

No. 23067

SUBJECT

C0533/443

The Legislative Council Ordinance & Rules.

Revision of Electoral Boundaries

Previous

SECTION OF RECORDS SECTION

This file should be returned to
Census Office when no longer required.

Subsequent

38032/35.

FILE C.

base to library

1. Col. Secretary 3 pm _____ 8 January 34
Trans. 12 copies of report of Select Committee on the revision
of electoral boundaries.

A Select Committee of Leg. Co.
reported on this subject in 1925
but there are no papers about it.

? Put by

McDermis: 15/2

(The basis upon which the Committee
have made their recommendations
is that electoral districts should be
so far as possible economic unities.)

Presumably the changes will not become
effective till after next month's election

[Signature]
16/2

J.E.G. 927
16.2

to C.S. 16.2.34

atcc

[Handwritten initials]

2. Governor Byrne 38 _____ 20 January 34

copy of document to library

Submits copy of report of Select Committee on the revision of
electoral boundaries together with authenticated copy in
dup. of the Legislative Council (Amend.) Order 1933.

The new electoral districts will after
all be established for the purposes of the
forthcoming elections.

? Sign's on disallowance

McDermis: 23/2

Any legal objection?

It seems all right.

[Signature]
27 atcc

[Signature]
26/2

[Signature]
26/2

Spans to library

1. Gov. Secretary 3 pm 8 January 34
Trans. 10 copies of report of Select Committee on the revision of electoral boundaries.

A Select Committee of Leg. Co. reported on this subject in 1925 but there are no papers about it.

? Put by

McDermis: 15/2

(The basis upon which the Committee have made their recommendations is that electoral districts should be so far as possible economic unities.)

Presumably the changes will not become effective till after next month's election

McDermis 16/2

J. S. G. 16.2

W.S.B. 16.2.34

atoll

2. Governor Byrne 38 20 January 34

Submits copy of report of Select Committee on the revision of electoral boundaries together with authenticated copy in dup. of the Legislative Council (Amend.) Ordinance 1933.

Copy of Ordinance to library

The new electoral districts will after all be established for the purposes of the forthcoming elections.

? Sign by 'con disallowance' LF

McDermis: 23/2

Any legal doubt?

It is immaterial

McDermis 27/2

McDermis 26/2

McDermis 26/2

Noted
file
1-2-34

3

To Kemper, 149 (2 Annals) 6/3 28 FEB 1934

copy (Legal)
note ③

4. Col. Secretary 3/4 _____ 30 Jan. 34
Trans. 12 printed copies of Legislative Council (Amnt.)
Ordinance 1933.

Shawto Library

Put by

Provision: L13

Wm

5 Col. Sec 3/4 (omnibus) _____ 23 Feb 34

- 1) Trans. 12 copies of Leg Council (Election of Members) (Amendment) Rules. 1934.
- 2) _____ Leg Council (Indian Electoral Area) (Amendment) Rules. 1934
- 3) _____ Register of Voters (Amendment) Rules. 1933
- 4) _____ the Voting by Post Rules 1934

? Put by

Provision: 22/13

Provision
22/13

6. Col. Secretary 3/4 (omnibus) _____ 24 APR. 34

Trans. 12 copies of Voting by Post (Amnt.) Rules 1934 &
Register of Voters (Amnt. No 2) Rules 1934

Shawto Library

? Put by
3/15/34

Provision
4/6/34

Noted
1/3/34

3

To Kengra, 149 (2 Answer) 6/3 28 FEB 1934

Library (Legal)
To note ③

4. Col. Secretary 3hr _____ 30 Jan 34
Trans. 12 printed copies of Legislative Council (Amdt.)
Ordinance 1933.

Shankar Library

Per by
MS no. 213
where

5 Col. Sec 3hr (omnibus) _____ 23 Feb 34
1) Trans. 12 copies of Leg Council (Election
of Members) (Amendment) Rules 1934.
2) _____ Leg Council (Indian
(Electoral Area) (Amendment) Rules 1934
3) _____ Register of Voters (Amendment)
Rules 1933
4) _____ the Voting by Post Rules 1934

? Per by
MS no. 2213
Admission
22 etc

6. Col. Secretary 3hr (omnibus) _____ 24 April 34
Trans. 12 copies of Voting by Post (Amdt.) Rules 1934 &
Register of Voters (Amdt. No. 2) Rules 1934

Shankar Library

? Per by
Admission
3/3/34
Admission
1/6 etc

COLONY AND PROTECTORATE OF KENYA

THE LEGISLATIVE COUNCIL ORDINANCE

(Chapter 24 of the Revised Edition)

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules :-

1. These Rules may be cited as the Register of Voters (Amendment No. 2) Rules, 1934, and shall be read as one with the Rules appearing at pages 230 *et seq.* of the Revised Subsidiary Legislation (hereinafter referred to as the Principal Rules), and shall be deemed to have come into force on the 1st day of January, 1934.

2. Rule 10 (c) of the Principal Rules is hereby revoked and the following substituted therefor

- (c) The registering officer shall certify the revised registers in manner provided by Rule 7, and the registers so certified shall come into operation sixty days after the date of the publication of the registers under Rule 9 (c) and shall continue in operation until superseded by other revised registers.

By Command of His Excellency the Governor in Council

Nairobi.

This 16th day of March 1934

J. F. G. TROUGHTON,
Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE
(Chapter 24 of the Revised Edition).

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as the Register of Voters (Amendment No. 2) Rules, 1934, and shall be read as one with the Rules appearing at pages 230 *et seq.* of the Revised Subsidiary Legislation (hereinafter referred to as the Principal Rules), and shall be deemed to have come into force on the 1st day of January, 1934.

2. Rule 10 (c) of the Principal Rules is hereby revoked and the following substituted therefor:—

(c) The registering officer shall certify the revised registers in manner provided by Rule 7, and the registers so certified shall come into operation sixty days after the date of the publication of the registers under Rule 9 (c) and shall continue in operation until superseded by other revised registers.

By Command of His Excellency the Governor in Council.

Nairobi,

This 16th day of March, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

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COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:

1. These Rules may be cited as the Voting by Post (Amendment) Rules, 1934, and shall be read as one with the Voting by Post Rules, 1934, hereinafter referred to as the Principal Rules.

2. Rule 1 of the Principal Rules is hereby amended by the deletion of the full stop at the end thereof and by the addition of the following words—

“and to the election of an Arab member for the area mentioned in Part B of Schedule I of the Legislative Council Ordinance.”

By Command of His Excellency the Governor in Council,

Nairobi,

2nd March, 1934.

J. P. G. TROUGHTON,
Clerk to the Executive Council



THE SECRETARIAT,
NAIROBI,
KENYA.

RECEIVED
17 MAR 1934
C. L. REQY

WHEN REPLYING
PLEASE QUOTE
No. S. D/ Leg. Co. 11/34.
AND DATE

23rd February, 1934.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and has the honour to transmit for information twelve copies of each of the undermentioned publications :-

- 23068/30 Fourth Interim Report of the Civil Service Board.
- Library Schedule of Additional Provision No. 4 of 1933.
- 3186/33 The Civil Procedure (Amendment, No. 3) Rules, 1933.
- Register of Voters (Amendment) Rules, 1934.
- Voting by Post Rules, 1934.
- Legislative Council (Amendment) (Election of Members) Rules, 1934.
- Legislative Council (Amendment) Indian Area) Rules, 1934.
- 23120/34 Report of Select Committee on the Native Exemption Bill.
- 3071/33 Report of the Select Committee on Schedule of Additional Provision No. 4 of 1933.
- 3192/33 Schedule of True Cognisable Crime under the Penal Code, 1929 to 1933.
- 23121/34 Report of the Select Committee on the Chattels Transfer Bill.
- 23089/34 Report of the Select Committee on the Land and Agricultural Bank (Amendment) Bill.
- 23093/34 Report of the Select Committee on the Non-Native Poll Tax (Amendment) Bill.

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COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the Legislative Council (Election of Members) (Amendment) Rules, 1934", and shall be read as one with the Rules contained in Schedule III of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), hereinafter referred to as "the Principal Rules".

2. Rule 5 of the Principal Rules is hereby amended by deleting the words "day of election" in the third line thereof and by substituting therefor the words "nomination day".

3. Rule 6 of the Principal Rules is hereby amended by deleting the word "election" in the fourth line thereof and by substituting therefor the words "nomination of candidates".

4. Rule 7 of the Principal Rules is hereby amended by deleting the word "election" in the first and last lines thereof and by substituting therefor, in each case, the word "nomination".

5. Rule 10 of the Principal Rules is hereby amended by deleting the words "for the election" in the second line thereof and by substituting therefor the words "as the nomination day".

6. Rule 11 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the first and second lines thereof and by substituting therefor the words "nomination day".

7. Rule 1 of the Principal Rules is hereby amended by deleting the word and figures "section 14" in the fifth line thereof and by substituting therefor the word and figures "section 19A".

8. Rule 25 of the Principal Rules is hereby amended by deleting the words "this Ordinance" in the sixth line thereof and by substituting therefor the words "these Rules".

By Command of His Excellency the Governor in Council.

Nairobi,
12th January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

(Chapter 24 of the Revised Edition.)

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), and all amendments thereof, His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as the Legislative Council (Indian Electoral Area) (Amendment) Rules, 1934, and shall be read as one with the Legislative Council (Amendment) (Indian Electoral Area) Rules, 1931, hereinafter called the Principal Rules.

2. Rule 7 of the Principal Rules is hereby amended by deleting the words "the election" in the fifth line thereof and by substituting therefor the words "the nomination of candidates."

3. Rule 8 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the fourth and fifth lines thereof and by substituting therefor the words "nomination day."

4. Rule 9 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the third line thereof and by substituting therefor the words "nomination day."

5. Rule 10 of the Principal Rules is hereby amended by deleting the words "day appointed for the elections" in the first line thereof and by substituting therefor the words "nomination day."

6. Rule 14 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the first and second lines thereof and by substituting therefor the words "nomination day."

7. Rule 17 of the Principal Rules is hereby amended by deleting the word "fourteen" in the fifth line thereof and by substituting therefor the figure and letter "19A."

By Command of His Excellency the Governor in Council.

Nairobi,
28th January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

8. Rule 25 of the Principal Rules is hereby amended by deleting the words "this Ordinance" in the sixth line thereof and by substituting therefor the words "these Rules".

