

of the additional expenses  
incurred by the  
attention of the Foreign  
Service. Billon of the  
H.A.S. in the Past.

As T.L. has already  
been informed H.L.  
proposes to sanction this  
expense provisionally.  
Friday 14th Feb 08

H. L. Estlin

EAST AFR. PROT.  
No 8418

8418  
Recd  
Per 9 MAR 08

Governor. No.  
Arkham 72

1908

10 Feb.

Last previous Paper.

by  
6/2/08

(Subject.)

Diseases of Animals Order '08

To 2 authenticated & 6 printed copies  
to H.E. by Crown Advocate

See 6/2/08 p. 10 for Order (M.H.S.)

Mr. Rieley of the Veterinary Dept. is an expert  
Mr. Randall, the head of the Agricultural  
Dept., who is an expert in matters of the  
kind, & I think that we may accept  
the policy of the Ord. if its legal  
form is all right.

H. L. E.

9/3

Recd 7/9/08

25/11/08

Mr. Rieley

8/3/08

Next subsequent Paper.

400  
26/6/08

See 2-5 noted the papers already confirmed on 1/10/08

Officers by act of 1906 to veterinary officers and  
inspectors. To this I see no objection.

sec 607 (prevention & disposal of animals) are provisions  
which if administered with discretion will be done  
in for the public good, and in the case of  
provisions of this kind I think that as a general  
rule the Govt assumes & must assume  
that they will be so administered by  
the officers of the Govt

Sanction L7

J.B.  
1873

R.H. [unclear]  
[unclear]

Governor's Office,  
Nairobi,  
February 10th 1908.

EAST AFRICA PROTECTORATE.

(Incl. 2)

8418  
9 MAR 08

My Lord,

With reference to my despatch No. 12 of the 11th of January 1908, I have the honour to transmit herewith 2 authenticated and 6 printed copies of the Diseases of Animals Ordinance 1908 as passed by the Legislative Council, together with a memorandum by the Crown Advocate, giving the reasons for its enactment.

I have the honour to be,  
With the highest respect,

My Lord,

Your Lordship's most obedient,  
humble servant,

(In the absence of H.E. the Governor)

Ordinance

Mr. Cosbe  
Jan. 20th

H.M. PRINCIPAL SECRETARY OF STATE  
FOR THE COLONIES,  
DOWLING STREET,  
LONDON, S.W.

INCLOSURE No. 2

In Despatch No. 72 of Feb. 19, 1905

C. S.  
8418

9 MAR 03

DISEASES OF ANIMALS ORDINANCE 1900.

The object of this Ordinance is to make further and better provisions for checking the spread of diseases of animals. It is believed that the spread of East Coast fever in the Protectorate is due to a very large extent to the Somali cattle dealers who travel with their stock from end to end of the Protectorate. Early in 1900 rules were made under the Diseases of Animals Ordinance 1900 prohibiting the movement of stock from one District to another without the permission of a Veterinary Officer or an Inspector appointed under the Ordinance. These rules have never been enforced owing to the facts that (1) the number of persons authorized to grant such permits are insufficient and (2) that the power of the officers of the veterinary department is so limited as to make it impossible for them to enforce the Rules. It is, I understand, intended that suitable persons residing at places on or near the main cattle roads shall be appointed Inspectors under the Ordinance with authority to grant or refuse permission to persons to move stock within and through the areas for which they are appointed and by these means it is hoped that the first difficulty to the enforcement of the Rules referred to may be removed. The other difficulty is intended to be met by the Ordinance under consideration, a measure which was introduced at the request not only of the Veterinary Department but of a large number of leading settlers who are co-operating with the Administration in its attempts to deal with the diseases which are at present so grave an obstacle to the progress of the uplands.

2.

2. In 1906 an Ordinance (No. 7 of 1906) was enacted conferring upon the police the powers to stop and detain any person who is found committing or is -- suspected of committing an offence against the Diseases of Animals Ordinance, and in the event of the person being unknown to the Police Officer or of his failing to give his name and address to the satisfaction of the Police Officer to apprehend him and take him -- before a Magistrate.

