

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1989**

**No. 20 of 1989**

*Date of Assent: 27th December, 1989*

*Date of Commencement: 29th December, 1989*

**An Act of Parliament to make minor amendments to the  
statute law**

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 1989. Short title.

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 of that Schedule, in the manner specified in relation thereto in the third column. Amendment of written laws.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The National Assembly and Presidential Elections Act (Cap. 7).	s. 2	Delete the definition of "register of electors" and insert the following—  "register of electors" means a register of electors prepared under section 4.
	s. 4	Delete and insert the following—  Register of electors.      4. The Minister may, after consultation with the Electoral Commission, direct that a register of electors shall be prepared in the prescribed manner in respect of all constituencies or in respect of such constituency or constituencies as may be specified in the order.
The Magistrates' Courts Act (Cap. 10).	s. 9C	Insert the following new proviso—  Provided that if a member of the panel refuses to sign the record, the chairman shall make a note of the refusal and sign the record and the record shall not be invalidated by reason only of the refusal.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Criminal Procedure Code (Cap. 75).	s. 163 (2)	Delete the expression "or section 290".
The Parliamentary Pensions Act (Cap. 196).	s. 5 (2)	Insert the words "or from such later date as this Act first applied to him" immediately after the words "from such commencement".
The National Museums Act (Cap. 216).	s. 5 (1)	Delete and insert the following— (1) The Board shall consist of the following members all of whom shall be appointed by name and not by office— (a) a chairman appointed by the Minister after consultation with the President; (b) four persons representing scientific interests appointed by the Minister of whom one shall be nominated by the East Africa Natural History Society, one by the University of Nairobi, one from any of the other public universities and one from the National Council for Science and Technology; (c) one public officer from the Ministry for the time being responsible for National Museums; (d) one public officer from the Ministry for the time being responsible for finance; and (e) not more than two persons to be appointed by the Minister by virtue of their outstanding interest in and contribution to the work of National Museums.
The Food, Drugs and Chemical Substances Act (Cap. 254).	s. 35 (1)	Delete and insert the following— (1) An authorized officer may take out proceedings for an offence under this Act or the regulations before any magistrate having jurisdiction in the place where any article sold was actually delivered to the purchaser or where the sample was taken.
The National Hospital Insurance Act (Cap. 255).	s. 5 (4)	Delete the words "a stamp with a value of twenty shillings" and insert "a stamp of a value determined by the Minister by order published in the Gazette".
The Registration of Titles Act (Cap. 281).	s. 32	Renumber the existing section as subsection (1) and insert the following subsection— (2) Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Rent Restriction Act (Cap. 296).	s. 14 (1)	Delete paragraph (g) (iii).
The Traffic Act (Cap. 403).	s. 72A	Insert the following new subsection— (3) Notwithstanding anything to the contrary contained in any written law, by-laws made by a local authority under subsection (1) may provide for the use of clamps on motor vehicles parked elsewhere than in a designated parking place.
The Income Tax Act (Cap. 470).	s. 39	Delete paragraph (a) and insert the following new paragraph— (a) has been deducted under section 17A (in respect of a person other than an individual), sections 35, 36 and 37; or
The Central Bank of Kenya Act (Cap. 491).	s. 20	Delete the words “and shall be notified by notice in the Gazette”.
The Trade Licensing Act (Cap. 497).	Part III Heading	Delete the heading and insert the following— <b>PART III—LICENSING OF BUSINESSES OTHER THAN THOSE PROVIDING PROFESSIONAL AND CONSULTANCY SERVICES</b>
	s. 6B (3)	Insert the word “First” immediately before the word “Schedule”.
	s. 7 (3)	Insert the word “First” immediately before the word “Schedule”.
		Insert a new PART IIIA immediately after PART III as follows— <b>PART IIIA—LICENSING OF BUSINESSES PROVIDING PROFESSIONAL AND CONSULTANCY SERVICES</b>
	New Part	
	Application of Part IIIA.	12A (1) The provisions of this Part shall apply to all persons conducting any business which provides professional and consultancy services other than a business set out in the Second Schedule to this Act.  (2) The Minister may by order published in the Gazette declare that any business to

## SCHEDULE—(Contd.)

## Written Law

## Provision

## Amendment

which this Part applies shall cease to be a business for the purposes of this Act.

