

LEGAL NOTICE NO. 124

THE KENYA INDEPENDENCE ORDER IN COUNCIL 1963

(L.N. 718 of 1963)

IN EXERCISE of the powers conferred by section 4 (4) of the Kenya Independence Order in Council 1963, the Governor-General hereby makes the following Order:—

THE KENYA (AMENDMENT OF LAWS) (MISCELLANEOUS AMENDMENTS) (No. 2) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 2) Order, 1964, and shall be deemed to have come into operation on the 12th December 1963.

2. The several written laws specified in the first column of the Schedule to this Order are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column of the Schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The African Courts Act, Cap. 11.	ss. 3 and 4	Substitute for the numerals "175" the numerals "185".
The Penal Code, Cap. 63.	ss. 2, 4, 25, 42 and 198	Substitute for the words "Governor" and "Governor's", wherever they appear, the words "Governor-General" and "Governor-General's" respectively.
	s. 4	Delete the words "or Statute" which appear in paragraph (b) of the definition of "person employed in the public service".
	The proviso to s. 198 (2) and s. 327 (2) (b)	Delete the words "or Statute" in both places where they appear.
	ss. 306 and 307	Delete the words "Her Majesty, or to" in both places where they appear.
The Prevention of Corruption Act, Cap. 65.	s. 307	Substitute for the words "municipal or other" the words "local authority or any".
	s. 352 (a)	Insert immediately after the words "Government department" the words "or any Region".
	s. 2	Substitute for the word "Crown", wherever it appears, the word "Government". Delete the words "Her Majesty's Government," "Her Majesty's Government or" and "Her Majesty's Government," which appear in the definition of "public body".
The Witchcraft Act, Cap. 67.	ss. 5 and 7	Substitute for the words "Her Majesty", wherever they appear, the words "the Government".
	s. 10	Substitute for the word "Governor" the word "Minister".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Criminal Procedure Code, Cap. 75.	s. 2	Delete the definition of "European".
	s. 15	Substitute for the words "Governor in Council" the word "Minister".
	ss. 16, 17, 162, 166, 167, 280, 332 and 389	Substitute for the words "Governor", "Governor in Council" and "Governor's", wherever they appear, the words "Governor-General", "Governor-General" and "Governor-General's" respectively.
	s. 29 (e)	Insert immediately after the words "deserter from" the words "the Kenya Military Forces or".
	s. 84 (1)	Delete the words ", with the previous sanction of the Governor in Council,".
	s. 137 (c) (iii)	Substitute for the words "Her Majesty the Queen" the words "the Government, the Nairobi Area or a Region as the case may be".
	s. 266 (g)	Insert immediately after the words "others in" the words "the Kenya Military Forces or".
	s. 270	Delete the words ". as the case may be,".
	s. 271	Delete the words "juror or" and "jurors or" wherever they appear.
	s. 350 (2) (iii) (b)	Substitute for the words "High Commission" the word "Organization".
s. 380	Delete the words "province, district or other local".	
The Police Act, Cap. 84.	s. 2	Delete the words and numerals "section 152 of" which appear in the definition of "Inspector-General".
		Delete the definition of "police station" and substitute the new definition following— "police station" means any post or place appointed, in the case of the Nairobi Area, by the Inspector-General, or in the case of a Region by the Regional Commissioner of such Region, by notice in the Gazette to be a police station, and includes any local area policed from such station".
		Delete the words and numerals "section 154 (1) of" where they appear in the definition of "Regional Commissioner".
		Substitute for the word "Chapter" the word "Act" in the proviso to the definition of "specialized branches".
s. 3 (3)	Delete the words ", and may, in the same or in a subsequent notice, make such amendments to the Third Schedule to or to any other part of this Act, being amendments consequential upon the amendments to the First Schedule, as he may deem necessary for carrying into effect the amendments to the First Schedule".	

