circumstances may permit after the 31st day of December in each year, a written statement, showing the working costs of the mining or prospecting operations on the area of lease, claim or licence during the preceding year, shall be sent in manner provided in paragraph (1) of this regulation.

(3) The statements required by this regulation shall be signed and certified to be correct—

- (a) in the case of an individual lessee or holder resident in the Colony, by the lessee or holder;

- (b) in the case of an individual lessee or holder not so resident, or in the case of a syndicate or company having its head office out of the Colony, by the resident attorney of the lessee or holder, syndicate or company.

- (c) in the case of a syndicate or company, by the head office in the Colony, by the manager or secretary of the syndicate or company.

51. A lessee and the holder of any claim or licence granted under the Ordinance of any regular mineral survey produce his title whenever demanded by any officer of the Mines or Survey Departments or by any adjoining landholder.

52. A licence to purchase minerals and a claim or licence Ordinance shall be in Form V in the First Schedule.

53. (1) A temporary beacon and a boundary line shall consist of a stone monument three feet above the ground and a post not less than five feet long and not less than four inches in diameter or three inches square, set in an upright position, by a mound of stones not less than three feet high and not less than four feet square at the base. Where stones are not available, earth may be used. A square iron plate not less than twelve inches square shall be secured and attached to the beacon and placed so as to face inward and shall bear a notice containing the following information—

- (i) The name of the applicant and the company, syndicate or person represented if any.
- (ii) The date of the erection of the beacon.
- (iii) The number of the applicant's prospecting licence.
- (iv) The letters E.P.L., C.M.L. representing exclusive prospecting licence, claim, or mining lease, as the case may be.

(2) A line of stones or a trench not less than one foot deep shall be made along the boundary for a distance of ten feet on each side of a temporary or boundary beacon.

54. All beacons and notices required to be erected under these Regulations shall be maintained in good order by the claim-holder or licensee during the currency of the claim or licence.

## REGISTRATION.

55. (1) The Governor may appoint a Registrar of Mines, who shall keep a register of mining leases, claims and exclusive prospecting licences, and of documents assigning or transferring the same or any right, title or interest thereunder.

(2) The Registrar shall file in the register a copy of every lease, claim or exclusive prospecting licence.

(3) Any person applying for the registration of any document assigning or transferring or surrendering any mining lease, claim or exclusive prospecting licence, or any right or interests under the same, shall send the original document together with a copy thereof and of any plan attached to the document together with the prescribed fee to the Registrar with a request that the same shall be registered.

The Registrar, having first satisfied himself that the copy of the original document and of the plan (if any) is correct, and that the requisite approval of the assignment or transfer or surrender has been obtained, and that the document if liable to stamp duty has been duly stamped, shall endorse on the document over his signature the word "Registered," together with the date on which the document was presented for registration, and shall return the document so endorsed to the person who shall have presented the same for registration, and shall file the copy in the register.

(4) The Registrar shall, upon request and payment of the prescribed fees, allow searches in a register at all reasonable times, and shall give copies of or extracts from any entry in the register.

## PENALTIES.

56. Any person who commits any breach of any of the provisions of these Regulations for which breach a penalty is not expressly provided, shall be liable to a fine of one hundred pounds or to imprisonment for six months, or to both.

By Command of His Excellency the Governor in Council.

Nairobi,

This 11th day of March, 1932.

JLIXON BARTON,  
Clerk to the Executive Council.

## FIRST SCHEDULE.

## LIST OF FORMS.

- I. Prospecting Right.
- II. Exclusive Prospecting Licence
- III. Claim.
- IV. Mining Lease.
- V. Licence to Purchase Minerals.
- VI. Transfer of Exclusive Prospecting Licence.
- VII. Transfer of Claim.
- VIII. Transfer of Share in Claim.
- IX. Assignment of Lease.
- X. Surrender of Lease.
- XI. Application for Prospecting Right.
- XII. Application for Exclusive Prospecting Licence.
- XIII. Application for Registration of a Claim.
- XIV. Application for Mining Lease.
- XV. Application for Amalgamation.
- XVI. Certificate of Amalgamation of Licence, Claim or Lease.
- XVII. Memorandum of Complaint.
- XVIII. Notice of Complaint to Defendant.
- XIX. Export Permit.

