

1929

Kenya

No. 15586

SUBJECT

C0533/386

The Traffic Ordinance, 1928 (Roads)

No 26 of 1928

Previous

5319/28

Subsequent

17044/31

15828/29

Transmits two authenticated copies of the Traffic Ordinance No. XXVI. of 1928, together with legal report and observations.

One copy to Library.

This is not ~~an~~ a matter
in which it wd be desired to
submit to detailed criticism here.

The ~~generous~~ of this Ordinance has been
long & complicated & the pros
& cons of the whole subject have

been thoroughly thrashed out locally
by the Roads & Traffic Com. & the Leg. Co.

I have marked in pencil

some of the more interesting passages

in the Ordinance. It embodies various
clauses which ~~are~~ will figure
in the impending Imperial Act,

~~together~~ and Nigerian, S. African

& other sources have also been

drawn ~~in~~ on. Altogether the

Ordinance seems a good one.

As regards the taxation point

raised in para. 6 and folls of the

draft, there was a storm of

The PCs are at
the moment circulating.

A resolution reflected
in the 2nd & 3rd as
framed. (Revenue
H² II 4/16/16)

opposition to the new taxation
in the Press, as a result of
which the petrol tax is to be
reduced from 25 to 16 cents^x.

The new taxation will
be heavier on the commercial
(heavy) vehicle than on the
ordinary motor car, but I
suppose the effect of a petrol
tax is the same.

? subject to legal provisions
sanction of 1/3 I send ~~copy~~ a
copy of ^{Revenue} Order & a copy of
the A/G's report to the ~~Min~~
Min^{try} of Transport.

G. E. Curzon

15/2/29
no legal done
M

to regard ^{18/11} points connected with
of controversy in this country:-
" 2. 12 requires certificates
of competency, but a person cannot

Learn to Trade

(3) 2 30 makes insurance compulsory
(3) 2 40 (9) prohibits road racing or
competitions.

(4) 2 42 (9) makes it an offence to
not to keep within white lines or an
edge (which is left side of "islands")
(No one would want to ~~run~~ ^{drive} on islands)
The other Orders are not
referred to any authority in this
country.

As to the Order of the
by A/G's report might go to the
M. & Transport: I should be
depressed to see matters in case
they have any criticisms.

W. H. Allen

5/3/29

Sent to Mr. Transport as proposed
in short report - but I think that
they may as well have everything
i.e. send copy of the O.D.
together with copy of explanation
prop. with mail received from
the O.D. - also that
I got response to requisition,
non-issuance of the O.D.

Noted & then will be week before printing
the 7.5 J. 9 SEP 1929
W. H. Allen

2 & copy of Transport
copy (101)

MINISTRY OF TRANSPORT.

15 APRIL, 1929.

Have no observations to offer on the matters of importance in the Ordinance in regard to which there is a marked departure from the practice in Great Britain.

Now put at 913

Grant

17.4.29

atm

Noted
15.4.29

To Sec 288-1 Am^d C/3 - 20 APR 1929

5 Colonial Secretary, 3 pm. 13 July 1929.
The 12 copies Fourth Report of
Roads and Traffic Committee.

Mr Allen

The Railway case so well put
in the memorandum enclosed with
me of 8 noon - 2nd April, 1928.
We shall have if any action is
ground in the committee's recommendations.

Copy reqd. 15428729

The same copy sent
to be signed separately
(Roads and
Competition)

* put copies to railway & put by

CR Cuffe

50000
* Copies taken
& filed in
Library
B.R. 10

The report perhaps to 14. vii. 29
include the Bills but they are
not sent in the times if
does not seem useful to send this
to the in of it - we shall be
doubtless more.

Mr Allen

15/4/29

102 & thing of transport }
in copy (No. 1)

MINISTRY OF TRANSPORT. 15 APRIL, 1929.

Have no observations to offer on the matters of importance in the Ordinance in regard to which there is a marked departure from the practice in Great Britain.

Now put at 913

Quinton

17.4.29

atm

hoted
11.9.29

To Sec 288-1 Ans^d C/S - 10 APR 1929

5 Colonial Secretary, 3 p.m. 13 July 1929.
Trs. 12 copies Fourth Report of
Roads and Traffic Committee.

W. Allen

The Railway case is well put
in the memorandum enclosed with
me of 24th March 1928. I have
referred to it very often &
am glad to see it is now
before the Committee's consideration.

Copy kept 15828729

One spare copy sent
to be reported separately
(Roads & Railway
Competition)

* I have written to railway & put by
C. R. Cuffe

10000
* Copies taken
& filed in
Library
Back 10

The report purports to include the bills but they are not sent but the tables do not seem useful to send this in of it - we shall doubtless have more.

W. Allen

convey light goods, or bulky goods, or dangerous goods, or goods of an objectionable nature. It must transport livestock of all descriptions and arrange for the feeding and watering of such animals. It must maintain a regular public service for the conveyance of these and all other classes of traffic and it has to carry its statutory liabilities for loss, delays or damage to any such traffic.

From all these restrictions and obligations the road competitors of the railway are free. They can, and do, pick out the "boys" of the traffic, taking only those classes which give them good and payable loads; convey the traffic as and when it suits them, and between only those points where the road conditions render the service a profitable one, but at the same time they have none of the liabilities of general carriers.

It may be, and frequently is, contended that such competition can exist only because of the deficiencies of railway transport or because the railway charges allow such competition to live. It would be as well to examine this contention.

It is generally admitted that the prosperity of Kenya is bound up with its agricultural and industrial activities. Whatever latent resources there may be there can be no question that the country at the present time is entirely dependent upon the resources mentioned. There is no evidence that there will be any considerable change in this state of affairs for many years to come.

The question at once arises: Can any means of transport other than the railway meet the requirements of a community dependent mainly, if not entirely, upon agriculture? Can road transport move to the consuming

(b) as feeding services in towns and Urban Districts where one station has to serve Urban areas:

(c) for inter-communication between points which are not connected by any direct railway services.

In Hungary and Austria no licence for a road motor service is authorised without reference to the railway, and if such a service is intended to run parallel to the railway a licence is not granted, while in those cases where licences for services are granted conditions are imposed to ensure that the service does not unduly compete with the railway. In the United States of America, legislation is enforced in more than 20 States to prevent road competition with the railways. Licences for road motor services are only issued provided it is clearly established that such is absolutely necessary in the public interests. Similar legislation also exists in Australia and Tasmania and in New Zealand, while it is understood that legislation of a corresponding nature is about to be passed in the Union of South Africa.

It is admitted that this Colony cannot do without railways, that it is in the country's interests that wasteful competition without the railways which, if allowed to increase, can only result in the railway rates of the country's main products having to be increased, should be definitely controlled by legislation.

As to the form which such legislation, having for its object the control of road services, should

take. I would suggest that it be on the following lines:-

- (a) that no mechanical or propelled vehicles intended to be used for the carriage of public passengers or goods be allowed to fly unless they are specially licensed for the purpose;
- (b) that such licences be issued by Government only after reference to the railway administration which will place on record any objections which in the public interest exist to the issue of such licences and after such objections have been duly considered by a competent representative body;
- (c) that where Government decides to issue such licences, it shall impose such conditions in regard to licence fees, fares, rates, etc., as are necessary to avoid wasteful competition and to ensure the safety and protection of public interests;
- (d) that steps be taken to ensure that any conditions laid down by regulations shall be rigidly enforced.

Telegraphic Address
TRANSVIA, PARL, LONDON
Telephone No.: VICTORIA 8660

MINISTRY OF TRANSPORT.

Any further communications should
be addressed to—

THE ASSISTANT SECRETARY

ROADS DEPARTMENT

MINISTRY OF TRANSPORT

WHITEHALL GARDENS, S.W. 1

and the following reference quoted—

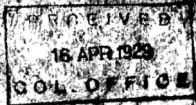
H.V.10469.

ROADS DEPARTMENT

WHITEHALL GARDENS

LONDON, S.W. 1

13 April, 1929.



Sir,

I am directed by the Minister of Transport to refer to your letter of the 18th March (15586/29) with which was enclosed a copy of the Kenya Traffic Ordinance No. XXVI of 1928, together with relative documents.

The only matters of importance in the Ordinance in regard to which there is a marked departure from the practice in Great Britain, are the substitution of tare weight for horse power as a basis of taxation, the requirement under Section 12 that a person shall not drive a motor vehicle unless he holds a certificate of competency to drive, and the power vested in the police by Clause 37 to detain vehicles in certain circumstances.

The Minister has no observations to offer on these provisions of the Ordinance.

I am, Sir,

Your most obedient Servant,

J. H. Riggall

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

*Arrived on 20/7/30 18/12/30 DEC 1929
File moved on 17044/31 15/12/31 10 FEB 1931*

X 1586 29 18
2279

Mr. Cluff 12-111
Mr. Allen 1770
Mr.

Mr. Bottomley
Mr. E. Harding

Sir J. Shackburgh
Sir G. Grindle
Sir C. Davis
Sir S. Wilson
Mr. Drimby-Cora

Lord Lovat
Mr. Amery

Answer - No. 3 -

13 MAR
1916

3 March 1916

DRAFT.

The Secretary
Ministry of Transport

am to account
below before
the Minister of Transport
the enc copy of the
Large Traffic Order No. 2218
of 1914 together with
a copy of the explanatory
dispatch with enclosure
which has been received.

*DRAFT copy No 37(1)
19/1*
All enclosures

Watson's works
- see minutes

from the City of London
The S.O.S.
inform the T.T.C. that
it is proposed to
re-arrange the services



KENYA.

No. 32

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

REC
-9FEB1929
COL. OFFICE

January, 1929

Sir,

I have the honour to transmit two authenticated copies of Ordinance No. XXVI of 1928 entitled the Traffic Ordinance, 1928, which passed its third reading on the 7th December and to which I assented on the 27th December, 1928. Two copies of a Legal Report prepared by the Acting Attorney General are also enclosed. Ten printed copies of the Ordinance will follow in due course.

2. The Ordinance, which provides for the control of traffic on roads and for the licensing and taxation of vehicles, was prepared by the Roads and Traffic Committee and submitted as a Bill with the Committee's Third Interim Report dated the 3rd April, 1928, a copy of which is enclosed. This Committee was appointed in 1923 under the Chairmanship of the Director of Public Works to consider road and traffic problems in the Colony and one of its terms of reference was "to make recommendations regarding the policy of Government in respect of roads and traffic in the Colony and Protectorate and the best means of incorporating the main principles of this policy in legislation". The First Interim Report of the Committee ---

Two authenticated copies of the Traffic Ordinance.

Two copies of the Legal Report.

Copy to min. of Transport March 1929

Third Interim Report of the Roads and Traffic Committee

Ans 288-151

THE RT. HON. LIEUT. COL. L.C.M.S. AMERY. P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, W.C.2.

Traffic Committee which had based its recommendations on Transvaal law. In its third report, the Roads and Traffic Committee accepted this revision, but advocated a scale of annual licence fees slightly higher than that which was recommended by the Select Committee and which was itself higher than the existing scale. The increased charges were recommended by these Committees on the ground that the road system of the Colony required improvement, and that the incidence of the increased taxation to provide additional funds should be on the owners of the vehicles which rendered the improved roads necessary.

4. In moving the second reading of the Bill at the August Session of the Legislative Council, the Director of Public Works said :-

"I come now to what is perhaps the chief change of existing law which is proposed, namely, the proposals for the taxation of vehicles which are embodied in the schedule to the Bill. The basis of taxation for motor vehicles is tare weight, instead of rated horse power, and the general effect would be that the fees payable on the heavier vehicles would be considerably increased, while those for the medium and lighter ones are slightly increased. Licence fees for vehicles other than motor vehicles are also proposed as set forth in the schedule.

The fundamental principle that the rates of taxation of vehicles should bear proportional relationship to the expenditure on roads which it rendered necessary by their use is well established in most countries, but ideas vary greatly regarding the best means for giving expression to it in the best way. The soundness of the principle itself scarcely admits of dispute; for the development of the modern road surface and the construction of strong bridges has been rendered necessary by the development of the road vehicle. If it were not for the existence of vehicles, merely footpaths and bridle paths would be necessary for pedestrians and persons on horseback. Acceptance of the principle does not mean such taxation should be the sole or principal means for deriving revenue for roads, nor rule out the principle that general revenue, whether State, Municipal or Rural, should contribute. All it states is, in effect, that if vehicles are taxed at all the incidence of the taxation should be such that each vehicle bears its proportion of the cost of roads roughly in ratio to its wearing effect on roads in comparison with other vehicles.

The motion was seconded by the Member for the Lake (Mr. Conway Harvey) and received general support. The Member for Plateau South (Mr. T. J. O'Shea) spoke in favour of the proposed increased fees and advocated the retention of the petrol tax. The Member for Machakos (Lord Francis Scott), however, expressed the view that if the increased fees were approved the petrol tax should "be removed".

5. After second reading the Bill was referred to a Select Committee, which reported on the 10th November. No representations advocating any alteration to the Schedule to the Bill which provided for increased fees were received by the Select Committee except in regard to vehicles other than motor vehicles. The Report was considered in Executive Council on the 26th November when opposition was expressed to the principle of taxation of vehicles other than motor vehicles on the ground that this form of taxation was best left for imposition in specific areas at the discretion of the local authority. This opposition was, however, later withdrawn in view of further representations made by the Select Committee in its Supplementary Report dated the 4th December. Copies of both Reports of the Select Committee are attached.

Two Reports of
Select Committee
on Taxation of
Vehicles.

6. The increased taxation imposed by the Ordinance, to which reference was made by the Director of Public Works in the portion of his speech on the second reading quoted in paragraph 3 above, became towards the end of the year the subject of considerable public criticism, which found expression in a press campaign instituted against what was alleged to be an unfair handicap on production. The main representations in

this connection have been transmitted to you from time to time with the usual collection of extracts from the local press. In view of the fact that it was estimated that the introduction of the scale of fees proposed in the Ordinance would result in an increase of Revenue of £9,000, and in view of the statement made by Sir Edward Grigg in his speech to Legislative Council on the 9th November, 1928, that "it is essential in the conditions which prevail to take some measure to reduce the cost of living for people with small incomes in the Colony", I was advised by my Executive Council that a reduction in the petrol tax should be effected in order to avoid any suggestion that Government desired to increase taxation generally.

7. The matter was considered by the Select Committee of the Legislative Council dealing with the 1929 Estimates and this Committee recommended as follows

"While not wishing to press for the amendment of a law which I recently passed its third reading in the Legislative Council, the Committee considers that no adequate grounds have been given for imposing an additional burden on the tax-paying community, particularly at a time when it is proposed to devote £75,000 towards a reduction in taxation with a view to lowering the cost of living. They therefore proposed that relief should be given to owners of motor vehicles, by whom the higher revenue for licences will be mainly paid, in the form of a reduction of the petrol tax from twenty-five to fifteen cents per gallon, which will result in a decrease in the revenue estimate (Head II, item 16) from £20,000 to £21,000. The Committee is of the opinion that steps should be taken to ensure that this reduction in the tax is passed on to the consumers".

I am transmitting separately two authenticated copies of the Dangerous Petroleum (Amendment) Ordinance 1928, which passed its third reading on the 20th December, together with copies of a legal report by the Acting Attorney General, and a statement as to the steps

being taken to ensure that the reduction in tax will be passed on to the public as soon as existing stocks in the Colony are absorbed.

8. In this connection I would state that I felt bound to agree with the argument that the imposition of additional taxation is not at the present time necessary on financial grounds and that an increase in the cost of operating motor vehicles is inconsistent with the expressed desire of the Government to aim at a reduction in the cost of living. It should be remembered that private motor transport in this Colony in the main must be regarded as a necessity rather than a luxury.

9. It is necessary to refer, also, in this connection to the recommendations of the Local Government Commission in respect of the taxation of vehicles by local authorities. The introduction of the higher scale of fees proposed in the Traffic Bill led to a reconsideration of the views expressed by the Commission, which recommended, on page 297 of Volume I of its Report, that half of the revenue derived by the Government in respect of licences under the Motor Traffic Ordinance for motor vehicles ordinarily housed or kept within a municipal area should be paid to municipal funds subject to the imposition by the municipal body concerned of taxation of motor vehicles to an amount equal to the Government's contribution. In view of the higher scale of fees proposed in the Traffic Bill, provision was made in the Local Government (Municipalities) Ordinance, 1928 section 87 (6) (b) for an annual grant to municipal bodies of such proportion of the

revenue derived from licences of motor vehicles ordinarily housed or kept within the municipal areas as the Governor in Council might determine. On the advice of Executive Council Sir Edward Grigg approved the proposal that two-thirds of such revenue should be handed over to the municipalities concerned. This decision is reflected in the Estimates for 1929 as passed in Legislative Council under Head XXVII, item 5, Nairobi - £9,300 and item 12, Mombasa - £2,200, and is referred to on page 36 of the Memorandum on the draft Estimates for 1929. I would also observe that the Local Government (District Councils) Ordinance, 1928 provides for the payment to a District Council of the whole of the revenue derived from licences of vehicles, other than motor vehicles, ordinarily kept within that District Council area.

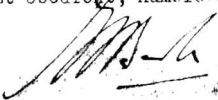
10. I also enclose a copy of the Special Gazette containing the regulations issued under this Ordinance which came into operation on the 1st January, 1929. I trust that you will advise that His Majesty's powers of disallowance be not exercised in regard to this measure.

Copy of Special
Gazette.

I have the honour to be,

Sir,

Your most obedient, humble servant,


ACTING GOVERNOR.

Colony and Protectorate of Kenya.

AN ORDINANCE

No. 26 OF 1928.

Assented to in His Majesty's name this twenty-seventh day of December, 1928.

JACOB WILLIAM BARTH,
Acting Governor.

[27th DECEMBER, 1928]. Date of Assent.

An Ordinance to Provide for the Control of Traffic on Roads and for the Licensing and Taxation of Vehicles used thereon.

By Proclamation.

Date of Commencement.

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 Traffic Short Title Ordinance, 1928, and shall commence and come into operation upon such date as the Governor may by proclamation in the Gazette appoint.

+ 1 January 1929
Date 13/1/29
in Gov. 21/1/29

2. In this Ordinance, unless the context otherwise requires

Interpretation.

"Carriage" means a palanquin, ricksha, hrick, bicycle, and every description of wheeled vehicle except a motor vehicle, trailer, and such appliances as baby carriages, wheelbarrows or other appliances, excepted by the Governor by notice in the Gazette and vehicles used on specially prepared ways such as railways and tramways.

"Gross weight" means the tare weight of the vehicle when taken together with the weight of driver, attendants, passengers, freight, fuel, water and equipment.

"Motor vehicle" includes a motor cycle and every description of vehicle propelled by means of mechanism contained within itself other than a vehicle used on specially prepared ways such as railways and tramways.

"Motor cycle" means a motor vehicle designed to travel on not more than three wheels and having a tare weight not exceeding three hundred pounds.

"Motor omnibus" means any public service vehicle licensed to carry more than six passengers.

"Public service vehicle" means a motor vehicle carrying passengers for hire or reward.

"Road" means the carriageway or portion of any road to which the public has right of access for vehicular traffic being that portion commonly in use for vehicular traffic and includes the portion of any bridge used for that purpose.

Colony and Protectorate of Kenya.

AN ORDINANCE

No. 26 OF 1928.

Assented to in His Majesty's name this twenty-seventh day of December, 1928.

JACOB WILLIAM BARTH,
Acting Governor,

[27th December 1928]. Date of Assent.

An Ordinance to Provide for the Control of Traffic on Roads and for the Licensing and Taxation of Vehicles used thereon.

By Proclamation.

Date of Commencement.

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 Traffic Ordinance, 1928, and shall commence and come into operation upon such date as the Governor may by proclamation in the Gazette appoint. Short title

2. In this Ordinance, unless the context otherwise requires Interpretation.

"Carriage" means any cart, ricksha, rickshaw, cycle, and every description of wheeled vehicle, except a motor vehicle, trailer, and such appliances as taxi cabs, wheelbarrows or other appliances exempted by the Governor by notice in the Gazette and vehicles used on specially prepared ways such as railways and tramways.

"Gross weight" means the tare weight of the vehicle when laden, together with the weight of driver, attendants, passengers, freight, fuel, water and equipment.

"Motor vehicle" includes a motor cycle and every description of vehicle propelled by means of mechanism contained within itself other than a vehicle used on specially prepared ways such as railways and tramways.

"Motor cycle" means a motor vehicle designed to travel on not more than three wheels and having a tare weight not exceeding three hundred pounds.

"Motor omnibus" means any public service vehicle licensed to carry more than six passengers.

"Public service vehicle" means a motor vehicle carrying passengers for hire or reward.

"Road" means the carriageway or portion of any road to which the public has right of access for vehicular traffic being that portion commonly in use for vehicular traffic and includes the portion of any bridge used for that purpose.

+ 1. Jan 1929
Page No. in Gaz.

"Road authority" means the Director of Public Works or his duly authorised representative, except where the roads or any of them, within any area or district have been vested in a local authority under any Ordinance in which case the local authority or its duly authorised representative is the road authority for the purposes of this Ordinance for the roads vested in it.

"Tare weight" means the weight of a vehicle when unladen computed as provided for by section 9 of this Ordinance.

"Taxicab" means a public service vehicle licensed to carry not more than six passengers whether it is fitted with a taximeter or not.

"Tractor" means a motor vehicle designed for towing one or more trailers.

"Traffic" includes pedestrians.

"Trailer" means a vehicle attached to and drawn by a motor vehicle whether its weight is partly supported by the motor vehicle or otherwise but does not include a sidecar attached to a motor cycle.

"Vehicle" includes motor vehicle and carriage.

PART I.

LICENCES.

Penalty for use of a vehicle without a licence.
Cap. 113.

3. The owner and driver of any vehicle which is used upon any road, other than a road of access granted under the provisions of the Public Travel and Access Roads Ordinance, without a licence in that behalf issued under this Ordinance, shall be severally liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment of either description for a term not exceeding three months.

Proviso.

Provided that any vehicle duly licensed for any particular year or half year or quarter of a year in the Uganda Protectorate or in Tanganyika Territory, and imported from either of those countries, shall not be required to be licensed under this Ordinance during the year or half year or quarter of a year, as the case may be, in which it was so imported.

Provided further that the provisions of this section shall not apply to a bicycle, tricycle or such other vehicle as the Governor may by notice in the Gazette exempt.

Licensing officers.

4. Licences under this Ordinance shall be issued by such officer or officers hereinafter referred to as the "licensing officer" as may be appointed for that purpose by the Governor from time to time.

Certain vehicles only to be licensed with consent of road authority.

5. No licence shall, except with the consent in writing of the road authority and subject to such conditions, if any, as the road authority may impose, be granted for any vehicle the tare weight whereof exceeds four and one-half tons, or which has metal tyres fitted with spuds, angle irons, spikes, or any similar device.

COLONY AND PROTECTORATE OF KENYA

CHAPTER 113.

PUBLIC ROADS.

[10th August, 1920.] Ordinance No. 27 of 1920.

1. This Ordinance may be cited as "the Public Travel and Access Roads Ordinance."

2. (1) In this Ordinance unless the context otherwise requires, the expression "public road" means—

(a) Any road which the public had a right to use immediately preceding the commencement of this Ordinance;

(b) All proclaimed or reserved roads and thoroughfares being or existing on any land sold or leased or otherwise held under the East Africa Land Regulations, 1897, the Crown Lands Ordinance, 1902, or the Crown Lands Ordinance, 1915, at any time prior to the commencement of this Ordinance;

(c) All roads and thoroughfares hereafter reserved for public use in any Crown title of whatever description;

(d) All roads declared to be public roads under the provisions of this Ordinance;

(e) All bridges, ferries, fords, drifts, culverts, drains and other accessories on any public road as herein defined, or used or intended therewith.

(2) The expression "owner or occupier" shall, in respect of Crown lands as defined in section five of the Crown Lands Ordinance, include the Commissioner of Lands of the Colony.

3. (1) The Governor may by proclamation in the Gazette divide the Colony into districts for the purposes of this Ordinance.

Power of the Governor to appoint District Road Boards.

(2) The Governor may appoint district road boards consisting of not less than five members in any district for the purpose of carrying out the provisions of this Ordinance, and where in the opinion of the Governor such a course is practicable such members shall be elected according to such rules as the Governor under section eighteen of this Ordinance shall from time to time prescribe.

"Road authority," means the Director of Public Works or his duly authorised representative, except where the roads or any of them, within any area or district have been vested in a local authority under any Ordinance in which case the local authority or its duly authorised representative is the road authority for the purposes of this Ordinance for the roads vested in it.

"Tare weight" means the weight of a vehicle when unladen computed as provided for by section 9 of this Ordinance.

"Taxicab" means a public service vehicle licensed to carry not more than six passengers whether it is fitted with a taximeter or not.

"Tractor" means a motor vehicle designed for towing one or more trailers.

"Traffic" includes pedestrians.

"Trailer" means a vehicle attached to and drawn by a motor vehicle whether its weight is partly supported by the motor vehicle or otherwise but does not include a sidecar attached to a motor cycle.

"Vehicle" includes motor vehicle and carriage.

PART I.

LICENCES.

Penalty for use of a vehicle without a licence.
Cap. 115

3. The owner and driver of any vehicle which is used upon any road, other than a road of access granted under the provisions of the Public Travel and Access Roads Ordinance, without a licence in that behalf issued under this Ordinance, shall be severally liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment of either description for a term not exceeding three months.

Provision.

Provided that any vehicle duly licensed for any particular year or half year or quarter of a year in the Uganda Protectorate or in Tanganyika Territory, and imported from either of those countries, shall not be required to be licensed under this Ordinance during the year or half year or quarter of a year, as the case may be, in which it is so imported.

Provided further that the provisions of this section shall not apply to a bicycle, tricycle or such other vehicle as the Governor may by notice in the Gazette exempt.

Licensing officers.

4. Licences under this Ordinance shall be issued by such officer or officers hereinafter referred to as the "licensing officer" and may be appointed for that purpose by the Governor from time to time.

Certain vehicles only to be licensed with consent of road authority.

5. No licence shall, except with the consent in writing of the road authority and subject to such conditions, if any, as the road authority may impose, be granted for any vehicle the tare weight whereof exceeds four and one half tons, or which has metal tyres fitted with spuds, angle irons, spikes, or any similar device.

