

(2) The Trust Board may in any matter in regard to which the Native Lands Trust Ordinance, 1938, or the Crown Lands Ordinance so provides delegate its powers and duties to the Chief Native Commissioner.

8. Except as provided by the Native Lands Trust Ordinance, 1938, all native rights existing at the coming into operation of this Order, whether such rights relate to tribal, group, family or individual holdings, in any land in the Colony situate outside the areas of land mentioned in section 3 are hereby extinguished.

9. Nothing in this Order shall be taken to affect—

(a) the provisions of the Kenya (Annexation) Order in Council, 1920, the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921, and the Kenya Colony and Protectorate (Boundaries) Order in Council, 1926, whereby the territories forming the Colony of Kenya were annexed to and made to form part of His Majesty's Dominions, and the boundaries of the Colony and Protectorate defined;

(b) except as provided by section 4 (6) hereof, the provisions of the Kenya Colony Order in Council, 1921.

10. This Order shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette.

*Rupert B. Howorth.*

At the Court at *Buckingham Palace*, the 2nd day of *February*, 1939.

PRESENT,

The KING's Most Excellent Majesty.

Lord President.

Viscount Chilston.

Secretary Sir Thomas Inskip.

Mr. Secretary Colville.

Mr. Chancellor of the Duchy of Lancaster.

Mr. R. A. Butler.

Captain Crookshank.

Sir Reginald Dorman-Smith.

WHEREAS it is expedient to define the boundaries of the area in the Colony of Kenya known as the Highlands, and to make other provision in respect thereof:

Now, therefore, His Majesty, in pursuance of the powers vested in Him by the British Settlements Act, 1887, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Kenya (Highlands) Order in Council, 1939.

2.—(1) In this Order unless the context otherwise requires—

“Colony” means the Colony of Kenya;

“Crown Lands Ordinance” means the Crown Lands Ordinance (Chapter 140 of the Revised Edition of the Laws of Kenya) as amended by the Crown Lands (Amendment) Ordinance, 1929, the Crown Lands (Amendment) Ordinance, 1934, and the Crown Lands (Amendment) Ordinance, 1938;

“Gazette” means the Official Gazette of the Colony;

“Governor” means the Governor and Commander in Chief for the time being of the Colony and includes every person for the time being administering the Government thereof.

(2) In this Order references to the Native Lands Trust Ordinance, 1938, and the Crown Lands Ordinance shall include any Ordinance which may hereafter be enacted to amend or replace the same provided that such Ordinance shall have been reserved for the signification of His Majesty's pleasure thereon and His Majesty's assent shall have been given thereto.

(3) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) The Highlands of Kenya shall consist of the areas of land the boundaries of which are set out in the Seventh Schedule to the Crown Lands Ordinance.

(2) Except as provided in the Native Lands Trust Ordinance, 1938, and the Crown Lands Ordinance, the boundaries of the Highlands shall not be altered.

4.—(1) There shall be established in the Colony a Board which shall be known as the Highlands Board.

(2) The Highlands Board shall consist of the following persons—

(a) the person for the time being lawfully discharging the functions of Chief Secretary, who shall be President of the Board;

(b) the person for the time being lawfully discharging the functions of Commissioner for Lands and Settlement, who shall be Vice-President;

(c) four persons, not holding office in the public service of the Colony, appointed from time to time by a majority of the European Elected Members of the Legislative Council of the Colony present and voting at a meeting of the European Elected Members convened for the purpose;

(d) a person nominated from time to time by the Governor.

(3) (a) The names of the persons from time to time appointed in accordance with paragraph (c) of subsection (2) of this section shall be submitted to the Governor who shall cause notice thereof to be published in the Gazette.

(b) Such persons need not themselves be European Elected Members of the Legislative Council.

(c) The appointment of such persons shall not be affected by any dissolution of the Legislative Council, and the persons who are members of the Board at the time of the dissolution by virtue of such appointment shall continue to be members of the Board until the first session of the new Legislative Council or until new members are appointed by the European Elected Members, whichever shall first happen.

(4) The Board shall not be disqualified from acting by reason of any vacancy or vacancies among the members.

(5) Four members of the Board shall form a quorum, and the Board may regulate its proceedings as it thinks fit.