FORM I.  
THE MINING ORDINANCE, 1930.  
PROSPECTING RIGHT.

No. ....

The right, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force, or which may come into force during the continuance of this right, or any renewal thereof is hereby granted to

- (1) .....  
(2) .....  
for one year from the date hereof to prospect for minerals  
This ..... day of ..... 19.....

Commissioner of Mines

Fee: Twenty Shillings.

- (1) Here insert name, address and description of the prospector.  
(2) If the prospector is to use this right as employee on behalf of a company, partnership or individual, state name, address and description of employer here.

FORM II.  
THE MINING ORDINANCE, 1930.  
EXCLUSIVE PROSPECTING LICENCE

No. ....

The Exclusive Licence, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force or which may come into force during the continuance of this licence or any renewal thereof, for one year from the ..... day of ..... subject to the special conditions herunder written, is hereby granted to (here insert name, address and description of licensee) to prospect for minerals (or as the case may be) within the following limits: (here insert boundaries of area), as delineated approximately on the plan attached hereto, and coloured .....

This ..... day of ..... 19.....

Governor

Special Conditions.

Fee: Sh. 150.

Registration Fee: Sh. 10.

FORM III.  
THE MINING ORDINANCE, 1930.

CLAIM

No. ....

The exclusive right, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force or which may come into force during the continuance of this claim or any renewal thereof, for one year from the ..... day of ..... 19..... is hereby granted to (here insert name, address and description of claim holder) of ..... to prospect and mine for ..... within the area described on the application for registration of this claim and on the plan attached thereto.

This ..... day of ..... 19.....

Commissioner of Mines

Here insert name, address and description of claim holder.

Here insert name, address and description of licensee.

FORM IV.  
THE MINING ORDINANCE, 1930.  
LEASE

This lease is granted to (here insert name, address and description of lessee) for the purpose of mining (here insert the nature of minerals in respect of which the lease is granted) on, under or upon (here describe area with boundaries) as the same is delineated and coloured ..... on the plan annexed hereto, for a term of ..... years from the ..... day of ..... 19..... at an annual rent of Sh. .... according to the true intent and meaning of the Mining Ordinance, 1930, and subject to the provisions thereof and of any Ordinance amending the same or substituted therefor, and to all Regulations now in

## FORM I.

## THE MINING ORDINANCE, 1930.

## PROSPECTING RIGHT.

No. ....

The right, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force, or which may come into force during the continuance of this right, or any renewal thereof is hereby granted to

(1) .....

(2) .....  
for one year from the date hereof to prospect for minerals

This ..... day of ....., 19.....

Commissioner of Mines

Fee: Twenty Shillings.

- (1) Here insert name, address and description of the prospector.  
(2) If the prospector is to use this right as employee on behalf of a company, partnership or individual, state name, address and description of employer here.

## FORM II.

## THE MINING ORDINANCE, 1930.

## EXCLUSIVE PROSPECTING LICENCE.

No. ....

The Exclusive Licence, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force or which may come into force during the continuance of this licence or any renewal thereof, for one year from the ..... day of ....., subject to the special conditions hereunder written, is hereby granted to (here insert name, address and description of licensee) to prospect for minerals (or as the case may be) within the following limits: (here insert boundaries of area), as delineated approximately on the plan attached hereto, and coloured.

This ..... day of ....., 19.....

Governor.

Special Conditions.

Fee: Sh. 150.

Registration Fee: Sh. 10.

## FORM III.

## THE MINING ORDINANCE, 1930.

## CLAIM

No. ....

The exclusive right, subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder now in force or which may come into force during the continuance of this claim or any renewal thereof, for one year from the ..... day of ....., is hereby granted to (here insert name, address and description of claim holder) to prospect and mine for ..... within the area described on the application for this claim and on the plan attached thereto.

