

LEGAL NOTICE NO. 462

THE KENYA ORDER IN COUNCIL 1963

(L.N. 245 of 1963)

IN EXERCISE of the powers conferred by section 11 of the Kenya Order in Council, 1963 and of all other powers thereunto enabling him, the Governor hereby makes the following Regulations:—

THE KENYA (AMENDMENT OF LAWS) (MISCELLANEOUS AMENDMENTS) REGULATIONS, 1963

1. These Regulations may be cited as the Kenya (Amendment of Laws) (Miscellaneous Amendments) Regulations, 1963, and shall be deemed to have come into force on the 1st June 1963.

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

SCHEDULE

Column 1	Column 2	Column 3
The African Courts Ordinance (No. 65 of 1951).	Section 2	<p>(i) Substitute for "provincial African Officer" wherever it appears the words "assistant African courts officer";</p> <p>(ii) Substitute for "Province" or "province" wherever they appear the word "Region".</p> <p>Delete the definition of "provincial African courts officer" and substitute in its alphabetical sequence the new definition following:—</p> <p>"assistant African courts officer" means an assistant African courts officer appointed under section 3 of this Ordinance.</p>
	Section 3 (1)	<p>Delete and substitute the new subsection following:—</p> <p>(1) (a) There shall be an African Courts Officer, being a magistrate, who shall be appointed in accordance with section 175 of the Constitution, for the purposes of this Ordinance.</p> <p>(b) There shall be such number of assistant African courts officers, being magistrates, who shall be appointed in accordance with section 175 of the Constitution, as are necessary for the purposes of this Ordinance.</p>

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The African Courts Ordinance (No. 65 of 1951).—(Contd.)	Section 4 (2)	Delete and substitute the new subsection following:— “(2) The Court of Review shall consist of the following members appointed in accordance with section 175 of the Constitution— (a) a Chairman, being a judge of the Supreme Court; (b) the African Courts Officer; and (c) two African members”.
	Section 4 (4)	Delete and substitute the new subsection following:— “(4) In the event of any member of the court being unable to act for any reason, a suitably qualified person may be appointed to act in his place during such incapacity”.
	Section 6 (1)	Delete and substitute the new subsection following— 6. (1) An African Court shall consist of a president and members appointed in accordance with section 175 of the Constitution.
	Section 7	Delete.
	Section 15 (b)	Substitute for “Provincial Commissioner” the words “Civil Secretary”.
	Section 17 (c)	Delete.
The Chattels Transfer Ordinance, Cap. 28.	Section 7	(i) Substitute for “Provincial Commissioner” wherever it appears the words “Civil Secretary”. (ii) Substitute for “province” or “provinces” wherever they appear the words “Region” “Regions” respectively.
The Bankruptcy Ordinance, Cap. 53.	Section 2	Insert immediately after the definition of “secured creditor” the new definition following— “Service Commission” includes the Public Service Commission of the Government of Kenya, the Public Service Commission of a Region, the Judicial Service Commission and the Police Service Commission.
	Section 55 (1)	Insert immediately after “civil service of Kenya” the words “or of a Region”.
	Section 55 (5)	Insert immediately after “Governor” the words “or of a Service Commission”.
The Bankruptcy Rules, Cap. 53 (Sub. Leg.)	Rule 259	Substitute for “Government Officer” the words “Officer of the Government of Kenya or officer in the public service of a Region”.
	Rule 269	Substitute for “Governor” wherever it appears the word “Minister”.

