

1934

23088

CO 533/445
KENYA

1934

23088

The Game Ordinance.

Previous

3058/33

R 309
Mr. Freestone
Dr. Flood
Room 311

9/5
9
2

Subsequent

38347/37

299.
R 297.
Room 309.
Mr. Freestone
297

off
17
14/6
1/6
1/1

Room 309	26/2
Mr. Robinson	6/3
Mr. Freestone	13/3
Mr. Biggs	14
Mr. Flood	16/3
Mr. Anderson	16
Dr. Flood	24/3
Room 309	22/6
Mr. Freestone	24/4
298	1
297	27/2
Room 309	28/6
R 297	4/6
	2/7

Garuna Regime 61 _____ 11 February 44
Trans. in dup. authenticated copy of 12 printed copies
of The Game (Amnt.) Ordinance 1933, No 62.

1 authenticated &
11 printed copies of
Ordinance to Library

Copies of the relevant legislation are attached.

The comparative table which has been submitted with this Ordinance is not very helpful. It seems to be full of inaccuracies and in places is unintelligible.

I have been through the Ordinance and it seems all right.

One of its outstanding features is that it provides for photographic permits.

Section 5 deals with the traffic in trophies. It seems to be in accordance with the Agreement lately come to between H.M.G. and the Italian Govt. regarding the traffic in trophies across the Kenya-Italian Somaliland frontier (see Command 4232 which constitutes No.14 on 27092/32 E.A.)

? As in the case of No.1 on 15415/28 this should be referred to the Director of the British Museum (Natural History) enclosing copies of the previous legislation for easy reference and for return in due course, and enquiring whether he has any observations to offer.

Perhaps Mr Roberts may will first say whether he has any comments.
PWS: 6 Mar

The Anglo-Italian Agreement covers rhinoceros horn and ivory. The principal Ordinance as amended by this Ordinance would not affect the latter unless it came within the definition of "game". It may possibly be intended to deal with ivory

X
It clearly does
"rhinoceros" unless "any
and some that
of any game animal

ivory in a separate Ordinance.

The Attorney General says in the comparative table that the repeal of Section 13 of the principal Ordinance by Section 6 of the amending Ordinance is consequential upon Section 5 of the latter. Section 5, however, does not by any means cover all the same ground as the repealed Section 13, ~~and~~ I do not know whether we need comment upon this. I imagine not.

J. G. G. Wray.
13.3.34.

? To B/M (N.H.), for any delay

S. Strain
14/3.

I agree that we should consult B/M (N.H.) as proposed, but in writing to the Director it might be well to make it clear that this legislation is not intended to give effect to the International Convention concluded in Nov last (and not yet ratified), and that if any legislative changes are necessary with a view to giving effect to that Convention further amending legislation will be necessary for the purpose.

leg. Secy
16/3

I think it would be much more urgent really

M. Nelson

Any view? Then has covered the ground
Vastly full cases 275 instead of 100

Otherwise it seems to lighten things up to the 50 lb limit in way of volume of all loads and shall well in the same terms

to proceed

J. G. G. Wray

183

It is all very admirable I think, but I fear that Section 5 may cause difficulties. If the countries don't issue documents of lawful export, persons seeking to import will find the operation of the Kenya law somewhat difficult. If the Convention provides for general agreement to issue such documents, and if it is generally ratified to come into force, all African countries will issue such documents, and as imports into Kenya will address come from any but African countries everything will then work smoothly.

x They will have to get some form of document saying there is no objection - that's all

However we need not object on that score.

M. Nelson
16/3/34

Send a copy to the B. Museum (Natural History)

and ask if they have any views explaining as M. Nelson suggests.

J. G. G. Wray

21/4

To Brit. Museum (Nat. History) 21/4/34
(at encl. as aft.)

No reply to No 2 has yet been received.

18.6.34

wait 1 month. dated by 47.

C. J. ... 14/6/34

186

3 British Museum 2nd July, 1934
No comment on order enclosed in No 1.

? Ordinance No 62 1/2 may
be sanctioned

C. J. ... 9/7/34

B. ... 9

9-7 above

4 No. 560 (1 am) 9/3. 11 July 1934

186

J. ... 363 18 July 34

Enquire whether a reply to No 1 can be given

DESTROYED UNDER SECTION 64 OF THE FREEDOM OF INFORMATION ACT 2000

Put by C. J. ...

B. ... 14

186

Telephone:—
KENSINGTON 6323
Telegrams:—
NATHIENUS, SOUTHKENS, LONDON.

CC.



BRITISH MUSEUM (NATURAL HISTORY)

CROMWELL ROAD, 3
LONDON, S.W.7.

2nd July, 1934.

B.M. (N.H.)
2587/34

Sir,

RECEIVED
JUL 1934
C. O. DEPT.

(2) I am directed by the Trustees of the British Museum to acknowledge the receipt of Mr. Flood's letter, No. 23086, of the 27th April, forwarding for their observations a copy of "An Ordinance to Amend the Game Ordinance" of Kenya Colony (No. LXII of 1933).

The Trustees direct me to express their thanks to Secretary Sir Philip Cunliffe-Lister for forwarding the Ordinance, and to state that they have studied it and that it appears to contain nothing upon which they wish to comment.

