

LEGAL NOTICE No. 87

## THE KENYA INDEPENDENCE ORDER IN COUNCIL 1963

(L.N. 718 of 1963)

IN EXERCISE of the powers conferred by section 4 (4) of the Kenya Independence Order in Council 1963, the Governor-General hereby makes the following Order:—

## THE KENYA (AMENDMENT OF LAWS) (MISCELLANEOUS AMENDMENTS) (No. 1) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 1) Order, 1964, and shall be deemed to have come into operation on the 12th December 1963.

2. The several written laws specified in the first column of the Schedule to this Order 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The National Assembly (Powers and Privileges) Act, Cap. 6.	s. 2	Delete the words and numerals "section 34 of", "section 36 of", "section 35 or section 37 of", and "section 43 or section 44 of" which appear in the definition of "Speaker".
	s. 13	Substitute for the word "Governor", wherever it appears, the words "Prime Minister".
	Marginal notes to ss. 21, 23, 25 and 26	Substitute for the word "Council", wherever it appears, the words "either House".
The Appellate Jurisdiction Act, Cap. 9.	s. 4	Delete.
Rules made by the Supreme Court under Section 9 of the Kenya Colony Order in Council, 1921.	Part I	Substitute for the words "Coast Province", wherever they appear, the words "Coast Region".
	Part II	Delete.
	Part VII (Schedules I and II)	Substitute for the words "Her Majesty's", wherever they appear, the word "the".
The African Courts Act, Cap. 11.	s. 6 (1)	Delete the words "section 175 of".
The African Courts (Corporal Punishment) Rules, Cap. 11 (Sub. Leg.).	rule 12 (1)	Substitute for the words "District Officer" the words "Assistant Regional Government Agent".
The African Courts (Dismissal of Land Suits) Rules, Cap. 11 (Sub. Leg.).		Substitute for the words "Provincial Commissioner", wherever they appear, the words "Civil Secretary".
		Substitute for the words "District Officer", wherever they appear, the words "Assistant Regional Government Agent".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The African Courts (Fees and Fines) Rules, Cap. 11 (Sub. Leg.).	rule 4	Substitute for the words "District Officer" the words "Assistant Regional Government Agent".
	rules 4 and 5	Substitute for the words "Provincial Commissioner", wherever they appear, the words "Civil Secretary".
		Substitute for the word "province", in both places where it appears, the word "Region".
The African Courts (Affiliation) Rules, Cap. 11 (Sub. Leg.).	First Schedule	Substitute for the words "District Officer" the words "Assistant Regional Government Agent".
The Law of Contract Act, Cap. 23.	s. 2 (1)	Insert immediately after the word "Parliament", in both places where it appears, the words "of the United Kingdom".
The Law Reform Act, Cap. 26.	s. 2 (5)	Insert immediately after the word "Act", where second appearing in line 8, the words "of the United Kingdom".
The Bankruptcy Act, Cap. 53.	s. 2	Delete the definition of "Service Commission".
	s. 55 (5)	Delete the words "of the Governor or of a Service Commission" and add after "bankrupt" the words "in accordance with the laws of Kenya".
	s. 74 (2)	Substitute for the word "Governor" the word "Minister".
The Public Order Act, Cap. 56.	s. 3 (1) (a) and s. 4 (1) (b) (i)	Substitute for the words "armed forces of the Crown", in both places where they appear, the words "Kenya Military Forces".
	s. 5 (8)	Substitute for the word "Governor" the word "Governor-General".
	s. 21 (a)	Substitute for the words "the Governor has, by notice in the Gazette, conferred such power" the words "such power has, by notice in the Gazette, been conferred".
Application of s. 11 under s. 11 (5) of the Public Order Act, Cap. 56 (Sub. Leg.).		Substitute for the words "Nairobi Extra-Provincial District" the words "Nairobi Area".
		Substitute for the word "Province" the word "Region".
		Delete the last item.
The Liquor Licensing Act, Cap. 121.	s. 2 (h)	Insert immediately after the word "Speaker" the words "of the House of Representatives".
	s. 3	Substitute for the words "Nairobi Extra-Provincial District", which appear in the definition of "licensing area", the words "Nairobi Area".
	s. 4 (2) (a)	Substitute for the word "Minister" the words "Regional Assembly".
	s. 4 (2) (c)	Substitute for the word "Minister" the words "Regional Assembly or, in the case of the Nairobi Area, the Minister".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
proviso to s. 4	Substitute for the words "Nairobi Extra-Provincial District, where first appearing, the words "Nairobi Area"; substitute for the word "Officer-in-Charge" the words "District Commissioner"; and delete the words "of the Nairobi Extra-Provincial District".	
s. 4 (5)	Substitute for the word "Minister" the words "Regional Assembly or, in the case of the Nairobi Area, the Minister".	
s. 5 (1) (b)	Substitute for the words "Minister and obtained the Minister's permission" the words "Regional Assembly or, in the case of the Nairobi Area, the Minister and obtained such Regional Assembly's or, in the case of the Nairobi Area, the Minister's permission".	
s. 6 (2)	Substitute for the words "Provincial Commissioner" and "province" the words "Civil Secretary" and "Region" respectively.	
s. 8 (1)	Add immediately after the proviso thereto the new proviso following— "Provided further that, in respect of applications for licences due to be delivered before the 25th March 1964, the late application fee shall be waived if any such application is delivered to the president of the licensing court within fourteen days of the date on which the appointment of the president has been published in the Gazette".	
ss. 8, 19, 39, 42 and paragraph 10 of the Schedule	Substitute for the words "Commissioner of Police", wherever they appear, the word "Inspector-General".	
s. 53	Substitute for the words "Governor in Council" the word "Minister"; and substitute for the word "carying" the word "carrying".	
The Weights and Measures Act, Cap. 513.	s. 26	Delete subsection (1) and substitute therefor the new subsection following— "(1) There shall be a Superintendent of Weights and Measures and so many Assistant Superintendents of Weights and Measures as may be necessary for the purposes of this Act." Insert immediately after subsection (2) the new subsection following— "(3) The Superintendent shall have the general supervision of inspectors." Delete the words "for co-ordination and advisory purposes" which appear in subsection (4).