By Command of His Excellency the Governor in Council.

Nairobi,
12th January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

(Chapter 24 of the Revised Edition.)

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), and all amendments thereof, His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as the Legislative Council (Indian Electoral Area) (Amendment) Rules, 1934, and shall be read as one with the Legislative Council (Amendment) (Indian Electoral Area) Rules, 1931, hereinafter called the Principal Rules.

2. Rule 7 of the Principal Rules is hereby amended by deleting the words "the election" in the fifth line thereof and by substituting therefor the words "the nomination of candidates."

3. Rule 8 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the fourth and fifth lines thereof and by substituting therefor the words "nomination day."

4. Rule 9 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the third line thereof and by substituting therefor the words "nomination day."

5. Rule 10 of the Principal Rules is hereby amended by deleting the words "day appointed for the elections" in the first line thereof and by substituting therefor the words "nomination day."

6. Rule 14 of the Principal Rules is hereby amended by deleting the words "day appointed for the election" in the first and second lines thereof and by substituting therefor the words "nomination day."

7. Rule 17 of the Principal Rules is hereby amended by deleting the word "fourteen" in the fifth line thereof and by substituting therefor the figure and letter "19A."

By Command of His Excellency the Governor in Council.

Nairobi,
26th January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as the Register of Voters (Amendment) Rules, 1933, and shall be read as one with the Rules contained in Schedules II and III of the Legislative Council Ordinance (Chapter 24 of the Revised Edition).

2. The registering officer in each electoral area shall, on or before the 9th day of January, 1934, publish in the Gazette a list of the registered voters who, by virtue of Schedule I of the Legislative Council (Amendment) Ordinance, 1933, shall have become qualified to have their names entered on the register of any electoral area other than that on which their names appear in the Registers of Voters published in a special issue of the Gazette dated the 8th December, 1933, and shall at the same time publish a list of the registered voters whose names have (by virtue of the said Schedule) been expunged from the register of any electoral area.

3. (1) Any registered voter whose name is omitted from such list and any registered voter who claims that his name has been wrongfully expunged from the register of any electoral area may apply to the registering officer to have such omission or act rectified.

(2) Every person whose name appears in the register of any electoral area and who objects to the name of any other person appearing in any list under Rule 2 hereof may apply to the registering officer to have such name expunged from the list.

(3) Every such application shall be made in writing within three weeks from the date of the publication of the list in the Gazette, and shall set out the grounds of the application and shall give an address for the receipt of notices.

(4) The registering officer shall hear all claims and objections which have been made, in open court or office, giving five clear days' notice of the holding of the inquiry by

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition). His Excellency the Governor in Council has been pleased to make the following Rules :—

1. These Rules may be cited as the Register of Voters (Amendment) Rules, 1933, and shall be read as one with the Rules contained in Schedules II and III of the Legislative Council Ordinance (Chapter 24 of the Revised Edition).

2. The registering officer in each electoral area shall, on or before the 9th day of January, 1934, publish in the Gazette a list of the registered voters who, by virtue of Schedule I of the Legislative Council (Amendment) Ordinance, 1933, shall have become qualified to have their names entered on the register of any electoral area other than that on which their names appear in the Registers of Voters published in a special issue of the Gazette dated the 8th December, 1933, and shall at the same time publish a list of the registered voters whose names have (by virtue of the said Schedule) been expunged from the register of any electoral area.

3. (1) Any registered voter whose name is omitted from such list and any registered voter who claims that his name has been wrongfully expunged from the register of any electoral area may apply to the registering officer to have such omission or act rectified.

(2) Every person whose name appears in the register of any electoral area and who objects to the name of any other person appearing in any list under Rule 2 hereof may apply to the registering officer to have such name expunged from the list.

(3) Every such application shall be made in writing within three weeks from the date of the publication of the list in the Gazette, and shall set out the grounds of the application and shall give an address for the receipt of notices.

(4) The registering officer shall hear all claims and objections which have been made, in open court or office, giving five clear days' notice of the holding of the inquiry by

written notice to each applicant, objector, and to each person objected to, and shall also fix such notice in some conspicuous place of his court or office.

(5) The registering officer shall insert in the list the name of every person who has duly claimed under Rule 3 to have his name inserted therein and whose claim is proved to the registering officer's satisfaction.

(6) The registering officer shall retain in the list, the name of every person objected to, unless the objector appears by himself or by some person duly authorized by him in this behalf in support of the objection. Where the objector so appears the registering officer shall require proof of the qualifications of the person objected to, and, if within such reasonable time as the registering officer fixes in this behalf or on the subsequent day, if any, to which the hearing is adjourned, such person's qualification is not proved to the registering officer's satisfaction, he shall expunge his name from the register.

4. If any applicant or objector is dissatisfied with the decision of the registering officer, he may within five days from the date thereof appeal to the Supreme Court.

By Command of His Excellency the Governor in Council.

Nairobi,

22nd December, 1933.

J. F. G. TROUGHTON,

Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the Voting by Post Rules, 1934", and shall apply to the election of members for the electoral areas mentioned in Part A of Schedule I of the Legislative Council Ordinance.

2. In any election of a member of the Legislative Council under the provisions of the Legislative Council Ordinance any elector who satisfies the District Commissioner of the District in which he resides—

- (a) that he resides at least ten miles from the nearest polling station at which he is entitled to vote; or
- (b) that he has reason to believe either that on the polling day he will not be within ten miles of the polling station at which he is entitled to vote; or
- (c) that on account of ill health and infirmity he will be prevented from voting,

may apply to the said District Commissioner for a postal ballot paper. Such application shall be in writing signed by the applicant and the signature thereto shall be certified by a District Officer or Justice of the Peace.

3. If the District Commissioner is satisfied as to the applicant's right to vote he shall furnish him with a postal ballot paper. If he is not so satisfied he shall give the applicant notice that he, the District Commissioner, is not satisfied as to the applicant's right to vote, and that he must attend personally at the proper polling station to record his vote.

4. The District Commissioner shall inform the Returning Officer of the electoral area in which the applicant resides of the fact that a postal ballot paper has been sent to such applicant and shall, at the same time, forward to the Returning Officer the written application of the said applicant and the Returning Officer shall record such fact on his register. If possible the Returning Officer shall notify before the ballot to the presiding officer at every polling station at which the register is used on which the applicant's name appears the fact of the issue of such postal ballot paper.

written notice to each applicant, objector, and to each person objected to, and shall also fix such notice in some conspicuous place of his court or office.

(5) The registering officer shall insert in the list the name of every person who has duly claimed under Rule 3 to have his name inserted therein and whose claim is proved to the registering officer's satisfaction.

(6) The registering officer shall retain in the list, the name of every person objected to, unless the objector appears by himself or by some person duly authorized by him in this behalf in support of the objection. Where the objector so appears the registering officer shall require proof of the qualifications of the person objected to, and, if within such reasonable time as the registering officer fixes in this behalf or on the subsequent day, if any, to which the hearing is adjourned, such person's qualification is not proved to the registering officer's satisfaction, he shall expunge his name from the register.

4. If any applicant or objector is dissatisfied with the decision of the registering officer, he may within five days from the date thereof appeal to the Supreme Court.

By Command of His Excellency the Governor in Council.

Nairobi,

22nd December, 1933.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

COLONY AND PROTECTORATE OF KENYA.

THE LEGISLATIVE COUNCIL ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 29 of the Legislative Council Ordinance (Chapter 24 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules:—

1. These Rules may be cited as "the Voting by Post Rules, 1934", and shall apply to the election of members for the electoral areas mentioned in Part A of Schedule I of the Legislative Council Ordinance.

2. In any election of a member of the Legislative Council under the provisions of the Legislative Council Ordinance *Cap. 24.* an elector who satisfies the District Commissioner of the District in which he resides—

- (a) that he resides at least ten miles from the nearest polling station at which he is entitled to vote; or
- (b) that he has reason to believe either that on the polling day he will not be within ten miles of the polling station at which he is entitled to vote; or
- (c) that on account of ill health and infirmity he will be prevented from voting,

may apply to the said District Commissioner for a postal ballot paper. Such application shall be in writing signed by the applicant and the signature thereto shall be certified by a District Officer or Justice of the Peace.

3. If the District Commissioner is satisfied as to the applicant's right to vote he shall furnish him with a postal ballot paper. If he is not so satisfied he shall give the applicant notice that he, the District Commissioner, is not satisfied as to the applicant's right to vote, and that he must attend personally at the proper polling station to record his vote.

4. The District Commissioner shall inform the Returning Officer of the electoral area in which the applicant resides of the fact that a postal ballot paper has been sent to such applicant and shall, at the same time, forward to the Returning Officer the written application of the said applicant and the Returning Officer shall record such fact on his register. If possible the Returning Officer shall notify before the ballot to the presiding officer at every polling station at which the register is used on which the applicant's name appears the fact of the issue of such postal ballot paper.

5. (1) The voter who has applied for and obtained a postal ballot paper shall, in order to record his vote, produce the same to any Postmaster, Magistrate, or Justice of the Peace within the Colony. He shall then mark such paper by placing the mark X opposite the name of the candidate for whom he votes, but the Postmaster, Magistrate, or Justice of the Peace, as the case may be, shall not see them. No other mark, writing, or signature, save as hereinafter provided, shall be placed by the voter on the postal ballot paper. The voter shall then fold the postal ballot paper so as to conceal his vote, and shall sign his name thereon in the place provided on the counterfoil in the presence of the Postmaster, Magistrate, or Justice of the Peace, as the case may be, who shall witness such signature, and the voter shall then enclose the ballot paper in the envelope provided, and hand it to the Postmaster, Magistrate, or Justice of the Peace, as the case may be.

(2) The Postmaster, Magistrate, or Justice of the Peace, as the case may be, shall then post the ballot paper to the Returning Officer as soon as possible.

(3) The Returning Officer for the area in which the voter is registered on the receipt of an envelope containing a postal ballot paper shall keep the same until the close of the poll.

6. At the count of the poll the Returning Officer shall produce unopened all envelopes containing postal ballot papers received by him before the close of the poll, and such envelopes shall be opened in the presence of any presiding officer of the electoral area.

7. (1) The Returning Officer shall then produce all applications for postal ballot papers, and without unfolding the postal ballot paper or allowing it to be inspected, compare the signature of the voter on the postal ballot paper with the signature of the application, and allow any such presiding officer to inspect the same, and the Returning Officer shall determine whether or not the signature of the postal ballot paper is that of the applicant.