COLONY AND PROTECTORATE OF KENYA.

CHAPTER 118.

PUBLIC ROADS.

[10th August, 1920.] Ordinance No. 31 of 1920.

1. This Ordinance may be cited as "the Public Travel, Street Lanes and Access Roads Ordinance."

2. (1) In this Ordinance, unless the context otherwise interpretation requires, the expression, "public road" means:—

(a) Any road which the public had a right to use immediately preceding the commencement of this Ordinance;

(b) All proclaimed or reserved roads and thoroughfares being or existing on any land sold or leased or otherwise held under the East Africa Land Regulations, 1897, the Crown Lands Ordinance, 1902, or the Crown Lands Ordinance, 1915, at any time prior to the commencement of this Ordinance;

(c) All roads and thoroughfares hereafter reserved for public use in any Crown title of whatever description;

(d) All roads declared to be public roads under the provisions of this Ordinance;

(e) All bridges, ferries, fords, drifts, culverts, drains and other necessities on any public road as herein defined, or used in conjunction therewith.

(2) The expression "owner or occupier" shall, in respect of Crown lands as defined in section five of the Crown Lands Ordinance, include the Commissioner of Lands of the Colony.

3. (1) The Governor may by proclamation in the Gazette divide the Colony into districts for the purposes of this Ordinance. Power of the Governor to appoint District Road Boards.

(2) The Governor may appoint district road boards consisting of not less than five members in any district for the purpose of carrying out the provisions of this Ordinance, and where in the opinion of the Governor such a course is practicable such members shall be elected according to such rules as the Governor under section eighteen of this Ordinance shall from time to time prescribe.

Copy of notice to be sent to owner or occupier.

(3) A copy of the said notice shall also be forwarded by such district board by personal service or by registered post, by such district board to the last known address of the owner or occupier of any lands over which the said line of public travel is proposed to pass: Provided always that the fact that no copy is received by any such owner or occupier shall not invalidate the subsequent proceedings of the district board.

Final recommendations to be sent to Director of Public Works.

9. The district board shall, as soon as possible after the expiration of the one month mentioned in the last preceding section after full inquiry into the merits of all objections thereto, with as little delay as possible, forward their final recommendations thereon to the Director of Public Works for transmission to the Governor.

Order of dedication.

10. The Governor may confirm, modify or alter such recommendations, and shall cause a description of a line of public travel to be published in the Gazette and from the date of such publication such line of public travel shall be absolutely dedicated to the public as a public road within the meaning of any law now or hereafter in force, and such public road shall be demarcated in such manner as the Governor shall direct.

Power to make application to construct road of access.

11. Where any owner or occupier of lands is in respect of his land so situated in relation to any public road or railway station or halt that he has not convenient access to the same he may make application to the district board of the district in which such lands are situated for leave to construct a road thereon to be called a road of access: Every any lands lying between his land and such public road or railway station or halt and every such application shall be in the form and contain the particulars required by the schedule to this Ordinance: Provided always that if the applicant is unable to make the sketch or plan mentioned in the schedule without entering upon the lands over which he proposes that the road of access is to pass he may apply to the district board for leave to enter upon the said lands for the purpose of making the said sketch or plan and the district board may then make an order entitling the applicant to enter on the said lands.

Notice to be served on holders of land to be affected.

12. On the receipt of such application for leave to construct a road of access the district board shall serve a notice in the manner prescribed in subsection (3) of section eight hereof upon the holder or holders of land or lands over which the

proposed road of access is to pass calling upon him or them to show cause within one month why the proposed road of access should not be constructed.

13. (1) The district board shall then fix a day for the hearing of the application to construct a road of access and after hearing the applicant or his representative and any other party interested may make an order granting the applicant, his servants and agents leave to enter upon the said land and construct such road of access and of such width as the district board may decide upon subject to such conditions and to payment of such compensation in respect of any growing crops or permanent improvements damaged or destroyed by the construction of such road of access as to the board shall seem fit.

Power of district board to grant leave to construct road of access.

(2) The district board shall have power to determine by whom the costs of any application under this Ordinance shall be borne, and to fix the amount thereof.

14. (1) When the said road of access has been constructed the applicant, which term shall for the purposes of this section include his successors in title, and all others shall have leave at all times to use the said road of access.

Right of way over road of access.

(2) The district board may at its discretion require such road to be fenced should it pass through an already existing fenced enclosure and the board shall apportion the cost of such fencing between the parties interested as it shall deem fit.

(3) The applicant shall at all times maintain the said road of access in a good and efficient state of repair to the satisfaction of the district board and for the purpose of such maintenance the applicant, his servants or his agents, shall have leave to enter at all times upon the land or lands over which the said road of access passes: Provided always that as little damage or inconvenience as may be possible shall be caused by such entry to the holder or holders of the land over which the road of access passes, and that such right of entry shall be subject to such conditions as the district board may impose in granting the order for constructing the road of access: And further provided always that if any holder of land over which the road of access passes shall use such road then, and in such case, he shall pay a proportionate share towards the maintenance of that portion of the road so used by him: The proportion to be paid shall be fixed by the district board who shall have regard both to the extent of road used and the nature and amount of the traffic likely to be placed thereon.

(4). If the said road of access shall pass through any wall, fence or barrier existing at the date of application the applicant shall provide and maintain suitable gates for the closing of the aperture occasioned by the said road of access.

Road of access to be provided where part of land is sold or otherwise disposed of.

15. Where the owner, lessee or holder of any land sold, leased or otherwise held under the East Africa Land Regulations, 1897, the Crown Lands Ordinance, 1902, or the Crown Lands Ordinance, 1915, sells or otherwise disposes of any part thereof he shall (unless such part has a road of access to an existing public road) provide a road of access to such part from some existing public road or road of access, but he shall not be required to construct or maintain the road of access so provided, and the buyer or other holder of such part shall be entitled to exercise all the rights, powers and privileges given to an applicant for a road of access under the provisions of this Ordinance as though such rights, powers and privileges had been ordered by a district board, and such owner or other holder shall be subjected to the obligations imposed by the provisions of this Ordinance.

Prohibition of classes of traffic.

16. When it shall appear to the district board that the prohibition of any particular class of traffic on a road of access is in the public interest, the Board may, by a notice published according to rules made under this Ordinance, restrict the use of the road to a particular class or classes of traffic only. By such notice nothing in this section shall prejudice the rights of an applicant for the road of access for all purposes.

Decision of Board final.

17. The decision of a district board upon the alignment of a road of access passing over alienated Crown lands shall be final, but an appeal shall lie to a court of competent jurisdiction from any decision made by it under this Ordinance in respect of compensation or costs of upkeep of roads.

Power to make rules.

18. The Governor in Council shall have power from time to time to make, alter or revoke rules under this Ordinance governing the powers, duties, obligations, and conduct of business of district boards, and generally for properly carrying out the provisions of this Ordinance.

Penalty.

19. Any person contravening any of the provisions of this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding thirty pounds, or to imprisonment of three months for a period not exceeding three months.

SCHEDULE.

APPLICATION FOR LEAVE TO CONSTRUCT A ROAD OF ACCESS.

1. Name of applicant.
Place of abode.
Nationality.
2. Name, situation of land in respect of which such road of access is required; stating province, district and all particulars which may assist in locating same.
3. Name of public road, railway station or halt to which such road of access is required.
4. Name or names of land or lands over which it is proposed to construct such road of access together with the name or names of the respective owner or owners thereof.
5. The means of access (if any) to any public road, railway station or halt at present available for the use of the applicant, and whether use of same is subject to any payment or other terms or conditions.
6. Whether any crops or buildings will be damaged or destroyed by the construction of such road of access. If so, to what extent?
7. Maximum width between drains of proposed road of access.
8. Any other facts of which you are aware which may affect the grant.

Applicant.

NOTE. This application must be accompanied by a sketch or plan showing approximately the course and direction of the proposed road of access and the present means of access (if any) to any public road, railway station or halt.

(d). If the said road of access shall pass through any wall, fence or barrier existing at the date of application the applicant shall provide and maintain suitable gates for the closing of the aperture occasioned by the said road of access.

Road of access to be provided where part of land is sold or otherwise disposed of.

15. Where the owner, lessee or holder of any land sold, leased or otherwise held under the East Africa Land Regulations, 1897, the Crown Lands Ordinance, 1902, or the Crown Lands Ordinance, 1915, sells or otherwise disposes of any part thereof he shall (unless such part has a road of access to an existing public road) provide a road of access to such part from some existing public road or road of access, but he shall not be required to construct or maintain the road of access so provided, and the buyer or other holder of such part shall be entitled to exercise all the rights, powers and privileges given to an applicant for a road of access under the provisions of this Ordinance as though such rights, powers and privileges had been ordered by a district board, and such owner or other holder shall be subjected to the obligations imposed by the provisions of this Ordinance.

Prohibition of classes of traffic.

16. When it shall appear to the district board that the prohibition of any particular class of traffic on a road of access is desirable in the public interest, the board may, by a notice published according to rules made under this Ordinance, restrict the use of the road to a particular class or classes of traffic only. It shall be nothing in this section shall prejudice the rights of an applicant for the road of access for all purposes.

Decision of board final.

17. The decision of a district board upon the alignment of a road of access passing over alienated Crown lands shall be final, but an appeal shall lie to a court of competent jurisdiction from any decision made by it under this Ordinance in respect of compensation or costs of upkeep of roads.

Power to make rules.

18. The Governor in Council shall have power from time to time to make, alter or revoke rules under this Ordinance governing the powers, duties, obligations, and conduct of members of district boards, and generally for properly carrying out the provisions of this Ordinance.

Penalties.

19. Any person contravening any of the provisions of this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds, or to imprisonment of any kind for a period not exceeding three months.

SCHEDULE.

APPLICATION FOR LEAVE TO CONSTRUCT A ROAD OF ACCESS.

1. Name of applicant.
Place of abode.
Nationality.
2. Name, situation of land in respect of which such road of access is required; stating province, district and all particulars which may assist in locating same.
3. Name of public road, railway station or halt to which such road of access is required.
4. Name or names of land or lands over which it is proposed to construct such road of access together with the name or names of the respective owner or owners thereof.
5. The means of access (if any) to any public road, railway station or halt at present available for the use of the applicant, and whether use of same is subject to any payment or other terms or conditions.
6. Whether any crops or buildings will be damaged or destroyed by the construction of such road of access.
If so, to what extent?
7. Maximum width between drains of proposed road of access.
8. Any other facts of which you are aware which may affect the grant.

Applicant.

NOTE. This application must be accompanied by a sketch or plan showing approximately the course and direction of the proposed road of access and the present means of access (if any) to any public road, railway station or halt.

6. (1) A licensing officer may refuse to issue a licence for the use of any vehicle so constructed as, in his opinion, to be likely to be dangerous to persons or animals lawfully using the road, or injurious to the roads, for which does not comply with the provisions of this Ordinance or of any rules made thereunder.

Power to refuse licence in certain cases.

(2) A person whose application for a licence has been refused may appeal to the Governor, who may either direct a licence to be granted to him, or may refuse the licence, or may withhold the same until such alteration of the vehicle shall have been made as the Governor thinks proper.

Appeal to Governor.

(3) A licensing officer may at any time inspect a vehicle licensed under this Ordinance and, if such vehicle is not maintained in a fit and proper condition, may cancel the licence relating thereto.

Power of inspection.

(4) A licensing officer may at any time order and require the owner of a vehicle to bring the vehicle to him for examination.

Examination of vehicle.

7. (1) The Governor shall by notice in the Gazette appoint a Central Registrar of Licences issued under this Ordinance.

Appointment of Central Registrar of Licences.

(2) Every licence issued under this Ordinance shall be in the form prescribed by rules made under section 49 of this Ordinance and shall contain the particulars by such form required; and the licence on each identification mark in lieu thereof as may be prescribed shall be fixed and exhibited on the vehicle in such manner as may be prescribed by rules made under section 49 of this Ordinance.

Form of licence.

(3) Every person who shall transfer the ownership of any vehicle in the Colony and every person to whom such ownership is transferred shall immediately in writing notify the Central Registrar of such transfer.

Transfer of ownership of vehicle.

(4) If any licensed vehicle shall not be used for a period of 12 months, or if it be broken up or destroyed, or sent permanently out of the Colony, the licensee shall forthwith notify the Central Registrar.

Procedure when vehicle obsolete, etc.

(5) In the event of any licensee losing his licence he shall apply forthwith to the licensing officer or to the Central Registrar for a duplicate licence, and a fee of two shillings shall be charged for the issue of such duplicate licence.

Procedure when licence lost.

8. A licence may be issued for one year or half a year or quarter of a year. Every half-yearly licence shall continue in force from the date of the granting thereof until the next following thirtieth day of June or thirty-first day of December, whichever shall first ensue, and every quarterly licence shall continue in force from the date of the granting thereof until the next following thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December, whichever shall first ensue, and every yearly licence shall continue in force from the date of the granting thereof until the next following thirty-first day of December.

Duration of licence.

Provided that the fee payable in respect of every half-yearly licence shall be fifty-five per cent. of the fee payable in respect of every yearly licence and the fee payable in respect of every quarterly licence shall be thirty per cent. of the fee payable in respect of every yearly licence.

Provision.

THE TRAFFIC ORDINANCE, 1925.

The question of the enactment of legislation to provide for the control of traffic on roads and for the taxation of road vehicles has been under consideration for some years. The Motor Traffic Ordinance, 1915, which was slightly amended in 1921, deals with motor vehicles only. However, that Ordinance was based on the Motor Car Act (England) of 1903, and many of its provisions require revision in the light of the rapid development of motor vehicles both in volume and type in recent years. There has been hitherto no Ordinance in force in this Colony which provides for the control or taxation of vehicles other than motor vehicles except the East Africa Townships Ordinance (Chapter 82 of the Revised Edition) and the Municipal Corporations Ordinance (Chapter 84 of the Revised Edition), which affect townships and municipalities only. District Committees and District Road Boards have frequently made recommendations regarding the control of vehicles other than motor vehicles, chiefly those drawn by animals, but it has been impossible to put their recommendations into effect owing to there being no enabling power. The necessity for such powers of control over road traffic of all types cannot be disputed. This Colony is perhaps unique in not having suitable legislation in this connection. Uganda, for instance, enacted its Highways Ordinance providing for the control and taxation of all vehicles in 1921, and the other Colonies and Dominions have had enactments in force for many years.

The problem was investigated by a Roads and Traffic Committee appointed in 1924, and their report was laid on the table of Legislative Council in 1925. Action on that report was held in abeyance pending the recommendations of the Local Government Commission, as the report of the committee dealt with road policy as well as with road law and road traffic law, and the Commission was investigating the first of those matters. Last year the matter was again referred to the Roads and Traffic Committee. In their third report, which was laid on the table at last Session, recommended the enactment of this Bill.

The question of the licensing and taxation of vehicles, which had been reported on by the Roads and Traffic Committee in 1925 in their second interim report, was also reviewed in 1927 by a Select Committee of Legislative Council and the report of that Committee was laid on the table in April last year. These two associated subjects, namely, the control of traffic and the licensing and taxation of vehicles, have received a measure of consideration during the last few years which merits their importance, and this consideration has extended to a close examination of the legislation and projected legislation on these matters in a number of other countries.

It will be observed on perusal of the Bill that it is divided into four parts, dealing respectively with licences, motor vehicles specially, public service vehicles specially, and general provisions. There is also a schedule which sets forth the new proposals with regard to the taxation of vehicles.

Many of the clauses of this Bill are almost the same as those in the Motor Traffic (Maintenance) (Chapter 68 of the Revised Edition), which is repealed, but where it

is deemed desirable that their provisions should apply to vehicles other than motor vehicles as well as to motor vehicles the necessary alterations have been made on the lines proposed in the Seventh Interim Report of the Road and Traffic Committee. Some provisions for the control of traffic necessarily relate to motor vehicles only and others again to vehicles other than motor vehicles. Great care has been taken to see that all the provisions of the Motor Traffic Ordinance have been suitably covered either in this Bill or under rule-making power.

A few important new principles with regard to the control of traffic have been introduced in this Bill as a result of recent legislation and contemplated legislation in other countries. One of these is to make a distinction between driving to the public danger and careless driving. The former is rightly regarded as a serious offence carrying a high maximum penalty, but many of the offences which come before the courts are actually of the latter less serious character. A committee which has been sitting for some years in England regarding amendments to English road traffic law recommended this separation of the two offences, and this recommendation has been embodied in the draft Traffic Bill now before Parliament.

Another proposal which is embodied in Clause 17 of the Bill is that the offence of driving a motor vehicle while drunk should be extended to include the case of a person whose efficiency as a driver is impaired by drink. This is embodied in Col. Coast law and exists in a similar form in Transvaal traffic law.

It has been thought desirable to make special provision for the control of vehicles plying for hire, both as taxicabs and omnibuses, in view of the great increase in the use of vehicles of this class on the public roads of this colony. The public and visitors from other countries have a right to expect that reasonable measures are being taken by the local authority to safeguard the security and convenience of passengers travelling by privately-owned public service vehicles. Part III of the Bill is devoted to the provisions which are proposed in this connection. The proposals for the compulsory insurance of such vehicles in clause 30 follow the lines of the new draft Traffic Bill of England.

We come to what is perhaps the chief change of existing law which is proposed, namely, the proposals for the taxation of vehicles which are embodied in the schedule to the bill. The basis of taxation for motor vehicles is tare weight, instead of rated horsepower, and the general effect would be that the fees payable on the heavier vehicles would be considerably increased, while those for the medium and lighter ones are slightly increased. Licence fees for vehicles other than motor vehicles are also proposed as set forth in the schedule.

The fundamental principle that the rates of taxation of vehicles should bear proportional relationship to the expenditure on roads which is rendered necessary by their use is well established in most countries, but ideas vary greatly regarding the best means for giving expression to it in the best way. The soundness of the principle itself scarcely admits of dispute, for the development of the modern road surface and the construction of strong bridges has been rendered necessary by the development

development of the road vehicle. If it were not for the existence of vehicles, merely footpaths and cycle paths would be necessary for pedestrians and persons on horseback. So, those of the principle are not such such taxation should be the sole or principal source for deriving revenue for roads, nor will any the principal that general revenue, whether state, municipal or rural, should contribute. All it states is, in effect, that if vehicles are taxed at all the incidence of the taxation should be such that each vehicle bears its proper proportion of the cost of roads roughly in ratio to its wearing effect on roads in comparison with other vehicles.

This principle has not been generally agreed to in the past. It is not the basis of our present schedule of taxation of motor vehicles as embodied in the Motor Traffic Ordinance. The schedule to that Ordinance may be regarded as an echo of the feeling in England in the early years of this country, when the Motor Car Act of 1902 was passed, when a motor vehicle with rubber tyres was regarded as a luxury vehicle. Consequently we find in the Schedule to the present Motor Traffic Ordinance that an ordinary motor car pays a fee of one hundred shillings, while a high power tractor with metal tyres weighing perhaps five tons or more, and causing such road wear and necessitating powerful bridges, bears a tax of only ten shillings. Road traffic has changed so greatly during the last quarter of a century that no such distinction can now be made, for practically all vehicles are used primarily for business purposes.

The existing basis of taxation in this colony is the rated engine horse-power, motor cars with rubber tyres being divided into two classes according to whether they are above or below 14 horse-power. Engine horse power according to Royal Automobile Club rating, is still the basis

basis of taxation in England and some other countries, but many others have regarded it as artificial and adopted other basis, of which the commonest and most modern is either gross or tare weight. One of the chief objections to rated horse-power as the basis is that the output of the power does not bear any constant relationship to the rated horse-power, nor can it be determined with precision without taking a number of factors into consideration in each case.

There are such a large number of variables in the design of vehicles which bear on the wearing effect of vehicles on roads that it is impossible to devise a formula which would take them all into account. Moreover, the destructive effect of vehicles on road surfaces varies with the nature of the surface, some being more destructive on earth roads and others on macadam or bituminous roads. There are, however, three factors, namely gross weight, speed and kind of tyre, which are pre-eminently of material consequence. It obviously cannot tax on speed, although we can regulate the speed of heavier types, and so reduce destruction from impact. Gross weight is difficult to determine with precision, but varies roughly as the tare weight, and this is, in consequence, regarded as the most suitable basis of tax on when taken in conjunction with the type of tyre. The scale of fees given in the schedule is therefore based on these factors. It is practically the same as that in force in Natal and differs only slightly from those of the Cape Province and Nigeria. Taxation by tare weight was recommended to Legislative Council by the Select Committee which reported in 1927, with which respect the Roads and Traffic Committee is in agreement in this respect. The proposed taxation, as embodied in the Bill,

of vehicles other than motor vehicles, also conforms with the recommendations of these two committees.

In order to avoid the heavy administrative expense which would have to be incurred if the tare weights of vehicles were to be exactly determined, it is proposed, as set forth in Clause 9, to use the average weight of each type or model of vehicle for the purpose of calculating the tax. In this country especially, the types of bodies of motor vehicles vary so greatly that it would be necessary to weigh each vehicle separately if precision were to be secured. It is proposed that the average weight of each kind, type or model of vehicle should be established by publication of a list, and the weights shown thereon would be the legal tare weights of the vehicles listed therein for the purpose of this Ordinance. Uniformity would thus be achieved amongst licensing officers without incurring the heavy cost of weighbridges at different centres and the difficulty and expense of ascertaining weights with precision. The list would be added to or altered at fairly frequent intervals, as new types appeared on the market and old types became obsolete.

Provision is made in the Schedule for higher rates for vehicles with solid rubber tyres, and higher still for vehicles with metal tyres. It has been found from a series of experiments in America that vehicles with metal tyres, and to a lesser degree with solid rubber tyres, are far more detrimental to road surfaces than those with pneumatic tyres.

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

Madras,
31st December, 1928.

[Sd.] T. D. H. BRUCE
ACTING ATTORNEY GEN. RAL.

PUBLIC RECORDS OFFICE

THE ROADS AND TRAFFIC COMMITTEE.

THIRD REPORT.

To the Honourable the Colonial Secretary,
Colony and Protectorate of Kenya.

Sir,

REPORT ON
SECOND TERM
OF REFERENCE.

In 1925, the Roads and Traffic Committee submitted its Second Interim Report, being its report on its second term of reference which reads as follows:-

"To make recommendations regarding the policy of Government in respect of roads and traffic in the Colony and Protectorate and the best means of incorporating the main principles of this policy in legislation."

This report was laid on the table of Legislative Council in 1925.

THIRD TERM
OF REFERENCE .

2. Consideration of its third term of reference reading as follows:-

"To examine details and to advise on the final form of the proposed legislation after the receipt of Government direction regarding the recommendations made."

was held in abeyance pending consideration of road and traffic policy by the Local Government Commission.

PRESENT TERM
OF REFERENCE.

3. In letter No.S.TRN.3/12/1/7 dated 11th June, 1927, the Chairman received instructions that

the Committee "should now proceed to draft legislation dealing with traffic and the licensing and taxation of vehicles" being, in effect, its third term of reference in respect of traffic only.

COMPOSITION OF COMMITTEE, MEETINGS AND REPORTS.

4. Some of the members of the Committee, as previously established, were not in the Colony at the time, and much delay occurred in the selection of new members to replace them. Eventually the following Committee was appointed:-

- The Hon. Director of Public Works (Chairman).
- The Hon. Solicitor General.
- The Hon. Mr. Conway Harvey.
- The Hon. Mr. T. J. O'Shea.
- Capt. Rice, representing the Commissioner of Police.
- Col. M. Maxwell.
- The Municipal Engineer, Nairobi.

The Committee held 6 meetings between September 29th, 1927, and April 3rd, 1928, and a Sub-Committee consisting of the Hon. Director of Public Works, the Hon. Solicitor General and Capt. Rice dealt with the drafting of the bill. The Committee now has the honour to submit its report, on its present term of reference, for the information of His Excellency. This includes the draft of a bill "To provide for the control of traffic on roads and for the licensing and taxation of vehicles", which the Committee advises should be enacted forthwith. The

exception of the deviations from those proposals, which the reasons stated in paragraph 5 above have rendered desirable and which are referred to in the succeeding paragraphs.

TAXATION BASED
ON TARE WEIGHT.

8. The fundamental principle that the rates of taxation of vehicles should bear relation to the destructive effect of vehicles on roads is well established in most countries. Its adoption in this Colony was recommended in para.31 of the Second Interim Report of this Committee. It was advised by the Select Committee on the taxation of vehicles, and its adoption is now reiterated by this Committee.

SCALE OF FEES.

9. In their Second Interim Report, this Committee advised fees for motor vehicles based on the Motor Vehicles Ordinances of the Transvaal (1915 - 1923) under which the scale of fees was dependent on both tare weight and horse power (Dendy Marshall formula). After considerable examination of this matter, this Committee has formed the opinion, which conforms with that of the Select Committee, that it would be better to follow the practice which is established in Natal, the Cape Province, the Gold Coast and Nigeria, namely, to base the scale of fees on tare weight alone. Its recommendations in this respect are embodied in the Schedule to the Draft Bill. With regard to the basis of taxation of vehicles other than motor vehicles, the recommendations which they made in their Second Interim Report

are adhered to and are also incorporated in the Schedule. The scale of fees for motor vehicles, therein proposed, is practically the same as that in force in Natal and correlates closely with those of the Cape Province and Nigeria. With regard to the proposals for the taxation of vehicles other than motor vehicles, as embodied in the Schedule, the Committee has already expressed its opinions in its Second Interim Report and has nothing to add to that advice. It is recommended that a portion of the proceeds of taxation of vehicles should be handed over to Local Authorities for expenditure on roads within their areas.

METHOD OF
DETERMINING
TARE WEIGHTS.

10. In countries which have adopted taxation of vehicles on the basis of weight - and there are probably few important countries which have not done so either for all or one or more classes of vehicles - great difficulty is experienced and expense incurred in the endeavour to arrive at the exact weight of each vehicle. Weigh-bridges of suitable type are established at each locality where vehicles are licensed. Vehicles of the same class or model vary in weight individually according to the type of body, size of tyres, nature of the seats, presence of detachable fittings, etc., as well as the quantity of mud on the vehicles and other circumstances. It is proposed to overcome this source of administrative expense - which in the opinion of the Committee is not warranted - by the

preparation and publication, for the use of licensing officers, of a list of the average tare weights of the makes, types, models and classes of vehicle in ordinary use, and to establish these as standard on the lines set out in Clause 9 of the Draft Bill.

