



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE REVISION OF THE LAWS ACT

CHAPTER 1

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CHAPTER 1

REVISION OF THE LAWS ACT

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CHAPTER 1**REVISION OF THE LAWS ACT**

[Date of assent: 10th May, 1979.]

[Date of commencement: 18th May, 1979.]

An Act of Parliament to make provision for the contents of, and for revisions of, the Laws of Kenya and for matters connected therewith

[Act No. 9 of 1979, Act No. 13 of 1980, Act No. 22 of 1987, Act No. 7 of 2007, Act No. 12 of 2012.]

1. Short title

This Act may be cited as the Revision of the Laws Act.

2. Interpretation

In this Act—

"annual supplement" means a supplement prepared under section 7;

"foreign legislation" includes Acts of Parliament of the United Kingdom, Orders in Council, Royal Instructions, and subsidiary legislation made thereunder, and Acts of the Indian Legislature and subsidiary legislation made thereunder;

"Laws of Kenya" means the revised edition of the Laws of Kenya prepared and published under this Act.

3. Laws of Kenya to continue in existence

Subject to this Act, the Laws of Kenya as amended and kept up to date at the commencement of this Act shall continue in existence.

4. Contents of Laws of Kenya

The Laws of Kenya shall contain—

- (a) the Constitution;
- (b) all Acts in force, wholly or in part, unless omitted under section 5;
- (c) such subsidiary legislation in force as the Attorney-General thinks fit to include therein;
- (d) such foreign legislation which has been applied to Kenya as the Attorney-General thinks fit to include therein;
- (e) a table of contents;
- (f) a chronological table listing all Ordinances, Acts and other enactments ever enacted in Kenya and showing how such have been dealt with;
- (g) an accumulative alphabetical index of all Acts, listing under each Act reference to—
 - (i) all subsidiary legislation made under it since the date of last revision of the Act or, in the case of an Act which has not been revised, the date of publication of the Act; and
 - (ii) all amendments to the Act and to any subsidiary legislation made thereunder since the date of the last revision of the Act, or since the date of publication of the Act or of the subsidiary legislation, as the case may be;

- (h) a table of Acts omitted under the authority of paragraphs (b), (c), (d) or (e) of section 5, which table may be published either separately or annexed to the table of contents.

5. Acts omitted from Laws of Kenya

There may be omitted from the Laws of Kenya—

- (a) annual appropriation Acts;
- (b) specific loan or specific loan guarantee Acts;
- (c) any Act which is in the opinion of the Attorney-General—
 - (i) of temporary effect; or
 - (ii) of local or limited application; or
 - (iii) of application only to a time past;
- (d) any Constitution of Kenya (Amendment) Act or provision in such Act which does not become incorporated in the Constitution;
- (e) any Act which in the opinion of the Attorney-General ought to be temporarily omitted by reason of—
 - (i) proposed substantial amendments to the Act or subsidiary legislation made thereunder; or
 - (ii) the proposed making of a substantial quantity of new subsidiary legislation thereunder;
 - (iii) the Act in question not yet being in force at the time of a given revision.

[Act No. 22 of 1987, Sch.]

6. Method of compiling Laws of Kenya

(1) The Laws of Kenya shall be printed in the form of booklets, a separate booklet being printed for—

- (a) the Constitution and any subsidiary legislation made thereunder;
- (b) each Act and the subsidiary legislation made thereunder;
- (c) each piece of foreign legislation applied to Kenya, included in the Laws by virtue of section 4:

Provided that where the Attorney-General deems it expedient any legislation referred to in this subsection may be printed in more than one booklet.

(2) Every booklet shall contain on the front page thereof the expressions "Laws of Kenya" and "Revised Edition Printed and Published by the Government Printer Nairobi" or "Printed and Published by (name of Printer) with the Authority of the Attorney-General", and on every other page thereof the expression "Rev" with the appropriate year of revision inserted in each case.

(3) In addition to the publication of the Laws of Kenya in the manner prescribed in the foregoing provisions of this section, a Printer referred to in subsection (2) may also publish the Laws of Kenya in electronic form.

[Act No. 13 of 1980, Sch., Act No. 7 of 2007, Sch.]

7. Annual supplement

The Attorney-General shall as soon as practicable after the beginning of every year prepare and publish an annual supplement to the Laws of Kenya which shall contain—

- (a) a revised edition of every Act which has been enacted or has come into force during the previous year together with such subsidiary legislation made thereunder as the Attorney-General thinks fit to include, unless any such Act is omitted under section 5 or its sole effect is to amend, without replacing, other written laws;
- (b) a new revised edition of the Constitution, any Act, any foreign legislation applied to Kenya or any subsidiary legislation where, by reason of—
 - (i) its having been substantially amended; or
 - (ii) in the case of the Constitution or an Act, a substantial quantity of subsidiary legislation having been made thereunder, during the preceding year or years, a new revised edition is in the opinion of the Attorney-General desirable;
- (c) a revised edition of any Act omitted under section 5 where the reason for the omission in the opinion of the Attorney-General no longer subsists;
- (d) a new revised edition of the accumulative index, table of contents and table of omitted Acts;
- (e) a new revised edition of the chronological table or a supplement thereto:

Provided that more than one supplement may be prepared under this section in respect of any one year, or a supplement may be prepared in respect of more than one year, where the Attorney-General considers it expedient; and where a second or subsequent supplement is prepared in respect of any one year, it may contain all or any of the revised editions specified in this section.

