

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) (No. 2) ACT 1967**

No. 29 of 1967

Date of Assent: 29th November 1967

Date of Commencement: 30th November 1967

**An Act of Parliament to make minor amendments to the
statute law and to repeal certain laws**

ENACTED by the Parliament of Kenya, as follows:—

Short title.

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) (No. 2) Act 1967.

Amendment of
written laws.

2. The several written laws specified in the first column of the First Schedule of this Act are hereby amended, in relation to the provisions thereof specified in the second column of that Schedule, in the manner specified in relation thereto in the third column of that Schedule.

Repeal of
written laws.

3. (1) The Acts of Parliament specified in the Second Schedule of this Act are hereby repealed.

(2) The several written laws specified in the Third Schedule of this Act are hereby repealed in their application to Kenya.

FIRST SCHEDULE

(s. 2)

The Prevention of Corruption Act (Cap. 65).	s. 2.	In the definition of "public body"— (a) delete "or the government of a province" wherever it appears; (b) delete "or any Provincial Council".
The Criminal Procedure Code (Cap. 75).	s. 182. s. 266 (6).	Delete "section 45", and substitute "section 46". Delete "and the Presidents and members of Provincial Councils".
The Detention Camps Act (Cap. 91).	s. 5 (1). s. 8.	Delete "an African", and substitute "a person". Delete "African" in both places, and substitute "person" in each case.
The Commissions of Inquiry Act (Cap. 102).	s. 3 (3).	Delete "shall contain", and substitute "shall in a suitable case contain".

FIRST SCHEDULE—(Contd.)

The Special Districts (Administration) Act (Cap. 105).	s. 2 (1).	Delete, and substitute— (1) This Act shall apply to all areas to which the Minister may, by order, apply it.
	s. 2 (2).	Delete "Provincial Council" and substitute "Minister".
	s. 8 (2).	Delete "regional fund", and substitute "consolidated fund".
	ss. 10 (7) and 11.	Delete "Province", and substitute "Government".
	s. 15 (1).	Delete the proviso, and substitute— Provided that an order shall not be made requiring a person to reside outside the district in which he normally resides, except with the prior approval in writing of the Provincial Commissioner.
	s. 17 (1).	Delete "to another place within the province", and substitute "from such district or area".
	s. 17 (4).	Delete "within the province".
	s. 19 (1) (c).	Delete "Provincial Council", and substitute "President".
	s. 19 (3).	Delete "Regional".
	s. 32.	Delete "Provincial Council", and substitute "Minister".
	s. 33.	Delete "Provincial Council", and substitute "Permanent Secretary of the Ministry".
	s. 34.	Delete "Provincial Council" and substitute "Minister".
	s. 36.	Delete "Provincial Council in respect of a province", and substitute "Minister".
The Public Collections Act (Cap. 106).	s. 2 (1).	In the definition of "collection", delete "public places" and "public meetings", and substitute "a public place" and "a public meeting" respectively.
The Liquor Licensing Act (Cap. 121).	s. 3.	Delete the definition of "meal".
	s. 8.	Delete subsections (3) and (4), and substitute two new subsections as follows— (3) The president of a licensing court shall, not less than twenty-one days before a meeting of the court at which applications for licences are to be considered, by notice in the

FIRST SCHEDULE—(Contd.)

The Liquor Licensing Act s. 8.
(Cap. 121)—(Contd.)

Gazette, specify the time, date and place of the meeting, and, for each district which lies wholly or partly within the licensing area of the court, the address of the District Commissioner's office at which a notice setting forth the names of the applicants, the types of licences applied for and the premises in respect of which the licences are applied for may be inspected.