This ..... day of ....., 19.....

Registrar of Mines

H. H. M. M. M.

## FORM IV.

## THE MINING ORDINANCE, 1930.

## MINING LEASE

No. ....

This lease is granted to (here insert name, address and description of lessee) for the purpose of mining (here insert the mineral or minerals in respect of which the lease is granted) in, under or upon (here describe area with boundaries, as the same is delineated and coloured) of the plan annexed hereto, for a term of ..... years from the ..... day of ..... 19..... at an annual rent of Sh. .... according to the true intent and meaning of the Mining Ordinance, 1930, and subject to the provisions thereof and of any Ordinance amending the same or substituted therefor, and to all Regulations now in

force or which may come into force, under any of the said Ordinances, during the continuance of this lease and to the special conditions hereunder written.

Dated this ..... day of ....., 19.....

Witness :

Governor.

Accepted :

Lessee.

Witness :

Occupation :

Address :

Fee : Sh. 40.

Registration Fee : Sh. 10.

Stamp Duty : Sh. ....

Special Conditions.

FORM V.

THE MINING ORDINANCE, 1930.

LICENCE TO PURCHASE MINERALS.

(Part V of the Ordinance.)

Licence is hereby granted to (*here insert name, address and description of the licensee*) to purchase the following minerals (*here insert the minerals in respect of which the licence is granted*), subject to the provisions of the Mining Ordinance, 1930, and of the Regulations thereunder for the time being in force.

This licence expires on 31<sup>st</sup> December, 19.....

.....  
Commissioner of Mines.

FORM VI.

THE MINING ORDINANCE, 1930.

TRANSFER OF EXCLUSIVE PROSPECTING LICENCE.

No. ....

Whereas under the provisions of the Mining Ordinance, 1930, an exclusive licence to prospect for minerals (*or as the case may be*) upon or under (*here describe area with boundaries as in original licence*) was on the ..... day of ....., 19....., granted to..... for a term of one year, and was duly registered in Vol. .... Folio ..... of the Register :

Now these presents witness that, in consideration of the sum of ..... the said (*name*) ..... do hereby transfer to..... of ..... all my rights, title and interest in and under the said licence as from the ..... day of ..... for the remainder of the term thereof.

.....  
Transferor.

.....  
Transferor.

Witness :

Witness :

Occupation :

Occupation :

Address :

Address :

Approved :

.....  
Governor.

Stamp Duty : Sh. ....

Registration Fee : Sh. 10.

## FORM VII.

## THE MINING ORDINANCE, 1930.

## TRANSFER OF CLAIM.

I, \_\_\_\_\_, of \_\_\_\_\_, in consideration of \_\_\_\_\_ paid to me by \_\_\_\_\_, of \_\_\_\_\_, do hereby transfer to him my claim No. \_\_\_\_\_, subject to all and singular the terms and conditions under which the said claim has been held by me, and I, \_\_\_\_\_, of \_\_\_\_\_, do hereby accept the said \_\_\_\_\_, subject to the terms and conditions aforesaid.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*Transferor.*

Witness :

Occupation :

Address :

*Transferee.*

Witness :

Occupation :

Address :

Stamp Duty : Sh. \_\_\_\_\_

Registration Fee : Sh. 10.

## FORM VIII.

## THE MINING ORDINANCE, 1930.

## TRANSFER OF SHARE IN CLAIM.

I, \_\_\_\_\_, of \_\_\_\_\_, in consideration of \_\_\_\_\_ paid to me by \_\_\_\_\_, of \_\_\_\_\_, do hereby transfer to him my claim No. \_\_\_\_\_, subject to all and singular the terms and conditions under which the said claim has been held by me, and I, \_\_\_\_\_, of \_\_\_\_\_, do hereby accept the said \_\_\_\_\_, subject to the terms and conditions aforesaid.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*Transferor.*

Witness :

Occupation :

Address :

*Transferee.*

Witness :

Occupation :

Address :

Stamp Duty : Sh. \_\_\_\_\_

Registration Fee : Sh. 10.