8. Powers on revision

(1) In the preparation of the annual supplement to the Laws of Kenya the Attorney-General shall have the following powers—

- (a) to omit—
 - (i) all laws or parts of laws which have been repealed expressly or by necessary implication, or which have expired, or which have become spent or have had their effect;
 - (ii) all repealing enactments contained in laws, and all tables or lists of repealed enactments, whether contained in schedules or otherwise;
 - (iii) all preambles or parts of preambles to laws, and all or any recitals in laws, where such omission can, in the opinion of the Attorney-General, conveniently be made;
 - (iv) all introductory words of enactment in any law;
 - (v) all enactments prescribing the date when any law or part of any law is to come into force, where such omission can, in the opinion of the Attorney-General, conveniently be made;

- (vi) all amending laws or parts of laws where the amendments effected by such laws or parts of laws have been embodied by the Attorney-General in the laws to which they relate;
- (b) to allocate Chapter numbers to newly included Acts and subsidiary legislation and generally to arrange the Acts by Chapters in such sequence and groups and generally in such order and manner as the Attorney-General thinks proper, and to leave unallocated between groups or in groups such Chapter numbers as he considers may be required for Acts to be enacted in the future;
- (c) to consolidate into one law two or more laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated law, and affixing such date thereto as seems most convenient;
- (d) to alter the order of sections in any law, and, in all cases where it is necessary to do so, to renumber the sections of any law;
- (e) to alter the form or arrangement of any section of any law, either by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;
- (f) to divide any law, whether consolidated or not, into Parts or other divisions;
- (g) to transfer any provisions contained in an enactment from that enactment to any other enactment to which the Attorney-General considers that it more properly belongs;
- (h) to supply or alter marginal notes, section headings and tables showing the arrangement of sections;
- (i) to correct cross-references;
- (j) to shorten or simplify the phraseology of any law;
- (k) to add a short title or citation to any law which requires it, and, if necessary or expedient, to alter the long title, short title or citation of any law;
- (l) to correct grammatical and typographical mistakes in the existing copies of laws, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of the laws;
- (m) to correct the punctuation in any law;
- (n) to provide footnotes by way of amplification;
- (o) to make such formal alterations as to names, localities offices and otherwise as are necessary to bring any law into conformity with the circumstances of Kenya;
- (p) to make such adaptations of or amendments to any law as appear to be necessary or proper as a consequence of changes in the constitutions of Commonwealth countries or the composition of the Commonwealth;
- (q) to make such formal alterations to any law as are necessary or expedient for the purpose of securing uniformity of expression the Laws of Kenya, and power to do all other things relating to form and method, whether similar to the foregoing or not, which appear to him necessary for the perfecting of the Laws of Kenya.

(2) Subparagraphs (i), (ii) and (vi) of paragraph (a) and paragraph (n) of subsection (1), and no more, shall apply in respect of foreign legislation applied to Kenya.

(3) The provisions of section 23(3) of the Interpretation and General Provisions Act (Cap. 2) shall apply to all omissions made by virtue of this section as if the laws or parts of laws omitted had been repealed.

(4) Nothing in this section shall empower the Attorney-General to make any alteration or amendment in the substance of any law.

[Act No. 12 of 2012, Sch.]

9. Copies of annual supplement to be kept for record

(1) The Attorney-General shall cause three sets of each annual supplement to be bound in a permanent manner.

(2) The sets of supplements so bound shall be certified by the Attorney-General on the title page thereof to be true copies of the supplement prepared by him and shall thereafter be delivered to and retained for the purposes of record by the Clerk of the National Assembly, the Registrar of the High Court and the Attorney-General respectively.

10. Bringing into force of annual supplement

(1) When the annual supplement has been printed the Attorney-General shall, by order in the *Gazette*, direct that the supplement shall come to force on such day as he shall specify and shall annex to such order detailed directions for incorporation of the supplement into the Laws of Kenya.

(2) Where an annual supplement is brought into force under this section and contains a revised edition of any law, that revised edition shall supersede any previous edition of that law whether previously contained in the Laws of Kenya or not.

11. Construction of references to laws in Laws of Kenya

Where, in any written law or in any instrument or document of whatever kind, reference is made to any written law which is affected by or under the operation of this Act, such reference shall, unless the context otherwise requires, be deemed to be a reference to the corresponding written law in the Laws of Kenya, and all cross-references in any such law, instrument or document shall, where they are affected by or under the operation of this Act, be read and construed with such modifications as circumstances require.

12. Presumption of authenticity of copies of Laws of Kenya

Every volume, and every booklet, purporting to be a part of the Laws of Kenya and bearing the expressions prescribed by section 6(2) shall be presumed to be a part of the Laws of Kenya until the contrary is proved.

13. Rectification of formal errors

The Attorney-General may, by order in the *Gazette*, rectify any clerical or printing error appearing in the Laws of Kenya, or rectify in a manner not inconsistent with the powers of revision conferred by this Act any other error so appearing.