Restriction on carrying on a professional or consultancy business.

12B (1) No person to whom this Part applies shall conduct any business providing professional or consultancy services except in accordance with the terms of a current professional licence.

(2) Each professional licence shall be in prescribed form and shall authorize the holder thereof to conduct his business throughout Kenya subject to any conditions set out by any other written law.

(3) Any person who contravenes subsection (1) or subsection (2) shall be guilty of an offence and shall be liable to imprisonment for a term of one year or to a fine not exceeding ten thousand shillings or to both.

Grant of professional licence.

12C (1) Any person who wishes to obtain a professional licence shall make an application in the prescribed manner to the Minister and the Minister may, subject to such conditions as may be necessary, issue to that person a licence.

(2) Where the Minister refuses to issue a licence or imposes conditions on a licence, he shall give to the applicant, if the applicant so requests, the reasons in writing for the refusal to issue a licence or for imposing conditions on a licence.

(3) The fees specified in the First Schedule shall be payable prior to the issue of a licence applied for under this Part.

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		(4) A professional licence shall be valid for a period of one year commencing on the 1st January and ending on the 31st December of the year of issue.
	Amendment of professional licence.	12D (1) Subject to this Act, a licensee may make application in the prescribed manner for his professional licence to be amended and the Minister may endorse such an amendment on that licence.
		(2) Where the Minister rejects an application made under this section, he shall give the applicant, if the applicant so requests, the reasons in writing for such rejection.
	Appeals.	12E (1) Any person who is aggrieved by the action of the Minister under this Part in— (a) refusing to grant a professional licence, or revoking such licence; (b) imposing conditions on a professional licence; or (c) rejecting an application for the amendment of a professional licence, may within twenty-one days of receipt by him of a written notice of such action, appeal to the Appeals Committee provided for in section 12F whose decision shall be final.
	Establishment of Appeals Committee.	12F. There shall be established by the Minister an Appeals Committee which shall consist of— (a) three members of the National Assembly; (b) two advocates; and

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(c) two persons experienced in one of the occupations specified in the definition of "business" in section 2 (1) of this Act.

New Schedule Insert the following new Schedule—

## SECOND SCHEDULE (s. 12A).

<i>Profession</i>	<i>Acts under which Licensed</i>
Pharmacists	The Pharmacy and Poisons Act, Cap. 244.
Doctors, Dentists and other members of the medical profession.	The Medical Practitioners and Dentists Act, Cap. 253.
Nurses	The Nurses Act, Cap. 257.
Surveyors	The Survey Act, Cap. 299.
Veterinary Surgeons	The Veterinary Surgeons Act, Cap. 366.
Architects and Quantity Surveyors	The Architects and Quantity Surveyors Act, Cap. 525.
Auctioneers	The Auctioneers Act, Cap. 526.
Engineers	The Engineers Registration Act, Cap. 530.
Accountants	The Accountants Act, Cap. 531.
Valuers	The Valuers Act, Cap. 532.
Estate Agents	The Estate Agents Act, Cap. 533.
Certified Public Secretaries.	The Certified Public Secretaries Act (No. 12 of 1988).

The Architects and Quantity Surveyors Act (Cap. 525).

s. 2 Insert in the correct alphabetical sequence the following new definition—

“registered person” means any architect or quantity surveyor whose name has been entered into the register maintained under section 6.

s. 5 (g) Insert the words “and the issue of an annual licence” after the word “registration”;

