



**EAST AFRICA HIGH COMMISSION**

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**EAST AFRICA HIGH COMMISSION  
ACTS FOR 1949**

17

18

19

20

21

22

23

24

25

26

27

## CONTENTS

	PAGE
Act No. 1—The Interpretation Act, 1949 ... ..	1
Act No. 2—The Makerere College Act, 1949 ... ..	18
Act No. 3—The Statistics Act, 1949 ... ..	37
Act No. 4—The Appropriation (East African Railways and Harbours) Act, 1949 ... ..	44
Act No. 5—The Appropriation (East African Posts and Telegraphs) Act, 1949 ... ..	47
Act No. 6—The East African Naval Force Act, 1949 ... ..	49
Act No. 7—The General Loan and Stock Act, 1949 ... ..	59
Act No. 8—The Trustee Investment in High Commission Securities Act, 1949 ... ..	69
Act No. 9—The Loan (Railways and Harbours) Act, 1949 ...	71
Act No. 10—The Customs and Excise Revenue Allocation Act, 1949 ... ..	73
Act No. 11—The Appropriation (1948) (Non-self-contained Services) Act, 1949 ... ..	76
Act No. 12—The Appropriation (Non-self-contained Services) Act, 1949 ... ..	78



## EAST AFRICA HIGH COMMISSION

## ACT No. 1 of 1949

## THE INTERPRETATION ACT, 1949

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 24th day of February, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

## ARRANGEMENT OF SECTIONS

## SECTION

- 1—Short title.  
**GENERAL PRINCIPLES OF INTERPRETATION**  
 2—Interpretation of words and expressions.  
 3—Acts to be public Acts.  
 4—Section to be substantive enactment.  
 5—Commencement of Acts.  
 6—References to Crown.  
 7—References to public officer by title of office.  
 8—References to time.  
 9—Provision where no time specified for doing act.  
 10—Computation of time.  
 11—References to distance.  
 12—References to the number of a line.  
 13—Construction of applied Acts of Parliament, etc.  
 14—Construction of service by post.  
 15—Words, etc., to be included in citation of portion of enactment.  
 16—Construction of preamble and schedules, etc., to Act.

**PROVISIONS AS TO REPEALS AND AMENDMENTS**

- 17—Repeal of repealing enactment.  
 18—Repeal and substitution.  
 19—Effect of repeal.  
 20—References to repealed and re-enacted, or amended, enactment.  
 21—Amending Acts, etc., construed with amended Act, etc.  
 22—Effect of repeal of enactment on subsidiary legislation.

**PROVISIONS AS TO SUBSIDIARY LEGISLATION**

- 23—Provisions as to making of subsidiary legislation.  
 24—Construction of subsidiary legislation.  
 25—Acts done under subsidiary legislation deemed done under Act.

**PROVISIONS AS TO POWERS**

- 26—Exercise of powers between enactment and commencement of Act.

## SECTION

- 27—Construction of provisions as to exercise of powers, etc.  
 28—Power to appoint includes power to remove, etc.  
 29—Power to provide for execution of duties of public officer during temporary absence.  
 30—Power to appoint member of board, etc., temporarily.  
 31—Power to appoint chairman.  
 32—Powers of a board, etc., not affected by vacancy, etc.  
 33—Power to appoint by name or office.  
 34—Power of High Commission or Governor to delegate authority.

**PROVISIONS AS TO OFFENCES**

- 35—Provisions as to offences under two or more Acts.  
 36—Provisions as to attempts.  
 37—Jurisdiction of courts in respect of offences.  
 38—Penalties, etc., prescribed to be maximum penalties.  
 39—Disposal of forfeits.  
 40—Fines, etc., to be payable to public revenue of Territory.  
 41—Imposition of penalty not a bar to civil action.

**MISCELLANEOUS**

- 42—Mode of citing Act.  
 43—Collective titles.  
 44—Reprint of amended Acts.  
 45—Gazette, etc., to be prima facie evidence.  
 46—Decision of majority.  
 47—Signification of orders, etc., of High Commission.  
 48—Signification of orders, etc., of Governor in Council or Governor.  
 49—Change of title of office.  
 50—Deviation from forms.  
 51—Remission of penalties.  
 52—Saving of rights of Crown.

**AN ACT RELATING TO THE CONSTRUCTION OF ACTS AND SUBSIDIARY LEGISLATION, AND FOR SHORTENING THE LANGUAGE USED THEREIN, FOR MAKING PROVISION IN RELATION TO GENERAL CLAUSES, AND FOR OTHER MATTERS RELATING THERETO**

7th March, 1949

ENACTED BY THE East Africa High Commission with the advice and consent of the Legislative Assembly thereof:—

Short title.

1. This Act may be cited as the Interpretation Act, 1949.

### GENERAL PRINCIPLES OF INTERPRETATION

Interpretation of words and expressions.

2. (1) In this Act, and in every other Act, and in all subsidiary legislation made thereunder, enacted or made before or after the commencement of this Act, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

“Act”, used with reference to legislation, means an Act enacted under the provisions of Part IV of the Order in Council, and any subsidiary legislation made and in force under any such Act;

“act”, used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

“administrative officer” means, in relation to any of the Territories, an administrative officer as defined by the Interpretation and General Clauses Ordinance of that Territory;

“the Administrator” means the officer appointed by the High Commission under section 12 of the Order in Council to be the Administrator;

“advocate” means, in relation to any of the Territories, a person entitled to practise as such in the courts of that Territory;

“affidavit” includes any document in relation to which an affirmation or declaration has been made by any person allowed by law to affirm or to declare instead of swearing;

“aircraft” includes every description of craft used in aerial navigation;

“the Assembly” means the East Africa Central Legislative Assembly constituted under the Order in Council;

“building” includes any construction on land, whether wholly or in part above or below the surface of the ground;

“chapter”, “part”, “section” and “schedule” denote respectively a chapter, part and section of, and schedule to, the Act in which the word occurs; and “sub-section” denotes a sub-section of the section in which the word occurs;

“cognizable to the police”, used with reference to an offence, means that any police officer may arrest without warrant any person whom he suspects upon reasonable grounds of having committed that offence;

“coin” means any coin legally current in the Territories;

“commencement”, with its grammatical variations and cognate expressions, used with reference to an Act, means the date on which the Act comes into operation;

“the Commissioner for Transport” means the officer appointed by the High Commission under section 12 of the Order in Council to be the Commissioner for Transport;

“the Commissioner of Customs” means the officer appointed by the High Commission under section 12 of the Order in Council to be the Commissioner of Customs;

“common law” means the common law of England in so far as it is applicable to any of the Territories;

“contravene”, with its grammatical variations and cognate expressions, used in relation to any requirement or condition prescribed in any Act, or in any permit, licence or other authority granted under any Act, includes a failure to comply with that requirement or condition;

“court” means any court of competent jurisdiction in any of the Territories;

“Court of Appeal” means His Majesty’s Court of Appeal for Eastern Africa, or any court substituted therefor, for the hearing and determining of appeals from the Supreme Court, or High Court, as the case may be, of any of the Territories;

“Crown Agents” means the persons for the time being acting as Crown Agents for the Colonies in England, or any of them;

“the Economic Secretary” means the officer appointed by the High Commission under section 12 of the Order in Council to be the Economic Secretary;

“the Finance Member” means the officer appointed by the High Commission under section 12 of the Order in Council to be the Finance Member;

“financial year” and “calendar year” mean the period from the first day of January to the thirty-first day of December inclusive in the same year;

“Gazette” means the Official Gazette of the High Commission and any supplement thereto or any Gazette Extraordinary;

“gazetted” means published in the Gazette;

“public officer” includes an officer in the service of the High Commission, or in the service of the Government of any of the Territories;

“registered”, used with reference to a document, means registered under the provisions of the law for the time being applicable to the registration of such documents;

“rule” includes by-law and regulation;

“rules of court”, used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court;

“scheduled service” means any service set out in the First or Second Schedule to the Order in Council and any service added, by order made by the High Commission under section 45 of the Order in Council, to the list of services set out in such Second Schedule;

“Secretary of State” means one of His Majesty’s Principal Secretaries of State;

“self-contained service” means a scheduled service—

(a) which operates revenue-earning services; and

(b) which maintains its own capital account;

“ship” includes every description of vessel used in water navigation not exclusively propelled by oars;

“sign” with its grammatical variations and cognate expressions, used with reference to a person who is unable to write his name, includes “mark”, with its grammatical variations and cognate expressions;

“statutory declaration”, if made—

(a) in any of the Territories, means a declaration made—

(i) in the case of Kenya, under the Statutory Declarations Ordinance, 1926;

(ii) in the case of Tanganyika and Uganda, under the Statutory Declarations Act, 1835, of Parliament;

(b) in the United Kingdom or any British possession beyond the Territories, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any law for the time being in force to take or receive a declaration;

(c) in any other place, means a declaration made before a British consul or vice-consul, or before any person having authority under any Act of Parliament for the time being in force to take or receive a declaration;

“subordinate court of the first, second or third class” means respectively, in relation to any of the Territories, a court presided over by a magistrate of the first, second, or third class of that Territory;

“subsidiary legislation” means any proclamation, rule, regulation, order, notice, by-law, decree or other instrument made under any Act or other lawful authority and having legislative effect;

“Tanganyika” means the Trust Territory of Tanganyika;

“the Territories” means the Colony and Protectorate of Kenya, the Trust Territory of Tanganyika and the Protectorate of Uganda;

“territorial waters” means any part of the open sea within three nautical miles of the coast of any of the Territories, measured from low water mark, and any inland waters of any of the Territories;

“Uganda” means the Protectorate of Uganda;

“United Kingdom” means Great Britain and Northern Ireland;

“vessel” includes any ship or boat or other description of vessel used in water navigation;

“will” includes codicil;

“writing”, with its grammatical variations and cognate expressions, includes printing, photography, lithography, type-writing and any other mode of representing or reproducing words in visible form;

“year” means a calendar year reckoned according to the British calendar.

(2) In this Act, and in every other Act, and in all subsidiary legislation made thereunder, enacted or made before or after the commencement of this Act, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

(a) words importing the masculine gender include females;

(b) words in the singular include the plural and words in the plural include the singular.

3. Every Act (which expression in this section does not include subsidiary legislation) shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Acts to be public Acts.

4. Every section of any Act shall have effect as a substantive enactment without any introductory words.

Section to be substantive enactment.

Commencement  
of Acts.

**5.** (1) Where any Act, or part of an Act, commences on a particular day, it shall be deemed to commence immediately on the expiration of the day next preceding such day.

(2) The date on which an Act (which expression in this sub-section does not include subsidiary legislation) commences in accordance with the provisions of section 35 of the Order in Council shall be written on the original and on all copies thereof in some prominent place near the heading thereof.

References  
to Crown.

**6.** In any Act, references to the Sovereign reigning at the time of the enactment of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being.

References to  
public officer  
by title of office.

**7.** In any Act, references to any public officer by the title of his office shall, unless the contrary intention appears, be construed as references to the officer for the time being executing the duties of such office or any portion of such duties.

References  
to time.

**8.** Where any expression of time occurs in any Act, the time referred to shall, unless the contrary is expressly provided, be held to signify, in relation to any Territory, the standard time adopted for that Territory.

Provision where  
no time specified  
for doing act.

**9.** Where anything is required to be done by or under any Act and no time is specified within which such thing shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion requires.

Computation  
of time.

**10.** In computing time for the purposes of any Act, unless the contrary intention appears—

(a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;

(b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day;

(c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day;

(d) where any act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of time.

11. Where any expression of distance occurs in any Act, the distance referred to shall, unless the contrary intention appears, be held to signify a distance measured in a straight line on a horizontal plane.

References to distance.

12. In any Act, references to the number of a line of any section of an enactment shall be construed as references to the number of such line in the latest official printed copy of such enactment at the time of the enactment of the Act containing such reference.

References to the number of a line.

13. Where by any Act any Act of Parliament or the law of any other country is extended or applied to the Territories, such Act of Parliament or law shall be read with such formal alterations as to names, localities, courts, offices, persons, moneys, penalties or otherwise as may be necessary to make it applicable in the circumstances.

Construction of applied Acts of Parliament, etc.

14. Where any Act authorizes or requires any document to be served by post, whether the expression "serve", "give" or "send" or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting, by registered post, a letter containing that document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Construction of service by post.

15. In any Act, a description or citation of a portion of another enactment shall, unless the contrary intention appears, be construed as including the word, section or other part referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Words, etc., to be included in citation of portion of enactment.

16. (1) The preamble of any Act may be referred to for assistance in explaining the scope and object of the Act.

Construction of preamble and schedules, etc., to Act.

(2) Every schedule or table to, or other part of any Act, together with any notes thereto, shall be construed and have effect as part of the Act.

PROVISIONS AS TO REPEALS AND AMENDMENTS

17. Where any Act repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed unless words are added reviving that enactment.

Repeal of repealing enactment.

18. Where any Act repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions commence.

Repeal and substitution.

Effect of repeal.

**19.** Where any Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, fine, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, fine, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, fine, forfeiture or punishment may be imposed, as if the repealing Act had not been enacted.

References to repealed and re-enacted, or amended enactment.

**20.** (1) Where any enactment repeals and re-enacts, with or without modification, any provision of a former enactment, references in any Act to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

(2) Where in any Act a reference is made to any enactment, such reference shall, unless the contrary intention appears, be deemed to include a reference to such enactment as from time to time amended.

Amending Acts, etc., construed with amended Act, etc.

**21.** Where any Act amends another Act, the amending Act shall, so far as it is consistent with the tenor thereof and unless the contrary intention appears, be construed as one with the amended Act.

Effect of repeal of enactment on subsidiary legislation.

**22.** Where any Act repeals any enactment, subsidiary legislation made under the enactment repealed shall, unless the contrary intention appears, remain in force, so far as it is not inconsistent with the repealing Act, until it has been revoked by subsidiary legislation made under the provisions of such repealing Act.

### PROVISIONS AS TO SUBSIDIARY LEGISLATION

**23.** Where any Act confers power on any authority to make subsidiary legislation, the following provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such subsidiary legislation—

- (a) the subsidiary legislation may at any time be amended, varied, suspended or revoked by the same authority and in the same manner by and in which it was made;
- (b) the subsidiary legislation may provide in respect of any contravention thereof that the offender shall be liable to such fine or penalty not exceeding Sh. 2,000 or to such term of imprisonment not exceeding two months, or both, as may be therein prescribed;
- (c) no subsidiary legislation shall be inconsistent with the provisions of any Act;
- (d) the subsidiary legislation shall be published in the Gazette and shall have the force of law as from the date of such publication or, if it is otherwise provided in such subsidiary legislation, as from the date named therein;
- (e) where any Act confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose.

**24.** (1) Where any Act confers power to make any subsidiary legislation, expressions used in the subsidiary legislation shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

(2) A reference in any subsidiary legislation to "the Act" shall be construed as meaning the Act conferring the power to make such subsidiary legislation.

**25.** An act shall be deemed to be done under any Act, or by virtue of the powers conferred by any Act, or in pursuance or execution of the powers of, or under the authority of, any Act, if it is done under or by virtue of, or in pursuance of, subsidiary legislation made under any power contained in the Act.

### PROVISIONS AS TO POWERS

**26.** Where any Act which is not to commence immediately on the enactment thereof confers power to make any subsidiary legislation, or to make any appointment, or to do any other thing, for the purpose of the Act, that power may,

Provisions as to making of subsidiary legislation.

Construction of subsidiary legislation.