**PUBLIC SERVICE
VEHICLES.**

11. In view of the great increase in the number of motor vehicles plying for hire both as taxicabs and omnibuses, the Committee has felt it desirable to fall into line with other countries by making special provision for the closer control of such vehicles. The public and visitors from other countries have a right to expect that reasonable measures are being taken by the local authority to safeguard the security and convenience of passengers travelling by such vehicles in the same way as the safety and convenience of passengers by train are safeguarded by law and inspection when railways are privately operated. Part III of the Bill is devoted to the provisions which the Committee propose in this connection, and these include special licences, special identification plates and drivers' badges. Provision is also made for compulsory insurance of public service vehicles following the lines of Section 61 of the Draft Road Traffic Bill which has been introduced to Parliament in Great Britain. It is to be observed that a Committee in Nigeria recommended that insurance against third party risks should be made compulsory for all motor vehicles in that Colony.

DRIVING TO
COMMON DANGER
AND NEGLIGENT
DRIVING.

12. Following the recommendations of the Departmental (Ministry of Transport) Committee regarding differentiation in respect of penalty between driving to the common danger and careless driving - a recommendation which has been embodied in the British Draft Road Traffic Bill of 1927 (Clauses 4 and 5) - this Committee proposes a similar separation of the two offences in this Colony as far as motor vehicles are concerned (vide Clauses 15 (1) and 16 (1)).

DRUNKENNESS
WHILE DRIVING.

13. The Committee also propose that the offence of drunkenness while driving or being in charge of a vehicle should be extended so as to include the case of a driver whilst his efficiency is impaired by drink (Clauses 17 and 33). This also follows the recommendation of the Departmental (Ministry of Transport) Committee and has been included in the Draft Road Traffic Bill of 1927 (Clause 7). It is in force at present in the Gold Coast (Motor Traffic Ordinance, 1925, Section 16 (1)).

SCHEDULES AND
FORMS TO BE
PROVIDED UNDER
RULES.

14. It has been thought best that the schedules prescribing maximum dimensions of vehicles and forms for use in connection with licensing and taxation of vehicles and similar matters should be prescribed by Rules under Clause 49 and not included in the Ordinance.

REPEAL OF MOTOR
TRAFFIC ORDINANCE.

15. As foreshadowed by the Committee in their Second Interim Report, the bill as now presented will repeal the Motor Traffic Ordinance (Cap. 68 of the Revised Edition) when enacted.

RULES.

16. The Rules which would be required under Clause 17 of this draft Bill, if enacted, have not yet been fully considered. Those which are at present in force under the Motor Traffic Ordinance (Cap. 22 of the Revised Edition) can be adopted with modification and supplemented to include the necessary provisions for traffic other than motor vehicles. It is suggested that, if this draft bill is approved by Government and Legislative Council, the Rules under the Ordinance should be compiled by this Committee and have effect from the date when the Ordinance comes into force. The Committee wishes to reiterate here the opinion which it has previously expressed that all road traffic law should be made available to the public in pamphlet form.

We have the honour to be,

Sir,

Your obedient servants,

(Sd.) H.L.Sikes.	CHAIRMAN.
(Sd.) T.D.H.Bruce.	MEMBER.
(Sd.) Conway Harvey.	MEMBER.
(Sd.) Thos.J.O'Shea.	MEMBER.
(Sd.) H.P.Rice.	MEMBER.
S.P. for C.P.	
(Sd.) C.R.Davidson.	MEMBER.

3rd April, 1928.

REPORT OF THE SELECT COMMITTEE OF LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER THE TAXATION
OF HEAVY VEHICLES.

The Committee found difficulty in deciding on their term of reference with precision. It was noted that the omnibuses which are at present plying for hire in this Colony do not fall under the class of "heavy motor vehicle" as the term is defined in the laws of those countries which make a distinction in their legislation between heavy and ordinary motor vehicles, for their tare weight is below 2 tons. In the legislation of this Colony no such distinction is made. Moreover, the Committee found it impossible to dissociate the problem of taxation of heavy vehicles in relation to their destructive effect on roads from that of other vehicles. It was therefore decided that the taxation of all vehicles should receive their consideration and that their term of reference should be deemed to extend to this.

2. It has been observed that the present taxation of motor vehicles is established by Schedule 4, Cap 61, Laws of Kenya. The Committee have noted that the Roads and Traffic Committee in their Second Interim Report (1959) which was laid on the table of Legislative Council stated:- "The Committee consider this schedule to be very defective". In this opinion this Select Committee concurs. There is at present no tax on vehicles other than motor vehicles except in certain townships.

3. The Committee have not the advantage of the assistance of the Commissioner of Police in their deliberations. It has been noted that the Commissioner of Police is under consideration a draft of a bill to amend the Motor Traffic Ordinance. This contains a suggested amendment to the schedule for motor vehicle taxation. The Committee feel that, although this schedule would be an improvement on the existing schedule, it would perpetuate many of the anomalies of that schedule, especially when viewed from the standpoint of the destructive effect of vehicles on roads. Moreover, no provision is made for the taxation of vehicles other than mechanically propelled vehicles - which would indeed be impossible by amendment of the Motor Traffic Ordinance alone.

4. The Committee's attention has been directed to paragraphs 25 and 36 of the second interim report of the Roads and Traffic Committee in which a scheme of taxation based on the Motor Vehicle Ordinance, 1915, (as amended in 1925, 1916 and 1927) of the Transvaal is mentioned. It is proposed therein that the tax on motor vehicles should be based on both horse power (H.P. rating) and tare weight, and in the case of vehicles, other than motor vehicles, on tare weight alone. Each class or make of vehicle would, under these proposals, have its appropriate tax, and a schedule could be prepared setting forth the tax pertaining to each type of vehicle.

5. Consideration has been given to the desirability or otherwise of recommending this basis of taxation. The Committee find on reference to

7. The Committee advise that vehicles owned by the Government, the Kenya and Uganda Railways and local authorities should pay the same rates as other motor vehicles.

8. Certain agricultural machinery which might come under the definition of motor vehicle or tractor and which is intended to be used along public roads at infrequent intervals should, it is considered, be free from taxation.

9. The Committee advise that their recommendations regarding the taxation of vehicles be embodied in an "Ordinance to provide for the licensing and taxation of vehicles" and not by an amendment of the Motor Traffic Ordinance.

10. Consideration has been given to the question of the imposition of a special tax on vehicles plying for hire, such as cabs and taxicabs. The Committee think that all such vehicles should be registered by the local authority having control of the township within which the owner resides, or his place of business, or within or from which the vehicle plies for hire. They are of the opinion that a uniform tax of this kind is desirable but considered that it should be imposed by the local authority within which the vehicle is registered as a public vehicle and should be paid to the revenue of the township. They suggest a tax of 4 shillings for each person which the vehicle is licensed to carry.

11. In the course of their deliberations, the Committee have necessarily had to consider

matters bearing on their term of reference though not actually comprised within it.

(1) They feel that some of these are factors which bear very materially on the question of destructive effect on roads although they cannot readily be dealt with by taxation. Reference is especially made to :-

- (a) maximum speed of omnibuses and lorries;
- (b) width of tyres, especially of metal ones;
- (c) proper fixation of wheels to axles in the case of certain vehicles other than mechanically propelled ones;
- (d) dimensions and design of vehicles;
- (e) loading of vehicles.

In this connection the Committee desire to invite attention to the recommendations of paragraph 41 of the report of the Roads and Traffic Committee and to urge the real and urgent necessity for the enactment of a comprehensive traffic law.

(2) They also wish to record their opinion that the principle of the tax on petrol should be retained.

(3) Representations have been made to the Committee to the effect that the present customs duty on motor vehicles of £15, plus 5% advalorem is not altogether satisfactory in its incidence. The Committee make no recommendations on this matter but commend it to the consideration of Government.

(sd) H.L. Bikes.

DIRECTOR OF PUBLIC WORKS CHAIRMAN.

(sd) H.P. Ward.

MEMBER.

(sd) A.H. Malik MEMBER.

(sd) T.J.O'Shea. MEMBER.

PUBLIC WORKS DEPARTMENT,
HEAD OFFICE,
NAIROBI.

4th December, 1928.

Ref. No. A.1118/7/1/47/1.

The Hon'ble Ag. Colonial Secretary,

NAIROBI.

REPORT OF THE SELECT COMMITTEE ON THE
TRAFFIC BILL.

Ref. your S/C RDS 1/4/1/34 of 30-11-28.

The Select Committee met on December 3rd 1928 to consider Minute No. 506 dated 29-11-28 of Executive Council.

2. The following members were present:-

- The Hon. Director of Public Works, Chairman.
- " Hon. Ag. Attorney General,
- " Hon. Mr. Conway Harvey,
- " Hon. Capt. E. Vaughan Kenealy.

3. The Committee respectfully requests Government to reconsider its decision that the provision for the taxation of vehicles other than motor vehicles should be deleted from the Traffic Bill.

It is of the opinion that provision for the taxation of such vehicles by amendment of the Local Government Ordinances, in such a manner that taxation would be at the option of the Local authorities established under those Ordinances, would not be adequate. The Committee is furthermore/

64

REPORT OF THE SELECT COMMITTEE
APPOINTED TO CONSIDER AND REPORT UPON THE
PROVISIONS OF THE TRAFFIC BILL, 1928.

Your Excellency,

The Select Committee of Legislative Council appointed to consider and report upon the provisions of the Traffic Bill, 1928 have the honour to recommend that the following alterations be made in the Bill, namely:-

TITLE. That the title be amended by the addition thereto of the following words at the end thereof:-

"used thereon"

CLAUSE 2.

That this clause be amended by the deletion of the last six definitions and the substitution of following definitions therefor:-

" 'Tare weight' means the weight of a vehicle when unladen computed as provided for by section 9 of this Ordinance."

" 'Taxi Cab' means a public service vehicle licensed to carry not more than six passengers whether it is fitted with a taximeter or not."

" 'Tractor' means a motor vehicle designed for towing one or more trailers."

" 'Traffic' includes pedestrians."

" 'Trailer' means a vehicle attached to, and drawn by a motor vehicle whether its weight is partly supported by the motor vehicle or otherwise, but does not include a side car attached to a motor cycle."

" 'Vehicle' includes motor vehicle and carriage."

CLAUSE 3.

That this clause be amended by the insertion of the following words between the word "vehicle" and the word "which" which occur in line 13:-

"not being a bicycle, tricycle, or such other vehicle as the Governor may exempt by notice in the Gazette"

and by the insertion of the following words between the word "road" and the word "without" which occur in line 14 -

Chap.113: "Other than a road of access granted under the provisions of the Public Travel and Access Roads Ordinance"

CLAUSE 5. That this clause be amended by the deletion of the word "seven" which occurs in line 32 and the substitution of the following words therefor:-

"four and one half"

CLAUSE 6 (2) That this sub clause be amended by the deletion of the words "A person to whom a licence has been refused" which occur in line 41, and the substitution of the following words therefor:-

"A person whose application for a licence has been refused"

CLAUSE 7. That a new sub clause (to be numbered (1)) be inserted to read as follows:-

"(1) The Governor shall by notice in the Gazette appoint a Central Registrar of Licences issued under this Ordinance"

and that the remaining sub clauses be renumbered accordingly.

CLAUSE 7.
Old sub clause (2) That this sub clause be deleted.

CLAUSE 7 (3) That this sub clause be deleted and the following sub clause substituted therefor:-

"(3) Every person who shall transfer the ownership/

ownership of any vehicle in the Colony and every person to whom such ownership is transferred shall immediately notify in writing such transfer to the Central Registrar."

CLAUSE 7 (4) That this sub clause be amended by the deletion of the words "licensing officer by whom the licence in respect of such vehicle was issued" which occur in lines 20 and 21, and the substitution of the following words therefore:-
"Central Registrar"

CLAUSE 7 (5) That this sub clause be deleted and the following sub clause substituted therefor:-
"(5) In the event of any licensee losing his licence he shall apply forthwith to the licensing officer or to the Central Registrar for a duplicate licence and a fee of two shillings shall be charged for the issue of such duplicate licence."

CLAUSE 8. That this clause be amended by the insertion of the word "next" before the word "following" which occurs in lines 28, 32 and 35.

CLAUSE 11 (2) That this sub clause be amended by the deletion of the word "then" which occurs in line 20.

CLAUSE 11 (4) That this sub clause be amended by the insertion of the words "of assembly" between the word "completion" and the word "or" which occur in line 31.

CLAUSE 12 (3) That this sub clause be amended by the deletion of the words "except that in the case of a motor bicycle a certificate may be granted to a person who has reached the age of 14 years" which occur in lines 5, 6, and 7.

-4-

CLAUSE 12 (4) That this sub clause be deleted and the following sub clause substituted therefor:-

"(4) There shall be paid for a certificate of competency the sum of thirty shillings."

and that a new sub clause to be numbered (5) be inserted after sub clause (4) to read as follows:-

"(5) In the event of any person losing his certificate of competency he shall apply to the Central Registrar for the issue of a duplicate certificate and a fee of two shillings shall be charged by the Central Registrar for the issue of such duplicate certificate of competency."

and that the remaining sub clauses be renumbered accordingly.

Old sub clause (6) That this sub clause be amended by the
New sub clause (7) deletion of the word "shall" which occurs in line 24.

Old sub clause (9) That this sub clause be deleted and the
New sub clause (10) Following sub clause substituted therefor:-

"(10) Any person who shall drive a motor vehicle upon any road without having upon his person or in the motor vehicle at the time a valid certificate of competency as required by this Ordinance, except as provided in sub section (1) of this section shall be guilty of an offence against this Ordinance."

New sub clause 11. That a new sub clause to be numbered (11) be inserted after new sub clause 10 to read as follows:-

"(11) A certificate of competency issued under the Motor Traffic Ordinance shall be a valid certificate of competency under this Ordinance."

CLAUSE 13 (a) That this paragraph be amended by the deletion of the word "or" which occurs in line 49 and/

and the substitution therefor of the word "and" and by the insertion of the words "on level ground" after the word "hour" which occurs in line 51.

CLAUSE 13 (e) That this paragraph be amended by the insertion of the word "also" between the word "shall" and the word "by" which occur in line 7.

CLAUSE 17 (1) That this sub clause be amended by the insertion of the words "or drugs" after the word "drink" which occurs in line 46.

CLAUSE 17 (2) That this sub clause be amended by the insertion of the words "a fine not exceeding one hundred pounds and to" after the words "liable to" which occur in line 51.

CLAUSE 18 (1) That this sub clause be deleted and the following sub clause substituted therefor:-

"(1) Every motor vehicle shall carry an efficient hooter or other suitable appliance for giving audible warning and every driver of a motor vehicle shall, whenever it is prudent for the purpose of giving audible warning of his approach, clearly sound such hooter or appliance."

CLAUSE 18 (2) That this sub clause be amended by the deletion of the word "horn" which occurs in lines 6, 7 and 9 and substitution therefor of the word "hooter".

CLAUSE 18 (4) That this sub clause be deleted and the remaining sub clauses be renumbered accordingly.

Old sub clause (5) That this sub clause be amended by the
New sub clause (4) insertion of the word "vehicle" after
the word "motor" which occurs in line 16.

Old sub clause (6) That this sub clause be amended by the
New sub clause (5) deletion of the words "No person driving
a motor vehicle shall" which occur in
line 18 and the substitution therefor of
the following words:-

"No person driving or being in
charge of a motor vehicle shall-"

Old sub clause (6)(a) That this paragraph be deleted and
New sub clause (5)(a) the following paragraph substituted
therefor:-

"(a) When in the motor vehicle be in
such a position that he cannot
control the same, or that he cannot
obtain a full view of the road and
traffic in the direction of his
travel."

Old sub clause 6(c) That this paragraph be amended by the
New sub clause 5(c) deletion of the words "stand so as to"
which occur in line 26.

CLAUSE 27. That this clause be amended by the deletion
of the words "A licensing officer" which
occur in line 10 and the substitution
therefor of the words "The Commissioner of
Police" and by the addition thereto of
the following proviso:-

"Provided that if the stand would
be situated within the boundaries
of any municipality established
under the Local Government (Municipalities)
Ordinance 1928 the notice shall be
subject to the approval of the Municipal
Council or Board of the Municipality concerned"

CLAUSE 31. That this Clause be amended by the deletion thereof and the substitution thereof of the following clause:-

"31. Every driver or person in charge of a motor vehicle or carriage on a road between the hours of 6.45 p.m. and 6.15 a.m. shall provide and maintain such motor vehicle or carriage with a lamp or lamps in proper working order to be fixed or carried and lighted in such manner as may be prescribed by Rules made under section 49 of this Ordinance."

CLAUSE 32. That this clause be amended by the insertion of the word "rides" between the word "who" and the word "drives" which occur in line 25 and by the insertion of the word "leads" between the word "drives" and the word "or" in the same line, and by the insertion of the word "ridden" between the word "be" and the word "driven" which occur in lines 25 and 26, and by the insertion of the word "led" between the word "driven" and the word "or" which occur in line 26.

CLAUSE 34 (3) That this sub clause be amended by the insertion of the following words between the word "carriage" and the word "shall" which occur in line 52 :-

"except such as may be exempted by the Governor by notice in the Gazette."

CLAUSE 35 (3) That this sub clause be amended by the deletion of the word "by" which occurs in line 14 and the substitution thereof of the word "through" and that a new sub clause to be numbered (6), be inserted between sub clauses (5)/

CLAUSE 40 (e) That this paragraph be amended by the deletion of the words "water, tailings, or" which occur in line 32.

NEW PARAGRAPH (h) That a new paragraph (to be lettered (h)) be inserted after paragraph 40 (g) to read as follows:-

"(h) Pitches any ~~term~~ ^{tooth} or stall"

CLAUSE 41 (a) That this paragraph be amended by the deletion of the word "or" which occurs in line 48 and that the words "or Lead" be inserted between the word "drive" and the word "any" which occur in the same line.

CLAUSE 41 (c) That this paragraph be deleted and the remaining paragraphs be re-lettered accordingly.

Old paragraph 41 (f) That this paragraph be amended by New paragraph 41 (e) the deletion of the word "full" which occurs in line 7 and the substitution thereof of the word "reasonable".

CLAUSE 42 (c) That this paragraph be amended by the insertion of the words "or lights visible to the drivers of vehicles approaching from either direction" between the word "lights" and the word "shall" which occur in line 44, and by the deletion of the words "the hours of 6.15 p.m. and 5.45 a.m." which occur in line 45 and the substitution thereof of the words "the hours of 6.45 p.m. and 6.15 a.m."

CLAUSE 47.

That this clause be amended by the deletion of the word "triable" which occurs in line 26 and the substitution thereof of the word "tried".

CLAUSE 49 (h)

That this paragraph be amended by the insertion of the words "or us." between the word "driving" and the word "of" which occur in line 18.

CLAUSE 49 (i)

That this paragraph be amended by the deletion of the words "for certificates of competency and" which occur in lines 24 and 25.

CLAUSE 49 (L)

That this paragraph be amended by the insertion of the words "or used" between the word "driven" and the word "either" which occur in lines 31 and 32.

CLAUSE 49 (O)

That this paragraph be amended by the insertion of the words "method and circumstances of use" between the word "nature" and the word "and" which occur in line 40.

CLAUSE 49 (r)

That this paragraph be deleted and the following paragraph substituted therefor:-

"(r) Prohibiting any practices which may lead to the obstruction of or damage to roads."

CLAUSE 49 (t)

That this paragraph be amended by the deletion of the words "neighbouring territories"/

territories" which occur in line 53 and the substitution therefor of the words "other territories in Africa".

CLAUSE 49 (y)

That this paragraph be amended by the insertion of the words "and of trailers" between the word "vehicles" and the word "on" which occur in line 13.

CLAUSE 50.

That this clause be amended by the insertion of the word "or" between the word "orders" and the word "notices" which occur in line 22, and by the deletion of the words "or licences" which occur in the same line, and by the insertion of the words "orders or notices" between the word "rules" and the word "made" which occur in line 23.

SCHEDULE I (1) (d)

That this paragraph be amended by the insertion of the words "or part thereof" between the word "lbs" and the word "up".

SCHEDULE I (2) (a)

That this paragraph be amended by the deletion of the word "they" in the second line of the paragraph and the substitution therefor of the word "it".

SCHEDULE I (3)

That this paragraph be deleted and the following paragraph substituted therefor:-

"(C) In addition to the rates specified in paragraphs (1) and (2) above a licence of ten shillings per passenger which the vehicle is licensed to carry shall be paid by the owner of a public service vehicle."

SCHEDULE II (a)

That this paragraph be amended by the deletion of

"Shs.Cts."
of the figures 2. 00 and the substitution
"Shs.Cts."
therefor of the figures 1. 00.

SCHEDULE II (b)

That this paragraph be amended by the deletion
"Shs.Cts."
of the figures 3.00 and the substitution
"Shs.Cts."
therefor of the figures 1.50.

SCHEDULE II (c)

That this paragraph be amended by the deletion
"Shs.Cts."
of the figures 3.00 and the substitution
"Shs.Cts."
therefor of the figures 1.50.

We have the honour to be,

Your Excellency's obedient servants,

H.L. SIKES, Director of Public Works.
(Chairman)

T.D.H. BRUCE, Ag. Attorney General.

CONWAY HARVEY, Elected Member for Lako.

H.F. WARD, Elected Member for
Nairobi North.

E. VAUGHAN KENE f, Elected Member for
West Kenya.



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TABLE OF CONTENTS

	PAGE
Ordinance No. 26 of 1928—An Ordinance to Provide for the Control of Traffic on Roads and for the Licensing and Taxation of Vehicles used Thereon ..	2037
Proclamation No. 139—The Traffic Ordinance, 1928—Notice of Coming into Operation ..	2055
Govt. Notice No. 681—The Traffic Ordinance, 1928—Appointment of Licensing Officers ..	2056
" " 682—The Traffic Ordinance, 1928—Appointment of Certifying Officer ..	2056
" " 683—The Traffic Ordinance, 1928—Appointment of Central Registrar of Licences ..	2057
" " 684-685—The Traffic Ordinance, 1928—Exemptions ..	2057
" " 686—The Traffic Ordinance, 1928—Rules ..	2058
" " 687—The Traffic Ordinance, 1928—List of Tare Weights of Different Makes, Types, Models, and Classes of Vehicles ..	2072

"Road Authority" means the Director of Public Works or his duly authorised representative, except where the roads or any of them within any area or district have been vested in a local authority under any Ordinance in which case the local authority or its duly authorised representative is the road authority for the purposes of this Ordinance for the roads vested in it.

"Tare weight" means the weight of a vehicle when unladen computed as provided for by section 9 of this Ordinance.

"Taxicab" means a public service vehicle licensed to carry not more than six passengers whether it is fitted with a taximeter or not.

"Tractor" means a motor vehicle designed for towing one or more trailers.

"Traffic" includes pedestrians.

"Trailer" means a vehicle attached to and drawn by a motor vehicle whether its weight is partly supported by the motor vehicle or otherwise but does not include a sidecar attached to a motor cycle.

"Vehicle" includes motor vehicle and carriage.

PART I.

LICENCES.

3. The owner and driver of any vehicle which is used upon any road, other than a road of access granted under the provisions of the Public Travel and Access Roads Ordinance, without a licence in that behalf issued under this Ordinance, shall be severally liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment of either description for a term not exceeding three months.

Penalty for use of a vehicle without a licence. *Cap. 219.*

Provided that any vehicle duly licensed for any particular year or half-year or quarter of a year in the Uganda Protectorate or in Tanganyika Territory, and imported from either of those countries, shall not be required to be licensed under this Ordinance during the year or half-year or quarter of a year, as the case may be, in which it was so imported.

Proviso.

Provided further that the provisions of this section shall not apply to a bicycle, tricycle or such other vehicle as the Governor may by notice in the Gazette exempt.

4. Licences under this Ordinance shall be issued by such officer or officers (hereinafter referred to as "the licensing officer") as may be appointed for that purpose by the Governor from time to time.

Licensing officers.

5. No licence shall, except with the consent in writing of the road authority, be subject to such conditions, if any, as the road authority may impose, be granted for any vehicle the tare weight whereof exceeds four and one-half tons, or which has metal tyres fitted with spuds and iron spikes, or any similar device.

Certain vehicles only to be licensed with consent of road authority.

6. (1) A licensing officer may refuse to issue a licence for the use of any vehicle so constructed as, in his opinion, to be likely to be dangerous to persons or animals lawfully using the road, or injurious to the roads, or which does not comply with the provisions of this Ordinance or of any rules made thereunder.

Power to refuse licence in certain cases.

(2) A person whose application for a licence has been refused may appeal to the Governor, who may either direct a licence to be granted to him, or may refuse the licence, or may withhold the same until such alteration of the vehicle shall have been made as the Governor thinks proper.

Appeal to Governor.

(3) A licensing officer may, at any time inspect a vehicle licensed under this Ordinance and, if such vehicle is not maintained in a fit and proper condition, may cancel the licence relating thereto.

Power of inspection.

(4) A licensing officer may at any time order and require the owner of a vehicle to bring the vehicle to him for examination.

Examination of vehicle.

7. (1) The Governor shall by notice in the Gazette appoint a Central Registrar of Licences issued under this Ordinance.

Appointment of Central Registrar of Licences.

(2) Every licence issued under this Ordinance shall be in the form prescribed by rules made under section 49 of this Ordinance and shall contain the particulars by such form required; and the licence or such identification marks in lieu thereof as may be prescribed shall be fixed and exhibited on the vehicle in such manner as may be prescribed by rules made under section 49 of this Ordinance.

Form of licence.

(3) Every person who shall transfer the ownership of any vehicle in the Colony and every person to whom such ownership is transferred shall immediately, in writing, notify the Central Registrar of such transfer.

Transfer of ownership of vehicle.

(4) If any licensed vehicle shall not be used for a period of 12 months, or if it be broken up or destroyed or sent permanently out of the Colony, the licensee shall forthwith notify the Central Registrar.

Procedure when vehicle obsolete, etc.

(5) In the event of any licensee losing his licence he shall apply forthwith to the licensing officer or to the Central Registrar for a duplicate licence, and a fee of two shillings shall be charged for the issue of such duplicate licence.