The Trustees further direct me to return with thanks the copies of the earlier Ordinances forwarded for reference, namely, Chapter 161 of the Revised Edition of the Laws of Kenya and Ordinances Nos. 25 of 1928 and No. 49 of 1932.

I am, Sir,

Your obedient Servant,

Thos Woodhouse

The Under Secretary of State,
Colonial Office,
S.W.1.

intended to give effect to the

International Convention ^{relative} ~~concerning~~
to the preservation of fauna and
flora in their natural state
concluded in November last.

~~which~~
~~concluded in November~~
~~to the~~
~~of any legislative~~

is necessary in order

to give effect to that

Convention further amending

legislation will be ^{required} ~~necessary~~

for the purpose.

I am, etc.,

(Signed) J. E. W FLOOD

KENYA.
No. 61



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
26 FEB 1934
C. O. REGY

15th February, 1934.

Amey 24

Sir,

I have the honour to transmit
herewith two authenticated and twelve printed copies
of "An Ordinance to Amend the Game Ordinance", No. LXII
of 1933, which passed its third reading in Legislative
Council on the 21st December and to which I assented
in His Majesty's name on the 30th December, 1933.

Copies of the Legal Report by the
Attorney General, together with a Comparative Table,
are also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Brigadier-General,

GOVERNOR.

②
Copy to Mr. Amey (per Mr. Amey)

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CHULIFFE-LISTER, P.C., G.B.E., M.C., M.P.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W. 1

COMPARATIVE TABLE
THE GAME (AMENDMENT) BILL, 1933.

Clause of The Bill.	Remarks.
1.	Short title.
2.	Consequential to Clause 14.
3.	-do-
4.	New. Cf. sections 4 and 47 of Uganda Ordinance No. 7 of 1926 and Tanganyika Government Notice No. 177 of the 15th January, 1931.
5.	New. Cf. sections 8 and 13 of Chapter 161.
6.	Consequential to Clause 5.
7.	Fees and conditions of licences altered. All yearly licences to last for a year from the date of issue instead of until the 31st December. The period which must elapse before a person can obtain a fourteen day licence since the expiry of any previous fourteen day licence is reduced from one year to six months. The Serving Officers' Licences have been extended into two minor categories - see (a) and (b).
8.	The new Clause 17A is based on section 17(6) of Chapter 161.
	Clause 17B is based on section 17(8) of Chapter 161.
	Clause 17C is new.
	Clause 17D is new.
9.	Section 18 of the Principal Ordinance, which is not included in section 17 as sub-section (1), is repealed.
10.	Section 20 of the Principal Ordinance, which is not included in section 17 as sub-section (3), is repealed.
11.	Section 21 of the Principal Ordinance is now required in view of the new section 17(4).
12.	Section 21 unnecessary in view of the altered conditions.

*2 -
Amend
imposed
to the Bill*

Clause of
the Bill.

Remarks.

13. The provisions of section 22 of the Principal Ordinance are now incorporated in the new section 17.
14. New.
15. Consequential alterations made to the section, and the existing fees reproduced as amended from time to time in the past by the Governor in Council.
16. Consequential amendments.
17. -do-
18. Unnecessary in view of the new section 8.
19. -do-
20. -do-

LEGAL REPORT

THE GAME (AMENDMENT) BILL, 1933.

The objects of this Bill are -

- (a) to regularise certain aspects of white hunting to prevent certain present abuses;
- (b) to regularise the photography of game animals with particular reference to dangerous game;
- (c) to bring the existing game licences into line with present needs, both as regards fees payable and as to types of licences available, and the conditions on which they are held;
- (d) to bring the existing regulations as to import and export of trophies into line with present practice and to allow us to carry out our obligations under the Anglo-Italian boundary agreement..

A Comparative Table is attached.

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

Patrobi,
29th December, 1932.

Attorney General
ATTORNEY GENERAL



Imperial and Royal Patent of Privilege
No. 1111 of the year 1877

25

AN ORDINANCE TO AMEND THE GAME
ORDINANCE.

ORDINANCE No. LXII of 1933

An Ordinance to Amend the Game 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 Game (Amendment) Ordinance, 1933", and shall be read as one with the Game Ordinance (Chapter 161 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Short title

2. Section 4 of the Principal Ordinance, as replaced by the Game (Amendment) Ordinance, 1928, is hereby amended by the insertion of the words "or a photographic permit as provided by section 25A" after the figure "25" which occurs in the third line of sub-section (1) and in the second line of sub-section (2) thereof.

Amendment of section 4 of the Principal Ordinance.

No. 25 of 1928.

3. Section 5 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, is hereby further amended by the insertion of the words "or by a photographic permit as provided by section 25A" after the word "behalf" which occurs in the third line thereof.

Amendment of section 5 of the Principal Ordinance.

No. 25 of 1928.

4. The following section is hereby inserted in the Principal Ordinance as section 6A:—

Prohibition of unlicensed assistants.