Acts done under subsidiary legislation deemed done under Act.

Exercise of powers between enactment and commencement of Act.

unless the contrary intention appears, be exercised at any time after the enactment of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the commencement thereof:

Provided that no subsidiary legislation made under that power shall, unless the contrary intention appears in the Act, or it is necessary for bringing the Act into operation, have any effect until the Act commences.

Construction of provisions as to exercise of powers, etc.

27. (1) Where any Act confers any power or imposes any duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any Act confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person appointed to act for him.

(3) Where any Act confers a power on any person to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

Power to appoint includes power to remove, etc.

28. Where by or under any Act a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to remove, suspend, re-appoint or re-instate any person appointed in exercise of the power.

Power to provide for execution of duties of public officer during temporary absence.

29. Where by or under any Act any powers are conferred or any duties are imposed upon a public officer, the High Commission, in the case of an officer in the service of the High Commission, or the Governor of the appropriate Territory in any other case, may direct, if during any period owing to absence or inability to act from illness or any other cause such public officer is unable to exercise the powers or perform the duties of his office, that such powers shall be had and may be exercised and such duties shall be performed by a person named or by the public officer holding any office designated by the High Commission or the Governor, as the case may be, and thereupon such person or public officer, during any such period, shall have and may exercise such powers and shall perform such duties, subject to such conditions, exceptions and qualifications as the High Commission or the Governor, as the case may be, may direct.

30. Where by or under any Act a power is conferred on any authority to appoint any person to be a member of any board, commission, committee or similar body, that authority may, if during any period owing to absence or inability to act from illness or any other cause any member so appointed is unable to act as such, appoint some other person to act temporarily for such member and during the period of incapacity.

Power to appoint member of board, etc., temporarily.

31. Where by or under any Act a power is conferred on any authority to appoint any board, commission, committee or similar body, that authority may, unless the contrary intention appears, appoint a chairman of such board, commission, committee or similar body.

Power to appoint chairman.

32. Where by or under any Act any board, commission, committee or similar body, whether corporate or unincorporate, is established, then, unless the contrary intention appears, the powers of such board, commission, committee or similar body shall not be affected by—

Powers of a board, etc., not affected by vacancy, etc.

(a) any vacancy in the membership thereof;

(b) the fact that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member thereof; or

(c) the fact that there was any minor irregularity in the convening of any meeting thereof.

33. Where by or under any Act a power is conferred on the High Commission or a Governor or any public officer to appoint a person to be a member of any body or to have and exercise any powers or to perform any duties, the High Commission or the Governor or such public officer, as the case may be, may either appoint a person by name or appoint the person for the time being holding any designated office to be a member of such body or to have and exercise such powers and perform such duties; and thereupon, or from the date specified by the High Commission or the Governor or by such public officer, as the case may be, the person appointed by name or the person holding the office aforesaid shall be a member of such body or shall have and may exercise such powers and perform such duties accordingly.

Power to appoint by name or office.

34. Where by or under any Act a power is conferred on the High Commission or a Governor to exercise any powers or perform any duties, the High Commission or the Governor, as the case may be, may, unless by law expressly prohibited from so doing, depute any person by name or the person for the time being holding any designated office to exercise such

Power of High Commission or Governor to delegate authority.

powers or perform such duties on behalf of the High Commission or the Governor, as the case may be, subject to such conditions, exceptions and qualifications as the High Commission or the Governor, as the case may be, may direct; and thereupon, or from the date specified by the High Commission or the Governor, as the case may be, the person so deputed shall have and may exercise such powers and shall perform such duties subject as aforesaid:

Provided that, subject to the provisions of any Letters Patent or Royal Instructions relating to the appointment of a Governor's Deputy, nothing herein contained shall authorize the Governor to depute any person to issue warrants or proclamations.

#### PROVISIONS AS TO OFFENCES

Provisions as to offences under two or more Acts.

35. Where any act constitutes an offence under two or more Acts, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts, but shall not be liable to be punished twice for the same offence.

Provisions as to attempts.

36. A provision in any Act which constitutes an offence shall, unless the contrary intention appears, be deemed to provide also that an attempt to commit such offence shall be an offence against such provision, punishable as if the offence itself had been committed.

Jurisdiction of courts in respect of offences.

37. Where any act constitutes an offence under any Act then, in relation to any Territory, the jurisdiction of any court to try any person charged with that offence shall, unless the contrary intention appears, be determined by the Criminal Procedure Code of the Territory in which that person is alleged to have committed such offence.

Penalties, etc., prescribed to be maximum penalties.

38. Where in any Act a fine or penalty is prescribed for an offence against that Act such provision shall indicate that, unless the contrary intention appears, the offence shall be punishable by a fine or penalty not exceeding that prescribed.

Disposal of forfeits.

39. (1) Where by or under any Act any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into and shall form part of the public revenue of the Territory in which the order for forfeiture was made, unless other provision is made.

(2) Nothing in this section shall affect any provision in any Act whereby any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

40. Subject to the express provisions of any Act, where any fine or pecuniary penalty is imposed by or under any Act, such fine or penalty shall be payable into and shall form part of the public revenue of the Territory in which the fine or penalty was imposed, but the Governor of that Territory may direct the payment to any person of such proportion of such fine or penalty as he may think fit.

Fines, etc., to be payable to public revenue of Territory.

41. The imposition of a fine or penalty under any Act shall not, unless the contrary is expressly provided, relieve any person from liability to answer for damages to a person injured.

Imposition of penalty not a bar to civil action.

#### MISCELLANEOUS

42. Where any Act is referred to, it shall be sufficient for all purposes to cite such Act either by the short title, if any, by which it is made citable, or by the year in which it was passed, or in the case of an Act which was reserved for the Royal Assent, the year in which it became law, and its number among the Acts of that year, or, in the case of any revised edition of the Acts issued under any Act providing for the issue of a revised edition, by its short title or its chapter number; and the reference may in all cases be made according to the copies of Acts printed by the High Commission Printer.

Mode of citing Act.

43. If it is provided that any Act may, as to the whole or any part thereof, be cited—

Collective titles.

(a) with any other Act to form a group of Acts; or

(b) with any group of Acts,

that group shall be construed as including that Act or part, and the collective title of the group shall state the year of the first Act in the group and the year of the last Act in the group; and as often as any subsequent Act is added to that group the year in which the subsequent Act is passed shall be substituted for the last year of the group.

44. Where any Act has been amended, it shall be lawful for the High Commission Printer with the authority of the Legal Secretary to print copies of the Act with all the necessary additions, omissions, substitutions and amendments effected by the amending Act, and such copies shall be deemed to be authentic copies of the Act so amended.

Reprint of amended Acts.

Gazette, etc., to be prima facie evidence.

45. The production of a copy of the Gazette containing any subsidiary legislation or High Commission notice, or of any copy of any subsidiary legislation or High Commission notice, purporting to be printed by authority of the High Commission, shall be prima facie evidence in all courts and for all purposes, whatsoever, of the due making and tenor of such subsidiary legislation or High Commission notice.

Decision of majority.

46. Unless the contrary is expressly provided by any Act, where any act or thing is required to be done by more than two persons, a majority of them may do it.

Signification of orders, etc., of High Commission.

47. Where any Act confers upon the High Commission power to make any subsidiary legislation or appointment, give any directions, issue any orders, authorize any thing or matter to be done, grant any exemption, remit any fee or exercise any other power, it shall be sufficient, save in the case of any instrument required to be made under the hand or the Official Seal of the High Commission or under both, if the exercise of such power by the High Commission be signified under the hand of any officer of the High Commission authorized by the High Commission for that purpose.

Signification of orders, etc., of Governor in Council or Governor.

48. Where any Act confers upon a Governor in Council or a Governor power to make any subsidiary legislation or appointment, give any directions, issue any order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty or exercise any other power, it shall be sufficient if the exercise of such power by the Governor in Council or the Governor be signified, in the case of the Governor in Council, under the hand of the Clerk to the Executive Council, and in the case of the Governor, under the hand of a person authorized for that purpose:

Provided always that the foregoing shall not apply to the power of the Governor to issue any warrants or proclamations which shall be issued only under the hand of the Governor himself.

Change of title of office.

49. Whenever any change of title in any office in the service of the High Commission occurs, the High Commission may by notice in the Gazette declare that such change of title shall take effect from a date specified in such notice and, with effect from such date, any reference in any Act to the former title of the office shall be read and construed as a reference to that office by such new title as the High Commission may declare in such notice.

50. Where by or under any Act any form is prescribed, then unless the contrary is expressly provided, an instrument or document which purports to be in such form shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document or which is not calculated to mislead.

Deviation from forms.

51. It shall be lawful for the Governor of the Territory in which the conviction was recorded, in the name of His Majesty to remit in whole or in part any sum of money which under any Act may be imposed as a penalty, fine or forfeiture on a convicted offender, although such money may be in whole or in part payable to some person other than the Crown.

Remission of penalties.

52. No Act shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly provided, or unless it appears by necessary implication that the Crown is bound thereby.

Saving of rights of Crown.

**ACT No. 2 of 1949****THE MAKERERE COLLEGE ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 24th day of February, 1949.

P. E. MITCHELL,  
*Chairman of the East Africa High Commission.*

**ARRANGEMENT OF SECTIONS**

SECTION	SECTION
1—Short title and commencement.	
2—Interpretation.	
<b>AIMS OF MAKERERE COLLEGE</b>	<b>STAFF PROVISIONS</b>
3—Aims of Makerere College.	15—Appointment, powers and duties of the Principal.
<b>CONSTITUTION AND FUNCTIONS OF COUNCIL AND VISITOR</b>	16—Appointment, powers and duties of the Vice-Principal.
4—Establishment of Council and functions thereof.	17—Academic staff.
5—Appointment and functions of Visitor.	18—Administrative staff.
6—Incorporation of Council, etc.	19—General terms of appointment.
7—Membership, etc., of the Council.	20—Council may delegate power of appointment.
8—Meeting and procedure of the Council.	21—Council may make temporary appointment during absence, etc.
<b>CONSTITUTION AND FUNCTIONS OF ACADEMIC BOARD</b>	<b>FINANCIAL PROVISIONS</b>
9—Establishment of Academic Board and functions thereof.	22—Assets, etc., vested in Council for interests of College.
10—Membership, etc., of the Academic Board.	23—Funds, etc., of Council and utilization thereof.
11—Council to determine represented departments.	24—Investment, etc., of moneys.
12—Council to determine Faculties, etc.	25—Council to prepare annual estimates.
13—Connected schools and connected institutes.	26—Annual statements, report and audit.
14—Meetings and procedure of the Academic Board.	<b>MISCELLANEOUS PROVISIONS</b>
	27—Subsidiary legislation.
	28—Inaugural and transitory provisions.
	29—Repeal.

**SCHEDULE**

**AN ACT TO MAKE PROVISION FOR THE  
GOVERNMENT, CONTROL AND ADMINISTRATION  
OF MAKERERE COLLEGE**

*11th March, 1949*

ENACTED BY THE East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Makerere College Act, 1949, and shall come into operation upon such date as the High Commission may by notice in the Gazette appoint. Short title and commencement.

2. In this Act, unless the context otherwise requires— Interpretation.  
“Academic Board” means the Makerere College Academic Board established by section 9;

“academic staff” means the academic staff as defined in section 17;

"administrative staff" means the administrative staff as defined in section 18;

"Bursar" means the Bursar of the College appointed under section 18;

"Chairman" means the Chairman of the Council appointed under section 7;

"College" means the Higher College for East Africa at Kampala, Uganda, known as the Makerere College;

"college term" means such period during each college year as the College is in session;

"connected institute" means any research institute determined by the Council under section 13 to be connected with the College;

"connected school" means any professional school determined by the Council under section 13 to be connected with the College;

"Council" means the Makerere College Council established under section 4;

"decrees" means decrees made by the Council under section 27;

"Endowment Fund" means the Endowment Fund established by the Makerere College Ordinance, 1938, of Uganda (which Ordinance is by this Act repealed);

"Faculties" means such Faculties as are determined by the Council under section 12;

"financial year" means the period of 12 months commencing on the 1st January in each year unless the Council otherwise determines in accordance with the provisions of section 25;

"Inter-University Council" means the Inter-University Council for Higher Education in the Colonies set up in England on the initiative of the Secretary of State following the report of the Commission on Higher Education in the Colonies dated 3rd May, 1945;

"Librarian" means the Librarian of the College appointed under section 17;

"Principal" means the Principal of the College appointed under section 15;

"Professor" means a person appointed under section 17 to be a Professor of the College;

"Reader" means a person appointed under section 17 to be a Reader of the College;

"Registrar" means the Registrar of the College appointed under section 18;

"regulations" means regulations made by the Academic Board under a power conferred by decrees;

"rules" means rules made by the Council under section 27;

"Secretary" means the Secretary of the Council;

"Vice-Chairman" means the Vice-Chairman of the Council appointed under section 7;

"Vice-Principal" means the Vice-Principal of the College appointed under section 16;

"Visitor" means the Visitor to the College appointed under section 5.

#### AIMS OF MAKERERE COLLEGE

Aims of  
Makerere  
College.

3. It is hereby declared that Makerere College shall be governed and administered, in accordance with the provisions of this Act, with a view towards providing in East Africa—

- (a) facilities for higher education;
- (b) facilities for professional training;
- (c) facilities for research,

either directly or through the medium of connected schools and connected institutes.

#### CONSTITUTION AND FUNCTIONS OF COUNCIL AND VISITOR

Establishment  
of Council and  
functions  
thereof.

4. (1) There shall be established a body, to be known as the Makerere College Council, and the government, control and administration of the College shall be vested in the Council in accordance with the provisions of this Act.

(2) It shall be the duty of the Council, in the exercise of its powers and the performance of its functions, to act in such manner as appears to it best calculated to promote the aims and interests of the College.

(3) The functions of the Council shall, subject to the provisions of this Act, include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the government, control and administration of the College and of the assets of the College and, in particular, but without prejudice to the generality of the foregoing shall include—

- (a) the authorization of appropriate and necessary expenditure within the funds available to the College;

- (b) the fixing of scales of fees and boarding charges;
- (c) the preparation of an annual report on the working of the College and the preparation of the annual estimates and of such annual statements as are required by this Act;
- (d) the making of rules under section 27 relating to the terms and conditions of service, including appointment, dismissal, salary and retiring benefits—
  - (i) of members of the academic staff of the College;
  - (ii) of members of the administrative staff of the College;
- (e) the making of decrees under section 27, after consultation with the Academic Board, relating generally to—
  - (i) the academic management of the College and, in particular, to entrance to the College, the courses of instruction, the duration and number of college terms, the award of certificates or diplomas to students of the College and the revocation of any certificates or diplomas so awarded;
  - (ii) the grant of scholarships and studentships, and the revocation of any such grant;
  - (iii) the making of provision for the connexion with the College of professional schools and research institutes;
  - (iv) the making of arrangements with the University of London with a view towards enabling students of the College to qualify for degrees and diplomas of that University.

5. (1) There shall be a Visitor to the College who shall have the powers and functions vested in him by this Act.

Appointment and functions of Visitor.

(2) The Visitor shall be appointed by the Secretary of State and shall hold office for such period as the Secretary of State may determine.

(3) In the event of the absence of the Visitor from the Territories, or of his incapacity for any reason to perform the functions and exercise the powers of his office, the Chairman shall act for the Visitor during the period of such absence or incapacity while, at the same time, exercising his functions as Chairman.

6. (1) The Council shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold, charge and dispose of property, movable and immovable.

Incorporation of Council, etc.

