

EAST AFR. PROT.
 No. 44993

44993
 27 JUL 07

No. 527
 1907
 Dec
 Paper

(Subject)

Ordinance No. XI 1907
 Applied Act
 Schools

(Minutes)

McKervey 11/30/12

in by
 for the school

sufficiently explained by the C.A. note when
 read & agreed
 if they want to apply any more amendments
 after the date of this order they can
 do so by another order

? Signify in disallowance

11/30/12
 at the

Order 56 of 1907

CO
44393
107

Governor's Office,

Nairobi,

December 5th

EAST AFRICA PROTECTORATE.

No. 527.

(Incl. 2, 4)

My Lord,

I have the honour to transmit herewith two
authenticated and six printed copies of the Applied
Acts Ordinance 1907, as passed by the Legislative
Council together with a minute from the Crown
Advocate explaining the necessity for its enactment.

Ordinance
passed by the
Crown Advocate.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

Maya...

Principal Secretary of State

for the Colonies,

Downing Street,

LONDON, S. W.

THE APPLIED ACTS ORDINANCE 1907.

The East Africa Order in Council 1897 certain Indian Acts were applied to this Protectorate. By the said Order in Council - Article 11 (d) - any Acts whether passed before or after 1897, amending or substituted for any applied Acts were also applied to the Protectorate.

The 1897 Order in Council has been repealed by the East Africa Order in Council 1902 by the latter Order by Article 28 (1) provides that "Where other provision is not made, Ordinance, any law practice or procedure established by or under the said repealed Orders and all Acts of any Legislature in India now in force in East Africa, shall remain in force until such other provision is made."

Some of the applied Indian Acts have been amended in India since the 1902 Order in Council came into force. It has been assumed that those amending Acts apply to this Protectorate, and the Courts and the Officers administering those laws have acted accordingly. I am in some doubt as to whether that assumption is correct having regard to the words "now in force in East Africa" in the Article referred to above.

One of the objects of this Ordinance is to remove any doubt which there may be as to

to effect of that Article and the Ordinance provides that any Amending Act passed before the publication of the Ordinance shall apply to the Protectorate as from the date when such Act shall have come into force in India.

Another object of this Ordinance is to make provision whereby Acts passed in India after the publication of this Ordinance Amending or Substituted for applied Acts shall not apply to the Protectorate until applied by Ordinance.

This provision is very necessary as the Indian Legislature is at present engaged in passing a Civil Procedure Code to replace the Code now in force in India and applied to this Protectorate.

It is highly undesirable that there should be any change made in the procedure of Courts of the Protectorate in the exercise of their Civil Jurisdiction until such time as such procedure can be laid down by Ordinance.

This is an Ordinance to which His Excellency may properly Assent on behalf of His Majesty.

J. H. P.
CROWN ADVOCATE.