## FORM IX.

## THE MINING ORDINANCE, 1930.

## ASSIGNMENT OF MINING LEASE.

Whereas under the provisions of the Mining Ordinance, 1930, a lease for the purpose of mining minerals (or as the case may be) upon or under (here describe area with boundaries, etc., as in original lease) was on the ..... day of ..... 19....., granted to ..... for a term of ..... years from the date thereof, and duly registered in Vol. .... Folio ..... of the Register of Mining Leases :

Now these presents witness that in consideration of the sum of ..... the said lessee ..... doth hereby assign to ..... of ..... all his rights, title and interest in and under the said lease as from the ..... day of ..... for the remainder of the term thereof.

In witness, etc.

.....  
Lessee.

Witness :  
Occupation :  
Address :

.....  
Assignee.

Witness :  
Occupation :  
Address :

Approved :

.....  
Governor.

Stamp Duty : Sh. ....

Registration Fee : Sh. 10.

## FORM X.

## THE MINING ORDINANCE, 1930.

## SURRENDER OF MINING LEASE.

Whereas under the provisions of the Mining Ordinance, 1930, a lease for the purpose of mining minerals (or as the case may be) upon or under (here describe area with boundaries, etc., as in the original lease) was on the ..... day of ..... 19....., granted to ..... for a term of ..... years from the date thereof, and duly registered in Vol. .... Folio ..... of the Register of Mining Leases :

And whereas the said ..... desires to surrender the said lease, and the Governor is willing to accept such surrender :

Now these presents witness that the said ..... doth hereby surrender all his rights, title and interest in and under the said lease as from the ..... day of ..... 19.....

In witness, etc.

Approved

.....  
Governor.

## FORM XI.

## THE MINING ORDINANCE, 1930.

## APPLICATION FOR A PROSPECTING RIGHT.

To the Commissioner of Mines.

1. Name of applicant .....
2. Nationality of applicant .....
3. Age of applicant .....
4. Address in Kenya Colony at which notices, etc., may be served .....
5. Whether the applicant intends to prospect on his own account or as an employee of any other person .....
6. If he is in the employ of any other person, the name and address of such person .....
7. Whether he has previously made an application for a prospecting right or licence and, if so, whether any such application has been refused .....
8. Whether the applicant or his employer (if any) has previously held any lease, claim or licence authorising prospecting or mining in the Colony which has been revoked or forfeited .....
9. Whether applicant desires to prospect for diamonds .....

I hereby declare the above particulars to be true.

.....  
Signature of Applicant.

(Note.—This form must bear Sh. 2 stamp duty.)

## FORM XII.

## THE MINDI ORDINANCE, 1930.

APPLICATION FOR AN EXCLUSIVE PROSPECTING LICENCE  
(Accompanied by plan of the area applied for in accordance with section 9.)

To the Commissioner of Mines (through the Inspector of Mines or District Officer):

Date and hour of receipt by Inspector of Mines or District Officer .....

1. Name of applicant .....
2. Nationality of applicant .....
3. Address in Kenya Colony at which notices, etc., may be served .....
4. Number of applicant's Prospecting Right .....
5. Name of company, corporation, syndicate or person (if any) represented by applicant .....
6. Position held by applicant in relation to or under such company, corporation, syndicate or person .....
7. Approximate area (in square miles) .....
8. Minerals for which applicant desires to prospect .....
9. Statement of geographical position of the area and its position in regard to some town, village or river-crossing or junction in accordance with section 9 .....
10. Name and nationality of directors of company or syndicate (if any) .....
11. Amount of nominal capital and cash working capital .....
12. Is a copy of the memorandum and articles of association lodged with the Commissioner? If not, a copy must be enclosed herewith. .... enclosed herewith
13. Remittance of Shf. .... enclosed herewith
14. A consecutive description of the boundaries is as follows:  
The location beacon is situate at .....  
The magnetic bearing and distance from the location beacon to 1st corner beacon is .....  
1st corner beacon to 2nd corner beacon .....  
2nd corner beacon to 3rd corner beacon .....  
and last corner beacon to location beacon .....