(2) The Seal of the Council shall not be used except in pursuance of a resolution of the Council and shall be authenticated by the signature of the Principal, or one member of the Council authorized to act in that behalf, and the Secretary, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairman, the Principal, or any other member of the Council authorized in that behalf, or the Secretary.

(4) The Council may sue and be sued in its corporate name and for all purposes may be described by such name.

Membership,  
etc., of the  
Council.

7. (1) Subject to the provisions of sub-section (8), the Council shall consist of the Chairman, Vice-Chairman, two *ex officio* members and twelve other members, appointed in accordance with the provisions of this section.

(2) The Chairman and Vice-Chairman shall be appointed by the High Commission and shall hold office for such period as the High Commission may determine.

(3) The *ex officio* members shall be the Principal and Vice-Principal.

(4) Of the twelve other members—

(a) two members shall be appointed by the Inter-University Council and shall hold office for such period not exceeding two years as that Council may determine; and

(b) (i) two members shall be appointed by the Governor of Kenya;

(ii) two members shall be appointed by the Governor of Tanganyika;

(iii) two members shall be appointed by the Governor of Uganda;

(iv) one member shall be appointed by the British Resident of Zanzibar;

(v) three members shall be appointed by the Academic Board from among the members of that Board.

(5) (a) Of the ten members appointed under paragraph (b) of sub-section (4)—

(i) five shall retire at the end of the year in which this Act commences; and

- (ii) the remaining five shall retire at the end of the succeeding year;

the first five to retire being chosen by lot at the Council meeting next preceding the date on which they are due to retire.

(b) The vacancies created by reason of the retirement of members under the provisions of paragraph (a) of this subsection shall be notified by the Secretary to the authorities which appointed the retiring members and such authorities shall make appointments filling such vacancies with effect from the beginning of the ensuing year and the members so appointed shall hold office for a period of two years from the date of the commencement of their appointment.

(6) The Registrar shall be *ex officio* the Secretary of the Council but shall not, as Secretary, have a right to vote at any meeting of the Council.

(7) Any member of the Council, other than an *ex officio* member, may resign from the Council by notice in writing to that effect addressed to the Chairman and as from the date of the receipt by the Chairman of such notice such member shall cease to be a member; and thereupon the Secretary shall inform the authority that appointed such member of the fact of the vacancy and such authority shall take steps to fill such vacancy for the remainder of the period of membership of the member who resigned.

(8) The Visitor may, after consultation with the Council and subject to the prior approval of the Secretary of State, by order revoke or amend the provisions of sub-sections (1), (2), (3), (4) and (5) so as to vary the membership of the Council and any such order may contain such supplementary provisions (including provisions in relation to retirement) as may be necessary to give full effect to the purpose of such order.

8. (1) Unless the Council otherwise determines, a meeting of the Council shall be held at least once in each college term at such time and place as the Chairman may appoint.

Meetings and procedure of the Council.

(2) The Chairman may at any time call a meeting of the Council and shall call a meeting within twenty-eight days of a requisition for that purpose addressed to him and signed by ten members of the Council.

(3) The Chairman, or in the event of his absence, the Vice-Chairman, shall preside at all meetings of the Council at which he is present and, in the event of the absence of both the Chairman and the Vice-Chairman, the members present

and constituting a quorum shall elect a temporary chairman from amongst those members appointed under paragraph (b) (i), (ii), (iii) or (iv) of sub-section (4) of section 7.

(4) At any meeting of the Council, nine members shall form a quorum.

(5) Every question shall be decided by the majority of the members present and voting:

Provided that no question before the Council shall be decided unless at least seven members, other than the chairman of the meeting, vote thereon.

(6) The chairman of the meeting shall have an original and a casting vote.

(7) The Council may, at the discretion of the Chairman, transact any business by the circulation of papers, and any decision so taken shall be submitted for confirmation at the next meeting of the Council:

Provided that any member of the Council may require that a question shall not be determined by the circulation of papers but shall be deferred for discussion at a meeting of the Council, and thereupon such matter shall be so deferred.

(8) The Council may, subject to such limitations as it may think fit, delegate any of its powers or duties to committees consisting of such members of the Council and other persons as it may think fit; and the Council may empower any such committee to act jointly with any committees appointed by the Academic Board:

Provided that the Council shall not delegate to a committee the power to approve without further reference to the Council the annual estimates of expenditure.

(9) The Chairman shall be *ex officio* a member of every committee of the Council and, in the absence of a specific appointment, shall be chairman of each such committee:

Provided that, in the absence of the chairman of any such committee, the members present and constituting a quorum may elect a temporary chairman from among their number.

(10) The Council shall cause minutes of its proceedings to be kept by the Secretary, and such minutes shall be confirmed, subject to any necessary amendment, by the chairman of a subsequent meeting.

(11) The Visitor may, on the recommendation of the Council, by order amend the provisions of sub-section (4) or sub-section (5) so as to vary the quorum of the Council or the number of votes necessary before a question may be decided, as the case may be.

(12) Subject to the provisions of this section, the Council shall have power to regulate, by such means as it may think fit, its own procedure and the procedure of any committees of the Council.

#### CONSTITUTION AND FUNCTIONS OF ACADEMIC BOARD

9. (1) There shall be established a body, to be known as the Makerere College Academic Board, which shall, in respect of the functions specified in this section, be responsible to the Council for the academic management of the College in accordance with the policy of the Council.

Establishment  
of Academic  
Board and  
functions  
thereof.

(2) The functions of the Academic Board shall, subject to the provisions of this Act, consist of—

- (a) the submission to the Council, whether with or without the prior request therefor of the Council, of all draft decrees relating generally to the academic management of the College and, in particular to the matters specified in section 4 (3) (e) in respect of which the Council may make decrees;
- (b) the making of recommendations to the Council in relation to the terms and conditions of service of the members of the academic staff and in relation to the creation of academic posts and the consultation generally with the Council in accordance with the provisions of this Act;
- (c) the final determination of the interpretation of all decrees made in respect of matters specified in section 4 (3) (e);
- (d) the making of regulations under any power conferred by decrees;
- (e) the appointment of examiners;
- (f) the awarding of certificates, diplomas and other marks of distinction, and the revocation of any such awards in accordance with any decrees or regulations;
- (g) the grant of scholarships and studentships, and the revocation of any such grants in accordance with any decrees or regulations;
- (h) the general control of—
  - (i) teaching and research in the College;
  - (ii) the buildings and equipment assigned to teaching and research and the library and museums, in accordance with any decrees or regulations.

Membership,  
etc., of the  
Academic  
Board.

10. (1) Subject to the provisions of sub-section (7), the Academic Board shall consist of the chairman of the Academic Board, *ex-officio* members and other members elected in accordance with the provisions of this section.

(2) The Principal shall *ex officio* be chairman of the Academic Board.

(3) The *ex officio* members shall be—

(a) the Vice-Principal;

(b) the Head of each connected school or connected institute;

(c) every Professor;

(d) the Reader or, if there is no Reader, the senior lecturer in each represented department;

(e) the Librarian.

(4) Of the other members—

(a) two shall be elected by the academic staff by such procedure as that staff may determine and such members shall hold office for two years;

(b) where there is any connected school or connected institute, the determined number of members shall be elected by such school or institute.

(5) For the purposes of sub-sections (3) and (4) and sections 11 and 13—

“represented department” means a subject or department declared by the Council under section 11 to be a represented department;

“the determined number of members” means, in respect of each connected school or connected institute, the number of members which the Council under section 13 determines that connected school or connected institute may elect to the Academic Board.

(6) The Registrar shall be *ex officio* the secretary of the Academic Board, but shall not, as secretary, have a right to vote at any meeting of the Board.

(7) The Visitor may, on the recommendation of the Council made after consultation with the Academic Board, by order revoke or amend the provisions of sub-sections (1), (2), (3), (4) and (5) so as to vary the membership of the Academic Board and any such order may contain such supplementary provisions (including the revocation or amendment of sections 11 or 13) as may be necessary to give full effect to the purposes of such order.

11. (1) The Council may, after consultation with the Academic Board, by decrees determine which academic subjects or departments of the College shall be represented departments.

Council to determine represented departments.

(2) No academic subject or department of the College in which a Professor has been appointed shall be a represented department and in determining which academic subjects or departments shall be represented departments regard shall be had to the academic importance of the subject or department.

12. (1) The Council may, after consultation with the Academic Board, by decrees group the full-time and part-time teaching members of the academic staff into Faculties according to their academic subjects.

Council to determine Faculties, etc.

(2) For each Faculty there shall be a Dean elected, by such procedure as the Faculty may determine, by the Faculty from among the members of the Academic Board in that Faculty, and the Dean shall hold office annually.

13. (1) The Council may, after consultation with the Academic Board, by decrees determine whether any professional school or any research institute desiring connexion with the College shall be connected with the College and, in such case, the nature of the connexion; and the Council may by the same decrees—

Connected schools and connected institutes.

(a) determine the number of members which each connected school or connected institute may elect to the Academic Board;

(b) determine the period during which such members shall hold office.

(2) Where there is any connected school or connected institute, such school or institute shall elect, by such procedure as it may determine, from its members the determined number of members to the Academic Board and such elected members shall hold such office for such period as may be determined by the Council under this section.

14. (1) Unless the Academic Board otherwise determines, meetings of the Academic Board shall be held at least three times in each college term at such time and place as the chairman of the Academic Board may appoint.

Meetings and procedure of the Academic Board.

(2) The chairman of the Academic Board may at any time call a meeting of the Academic Board and shall call a meeting within ten days of a requisition for that purpose addressed to him and signed by ten members of the Academic Board.

(3) The chairman of the Academic Board, or in the event of his absence, the Vice-Principal, shall preside at all meetings of the Academic Board at which he is present and, in the event of the absence of both the chairman of the Academic Board and the Vice-Principal, the members present and constituting a quorum shall elect a temporary chairman from amongst their number.

(4) At any meeting of the Academic Board, ten members shall form a quorum.

(5) The chairman of a meeting shall have an original and a casting vote.

(6) The Academic Board may, subject to such limitation as it may think fit, delegate any of its powers or duties to committees consisting of such members of the Academic Board and other persons as it may think fit; and the Academic Board may empower any such committee to act jointly with any committee appointed by the Council.

(7) Subject to the provisions of this section, the Academic Board shall have power to regulate, by such means as it may think fit, its own procedure and the procedure of any committee of the Academic Board.

#### STAFF PROVISIONS

15. (1) There shall be a Principal of the College who shall be appointed by the Secretary of State on such terms and conditions as the Secretary of State, after consultation with the Visitor and the Council, may determine; and the Principal may for good cause be removed from his office by the Secretary of State on the joint recommendations of the Visitor and the Council.

(2) The Principal shall be the chief executive and academic officer of the College and shall be responsible to the Council—

(a) for the proper execution of the policy of the Council;

(b) for the proper enforcement of all decrees and rules made by the Council;

(c) for the discipline of the students of the College;

in so far as such matters do not fall within the functions of the Academic Board; and for such purposes the Principal shall have, subject to the provisions of this Act, all such powers as are necessary or advantageous and proper.

(3) The Principal shall be entitled to be present and speak at any meeting of any committee or other body of the College, but shall not be entitled to vote thereat unless he is a member thereof.

Appointment,  
powers and  
duties of the  
Principal.

**16.** (1) There shall be a Vice-Principal of the College who shall be appointed by the Council from among the Professors and Readers, and who shall hold office for such period as the Council may determine.

Appointment,  
powers and  
duties of  
Vice-Principal.

(2) The Vice-Principal may, subject to the directions of the Principal, exercise such of the powers and perform such of the duties of the Principal as the Principal may determine.

**17.** (1) The academic staff of the College shall be appointed by the Council and shall consist of the Vice-Principal, all full-time and part-time members of the College who are engaged in teaching or research, and the Librarian.

Academic staff.

(2) All members of the academic staff shall be appointed by the Council either—

(a) on such terms and conditions of service as may be determined by the Council by rules made under section 27; or

(b) in the case of a member seconded to the service of the College from the service of any University, University College or similar institution, the Government of any of the Territories, or any other public service, on such terms and conditions as may be agreed between the Council and the seconding body.

**18.** (1) The administrative staff of the College shall be appointed by the Council and shall consist of the Registrar, the Bursar and such other members of the staff of the College as the Council may determine.

Administrative  
staff.

(2) All members of the administrative staff shall be appointed by the Council either—

(a) on such terms and conditions of service as may be determined by the Council by rules made under section 27; or

(b) in the case of a member seconded to the service of the College from the service of the Government of any of the Territories or any other public service, on such terms and conditions as may be agreed between the Council and the seconding body.

**19.** All members of the staff of the College shall—

General terms  
of appoint-  
ment.

(a) be subject to the general authority of the Council and of the Principal;

(b) be deemed to be employed on a whole-time basis, save where it is otherwise specifically provided in relation to any particular member of the staff.

Council may delegate power of appointment.

20. The Council may, subject to such restrictions as it may impose, delegate to any person the power of appointment of any member of the staff of the College.

Council may make temporary appointment during absence, etc.

21. (1) In the event of the absence of both the Principal and Vice-Principal from the Territories, or in the event of the incapacity of both of them for any reason to perform the functions of their offices, the Council may appoint a member of the academic staff to have and exercise the powers and to perform the duties of the Principal.

(2) In the event of the absence of any member, other than the Principal, of the staff of the College from the Territories, or in the event of the incapacity of any such member for any reason to perform the functions of his office, the Council may appoint a suitable person to have and exercise the powers and to perform the duties of such member during such absence or incapacity.

#### FINANCIAL PROVISIONS

Assets, etc., vested in Council for interests of College.

22. All the funds, assets and property, movable and immovable, of the College shall be vested in the Council and shall be managed and utilized by the Council, in accordance with the provisions of this Act, in such manner and for such purposes as, in the opinion of the Council, would promote the best interests of the College:

Provided that the Council shall not charge or dispose of any immovable property vested in it without the prior approval of the Visitor, which approval the Visitor is hereby authorized to give subject to such conditions, if any, as he may think fit.

Funds, etc., of Council and utilization thereof.

23. (1) All the moneys of the Council shall be paid into one or other of the following funds and accounts—

- (a) the Endowment Fund;
- (b) the special account;
- (c) the capital account;
- (d) the revenue account.

(2) (a) There shall be paid into the Endowment Fund all such moneys as are received by the Council and as are declared specifically to be payable into that Fund.

(b) The Council shall not, save with the prior approval of the Secretary of State, expend any of the capital moneys of the Fund and shall pay into the revenue account all interest received from the investment of the moneys in the Endowment Fund.

(3) (a) There shall be paid into the special account all such moneys as are received by the Council for special purposes and as are not payable into the Endowment Fund or the other accounts.

(b) The capital moneys, and the interest therefrom, of the special account shall be used and applied for the special purposes for which such moneys were donated and in accordance with the conditions of the donation:

Provided that if the conditions of the donation do not permit the capital moneys thereof to be expended, the Council may, nevertheless, with the prior approval of the Secretary of State, expend such capital moneys, or any portion thereof, if in the opinion of the Council it is in the best interests of the College to do so.

(4) (a) There shall be paid into the capital account all such moneys as are received by the Council for the purposes of capital expenditure for the improvement of the College.

(b) The capital moneys, and the interest therefrom, of the capital account shall be used and applied on capital expenditure for the improvement of the College:

Provided that the Council may, with the prior approval of the Secretary of State, transfer moneys in the capital account to the revenue account.

