

**THE STATUTE LAW (REPEALS AND
MISCELLANEOUS AMENDMENTS)
ACT, 1984**

No. 12 of 1984

Date of Assent: 5th September, 1984

Date of Commencement: 14th September, 1984

An Act of Parliament to repeal the Money-Lenders Act and the Victoria Nyanza Sugar Company's Tramways Act and to make minor amendments to the statute law

ENACTED by the Parliament of Kenya as follows:—

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| <p>1. This Act may be cited as the Statute Law (Repeals and Miscellaneous Amendments) Act, 1984.</p> | <p>Short title.</p> |
| <p>2. The Money-Lenders Act is repealed.</p> | <p>Repeal of
Cap. 528.</p> |
| <p>3. The Victoria Nyanza Sugar Company's Tramways Act is repealed.</p> | <p>Repeal of
Cap. 516.</p> |
| <p>4. The several written laws specified in the first column of the Schedule are amended, in relation to the provisions thereof specified in the second column, in the manner specified in the third column.</p> | <p>Amendment
of written
laws.</p> |

SCHEDULE

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The National Assembly Remuneration Act (Cap. 5).	s. 6	Delete.
	s.7	Delete the definition of "transport allowance" and insert— "transport allowance" means an allowance at such rate as the Treasury may authorize;
The National Assembly and Presidential Elections Act (Cap. 7).	s.18C(1)	Delete "publication of notice of election under section 13(3) (b)" and insert "nomination of candidates".
The Criminal Procedure Code (Cap. 75).	s.83	Delete "Part VII" and insert "Part VIII". Add ", the Assistant Deputy Public Prosecutor" immediately after "the Deputy Public Prosecutor".
	First Schedule	Insert the following in the fifth column against the item for section 50(a)— Subordinate court of the first class presided over by a chief magistrate or a senior resident magistrate.

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SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Teachers Service Commission Act (Cap. 212).	s. 3(2)	<p>Delete and insert the following—</p> <p>(2) The Commission shall consist of a chairman and not less than two nor more than fourteen other members, all of whom shall be appointed by the Minister.</p>
The Kenya National Library Service Board Act (Cap. 225).	s. 2	<p>Insert in appropriate alphabetical order the following definition—</p> <p>“library” means an organized collection of printed books, periodicals or any graphic or audio-visual material to which a member of the public has access free of charge or on payment of fees or by virtue of being a member of an organization or institution;</p>
	s. 4	<p>Delete and insert a new section as follows—</p> <p>Functions of the Board. 4. The functions of the Board shall be—</p> <p>(a) to promote, establish, equip, manage, maintain and develop libraries in Kenya as a National Library Service;</p> <p>(b) to plan and co-ordinate library, documentation and related services in Kenya;</p> <p>(c) to advise the Government, local authorities and other public bodies on all matters relating to library, documentation and related services;</p> <p>(d) to provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;</p> <p>(e) to advise the Government on library education and training needs for library, documentation and related services;</p> <p>(f) to sponsor, arrange or provide facilities for conferences and seminars for discussion of matters in connection with library and related services;</p>

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<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(g) to carry out and to encourage research in the development of library and related services;
		(h) to participate and assist in campaigns for the eradication of illiteracy;
		(i) to stimulate public interest in books and to promote reading for knowledge, information and enjoyment;
		(j) to acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
		(k) to publish the national bibliography of Kenya and to provide bibliographical and references service.
	s. 6	Delete subsection (1) and insert the following new subsections— (1) The Board shall appoint a professional librarian as the Director of Kenya National Library Service who shall be the chief executive of the Board and who shall be entitled to be present and to speak (but not to vote) at the Board's meetings. (1A) The appointment of the Director and his terms and conditions of service shall be subject to the approval of the Minister.
The Kenya Society for the Blind Act (Cap. 251).	s. 6(2)(a)	Delete "basic education" and insert "education".
	s. 9(3)	Delete "the Minister" and insert "the Ministries responsible for health, social services and education, and to such other Ministries, organizations and individual persons as the Council deems fit".
	s. 9(4)	Delete "and after being audited to be published in the Gazette".

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<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 11(1) and (2).	Delete and insert— (1) Any individual person or organization may become an ordinary member or a life member of the Society by paying the appropriate subscription to be decided by the Council from time to time.
The Government Lands Act (Cap. 280)	Proviso to section 115	Delete paragraph (ii).
The Tourist Industry Licensing Act (Cap. 381)	s. 10	Delete and insert— Power to amend First Schedule 10. The Minister may, by order published in the Gazette, amend the First Schedule.
	s. 11	Renumber the existing section as subsection (1) and insert a new subsection (2) as follows— (2) The Minister may, by order published in the Gazette, amend the Second Schedule.
The Banking Act (Cap. 488).	s. 18(4)	Delete “one-tenth of one per cent” and insert “one per cent”.
The Building Societies Act (Cap. 489)	s. 2	Insert the following definition in appropriate alphabetical order— “Central Bank” means the Central Bank of Kenya established under the Central Bank of Kenya Act.
	Cap. 491	
	New Section	Insert immediately after section 29 the following section— Minimum holding of liquid assets. 29A. Notwithstanding the other provisions of this Part or its rules, a building society shall, with effect from the 14th December, 1984, maintain such minimum holding of liquid assets as the Minister, in consultation with the Central Bank, shall from time to time by notice published in the Gazette determine; but the minimum holding of assets so determined shall be—

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(a) not less than ten per cent in notes and coins which are legal tender in Kenya or in current account balances at banks in Kenya; and

(b) not less than ten per cent in short term money market, local government or central government securities.