Date ....., 19..... Signature of Applicant.  
(Remarks on the application by the District Officer or Inspector of Mines:)

**FORM XIII.**  
**THE MINING ORDINANCE, 1930.**  
**APPLICATION FOR REGISTRATION OF A CLAIM.**  
 (Accompanied by plan in duplicate in accordance  
 with Regulation No. 203)

To the Commissioner of Mines\* (through the Inspector of  
 Mines or District Officer):

Please register the claim or transfer mentioned in the  
 following particulars:—

Name, nationality and address of Applicant.	No. and date of Prospecting Right or Licence.	Kind of Claim to be registered.	Date when Claim was pegged.	Locality of Claim.

I hereby declare the above to be true in every particular.

Dated the ..... day of ....., 19.....

Signature of Applicant.

Received the above application this ..... day  
 of ....., 19..... m.

Signature of Inspector of  
 Mines or District Officer.

(Note.—This form must bear Sh. 2 stamp duty.)

**FORM XIV.**  
**THE MINING ORDINANCE, 1930.**  
**APPLICATION FOR A MINING LEASE.**

To the Commissioner of Mines (through the Inspector of  
 Mines or District Officer):

Date and hour of receipt by Inspector of Mines or District  
 Officer .....

1. Name of applicant .....
2. Nationality of applicant .....
3. Address in Kenya Colony at which notices, etc., may be  
 served .....
4. Number of applicant's Exclusive Prospecting Licence or  
 Prospecting Right .....
5. Name of company or corporation, syndicate or person (if  
 any) which the applicant represents .....
6. Position or appointment held by applicant in relation to, or  
 under, such company, corporation, syndicate or person  
 .....
7. Area .....
8. Kind of mining lease desired, and mineral to be mined .....
9. The length of term desired .....
10. A consecutive description of the boundaries is as follows  
 The location beacon is situate at .....  
 The magnetic bearing and distance from location  
 beacon to 1st corner beacon is .....  
 1st corner beacon to 2nd corner beacon .....  
 2nd corner beacon to 3rd corner beacon .....  
 and last corner beacon to location beacon .....

Signature of Applicant.

Date ....., 19.....

(Remarks by Inspector of Mines or District Officer:)

Name, nationality and description of members or directors (if  
 any) .....

Amount of nominal capital subscribed and cash working capital  
 .....

Is a copy of the memorandum and articles of association of the  
 syndicate, corporation or company lodged with the Com-  
 missioner of Mines? If not, a copy must be enclosed  
 herewith.

## FORM XV.

## THE MINING ORDINANCE, 1930.

## APPLICATION FOR AMALGAMATION.

To the Commissioner of Mines :

We, the undersigned, being the owners of (1).....  
 ....., adjoining (2).....  
 Nos. (3)..... and situate at.....  
 in the ..... District, hereby apply for per-  
 mission to amalgamate the said (2).....

Dated the ..... day of ....., 19.....

Registered Nos. (3)	Titles (2)	Reasons for which Amalgama- tion is desired.

.....  
*Signatures of Applicants.*

- 1) State how many adjoining licences, claims of the same class,  
 or leases of the same class.  
 2) State whether licences, claims or leases and of what class.  
 3) State serial title numbers in register.

## FORM XVI.

## THE MINING ORDINANCE, 1930.

CERTIFICATE OF AMALGAMATION OF LICENCES, CLAIMS,  
OR LEASES.

No. ....

Certified that I have this day amalgamated the  
 Licences/Claims/Leases Nos ..... respectively,  
 held by ..... and situate at  
 .....

Dated this ..... day of ....., 19 .....

.....  
*Commissioner of Mines*

Fee : Sh. 10

## FORM XVII

## THE MINING ORDINANCE, 1930

## MEMORANDUM OF COMPLAINT

To the Commissioner of Mines

A B, of ..... complains of  
 E F, of ..... and says

1 That, etc

2 That, etc

Set forth the subject matter of the complaint in para-  
 graphs :

The complainant therefore prays  
 (set forth relief sought) or such other further relief as shall be  
 just.