(5) (a) There shall be paid into the revenue account—

(i) the interest received from the investments of the moneys in the Endowment Fund;

(ii) all fees, charges, dues and other amounts payable by or in respect of students;

(iii) all revenue grants made by the Governments of the Territories or by any other Government or person;

(iv) all sums transferred under this Act from the Endowment Fund or any other account to the revenue account;

(v) all other sums received by the Council and not payable into the Endowment Fund or any other account.

(b) The moneys standing to the credit of the revenue account shall be used and applied for the management and working of the College in such manner and for such purposes as, in the opinion of the Council, are best suited to promote the interests of the College.

Investment,  
etc., of moneys.

24. (1) The moneys standing to the credit of the Endowment Fund shall be invested by the Council through the Crown Agents in such securities as the Crown Agents are authorized by the Secretary of State to purchase for funds in their charge.

(2) The moneys, or any portion thereof, standing to the credit of any of the accounts of the Council may be invested by the Council in such securities as the Council may think fit or may be placed on deposit at such banks as the Council may determine.

Council to  
prepare annual  
estimates.

25. (1) The Council may determine which period of twelve months shall constitute the financial year of the College and shall cause to be prepared annually estimates of the revenue and expenditure of the Council for the ensuing financial year; and such estimates shall be approved by the Council before the commencement of such year.

(2) In such annual estimates the Council shall make provision for all the estimated expenditure during the ensuing financial year, and in particular—

- (a) for the payment of all salaries, passages and other charges in respect of the staff of the College;
- (b) for the payment of all pensions, gratuities and other charges in connexion with retiring benefits;
- (c) for the proper maintenance of the buildings and grounds of the College;
- (d) for the proper maintenance and replacement of the equipment of the College;
- (e) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance, replacement of buildings or equipment, or such other contingencies as the Council may think fit.

(3) A copy of such annual estimates shall be forwarded to the Secretary of State, the Visitor, the High Commission and each of the Governments making grants to the College.

Annual  
statements,  
report and  
audit.

26. (1) The Council shall cause to be prepared annually—

- (a) a statement of the income and expenditure during the previous financial year;
- (b) a statement of the assets and liabilities of the Council on the last day of such year; and

(c) a report on the working of the College during the previous financial year.

(2) The accounts of the Council and such statements, duly certified by the Principal, shall be submitted to and be audited by an auditor appointed by the Council and approved by the Visitor before such date following the end of the previous financial year as the Visitor may fix.

(3) Copies of such statements, of the annual report of the Council and of the auditor's report shall be forwarded to the Secretary of State, the Visitor, the High Commission and each of the Governments making grants to the College.

#### MISCELLANEOUS PROVISIONS

27. (1) The Council shall, subject to the provisions of this Act, have power—

Subsidiary  
legislation.

(a) to make decrees generally for the government, control and administration of the College and for the better carrying into effect of the purposes of this Act;

(b) to make rules in respect of the matters specified in section 4 (3) (d).

(2) The Academic Board may make regulations in accordance with any power conferred by decrees.

28. (1) The inaugural provisions set out in the Schedule shall, notwithstanding anything to the contrary in this Act, have effect in respect of the first members of the Council and of the Academic Board.

Inaugural and  
transitory  
provisions.

(2) Without prejudice to the provisions of the Interpretation Act, 1949, with respect to repeals, the transitory provisions set out in the Schedule shall have effect for the purpose of the transition to the provisions of this Act from the provisions of the enactments repealed by this Act.

(3) References in any enactment to the Makerere College Council shall be construed as references to the Council as established by this Act.

29. The Makerere College Ordinance, 1938, and the Makerere College (Amendment) Ordinance, 1941, of Uganda, are hereby repealed.

Repeal.

## SCHEDULE

## INAUGURAL PROVISIONS

1. Notwithstanding the provisions of sub-section (4) (b) (v) of section 7, the first three members of the Council to be appointed under the provisions of that sub-section shall on the commencement of this Act be appointed by the Principal from among the *ex officio* members of the Academic Board and such members so appointed shall be deemed for all purposes to be members appointed by the Academic Board from among the members of that Board in accordance with the provisions of such sub-section (4) (b) (v).

2. Notwithstanding the provisions of sections 10 and 11, for the purpose of ascertaining the first members of the Academic Board, the represented departments shall be—

- (a) English (comprising English Language and English Literature);
- (b) History;
- (c) Geography;
- (d) Mathematics;
- (e) School of Art;
- (f) Physics;
- (g) Medicine;
- (h) Chemistry;
- (i) Surgery;
- (j) Obstetrics and gynæcology;
- (k) Pathology;
- (l) Preventive Medicine;
- (m) Agriculture;
- (n) Social Studies;
- (o) Biology;
- (p) Education;
- (q) Anatomy;
- (r) Physiology;
- (s) Animal Husbandry;
- (t) Clinical Veterinary Medicine:

Provided that as from the date upon which a Professor is appointed as the head of any such department, that department shall cease to be a represented department.

3. Notwithstanding the provisions of sub-section (4) (a) of section 10, the first two members of the Academic Board to be elected under the provisions of that sub-section shall on the commencement of this Act be appointed by the Principal from among the members of the academic staff and shall retire at the end of the year in which this Act commences; and such members so appointed shall be deemed for all purposes to be members elected by the academic staff in accordance with the provisions of sub-section (4) (a).

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## TRANSITIONAL POWERS

4. There shall be transferred to and vested in the Council the Endowment Fund, all the funds, assets and property, movable and immovable, which immediately prior to the commencement of this Act, were vested in the Makerere College Council established under the Makerere College Ordinance, 1938 (by this Act repealed), of Uganda; and the Council shall cause all the moneys so transferred and vested to be paid into the appropriate fund or account in accordance with the provisions of section 23.

5. So far as is consistent with the provisions of this Act, there shall be transferred to, vested in and imposed on the Council all the rights, powers, liabilities and duties, whether arising under any law or by contract, which, immediately prior to the commencement of this Act, were vested in, imposed on or enforceable by or against the Makerere College Council established under the Makerere College Ordinance, 1938 (by this Act repealed), of Uganda.

6. All actions, suits and legal proceedings pending by or against the Makerere College Council established under the Makerere College Ordinance, 1938 (by this Act repealed), of Uganda, shall be carried on and prosecuted by or against the Council and no such action, suit or legal proceedings shall abate or be prejudicially affected by the provisions of this Act.

7. Notwithstanding the provisions of sections 17 and 18, all members of the staff of the College appointed under the provisions of the Makerere College Ordinance, 1938 (by this Act repealed), of Uganda, who are members of such staff immediately prior to the commencement of this Act, shall continue to be members of the staff of the College upon the same terms and conditions as those upon which they were appointed.

8. Notwithstanding the provisions of section 16, the Vice-Principal of the College immediately prior to the commencement of this Act shall continue to be the Vice-Principal for the period for which he was so appointed as if he had been appointed Vice-Principal under the provisions of this Act.

There shall be a committee of five members to be appointed by the Council at its first meeting. The committee shall have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it. The committee shall also have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it.

The Council shall have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it. The Council shall also have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it.

All matters relating to the business of the Council shall be decided by a majority vote of the Council. The Council shall have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it.

The Council shall have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it. The Council shall also have the honor of presenting to the Council at its next meeting a report on the progress of the work assigned to it.

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ACT No. 3 of 1949

THE STATISTICS ACT, 1949

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title.
- 2—Interpretation.
- 3—Appointment of Director, etc.
- 4—Duties and powers of Director.
- 5—Power of High Commission to direct the taking of a census.
- 6—Collection of other statistics.
- 7—Compilation and tabulation of statistics.
- 8—Restriction on publication.

SECTION

- 9—Power to obtain particulars.
- 10—Power to enter premises.
- 11—Offences.
- 12—Regulations.
- 13—Oath of secrecy.
- 14—Amendment of First Schedule.
- 15—Director may take census, etc., in British Possessions.
- 16—Repeal.

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 31st day of May, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO PROVIDE FOR THE TAKING OF CENSUSES AND FOR THE COLLECTION, COMPILATION, ANALYSIS AND PUBLICATION OF CERTAIN STATISTICAL INFORMATION AND FOR OTHER MATTERS RELATING THERETO**

15th June, 1949

ENACTED BY THE East Africa High Commission with the advice and consent of the Legislative Assembly thereof as follows:—

1. This Act may be cited as the Statistics Act, 1949. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“authorized officer” means the Director and any person appointed as such under section 3;

“British Possession” means any British Colony, British Protectorate or British Protected State, other than the Territories;

“Director” means the Director of the East African Statistical Department;

“statistics” means information in connexion with, or incidental to, any census or all or any of the matters specified in the First Schedule.

3. (1) There shall be a Director who shall be in charge of the East African Statistical Department and who shall be appointed by the High Commission under section 12 of the Order in Council. Appointment of Director, etc.

(2) The staff of the East African Statistical Department shall consist of such persons as the High Commission may appoint under section 12 of the Order in Council.

(3) Subject to the approval of the Administrator, the Director may, for the purpose of the performance of any of his duties under this Act, employ such persons in addition to the staff of the East African Statistical Department as may be necessary for the particular purpose.

(4) The Director may, in writing, appoint any person to be an authorized officer for the purposes of this Act; and the Director may delegate such power of appointment to any person.

Duties and powers of Director.

4. (1) It shall be the duty of the Director—

(a) to take any census in the Territories;

(b) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, agricultural, mining, social, economic and general activities and condition of the people of the Territories;

(c) to collaborate with the services of the High Commission and with departments of the Governments of the Territories in the collection, compilation, analysis and publication of statistical records of administration;

(d) generally to organize a co-ordinated scheme of social and economic statistics relating to the Territories,

in accordance with the provisions of this Act.

(2) It shall also be the duty of the Director to undertake, in relation to any British Possession, duties similar to all or any of those referred to in sub-section (1) when so directed by the Administrator under section 15.

(3) It shall be the duty of the Director to make such arrangements and to do all such things as are necessary for the performance of his duties under this Act.

Power of High Commission to direct the taking of a census.

5. The High Commission may, subject to the approval, to be signified by resolution, of the Assembly, by order direct that a census shall be taken for the Territories, or any part thereof, or any class of inhabitant thereof, and any such order may specify—

(a) the date or dates on or between which such census is to be taken; and

(b) the information to be obtained in such census.

6. With the approval of the Administrator the Director may, and on the direction of the Administrator the Director shall, collect, whether in conjunction with any census or not, statistics relating to all or any of the matters set out in the First Schedule, either in the Territories generally or in any part thereof:

Collection of other statistics.

Provided that the Director shall not collect any such statistics until regulations have been made under section 12 prescribing the particulars and information to be furnished in relation to the matter in respect of which the statistics are to be collected.

7. The Director shall cause the statistics collected under this Act to be compiled, tabulated and analysed and, subject to the provisions of this Act, may cause such statistics or abstracts thereof to be published, with or without observations thereon, in such manner as the Director may determine.

Compilation and tabulation of statistics.

8. Except for the purposes of a prosecution under this Act—

Restriction on publication.

- (a) no individual return, or part thereof, made for the purposes of this Act;
- (b) no answer given to any question put for the purposes of this Act;
- (c) no report, abstract or other document, containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business,

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the owner for the time being of the undertaking or business:

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract or other document, without such consent where the particulars in such report, abstract or other document, enable identification merely by reason of the fact that the particulars relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, so, however, that in no case shall such particulars enable identification of the costs of production, the capital employed or profits arising in any such undertaking or business.

Power to obtain particulars.

9. (1) Where any census is being taken or any other statistics are being collected in accordance with the provisions of this Act, an authorized officer may require any person from whom particulars may lawfully be required under this Act to supply him with such particulars as may be prescribed or such of those particulars as the Director may consider necessary or desirable in relation to the taking of such census or the collection of such statistics; and for such purposes such person shall, to the best of his knowledge and belief, fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such time, as may be required by the authorized officer in accordance with regulations made under section 12.

(2) An authorized officer may require any person to supply him with particulars either by interviewing such person personally or by leaving at the last known address, or posting to the last known address, of such person a form having thereon a notice requiring the form to be filled up and returned in the manner and within the time specified in the notice.

(3) Where any particulars are, by any document purporting to be issued by an authorized officer, required to be supplied by any person, it shall be presumed until the contrary is proved—

- (a) that the particulars may lawfully be required from that person in accordance with the provisions of this Act;
- (b) that the document has been issued by an authorized officer.

Power to enter premises.

10. An authorized officer may, at all reasonable times and upon production, if required, of his authorization, for any purpose—

- (a) connected with the taking of a census, enter and inspect any premises where persons are employed, or any dwelling house;
- (b) connected with the collection of other statistics, enter and inspect any premises where persons are employed, except a dwelling house,

and in either such case may make such inquiries as may be necessary for the performance of his duties.

Offences.

11. (1) Any person, being a person employed in the execution of any duty under this Act, who—

- (a) by virtue of such employment becomes possessed of any information which might exert an influence upon

or affect the market value of any share, interest, product or article, and before such information is made public, directly or indirectly uses such information for personal gain;

(b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment;

(c) knowingly compiles for issue any false statistics or information,

shall be guilty of an offence against this Act and shall on conviction therefor be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six thousand shillings or to both such imprisonment and fine.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence against this Act and shall on conviction therefor be liable to imprisonment for a term not exceeding three years or to a fine not exceeding six thousand shillings or to both such imprisonment and fine.

(3) Any person who—

(a) hinders or obstructs an authorized officer in the execution of any powers under this Act;

(b) refuses or neglects—

(i) to fill up and supply the particulars required in any return, form or other document, lawfully left with or sent to him; or

(ii) to answer any questions or inquiries lawfully asked him,

under the authority of this Act;

(c) knowingly makes in any return, form or other document, filled up or supplied under this Act, or in any answer to any question or inquiry asked him under the authority of this Act, any statement which is untrue in any material particular,

shall be guilty of an offence against this Act and shall on conviction therefor be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand shillings or to both such imprisonment and fine.

12. (1) The Administrator may make regulations Regulations. generally for the better carrying into effect of the provisions of

this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing the particulars and information to be furnished on the taking of a census or in relation to any matter in respect of which statistics may be collected under the provisions of this Act;
- (b) prescribing the manner and form in which, the times and places at which, and the persons by whom such particulars and information shall be furnished;
- (c) prescribing the fees and charges to be paid to the Director for any special information or report supplied, or any special investigation carried out, by the Director.

(2) Regulations made under this section shall be laid before the Assembly at the next meeting after publication thereof; and if the Assembly within a period of seven days after the regulations are so laid before it resolves that such regulations shall be annulled the regulations shall cease to have effect as from the date of such resolution, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Oath of secrecy.

**13.** Every person employed in the execution of any duty under this Act shall, before entering on his duties, make and subscribe before a magistrate or commissioner for oaths an oath in the form set out in the Second Schedule hereto.

Amendment of First Schedule.

**14.** The High Commission may, subject to the approval, to be signified by resolution, of the Assembly, by order amend the First Schedule.

Director may take census, etc., in British Possessions.

**15.** On the request of the Government of any British Possession the Administrator may direct the Director to take a census, or to collect statistics, in that Possession in accordance with such request.

Repeal.

**16.** The following Ordinances are hereby repealed:—

Cap. 31.  
No. 12 of 1926.  
No. 31 of 1925.

(a) The Statistics Ordinance, the Statistics (Amendment) Ordinance, 1926, and the Census Ordinance, 1925, of Kenya;

No. 1 of 1948.

(b) The Census Ordinance, 1948, of Tanganyika;

Cap. 25.

(c) The Census Ordinance of Uganda.