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Societies Ordinance, Cap. 108.	Sections 1 (2), 6 (8) Section 3 (1) (g)	Substitute for "Governor" or "Governor in Council" wherever they appear the word "Minister". Substitute for "Ordinance" the words "written law".
The Societies Rules, Cap. 108, (Sub. Leg.).	Rule 18	Substitute for "Governor in Council" the word "Minister".
The Books and Newspapers Ordinance, Cap. 111.	Sections 5 (1), 10 (1)	Insert immediately after "Government" wherever it appears the words "or a Regional Assembly".
The Legitimacy Ordinance, Cap. 145.	Paragraph 6 of Schedule.	Substitute for "Governor" the word "Minister".
The Births and Deaths Registration Ordinance, Cap. 149.	Section 5	Delete and substitute the new section following— 5. (1) The Minister may by notice in the Gazette appoint any area to be a registration area for the purposes of this Ordinance. (2) The Minister in relation to the Nairobi Area and a Regional Assembly in relation to its Region may appoint fit and proper persons to be the registrars and deputy registrars for each registration area. Add the new section following— 30. Subject to any rules made by the Minister under section 29 of this Ordinance a Regional Assembly in relation to its Region may make rules with regard to all or any of the following matters— (a) the place in each registration area, and the hours at which births and deaths may be notified and registered; (b) the conditions under which, and the mode in which registration may be effected without personal attendance; (c) the inspection of registers, returns and indexes and the provision of certified copies; (d) the places at which births and deaths occurring on ships within territorial waters shall be registered; (e) any matter which is by this Ordinance required to be prescribed; (f) generally, for carrying into effect the provisions of this Ordinance.

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Marriage Ordinance, Cap. 150.	Section 5	Delete and substitute the new section following— “5. The Minister in relation to the Nairobi Area or a Regional Assembly in relation to its Region shall appoint a fit and proper person to be the registrar of marriages for each district; and may also from time to time appoint a deputy registrar of marriages for any district to act in the absence or during the illness or incapacity of the registrar”.
	Section 6	Insert immediately after “Minister” wherever it appears the words “in relation to the Nairobi area or a Regional Assembly in relation to its Region”.
	Section 21	Delete “a Provincial Commissioner” and substitute the words “a registrar”.
	Section 25	Delete “by the Minister” in line 2.
	Section 40	Delete and substitute the new section following— “40. The Minister in relation to the Nairobi Area, or in relation to section 14 of this Ordinance, or a Regional Assembly in relation to its Region, may when satisfied of the poverty of the parties reduce the amount of the said fees, or remit them altogether; and, if they have been paid, order their refund”.
Marriage Districts Constituted under section 4, Cap. 150 (Sub. Leg.).		Delete the words “The Turkana District and the Northern Frontier District together form a marriage district”.
The Marriage Rules Cap. 150 (Sub. Leg.).	First Schedule, Forms 5 and 6.	Substitute for “Province” wherever it appears the word “Region”.
The African Christian Marriage and Divorce Ordinance, Cap. 151.	Section 6	Substitute for “Governor” the word “Minister”.
	Section 8 (2)	Substitute for “Provincial Commissioner” wherever it appears the words “a magistrate empowered to hold a subordinate court of the first class”.
	Section 11	Substitute for “Governor” the words “Minister in relation to the Nairobi Area, or a Regional Assembly in relation to its Region”.