By Section 2 of the Ordinance under consideration the powers of the police under the earlier Ordinance are conferred upon officers of the Veterinary --- Department and upon such persons as may be appointed Inspectors for the purposes of the Diseases of Animals Ordinance. It is considered that it is essential that this power should be granted to the persons who are required to prevent breaches of the Rules which may from time to time be made for controlling the movement of stock.

Under the present law it is necessary for the Veterinary Officers whenever they become aware of a movement of stock in breach of the Rules to communicate with the police who may possibly be some hours journey from the place where the offence is being committed with the consequence that even if the offender does not escape punishment the mischief which the Rules are intended to prevent is committed before any action can be taken to stop the unlawful movement of the stock.

3.

Under the existing law no provision is made for seizing and detaining stock in respect of which an offence under the Diseases of Animals Ordinance is being committed.

3.  
Section 5 of this Ordinance confers upon Police Officers, Veterinary Officers and Inspectors the power to seize any such stock and to detain it subject to the orders of a Magistrate.

This provision is absolutely necessary if the mischief at which the rules for controlling the movement of stock are aimed is to be prevented.

4. The Ordinance further provides that any stock in respect of which an offence has been committed may by the order of the Court be forfeited and disposed of as the Governor may order.

It is considered that such a provision will have a greater effect in preventing breaches of the law relating to the ~~xxxxxx~~ Diseases of Animals than the penalties imposed by Section 14 of the Diseases of Animals Ordinance 1906 (No. 1 of 1906).

As the immediate enactment of this Ordinance is considered not only by the Officers of the Agricultural and Veterinary Departments but also by a large body of the settlers to be essential if the efforts of the Administration to prevent the spread of cattle disease are to be of any avail I am of opinion that the Ordinance is one to which H.E. the Governor may properly assent on behalf of His Majesty.

*W. R. M. Tomlinson*  
Crown Advocate.

29.1.08

DISEASES OF ANIMALS ORDINANCE 1908

No. 1 of 1908.

| Section.   | Remarks.   |
|--|--|
| Section 1.<br>Short title.   |  |
| Section 2.<br>Persons offending against the Diseases of Animals Ordinance may be arrested without warrant.   | This Section follows Section 2 (2) of the Diseases of Animals Amendment Ordinance 1906 (No. 2 of 1906) in so far as that Section relates to the apprehension of offenders by the Police, and in addition confers <del>upon</del> the same powers upon Veterinary Officers and Inspectors.  |
| Section 3.<br>Penalty for obstructing Officers in the execution of duty under Diseases of Animals Ordinance. | Section 3 (3) of the Ordinance referred to above imposes a similar penalty on persons obstructing a Police Officer in the execution of his duty under the Ordinance. The penalty was never imposed for obstructing a Veterinary Officer or Inspector in the execution of his duty. This Section extends the provisions of the above Section to all Officers exercising any duty under the Ordinance relating to the diseases of animals. |
| Section 4.<br>Persons arrested to be taken before Magistrate without delay.                                  | Section 4 (4) of the Ordinance above referred to.  |
| Section 5.<br>(1) Animals in respect of which offence committed shall be liable to seizure.                  | In so far as this Sub-section relates to the detention of animals by the police the Sub-section follows Section 2 (B) of the above Ordinance, but in other respects the provision is new.  |
| Every seizure to be made by Magistrate.  |  |
| Section 6.<br>Animals may be forfeited.  | This provision is new, no provision having been made in the earlier Ordinance under which animals in respect of which an offence has been committed may be forfeited. Sub-section 2 of this Section is intended to meet the case where a conviction cannot be obtained owing to the fact that the offender cannot be found. The proviso to the Sub-section is inserted for the protection of owners in cases where                       |

Section.

Remarks

an offence has been committed without his knowledge by his headman or other employee.  
The provisions of sub-section 3 of this section are to enable a Magistrate in any case when he may consider that it is unnecessary to order that any animals be forfeited to order the owner to pay the expenses incurred in connection with the seizure and detention of the animal.

Section 7.  
and may be disposed of as the Governor shall order.

Section 8.  
Re, sal.

The provision of the Ordinance (No. 2 of 1905) in so far as they are considered necessary are re-enacted in this Ordinance.

*R. M. Corbridge*