



COLONY AND PROTECTORATE OF KENYA

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**Report of the Commissioner Appointed to Enquire  
into Methods for the Selection of African  
Representatives to the Legislative Council**

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## CONTENTS

	PAGE
<b>Introduction</b> .. .. .	1
<b>Part I—The Policy of the Government</b>	
Method of Selection .. .. .	2
Type of Franchise and Qualifications for Electorate .. .. .	2
Qualifications Required of Candidates .. .. .	3
Disqualifications to be Imposed on Electors .. .. .	4
Special Arrangements Proposed for Kikuyu, Embu and Meru .. .. .	4
General .. .. .	5
<b>Part II—Examination of Commissioner's Recommendations</b>	
Qualifications for Voters .. .. .	6
Disqualifications of Voters .. .. .	7
Qualifications for Candidates .. .. .	9
Disqualifications of Candidates .. .. .	10
Special Arrangements for Kikuyu, Embu and Meru .. .. .	12
Northern Province .. .. .	13
Miscellaneous .. .. .	14
<b>Part III—Examination of the Schedule of Qualifications</b> .. .. .	16
<b>Annexures</b>	
Annexure I—Revised Part V of Reports Summary of Recommendations .. .. .	20
Annexure II—Revised Appendix V of the Report. Qualifications for Men. New Appendix V.A .. .. .	24
Annexure III—Revised Appendix V of the Report. Qualifications for Women. New Appendix V.B .. .. .	25
Annexure IV—Revised Appendix VI of the Report .. .. .	26
Annexure V—Form of Oath for a Candidate .. .. .	28
Annexure VI—Form of Nomination Paper for a Candidate .. .. .	29
Annexure VII—Form of Statutory Declaration of a person nominated as a candidate for election as a member of the Legislative Council .. .. .	30
Annexure VIII—Qualifications entitling a person to one vote under I of Appendices V.A and V.B, "Education" .. .. .	32
Annexure IX—Approved professional qualifications entitling a person to one vote under the heading "Higher Education" in Appendices V.A and V.B .. .. .	33
Annexure X—Schedule of Local Authorities and Advisory Councils in which three years' continuous service provides a vote under the heading "Legislative Experience" in Appendices V.A and V.B .. .. .	35

**REPORT OF THE COMMISSIONER APPOINTED TO INQUIRE  
INTO METHODS FOR THE SELECTION OF AFRICAN  
REPRESENTATIVES TO THE LEGISLATIVE COUNCIL**

**INTRODUCTION**

In the Statement of Policy attached to the Secretary of State's proposals of 9th March, 1954, for a reconstruction of the Government of Kenya, it was stated that—

“(v) it is agreed that during the period up to 1956 the Government will initiate a study, in which Africans will play a prominent part, of the best method of choosing African Members of the Legislative Council”.

2. In February, 1955, Mr. W. F. Coutts, C.M.G., M.B.E., was appointed as a Commissioner with the following terms of reference:—

“To investigate and advise on the best system or systems to be adopted in choosing African Representative Members for the Legislative Council in Kenya, bearing in mind the differences that may exist between the various areas, and also to draw up any draft rules that may be necessary to authorize the suggested procedure”.

Mr. Coutts' Report was submitted to the Government in August, 1955.

3. The subject matter of the Commissioner's investigation may be summarized as follows—

- (a) the method of selection to be used;
- (b) the type of franchise to be adopted and the qualifications that should be required of electors;
- (c) the disqualifications which should be imposed upon electors;
- (d) the qualifications which should be required of candidates;
- (e) the disqualifications which should be imposed upon candidates;
- (f) the special arrangements which should be made for the Kikuyu, Embu and Meru.

In Part I of this Paper are set out the views of the Government on these matters. Part II contains a comparative examination of the recommendations made by the Commissioner (*vide* Part V of the report) and the form in which these recommendations have been accepted by the Government. Part III contains a comparative examination of the schedule of qualifications set out in Appendix V of the report and the schedules of qualifications which the Government proposes to adopt.

## PART I—THE POLICY OF THE GOVERNMENT

4. **Method of Selection.**—The Commissioner's recommendation that direct voting by secret ballot should be adopted for all African elections is accepted.

5. **Type of Franchise and Qualifications required of Electors.**—The Government is in agreement with the view expressed by the Commissioner that universal adult franchise should not be introduced into Kenya at the present time, but that, instead, there should be a limited qualitative franchise based on education, experience, public service and character. The Government is also in agreement with the proposals made by the Commissioner that those electors who are exceptionally qualified by way of education, character or service in the community should be accorded additional votes. In accepting this recommendation the Government has been influenced not only by the arguments adduced by the Commissioner but also by the following factors:—

- (a) In communities such as the Kenya African community at its present stage of development there is a wide diversity of social, educational and cultural standards; and while African society ranges from the unsophisticated peasant cultivator at one extreme to the travelled responsible professional man at the other some kind of qualitative system is inescapable. The same kind of range exists in other communities but its extent is not so great.
- (b) It is wholly in the interest of the Africans, and indeed their own firm and widely expressed desire, that the candidate returned to Council should be a man of standing and repute and possessed of qualities which will enable him to serve the community; there is a real danger that an inexperienced electorate, having had little contact with the outside world, and as yet unaware of the principles of government, would give its support to the candidate most apt at arousing the emotions and least scrupulous about the promises he is prepared to make.
- (c) Although a system of qualitative franchise, supplemented by the principle of the multiple vote, may result in an appreciable limitation of the electorate in the less advanced areas, the number of persons entitled to vote and the number eligible for multiple votes will increase in direct relation to the degree of development of the area.
- (d) In view of the rapid progress being made in most of the African areas and the value placed upon general economic development it is a matter of the first importance that, without prejudicing the interests of those who still live in traditional tribal communities, men of proved character and those prepared to accept responsibility outside the purely tribal sphere should be enabled to exert an influence in the electorate appropriate to their standing and attainments.

6. Although the Government fully accepts the principles underlying the Commissioner's recommendation that there should be a qualitative franchise coupled with a system of multiple voting, it has, after a full consideration of the problems likely to arise, come to the conclusion that the proposals made for putting the scheme into operation require amendment in two respects. First, they would probably be too restrictive. Secondly they are too complicated to be suitable for application to an electorate which will be partially illiterate and which will have had no previous experience of matters of this sort.

With regard to the first point, the Government considers that the standards laid down by the Commissioner would, if adopted, exclude a number of persons who are reasonably well equipped to play a part in the selection of a Member for the Legislative Council. The Government has therefore thought it right to re-examine the proposals made in paragraph 44 of the report with a view to devising a system of franchise which, while retaining the essential principle of qualitative voting, would in practice be somewhat less restrictive.

With regard to the second point the Government has formed the view that the assessment and checking of the qualifications needed to secure the three points required for registration as a voter would present so great a task that serious delays in the compilation of voters' rolls would be inevitable. From the point of view both of the returning officer and of the would-be voter it is essential that the system should be as little complicated and as easily understood as possible; indeed, the success of the system will depend upon the number of Africans able to grasp both its principles and the procedure to be followed. With this requirement in mind, the Government has produced a simplified procedure.

7. The revised criteria for registration as a voter which it is proposed should be adopted differ from those set out by the Commissioner in two important ways. First, it is considered that age should be regarded as a prerequisite for eligibility for registration as a voter and not as a "point-earner". Secondly the intention is that instead of it being necessary for an applicant for registration to prove that he qualifies for two additional points, it should be sufficient for him to be able to show that he falls within any one of seven specified categories. In accordance with the principle of multiple voting recommended by the Commissioner, qualification for inclusion in additional categories would entitle the elector concerned to additional votes to a maximum of three. In addition it has been thought desirable to provide a separate schedule of categories for women. The various categories are set out in Part II of this Paper, accompanied by explanatory notes.

