

1930

Kenya

No.

16309

SUBJECT

CO 533/403

The Brokers Ordinance.

Previous

800/52854/1919

Subsequent

3188/33

1.

Secretariat. 3.p.m. 2nd. September, 30.

Trs copies of Select Committee Report

2,

Secretariat. 3.p.m. 2nd. September, 30.

Trs copies of the Report of Select Committee on the Goldsmiths' and Silver Smiths' Petition.

Wait for the order ✓

E. Easton
6.10.30

etc

(AJ)

3

4 Nov. house 6 _____ 5 January '31

The authenticated and printed copies of Trades Licences, No. 56 of 1930, together with legal deposit by Attorney General

Spans to Library

See the report of the select committee enclosed = no. 2.

I think this is all right.

The only material point is as to all books of licences after 1.1.31 having to reach books in my file (34) in Mr. Mahlin's signature to him (with the report of select com.)

? signature of 3

1750

No local observation.
5/10/31. H. D. ...
E. Easton
31.1.31

1.

Secretariat. 3.p.n. 2nd. September, 30.

Two copies of Select Committee Report

2.

Secretariat. 3.p.n. 2nd. September, 30.

Two copies of the Report of Select Committee on the Goldsmiths' and Silversmiths' Petition.

Wait for the order ✓

J. Edwards
6.10.30

etc

(A11)

3

4 Nos. home to _____ 5 January '31

to. authenticated and printed copies of Brokers' Business, to. 56 of 1930, together with legal deposit by Attorney General

Spans to Library

See the report of the select committee ordered = no. 2.

I think this is all right

The only ^{point} ~~consideration~~ point is as to all brokers' licenses issued 1.1.31 having ~~correct~~ books in respect (37). see Mr. Mahlin's suggestion to this (with the report of select committee).

? sanction of B

ATD

No local observation

5/2/31 H. Ormerod J. Edwards 31.1.31

but I do not think that
the O.C. will pass over
without comment the
melancholic reservation,
wh. raises a question
of some political
importance.

? act: + say used
before deciding upon the
advice to be rendered
to H.C., the Gov. wd.
be glad to have further
info. & reasons of O.C.
as to the proviso in
§ 9(1) with special
ref. to the objections raised
~~to the keeping of books~~
to the keeping of books
in English as recorded
in para 4 of P.C.'s
report.

Acc. Permission

6/2/31

I agree [I think some English
books are allowed in that part
of the language & the provision
is sufficient & sufficient to
meet the situation]

W.S. 6-2-31
done

5 Gov. Payne 206 16 April 31
Sims reasons for insertion of section dealing
with keeping of books in English.

S.S. 9/16/26

Similar police control over Goldsmiths, who
are extremely liable to abuse reasons, is found
necessary in the S. Coast. The ordinance imposes
no hardship on men already registered and appears
to be designed to raise the standard of education and
probability of future registered followers of the craft.

? sanction §. 3.

§ 8th Amendment 14/5

The S. Coast Ord. does not specify a
language but the 8th Amendment kills the Ord.
in practice the books have to be kept in
English.

? act may that union

The explanation has given the
fact that the provision ^{did} not
affect existing certificates the
S.P.S. see no reason to act
the amendment. - & sanction the Ord.

H.M. Allen

2/5/31

150. ~~2/5/31~~

But might we not at least
have Swahili as an
alternative to English?
Swahili is at present,
supposed to be the
lingua franca, & Govt.
offices are expected to
learn it. If we insist
on English only, we cause
ourselves to get another
attack, in that native
cannot expect yet to
comply with the law - & so,
although in fact no
native is likely to wish
to obtain a license, we
incur a discrimination.

If this objection is
thought formidable, the
proposed reply will do -
but I still prefer to put
the Swahili alternative
to the Governor - with an
explanation in suitable
language.

all Parliament
21.5.31

I should like to have it done

as Mr Allen proposes

22.5.31

well, do so.

P.H.G.