"6A. Save as in this Ordinance otherwise expressly provided, no person other than a native shall assist any other person to hunt, kill or capture any animal mentioned in any of the Schedules unless he shall be authorized in that behalf by virtue of an assistant's licence as provided by section 17:

Provided, however, that nothing in this section contained shall be deemed to render it necessary for any person who is authorized under this Ordinance to hunt, kill or capture any animal to obtain an assistant's licence in order to assist any other person similarly authorized to hunt, kill or capture such animal."

Restrictions on
import and
export of
trophies.

5. Section 8 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

"8. (1) No person shall import into the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, except through a customs port of entry, when a customs entry in the proper form shall be made.

(2) No person shall import any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, unless such animal or trophy or meat shall have been legally exported from the country of origin of such animal, trophy or meat; and any customs officer shall detain any live animal mentioned in any of the schedules or any trophy or meat of any animal mentioned in any of the schedules which it is sought to import until the person seeking to import the same produces satisfactory evidence that such animal, trophy or meat has been legally exported from the country of origin of such animal, trophy or meat, and if such satisfactory evidence is not produced within a reasonable period of time, the animal, trophy or meat detained under the provisions of this sub-section may be confiscated and disposed of as the Governor may direct: Provided that for the purposes of this sub-section when the country from which export is effected is not the country of origin of any animal, trophy or meat customs documents in the proper form from such exporting country may be held to constitute satisfactory evidence that such animal trophy or meat has been legally exported from the country of origin of such animal, trophy or meat.

(3) No person shall export from the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, except through a customs port of entry.

(4) No person shall export from the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, unless the written consent of the Game Warden has been obtained to export the animal, trophy or meat. Such written consent shall be surrendered to a customs officer before export is effected and a customs officer shall detain the animal, trophy or meat which it is sought to export

until such written consent shall have been surrendered. Any animal, trophy or meat detained in accordance with the provisions of this sub-section may be confiscated and disposed of as the Governor may direct if such written consent is not produced within a reasonable period of time:

Provided that nothing in this sub-section shall be held to apply to a live animal, trophy or to meat in transit through the Colony when such animal, trophy or meat is accompanied by the requisite customs documents issued in the country of origin or of export of such animal, trophy or meat and duly entered through a customs port of entry.

(5) Any live animal mentioned in any of the schedules or any trophy or meat of any animal mentioned in any of the schedules introduced into the Colony in contravention of any of the provisions of this section shall be confiscated and shall be disposed of as the Governor may direct."

6. Section 13 of the Principal Ordinance is hereby repealed.

Repeal of
section 13 of
the Principal
Ordinance.

7. Section 17 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1932, and the Game (Amendment) Ordinance, 1932, is hereby repealed and the following section is substituted therefor:—

No. 25 of 1923
No. 49 of 1932

"7. (1) The following licences may be granted at his discretion by a Provincial Commissioner or a District Commissioner or by such other person as may be authorized by the Governor on that behalf, and the following fees shall be chargeable therefor, that is to say:—

	£	s.
(a) A Visitor's Full Licence	75	0
(b) A Visitor's 14-day Licence	15	0
(c) A Visitor's Private Land Licence	10	0
(d) A Serving Officer's Full Licence	20	0
(e) A Serving Officer's 14-day Licence	4	0
(f) A Serving Officer's Private Land Licence	4	0
(g) A Resident's Full Licence	7	10
(h) A Resident's 14-day Licence	2	0
(i) A Resident's Private Land Licence	2	0

(j) An Assistant's Licence (to be granted in accordance with sub-section (9))	£	s.
(k) A Native Employee's Licence (to be granted in accordance with sub-section (10))	2	0

(2) (a) A full licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part A, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent, or the occupier of such land.

(b) A 14-day licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part B, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent or the occupier of such land.

(c) A private land licence shall entitle the licensee, subject to the provisions of this Ordinance to hunt, kill or capture animals of the species mentioned in the Third Schedule of this Ordinance on private land only with the consent of the owner, his agent or the occupier of such land.

(3) (a) A full licence, private land licence and the native employee's licence shall be valid for one year from the date of issue.

(b) A 14-day licence shall be valid for fourteen consecutive days from and including the day on which it is dated to commence.

(c) An assistant's licence shall expire on the same day as the full licence held at the time of the granting of such assistant's licence by the person to whom the assistant's licence shall be granted.

(4) Any person holding a visitor's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of sixty-seven pounds and ten shillings, and any person holding a serving officer's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of twelve pounds and ten shillings.

(5) No person shall obtain a 14-day licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him, and no person shall obtain a full licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him.

Provided that any person who shall have obtained a 14-day licence may, within six months of the expiry of such licence, convert such licence to a full licence by payment of the difference between the fees payable for a full licence and a 14-day licence respectively. Such full licence shall expire one year from the date of commencement of the 14-day licence from which it was converted, and any animal killed on the 14-day licence shall be deemed to have been killed on the full licence, and shall count on that licence.

(6) A private land licence may be converted at any time during its validity to a full licence by payment of the difference between the fees payable for a full licence and a private land licence respectively. Such full licence shall expire one year from the date of commencement of the private land licence from which it was converted.

(7) A serving officer's licence may be issued to any officer on the active list of His Majesty's Navy, Army or Air Forces or in the Public Service of His Majesty in India.

