

in the First Schedule to the Native Lands Trust Ordinance, 1938, and they are hereby vested in the Trust Board.

(2) The Native Lands are hereby divided into the nine Native Land Units mentioned in the Second Schedule to the Native Lands Trust Ordinance, 1938, the boundaries of which are set out in the First Schedule to the Ordinance, and the Trust Board shall hold the areas comprised in each Native Land Unit in trust for the native tribes ordinarily resident in those areas at the coming into operation of this Order.

(3) Except as provided in the Native Lands Trust Ordinance, 1938, the areas of land comprised within the Native Lands and the Native Land Units shall not be altered.

(4) The Native Lands shall be administered in accordance with the provisions of the Native Lands Trust Ordinance, 1938, and shall be subject generally to the provisions of that Ordinance.

(5) The Native Lands shall be subject at all times to all such rights in respect of land as are or may be enjoyed by native tribes, groups, families, or individuals by virtue of existing native law and custom, or any subsequent modification thereof, in so far as such rights are not repugnant to any law from time to time in force in the Colony.

(6) The definition of " Crown Lands " contained in Section 2 of the Kenya Colony Order in Council, 1921, shall no longer apply to the Native Lands.

(7) Nothing contained in this section shall be taken to affect the provisions of the Mining Ordinance, 1933, or of any other Ordinance in force in the Colony, whereby the property in minerals and mineral oils is vested in the Governor in trust for His Majesty, or in the Crown, nor the provisions of the Water Ordinance, 1929, whereby the property in water is vested in the Crown.

5.—(1) The Native Reserves shall be the areas of land the boundaries of which are set out in the Fourth Schedule to the Crown Lands Ordinance.

(2) The Temporary Native Reserves shall be the areas of land the boundaries of which are set out in the Fifth Schedule to the Crown Lands Ordinance.

(3) The Native Leasehold Areas shall be the areas of land the boundaries of which are set out in the Sixth Schedule to the Crown Lands Ordinance.

(4) Except as provided by the Crown Lands Ordinance the areas of land comprised respectively within the Native Reserves, the Temporary Native Reserves, and the Native Leasehold Areas shall not be altered.

(5) The Native Reserves, the Temporary Native Reserves and the Native Leasehold Areas shall continue to be Crown Lands, and shall be subject to the provisions of the Crown Lands Ordinance.

6.—(1) There shall be established in the Colony a Board which shall be known as the Native Lands Trust Board.

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

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

(b) The two Nominated Unofficial Members of the Legislative Council of the Colony who are appointed from time to time in accordance with any Instructions issued by His Majesty under the Royal Sign Manual and Signet to the Governor to represent the interests of the African community on such Council;

(c) One of the European Elected Members of the Legislative Council of the Colony who shall be chosen from time to time by a majority of the European Elected Members present and voting at a meeting of the European Elected Members convened for the purpose;

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

(3) The two Nominated Unofficial Members who are members of the Board by virtue of paragraph (b) of subsection (2) of this section at the time of any dissolution of the Legislative Council shall continue to be members of the Board notwithstanding such dissolution until new Nominated Unofficial Members of the Legislative Council are appointed as provided in that paragraph.

(4) (a) The name of the European Elected Member from time to time chosen 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) The European Elected Member so chosen who is a member of the Board at the time of any dissolution of the Legislative Council shall continue to be a member of the Board notwithstanding such dissolution until the first session of the new Legislative Council, or until a new European Elected Member is so chosen as a member of the Board, whichever shall first happen.

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

(6) The President and two other members of the Board shall form a quorum, and the Board may regulate its proceedings as it thinks fit: Provided that on any matter upon which the votes of the Board are equally divided the President shall have a second or casting vote.

(7) The Trust Board shall be a body corporate with power to hold lands in the Colony, and may sue and be sued.

7.—(1) It shall be the function of the Trust Board—

(a) to protect the interests of the natives of the Colony in the areas of land mentioned in section 3 of this Order and in particular to make representations to the Governor when in the opinion of the Trust Board anything in relation to the administration, management, development or control of the land in the said areas is not in the best interests of the said natives;

(b) to advise the Governor upon any matter relating to the areas of land mentioned in section 3 which he may refer to the Board;

(c) to exercise any power or perform any duty which may be conferred or imposed on the Board by the Native Lands Trust Ordinance, 1938, the Crown Lands Ordinance or any other law for the time being in force in the Colony.