

LEGAL NOTICE No. 236

## 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. 4) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 4) 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 Justices of the Peace Act, Cap. 13.	ss. 2 (1) and 6 (3) and the marginal note to s. 2 (1)	Substitute for the words "Governor" and "Governor's", wherever they appear the words "Governor-General" and "Governor-General's" respectively.
	s. 2 (1)	Substitute for the words "resident of Kenya, being a Commonwealth citizen," the words "Kenya citizen".
	s. 12	Delete the words "Her Majesty or of".
The Penal Code, Cap. 63.	s. 280	Substitute for the words "Her Majesty" the words "the Government".
The Registration of Persons Act, Cap. 107.	ss. 6 (3), 6 (4) and 6 (5)	Delete.
The Registration of Persons Rules, Cap. 107 (Sub. Leg.).	Third Schedule	Delete the fourth paragraph.
The Explosives Act, Cap. 115.	s. 30 (4)	Substitute for the word "province" the word "Regions".
The Emergency Pensions Act, Cap. 196.	ss. 2, 3, 4 and 5	Substitute for the words "Governor in Council", wherever they appear, the word "Governor-General".
	s. 6	Substitute for the words "Her Majesty's" the words "the Kenya Military".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Kenya Military Forces (Execution of Sentences of Death) Rules, Cap. 198 (Sub. Leg.).	Second Schedule	Substitute for the word "Governor" the word "Governor-General".
The Kenya Military Forces (Imprisonment) Rules, Cap. 198.	r. 39	Delete the words "of posho per day with unrestricted water in case of Africans, and one pound weight" and "in case of other races".
The Kenya Military Forces (Board of Inquiry) Rules, Cap. 198 (Sub. Leg.).	r. 3 (a)	Substitute for the word "Governor" the words "Military Council".
The Kenya Military Forces (Courts Martial) (Appeals) Rules, Cap. 198 (Sub. Leg.).	r. 10	Substitute for the word "Governor", in both places where it appears, the words "Military Council".
	r. 15 (2)	Substitute for the word "Governor", in both places where it appears, the word "Governor-General".
The Kenya Military Forces (Service Pensions and Gratuities) (Soldiers) Regulations, Cap. 198 (Sub. Leg.).	rr. 3 (1), 8 (3), 8 (5), 9 (1) and 9 (3)	Substitute for the word "Governor", wherever it appears, the words "Military Council".
The Kenya Military Forces (Appointment, Promotion, Pay and Allowances) (Soldiers) Regulations, Cap. 198 (Sub. Leg.).	r. 9	Delete.
	rr. 27 and 29	Substitute for the word "Governor", wherever it appears, the word "Commander".
	r. 20	Delete the words "(other than warrant officers class I holding the appointment of effendi)".
	rr. 27 (2) and 38 (4)	Substitute for the words "Her Majesty's service" the words "the Kenya Military Forces".
	r. 30	Substitute for the word "Governor" the words "Military Council".
	r. 32	Delete the words "Effendis and".
	First Schedule	Delete the words "effendi class I", "effendi class II" and "effendi class III".
Fourth Schedule	Delete the following items, appearing in the first column of Table I, and the corresponding figures, appearing in the second column of the Table:— "On appointment to effendi class III 300	

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Kenya Military Forces (Appointment, Promotion, Pay and Allowances) (Soldiers) Regulations, Cap. 198 (Sub. Leg.).—(Contd.).	Fourth Schedule —(Contd.)	After 2 years' paid service as effendi class iii .. .. . 350
		On appointment to effendi class II.. 420
		After one years' paid service as effendi class II .. .. . 475
		After three years' paid service as effendi class II .. .. . 530
		After five years' paid service as effendi class II .. .. . 585
		After seven years' paid service as effendi class II .. .. . 640
		After nine years' paid service as effendi class II .. .. . 695
		After eleven years' paid service as effendi class II .. .. . 750
		On appointment to effendi class I .. 800
		After two years' paid service as effendi class I .. .. . 850
After four years' paid service as effendi class I .. .. . 900		
The Kenya Military Forces (Enlistment and Service) Regulations, Cap. 198 (Sub. Leg.).	Second Schedule	Delete the words "appointed effendi and" appearing in paragraph 7 of "GENERAL CONDITIONS OF ENGAGEMENT (CHAPLAINS)".
