

**CHAPTER 61.**

**TRIBAL AUTHORITIES.**

**ARRANGEMENT OF SECTIONS.**

**SECTION.**

1. Short title.
2. Interpretation.

**PART I.—TRIBAL AUTHORITIES.**

3. (1) Establishment of Tribal Authorities.  
(2) Presumptions where persons discharging specified functions, etc., are appointed.  
(3) Limitation of powers of Tribal Authority.  
(4) Revocation of orders and appointments.  
(5) Defaulting Tribal Authorities.  
(6) Existing Tribal Authorities to be deemed appointed under this Ordinance.
4. Duties and powers of Tribal Authorities.
5. Duty of natives to assist Tribal Authorities.
6. Prevention of crime.
7. Duty of natives to attend before Government officers and others when so directed by Tribal Authority.
8. Power of Tribal Authority to issue orders.
9. Promulgation of orders.
10. Powers of Provincial Commissioner in relation to orders which may be issued by Tribal Authorities.
11. Penalty for breaches of orders made under sections 8 and 10.
12. Preservation of the jurisdiction of Courts concerned in the issue of orders.
13. Acts and defaults of Chief and Tribal Authority.
14. Person professing to be Chief or Tribal Authority.
15. Conspiracy against Chief or Tribal Authority.

**PART II.—POWER OF TRIBAL AUTHORITY TO MAKE BYE-LAWS.**

16. Power to make bye-laws.  
(4) Power of Governor to revoke bye-laws.
17. Saving of existing bye-laws.

**PART III.—LEGAL PROCEEDINGS.**

18. Suits by and against Tribal Authorities.
19. Limitation of suits against Tribal Authorities.
20. Mode of service of notice, etc., on Tribal Authorities.
21. Representation of Tribal Authorities at hearing of suit.

**PART IV.—MISCELLANEOUS.**

22. Penalties.
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## CHAPTER 61.

## TRIBAL AUTHORITIES.

8 of 1937.  
19 of 1940.  
29 of 1952.  
4 of 1957.

**An Ordinance to Prescribe the Powers and Duties of Tribal Authorities.**

[1ST JANUARY, 1938.]

Short title.

1. This Ordinance may be cited as the Tribal Authorities Ordinance; it shall apply to the Protectorate and shall be read and construed as one with the Protectorate Ordinance (hereinafter referred to as the Principal Ordinance) or any Ordinance substituted therefor.

Cap. 60.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—  
“ Tribal Authority ” means the Paramount Chief, the Chiefs, the councillors and men of note elected by the people according to native law and custom, approved by the Governor and appointed a Tribal Authority under this Ordinance for the area concerned.

Cap. 8.

“ Native Court ” means a Native Court established under the provisions of the Native Courts Ordinance or any Ordinance substituted therefor.

“ suit ” has the meaning assigned to the term by section 2 of the Native Courts Ordinance.

## PART I.—TRIBAL AUTHORITIES.

Establishment of Tribal Authorities.

3. (1) The Governor by notice published in the *Gazette* may—  
(a) constitute the office of Tribal Authority for any specified area;

(b) appoint to such office so constituted any other chief or native;

(c) direct that any Tribal Authority shall be subordinate to any other Tribal Authority in any group of chiefdoms.

Presumptions where persons discharging specified functions, etc., are appointed.

(2) Where the person or persons for the time being discharging specified functions, or being members of a specified group, are appointed to be a Tribal Authority under this section, a person shall be deemed to be lawfully discharging such functions or to be lawfully a member of such group if and so long as he is so recognised by the Governor or by such person as the Governor may direct.

(3) When constituting the office of a Tribal Authority or at any time thereafter the Governor may direct that such authority shall exercise only such of the powers conferred upon Tribal Authorities by this Ordinance as he may specify, and when any such direction shall have been given, this Ordinance shall be deemed to confer upon such authority only such powers as the Governor shall have specified.

Limitation  
of powers  
of Tribal  
Authority.

(4) The Governor may at any time revoke, suspend or vary any constitution, appointment, direction or order made by him under this Ordinance, and may at any time order that such person or persons appointed to be a member or members of a Tribal Authority shall cease to be such member or members, and thereupon such person or persons shall cease to be a member or members of such Tribal Authority.

Revocation of  
orders and  
appoint-  
ments.

(5) If at any time the Governor in Council is of the opinion that a Tribal Authority is no longer exercising any of its powers or performing any of its duties in a manner conducive to the welfare of the chiefdom over which it has jurisdiction, he may appoint any person to exercise and perform, during the continuance of the appointment, all or any specified powers and duties of the Tribal Authority, and the Tribal Authority shall forthwith cease to exercise and perform such powers and duties accordingly.

Defaulting  
Tribal  
Authorities.

4 of 1957.