(2) If the postal ballot paper is allowed by the Returning Officer, he shall tear off the counterfoil containing the voter's name without seeing the name of the candidate for whom he has voted, and shall insert the folded postal ballot paper in a ballot box provided for the purpose, and separate from the ballot box or boxes used during the polling, and when all such postal ballot papers have been so inserted the counting of the votes so recorded therein shall commence.

(3) The list of the numbers of votes received by each candidate shall show separately the votes tendered personally and the votes given by postal ballot papers.

8. If the postal ballot paper is filled up or otherwise dealt with in a manner contrary to that provided by these Rules, the Returning Officer shall disallow such postal ballot paper, and the vote shall not be counted.

9. If the Returning Officer disallows a postal ballot paper then such postal ballot paper shall be included in a sealed packet and the Returning Officer shall retain the same, unless it be required for the purposes of any inquiry under the Legislative Council Ordinance.

Cap. 24.

10. The Returning Officer's decision in respect of any postal ballot paper shall be final.

11. A postal ballot paper shall contain a list of the candidates described as in their respective nomination papers, and shall be capable of being folded up so that the counterfoil hereinafter provided shall be visible. Each postal ballot paper shall have a number marked on the back corresponding to the number on the register of the voter to whom it is issued, and shall have attached a counterfoil with the same number marked on the face thereof. The counterfoil shall contain a space for the voter's signature, and for the witness thereto as provided by these Rules.

12. Any person who attempts to induce anyone in his employ to obtain a postal ballot with the intention of influencing him by bribery or intimidation to record his vote in favour of any particular candidate shall be liable on conviction to a penalty not exceeding seventy-five pounds.

13. The Voting by Post Rules appearing at page 239 *et seq.* of the Revised Subsidiary Legislation are hereby revoked.

By Command of His Excellency the Governor in Council.

Nairobi,

This 12th day of January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.

5. (1) The voter who has applied for and obtained a postal ballot paper shall, in order to record his vote, produce the same to any Postmaster, Magistrate, or Justice of the Peace within the Colony. He shall then mark such paper by placing the mark X opposite the name of the candidate for whom he votes, but the Postmaster, Magistrate, or Justice of the Peace, as the case may be, shall not see them. No other mark, writing, or signature, save as hereinafter provided, shall be placed by the voter on the postal ballot paper. The voter shall then fold the postal ballot paper so as to conceal his vote, and shall sign his name thereon in the place provided on the counterfoil in the presence of the Postmaster, Magistrate, or Justice of the Peace, as the case may be, who shall witness such signature, and the voter shall then enclose the ballot paper in the envelope provided, and hand it to the Postmaster, Magistrate, or Justice of the Peace, as the case may be.

(2) The Postmaster, Magistrate, or Justice of the Peace, as the case may be, shall then post the ballot paper to the Returning Officer as soon as possible.

(3) The Returning Officer for the area in which the voter is registered on the receipt of an envelope containing a postal ballot paper shall keep the same until the close of the poll.

6. At the count of the poll the Returning Officer shall produce unopened all envelopes containing postal ballot papers received by him before the close of the poll, and such envelopes shall be opened in the presence of any presiding officer of the electoral area.

7. (1) The Returning Officer shall then produce all applications for postal ballot papers, and without unfolding the postal ballot paper or allowing it to be inspected, compare the signature of the voter on the postal ballot paper with the signature of the application, and allow any such presiding officer to inspect the same, and the Returning Officer shall determine whether or not the signature of the postal ballot paper is that of the applicant.

(2) If the postal ballot paper is allowed by the Returning Officer, he shall tear off the counterfoil containing the voter's name without seeing the name of the candidate for whom he has voted, and shall insert the folded postal ballot paper in a ballot box provided for the purpose, and separate from the ballot box or boxes used during the polling, and when all such postal ballot papers have been so inserted the counting of the votes so recorded therein shall commence.

(3) The list of the numbers of votes received by each candidate shall show separately the votes tendered personally and the votes given by postal ballot papers.

8. If the postal ballot paper is filled up or otherwise dealt with in a manner contrary to that provided by these Rules, the Returning Officer shall disallow such postal ballot paper, and the vote shall not be counted.

9. If the Returning Officer disallows a postal ballot paper then such postal ballot paper shall be included in a sealed packet and the Returning Officer shall retain the same, unless it be required for the purposes of any inquiry under the Legislative Council Ordinance.

(Cap. 24)

10. The Returning Officer's decision in respect of any postal ballot paper shall be final.

11. A postal ballot paper shall contain a list of the candidates described as in their respective nomination papers, and shall be capable of being folded up so that the counterfoil hereinafter provided shall be visible. Each postal ballot paper shall have a number marked on the back corresponding to the number on the register of the voter to whom it is issued, and shall have attached a counterfoil with the same number marked on the face thereof. The counterfoil shall contain a space for the voter's signature, and for the witness thereto as provided by these Rules.

12. Any person who attempts to induce anyone in his employ to obtain a postal ballot with the intention of influencing him by bribery or intimidation to record his vote in favour of any particular candidate shall be liable on conviction to a penalty not exceeding seventy-five pounds.

13. The Voting by Post Rules appearing at page 239 *et seq.* of the Revised Subsidiary Legislation are hereby revoked.

By Command of His Excellency the Governor in Council.

Nairobi,

This 12th day of January, 1934.

J. F. G. TROUGHTON,
Clerk to the Executive Council.



11
14
THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. S/D/LAWS9/27
AND DATE

30th January, 1934.

RECEIVED
2 FEBRUARY
C. O. REF

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Secretary of State for the Colonies, and with reference to Kenya despatch L.C.30 of 20th January, has the honour to transmit herewith, twelve printed copies of Ordinance No. LVI of 1933, "An Ordinance to Amend the Legislative Council Ordinance", which should have accompanied the despatch under reference.

No 2.



Colony and Protectorate of Kenya.

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

Assented to in His Majesty's
name this 30th day of December,
1933.

J. BYRNE

Governor.

AN ORDINANCE TO AMEND THE
LEGISLATIVE COUNCIL ORDINANCE

ORDINANCE No. LVI of 1933

An Ordinance to Amend the Legislative Council Ordinance.

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 Legislative Council (Amendment) Ordinance, 1933", and shall be read as one with the Legislative Council Ordinance (Chapter 24 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Short title
Cap. 24

2. Section 14 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:

Repeal and
replacement of
section 14 of
the Principal
Ordinance.

"14. Subject always to the power of the Governor to dissolve the Legislative Council at any time by Proclamation, the Council shall be dissolved on the completion of a period of three years from the date of each general election and a general election shall be held on the first convenient date after the dissolution of the Council. For the purposes of this Ordinance the date of a general election shall be the date of the nomination day referred to in section 15."

Dissolution
and general
election.

3. Section 15 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and
replacement of
section 15 of
the Principal
Ordinance.
Nomination
day

"15. As soon as may be after the dissolution of each Legislative Council the Governor shall by notification in the Gazette appoint a convenient date, to be known as nomination day, which shall be not less than twenty-one days after the publication of such notification. In such notification the Governor shall further appoint a place in each of the electoral areas referred to in section 3 for the nomination of candidates for that electoral area."

4. The following section shall be inserted as section 15A between sections 15 and 16 of the Principal Ordinance :—

Election to be for three years. "15A. A member elected at a general election shall hold his seat, subject to the provisions of this Ordinance, for a period of three years thereafter, or until the dissolution of the Council to which he is elected, whichever is the sooner."

Amendment of section 16 of the Principal Ordinance. 5. Section 16 of the Principal Ordinance is hereby amended by deleting the words "Such elections" in the first line thereof and by substituting therefor the word "Elections".

Amendment of section 17 of the Principal Ordinance. 6. Section 17 of the Principal Ordinance is hereby amended by the deletion of the words "a date for the election of a member" in the first and second lines thereof and the substitution therefor of the words "a nomination day."

Amendment of section 19 of the Principal Ordinance. 7. Section 19 of the Principal Ordinance is hereby amended by deleting the last six lines thereof and by substituting therefor the following :—

"Provided that if any elected member shall have been absent from the Colony for a period of twelve consecutive months the Governor shall declare the seat to be vacant."

8. The following section shall be inserted as section 19A between sections 19 and 20 in the Principal Ordinance :

By-elections. "19A. Whenever, from any cause, other than the dissolution of Council, a seat in any electoral area shall become vacant the Governor shall in manner provided by section 15 appoint a day and place for the nomination of candidates for such electoral area and, subject to the provisions of section 17, shall direct that a member be elected to fill the vacancy in accordance with the provisions of this Ordinance and of any Rules made hereunder. Any member so elected or who has been nominated in accordance with the provisions of section 17, shall hold his seat, subject to the provisions of this Ordinance, until the dissolution of the Council to which he is so elected or nominated."

9. Part A of Schedule I to the Principal Ordinance is hereby repealed and the following substituted therefor :—

SCHEDULE I.

PART A.

ELECTORAL AREAS.

1. Nairobi North.
2. Nairobi South.
3. Mombasa.
4. Coast.
5. Nyanza.
6. Rift Valley.
7. Trans-Nzoia.
8. Uasin Gishu.
9. Aberdare.
10. Ukamba.
11. Kiambu.

DESCRIPTION OF THE BOUNDARIES OF THE ELECTORAL AREAS.

1. *Nairobi, North.*

Commencing at the junction of the Getathuru and Nairobi Rivers;

thence bounded by the Nairobi River down-stream to its junction with the Ngong River;

thence by that river up-stream to its junction with the Kenya and Uganda Railway;

thence by the Kenya and Uganda Railway (up-line) to its intersection with the eastern boundary of Kiambu Native Reserve at Kubete Station;

thence generally northerly by that Native Reserve boundary to the Getathuru River;

thence by that river down-stream to the point of commencement.

2. *Nairobi, South.*

Commencing at the junction of the Kenya and Uganda Railway with the Ngong River;

thence by that river up-stream to its junction with the Mtioni River;

Repeal and replacement of Part A of Schedule I to the Principal Ordinance.

thence by that river up-stream to a bridge on the Nairobi-Ngong Road;

thence by a line northerly to a beacon at the south-western corner of L.R. No. 189 A.R. (Government Farm extension), which beacon is on the Kiambu Native Reserve boundary;

thence generally northerly by that Native Reserve boundary to its intersection with the Kenya and Uganda Railway at Kabete Station;

thence by that railway (down-line) to the point of commencement.