(4) The president of a licensing court shall, not less than twenty-one days before a meeting of the court at which applications for licences are to be considered, prepare a notice setting forth the names of all applicants, the types of licences applied for, the premises in respect of which the licences are applied for and the time, date and place of the meeting, and shall forthwith cause a copy of such notice—

- (a) to be published, at the office of the District Commissioner, in each district which lies wholly or partly within the licensing area of the court, for a period of not less than twenty-one consecutive days immediately preceding the day of the meeting;
- (b) to be posted in some conspicuous place at or near the licensing court premises;
- (c) to be sent to every member of the licensing court;
- (d) to be sent to the Commissioner of Police, or to such police officer as the Commissioner of Police may have notified the president that he has appointed to receive it on his behalf;
- (e) to be sent to the medical officer of health of the district in which the premises in respect of which the licences are applied for are situated; and
- (f) to be sent to the local authority of the area in which the pre-

FIRST SCHEDULE—(Contd.)

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| The Liquor Licensing Act
(Cap. 121)— <i>Contd.</i> | s. 8. | mises in respect of which the licences are applied for are situated. |
| | s. 19. | Delete "forwarded to the District Commissioner", and substitute "published at the office of the District Commissioner". |
| | | Insert "for a period of not less than twenty-one days" immediately before "a return signed by him". |
| The African Liquor Act
(Cap. 122). | s. 8. | Delete subsection (2), and substitute— |
| | | (2) The chairman of a licensing board shall— |
| | | (a) not less than twenty-eight days before a sitting of the board at which applications for licences to be considered— |
| | | (i) specify, by notice in the Gazette, the time, date and place of the sitting, and the address of the office of the District Commissioner, within the licensing area of the board, where a notice setting forth the names of the applicants and the premises in respect of which the licences are applied for may be inspected; |
| | | (ii) prepare a notice setting forth the names of all applicants, the premises in respect of which the applications are made and the time, date and place of the sitting, and forthwith cause such notice to be published at the office of the District Commissioner within the licensing area of the board, for a period of not less than twenty-one consecutive days immediately preceding the day of the sitting; and |

FIRST SCHEDULE—(Contd.)

The African Liquor Act (Cap. 122)—(Contd.)	s. 8.	(b) within seven days after any sitting of the board at which applications for licences have been considered, cause to be published at the office of the District Commissioner within the licensing of the board, for a period of not less than twenty-one days, a return signed by him specifying the names and addresses of all persons to whom, and the situation of the premises in respect of which, licenses have been granted, renewed, transferred or suspended at that sitting.
The Births and Deaths Registration Act (Cap. 149).	s. 30.	Delete.
The Government Lands Act (Cap. 280).	s. 107 (2).	Delete "section 95 of the Municipalities Act, section 137 of the Local Government (County Councils) Act, 1952, section 112 of the Local Government (District Councils) Act or section 19 of the Townships Act, as the case may be," and substitute "section 21 of the Rating Act".
The Registration of Titles Act (Cap. 281).	s. 33 (2).	Delete "section 95 of the Municipalities Act, section 137 of the Local Government (County Councils) Act, 1952, section 112 of the Local Government (District Councils) Act or section 19 of the Townships Act (as the case may be)", and substitute "section 21 of the Rating Act".
The Rent Restriction Act (Cap. 296).	s. 4 (1).	Delete paragraph (b) of the definition of "standard rent", and substitute— (b) in relation to a furnished dwelling house— (i) if on the 1st January 1965 it was let, the rent at which it was lawfully so let; (ii) if on the 1st January 1965 it was not let, the standard rent which would be applicable if it were unfurnished, plus a sum at a monthly rate not exceeding one per

FIRST SCHEDULE—(Contd.)

The Rent Restriction Act
(Cap. 296)—(Contd.)

s. 4 (1).

cent of the value (as determined by the tribunal) of the furniture, excluding any soft furnishings, linen, cutlery, kitchen utensils, glassware and crockery, and a sum not exceeding two per cent of the value (as determined by the tribunal) of any soft furnishings, linen, cutlery, kitchen utensils, glassware and crockery.

s. 4A.

Add at the end—

(4) A member of a tribunal shall hold office during the Minister's pleasure:

Provided that a member may at any time resign by giving notice in writing of his resignation to the Minister.

Insert after section 33—

Proceedings. 33A. (1) A member of a tribunal shall be free from civil liability for anything done or said by him in his capacity as such member.

(2) If any proceedings whatsoever of a civil nature are brought against a tribunal, or against any member of a tribunal, the tribunal or that member shall be represented by the Attorney-General for the purpose of those proceedings, and any costs and expenses incurred in those proceedings shall be borne by the Government.