(8) A resident's licence shall not be granted except to a resident in the Colony or to an officer in the public service of the Uganda Protectorate or the Tanganyika Territory or to an officer of one of His Majesty's ships on the East Indies Station, or to such other officers of His Majesty's Forces visiting the Colony on duty, but not usually resident in the Colony, as the Governor may in each case approve.

(9) (a) An assistant's licence may be issued only to the holder of a full licence, and shall entitle the licensee to assist any person who is duly authorized under this Ordinance to hunt, kill or capture any animal which such person is so authorized to hunt, kill or capture:

Provided that the Governor may, at his absolute discretion, direct that an assistant's licence shall be granted

to any person who is not in possession of a full licence, and may impose such conditions and restrictions on a licence so granted as he may deem fit.

(b) An assistant's licence shall not authorize the licensee to shoot at any animal except in case of absolute necessity, and if the holder of an assistant's licence shall shoot at any animal which he is not authorized by other licence or permit to hunt, kill or capture, he shall report the fact to the Game Warden without delay.

(c) An assistant's licence shall not be valid for any game reserve unless it has been endorsed by the Game Warden.

(d) If the holder of an assistant's licence kills any animal mentioned in any of the schedules, which he is not otherwise authorized under this Ordinance to kill, such animal shall be deemed to have been killed by the person whom he is assisting, and shall be counted upon such person's licence if such person's licence entitles him to hunt, kill or capture an animal of that species.

(e) If any holder of an assistant's licence fails to comply with the provisions of this section or with any conditions or restrictions imposed in relation to such licence, or if he assists any person to hunt, kill or capture any animal which such person is not authorized to hunt, kill or capture, he shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(10) Any landholder may be granted by the district commissioner on payment of a fee of two pounds a native employee's licence which shall entitle one employee of the licence holder to hunt, kill or capture animals mentioned in the Third Schedule on any private land belonging to or in the occupation of the licence holder.

The licence holder may at any time during the validity of such licence substitute the name of another employee upon such licence: provided that such licence holder makes and signs the necessary alterations on the licence and forthwith notifies the district commissioner of the change."

8. The following sections are hereby inserted in the Principal Ordinance as sections 17A, 17B, 17C and 17D.

17A. Every licence in addition to stating its nature and the fee paid shall bear the name in full of the person to whom it is granted, and also his signature, the date and station of issue, the period of its duration, and the signature of the person granting the same. The native employee's licence shall bear the signature of the employer.

Licence to bear name of person etc

17B. The holder of a licence shall on demand being made by any magistrate, justice of the peace, game warden, police officer or forest officer produce his licence and any licence holder who fails without reasonable cause to produce his licence, or, on demand being made by any of the above mentioned officers or by a duly accredited servant of the Game Department to sign his name, shall be guilty of an offence against this Ordinance.

Licence to be produced on demand

17C. Except as provided by section 17 (10), no licence or permit issued under this Ordinance is transferable.

Licence not transferable

17D. If any animal mentioned in any of the schedules is killed or captured in any circumstances whatsoever by any licence holder or permit holder whose licence or permit allows him to hunt, kill or capture an animal of that species, such animal shall count on the licence or permit of such licence holder or permit holder; and if any animal mentioned in any of the schedules is killed or captured in any circumstances whatsoever by any person accompanying or assisting such licence holder or permit holder, such animal shall be deemed to have been killed or captured by the licence holder or permit holder and shall count on the licence or permit of such licence holder or permit holder unless the person accompanying or assisting is himself in possession of a licence entitling him to hunt, kill or capture an animal of such species, in which case the animal shall count on the licence of the person accompanying or assisting."

Killing of animal in any circumstances to count on licence

9. Section 18 of the Principal Ordinance is hereby repealed.

Repeal of section 18 of the Principal Ordinance.

Repeal of section 19 of the Principal Ordinance.

No. 25 of 1928.
Repeal of section 20 of the Principal Ordinance.

Repeal of section 21 of the Principal Ordinance.

Repeal of section 22 of the Principal Ordinance.

Photographic permits

10. Section 19 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, is hereby repealed.

11. Section 20 of the Principal Ordinance is hereby repealed.

12. Section 21 of the Principal Ordinance is hereby repealed.

13. Section 22 of the Principal Ordinance is hereby repealed.

14. The following section is hereby inserted in the Principal Ordinance as section 25A:—

"25A. (1) The Governor may at his discretion grant to any person a permit (in this Ordinance called "a photographic permit") to hunt, for photographic purposes, animals of any one or more species mentioned in any of the schedules.

(2) A photographic permit shall be subject to such conditions as the Governor may prescribe.

(3) No person unless he is authorized by a photographic permit shall hunt, for photographic purposes, animals of any one or more species mentioned in any of the schedules.

(4) Save as in this section provided the holder of a photographic permit shall be subject to the provisions of this Ordinance.

(5) Nothing in this section contained shall apply to the photography of animals—

(a) which the photographer is otherwise authorized under this Ordinance to hunt, kill or capture; or

(b) when no molestation whatever is involved.