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Mohammedan Marriage and Divorce Registration Ordinance, Cap. 155.	Section 4 Section 23	Insert immediately after "Minister" wherever it appears the words "in relation to the Nairobi Area, or a Regional Assembly in relation to its Region". Renumber the present section as subsection (1) and add the new subsection following— "(2) Subject to any rules made by the Minister under sub-section (1) a Regional Assembly, in relation to its Region may make rules with regard to the following matters and generally for carrying into effect the provisions of this Ordinance— (a) for regulating the attendance of assistant registrars at the celebration of marriages; (b) for regulating the grant of copies by assistant registrars; (c) for regulating the application of fees levied under this Ordinance."
The Public Trustee Ordinance, Cap. 168.	Section 18 (1) (d)	Substitute for "Ordinance" the words "written law".
The Public Trustee Rules, Cap. 168, (Sub. Leg.)	Rule 25	Substitute for "Nairobi Extra-Provincial District" the words "Nairobi Area".
The Employment Ordinance, Cap. 266.	Sections 2, 3 Section 3	Substitute for "Governor in Council" wherever it appears the word "Minister". Insert immediately after "includes" in the definition of "the Government" the words "a Regional Assembly".
	Section 31 (4)	Substitute for "province" wherever it appears the word "Region"; and for "Provincial Commissioner" the words "Civil Secretary".
	Section 31 (5) (a)	Substitute for "District Officer" wherever it appears the words "Assistant Regional Government Agent".
The Employment (Recruiters and Labour Agents) Rules, Cap. 226, (Sub. Leg.).	Schedule	Substitute for "Province" the word "Region".
Appointment of Committees and Appeals Tribunals under rules 11 and 15 of the Employment (Casual Labour) Rules, Cap. 226 (Sub. Leg.).		Substitute for "District Officer" the words "Assistant Regional Government Agent".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Employment of Women, Young Persons and Children Ordinance, Cap. 227.	Section 6	Substitute for "Governor in Council" the word "Minister".
The Employment of Children Rules (Cap. 227), (Sub. Leg.).		Substitute for "Nairobi Extra-Provincial District" wherever it appears the words "Nairobi Area".
The Domestic Employment Registration Ordinance, Cap. 228.	Section 4	Substitute for "Governor" the word "Minister".
The Regulation of Wages and Conditions of Employment Ordinance, Cap. 229.	Sections 4, 11, First Schedule (paragraph 6), Second Schedule (paragraph 1). Section 7 (5)	Substitute for "Governor in Council" wherever it appears the word "Minister".
	Section 10 (3) (b)	Substitute for "Legislative Council" wherever it appears the words "National Assembly". Delete "with the approval of the Governor in Council" and "with such approval as aforesaid".
The Trade Unions Ordinance, Cap. 233.	Section 2 Sections 5, 6, 54	Delete the definition of "local authority". Substitute for "Governor" or "Governor in Council" wherever they appear the word "Minister".
	Section 53 (4)	Insert immediately after "Government" the words "or a Regional Assembly".
The Essential Services (Arbitration) Ordinance, Cap. 235.	Section 21 (1) Section 22 (2) Schedule	Substitute for "Governor in Council" the words "Prime Minister". Substitute for "Legislative Council" wherever it appears the words "National Assembly". Insert immediately after "Government" the words "of a Regional Assembly".
The Workmen's Compensation Ordinance, Cap. 236.	Sections 2, 3, 26, 28, 41, 42. Section 3	Substitute for "Governor" or "Governor in Council" wherever they appear the word "Minister". Insert in its alphabetical sequence the new definition following— "Government" includes a Regional Assembly.
The Industrial Training Ordinance, Cap. 237.	Section 12 (3) (a)	Substitute for "District Officer" the words "Assistant Regional Government Agent".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
<p>The Shipping Ordinance, Cap. 389.</p>	<p>Sections 6, 20, 23, 24, 31, 32, 37, 39, 56, 58, 83, 105.</p> <p>Section 31 (2)</p> <p>Section 82</p>	<p>Substitute for "Governor" or "Governor in Council" wherever they appear the word "Minister".</p> <p>Substitute for "Legislative Council" the words "National Assembly".</p> <p>Substitute for "Permanent Secretary for Commerce and Industry" the words "Permanent Secretary for Works and Communications".</p>
<p>The Aerodromes (Control of Obstructions) Ordinance, Cap. 396.</p>		<p>Add the new section following—</p> <p>"13. The Minister with the concurrence of the relevant Regional Assembly, may by Order published in the Kenya Gazette and the relevant Regional Gazette, delegate any of the powers or duties conferred or imposed on the Minister under this Ordinance subject to such limitations and conditions as he deems fit, to a Regional Assembly in relation to any aerodrome or aerodromes situated within its Region".</p>
<p>The Aerodrome Regulations Ordinance, Cap. 397.</p>		<p>Add the new section following—</p> <p>"8. The Minister, with the concurrence of the relevant Regional Assembly, may by Order published in the Kenya Gazette and the relevant Regional Gazette, delegate any of the powers or duties conferred or imposed on the Minister under this Ordinance, subject to such limitations and conditions as he deems fit, to a Regional Assembly in relation to any aerodrome or aerodromes situated within its Region.</p>
<p>The Road Authority Ordinance, Cap. 401.</p>	<p>Section 3</p> <p>Section 3 (6)</p> <p>Sections 7, 8 (f), 10 (2) (e), 11.</p> <p>Sections 10 (2) (e), 13 (2), 13 (4).</p>	<p>Substitute for "Governor" and "Governor in Council" wherever this appears the words "Prime Minister".</p> <p>Delete "nominated by the Governor in Council".</p> <p>Substitute for "Governor" and "Governor in Council" wherever they appear the word "Minister".</p> <p>Substitute for "Legislative Council" wherever it appears the words "National Assembly".</p>

