

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT 1968**

**No. 8 of 1968**

*Date of Assent: 6th February 1968*

*Date of Commencement: 16th February 1968*

**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 Short title.  
(Miscellaneous Amendments) Act 1968.

2. The several written laws specified in the first column of the Schedule of this Act are hereby amended, in relation to Amendment of  
the provisions thereof specified in the second column of that written laws.  
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 Indian Acts (Amendments) Act (Cap. 2 (1948)).	s. 9	Delete.
The Civil Procedure Act (Cap. 5 (1948)).	s. 41	Delete “, graduated according to race and nationality,”.
The Interpretation and General Provisions Act (Cap. 2).	s. 39	Delete.
The Appellate Jurisdiction Act (Cap. 9).	s. 8 (1)	Replace “, with the concurrence of” with “after consultation with”.
The Advocates Act (Cap. 16).	s. 3 (1)	Delete paragraph (c), and substitute— (c) the Solicitor-General, or a person deputed by the Attorney- General;.
	s. 10 (1)	Replace “Chief Justice” with “Attorney- General”; replace “any person who has been called to or within the Bar in the United Kingdom” with “a practitioner who is entitled to appear before the superior courts of a Commonwealth country”.

## SCHEDULE—(Contd.)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Penal Code (Cap. 63).	s. 81 (1)	Replace "magistrate, or, in his absence" with "administrative officer or magistrate, or in their absence".
	s. 144 (2)	Replace "sixteen" with "fourteen" throughout.
The Criminal Procedure Code (Cap. 75).	s. 2	Insert in its alphabetical position a new definition as follows— "Registrar of the High Court" includes a Deputy Registrar of the High Court and a District Registrar of the High Court.
	s. 265 (1)	Delete "male".
The Evidence Act (Cap. 80).	s. 33	Insert "or whose attendance cannot be procured" after "incapable of giving evidence".
The Prisons Act (Cap. 90).	s. 46	Insert after subsection (3)— (3A) A prisoner may be deprived of remission— (a) where the Commissioner considers that it is in the interests of the reformation and rehabilitation of the prisoner; (b) where the Minister for the time being responsible for internal security considers that it is in the interests of public security or public order.
	s. 47	Add at the end— (7) The Commissioner may vary a compulsory supervision order, and if he considers that a person subject to a compulsory supervision order should be freed from all liability under this Act he may cancel the order, and the person shall thereupon be free from all such liability.
The Detention Camps Act (Cap. 91).	s. 15	Replace with— Sections 11, 14, 18, 19, 20, 21, 22, 26, 29, 30, 38, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 70, 71, 72 and 73 of the Prisons Act shall apply and be read as part of this Act as if there were substituted for the words "prison" and "prisoner", wherever they appear therein, the words "detention camp" and "detainee" respectively.

## SCHEDULE—(Contd.)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Housing Act (Cap. 117).	s. 3 (2)	Insert “, a person appointed by the Minister for the time being responsible for finance” after “Ministry”.
	s. 3 (3)	Replace with— (3) Appointed members of the Corporation shall each hold office for a period of three years or such longer period as the appointing Minister may think fit, but an appointment may be cancelled at any time by the Minister who made it.
The African Liquor Act (Cap. 122).	s. 34 (3)	Delete “of the Government” in paragraph (i) of the proviso; replace “Tribal” in paragraph (iv) of the proviso with “Administration”.
The Marriage Act (Cap. 150).	s. 5	Replace subsection (2) with— (2) The Minister may appoint a registrar of marriages for any foreign country or place, and may appoint a deputy to any such registrar to act in the absence or during the illness or incapacity of the registrar, being in either case— (a) a consular officer or public officer residing in that country or place; or (b) where there is no such officer, any public officer.
	s. 38c	Add at the end— Provided that the registrar may dispense with the attendance of a party where in his opinion the circumstances justify it.
	s. 2	Delete the definition of “authorized officer”. Insert in their alphabetical positions the following new definitions— “authorized officer” means the registrar, a medical officer, an inspector of drugs, an administrative officer or a police officer not below the rank of Sub-Inspector; “Inspector of Drugs” means a person appointed to the public office of that name;
The Pharmacy and Poisons Act (Cap. 244).	s. 2	Delete the definition of “authorized officer”. Insert in their alphabetical positions the following new definitions— “authorized officer” means the registrar, a medical officer, an inspector of drugs, an administrative officer or a police officer not below the rank of Sub-Inspector; “Inspector of Drugs” means a person appointed to the public office of that name;