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	New section	Insert a new section 10A immediately after section 10 as follows—
	Annual licence.	<p>10A (1) Every person who has been registered under this Act shall require in addition to such registration, an annual licence in a prescribed form for which he shall pay to the Board a prescribed fee which shall be the aggregate of—</p> <p>(a) such annual fee as shall be prescribed by the Minister under section 5 (g) of this Act; and</p> <p>(b) the sum of five thousand shillings or such other sum as the Minister for the time being responsible for finance may prescribe by notice in the Gazette.</p> <p>(2) Any sum payable under subsection (1) (a) shall be applied by the Board in such manner as the Minister for the time being responsible for finance shall direct.</p> <p>(3) Every annual licence shall bear the date on which it is issued and shall be effective from that date and shall expire at the end of the licence year in which it is issued:</p> <p>Provided that where the name of a registered person is removed from the register, the annual licence of that person shall expire forthwith.</p> <p>(4) The licence year shall be from the 1st January to the 31st December in each year.</p> <p>(5) The Registrar shall note on the register the date of issue of every annual licence.</p> <p>(6) Any person who practises or attempts to practise as an architect or a quantity surveyor without holding a current valid annual licence shall be guilty of an offence.</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 11	<p>Delete subsections (1), (2) and (3) and insert the following—</p> <p>(1) The Board may at any time direct that the name of a registered person be removed from the register where such registered person has—</p> <p>(a) failed within a period of six months from the date of an inquiry sent by the Registrar by pre-paid registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or</p> <p>(b) failed to apply for and be issued with an annual licence within two months of the commencement of any licence year; or</p> <p>(c) requested that his name be removed from the register in which case such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings under section 13 of this Act are being or are likely to be taken against him; or</p> <p>(d) been found by the Board to be guilty of misconduct as is described in section 13 of this Act.</p> <p>(2) The Registrar shall remove from the register the name of every registered person who dies, and shall remove from the register any entry which has been incorrectly or fraudulently made.</p> <p>(3) Except in the circumstances specified in paragraph (a) of subsection (1), and in subsection (2) of this section, the removal of a registered person's name from the register shall be notified by the Registrar to that person by pre-paid registered letter addressed to the address appearing in the register against his name immediately before the removal.</p>
	s. 12 (1)	Delete the word "person" and substitute therefor the words "registered person".
The Auctioneers Act (Cap. 526).	s. 6	<p>Insert a new proviso to section 6 as follows—</p> <p>Provided that the amount of professional fee specified in the Schedule may be</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		varied by the Minister for the time being responsible for finance by notice in the Gazette.
	First Schedule	Delete the First Schedule and insert the following—
		FIRST SCHEDULE (s. 6)
		FEES PAYABLE FOR LICENCES
		(a) Professional fee for every licence—
		for one year .. .. 5,000
		for half year .. .. 2,500
		(b) Every licence of the Form A—
		for one year .. .. 1,000
		for half year .. .. 560
		(c) Every licence of the Form B—
		for one year .. .. 280
		for half year .. .. 200
The Engineers Registration Act (Cap. 530).	New section	Insert a new section 12A immediately after section 12 as follows—
	Annual licence.	12A (1) Every person who has been registered under this Act, shall if he intends to practise, require, in addition to such registration, an annual licence in a prescribed form for which he shall pay to the Board a prescribed fee which shall be the aggregate of—
		(a) such annual fee as shall be prescribed by the Minister under section 22 (e) of this Act; and
		(b) the sum of five thousand shillings or such other sum as may be prescribed by the Minister for the time being responsible for finance by notice in the Gazette.
		(2) Any sum payable under subsection (1) (a) shall be applied by the Board in such manner as may be prescribed by the Minister and any sum payable under subsection (1) (b) shall be paid by the Board to the Treasury in such manner as the Minister for the time being responsible for finance shall prescribe.
		(3) Every annual licence shall bear the date on which it is issued and shall be effective from that date, and shall expire at the end

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		<p>of the licence year in which it is issued:</p> <p>Provided that where the name of a registered engineer or a registered graduate engineer is removed from the register, the annual licence of that person shall expire forthwith.</p> <p>(4) The licence year shall be from the 1st January to the 31st December in each year.</p> <p>(5) The Registrar shall enter on the register a notice of the date of issue of every annual licence.</p>
	s. 21	<p>Insert a new paragraph (d) immediately after paragraph (c) as follows—</p> <p>(d) practises or attempts to practise as a registered engineer or a registered graduate engineer without holding a current valid annual licence.</p>
	s. 22 (d)	<p>Insert after the word "registration" the words "and annual licences".</p>
The Accountants Act (Cap. 531).	New section	<p>Insert a new section 22A as follows—</p> <p>Annual licence. 22A (1) Every person who has been issued with a practising certificate shall in addition to that practising certificate require an annual licence in the prescribed form for which he shall pay to the Registration Board a prescribed fee which shall be the aggregate of—</p> <p>(a) such annual fee as may be prescribed by the Minister under section 41 of this Act; and</p> <p>(b) the sum of five thousand shillings or such other sum as may be prescribed by the Minister for the time being responsible for finance by notice in the Gazette.</p> <p>(2) Any sum payable under subsection (1) (a) shall be</p>

