

**THE CRIMINAL PROCEDURE CODE  
(AMENDMENT) ORDINANCE, 1963**

**No. 33 of 1963**

*Date of Assent: 28th October, 1963*

*Date of Commencement: 29th October, 1963*

**An <sup>Act</sup> Ordinance to amend the Criminal Procedure Code**

ENACTED by the Central Legislature of Kenya, as follows:—

Short title.

**1.** This <sup>Act</sup> Ordinance may be cited as the Criminal Procedure Code (Amendment) <sup>Act</sup> Ordinance, 1963.

Amendment of  
Cap. 75.

**2.** The Criminal Procedure Code is amended, in relation to the provisions thereof specified in the first column of the First Schedule to this <sup>Act</sup> Ordinance, in the manner respectively specified in the second column of that Schedule.

Amendment of  
Cap. 75,  
Sub. Leg.

**3.** The items of subsidiary legislation under the Criminal Procedure Code specified in the first column of the Second Schedule to this <sup>Act</sup> Ordinance are amended in the manner respectively specified in the second column of that Schedule.

**FIRST SCHEDULE**

(s. 2)

<i>Provision</i>	<i>Amendment</i>
Sections 7, 8, 9, 10, 262	Delete, wherever they appear the words "Subject to the provisions of Part VII of this Code".
Part VII	Delete.
Section 230	Delete the proviso.
Section 264	Delete.
Section 265 (1)	Delete the words "and all male persons of European extraction between the ages of twenty-one and sixty shall be liable also to serve as jurors, at any trial held by the Supreme Court within Kenya".
Section 265 (2)	Delete the words "a juror or" and substitute the word "an"; add immediately after the word "assessor" the words "and regulating the selection and summoning of assessors".
Section 266	Delete the words "jurors or".
Section 266 (k)	Delete the words "jurors or".
Sections 267, 268	Delete.

## FIRST SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
Section 269 (1)	Delete the words "by jury and trials" which appear in lines 8 and 9, and the words "jurors or" which appear in the marginal note.
Section 269 (2)	Delete.
Section 270	Delete the words "a juror or" wherever they appear.
Section 272	Delete.
Section 273 (1)	Delete the words "a juror or as" which appear in lines 1 and 2, and the words "juror or" which appear in the marginal note.
Section 273 (2)	Delete the words "juror or".
Section 273 (4)	Delete the words "a juror or" and substitute the word "an".
Section 275 (6) (a)	Delete the words "during a trial with a jury or" which appear in line 1, and the words "jury or" which appear in line 3.
Section 275 (6) (b)	Delete the words "jury or".
Section 277 (c)	Delete the words "the jury, or" which appear in line 5, the words "as the case may be" which appear in line 6, and the words "and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again".
Section 277, proviso	Delete the words "the jury or" which appear in line 6, and the words "as the case may be" which appear in line 7.
Section 282	Delete the words "jurors or".
Section 282, proviso	Delete the words "the same jury may try, or".
Sections 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296	Delete.
Section 300	Delete the words "jurors or".
Section 306 (1)	Delete the words "in a case tried with assessors" which appear in lines 8 and 9, and the words "or in a case tried by a jury, direct the jury to return a verdict of not guilty" which appear in lines 9 and 10.
Sections 312, 313, 314 315, 316, 317, 318, 319, 320, 321	Delete.

## FIRST SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
Section 323	Delete the words "If the jury find the accused guilty, or if the judge convicts him" and substitute the words "If the judge convicts the accused person".
Section 328	Delete the words "nor because of any error committed in summoning or swearing the jury or any of them, nor because any person who has served upon the jury was not qualified to sit as a juror, nor because of any objection which might have been stated as a ground of challenge of any of the jurors".
Section 381	Delete.
Section 382	Delete paragraphs (b) and (c), the word "or" at the end of paragraph (a), and the words "or misdirection" which appear in line 13.
Section 394	Delete the word "juror" which appears in line 3, and the word "jurors" which appears in the marginal note.

## SECOND SCHEDULE

(s. 3)

<i>Item of subsidiary legislation</i>	<i>Amendment</i>
Persons exempted from liability to serve as jurors or assessors, under section 266 (k)	Delete the words "jurors or" in the heading to the item and in the item.
The Criminal Procedure (Remuneration of Witnesses. Jurors and Assessors) Rules	Delete the word "jurors" in rule 1, and the word "juror" in rule 2.