

LAWS OF KENYA



The Guarantee (High Commission
Posts and Telecommunications Loan)
(No. 3) Ordinance *Act*

CHAPTER 452

Amended by LN 2/64



CHAPTER 452

22 of 1960.

THE GUARANTEE (HIGH COMMISSION POSTS AND TELECOMMUNICATIONS LOAN) (No. 3) ORDINANCE* ^{Act}

Commencement: 14th February, 1961

An Ordinance to guarantee a loan of three million pounds sterling to be raised by the High Commission for certain purposes of the East African Posts and Telecommunications Administration; to facilitate the investment of trust and other funds in the United Kingdom or elsewhere in High Commission securities issued for the purposes of that loan; and for other matters relating thereto and connected therewith

9 of 1959.

WHEREAS the High Commission, by an Act of the High Commission entitled the Loan (Posts and Telecommunications) Act, 1959, is authorized to raise either at one time or by instalments, and either separately or at the same time as any other loan, the sum of three million pounds sterling for the purposes specified in the Schedule to that Act:

Cap. 4 (1951).

AND WHEREAS the principal of and the interest and other charges on such loan are by the said Act charged upon and payable out of the Posts and Telecommunications Fund maintained for the East African Posts and Telecommunications Administration under section 97 of the East African Posts and Telecommunications Act of the High Commission:

AND WHEREAS it is expedient that payment of the principal of and the interest and other charges on such loan should be guaranteed out of the general revenues and assets of Kenya and that any sums for fulfilling such guarantee should be charged on the said general revenues and assets:

* By virtue of the East African Common Services Organization (Adaptation of Laws) (No. 2) Order, 1962 (L.N. 153/1962 and L.N. 176/1962)—

- (a) the references in this ^{Act} Ordinance to securities of the High Commission (meaning thereby the loan securities of the High Commission) are to be read and construed as if they also included references to the loan securities of the Authority; and subject thereto ^{Act}
- (b) the references in this ^{Act} Ordinance to the High Commission are, in respect of any time or period commencing on or after the 8th December, 1962, to be read and construed as if they were references to the Authority.

BE IT THEREFORE ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Guarantee (High Commission Posts and Telecommunications Loan) (No. 3) Ordinance.

Short title.

Act

del to the
by LN 2/64

2. In this ~~Ordinance~~

Interpretation.

“the Act of 1959” means the Loan (Posts and Telecommunications) Act, 1959, of the High Commission;

9 of 1959.

“final judgment, decree, rule or order” means in the case of appeal the final judgment, decree, rule or order of the ultimate court hearing the appeal;

“High Commission (Posts and Telecommunications Loan) securities” means all securities created or issued by the High Commission for the purpose of raising the loan authorized by the Act of 1959, to which securities for the time being the Colonial Stock Acts, 1877 to 1948, of the United Kingdom apply, and which securities are for the time being registered in the United Kingdom in accordance with those Acts.

12 and 13
Geo. 6, c. 1.

3. Payment of the principal moneys raised by the High Commission under the authority of the Act of 1959 and any interest and other charges thereon, to the extent to which such principal moneys and interest and other charges are not paid out of the Posts and Telecommunications Fund maintained for the East African Posts and Telecommunications Administration under section 97 of the East African Posts and Telecommunications Act of the High Commission is hereby guaranteed out of the consolidated fund:

Guarantee of loan.

Cap. 4 (1951).

Provided that the principal moneys guaranteed under this Ordinance shall not in the aggregate exceed three million two hundred and fifty thousand pounds sterling.

4. Any sum required for fulfilling the guarantee created by section 3 of this Ordinance shall be charged on the general revenues and assets of Kenya, and the Government shall issue out of the consolidated fund and remit to the Crown Agents any such sum; and any sum received by way of repayment of any sum so paid shall be placed to the credit of the exchequer account and shall form part of the consolidated fund.

Sums charged on general revenues and assets.

Provision for
payment of
money due to
stockholders.

5. (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 in respect of any of the High Commission (Posts and Telecommunications Loan) securities, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of Kenya in the hands of the Crown Agents.

(2) Whenever any sum of money is required to be paid to Her Majesty's Government in the United Kingdom under section 7 of the Act of 1959, then that sum, if not forthwith paid by the High Commission, shall be paid by the Governor out of the funds of Kenya in the hands of the Crown Agents.

(3) If the sum remitted to the Crown Agents under section 4 of this Ordinance is insufficient for the payment of any sum adjudged or declared to be payable under subsection (1), or required to be paid under subsection (2), of this section, any balance required to meet such deficit shall be charged upon the general revenues and assets of Kenya, and the Governor shall forthwith issue out of the consolidated fund and shall remit to the Crown Agents a sum equal to the amount of that balance; and such sum shall be applied by the Crown Agents in the satisfaction of any such final judgment, decree, rule or order, or of the amount required to be paid as aforesaid.

Certificate
by Crown
Agents.

6. In order to enable every payment under this Ordinance to be duly made, a certificate under the hands of the Crown Agents, specifying the sums so paid under a final judgment, decree, rule or order of any court in the United Kingdom, or paid to Her Majesty's Government in the United Kingdom, as the case may be, shall be sufficient authority to the Controller and Auditor-General, or other officer having the auditing of the accounts of the Crown Agents, for passing such sums without further appropriation.

Certain
Ordinances may
properly be
disallowed.

7. If at any time hereafter an Ordinance is passed which appears to Her Majesty's Government in the United Kingdom to alter any of the provisions affecting the High Commission (Posts and Telecommunications Loan) securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, or prejudicially to affect the right of Her Majesty's Government in the United Kingdom to require repayment of any sums under section 7 of the Act of 1959, that Ordinance may properly be disallowed.