

**THE STATUTE LAW (REPEAL AND
MISCELLANEOUS AMENDMENTS)
ACT, 1980**

No. 13 of 1980

Date of Assent: 19th December, 1980

Date of Commencement: 24th December, 1980

**An Act of Parliament to make minor amendments to the
Statute Law**

ENACTED by the Parliament of Kenya as follows:—

- | | |
|---|-----------------------------------|
| <p>1. This Act may be cited as the Statute Law (Repeal and Miscellaneous Amendments) Act, 1980.</p> | <p>Short title.</p> |
| <p>2. 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> |
| <p>3. The Hotels (Nairobi Area) Act is repealed.</p> | <p>Repeal.
Cap. 495.</p> |

SCHEDULE

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Revision of the Laws Act (Cap. 1).	s. 6 (1)	Add the following proviso— Provided that where the Attorney-General deems it expedient any legislation referred to in this subsection may be printed in more than one booklet.
The Advocates Act (Cap. 16).	s. 12 (1) (a)	Delete “or Northern Ireland (or of Ireland called before the 1st October, 1921)” in both places where it appears and substitute in each case “, Northern Ireland or the Republic of Ireland”.
	s. 27 (1) (b)	Delete and substitute the following— (b) by paying to the Registrar the fee prescribed and the annual subscriptions payable for the time being for membership of the Society and of the Advocates Benevolent Association.
	s. 28 (1)	Insert, after the word “Society” in each case where it appears in the sixth and seventh lines, the words “and the Advocates Benevolent Association”.

*Statute Law (Repeal and Miscellaneous
Amendments)*

No. 13

1980

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Civil Procedure Act (Cap. 21).	s. 69	<p>Delete and substitute the following—</p> <p>Decision where appeal heard by two or more judges. 69. Where an appeal is heard by a court consisting of two or more judges the appeal shall be decided in accordance with the opinion of the judges or a majority of them:</p> <p style="padding-left: 40px;">Provided that where a court consisting of two judges is divided in its opinion the appeal shall be reheard by a court consisting of an uneven number of judges being not less than three.</p>
The Criminal Procedure Code (Cap. 75).	First Schedule	Delete the words "Resident Magistrate" from column 5 against sections 308(1) and 322(2) and substitute "Subordinate court of the first or second class".
The Registration of Persons Act (Cap. 107).	s. 2	Delete "sixteen years" and substitute "eighteen years".
The Adoption Act (Cap. 143).	s. 12A (3)	<p>Insert at the beginning of the subsection the following—</p> <p style="padding-left: 40px;">"For the assistance of the court, and without prejudice to the discretion in the power of appointment given to the court by subsection (1),".</p>
The Pensions Act (Cap. 189).	s. 16 (2)	Insert, after "in total than" in the eleventh line, the word "twice".
The Industrial Training Act (Cap. 237).	s. 4 (1) (a) and (b)	Delete in each case the word "four" and substitute "six".
	s. 4A (2) (a) and (b).	Delete in each case the word "three" and substitute "five".
The Pharmacy and Poisons Act (Cap. 244).	s. 2	Delete the definition of "East African territories" and the expression "Uganda or Tanzania" occurring in the definitions of "duly qualified" and "registered midwife".
	s. 3 (1) (c)	Delete "East Africa" and substitute "Kenya".
	s. 17	Delete "East African Territory" and "territory" wherever they occur and substitute "country".

*Statute Law (Repeal and Miscellaneous
Amendments)*

1980

No. 13

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 27 (4)	Delete "one of the East African territories" and substitute "Kenya".
	s. 29 (1) (a), (b) and (c)	Delete the expression ", Uganda or Tanzania" wherever it occurs.
	s. 29 (1) (e)	Delete the expression ", the Community" and ", or the government or a local authority of Uganda or Tanzania or its institutions".
	s. 44 (1) (fa)	Insert after "importation" the words "and exportation".
The Science and Technology Act (Cap. 250).	s. 2	Delete the definition of "Minister".
The Local Authorities Provident Fund Act (Cap. 272).	s. 8 (1)	Delete the expression "the sum of one shilling and fifty cents for each twenty shillings of his salary" and substitute "such sum as represents the balance between his contributions under the National Social Security Fund Act and seven and a half per cent of his basic salary".
The Land Control Act (Cap. 302).	s. 6 (2)	Delete and substitute the following— (2) For the avoidance of doubt it is declared that the declaration of a trust of agricultural land situated within a land control area is a dealing in that land for the purposes of subsection (1).
	s. 7	Delete "by virtue of subsection (1) or under any agreement that becomes void by virtue of subsection (2) of section 6" and substitute "under this Act".
	s. 8	Delete and substitute the following— Application for consent. 8. (1) An application for consent in respect of a controlled transaction shall be made in the prescribed form to the appropriate land control board within six months of the making of the agreement for the controlled transaction by any party thereto:

*Statute Law (Repeal and Miscellaneous
Amendments)*

1980

No. 13

SCHEDULE—(Contd.)

Written Law

Provision

Amendment

Provided that the High Court may, notwithstanding that the period of six months may have expired, extend that period where it considers that there is sufficient reason so to do, upon such conditions, if any, as it may think fit.