#### **8. Disqualifications to be Imposed on Electors**

With a few minor amendments, the details of which are set out in Part II of this Paper, the Government accepts the recommendations of the Commissioner. The decision not to require a voter to take the Oath of Allegiance is based on the impracticability of administering the Oath with suitable dignity to the large number of applicants that are expected to present themselves for registration.

#### **9. Qualifications Required of Candidates**

The Government has been particularly impressed by the number of witnesses who emphasized the need to ensure that candidates were men of good character and of some standing in the community. It shares the Commissioner's view that it is of the greatest importance that the qualifications required of a candidate should be such as to exclude the inexperienced and the irresponsible. Nevertheless qualification (a) proposed by the Commissioner in paragraph 60 is regarded as being undesirably restrictive; it would, if adopted, exclude from candidature any person who had not served on a local government authority or an African court or who had not spent 10 years in employment, either with Government or local government or in agriculture or industry. It is the view of the Government that, without conceding the principle that a candidate must be a man of character, integrity and experience, it would be wrong to close the door to a wider range of educated Africans; the Government has accordingly prepared revised criteria for this basic qualification.

10. It is proposed that a candidate should be required to be a registered voter of not less than 25 years of age; that he should have the minimum educational qualification of the K.A.P.E. Certificate or its equivalent; and that he should have either a proved income of £240 a year, or a proved income of £120 a year and, in addition, one of the further qualifications set out in the list of categories in Appendices V.A and V.B.

Subject to certain minor amendments described in Part II of this Paper, the further qualifications recommended by the Commissioner are accepted by the Government.

11. Although the Government does not dissent from the view quoted by the Commissioner in paragraph 62 of the report that those who serve the Government either directly as civil servants or in local government through municipalities, etc., are probably some of the best potential candidates, it feels that it is essential to adhere generally to the principles concerning the propriety of Government servants standing as candidates which already apply to Europeans, Asians and Arabs. The Government cannot therefore accept without qualification the Commissioner's proposal that civil servants should be allowed to present themselves for election. It is felt that permission to stand as a candidate should not be granted to any Government servant who is a member of Her Majesty's Oversea Civil Service or of one of the uniformed disciplined services of the Colony, or who is concerned with the direction of policy to an extent which in the opinion of the Government would make it undesirable for him to take part in active politics. It is also considered that this qualified acceptance of the recommendation should be applicable to the forthcoming election only: and that the whole question should be re-examined in time for the second election.

The question whether servants of local government authorities should be permitted to stand is considered to be a matter for decision by the authority concerned.

#### 12. Disqualifications to be Imposed on Candidates

The Commissioner's recommendations are accepted substantially as set out in the report. In the case, however, of disqualification resulting from imprisonment the requirement has been amended so as to bring it into line with the corresponding provision at present applicable to Europeans, Asians and Arabs, in the Legislative Council Ordinance.

#### 13. Special Arrangements Proposed for Kikuyu, Embu and Meru

The Government is in full agreement that on account of the part played by the Kikuyu, Embu and Meru in the Emergency there can at present be no question of treating any but a selected minority of those tribes on the same basis as the rest of the African community. Nevertheless, for the reasons set out hereunder, the Government is unable to accept in their entirety the recommendations made by the Commissioner in Chapter 8 of the report in relation to the Central Province. Briefly, his proposals are that the qualitative franchise and the principle of the multiple vote should not be applied to the Kikuyu, Embu and Meru; that a special voters' roll should be prepared for those tribes and that registration should be limited to those who had never taken a *Mau Mau* oath. The machinery for determining which applicants for registration had not, in fact, taken the oath and were, therefore, eligible for inclusion in the register would consist of a tribunal of chiefs and locational councils with a central district committee, and subsequently a provincial committee, to act as an appellate body. The Commissioner also recommends that wherever they may be resident, no Kikuyu, Embu and Meru who is qualified should be allowed to vote for any candidate other than one of the candidates for the Central Province.

It is the opinion of the Government that the proposal to exclude all those who have ever taken any *Mau Mau* oath would be likely to operate with injustice in many cases; for there can be no doubt that a number of Kikuyu, Embu and Meru either took the oath under duress and later confessed or, in spite of having been involved in the *Mau Mau* movement in its early days, subsequently risked their lives in support of the Government. There is the further consideration that, subject to certain necessary limitations, it would be wrong in principle to accord to any Kikuyu, who had proved his active loyalty to the Government, treatment different from that proposed for law-abiding citizens elsewhere in the Colony.

14. The Government therefore proposes that the criterion of loyalty—a matter to which it attaches great importance—should be made positive, rather than negative, and that any Kikuyu, Embu or Meru wishing to register himself as a voter should first of all be required to satisfy the appropriate authority that he has given active support to the Crown during the Emergency. Having passed this test, his registration would be subject to the same conditions as are applied to other Africans. The Government is also of the opinion that the “appropriate authority” for the conduct of these tests of loyalty should be the district commissioner concerned, and not a local tribunal consisting of chiefs and members of locational councils. It is felt that a local tribunal would be exposed to accusations of bias and favouritism on the grounds that the members of the tribunal were themselves electors and therefore interested in the outcome of the poll. The district commissioner, on the other hand, would not be subject to criticism of this sort.

15. In these circumstances, the Government proposes that, subject to the limitations referred to below, any Kikuyu, Embu or Meru who has passed the loyalty test should be permitted to apply for registration in accordance with the procedure laid down for the rest of the country. That the voting, even of Kikuyu, Embu and Meru loyalists, should be subject to certain limitations is an inescapable consequence of the part these tribes have played in the Emergency; it is proposed that no Kikuyu, Embu or Meru should be permitted to stand for election in any constituency outside the Central Province or Nairobi, and that the members of those tribes who are living outside the Central Province or Nairobi should not be permitted to vote for any candidate other than a candidate for the Central Province. In view of the part which has been played in Nairobi by Kikuyu loyalists, it is proposed that Kikuyu, Embu and Meru in Nairobi should be permitted to vote for a Nairobi candidate provided they are qualified by residence to do so.

16. The Government considers that the registers of Kikuyu, Embu and Meru should be considered as provisional only and that, in the light of the loyalty criterion, they should be subject to addition or deletion at any time. The Government agrees with the Commissioner that the whole question of the Kikuyu, Embu and Meru should be reviewed in relation to the second and subsequent elections.

#### 17. General

The Government will cause the electoral rolls to be prepared as quickly as possible. But the field preparations and the compilation of the voters' registers will present a formidable task and it is therefore possible that the necessary arrangements will not have been completed by September, 1956. Should this be the case, the election of new African Members will be deferred, and the present African Members will continue to sit until the electoral rolls can be completed. In any case it is the Government's intention that these elections should take place before the end of March, 1957.

**PART II—COMPARATIVE EXAMINATION OF THE RECOMMENDATIONS SET OUT IN PART V OF THE REPORT AND THE FORM IN WHICH THESE RECOMMENDATIONS HAVE BEEN ACCEPTED BY THE GOVERNMENT**

18. *Paragraph 93*

*Direct voting by secret ballot should be adopted for all African elections. Universal adult franchise not to be introduced into Kenya at the present time.*

These recommendations are accepted.

19. **Qualifications for Voters**

*Paragraph 94*

The Government accepts Proposal I in the report subject to the modifications and amendments set out hereunder.