27.5.31. Stone

Project
1st part
2nd part
3rd part
4th part
5th part
6th part
7th part
8th part
9th part
10th part

6. Gov. 369. 5. Howard - 8 JUN 1931

4

C. O.

6.5
5

Mr. Pooley 29/5/31.

Mr. Venning. 29/5/31

Mr.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Sir G. Grindle.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. D.
R 30 MAY
D / [Signature]

54

May, 1931.

6 JUN 1931

Sir,

DRAFT.

(No.5)

Kenya.

No. 369.

Gov. Byrne.

I have etc. to acknowledge the receipt of your despatch No. 206 of the 16th April, regarding the Brokers Ordinance, 1930, and to inform you that, in view of the explanation given in your despatch and the fact that Section 9(1) of the Ordinance will not affect existing craftsmen, I see no reason to make for any amendment of that section.

2. ~~Accordingly~~ His Majesty will not be advised to exercise his power of dis-allowance in respect of the Ordinance.

I have etc.

(Signed) PASSFIELD

56



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA

No. 206

RECEIVED
7 MAY 1931
COL. OFFICE

16th April, 1931.

My Lord,

No. H

I have the honour to acknowledge the receipt of Your Lordship's despatch No.118 of the 13th February regarding the Brokers' Ordinance, 1930.

Amund - 369 - 8 JUN 1931

2. The reason for the insertion of the proviso in Section 9(1) of the Ordinance to which Your Lordship refers was the accepted necessity for giving the Police as full a measure of control as possible over the operations of goldsmiths and silversmiths who, especially in Mombasa, where they chiefly flourish, are suspected of being the channels through which a good deal of stolen jewellery and metal is disposed of.

3. Effective Police control can only be ensured by insisting on books being kept in English. It was realised that such a provision, might cause undue hardship to existing craftsmen; but the Committee felt that, as there are more than sufficient of these craftsmen already for the needs of

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

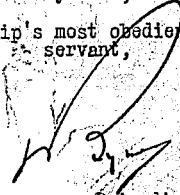
LONDON, S.W. 1

of the community, no undue hardship would be involved by providing that new entrants to the profession should keep their books in English.

4. Government accepted this contention and I trust that Your Lordship will agree in the light of the above explanation.

I have the honour to be,
My Lord,

Your Lordship's most obedient, humble
servant,



Brigadier-General,
GOVERNOR.

O. O.

X 6307 130 k 8 1/2

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

DRAFT.

Kings
No 118.
O.R.

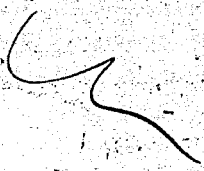
Handwritten: 9/12
Handwritten: Sir
Handwritten: 13. Oct 1930

O. O.
R 10 FEB
D 12

I have etc to etc the
rest of your dep: no. 6 of
the 5 Jan: in which you
referred copies of "The
Bakers Order 1930"

2. Before deciding
on the advice to be tendered
to His Majesty's ~~Government~~
regarding this Order, I shall
be glad to have further
info, & your views,
as to the proviso in
Section 9 (1), with
special refer to the
objections taken to the
keeping of books in
English as recorded in

Trans. 42 2 Plus Report
9 to Select. Co.



(Signed) PASSFIELD.

93

KENYA.

No. 6



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

5^A January, 1931.

RECEIVED
26 JAN 1931
COL. OFFICE

My Lord,

I have the honour to forward herewith two authenticated and twelve printed copies of an Ordinance intituled "the Brokers Ordinance, 1930," which duly passed its third reading in the Legislative Council on the 29th November, 1930, and to which I assented in His Majesty's name on the 24th December, 1930.

A copy of the Legal Report by the Attorney General together with a Comparative Table is also enclosed.

I have the honour to be,

My Lord,

Your Lordship's most obedient. humble servant,

Wm. A. L. ...

ACTING GOVERNOR.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

118-18 FEB 1931

LEGAL REPORT

THE BROKERS BILL, 1930.