15. Section 26 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

"26. (1) A provincial commissioner or district commissioner may on the application of the holder of a full licence, grant a special licence authorising such person to hunt, kill or capture either one or two elephants

Repeal and replacement of section 26 of the Principal Ordinance.
Special licence to kill elephants, rhinoceros, cock ostrich and bull giraffe.

or one or two rhinoceros or one bull giraffe or one cock ostrich as the applicant shall require and as shall be specified therein.

(2) The following fees shall be payable for a special licence to hunt, kill or capture—

	£
(a) For the first elephant ...	25
(b) For the second elephant ...	50
(c) For each rhinoceros ...	10
(d) For one bull giraffe ...	15
(e) For one cock ostrich ...	1

(3) The Governor in Council may by order alter the fees laid down in sub-section (2) hereof.

(4) Every licence granted under this section shall expire on the same date as the full licence held at the time of the granting of such special licence by the person to whom the same shall be granted and only one such special licence shall be granted to such person during the period of any such licence.

Provided, however, if such person shall have taken out a special licence authorizing him to hunt, kill or capture one elephant or one rhinoceros only, he may on payment of a further fee of fifty pounds in the case of elephant or ten pounds in the case of rhinoceros be granted a licence authorizing him to hunt, kill or capture a second elephant or rhinoceros.

(5) Nothing in this section shall be deemed to prevent the holder of a special licence for one species of animal being granted a special licence for another species.

16. Section 26A of the Principal Ordinance is hereby amended by inserting the words "or Serving Officer's" after the word "Visitor's" in the third line of sub-section (1), in the second line of sub-section (2) and in the first line of sub-section (3) of the section.

Amendment of section 26A of the Principal Ordinance.

17. Section 27 of the Principal Ordinance, as replaced by the Game (Amendment) Ordinance, 1928, is hereby amended by the insertion of the words "full or serving officer's" after the word "officer's" which occurs in the fourth line of the section.

Amendment of section 27 of the Principal Ordinance.
No. 25 of 1928.

No. LXII

Game

1938

Repeal of
section 37 of
the Principal
Ordinance.

18. Section 37 of the Principal Ordinance is hereby repealed.

Repeal of
section 38 of
the Principal
Ordinance.

19. Section 38 of the Principal Ordinance is hereby repealed.

Repeal of
section 39 of
the Principal
Ordinance.

20. Section 39 of the Principal Ordinance is hereby repealed.

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.

Acting Clerk of the Legislative Council.



Colon 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 20th day of December,
1933

Governor

AN ORDINANCE TO AMEND THE GAME
ORDINANCE

17

ORDINANCE No. LXII of 1933

An Ordinance to Amend the Game 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 Game (Amendment) Ordinance, 1933", and shall be read as one with the Game Ordinance (Chapter 161 of the Revised Edition), hereinafter referred to as "the Principal Ordinance." Short title
2. Section 4 of the Principal Ordinance, as replaced by the Game (Amendment) Ordinance, 1928, is hereby amended by the insertion of the words "or a photographic permit as provided by section 25A" after the figure "25" which occurs in the third line of sub-section (1) and in the second line of sub-section (2) thereof. Amendment of section 4 of the Principal Ordinance.
No. 25 of 1928
3. Section 5 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, is hereby further amended by the insertion of the words "or by a photographic permit as provided by section 25A" after the word "behalf" which occurs in the third line thereof. Amendment of section 5 of the Principal Ordinance.
No. 25 of 1928
4. The following section is hereby inserted in the Principal Ordinance as section 6A:—
"6A. Save as in this Ordinance otherwise expressly provided, no person other than a native shall assist any other person to hunt, kill or capture any animal mentioned in any of the Schedules unless he shall be authorized in that behalf by virtue of an assistant's licence as provided by section 17:
Provided, however, that nothing in this section contained shall be deemed to render it necessary for any person who is authorized under this Ordinance to hunt, kill or capture any animal to obtain an assistant's licence in order to assist any other person similarly authorized to hunt, kill or capture such animal." Prohibition on unlicensed assistants.

ORDINANCE No. LXII of 1933

An Ordinance to Amend the Game 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 Game (Amendment) Ordinance, 1933", and shall be read as one with the Game Ordinance (Chapter 161 of the Revised Edition), hereinafter referred to as "the Principal Ordinance"

Short title

2. Section 4 of the Principal Ordinance, as replaced by the Game (Amendment) Ordinance, 1928, is hereby amended by the insertion of the words "or a photographic permit as provided by section 25A" after the figure "28" which occurs in the third line of sub-section (1) and in the second line of sub-section (2) thereof.

Amendment of section 4 of the Principal Ordinance No. 25 of 1928.

3. Section 5 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, is hereby further amended by the insertion of the words "or by a photographic permit as provided by section 25A" after the word "behalf" which occurs in the third line thereof.

Amendment of section 5 of the Principal Ordinance. No. 25 of 1928

4. The following section is hereby inserted in the Principal Ordinance as section 6A:—

Prohibition on unlicensed assistants.

"6A. Save as in this Ordinance otherwise expressly provided, no person other than a native shall assist any other person to hunt, kill or capture any animal mentioned in any of the Schedules unless he shall be authorized in that behalf by virtue of an assistant's licence as provided by section 17:

Provided, however, that nothing in this section contained shall be deemed to render it necessary for any person who is authorized under this Ordinance to hunt, kill or capture any animal to obtain an assistant's licence in order to assist any other person similarly authorized to hunt, kill or capture such animal."