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		<p>applied by the Registration Board in such manner as may be prescribed by the Minister and any sum payable under subsection (1) (b) shall be paid by the Board to the Treasury in such a manner as the Minister for the time being responsible for finance shall direct.</p> <p>(3) Every annual licence shall bear the date on which it is issued and shall be effective from that date, and shall expire at the end of the licence year in which it is issued.</p> <p>(4) The licence year shall be from the 1st January to the 31st December in each year.</p> <p>(5) The Registrar shall note on the register the date of issue of every annual licence.</p>
	s. 28 (1)	<p>Insert a new paragraph (aa) immediately after paragraph (a) as follows—</p> <p>(aa) he practises or attempts to practise or permits any person to practise without holding a current valid annual licence.</p>
	s. 31 (1) (e)	<p>Insert the words “or any annual licence or both” immediately after the words “practising certificate”.</p>
	s. 32 (1) (e)	<p>Insert the words “or any annual licence or both” immediately after the words “practising certificate”.</p>
The Valuers Act (Cap. 532).	New section	<p>Insert a new section 8A immediately after section 8 as follows—</p> <p>Annual licence. 8A (1) Every person who has been registered under this Act shall, if he intends to practise, require, in addition to such registration, an annual licence to practise in the prescribed form for which he shall pay a prescribed fee which shall be the aggregate of—</p> <p>(a) such annual fee as may be prescribed by the Minister under section 25 of this Act; and</p>

## SCHEDULE—(Contd.)

Written Law

Provision

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(b) the sum of five thousand shillings or such other sum as the Minister for the time being responsible for finance may prescribe by notice in the Gazette.

(2) Any sum payable under subsection (1) (a) shall be applied by the Board in such manner as may be prescribed by the Minister and any sum payable under subsection (1) (b) shall be paid by the Board to the Treasury in such manner as the Minister for the time being responsible for finance shall direct.

(3) Every annual licence shall bear the date on which it is issued and shall be effective from that date and shall expire at the end of the licence year in which it is issued.

(4) The licence year shall be from the 1st January to the 31st December in each year.

(5) The Registrar shall enter on the register a note of the date of issue of any annual licence.

The Estate Agents Act (Cap. 533)

New section

Insert a new section 8A immediately after section 8 as follows—

Annual licence.

8A (1) Every person who has been registered under this Act shall, if he intends to practise, require, in addition to such registration, an annual licence to practise in the prescribed form for which he shall pay to the Board a prescribed fee which shall be the aggregate of—

(a) such annual fee as may be prescribed by the Minister under section 25 of this Act; and