## SCHEDULE—(Contd.)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Agriculture Act (Cap. 318).	s. 190	Delete "(not being a scheduled crop)".
The Crop Production and Livestock Act (Cap. 321).	s. 4 (1)	Delete "(other than maize and maize products)" in paragraph (a). Insert after paragraph (ha)— (hb) limiting the area of land on which persons may plant crops or particular crops or particular types of a crop, whether by reference to their past production or otherwise.
The Branding of Stock Act (Cap. 357).	s. 13 (2)  s. 15	Replace "six months" with "three months".  Delete.
The Kenya Meat Commission Act (Cap. 363).	s. 8 (1) (b)	Replace the proviso with— Provided that the Commission in carrying on the business of butchers on a wholesale basis, may not sell meat except to— (i) a retailer for the purpose of resale; or (ii) a hospital, hotel, boarding-house restaurant, school or club; or (iii) a person buying in quantities of not less than two thousand pounds in weight in any one week or in quantities of not less than twenty-five thousand pounds in weight in any one year.
The Traffic Act (Cap. 403).	s. 120	Insert "or of any subsidiary legislation made thereunder" after "provisions of this Act".
The Transport Licensing Act (Cap. 404).	s. 19 (2)	Replace "the Minister may appoint an Appeal Tribunal (hereinafter referred to as the Tribunal) consisting of such persons, not exceeding five, as he may determine", with "there shall be a Transport Licensing Appeal Tribunal (hereinafter referred to as the Tribunal), consisting of a chairman appointed by the President and four other members appointed by the Minister".

## SCHEDULE—(Contd.)

The National Parks of Kenya Act (Cap. 477).	s. 2	<p>Replace the definition of "national reserve" with the following—</p> <p>"land" includes land covered by sea or other water;</p> <p>"national reserve" means any area of land, whether contiguous to a national park or not, over or in respect of which the trustees have been granted, by the competent authority, complete or partial control or certain specific rights.</p>
		Delete paragraph (b) of the definition of "competent authority".
	s. 3	<p>Replace the proviso to subsection (1) with—</p> <p>Provided that—</p> <p>(i) if the competent authority withholds consent to the making of the order it shall not be made except with the approval of the National Assembly; and</p> <p>(ii) if the land is Trust land, the order shall not be made until the land has been set apart under section 209 of the Constitution.</p>
		Delete subsection (2).
The Central Road Authority Act 1964 (No. 24 of 1964).	s. 3 (1) (d)	<p>Replace with—</p> <p>(d) a member representing each province appointed by the President.</p>
The Betting, Lotteries and Gaming Act 1966 (No. 9 of 1966).	s. 21	<p>Insert after subsection (2) a new subsection as follows—</p> <p>(2A) Any person, other than the holder of valid principal agent's licence, who takes or sends out of Kenya (whether by post or otherwise) money or money's worth or any coupon, in connexion with any pool betting scheme authorized under section 22 of this Act shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.</p>

## SCHEDULE—(Contd.)

The Graduated Personal Tax Act 1966 (No. 38 of 1966).	s. 15 (2)	Delete "in the case of a municipality, or a District Commissioner in the case of a county,".
The Judicature Act 1967 (No. 16 of 1967).	Schedule	Replace "the Evidence Act 1951" with "the Evidence Act 1851".
The Magistrate's Courts Act 1967 (No. 17 of 1967).	2nd Sch., para. 1	<p>Insert after subparagraph (2)—</p> <p>(2A) Where, immediately before the commencement of this Act, a person had a right to appeal, or to apply for leave to appeal out of time, in respect of proceedings instituted in an African court or in any court then subordinate to the High Court, he shall be entitled to exercise that right (in accordance with subparagraph (2) of this paragraph) at any time within six weeks after the commencement of the Statute Law (Miscellaneous Amendments) (No. 3) Act 1968.</p> <p>(2B) Every sentence, decree or order passed or made before the commencement of this Act by an African court or a court then subordinate to High Court, and enforceable immediately before such commencement, shall be enforceable as though it had been passed or made by the corresponding court established by this Act.</p> <p>In subparagraph (4) delete "subparagraphs (1), (2) and (3) of".</p>