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Police Act, Cap. 84. —(Contd.)	s. 5 (1)	Insert immediately after the words "inconsistent with" the words "the Constitution or".
	s. 12	Delete.
	s. 17 (3) (b)	Substitute for the words "Central Legislature" the words "National Assembly".
	ss. 32, 35, 36 and 37	Delete.
	s. 38	Delete the words "by a police officer".
	s. 45 (1)	Substitute for the words "Kenya Gazette or Regional Gazette as the case may be" the word "Gazette".
	s. 46	Delete the words ", subject to the directions of the Minister or the Law and Order Committee of the Region as the case may be.".
	ss. 47, 57 and 65	Substitute for the word "Governor" the word "Minister".
	s. 53 (1)	Insert immediately after the words "members of" the words "the Kenya Military Forces or".
	s. 58	Delete and substitute therefor the new section following— "58. Every officer of the Reserve who is required to perform police duties or training or who has been called out, under section 57 of this Act, or who otherwise performs or purports to perform any police duties, shall be subject to the disciplinary provisions which, from time to time, apply to officers of the Force of equivalent rank.".
	s. 65 (a)	Delete.
	s. 65 (f)	Delete the words "discipline, including".
	s. 66	Delete.
	Second Schedule	Insert immediately after the words "Her Majesty Queen Elizabeth the Second", in both places where they appear, the words ", Queen of Kenya and of Her other Realms and Territories, Head of the Commonwealth".
	Third Schedule	Delete.
The Police Regulations, Cap. 84 (Sub. Leg.).	Regs. 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25	Delete.
	Reg. 31	Insert immediately after the words "members of", in both places where they appear, the words "the Kenya Military Forces or".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Police Regulations, Cap. 84 (Sub. Leg.)— (Contd.)	Reg. 35 (2) (ii)	Substitute for the words "High Commission" the word "Organization".
	Reg. 42	Substitute for the words "the consolidated fund" the words "in the case of the Nairobi Area, the Consolidated Fund, and in the case of a Region the Regional Fund".
	Second Schedule Form 1	Substitute for the words "provided the Governor should so long require your services" the words "provided your services are required for such period".
	Second Schedule Form 4	Substitute for the words "provided the Governor should so long require my services" the words "provided my services are required for such period".
Regulation 8 of the Police Regulations, 1951, in force under section 66 of the Police Act, Cap. 84 (Sub. Leg.).		Delete.
The Prisons Act, Cap. 90.	s. 4	Delete.
	ss. 46, 48 and 74	Substitute for the words "Governor's" and "Governor", wherever they appear, the words "Governor-General's" and "Governor-General" respectively.
The Foreign Prisoners Detention Act, Cap. 96.	s. 3	Substitute for the word "Governor" the word "Minister".
The Promissory Oaths Act, Cap. 100.	First Schedule	Delete the words "Deputy Governor-General".
	Second Schedule	Insert immediately after the words "Her Majesty Queen Elizabeth the Second", wherever they appear, the words "Queen of Kenya and of Her other Realms and Territories, Head of the Commonwealth".
The Permanent Secretary to the Treasury (Incorporation) Act, Cap. 101.	s. 2	Substitute for the word "Governor" the word "Minister".
The Commissions of Inquiry Act, Cap. 102.	Long title, ss. 3, 4, 6, 7, 8 and 16 s. 16	Substitute for the word "Governor" the word "Governor-General". Substitute for the words "Commissioner of Police" the word "Inspector-General".
The Special Districts (Administration) Act, Cap. 105.	s. 2	Delete the word "Regional" in both places where it appears immediately before the word "Gazette".
The Societies Act, Cap. 108.	s. 4	Substitute for the word "Governor" the word "Minister".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
Application of Act under section 1 of the Wakf Commissioners Act, Cap. 109 (Sub. Leg.).		Substitute for the word "Protectorate" the words "Coast Region".
The Public Holidays Act, Cap. 110.	s. 3	Substitute for the word "proclamation", wherever it appears, the words "notice in the Gazette".
Declaration under section 3 of the Public Holidays Act, Cap. 110 (Sub. Leg.).		Substitute for the word "Protectorate" the words "Coast Region".
The Exchange Control Act, Cap. 113.	Fifth Schedule, Part III	Substitute for the words "High Commission", in both places where they appear, the word "Organization".
The Exchange Control (Dealings in Foreign Currency Exemption) Order, Cap. 113 (Sub. Leg.).	Paragraph 2	Substitute for the words "Northern Province of Kenya" the words "North-Eastern Region and the Marsabit, Turkana, Samburu and Isiolo Districts"; and substitute for the word "province" the words "Region or those Districts as the case may be".
The Firearms Act, Cap. 114.	ss. 2, 3, 27 (8) and 29 (3)	Substitute for the words "Commissioner of Police", wherever they appear, the word "Inspector-General".
	s. 27 (4) (a)	Substitute for the word "Governor" the word "Minister".
The Firearms Rules, Cap. 114 (Sub. Leg.).	Rule 7	Substitute for the words "Commissioner of Police" the word "Inspector-General".
The Explosives Act, Cap. 115.	s. 2 s. 3 (1)	Delete the definition of "local authority". Delete and substitute the new subsection following—
		"(1) There shall be a chief inspector of explosives and such other inspectors of explosives and such other officers as may be necessary (under whatever title as may from time to time be determined) for the purposes of this Act."
Areas to which the Act has been applied under section 1, Industrial Alcohol (Possession) Act, Cap. 119 (Sub. Leg.).	Paragraphs 1 and 2	Substitute for the words "Municipality of Nairobi", in both places where they appear, the words "Nairobi Area".
	Paragraph 3	Substitute for the words "Nanyuki Township" the words "The area formerly included in the Township of Nanyuki".
	Paragraph 4	Substitute for the words "Nyeri Township" the words "The area formerly included in the Township of Nyeri".