The Oil Production Act
(Cap. 308).

s. 3 (2) (b) (ii).

Delete "or Regional" in both places where it appears.

The Agriculture Act
(Cap. 318).

s. 71.

Delete.

The Cattle Cleansing Act
(Cap. 358).

s. 2.

In the definition of "spray race or hand spray pump", delete "or hand spray pump".

The National Parks of
Kenya Act (Cap. 377).

s. 5 (7).

Delete "or another Trustee".

FIRST SCHEDULE—(Contd.)

The Customs Tariff Act (Cap. 472).	s. 5 (1) (c).	Delete "Imperial", and substitute "Commonwealth".
The Stamp Duty Act (Cap. 480).	s. 117 (2).	Delete "Her Majesty's forces for the time being stationed in Kenya and to".
The Building Societies Act (Cap. 489).	Schedule para. 2.	Delete "a Provincial Council".
The Registration of Business Names Act (Cap. 499).	s. 17 (1) (b).	Delete "Imperial", "Royal", "Crown", "Empire", and substitute "Presidential".
		Delete from "Her Majesty" to the end of the paragraph, and substitute "the President or imports any connexion with the Government or with any municipality or other local authority".
	s. 20.	Delete, and substitute—
		(1) A copy of, or extract from, any document kept, filed or registered at the office of the registrar, and purporting to be certified under the hand of the registrar to be true copy or extract, shall in all legal proceedings be admissible as prima facie evidence of the contents of the document.
		(2) The registrar shall not, in any legal proceedings to which he is not a party, be compellable—
		(a) to produce any document the contents of which can be proved under subsection (1) of this section; or
		(b) to appear as a witness to prove the matters recorded in any such document, unless the court for special cause otherwise orders.
The Factories Act (Cap. 514).	s. 6.	Delete the definition of "Government of Kenya".
The Architects and Quantity Surveyors Act (Cap. 525).	s. 2.	Delete "or a Provincial Council" in both places where it appears.
The Auctioneers Act (Cap. 526).	s. 9.	Delete "in the case of the Nairobi Area or the President of the Provincial Council in the case of a province"

FIRST SCHEDULE—(Contd.)

The Statute Law (Miscellaneous Amendments) Act 1966 (No. 21 of 1966).	First Schedule.	Delete the title appearing in the first column as "The Architects and Quantity Surveyors Act (Cap. 525)", and substitute "The Auctioneers Act (Cap. 526)". In the title appearing in the first column as "The Bankers Act (Cap. 527)", delete "Bankers" and substitute "Brokers".
The Graduated Personal Tax Act 1966 (No. 38 of 1966).	s. 5 (2).	Delete "be liable to pay tax in respect of" in paragraph (ii) of the proviso, and substitute "receive".
	s. 8.	Delete subsection (6), and substitute— (6) Notwithstanding the foregoing provisions of this subsection— (a) an authorized officer may, by notice in writing, direct an employer to account for the deduction of tax by a method other than that of tax stamps, and at any time, by notice in writing, vary or cancel such direction; and (b) where it is necessary to do so to avoid overpayment of tax in respect of an employee, an authorized officer shall, by notice in writing, direct the employer not to deduct tax or to deduct tax at a rate other than that prescribed.
The Land Control Regulations 1961 (L.N. 142 of 1961).	Regulation 6 (1).	Renumber subparagraph (h) as subparagraph (i), and insert a new subparagraph as follows— (h) a public officer deputed by the Minister for the time being responsible for economic planning and development.
SECOND SCHEDULE (s. 3 (1))		
Cap. 330.		The Cereal Producers (Scheduled Areas) Act.
3 of 1960.		The Detained and Restricted Persons (Special Provisions) Act 1960.
THIRD SCHEDULE (s. 3 (2))		
O. in C. & A.A. Group 11.		The Eastern African Protectorates (Zanzibar Fugitive Offenders) Order in Council 1911.
O. in C. & A.A. Group 15.		The British Protectorates Neutrality Order in Council 1904.