LEGAL NOTICE NO. 154

THE BETTING, LOTTERIES AND GAMING ACT
(Cap. 131)

IN EXERCISE of the powers conferred by section 70 of the Betting, Lotteries and Gaming Act, the Vice-President and Minister for Home Affairs, makes the following Regulations:

THE BETTING, LOTTERIES AND GAMING (AMENDMENT) REGULATIONS, 2007

1. These Regulations may be cited as Betting, Lotteries and Gaming (Amendment) Regulations, 2007.

2. The Betting, Lotteries and Gaming Regulations are amended in regulation 16 by inserting the following new paragraphs immediately after paragraph (4)—

(5) The Board shall not renew a licence more than two times—

(a) where the holder fails to open gaming premises; or

(b) where the holder allows his gaming premises to remain closed for a period of three or more years after the issuance thereof.

(6) A person to whom paragraph (5) applies shall apply to the Board for new licence in accordance with the provisions of these Regulations.


MOODY AWORI,
Vice-President and Minister for Home Affairs.

LEGAL NOTICE NO. 155

THE GOVERNMENT FINANCIAL MANAGEMENT ACT, 2004
(No. 5 of 2004)

IN EXERCISE of the powers conferred by sections 26 and 35 of the Government Financial Management Act, 2004, the Minister for Finance makes the following Regulations:

THE GOVERNMENT FINANCIAL MANAGEMENT (MEMBERS AND STAFF OF THE ELECTORAL COMMISSION CAR LOAN SCHEME FUND) REGULATIONS, 2007

1. These Regulations may be cited as the Government Financial Management (Members and Staff of the Electoral Commission Car
Loan Scheme Fund) Regulations, 2007, and shall be deemed to have come into operation on the 1st July, 2007.

2. In these Regulations, unless the context otherwise requires—

"Committee" means the Loans Approval Committee established under regulation 6;

"Commissioner" means a member of the Electoral Commission of Kenya;

"financial year" means the period of twelve months ending on the 30th June, in each year;

"Fund" means the Members and Staff of the Electoral Commission Car Loan Scheme Fund established under regulation 3;

"officer administering the Fund" means the Secretary to the Electoral Commission of Kenya; and

"staff" means an employee of the Electoral Commission of Kenya.

3. (1) There is hereby established a Fund to be known as the Members and Staff of the Electoral Commission Car Loan Scheme Fund.

(2) The Fund shall be the successor to the Members of the Electoral Commission Car Loan Scheme Fund established under the Exchequer and Audit (Members of the Electoral Commission Car Loan Scheme Fund) Regulations, 2001 and all rights, duties and obligations of the Members of the Electoral Commission Car Loan Scheme Fund existing on the date of coming into operation of these Regulations shall be transferred to the Fund, and any reference to the Members of the Electoral Commission Car Loan Scheme Fund in a contract or document shall, for all purposes, be deemed to be a reference to the Fund established under this regulation.

4. The object and purpose of the Fund shall be to provide a loan scheme for the purchase of motor vehicles by Commissioners and staff.

5. (1) The initial capital of the Fund shall be forty-four million shillings appropriated by Parliament in the 2000/2001 financial year.

(2) All the monies of the Fund shall be paid into a special account operated by the officer administering the Fund.

6. (1) There is established a committee to be known as the Loan Approval Committee which shall consist of—

(a) the vice-chairman of the Electoral Commission of Kenya, who shall be Chairman;

(b) the Permanent Secretary in the Ministry for the time being responsible for finance or his representative;

(c) the Clerk of the National Assembly or his representative;

(d) one Commissioner;
(e) the Attorney-General or his representative; and

(f) the Secretary of the Electoral Commission of Kenya, who shall be the Secretary.

(2) The Committee shall meet once every month or at such other time as may be necessary for the discharge of its duties.

(3) The quorum for meetings of the Committee shall be the chairman and any three members.

(4) The Committee shall consider and may approve loan applications presented by the officer administering the Fund.

7. (1) Any Commissioner or staff who wishes to apply for a loan from the Fund shall present to the officer administering the Fund a duly completed application form in such form as the Committee may prescribe.

(2) The officer administering the Fund shall satisfy himself of each applicant's financial status and capacity to repay the loan applied for and where so satisfied shall forward the application form to the Committee for consideration.

8. (1) A loan approved by the Committee under the foregoing regulations shall be released from the Fund in such manner, taking into account the security of the funds, as may be prescribed by the Committee.

(2) The log-book of a motor vehicle subject to a loan from the Fund shall be issued jointly between the Government and the Commissioner or staff receiving the loan and shall be kept in the custody of the officer administering the Fund until the loan is repaid in full by the Commissioner or staff.

