

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 1983**

No. 11 of 1983

Date of Assent: 7th December, 1983

Date of Commencement: 9th December, 1983

An Act of Parliament to make minor amendments to the statute law

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 1983. Short title.

2. The several written laws specified in the first column of the Schedule are amended, in relation to the provisions thereof specified in the second column, in the manner specified in the third column. Amendment of written laws.

SCHEDULE

<i>Written Law</i>	<i>Section</i>	<i>Amendment</i>
The Magistrates' Courts Act (Cap. 10).	5	Delete and insert the following— 5 (1) Subject to any other written law the Resident Magistrate's Court shall have and exercise jurisdiction and powers in proceedings of a civil nature in which the value of the subject matter in dispute does not exceed twenty-five thousand shillings, or fifty thousand shillings where the court is held by a chief magistrate or senior resident magistrate: Provided that the Chief Justice may, by notice in the Gazette, increase the limit of jurisdiction of any particular chief magistrate, senior resident magistrate or resident magistrate to a sum not exceeding seventy-five thousand shillings. (2) The Resident Magistrate's Court shall have and exercise the same jurisdiction and powers in proceedings concerning claims under customary law as is conferred on district magistrates under section 9 (a).
	9	In paragraph (b) delete "two thousand shillings, or three thousand shillings" and insert "five thousand shillings, or ten thousand shillings".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Section</i>	<i>Amendment</i>
The Kadhis' Courts Act (Cap. 11).	4 (1)	Delete "seven Kadhis' courts" and insert "eight Kadhis' courts".
	4 (2)	Delete "four courts" in paragraph (a) and insert "three courts". Delete "Lamu District and Tana River District" and insert "and Lamu District". Delete "Garissa District," in paragraph (c). In paragraph (d) delete the full stop at the end and add "except Marsabit District and Isiolo District"; Add the following new paragraphs— (e) one court shall have jurisdiction in Garissa District and Tana River District; (f) one court shall have jurisdiction in Marsabit District and Isiolo District.
The Advocates Act (Cap. 16).	3 (1)(c)	Delete "Deputy Public Prosecutor" and insert "Solicitor-General".
	12 (1)	Delete paragraphs (c) and (d) and insert the following— (c) having passed the relevant examinations of the University of Nairobi he holds, or has become eligible for the conferment of, a degree in law of that university; or (d) having passed the relevant examinations of such university, university college or other institution as the Council of Legal Education may from time to time approve, he holds, or has become eligible for the conferment of, a degree in law in the grant of that university, university college or institution which the Council may in each particular case approve;. Delete from paragraph (ii) the expression "any prescribed degree such as is mentioned in paragraph (d) of this section" and insert "a degree referred to in paragraph (c) or (d)".
	24 (a) and 25	Delete "Deputy Public Prosecutor" wherever it appears and insert "Solicitor-General".
	59 (1)	Delete paragraph (a), reletter paragraph (b) as (c) and insert the following— (a) the Attorney-General; (b) the Solicitor-General or a person deputed by the Attorney-General;

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Section</i>	<i>Amendment</i>												
	60 (2)	Delete "Deputy Public Prosecutor" wherever it appears and insert "Solicitor-General or the person deputed by the Attorney-General under section 59 (1) (b)".												
The Penal Code (Cap. 63).	28 (2)	Delete the scale and insert the following— <table border="1" style="margin-left: 40px;"> <thead> <tr> <th><i>Amount</i></th> <th><i>Maximum period</i></th> </tr> </thead> <tbody> <tr> <td>Not exceeding Sh. 100</td> <td>14 days</td> </tr> <tr> <td>Exceeding Sh. 100 but not exceeding Sh. 500 ..</td> <td>1 month</td> </tr> <tr> <td>Exceeding Sh. 500 but not exceeding Sh. 3,000 ..</td> <td>3 months</td> </tr> <tr> <td>Exceeding Sh. 3,000 but not exceeding Sh. 10,000</td> <td>6 months</td> </tr> <tr> <td>Exceeding Sh. 10,000 ..</td> <td>12 months</td> </tr> </tbody> </table>	<i>Amount</i>	<i>Maximum period</i>	Not exceeding Sh. 100	14 days	Exceeding Sh. 100 but not exceeding Sh. 500 ..	1 month	Exceeding Sh. 500 but not exceeding Sh. 3,000 ..	3 months	Exceeding Sh. 3,000 but not exceeding Sh. 10,000	6 months	Exceeding Sh. 10,000 ..	12 months
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The Criminal Procedure Code (Cap. 75).	7 (1)	Delete the subsection and insert the following— <p>(1) A subordinate court of the first class held by—</p> <p>(a) a chief magistrate or senior resident magistrate may pass any sentence authorized by law for any offence triable by that court;</p> <p>(b) a resident magistrate may pass any sentence authorized by law for an offence under section 278, 308 (1) or 322 of the Penal Code.</p>												
	7 (2)	Delete "five years" and "ten thousand shillings" in paragraphs (a) and (b) and insert "seven years" and "twenty thousand shillings" respectively.												
	7 (3)	Delete "twelve months" and "two thousand shillings" in paragraphs (a) and (b) and insert "two years" and "ten thousand shillings" respectively.												
	7 (4)	Delete "six months" and "one thousand shillings" in paragraphs (a) and (b) and insert "twelve months" and "five thousand shillings" respectively. Add the following new paragraph— (c) corporal punishment not exceeding six strokes.												
	New section	Insert the following new section— <p>8. The Judicial Service Commission may by notice in the Gazette extend the jurisdiction of any particular magistrate under section 7 either generally or in relation to particular offences triable by a court of a class which</p>												
		<p>Powers of Judicial Service Commission to extend jurisdiction of subordinate courts.</p>												

