

*(Legislative Supplement No. 39)*

LEGAL NOTICE NO. 427

## 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) (PENAL)  
REGULATIONS 1963

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

2. In these Regulations the "Code" means the Penal Code.

Cap. 63.

3. Section 4 of the Code is amended by—

(i) deleting the definition of "Ordinance" and substituting the definition following—

"Ordinance" includes any Enactment of a Regional Assembly, and any orders or rules or regulations made under the authority of any Ordinance or Enactment.

(ii) deleting the words "or in the Governor in Council" in paragraph (a) of the definition of "person employed in the public service" and substituting the words "or in any Public Service Commission, or in the Judicial Service Commission or in the Police Service Commission".

(iii) deleting the definition of "public officer".

(iv) adding in its alphabetical order the new definition following—

"Government of Kenya" or "Government" includes a Regional Assembly.

4. Section 27 (4) of the Code is amended by—

(i) deleting "failing whom such person as in the opinion of the District Commissioner is sufficiently skilled in the practice of medicine";

(ii) inserting "or" immediately before "medical practitioner" in line 6;

(iii) deleting "or person" in line 6.

5. Section 39 of the Code is amended by substituting for "Commissioner of Police" the words "Inspector-General of Police".

6. Section 54 (3) and subsections (8) and (9) of section 57 of the Code are amended by substituting for "Commissioner of Police" the words "Inspector-General of Police or a Regional Commissioner of Police".

7. Section 70 (2) (b) and 75 (1) of the Code are amended by substituting for "Governor in Council" the word "Minister".

8. Section 73 of the Code is amended by substituting for "Minister" wherever it appears the words "Attorney-General".

9. Section 98 (1) of the Code is amended by substituting for "Governor" the word "Minister".

10. Paragraph (i) of the proviso to section 177 (2) of the Code is amended by deleting "Commissioner of Police" and substituting the words "Inspector-General of Police in the case of the Nairobi Area, or the Regional Commissioner of Police in the case of a Region".

11. The footnote to section 178 (1) of the Code is amended by deleting the list of officers to whom powers are delegated under Government Notice 1322 of 1957 and Legal Notice 99 of 1957 and substituting the list of officers following—

The Inspector-General of Police.

The Deputy Inspector-General of Police.

All Regional Commissioners of Police.

The Director of Criminal Investigation.

12. Section 198 (1) of the Code is amended by deleting paragraphs (a), (b), (c) and (f) and substituting the new paragraphs following—

"(a) if the matter is published by the Governor, or by the Cabinet of Ministers, or in either House of the National Assembly, or in a Regional Assembly, in any official document or proceeding; or

(b) if the matter is published in the Cabinet of Ministers or in either House of the National Assembly, or in a Regional Assembly, by the Governor, or by a Minister or by a member of either House of the National Assembly, or by a member of the Regional Assembly, as the case may be; or

(c) if the matter is published by order of the Governor or by order of the Cabinet of Ministers; or

(f) if the matter published is in fact a fair report of anything said, done or published in the Cabinet of Ministers or in either House of the National Assembly or in a Regional Assembly; or".

13. Section 306 (a) of the Code is amended by deleting the words "municipal or other" and substituting "local authority or any".

Made this 5th day of July, 1963.

MALCOLM MACDONALD,  
Governor.