

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 1976**

No. 6 of 1976

Date of Assent: 25th May, 1976

Date of Commencement: 4th June, 1976

**An Act of Parliament 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 (Miscellaneous Amendments) Act, 1976.</p> | <p>Short title.</p> |
| <p>2. (1) The several written laws specified in the first column of the Schedule to this Act are hereby 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 of that Schedule.</p> | <p>Amendment of written laws and dates on which amendments take effect.</p> |
| <p>(2) The amendment to the Industrial Training Act shall be deemed to have taken effect from 5th December, 1975.</p> | <p>Cap. 237.</p> |
| <p>(3) The amendment to the National Social Security Fund Act shall take effect on such date as the Minister for Labour may, by notice in the Gazette, appoint.</p> | <p>Cap. 258.</p> |
| <p>(4) The amendment to the Constitutional Offices (Remuneration) Act shall be deemed to have taken effect from the various dates specified in that amendment.</p> | <p>Cap. 423.</p> |
| <p>(5) The amendments to the Foreign Investments Protection Act shall be deemed to have taken effect from 15th December, 1964.</p> | <p>Cap. 518.</p> |
| <p>(6) All the other amendments specified in the Schedule to this Act shall take effect from the date of the publication of this Act in the Gazette.</p> | |

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Judicature Act (Cap 8)	s. 7	Delete the word "fourteen" and substitute "seventeen".
	s. 9	Delete the words "sixty-eight" and substitute "seventy".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>											
The Advocates Act Act (Cap. 16).	s. 11	Delete and substitute a new section as follows—											
		<p>Qualification 11. Subject to this Act, for admission no person shall be as advocate. admitted as an advocate unless—</p> <p>(a) he is a citizen of Kenya or ordinarily resides in Kenya; and</p> <p>(b) he is duly qualified in accordance with section 12 or section 13 of this Act.</p>											
The Criminal Procedure Code (Cap. 75).	s. 123 (1)	Delete the words "or treason" and substitute " , treason, robbery with violence or attempted robbery with violence".											
	First Schedule	In relation to both subsections 296 (2) and 297 (2) of the Penal Code delete the present entries in column 4 and substitute the following new entry therefore in both places—Death.											
The Industrial Training Act (Cap. 237).	s. 5B (1)	Delete the words and commas " , except in relation to the Government,".											
The National Social Security Fund Act (Cap. 258).	Third Schedule	Delete and substitute a new proviso as follows—											
	—proviso to paragraph 1.	<p>Provided that the maximum contribution payable in a contribution period shall be—</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Contribution period</th> <th>Employee's share deductible from wages by employer</th> <th>Standard Contribution</th> </tr> </thead> <tbody> <tr> <td>One month</td> <td>Sh. 80</td> <td>Sh. 160</td> </tr> <tr> <td>One fortnight</td> <td>Sh. 40</td> <td>Sh. 80</td> </tr> <tr> <td>One week</td> <td>Sh. 20</td> <td>Sh. 40</td> </tr> </tbody> </table>	Contribution period	Employee's share deductible from wages by employer	Standard Contribution	One month	Sh. 80	Sh. 160	One fortnight	Sh. 40	Sh. 80	One week	Sh. 20
Contribution period	Employee's share deductible from wages by employer	Standard Contribution											
One month	Sh. 80	Sh. 160											
One fortnight	Sh. 40	Sh. 80											
One week	Sh. 20	Sh. 40											
The Cotton Lint and Seed Marketing Act (Cap. 335).	s. 8	Insert immediately after the words "the Board shall" the word "act".											
The Exchequer and Audit Act (Cap. 412).	s. 2	Insert immediately after and below the definition of "period of account" the following—											
		<p>"Public Accounts Committee" means the Select Committee of the National Assembly designated by that name;</p>											
	s. 23 (3) and (4)	Delete and substitute—											
		(3) The Minister shall, within fourteen days of the receipt by him of a report under subsection (1) of this section, lay it before the National Assembly:											

