

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**BILLS, 2014**

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**NAIROBI, 30th May, 2014**

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540 EAST 57TH STREET  
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**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) BILL, 2014**

**A Bill for**

**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) Act, 2014.

Short title.

2. The several 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.

3. The provision in the Schedule relating to the National Honours Act, 2013 shall be deemed to have come into operation on the 25th January, 2013.

Commencement of amendment to 11/2013

**SCHEDULE**

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Interpretation and General Provisions Act (Cap. 2).	s. 3	Delete the definitions of the words "Minister" and "the Minister" and substitute therefor the following new definitions in proper alphabetical sequence—

"Cabinet Secretary" means a person appointed as a Cabinet Secretary of the Government of Kenya under the Constitution, or the President, Deputy President or the Attorney-General;

"the Cabinet Secretary" means the Cabinet Secretary for the time being responsible for the matter in question, or the President where executive authority for the matter in question is retained by him, or the Attorney-General where executive authority for the matter in question has been conferred on him.

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|--|---------|---|
| The Advocates Act<br>(Cap 16).               | s.57(1) | Delete paragraph (aa).                                      |
| The Criminal<br>Procedure Code<br>(Cap. 75). | New     | Insert the following section immediately after section 123— |
- Exception to right to bail.
- 123A.**(1) Subject to Article 49(1)(h) of the Constitution notwithstanding section 123, the Court may decline to grant bail to a person to whom that section applies where—
- (a) the Court, or the police officer in the case of a person under arrest, has reason to believe that—
    - (i) the person may, if released on bail (with or without conditions)-
      - (A) fail to surrender to custody;
      - (B) commit an offence while on bail; or
      - (C) interfere with witnesses or otherwise obstruct the course of justice; or
    - (ii) the person should be kept in custody for his own protection or welfare;
  - (b) the case has been adjourned for inquiries which it would be impracticable to make unless the accused person is kept in custody;
  - (c) the person is previously in custody pursuant to a sentence of a court; or
  - (d) the person has previously been released on bail in connection with the present proceedings and has been arrested pursuant to section 87.
- (2) In making a decision under subsection (1), the Court or police officer shall have regard to all the relevant circumstances and in particular -
- (a) the nature or seriousness of the offence;