*Paragraph 94 (a), (b) and (c)*

*"(a) That the qualifications set out in Appendix V have points allocated to them.*

*(b) That a minimum of three points be laid down to enable the elector to obtain one vote.*

*(c) That the possession of each additional point above three qualify the elector for a further vote for each point."*

The Government proposes—

*(a) that, subject in the case of Kikuyu, Embu and Meru to the provisions of paragraph 98 (b), a person must have attained the age of 21 years in order to be eligible for registration as a voter;*

*(b) that the qualifications set out in Appendix V.A and V.B should have points allocated to them; those in Appendix V.A being applicable to men and those in V.B to women;*

*(c) that one point should enable the elector to obtain one vote;*

*(d) that the possession of each additional point should qualify the elector for a further vote for each point, to a maximum of three votes.*

*Paragraph 94 (d)*

*"That in addition to the qualification set out in Appendix V there should be a residential qualification of six months. In the case of Africans resident outside their land unit and for whom arrangements should be made to vote for a candidate standing for their home constituency the six months' qualification should apply to the area in which they are either temporarily or permanently resident."*



The Government accepts this recommendation in the following amended form:—

"That arrangements should be made for Africans residing outside their native land units to vote for a candidate standing for their home constituency; by option, and subject, in the case of Kikuyu, Embu and Meru, to the provisions of paragraph 98 (g), such Africans should be permitted to vote, instead, for a candidate standing for the constituency in which they are residing provided they have been so residing for the period of six months immediately preceding application for registration as a voter."

The Government has given attention to the arrangements whereby this recommendation should be put into effect and has reached the following conclusions:—

(i) Electors living in their native land unit should be required to register in their home constituency and to vote for one of the candidates standing for election to represent that constituency. They would not be permitted to vote elsewhere.

(ii) Electors who for the six months immediately preceding registration have been continuously resident in an electoral area outside their native land unit should be given the opportunity of registering either in their native land unit or in the area where they are resident. In order to enable such electors to vote for a candidate in their land unit (if they so wish and if they have registered there) special "expatriate" voting facilities should be provided in the constituency in which they are residing at the time of the elections.

(iii) Electors who at the time of registration have *less* than six months' residence outside their native land unit should be required to register as electors in their land unit; they would not be permitted to vote for a candidate in the constituency in which they were residing at the time of the election.

*Paragraph 94. (e)*

*"That the onus of applying for admission to the electoral roll be placed on the elector who must apply in the form set out in Appendix VI."*

The Government accepts this recommendation.

**20. Disqualifications of Voters**

*Paragraph 95*

*"(a) Any person who is not a British subject of the age of 21 years or upwards."*

The Government accepts this recommendation in the following amended form:—

*"(a) Is not a British subject or a British protected person of the age of 21 years or upwards."*

*"(b) Any person who has not taken an Oath of Allegiance to Her Majesty the Queen."*

The Government does not accept this recommendation since it is felt that the Oath could not be administered with suitable solemnity to the large number that is likely to be qualified for registration.

*"(c) Any person who is not an African of local birth."*

The Government accepts this recommendation in the following amended form:—

“Is not a member of an African tribe indigenous to East Africa who was born in Kenya or has been resident in Kenya for at least ten years.”

*“(d) Any person who has been sentenced by a Court in any of Her Majesty’s Dominions to death or to imprisonment by whatever name called for a term exceeding twelve months during the previous two years and has not either suffered punishment to which he was sentenced or to such other punishment as may by competent authority have been substituted therefor or received a free pardon. (In the case of persons convicted of offences in connexion with the Emergency or with sections 70 and 71 of the Penal Code disqualification to be for such period as may be decided by the Governor.)”*

The Government accepts this recommendation in the following amended form:—

“Has been sentenced to death or has been imprisoned for a term of 12 months or more and has not received a pardon: Provided that such disqualification shall cease two years after the date of expiration of the sentence save in the case of persons convicted of offences under Emergency Regulations, punishable by imprisonment for seven years or upwards, or under section 70 or 71 of the Penal Code, in which cases the disqualification shall be for such period as shall be decided by the Governor.”

The revised form makes it clear that the period of two years’ disfranchisement would begin on the expiry of the sentence.

*“(e) Any person who is adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony.”*

The Government accepts this recommendation in the following amended form:—

“Is a person either adjudged by a competent Court to be of unsound mind, or detained as a criminal lunatic under any law in force in the Colony.”

*“(f) Any person who is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections.”*

The Government accepts this recommendation.

*“(g) Any person who has been convicted of a crime and sentenced under section 343 (1) of the Criminal Procedure Code and during the previous two years has not completed a reporting order.”*

The Government accepts this recommendation in the following amended form:—

“Is, or has at any time been, during the period of two years immediately preceding application for registration as an elector, subject to police supervision in consequence of a valid order made under section 343 of the Criminal Procedure Code;”

The Government proposes to add a further disqualification as follows:—

“(h) Is the subject of a Restriction Order made under the Deportation (Immigrant British Subjects) Ordinance, 1949, or of a Detention Order made under the Emergency Regulations, 1952.”

## 21. Qualifications for Candidates

### Paragraph 96

“The candidate should—

(a) be a qualified elector with either points (h) or (i) in Appendix V in his qualification, i.e. five years' service on an African District Council or Locational Council or an African Advisory Council in Townships or an African Court; or 10 years' service in a position of responsibility on a farm, in commerce, Government or Local Government, in private service or having a medal or certificate for more than 20 years' faithful and continuous service;”

The Government does not accept this recommendation but proposes instead that a candidate should—

(a) be a registered voter; and

(b) be of the age of 25 years or upwards; and

(c) have completed intermediate school, i.e. Form II of the secondary course or an equivalent; and

(d) have either a proved income from all sources of £240 during the 12 months preceding nomination; or a proved income from all sources of £120 during the 12 months preceding nomination and, in addition, one of the qualifications set out in Appendices V.A or V.B other than No. I or No. II.

“(b) be able to read, write and converse in fluent English and if he is not in possession of a university degree, a Makerere professional diploma or was previously a member of the Legislative Council, be tested for his proficiency in English and general education or experience by a committee consisting of members of the Education Department sitting with African assessors.”

The Government accepts this recommendation subject to the addition of the words “appointed by the Provincial Commissioner concerned”.

“(c) have property movable or immovable to the aggregate of £700 or an income of not less than £240 per annum.”

The Government does not regard this recommendation as necessary since the requirement is met by the income qualification referred to above.

“(d) should never have been imprisoned.”

This requirement has been transferred to paragraph 97 since it is a disqualification rather than a qualification.

Although the Government recognizes the need for candidates of a high quality, it considers that this disqualification should be the same as in the case of Europeans and Asians. This recommendation has therefore been amended to bring it into line with the corresponding provision of the Legislative Council Ordinance.

*"(e) should substantiate that he has property in his village or his father's village in the constituency for which he wishes to stand and that he should himself have resided therein for an aggregate of at least three months in the four years prior to his seeking election."*

The Government does not accept this recommendation in its present form. It is considered that the object of ensuring that the candidate has both a residential and a property connexion with the constituency can most suitably and practicably be achieved by requiring him to show that he has a place of residence in that constituency. It is proposed that the recommendation should be amended to read:—

*"Substantiate that he has a place of residence in the constituency for which he proposes to stand."*

*"(f) be nominated and supported by nine qualified electors from the constituency for which he is standing for election."*

The Government accepts this recommendation in the following amended form which will bring it into line with the corresponding requirement in the Legislative Council Ordinance:—

*"Be nominated by being proposed, seconded and supported by not less than seven persons other than the proposer and seconder; the proposer, seconder and supporters being persons registered as voters in the constituency for which the candidate is nominated."*

*"(g) should complete a statutory declaration in the form in Appendix IX."*

The Government accepts this recommendation.

*"(h) deposit £25, which sum will be forfeited if he fails to secure one-eighth of the total votes cast."*

The Government accepts this recommendation.