Procedure when licence lost.

8. A licence may be issued for one year or half a year or quarter of a year. Every half-yearly licence shall continue in force from the date of the granting thereof until the next following thirtieth day of June or thirty-first day of December, whichever shall first ensue, and every quarterly licence shall continue in force from the date of the granting thereof until the next following thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December, whichever shall first ensue, and every yearly licence shall continue in force from the date of the granting thereof until the next following thirty-first day of December.

Duration of licence.

Provided that the fee payable in respect of every half-yearly licence shall be fifty-five per cent. of the fee payable in respect of every yearly licence and the fee payable in respect of every quarterly licence shall be thirty per cent. of the fee payable in respect of every yearly licence.

Proviso.

Fees. 9. (1) The fees set out in the Schedule to this Ordinance shall be payable in respect of licences for vehicles.

Tare weights. (2) A list of the tare weights of different makes, types, models or classes of vehicles shall be made by the Governor and published in the Gazette and may be added to or altered from time to time by him and those weights shall for all the purposes of this Ordinance and Rules thereunder be deemed to be the tare weights of vehicles of those makes, types, models or classes.

Vehicle not included in list of tare weights. (3) In the event of any vehicle being presented for registration which is not deemed by the licensing officer to be included in such list, the licensing officer may require the owner to adduce such evidence to prove the tare weight of the vehicle as he may require.

Exemption of vehicles used solely on farms for agricultural purposes. 10. If it is shown to the satisfaction of the licensing officer that any particular vehicle will be used solely for agricultural purposes and will not be used on a road except for the purpose of its movement to or from a farm and not for the conveyance of persons, farm produce, goods, or merchandise along a road, he may issue a permit in the form prescribed by rules made under section 49 of this Ordinance without fee authorising the owner to drive or cause to be driven the vehicle as stated thereon. Any person using the vehicle on a road for a purpose other than that expressed in the permit shall be guilty of an offence against this Ordinance.

Identification marks. 11. (1) Marks indicating the number of the licence and the place where the same is issued shall be fixed on every licensed vehicle in such manner as may be prescribed by rules made under section 49 of this Ordinance, or in the absence of such rules in such manner as may be directed by the licensing officer.

Penalty for not fixing or identifying identification marks. (2) If such marks or any of them be not fixed to a licensed vehicle in the manner prescribed or directed, or if, being so fixed, any of them are in any way obscured or rendered or allowed to become not easily distinguishable, the owner and driver of the vehicle shall be severally guilty of an offence against this Ordinance.

No identification marks to be fixed other than those prescribed. (3) No identification marks other than those prescribed whether by rule or otherwise shall be fixed to any licensed vehicle.

General identification mark. (4) A licensing officer may issue on payment of the fee prescribed by rules made under section 49 of this Ordinance to any manufacturer of or dealer in motor vehicles a general identification mark which may be used for any motor vehicle on trial after completion of assembly or on trial by an intending purchaser, and the person so using the motor vehicle shall not be liable to a penalty under section 6 of this Ordinance if the mark so assigned is fixed and the vehicle bearing it is used in compliance with rules made under section 49 of this Ordinance or, in the absence of such rules, in such manner as may be prescribed by the licensing officer.

Provided that any motor vehicle used under such general identification mark shall not carry more than two persons in addition to the driver.

PART II
MOTOR VEHICLES.

12. (1) A person shall not drive a motor vehicle on any road unless he shall hold a certificate of competency to drive such motor vehicle of one of similar type, such certificate to be issued by such officer or person as the Governor may appoint for the purpose (hereinafter referred to as the "certifying officer") or issued to him in the Uganda Protectorate or Tanganyika Territory under any law in force in those countries:

Provided that, for the purpose of being taught to drive, an uncertificated person may drive a motor vehicle upon any unfrequented road if accompanied by a person holding a certificate of competency to drive such motor vehicle and that in such case both the uncertificated person and the person holding a certificate shall be severally liable for any offence under this Ordinance committed during the driving by such uncertificated person.

(2) A certificate of competency shall be prepared in duplicate in the form prescribed by rules made under section 49 of this Ordinance.

Form of certificate.

(3) A certificate of competency shall not be granted to a person under the age of sixteen years, nor to any person of materially defective vision or hearing nor until the certifying officer shall have satisfied himself personally that the applicant has sufficient knowledge and experience in the driving of motor vehicles to enable him to keep his vehicle completely under control in heavy traffic, to bring it promptly to a standstill, and generally so to manage it that no danger or inconvenience to the public is to be apprehended from his use of it.

Requirements before grant of certificate.

(4) There shall be paid for a certificate of competency the sum of thirty shillings.

Fee.

(5) In the event of any person losing his certificate of competency he shall apply to the Central Registrar for the issue of a duplicate certificate, and a fee of two shillings shall be charged by the Central Registrar for the issue of such duplicate certificate of competency.

Duplicate certificate.

(6) If the certifying officer be not an officer in the public service, it shall be lawful for the Governor to direct that there be paid to such certifying officer such fees for each certificate of competency granted by him as the Governor thinks proper.

Certifying officer not in public service may be awarded certain fees.

(7) The person certified as competent shall in the presence of the certifying officer endorse the certificate and duplicate with his usual signature or, if he be illiterate, shall affix thereto his thumb mark, or finger prints, or such other mark of identity as the certifying officer shall require.

Endorsement of certificate.

(8) The certifying officer shall forward the duplicate of every certificate of competency issued by him to the Commissioner of Police, by whom it shall be filed.

Duplicate to be kept.

(9) Any licensing officer appointed under this Ordinance or any magistrate or any European police officer or any other police officer not below the rank of an assistant sub-inspector may require any person driving a motor vehicle to produce his certificate of competency for inspection when demanded.

Inspection of certificate.

Penalty for driving without certificate.

(10) Any person who shall drive a motor vehicle upon any road without having upon his person or in the motor vehicle at the time a valid certificate of competency as required by this Ordinance, except as provided in sub-section (1) of this section, shall be guilty of an offence against this Ordinance.

Competency of driver under Motor Traffic Ordinance, Cap. 68.

(11) A certificate of competency issued under the Motor Traffic Ordinance shall be a valid certificate of competency under this Ordinance.

Special requirements as to motor vehicles and trailers.

13. No person shall cause or permit a motor vehicle or trailer to be used on a road, or shall drive or have charge of a motor vehicle or trailer when so used, unless the following conditions are complied with:—

Brakes on motor vehicles.

(a) Every motor vehicle when in use on a road shall have two independent brakes in good working order and of such efficiency that the application of either to the vehicle shall cause two of its wheels on the same axle to be so held that the wheels shall be effectually prevented from revolving, and shall bring the motor vehicle to a stop in a distance of twenty-five feet when running at a rate of fifteen miles per hour on level ground: Provided that in the case of a motor vehicle having less than four wheels this condition shall apply as if, instead of two wheels on the same axle, one wheel was referred to.

Brakes on trailers.

(b) Every four-wheeled trailer shall have at least one brake in good working order.

Not more than two trailers to be towed.

(c) No tractor shall tow a train of more than two trailers at the same time unless with the consent in writing of a licensing officer.

Couplings to be in safe condition.

(d) Whenever a trailer is attached to a motor vehicle the couplings shall be efficient for the purpose and shall be maintained in safe condition.

Safety chains.

(e) Safety chains shall also be coupled between all trailers.

Brakesman to be carried on trailer.

(f) A brakesman shall be carried on the rear trailer of each train of two or more trailers and shall be responsible for applying the brake of the trailer in case of emergency, without however relieving the driver of the tractor or the owner from any responsibility on their part.

Steering gear.

(g) Every motor vehicle shall have its steering-gear in good working order.

Speed limits of motor vehicles.

14. The Governor in Council may prescribe by rules speed limits either generally or for any particular locality or for any particular road or portion of a road or at cross roads or dangerous corners or for any particular kind or class of motor vehicle and no person shall drive a motor vehicle at a greater speed than that which may be prescribed.

15. Any person who drives or causes to be driven a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the amount and nature of the traffic on such road, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding six months.

Driving a motor vehicle in a dangerous manner.

16. (1) If any person drives or causes to be driven a motor vehicle on any road carelessly, or negligently, or without reasonable regard to the safety, comfort or convenience of other persons using the road, he shall be guilty of an offence against this Ordinance.

Careless driving of motor vehicle.

(2) This section applies where the conduct complained of does not amount to an offence under the last preceding section, or where it does amount to such an offence but the court considers that the case should be dealt with under this section rather than under the last preceding section.

When section applies.

(3) A conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a driver's certificate of competency.

Effect of conviction.

17. (1) Any person driving or being in charge of a motor vehicle whilst drunk, or whilst his efficiency as a driver is impaired by drink or drugs, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Drunkenness while driving a motor vehicle.

(2) Any person against whom a second or subsequent conviction of any of the offences referred to in sub-section (1) of this section shall be recorded shall be liable to a fine not exceeding one hundred pounds and to imprisonment of either description for a period not exceeding six months.

18. Every motor vehicle and trailer when in use on a road shall be used in conformity with the following conditions and not otherwise and if used in contravention of these conditions the driver and person in charge shall severally be guilty of an offence against this Ordinance.

Directions for management of motor vehicles on roads.

(1) Every motor vehicle shall carry an efficient hooter or other suitable appliance for giving audible warning and every driver of a motor vehicle shall, whenever it is prudent for the purpose of giving audible warning of his approach, clearly sound such hooter or appliance.

Horn to be carried.

(2) A licensing officer may prohibit the use of any bell, hooter or other appliance if in his opinion the use of such bell, hooter or other appliance constitutes an annoyance to the public and no person shall use a bell, hooter or other appliance the use of which has been prohibited by a licensing officer.

Certain horns, etc., may be prohibited.

(3) No motor vehicle shall run on any road without a silencer operating effectually.

- (4) No person shall leave unattended on a road any motor vehicle with the engine running.
- (5) No person driving or being in charge of a motor vehicle shall—
 - (a) when in the motor vehicle be in such a position that he cannot control the same or that he cannot obtain a full view of the road and traffic in the direction of his travel;
 - (b) quit the motor vehicle without having taken due precautions against its moving along the road from its stationary position;
 - (c) allow the motor vehicle to cause any unnecessary obstruction or any unnecessary inconvenience to the public.

PART III.

PUBLIC SERVICE VEHICLES.

19. Application for the licensing as a taxicab or motor omnibus of a motor vehicle duly registered and licensed shall be made to a licensing officer in the form prescribed by rules made under section 49 of this Ordinance.

20. The licensing officer shall subject to the provisions of section 6 of this Ordinance and on payment of the prescribed fee issue a licence in the form prescribed by rules made under section 49 of this Ordinance.

21. On issuing any such licence the licensing officer shall also issue an identification plate which he shall provide showing the description of the motor vehicle licensed. Such plate shall be securely fixed to the back identification mark plate of the motor vehicle in such a position that it shall be clearly visible to a person behind such vehicle.

22. No motor omnibus or taxicab shall stand or ply for hire on any road if such motor omnibus or taxicab is in such condition as to be unsafe or unsuitable for the conveyance of passengers.

23. A licensing officer, or the licensing officers where there is more than one registration area concerned, may by public notice impose a table of fares for motor omnibuses and taxicabs. Every such vehicle shall carry in a conspicuous position inside such vehicle a copy of the appropriate table of fares for the area or areas in which it operates. No person shall be entitled to recover more than such fares.

24. The holder of a licence for a public service vehicle shall apply to a licensing officer for a motor omnibus or taxicab driver's badge.

25. A licensing officer may issue such badge on payment of such sum as may be prescribed by rules made under section 10 of this Ordinance.

26. Such badge shall be worn in a conspicuous manner by the driver to whom it is issued whenever he is driving or in charge of a public service vehicle on a road.

27. The Council, or any of Police, may by public notice appoint one or more stopping places for motor omnibuses or taxicabs, and the passengers of such omnibuses may stop or take up or set down passengers.

Provided that if the stand would be situated within the boundaries of any municipality established under the Local Government (Municipalities) Ordinance, 1928, the notice shall be subject to the approval of the Municipal Council or Board of the Municipality.

28. The maximum number of persons allowed to be carried at any one time on a taxicab or motor omnibus shall be determined by the licensing officer and shall be inscribed on the licence and legibly painted in a conspicuous position on the taxicab or motor omnibus in such manner as may be prescribed by rules made under section 49 of this Ordinance or failing such rules, as may be decided by the licensing officer.

29. No owner, driver or person in charge of a motor vehicle shall—

- (a) permit such vehicle to ply for hire unless it is licensed for that purpose under this Ordinance;
- (b) permit such vehicle to ply for hire unless it carries an identification plate as provided by this Ordinance;
- (c) permit such vehicle to ply for hire without exhibiting inside the vehicle the prescribed table of fares, if any, and without stating the number of passengers the vehicle is licensed to carry;
- (d) drive, or be in charge of on a road, any motor vehicle plying for hire without carrying on his person or in such vehicle the licence issued to him in the form set out in rules made under section 49 of this Ordinance;
- (e) drive, or be in charge of on a road, any motor vehicle plying for hire without wearing the prescribed driver's badge;
- (f) while in charge of an omnibus or taxicab permit to be carried more persons than the number which the vehicle is licensed to carry. Provided that two children each under the age of 12 years shall be counted as one passenger.

30. (1) On an application for the grant or renewal of the sanction of a transfer of a public service vehicle licence, the licensing officer shall before granting the application require the production of such evidence as may be prescribed that the applicant has effected a policy of insurance covering in such terms as may be prescribed all such claims as may be made against him as owner, or as driver or employer of the driver, of the vehicle in respect of damage to person or property and issued by an insurance company approved by the licensing officer.

(2) Any stipulation purporting to restrict the liability of the holder of any such licence in respect of any such claim as aforesaid shall be void.

(3) If any person for the purpose of obtaining a policy of insurance required by this section, makes any false statement in connection with the issue of the policy or if the licence or policy is issued on the basis of any such statement, he shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment, or both, for a term not exceeding six months.

Unattended motor vehicle.
Provision.
Quitting motor vehicle.
Obstruction by motor vehicle.

Application for licence.

Form of licence.

Identification plate.

Vehicle to be safe and suitable.

Fares.

Driver's badge.

Fine for badge.

Badge to be worn.

Stands and stopping places.

Proviso.

Limitation of number of passengers.

Offences.

Insurance policies.

Restriction of liability.

Fines and penalties.

If insurance policy becomes invalid, licence also becomes invalid.

(4) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid, any public service vehicle licence granted under this Ordinance in respect of any vehicle to which the policy relates shall thereupon become void.

PART IV

GENERAL.

Lights on carriage.

31. Every driver or person in charge of a motor vehicle or carriage on a road between the hours of 6.45 p.m. and 6.15 a.m. shall provide and maintain such motor vehicle or carriage with a lamp or lamps in proper working order to be fixed or carried and lighted in such manner as may be prescribed by Rules made under section 49 of this Ordinance.

Driving carriage to common danger.

32. Any person who rides, drives, leads or propels or causes to be ridden, driven, led or propelled any animal or carriage on a road carelessly, negligently or recklessly, or at a speed or in a manner which is dangerous to the public or to property having regard to all the circumstances of the case, including the amount and nature of the traffic on such road, shall be guilty of an offence against this Ordinance.

Drunkenness while driving a carriage.

33. Any person who is drunk or under the influence of drugs or whose efficiency as a driver is impaired by drink or drugs while driving a carriage shall be guilty of an offence against this Ordinance.

Directions for use of vehicles.
Name plate, etc.

34. Every vehicle shall be used in conformity with the following directions and not otherwise:—

(1) The owner of every cart, waggon, motor lorry or tractor shall paint or mark or cause to be painted or marked in legible letters not less than one inch in height on the right or off side thereof or upon some board or plate attached to such side his name and place of residence, together with the name of the district in which he resides, and no owner of any cart, wagon, motor lorry or tractor shall use or allow the same to be used on any road without having his name, residence and district legibly painted thereon as aforesaid.

Blind animal.

(2) No owner or person in charge of a carriage drawn by animals shall allow an animal which is of materially defective vision to be used for drawing such vehicle on a road.

Brake.

(3) Every carriage, except such class of carriage as may be exempted by the Governor by notice in the Gazette, shall, when in use on a road, be provided with a brake fit and sufficient for the purpose thereof. The wheels thereof shall not be locked so that they cannot rotate when the carriage is in motion.

Closing of roads.

35. (1) It shall be lawful for the road authority, or its authorised representative, for the purpose of carrying out any works which it may consider necessary or desirable in connection with the maintenance or improvement of any road, to close the whole or any part of such road at any time for any purpose it may think fit.

(2) It shall not be lawful for the driver or person in charge of a vehicle to drive or haul the vehicle or cause it to be driven or hauled over any bridge or on or near which a conspicuous notice has been placed by the road authority to the effect that such bridge is insufficient to carry traffic in excess of a specified weight, unless the gross weight of such vehicle and any trailer attached thereto is less than the weight specified or unless he has obtained the written consent in writing of the road authority to his so doing; provided always that it shall be lawful for the purpose of keeping within the specified weight to detach any trailer from any vehicle and take over singly any vehicle or trailer which does not exceed the specified weight.

Damage to road works.

(3) If any injury to a bridge be caused through any such contravention it shall be lawful for the road authority to make good such injury and to recover the cost thereof from the owner of the vehicle; and the certificate of the road authority of the amount of the cost of making good such injury shall be conclusive evidence of the amount payable by such owner.

Injury to bridge.

(4) It shall not be lawful for the driver or person in charge of any vehicle to drive or haul the vehicle or cause it to be driven or hauled over any portion of a road which is closed to traffic by the road authority and where a conspicuous notice is displayed to the effect that the road is closed, unless he has received the permission in writing of the road authority or of the representative thereof who is in charge of the portion of the road which is closed.

No vehicle to be driven over closed road.

(5) The driver or person in charge of a vehicle shall comply with all cautionary notices displayed by the road authority for the purpose of regulating traffic.

Driver to observe cautionary notices.

(6) Every driver or person in charge of a vehicle shall obey all reasonable signals or instructions given to him by any member of the Police Force.

Obedience to signals.

(7) The driver or person in charge of a vehicle shall, on the request or signal of any person in charge of a horse, camel, mule or donkey, or on any member of the Police Force putting up his hand as a signal for that purpose, immediately bring such vehicle to a standstill and keep it stationary, as long as may be reasonably necessary.

36. The Governor may by Order:—

Power to regulate traffic.

(a) Prohibit absolutely or on certain roads or portions thereof the use of any particular description of vehicle which in his opinion is likely to cause excessive wear and tear of the road, or to be dangerous or inconvenient to the public.

(b) Generally restrict or regulate the use of vehicles in such manner as circumstances may appear to him to require.

37. When any person uses a vehicle in contravention of any of the provisions of this Ordinance or of any rule made thereunder, it shall be lawful for any member of the police force to take the vehicle or cause the same to be taken to any police station or other place of safety, there to be detained until such enquiries have been made by the police as they may think necessary in the circumstances of the case.

Power of police to detain vehicle.

Road authority not liable

38. (1) The road authority shall not be liable for any loss or damage which may be caused to any person or property through the condition of a road or through the use of a road to sustain the weight of a vehicle.

Right to recover compensation.

(2) Nothing in this Ordinance shall affect the right of the road authority or of any person to recover compensation from the owner or driver of any vehicle for any loss, damage, or injury which may be sustained by the road authority or such person by the use of a vehicle.

In case of accident driver to stop and give name and address.

39. The driver of a vehicle, if an accident occur to any person, whether on foot, mounted or in another vehicle or to any horse, mule, donkey, ox or to another vehicle, shall, if the accident is in any way connected with the presence on the road of the vehicle driven by him, stop and if required give his name and address and also the name and address of the owner and, in the case of a registered vehicle, the identification mark or number of the vehicle and shall forthwith report such accident to the nearest police station.

Obstruction and damage to roads.

40. Every person who, without lawful authority or the written permission of the road authority :—

Encroachment on road.

(a) Encroaches on a road or on any land reserved therefor at the side or sides thereof by making or erecting any building, fence, ditch, or other obstacle, or by digging thereon or by planting or sowing any tree, shrub or seeds thereon;

Leaving obstruction.

(b) Leaves on a road any timber, stone, or other material so as to obstruct or endanger persons using the road;

Digging up roadway.

(c) Digs up, removes or alters in any way the soil or surface of a road, or of any land reserved therefor at the side or sides thereof, or if done for the purpose of moving a vehicle without immediately thereafter making good the damage;

Filling up drain.

(d) Wilfully fills up, alters or obstructs any ditch or drain, whether on a road or contiguous thereto, made by or under the control of the road authority, to carry water off the road or to keep it from flowing on to the road;

Allowing water, etc. to flow on to the road.

(e) Allows any sludge or any filthy or noisome matter to flow from any building or land in his occupation on to a road or into any ditch or drain made by the road authority;

Damage to roads by dragging.

(f) Causes or allows any timber, sledge, plough or other heavy material, vehicle or implement, not wholly raised above the ground on wheels, to be dragged on a road;

Race or competition.

(g) Conducts or takes part in any race or competition between motor vehicles on a road;

Tents, etc.

(h) Pitches any tent, booth or stall;

shall be guilty of an offence against this Ordinance: Provided that in the case of paragraph (g) of this section the written permission of the police officer in charge of the district concerned shall also be obtained.

Nuisance on roads.

41. No person shall do any of the following things on a road :—

(a) Wilfully or negligently ride, drive or lead any animal or vehicle on a footpath constructed for foot passengers only, or in a road drain;

(b) Play any game to the annoyance of persons using the road;

(c) Make any fire without the authority of the road authority;

(d) Wilfully obstruct in any manner the free passage of persons or vehicles passing along the road;

(e) Drive or conduct any vehicle drawn by animals without having reins to guide the animals, unless a person leads the animals in such a manner as to have reasonable control over them;

(f) When driving a vehicle, sleep while the vehicle is in motion;

(g) Impede the traffic or endanger the safety of persons using the road by a load unduly projecting from the side of a vehicle;

(h) Permit any cattle to be at large without being under such efficient control as to prevent their damaging the road or obstructing traffic;

(i) Outspan animals from a wagon or cart.

42. Every vehicle used on a road shall be used in conformity with the following conditions and not otherwise, and any person contravening or failing to comply with any of these conditions shall be guilty of an offence against this Ordinance :—

Regulation of traffic.

(a) Every vehicle shall in passing traffic coming from the opposite direction be driven on the left or near side of the road, but when overtaking traffic proceeding in the same direction shall pass such traffic on the right or off side thereof. When one vehicle is being overtaken by another, the front vehicle shall give way to allow the overtaking vehicle to pass. In all cases a vehicle shall be driven so as to give as much space as possible for the passing of other traffic.

Meeting and passing traffic.

(b) Except in case of emergency, the onus of proof of which shall lie on the driver, every vehicle when not in motion, shall be drawn up close to a side of the road, so as to allow the maximum of clear roadway for passing traffic.

Stationary vehicle to allow clear roadway.

(c) The driver of any vehicle shall in the case of breakdown remove from the road the vehicle or any portion of it obstructing the passage of other traffic as soon as possible after the breakdown. If it is not possible to remove such vehicle or portion of it from the road immediately after the breakdown, it shall be placed at the side of the road, and if it remains on the road at night a light or lights visible to the drivers of vehicles approaching from either direction shall be displayed on it between the hours of 6.45 p.m. and 6.15 a.m.

Duty in case of breakdown.

(d) No driver of a vehicle shall leave such vehicle unattended without taking the precautions against its movements from natural causes during such driver's absence.

Leaving a vehicle unattended.

(e) No driver or person in charge of a vehicle with tyres made of metal shall drive, propel or cause to be driven or propelled such vehicle on a road while the bearing of any wheel is defective so that the tyre of the wheel does not bear evenly on a level surface when the vehicle is moving thereon.

When bearing of wheel defective.

Passing on
bridge.

White lines.

Penalty
for using
unauthorised
identification
mark.

Penalties

Suspension
of certificate
of competency
and dis-
qualification.

Endorsement
of certificate
of competency

(f) On any bridge no vehicle shall be driven so as to pass or attempt to pass another vehicle travelling in the same direction.

(g) Whenever a white line is demarcated on any island is established upon any road by a road authority as a guide to which side of a road traffic should proceed, the driver of a vehicle shall keep to his left hand side of such line or island and shall not cross over it.

43. Whoever fraudulently imitates, alters or uses or fraudulently lends or allows to be used by any other person any mark for identifying a vehicle or any licence, permit or certificate issued under this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

44. Any person who shall be guilty of an offence against this Ordinance or who shall fail to comply with or act in contravention of any of the provisions of this Ordinance for the breach of which no penalty is expressly provided or of any rules made thereunder shall be liable on conviction to a penalty not exceeding thirty pounds or in default of payment to imprisonment of either description for a period not exceeding three months.

45. (1) When any driver of a motor vehicle is convicted under sections 15 or 17 of this Ordinance or is convicted of a second or subsequent offence against any provision of this Ordinance, in addition to any other penalty—

(a) If the person convicted holds a certificate of competency, the court may suspend the certificate for such time as the court thinks fit, or cancel the same and declare the person convicted disqualified from obtaining another certificate either permanently or for a stated period and shall cause particulars of the conviction and of any order of the court made under this section to be endorsed upon the certificate and shall also cause a copy of these particulars to be sent to the Commissioner of Police, who shall endorse them on the duplicate certificate in his custody.

(b) If the person convicted holds a certificate of competency issued in the Uganda Protectorate or Tanganyika Territory under any law in force in those countries, the court may suspend the validity of the certificate in the Colony for such time as the court thinks fit or cancel the validity of the same in the Colony and declare the person convicted disqualified from obtaining a certificate of competency in the Colony either permanently or for a stated period and shall cause particulars of the conviction and of any order of the court made under this section to be endorsed upon the certificate and shall also cause a copy of those particulars to be sent to the Commissioner of Police.

(c) If the person convicted does not hold a certificate of competency, the court may declare him disqualified from obtaining a certificate for such time as the court thinks fit.

(2) Any person so convicted, if he holds a certificate of competency, shall produce such certificate within such reasonable time as the court may direct, for the purpose of endorsement and if he fails to do so, shall be guilty of an offence against this Ordinance.