The amount sought to be recovered so far as the demand  
 is pecuniary is .....

Dated this ..... day of ....., 19 .....

A B

## FORM XVIII.

## THE MINING ORDINANCE, 1930.

## NOTICE OF COMPLAINT TO DEFENDANT.

Complaint No. ....

To (insert name of the defendant) of .....

You are hereby summoned to appear before me at .....  
 on the ..... day of .....  
 19....., at ..... o'clock in the ..... noon  
 precisely, to answer the complaint a copy of which is sent  
 herewith, of (insert name of complainant).

You may have a summons to compel the attendance of  
 any witness or for the production of any books or documents,  
 by applying at my office.

Given under my hand this ..... day of  
 ....., 19.....

.....  
 Commissioner of Mines.

## FORM XIX.

## THE MINING ORDINANCE, 1930.

## EXPORT PERMIT.

No. ....

Permission is hereby granted to .....  
 on behalf of ..... to export .....  
 packages of (a) ..... containing  
 (b) ....., and marked .....  
 on which royalty has been paid or secured to the satisfaction  
 of the Commissioner of Mines.

Dated this ..... day of ..... 19.....

.....  
 Commissioner of Mines.

(a) Mineral

(b) Quantity

## SECOND SCHEDULE.

## DEVELOPMENT WORK.

Development work shall consist of shafts, drives, tunnels,  
 winzes, rises upon the block, and bore-holes of a minimum  
 diameter of one inch from which a core is extracted. Develop-  
 ment work need not be done upon a reef, but it is requisite  
 that it shall be or have been done with a view to actual de-  
 velopment of a reef, and that it shall be new work and not  
 the restoration or clearing out of development work previously  
 done or of old workings. The minimum dimensions for  
 development work and the ratio in which work of larger  
 dimensions or at certain distances from the surface shall be  
 allowed to be reckoned as development work shall be as  
 follows:—

*Grading or Footage.*

No shaft, winze, rise, drive, adit or tunnel of less super-  
 ficial area than 15 square feet shall count as development  
 work.

Each foot of any shaft, winze or rise of 15 to 40 square  
 feet superficial area shall count as one foot of development  
 work.

Each foot of any shaft, winze or rise of over 40 square  
 feet and up to 65 square feet superficial area shall count as  
 two feet of development work.

Each foot of any shaft, winze or rise of over 65 square  
 feet superficial area shall count as three feet of development  
 work.

Each foot of any drive, and adit or tunnel from surface of  
 48 square feet superficial area and over shall count as two feet  
 of development work.

*Depth.*

Each foot of any portion of a shaft, winze or rise or any  
 drift, the floor of which is 60 feet below the natural surface  
 at the working point, shall count as one foot of development  
 work; exceeding 60 feet and up to 100 feet, as one-and-a-half  
 feet; exceeding 100 feet and up to 200 feet, as two feet;

exceeding 200 feet and up to 300 feet, as three feet; exceeding 300 feet and up to 400 feet, as four feet; exceeding 400 feet and up to 500 feet, as five feet; and exceeding 500 feet, as six feet.

*Distance from Entrance.*

Each foot of any portion of any adit or tunnel from surface which is 100 feet to 300 feet from a point in the centre of the roof at the entrance shall count as one-and-a-half feet of development work, and each foot of any portion of 300 feet or more from such point shall count as two feet of development work.

*General.*

All dimensions must be taken at right angles to the line of direction of work.

Depth incline work is to be measured on the incline. The allowances for dimensions and depth or distance from entrance will be cumulative, e.g. each foot of any portion of a shaft of over 65 square feet superficial area which is over 100 feet from surface shall count as six feet of development work.

*Allowance for Diamond Drilling.*

Each foot drilled either vertically or horizontally for a distance of 300 feet below the natural surface to count as one foot of development work; exceeding 300 feet and up to 600 feet, as two feet; exceeding 600 feet and up to 900 feet, as three feet; exceeding 900 feet and up to 1,200 feet, as four feet; exceeding 1,200 feet, as five feet.