(b) the sum of five thousand shillings or such other sum as may be prescribed by the Minister for the time being responsible for finance by notice in the Gazette.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		<p>(2) Any sum payable under subsection (1) (a) shall be applied by the Board in such manner as may be prescribed by the Minister and any sum payable under subsection (1) (b) shall be paid by the Board to the Treasury in such manner as the Minister for the time being responsible for finance shall direct.</p> <p>(3) Every annual licence shall bear the date on which it is issued and shall be effective from the beginning of that day and shall expire at the end of the licence year in which it is issued.</p> <p>(4) The licence year shall be from the 1st January to 31st December in each year.</p> <p>(5) The Registrar shall note on the register the date of issue of every annual licence.</p>
	s. 18 (1) (a)	Insert the words "and holds a valid current annual licence" immediately after the words "estate agents".
	s. 18 (1) (b)	Insert the words "and each of whom holds a valid current annual licence" immediately after the words "registered estate agent".
	s. 18 (1) (c)	Insert the words "and each of whom holds a valid current annual licence" immediately after the words "registered estate agents".
The Certified Public Secretaries Act (No. 12 of 1988).	New section	<p>Insert a new section 18A immediately after section 18 as follows—</p> <p>Annual licence. 18A (1) Every person who has been registered under this Act and who has been issued with a practising certificate under section 18 shall, if he intends to practise, require, in addition to holding such practising certificate, an annual licence in the prescribed form for which he shall pay to the Registration</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		Board a prescribed fee which shall be the aggregate of—
		(a) such annual fee as shall be prescribed by the Minister under section 37 of this Act; and
		(b) the sum of five thousand shillings or such other sum as may be prescribed by the Minister for the time being responsible for finance by notice in the Gazette.
		(2) Any sum payable under subsection (1) (a) shall be applied by the Registration Board in such manner as may be prescribed by the Minister and any sum payable under subsection (1) (b) shall be paid by the Registration Board to the Treasury in such manner as the Minister for the time being responsible for finance shall direct.
		(3) Every annual licence shall bear the date on which it is issued and shall be effective from that date and shall expire at the end of the licence year in which it is issued.
		(4) The licence year shall be from the 1st January to the 31st December in each year.
		(5) The Registrar shall note on the register the date of issue of every annual licence.
	s. 24 (2)	Insert a new paragraph (aa) immediately after paragraph (a) as follows— (aa) he practises or attempts to practise or permits any person in his employment to practise without holding a current valid annual licence.
	s. 27 (1) (e)	Insert the words “or any annual licence or both” immediately after the words “practising certificate”.
	s. 28 (1) (e)	Insert the words “or any annual licence or both” immediately after the words “practising certificate”.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Insurance Act, 1984 (No. 1 of 1985)	s. 2	Delete the definitions of “actuary”, “Kenya business” and “Kenya insurance or reinsurance business” and insert the following—  “actuary” means—  (a) a Fellow of the Institute of Actuaries in England or of the Faculty of Actuaries in Scotland or of the Society of Actuaries of the United States of America; or  (b) such other person having actuarial knowledge as the Commissioner may, on application of a member of the insurance industry, approve;  “Kenya business” and “Kenya reinsurance business” means insurance business carried on by an insurer in respect of any person, human life, property or interest situated in Kenya, or in respect of which premiums are ordinarily payable in Kenya and include insurance business in respect of any vessel, hovercraft or aircraft registered or ordinarily located in Kenya and includes marine cargo insurance policies on all imports entering Kenya, but excludes marine cargo insurance policies issued on personal effects, goods and items imported into Kenya by returning residents or passengers entering Kenya for permanent or temporary residence.
	s. 115 (7)	Delete the definition of “proper basis” and insert the following—  “proper basis” means the minimum basis prescribed, or the basis applicable in the case of a bonus reserve valuation, allowing provision for maintenance of bonuses at current levels and for reasonable expectations of policy holders in that connection, whichever brings out the higher figure of liability.
	s. 197B (3)	Delete and insert the following—  (3) Every insurer registered or authorized to carry on insurance business in Kenya shall, after the end of each calendar year and not later than the end of the third month following the end of that year, prepare in accordance with the prescribed form, an annual premium tax return showing the prescribed details on premium ta

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
The Finance (No. 2) Act, 1989 (No. 8 of 1989).	s. 1	<p>payment throughout that year; and notwithstanding subsection (3) of section 60, the statement on the annual premium tax return shall be signed by the principal officer and by an auditor.</p> <p>Delete paragraphs (d) and (e) and insert the following—</p> <p>(d) sections 20 and 21, in year of income commencing on the 1st January, 1989;</p> <p>(e) sections 17, 22, 23 (a), 23 (b) and 23 (c), in the year of income commencing on the 1st January, 1990.</p>
The Value Added Tax Act, 1989 (No. 7 of 1989).	s. 59 (2)	<p>Insert the words “or refund” immediately after the word “collection” appearing in the third line.</p>
The Banking Act, 1989 (No. 9 of 1989).	s. 37	<p>Insert the following paragraph immediately after paragraph (d) of subsection (2)—</p> <p>(e) money received as subventions, grants or donations to the Fund.</p> <p>Delete subsection (3) and insert the following subsection—</p> <p>(3) The moneys constituting the Fund shall be placed in an account with the Central Bank to be invested by the Board in treasury bills, treasury bonds or other securities issued by the Government and any income from the investments shall be credited to the Fund.</p>
	s. 41	<p>Delete and insert the following—</p> <p>Power Board to lend.</p> <p>41. If the Board considers it desirable to reduce or avert threatened loss to the Fund, the Board may—</p> <p>(a) on such terms and securities as it may prescribe, lend to, place a deposit with, issue a guarantee on behalf of or purchase the assets of an institution; or</p> <p>(b) acquire, hold and dispose of shares, stocks, debentures or other securities of an institution for such period as the Board may consider appropriate.</p>