## 22. Disqualifications of Candidates

### Paragraph 97

*"(a) A candidate should be disqualified if he is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state. (This would naturally mean that he, being an elector, would have to take the oath of allegiance to Her Majesty the Queen.)"*

The Government accepts this recommendation in the following amended form:—

*"if, at the time of nomination, he fails to take an oath of allegiance to Her Majesty the Queen."*

*"(b) If he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's Dominions."*

The Government accepts this recommendation in the following amended form which will bring it into line with the corresponding requirement of the Legislative Council Ordinance:—

“if he has been declared bankrupt or insolvent by any competent Court in the Colony or elsewhere and has not received his discharge.”

“(c) *If he is a party to or a partner in a firm or a director or manager of a company which is party to any contract to the Government of Kenya for or on account of the public service.*”

The Government does not accept this recommendation in its present form; it is proposed to replace it by the corresponding requirement of the Legislative Council Ordinance as follows:—

“If he has undertaken, either directly or indirectly, himself or by anyone in trust for him, any contract with a Government department for which the consideration exceeds one thousand five hundred shillings: Provided that he shall not be disqualified for election if, at least 14 days before the date appointed for the election, he publishes in a newspaper circulating in the constituency for which he is a candidate a notice of the fact of such contract, giving particulars thereof.”

“(d) *If he is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Kenya.*”

The Government accepts this recommendation in the following amended form:—

“If he is a person either adjudged by a competent Court to be of unsound mind, or detained as a criminal lunatic under any law in force in the Colony.”

This disqualification is the same as that proposed for an elector, and although appearing to be redundant is not so; it is designed to meet the case of a person becoming of unsound mind *after* registration as an elector.

“(e) *If he is disqualified for membership of the Council by any law for the time being in force in Kenya relating to offences connected with elections.*”

The Government accepts this recommendation.

“(f) *If he is disqualified for election by any law for the time being in force in Kenya by reason of his holding or acting in any office the functions of which involve—*

- (i) *any responsibility for or in connexion with the conduct of any election; or*
- (ii) *any responsibility for the compilation or revision of any electoral register.*

The Government accepts this recommendation subject to the deletion of the words “disqualified for election by any law for the time being in force in Kenya by reason of his . . .” This paragraph will, therefore, read—

“if he is holding, or acting in, any office the functions of which involve—

- (i) *any responsibility for or in connexion with the conduct of any election; or*

- (ii) any responsibility for the compilation or revision of any electoral register."

The final sentence of paragraph 97 reads as follows:—

*"It is further recommended that civil servants or municipal or local government employees should be given leave in order to allow them to stand as candidates if they so wish but that if elected they should be required to resign."*

The Government accepts this recommendation, in so far as Government servants are concerned, subject to the inclusion, after the words "civil servants", of the words "other than members of Her Majesty's Oversea Civil Service, or of the police and prisons services or officers concerned with the direction of policy to an extent which, in the opinion of the Government, would make it undesirable for them to take part in active politics".

With regard to municipal and local government employees the Government considers that the question whether such persons should be permitted to stand as candidates is a matter for decision by the local government authority concerned.

### 23. Kikuyu, Embu and Meru

#### Paragraph 98

*"I recommend in relation to the Central Province only:—*

- (a) *That the proposals contained in paragraph 44 should not apply to the Central Province.*
- (b) *That in order to select a candidate for the Central Province constituency at the next election a list of persons should be prepared who have never taken a Mau Mau oath.*
- (c) *That those persons should in the land units be selected by chiefs and Locational Councils and in Settled areas or Townships applications by prospective voters should be made to the local district commissioner in the first instance. In the case of those who have not been in the Settled Areas or Townships for the 18 months prior to the end of 1954, these applications should be sent to the Locational Council in the applicant's district of origin.*
- (d) *That in all districts with resident Kikuyu, Embu or Meru a Central District Committee should be appointed to act as revising body with appellate powers.*
- (e) *That in the Central Province a Provincial Committee should be established also with revisionary and appellate powers and that if necessary this committee should be available for revision or appeal in other provinces where there are resident Kikuyu, Embu or Meru.*
- (f) *That Kikuyu, Embu or Meru, wherever resident, should vote, if qualified, for the Central Province candidates only and not for any other candidate, even if so qualified under Paragraph 40.*
- (g) *That the list of voters prepared under sub-paragraph (b) above be considered provisional only and subject to revocation at any time.*
- (h) *That the qualified voters have one vote only.*

- (i) *That males only should be registered except where a woman, who has not taken the Mau Mau oath, has shown exceptional powers of active fighting against Mau Mau and is recommended for inclusion by the District Commissioner concerned.*
- (j) *That the whole position of the Kikuyu, Embu and Meru be reviewed by the Government one year prior to the election after next.*

The Government has decided that the above proposals for dealing with the Kikuyu, Embu and Meru require substantial modification, and that the following provisions should replace those contained in the report—

- (a) That the proposals contained in Paragraphs 94–97 should apply to any Kikuyu, Embu or Meru wherever resident who has passed the loyalty test referred to in (b) hereunder;
- (b) that no application for registration as a voter should be considered unless the applicant first adduces proof of having given active support to the Crown during the Emergency;
- (c) that any Kikuyu, Embu or Meru who has passed the loyalty test should be allowed to apply for registration under the system detailed in Paragraph 94;
- (d) that the loyalty test should be applied by the district commissioner of the District in which the applicant is residing, who should be assisted by such assessors as he may think proper to appoint. The decision of the district commissioner should not be subject to appeal or litigation;
- (e) that no Kikuyu, Embu or Meru should be permitted to stand as a candidate unless he has successfully passed the loyalty test;
- (f) that no Kikuyu, Embu or Meru should be permitted to stand as a candidate for election in any constituency other than in the Central Province or Nairobi;
- (g) that Kikuyu, Embu or Meru residing outside the Central Province or Nairobi should not be permitted to vote for any candidate other than a candidate for the Central Province. Kikuyu, Embu and Meru in Nairobi should be permitted to vote for a Central Province candidate if they so wish; alternatively, they should be permitted to vote for a Nairobi candidate if qualified by residence so to do;
- (h) that the register of Kikuyu, Embu and Meru voters should be considered provisional only and should be subject to variation by addition or deletion at any time in the light of the loyalty criterion;
- (i) that the whole question of the Kikuyu, Embu and Meru should be reviewed by the Government in relation to the second and subsequent elections.

#### 24. Northern Province

##### Paragraph 99

*"It is recommended that in accordance with the wishes of the tribesmen themselves, the inhabitants of the Northern Frontier Province of Kenya continue to have their interests cared for by the Government through the Provincial Commissioner and that they should not take part in the elections of 1956 but that the Government consider this question again about a year prior to the elections of 1960."*

The Government accepts this recommendation subject to the amendment of the final sentence to read—

“but that the Government consider the question again in relation to the following election.”

The Government will give its close attention to this aspect of the Commissioner's inquiry.

## 25. Miscellaneous

### Paragraph 100

“(a) *It is recommended that Government investigate the practicability of purchasing voting machines.*”

The Government accepts this recommendation.

“(b) *It is recommended that separate ballot boxes, each marked with its own symbol and, if requested, the photograph of the candidate, be provided.*”

The Government accepts this recommendation provided that it is prefaced by the words “where practicable”. The provision of separate ballot boxes, suitably marked, should not present any difficulty as far as “home” elections are concerned. But in places such as Nairobi and Mombasa it would not be practicable to provide separate boxes for each one of the many candidates for whom “expatriate” electors would wish to cast their votes. It is proposed that for “expatriate” voting, a single box should be provided for each “expatriate” constituency and that an appropriate form of voting paper should be used.

“(c) *It is recommended that voting cards be issued to electors at the time of registration.*”

The Government accepts this recommendation.