(3) The officer administering the Fund shall issue a caveat prohibiting the transfer of the motor vehicle and shall notify the Registrar of Motor Vehicles accordingly.

(4) The Registrar of Motor Vehicles shall confirm in writing to the officer administering the Fund, that a caveat issued under paragraph (3) has been entered and noted in the appropriate motor vehicle file in the registry of the Registrar of Motor Vehicles.

9. (1) The amount of loan which a Commissioner may receive shall be the value of the motor vehicle he proposes to purchase, subject to a maximum amount of two million shillings.

(2) For the purposes of these Regulations, the value of a new vehicle shall be as quoted on the invoice from the supplier whereas the value of a used vehicle shall be as determined by a report from the body known as the Automobile Association of Kenya or a Government Department dealing with similar matters.

10. (1) A loan granted to a Commissioner or staff under these Regulations shall carry an initial interest rate of three per cent per annum, which shall be subject to review from time to time by the Treasury.
11. (1) The maximum loan that may be given to a staff shall be one million shillings.

(2) No staff shall receive a loan the repayment of which shall result in a salary deduction exceeding forty per cent of the staff's monthly emoluments.

(3) A loan advanced to a staff shall be repaid over a maximum period of forty-eight months, or the remainder of the staff's term of office, whichever is less.

12. (1) A loan advanced under these Regulations shall be paid in full—

(a) in the case of purchase of a new motor vehicle, over a maximum period of forty-eight months; or

(b) in the case of purchase of a second hand vehicle, over a maximum period of thirty-six months; and

(c) in both cases, (a) and (b) above, within the remaining term of office of the Commissioner or staff.

(2) No default in repayment shall be allowed by the Committee except in the event of force majeure in which case there shall be a grace period of not more than three months, after which the car which is subject to the loan shall be repossessed and sold to recover the balance of the loan.

(3) For the purposes of this regulation, the term of office of a Commissioner shall be deemed to be five years.

13. (1) A Commissioner or staff shall take out a comprehensive insurance cover in respect of any vehicle purchased through the Fund.

(2) Where a Commissioner or staff is unable to raise the funds required for the initial insurance premium, such funds may be advanced from the Fund subject to an approval limit, but subsequent annual premiums shall be paid by the Commissioner or staff concerned.

(3) A Commissioner or staff who is unable to pay the subsequent annual premiums referred to in paragraph (2) may apply to the Fund for a loan for such payment, which shall be repaid within a period of one year or, in the case of a Commissioner, the remainder of the Commissioner's term of office, whichever is less.

(4) Every loan granted under these Regulations shall be insured for the benefit of the Commissioner or staff and the premium in respect thereof shall be debited to the Commissioner's or staff's account.

14. (1) Upon full repayment of the loan, a Commissioner or staff shall receive from the Committee a signed loan discharge form in such form as the Committee may prescribe, which shall have the effect of discharging the Commissioner or staff from any further financial obligation in respect of the loan.
(2) The Committee shall forward a copy of the loan discharge form referred to in paragraph (1) to the Registrar of Motor Vehicles.

15. (1) The officer administering the Fund shall—

(a) supervise and control the administration of the Fund;

(b) if he thinks fit, impose conditions on the use of any funds under his control and may impose any reasonable restriction or other requirement concerning such use;

(c) approve such expenditure out of the Fund as may be necessary for the administration of the Fund pursuant to the provisions of these Regulations;

(d) cause to be kept books of accounts and other books and records in relation to the Fund and the loans financed therefrom;

(e) prepare, sign and transmit to the Controller and Auditor-General in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him, specifying the income of the Fund and showing the expenditure incurred from the Fund in such details as the Treasury from time to time direct in accordance with the provisions of the Public Audit Act, 2003.

(f) furnish such additional information as he may deem to be proper and sufficient for the purpose of examination and audit by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2003.

(2) Every statement of account made under this regulation shall indicate the financial status of the Fund as at the end of the financial year concerned.

16. The Exchequer and Audit (Members of the Electoral Commission Car Loan Scheme Fund) Regulations, 2001 are hereby revoked.

Made on the 7th August, 2007.

AMOS KIMUNYA,
Minister for Finance.

LEGAL NOTICE NO. 156

THE STAMP DUTY ACT

(Cap. 480)

EXEMPTION

IN EXERCISE of the powers conferred by sections 106 of Stamp Duty Act, the Minister for Finance, on the recommendation of the Minister for Lands, directs that the instrument executed in respect of the transfer of Land Parcel No. 209/9785/2, situated in Parklands Area,