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## FIRST SCHEDULE

1. Population and housing.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Internal and external trade.
5. Primary and secondary production.
6. Agriculture, including dairying, horticulture, pastoral and allied industries.
7. Forestry and fishing.
8. Factories, mines and productive industries generally.
9. Employment and unemployment.
10. Salaries, wages, bonuses, fees, allowances and any other payments and honoraria for services rendered.
11. Income, earnings, profits and interest.
12. Social, educational, labour and industrial matters, including associations of employers, employees, and other persons generally.
13. Industrial disturbances and disputes.
14. Banking, insurance and finance generally.
15. Commercial and professional undertakings.
16. Distributive trades.
17. Health.
18. Transport and communication in all forms by land, water or air.
19. Wholesale and retail prices of commodities, rents and cost of living.
20. Injuries, accidents and compensation.
21. Stocks of manufactured and unmanufactured goods.
22. Sweepstakes, lotteries, charitable and other public collections of money.
23. Land tenure, and the occupation and use of land.
24. Local Government.

## SECOND SCHEDULE

I, ....., solemnly swear that I shall faithfully and honestly fulfil my duties as ..... in conformity with the requirements of the Statistics Act, 1949, and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

**ACT No. 4 of 1949**

**THE APPROPRIATION (EAST AFRICAN RAILWAYS  
AND HARBOURS) ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 31st day of May, 1949.

P. E. MITCHELL,  
*Chairman of the East Africa High Commission.*

**AN ACT TO APPLY A SUM OF MONEY FOR THE  
EXPENDITURE OF THE EAST AFRICAN  
RAILWAYS AND HARBOURS ADMINISTRATION  
FOR THE YEAR ENDING 31st DECEMBER, 1949**

*15th June, 1949*

WHEREAS an amount of fourteen million, four hundred and sixty-seven thousand, four hundred and ten pounds is required for the expenditure of the East African Railways and Harbours Administration, a self-contained service of the High Commission, for the year ending 31st December, 1949:

NOW, THEREFORE, be it enacted by the East Africa High Commission, with the advice and consent of the Legislative Assembly thereof, as follows:—

Short title.

1. This Act may be cited as the Appropriation (East African Railways and Harbours) Act, 1949.

Interpretation.

2. In this Act "the Fund" means the Railways and Harbours Fund maintained under the provisions of section 41 of the Order in Council.

Expenditure charged on Fund.

3. The Fund is hereby charged with the sum of fourteen million, four hundred and sixty-seven thousand, four hundred and ten pounds towards the expenditure of the East African Railways and Harbours Administration for the year ending 31st December, 1949.

Appropriation.

4. The moneys granted by this Act shall be appropriated for the purposes and services specified in the Schedule.

Authority of Chief Accountant to pay.

5. The Chief Accountant of the East African Railways and Harbours Administration is hereby authorized upon a warrant under the hand of the Commissioner for Transport to pay out of the Fund for the purposes and services specified in the Schedule a sum not exceeding in the aggregate fourteen million, four hundred and sixty-seven thousand, four hundred and ten pounds for the year ending 31st December, 1949.

1949

## Appropriation

No. 4

## SCHEDULE

## RAILWAYS

	<i>Kenya-Uganda Section</i>	<i>Tanganyika Section</i>
	£	£
WORKING ACCOUNT—		
Maintenance of Way and Works .. ..	403,199	142,731
Maintenance of Engines and Rolling Stock	612,332	149,893
Locomotive Running Expenses .. ..	859,416	272,940
Traffic Expenses .. ..	453,705	121,207
Hotel and Catering Services .. ..	79,454	35,091
Water Transport Services .. ..	130,166	29,326
Road Services .. ..	21,292	150,243
General Charges .. ..	127,014	45,492
Miscellaneous Expenditure .. ..	1,136,424	288,168
NET REVENUE ACCOUNT—		
Loan Interest Charges .. ..	270,065	143,604
Loan Redemption Charges .. ..	119,228	71,091
Loan Management, etc., Expenses .. ..	1,800	542
Depreciation of Stores Stocks .. ..	1,000	500
Special Contribution to Superannuation Fund	4,350	—
NEW AND ADDITIONAL WORKS—REPLACEMENTS, ETC.—		
Lines Open for Traffic .. ..	624,178	157,545
New Lines under Construction .. ..	100,000	1,772,000
Rolling Stock .. ..	1,423,573	1,761,392
Manufacturing and Repairing Works and Plant .. ..	129,334	93,735
Water Transport Services .. ..	142,146	51,400
Road Services .. ..	17,945	56,152
Staff Quarters .. ..	457,498	57,497
Unforeseen Works .. ..	30,000	30,000
	<u>£7,144,119</u>	<u>£5,430,549</u>
Total Railways ..	<u>£12,574,668</u>	

No. 4

## Appropriation

1949

	HARBOURS	
	Kenya-Uganda Section	Tanganyika Section
	£	£
<b>WORKING ACCOUNT—</b>		
Maintenance of Way and Works .. ..	46,284	12,244
Maintenance of Craft and Mechanical Plant .. ..	47,248	21,761
Marine Working .. ..	26,881	36,414
Shore Working .. ..	90,938	30,823
General Charges .. ..	33,777	10,541
Miscellaneous Expenditure .. ..	116,580	28,977
Lighterage and Shore Handling .. ..	294,585	324,591
<b>NET REVENUE ACCOUNT—</b>		
Loan Interest Charges .. ..	102,602	18,230
Loan Redemption Charges .. ..	40,102	6,912
Loan Management and Expenses .. ..	700	70
Depreciation, etc., of Stores Stocks .. ..	100	—
Special Contribution to Superannuation Fund .. ..	650	—
<b>NEW AND ADDITIONAL WORKS—REPLACEMENTS, ETC.—</b>		
Wharves, Quays and Jetties .. ..	2,027	83,100
New Wharves, Quays and Jetties under Construction .. ..	23,750	—
Floating Plant and Machinery .. ..	15,600	47,600
Shore Plant and Machinery .. ..	92,025	15,940
Land and Buildings .. ..	274,240	18,450
Unforeseen Works .. ..	20,000	9,000
	<u>£1,228,089</u>	<u>£664,653</u>
Total Harbours .. ..	£1,892,742	
Total Railways and Harbours .. ..	<u>£14,467,410</u>	

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**ACT No. 5 of 1949**

**THE APPROPRIATION (EAST AFRICAN POSTS AND  
TELEGRAPHS) ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 31st day of May, 1949.

P. E. MITCHELL,  
*Chairman of the East Africa High Commission.*

**AN ACT TO APPLY A SUM OF MONEY FOR THE  
EXPENDITURE OF THE EAST AFRICAN POSTS  
AND TELEGRAPHS DEPARTMENT FOR THE  
YEAR ENDING 31st DECEMBER, 1949**

*15th June, 1949*

WHEREAS an amount of two million, one hundred and twenty-nine thousand, two hundred and ninety pounds is required for the expenditure of the East African Posts and Telegraphs Department, a self-contained service of the High Commission, for the year ending 31st December, 1949:

NOW, THEREFORE, be it enacted by the East Africa High Commission, with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Appropriation (East African Posts and Telegraphs) Act, 1949. Short title.
2. In this Act "the Fund" means the Posts and Telegraphs Fund maintained under the provisions of section 41 of the Order in Council. Interpretation.
3. The Fund is hereby charged with the sum of two million, one hundred and twenty-nine thousand, two hundred and ninety pounds towards the expenditure of the East African Posts and Telegraphs Department for the year ending 31st December, 1949. Expenditure charged on Fund.
4. The moneys granted by this Act shall be appropriated for the purposes and services specified in the Schedule. Appropriation.
5. The Chief Accountant of the East African Posts and Telegraphs Department is hereby authorized upon a warrant under the hand of the Postmaster General to pay out of the Fund for the purposes and services specified in the Schedule a sum not exceeding in the aggregate two million, one hundred and twenty-nine thousand, two hundred and ninety pounds for the year ending 31st December, 1949. Authority of Chief Accountant to pay.

## SCHEDULE

GENERAL AND FUNCTIONAL—					£
Headquarters	...	...	...	...	451,680
Regional Headquarters	...	...	...	...	21,000
Operational Organization	...	...	...	...	560,280
ENGINEERING—					
Headquarters	...	...	...	...	306,280
Regional Headquarters	...	...	...	...	51,170
Field Organization	...	...	...	...	360,670
BUILDINGS—					
Headquarters	...	...	...	...	312,720
Works Organization	...	...	...	...	36,990
TRAINING	...	...	...	...	28,500
					<u>£2,129,290</u>

ACT No. 6 of 1949

THE EAST AFRICAN NAVAL FORCE ACT, 1949

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Establishment of East African Naval Force.
- 4—Power to acquire and maintain warships.
- 5—Expense of maintenance of Force, etc.
- 6—The Force, etc., may be placed at the disposal of His Majesty.
- 7—Constitution and disbandment of units.
- 8—Power to constitute an Auxiliary Service, etc.
- 9—Control of the Force.
- 10—Size of Force, appointments and discharge.
- 11—Period of service.

SECTION

- 12—Acceptance of general service.
- 13—Instruction, training and exercise.
- 14—Discipline.
- 15—Pay and allowances.
- 16—Family allowance.
- 17—Provisions for death or injury.
- 18—Power to declare state of emergency.
- 19—Offences.
- 20—Offences by members of the Force.
- 21—Regulations.
- 22—Exemption from provisions relating to explosives, etc.
- 23—Power to amend Schedule.
- 24—Repeal.

SCHEDULE

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO MAKE PROVISION FOR RAISING AND MAINTAINING AN EAST AFRICAN NAVAL FORCE FOR THE NAVAL DEFENCE OF THE TERRITORIES, FOR MAINTAINING AND USING WARSHIPS, FOR MEETING THE EXPENSES OF SUCH FORCE AND WARSHIPS, FOR PLACING AT THE DISPOSAL OF HIS MAJESTY FOR GENERAL SERVICE IN THE ROYAL NAVY THE MEMBERS OF SUCH FORCE AND SUCH WARSHIPS, AND FOR OTHER MATTERS RELATING THERETO.**

*By Notice*

ENACTED BY the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the East African Naval Force Act, 1949, and shall come into operation on such date as the High Commission may by notice in the Gazette appoint:

Short title and commencement.

Provided that no such notice shall be issued until His Majesty in Council has, in accordance with the provisions of the Colonial Naval Defence Acts, 1931 and 1949, of Parliament, approved of the provisions of this Act.

## Interpretation.

2. In this Act, unless the context otherwise requires—  
“actual service” means service during the continuance of an emergency declared under section 18;

“civilian employee” means any person in the Auxiliary Service employed by the High Commission on civilian terms;

“Commanding Officer” means the officer appointed by the High Commission to command the Force;

“family” includes a wife, children, stepchildren, adopted children and grandchildren;

“the Force” means the East African Naval Force raised under the provisions of this Act;

“the Fund” means the Fund established by the High Commission under the provisions of section 42 of the Order in Council;

“member of the Force” means any person of whatever rank or rating entered for service in the Force, but does not include a sea cadet or a civilian employee;

“officer” means an officer appointed under a commission or a warrant from the High Commission;

“rating” means a member of the Force below the rank of warrant officer;

“sea cadet” means a member of a sea cadet unit constituted under the provisions of this Act;

“the Territories” include the territorial waters thereof;

“warrant officer” means an officer appointed under a warrant from the High Commission.

## Establishment of East African Naval Force.

3. There shall be raised and maintained a force, to be called the East African Naval Force, for the naval defence of the Territories within the territorial waters thereof.

## Power to acquire and maintain warships.

4. The High Commission may acquire, maintain and use warships and shore establishments for the naval defence of the Territories.

## Expense of maintenance of Force, etc.

5. The Force raised and maintained, and the warships and shore establishments acquired, maintained and used, under the provisions of this Act shall be raised, maintained, acquired and used at the expense of the High Commission out of moneys forming part of the Fund and provided by the Legislative Councils of the Territories or from other sources for such purposes.

## The Force, etc., may be placed at the disposal of His Majesty.

6. The High Commission may offer to place at His Majesty's disposal for general service in the Royal Navy—

(a) all or any of the members of the Force who have been entered on terms accepting such service;

(b) all or any of the warships and shore establishments acquired, maintained and used under the provisions of this Act.

7. (1) The Force shall consist of such units as the High Commission may prescribe; and the High Commission may disband any unit constituted under this Act.

Constitution and disbandment of units.

(2) The High Commission may by regulations provide for the constitution of a sea cadet unit to be connected with the Force.

8. (1) The High Commission may constitute as part of the Force—

Power to constitute an Auxiliary Service, etc.

(a) an Auxiliary Service;

(b) a Reserve of Officers;

(c) a Volunteer Reserve.

(2) The Auxiliary Service may consist of officers and ratings who are members of the Force for administrative purposes but who do not necessarily attend instructional training for combatant service, and civilian employees.

(3) The Reserve of Officers shall consist of—

(a) officers who, having completed not less than five years service with the Force and having expressed a desire to transfer to the Reserve of Officers, have been so transferred;

(b) officers who, having satisfied the Commanding Officer that by reason of previous training they can perform efficiently the duties of officers and by reason of age or special circumstances are unable to join or continue in a unit constituted under section 7, have been appointed to the Reserve of Officers.

(4) The Volunteer Reserve shall consist of persons who have been entered for service with the Force as volunteers.

9. (1) The Force shall be under the control, orders and general direction of the High Commission.

Control of the Force.

(2) The executive command of the Force shall be vested in the Commanding Officer, who shall be appointed by the High Commission and shall give effect to any orders and general directions of the High Commission and shall be responsible to the High Commission for all matters of administration and training.

(3) The High Commission may, subject to the concurrence of the Admiralty, by order place the Force, or any part thereof, under the control of the Admiralty subject to such conditions, if any, as may be specified in such order; and thereupon the Admiralty may, in relation to the Force or such part thereof as is so placed under its control, exercise, subject to the said conditions, if any, all the powers of the High Commission.

Size of Force, appointments and discharge.

10. (1) The Force shall consist of such numbers of officers, ratings and civilian employees as the High Commission may prescribe.

(2) The officers of the Force shall be appointed by the High Commission by commission or warrant.

(3) The High Commission may, with or without assigning any reason therefor, at any time dispense with the services of any member of the Force.

(4) The Commanding Officer may at any time discharge any rating on the ground that he is not likely to become an efficient member of the Force.

(5) Civilian employees shall be employed by the High Commission in accordance with the appropriate provisions applicable to persons in the service of the High Commission.

Period of service.

11. (1) Every member of the Force shall be entered for a period of service of five years, which period of service may be renewed, and shall during such service be subject to the provisions of this Act:

Provided that—

(a) the period of service of a person who is a member of the Volunteer Reserve shall be three years;

(b) a person who is, at the time he is entered for service, over such age as may be prescribed may be entered for such period of service, being less than five years or three years, as the case may be, as may be approved by the Commanding Officer.

(2) At the expiration of a period of service a member of the Force shall be entitled to claim his discharge:

Provided that if he is then on actual service his right to discharge shall be suspended until the cessation of such service.

(3) Every member of the Force, other than an officer of the Reserve of Officers and a member of the Volunteer Reserve, shall be liable to continuous service with the Force during his period of service.

Acceptance of general service.

12. (1) Any member of the Force may give an undertaking in writing to accept general service in the Royal Navy in emergency, and such undertaking shall be irrevocable so long as the person giving it remains a member of the Force.

