

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 1974**

No. 4 of 1974

Date of Assent : 19th April, 1974

Date of Commencement : 20th April, 1974

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

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Statute Law Short title.
(Miscellaneous Amendments) Act, 1974.

2. The several written laws specified in the first column Amendment of
of the Schedule to this Act are hereby amended, in relation to written laws.
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.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Magistrate's Courts Act (Cap. 10).	s. 2	Insert immediately before the definition "District Magistrate" the following— "Chief Magistrate" means a person appointed by the Judicial Service Com- mission under section 69 of the Constitu- tion to or to act in the office of Chief Magistrate;
		In the definition "magistrate" insert after the word "means" the words "a Chief Magistrate,".
	s. 3 (1)	Insert after the words "held by" the words "a Chief Magistrate,".
	s. 5	Insert after the words "held by" the words "a Chief Magistrate or".

SCHEDULE—(Contd.)

Written Law	Provision	Amendment
The Advocates Act (Cap. 16).	s. 12 (1) (i)	Delete the words "such instruction for such period from an advocate of class as may be prescribed" and substitute therefor a comma and the following words", from an advocate of such class as may be prescribed, instruction in the proper business, practice and employment of an advocate, and has attended such course of tuition as may be prescribed for a period which, in the aggregate including such instruction, does not exceed twelve months";
	(ii)	Delete the item relating to section 12 (1) (ii) and insert a new item as follows—
	s. 12 (1) (ii)	Delete the full stop and insert immediately after the word "prescribed" in section 12 (1) (ii) the words "other than those examinations passed by him for the purpose of obtaining any prescribed degree such as is mentioned in paragraph (d) of this section."
The Law Society of Kenya Act (Cap. 18).	s. 13 (1)	Delete the word "eight" and substitute "nine".
	s. 13 (3)	Delete the word "eight" and substitute "nine".
		Delete the proviso and substitute— Provided that at least one of the members so elected shall be a member of the Society who ordinarily practises in Mombasa, and at least one shall be a member of the Society who does not ordinarily practise in Nairobi or Mombasa.
The Criminal Procedure Code (Cap. 75).	s. 7 (1) and (1A)	Delete and substitute— (1) A subordinate court of the first class held by a Chief Magistrate or a Senior Resident Magistrate, or by a Resident Magistrate upon whom the Judicial Service Commission has conferred the powers exercisable under this subsection, may pass any sentence authorized by law for any offence triable by such court.
	s. 14 (2A)	Delete "(1A)" and substitute "(1)".
	s. 126	Delete the words "is required" and substitute "may be required". Delete the words "permit him" and substitute "require him".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 207 (2)	Add at the end— Provided that after such conviction and before passing sentence or making any order the court may permit or require the complainant to outline to the court the facts upon which the charge is founded.
The Maintenance Orders Enforcement Act (Cap. 154).	s. 2	In the definition "maintenance order" delete everything after "relief or maintenance".
	Throughout	Delete the words "England, Eire or Northern Ireland" wherever they occur and substitute "the United Kingdom or Eire".
The Trustee Act (Cap. 167).	s. 2	In the definition "fixed-interest security" insert after the word "bank" the words "or financial institution". After the definition "court" insert— "financial institution" means a financial institution licensed as such under the Banking Act.
The Kenya Boy Scouts Act (Cap. 219).	Long title	Delete the word "Boy".
	ss. 1, 2, 2A (1), 2C (a), (b), 5 (1), (2) and 6.	Delete the word "Boy" wherever it occurs.
The Industrial Training Act (Cap. 237).	s. 32	Add at the end— Provided that nothing in this Act shall apply in relation to the armed forces.
The Dangerous Drugs Act (Cap. 245).	s. 18 (2)	Delete and substitute— (2) Every person who is guilty of an offence under this Act or any rules made thereunder shall be liable to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.
The Valuation for Rating Act (Cap. 266).	s. 12 (1)	Delete "preside" and substitute "be chairman of the court".
	ss. 12, 13, 14, 15 (2), 17, 21 and 24.	Delete "president" and substitute "chairman".
	ss. 19 (b) and 29	Insert before the words "a Senior" the words "a Chief Magistrate".
The Registered Land Act (Cap. 300).	s. 109 (1)	Delete "(other than the donee under a disposition by way of gift)" and substitute "(other than the transferor or transferee)".
The Traffic Act (Cap. 403).	s. 12 (2)	Delete.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Companies Act (Cap. 486).	New sections	Insert the following new sections in their correct numerical order—
		<p>Restriction on allotment 50A. (1) A company having share capital shall not allot any of its shares to a body corporate which is not a company formed and registered under this Act without the prior consent in writing of the Treasury to such allotment, and any allotment made without such consent as aforesaid shall be void.</p> <p>(2) If a company acts in contravention of this section, the company and every director thereof who knowingly or wilfully permits or authorizes the contravention shall be liable to a fine not exceeding two thousand shillings.</p>
		<p>Restriction on transfer 76A. No transfer of shares to a body corporate which is not a company formed and registered under this Act shall have effect unless such transfer is approved in writing by the Treasury and such transfer shall become void if, and in so far as it is disapproved by the Treasury.</p>
	s. 77	Add after "delivered to the Company" the words "and, if such transfer is in favour of a body corporate which is not a company formed and registered under this Act, the consent in writing of the Treasury to the transfer is produced."
The Civil Procedure Act (Cap. 5 (1948)).	s. 2	In the definition "decree" delete "rejection of a plaint or writ" and substitute "the striking out of a plaint".
	s. 65 (1) (b)	Delete "part of a decree or order of a subordinate court" and substitute "or part of a decree of a subordinate court, other than a magistrate's court of the third class".
	s. 65 (1) (c)	Delete "part of a decree or order" and substitute "or part of a decree".
The Local Government Regulations (L.N. 256 of 1963).	r. 260 (1)	Insert after the word "may" the words "subject to the general or special directions of the Attorney-General".
	Fifth Schedule paragraph 1 (a).	Delete "21" and substitute "18".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Hotels and Restaurants Act (No. 19 of 1971).	s. 6 (5)	Delete the words “and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both such fine and such imprisonment”.
	New subsection	Insert the following new subsection after subsection (5) of section 6— (6) A person guilty of an offence under subsection (2), (4) or (5) of this section shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.