

SPECIAL ISSUE

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ACTS, 2012

NAIROBI, 4th January, 2013

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**THE STATUTE LAW (MISCELLANEOUS (AMENDMENTS)
(NO. 2) ACT**

No. 47 of 2012

Date of Assent: 31st December, 2012

Date of Commencement: 4th January, 2013

**AN ACT of Parliament to make minor amendments to
statute law**

ENACTED by the Parliament of Kenya, as follows—

- | | |
|--|----------------------------|
| 1. This Act may be cited as the Statute Law (Miscellaneous Amendments) (No. 2) Act, 2012. | Short title. |
| 2. The several written laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column. | Amendment of written laws. |

SCHEDULE

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Political Parties Act, 2011 (No. 11 of 2011).	S. 20(1)	Insert the following new paragraph immediately after paragraph (d)— (e) the address and physical location of the head office or county office.
	S. 30(1)	Delete the words “ninety days” and substitute therefor the words “sixty days”.
	S.41(4)	Delete the words “Criminal Procedure Code” and substitute therefor the words “Civil Procedure Act”.
	S. 45(5)	Insert the following new paragraph immediately after paragraph (c)—

(d) subject to section 21, deregister a political party.

The Elections Act, 2011 (No. 24 of 2011).

S. 2 Insert the following words immediately after the word “Constitution” appearing in the definition of “election court”—

“and the Resident Magistrate’s Court designated by the Chief Justice in accordance with section 75 of this Act;”

Delete the expression “29” appearing in the definition of the expression “party list” and substitute therefor the expression “28”.

S. 6(2) Delete the words “ninety days” and “thirty days” and substitute therefor the words “sixty days” and “fourteen days” respectively.

S. 6(3) Delete the words “not being less than thirty days” and substitute therefor the words “at least fourteen days”.

S.28 Delete the expression “two months” and substitute therefor the expression “forty-five days”.

S.29 Delete the words “parliamentary, county governor and county assembly”.

S. 38 Delete and substitute therefor the following new section—

Holding of elections. **38.** After a notice of an election has been published in the Gazette under sections 14,

16, 17 and 19, every returning officer shall proceed to hold the election according to the terms of the notice and in accordance with the regulations relating to elections.”

- S. 75(1) Delete the words “county elections” and substitute therefor the words “election of a county governor”

Insert the following new subsection immediately after subsection (1)—

(1A) A question as to the validity of the election of a member of a county assembly shall be heard and determined by the Resident Magistrate’s Court designated by the Chief Justice.

Insert the following new subsection immediately after subsection (3)—

(4) An appeal under subsection (1A) shall lie to the High Court on matters of law only and shall be—

(a) filed within thirty days of the decision of the Magistrate’s Court; and

(b) heard and determined within six months from the date of filing of the appeal.

- New Insert the following new section immediately after section 85—

Appeals to the Court of Appeal.

85A. An appeal from the High Court in an election petition concerning membership of the National Assembly, Senate or the office of county governor shall lie to the Court of Appeal on matters of law only and shall be-

(a) filed within thirty days of the decision of the High Court; and

(b) heard and determined within six months of the filing of the appeal.

S. 96(1) Insert the words “election and” immediately before the words “referendum petition” wherever they appear.

S. 109 Insert the following new subsection immediately after subsection (3) -

(4) The Commission shall publish in the Gazette, not later than sixty days prior to the date of a general election, the regulations approved by the National Assembly under subsection (3).

The Leadership and Integrity Act, 2012
(No.19 of 2012)

S. 55 Delete.