“(d) *It is recommended that indelible ink be used at polling booths to avoid personation.*”

The Government accepts this recommendation.

“(e) *It is recommended that polling booths be provided on a Locational basis.*”

The Government accepts this recommendation.

“(f) *It is recommended that special arrangements be made for voters living outside their native land units.*”

The Government accepts this recommendation: comments as to details have been made above.

“(g) *It is recommended that candidates be allowed to hold meetings.*”

The Government accepts this recommendation modified as follows:—

“Subject to local considerations relating to the preservation of law and order, candidates should be allowed to hold meetings within the constituencies for which they are standing.”



## 26. Paragraph 101

*"(a) It is recommended that the onus of applying for a vote be placed upon the prospective elector who should apply in the form in Appendix VI."*

The Government accepts this recommendation.

*"(b) It is recommended that registers should be prepared on a district basis."*

The Government accepts this recommendation subject to the addition of a sentence to provide for a special register for Kikuyu, Embu and Meru electors living outside the Central Province and Nairobi. This paragraph would then read:—

*"Generally, registers should be prepared on a district basis; a special register should be prepared for those Kikuyu, Embu and Meru residing outside the Central province and Nairobi who are qualified to vote."*

*"(c) It is recommended that some Administrative Assistants should be released for the purpose of preparing the rolls."*

The Government accepts this recommendation. The Government is aware that the problem of providing the necessary staff is likely to be a formidable one.

*"(d) It is recommended that registers after preparation should be kept in the District Commissioner's safe."*

The Government accepts this recommendation.

*"(e) It is recommended that appeals from the decisions of the registration officer should be first to a first-class magistrate and finally to a Judge of the Supreme Court."*

The Government accepts this recommendation modified as follows:—

*"Appeals from a decision of the Registration Officer should be to a first-class Magistrate whose decision should be final."*

Whereas similar appeals for Europeans and Asians lie to the Supreme Court, it is considered that it will be more convenient for Africans to be able to appeal to a first class Magistrate, and, in addition, less costly.

## 27. Paragraph 102

*"It is recommended that—*

*(a) A supervisor and assistant supervisor of elections be appointed as soon as possible.*

*(b) Registration Officers be appointed for each district.*

*(c) Returning Officers, presiding officers and poll clerks be appointed by the Supervisor of Elections in 1956.*

*(d) The Information Office start as soon as possible on the necessary explanations of the report to the African population."*

The Government accepts these recommendations.

**PART III—COMPARATIVE EXAMINATION OF THE SCHEDULE OF QUALIFICATIONS SET OUT IN APPENDIX V OF THE REPORT AND THE SCHEDULES OF QUALIFICATIONS WHICH THE GOVERNMENT PROPOSES TO ADOPT**

(*Note.—The revised Schedules of Qualifications are reproduced as Annexures II and III to this Sessional Paper.*)

28. *Qualification (a).—Over 21.*

A person must have attained the age of 21 years in order to be eligible for registration as a voter.

NOTE.—The evidence required to substantiate a claim to be of 21 years or upwards will not invariably entail the production of the actual poll tax receipts.

29. *Qualification (b).—Having completed Intermediate School, i.e. Form II of the Secondary Course or a prescribed equivalent.*

The Government accepts this standard of education as a qualification; it is incorporated in Appendix V.A and Appendix V.B as Qualification I.

NOTE.—It is proposed that the equivalents referred to should be prescribed. A list of such equivalents has been prepared and is reproduced as Annexure VIII.

30. *Qualification (c).—Makerere or an overseas university degree.*

The Government accepts this standard of higher education as a qualification; it is incorporated in Appendix V.A as Qualification V and in Appendix V.B as Qualification IV. It is proposed, however, that in order to include institutions such as the Royal Technical College the definition should be amended as follows:—

“A degree or diploma of an approved institution of University or University college standing or an approved professional qualification.”

NOTE.—Provision for approved professional qualifications is a necessary addition. A schedule of such qualifications is set out in Annexure IX.

31. *Qualification (d).—Five years service in the Armed Forces, Police or Tribal Police.*

The Government accepts this length of service in a uniformed disciplined force as a qualification; it is incorporated in Appendix V.A as Qualification III and in Appendix V.B (less the reference to the Armed Forces of the Crown and to the Tribal Police) as Qualification III.

The Government proposes that the terms of this qualification should be extended to include seven years' continuous service in Government or Local Government employment, or in the employment of the High Commission; or, alternatively, seven years' employment in industry, commerce or agriculture, such employment having been undertaken during the eight years immediately preceding registration. The definition of Qualification III in Appendices V.A and V.B. has been expanded to make provision for these additional types of long service.

NOTE.—It is not considered that eligibility for a point under this qualification can properly be made dependent on the character grading of a Discharge Certificate. The Government is satisfied that a suitable safeguard will be provided by

requiring that discharge from a disciplined force shall not have been for misconduct or that other employment shall not have been terminated by dismissal for misconduct.

It will be noted that the Commissioner's Qualification (i) relating to ten years' service in Government, Local Government or private employment has been incorporated in the new Qualification III, the period having been reduced from ten years to seven years.

32. *Qualification (e).—Proved income of £120 per annum from trade, profession, farming, etc., or property worth £500.*

The Government accepts this level of income or of ownership of property as a qualification; it is incorporated in Appendices V.A and V.B as Qualification II. It is proposed that the definition should be amended as follows:—

“Proved income from all sources of £120 during the twelve months preceding application for registration or property worth £500.”

NOTE.—It is considered that civic responsibility is indicated by the payment of taxes rather than by the possession of property or an income; this qualification is therefore to be regarded as provisional until such time as it has been possible to introduce a graduated poll tax.

33. *Qualification (f).—Having reached the grade of Elder in his tribe or the equivalent women's rank or aged 45.*

Subject to the deletion of the reference to women, the Government accepts the status of Elder (or alternatively the age of 45) as a qualification; it is incorporated in Appendix V.A as Qualification IV.

NOTE.—It is not considered that the age qualification should, at this stage, be applied to women. The inclusion of this qualification for men is based upon the fact that in African society those of the grade of Elder (or in communities where the age grade system does not operate, those of a comparable age) are by custom required to accept special obligations and responsibilities. It is emphasized that the underlying criterion is the assumption of responsibilities and not the attainment of the physical age of 45.

34. *Qualification (g).—A civil or military decoration including badge of honour or Chief's Medal.*

The Government accepts this proof of meritorious service as a qualification; it is incorporated in Appendix V.A as Qualification VII and in Appendix V.B as Qualification VI.

35. *Qualification (h).—Five years' service on an African District Council or Locational Council or an African Advisory Council in Townships or an African Court.*

The Government accepts this proof of experience in Local Government as a qualification; it is incorporated in Appendix V.A as Qualification VI and in Appendix V.B as Qualification V.

The Government proposes that the qualifying period should be reduced from five years to three years and that the terms of the qualification should be extended to include those who are members or who have in the past been members of the Legislative Council or the Central Legislative Assembly.

The qualification in its revised form reads as follows:—

“Membership past or present of the Legislative Council or the Central Legislative Assembly; or three years’ continuous membership of a Local Government Authority or an African Advisory Council or an African Court.”

A schedule of Local Authorities has been prepared and is reproduced as Annexure X.

36. *Qualification (i).—Ten years’ service in a position of responsibility on a farm, in commerce, Government or Local Government, in private service or having a medal or certificate for more than 20 years’ faithful and continuous service.*

The question of the adoption of this qualification has been dealt with under Qualification (d).

37. *Qualification (j).—A membership badge in a women’s club.*

It is considered that the mere possession of a membership badge in a women’s club would be too open to abuse to justify its acceptance as a qualification.