3. Mombasa.

This area comprises the whole of the Island of Mombasa.

4. Coast.

Commencing at the intersection of the Engare Len or Rumbo River with the Kenya-Tanganyika boundary;

thence bounded easterly by the northern boundary of Teita Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to its most eastern corner;

thence north-easterly and north-westerly by the south-eastern and north-eastern boundaries of Kitui Administrative District, as defined in the aforementioned Proclamation, to its most northern corner;

thence by a line north-easterly to a point near the southern end of the Lorian Swamp where the Lak Dera intersects the line of latitude 1° north;

thence easterly by that line of latitude, to its intersection with the western boundary of Italian Somaliland;

thence southerly by a part of the western and south-easterly by the south-western boundary of Italian Somaliland to the shores of the Indian Ocean;

thence generally south-westerly by the shores of the Indian Ocean to its intersection with the Kenya-Tanganyika boundary;

thence north-westerly and generally northerly by the Kenya-Tanganyika boundary to the point of commencement.

All the islands within the Protectorate with the exception of the Island of Mombasa, form part of the Coast Electoral Area.

5. Nyanza.

Commencing at the mouth of the Suu River;

thence bounded north-easterly by the Uganda Protectorate boundary to the highest point of Mount Elgon;

thence by a straight line north-easterly to the source of the Suani (or Suani) River;

thence by that river down-stream to the point where it emerges from the crater;

thence south-easterly by the south-western boundary of the Trans Nzoia Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to where the Kabisi and Nzoia Rivers join at the most southerly point of L.R. No. 5336;

thence south-easterly, south-westerly and easterly by part of the generally western boundary of the Uasin Gishu District, as defined by the aforementioned Proclamation, to the trigonometrical beacon Osorongai;

thence by a line bearing $85^{\circ} 11'$ for about 17,941 feet to a beacon;

thence bearing approximately $187^{\circ} 21'$ for about 5,944 feet to a beacon;

thence bearing approximately $112^{\circ} 36'$ for about 2,244 feet to a beacon;

thence bearing approximately $187^{\circ} 11'$ for about 3,800 feet to a beacon on the south-eastern of the two summits of the hill "Kaikomor";

thence bearing approximately $176^{\circ} 11'$ for about 5,054 feet to a beacon;

thence bearing approximately $161^{\circ} 34'$ for about 6,168 feet to a beacon;

thence by a beaconed line bearing $180^{\circ} 28'$ for about 18,107 feet to the trigonometrical beacon "Kakaroua";

thence by a straight line, south-easterly to the western corner of L.R. No. 8167;

thence by the south-western boundary of that portion to its southern corner;

thence generally north-easterly and south-easterly by the generally western boundary of the Uasin-Gishu Administrative District, as defined in the aforementioned Proclamation, to the most western corner of L.R. No. 1860;

thence generally southerly by the generally eastern boundary of the Kisumu-Londiani Administrative District, as defined in the aforementioned Proclamation, to the most northern corner of L.R. No. 570/1;

thence south-westerly and south-easterly by the north western and part of the south-western boundaries of that portion to the northern corner of L.R. No. 7148;

thence southerly and easterly by the western and southern boundaries of that portion to the western corner of L.R. No. 3683;

thence southerly by the western boundaries of L.R. Nos. 3683, 561 and part of the western boundary of 5692 to the northern corner of L.R. No. 1642;

thence south-westerly, south-easterly and easterly by the north-western and south-western boundaries of that portion to its most southern corner;

thence south-westerly, south-easterly, easterly and again south-easterly by the generally western, southern and south-western boundaries of L.R. No. 1643 to the western corner of L.R. No. 1644;

thence south-easterly by part of the western boundary of that portion to its intersection with the eastern boundary of Kericho Administrative District as defined in the aforementioned Proclamation;

thence south-westerly, south-easterly and again south-westerly by the generally eastern and south-eastern boundaries of that district to its most southern corner on the Amala River;

thence by that river down-stream to its intersection with the Tanganyika boundary;

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

thence generally northerly by the shores of that lake to the point of commencement.

The whole of the islands in Victoria Nyanza within the Territorial Waters form part of Nyanza Electoral Area.

6. Rift Valley.

Commencing at the intersection of the Amala River with the Kenya-Tanganyika boundary;

thence bounded by that river up-stream to the most southern corner of Kericho Administrative District as defined by Proclamation No. 54 dated the 25th day of February, 1924;

thence generally north-easterly, north-westerly and again north-easterly by the generally eastern boundary of that district to its intersection with the south-western boundary of L.R. No. 1644;

thence north-westerly by that boundary to the north-western corner of that portion;

thence generally westerly, north-westerly and north-easterly by the southern and generally western boundaries of L.R. No. 1643 to its north-western corner;

thence westerly, north-westerly and north-easterly by the southern, south-western and north-western boundaries of L.R. No. 1642 to its most northern corner;

thence northerly by part of the western boundary of L.R. No. 5692 and the whole of the western boundaries of L.R. Nos. 561 and 3683 to the north-western corner of L.R. No. 3683;

thence south-westerly and northerly by the southern and western boundaries of L.R. No. 7148 to its most northern corner;

thence north-westerly and north-easterly by a part of the south-western and the whole of the north-western boundary of L.R. No. 570/1 to its most northern corner;

thence in a generally northerly direction by the generally eastern boundary of the Kisumu-Londiani Administrative District, as defined by the aforementioned Proclamation, to the most westerly corner of L.R. No. 1860;

thence north-easterly by the north-western boundary of that portion to the south-western corner of L.R. No. 3841;

thence generally easterly, northerly, south-easterly and again northerly by the generally south-eastern boundary of that portion to the south-eastern corner of L.R. No. 1866;

thence north-easterly and northerly by the generally eastern boundaries of L.R. No. 1866 and L.R. No. 6259 to the north-eastern corner of the latter portion;

thence easterly by the northern boundary of L.R. No. 503 to the intersection of that boundary with the western boundary of Baringo Administrative District, as defined in the aforementioned Proclamation, thence northerly by the western boundary of that district to its most northerly point at Kolosia;

thence south-easterly, southerly, south-westerly and again south-easterly by the north-eastern and generally eastern boundary of that district to the most northerly corner of L.R. No. 2689/R;

thence generally south-easterly by the north-eastern boundary of Nakuru Administrative District, as defined by the aforementioned Proclamation, to the south-eastern corner of L.R. No. 2648/R;

thence easterly and generally southerly by part of the northern and the whole of the eastern boundary of the Naivasha Administrative District, as defined in the aforementioned Proclamation, to the south-eastern corner of L.R. No. 369;

thence by a line south-westerly to the most northerly point of Lake Magadi;

thence by the western shores of that lake to its most south-westerly point;

thence by a line south-westerly to the point of intersection of the Southern Uaso Nyiro River with the Kenya-Tanganyika boundary;

thence north-westerly by that boundary to the point of commencement;

Provided that the township of Kijabe shall be included within this electoral area (No. 6, Rift Valley).

7. Trans Nzoi.

Commencing at the point where the Swan (Suam) River emerges from the Crater of Mount Elgon;

thence bounded by that river down-stream till it becomes the Turkwel;

thence by that river down-stream to where it enters Lake Rudolf;

thence southerly by the eastern boundary of Turkana Administrative District, as defined by Proclamation No. 54 dated the 25th day of February, 1924, to the falls on the Amaya River (about longitude $36^{\circ} 24'$ east and latitude $0^{\circ} 55'$ north);

thence north-westerly by a part of the south-western boundary of Turkana Administrative District, as defined by the aforementioned Proclamation, to Kolosia;

thence generally south-westerly by the eastern and south-eastern boundaries of the West Suk Administrative District, as defined by the aforementioned Proclamation, to the northern corner of L.R. No. 7146;

thence generally south-easterly, south-westerly and north-westerly by the north-eastern, south-eastern and south-western boundaries of the Trans Nzoi Administrative District, as defined by the aforementioned Proclamation, to the point of commencement.

8. Uasin Gishu.

Commencing at the trigonometrical beacon Olessos on the Uasin Gishu Administrative District boundary as defined by Proclamation No. 54 dated 25th day of February, 1924;

thence bounded in a north-westerly, south-westerly and westerly direction by that Administrative District boundary to the southern corner of L.R. No. 3167;

thence by the south-western boundary of that portion to its western corner;

thence by a straight line north-westerly to the trigonometrical beacon Kakaroua;

thence by a beaconed line bearing approximately $0^{\circ} 28'$ for about 18,107 feet to a beacon;

thence bearing approximately $341^{\circ} 34'$ for about 6,168 feet to a beacon at the end of a spur;

thence bearing approximately $356^{\circ} 11'$ for about 5,034 feet to a beacon on the south-eastern of the two summits of the hill Kaikomor;

thence bearing approximately $7^{\circ} 11'$ for about 3,800 feet to a beacon;

thence bearing approximately $292^{\circ} 36'$ for about 2,344 feet to a beacon;

thence bearing approximately $7^{\circ} 21'$ for about 5,944 feet to a beacon on the southern boundary of L.R. No. 5598;

thence westerly by parts of that southern boundary and that of L.R. No. 4126 to the trigonometrical beacon Osorongat on the Uasin Gishu Administrative District boundary;

thence by that district boundary westerly, northerly and north-easterly to the northern corner of L.R. No. 2211;

thence generally north-westerly, north-easterly and southerly by part of the south-western and the whole of the northern and eastern boundaries of Marakwet Administrative District, as defined in the aforementioned Proclamation, to the north-eastern corner of the Elgeyo District;

thence southerly and westerly by the eastern and southern boundaries of the Elgeyo Administrative District, as defined in the aforementioned Proclamation, to the north-western corner of L.R. No. 503, Lembus Forest Concession (the Districts of Marakwet and Elgeyo have now been amalgamated under the name of Elgeyo District, *vide* Proclamation No. 8 dated 8th day of February, 1932);

thence southerly by the eastern boundaries of L.R. Nos. 6259 and 1866 to the south-eastern corner of the latter portion;

thence southerly, north-westerly, and again southerly, and westerly by the generally south-eastern boundary of L.R. No. 3841 to its intersection with the Uasin Gishu Administrative District boundary;

thence by that district boundary westerly and northerly to the point of commencement.