From time to time thefts of jewellery and other valuables take place in the Colony and in many cases the police have been unsuccessful in tracing the stolen property. It is reasonable to assume that a proportion of this stolen property finds its way into the hands of brokers. The Bill tightens up the provisions of the law and it is thus hoped to assist the police in remedying the existing state of affairs.

A Comparative Table is attached.

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

Nairobi,
29th November, 1930.


ATTORNEY GENERAL.

COMPARATIVE TABLE.

THE BOOKERS BILL, 1930.

Clause of the Bill.	Remarks.
1.	Short title.
2.	Cf. Kenya Chapter 104, section 2.
3.	Cf. " " " " 3.
4.	Cf. " " " " 4.
5.	Cf. " " " " 7.
6.	Cf. " " " " 8.
7.	Cf. " " " " 9.
8.	New. Cf. Kenya Chapter 105, section 9 (1).
9.	Cf. Kenya Chapter 104, section 5 amended. It is permissible to keep books in English Kiswahili, Gujerati or Urdu but persons who take out licences for the first time after 31st December, 1930, will be bound to keep their books in English.
10.	New. Cf. the latter part of Kenya Chapter 104 section 12.
11.	Cf. Kenya Chapter 104, section 6. Amended. The existing provision whereby a licensee may carry on business in the streets is not enacted.
12.	New.
13.	Cf. Kenya Chapter 104, section 10. Amended. The period for which goods must be kept before being disposed of is extended to seven days.
14.	Cf. Kenya Chapter 104, section 11. Verbally amended.
15.	Cf. Kenya Chapter 104, section 12.
16.	Cf. Kenya Chapter 104, section 13. The fine is altered to one of fifty pounds and the term of imprisonment to three months.
17.	Repeal.
Schedule	Schedule to Chapter 104.



Colony and Protectorate of Kenya.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

HENRY MONCK-MASON MOORE, C.M.G.,
Acting Governor.

Assented to in His Majesty's
name this 27th day of December
1930.

H. M.-M. MOORE.

Acting Governor.

An Ordinance to make Provision for the
Licensing and Control of the Businesses of
Brokers, Money-changers and Goldsmiths
and Silversmiths.

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

1. This Ordinance may be cited as the Brokers and Money-changers Ordinance, 1930.

2. From and after the date of this Ordinance no person shall carry on the trade of a broker, money-changer, goldsmith or silversmith in the Colony save as hereinafter provided.

3. Any person desirous of carrying on any of the trades mentioned in section 2 shall first obtain a licence from the district commissioner of the district in which he intends to trade, and shall pay the fees specified in the annexed Schedule.

Trade to
which
applied.

*
Licence
required.

Power to refuse licence.

4. The licensing authority may refuse to grant a licence without assigning any reason, but shall record reasons for the information of the Governor.

Expiration of licence.

5. Every licence granted under this Ordinance shall expire on the thirty-first day of December next following its issue.

Official brokers.

6. Brokers will be of two classes: "official" and "ordinary." Any person desirous of becoming an official broker must find two sureties approved by the Provincial Commissioner, or such person as he may appoint, who will enter into a bond to the extent of one hundred pounds each for his good behaviour.

Employment of official brokers.

7. Except for special reasons, the courts and Government officials shall employ official brokers in preference to ordinary brokers.

Licensee to keep exhibited his name and trade.

8. Every money-changer, goldsmith or silversmith licensed under this Ordinance shall always keep exhibited in English characters not less than three inches long over the outer door of his shop or place of business, his name and trade.

Books of account to be kept by licensees.

9. (1) Every money-changer, goldsmith or silversmith licensed under this Ordinance shall keep in English, Kiswahili, Gujarati or Urdu such books of account as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealing in goods, accounts of all goods sold and purchased with the dates of the sales and purchases and showing the buyers and sellers thereof in sufficient detail to enable the goods and the buyers and sellers thereof to be identified: Provided that any money-changer, goldsmith or silversmith who has not been licensed under this Ordinance prior to the 1st day of January, 1931, shall keep the books of account prescribed by this section in English and in no other language.