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Transport Licensing Ordinance, Cap. 404.	Sections 2, 3, 6, 12, 19. Section 3 (1)	Substitute for "Governor" and "Governor in Council" wherever they appear the word "Minister".
	Section 3 (15)	Delete "seven persons appointed by the Governor in Council who shall also appoint one of such persons to be chairman" and substitute "a chairman appointed by the Prime Minister and eight members, of whom one shall be appointed by the Minister to represent the Nairobi Area, and one appointed by each Regional Assembly".
	Section 19 (2) 19 (3).	Delete "or to any Provincial Commissioner or District Commissioner". Substitute for "Governor in Council" wherever it appears the words "Prime Minister".
Persons, Vehicles and Ships Exempted from all or any of the Provisions of this Ordinance under Section 4 (6), Cap. 404 (Sub. Leg.).	Paragraph 3	Insert immediately after "Crown" the words "any Regional Assembly".
The Insurance (Motor Vehicles Third Party Risks), Ordinance, Cap. 405.	Section 2	Substitute for "Governor in Council" the word "Minister".
	Section 4 (3)	Insert immediately after "Government" the words "by a Regional Assembly".
	Section 9 (3)	Substitute for "Commissioner of Police" the words "Inspector-General of Police or a Regional Commissioner of Police".
The Lakes and Rivers Ordinance, Cap. 409.	Sections 3, 4, 5, 6, 7, 9, 10, 11	Substitute for "Governor" or "Governor in Council" wherever they appear the word "Minister".
	Third Schedule, Fifth Schedule (paragraphs 1, 10). Fifth Schedule (paragraph 9).	Insert immediately after "Government" the words "or a Regional Assembly".
The Lakes and Rivers (Regulation of Boats on Lake Naivasha), Rules, Cap. 409 (Sub. Leg.).	Rules 2, 25	Substitute for "Governor" wherever it appears the word "Minister".
The Insurance Companies Ordinance, Cap. 487.	Section 47	Substitute for "Governor in Council" the word "Minister".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Banking Ordinance, Cap. 488.	Sections 5, 13, 20	Substitute for "Governor in Council" wherever it appears the word "Minister".
The Banking Regulations, Cap. 488 (Sub. Leg.).	Regulation 7, First Schedule (Form 8).	Substitute for "Governor in Council" wherever it appears the word "Minister".
The Building Societies Ordinance, Cap. 489.	Section 77 (1)	Substitute for "Governor in Council" the word "Minister".
The Architects and Quantity Surveyors Ordinance (Cap. 525).	Schedule, paragraph 2. Section 2	Insert immediately after "Government" the words "a Regional Assembly".
The Brokers Ordinance, Cap. 527.	Section 3	(i) Substitute for "District Commissioner" the words "licensing authority"; (ii) Renumber the present section as section 3 (1). (iii) Add the new subsection following—
	Section 6	" (2) "Licensing authority" means the person or authority appointed by the Minister to be a licensing authority for the purposes of this Ordinance".
	Section 6 (2)	Substitute for "Governor" the word "Minister".
	Section 7	Substitute for "Provincial Commissioner" the words "licensing authority".
The Money Lenders Ordinance (Cap. 528).	Section 7	Substitute for "Government officials" the words "public officers".
	Section 2	Add the new subsection following— " (3) Reference to "Minister" wherever it appears in the Ordinance shall be construed in relation to a Region as reference to the appropriate Regional Assembly".
	Section 16	Substitute for "Governor" the words "Chief Justice".
The Money Lenders Rules (Cap. 528 (Sub. Leg.)).	Section 16	Substitute for "Governor" the words "Chief Justice".
The Pawnbrokers Ordinance, Cap. 529.	Rule 3 (b)	Substitute for "Gazette" the words "Regional Gazette".
	Section 40	Insert immediately after "Minister" the words "in relation to the Nairobi Area or a Regional Assembly in relation to its Region".

Made this 20th day of July 1963.

MALCOLM MACDONALD,
Governor.