(2) Members of the Force who have given the undertaking referred to in sub-section (1) shall—

(a) in the case of members of the Volunteer Reserve, form part of the Royal Naval Volunteer Reserve;

(b) in the case of other members of the Force, form part of the Royal Naval Reserve.

**13.** Members of the Force shall be liable to instruction, training and exercise in any ship, establishment or other place within or without the limits of the Territories and whether belonging to the Territories or not:

Instruction,  
training and  
exercise.

Provided that an officer of the Reserve of Officers and a member of the Volunteer Reserve shall, save when on actual service, only be required to attend instruction, training and exercise during such period as may be prescribed.

**14.** Every member of the Force shall be subject to the provisions, as adapted and modified in accordance with the provisions of the Schedule, of the Naval Discipline Act of Parliament and all other laws and regulations for the time being in force for the government of His Majesty's ships, vessels and naval forces to the same extent as if he were a member of the Royal Navy:

Discipline.

Provided that the provisions of this section shall not apply to an officer of the Reserve of Officers or a member of the Volunteer Reserve, save when he is under instruction, training or exercise, or on actual service, or to a woman member of the Force.

**15.** (1) All members of the Force shall be entitled to such pay and allowances as may be prescribed.

Pay and  
allowances.

(2) Civilian employees shall be entitled to pay and allowances in accordance with the terms of their employment.

**16.** Every member of the Force on actual service shall during the period of such service be entitled to such family allowance as may be prescribed.

Family  
allowance.

**17.** (1) Every member of the Force who may have received wounds or injuries or suffered illness in such circumstances as may be prescribed shall be entitled to such benefits as may be prescribed.

Provisions  
for death or  
injury.

(2) The family of any member of the Force who may have been killed or have died of wounds received on actual service, or who may have died through illness directly traceable to fatigue or exposure incident to such service, shall be entitled to such benefits as may be prescribed.

**18.** The High Commission may by Proclamation declare that a state of emergency exists in the Territories or any part of them; and thereupon the High Commission may call into actual service all or any of the officers of the Reserve of Officers and the members of the Volunteer Reserve.

Power to  
declare state  
of emergency.

## Offences.

## 19. Any person who—

- (a) knowingly obstructs any portion of the Force, or any member thereof, or any civilian employee, in the performance of any service or duty under this Act; or
- (b) knowingly induces, or aids or abets, any member of the Force or civilian employee to neglect, or to act in conflict with, his duty as a member of the Force or civilian employee, as the case may be; or
- (c) knowingly incites, or aids or abets, any member of the Force to commit any act of indiscipline, or any act whereby any lawful order given to any member of the Force, or any law or regulation with which it is the duty of any member of the Force to comply, may be evaded or infringed; or
- (d) knowingly supplies, or aids or abets in supplying any member of the Force with intoxicating liquor when such member is on duty and prohibited from receiving or taking intoxicating liquor; or
- (e) without lawful authority wears the uniform, or part of the uniform, or any badge, or emblem, of the Force, or falsely represents himself as entitled to wear such uniform, badge or emblem,

shall be guilty of an offence against this Act and shall, on conviction therefor, be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

## Offences by members of the Force.

## 20. (1) Any member of the Force who—

- (a) fails without just cause (the proof whereof shall lie upon him) to attend at any time or place lawfully appointed by proper authority for instruction, training or exercise;
- (b) when in uniform or on duty or under instruction, training or exercise, is drunk or is guilty of insubordinate conduct;
- (c) without proper authority, gives, sells, pledges, lends or otherwise disposes of, or loses by neglect, or causes damage to, any arms, ammunition, accoutrements, clothing, supplies, or any other article or thing entrusted to or held by him or in his charge for the service of the Force, or fails to deliver up such property when so required by the Commanding Officer; or

(d) does any act to hazard or to cause any stranding, loss or damage to any ship or vessel used for the purposes of the Royal Navy or of the Force,

shall be guilty of an offence against this Act and shall, on conviction therefor be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Any member of the Force convicted of an offence against paragraph (c) or paragraph (d) of subsection (1) shall in addition to any other punishment, be liable to be ordered to pay to the Commanding Officer a sum of money not exceeding the cost of replacement or repair of the article disposed of, lost, damaged, or not delivered up, and in default of payment thereof he shall be liable to imprisonment for a further term not exceeding three months.

(3) Nothing in this section shall be construed as derogating from the provisions of section 14, or prejudicing in any way any action which may be taken against any member of the Force by virtue of the provisions of that section or of any Regulations made under this Act.

21. (1) The High Commission may make Regulations generally for the better carrying into effect of the provisions of this Act and for the government, control, organization and administration of the Force, and for prescribing all things required by this Act to be prescribed. Regulations.

(2) Regulations made under the provisions of subsection (1) may, without prejudice to the generality thereof, provide—

- (a) for the numerical establishments of units of the Force and the grades, ranks and ratings therein;
- (b) for the manner in which, and conditions subject to which, persons desiring to be entered may be entered, and the form of declaration to be taken by such persons;
- (c) for the training and inspection of the Force, the formation of training camps, the establishment of depots or stations, and the holding of exercises for the Force;
- (d) for the attendance at courses of instruction of members of the Force;
- (e) for the calling out of officers of the Reserve of Officers and members of the Volunteer Reserve;
- (f) for the requisitioning of goods or accommodation in time of emergency;

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- (g) for the rate of pay and allowances for members of the Force and the circumstances in which officers of the Reserve of Officers and members of the Volunteer Reserve are eligible for pay and allowances;
- (h) for the pensions, gratuities and other benefits payable to members of the Force or to their families;
- (i) for the seniority of officers of the Force and the appointment to, promotion to, and tenure of commissioned or warrant rank in the Force;
- (j) for the advancement to, or reversion from, higher rating in the Force;
- (k) for the issue and care of arms, ammunition, accoutrement, clothing and equipment for members of the Force;
- (l) for the establishment and conduct of institutions providing recreation and refreshments to members of the Force;
- (m) for returns, books, forms and correspondence relating to the Force;
- (n) for the adaptation or modification of the provisions of this Act in its application to women members of the Force, for the disciplinary provisions applicable to, and punishments imposable on, such women members and for the persons or courts before whom charges against such women members may be heard;
- (o) for the constitution of a sea cadet unit, for the manner of its connexion with the Force, for the manner in which and the conditions on which boys, between such ages as may be specified, may become sea cadets and for the training, discipline, grades, uniform and allowances of sea cadets.

**22.** The High Commission, in relation to the Force, and all members of the Force shall be exempt from the provisions of any Ordinance of any of the Territories relating to the manufacture, storage, possession, or transmission of firearms, explosives, gunpowder or munitions of war to the same extent and in the same manner as members of His Majesty's Armed Forces are exempt.

**23.** The High Commission may by order amend the provisions of the Schedule.

**24.** The Kenya Naval Volunteer Ordinance, 1940, and the Kenya Naval Volunteer and Defence Ordinance, 1940, of Kenya, are hereby repealed:

Exemption from provisions relating to explosives, etc.

Power to amend Schedule.

Repeal.  
No. 2 of 1940.  
No. 17 of 1940.

Provided that all persons who on the coming into operation of this Act are members of the Kenya Royal Naval Volunteer Reserve established under those Ordinances shall be deemed to be members of the Volunteer Reserve constituted under this Act for the remainder of their period of service and to the same extent as if this Act had been in operation at the date on which any such member became a member of such Kenya Royal Naval Volunteer Reserve, so, however, that nothing herein contained shall be construed as preventing any such member from entering for a period of service as a member of any other part of the Force.

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SCHEDULE

Section 14.

1. Where in the Naval Discipline Act of Parliament and in King's Regulations and Admiralty Instructions in so far as they are applicable to members of the Force—

- (a) any power or duty is vested in or imposed on the Admiralty, such power or duty shall, in respect of the Force and the members thereof, be vested in, exercised or performed by the High Commission;
- (b) any reference is made to an amount in British currency it shall constitute a reference to an equivalent amount in East African currency.

2. Unless the context otherwise requires and for the purposes of the application of the Naval Discipline Act of Parliament, and all other laws and regulations for the time being in force for the government of His Majesty's ships, to the members of the Force, any reference in such Act, laws or regulations to—

“His Majesty's service” shall include a reference to service as a member of the Force;

“His Majesty's ships” shall include a reference to a warship acquired, maintained and used under this Act;

“His Majesty's naval forces” shall include a reference to the Force;

“England”, “the United Kingdom” or “the United Kingdom of Great Britain and Ireland” shall include a reference to the Territories;

“court-martial” shall include a reference to a court constituted in accordance with the provisions of this Schedule;

“Government Printer” shall include a reference to the High Commission Printer.

3. Sentence of death, or of imprisonment for a period exceeding twelve months, shall not be imposed by a court constituted in accordance with the provisions of this Schedule.

4. Any sentence of dismissal with disgrace, or of imprisonment exceeding six months, imposed by a court constituted in accordance with the provisions of this Schedule shall be subject to confirmation by the High Commission.

5. Any offence not capital which is triable under the Naval Discipline Act of Parliament and is not committed by an officer may, subject to any regulations made under this Act, be summarily tried by

the Commanding Officer, subject to the restriction that the Commanding officer shall not have power to award dismissal with disgrace, or imprisonment or detention for more than three months.

6. Where any member of the Force is alleged to have committed any offence against the Naval Discipline Act of Parliament, then, subject to the provisions of section 101 of that Act, in the case of an officer, the charge shall, and in the case of a rating, the charge may, subject to the provisions of paragraph 5 of this Schedule, be determined by a court constituted and regulated as follows—

(a) the High Commission or Commanding Officer shall have power to order a court to be held for the trial of offences;

(b) the court shall consist of three officers who shall be officers of the Force or officers of the Royal Navy;

(c) the president of the court shall be named by the authority ordering the court and, subject to the provisions of this paragraph, the president shall appoint the other officers of the court;

(d) in the case of a charge against an officer, the president of the court shall be a lieutenant-commander or of higher rank, and in the case of a charge against a rating, the president of the court shall be a lieutenant or of higher rank;

(e) in the case of a charge against an officer, two at least of the members of the court shall be of the same rank as, or higher than, that of the officer charged;

(f) the prosecutor shall not sit on any court for the trial of a person he prosecutes.

7. The powers, duties and functions of a deputy judge advocate shall, where it is impracticable for the president of the court to appoint a person to officiate as deputy judge advocate of the trial, be exercised and performed by the president of the court.

8. Section 52 of the Naval Discipline Act of Parliament shall have effect as if the following paragraph were inserted therein immediately after paragraph (11):—

“(12) fine not exceeding Sh. 100 which, in default of payment, shall be recoverable and applied as if it had been imposed by a court in accordance with the law for the time being in force in the Territories.”

9. Section 60 of the Naval Discipline Act of Parliament shall have effect as if the word “two” was substituted for the word “four”.

10. Section 68 of the Naval Discipline Act of Parliament shall have effect as if all the words after the word “known” were deleted therefrom.

11. Sections 58, 65, 90A and 98A of the Naval Discipline Act of Parliament shall not apply to members of the Force.

12. Section 90B of the Naval Discipline Act of Parliament shall apply in relation to the Force as it applies to the naval forces of His Majesty.

13. The provisions of this Schedule shall not apply to any member of the Force placed, in accordance with provisions of section 6 of the Act, at His Majesty's disposal for general service in the Royal Navy.

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**ACT No. 7 of 1949**

**THE GENERAL LOAN AND STOCK ACT, 1949**

**ARRANGEMENT OF SECTIONS**

SECTION	SECTION	
1—Short title.	20—Notice of time and place appointed for drawing.	
<b>PRELIMINARY PROVISIONS</b>		
2—Interpretation.	21—Mode of drawing.	
3—Application of Act.	22—Notice of debentures drawn for redemption.	
4—Loans to be raised by debentures or stock.	23—Payment of drawn debentures and cesser of interest.	
5—Loans to be charged upon fund of self-contained service.	24—Redeemed debentures to be cancelled.	
<b>PROVISIONS RELATING TO DEBENTURES</b>		
6—Borrowing upon debentures.	<b>PROVISIONS RELATING TO STOCK</b>	
7—Amount of each debenture.	25—Borrowing upon stock.	
8—Redemption of debentures.	26—When the principal is to be repaid.	
9—Interest coupons.	27—Mode of providing for payment of interest on stock.	
10—Form of debenture and coupons.	28—Mode of providing for payment of principal stock.	
11—Debentures and coupons transferable by delivery.	29—Creation of sinking fund.	
12—Registry of debentures.	30—Creation, registration, issue, conversion and transfer of stock.	
13—Payment of interest.	31—Authority to make regulations under Colonial Stock Act, 1877.	
14—Mode of providing for payment of interest on debentures.	<b>GENERAL PROVISIONS</b>	
15—Remittances for the redemption of debentures.	32—Charge upon fund of self-contained service if sinking fund insufficient.	
16—Application of sinking fund.	33—Cesser of sinking fund contributions.	
17—Sinking fund for the redemption of debentures payable on a fixed date.	34—Expenses to be paid out of sinking fund.	
18—Disposal of sinking fund when debentures are redeemed by annual drawings, etc.	35—Powers of High Commission.	
19—Appointment of day for drawing of debentures.	36—Exchange of securities for stock.	
	37—Converted securities to be cancelled.	
	38—Trustees to apportion amount of sinking fund released by conversion.	

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO DECLARE THE TERMS AND CONDITIONS APPLICABLE TO LOANS AUTHORIZED TO BE RAISED BY THE HIGH COMMISSION IN RESPECT OF SELF-CONTAINED SERVICES AND TO PROVIDE FOR THE CREATION OF STOCK**

*31st October, 1949*

WHEREAS it is expedient to define in one Act the terms and conditions applicable to loans hereafter authorized to be raised by the Assembly in respect of the self-contained services of the High Commission:

AND WHEREAS it is expedient to provide for the creation of High Commission stock, and to enable the High Commission to take advantage of the provisions of the Colonial

Stock Act, 1877, of Parliament and the subsequent Acts of Parliament on the same subject:

NOW, THEREFORE, BE IT ENACTED by the East Africa High Commission, with the advice and consent of the Legislative Assembly thereof, as follows:—

Short title. 1. This Act may be cited as the General Loan and Stock Act, 1949.

#### PRELIMINARY PROVISIONS

Interpretation. 2. In this Act, unless the context otherwise requires—  
“stock” means both inscribed stock and registered stock;  
“registered stock” means stock transferable by instrument in writing.

Application of Act. 3. This Act shall apply only to the raising of loans in United Kingdom, and nothing in this Act shall prevent the raising of loans in the Territories upon such terms and conditions as shall be specified in any Act authorizing the raising of such loans.

Loans to be raised by debentures or stock. 4. Whenever by any Act authority is hereafter given to raising any sum of money for the purposes mentioned in such Act, the High Commission, or the Crown Agents acting on its behalf, may, from time to time, as the High Commission or the Crown Agents may deem expedient, raise such sum either by debentures or by High Commission stock, or partly by debentures and partly by stock.

Loans to be charged upon fund of self-contained service. 5. The principal moneys and interest represented by the debentures or stock issued under the provisions of this Act are hereby charged upon and shall be payable out of the fund of the self-contained service in respect of which the loan is raised.

#### PROVISIONS RELATING TO DEBENTURES

Borrowing upon debentures. 6. When the High Commission, or the Crown Agents acting on its behalf, deem it expedient to raise money by debentures, such debentures shall be issued in London on behalf of the High Commission by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.

Amount of each debenture. 7. Every debenture issued under the provisions of this Act shall be for the sum of not less than one hundred pounds sterling.