(3) A certificate of competency suspended by the court shall during the term of suspension be of no effect and a person whose certificate is suspended or who is declared by the court to be disqualified from obtaining a certificate, shall during the period of such suspension or disqualification be disqualified from obtaining a certificate.

(4) Any person who is by virtue of an order of the court under this section disqualified from obtaining a certificate of competency may, within fourteen days of the making of such order, appeal as of right against the order to the Supreme Court; and the court by whom the order was made may, if it thinks fit, suspend the operation of the order pending the appeal.

(5) If any person who, under the provisions of this Ordinance is disqualified from obtaining such certificate, applies for or obtains a certificate of competency while he is so disqualified, or if any person whose certificate has been endorsed applies for and obtains another certificate without giving particulars of the endorsement, such person shall on conviction be liable to a fine not exceeding one hundred pounds, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

46. All offences under this Ordinance shall be cognisable to the police.

47. Offences against this Ordinance or against any rules made thereunder shall be tried by subordinate courts of the first or second class.

48. (1) It shall be lawful for a licensing officer or any officer appointed by him in writing for the purpose or any police officer not below the rank of assistant sub-inspector to inspect any vehicle with a view to ascertaining whether the provisions of this Ordinance or of any rules made thereunder are being complied with and, in the event of any non-compliance with any of the said provisions, the licensing officer may by an order in writing prohibit the further use of such vehicle until the said provisions have been complied with to his satisfaction. Any person using or permitting to be used a vehicle in contravention of any such order shall be guilty of an offence.

(2) It shall be lawful for a licensing officer or any officer appointed by him in writing or a police officer to stop any vehicle with a view to ascertaining whether such vehicle is being used in contravention of this Ordinance or any rules made thereunder and, in the event of any vehicle being used on a road in such manner, a police officer may take the vehicle or cause it to be taken to any police station or place of safety, there to be detained until the vehicle and driver can be identified.

49. The Governor in Council may make rules:—

(a) Prescribing the number and duties of attendants to be in charge of any specified class, kind or description of vehicle;

(b) Prescribing the size, shape, colour, character, and marking and all other matters connected with the identification marks to be fixed under this Ordinance, including the mode in which they are to be fixed.

- and to be rendered easily distinguishable by day or night and also including provision for the keeping by manufacturers and dealers to whom a general identification mark has been issued of a register and for the making of entries therein and for restrictions as to the use of such general identification mark and the purposes for which it may be used:
- (c) As to the registration of vehicles and the particulars to be entered in the register;
 - (d) As to the notification of any change in the ownership of vehicles and as to the re-registration thereupon;
 - (e) As to the examination of applicants for certificates of competency and as to the licences and permits which may be granted and the fees to be paid therefor and the manner of paying such fees;
 - (f) As to the appointment of licensing officers;
 - (g) As to the insurance of public service vehicles;
 - (h) Prohibiting or restricting the driving or use of vehicles or any kind of vehicle on any specified road or part of a road;
 - (i) Imposing tolls or charges on vehicles or any description, class or kind of vehicle using any specified road or part of a road;
 - (j) Prescribing the fees to be charged for motor omnibus and taxicab drivers' badges;
 - (k) With respect to the construction of vehicles or any description of vehicle and the conditions under which they may be used;
 - (l) With respect to the speed at which vehicles or any description, class or kind of vehicle may be driven or used either generally or on any specified road or within any defined area or place;
 - (m) Exempting from the provisions of this Ordinance
 - (i) any specified kind, class or description of vehicle;
 - (ii) the drivers of any specified kind, class or description of vehicle;
 - (n) As to public service vehicles and the fee to be paid by their owners;
 - (o) Prescribing the number, nature, method and circumstances of use, and position of lamps to be fixed on vehicles or on any kind, class or description thereof;
 - (p) Prescribing the gross weights allowed and the methods for ensuring that those weights are not exceeded;
 - (q) Regulating the traffic on roads and prescribing rules of the road;
 - (r) Prohibiting any practice which may lead to the obstruction of or damage to roads;
 - (s) For preventing nuisances on roads;
 - (t) Allowing, subject to such conditions as he may deem necessary, the licences, identification marks, and certificates of competency issued under any laws in force in other territories in Africa to be accepted as

the equivalent of and used instead of the licences, marks and certificates prescribed by this Ordinance:

- (u) Providing for the use of taximeters on taxicabs either generally or in any specified area;
- (v) Declaring a portion of a road to be used only for certain classes of traffic;
- (w) Prescribing the maximum dimensions of vehicles of any kind or of any part of them or of the loading of them;
- (x) Prescribing the forms to be used for giving effect to the provisions of this Ordinance;
- (y) Regulating or restricting the use of motor vehicles and of trailers on roads;
 - (a) Generally restricting or regulating the use of vehicles in such manner as circumstances may appear to him to require and for the further, better or more convenient carrying out of any of the provisions of this Ordinance.

50. The Motor Traffic Ordinance (Chapter 68 of the Revised Edition) is hereby repealed:

Provided that nothing in this repeal shall affect any rules, orders or notices already issued under the said Motor Traffic Ordinance until they are superseded by rules, orders or notices made under this Ordinance.

THE TRAFFIC ORDINANCE.

SCHEDULE.

LICENCE FEES FOR VEHICLES (SECTION 9).

I.—Motor Vehicles.

(1) Licence fees per annum :—	£	s.	c.
(a) For a motor cycle	1	10	00
(b) For a motor cycle (with a sidecar)	2	0	00
(c) For a motor vehicle with pneumatic tyres not exceeding 1,500 lbs. in tare weight	4	0	00
(d) For every additional 250 lbs. or part thereof up to 10,000 lbs.	0	10	00
(2) (a) For motor vehicles with full or half track irrespective of the material of which it may be made the above rates shall apply;			
(b) For motor vehicles with solid or cushion rubber tyres the above rates to be increased by twenty-five per cent.;			
(c) For motor vehicles with metal tyres double the above rates;			

(d) For trailers for motor vehicles, half the above rates provided for in para. 1 and in para. 2 (b) or (c), as the case may be;

(e) For licences for half a year, fifty-five per cent. of the annual rates;

(f) For quarterly licences, thirty per cent. of the annual rates.

(3) In addition to the rates specified in paragraphs (1) and (2) above, a licence of shillings ten per passenger for each passenger which the vehicle is licensed to carry shall be paid by the owner of a public service vehicle.

II.—Vehicles other than Motor Vehicles.

For every vehicle not being a rickshaw, bicycle or other vehicle exempted by the Governor:—

Licence Fees per annum for every 100 lbs. of tare weight to the nearest 100 lbs. :—

	Sh. Cts.
(a) If the tyres are of rubber or other soft or elastic material	1 00
(b) If the tyres are of metal and four inches or over in width	1 50
(c) If the tyres are of metal and under four inches in width	1 50
Increasing by Cents 50 annually after the fourth year.	

PROCLAMATION No. 139.

COLONY AND PROTECTORATE OF KENYA.



THE TRAFFIC ORDINANCE, 1928.

NOTICE OF COMING INTO OPERATION.

PROCLAMATION.

J. W. BARTH.

By His Excellency Sir William Barth, Knight, Commander of the Most Excellent Order of the British Empire, Acting Governor and Commander in Chief of the Colony and Protectorate of Kenya.



IN EXERCISE of the powers conferred upon me by section 1 of the Traffic Ordinance, 1928, I do hereby appoint the first day of January, 1929, as the day upon which the Traffic Ordinance, 1928, shall commence and come into operation.

GOD SAVE THE KING.

Given under my hand at Nairobi, this 29th day of December, 1928.

By Command of His Excellency the Acting Governor.

J. E. S. MERRICK,
Acting Colonial Secretary's Deputy.

GOVERNMENT NOTICE No. 681.

THE TRAFFIC ORDINANCE, 1928.

APPOINTMENT OF LICENSING OFFICERS.

IN EXERCISE of the powers conferred upon him by section 4 of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to appoint the following persons to be Licensing Officers under the Traffic Ordinance, 1928:—

To be Licensing Officers for motor vehicles and trailers:—

The District Commissioners at Mombasa, Nairobi, Nakuru, Kisumu, Eldoret, Nyeri, Kitale, Fort Hall, Kisii, Eldama Ravine, Kyambu, Rumuruti, and Machakos; and the Superintendent of Police at Lumbwa.

To be Licensing Officers for carriages:—

All District Commissioners and the Superintendent of Police at Lumbwa.

These appointments will take effect from the first day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

This 27th day of December, 1928.

JUXON BARTON,

for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 682.

THE TRAFFIC ORDINANCE, 1928.

APPOINTMENT OF CERTIFYING OFFICERS.

IN EXERCISE of the powers conferred upon him by section 12 (1) of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to appoint the following persons to be Certifying Officers under the Traffic Ordinance, 1928:—

To be Certifying Officers:—

The Superintendents of Police at Mombasa, Nairobi, Nakuru, Kisumu, Eldoret, Kitale, Lumbwa, Kyambu, Nyeri, Fort Hall and the Officer in Charge of Police, Rumuruti.

These appointments will take effect from the first day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

This 27th day of December, 1928.

JUXON BARTON,

for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 683.

THE TRAFFIC ORDINANCE, 1928.

IN EXERCISE of the powers conferred upon him by sub-section (1) of section 7 of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to appoint the District Commissioner, Nairobi, to be the Central Registrar of Licences issued under the Traffic Ordinance, 1928.

This appointment shall take effect on the 1st day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

The 27th day of December, 1928.

JUXON BARTON,

for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 684.

THE TRAFFIC ORDINANCE, 1928.

NOTICE.

IN EXERCISE of the powers conferred upon him by section 3 of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to exempt the following vehicles from being licensed under the Traffic Ordinance, 1928:—

- (1) All vehicles owned by Government.
- (2) All carriages, except carriages drawn by animals and designed for the conveyance of goods or materials.

This exemption shall come into operation on the 1st day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

The 27th day of December, 1928.

JUXON BARTON,

for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 685.

THE TRAFFIC ORDINANCE, 1928.

IN EXERCISE of the powers conferred upon him by sub-section (3) of section 34 of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to order that all vehicles propelled by human power, except bicycles and tricycles, shall be exempted from the provisions of the said sub-section.

This Order shall come into operation on the 1st day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

The 27th day of December, 1928.

JUXON BARTON,

for Acting Colonial Secretary.

IX. SPEED LIMITS—NAIROBI MUNICIPALITY.

43. The following speed limits for motor vehicles driven within the boundaries of the Nairobi Municipality shall not be exceeded—

- (1) (a) within the limits of the area defined in paragraph (1) of the schedule hereto or upon any road forming part of the boundary of such area or upon any approach to any such road within a distance of two hundred yards therefrom; and
- (b) upon such portions of roads as are specified in paragraphs (2) (3) and (4) of the said schedule or upon any approach to any such portion within a distance of 200 yards therefrom, 15 miles per hour.
- (2) Upon any public road elsewhere within the boundaries of the Nairobi Municipality, 25 miles per hour.

The area bounded as follows—

Commencing at Ainsworth Bridge, thence bounded by Ainsworth Hill to its junction with Ngara Road;

thence by Ngara Road to its intersection with Swamp Road and onwards by the former road to its junction with Racecourse Road;

thence by Racecourse Road to its junction with Whitehouse Road;

thence by Whitehouse Road to its intersection with the Kenya and Uganda Railway;

thence by the Railway up-line to its intersection with Tenth Avenue;

thence by Tenth Avenue to its intersection with Kirk Road;

thence by Kirk Road to its junction with Government Road;

thence by Government Road to the point of commencement.

That portion of Government Road between Whitehouse Road and the Railway Station.

That portion of road forming the junction of Kirk Road and Sixth Avenue.

That portion of road forming the junction of Lamara Road, Swamp Road and Forest Road.

X. SPEED LIMITS—MOMBASA ISLAND.

44. The following speed limits for motor vehicles driven on Mombasa Island shall not be exceeded—

- (1) Within the limits of the area defined in the schedule hereto or upon any road forming part of the boundary of such area or upon any approach to any such road within a distance of 100 ft. therefrom, 15 miles per hour.
- (2) Upon any road elsewhere on Mombasa Island, 25 miles per hour.

Part of the area known as the Old Town Mombasa and roads adjacent thereto bounded as follows—

Commencing at the junction of Road No. 72 (Makadara Road) and Road No. 2 (Salim Road) at the north-west corner of the Native Civil Hospital;

thence northwards bounded by Road No. 2 (Salim Road) to its junction with Road No. 1 (Manyumbo Road);

thence by a line running due east to high water mark on Mombasa Harbour;

thence by high water mark southwards to the south-east corner of Plot 88 of Section IV (Mombasa Club) and thence westwards by the southern boundary of Plot 88 of Section IV as far as its most western corner on Road No. 1;

thence by that Road No. 1 (Kilindini Road) past the Supreme Court to the Standard Bank corner at the junction of Road No. 1 (Kilindini Road) and Road No. 72 (Rogers Road); thence by Road No. 72 (Rogers Road and Makadara Road) to the point of commencement.

XI. HAULAGE BY TRACTORS.

45. (1) Trailers shall not be hauled by tractors on any road within the Municipality of Nairobi, except on the following roads—

Government Road (Station to junction of Harding Street);

Government Road (junction of Bazaar Lane to Ainsworth Bridge);

Harding Street;

Bazaar Lane (junction of Harding Street to Government Road);

Sixth Avenue (junction of Harding Street to junction of Jackson Street);

Road alongside Railway at Railway Station;

Commercial Street;

Factory Street;

Workshops Road;

Whitehouse Road;

Portal Street;

Standard Street;

Racecourse Road;

Victoria Street;

River Road;

Duke Street;

Keata Road;

Latema Road;

Tenth Avenue between Railway and Government Road;

Bazaar Lane;

Saddle Street;

Swamp Road;

Ngara Road between Swamp Road and Racecourse Road;

Ngong Road from Whitehouse Road to Municipal Boundary;

Lapuru Road;

Chambur Road;

Salisbury Road;

Seventh Avenue;

Bazaar Lane;

Stewart Street;

Sanitary Lanes on each side of Government Road.

(2) Trailers shall not be hauled by tractors on any road within the Municipality of Mombasa, except on the following roads—

(a) Kilindini Road from the Treasury to Kilindini Customs.

(b) Salim Road.

(c) Corporation Street.

(d) Station Road from Kilindini Road to the Railway Goods Shed.

XII. MAXIMUM DIMENSIONS OF MOTOR VEHICLES.

46. Length over all	20 feet
Width	7 "
Height from ground	12 "
Wheel base	14 "

XIII. MAXIMUM DIMENSIONS OF TRAILERS.

47. Length over all	26 feet
Width	7 "
Height from ground	12 "

XIV. FORMS.

COLONY AND PROTECTORATE OF KENYA.

THE TRAFFIC ORDINANCE, 1928.

DRIVER'S CERTIFICATE OF COMPETENCY.

I hereby certify that after examination

whose name, though mark has been placed on the back hereof in my presence, is competent to drive or load a motor vehicle of the description or kind herein specified.

Description of kind of motor vehicle

Fee paid to me 30

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

(Signature of certifying officer).

COLONY AND PROTECTORATE OF KENYA

THE TRAFFIC ORDINANCE, 1928.

Form of Application for a Licence for a Motor Omnibus, or Taxicab.

I, residing at hereby apply for a licence for a motor vehicle, registered and licensed at Registered No., for the period expiring (1) motor omnibus 19....., to be used as a (2) taxicab (delete which not required) under the provisions of the above-mentioned Ordinance.

And I hereby declare that in accordance with the provisions of section 30 of the said Ordinance that the said motor vehicle has been insured against all risks with the (here insert name of the Insurance Company or Society), Policy No. dated

Signed

Dated at this day of 19.....

Certificate of Licensing Officer.

In accordance with the provisions of section 6 of the Traffic Ordinance, 1928, I certify that I have examined motor vehicle No. Description and in my opinion it is suitably constructed and maintained to be licensed as a (1) motor omnibus to carry passengers. (2) taxicab

Signed Licensing Officer

Dated at this day of 19.....

COLONY AND PROTECTORATE OF KENYA.

THE TRAFFIC ORDINANCE, 1928.

Licence for Carriage with Tyres of Rubber or other Soft or Elastic Material.

No. LICENCE IS HEREBY granted to of to use upon a road, subject to the provisions of the Traffic Ordinance, 1928, the carriage hereunder described from to inclusive. Description of carriage Tax weight Rate per 100 lbs. Sh. 1/- Fee paid Dated at this day of 19

Signature of Licensing Officer

COLONY AND PROTECTORATE OF KENYA.

THE TRAFFIC ORDINANCE, 1928.

No. Licence for Carriage with Tyres of Metal.

LICENCE IS HEREBY granted to of to use upon a road, subject to the provisions of the Traffic Ordinance, 1928, the carriage hereunder described from to inclusive.

Description of carriage

Tax weight Rate per 100 lbs. Sh. 1-00 Fee paid Dated at this day of 19

Signature of Licensing Officer

COLONY AND PROTECTORATE OF KENYA.

THE TRAFFIC ORDINANCE, 1928.

Form of Licence for a Taxicab or Motor Omnibus.

In consideration of the sum of Motor vehicle (registered number) Description Which has been licensed for the period expiring

I HEREBY LICENCE (name of licensee) residing at to let the said motor vehicle for the purpose of plying for hire as a (taxicab or omnibus) (delete which not required) within the Colony and Protectorate of Kenya for the period from to unless this licence shall be previously cancelled or become invalid under sections 6 (3) or 30 (4) of this Ordinance.

And I certify with regard to the said (1) taxicab (2) motor omnibus that the number of persons it is licensed to carry shall not exceed

Signed Licensing Officer

Dated at this day of 19

NOTE.

- 1. In addition to the fee payable under Schedule 1 of the Traffic Ordinance for the licensing of a motor vehicle a licence fee of Sh. 10 per passenger shall be paid by public service vehicles. 2. In accordance with the provisions of section 21 of the Traffic Ordinance, 1928, the Licensing Officer shall issue an identification plate showing the description of the motor vehicle licensed (taxicab or omnibus). Such plate shall be securely fixed to the back identification mark in such position that it shall be clearly visible to a person behind such vehicle. 3. The holder of a licence for a public service vehicle shall apply to a Licensing Officer for a motor omnibus or taxicab driver's badge (sections 24 and 26). Such badge shall be worn in a conspicuous manner by the driver whenever he is in charge of a public service vehicle on a road.

C.O. 533 / 386 ALI WITH PROVISION ON THE PUBLIC RECORD OFFICE LONDON

Licence for Motor Vehicle with Pneumatic Tyres (s. 9).

NOT EXCEEDING 1,500 lbs.
WHOLE YEAR.

(Traffic Ordinance 1928.)

STATION _____

REG. NO. _____

NAME _____

ADDRESS _____

SERIAL NO. _____

EXPIRING

MAKE OF CAR _____

ENGINE NO. _____

FEE PAID: Shs. _____

DATE OF ISSUE _____

THIS LICENCE MUST BE EXHIBITED IN THE REGULATION POSITION ON THE VEHICLE WHEN IN USE ON A PUBLIC ROAD.

Address where vehicle is normally kept.

Signature of Licensing Officer

NOTE.—Should the ownership of the above described vehicle change, the person to whom this Licence is issued must at once inform the Licensing Officer. Failure to do so constitutes an offence (Section 7(3)).

The index mark and number given above must not be used on or transferred to any other car, cycle or carriage (Section 11).

By Command of the Acting Governor-in-Council.

Nairobi,

This 27th day of December, 1928.

H. HON BARTON,

Clark to Executive Council.

GOVERNMENT NOTICE No. 687.

THE TRAFFIC ORDINANCE, 1928.

IN EXERCISE of the powers conferred upon him by sub-section (2) of section 9 of the Traffic Ordinance, 1928, His Excellency the Acting Governor has been pleased to make the following list of tare weights of different makes, types, models or classes of vehicles, and these weights shall, for all the purposes of the Traffic Ordinance, 1928, and Rules thereunder, be deemed to be the tare weights of vehicles of those makes, types, models and classes:—

CARS.

Make, Type, Model and Class.	Rated Horsepower.	Tare weight lbs.
A.C.		1,500
Alvis	12/50	2,250
Armstrong-Saddeley 4	14	2,500
.. 6	20	3,250
Austin	7	1,000
..	12	2,250
..	30	2,750
Bean	14	2,250
..	18/50	2,750
Bantley 4	15.9	3,250
.. 6	37.2	3,750
Berliet		3,500
Bugatti 6		3,500
Buick, Standard 6		3,500
.. Master 6		4,000
Cadillac		1,750
Calcut	15.0	3,000
Calthorpe		2,000
Chandler		2,750
Chevrolet		2,250
Citroen 7		1,250
.. 10		2,000
Clyno		1,750
..	12/35	2,250
Chrysler Plymouth 4		2,500
.. 65, 6		3,000
.. 75, Super 6		3,250
Crossley	14	2,500
..	20.9	2,750
Dodge 4		3,000
.. 6		3,000
Durant 55		2,250
.. 65		2,500
Erskine		2,500
Essex 6		2,500
..	9	1,750
..	15/20	3,000
..	20/20	2,500
Ford		2,350
Gray		2,750
Hillman		2,500
Hispano Suiza		4,250
Hudson		3,500
Humber	9/20	1,750
..	14/40	2,250
..	20/55	2,500

Cars—continued		Tare weight.
Make, Type, Model and Class.	How many.	lbs.
Hupmobile 4 and 6	8	2,500
		3,250
Jowett		1,250
Lagonda		3,250
Lancia Lambda		3,750
La Salle		4,750
Lea Francia	10 & 12	2,000
"	14/40	2,500
Lincoln		4,500
Morris-Cowley	11.9	2,250
" Oxford	11.9	2,250
"	14/28	2,500
"	15.9	3,000
Nash Standard 6		2,500
" Special 6		3,000
" Advance 6		3,250
Oakland 6		2,750
Oldsmobile 6		2,750
Overland 4		2,000
" 6		2,750
Packard Mod. 526 & 533		3,500
" 443		4,000
Pontiac		2,500
Renault	9	500
"	14/25	2,500
Riley	9	1,750
"	11.9-13/40	2,000
"	12/50	2,500
Rolls-Royce		4,500
Rover	9	1,750
"	10.25	2,000
" 6 2 Litre	16	2,500
Rugby 4		2,250
" 6		2,500
Singer 4	8	1,500
" 4	12	2,000
" 6	15	2,250
Standard	9	1,750
"	14/28	2,500
Star	15	2,500
Studebaker, Standard 6		3,000
" Director 6		3,250
" President 8		4,250
Talbot	14/45	2,500
"	20/60	2,750
Trojan	12/15	1,500
Vauxhall 6	20/60	3,000
" 6	25/70	3,500
Willys-Knight No. 56 Falonte		2,750
" 70 Standard 6		3,000
" 66 Big 6		3,500
Wolseley 4	12/32	2,500
" 6	16/45	3,000

Cars with Box Bodies will be regarded as weighing 250 pounds less than cars with Touring Bodies in each case.

Cars with Closed Bodies (i.e., Saloon, Coach or Sedan, and Omnibus bodies will be regarded as weighing 250 pounds more than cars with Touring Bodies in each case.

LORRIES.		Tare weight.
Make, Type, Model and Class.		lbs.
Albion 1 1/2 ton		4,000
" 1 1/2 "		4,250
" 2 "		4,500
" 2 1/2 "		5,250
" 4 "		8,000
Bean 1 1/2 ton		3,500
Chevrolet 1 ton		2,500
" 1 1/2 ton		3,500
Commer 80 G.F. 1 1/2 ton		3,750
" 40 L.G. 2 ton		4,000
" G.A. 2 1/2 "		6,000
" H.G. (N) 4 ton		7,250
" 5 "		8,250
Dennis 1 1/2 ton		3,500
" 2 1/2 "		6,500
" 3 "		6,750
" 4 "		8,250
" 6 "		9,500
Fiat No. 609 1 1/2 ton		3,750
Ford T Model 1 ton		2,250
" 1928 Model, 1 1/2 ton		2,500
Garner 1 1/2 ton		3,500
" 2 1/2 "		4,500
G.M.C. T. 19 1 1/2 ton		3,000
" T. 30 2/2 1/2 ton		4,250
" T. 42 3 ton		4,750
Graham 1 ton		3,000
" 1 1/2 "		3,250
" 1 3/4 "		4,250
" 2 1/2 "		4,500
Halley 1 1/2 ton		3,500
" W. 30 2 ton		4,250
" P. 4 ton		7,500
International Special Delivery 1 ton		2,250
" 1 1/2 "		2,750
" 1 3/4 "		3,500
" 2 "		3,750
" 4 1/2 "		6,750
Layland J.E. 1-4 ton		8,000
Morris 1 and 1 1/2 ton		2,500
" 1 1/2 ton		3,000
" 6 wheeler 1 1/2 ton		3,750
" 6 " " 2 "		4,500
Overland 1 1/2 ton		2,500
" 1 1/2 "		3,000
Reo 1 ton		3,250
" 1 1/2 "		3,750
" 2 1/2 "		5,000
Rugby 1 ton		2,500
Sentinel 5-6 ton		15,000
" 6 wheeler 8-10 ton		18,500
Star 1 ton		2,500
" 1 1/2 "		3,500
" 2 "		4,000

LORRIES—continued.

Make, Type, Model and Class.	Tare weight. lbs.
Thornycroft A1 1½ ton	4,250
A3 3 ton	4,250
A3 3 ton	6,250
KB 3-3½ ton	7,250
JJ 5 ton	9,250
Willys-Knight 1½ ton	3,000
2 ton	3,750
2½-3 ton	4,750

TRACTORS.

Cletrac Model A	7,000
" " K	5,500
" " W	4,250
Fordson	4,750
Holt, 2 ton	5,000
Model 20	7,000
" 30	9,000
5 ton	11,000
Lanz 14/28	6,250
McCormick-Deering, Single Tyres	3,500
" " Double	7,000

TRAILERS.

Trailers drawn by Motor Vehicles not being Tractors or Motor Lorries	1,000
Trailers drawn by Tractors or Motor Lorries up to 1 ton	1,500
Ditto between 1 and 3 ton	2,000
Ditto, over 3 ton	3,000

CARRIAGES.

Carriages drawn by animals designed for the conveyance of goods or materials	1,000
Ditto, 4-wheeled carriages	2,000

This list of tare weights shall come into operation on the day of January, 1929.