New Part

Insert immediately after section 63 the following new Part—

**PART XA-INSPECTION BY THE CENTRAL
BANK OF KENYA**

**Inspection by
Central Bank.**

63A. Notwithstanding the powers vested in the Registrar by this Act, the Central Bank of Kenya shall, if directed by the Minister for the time being responsible for finance, cause an inspection to be made of any building society and where such an inspection is made the building society shall furnish all books, accounts, documents, or information to the authorized officer.

**Central Bank
may issue
orders after
inspection.**

63B. (1) If it is found after an inspection under section 63A that the affairs of the building society concerned are being conducted in a manner detrimental to the interests of the members or to the interests of the building society, the Central Bank may issue directions to the building society requiring it to take such corrective action as the Central Bank considers to be necessary or to discontinue the harmful practices or procedures.

(2) No directions shall be issued under subsection (1) unless the building society has been given an opportunity to present its views.

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<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(3) A building society which receives directions under subsection (1) shall, within the period specified in the directions, comply with the directions and show to the Central Bank that it has done so.
	Registrar to be notified of inspection.	63 C. The Central Bank shall notify the Registrar of an inspection undertaken by it under this Part, of any directions issued by it and the fact that a building society has complied with the directions.
The Central Bank of Kenya Act (Cap. 491)	New Section	Insert the following new section immediately after section 39— Interest rates and penalties by building societies. Cap. 489
		39A. The Bank may, in consultation with the Minister— (a) determine and publish the maximum and minimum rates of interest which building societies registered under the Building Societies Act may pay on deposits, and charge for loans, advances and mortgages; (b) determine the maximum or vary deposit, financial or other charges, including penalties and forfeitures which may be imposed by a society on a member or borrower.
	s. 41(1) and (2)	Delete “and specified financial institution” and insert “specified financial institution and building society”.
The Post Office Savings Bank Act (Cap. 493 B)	s. 5(2)	Delete and insert the following— (2) The Board shall consist of seven members as follows— (a) a chairman who shall be appointed by the Minister; (b) the Managing Director of the Bank; (c) the Permanent Secretary to the Treasury or a public officer employed by the Treasury appointed by the Minister as alternates;

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(d) the Managing Director of the Corporation or an officer of the Corporation nominated by him as alternates;
		(e) three other members appointed by the Minister who shall not be employees of the Government.
	s. 5(3)	Delete the word "three" and insert "four".
	s. 6(1)	Delete "The Board shall appoint a General Manager" and insert "The Minister shall appoint a Managing Director". Delete "General Manager" in the marginal note and insert "Managing Director".
	s. 6(2)	Delete.
	s. 6(3)	Substitute "Managing Director of the Bank" for "General Manager".
The Hotels and Restaurants Act (Cap. 494).	s. 2	Delete the definition of "hotel" and insert the following new definition— "hotel" means premises on which accommodation is supplied or available for supply, with or without food or services, to five or more adult persons at one time in exchange for money or money's worth, and includes premises known as "service flats", "service apartments", "beach cottages", "holiday cottages", "game lodges", and "bandas"; but does not include premises on which the only accommodation supplied or available for supply is under a lease or licence of not less than one month, unless by prior arrangement the occupier may, without penalty, terminate that lease or licence on less than one month's notice;
	s. 5(4) (a)	Insert "where food will be supplied" immediately before "proper provision has been made".
	s. 14(1)	Insert "minimum or" immediately before "maximum charges".
	s. 14(3)	Insert "or which is below the minimum charge" immediately after "the maximum charge".

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<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Hire Purchase Act (Cap. 507).	New Section	<p>Insert the following new section immediately after section 32—</p> <p>Minister may determine interest rates, etc. Cap. 491</p> <p>32A. (1) The Minister may, in consultation with the Central Bank of Kenya established under the Central Bank of Kenya Act, determine and publish—</p> <p>(a) the matters to be taken into account in the computation of the hire purchase price and the amounts of the instalments by which the hire purchase price is to be paid including such matters as the rate of interest or charges which may be imposed on a hirer in respect of any sum credited or to be credited to the hirer by the owner; and</p> <p>(b) the penalties or forfeitures which may be imposed on a hirer under a hire purchase agreement.</p> <p>(2) The Minister may determine different matters and different penalties and forfeitures for different types of hire purchase businesses.</p>
The Motor Vehicle Components and Accessories Act (Cap. 520).	s. 26	Delete.
The Parliamentary Pensions Act (No. 4 of 1983).	s. 5(4)	Delete "publication" and insert "commencement".