It is proposed that this qualification should be replaced by “outstanding service to the community as certified by the Provincial Commissioner concerned”. The intention is that this special qualification for women should include not only those who have taken an active part in women’s clubs but also those who have been prominent in service to the community, whether in a paid or voluntary capacity.

This new qualification is included in Appendix V.B as Qualification VI.

## ANNEXURES

The Annexures attached to this Sessional Paper are as follows:—

- ANNEXURE I.—Revised Part V of Report.  
Summary of Recommendations.
- ANNEXURE II.—Revised Appendix V of the Report.  
Qualifications for Men.  
New Appendix V.A.
- ANNEXURE III.—Revised Appendix V of the Report.  
Qualifications for Women.  
New Appendix V.B.
- ANNEXURE IV.—Revised Appendix VI of the Report.
- ANNEXURE V.—Form of Oath for a Candidate.
- ANNEXURE VI.—Form of Nomination Paper for a Candidate.
- ANNEXURE VII.—Form of Statutory Declaration of a person nominated as a candidate for election as a member of the Legislative Council.
- ANNEXURE VIII.—Qualifications entitling a person to one vote under I of Appendices V.A and V.B “Education”.
- ANNEXURE IX.—Approved professional qualifications entitling a person to one vote under the heading “Higher Education” in Appendices V.A and V.B.
- ANNEXURE X.—Schedule of Local Authorities and Advisory Councils in which three years’ continuous service provides a vote under the heading “Legislative Experience” in Appendices V.A and V.B.

## ANNEXURE I

## REVISED PART V—CONCLUSIONS

## Chapter 13—Summary of Recommendations

93. Direct voting by secret ballot should be adopted for all African elections. Universal adult franchise not to be introduced into Kenya at the present time.

94. That the Government accepts Proposal I, subject to the following modifications and amendments:—

- (a) that, subject in the case of Kikuyu, Embu and Meru to the provisions of paragraph 98 (b), a person must have attained the age of 21 years in order to be eligible for registration as a voter;
- (b) that the qualifications set out in Appendices V.A and V.B should have points allocated to them; those in Appendix V.A being applicable to men and those in V.B to women;
- (c) that one point should enable the elector to obtain one vote;
- (d) that the possession of each additional point should qualify the elector for a further vote for each point, to a maximum of three votes;
- (e) that arrangements should be made for Africans residing outside their native land units to vote for a candidate standing for their home constituency; by option, and subject, in the case of Kikuyu, Embu and Meru to the provisions of paragraph 98 (g), such Africans should be permitted to vote, instead, for a candidate standing for the constituency in which they are residing provided they have been so residing for the period of six months immediately preceding application for registration as a voter;
- (f) that the onus of applying for admission to the electoral roll be placed on the elector who must apply in the form set out in Appendix VI.

95. The following persons should be disqualified for registration as a voter; that is to say, any person who—

- (a) is not a British subject or a British protected person of the age of 21 years or upwards;
- (b) is not a member of an African tribe indigenous to East Africa who was born in Kenya or has been resident in Kenya for at least ten years;
- (c) has been sentenced to death or has been imprisoned for a term of twelve months or more and has not received a pardon: Provided that such disqualification shall cease two years after the date of expiration of the sentence save in the case of persons convicted of offences under Emergency Regulations, punishable by imprisonment for seven years or upwards, or under sections 70 or 71 of the Penal Code, in which cases the disqualification shall be for such period as shall be decided by the Governor;
- (d) is a person either adjudged by a competent Court to be of unsound mind, or detained as a criminal lunatic under any law in force in the Colony;
- (e) is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections;

- (f) is, or has at any time been, during the period of two years immediately preceding application for registration as an elector, subject to police supervision in consequence of a valid order made under section 343 of the Criminal Procedure Code; or
- (g) is the subject of a Restriction Order made under the Deportation (Immigrant British Subjects) Ordinance, 1949, or of a Detention Order made under the Emergency Regulations, 1952.

96. *A candidate should—*

- (a) be a registered voter;
- (b) be of the age of 25 years or upwards;
- (c) have completed Intermediate School, i.e. Form II of the Secondary Course or an equivalent;
- (d) have *either* a proved income from all sources of £240 during the twelve months preceding nomination; *or* a proved income from all sources of £120 during the twelve months preceding nomination and, in addition, one of the qualifications set out in Appendices V.A or V.B, other than No. I or No. II;
- (e) be able to read, write and converse in fluent English and if he is not in possession of a University degree or a Makerere professional diploma or was not previously a member of the Legislative Council, be tested for his proficiency in English and for his general education by a Committee consisting of members of the Education Department sitting with African assessors appointed by the Provincial Commissioner concerned;
- (f) substantiate that he has a place of residence in the constituency for which he proposes to stand;
- (g) be nominated by being proposed, seconded and supported by not less than seven persons other than the proposer and seconder; the proposer, seconder and supporters being persons registered as voters in the constituency for which the candidate is nominated;
- (h) complete a statutory declaration in the form in Appendix IX;
- (i) deposit £25, which sum will be forfeited if he fails to secure one-eighth of the total votes cast.

It is further recommended that civil servants, other than members of Her Majesty's Oversea Civil Service, or of the Police and Prisons Services or officers concerned with the direction of policy to an extent which in the opinion of the Government would make it undesirable for them to take part in active politics, should be given leave in order to allow them to stand as candidates if they so wish but that if elected they should be required to resign.

The question whether servants of Local Government authorities should be permitted to stand is considered to be a matter for decision by the authority concerned.

97. *A candidate should be disqualified—*

- (a) if he has been convicted of a criminal offence and has been sentenced to imprisonment for a term of six months or more, and has not received a pardon:

Provided that the Governor in Council of Ministers may by order, in any particular case, remove such disqualification;

- (b) if, at the time of nomination, he fails to take an oath of allegiance to Her Majesty the Queen;
- (c) if he has been declared bankrupt or insolvent by any competent Court in the Colony or elsewhere and has not received his discharge;
- (d) if he has undertaken, either directly or indirectly, himself or by anyone in trust for him, any contract with a Government department for which the consideration exceeds one thousand five hundred shillings; provided that he shall not be disqualified for election if, at least fourteen days before the date appointed for the election, he publishes in a newspaper circulating in the constituency for which he is a candidate a notice of the fact of such contract, giving particulars thereof;
- (e) if he is a person either adjudged by a competent Court to be of unsound mind, or detained as a criminal lunatic under any law in force in the Colony;
- (f) if he is disqualified for membership of the Council by any law for the time being in force in the Colony relating to offences connected with elections;
- (g) if he is holding, or acting in, any office the functions of which involve—
  - (i) any responsibility for or in connexion with the conduct of any election; or
  - (ii) any responsibility for the compilation or revision of any electoral register.

**98. It is recommended that the Following Provisions Should Apply to all Kikuyu, Embu and Meru—**

- (a) that the proposals contained in paragraphs 94–97 should apply to any Kikuyu, Embu or Meru wherever resident who has passed the loyalty test referred to in (b) hereunder;
- (b) that no application for registration as a voter should be considered unless the applicant first adduces proof of having given active support to the Crown during the Emergency;
- (c) that any Kikuyu, Embu or Meru who has passed the loyalty test should be allowed to apply for registration under the system detailed in paragraph 94;
- (d) that the loyalty test should be applied by the District Commissioner of the District in which the applicant is residing who should be assisted by such assessors as he may think proper to appoint. The decision of the District Commissioner should not be subject to appeal or litigation;
- (e) that no Kikuyu, Embu or Meru should be permitted to stand as a candidate unless he has successfully passed the loyalty test;
- (f) that no Kikuyu, Embu or Meru should be permitted to stand as a candidate for election in any constituency other than in the Central Province or Nairobi;
- (g) that Kikuyu, Embu or Meru residing outside the Central Province or Nairobi should not be permitted to vote for any candidate other than a candidate for the Central Province; Kikuyu, Embu and Meru in Nairobi should be permitted to vote for a Central Province candidate if they so wish; alternatively, they should be permitted to vote for a Nairobi candidate if qualified by residence so to do;



- (h) that the register of Kikuyu, Embu and Meru voters should be considered provisional only and should be subject to variation by addition or deletion at any time in the light of the loyalty criterion;
- (i) that the whole question of the Kikuyu, Embu and Meru should be reviewed by the Government in relation to the second and subsequent elections.