Section 8 of the
Principal Ordinance
is hereby repealed
and the following
section is substituted
therefor.

3. Section 8 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:

(1) No person shall import into the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, except through a customs port of entry, when such entry in the proper form shall be made.

(2) No person shall import any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, unless such animal or trophy or meat shall have been legally exported from the country of origin of such animal, trophy or meat, and any customs officer shall detain any live animal mentioned in any of the schedules or any trophy or meat of any animal mentioned in any of the schedules which it is sought to import until the person seeking to import the same produces satisfactory evidence that such animal, trophy or meat has been legally exported from the country of origin of such animal, trophy or meat, and if such satisfactory evidence is not produced within a reasonable period of time, the animal, trophy or meat detained under the provisions of this sub-section may be confiscated and disposed of as the Governor may direct. Provided that for the purposes of this sub-section when the country from which export is effected is not the country of origin of any animal, trophy or meat, customs documents in the proper form from such exporting country may be held to constitute satisfactory evidence that such animal trophy or meat has been legally exported from the country of origin of such animal, trophy or meat.

(3) No person shall export from the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, except through a customs port of entry.

(4) No person shall export from the Colony any live animal mentioned in any of the schedules, or any trophy or meat of any animal mentioned in any of the schedules, unless the written consent of the Game Warden has been obtained to export the animal, trophy or meat. Such written consent shall be surrendered to a customs officer before export is effected and a customs officer shall detain the animal, trophy or meat which it is sought to export

until such written consent shall have been surrendered. Any animal, trophy or meat detained in accordance with the provisions of this sub-section may be confiscated and disposed of as the Governor may direct if such written consent is not produced within a reasonable period of time.

Provided that nothing in this sub-section shall be held to apply to a live animal, trophy or to meat in transit through the Colony when such animal, trophy or meat is accompanied by the requisite customs documents issued in the country of origin or of export of such animal, trophy or meat and duly entered through a customs port of entry.

(5) Any live animal mentioned in any of the schedules or any trophy or meat of any animal mentioned in any of the schedules introduced into the Colony in contravention of any of the provisions of this section shall be confiscated and shall be disposed of as the Governor may direct.

6. Section 13 of the Principal Ordinance is hereby repealed.

Repeat of
section 13 of
the Principal
Ordinance
Licences
No. 25 of 1928
No. 49 of 1932

7. Section 17 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, and the Game (Amendment) Ordinance, 1932, is hereby repealed and the following section is substituted therefor:—

"17. (1) The following licences may be granted at his discretion by a Provincial Commissioner or a District Commissioner or by such other person as may be authorized by the Governor on that behalf, and the following fees shall be chargeable therefor, that is to say:—

	£	s.
(a) A Visitor's Full Licence	75	0
(b) A Visitor's 14-day Licence	15	0
(c) A Visitor's Private Land Licence	10	0
(d) A Serving Officer's Full Licence	20	0
(e) A Serving Officer's 14-day Licence	4	0
(f) A Serving Officer's Private Land Licence	4	0
(g) A Resident's Full Licence	7	10
(h) A Resident's 14-day Licence	2	0
(i) A Resident's Private Land Licence	2	0

(j) An Assistant's Licence (to be granted in accordance with sub-section (9)) 10

(k) A Native Employee's Licence (to be granted in accordance with sub-section (10)) 20

(2) (a) A full licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part A, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent, or the occupier of such land.

(b) A 14-day licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part B, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent or the occupier of such land.

(c) A private land licence shall entitle the licensee, subject to the provisions of this Ordinance to hunt, kill or capture animals of the species mentioned in the Third Schedule of this Ordinance on private land only with the consent of the owner, his agent or the occupier of such land.

(3) (a) A full licence, private land licence and the native employee's licence shall be valid for one year from the date of issue.

(b) A 14-day licence shall be valid for fourteen consecutive days from and including the day on which it is dated to commence.

(c) An assistant's licence shall expire on the same day as the full licence held at the time of the granting of such assistant's licence by the person to whom the assistant's licence shall be granted.

(4) Any person holding a visitor's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of sixty-seven pounds and ten shillings, and any person holding a serving officer's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of twelve pounds and ten shillings.

(5) No person shall obtain a 14-day licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him, and no person shall obtain a full licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him.

Provided that any person who shall have obtained a 14-day licence may, within six months of the expiry of such licence, convert such licence to a full licence by payment of the difference between the fees payable for a full licence and a 14-day licence respectively. Such full licence shall expire one year from the date of commencement of the 14-day licence from which it was converted, and any animal killed on the 14-day licence shall be deemed to have been killed on the full licence, and shall count on that licence.

(6) A private land licence may be converted at any time during its validity to a full licence by payment of the difference between the fees payable for a full licence and a private land licence respectively. Such full licence shall expire one year from the date of commencement of the private land licence from which it was converted.

(7) A serving officer's licence may be issued to any officer on the active list of His Majesty's Navy, Army or Air Forces or in the Public Service of His Majesty in India.