(2) The land control board shall either give or refuse its consent to the controlled transaction and, subject to any right of appeal conferred by this Act, its decision shall be final and conclusive and shall not be questioned in any court.

(3) For the purposes of subsection (1), an application shall be deemed to be made when it is delivered to the authority prescribed in the manner prescribed.

(4) An application under subsection (1) shall be valid notwithstanding that the agreement for the controlled transaction is reduced to writing, or drawn up in the form of a legal document only after the application has been made.

s. 9 (2)

Delete and substitute the following—

(2) Where an application for the consent of a land control board has been refused, then the agreement for a controlled transaction shall become void—

(a) on the expiry of the time limited for appeal under section 11; or

(b) where an appeal is entered under section 11 and dismissed, on the expiry of the time limited for appeal under section 13; or

(c) where a further appeal is entered under section 13 and dismissed, on that dismissal.

*Statute Law (Repeal and Miscellaneous
Amendments)*

1980

No. 13

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Kenya Meat Commission Act (Cap. 363).	s. 3 (1)	<p>Delete and substitute as follows—</p> <p>(1) There is hereby established a commission, to be known as the Kenya Meat Commission, which shall consist of—</p> <p>(a) a chairman appointed by the President;</p> <p>(b) six members appointed by the Minister to represent stock producers;</p> <p>(c) six members appointed by the Minister, being persons who, in the opinion of the Minister, possess qualities that will benefit the work of the Board;</p> <p>(d) the Permanent Secretary to the Treasury or a person deputed by him in writing for the purposes of this Act;</p> <p>(e) the Inspector of Statutory Boards or a person deputed by him in writing for the purposes of this Act;</p> <p>(f) the Deputy Director of Livestock Development (Veterinary Services) or a person deputed by him either generally for the purposes of this Act or specifically for the purpose of attending any particular meeting or any other purpose;</p> <p>(g) the Managing Commissioner appointed under section 5A.</p>
The Traffic Act (Cap. 403)	s. 17 (2) and (3)	Insert after the word "vehicle" wherever it appears (other than in the proviso to subsection (2)) the words "or trailer".
	s. 58 (1)	Delete "three thousand shillings" and substitute "ten thousand shillings".
		<p>Add the following proviso—</p> <p>Provided that rules under this Act may provide that a person who is guilty of an offence under section 55 or 56 shall be liable to pay a fine according to a prescribed scale, and different scales may be prescribed for first offenders, and for second or subsequent offenders, within a prescribed period, but so that no</p>

*Statute Law (Repeal and Miscellaneous
Amendments)*

No. 13

1980

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		person shall thereby be liable to pay a fine greater than the maximum provided by this subsection; and for the avoidance of doubt it is declared that liability of a person to pay a fine on a prescribed scale shall not affect that person's liability to imprisonment under this subsection as an alternative to, in addition to, or in default of, the payment of a fine.
The Kerio Valley Development Authority Act (Cap. 441).	s. 2	Delete the definition of "the Minister".
	s. 4 (1)	Delete paragraph (h) and substitute the following— (h) not more than ten other members appointed by the Minister in consultation with the President, five of whom shall be residents of the Area; Insert the following new paragraphs— (j) the Permanent Secretary of the Ministry for the time being responsible for matters relating to the functions of the Authority; (k) the Director of Water Development.
The Lake Basin Development Authority Act (Cap. 442).	s. 2	Delete the definition of "the Minister".
	s. 4 (1)	Delete paragraph (h) and substitute the following— (h) not more than twelve other members appointed by the Minister in consultation with the President, nine of whom shall be residents of the Area; Insert the following new paragraphs— (j) the Permanent Secretary of the Ministry for the time being responsible for matters relating to the to the function of the Authority; (k) the Director of Water Development.
The Imports, Exports and Essential Supplies Act (Cap. 502).	s. 4	Add the following new subsection— (5) This section shall not apply to drugs, poisons or other medical supplies of any description.

*Statute Law (Repeal and Miscellaneous
Amendments)*

1980

No. 13

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Price Control Act (Cap. 504).	s. 30	<p>Delete subsections (1) and (2) and substitute the following—</p> <p>(1) Any person who is guilty of an offence under this Act shall be liable to imprisonment for a term not exceeding five years, with or without corporal punishment, or to a fine, or to both such imprisonment, with or without corporal punishment, and such fine.</p> <p>(2) Where the offence in respect of which a person is convicted is an offence under section 26 (1), that person shall, in addition to any other penalty which may be imposed, be liable to a fine of not less than five times the value of the over-charge, and in such a case the court may order that there shall be paid therefrom to the purchaser such sum as may in the opinion of the court serve to compensate him for any loss of time or any expenses which he may have incurred.</p> <p>In subsection (8), delete “one thousand shillings” and substitute “five thousand shillings”.</p>
The Patents Registration Act (Cap. 508).	s. 9 (3)	<p>Add after “the Health Services and Public Health Act, 1968,” the following—</p> <p>“and, in relation to patents granted after 29th July, 1977, sections 55 to 59 inclusive of the Patents Act, 1977,”</p> <p>Delete the word “both” in the eleventh line.</p>