(6) Every Tribal Authority which at the commencement of this Ordinance was a Tribal Authority exercising jurisdiction over a chiefdom shall be deemed to be a Tribal Authority appointed under and in accordance with this Ordinance for the area of that chiefdom.

Existing  
Tribal  
Authorities to  
be deemed  
appointed  
under this  
Ordinance.

4. It shall be the duty of every Tribal Authority to perform the obligations by this Ordinance imposed and generally to maintain order and good government in the area over which its authority extends, and for the fulfilment of this duty it shall have and exercise over the natives residing or being in such area the powers by this Ordinance conferred in addition to such powers as may be vested in it by any other Ordinance or by any native law or custom, and, subject to any directions given by the Governor under section 3 (3), all such natives shall be deemed to be subject to the jurisdiction of the Tribal Authority.

Duties and  
Powers of  
Tribal  
Authorities.

5. It shall be the duty of every native subject to its jurisdiction when thereto required by a Tribal Authority or any member of a Tribal Authority to assist in carrying out the duties imposed upon such authority by this or any other Ordinance or by any native law or custom; and every native so required

Duty of  
natives to  
assist Tribal  
Authorities.

by a Tribal Authority or by one of its members shall be deemed to be empowered to do all that may be reasonably necessary to give effect to any lawful order issued by such authority.

Prevention  
of crime.

6. (1) It shall be the duty of any Tribal Authority to interpose for the purpose of preventing, and to the best of its ability to prevent, the commission of any offence within the area of its authority by any native.

(2) A Tribal Authority knowing of a design to commit an offence within the area of its authority by any native may arrest or direct the arrest of such native if it appears to such authority that the commission of the offence cannot be otherwise prevented. Any native so arrested shall unless released within twenty-four hours of his arrest be taken forthwith before a District Commissioner or a Native Court having jurisdiction over him.

(3) Every Tribal Authority receiving information that any native, who has committed an offence for which he may be arrested without warrant or for whose arrest a warrant has been issued, is within the area of its authority, shall cause such person to be arrested and taken forthwith before a District Commissioner or a Native Court having jurisdiction over him.

(4) Every Tribal Authority receiving information that property of any description which has been stolen, whether within or without the area of its authority, is within such area, shall cause such property to be seized and detained pending an instruction from the District Commissioner or an order of a Native Court having jurisdiction in the matter, and shall forthwith report such seizure and detention to the District Commissioner or such Native Court.

Duty of  
natives to  
attend before  
Government  
officers and  
others when  
so directed  
by Tribal  
Authority.

7. (1) It shall be the duty of every native when so directed by a Tribal Authority having jurisdiction over him or by any member of such Tribal Authority to attend before such Tribal Authority or before a District Commissioner, or any other Government Officer, or before a Native Court having jurisdiction over such person.

(2) Any such native who, when so directed to attend before such authority, officer or court, shall without reasonable excuse, neglect or refuse to attend as and when directed, may be arrested and taken before such authority, officer or court.

(3) If, in the intended exercise of its powers under the last preceding sub-section, a Tribal Authority or member of a Tribal Authority shall purport to exercise such powers, or cause them to be exercised, in relation to a person not subject to

the jurisdiction of the Authority, the Authority or member shall not be liable in respect thereof if the Authority or member shall satisfy the Court before which proceedings are taken that it or he acted *bona fide* and without negligence and had reasonable cause for believing that the person aforesaid was subject to the jurisdiction of the Authority.

8. Subject to the provisions of any Ordinance or other law for the time being in force, a Tribal Authority may (subject to the general or specific directions of the Tribal Authority, if any, to whom it is subordinate), issue orders, to be obeyed by natives within its area to whom the orders relate, for all or any of the following purposes—

Power of  
Tribal  
Authority to  
issue orders.

- (a) prohibiting, restricting or regulating gambling;
- (b) prohibiting, restricting or regulating the carrying of weapons;
- (c) prohibiting any act or conduct which in the opinion of the Tribal Authority might cause a riot or disturbance or a breach of the peace;
- (d) preventing the pollution of the water of any stream, water-course or water hole, and preventing the obstruction of any stream or water-course;
- (e) prohibiting, restricting or regulating the cutting or destruction of trees;
- (f) requiring natives within the area to report the presence within that area of any native who has committed an offence for which he may be arrested or of any property stolen or believed to have been stolen whether within or without such area;
- (g) prohibiting, restricting or regulating the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush or house or other buildings;
- (h) requiring any native to cultivate land in all respects to such an extent and with such crops as will secure an adequate supply of food for the support of such native and of those dependent upon him;
- (i) requiring the birth or death of natives within its area to be reported to it or to such person as it may direct;
- (j) preventing the spread of infectious or contagious disease, whether of human beings or animals, and for the care of the sick (or feeble minded);
- (k) prohibiting, restricting or regulating the movement in or through the area of its authority of livestock of any description;