8. The debentures shall be redeemable either—
- (a) at par on a fixed date to be declared on the issue of the debentures, such date not being later than sixty years from the date of issue:
- Provided that the High Commission, or the Crown Agents acting on its behalf, may reserve the option to redeem the debentures prior to such date on such conditions as may be declared at the time of issue; or
- (b) by annual drawings at par or, at the option of the High Commission or the Crown Agents acting on its behalf, by purchase at or below par.
9. There shall be attached to every debenture coupons for the payment of the interest to become due in each half year upon the principal represented by the debenture; and the coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the High Commission, may determine.
10. The debentures and the coupons thereto shall be in such form as the High Commission, or the Crown Agents acting on its behalf, may direct or approve.
11. Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.
12. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.
13. The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly, on the days named in that behalf in the debenture, at the office in London of the Crown Agents.
14. (1) So long as any of the debentures remain outstanding, the High Commission shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the fund of the self-contained service in respect of which the loan is raised a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusive of any

Redemption of debentures.

Interest coupons.

Form of debenture and coupons.

Debentures and coupons transferable by delivery.

Registry of debentures.

Payment of interest.

Mode of providing for payment of interest on debentures.

which may have been at any time exchanged for stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.

(2) Debentures shall not be deemed to be outstanding for the purposes of this Act by reason only that one or more of the debentures have not been presented for payment on the day appointed for payment and have, in consequence, not been paid.

Remittances  
for the  
redemption of  
debentures.

15. The High Commission shall, in the half-year ending on the date specified in the terms of issue of the loans as that on which the first contribution to the sinking fund shall be taken and in each subsequent half-year, appropriate out of the fund of the self-contained service in respect of which the loan is raised, for the formation of a sinking fund, an additional sum equal to one-half of the annual contribution specified in the prospectus or, in the case of a loan not issued publicly, in the terms of issue relating to the loan, in respect of the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Application of  
sinking fund.

16. The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures and the cost and expenses of all notices required by this Act to be given, and in the next place, and subject to those payments, in repayment of the principal moneys for the time being represented by the debentures.

Sinking fund  
for the  
redemption of  
debentures  
payable on a  
fixed date.

17. In the case of debentures redeemable on a date to be named when issuing the debentures, the Crown Agents shall place at interest or invest so much of the money remitted to them in accordance with the provisions of sections 14 and 15 as may not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Majesty's Principal Secretary of State for the Colonies as a sinking fund for the final extinction of the debt, and the Crown Agents shall place at interest or invest in the purchase of the like securities the accumulations of interest or the dividends, interest, or produce of such investments and may, from time to time, with the approval of the Secretary of State, change any such investments and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debenture.

18. In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys remitted to them in accordance with the provisions of sections 14 and 15, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they may be obtained at a price not exceeding par and, secondly, to the redemption of the debentures by means of annual drawings.

Disposal of sinking fund when debentures are redeemed by annual drawings, etc.

Redeemed debentures to be cancelled.

19. After the date specified in the Act authorizing the loan as that on which the contributions to the sinking fund shall commence, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall, in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Appointment of day for drawing of debentures.

Borrowing upon stock.

20. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the *London Times* newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

Notice of time and place appointed for drawing.

When the principal is to be repaid.

21. On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he thinks fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot, out of the whole number of debentures for the time being outstanding, debentures of the specified nominal amount.

Mode of drawing.

22. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall, as soon as may be, by advertisement in the *London Times* newspaper, specify those numbers and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Notice of debentures drawn for redemption.

Mode of providing for payment of interest on stock.

23. (1) On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures with all interest payable thereon up to that day.

Payment of drawn debentures and cesser of interest.

(2) From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal has been demanded or not.

Redeemed  
debentures to  
be cancelled.

24. Upon the repayment of the principal moneys represented by any debenture, the debenture, with all the coupons thereunto belonging, shall be delivered up to the Crown Agents to be by them cancelled and disposed of in such a manner as the High Commission, or the Crown Agents acting on its behalf, may decide; and any debenture redeemed by purchase shall likewise be so cancelled and disposed of.

#### PROVISIONS RELATING TO STOCK

Borrowing  
upon stock.

25. When the High Commission, or the Crown Agents acting on its behalf, deem it expedient to raise money by the issue of High Commission stock, then such stock shall be issued in United Kingdom by the Crown Agents under the provisions of the Colonial Stock Act, 1877, of Parliament, upon the best and most favourable terms that can be obtained.

When the  
principal is to  
be repaid.

26. (1) All the stock which may be created under the provisions of this Act shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue: Provided that the High Commission, or the Crown Agents acting on its behalf, may reserve the option to redeem the stock in whole or in part, by drawings or otherwise, at any time prior to such date on such conditions as may be declared at the time of issue.

(2) From and after the date appointed for the redemption of the stock or any part of it all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal has been demanded or not.

Mode of  
providing for  
payment of  
interest on stock.

27. So long as any of the stock remain unredeemed, the High Commission shall, in each half-year ending with the day on which the interest on such stock falls due, appropriate out of the fund of the self-contained service in respect of which the loan is raised a sum equal to one half-year's interest on the whole of such stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

28. The High Commission shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken and in each subsequent half-year, appropriate out of the fund of the self-contained service in respect of which the loan is raised, for the formation of a sinking fund, an additional sum equal to one-half of the annual contribution specified in the prospectus or, in the case of a loan not issued publicly, in the terms of issue relating to the loan, in respect of the total nominal amount of such stock, including any such stock which may at any time have been issued in exchange for debentures under the authority of this Act, and shall remit that sum to the Crown Agents with the remittance mentioned in section 27.

Mode of providing for payment of principal stock.

29. The Crown Agents shall for the purpose of forming such sinking fund, from time to time place at interest or invest so much of the money remitted to them in accordance with the provisions of sections 27 and 28 as may not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Majesty's Principal Secretary of State for the Colonies, and shall also place at interest or invest in the purchase of the like securities the accumulations of interest or the dividends, interest, or produce of such investments and may, from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the stock.

Creation of sinking fund.

30. The Crown Agents may, at the request of the High Commission, make arrangements—

- (1) for inscribing and registering stock in their books;
- (2) for managing the creation, inscription, registration, and issue of stocks, and for the issue of certificates of title in respect of holdings of such stocks;
- (3) for effecting the conversion of loans into stock;
- (4) for paying interest on stock and managing the transfer thereof;
- (5) for issuing stock certificates to bearer and, as often as occasion requires, re-inscribing or re-registering them;
- (6) for effecting the exchange or conversion of inscribed stock into registered stock.

Creation, registration, issue, conversion and transfer of stock.

Authority to make regulations under Colonial Stock Act, 1877.

31. Authority is hereby given for the making of regulations under section 16 of the Colonial Stock Act, 1877, of Parliament, to provide that, in accordance with section 1 of the Colonial Stock Act, 1948, of Parliament, stock issued under the provisions of this Act shall be transferable by instrument in writing in accordance with the regulations and in no other manner.

#### GENERAL PROVISIONS

Charge upon fund of self-contained service if sinking fund insufficient.

32. In case the sinking funds provided for by this Act are insufficient for the payment of all the principal moneys borrowed under the authority of this Act at the time they become due, the High Commission shall make good the deficiency out of the fund of the self-contained service in respect of which the loan is raised.

Cesser of sinking fund contributions.

33. Notwithstanding anything to the contrary in this Act, if at any time the trustees of the sinking fund of any loan issued at any time under the provisions of this Act (other than a debenture loan redeemable by annual drawings or by purchase in the market) are satisfied that the value of the fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund when it falls due to be redeemed, the High Commission may with the approval of the Secretary of State suspend further payments of contributions to the sinking fund: Provided always that contributions to the sinking fund shall be recommenced if the trustees at any time inform the High Commission that it is necessary.

Expenses to be paid out of sinking fund.

34. All expenses of or incidental to the management of any sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Powers of High Commission.

35. (1) The High Commission may—

(a) authorize the Crown Agents when issuing any loan in the form of debentures to declare that such debentures are convertible into stock at such dates and on such terms and conditions as may be specified by the Crown Agents at the time of the issue of the debentures;

(b) declare all or any of the High Commission loans, whether existing in the form of stock or debentures, to be convertible into stock, to be issued under the provisions of this Act;

(c) authorize the creation and issue of such an amount of stock in exchange for the securities held for such loans as may be necessary;

(d) authorize the creation and sale of any such stock or debentures for the purpose of raising money for redeeming any outstanding loans issued at any time under this Act, for paying any expense in the creation of stock, and otherwise for carrying out the provisions of this Act.

(2) Any conversion authorized under this section may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of stock, or partly in one way and partly in the other.

**36.** Nothing in this Act shall authorize an increase of capital or of the annual charge on any loan, except—

Exchange of securities for stock.

(a) when securities exchanged for stock bear a rate of interest not less than the stock, an additional amount of stock may be created and issued to make up the difference in saleable value between the securities and the stock;

(b) in the case of the conversion of securities into stock, the Crown Agents shall issue such an amount of stock as may be required to defray the stamp duties and all other expenses incidental to the conversion;

(c) in accordance with such terms and conditions as may be specified under section 35 (1) (a).

**37.** The securities exchanged or otherwise converted into stock under the provisions of this Act shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and disposed of in such manner as the High Commission, or the Crown Agents acting on its behalf, may decide.

Converted securities to be cancelled.

**38.** (1) The trustees of the sinking fund appointed under this Act, and acting under any Act authorizing the issue of any securities which may be exchanged into stock or cancelled or purchased under the provisions of this Act, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.

Trustees to apportion amount of sinking fund released by conversion.

(2) So much of the sinking funds as may be released shall either be transferred unto the trustees of the stock sinking fund or be disposed of in such a manner as the High Commission with the advice and consent of the Assembly may direct.

34. Nothing in this Act shall authorise an increase of capital or of the annual charge on any loan, except—

(a) when securities exchanged for stock bear a rate of interest which is less than the stock, an additional amount of stock may be created and issued to make up the difference in value between the securities and the stock;

(b) in the case of the conversion of securities into stock, the Crown Agent shall raise such an amount of stock as may be required to defray the stamp duties and all other expenses incidental to the conversion, and in accordance with such terms and conditions as may be prescribed under section 33 (b) of this Act.

35. The securities exchanged or otherwise converted into stock under the provisions of this Act shall be forthwith deposited by the Crown Agent and the debentures outstanding shall be cancelled and disposed of in such manner as the High Commission or the Crown Agent acting on its behalf may decide.

36. (1) The trustees of the sinking fund appointed under this Act may acting under any Act authorising the issue of any securities which may be exchanged into stock or cancelled or redeemed under the provisions of this Act, shall determine what amount of the sinking fund shall be retained and in the payment of such amount shall be retained and in the determination of such portion the trustees shall take into consideration the value of the works now or to be held by them or to be held by any other person, the amount of the debt remaining a charge on such sinking fund and such matters as the trustees may think fit to take into account.

Exchange of  
securities  
for stock

Conversion  
of securities  
into stock

Trustees of  
sinking fund

**ACT No. 8 of 1949**

**THE TRUSTEES INVESTMENT IN HIGH COMMISSION  
SECURITIES ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,  
*Chairman of the East Africa High Commission.*

**AN ACT TO FACILITATE THE INVESTMENT OF  
TRUST AND OTHER FUNDS IN THE UNITED  
KINGDOM IN HIGH COMMISSION SECURITIES  
CREATED OR ISSUED ON BEHALF OF THE SELF-  
CONTAINED SERVICES**

*31st October, 1949*

ENACTED BY THE East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Trustee Investment in High Commission Securities Act, 1949. Short title.
2. This Act shall apply to all securities created or issued on behalf of the self-contained services of the High Commission to which for the time being the Colonial Stock Acts, 1877 to 1948, of Parliament, apply and which are for the time being registered in the United Kingdom in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as High Commission securities. Application of Act.
3. (1) Whenever by the final judgment, decree, rule, or order, of any court of competent jurisdiction in the United Kingdom any sum of money is adjudged or declared to be payable by the High Commission in respect of any High Commission securities, the High Commission shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the self-contained service in respect of which the securities were created or issued, without further appropriation than this Act. Provisions for payment of money due to stockholders.

(2) For the purpose of this section, "final judgment, decree, rule, or order", means in case of appeal the final judgment, decree, rule, or order, of the ultimate court hearing the appeal.
4. In order to enable every such payment to be duly made, a certificate under the hands of the Crown Agents, specifying the sum so paid under order of any such court, Certificate by Crown Agents.

shall be sufficient authority to the Auditor-General, or other officer having the auditing of their accounts, for passing such sum without further appropriation.

Certain Acts may properly be disallowed.

5. If at any time hereafter an Act is passed which appears to the Government of the United Kingdom to alter any of the provisions affecting the High Commission securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to those securities, that Act may properly be disallowed.

AN ACT TO FACILITATE THE INVESTMENT OF TRUST AND OTHER FUNDS IN THE UNITED KINGDOM IN HIGH COMMISSION SECURITIES CREATED OR ISSUED ON BEHALF OF THE SELF-CONTAINED SERVICES

31st October 1949

ENACTED BY THE PARLIAMENT OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED, That the following provisions of this Act shall have effect as if they had been enacted by the Parliament of Great Britain and Ireland in the first year of the said Majesty's most Excellent Majesty King George the Sixth.

1. This Act may be cited as the Trustee Investment in High Commission Securities Act 1949.

2. This Act shall apply to all securities created or issued on behalf of the self-contained services of the High Commission to which for the time being the Colonial Stock Act, 1877, or of Parliament apply and which are for the time being registered in the United Kingdom in accordance with the provisions of those Acts, each and all of which securities are hereinafter referred to as High Commission securities.

3. (1) Whenever by the final judgment, decree, rule or order of any court of competent jurisdiction in the United Kingdom any sum of money is adjudged or declared to be payable by the High Commission in respect of any High Commission securities, the High Commission shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the self-contained service in respect of which the securities were created or issued, without further appropriation than this Act.

(2) For the purpose of this section, "final judgment, decree, rule or order" means in case of appeal the final judgment, decree, rule or order of the ultimate court hearing the appeal.

4. In order to enable every such payment to be duly made a certificate under the hands of the Crown Agents specifying the sum so paid under order of any such court

**ACT No. 9 of 1949**

**THE LOANS (RAILWAYS AND HARBOURS) ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO MAKE PROVISION FOR RAISING A  
LOAN OF TWENTY-THREE MILLION POUNDS  
STERLING FOR CERTAIN PURPOSES OF THE  
EAST AFRICAN RAILWAYS AND HARBOURS  
ADMINISTRATION**

*31st October, 1949*

ENACTED BY the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Loan (Railways and Harbours) Act, 1949. Short title.
2. The High Commission is hereby authorized to raise, either at one time or by instalments as may be convenient, the sum of twenty-three million pounds sterling. Authority to raise loan.
3. The principal moneys raised under this Act and any interest thereon are hereby charged upon and shall be payable out of the Railways and Harbours Fund maintained for the East African Railways and Harbours Administration under the provisions of section 41 of the Order in Council. Loan charged on Railways and Harbours Fund.
4. The money raised under the authority of this Act shall be appropriated and applied for the various purposes and to the respective amounts specified in the Schedule:
 

Provided that where any amount specified for any particular purpose in the Schedule has not been expended it shall be lawful for the High Commission, subject to the approval of the Assembly to be signified by resolution, to apply such amount, or any unexpended portion of such amount, for any other purpose specified in the Schedule.