By Command of His Excellency the Acting Governor.

Nairobi,

This 31st day of December, 1928.

J. E. S. MERRICK,
Acting Colonial Secretary's Deputy.

1929

Kurpa

CO 533

No. 15587

SUBJECT

386

Electrical Mechanics,
Posts & Tels. Dept.
Vacancies

Previous

10200/27

See 15431/28

(Act. 6065 1929)

Subsequent

15928/29

(Vacs. for postal clerk)

Tre. form of particulars in respect of vacancies for two Electrical Mechanics and requests P.M.G. may be approached or the Crown Agents advertise. Suggests Mr. G.P. Willoughby be consulted.

Approval was given to appoint
2 Elect^l Mech^s from S.A. in
no 2 or 10200/27. We
have apparently not succeeded
in getting any one.

There is one E. M. in
the Staff List & provision for
three in the Est^s.

See no 4 in 10200/27 for
a persons com^d to the S.A. -
but I don't really see why
the CA. sh^d not do it.

I send duplicate of report to
them asking them to take
steps to select candidates as
requested.

G. Easton

15. 2. 29

The appointments of Electrical
Mechanicians are included in the list of posts for
addition to the pensionable establishment submitted

C.O. 533 / 386
JAN. REC'D. 1929

the Estimates for 1929. This has been recommended on the ground that it would be necessary to obtain recruits for the posts from services which were pensionable in other countries - the Postmaster General having given an assurance to that effect. The Estimates have not yet been approved but ? sanction for this particular proposition may be assumed and the L.L.O. be written to as proposed. The draft of the letter should, of course, be on the usual lines.

W.M. Allen

20/2/29

W.M. Allen
21.2.29
Stone

to Postwood

I think the memo: queries recursion in the light that in No 3 of 10200/27. Also enquire the resultants from letters which have been in office & this kept as letter.

In the last para as it stands 5 persons - think it has been intended to follow the phraseology of letters & abstract key subject to present & future.

now prepared by the Northcroft
off. of G.P.O. in the hallway of
the Postwood

W.M. Allen

PTB at all

- 2. To G.O. W. Longley
- 3. To Sec. of G.O. (sup. of 1A) (conts) 15.3.29

Handwritten mark

- 4. C.A. (minute) - 17.4.29. Forward letter from Mr Johnson applyn for post of Mechanic.

Mr Johnson calls the post 'Mechanic' but I think he must mean 'Electrical Mechanic'. There appears to be no plain Mechanic.

* Keeping copy

? Handwritten note: in orig. to G.P.O. refco 3 saying it has been forwarded to the Co. The CA I ask them to deal with it so tell him apologizing for delay

G. Eastwood

PTB

25.4.29

The only point I do not understand
 is that, writing on the 6 April
 Mr Johnson had already been too
 late to apply for a vacancy
 of which the G.P.O. were only
 informed on the 15th March.
 That this must be the post for
 which he is applying: he
 seems to have all the qualifications
 etc.

We had better put it that we
 assume that he refers to
 the vac^y for Electrical Mechanician
 & that his application is
 being forwarded by G.P.O.
 It has been asked to
 recommend cand^{id} for these
 posts - one to
 send copy of [unclear] & [unclear]
 by G.P.O. person in street
 off of B

accp
 29.4.29
 at [unclear]

Mr Johnson (encl in 4 and 5) }
 576 (w do 4 5) } 2 MAY 1929

G.P.O. 17 May 1929. 4
 Gives names etc of six candidates for consens

Mr. Parkinson.
 Submit dft letter so. to
 Mr. Willoughby.
 ? Ack (Y) now, or await result of
 selection so that we can inf. G.P.O. of that.
 P. Hamilton Smith.
 Dft passed. 1/5/29.

Wait
 accp.

accp
 1/5/29
 at once.

- H.T.A. 8. To G.P. Willoughby cons. so. 10 May 1929.
 9. General P.O. office. 14 May '29.

Encloses copy report on qualifications of
 Mr. J.N. Johnson. No other applicants.

10. G.P. Willoughby (so.) 14 May '29.
 Would like opportunity of going
 through the applications and will
 call at G.O. at 10.30 a.m. on Friday
 the 17th inst.

Rank up G.P.O. Hitch is now on 50/- a week.
 (130 p.a.)
 P. Hamilton Smith.
 17/5

Mr. Willoughby called on the 17th and
 looked through the papers of these candidates. He
 was satisfied that Mr. Hitch and Mr. Johnson (see
 No. 9 as well as No. 7) placed No. 1 and No. 2 by the
 G.P.O. were the most suitable even after
 consideration of Mr. Bulman who was not put in the
 order of merit.

Mr. Willoughby was, however, somewhat
 doubtful

4. Gives names etc of six candidates for consens.

Mr. Parkinson
Submit dft letter s.o. to
Mr. Willoughby

Wait
accp.

? Ack (✓) now, or await result of
selection so that we can inf. G.P.O. of that.

P. Hamlin Smith
Dft passed. 1/5/29.

accp
1/5/29.
at acc.

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P. Hamlin Smith
17/5

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G.P.O. were the most suitable even after
consideration of Mr. Bulman who was not put in the
order of merit.

Mr. Willoughby was, however, somewhat

doubtful

7. G.P.O. Gives names etc of six candidates for concern.

Mr. Parkinson Submit dft letter s.o. to

Mr. Willoughby ? Ack (+) now, or await result of selection so that we can inf. G.P.O. of that.

Wait accp.

P. Hamlin Smith. Dft passed. 11/5/29.

accp 11/5/29. at once.

H.T.A. 8. To G.P. Willoughby cons. s.o. 10 May 1929.
9. General P.O. office. 14 May '29.

Encloses copy report on qualifications of Mr. J.N. Johnson. No other applicants.

10. G.P. Willoughby (s.o.) 14 May '29.

Would like opportunity of going through the applications and will call at G.O. at 10.30 a.m. on Friday the 17th inst.

Rang. up G.P.O. Hitch is now on 50 of a week. (130 p.a.)
P. Hamlin Smith. 17/5

Mr. Willoughby called on the 17th and looked through the papers of these candidates. He was satisfied that Mr. Hitch and Mr. Johnson (see No. 9 as well as No. 7) replaced No. 1 and No. 2 by the G.P.O. were the most suitable even after consideration of Mr. Bulman who was not put in the order of merit.

Mr. Willoughby was, however, somewhat doubtful

doubtful in the absence of information as to Mr. Hitch's Home pay whether having regard to His age and family responsibilities he would find the terms in Kenya satisfactory, and it was desirable to avoid as far as possible any risk of the man not wishing to continue after the period of secondment. I therefore asked Mr. ~~Hemmer~~^{Harvey}-Smith to ascertain Mr. Hitch's pay from the G.P.O. and on learning the amount (£130) Mr. Willoughby expressed himself as satisfied that the Kenya salary offered sufficiently substantial improvement and asked me to record that he recommended that offer should be made to Mr. Hitch and Mr. Johnson.

2. Write to the G.P.O. saying that the S. of S. would propose to make offers of appointment to Mr. Hitch and Mr. Johnson: that it is assumed that as Mr. Hitch appears to be an established officer, the P.M.G. would be prepared to second him in the usual way for a tour of 30 months and the leave incidental thereto, but that as Mr. Johnson is stated to be an un-established workman, the conditions of secondment would not apply to him, in which case the Crown Agents would be asked to enter into the usual agreement with him, and it would be necessary for him to serve for two tours before he could be considered for appointment to the permanent and pensionable establishment; and ask the G.P.O. whether they agree to offers being made on this basis.

JW Allen

7/6/29

acc'd
22.5.29
address

11. 20 G.P.O. (No. 194 and 195)

Agree to Mr. S. G. Hall and Mr. J. M. Johnson
being offered appointment

as in after rewrite

Handwritten initials and date: 15/6/29

Hitch (offic.) comm
in phoson
S.P. comm
22-6-29

DESTROYED UNDER STATUTE

Notes to be informed by telegram when their arrival may be expected

JW Allen

see No. 32700 CA & No. 7
32702 CA

Two copies will be
in unit but one
two copies required

For records forwarded

When we need not tell: John Clarke
Nock & Osh ref. 5th row that as the
Osh address have read those def
it was not thought necessary to tell
JW Allen

14/8 at once

To Gen. 657. 16. Aug 29

X. 15587/22 Aug 1906

Mr. *W. G. Gagg*

- Mr. Bottomley.
- Sir E. H. King
- Sir J. Shuckburgh
- Sir G. Grindley
- Sir L. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore.
- Lord Lovat.
- Mr. Amery.

C. D.
R 17 AUG
2

CO
21 Aug 1906

DRAFT. *Wagon No 657*
Gw. Gagg

Hi
I h. Ant. to ask the rec.
of the facts Reuter. Sir.
No. 411 of the 11/10/06
enquiring whether it has
~~not~~ been possible to
fill the vacancies for
two Electrical Mechanicians
in the Posts & Telegraphs
Dept.

[2 in 32764-4]
[6 in 32760-4]

(2) I was refer to
21/10/06 327 328
of the 15/10/06. I was
the election of Mr. P. G.
Hitch & Mr. J. R.
Johnson for the
apples was
notified.

Mr. Hamblin-Smith 156

Mr. Robinson

Mr.

Mr. Bottomley.

Sir E. Harding.

Sir J. Shuckburgh

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lovat.

Mr. Amery.

DRAFT.

THE SECRETARY

GENERAL POST OFFICE.

To Mr. Hitch (dft herewith)
To Mr. Johnson " "
" " (J. N. Johnson)

3 dft

Downing Street,

June, 1929.

Sir,

I am directed by Mr.

Secretary Webb to acknowledge the receipt of your letter No. 32366 32760/29

of the 7th June regarding the selection of candidates ^{to effect} ~~to fill two~~

~~vacant posts~~ of Electrical Mechanics, Posts and Telegraphs

Department, Kenya and Uganda. I

to enclose herewith letters addressed to Messrs. E. G. Hitch and J. N. Johnson

containing the offer of appointment, and to ^{ask} ~~request~~ that

the Postmaster-General will be so good as to cause these letters to be forwarded.

2. I am to request you to convey to the Postmaster-General the thanks of the Secretary of State for the assistance given in the selection.

Mr. Hamblin Smith 12/6

Mr. Parkinson 18

Mr.

Mr. Bottomley

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Ormstry-Gore

Lord Lovat

Mr. Amery

Answer
See No 2 on
personal file
32670 PA

3 7/5

DRAFT.

J.N. Johnson, Esq.

Sir,

Secretary,

that, subject

passed as

service, in

you for ap

~~You should return this copy of the agreement with your reply.~~

2. ~~The~~ The post in question is pensionable; but you would be required to serve an agreement for two tours (each of 20 to 30 months resident service) before you could be considered for confirmation ^{in the} with appointment

on the permanent and pensionable establishment of the Colony. *A specimen of the agreement with you was. All requirements upon is enclosed.*

3. ~~It~~ It is necessary that you should understand that you will be liable to serve either in Kenya or in Uganda, and that you may be transferred from either of these Territories to the other according to the requirements of the Government.

4. ~~Copies~~ Copies of "Notes for Officers appointed to Kenya and Uganda", and "Hints for the Preservation of Health in East Africa" are also enclosed *in your file*

5. ~~I~~ I wish to request you to state whether you accept this offer of appointment and, if so, the earliest date by

which

~~You should return this copy of the agreement with your reply.~~

2. The post in question is pensionable; but you would be required to serve an agreement for two tours (each of 20 to 30 months resident

service) before you could be considered for confirmation ^{in U.K.} with appointment on the permanent and pensionable establishment of the Colony. A specimen of the agreement

with you was the requirement here is enclosed.
3. It is necessary that you should understand that you will be liable to serve either in Kenya or in Uganda, and that you may be transferred from either of these Territories to the other according to the requirements of the Government.

4. Copies of "Notes for Officers appointed to Kenya and Uganda", and

"Hints for the Preservation of Health in East Africa" are also enclosed.

5. I am to request you to state whether you accept this offer of appointment and, if so, the earliest date by

which

9
which you can sail for East Africa.

~~You should also complete and return~~

~~the enclosed form, F.A.S., and~~

~~return it to the Dept.~~

6. If you are prepared to

accept this offer of appointment,

you should present yourself, as soon

as can be arranged, to the Consulting

Physician to this Department, whose

name is given in the enclosed

letter, for the purpose of being

medically examined. The letter

is to be left with him, and he

will send his report direct to this

Department. You should also

complete the enclosed medical

history form and hand it to the

Consulting Physician at the time

of your examination. His fee will

be paid by the Government, and you

will be refunded your 3rd class ^{return}

railway fare to Edinburgh for the

purpose of this examination.


offer of

2. If you accept this appointment,
and are ~~presented~~ *physically fit* for service
the Crown Agents will be instructed to
of the enter into the necessary agreement, and you
to arrange for your passage to East Africa.

~~and~~

~~offer~~

I am to request that
if you do not accept this
offer of app't, you will return
the envelope to this effect: & in
no event the specimen form
of agreement will be returned.



offer of

7. If you accept this appointment,
and are ~~presented~~ *physically fit for service*
the Crown Agents will be instructed to *with you*
of the fact enter into the necessary agreement, and
to arrange for your passage to East Africa.

~~I am,~~

~~etc~~

I would request that
if you do not accept this
offer of app't, you will return
the envelope to this office in
any event the specimen form
of agreement will be returned.



Draft

X. 15587/19 Kenya

10

E. G. HITCH, Esq.

Downing Street

Capt. W. G. P. O. (with honours)

June 1929

Handwritten initials and signature

Sir, No 305 3-764

Webb

I am directed by Mr. Secretary ~~Webb~~ to inform

you that subject to your being passed as physically fit for service he proposes to select you for appointment as an Electrical Mechanician in the Postal and Telegraph Department of Kenya & Uganda

Att. 973 dated 16th Edn

Att. 1167 dated

Colonial Regulations

1/1a
1/1b

with salary at the rate of £372 per annum rising by annual increments of £18 to £480 per annum, with leave by £20 to £500 per annum, subject to the passing of a governing law at £426 and £480.

Notes for Officers

Hints on Health

~~1/1a~~

3. Furnished Quarters when available are provided by the Government free of rent, but the occupier is liable for the cost of repairs and other expenses (and other outgoings); when such quarters are not available temporary accommodation is provided in suitable cases an allowance in lieu of quarters is made at the discretion of the Government. Free second class passages are provided to and from East Africa

3. The conditions attached to appointments in Kenya & Uganda are shown in the following memorandum which are enclosed

- (a) Regulations for the Employment of Officers in the East African Dependencies,
- (b) Model Pensions Ordinance and ~~the temporary regulations~~
- (c) The Colonial Regulations

You should however understand that you will be subject to any regulations which may be introduced hereafter by or with the sanction of the Secretary of State. Copies

Handwritten note in a circle:
You should understand that you are liable to serve either in Kenya or in Uganda, that you may be transferred from either of these territories to the other according to the requirements of the Government.

3075

of "Notes for Officers appointed to Kenya and Uganda" and "Hints on the Preservation of Health in Eastern Africa" are also enclosed.

4 You will be paid half salary as from the date of embarkation for East Africa, and full salary as from the date of arrival at ombasa.

5 You will be seconded in the first instance in the Home Service for a tour of twenty to thirty months in East Africa and the leave ~~the~~ incidental thereto on the understanding that the period of your secondment (including passages and leave as well as the time spent in East Africa) shall not exceed three years. At the end of that period you may either be transferred to the permanent and pensionable establishment of the I. S. S. ~~of the I. S. S.~~ if your services have been satisfactory and are still required by the Government or you may revert to the Home Service. In the former case you will retain your title to pension in respect of your service in East Africa calculated separately upon your home service in accordance with the provisions of the Act of 1911 of the Superannuation Act. If you revert to the Home Service from that service after having been seconded for a period you will receive a pension on the basis of your Home service in the manner explained above and in respect of your service in E. Africa a pension on the basis shown in the Model Pensions Ordinance.

6 The death gratuity for which provision is made under Section 18 of the Model Pensions Ordinance

payable subject to the same conditions in the case of an officer who dies while seconded from the Home Civil Service

7 It will be within the power of the Governor of *Kenya* to determine your appointment at any time within the period of your secondment should he think fit granting you a free passage to this country and the leave for which you are qualified by your service in East Africa. In that event provided that you are physically fit and that your official conduct has been satisfactory you will revert to the Home Service at the expiration of your leave or as soon thereafter as there is a vacancy.

If you are prepared to accept this offer of appointment you should present yourself at once to ~~one of~~ the Consulting Physicians to this Department whose names ~~are~~ given in the enclosed letter for the purpose of being medically examined. The letter is to be left with him and he will send his report direct to this Department. You should also complete the enclosed medical history form and send it to the Consulting Physician at the time of your examination. *The Consulting Physician* / fees will be paid by the Government. ~~Y~~ will be refunded your third class railway fare to London. ~~to~~

9 I am requested that you should send ~~me~~ *me* ~~the~~ *the* ~~Department~~ *Department* ~~at your earliest convenience~~ *at your earliest convenience* ~~and take up~~ *and take up* ~~to accept the offer of this appointment~~ *to accept the offer of this appointment* ~~If you wish~~ *If you wish* ~~to accept the offer~~ *to accept the offer* ~~You should~~ *You should* ~~send me~~ *send me* ~~is the~~ *is the* ~~earliest date on which~~ *earliest date on which* ~~you will be able to leave for~~ *you will be able to leave for*

Part AFR ~~and at the same time you should furnish~~
on the enclosed form the name and address of a relative
in this country to whom communications may be sent
~~if necessary in your absence~~

I am, etc

14 12

Your reference... 15587/29
P.O. reference... 32366/29
All communications should be addressed to
THE SECRETARY
General Post Office



GENERAL POST OFFICE,
LONDON, E.C.1.

~~RECEIVED
8-JUN-1929
COL. OFFICE~~

June, 1929.

Sir,

no. 11

With reference to your letter of the 31st ultimo, I am directed by the Postmaster General to inform you that he agrees that offers of appointment as Electrical Mechanicians in the Posts and Telegraphs Department, Kenya and Uganda, should be made to Messrs. E.G. Hitch and J.N. Johnson on the conditions mentioned in your letter under notice.

I am, Sir,

Your obedient servant,

H. J. Lamb

In the Secretary's name

The Under Secretary of State,
COLONIAL OFFICE.

Mr. Pooley 27/5/29.

Mr. Venning 28/5/29

Mr. *Y*

Mr. Bottomley.

Sir E. Harding.

Sir J. Shuckburgh.

Sir G., Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lovat.

Mr. Amery.

Murra. 6.0.12

31 May, 1929.

Sir,

With reference to your letters

(Nos. 7, 8, 32366/29 of the 1st and 14th May, and 9)

submitting particulars of candidates for appointment as Electrical Mechanics in the Posts and Telegraphs Department, Kenya and Uganda, I am etc. to request you to inform the Postmaster General that he would propose to make offer of appointment to Messrs. E.G. Hitch and J.N. Johnson.

2. If, as appears to be the case, Mr. Hitch is an established officer in the Home Service, it is assumed that the Postmaster General would be prepared to second him in the usual manner for a tour of service extending over thirty months, and the leave incidental thereto.

3. *In the case of* ~~Mr. Johnson~~ *is* *Mr. Johnson*

DRAFT.

The Secretary,
General Post Office.

stated to be an unestablished workman,
the conditions of secondment would
not apply, ~~in his case~~; and the
Crown Agents for the Colonies would be
asked to enter into the usual agreement
with him, ~~and~~ It would be necessary
Mr Johnson
for ~~him~~ to serve two tours before he
could be considered for appointment to
the permanent and pensionable establish-
ment.

4. The Secretary of State will be
glad to learn whether the Postmaster
General agrees to ~~offer~~ ^{these candidates} ~~of appointment~~
being offered employment in the Kenya
Solal
and Uganda Service on the above basis.

I am etc.

stated to be an unestablished workman,
the conditions of secondment would
not apply, ~~in his case~~, and the
Crown Agents for the Colonies would be
asked to enter into the usual agreement
with him. ~~and~~ It would be necessary
Mr. Johnson
for ~~him~~ to serve two tours before he
could be considered for appointment to
the permanent and pensionable establish-
ment.

4. The Secretary of State will be
glad to learn whether the Postmaster
General agrees to ^{these candidates} ~~offer an appointment~~
being offered employment in the Kenya
Postal
and Uganda Service on the above basis.

I am etc.

Recd?

X Sa / Sent up
15.5
All ask ~~needed to me~~
into the pp. Please,
by Thursday evening

16 10.
C/o Barclay Bank Ltd
North Street
Brighton
14.5.29

Dear Mr Parkinson

15587/15 Ken

In reply to your note of the
16th inst I should like an opportunity
of going through the applications you
mention.

I have to visit Messrs
Preece Cardew & Rider on public business
by arrangement with the Crown Agents
on Thursday of this week, that will
probably take all day but I can
manage to remain over for Friday, 17th
will call at the Colonial Office at
10.30 if that will suit you.

I shall be staying

ack? -

X Sa Sent up
15.5
attach need to me
with the pp. please,
by Thursday evening

16 10.
% Barclay Bank Ltd
North Street
Brighton
14.5.25

Dear Mr Parkinson

15.5.25 Kenya

In reply to your note of the
14.5.25 I should like an opportunity
of going through the applications you
mention.

I have to visit Messrs
Preece Carbons & Rides on public business
by arrangement with the Crown Agents
on Thursday of this week, that will
probably take all day but I can
arrange to remain over for Friday, 15.5.
I will call at the Colonial Office at
10.30 if that will suit you.

I shall be staying

at Clyde House
8 Marlboro Road
Rensselaer

in case you wish to get in touch with
me.

Yours - Jim Carey

Steve Mayfield

at Clyde House
8 Marlboro Road
Rensselaer

in case you wish to get in touch with
me.

Yours sincerely

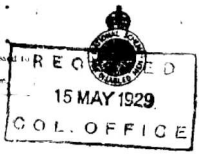
Shirley Mayfield

Reference 15587/29.

P.O. reference 32366/89

All communications should be addressed to THE SECRETARY, GENERAL POST OFFICE

GENERAL POST OFFICE,
LONDON, E.C.1.



14 May, 1929.

17 9

Sir,

no 6

With reference to your letter of the 2nd instant, I am directed by the Postmaster General to enclose a copy of a report on the qualifications of Mr. J.N. Johnson, Unestablished Skilled Workman, Class II, North Engineering District, for the post of Electrical Mechanician in Kenya and Uganda. His place of merit is the 1st given in the Post Office letter of the 1st instant and have been second, i.e. after Mr. F.G. Hitch. Mr. Johnson's age is 28.

There are no other applicants for the posts in question.

I am, Sir,

Your obedient servant,

[Handwritten signature]

The Under Secretary of State,
COLONIAL OFFICE.

[Handwritten signature]

15587/29.

P.O. reference 32366/29

All communications should be addressed to
THE SECRETARY,
General Post Office



GENERAL POST OFFICE,

LONDON, E.C.1.

14 May, 1929.

17
9.

Sir,

1106

With reference to your letter of the 2nd instant, I am directed by the Postmaster General to enclose a copy of a report on the qualifications of Mr. J.K. Johnson, Model-Approved Skilled Workman, Class II, North Engineering District, for the post of Electrical Mechanician in Kenya and Uganda. His place of merit in the list given in the Post Office letter of the 1st instant would have been second, i.e. after Mr. F.D. Hitch. Mr. Johnson's age is 28.

There are no other applicants for the posts in question.

I am, Sir,

Your obedient servant,

[Handwritten signature]

The Under Secretary of State,
COLONIAL OFFICE.

[Handwritten notes]

18

Copy of report by Post Office Superintending
Engineer dated 6th May, 1929.

An assessment of his qualifications for the post of Electrical Mechanician in Kenya and Uganda is as follows:-

Telephone Work - Good.
Telegraph Work - Very Good.

Mr. Johnson spent two years in the Telegraph Apparatus Mechanic's shop at Karachi, India, but was returned to England owing, it is understood, to some misunderstanding regarding his qualifications having come to light. Since his return to this District he has applied on two occasions for vacancies for Telegraph Inspectors, Sudan, but without success. He is a smart, intelligent, and zealous officer, of good appearance, and can be recommended for the appointment now under consideration, although his experience of Telephone work has been confined to Magneto systems.

Copy of report by Post Office Superintending
Engineer dated 7th May, 1929.

Mr. Johnson entered the Mechanics' Shop as a Youth-in-Training in 1919 or 1920, and has been uninterruptedly employed on Mechanic's duties since then. At the outset he was employed on the repair and maintenance of primary and common battery telephones, and subsidiary apparatus, and did well in that class of work.

In 1922 or 1923 he was placed on telegraph duties and since then has been continuously employed on the maintenance and repair of the following types of telegraph equipments:-

- A.B.C. Indicators
- A.B.C. Commutators
- Morse keys; Single & Double Current
- Relays
- Wheatstone Transmitters
- " Receivers
- Baudot Sets
- Creed "
- Gill "
- & Teletypes

Whilst in India he had exceptionally good opportunities to become expert in Wheatstone work.

It would be difficult to find a workman better qualified for the Post so far as telegraphs are concerned.

Copy of report by Post Office Superintending
Engineer dated 7th May, 1929.

Mr. Johnson entered the Mechanics' Shop as a Youth-in-Training in 1919 or 1920, and has been uninterruptedly employed on Mechanic's duties since then. At the outset he was employed on the repair and maintenance of primary and common battery telephones, and subsidiary apparatus, and did well in that class of work.

In 1922 or 1923 he was placed on telegraph duties and since then has been continuously employed on the maintenance and repair of the following types of telegraph equipment:-

A.B.C. Indicators
A.B.C. Commutators
Morse keys; Single & Double Current
Relays
Wheatstone Transmitters
" Receivers
Baudot Sets
Creed "
Bell "
Teletypes

Whilst in India he had exceptionally good opportunities to become expert in Wheatstone work.

It would be difficult to find a workman better qualified for the post so far as telegraphs are concerned.

- Mr. Hadden 7/5
- Mr. Topham 7/5
- Mr.
- Mr. Bottomley
- Sir E. Harding
- Sir J. Shuckburgh
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

Answered 10-10

Mr. Topham
CO
10 July 1927

DRAFT.