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
	s. 27	Delete the words, "with the consent of the President of each Regional Assembly concerned".
	s. 28 (2)	Delete the words "and in the relevant Regional Gazette".
	The proviso to s. 33	Delete the words "and with the consent of the President of the Regional Assembly concerned".
	s. 45 (1)	Delete the words "acting in consultation with the President of the Regional Assemblies".
The Weights and Measures Rules, Cap. 153 (Sub. Leg.).		Insert immediately after the word "Department", where it appears in the heading immediately before rule 170, the word "Regions."
The Factories Act, Cap. 514.	s. 6 (1)	Delete the definition of "local authority".
	s. 37 (7)	Substitute for the word "thorough" the word "thoroughly".
	s. 37 (13)	Insert immediately after the word "Government" the words "of Kenya".
	s. 37 (14)	Substitute for the words "an officer of the Government of Kenya" the words "a public officer".
	s. 38 (7)	Insert immediately after the word "Government" the words "of Kenya".
	s. 38 (9)	Substitute for the words "an officer of the Government of Kenya" the words "a public officer".
	s. 39 (5)	Substitute for the words "public officer" the words "officer of the Government of Kenya".
	s. 39 (6)	Substitute for the word "an", where it appears in the definition of "approved person", the word "a".
	s. 68 (1)	Delete and substitute the new subsection following— “(1) There shall be a chief inspector and such other inspectors and officers as may be necessary (under whatever title as may from time to time be determined) for the purposes of this Act.”
Exceptions under s. 40, Factories Act, Cap. 514 (Sub. Leg.).	Part A	Delete "2.", where it appears in the third column, and substitute therefor "(2)".
	Part B	Substitute for the word "aundries", where it appears in line 3 of the first column first appearing, the word "laundries".
The Factories (Cellulose Solutions) Rules, Cap. 514 (Sub. Leg.).	rule 12 (b)	Substitute for the word "can" the word "cans".

Made this 23rd day of March 1964.

MALCOLM MACDONALD,  
Governor-General.