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		<p>Provided that there shall be excluded from the computation of the said period of fourteen days any days on which the Assembly is not sitting.</p> <p>(4) The Minister shall, within seven days of the receipt by him of a report under subsection (2) of this section submit it to the Public Accounts Committee:</p> <p>Provided that nothing in this Act shall preclude the Minister from laying the report before the National Assembly.</p> <p>(5) If the Minister fails to lay or submit any report or document as is required by subsection (3) or (4) of this section, the Controller and Auditor-General shall forthwith transmit a copy thereof to the Speaker of the National Assembly, to be presented by him to the Assembly.</p>
	s. 26 (1)	<p>Delete the words "Act in force at the commencement of this Act" which appear in the second line and substitute therefor the words "written law"; and</p> <p>Delete the words "if the National Assembly by resolution so directs" which appear in fourth and fifth lines.</p>
	s. 26	<p>Insert the following new subsections at the end—</p> <p>(3) The Controller and Auditor-General may at any time, if it appears to him desirable, transmit to the appropriate Minister, under advice to the Treasury, a special report on any matter incidental to his powers and duties under this Part of this Act.</p> <p>(4) The appropriate Minister shall, within seven days of receipt by him of a report under subsection (3) of this section, submit it to the Public Accounts Committee, under advice to the Treasury:</p> <p>Provided that nothing in this Act shall preclude the appropriate Minister from laying the report before the National Assembly.</p> <p>(5) If the appropriate Minister fails to submit any report or documents as is required by subsection (4) of this section, the Controller and Auditor-General shall forthwith transmit a copy thereof to the Speaker of the National Assembly, to be presented by him to the said Assembly.</p>
The Provisional Collection of Taxes and Duties Act (Cap. 415).	s. 3 (a)	<p>Delete the words "eight weeks" and substitute "four months".</p>

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Constitutional Offices (Remuneration) Act (Cap. 423).	Schedule	Delete all the words, figures and punctuation from the words "Appointed member of the Electoral Commission" to the end and substitute the following therefor— Chairman of the Electoral Commission. From 1.1.76 £600 Member of the Electoral Commission. From 1.1.76 £500
		In this Schedule, with effect from 1st July, 1975— "Scale M" means a salary commencing at £2,514 and increasing by annual increments of £90 to £2,604, thereafter increasing by annual increments of £108 to £3,036; "Scale N" means a salary commencing at £2,928 and increasing by annual increments of £108 to £3,144, thereafter increasing by annual increments of £132 to £3,540; "Scale P" means a salary commencing at £3,540 and increasing by annual increments of £132 to £3,804, thereafter increasing by annual increments of £156 to £4,272; "Scale Q" means a salary commencing at £4,272 and increasing by annual increments of £156 to £4,584, thereafter increasing by annual increments of £180 to £5,124.
Estate Duty Act (Cap. 483).	s. 19 (1)	Insert immediately after the words "any person duty" the words "or tax"; and Insert immediately after the words "the amount of the duty" the words "or tax".
The Foreign Investments Protection Act (Cap. 518).	s. 2 (1)	Delete the words "or proportion" in both the places where these words appear in the definition of "approved" and substitute ", sum or amount".
	s. 2 (2)	Delete the word "ell" and substitute "well".
	s. 3 (4) (c)	Delete and substitute— (c) the amount of the foreign assets invested or to be invested by the holder of the certificate in the enterprise divided as between (i) capital, being deemed to be a fixed amount representing the equity of the holder in the enterprise for the purposes of this Act and which shall be expressed in the certificate in, and shall for the purposes of this Act be in, Kenyan currency and (ii) any loan, which may be expressed in, and may for the purposes of this Act be in, either Kenyan currency or the relevant foreign currency;
	s. 4 (d)	Delete the word "proportion" and substitute "amount".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 7 (a) and (b)	Delete and substitute— <p style="margin-left: 40px;">(a) the profits, after taxation, arising from or out of his investment of foreign assets:</p> <p style="margin-left: 40px;">Provided that any increase in the capital value of the investment arising out of the sale of the whole or any part of the capital assets of the enterprise shall not be deemed to be a profit arising from or out of the investment for the purposes of this Act;</p> <p style="margin-left: 40px;">(b) the capital specified in the certificate as representing and being deemed to be the fixed amount of the equity of the holder of the certificate in the enterprise for the purpose of this Act:</p> <p style="margin-left: 40px;">Provided that—</p> <p style="margin-left: 80px;">(i) where any amendment or variation is made in the amount of the said capital under the provisions of section 4, the amended or varied amount shall be substituted for the original amount; and</p> <p style="margin-left: 80px;">(ii) no additional amount or sum shall be added to the capital specified in the certificate (as amended or varied) to represent any increase in the capital value of the investment since the issue of the certificate or since the last amendment or variation of the certificate; and.</p>
The Aliens Restriction Act (No. 5 of 1973).	s. 1	Delete the numbers "1972" and substitute "1973".
The Finance (No. 2) Act (No. 13 of 1975).	s. 3 (f) (v)	Delete the brackets and letter "(P)" and substitute "(B)".
The Wildlife (Conservation and Management) Act, 1976 (No. 1 of 1976).	12 (2)	Delete the word "Director" and substitute "Minister".
	Third Schedule —paragraph 7	Insert the word "former" immediately before the word "Trustees" which appears in the first line.