Letter 50

G P Willoughby, Esq
 7 Barclay Bank
 No. 55
 Bishop

What your
 resistance in the
 selection of candidates
 be obtained
 sought

Dear Mr Willoughby
 Last Jan^y ~~the~~ ^{Mr. Topham} ~~was~~ ^{was} at
~~Kenya suggested in a Dept.~~
~~about the vacancies for two~~
~~cases in which for your~~
~~assistance in selecting candidates~~
 for the two vacancies for

Electrical Mechanicians in the Post
 and Telegraphic Dept. of Kenya ^{2 in force}
 We have now ~~received~~ ^{received}
 from the G.P.O. a list of names
 of recommended candidates, together
 with copies of their applications,
 in which their qualifications and
 experience are set out

If you are at Brighton,
 it will be easy for you to
 run up to London and we would
 go through the applications

Whether you can accommodate
I of do, when it was said
you to come. If you
make a special journey
for the purpose, it will
be an official duty
of you.

~~suppose~~ ~~to~~ ~~be~~ ~~of~~
~~some~~ ~~kind~~ ~~of~~
~~first~~ ~~class~~ ~~return~~ ~~ticket~~
~~we~~ ~~will~~ ~~be~~ ~~paid~~ ~~by~~ ~~the~~
~~Government~~
Part of the work.
Yours sincerely,

(Signed)

-01.

20 n



GENERAL POST OFFICE,
LONDON, E.C.1.

Your reference 15687/29
P.O. reference 32386/29
All communications should be
addressed to—
The Secretary,
General Post Office.

May
1 April 1929

3 MAY 1929
POST OFFICE

Sir,

With reference to your letter of the 15th ~~inst~~ ^{inst} concerning the filling of vacancies for Electrical Mechanicians in the Posts and Telegraphs Department of Kenya and Uganda, I am directed by the Postmaster General to forward, for the consideration of the Secretary of State, the names, and residences, of all candidates who can be recommended for such positions in connection with their postal from the Post Office Engineering Department.

<u>Order of merit.</u>	<u>Name</u>	<u>Rank</u>	<u>Age</u>
1.	Bulman, T.H.	Skilled Workman Class 1	35
2.	Bulman, T.H.	Unestablished Skilled Workman	28
3.	Davis, J.	Youthful - Training	20
4.	Imley, D.		20
5.	Franklin, S.	Unestablished Skilled Workman	20

from the Post Office Engineering Department.

Bulman, T.H., B. T. is an Electrician 37, together with copies of their applications and an extract from a report by the Controller of Stores concerning the last mentioned candidate.

Mr. Willoughby has not been consulted in the selection of these candidates.

I am, Sir,
Your obedient Servant,

The Under Secretary of State,

COPY.

21

Post Office,

FALMOUTH.

11. 4. 29.

Dear Sir,

With reference to an appointment as "Electrical Mechanician" in the Kenya and Uganda Colonies I wish this application to be forwarded on my behalf please.

I am married and thirty five years of age and although I have spent some half years in the "Near East" I have never been affected with any illness such as malaria.

My professional experience consists of fifteen years spent in the Post Office Engineering Department during which time I have installed and maintained different types of switchboards up to a capacity of 500 to 300 lines. I also hold five

years of certificates in "Electricity and Telephony", "Engineering" and "Telephony".

For the past three years I have been employed as a Senior Telegraph Engineer in the Post Office Engineering Department, Falmouth, Cornwall, England.

For the past five years I have been employed as a Senior Telegraph Engineer in the Post Office Engineering Department, Falmouth, Cornwall, England.

For the past three years I have been employed as a Senior Telegraph Engineer in the Post Office Engineering Department, Falmouth, Cornwall, England.

For the past three years I have been employed as a Senior Telegraph Engineer in the Post Office Engineering Department, Falmouth, Cornwall, England.

For the past three years I have been employed as a Senior Telegraph Engineer in the Post Office Engineering Department, Falmouth, Cornwall, England.

Having this application meets with favourable approval

I remain,
Your obedient servant,

(Sd.) F. S. Hitch.

Skilled Workman Class I.

COPY.

Head Post Office,
NORWICH.
4. 4. 29.

The Engineer,

I beg to apply for the position of Electrical
Mechanic in the Postal and Telegraph Department of Kenya
and Uganda as offered in the circular of the
23rd March 1929.

I have had considerable experience in repairing
Telegraph and Telephone instruments having been employed
for the last four years in the Mechanic's shop at
H.P.O. Norwich. Also I am fully conversant with the
latest type of Machine Telegraphy, and possess a thorough
working knowledge of Manual Switchboards.

I am 23½^x years of age and single, and at present hold
the rank of unestablished Skilled Workman in the Post
and Telegraph Engineering Department.

(Sgd.) T.H. Looms.
U.C.W.

*
Note.
Date of birth
recorded in
Post Office
as 30th July 1906.

COPY.

25

7 William Street,
DUNFERMLINE.
2nd April, 1929.

The Engineer,

I beg to make application for the post of Electrical Mechanician to the Postal and Telegraph Department of Kenya and Uganda, offered in the circular dated March 23rd 1929.

I am in my 21st year and have been employed with the Post Office Engineering Department since 1925.

I have had experience in Overhead Construction, Maintenance of Manual and Automatic Exchanges, Maintenance of Telegraph Apparatus and Mechanic's Shop experience details of which are given below.

Overhead Construction. Rats construction, mounting and erection of poles, fittings, etc. etc., of stays and struts, of house work, roof structures, mounting and erection of D.P.'s and termination of lines at telegraph, post office, etc.

C.S. Exchange Equipment. Maintenance of lower plants and parts of Apparatus such as Changing of Intcs. of secondary coils, etc. etc. Records and a thorough experience in all work in the lines of a C.S. Exchange.

Automatic Exchange Maintenance. Adjustment of all switches and Selectors and all other Mntce. work.

Mechanic's Shop experience. Repair of Telegraph apparatus, sounders, standard relays, D.C. and S.C. keys etc. Repair of Telephones, transmitters, receivers etc. Repair of small electric motors. Turning and a general mechanical experience.

High

High Speed Telegraph Apparatus Maintenance.
Kntoa. or Baudot, Automatic Baudot, Teleprinters (Creed),
Receivers and Printers (Creed), for Press work, and Wheatstone
transmitters and receivers.

I have also attended classes for instruction in Telegraphy,
Telegraphy, Electricity and Magnetism.

I am, Sir,

Your obedient Servant,

(Sgd.) T. Davis.

COPY.

The Sectional Engineer,
23 North Street,
EDINBURGH.

Sir,

With reference to the Engineer-in-Chief's circular
of the 23rd ultimo intimating two vacancies for Telephone
Mechanicians in Kenya Colony, I beg leave to make
application for one of the posts.

I am in my twenty-first year and unmarried.

Previous to entering the G.O. Engineering Department, I
was employed for 3 years in the Watchmakers' Shop. Here I
gained considerable experience on the cleaning and repairing
of various watches and instruments, including the
outfits and tools.

During my periods I visited a small
C.B.S. and was engaged in training duties
connected with the same.

I have had a very good training in the Telegraphs and
Telephony of your Section. The following is an outline
of my actual service:-

One year in the Mechanic's Shop G.O. Edinburgh on the
maintenance and repair of all classes of telegraph apparatus.
Repairing and overhauling telephone subscribers instruments,
cordless sw/bus, Automatic telephone plant, and other
apparatus in C.B.S., C.B., and Automatic system.

One year maintenance duties in the Telegraph Instrument
Room, G.P.O. Edinburgh. This included the clearing of faults
on telegraph repeaters, Morse, Wheatstone, Creed, Baudot
and Murray-Multi-lex systems. Also the maintenance of two
10 + 50 C.B. sw/bds., house telephones and bells.

One year maintenance duties in Atlantic Exchanges of the Siemens No. 16 type and working capacity of 2,000 and 8,000 lines each.

One year maintenance duties in Edinburgh Telegraph Repeater Station. In addition to the general maintenance of 2 wire & wire repeaters a knowledge was acquired of fault location on main U.G. trunk cables, and in the making up of balancing networks for 2 wire repeaters.

Miscellaneous experience:- Assistance was given in the installation of several telegraph systems and with the wiring of telephone apparatus. Knowledge of power plant and charging of telegraphic automatic exchanges.

Training in fault control procedure.

Educational Qualifications:-

1st	London University	Magnetics & Electricity	City & Guilds of London
2nd	"	Telegraphy Grade I	" " "
3rd	"	Telephony " I	" " "
4th	"	Electricity & Telegraphy 2nd year	" " "
5th	"	"	" " "

P.S.D.'s evening class.

Certificates in the following subjects were obtained

at Heriot-Watt College, (Edinburgh) evening classes:-

Electricity and Magnetics,
Telegraphy " Telephony,
Mathematics, and Applied Mechanics.

I trust this application will receive your favourable consideration.

Yours, Sir,
Your obedient servant,

(Sgd.) D.F. Imlach, Y-in-T.

2.4.29.

COPY.

Circuit Lab.
Engineer-in-Chief's Office.
April 3rd 1929.

The Engineer,

With reference to the Staff Circular "Vacancies for two Electrical Mechanics Postal and Telegraph Departments Kenya and Uganda", I should like to apply for the above. My qualifications include the following:-
Educational Successes.

Senior Oxford Local Certificate.
London University Matriculation.
City and Guilds of London. First class certificate in Magnetics and Electricity and Telegraphy Grade I and Bronze Medal (3rd) in Telegraphy Grade I.

Maintenance of:-

C.B.S. Nos. 1, 2 and 3 switchboards up to 500 lines.
Magnetic switchboards 400 lines.
Creed, Morse and Baudot Telegraph Printers,
Quadruplex, Wheatstone, Duplex, Central Battery, Concentrators, Keyboards perforators and Primary and Secondary cells for all Telegraph working.
Primary and Secondary cell for Machine working.
Overhead main and local line maintenance.

Installation of -

C.B.S. Nos. 2 and 3 switchboards up to 20 lines and subscribers apparatus.
Primary and Secondary cells for Telegraph and Telephone working.
Machine Telegraphs - creed.
Overhead construction.
Repairs to all telegraph and telephone apparatus

C O P Y

B 1. Shop.

23.3.22

To
Mr. Swan.

Dear Sir,

I wish to apply for one of the posts advertised. Electrical Mechanicians, in Kenya and Uganda. I have the necessary qualifications for the appointment.

Yours Obediently,

(Sgd.) T. Bulman.

Mr. T. S. G. B. Bulman, Telephone Mechanic, Holloway Factory, has had good experience in repairing telephone instruments at the Holloway Factory and spent nearly three years, chiefly in Telegraph and Wireless Workshops, in the Royal Engineers, during and subsequent to the war. He has a thorough practical knowledge of manual switchboards and has had experience in installation and maintenance at one or two provincial centres. He can understand and use electrical drawings and wiring diagrams. He is married but he has a judicial separation from his wife, is of good appearance and is a zealous and efficient mechanic.

POST OFFICE STORES DEPARTMENT.

11th April, 1922.

C O P Y

B 1. Shop.

23.3.29.

To
Mr. Swan.

Dear Sir,

I wish to apply for one of the posts advertised. Electrical Mechanicians, in Kenya and Uganda. I have the necessary qualifications for the appointment.

Yours Obediently,

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POST OFFICE STORES DEPARTMENT

11th April, 1929.

Mr. Eastwood 29/4

X.15387/1929 Kenya

Mr. Parkins 30/4

Mr. Agumley

Sir E. Harding

Sir J. Shuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. County-Clerk

Lord Lovat

Mr. Amery

Downing Street,

2 MAY 1929
April, 1929.

SS
Manned 10/9
w. 3

Sir,

With reference to the letter from this Department of the

15th March, in which it was re-

quested that candidates might be

recommended for secondment for

service in the Posts and Telegraphs

Department of Kenya and Uganda as

Electrical Mechanicians, I am, etc.

to transmit to you a copy of corre-

pondence with Mr. J.H. Johnson,

DRAFT.

THE SECRETARY
GENERAL POST OFFICE.

Fr. Mr. J. 6.4.29 ✓
is encs to no. 4 ✓
To do. 4.29 ✓
(as com. lft.) ✓

(2 Drafts)

and

X.15587/1929 Kenya

Mr. Eastwood 2/4

Mr. Parkin 3 *of J*

Mr. Rottamley

Mr. E. Fleming

Sir J. Shuchburgh

Sir G. Grenville

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Coxe

Lord Lovat

Mr. Amery

SS
Answered 10/4

no 3

2 May 1929

Downing Street,

2 MAY, 1929

April, 1929

Sir,

With reference to the letter from this Department of the 15th March, in which it was requested that candidates might be recommended for recruitment for service in the Posts and Telegraphs Department of Kenya and Uganda as Electrical Mechanicians, I am, etc. to transmit to you a copy of correspondence with Mr. J.N. Johnson,

No. 15587/19

DRAFT.

THE SECRETARY,
GENERAL POST OFFICE.

Fr. Mr. J. 6.4.29 ✓
1.5 *encls to no. 4*
To do. 4.29 ✓
(accom. dt.)

(2 drafts)

and

5¹⁸

Mr. Parkington

Sir J. Stuckburgh

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Ormsby-Gore

Lord Lugt

Mr. Astery

Downing Street, 2 MAY 1929

April, 1929.

Sir,

I am etc. to refer to

your letter of the 27th April

in relation to the 7.

asked that you might be interested in
re-considering
the application notes

application notes

of George & Younda, and the

DRAFT.

Copy to go. 2 anything 53

6

24/29

L. Agnew Esq
Co. Offr

We have not been able to get any more information
in Kenya. Probably it is one of those cases where you have
to be a direct contact of the man who will do the work.

Yours
L. Agnew Esq

40, Clydesdale Rd
Baker 30

NEWCASTLE - ON-TYNE
APR 14 1929
BAPR 1929

Dear Sir,
I should like to submit my name
as an applicant for a post as Mechanic
in Kenya Colony

The vacancy was circulated around
our district but unfortunately I was too late
with my application which could have been
forwarded to the Engineer in Chief's Office

My
qualifications for the post are
briefly as follows.

- Age 29 years
- Bachelor
- Health good

1916 to 1919 Through the various departments
of the R.C. as a youth in training
Duties include Switchboard fitting, Staff
Magneto Exchange, CB, Rest Room, Engine Room

1919 to 1929
Engaged in mechanics workshop & the
repair of all types of Telephone and Telegraph
Apparatus. CB, CSE Magneto Telephone.
Have been engaged as a mechanic

Hand
Clydesdale Rd
MAY 1929

the Telegraph Instrument Room New York
 in High Speed Telegraphy maintaining
 and repairing same for the past 6 years
 with the exception of 2 years spent in
 this as Mechanician
 Apparatus include Band V. Teletype
 Pells, Wheatstone Ciphers (old ones)
 Automatic stamp machines, clocks
 etc. I am fully conversant with
 all this apparatus and am
 confident that I can perform any
 work required in a satisfactory
 manner.

I hold the following Technical
 Certificates.

- 1st Class Automatic Telephony 928
- 1st Class Telegraphy & Telephony
- 1st Class " " 2nd Year

Post Office Departmental Examinations.

I am Sir

Yours most obedient Servant
 J. M. Johnson

X.15587/25 Kenya

DOWNING STREET,
15 March
February 1929

Mr. Eastwood. 22

Mr. Allen *2/3/29*

Mr.

Mr. Bateman

Mr. E. Harding

Mr. J. Macdonald

Mr. G. Dwyer

Mr. C. Dyer

Mr. S. Wilson

Mr. Ormerod-Cox

Lord Linn

Mr. Amery

Amery 1/2/29

DRAFT.

THE SECRETARY

GENERAL POST OFFICE.

Sir,

I am etc. to request you to inform the Postmaster-General that it is desired to fill two vacancies for Electrical Mechanics in the Post and Telegraphs Department of Kenya and Uganda by the selection of candidates from the Home Service.

*Re: (1A)
enc. to G.P.O.
(to be submitted copy)*

9/2/29

2. A memorandum giving particulars of the conditions of the appointments is enclosed, and I am to request that, if the Postmaster-General sees no objection, candidates may be recommended for secondment to these

These are 10

3. It would be convenient

C.O. 533/300
POST OFFICE
GENERAL POST OFFICE
LONDON

if four or five candidates might be recommended in order of merit, in order that there may be a reserve of candidates in case either of the ~~two best candidates~~ ^{top selected} ~~are~~ ^{be first instance should be} unable for any reason to take up the appointment.

I am to add that Mr. G. P. Willoughby will be in England until the ^{middle of July} ~~beginning of August~~, and it is suggested that, if necessary, he should be consulted in the selection of the candidates. His present address is:

c/o Barclay's Bank, 21 North Street, Brighton.

I am, etc.

and

Mr. Eastwood *Mr. Allen 813*

Mr.

Mr.

Mr. Bottomley.

Mr. E. Harding

Sir J. Shuckburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Care.

Lord Lovat.

Mr. Amery.

DRAFT

G. P. WILLOUGHBY, Esq.

K. 15587/29 Kenya 33

DOWNING STREET,
15 March
February 1928

Sir,

I am etc. to inform you

that it is desired to fill two vacancies for Electrical Mechanicians in the Posts & Telegraphs

Department of the General Post Office

at the ~~service~~ ^{of members of the}

Service

In respect of the

of the

Administration of the Government of

has been suggested to

the General Post Office that, if

necessary

necessary, your assistance should be
obtained in the selection of candidates.

~~It is assumed~~
It is assumed that you will
be willing to give your assistance
if it is required & your
advice has accordingly been
given to the directors of the

P.O.

21/10/11

ROBINSON

necessary, your assistance should be
obtained in the selection of candidates.

~~It is assumed~~
It is assumed that you will
be willing to give your assistance
if it is required & your
advice has accordingly been
given to the Secretary of the

P O

11/10/11

PARKINSON

VAGANCIES FOR TWO ELECTRICAL MECHANICIANS,
POSTAL AND TELEGRAPH DEPARTMENT, KENYA
AND UGANDA.

QUALIFICATIONS

Candidates should not be over 35 years of age and should be experienced in repairing telegraph and telephone instruments. They should also possess a thorough knowledge of manual switchboards.

SALARY

£372 per annum rising by annual increments of £10 to £500 with efficiency bars at £430 and £460. Half salary is payable from the date of embarkation from England and full salary from the date of arrival in Kenya.

QUARTERS

Government quarters free of rent (but not of rates or similar outgoings) will be provided when such quarters are available. Where such quarters are not available an allowance in lieu of quarters will be granted.

LEAVE AND EXPENSES

Free second class passages are provided between the United Kingdom and Kenya at the beginning and termination of a period of engagement. Leave is granted on the basis of 28 or 30 days "vacation" with full pay in England for each month of resident service, according to the station where an officer has served. If an officer returns for further service, "return leave" is given

given

Govt of Kenya - P.O. - 15.3.29.

[given for an equal period. The time spent on the voyage from or to Kenya is excluded from the period of leave as reckoned above and full pay is allowed for the voyage.]

PENSIONS AND GRATUITIES

If an officer remains permanently in Colonial employment, he retains his title to pension in respect of his service at home, calculated separately upon his home service and salary in accordance with the provisions of No. 9 of the Rules of the 31st July, 1911, framed under Section 7 (1) of the Superannuation Act 1909.

If, on the other hand, he reverts to the home service and ultimately retires from that service under conditions qualifying for pension, he will receive pension calculated separately in respect of his service in the Colony and his home service in the manner explained above. The age for retirement in the Colony is fifty. For reckoning pension, the value of free quarters (taken as 15 per cent of the initial salary of the grade) is included in pensionable emoluments, and pension is calculated at the rate of one four hundred and eightieth of the officer's pensionable emoluments for each complete month of pensionable service. On certain conditions an officer may elect to receive a gratuity and reduced pension. When an officer with not less than five years pensionable service dies in the service a gratuity of one year's pensionable emoluments is payable to his estate.

TRAVELLING ALLOWANCES AND LOCAL TRANSPORT

Travelling allowances and free transport in the Colony are provided in accordance with the local regulations.

[Officers will be required to serve at any office in Kenya or Uganda.]

If a selected officer is married and wishes his wife to accompany him to the Colony, or join him before he has served for six months, he must obtain the permission of the Governor. A grant of £30 is payable towards the cost of the passage tickets of an officer's wife and/or family once in each direction during a tour of service.

Candidates who so desire can be placed in communication with the Department for Uganda generally. Information can be obtained from the Secretary in selected provinces and districts. The Secretary will be pleased to supply the necessary information.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 36

RECEIVED
9 FEB 1929
COL. OFFICE

19th January, 1929.

Sir,

15431/28
for Mr. Allen

Form. 112

With reference to Head XII Item 20 of the 1929 Draft Estimates, I have the honour to transmit a form of particulars in respect of vacancies for two Electrical Mechanics in the Post and Telegraphs Department on the scale £372 by £15 to £426 by £18 to £480 by £20 to £500.

2. It has not been found possible to recruit men for these vacancies from South Africa and I shall, therefore, be glad if you will approach the Postmaster General with a view to inviting applications from the staff of the British Post Office. In the event of no suitable candidates being obtained from this source, I suggest that the Crown Agents should endeavour to fill the vacancies by advertisement, in this event the statement of particulars would require slight variation. It should be pointed out that the posts are pensionable but that the persons appointed would not become eligible for pension unless and until they are confirmed in their appointments after a probationary period of not less than two years or of five years service.

3. The Chief Telegraph Engineer Mr. G.P. Willoughby will be in England until early in August and it is suggested his assistance should be obtained in selecting candidates. His address will be:

c/o Barclay's Bank,
North Street,
Brighton, Sussex.

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

ACTING GOVERNOR.

THE RIGHT HONOURABLE
LT-COL. L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNS STREET, LONDON S.W.

Ans d 527 in 32764/EA
528 in 32760/EA

39

VACANCIES FOR TWO ELECTRICAL MECHANICIANS.
POSTAL AND TELEGRAPH DEPARTMENT.
KENYA AND UGANDA.

SALARY.- £372 per annum rising by annual increments of £18 to £500 with efficiency bars at £426 and £480. Half salary is payable from the date of embarkation from England and full salary from the date of arrival in Kenya.

QUALIFICATIONS.- Candidates should not be over 36 years of age and should be experienced in repairing telegraph and telephone instruments. They should also possess a thorough knowledge of manual switchboards.

CONDITIONS OF APPOINTMENT.- The selected candidates will, in the first instance, be seconded for a tour of 30 months with leave incidental thereto. At the end of that period they may be given the option of permanently transferring to the Colonial Service or they may revert to the Home Service, subject to a satisfactory report on their services. If at the end of the period for which the officers are seconded it is decided not to continue their services, or if they should then desire to return to the Home Service, they will be allowed to revert to their former positions as soon as vacancies are available, without loss of seniority and at the ~~py~~ pay they were receiving at the time of their departure from England - subject to proof of satisfactory conduct and physical fitness.

LEAVE AND PASSAGES.- Free second class passages/between the United Kingdom and Kenya at the beginning and termination of period of engagement. Leave is granted on the basis of 2½ or 3 days "vacation" with full pay in England for each month of resident service, according to the station where an officer has served. If an officer returns for further service "return leave" is given for an equal period. The time spent on the voyage from or to Kenya is excluded from the period of leave as

reckoned above and full pay is allowed for the voyage.

QUARTERS.- Government quarters free of rent (but not of rates or similar outgoings) will be provided when such quarters are available. Where such quarters are not available an allowance in lieu of quarters will be granted.

GENERAL.- The vacant positions are pensionable.

The officers appointed will be required to contribute to the East African Widows' and Orphans' Pension Scheme at an initial rate of £18 a year.

If a selected officer is married and wishes his wife to accompany him to the Colony, or join him before he has served for six months, he must obtain permission from the Governor. A grant of £30 is payable towards the cost of the passage tickets of an officer's wife and/or family once in each direction during a tour of service.

Candidates who so desire can be placed in communication with officers of the Department on leave in England from whom information can be obtained in regard to conditions in Kenya and Uganda generally.

The terms and conditions of service are liable to be varied at any time with the approval of the Secretary of State for the Colonies.

Reports on the circumstances attending the defalcations at the Eldoret Post Office. Regrets not reported at the time and requests covering approval of the write-off.

MEMORANDUM

MEMORANDUM

This explanation appears satisfactory

Subject to observations (C.A.)? grant

covering approval

(C.A. advised)

Dep.

For any observations

J.V. Allen

21/1/29

Mr. Allen

No observations

A. J. Harding

15/1/29

Approve the write off

J.V. Allen

17/1/29

at all

To Ser. 191-1 Am. a 36 MAR 1928

REPRODUCED UNDER SEALING

Seen

A. J. Harding

21/1/29

3.

O.A.G. 452.

22 July, 1929.

Submits for decision, papers relating to a shortage of cash at sub-station then under the charge of Capt. Rimmington, and his liability for the loss.

D.C.A.

Will you please advise
It is a curious case, and
it is certainly odd that
(as pointed out by Capt.
Rimmington in his letter of
5 Apr. 1929) his punishment
should be made to depend
upon the ability of the
Chief to repay the amount
of the loss. At the same time
Capt. R. should have
been reasonably careful
of his money.

all the same
17-2-29

Mr. Parkinshaw

I am sorry to have kept this so long.

I think that the right way to look
at such a ~~case~~ ^{case} is as follows:-

Captain Rimmington was in charge of
the ~~cash~~ and responsible for it. If he
was found to be short in his cash, he was
bound to replace the amount that was missing,
unless the Government thought fit for some
special reason to relieve him from the whole
or part of that obligation. A decision that
the Government would not relieve Captain

Rimmington

~~shall~~

Rimmington from his obligation is not a "punishment"
it is merely a refusal to let him off a debt to
the Government.

When a Government has to consider whether
it will let an officer off such an obligation, it
of course should take into account his conduct.
If he has done his best to safeguard the money,
but has been defeated by violence or other
circumstances beyond his control or handicapped
by the failure of the Government to provide him
with proper facilities for safe custody of the
monies in his charge, that is a good reason for
the Government to decide to relieve him of the
whole or part of his liability. If the amount
lost is so large that obviously the officer
can't be expected to produce it from his own
funds even by instalments, that is a reason for
the Government sharing the loss with the officer
even if he had been hopelessly negligent - even
so negligent as to necessitate his dismissal
from the Service.