		Insert immediately after the words "Her Majesty Queen Elizabeth the Second", appearing in "Form 3", the words "Queen of Kenya and of Her other Realms and Territories, Head of the Commonwealth".
The Her Majesty's Forces Pensions Act, Cap. 201.	short title and s. 1	Substitute for the words "Her Majesty's", in both places where they appear, the words "Kenya Military".
	Long title	Delete and substitute the new long title following—  "An Act to provide for the payment of pensions, gratuities and other allowances in respect of the death, disablement or sickness of members of the Kenya Military Forces or of Kenya residents who served as members of any units of Her Majesty's Forces raised in Kenya".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Her Majesty's Forces Pensions Act, Cap. 201—(Contd.).	s. 2 (1) (a)	Insert immediately after the words "member of", in both places where they appear, the words "the Kenya Military Forces or former members of".
	ss. 4 and 5	Substitute for the word "Governor", wherever it appears, the word "Governor-General".
The Her Majesty's Forces Pensions (European Personnel) Regulations, Cap. 201 (Sub. Leg.).	title and r. 1	Substitute for the words "Her Majesty's", in both places where they appear, the words "Kenya Military".
	r. 2	Substitute for the word "Governor", appearing in the definition of "European", the word "Governor-General".
	rr. 7 and 10, Second Schedule and Third Schedule	Substitute for the word "Governor", wherever it appears, the word "Governor-General".
	proviso to r. 22 (1) (a)	Insert immediately before the words "Her Majesty" the words "the Government or formerly in the service of".
	r. 22 (2)	Substitute for the words "Deputy Chief Secretary" the words "Permanent Secretary of the Ministry, or Head of the Department, responsible for the custody of the document".
The Her Majesty's Forces Pensions (Asian Personnel) Regulations, Cap. 201 (Sub. Leg.).	title and r. 1	Substitute for the words "Her Majesty's", in both places where they appear, the words "Kenya Military".
	rr. 9 and 13, Second Schedule and Fourth Schedule	Substitute for the word "Governor", wherever it appears, the word "Governor-General".
	proviso to r. 24 (1) (a)	Insert immediately before the words "Her Majesty" the words "the Government or formerly in the service of".
	r. 24 (2)	Substitute for the words "Deputy Chief Secretary" the words "Permanent Secretary of the Ministry, or Head of the Department, responsible for the custody of the document".
The Her Majesty's Forces Pensions (African Naval Personnel) Regulations, Cap. 201 (Sub. Leg.).	title and r. 1	Substitute for the words "Her Majesty's", in both places where they appear, the words "Kenya Military".
	rr. 1, 2, 3, 20 and 21	Substitute for the word "Governor", wherever it appears, the word "Governor-General".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Her Majesty's Forces Pensions (Kenya Military Forces) Regulations, Cap. 201 (Sub. Leg.).	title	Delete and substitute the new title following— "The Kenya Military Forces Pensions (General) Regulations".
	r. 1	Substitute for the words "Her Majesty's Forces Pensions (Kenya Military Forces)" the words "Kenya Military Forces Pensions (General)".
	rr. 2 and 22	Substitute for the word "Governor", wherever it appears, the word "Governor-General".
	r. 2 (1)	Insert immediately after the words "service in", where they appear in the definition of "Military service", the words "the Kenya Military Forces or".
The Her Majesty's Forces (Out of Bounds Areas) Act, Cap. 202.	s. 2	Substitute for the words "Provincial Commissioner" and "province", where they appear in the definition of "Authority", the words "Civil Secretary" and "Region" respectively.
The Cantonments Act, Cap. 203.	ss. 2 and 3	Substitute for the words "Her Majesty's Forces", in both places where they appear, the words "the Kenya Military Forces".
The Egerton Agricultural College Act, Cap. 214.	s. 21 (3)	Substitute for the words "Legislative Council" the words "House of Representatives".