9. *Aberdare.*

Commencing at the summit of Niandarawa (Mount Kinangop);

thence bounded northerly by the western boundary of the South Nyeri Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to the summit of Sattimma (13,003 feet);

thence still generally northerly by the western boundary of Laikipia Administrative District, as defined in the aforementioned Proclamation, to the summit of Ol Doinyo Lengere;

thence south-easterly and northerly by part of the south-western and the whole of the eastern boundary of Turkana Administrative District, as defined in the aforementioned Proclamation, to the mouth of the Turkwel River;

thence by a straight line northerly through the summit of North Island to its intersection with the southern boundary of Abyssinia;

thence generally easterly by that southern boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly by part of the north-western boundary and southerly by part of the western boundary of Italian Somaliland to the intersection of the latter boundary with the line of latitude 1° north;

thence by that line of latitude westerly to its intersection with the Lak Dera near the southern end of the Lorian Swamp;

thence by a line south-westerly to the eastern corner of Meru Administrative District;

thence generally south-westerly by the south-eastern boundaries of Meru and Embu Administrative Districts and westerly by the southern boundary of South Nyeri Administrative District, as defined by the aforementioned Proclamation, to the point of commencement.

10. *Ukamba.*

Commencing at the junction of Southern Uaso Nyiro River with the Tanganyika boundary;

thence bounded by a line north-easterly to the most south-westerly point on Lake Magadi;

thence by the western shores of that lake to its most northerly point;

thence by a line north-easterly to the south-eastern corner of L.R. No. 369;

thence generally easterly by the southern boundaries of Kiambu and Nairobi Administrative Districts, as defined by Proclamation No. 54 dated the 25th day of February, 1924.

to the intersection of the latter with the western boundary of the Machakos Administrative District as defined by the aforementioned Proclamation;

thence generally north-easterly by the north-western boundary of Machakos District to the junction of the Athi and Ndarugu Rivers;

thence by the latter river up-stream to the south-western corner of original L.R. No. 290;

thence north-easterly and south-easterly by the north-western and part of the north-eastern boundary of that portion to the south-western corner of original L.R. No. 295;

thence north-easterly, north-westerly and again north-easterly by the generally western boundary of that portion to its intersection with the Chania River;

thence north-westerly and northerly by the south-western boundary of the Fort Hall Administrative District, as defined by the aforementioned Proclamation, to the summit of Niandarawa (Mount Kinangop);

thence generally easterly by the generally northern boundary of Fort Hall Administrative District to the most eastern corner of L.R. No. 1992;

thence north-easterly by a part of the north-western boundary of Kitui Administrative District, as defined by the aforementioned Proclamation, to its most northern corner;

thence south-easterly and south-westerly by the whole of the north-eastern and south-eastern boundaries of that district to the north-eastern corner of the Teita District as defined by the aforementioned Proclamation;

thence westerly by the northern boundary of that district to its intersection with the Tanganyika boundary;

thence by that boundary north-westerly to the point of commencement.

11. Kiambu.

Commencing at the south-eastern corner of L.R. No. 369;

thence bounded generally northerly by a part of the generally eastern boundary of the Naivasha Administrative District as defined by Proclamation No. 54 dated 25th day of February, 1924, to the eastern point of L.R. No. 5287 on the Chania River;

thence by that river (which forms a part of the south-western boundary of the Fort Hall Administrative District) down-stream to the north-western corner of original L.R. No. 295;

thence south-westerly, south-easterly and again south-westerly by the generally north-western boundary of that portion to its intersection with the north-eastern boundary of original L.R. No. 290;

thence north-westerly and south-westerly by a part of the north-eastern and the whole of the north-western boundary of that portion to its western corner on the Ndarugu River;

thence by that river down-stream to its junction with the Athi River;

thence south-westerly by the north-western boundary of Machakos Administrative District to the intersection of the north-western boundary of L.R. No. 337 (Athi Township Reserve) with the Athi River;

thence generally westerly by the generally southern boundaries of Nairobi and Kiambu Administrative Districts to the point of commencement;

*Provided that the township of Kijabe be excluded from this electoral area (No. 11, Kiambu);

Provided that Electoral Areas No. 1, Nairobi North, and No. 2, Nairobi South, shall be excluded from this electoral area (No. 11, Kiambu).

Passed in the Legislative Council the twenty-first day of December, in the year of Our Lord one thousand nine hundred and thirty-three.

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.

J. F. G. TROUGHTON

Acting Clerk of the Legislative Council.

KENYA.

No. 38



29
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

30th January, 1934.

RT
17/1/34
C.C.

Sir,

Wood (3)
I have the honour to transmit herewith two authenticated copies and twelve printed copies of "An Ordinance to Amend the Legislative Council Ordinance, No.LVI of 1933", together with two copies of the Legal Report by the Attorney General.

2. This Ordinance passed its third reading in the Legislative Council on the 21st December, 1933, and I assented to it in the name of His Majesty on the 30th December, 1933.

3. It had been evident for some time that a considerable body of public opinion in the Colony felt that the boundaries of the European Electoral areas as defined in Schedule I of the Legislative Council Ordinance (Chapter 24 of the Revised Edition) required review. Accordingly, on the 12th August, 1933, I appointed a Select Committee of the Council to "report on the revision of electoral boundaries on the present basis of representation". That Committee consisted of the Commissioner for Local Government, Lands and Settlement, the Provincial Commissioner, Nzoia, the Provincial Commissioner, Nyanza, and the Elected Members for the Lake, Coast,

and/

THE RT. HON.

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.

and Rift Valley constituencies. Their report, which was unanimous, was signed on the 27th September, 1933. I enclose two copies for your information.

4. The adoption of this Report was moved by motion in Legislative Council on November 30th, 1933, but, during the debate, an amendment was proposed which would delete the recommendation in paragraph 13, VIII, referring to the change in the electoral boundaries of the Nairobi constituencies. This amendment was proposed by the Member for Nairobi North and seconded by the Member for Nairobi South, and the reasons adduced in its favour were that the recommendations of the Select Committee would affect a greater number of people than that Committee had anticipated and that therefore it was desirable that fuller enquiries should be made before any such alteration of boundaries was effected. The amendment was supported by Elected Members generally and the attitude adopted by Government was that inasmuch as no alteration in the present constitution of the Council was contemplated, it was desired to arrange the constituencies in a manner which would give the best representation and which would be most in accordance with the general wishes of voters. Government therefore accepted this amendment and the Report of the Select Committee was adopted subject thereto.

5. The Ordinance which is now submitted was designed to implement the decision of Legislative Council and to enable the revised electoral boundaries to operate at the forthcoming General Election. To permit of this being done, the Rules suggested by the Committee in the last paragraph/

paragraph of the Report have been promulgated since the passing of the Ordinance.

6. Opportunity was also taken to amend the Principal Ordinance in certain other important respects.

Section 14 of the Ordinance has been repealed and replaced in order to bring its provisions into strict conformity with Article XXX of the Instructions under the Royal Sign Manual and Signet dated the 11th September, 1920, and Article I of the Additional Royal Instructions, dated 20th January, 1930.

7. The practice of appointing a day as "nomination day" has been introduced into the Principal Ordinance in order to obviate the confusion caused by the ambiguous expression "election day". Formerly this date was not less than 42 days after publication in the Gazette of the notice of the election. This period has been found in practice to be unnecessarily long, and the amending Ordinance reduces it to a minimum of 21 days.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Wm. L. ...
for J. A. Byrne

BRIGADIER-GENERAL.
GOVERNOR.

LEGAL REPORT

THE LEGISLATIVE COUNCIL (AMENDMENT)
BILL, 1933.

This Bill is designed to give effect to the recommendations of the Select Committee of the Legislative Council appointed to report on the revision of electoral boundaries. The opportunity has been taken to amend the Principal Ordinance in certain other important respects.

2. Section 14 of the Principal Ordinance, which deals with the holding of elections at regular intervals, is repealed and replaced. The provisions of the new section are in accordance with the most recent Royal Instructions governing triennial elections to Legislative Council, and are intended to regularize the working of the electoral system in the Colony having regard to the fact that a general election falls due in 1934.

3. The practice of appointing a day as a "nomination day" is introduced into the Principal Ordinance with the object of avoiding the confusion which has resulted in the past from the use of the term "election day".

4. The Bill further makes provision for the holding of by-elections.

5. A Comparative Table is attached.

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

Nairobi,

5th December, 1933.

(Sd.) W. HARRAGIN

ASSISTANT ATTORNEY GENERAL

COMPARATIVE TABLE

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL,
1933.

Section.	Remarks.
1.	Short title.
2.	Partly Article XXX of the Royal Instructions dated the 11th September, 1920, and partly new.
3.	New.
4.	New.
5.	}
6.	}
7.	}
	Amendment of the Principal Ordinance.
8.	New.
9.	New Schedule to define the revised Electoral Boundaries.

REPORT OF THE SELECT COMMITTEE
ON ELECTORAL BOUNDARIES.

Your Excellency,

We were appointed as a Select Committee of Legislative Council to "report on the revision of electoral boundaries on the present basis of representation".

2. By public advertisement published in the principal newspapers in the Colony we invited persons or public bodies who wished to give evidence before us to submit memoranda containing their views. We received memoranda from the following :-

- Chairman, Kipkarren Farmers' Association.
 - Hon. Secretary, Sergoit Moiben Valley Farmers' Association.
 - Hon. Secretary, Soy Hoey's Bridge Farmers' Association.
 - Hon. Secretary, Trans-Nzoia Political Association.
 - Certain residents in the Thika-Ndarugu area.
 - Mr. W.A.C. Bower.
- (this memorandum was subsequently withdrawn by the author).

3. We took oral evidence at Eldoret from the following persons :-

- Hon. T.J. O'Shea.
- Col. J.G. Kirkwood, C.M.G., D.S.O.
- Mr. W.A.C. Bower.
- Commander Hoyle, representing the Kipkarren Farmers' Association.
- Messrs. J.D.C. Harvey } representing the
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- K. Rawson Shaw. } Association.

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- Mr. J.W.B. Lightman - District Commissioner, Naivasha.

The other sub-committee at Nairobi took evidence from Messrs. C.W.P. Harries, Mitchell and A.I.R. Harries representing the Ndarugu-Thika residents and the Hons. Major H.F. Ward and Colonel C.G. Durham, D.S.O.