(2) The books of account required by sub-section (1) to be kept by a licensee shall be produced by him for examination at any time to any person authorised in writing by a magistrate or to any police officer of below the rank of assistant superintendent or to any police officer holding a written authority from such senior police officer authorising him to act under this section.

Authority to search licensed premises.

10. Any police officer not below the rank of assistant superintendent or any officer authorised by him in writing or any person authorised in writing by a magistrate may at any time enter the shop or place of business of any money-changer, goldsmith or silversmith licensed under this Ordinance and may search for and examine the books of account required by section 9 to be kept, and may take extracts and copies therefrom, and may search the shop or place of business of such licensee for any articles that he may have reason to suspect to have been dishonestly obtained or dishonestly placed therein.

Business to be transacted at specified places only.

11. Every licence granted to a goldsmith or a silversmith shall specify the place or places at which the trade may be carried on, and the licensee shall not carry on such trade elsewhere than that specified in the licence, without the permission of the licensing authority.

12. All goldsmiths and silversmiths licensed under this Ordinance shall close their shops or places of business to the public between the hours of eight o'clock in the evening and seven o'clock in the morning.

Business hours.

13. No person carrying on the trade of goldsmith or silversmith shall sell or dispose of, or in any way alter the shape, condition or nature of any article offered to him for purchase, sale, exchange or otherwise, within seven days after he shall have received the actual possession of such article.

No article to be altered or dealt with for seven days.

14. Every person carrying on either of the aforementioned trades shall during the seven days aforesaid, deposit and keep any article or articles offered to him for purchase, sale, exchange, or otherwise, at such place or places only as may be described on his licence.

Deposit.

15. Every licensee under this Ordinance shall bring to the notice of the police any case in which he has reason to believe that any article offered to him is stolen property.

Police to be notified of suspected stolen property.

16. Any person who contravenes any provision of this Ordinance or obstructs or hinders any officer acting in the lawful exercise of any power or performance of any duty conferred upon him, shall be guilty of an offence and shall be liable, on conviction by a magistrate, for every such offence, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months, or to both, and to the forfeiture of his licence.

Penalties.

17. The Brokers Ordinance (Chapter 104 of the Revised Edition) is hereby repealed.

Repeal. Cap. 104.

SCHEDULE.

The fees leviable in respect of licences under this Ordinance shall be as follows:—

	£	s.
Licence for Ordinary Broker	2	0
.. .. Official Broker	2	0
.. .. Money-changer	0	10
.. .. Goldsmith or Silversmith	1	10

Provided that in the case of licences issued after the thirtieth day of June in any year, half the above-mentioned fees shall be payable.

Passed in the Legislative Council the twenty-ninth day of November, in the year of Our Lord one thousand nine hundred and thirty

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

G. R. SANDFORD,

Clerk of the Legislative Council.

TO,

His Excellency the Governor,
Lieut.-Col. Sir A. W. M. Grigg, K.C.M.G., K.C.V.O.,
D.S.O., M.C.

142

Your Excellency,

We the members of a Committee of Legislative Council to whom was referred a petition addressed to Your Excellency and the Honourable Members in Legislative Council assembled at Mombasa by certain Goldsmiths and Silversmiths licensed under the Brokers' Ordinance petitioning against the provisions of the Bill to amend the Brokers' Ordinance have the honour to report as follows:

2. We have taken into consideration the terms of the petition and have heard the petitioners personally and by counsel.

3. Our recommendations on the subject matter of the petition are embodied in the report which as members of a Select Committee of Legislative Council on the Bill to amend the Brokers' Ordinance we have today submitted to Your Excellency and we would ask that reference thereon be made to that report.

We have the honour to be,
Your Excellency's
Obedient servants,

- SD. J. W. WILKINSON (Chairman)
- SD. A. M. W. BAKER (Member)
- SD. M. R. MONTGOMERY (Member)
- SD. CORAM HARVEY (Member)
- SD. R. A. ROBERTSON-EUSTACE (Member)

Witnessed subject to the reservations made by me
on the Report of the Select Committee on the Brokers'
Bill.

Nairobi,

10th August, 1930.

