



COLONY AND PROTECTORATE OF KENYA

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**Report of the Commission of Inquiry into alleged  
corruption or other malpractices in relation to  
the affairs of the Nairobi City Council**

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ALLEGED CORRUPTION OR OTHER MALPRACTICES  
IN RELATION TO THE AFFAIRS OF THE NAIROBI  
CITY COUNCIL**

The Kenya Government accept the main conclusions of the Report. It discloses serious defects in the administration of the affairs of the City Council as a result of which, to use the words of the Commissioners, "failures and irregularities occurred". These must be remedied and steps must be taken which, as far as reasonably can be foreseen, will prevent the recurrence of this state of affairs in Nairobi or the occurrence of a similar state of affairs in relation to any other local authority established in Kenya.

2. With this in mind the Government have asked the Nairobi City Council to inform them of the measures which they intend to take, or have taken, to rectify the shortcomings within the Council's Administration as disclosed by the criticisms made by the Commissioners in their Report. Similarly, the City Council have been asked to express their opinion on the several suggestions made in the Report and to state their reasons if they consider any of the suggestions made cannot reasonably be implemented.

3. The Kenya Government recognize the very great service which the Nairobi City Council have rendered to the development of local government generally in Kenya by their pioneering activities in the past. Nevertheless, the Government consider that, in view of the rapid development of local government which has taken place in the Colony since the existing legislation was first enacted, it is necessary to amend the legislation. Therefore it is proposed to introduce as soon as possible new legislation which will help to strengthen the local government system and so increase public confidence in local government.

4. The legislation the Government propose to introduce falls into three main headings on the basis of the Municipalities Ordinance (Cap. 136). Similar amending legislation will be required in respect of the other local government Ordinances:—

- (a) The existing legislation enables the Government to supersede a local authority in the event of a major default by the local authority in the exercise of their functions. Provision is made, however, for an inquiry to be held (at which the local authority are entitled to be heard) and thereafter for reference to the Standing Committee for Municipalities. The Government consider that they must take powers to enable the Minister to step in at an earlier stage to direct a local authority to perform any function in dispute in a manner and within a time specified by him. Further, if the local authority continue to default the Minister would be empowered to take over the service in dispute and administer it at the expense of the local authority, but leaving the local authority in existence to perform all their other functions.

- (b) It follows also that the Minister should be empowered, when he considers that the area within the jurisdiction of a local authority is sufficiently developed, to require the local authority to undertake certain duties to be prescribed by law. In such cases the Government will consider the question of financial assistance.
- (c) The Government propose to strengthen the existing legislation which provides for annual inspections by Local Government Inspectors and special investigations and inquiries by authorized officers of the Government, by empowering the Minister to issue to a local authority such directions as he may consider necessary as a result of the reports he receives of these inspections and inquiries.