5. In addition to the evidence given to us we had before us the report of the Select Committee of Legislative Council which reported on this subject in the year 1925. The basis taken by that Committee for the readjustment of electoral boundaries was that, if possible, these should coincide with District (Administrative) boundaries.
6. A map prepared for us by the Acting Surveyor General exemplified the various groupings which at present exist for various administrative purposes. There are Administrative District boundaries, Local Government District Council areas, the present Legislative Council electoral boundaries and the electoral boundaries recommended by the 1925 Committee. None of these coincide with each other.
7. It appeared to us at the outset that the cardinal point of importance in arranging an electoral area should be economic unity and with this view all the evidence which we received agreed. Since the report of the previous Committee was made in 1925 District Councils have been established in six areas amongst the settled areas in the Colony and, in the arrangement of the areas of jurisdiction of these bodies, economic unity was the guiding principle which was followed.
8. The evidence which we received at Eldoret was directly and unanimously in favour of taking the District Council areas of jurisdiction as the basis for Legislative Council electoral constituencies for the Uasin Gishu and Trans Nzoia areas.
9. The evidence from the Nakuru and Naiyasha areas was generally in favour of the recommendations made in the 1925 Committee's report, i.e. that the Rift Valley constituency should have two members. The Committee was not prepared to recommend the abolition of any of the present constituencies and consequently - any increase in the European membership of Legislative Council being beyond our terms of reference - this point was discarded.
Representatives from the Thomson's Falls Farmers' Association expressed the view that, if Rift Valley were to retain one member only, their Association would wish all its constituent units to be in one electoral area, preferably the "Kenya" constituency. Their position at present is that their members are divided between the "Kenya" and "Rift Valley" constituencies.
10. Representatives from the Ndarugu-Thika area of the Kikuyu constituency stated that they are dissatisfied at being included in this constituency as their interests centre round Thika, from which they are now administered by Government, and as they form, with the farms north of the Thika River, one Farmers' Association and one ward for District Council purposes, they desired to be included in the Ukamba constituency. No opposition to this desire was recorded.
11. The constituencies of the Nairobi North and South each include at present certain agricultural areas outside the Nairobi Municipality. No representations in regard to a change in this position were received from the public but the present members of Legislative Council were consulted and one of them opposed any change. It appeared, however, to the Committee that Nairobi is essentially an urban constituency and as such should not extend beyond the urban boundaries or include any agricultural interests. Since the

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boundaries of these constituencies were framed in 1919 the area of the Nairobi Municipality has been widely extended so as to include all urban development and the number of persons who would be transferred (to the present Kikuyu constituency), if these constituencies were made coterminous with the Municipality, would not be numerous.

12. The Ukamba constituency as at present designed includes the scattered groups of individuals resident in the districts of Embu, Meru, Northern Frontier Province, Baringo, Elgeyo, West Suk and Turkana, as well as the Machakos and Kitui administrative districts, the major part of the Fort Hall district and a half of the Masai Province. This is a situation which seemed to us to require amendment as there can be and is no community of interest in so vast an area.

13. Our recommendations are as follows :-

I. "PLATEAU NORTH"

The present constituency includes the area between the Nzoia and Sergoit rivers; together with a number of farms immediately north of the Nzoia river all of which are included within the boundaries of the Uasin Gishu District Council; and at the north western corner is not coterminous with the District Council boundary, a small triangle of Forest Reserve being excluded.

We recommend

- (a) that the constituency be made to coincide with the area of jurisdiction of the Trans-Nzoia District Council in so far as concerns its southern and south western boundaries (we were informed that this change would transfer out of the present constituency 60 persons who have actually enrolled themselves on the 1933 voters' roll, but approximately 100 potential voters.) and that it should also include the Turkana Province and the administrative district of West Suk;
- (b) that the name of this constituency be changed to "Trans Nzoia".

II. "PLATEAU SOUTH"

In addition to the area referred to above which is in the Uasin Gishu District Council area, but not in the Plateau South electoral area, there are the Kipkarren and Lessos farms which are in the Uasin Gishu District Council area but in the Lake electoral area; and this constituency also includes at present about one half of the Ravine administrative district, which forms part of the Nakuru District Council area.

We recommend

- (a) that this constituency should be coterminous with the boundaries of the Uasin Gishu District Council as to its southern, western and northern boundaries (we are informed that this rectification will result in the transfer, in addition to the numbers to be transferred from the present plateau north constituency, of 23 enrolled but 71 potential voters from the Lake

constituency--

constituency and approximately 10 voters to the present Rift Valley constituency): and should be extended on the east to include the Elgeyo administrative district;

- (b) that the new constituency should be called "Uasin Gishu".

III.

"RIFT VALLEY".

We recommend that this constituency should comprise the District Council areas of Nakuru and Naivasha, the administrative district of Baringo and that central piece of the Masai Province which is at present included in it.

We do not consider that the representations from Thomson's Falls justify us in this case in advising a departure from District Council boundaries. Should the remainder of the Thomson's Falls group of farms in the future come into the District Council area either of Nakuru or Naivasha the Rift Valley constituency should, in our view, be extended to include them. If, however, this whole group of farms forms a separate local government unit we consider that the part of the group which would thus be removed from the Nakuru District Council area should also leave the Rift Valley constituency.

IV.

"LAKE".

Our recommendations above at I and II entail consequential reductions in the area of this constituency but apart from these we recommend no other change except that we advise that the name of this constituency be altered to "Nyanza".

V.

"KENYA".

The present boundaries of this constituency follow the northernmost line of present European occupation in the two administrative districts of Laikipia and North Nyeri. We see no reason why the administrative boundaries of these two districts should not be followed. Moreover we suggest that economic affinity would be more effectively achieved if the districts of South Nyeri, Embu and Meru and the western portion of the Northern Frontier Province were united in one constituency with Laikipia and North Nyeri rather than form part of the "great remainder" - which is at present somewhat adventitiously hitched on to the Ukamba constituency.

We recommend therefore

- (a) that this constituency should comprise the administrative districts of Laikipia, North and South Nyeri, Embu and Meru and that part of the Northern Frontier Province lying to the west and north of the line which we describe in our recommendation concerning the "Coast" constituency.
- (b) We consider it anomalous that any one electoral area should bear the name of the Colony and advise that this constituency should be called "The Aberdare Constituency".

VI.

"KITUYU"

In the case of this constituency and that of Ukamba we are unable to follow the Nairobi District Council boundaries in so far as the settled area population is concerned without unduly reducing the electoral strength of the Ukamba constituency and our recommendation here is

- (a) that this constituency should lose the Ndarugu-Thika area and that small portion of the Masai Province which it at present embraces: but should be extended on the north west side to become coterminous with the boundaries of the Kyambu administrative district and should also include the two small areas to the east and west of the Nairobi Municipality which we recommend later should be excised from the constituencies of Nairobi North and South.
- We estimate that these changes would not materially affect the voting strength of the present constituency.

- (b) that the new constituency should be called "Kyambu".

VII.

"UKAMBA"

We recommend that this constituency should comprise the present administrative districts of Kitui, Machakos, Fort Hall plus the Ndarugu-Thika area referred to in VI above and also that part of the Masai Province which is not included in the Rift Valley and Nyanza constituencies.

VIII.

"NAIROBI NORTH AND NAIROBI SOUTH".

We hold the view unanimously that these constituencies should coincide with the urban area of the Nairobi Municipality and that the dividing line between them should be as at present the Kenya and Uganda Railways and Harbours line.

IX.

"COAST"

We consider that it would be reasonable to leave the south-eastern section of the Northern Frontier Province in the Coast Province as any development which may ensue along the north bank of the Tana river would be economically connected with the Coast.

We therefore recommend that the north boundary of the Coast constituency should be drawn from the north western extremity of the Tana river in a north-easterly direction to ~~Malke Waja~~ and thence due east along the line of latitude 1° North to its point of intersection with the Kenya-Italian boundary

X

"MOMBASA".

We have no change to recommend in this constituency.

14. We attach a map illustrating the adjustments we propose and the present electoral boundaries. It is not possible without overloading the map to show also the boundaries of the present administrative and District Council districts.

15. Our terms of reference do not instruct us to submit any report on any of the provisions of the Legislative Council Ordinance or of the Rules issued thereunder. We feel, however, that we should invite attention to certain of the recommendations made by the Select Committee in 1925 and trust that it will not be taken amiss if we do so.

We refer

- (a) to the amendment suggested to Section 15 of the Ordinance, the terms of which are quoted in an Appendix hereto. We endorse the recommendation that the period of 42 days should be reduced to 30 days.
- (b) to the suggestion that the day on which unopposed candidates are declared elected be called 'nomination' and not 'election' day and that returns be declared immediately. We agree with these suggestions.

16. In Your Excellency's announcement to the Legislative Council on the subject of our appointment, Your Excellency intimated your readiness to appoint a Committee to report on the matter with a view to having such geographical alterations as may be agreed upon and accepted by Government made operative before the General Election in 1934.

Since we did receive evidence from one or two of the present elected members that, in their view, no change in the present position should be made before the general election we feel that we should state for Your Excellency's information that the general consensus of opinion as indicated to us in other evidence was that the changes advocated by witnesses should most certainly be made in time to become effective in respect of the 1934 General Election.

17. We understand that in accordance with the provisions of Schedule II of the Legislative Council Ordinance (Chapter 24 of the Revised Edition) the Revised Registers of voters on the basis of the present electoral areas will be completed and would ordinarily come into operation as from the 1st January, 1934. If, however, our recommendations are adopted, provision must be made for the amendment of those Revised Registers of Voters in order to bring them into conformity with the new electoral areas which we have recommended. It is necessary to assume that our recommendations will be embodied in an Amending Ordinance by a certain date, and the following proposals are made on the assumption that that date will not be later than the 30th November, 1933. We suggest that, as soon after enactment of the amending Ordinance as possible, Registering officers affected should be instructed immediately to notify each other of the alterations in the various registers of voters which will result from the amendment of the boundaries of electoral areas. These alterations will consist of excisions from certain registers and additions to others. When the alterations have been made by the Registering officers a list of them should be published in the Gazette. Thereafter the normal period for the hearing of claims and objections in connection with such alterations and for hearing any appeals which may be lodged against the decisions of Registering officers on those claims and objections must be allowed; and it appears to us that a total period of 3 months should be contemplated for carrying out this procedure.