The Preservation of Objects of Archaeological and Palaeontological Interest Act, Cap. 215.	s. 4	Insert immediately after the words "Minister may" the words "subject to item 17 of Schedule 2 of the Constitution".
	ss. 18 and 19	Substitute for the expression "Schedule 5", in both places where it appears, the expression "Schedule 2".
The Kenya Cultural Centre Act, Cap. 218.	s. 15A (2)	Substitute for the words "Legislative Council", in both places where they appear, the words "House of Representatives".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Employment Act, Cap. 226.	s. 3	<p>Substitute for the proviso to the definition of "foreign contract of service" the new proviso following—</p> <p>"Provided that a contract for employment of a domestic servant for service in Uganda or in the United Republic of Tanganyika and Zanzibar or of a sailor for service on a vessel on the inland waters of Uganda or the United Republic or on a vessel calling at the ports of Kenya or of the United Republic alone shall not be deemed to be a foreign contract of service;"</p> <p>Delete paragraph (b) in the definition of "voluntary record of employment".</p>
	<p>ss. 20 (1), 20 (2), 20 (3) and 20 (5) Delete.</p> <p>proviso to s. 13</p>	<p>Substitute for the words "Tanganyika or within the dominions of the Sultan of Zanzibar beyond Kenya", appearing in item (i), the words "the United Republic of Tanganyika and Zanzibar"; substitute for the words "Tanganyika or on a vessel calling at the ports of Kenya or of Tanganyika or of the dominions of the Sultan of Zanzibar beyond Kenya", appearing in item (ii), the words "the United Republic or on a vessel calling at the ports of Kenya or of the United Republic"; and substitute for the word "Tanganyika", appearing in item (iii), the words "the United Republic".</p>
	s. 62 (1)	<p>Substitute for the words "section 7 of the Personal Tax Act" the words "any law relating to personal tax".</p>
	s. 69 (2)	Delete.
The Employment (Recruiters and Labour Agents) Rules, Cap. 226 (Sub. Leg.).	Schedule	<p>Substitute for the words "Provincial Commissioner" the words "Civil Secretary".</p>
The Regulation of Wages and Conditions of Employment Act, Cap. 229.	s. 2	<p>Add in its alphabetical order the new definition following—</p> <p>"Government" includes a Regional Assembly;".</p>
	s. 3 and marginal note thereto	<p>Substitute for the word "Crown", where appearing in lines 2 and 3 and the marginal note, the word "Government".</p> <p>Substitute for the words "armed services of the Crown", in both places where they appear, the words "Kenya Military Forces".</p>

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Regulation of Wages and Conditions of Employment Act, Cap. 229 (Sub. Leg.).	All Subsidiary Legislation made under ss. 6 and 10	Substitute for the word "Province", wherever it appears, the word "Region".
The Shop Hours Act, Cap. 231.	s. 10 (7)	Delete.
The Shop Hours Rules, Cap. 231 (Sub. Leg.).	r. 2	Substitute for the words "Governor, on the application of the Permanent Secretary of the Ministry" the word "Minister".
The Trade Unions Act, Cap. 233.	s. 2	Substitute for the word "Crown", in both places where it appears, the word "Government".  Add in its alphabetical order the new definition following— "Government" includes a Regional Assembly".
The Workmen's Compensation Act, Cap. 236.	s. 4	Substitute for the word "Crown" the word "Government".  Substitute for the words "except in the case of—" (a) Members of Her Majesty's Naval, Military or Air Forces; and (b) persons in the civil employment of Her Majesty, otherwise than in Her Government of Kenya, Tanganyika or Uganda or of the Organization, who have been engaged in a place outside these countries:"  the words "except in the case of the Kenya Military Forces:".
	s. 20 (5)	Delete and substitute the new subparagraph following— '(5) For the purposes of this section, "territory" means Uganda or the United Republic of Tanganyika and Zanzibar.'
	s. 28 (1)	Delete the words "or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in Kenya".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Workmen's Compensation Act, Cap. 236— (Contd.).	s. 28 (1) (c)	Substitute for the words "justice or magistrate in Her Majesty's dominions or in any place where Her Majesty exercises jurisdiction or before any British" the word "Kenya".