**99. It is recommended that—**

In accordance with the wishes of the tribesmen themselves, the inhabitants of the Northern Province of Kenya continue to have their interests cared for by the Government through the Provincial Commissioner and that they should not take part in the election of 1956 but that the Government consider this question again in relation to the following election.

**100. It is recommended that—**

- (a) Government investigate the practicability of purchasing voting machines.
- (b) Where practicable, separate ballot boxes, each marked with its own symbol and, if requested, the photograph of the candidate, be provided.
- (c) Voting cards be issued to electors at the time of registration.
- (d) Indelible ink be used at polling booths to avoid impersonation.
- (e) Polling booths be provided on a locational basis.
- (f) Special arrangements be made for voters residing outside their native land units.
- (g) Subject to local considerations relating to the preservation of law and order, candidates should be allowed to hold meetings within the constituencies for which they are standing.

**101. It is recommended that—**

- (a) The onus of applying for a vote be placed upon the prospective elector who should apply in the form in Appendix VI.
- (b) Generally, registers should be prepared on a district basis; a special register should be prepared for those Kikuyu, Embu and Meru residing outside the Central Province and Nairobi who are qualified to vote.
- (c) Some administrative assistants should be released for the purpose of preparing the rolls.
- (d) Registers after preparation should be kept in the District Commissioner's safe.
- (e) Appeals from a decision of the Registration Officer should be to a first-class Magistrate whose decision should be final.

**102. It is recommended that—**

- (a) A supervisor and assistant supervisor of elections be appointed as soon as possible.
- (b) Registration officers be appointed for each District.
- (c) Returning officers, presiding officers and poll clerks be appointed by the supervisor of elections in 1956.
- (d) The Information Office start as soon as possible on the necessary explanations of the Report to the African population.

ANNEXURE II  
Appendix V.A

I—*Education*

Having completed intermediate school, i.e. Form II of the secondary course or a prescribed equivalent.

II—*Property*

Proved income from all sources of £120 during the 12 months preceding application for registration, or property worth £500.

III—*Long Service*

Five years' service in the Armed Forces of the Crown, or in the police, prisons or tribal police, provided that discharge shall not have been for misconduct; or seven years' continuous service in any form of Government or local government employment or in the employment of the High Commission, provided that such employment shall not have been terminated by dismissal; or seven years' employment in commerce, industry or agriculture, such employment having been undertaken within the eight years immediately preceding registration.

IV—*Seniority*

Having reached the grade of elder or the age of 45 years.

V—*Higher Education*

A degree or diploma of an approved institution of university or university college standing or an approved professional qualification.

VI—*Legislative Experience*

Membership, past or present, of the Legislative Council or the Central Legislative Assembly; or three years' continuous membership of a local government authority or an African advisory council or an African court.

VII—*Meritorious Service*

A civil or military decoration including Badge of Honour or Chief's Medal.

## ANNEXURE III

## Appendix V.B

I—*Education*

Having completed intermediate school, i.e. Form II of the secondary course or a prescribed equivalent.

II—*Property*

Proved income from all sources of £120 during the 12 months preceding application for registration, or property worth £500.

III—*Long Service*

Five years' service in the police or prisons, provided that discharge shall not have been for misconduct; or seven years' continuous service in any form of Government or local government employment or in the employment of the High Commission, provided that such employment shall not have been terminated by dismissal; or seven years' employment in commerce, industry or agriculture, such employment having been undertaken within the eight years immediately preceding registration.

IV—*Higher Education*

A degree or diploma of an approved institution of university or university college standing or an approved professional qualification.

V—*Legislative Experience*

Membership, past or present, of the Legislative Council or the Central Legislative Assembly; or three years' continuous membership of a local government authority or an African advisory council or an African court.

VI—*Meritorious Service*

Outstanding service to the community as certified by the Provincial Commissioner concerned.

ANNEXURE IV  
REVISED APPENDIX VI OF REPORT

LEGISLATIVE COUNCIL ORDINANCE

Form of Application by Elector

To:—

The Registering Officer of the Electoral Area of .....

I claim to have my name inserted in the Register of Voters for the election of an African Member to represent the ..... Area/Ethnic group.

1. Name .....
2. Address .....
3. No. and date of Passport, Identity Card, Tax No. or Birth Certificate .....
4. Age (21 years or over) .....
5. Educational qualifications: Intermediate School, i.e. Form 11 of the Secondary Course, or the prescribed equivalent and date .....
6. Proved income of £120 per annum or property worth £500 .....
7. Military, Police, Prisons or Tribal Police service and dates; or Government or Local Government service and dates; or employment in commerce, industry or agriculture and dates .....
8. Elder's grade or age of 45 (for men only) .....
9. Degree, diploma or professional qualification and date .....
10. Membership of Legislative Council or Central Legislative Assembly and dates .....
11. Civil or Military decoration .....
12. Service on a Local Government Authority or an African Advisory Council or an African Court and dates .....
13. Outstanding service to the community (for women only) .....

14. Occupation .....
15. Place of business or employment .....
- .....

I claim under section ..... of the Ordinance to be entitled to one vote because of the qualifications specified in paragraph ..... above and to further votes in respect of the qualifications set out in paragraphs ..... Documents in support of this claim are attached to this application form.

I hereby certify that I am qualified to have my name inserted in the Register of Voters for the above area and that I do not suffer from any of the disqualifications set out in section ..... of the Legislative Council Ordinance of which I have free knowledge, the same having been read by/ explained to me as reproduced on the reverse of this form.

.....  
Signature or Thumb-print.

Date .....

[REVERSE]

NOTE.—No person shall be entitled to have his/her name on the roll of voters if such person—

- (a) is not a 'British subject or a British protected person of African origin or descent who—
- (i) was born in Kenya or has been resident in Kenya for at least ten years; and
- (ii) has been resident in, or has paid the A.D.C. rate for the area in which he wishes to be registered;
- (b) has not attained the age of 21 years;
- (c) has been adjudged by a competent Court to be of unsound mind or has been detained as a criminal lunatic under any law in force in the Colony;
- (d) has been sentenced to death or has been imprisoned for a term of twelve months or more and has not received a pardon:

Provided that such disqualification shall cease two years after the date of expiration of the sentence save in the case of persons convicted of offences under the Emergency Regulations, punishable by imprisonment for seven years or upwards, or under sections 70 and 71 of the Penal Code, where disqualification shall be for such period as shall be decided by the Governor;

- (e) is, or has at any time been, during the period of two years immediately preceding this application, subject to police supervision in consequence of an order made under section 343 of the Criminal Procedure Code;
- (f) is the subject of a Restriction Order made under the Deportation (Immigrant British Subjects) Ordinance, 1949, or of a Detention Order made under the Emergency Regulations, 1952.

ANNEXURE V

I, the undersigned .....  
do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors according to law.

SO HELP ME GOD

.....  
*Signature.*

CERTIFICATE

I, the undersigned .....  
do hereby certify that on the ..... day of .....  
195.., the candidate above named made and subscribed before me the above  
set forth oath.