Appropriation of loan
5. The loan hereby authorized may be raised by the issue of stock or debentures or both under the provisions of the General Loan and Stock Act, 1949, and the contributions to the sinking fund as contemplated by that Act shall commence not later than one year after the date from which the interest on the stock or debentures issued under that Act begins to run. Mode of raising loan and contributions to sinking fund.

SCHEDULE		£	£
<i>Railways—</i>			
(a) General Improvements .. .. .		1,900,000	
(b) Additional Locomotives and Rolling Stock .. .. .		4,000,000	
(c) Construction of Branch Lines .. .. .		2,200,000	
(d) Realignments .. .. .		2,000,000	
		<hr/>	10,100,000
<i>Harbours—</i>			
(a) General Improvements .. .. .		1,200,000	
(b) Deep-water Berths at Dar es Salaam .. .. .		1,200,000	
		<hr/>	2,400,000
<i>Construction of the Tanganyika Southern Province Port and Railway .. .. .</i>			4,550,000
<i>Redemption of Loans (Transport Portion)—</i>			
		£	
(a) Tanganyika, 1948/68 .. .. .		1,380,000	
(b) Kenya, 1950 .. .. .		2,100,000	
(c) Uganda, 1951/71 .. .. .		710,000	
(d) Tanganyika, 1951/71 .. .. .		1,300,000	
		<hr/>	5,490,000
<i>Expenses of Issue and payment of stamp duties on transfer of stock issued under the authority of this Act .. .. .</i>			460,000
			<hr/>
	Total .. .. .		<u>£23,000,000</u>

**ACT No. 10 of 1949****THE CUSTOMS AND EXCISE REVENUE  
ALLOCATION ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO PROVIDE FOR THE ALLOCATION OF  
CUSTOMS AND EXCISE REVENUE COLLECTED  
BY THE EAST AFRICAN CUSTOMS AND EXCISE  
DEPARTMENT BETWEEN THE GOVERNMENTS  
OF KENYA, TANGANYIKA AND UGANDA, AND  
FOR OTHER MATTERS RELATING THERETO.**

*1st January, 1949*

ENACTED BY the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Customs and Excise Revenue Allocation Act, 1949, and shall be deemed to have come into operation on the first day of January, 1949. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“the Department” means the East African Customs and Excise Department;

“net duties” means the amount collected by the Department in respect of customs and excise duties on any goods less the amount of all refunds of such duties in respect of those goods;

“total net duties” means the total amount collected in any financial year by the Department in respect of customs and excise duties on any goods less the total amount of all refunds of such duties in respect of those goods;

“customs and excise duties” includes every duty, cess, levy, imposition or tax imposed by any of the Governments of the Territories on the importation, exportation, manufacture or production of any goods, other than any duty, cess, levy, imposition or tax imposed under any of the Ordinances specified in the Schedule.

“customs and excise revenue” means the amount, other than excluded revenue, collected or received in respect of the following:—

(a) net duties;

(b) all fees, commissions, rents, or other amounts, received by the Department in connexion with any service performed or facility provided by the Department;

(c) the net proceeds of the sale by the Department of confiscated or unclaimed goods;

(d) seventy-five per cent of all fines or penalties imposed, whether by any court or by the Commissioner, under any Act or Ordinance relating to customs or excise:

Provided that where the Department collects or receives any sum which is a reimbursement, refund or recovery, in whole or in part, of any amount which has been charged against the expenditure of the Department, then such sum shall not form part of the customs and excise revenue;

“excluded revenue” means—

(a) any duty, cess, levy, imposition or tax imposed under any of the Ordinances specified in the Schedule and collected by the Department

(b) any other revenue which in accordance with any arrangements made between the Department and the Government of any of the Territories or any other service of the High Commission is collected or received by the Department on behalf of that Government or service;

“goods retained” includes goods re-exported upon which no drawback is paid.

Payment to Territories of customs and excise revenue.

3. All sums collected or received by the Department as customs and excise revenue shall, as soon as they are so collected or received, be paid over to the appropriate accounting officers of the Territories in such manner and in such proportion as may be agreed to by the Governments of such Territories.

Payment to Territories, etc., of excluded revenue.

4. All sums collected or received by the Department as excluded revenue shall, as soon as they are so collected or received, be paid over to the appropriate accounting officer of the Government or of the service of the High Commission on whose behalf such sum was so collected or received.

Payment of reimbursements, etc., into the Fund.

5. All sums collected or received by the Department as a reimbursement, refund or recovery, in whole or in part, of any amount which has been charged against the expenditure of the Department shall be paid into the Fund established by the High Commission under section 42 of the Order in Council and applied towards the purposes of the Department.

6. When the total customs and excise revenue in respect of each financial year has been ascertained, such adjustments of the amounts paid over under the provisions of section 3 shall be made as to secure that the amount received by the Government of each Territory in respect of each such year is a sum which bears the same proportion to the total customs and excise revenue as the net duties collected on goods retained in that Territory bears to the total net duties for that year.

Allocation of customs and excise revenue.

7. The Finance Member may, with the approval of the Government concerned, by order amend the provisions of the Schedule.

Power to amend Schedule.

8. The Customs and Excise Revenue Allocation Ordinance, 1927; the Customs Revenue Allocation (Amendment) Ordinance, 1933; and the Customs and Excise Revenue Allocation (Amendment) Ordinance, 1935, of Kenya, are hereby repealed.

Repeal.  
19 of 1927.  
37 of 1933.  
46 of 1935.

## SCHEDULE

### KENYA

- |   |             |
|---|-------------|
| 1. The Tea Cess Ordinance, 1937.              | 22 of 1937. |
| 2. The Sugar Consumption Tax Ordinance, 1948. | 8 of 1948.  |
| 3. The Hide and Skin Trade Ordinance, 1948.   | 18 of 1948. |

### TANGANYIKA

- |   |             |
|---|-------------|
| 1. The Salt Consumption Tax Ordinance, 1933.          | 6 of 1933.  |
| 2. The Cotton (Tax) Ordinance, 1933.                  | 12 of 1933. |
| 3. The Coffee (Tax) Ordinance, 1933.                  | 14 of 1933. |
| 4. The Sugar Consumption Tax Ordinance, 1934.         | 13 of 1934. |
| 5. The Tea Industry Ordinance, 1938.                  | 21 of 1938. |
| 6. The Pyrethrum Industry Ordinance, 1949.            | 18 of 1949. |
| 7. The Sisal Industry Ordinance, 1945.                | 15 of 1945. |
| 8. The Export Tax Ordinance, 1946.                    | 31 of 1946. |
| 9. The Export Seeds Ordinance, 1947.                  | 3 of 1947.  |
| 10. The Hides and Skins Trade (Cess) Ordinance, 1948. | 60 of 1948. |

### UGANDA

- |   |             |
|---|-------------|
| 1. The Cotton Export Duty Ordinance.                | Cap. 37.    |
| 2. The Coffee Export Duty Ordinance, 1945.          | 20 of 1945. |
| 3. The Cotton Seed Export Duty Ordinance, 1946.     | 23 of 1946. |
| 4. The Tea Cess Ordinance, 1946.                    | 34 of 1946. |
| 5. The Hides and Skins Export Duty Ordinance, 1948. | 19 of 1948. |

**ACT No. 11 of 1949****THE APPROPRIATION (1948) (NON-SELF-CONTAINED SERVICES) ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO APPLY A SUM OF MONEY FOR THE EXPENDITURE OF THE HIGH COMMISSION, OF THE ASSEMBLY, AND OF THE NON-SELF-CONTAINED SERVICES THE ADMINISTRATION OF WHICH HAS BEEN TAKEN OVER BY THE HIGH COMMISSION, FOR THE YEAR ENDING 31st DECEMBER, 1948**

*31st October, 1949*

WHEREAS an amount of one million six hundred and forty-three thousand and sixteen pounds is required for the expenditure of the High Commission, of the Assembly, and of the non-self-contained services the administration of which has been taken over by the High Commission, for the year ending 31st December, 1948:

AND WHEREAS amounts totalling six hundred and seventeen thousand one hundred and twenty-three pounds have on the 16th January, 1948, the 24th November, 1948, the 11th May, 1949, and the 17th August, 1949, been granted by resolutions of the Legislative Council of Kenya for such purposes:

AND WHEREAS amounts totalling three hundred and twenty-four thousand five hundred and sixty-one pounds have on the 11th December, 1947, the 27th July, 1948, the 2nd November, 1948, the 3rd March, 1949, and the 4th March, 1949, been granted by resolutions of the Legislative Council of Tanganyika for such purposes:

AND WHEREAS amounts totalling two hundred and eighty-two thousand three hundred and seventeen pounds have on the 18th December, 1947, the 12th January, 1949, and the 26th July, 1949, been granted by resolutions of the Legislative Council of Uganda for such purposes:

AND WHEREAS other amounts have been received or are receivable from other sources for such purposes:

AND WHEREAS all such amounts have been paid or are payable into the Fund:

NOW, THEREFORE, BE IT ENACTED by the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Appropriation (1948) (Non-self-contained Services) Act, 1949.

Short title.

2. In this Act "the Fund" means the Fund established under section 42 of the Order in Council. Interpretation.

3. The Fund is hereby charged with the sum of one million six hundred and forty-three thousand and sixteen pounds towards the expenditure of the High Commission, of the Assembly, and of the non-self-contained services the administration of which has been taken over by the High Commission, for the year ending 31st December, 1948. Expenditure.

4. The moneys granted by this Act shall be appropriated for the purposes and services specified in the Schedule. Appropriation.

5. The chief accounting officer to the High Commission is hereby authorized upon a warrant under the hand of the Finance Member to pay out of the Fund for the purposes and services specified in the Schedule a sum not exceeding in the aggregate one million six hundred and forty-three thousand and sixteen pounds for the year ending 31st December, 1948. Authority to pay on warrant of Finance Member.

## SCHEDULE

£

1. East Africa High Commission and Central Assembly .. .. .	34,091
2. East African Production and Supply Council .. .. .	24,279
3. East African Industrial Council .. .. .	250
4. East African Airways (Incorporated) .. .. .	19,200
5. East African Directorate of Civil Aviation .. .. .	22,960
6. East African Meteorological Department .. .. .	20,350
7. East African Statistical Department .. .. .	13,235
8. Population Census, 1948 .. .. .	17,241
9. East African Office in London .. .. .	13,066
10. East African Directorate of Demobilization, Rehabilitation and Training .. .. .	4,597
11. East African Inter-Territorial Languages (Swahili) Committee .. .. .	2,027
12. East African Refugee Administration .. .. .	11,903
13. East African Anti-Locust Directorate .. .. .	140,000
14. East African Literature Bureau .. .. .	40,532
15. Lake Victoria Fisheries Board .. .. .	6,000
16. East African Agricultural and Forestry Research .. .. .	88,480
17. East African Fishery Research .. .. .	19,462
18. East African Industrial Research Board .. .. .	14,637
19. East African Tsetse and Trypanosomiasis Research .. .. .	62,474
20. East African Tsetse Reclamation Department .. .. .	49,515
21. East African Veterinary Research Organization .. .. .	81,809
22. Office of Finance Member .. .. .	1,835
23. Miscellaneous Services .. .. .	9,300
24. East African Income Tax Department .. .. .	70,390
25. East African Posts and Telegraphs Department .. .. .	875,383
Total .. .. .	<u>£1,643,016</u>

**ACT No. 12 of 1949****THE APPROPRIATION (NON-SELF-CONTAINED SERVICES) ACT, 1949**

Assented to by the East Africa High Commission in His Majesty's name and on His Majesty's behalf this 26th day of October, 1949.

P. E. MITCHELL,

*Chairman of the East Africa High Commission.*

**AN ACT TO APPLY A SUM OF MONEY FOR THE EXPENDITURE OF THE HIGH COMMISSION, OF THE ASSEMBLY, AND OF THE NON-SELF-CONTAINED SERVICES THE ADMINISTRATION OF WHICH HAS BEEN TAKEN OVER BY THE HIGH COMMISSION, FOR THE YEAR ENDING 31st DECEMBER, 1949**

*31st October, 1949*

WHEREAS an amount of eight hundred and twenty-nine thousand and thirty-nine pounds is required for the expenditure of the High Commission, of the Assembly, and of the non-self-contained services, the administration of which has been taken over by the High Commission, for the year ending 31st December, 1949:

AND WHEREAS the amount of one hundred and ninety-one thousand three hundred and eighty-three pounds has on the 27th January, 1949, been granted by resolution of the Legislative Council of Kenya for such purposes:

AND WHEREAS the amount of one hundred and twenty-six thousand two hundred and eighty-five pounds has on the 12th November, 1948, been granted by resolution of the Legislative Council of Tanganyika for such purposes:

AND WHEREAS amounts totalling one hundred and fourteen thousand one hundred and ninety-two pounds have on the 12th January, 1949, and the 26th July, 1949, been granted by resolutions of the Legislative Council of Uganda for such purposes:

AND WHEREAS other amounts have been received or are receivable from other sources for such purposes:

AND WHEREAS all such amounts have been paid or are payable into the Fund:

NOW, THEREFORE, BE IT ENACTED by the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Act may be cited as the Appropriation (Non-self-contained Services) Act, 1949. Short title.
2. In this Act "the Fund" means the Fund established under section 42 of the Order in Council. Interpretation.
3. The Fund is hereby charged with the sum of eight hundred and twenty-nine thousand and thirty-nine pounds towards the expenditure of the High Commission, of the Assembly, and of the non-self-contained services the administration of which has been taken over by the High Commission, for the year ending 31st December, 1949. Expenditure.
4. The moneys granted by this Act shall be appropriated for the purposes and services specified in the Schedule. Appropriation.
5. The chief accounting officer to the High Commission is hereby authorized upon a warrant under the hand of the Finance Member to pay out of the Fund for the purposes and services specified in the Schedule a sum not exceeding in the aggregate eight hundred and twenty-nine thousand and thirty-nine pounds for the year ending 31st December, 1949. Authority to pay on warrant of Finance Member.

#### SCHEDULE

					£
1. East Africa High Commission and Central Assembly	..	..	..	..	36,095
2. East African Production and Supply Council	..	..	..	..	21,589
3. East African Industrial Council	..	..	..	..	240
4. East African Airways (Incorporated)	..	..	..	..	17,800
5. East African Directorate of Civil Aviation	..	..	..	..	19,889
6. East African Meteorological Department	..	..	..	..	20,350
7. East African Statistical Department	..	..	..	..	23,491
8. Population Census, 1948	..	..	..	..	15,657
9. East African Office in London	..	..	..	..	15,723
10. East African Directorate of Demobilization, Rehabilitation and Training	..	..	..	..	2,037
11. East African Inter-Territorial Languages (Swahili) Committee	..	..	..	..	2,232
12. East African Refugee Administration	..	..	..	..	12,154
13. Desert Locust Survey	..	..	..	..	90,995
14. East African Literature Bureau	..	..	..	..	26,078
15. Lake Victoria Fisheries Board	..	..	..	..	29,378
16. East African Agricultural and Forestry Research	..	..	..	..	80,014

No. 12

## Appropriation

1949

## SCHEDULE—(Contd.)

	£
17. East African Fishery Research .. .. .	14,242
18. East African Industrial Research Board .. .. .	14,558
19. East African Tsetse and Trypanosomiasis Research and Reclamation Organization .. .. .	143,792
20. East African Veterinary Research Organization .. .. .	72,417
21. East African Bureau of Research .. .. .	8,830
22. Office of Finance Member .. .. .	3,344
23. Miscellaneous Services .. .. .	52,400
24. East African Income Tax Department .. .. .	105,734
Total ..	<u>£829,039</u>