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Section</i>	<i>Amendment</i>
		may be held by that magistrate, and a magistrate whose jurisdiction has been so extended may pass sentences thus authorized in cases ² where they are authorized by law.
	200 (1) and (2)	Insert after "jurisdiction" in the fourth and third lines respectively, the word "therein".
	308	Substitute a full stop for the comma after "attendance" in the third line and delete subsequent words in the section.
	1st Schedule	In relation to section 366 of the Penal Code insert "Subordinate court of the first class" in column 5.
The Extradition (Contiguous and Foreign Countries) Act (Cap. 76).	Schedule	Under the heading " <i>Piracy and Similar Offences</i> " delete "Jeopardising the safety of aircraft in flight or of the persons or property on board such an aircraft" and insert— Hijacking and offences committed in relation thereto. Offences relating to aircraft set out in section 5 of the Protection of Aircraft Act.
The Extradition (Commonwealth Countries) Act (Cap. 77).	Schedule	Delete from item 27 the words "or jeopardising the safety of an aircraft in flight or of the persons or property on board such an aircraft" and insert the following new items— 29. Hijacking and offences committed in relation thereto. 30. Offences relating to aircraft set out in section 5 of the Protection of Aircraft Act.
The Promissory Oaths Act (Cap. 100).	1st Schedule	Delete "other than a person who has held office as a puisne judge" after "Judge of Appeal" in the first column.
The Petroleum Act (Cap. 116).	4 (b)	Delete "transport" in the second line and insert "transportation (whether by aircraft, vehicle or pipeline)".
The Employment Act (Cap. 226)	17 (f)	Delete "four days" and insert "ten days".
The Dangerous Drugs Act (Cap. 245).	18 (2)	Delete and insert the following— (2) A person who is guilty of an offence under this Act shall be liable to imprisonment for a term not exceeding ten years and shall forfeit all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any articles forfeited to be destroyed or otherwise disposed of as the court thinks fit.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Section</i>	<i>Amendment</i>
The National Social Security Fund Act (Cap. 258).	11 (5)	Delete.
The Wayleaves Act (Cap. 292).	Throughout	Substitute "pipeline" for "water-pipe" wherever it appears.
The Pyrethrum Act (Cap. 340).	4 (2) (d)	Delete "the Ministry of Agriculture" and insert "the Ministry for the time being responsible for agriculture".
The Wildlife (Conservation and Management) Act (Cap. 376).	2	Insert the following new definition in correct alphabetical sequence— "export" includes re-export;
	45 (1)	Delete paragraph (b) and insert the following— (b) under and in accordance with an export permit issued by the Director on payment of the prescribed fee, which shall be non-refundable whether or not the permit is granted, and which permit may be refused by the Director without assigning any reason therefor.
The Traffic Act (Cap. 403).	31 (1) (c)	Delete "twenty-five yards" and insert "twenty-five metres".
	33 (1) (c)	In subparagraph (i) delete "twenty-one years" and insert "twenty-four years". In subparagraph (ii) delete "two years" and insert "four years".
	42 (2)	Delete "twenty-five feet" in the fifth line and insert "ten metres".
	44	Delete "five thousand shillings" in subsection (1) and insert "ten thousand shillings". Delete "six months" in subsection (2) and insert "twelve months".
	45 (1)	Delete "four thousand shillings" and "twelve months" and insert "fifteen thousand shillings" and "two years" respectively.
	51 (1)	Insert after "light amber mineral fuel oil" in the fourth line "or a substitute therefor which is approved by the Minister by notice in the Gazette".
	53 (3)	Delete "five thousand shillings" and insert "ten thousand shillings".
	58 (1)	Delete "ten thousand shillings" and insert "twenty thousand shillings".
	58 (3) (a)	Delete "the court may order the Registrar to suspend the licence" and insert "the court shall, unless for special reasons to be recorded it decides otherwise, order the Registrar to suspend the licence".