.....  
*Registration Officer.*

**ANNEXURE VI  
NOMINATION PAPER**

We, the undersigned electors for the electoral area of .....  
 ....., do hereby nominate the following person as a proper  
 person to serve as Member of Legislative Council for the said electoral area of  
 ..... and we certify that to the best  
 of our belief he is qualified for election as a Member of the Legislative Council  
 under the conditions prescribed by clause ..... of the Legislative Council  
 Order in Council dated .....

<i>Surname</i>	<i>Other Names</i>	<i>Address</i>	<i>Occupation</i>
.....	.....	.....	.....

<i>Signatures</i>	{	(Proposer) .....
		(Secunder) .....
		.....
		.....
		.....
		.....
		.....
		.....
		.....
		.....

I, ....., nominated  
 in the foregoing nomination paper hereby consent to such nomination as candi-  
 date for election as a Member of the Legislative Council for the electoral area of  
 .....  
 and name as my address for serving of process and papers under the Legisla-  
 tive Council (Elections) Ordinance:—

Address .....

Witness my hand this ..... day of ....., 195..

Signed by the said nominee in the presence of .....

.....  
*Signature of Witness.*

.....  
*Signature of Candidate.*

ANNEXURE VII

REVISED APPENDIX IX OF THE REPORT

Statutory Declaration of a person nominated as a candidate for election as a member of the Legislative Council

Qualification of ..... of ..... in the ..... of ....., nominated as a candidate for election as a Member of the Legislative Council for the electoral area of .....

I, ..... of ..... in the ..... of ..... do solemnly and sincerely declare as follows:—

- (1) I am a British subject or British protected person of African origin or descent and have attained the age of twenty-five years.
(2) Being a candidate for election as an African Elected Member I am a registered elector of the electoral area of ..... and I qualify under point I of Appendix V.A or Appendix V.B.
(3) Being a candidate for election as an African elected Member my income in the last twelve months was £240 or more/my income in the last twelve months was £120 or more,\* and I qualify for one of the points In Appendix V.A or V.B other than points I or II.
(4) Being a candidate for election as an African Elected Member I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the Council and in witness whereof I attach the certificate of the examining committee/have been exempted from appearing before the examining committee.\*
(5) Being a candidate for election as an African Elected Member I have a place of residence at ..... in the electoral area of .....

\* Delete the part inapplicable.



- (6) I have not been declared bankrupt or insolvent by a competent court in the Colony or elsewhere; *or* I have been declared bankrupt or insolvent by a competent court but I have received my discharge.\*
- (7) I am not a person adjudged by a competent court to be of unsound mind or detained as a criminal lunatic under any law in force in Kenya.
- (8) I am not holding, or acting in, any office the functions of which involve—
  - (i) any responsibility for, or in connexion with, the conduct of any election; or
  - (ii) any responsibility for the compilation or revision of any electoral register.
- (9) I have not been convicted of a criminal offence and sentenced to imprisonment for a term of six months or more; *or* I have been convicted of a criminal offence and sentenced to a term of imprisonment of more than six months but have received a free pardon.\*

I make this declaration conscientiously believing the same to be true and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

(Signed) .....

Declared before me this ..... day of ....., 195..

(Signed) .....

*Returning Officer.*

\* Delete the part inapplicable.

## ANNEXURE VIII

EDUCATIONAL QUALIFICATIONS UNDER PART I OF APPENDICES  
V.A AND V.B

- (1) A leaving certificate signed by the headmaster to the effect that the holder has completed the full Intermediate School Course up to Form 2.
- (2) A South African National Standard VI Examination Certificate.
- (3) A Kenya African Preliminary Examination Certificate.
- (4) A T.4 Teacher's Certificate.
- (5) A certificate issued by the Principal of a Government technical and trade school to the effect that the holder has completed a recognized trades course.
- (6) A letter from an Education Officer certifying that the bearer has reached a standard of education equivalent to the Kenya African Preliminary Examination.

The above will cover all those who have completed an Intermediate School Course up to Form 2 and those who have been diverted to other courses at an earlier stage but have subsequently reached a level equivalent to or higher than Form 2.

ANNEXURE IX  
**APPROVED PROFESSIONAL QUALIFICATIONS UNDER PART V OF  
 APPENDIX V.A AND PART IV OF APPENDIX V.B**

*Medical Profession (Cap. 119)*

Any qualification which would entitle its holder to register as a medical practitioner under the Medical Practitioners and Dentists Ordinance.

*Profession of Dentist*

Any qualification which would entitle its holder to register as a dentist under the Medical Practitioners and Dentists Ordinance.

*Profession of Land Surveyor (Cap. 147)*

Any qualification which would entitle a person to receive a licence as a land surveyor under the Land Surveyors Ordinance.

*Pharmacists (Ordinance No. 15 of 1942)*

Any qualification which would entitle a person to be registered as a pharmacist under the Pharmacy and Poisons Ordinance, 1942.

*Engineer*

- Member or Associate Member of the Institution of Mining Engineers.
- Member or Associate Member of the Institution of Civil Engineers.
- Member or Associate Member of the Institution of Water Engineers.
- Member or Associate Member of the Institution of Municipal and County Engineers.
- Member or Associate Member of the Institution of Structural Engineers.
- Member or Associate Member of the Institution of Mechanical Engineers.
- Member or Associate Member of the Institution of Electrical Engineers.
- Member or Associate Member of the Institution of Mining and Metallurgy.
- Associate of the Royal School of Mines.
- Associate of the Cambourne School of Mines.
- Associate Fellow or Associate of the Institution of Aeronautical Engineers and Royal Aeronautical Society.
- Member or Associate Member of the Institution of Chemical Engineers.
- Member of the Association of Consulting Engineers.

*Surveyor*

Fellow or professional Associate of the Royal Institution of Chartered Surveyors.

*Accountant*

Chartered and Incorporated.

*Architect or Quantity Surveyor*

Acceptable to the Board of Registration of Architects and Quantity Surveyors established under the Architects and Quantity Surveyors Ordinance (Cap. 306).

*Veterinary Surgeons*

Member of the Royal College of Veterinary Surgeons.

*Estate Agents, Valuer and Land Agent*

Fellow of the Royal Institute of Chartered Surveyors.

*Minor Branches of the Medical Profession*

(a) Nursing Sisters, S.R.N. (State Registered Nurses); S.C.M. (State Certificated Midwife).

(b) Physiotherapists, C.S.P. (Chartered Society of Physiotherapy).

*Ordained Clergy**Legal Profession (Rules of Court) (Legal Practitioners)*

Members of the Bar of England, Scotland, Northern Ireland or the Republic of Ireland.

Persons who have been admitted and are qualified to practise as advocates before the Supreme Court or High Court of any Dominion, Commonwealth, or self-governing Colony in the British Empire, or before one of the High Courts of India or Pakistan.

Solicitors, attorneys, or law agents of a Superior Court in a British possession to which the Colonial Solicitors Act, 1900, is applied by Order in Council and who by virtue of the said Act and of any Order in Council thereunder may be admitted as Solicitor of the Supreme Court in England, Scotland, Northern Ireland or the Republic of Ireland, without examination and without service of articles of clerkship.

Solicitors of the Supreme Court in England, Northern Ireland or the Republic of Ireland, law agents admitted to practise in Scotland.

ANNEXURE X  
**SCHEDULE OF LOCAL AUTHORITIES AND ADVISORY COUNCILS  
UNDER PART VI OF APPENDIX V.A AND PART V OF  
APPENDIX V.B**

- (i) County Council.
- (ii) County Urban Council.
- (iii) Municipality.
- (iv) Township Committee.
- (v) African Ward Council.
- (vi) African District Council.
- (vii) African Locational Council.
- (viii) African Advisory Council.
- (ix) District Education Board.
- (x) Townships Advisory Committee.