- 7 -

We would point out that it is important that the revised Registers of voters based on the proposed electoral areas should be completed by the end of February at the latest.

To give effect to these proposals we presume that special rules based on Section II of Cap 24 should be promulgated.

We have the honour to be,

Sir,

Your Excellency's obedient servants,

W.M. LOGAN.	(CHAIRMAN)
C.F. DECK.	(MEMBER)
H.R. MONTGOMERY.	"
CONWAY HARVEY.	"
R.V.B. ROBERTSON-EUSTACE	"
E.H. WRIGHT.	"

NAIROBI.

27th September, 1933.

EXTRACT FROM THE REPORT OF THE SELECT COMMITTEE
OF LEGISLATIVE COUNCIL ON THE READJUSTMENT OF THE
BOUNDARIES OF ELECTORAL AREAS. 1925.

By Section 15 of the Ordinance forty-two days must elapse from the notification of an election in the Gazette to the election day. If a poll has to take place the necessary delay to allow the Returning Officer to report to the Colonial Secretary in compliance with Rule 12 of Schedule III then ensues. A further delay is then occasioned before the Gazette notice appears as provided for by Rule 13 of Schedule III.

Rule 13 (a) of Schedule III lays down that the polling day must be not less than fourteen days subsequent to the notification in the Gazette.

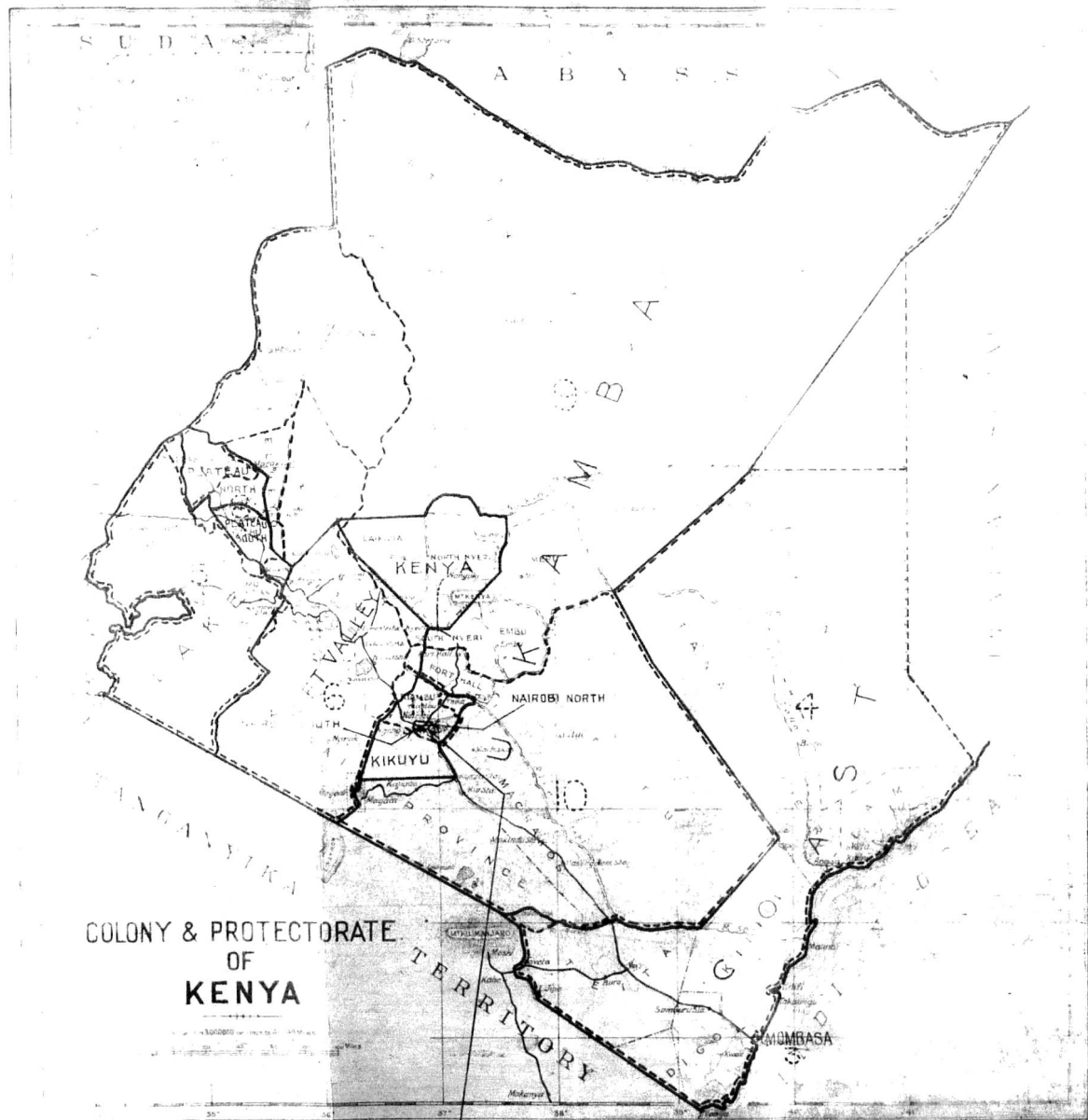
From the appearance of the notification of election therefore to the election of a member forty-two plus fourteen plus some other number of days must elapse.

The Committee recommend that in view of the improvement in communications in the country this long delay is unnecessary and recommend that the period of forty-two days be reduced to thirty days.

C.O. 533

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ALLY WITHOUT PERMISSION OF THE
PUBLIC RECORD OFFICE, LONDON



COLONY & PROTECTORATE
OF
KENYA

REFERENCE
North of Trans-Nzoia
B. & C. Districts

ENLARGEMENT

Boundaries of Electoral Areas as
Recommended by the Select Committee



33

THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No.S
AND DATE

D/Leg.Co.11/33.

8th January, 1934.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and has the honour to transmit for information twelve copies of each of the undermentioned publications:

23064/34

Report of the Select Committee on Electoral Boundaries.

23054/34

Report of the Committee on Agriculture:
Financial Position (Agricultural
Mortgages Committee).

23066/34

Return of Land Grants under the Crown Lands Ordinance - 1st July to 30th September, 1933.

3071/33

Schedule of Additional Provision No. 3 of 1933.

23068/34

Interim Report of the Civil Service Board.

29033/2/34

Second Interim Report of the Civil Service Board.

23068/33..

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H.

REPORT OF THE SELECT COMMITTEE
OF ELECTORAL BOUNDARIES.

Your Excellency,

We were appointed as a Select Committee of Legislative Council to "report on the revision of electoral boundaries on the present basis of representation".

2. By public advertisement published in the principal newspapers in the Colony we invited persons or public bodies who wished to give evidence before us to submit memoranda containing their views. We received memoranda from the following :-

- Chairman, Kipkarren Farmers' Association.
 - Hon. Secretary, Sergoit Moiben Valley Farmers' Association.
 - Hon. Secretary, Soy Hoey's Bridge Farmers' Association.
 - Hon. Secretary, Trans-Nzoia Political Association.
 - Certain residents in the Thika-Ndarugu area.
 - Mr. W.A.C. Bouwer.
- (this memorandum was subsequently withdrawn by the author).

3. We took oral evidence at Eldoret from the following persons :-

- Hon. T.J. O'Shea.
- Col. J.G. Kirkwood, C.M.G., D.S.O.
- Mr. W.A.C. Bouwer.
- Commander Hoyle, representing the Kipkarren Farmers' Association.
- Messrs. J.D.C. Harvey } representing the
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4. We then divided ourselves into two sub-committees: one sub-committee at Nakuru and Naivasha took evidence from

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- Mr. W. Pickford, Naivasha.
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- Mr. J.W.E. Tightman - District Commissioner, Naivasha.

The other sub-committee at Nairobi took evidence from Messrs. C.F.P. Harries, Mitchell and A.I.R. Harries representing the Ndarugu-Thika residents and the Hons. Major H.F. Ward and Colonel C.G. Durham, D.S.O.

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6. A map prepared for us by the Acting Surveyor General exemplified the various groupings which at present exist for various administrative purposes. There are Administrative District boundaries, Local Government District Council areas, the present Legislative Council electoral boundaries and the electoral boundaries recommended by the 1925 Committee. None of these coincide with each other.

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8. The evidence which we received at Eldoret was directly and unanimously in favour of taking the District Council areas of jurisdiction as the basis for Legislative Council electoral constituencies for the Usin Gishu and Trans Nzola areas.

9. The evidence from the Nakuru and Naivasha areas was generally in favour of the recommendations made in the 1925 Committee's report, i.e. that the Rift Valley constituency should have two members. The Committee was not prepared to recommend the abolition of any of the present constituencies and consequently - any increase in the European membership of Legislative Council being beyond our terms of reference - this point was discarded.

Representatives from the Thomson's Falls Farmers' Association expressed the view that, if Rift Valley were to retain one member only, their Association would wish all its constituent units to be in one electoral area, preferably the "Kenya" constituency. Their position at present is that their members are divided between the "Kenya" and "Rift Valley" constituencies.

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11. The constituencies of the Nairobi North and South each include at present certain agricultural areas outside the Nairobi Municipality. No representations in regard to a change in this position were received from the public but the present members of Legislative Council were consulted and one of them opposed any change. It appeared, however, to the Committee that Nairobi is essentially an urban constituency and as such should not extend beyond the urban boundaries or include any agricultural interests. Since the

boundaries of these constituencies were framed in 1919 the area of the Nairobi Municipality has been widely extended so as to include all urban development and the number of persons who would be transferred (to the present Kikuyu constituency), if these constituencies were made coterminous with the Municipality, would not be numerous.

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13. Our recommendations are as follows :-

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We recommend

- (a) that the constituency be made to coincide with the area of jurisdiction of the Trans-Nzoia District Council in so far as concerns its southern and south western boundaries (we were informed that this change would transfer out of the present constituency 60 persons who have actually enrolled themselves on the 1933 voters' roll, but approximately 100 potential voters;) and that it should also include the Turkana Province and the administrative district of West Suk;
- (b) that the name of this constituency be changed to "Trans Nzoia."

II. "PLATEAU SOUTH"

In addition to the area referred to above which is in the Uasin Gishu District Council area, but not in the Plateau South electoral area, there are the Kipkarren and Lessos farms which are in the Uasin Gishu District Council Area but in the Lake electoral area; and this constituency also includes at present about one half of the Ravine administrative district, which forms part of the Nakuru District Council Area.