In this case it is clear that Captain
Rimmington had not done his best to safeguard his
cash. The theft was directly due to his having
left the safe unlocked - and this was not the
first time he had been so careless - he had gone
off on tour leaving it unlocked a few weeks
previously and had had to come back to lock up
the safe. Even this did not act as a warning
to him.

In these circumstances I do not think
that Capt. Rimmington has any real case for asking
the Government to bear part of the loss. He is
on the whole rather lucky that 300/- of it was

covered.

I

lands even by instalments, that
is a reason for the Government
sharing the loss with the officer,
even supposing he has been
definitely negligent, so negli-
gent even as to necessitate his
dismissal from the Service.

In this case, it is clear
that Capt. Rimington had not done
his best to safeguard his cash, as
the theft was directly due to his
having left the safe unlocked.
Moreover, this was not the first
time that he had been careless in
this respect, for he had, in fact,
gone off on tour leaving it un-
locked a few weeks previously, when
he had to come back to look up
the safe. Even this incident did
apparently, act as a warning
to him. In these circumstances,
I do not think that Capt. Rimington

has any real case for asking the
Government to bear part of the ^{loss} ~~loss~~;

In fact, I consider ⁷ that he may ~~be~~

~~consider himself~~ fortunate ^{to} that ~~the~~ ~~loss~~ ~~was~~ ~~recovered~~.

I have accordingly

to report that you will cause ~~the~~ ~~loss~~.

At the same time informed that after

my full consideration of the matter, I

am unable to see the ~~way~~ ^{way} to

any ~~other~~ ~~action~~ called for.

Very truly yours,
etc...

(Signed) PASSFIELD.

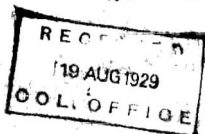


7
3
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 452

22nd JULY, 1929.



My Lord,

I have the honour to transmit, for Your Lordship's consideration, the accompanying letter, together with enclosures, from Captain G. L. Rimington, M.C., a District Officer in this Colony.

2. On the 30th October, 1927, during an inspection of accounts at Thika, a sub-station of Fort Hall district which was at the time under the charge of Captain Rimington, the Auditor discovered a shortage of Shgs. 1085/-, in the cash lodged in the station safe. An enquiry was subsequently held by the Senior Commissioner of the Ukuyu Province and copies of the enquiry and of the Senior Commissioner's covering letter forwarding his findings are enclosed.

Upon receipt of the report the Treasurer was consulted and I have to enclose a copy of his letter of the 21st November, 1927. In accordance with the Treasurer's advice the Colonial Secretary, then Sir Edward Leake, K.B.E., ruled that Captain Rimington /

copy

THE RIGHT HONOURABLE LORD PASFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

Rimington should refund the amount of Shgs. 1085/-, This decision was conveyed to Captain Rimington through the Senior Commissioner of his Province and the reasons for such decision are clearly set forth in the first enclosure to Captain Rimington's letter of the 4th July

3. On the 29th May, 1928, a native, who at the time of the loss was in the employ of Captain Rimington was tried and found guilty of theft of the cash and sentenced to a term of 12 months rigorous imprisonment. The fine of Shgs. 1200/- in default of which he is to be imprisoned for 12 months if he does not pay the same.

The fine of Shgs. 1200/- was subsequently remitted to Captain Rimington, who has since then paid the amount of Shgs. 1085/- and received a receipt therefor.

The Senior Commissioner has now informed me that the native has been released on parole and has returned to his home. I have therefore prepared to recommend a refund of Shgs. 1085/- to Captain Rimington and I would submit the matter to Your Lordship for consideration.

I regret that in the letter of Captain Rimington's letter of the 20th March to the Chief Native Commissioner, indicating the grounds upon which he seeks remission of his punishment, I would state that the Senior Commissioner did not recommend that the amount

lost /

least be written off. It is clear from the findings of the enquiry that the Senior Commissioner was prepared to leave to higher authority the decision as to whether the amount involved should be written off or refunded by the officer concerned.

I have the Honour to be,

My Lord,

Your Lordship's most obedient,

humble servant,



ACTING GOVERNOR.

lost be written off. It is clear from the findings of the enquiry that the Senior Commissioner was prepared to leave to higher authority the decision as to whether the amount involved should be written off or refunded by the officer concerned.

I have the honour to be,

My Lord,

Your Lordship's most obedient,

humble servant,



ACTING GOVERNOR.

10
NAIROBI C.O.C.,

4th July, 1929.

TO: The Secretary of State for the Colonies,
through
His Excellency the Acting Governor,
Colony and Protectorate of Kenya,
through
The Hon. Colonial Secretary,
Nairobi.

Sir,

LOSS OF GOVERNMENT MONIES AT THIKA.

I have the honour to enclose a copy of the undermentioned correspondence and shall be grateful if this application might receive your consideration, with a view to a ruling on the decision given by the Hon. Colonial Secretary in December, 1927.

1. Letter No. Fin. 6/3/10/18, dated the 19th December, 1927, from the Hon. Colonial Secretary.
2. My letter dated the 22nd March, 1929, to the Acting Chief Native Commissioner.
3. Letter No. 6197/99/1, dated the 25th March, 1929, from the Provincial Commissioner, Northern Frontier Province, to the Acting Chief Native Commissioner.
4. Letter No. Fin. 6/3/10/33, dated the 4th April, 1929, from the Acting Colonial Secretary.
5. My letter, dated the 3rd April, 1929, to the Hon. Colonial Secretary.

I have the honour to be,

Sir,

Your humble and obedient servant,

G. B. R. Kingston
District Officer

NAIROBI C.O.B.S.,

10
4th July, 1929.

TO:
The Secretary of State for the Colonies,
through
His Excellency the Acting Governor,
Colony and Protectorate of Kenya,
through
The Hon. Colonial Secretary,
Nairobi.

Sir,

LOSS OF GOVERNMENT MONIES AT INIKA.

I have the honour to enclose a copy of the undermentioned correspondence and shall be grateful if this application might receive your consideration, with a view to a ruling on the occasion given by the Hon. Colonial Secretary in December, 1927.

1. Letter No. P.O. 12/10/18, dated the 19th December, 1927, from the Hon. Colonial Secretary.
2. My letter dated the 22nd March, 1929, to the Acting Chief Native Commissioner.
3. Letter No. 6177/99/1, dated the 25th March, 1929, from the Provincial Commissioner, Northern Frontier Province, to the Acting Chief Native Commissioner.
4. Letter No. P.O. 12/10/33, dated the 4th April, 1929, from the Acting Colonial Secretary.
5. My letter, dated the 3rd April, 1929, to the Hon. Colonial Secretary.

I have the honour to be,

Sir,

Your humble and obedient servant,

G. B. R. [Signature]
(District Officer)

- (a) Captain Rimington gave his key to the Cashier who opened the safe not in his (Capt. Rimington's) immediate presence.
- (b) He did not count the Shs. 4,000/- before it was locked up.
- (c) All sub-accountants must check their cash book balances with their cash at least once a week (see Treasury Circular No. 55 of the 7th of November 1923) and it is quite clear that Capt. Rimington neglected to do this.

are sufficient to justify Captain Rimington being called upon not only to make good the loss, but to show cause why he should not be departmentally dealt with for gross carelessness and neglect of duty. In the circumstances, however, repayment of the amount of the loss is considered sufficient punishment and Captain Rimington is to be reminded that it is his duty to exercise the ordinary care which is prescribed in respect of all moneys in his charge and to follow the procedure laid down which should be known to any Administrative Officer with a sense of responsibility. The amount of Shs. 1,000/- may be refunded in ten instalments of Shs. 100/- and in one of Shs. 80/-

SD. ROYAL FENNAN.
COLONIAL SECRETARY.

CONFIDENTIAL.

COPY.

LOKITAUNG,
NORTHERN TURKANA.

22nd March, 1929.

The Hon'ble,
The Chief Native Commissioner,
through
The Provincial Commissioner,
Kericho,
through
The District Commissioner,
Lodwar.

Sir,

~~Reference is made to your letter of 10th March 1929.~~

I am sorry to hear that the Secretary of the Northern
Turkana Association has been unable to pay to
the Government the amount of £1000 in respect
of the land tax for the year 1927.

(3) During March, 1927, I was posted to Thika
to open an Administration Station.

4. On about the 8th of October, 1927, I received
a letter from the Auditor, saying, he was arriving on the
10th of October (?) to audit the accounts. With the
assistance of my Clerk who also acted as District Clerk
I counted all the cash; put it under lock and key in the
small safe in my office. The Treasury had been unable to
supply me with a second safe, strong room or proper
Cahier's office with iron bar windows. The cash was then
correct.

5. That night at about 6.45 p.m. I was working late in my office on an urgent and confidential document and had cause to be continually going to the only safe which not only contained confidential documents but all the Government monies of the Station.

6. When I was just taking out of the safe a confidential document, I heard the voice of the E.P.C. Thika and a settler asking me to admit them into the building by another door on account of a dispute that had arisen. Before going to admit them, I glanced the safe and locked it, (as I had thought) taking the key with me. After admitting them which took 2 or 3 minutes I returned to my office, where I found my personal boy, Joseph A/o Giza, awaiting me with a note. I attended to him and the dispute and continued working. Before leaving my office at about 8.15 p.m. I went to the safe for further reference to this confidential matter and at that time did not notice whether I had, or had not, locked the safe after my former visit.

7. On arrival of the Auditor, I handed him the safe key, saying he would find the cash correct as I had just previously checked it with my Cashier. To my astonishment he reported a deficit of Shs. 1,085/-, which was contained in one bundle of notes of Shs.1,000/- and in one bundle of notes of Shs.85/- in Shs.5/- notes.

8. Before the theft I had had reason to suspect my Cashier and on this occasion I wrongly suspected him of having put these two bundles of notes into his pocket from a table from which after counting it I was transferring the cash into a safe. I did not in any way suspect my boy because I then thought the safe had been locked when I admitted the E.P.C.; the incident never again came to my mind until he confessed having stolen the money /

at this time.

9. At a later date the Honourable the Provincial Commissioner, Kikuyu Province, (Mr. Hemsted) held an enquiry into the loss of this cash, and in his finding addressed to the Honourable the Colonial Secretary asked:-

- (a) that this deficit might be written off
- (b) That he (Mr. Hemsted) suspected my personal boy of having purloined my keys and thereby obtained access to the safe;
- (c) that the C. I. D. Nairobi be instructed to keep a watch on this boy who had by this time been discharged.

10. At this enquiry I had admitted leaving the safe unlocked, when going off in a hurry on safari, some weeks previous to the 8th October, 1927. On this occasion my Cashier had at once found the safe was unlocked, checked the cash, found it correct and I had returned from safari at once and locked the safe.

I should here state that through some mechanical fault the safe did not always lock when the key was turned and the key was very loose.

11. The Honourable the Colonial Secretary on receiving the written enquiry found that I had been negligent by leaving the safe open on this previous occasion (paragraph 10) and that I would be punished by having to remit the deficit of Shs. 1,085/-, I was asked for no further explanation, nor did I appeal, deciding to await what the activities of the Police might bring forth.

The Honourable the Treasurer was instructed to deduct from my salary ten monthly instalments of Shs. 100/- and one instalment of Shs. 85/-.

I respectfully beg to state that at the time when I read the Honourable the Colonial Secretary's decision, it appeared to me (and also to Mr. Hemsted to whom I pointed this out) that it was an unjust decision.

10
- 4 -
decision in the light of the facts adduced at the enquiry; the Honourable the Colonial Secretary also in arriving at his decision had joined the occasion on which I had admitted leaving the safe open, with the occasion some weeks later when the money was actually stolen.

12. Some time subsequent to the notification of the Honourable the Colonial Secretary's decision Joseph A. O'Brien gave himself up to the Police in Nairobi, admitting the theft of a bag of money in notes from the safe at the time when I was engaged with the E.F.O. Thika.

On the 29th May, 1928, he was tried at Thika under Port Hall II Class Criminal Case No. 143 of 1928 and, a previous conviction having been proved against him, he was sentenced to undergo 18 months' R.I. and ordered to pay a fine of Shs. 1,200/- or in default to undergo a further 9 months' R.I. Out of the fine, if recovered Shs. 1,085/- was to be paid to me as compensation. On a distress warrant executed at the prisoner's home I received Shs. 300/- on the 26th October, 1928.

13. I have completed paying the monthly instalments to the Honourable the Treasurer totalling Shs. 1,085/-.

14. I now have the honour to request from His Excellency the Governor that this punishment may be revisited on the following grounds:-

- (a) That the punishment was imposed by the Honourable the Colonial Secretary notwithstanding that the Senior Officer holding the enquiry (Mr. Registrar) recommended after the consideration of the facts that the amount be written off;
- (b) That subsequent and important facts having a direct bearing on the case were disclosed at the trial of the thief which was some time after the decision of the Honourable the Colonial Secretary whose decision, I respectfully submit, should have been reviewed /

16

- 4 -

decision in the light of the facts adduced at the enquiry; the Honourable the Colonial Secretary also in arriving at his decision had joined the occasion on which I had admitted leaving the safe open, with the occasion some weeks later when the money was actually stolen.

12. Some time subsequent to the notification of the Honourable the Colonial Secretary's decision Joseph M. Oria gave himself up to the Police in Nairobi, admitting the theft of a sum of money in notes from the safe at the time when I was engaged with the E.P.O. Thika.

On the 29th May, 1928, he was tried at Thika under Port Hall II Class Criminal Case No. 143 of 1928 and, a previous conviction having been proved against him, he was sentenced to undergo 18 months' R.I. and ordered to pay a fine of Shs. 1,200/- or in default to undergo a further 9 months' R.I. Out of the fine, if recovered Shs. 1,085/- was to be paid to me as compensation. On a distress warrant executed at the prisoner's home I received Shs. 300/- on the 26th October, 1928.

13. I have completed paying the monthly instalments to the Honourable the Treasurer totalling Shs. 1,085/-.

14. I now have the honour to request from His Excellency the Governor that this punishment may be remitted on the following grounds:-

- (a) That the punishment was imposed by the Honourable the Colonial Secretary notwithstanding that the Senior Officer holding the enquiry (Mr. Beckett) recommended after due consideration of the facts that the amount be written off.
- (b) That subsequent and important facts having a direct bearing on the case were disclosed at the trial of the thief which was some time after the decision of the Honourable the Colonial Secretary whose decision, I respectfully submit, should have been reviewed /

COPY.

Ref. No. 6177/91/1.

Office of the Provincial
Commissioner,
Northern Frontier Province,
Meru, 25th March, 1929.

CONFIDENTIAL.

The Hon'ble,
The Acting Chief Native Commissioner,
NAIROBI.

CAPT. RIMINGTON'S LETTER OF THE 15TH
DATED RE THE CASE OF GOVERNMENT CASH
BY 1929.

Capt. Rimington has asked me to support his contention that he should not be called upon to pay the Murgovers' balance of the Government from the Government's funds; a sum of Shs. 785/-.

The subsequent arrest and conviction of the boy Joseph Murgover puts the case in rather a different light as revealed by the enquiry, and it now appears that Captain Rimington's temporary absence from the office when he was working at night, the boy came to the office, found the safe open and stole the cash. I was present at the trial of Joseph Murgover, but he admitted paying the cash in the above manner.

3. While it has been admitted that Captain Rimington was guilty of a certain degree of carelessness in leaving the safe open while he went to attend to the duties of a Police Constable and a Settler who had come to the office, it was peculiarly unfortunate that a boy with a bad record should enter the office during his temporary absence and seize the opportunity of stealing the cash.

Capt. Rimington was much overworked at the time, and the theft would not have occurred had he not been attending to official matters long after hours.

4. The sum of Shs. 785/- is a heavy amount to pay

19

- 2 -

for an Officer in Capt. Rimington's position, and in view of the facts that came to light after the enquiry, perhaps the Hon'ble the Colonial Secretary would take a more lenient of the case.

ED. H. W. HENSTED.
PROVINCIAL COMMISSIONER.

Capt. G. B. Rimington, M.C.,
Thro
The Provincial Commissioner, Kericho,
copy for your information.

FIN. 6/3/10/33

CONFIDENTIAL

4th April, 1929.

Captain G. B. Rivington, M.C.,
Assistant District Commissioner,
Northern Territory,
through
The Senior Commissioner,
Kangaroo Province.

REF:- TREASURY CASE AT THIKA

With reference to your Confidential letter of the 22nd March to the Acting Chief Native Commissioner and to the interview granted to you on the 27th March by H.E. the Acting Governor, at which you petitioned for reconsideration of the decision by which you were called upon to pay the sum of Shs. 785/- representing the unrecovered balance of the sum of Shs. 1,085/- stolen from the safe at Thika, I am directed to state that His Excellency found it difficult to consent to a refund in view of the admission made regarding leaving the safe open. His Excellency at the interview granted, informed you to this effect.

2. Should you so request His Excellency has agreed to refer the matter to the Secretary of State for the Colonies and in this connection I am to invite your attention to Section 200 Colonial Regulations requiring the submission of any communication to the Secretary of State in triplicate through the Governor.

SD. JUXON BARTON.
for ACTING COLONIAL SECRETARY.

-COPY-

ENQUIRY REGARDING SHORTAGE OF SHS.
1085/- IN THE CASE AT
THIKA.

Mr. A.F. Fernandes, Old 3rd Grade Clerk, Cashier, Court and District Clerk at Thika, states:

I remember the cash being checked on 30th September, It was then correct. I do not remember it being checked again until the Auditor arrived on the 20th Oct. and he found the shortage.

I do not remember the various amounts put in the safe after 30th September.

My instructions are that as soon as I have collected Shs. 2000/- in silver or Shs. 1000/- notes, to bring the amount to the District Commissioner to be put in the safe.

I do up the notes in bundles of Shs. 1000/- Capt. Rimgton sometimes, when he is busy with cases, gives me the key and tells me to put the money in the safe. It is always carefully counted both by him and myself.

With regard to Shs. 109/-, which was paid as fine in a Criminal case, I took the money to my house because the Auditor was here. It had to be paid to a man and did not need to be passed through the accounts. It was paid to me on the day that Capt. Rimgton went on "safari" (12/10/27). I did not know it should be entered in the cash book. It was not entered until 24/10/27

I kept the case file in my office drawer because the payment was pending. The drawer was locked. I remember bringing Shs. 4000/- one day to Capt. Rimgton to be put in the safe. I do not remember whether he or I put it in.

On 17th Sept. Capt. Rimgton went on safari and the cash was checked on the previous day. On the 19th I found the safe was not locked. I counted the cash, found it correct and transferred it to my Strong Box. I sent a letter

to Capt. Rimington informing him of this. He came back on the 23rd September, I think. On the 24th the cash was checked and put back in the safe.

The work here is more than I can cope with- I come at 8 in the morning and work till six in the evening.

R.W. HEMSTED.
3/11/27.

Capt. Rimington, A.D.C.i/c. Thika, states:

The cash was checked on the 30th September. I am certain I checked it again before the Auditor came. I checked it on the 15th October (Note: there is no evidence of the check). I did not check the money in the safe then, only that with the clerk. Shs. 4000/- was brought to me by the Clerk on 13/10/27. I was trying a case at the time. There were four packets of notes which I counted, and then gave the key to the Clerk and told him to put the money in the safe. He took the money and went to the safe and brought back the key. People were standing between me and the safe and I did not see what he was doing. (Note: The safe is about 12' away from the District Comr's desk and opposite to it).

I do not know if the money was short in those particular bundles.

With regard to Shs. 109/- fine in a Criminal case, I gave the amount to the Clerk and was under the impression he would credit it in the usual manner. I gave him the money on 12/10/27. On 24/10/27 I could not find the case file and it was found locked up in the clerk's desk with no money to account for it. He produced the money from his house afterwards.

I have never found the clerk's cash correct when I have checked it. The day the auditor came hi

- 3 -

his cash was correct for the first time.

The Auditor came on the 14th, I think. He did not check the cash then but said he would come back in a week's time.

With regard to the safe being left open. One day in Sept. I was giving money to the clerk before going on safari. Some people came in and spoke to me and I gave out Shs 2000/- for Commander Worsley. The car was waiting outside to take me on safari. I was busy with people and must have forgotten to lock the safe.

It is not possible for anyone to have got hold of the key of the safe.

My boy NRI. 2466450 Joseph Odice G/O otene was discharged on 31/10/27. He had been with me since the end of February.

An Askari sleeps at the office every night between 8.p.m. and 4 a.m. There is no proper guard.

R.W. HERMISTON
31/1/27.

FINDINGS

When the Auditor checked the cash in the safe on the 20th October, he found a sum of Shs. 1085/- short. I understand a bundle of notes of Shs 1000/- was missing and two other bundles said to contain Shs. 1000/- each were short by Shs. 60/- and Shs. 25/- respectively. The money in the safe had not apparently been counted since the 30th September and, therefore, 20 days elapsed before the Auditor checked it and found the shortage.

Capt Rimington suspects that the clerk took the opportunity of stealing the money when he was allowed access to the safe on the 13th October for the purpose

-4-

of depositing therein four bundles of notes said to contain Shs. 1000/- each. I find this difficult to believe. The safe is only some 12' feet from the District Commr's desk and facing it. A case was being tried at the time and there were several people in the small office. He might conceivably have slipped one bundle into his pocket, but this presupposes a boldness which I do not think the clerk would be capable of. There was also a shortage in two other bundles, and it seems to me very probable in addition to stealing the bundle of Shs 1000/- he may have waited at the safe while he abstracted small sums from two other bundles. I am therefore, of opinion that the clerk must be exonerated of stealing the money.

The incident of Shs. 109/- which the clerk did not bring to account does not, in my opinion, prove any dishonesty, but a lack of knowledge of the proper procedure. He seems to have had some knowledge of the duties of a Cashier. The amount was a Criminal case and was to be paid by the complainant as compensation. The proper procedure was to place it on deposit until paid to the complainant, but the clerk quite probably was under the impression that the amount could be paid out direct without passing it through the books and making a double entry. He was apparently anxious that his cash should be correct when the Auditor came, and took the money over to his house. He must have known the man would come for his compensation money sooner or later, and although he acted very foolishly in taking the money away, I cannot think that he intended to steal it.

The Police, moreover, have made investigations and

and, I understand, do not consider there is a case against the clerk, but further evidence may come to light.

Presuming the clerk to be innocent, it remains to be ascertained how the money came to be missing and I am afraid the enquiry throws no light upon this question.

On one occasion Capt. Rimington after closing the door of the safe omitted to turn the key in the lock. This is not likely to have happened twice, however; and if it had, it would presumably have been noticed when it had to be opened.

My own opinion is that someone must have possessed the keys of the safe and after abstracting the money put them back again. Capt. Rimington considers this could not possibly have happened, but it is a line of enquiry which, I think, should be followed up. I have advised the District Commissioner, Fort Hall, to do so, more particularly in regard to a boy, Joseph Ochina, who recently left Capt. Rimington's service.

In the meantime Government money is missing and must be well guarded or written off.

It may be argued that Capt. Rimington is responsible, but I would point out that the work at Thika is more than one Officer with one clerk can possibly cope with satisfactorily.

When the Station was opened in March last no additional funds or staff were available, and in consequence the not very adequate staff and funds allotted to the Province had to be redistributed. A clerk for Thika was eventually found, but he is not a very experienced man and has little knowledge of the Cashier's

-6-

work at a District Station.

Thika probably comprises the largest white area in the country, and the court work alone is enough to keep one officer and a clerk fully occupied. Till the end of Oct. there have been 450 Criminal cases and some 80 Civil Cases.

Large sums of money pass through the A.D.C.'s hands, he is often absent on tour, and an adequate check cannot be kept on the cash.

Capt Rimington has had all the work of starting the Station, and to my certain knowledge both he and his one clerk have been very much overworked.

I leave it to Government to decide in what manner the missing money is to be made good, but I would strongly recommend that Government provide an adequate staff for one of the most important and largest white areas, which produces a very considerable revenue.

In my opinion there should be two officers for Thika with a Cashier or District Clerk and a Court clerk.

SD. R.W. HEMSTED
SENIOR COMMISSIONER

KIKUYU PROVINCE

3/11/27.

COPY.

THE TREASURY,
NAIROBI.

Ref. No. 3191/1927/6

21st November, 1927.

The Hon. Colonial Secretary,
NAIROBI.

FINANCE - CASH - SHORTAGES OF - TELIKA
Ref. Your No. F.P. 5/10/27 of the
10th November, 1927.

I am directed by the Treasurer to say that Captain Rimington appears to have shown a considerable amount of carelessness in looking after the cash, and that in his opinion this officer should be called on to make good the loss.

2. The grounds on which this opinion is based are as follows:-

- (a) Captain Rimington gave his key to the Cashier who opened the safe not in his (Capt Rimington's) immediate presence.
- (b) He did not count the Shs. 4,000/- before it was locked up.
- (c) All sub-accountants must check their cash book balances with their cash at least once a week (v. Treasury Circular No. 55 of the 7th November, 1923) and it is quite clear that Captain Rimington neglected to do this.

3. As regards the findings of the report Mr. Hemsted is of opinion that the clerk must be exonerated because it does not seem credible that he could have abstracted the money at the time when he was placing it in the safe. It would seem however that it would have been quite possible for the Clerk, knowing that Captain Rimington was occupied on a court case, to abstract the money before bringing it to ~~xxx~~ be locked up.

SD. P.C.M. WATSON.

COPY.THE TREASURY,
NAIROBI.

21st November, 1927.

Ref. No. 3191/1927/6The Hon. Colonial Secretary,
NAIROBI.FINANCE - CASH - SHORTAGES OF - TRIKARef. Your No. FIN. 5/10/11 of the
10th November, '27.

I am directed by the Treasurer to say that Captain Rimington appears to have shown a considerable amount of carelessness in looking after the cash, and that in his opinion this officer should be called on to make good the loss.

2. The grounds on which this opinion is based are as follows:-

- (a) Captain Rimington gave his key to the Cashier who opened the safe not in his (Capt Rimington's) immediate presence.
- (b) He did not count the Shs. 4,000/- before it was locked up.
- (c) All sub-accountants must check their cash book balances with their cash at least once a week (v. Treasury Circular No. 55 of the 7th November, 1923) and it is quite clear that Captain Rimington neglected to do this.

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SD. P.C.M. WATSON.