SD. A. M. W. BAKER (Member)

TO,

His Excellency the Governor,
Lieut.-Col. Sir E. W. M. Grigg, K.C.M.G., K.C.V.O.,
D.S.O., K.C.

142

Your Excellency,

We the members of a Committee of Legislative Council to whom was referred a petition addressed to Your Excellency and the Honourable Members in Legislative Council assembled at Mombasa by certain Goldsmiths and Silversmiths licensed under the Brokers' Ordinance petitioning against the provisions of the Bill to amend the Brokers' Ordinance have the honour to report as follows:

2. We have taken into consideration the terms of the petition and have heard the petitioners personally and by counsel.

3. Our recommendations on the subject matter of the petition are embodied in the report which as members of a Select Committee of Legislative Council on the Bill to amend the Brokers' Ordinance we have today submitted to Your Excellency and we would ask that reference thereon be made to that report.

We have the honour to be,
Your Excellency's
Obedient servants,

- MR. A. D. KILGOUR (Chairman)
- MR. J. H. GALL (Member)
- MR. H. R. MONTGOMERY (Member)
- MR. CORNELL MARSH (Member)
- MR. R. S. ROBERTSON-EUSTACE (Member)

Respectfully signed on behalf of the reservations made by me on the Report of the Select Committee on the Brokers' Bill.

Nairobi,

18th August, 1930.

MR. J. H. GALL (Member)



REPORT

OF A

SELECT COMMITTEE OF LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER AND
REPORT ON THE PROVISIONS OF A BILL
TO AMEND THE BROKERS ORDINANCE.

16

**REPORT OF A SELECT COMMITTEE OF LEGISLATIVE COUNCIL
APPOINTED TO CONSIDER AND REPORT ON THE
PROVISIONS OF A BILL TO AMEND THE BROKERS
ORDINANCE.**

YOUR EXCELLENCY,

We, the members of the Select Committee on the above Bill, have the honour to report that on Friday, the 25th July, we met at the Treasury Buildings, Mombasa. Mr. P. H. Clarke and Mr. R. S. Campbell, of the Mombasa Chamber of Commerce, appeared before us, as did a number of brokers, money-changers, goldsmiths and silversmiths, who were represented by Mr. Inamdar, Advocate; Mr. Stewart, Superintendent of Police, Mombasa, was present during our meeting.

2. We are unanimously of opinion that the Brokers Ordinance (Chapter 104) is unworkable for a number of reasons, chief among which are—

(a) that the provisions of section 6, requiring licensees to specify the place at which they carry on business, has no application to ordinary brokers, who have no place of business and no stock-in-trade, but merely solicit from retail traders orders for goods of which wholesale traders hold stocks;

(b) that the provisions of section 10 regarding the retention for forty-eight hours of all articles offered to a licensee for exchange have never in practice been considered to apply to notes or coin exchanged through a money-changer.

3. The gentlemen holding licences under the Ordinance who appeared before us had the following criticisms to make on the provisions of the draft Bill.

4. The provision in clause 2 of the Bill that books should be kept in English or Swahili was objected to on the ground that none of them spoke or wrote English, and though most of them could speak a little Swahili they were unable to write that language either in English or Arabic characters. Most of them are in a small way of business; several of them have no assistants, and have only two or three customers a day. They plead that they are unable to afford the services of a clerk, and that if they had a clerk they would be quite unable to check the correctness of the entries he made. They urge that it should be permissible to keep books in Gujarati or Urdu as well as in English or Swahili.

5. Our attention has been drawn to the provisions of the Second Schedule to the Traders Licensing Ordinance (Chapter 58), which permits of the keeping of books in French, Italian, Portuguese, Dutch, Persian, Arabic, Hindustani, Gujarati, Urdu and Kiswahili, as well as in English. After hearing the witnesses who appeared before us, we are of opinion that it should be permissible to keep books in English, Kiswahili, Gujarati or Urdu, but that persons who take out licences for the first time after 31st December, 1930, should be bound to keep books in English.

