

KENYA

20177

291

25 FEB 21

JOHN

submit

Handwritten note: *Handwritten note: Please copy to library*

McDonald

See also 20177

W. R. ...

I think that this ordinance may be sanctioned, but the Attorney General believes

provides explanation why it has been

disputed & set up for

...

...

...

...

...

*And the case of May 21
...
...*

think sufficient in submitting an advance
and should have the full
this is important that the
should always be furnished with a
full explanation of the reasons which
have led to an advance desirable
§ 3 seems plain what is to happen
in the local authority and the admission
therein charge does not act for the
reduction of the advance? Is there
to be a total suspension of
such a case? Or should it be a total?
§ 4 the explanation is afforded to
the local authority in the provision
of the bill is translated and
it should require a full
subject to the local authority's decision

2 V 21

The main provisions of this Act are
contained in the later clauses
1915, the operation of which will
be suspended by an emergency Order of
the same kind as we have had a
simple matter to remove that suspension
no reason is given why this simple
procedure was not adopted. The
main provision in which a change is
made in the 1915 provisions is (1)
the establishment of a local authority
the making the power of the local authority
(1) to apply the Act dependent on a
request from a local authority or a
official. The local authority or a
second seems to me to be a
and I think in any case to be made for the
sake of the present system of regulation
in cases to exist. The new Order has not
been applied.

235

A.L.

Sp. for [unclear] Sir H. Head [unclear]

[Kanga has always been prone to over
legislation - & its present output runs
the risk of its capacity for
useful work]

6/2/21
a force

Clark

OF REVENUE
XXXX

GOVERNMENT OF NIGERIA
BRITISH EAST AFRICA.

20177

REC
REL 25 APR 21

25th March, 1921.

Sir,

I have the honour to transmit herewith
two authenticated and ten printed copies of the
Native Labor Ordinance, 1921, which was passed
by the Legislative Council on the 26th of February
1921, together with a Statement of Objects and
Reasons and a Comparative Table prepared by the
Attorney General.

Ordinance.
Statement.

2. I have assented to the Ordinance in the
name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,

Edward Nalder

G O V E R N O R .

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.O. S.W.

SECRETARY OF STATE FOR THE DOMINIONS,

DOWNING STREET,

LONDON, S. W.

ORDINANCE OF LICENSING AND CONTROL

This Ordinance was passed to regulate the manufacture and sale of native intoxicating liquors. It provides that no one shall manufacture or sell liquor without a license and provides machinery for setting up Licensing Boards with a Resident Commissioner or District ^{Commissioner} as Chairman to deal with all applications relating to the grant, renewal or transfer of licenses. The conditions under which liquor is manufactured and sold are subject to the approval of the Board who are empowered to suspend licenses where the premises are unsuitable. Powers are given to the Governor-in-Council to grant by Proclamation the exclusive right to manufacture sell and supply native intoxicating liquor to a Local Authority within the area.

1-15377/15

Apart from the machinery of Boards and Local Authorities the Ordinance is based on "The Native Liquor Ordinance, 1915". A number of amendments have been introduced at the instance of the Chief Native Commissioner.

As the restrictions imposed by the Ordinance apply as much to Europeans as to Natives I am of opinion that the Governor's assent may be given to the Ordinance.

Nairobi,

Sd. R. W. LYALL-GRANT.

The 15th day of March, 1921-

ATTORNEY GENERAL.

COOPERATIVE TABLE

Section.	Remarks.
1.	Short title.
2.	"Local authority", "Licensing Board", and "Native Intoxicating liquor" defined.
3.	No license may be granted in any area in the Volcan and Proctorville by Reservation.
4. (1)	<p>Application for license shall be made to the Board of Native Intoxicating Liquor for manufacture and sale of native intoxicating liquor.</p> <p>(2) Members of Board not to be interested in any application</p> <p>(3) Resident Magistrate or District Commissioner to be Chairman</p> <p>(4) Decision by majority. Chairman has casting vote;</p> <p>(5) Board may refer to applications</p> <p>(6) Areas of 2000 in area where no Board appointed to be approved by District Commissioner.</p>
5. (1)	Board to meet at first Monday in December in each year.
	(2) Subordinate meeting of evening to be held in (1921)...
6. (1)	License to be issued only to persons of African or Arabian extraction.
	(2) In locality no license to be issued for 1000...

Section.

Remarks.

In townships no one to be employed for sale of liquor as licensed premises in other towns only with Board's permission.

A. (2) No person to manufacture or sell liquor license; license to sell to sell only on premises or in building approved by Board.

premises in township to be approved by Board and other Board.

(3) No person to be necessary for license of premises or other Board.

(5) No person to be special temporary license;

(6) No person to be license and transfer.