*Allowances for Trenching.*

Development work also includes trenching or excavating of a minimum depth of three feet which has been performed for the purpose of tracing a reef or proving a deposit, provided that trenching and excavating shall only count as footage for development work in the ratio of three cubic yards of excavation being equal to one foot of development work.

THIRD SCHEDULE.

RULES FOR DETERMINING HORSE-POWER OF LABOUR-  
LIFTING APPARATUS.

1. For the purpose of calculating the equivalent labour under Regulation 52, the makers' declared horse-power shall be accepted in the cases of steam or internal combustion of electrical machinery.

2. *Hydraulic Plant.*—The horse-power of all hydraulic plant shall be calculated as follows:—

- Q Quantity of water used in cubic feet per minute.  
H Effective head.  
C Constant = 700.

$$HP = \frac{QH}{C}$$

This does not apply to water used for sluicing in open channels.

3. If any special case should arise to which the above formula would not apply, it shall be subject to an order by the Inspector of Mines, and methods of calculating the discharge of nozzles shall be settled by that officer.

FOURTH SCHEDULE.

FRES.

	Sh. cts.
On a complaint	2 00
For every notice to defendant	2 00
For every order of the Commissioner of Mines	5 00
For every witness summons	2 00
Hearing fee	10 00
For the registration of a claim	10 00
For the registration of any other document	10 00
For the preparation of a lease	40 00
Certificate of suspension of work on exclusive prospecting licence	20 00

Certificate of amalgamation of licences, claims or leases	10 00
Certificate of suspension of working conditions of claim	10 00
Certificate of suspension of working conditions of lease	40 00
On the renewal of a lease	40 00
For search in register, for every half-hour or part thereof	2 00
For copy of or extract from any registered document or register, for every hundred words or part thereof	2 00
For extra carbon copy of or extract from any registered document or register, for every hundred words or part thereof	1 00

## GOVERNMENT NOTICE No. 177.

## THE MINING ORDINANCE, 1930

## NOTICE

## DATE OF COMING INTO OPERATION.

IN EXERCISE of the powers conferred upon him by section 1 of the Mining Ordinance, 1930, His Excellency the Governor has been pleased to determine that the said Ordinance shall come into operation on the 16th day of March 1932.

By Command of His Excellency the Governor.

Nairobi,

11th day of March, 1932.

W. M. LOGAN,  
for Colonial Secretary

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[initials]

## GOVERNMENT NOTICE No. 178.

## THE MINING ORDINANCE, 1930

## NOTICE

IN EXERCISE of the powers conferred upon him by section 74 of the Mining Ordinance, 1930, His Excellency the Governor in Council has been pleased to apply Part A of the said Ordinance to Precious Metals.

By Command of His Excellency the Governor in Council

Nairobi,

This 11th day of March, 1932.

JUNON BARTON

Clerk to the Executive Council

## GOVERNMENT NOTICE No. 179

## CONFIRMATION OF ORDINANCE

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. LXVII of 1931):

An Ordinance to Impose a Levy on Official Salaries.

By Command of His Excellency the Governor.

Nairobi,

Dated this 6th day of March, 1932.

R. C. M. WOOD,  
for Colonial Secretary

## GOVERNMENT NOTICE NO. 180.

## CONFIRMATION OF ORDINANCE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. XXXVI of 1931):—

"An Ordinance to Amend the Game Birds Protection Ordinance, 1926."

By Command of His Excellency the Governor.

Nairobi,

This 9th day of March, 1932.

L. A. WEAVING.

*for Colonial Secretary.*

## GOVERNMENT NOTICE NO. 181.

## CONFIRMATION OF ORDINANCE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No. XXXII of 1931):—

"An Ordinance to Amend the Registration of Titles Ordinance."

By Command of His Excellency the Governor.

Nairobi,

This 10th day of March, 1932.

C. E. MORTIMER,

*for Colonial Secretary.*