

CHAPTER 64.

PROTECTORATE VAGRANCY.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Native continuously unemployed deemed a vagrant.
4. Right to interrogate native.
5. Courts may order repatriation of convicted natives.
6. Native Court may recommend repatriation of convicted natives.
7. Power of Magistrate to make an order.
8. Execution.
Immunity.
9. Expenses of repatriation to be paid from general revenue.
10. Penalty in case of a repatriated native returning to the chiefdom.
11. Penalty for harbouring, etc.

SCHEDULE.

CHAPTER 64.

PROTECTORATE VAGRANCY.

An Ordinance to control vagrancy and to provide for the repatriation to their own chiefdoms of natives convicted before certain Courts in the Protectorate. 17 of 1934.

[7TH DECEMBER, 1934.]

1. This Ordinance may be cited as the Protectorate Vagrancy Ordinance, and shall apply to the Protectorate. Short title.

2. In this Ordinance, unless the context otherwise requires—
“Native Court” means a Court of a Native Chief as constituted by the Native Courts Ordinance. Interpretation.
Cap. 8.

3. Any native belonging by native law or custom to one chiefdom who remains in any part of another chiefdom without regular employment for more than twenty-one days and without any members of the chiefdom in which he is then resident being willing to answer for him in accordance with native law or custom, or who fails to give a satisfactory account of his means of subsistence, shall be deemed an idle and disorderly person and shall be liable on summary conviction by a Native Court to imprisonment for any period not exceeding one month. Native continuously unemployed deemed a vagrant.

Right to
interrogate
native.

4. It shall be lawful for any chief, sub-chief, or headman to interrogate any native whom they may find in any chieftom other than that to which the native by native law or custom belongs, or that in which he is domiciled, as to his means of subsistence, his present place of abode and the chieftom to which he belongs, and, on his failing to answer, or if his answers be unsatisfactory, to take him to the Paramount Chief of the chieftom in which he was found with a view to his being charged under the last preceding section.

Courts may
order
repatriation
of convicted
natives.

5. If any native is convicted in the Supreme Court or in any Magistrate's Court of any offence and such native was not born in the chieftom in which the offence was committed and has not resided there for a continuous period of two years previous to his being brought before the Court, then the Court may on the application of the Paramount Chief concerned order that such native shall, in addition to any punishment, be repatriated to the chieftom to which it appears he properly belongs. Such order may be in the form set out in the Schedule to this Ordinance.

Native
Court may
recommend
repatriation
of convicted
natives.

6. (1) If any native is convicted in any Native Court of any offence which such Court is competent to try, and such native was not born in the chieftom in which the Court has jurisdiction and has not resided there for a continuous period of two years previous to his being brought before the Court, then the Court may recommend to the Magistrate of the district in which the chieftom is situated that such native shall, in addition to any punishment, be repatriated to the chieftom to which it appears he properly belongs.

(2) Such native shall be sent forthwith to the Magistrate with as full a record of the proceedings as the circumstances permit.

Power of
Magistrate
to make
an order.

7. The Magistrate shall, when a native is brought before him by virtue of the provisions of section 6, review the proceedings held in the Native Court and if satisfied that any recommendation made under the provisions of that section has been properly made, may, by an order which may be in the form set out in the Schedule to this Ordinance, direct that such native shall, within a period to be specified in the order, be repatriated to the chieftom named in the order.

Execution.

8. Any repatriation order made under this Ordinance shall be carried out by such persons and in such manner as the Magistrate shall direct, and all persons in any way concerned in

carrying out any such order shall be held harmless and no action at law shall be maintainable in respect of any act done in pursuance of any such order. Immunity.

9. All expenses incurred in the execution of a repatriation order made under this Ordinance shall be paid out of general revenue. Expenses of repatriation to be paid from general revenue.

10. If a native who has been repatriated under the provisions of this Ordinance shall return to the chiefdom from which he has been repatriated within a period of two years, without the consent of the Tribal Authority of such chiefdom, he shall be guilty of an offence and shall on conviction before a Magistrate be liable to imprisonment for a period not exceeding three months, with or without hard labour. Penalty in case of repatriated native returning to the chiefdom.

11. Any person harbouring a native or assisting, aiding or abetting a native to return to the chiefdom from which he has been repatriated and knowing that such native has been repatriated under the provisions of this Ordinance, and that the period specified in section 10 has not expired, shall be guilty of an offence and liable on conviction before a Magistrate to a fine not exceeding forty shillings or to imprisonment for a period not exceeding three months, with or without hard labour. Penalty for harbouring, etc.

SCHEDULE.

REPATRIATION ORDER.

WHEREAS.....of.....was on the.....day of.....convicted in the.....Court held at.....of the office of.....and was sentenced to.....:

AND WHEREAS the said.....was not born in the.....Chiefdom in the.....District and has not resided there for a continuous period of two years but has his usual place of residence (or was born) in the.....Chiefdom in the.....District:

THEREFORE, I HEREBY ORDER that the said.....shall within.....days from the date of this Order be repatriated to the said.....Chiefdom in the.....District.

Dated at.....this.....day of.....19.....

.....
Judge of the Supreme Court.
Magistrate.