



LAWS OF KENYA

**GUARANTEE (HIGH COMMISSION RAILWAYS
AND HARBOURS LOAN) (NO. 4) ACT**

CHAPTER 459

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Railways and Harbours Loan) (no. 4)*

CHAPTER 459

**GUARANTEE (HIGH COMMISSION RAILWAYS
AND HARBOURS LOAN) (NO. 4) ACT**

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CHAPTER 459

GUARANTEE (HIGH COMMISSION RAILWAYS AND HARBOURS LOAN) (NO. 4) ACT

[Date of assent: 31st October, 1958.]

[Date of commencement: 19th July, 1960.]

An Act to guarantee a loan of eight million five hundred thousand pounds sterling or the equivalent in pounds sterling and other currencies to be raised by the High Commission for certain purposes of the East African Railways and Harbours Administration; facilitate the investment of trust and other funds in the United Kingdom or elsewhere in High Commission securities issued for the purposes of such loan; and for other matters relating thereto and connected therewith

[Act No. 40 of 1958, L.N. 2/1964, L.N. 374/1964.]

WHEREAS the High Commission, by an Act of the High Commission entitled the Loan (Railways and Harbours) Act, 1957 (Act No. 12 of 1957) made in accordance with the provisions of section 28(1)(a) of the East Africa (High Commission) Orders in Council, 1947 to 1957, 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 eight million five hundred thousand pounds sterling or the equivalent in pounds sterling and other currencies for certain purposes of the East African Railways and Harbours Administration specified in the Schedule to such Act:

AND WHEREAS the principal of and the interest and other charges on such loan are by such Act charged upon and payable out of the Railways and Harbours Fund maintained for the East African Railways and Harbours Administration under the provisions of section 41 of the said Orders in Council:

AND WHEREAS it is expedient that the payment of the principal of and the interest and other charges on such loan should be guaranteed out of the consolidated fund and that any sums necessary for fulfilling such guarantee should be charged on the consolidated fund:

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

1. Short title

This Act may be cited as the Guarantee (High Commission Railways and Harbours Loan) (No. 4) Act.

[Nos. 12 and 13 Geo. 6, c. 1.]

2. Interpretation

In this Act, unless the context otherwise requires—

“**the Act of 1957**” means the Loan (Railways and Harbours) Act, 1957, (No. 12 of 1957) of the High Commission;

“**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 (Railways and Harbours Loan) securities**” means all securities created or issued by the High Commission for the purpose of raising a loan of eight million five hundred thousand pounds sterling, or the equivalent in pounds sterling and other currencies, authorized by the Act of 1957, to which for the time being the Colonial Stock Acts, 1877 to 1948, apply and which are for the time being registered in the United Kingdom in accordance with those Acts;

“**Treasury**” means the Commissioners for the time being of Her Majesty’s Treasury in the United Kingdom.

3. Guarantee of loan

(1) The payment of the principal moneys authorized to be raised by the High Commission under the authority of the Act of 1957, 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 Railways and Harbours Fund maintained for the East African Railways and Harbours Administration under the provisions of section 41 of the East Africa (High Commission) Orders in Council, 1947 to 1957, is hereby guaranteed out of the consolidated fund:

Provided that the aggregate amount of principal moneys guaranteed under this Act shall not in the aggregate exceed eight million eight hundred thousand pounds sterling.

(2) Without prejudice to the guarantee created by subsection (1) of this section, there is hereby guaranteed to the Treasury out of the consolidated fund, the payment to the Treasury of any sums due to be paid to the Treasury under section 8 of the Act of 1957.

4. Sums charged on consolidated fund

Any sum required for fulfilling any guarantee created by this Act shall be charged upon and paid out of the consolidated fund, and the Minister shall remit to the Crown Agents any such sum; and any sum received by the Minister by way of the repayment of any sum so paid shall be paid into the consolidated fund.

[L.N. 374/1964, Sch.]

5. Provision for payment of money due to stockholder

(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 (Railways and Harbours Loan) securities, then that sum, if not forthwith paid by the High Commission, shall be paid by the Minister out of the funds of the Territory in the hands of the Crown Agents.

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(2) Whenever any sum of money is required to be paid to the Treasury under section 8 of the Act of 1957, then that sum, if not forthwith paid by the High Commission, shall be paid by the Minister out of the funds of the Territory in the hands of the Crown Agents.

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

[L.N. 374/1964, Sch.]

6. Certificate by Crown Agents

In order to enable every payment to be made by the Crown Agents under the provisions of this Act to be duly made, a certificate under the hands of the Crown Agents, specifying the sums so paid under a judgment, decree, rule or order of any court in the United Kingdom or to the Treasury, as the case may be, shall be sufficient authority to the Auditor-General or other officer having the auditing of the accounts of the Crown Agents, for passing such sum without further appropriation.

7. Deleted by L.N. 374/1964, Sch.

8. Certain Acts may properly be disallowed

If at any time hereafter an Act is passed which appears to Her Majesty's Government in the United Kingdom to alter any of the provisions affecting the High Commission (Railways and Harbours 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 the Treasury to require the payment of any sum under section 8 of the Act of 1957, that Act may properly be disallowed.

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