6. There was no opposition to the provisions of clause 3 of the Bill except from the brokers, for the reasons set out in paragraph 2 (a) of this Report.

7. No witness had any objection to the provisions of clause 4 of the Bill, provided it were made clear that the provisions of the proposed section 6b did not prevent a goldsmith or silversmith from working at night, provided he had closed his shop to the public.

To His Excellency the Governor,

Lieut.-Col. Sir E. W. M. Gigg, K.C.M.G., K.C.V.O., D.S.O., M.C.



8. There was very emphatic opposition to the proposal in clauses 5 and 6 of the Bill to extend to seven days the period for which goods must be kept before being disposed of. The argument advanced was that customers did not buy from stock—in fact, in most cases, it was alleged that there was no stock to buy from—but brought in trinkets to be converted, and that they could not reasonably be expected to wait over a week for what they wanted. The whole trend of the argument served only to convince us that, in the interests of the owners of stolen property, some extension of the existing period of forty-eight hours was essential, and we strongly recommend that the suggested amendments be made.

9. The provisions of clause 7 of the Bill were naturally not subjected to any adverse criticism.

10. The provisions of clause 8 of the Bill were opposed on the ground that police visits and inspection would be damaging to the reputation of the tradesmen. As one witness put it, "As soon as the police enter premises, credit goes." It was pointed out that under the Abuse of Opium Prevention Ordinance all medical practitioners, chemists and druggists were liable to similar visits and inspection, and that their reputation does not seem to suffer thereby. We recommend that the power to search without warrant be limited to the shop or premises of the licensee, and should not extend to his house.

11. As regards clause 9 of the Bill, we recommend that the fine be altered to one of fifty pounds, that the term of imprisonment be three months instead of two, and that the words "of either description" be deleted from the clause.

12. For the reasons stated in paragraph 2 *supra*, we recommend that the Brokers Ordinance be repealed, and a Bill in the form annexed hereto, which embodies all the provisions of the draft Bill the retention of which we recommend, be enacted in substitution thereof.

We have the honour to be,

Your Excellency's most obedient servants,

A. D. A. MACGREGOR, *Chairman.*

ALI BIN SALIM, *Member.*

H. R. MONTGOMERY, *Member.*

CONWAY HANVEY, *Member.*

R. W. B. ROBERTSON-EUSTACE, *Member.*

MINORITY REPORT.

I am unable to agree with the other members of the Select Committee on the following point—

1. In my opinion, books should be kept in English, Kiswahili, Gujarati or Urdu, and new licensees should not be compelled to keep books in English, as suggested in the proviso to clause 9 (1) of the Bill attached to this Report.

2. With this reservation, I am in agreement with the other members of the Select Committee.

A. H. MALIK, *Member.*

Nairobi.

13th August, 1930.

A Bill to make Provision for the Licensing and Control of the Businesses of Brokers, Money-changers and Goldsmiths and Silversmiths.

18

A Bill to make Provision for the Licensing and Control of the Businesses of Brokers, Money-changers and Goldsmiths and Silversmiths.