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Methylated Spirits Act, Cap. 120.	s. 2	Substitute for the words "High Commission", in both places where they appear, the word "Organization".
The African Liquor Act, Cap. 122.	s. 2	Delete the definition of "local authority" and substitute therefor the new definition following— "local authority" means— (a) in the case of a municipality, the Municipal Council of such municipality as constituted under the Local Government Regulations, 1963; (L.N. 256/1963) (b) in the case of any other area, the Regional Government Agent, or such person, body of persons or authority as the Regional Assembly may, by notice in the Gazette, appoint to be the local authority for the purposes of this Act:"
		Substitute for the proviso to the definition of "occupier" the new proviso following—
		"Provided that, in the case of unalienated Government land and Government forest reserves, the Commissioner of Lands and the Chief Conservator of Forests, and any person duly authorised by them in that behalf, and in the case of unalienated Regional land the Regional Assembly or any person or authority authorised by the Regional Assembly, and in the case of Trust Land the County Council in which it is vested or any person or authority authorised by the County Council, shall be deemed to be occupiers for the purpose of this Act."
		Delete the definition of "trading centre".
	ss. 7 (1) and 7 (5)	Substitute for the word "Minister", in both places where it appears, the words "Regional Assembly or, in the case of the Nairobi Area, the Minister".
	ss. 7 (6), 13 (2), 13 (3), 36 (1), 37 and 38	Substitute for the word "Minister", wherever it appears, the words "Regional Assembly".
	ss. 8 (3), 13 (2) and 25 (1)	Substitute for the words "Provincial Commissioner", wherever they appear, the words "Civil Secretary".
	ss. 9 (1) and 20 (1)	Substitute for the words " , township or trading centre", in both places where they appear, the words "or township".
	s. 12	Delete.

SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The African Liquor Act, Cap. 122.—(Contd.)	s. 13 (1)	Delete and substitute therefor the new sub-section following— “(1) A Civil Secretary may, on the recommendation of the local authority concerned, authorise a licence to be granted for the manufacture for the purpose of sale or for sale (or for both) of intoxicating liquor to persons resident or employed in such place or places as may be specified in such licence.”.
	s. 21 (1)	Substitute for the words “Coast Province” the words “Coast Region”.
	s. 36 (2)	Substitute for the words “Chief Commissioner” the words “Civil Secretary”.
	s. 39 and the marginal note thereto	Substitute for the words “African District Council”, in both places where they appear, the words “County Council”.
The Marketing of African Produce Act, Cap. 320.	s. 20 (1)	Substitute for the words “Governor in Council” the word “Minister”.
	s. 31 (4)	Substitute for the words “Legislative Council” the words “National Assembly”.
The Estate Duty Act, Cap. 257 (1948).	ss. 3, 7, 8, 12A, 31, 32, 35 and 36	Substitute for the words “Governor” and “Governor in Council”, wherever they appear, the word “Minister”.
	ss. 10, 12, 12A, 15 and 22	Substitute for the words “the Colony”, wherever they appear, the word “Kenya”.
	s. 32	Substitute for the words “Legislative Council” the words “National Assembly”.
	s. 27	Substitute for the expression “(Imperial)” the words “, of the United Kingdom”.

Made this 24th day of April 1964.

MALCOLM MacDONALD,
Governor-General.