9. No person to apply on 31st December of the year in other Board.

10. Local authority to prescribe hours of sale in township.

11. No person to supply non-native, female, person under 18, drunken person, or any person except for consumption on premises.

In license and license permits necessary to possess and transport liquor from place of purchase to place of

transfer without consent of Board.

No person to be licensed persons, and on

Remarks.

Penalty for being in possession of native intoxicating liquor off licensed premises.

Boards may suspend licence of premises unsuitable or in bad repair.

Licensed premises in townships to have latrines approved by Medical Officer of Health.

No claim for renewal of licence as of right, and no compensation if not renewed.

Drunk and disorderly persons on licensed premises.

Persons remaining on premises against orders of licensee guilty of an offence.

Police may arrest persons drunk and incapable or drunk and disorderly.

Chairman of Board to explain Ordinance to applicant, and certify on licence that this has been done.

Magistrate or Police Officer above rank of Assistant Sub-Inspector or other authorised person may inspect licensed premises.

Magistrate or Police Officer above rank of Assistant Sub-Inspector may search suspected licensed premises.

Police Officer may enter and search licensed premises where it is suspected that liquor is being sold contrary to Ordinance.

Amendments.

25. In proceedings under this Ordinance not necessary to show that money passed or liquor actually consumed if Court otherwise satisfied:
Proof of consumption of liquor in licensed premises by person other than occupier to be evidence that such liquor was sold to person assuming to be holder of license.
26. No one to tap trees for palm wine without license from District Commissioner.
27. Penalties for offences under the Ordinance.
28. Ordinance does not limit Native Authority Ordinance, 1912.
29. (1) Local Authority may be granted exclusive rights of manufacturing and supplying liquor; and may establish breweries canteens etc;
(2) Local Authority need not apply for license;
(3) Breweries, canteens etc. to be registered;
(4) No further licenses to be granted after Local Authority empowered to establish breweries etc.
30. (1) Governor-in-Council's power to make Rules:
(1) For confiscation of liquor manufactured in contravention of Ordinance;
(2) For manufacture etc. by Local Authority;
(3) For analysis of liquor for sale on licensed premises;
(4) To prohibit manufacture or sale of liquor containing 7.5% of absolute alcohol;
(5) For co-operation among Local Authorities;

Section.

Remarks.

30. (6) Providing for inspection of breweries or canteens established by Local Authorities to ensure good order and cleanliness etc;
- (7) Providing that Report of inspection to be made to Chief Commissioner;
- (8) Providing that Governor may by Proclamation direct powers conferred on Local Authority be temporarily transferred to Magistrate;
- (9) Providing that profits accruing to Local Authority to be spent on natives in area as Governor directs;
- (10) Fees;
- (11) Generally for carrying out Ordinance.

31. East Africa Native Liquor Ordinance, 1907; East Africa Native Intoxicating Liquor Ordinances 1908 and 1915 repealed.

Mombasa,

25th March, 1922.

Sd. R. W. LYALL-GHANT.

ATTORNEY GENERAL.

20177/Kenya

20177/Kenya

[Handwritten signature]

Downing

DRAFT.

... of your despatch No. 420 of the 23rd March; transmitting copies of the Native Liquor Ordinance, 1921, and to inform you that His Majesty will not be advised to exercise his power of disallowance with regard to this Ordinance. I have however the following observations to make.

E. NORTHBY

MINUTE.

- Clark 6/5/21
- Batterbee 7
- [Handwritten initials]* 9
- [Handwritten initials]* 8
- Grindle.
- Lambert,
- Read, 9
- Piddes,
- Amery,
- Churchill.

2. The main provisions of this Ordinance are contained in the Native Liquor Ordinance 1915, the operation of which was suspended by an amending Ordinance of the same year. It would have been a simple matter to remove that suspension, and ~~no explanation is afforded why~~ ^{shall be left to learn on that point} that simple procedure was not adopted. The main points in which variation is made from the provisions of the 1915 Ordinance are (a) the establishment of ... (b) ...

... by a report having an adequate explanation of its various provisions. In the absence of such explanation, the ...

appears to me to be mistaken, as the matter would seem to be essentially one for the Governor in Council. In any case provision should, I think, be made for the continuance of the present system of regulation in ~~areas~~ ^{new} areas to which the Ordinance has not been applied. Before however considering ~~what~~ ^{what} amendments of the Ordinance may be necessary, I shall be glad to be furnished with a ~~report~~ ^{further} report on this point.

I note that no explanation is afforded of the special provisions with regard to the Provinces of Seyidie and Tanalar contained in the last paragraph of §11 of the Ordinance, and I shall be glad to be furnished with further information as to this.

I have the honour etc.,

FOR S. CHURCHILL