(8) A resident's licence shall not be granted except to a resident in the Colony or to an officer in the public service of the Uganda Protectorate or the Tanganyika Territory or to an officer of one of His Majesty's ships on the East Indies Station, or to such other officers of His Majesty's Forces visiting the Colony on duty, but not usually resident in the Colony, as the Governor may in each case approve.

(9) (a) An assistant's licence may be issued only to the holder of a full licence, and shall entitle the licensee to assist any person who is duly authorized under this Ordinance to hunt, kill or capture any animal which such person is so authorized to hunt, kill or capture.

Provided that the Governor may, at his absolute discretion, direct that an assistant's licence shall be granted

(j) An Assistant's Licence (to be granted in accordance with sub-section (9))	£	s.
	10	0
(k) A Native Employee's Licence (to be granted in accordance with sub-section (10))	2	0

(2) (a) A full licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part A, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent, or the occupier of such land.

(b) A 14-day licence shall entitle the licensee, subject to the provisions of this Ordinance, to hunt, kill or capture animals of the species mentioned in the Third Schedule, Part B, of this Ordinance, to the numbers therein stated on Crown land and in unlimited numbers on private land with the consent of the owner, his agent or the occupier of such land.

(c) A private land licence shall entitle the licensee, subject to the provisions of this Ordinance to hunt, kill or capture animals of the species mentioned in the Third Schedule of this Ordinance on private land only with the consent of the owner, his agent or the occupier of such land.

(3) (a) A full licence, private land licence and the native employee's licence shall be valid for one year from the date of issue.

(b) A 14-day licence shall be valid for fourteen consecutive days from and including the day on which it is issued to commence.

(c) An assistant's licence shall expire on the same day as the full licence held at the time of the granting of such assistant's licence by the person to whom the assistant's licence shall be granted.

(4) Any person holding a visitor's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of sixty-seven pounds and ten shillings, and any person holding a serving officer's full licence and becoming a bona fide resident while the licence is in force shall be entitled to a refund of twelve pounds and ten shillings.

(5) No person shall obtain a 14-day licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him, and no person shall obtain a full licence unless a period of at least six months shall have elapsed since the expiry of any previous 14-day licence held by him.

Provided that any person who shall have obtained a 14-day licence may, within six months of the expiry of such licence, convert such licence to a full licence by payment of the difference between the fees payable for a full licence and a 14-day licence respectively. Such full licence shall expire one year from the date of commencement of the 14-day licence from which it was converted, and any animal killed on the 14-day licence shall be deemed to have been killed on the full licence, and shall count on that licence.

(6) A private land licence may be converted at any time during its validity to a full licence by payment of the difference between the fees payable for a full licence and a private land licence respectively. Such full licence shall expire one year from the date of commencement of the private land licence from which it was converted.

(7) A serving officer's licence may be issued to any officer on the active list of His Majesty's Navy, Army or Air Forces or in the Public Service of His Majesty in India.

(8) A resident's licence shall not be granted except to a resident in the Colony or to an officer in the public service of the Uganda Protectorate or the Tanganyika Territory or to an officer of one of His Majesty's ships on the East Indies Station, or to such other officers of His Majesty's Forces visiting the Colony on duty, but not usually resident in the Colony, as the Governor may in each case approve.

(9) (a) An assistant's licence may be issued only to the holder of a full licence, and shall entitle the licensee to assist any person who is duly authorized under this Ordinance to hunt, kill or capture any animal which such person is so authorized to hunt, kill or capture:

Provided that the Governor may, at his absolute discretion, direct that an assistant's licence shall be granted

to any person who is not in possession of a full licence, and may impose such conditions and restrictions on a licence as granted as he may deem fit.

(b) An assistant's licence shall not authorize the licensee to shoot at any animal except in case of absolute necessity; and if the holder of an assistant's licence shall shoot at any animal which he is not authorized by other licence or permit to hunt, kill or capture, he shall report the fact to the Game Warden without delay.

(c) An assistant's licence shall not be valid for any game reserve unless it has been endorsed by the Game Warden.

(d) If the holder of an assistant's licence kills any animal mentioned in any of the schedules, which he is not otherwise authorized under this Ordinance to kill, such animal shall be deemed to have been killed by the person whom he is assisting, and shall be counted upon such person's licence if such person's licence entitles him to hunt, kill or capture an animal of that species.

(e) If any holder of an assistant's licence fails to comply with the provisions of this section or with any conditions or restrictions imposed in relation to such licence, or if he assists any person to hunt, kill or capture any animal which such person is not authorized to hunt, kill or capture, he shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(10) Any landholder may be granted by the district commissioner on payment of a fee of two pounds a native employee's licence which shall entitle one employee of the licence holder to hunt, kill or capture animals mentioned in the Third Schedule on any private land belonging to or in the occupation of the licence holder.

The licence holder may at any time during the validity of such licence substitute the name of another employee upon such licence: provided that such licence holder makes and signs the necessary alterations on the licence and forthwith notifies the district commissioner of the change."

8. The following sections are hereby inserted in the Principal Ordinance as sections 17A, 17B, 17C and 17D.

17A. Every licence in addition to stating its nature and the fee paid shall bear the name in full of the person to whom it is granted, and also his signature, the date and station of issue, the period of its duration, and the signature of the person granting the same. The native employee's licence shall bear the signature of the employer.