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constituency and approximately 10 voters to the present Rift Valley constituency): and should be extended on the east to include the Elgeyo administrative district;

- (b) that the new constituency should be called "Uasin Gishu".

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We recommend that this constituency should comprise the District Council areas of Nakuru and Naivasha, the administrative district of Baringo and that central piece of the Masai Province which is at present included in it.

We do not consider that the representations from Thomson's Falls justify us in this case in advising a departure from District Council boundaries. Should the remainder of the Thomson's Falls group of farms in the future come into the District Council area either of Nakuru or Naivasha the Rift Valley constituency should, in our view, be extended to include them. If, however, this whole group of farms forms a separate local government unit we consider that the part of the group which would thus be removed from the Nakuru District Council area should also leave the Rift Valley constituency.

IV. "LAKE".

Our recommendations above at I and II entail consequential reductions in the area of this constituency but apart from these we recommend no other change except that we advise that the name of this constituency be altered to "Nyanza".

V. "KENYA".

The present boundaries of this constituency follow the northernmost line of present European occupation in the two administrative districts of Laikipia and North Nyeri. We see no reason why the administrative boundaries of these two districts should not be followed. Moreover we suggest that economic affinity would be more effectively achieved if the districts of South Nyeri, Embu and Meru and the western portion of the Northern Frontier Province were united in one constituency with Laikipia and North Nyeri rather than form part of the "great remainder" - which is at present somewhat adventitiously hitched on to the Ukamba constituency.

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We estimate that these changes would not materially affect the voting strength of the present constituency.

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We hold the view unanimously that these constituencies should coincide with the urban area of the Nairobi Municipality and that the dividing line between them should be as at present the Kenya and Uganda Railways and Harbours line.

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We consider that it would be reasonable to leave the south-eastern section of the Northern Frontier Province in the Coast Province as any development which may ensue along the north bank of the Tana river would be economically connected with the Coast.

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"MOMBASA"

We have no change to recommend in this constituency

14. We attach a map illustrating the adjustments we propose and the present electoral boundaries. It is not possible without overloading the map to show also the boundaries of the present administrative and District Council districts.

15. Our terms of reference do not instruct us to submit any report on any of the provisions of the Legislative Council Ordinance or of the Rules issued thereunder. We feel, however, that we should invite attention to certain of the recommendations made by the Select Committee in 1925 and trust that it will not be taken amiss if we do so.

We refer

- (a) to the amendment suggested to Section 15 of the Ordinance, the terms of which are quoted in an Appendix hereto. We endorse the recommendation that the period of 42 days should be reduced to 30 days.
- (b) to the suggestion that the day on which unopposed candidates are declared elected be called 'nomination' and not 'election' day and that returns be declared immediately. We agree with these suggestions.

16. In Your Excellency's announcement to the Legislative Council on the subject of our appointment, Your Excellency intimated your readiness to appoint a Committee to report on the matter with a view to having such geographical alterations as may be agreed upon and accepted by Government made operative before the General Election in 1934.

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- (b) to the suggestion that the day on which unopposed candidates are declared elected be called 'nomination' and not 'election' day and that returns be declared immediately. We agree with these suggestions.

16. In Your Excellency's announcement to the Legislative Council on the subject of our appointment, Your Excellency intimated your readiness to appoint a Committee to report on the matter with a view to having such geographical alterations as may be agreed upon and accepted by Government made operative before the General Election in 1934.

Since we did receive evidence from one or two of the present elected members that, in their view, no change in the present position should be made before the general election we feel that we should state for Your Excellency's information that the general consensus of opinion as indicated to us in other evidence was that the changes advocated by witnesses should most certainly be made in time to become effective in respect of the 1934 General Election.

17. We understand that in accordance with the provisions of Schedule II of the Legislative Council Ordinance (Chapter 24 of the Revised Edition) the Revised Registers of voters on the basis of the present electoral areas will be completed and would ordinarily come into operation as from the 1st January, 1934. If, however, our recommendations are adopted, provision must be made for the amendment of those Revised Registers of Voters in order to bring them into conformity with the new electoral areas which we have recommended. It is necessary to assume that our recommendations will be embodied in an Amending Ordinance by a certain date, and the following proposals are made on the assumption that that date will not be later than the 30th November, 1933. We suggest that, as soon after enactment of the amending Ordinance as possible, Registering officers affected should be instructed immediately to notify each other of the alterations in the various registers of voters which will result from the amendment of the boundaries of electoral areas. These alterations will consist of excisions from certain registers and additions to others. When the alterations have been made by the Registering officers a list of them should be published in the Gazette. Thereafter the normal period for the hearing of claims and objections in connection with such alterations and for hearing any appeals which may be lodged against the decisions of Registering officers on those claims and objections must be allowed: and it appears to us that a total period of 3 months should be contemplated for carrying out this procedure.

We would point out that it is important that the revised Registers of voters based on the proposed electoral areas should be completed by the end of February at the latest.

To give effect to these proposals we presume that special rules based on Section II of Cap 24 should be promulgated.

We have the honour to be,

Sir,

Your Excellency's obedient servants,

- W.M. LOGAN. (CHAIRMAN)
- C.F. DECK. (MEMBER)
- H.R. MONTGOMERY. "
- CONWAY HARVLY. "
- R.V.B. ROBERTSON-EUSTACE "
- E.H. WRIGHT. "

NAIROBI.

27th September, 1933.

APPENDIX.

EXTRACT FROM THE REPORT OF THE SELECT COMMITTEE
OF LEGISLATIVE COUNCIL ON THE READJUSTMENT OF THE
BOUNDARIES OF ELECTORAL AREAS. 1925.

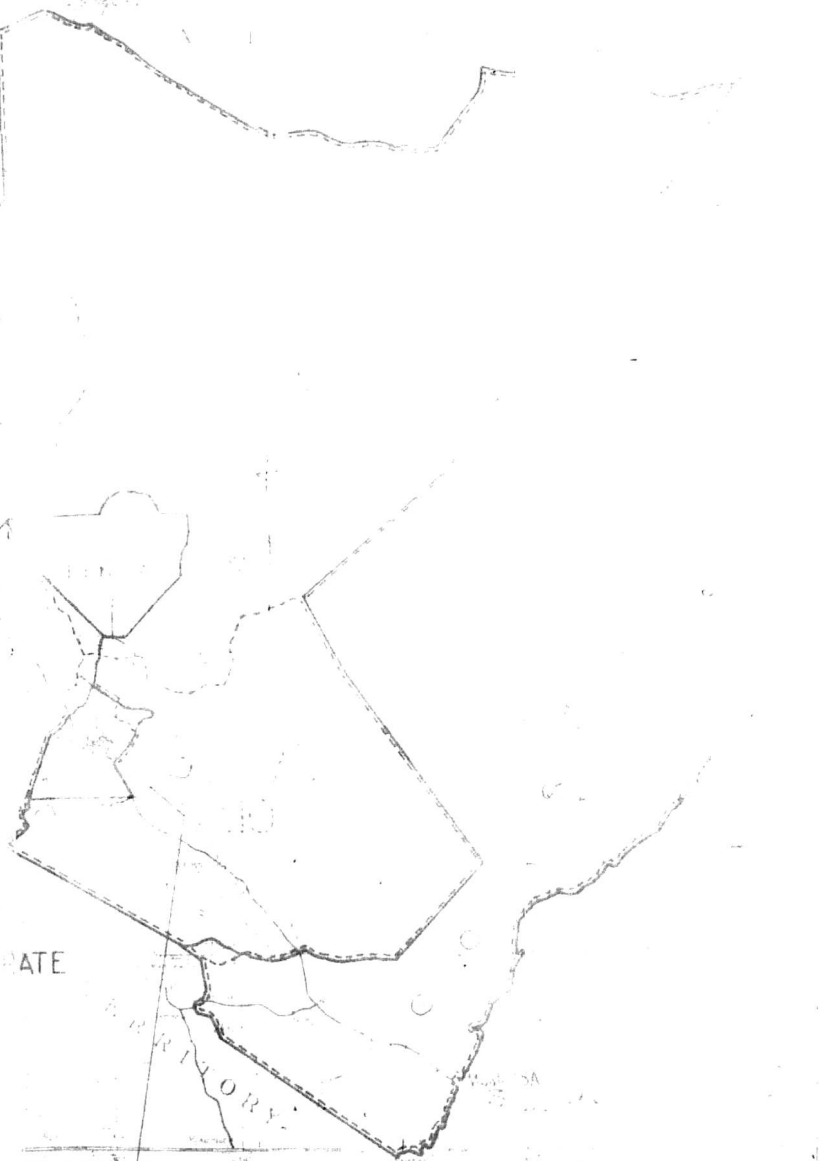
By Section 15 of the Ordinance forty-two days must elapse from the notification of an election in the Gazette to the election day. If a poll has to take place the necessary delay to allow the Returning Officer to report to the Colonial Secretary in compliance with Rule 12 of Schedule III then ensues. A further delay is then occasioned before the Gazette notice appears as provided for by Rule 13 of Schedule III.

Rule 13 (a) of Schedule III lays down that the polling day must be not less than fourteen days subsequent to the notification in the Gazette.

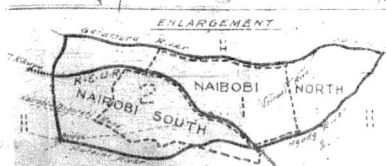
From the appearance of the notification of election therefore to the election of a member forty-two plus fourtech plus some other number of days must elapse.

The Committee recommend that in view of the improvement in communications in the country this long delay is unnecessary and recommend that the period of forty-two days be reduced to thirty days.

PROVINCE & TERRITORY
OF
KENYA



1. Nyeri
 2. Masai
 3. Aberdare
 4. Ukamba
 5. Kiambu



The areas of Nairobi North and South
 are defined by the Nairobi Municipal
 Corporation Act, 1953. The
 boundaries of the Nairobi North and South
 areas are shown in the map.

PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →

PUBLIC RECORD OFFICE

C0533/444

ORDER NO. ⇨ FN/E474

CAMERA NO. ⇨ 19

OPERATOR. ⇨ EM

REDUCTION. ⇨ 12

EMULSION NO. ⇨ 34108 1

DATE. ⇨ 14/6/72

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