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

1. This Ordinance may be cited as "the Brokers Ordinance, 1930." Short title.
2. From and after the date of this Ordinance no person shall carry on the trade of a broker, money-changer, goldsmith or silversmith in the Colony save as hereinafter provided. Trades to which applied.
3. Any person desirous of carrying on any of the trades mentioned in section 2 shall first obtain a licence from the district commissioner of the district in which he intends to trade, and shall pay the fees specified in the annexed Schedule. Licence required.
4. The licensing authority may refuse to grant a licence without assigning any reason, but shall record reasons for the information of the Governor. Power to refuse licence.
5. Every licence granted under this Ordinance shall expire on the thirty-first day of December next following its issue. Expiration of licence.
6. Brokers will be of two classes: "official" and "ordinary." Any person desirous of becoming an official broker must find two sureties approved by the Senior Commissioner, or such person as he may appoint, who will enter into a bond to the extent of one hundred pounds each for his good behaviour. Official brokers.
7. Except for special reasons the courts and Government officials shall employ official brokers in preference to ordinary brokers. Employment of official brokers.
8. Every money-changer, goldsmith or silversmith licensed under this Ordinance shall always keep exhibited in English characters not less than three inches long over the outer door of his shop or place of business his name and trade. Licence to keep exhibited his name and trade.
9. (1) Every money-changer, goldsmith or silversmith licensed under this Ordinance shall keep in English, Kiswahili, Gujarati or Urdu such books of account as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealing in goods, accounts of all goods sold and purchased with the dates of the sales and purchases and showing the buyers and sellers thereof in sufficient detail to enable the goods and the buyers and sellers thereof to be identified. Provided that any money-changer, goldsmith or silversmith who has not been licensed under this Ordinance prior to the 1st day of January, 1931, shall keep the books of account prescribed by this subsection in English and in no other language. Books of account to be kept by licensee.
- (2) The books of account required by sub-section (1) to be kept by a licensee shall be produced by him for examination at any time to any person authorised in writing by a magistrate or to any police officer not below the rank of assistant super-

intendent or to any police officer holding a written authority from such senior police officer authorising him to act under this section.

Authority to search licensed premises.

10. Any police officer not below the rank of assistant superintendent or any officer authorised by him in writing or any person authorised in writing by a magistrate may at any time enter the shop or place of business of any money-changer, goldsmith or silversmith licensed under this Ordinance and may search for and examine the books of account required by section 9 to be kept, and may take extracts and copies therefrom, and may search the shop or place of business of such licensee for any articles that he may have reason to suspect to have been dishonestly obtained or dishonestly placed therein.

Business to be transacted at specified places only.

11. Every licence granted to a goldsmith or a silversmith shall specify the place or places at which the trade may be carried on, and the licensee shall not carry on such trade elsewhere than that specified in the licence, without the permission of the licensing authority.

Business hours.

12. All goldsmiths and silversmiths licensed under this Ordinance shall close their shops or places of business to the public between the hours of eight o'clock in the evening and seven o'clock in the morning.

No article to be altered or dealt with for seven days.

13. No person carrying on the trade of goldsmith or silversmith shall sell or dispose of, or in any way alter the shape, condition or nature of any article offered to him for purchase, sale, exchange or otherwise, within seven days after he shall have received the actual possession of such article.

Deposit.

14. Every person carrying on either of the aforesaid mentioned trades shall during the seven days aforesaid, deposit and keep any article or articles offered to him for purchase, sale, exchange, or otherwise, at such place or places only as may be described on his licence.

Police to be notified of suspected stolen property. Penalties.

15. Every licensee under this Ordinance shall bring to the notice of the police any case in which he has reason to believe that any article offered to him is stolen property.

16. Any person who contravenes any provision of this Ordinance or obstructs or hinders any officer acting in the lawful exercise of any power or performance of any duty conferred upon him shall be guilty of an offence and shall be liable, on conviction by a magistrate, for every such offence, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months, or to both, and to the forfeiture of his licence.

Repeal. Cap. 104.

17. The Brokers Ordinance (Chapter 104 of the Revised Edition) is hereby repealed.

SCHEDULE.

The fees leviable in respect of licences under this Ordinance shall be as follows:—

	£ sh.
Licence for Ordinary Broker ...	2 0
" " Official Broker ...	2 0
" " Money-changer ...	0 10
" " Goldsmith or Silversmith ...	1 10

Provided that in the case of licences issued after the thirtieth day of June in any year, half the above-mentioned fees shall be payable.

CHAPTER 104.

BROKERS.

[18th December, 1901.]

Ordinances
No. 41 of 1901.
No. 15 of 1915.

Short title.

Trades to which
applied.Licence
required.Power to refuse
licence.Books to be
kept.Licence to
specify the
place for which
it is available.Expiration of
licence.

Official brokers.

Employment of
official brokers.

1. This Ordinance may be cited as "the Brokers' Ordinance."

2. From and after the date of this Ordinance no person shall carry on the trade of a broker, money changer, gold or silversmith in the Colony save as hereinafter provided.