License to bear name of person, etc.

17B. The holder of a licence shall on demand being made by any magistrate, justice of the peace, game warden, police officer or forest officer produce his licence and any licence holder who fails without reasonable cause to produce his licence, or, on demand being made by any of the above mentioned officers or by a duly accredited servant of the Game Department to sign his name, shall be guilty of an offence against this Ordinance.

License to be produced on demand.

17C. Except as provided by section 17 (10), no licence or permit issued under this Ordinance is transferable.

License not transferable.

17D. If any animal mentioned in any of the schedules is killed or captured in any circumstances whatsoever by any licence holder or permit holder whose licence or permit allows him to hunt, kill or capture an animal of that species, such animal shall count on the licence or permit of such licence holder or permit holder; and if any animal mentioned in any of the schedules is killed or captured in any circumstances whatsoever by any person accompanying or assisting such licence holder or permit holder, such animal shall be deemed to have been killed or captured by the licence holder or permit holder and shall count on the licence or permit of such licence holder or permit holder unless the person accompanying or assisting is himself in possession of a licence entitling him to hunt, kill or capture an animal of such species, in which case the animal shall count on the licence of the person accompanying or assisting.

Killing of animal in any circumstances to count on licence.

9. Section 18 of the Principal Ordinance is hereby repealed.

Repeal of section 18 of the Principal Ordinance.

Repeal of section 19 of the Principal Ordinance.

No. 25 of 1928.

Repeal of section 20 of the Principal Ordinance.

Repeal of section 21 of the Principal Ordinance.

Repeal of section 22 of the Principal Ordinance.

Photographic permits.

10. Section 19 of the Principal Ordinance, as amended by the Game (Amendment) Ordinance, 1928, is hereby repealed.

11. Section 20 of the Principal Ordinance is hereby repealed.

12. Section 21 of the Principal Ordinance is hereby repealed.

13. Section 22 of the Principal Ordinance is hereby repealed.

14. The following section is hereby inserted in the Principal Ordinance as section 25A:—

25A. (1) The Governor may at his discretion grant to any person a permit (in this Ordinance called "a photographic permit") to hunt, for photographic purposes, animals of any one or more species mentioned in any of the schedules.

(2) A photographic permit shall be subject to such conditions as the Governor may prescribe.

(3) No person unless he is authorized by a photographic permit shall hunt, for photographic purposes, animals of any one or more species mentioned in any of the schedules.

(4) Save as in this section provided the holder of a photographic permit shall be subject to the provisions of this Ordinance.

(5) Nothing in this section contained shall apply to the photography of animals—

- (a) which the photographer is otherwise authorized under this Ordinance to hunt, kill or capture; or
(b) when no molestation whatever is involved.

15. Section 26 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

26. (1) A provincial commissioner or district commissioner may on the application of the holder of a full licence, grant a special licence authorising such person to hunt, kill or capture either one or two elephants

Repeal and replacement of section 26 of the Principal Ordinance. Special licence to kill elephant, rhinoceros, cock ostrich and bull giraffe.

or one or two rhinoceros or one bull giraffe or one cock ostrich as the applicant shall require and as shall be specified therein.

(2) The following fees shall be payable for a special licence to hunt, kill or capture:—

	£
(a) For the first elephant	25
(b) For the second elephant	50
(c) For each rhinoceros	10
(d) For one bull giraffe	15
(e) For one cock ostrich	1

(3) The Governor in Council may by order alter the fees laid down in sub-section (4) hereof.

(4) Every licence granted under this section shall expire on the same date as the full licence held at the time of the granting of such special licence by the person to whom the same shall be granted and only one such special licence shall be granted to such person during the period of any such licence:

Provided, however, if such person shall have taken out a special licence authorizing him to hunt, kill or capture one elephant or one rhinoceros only, he may on payment of a further fee of fifty pounds in the case of elephant or ten pounds in the case of rhinoceros be granted a licence authorizing him to hunt, kill or capture a second elephant or rhinoceros.

(5) Nothing in this section shall be deemed to prevent the holder of a special licence for one species of animal being granted a special licence for another species.

16. Section 26A of the Principal Ordinance is hereby amended by inserting the words "or Serving Officer's" after the word "Visitor's" in the third line of sub-section (1), in the second line of sub-section (2) and in the first line of sub-section (3) of the section.

17. Section 27 of the Principal Ordinance, as replaced by the Game (Amendment) Ordinance, 1928, is hereby amended by the insertion of the words "full or serving officer's private land" after the word "officer's" which occurs in the fourth line of the section.

Amendment of section 26A of the Principal Ordinance.

Amendment of section 27 of the Principal Ordinance. No. 25 of 1928.

Repeal of
section 37 of
the Principal
Ordinance.

18. Section 37 of the Principal Ordinance is hereby repealed.

Repeal of
section 38 of
the Principal
Ordinance.

19. Section 38 of the Principal Ordinance is hereby repealed.

Repeal of
section 39 of
the Principal
Ordinance.

20. Section 39 of the Principal Ordinance is hereby repealed.

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.