3. Any person desirous of carrying on any of the trades mentioned in section two shall first obtain a licence from the district commissioner of the district in which he intends to trade, and shall pay the fees specified in the annexed schedule.

4. The licensing authority may refuse to grant a licence without assigning any reason, but shall record reasons for the information of the Governor.

5. All licensees who can read or write, or can afford to keep a clerk, shall keep proper business books.

6. Every licence shall specify the place or places at which the trade may be carried on, and the licensee shall not carry on such trade elsewhere save on particular occasions by direction of a court or permission of the licensing authority: Provided that any licensee may be authorised by his licence to carry on business in the streets.

7. Every licence granted under this Ordinance shall expire on the thirty-first day of December next following its issue.

8. Brokers will be of two classes— "official" and "ordinary." Any person desirous of becoming an official broker must find two sureties approved by the Senior Commissioner, or such person as he may appoint, who will enter into a bond to the extent of one hundred pounds each for his good behaviour.

9. Except for special reasons, the courts and Government officials shall employ official brokers in preference to ordinary brokers.

No article to be altered or dealt with for forty-eight hours.

10. No person carrying on any of the trades mentioned in section two hereof shall sell or dispose of, or in any way alter the shape, condition or nature of any article offered to him for purchase, sale, exchange or otherwise within forty-eight hours after he shall have received the actual possession of such article.

Deposit.

11. Every person carrying on any of the trades mentioned in section two shall, during the forty-eight hours aforesaid, deposit and keep any article or articles offered to him for purchase, sale, exchange, or otherwise, at such place or places only as may be described on his licence.

Notice to police of suspected stolen property.

12. Every person carrying on any of the trades mentioned in section two shall bring to the notice of the police any case in which he has reason to believe that any article offered to him is stolen property, and shall allow the police at any time to enter and inspect his house and premises on production of an order from the chief police officer of the district.

Penalties for breach.

13. Any person carrying on any of the trades mentioned in section two shall on conviction for a breach of this Ordinance in addition to any other penalties to which he may have rendered himself liable, be liable to a fine not exceeding one hundred pounds or to imprisonment of either kind which may extend to two months, or to both, and to the forfeiture of his licence.

SCHEDULE.

The fees leviable in respect of licences under this Ordinance shall be as follows:—

	£	s
Licence for ordinary broker	2	0
" official broker	2	0
" " money changer	0	10
" " gold or silversmith	1	10

Provided that in the case of licences issued after the thirtieth day of June in any year, half the above-mentioned fees shall be payable.

No article to be altered or dealt with for forty-eight hours.

10. No person carrying on any of the trades mentioned in section two hereof shall sell or dispose of, or in any way alter the shape, condition or nature of any article offered to him for purchase, sale, exchange or otherwise within forty-eight hours after he shall have received the actual possession of such article.

Deposit.

11. Every person carrying on any of the trades mentioned in section two shall, during the forty-eight hours aforesaid, deposit and keep any article or articles offered to him for purchase, sale, exchange, or otherwise, at such place or places only as may be described on his licence.

Notice to police of suspected stolen property.

12. Every person carrying on any of the trades mentioned in section two shall bring to the notice of the police any case in which he has reason to believe that any article offered to him is stolen property, and shall allow the police at any time to enter and inspect his house and premises on production of an order from the chief police officer of the district.

Penalties for breach.

13. Any person carrying on any of the trades mentioned in section two shall on conviction for a breach of this Ordinance in addition to any other penalties to which he may be rendered himself liable, be liable to a fine not exceeding one hundred pounds or to imprisonment of either kind which may extend to two months, or to both, and to the forfeiture of his licence.

SCHEDULE

The fees leviable in respect of licences under this Ordinance shall be as follows:—

	£ s.
Licence for ordinary broker	2 0
.. .. . official broker	2 0
.. .. . money changer	0 10
.. .. . gold or silversmith	1 10

Provided that in the case of licences issued after the thirtieth day of June in any year, half the above-mentioned fees shall be payable.