Other Courts in which proceedings may be brought, under section 3 (1) (proviso to the definition of "court"), Cap. 236 (Sub. Leg.).		Substitute for the words "Northern Province" the words "North-Eastern Region, and the Marsabit, Isiolo, Tana River, Samburu and Turkana Districts."
The Industrial Training Act, Cap. 237.	s. 8 (3)	Substitute for the words "District Officer" the words "Assistant Regional Government Agent".
	s. 32	Substitute for the word "Crown" the words "Government and the Regions".
The Diamond Industry Protection Act, Cap. 310.	s. 2	Insert immediately after the words "for diamonds", where first appearing in the definition of "authorized diamond miner", the words "or of an exclusive prospecting licence for precious stones or a special licence for precious stones,".  Insert immediately after the words "exclusive prospecting licence", where they appear in the definition of "diamond area", the words, "special licence".
The Canning Crops Act, Cap. 328.	s. 3 (2)	Substitute for the words "Legislative Council" and "Council" the words "House of Representatives" and "House" respectively.
	s. 3 (3)	Substitute for the words "Legislative Council" the words "House of Representatives".
	s. 34	Substitute for the words "Governor in Council" the word "Minister".
	First Schedule paragraph 1 (b) (iii)	Delete the words "(of whom two shall be Africans)".
The Forests Act, Cap. 385.	long title	Delete and substitute the new long title following—  "An Act to provide for the establishment, control and regulation of Central Forests, forests and forest areas in the Nairobi Area and in unalienated Government land".



## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Forests Act, Cap. 385 —(Contd.).	s. 2	Delete the definition of "demarcated forests".  Delete the definition of "unalienated and unreserved Crown land" and substitute the new definition following—  "unalienated Government land" means land for the time being vested in the Government which—  (a) is not the subject of any conveyance lease or occupation licence from the Crown;  (b) has not been dedicated or set aside for the use of the public, but includes outspans; and  (c) has not been declared to be a Central Forest or a forest area.
	s. 3	Delete.
	s. 4	Delete and substitute the new section following—  "4. (1) The Minister may, from time to time, by notice in the Gazette—  (a) declare any unalienated Government land to be a forest area;  (b) declare the boundaries of any forest area and from time to time alter such boundaries;  (c) declare that any forest area shall cease to be a forest area.  (2) Before any declaration is made under paragraph (b) or paragraph (c) of subsection (1) of this section, twenty-eight days' notice of the intention to make such declaration shall be published by the Minister in the Gazette."
	s. 5	Delete.
	ss. 6 (1), 8, 9 (1) (c), 11 (a), 11 (b), 11 (f), 13, 14 (3), 15	Substitute for the words "demarcated forest", wherever they appear, the words "Central Forest".
	s. 7	Delete the words "with the approval of the Advisory Committee".
	proviso to s. 7	Delete paragraph (i).

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Forests Act Cap. 385 —(Contd.).	ss. 8 (1) (b), 9 (1) (c), 11 (a) and 15 (1) (a)	Substitute for the words "unalienated and unreserved Crown land" and "unreserved and unalienated Crown land", wherever they appear, the words "unalienated Government land".
	ss. 11 (b) and 11 (f)	Substitute for the words "or unreserved Crown", in both places where they appear, the word "Government".
	s. 14 (3)	Substitute for the word "Crown" the the word "Government".
	s. 15 (1) (b)	Delete.
	s. 15 (1) (c)	Substitute for the words "Crown land" the words "Government land".
	s. 15 (2)	Delete.
The Forests (General) Rules, Cap. 385 (Sub. Leg.).	r. 2	Substitute for the words "demarcated forests" the words "Central Forests". Substitute for the words "and unreserved Crown" the word "Government".
	r. 3	Substitute for the words "demarcated forest", appearing in the definition of "forest", the words "Central Forest".
	r. 11	Delete and substitute the new rule following— "11. Unless otherwise provided in the licence, all crown and branch wood remain the property of the Government or, where the land lies within the area vested in a Region or a county council, that Region or county council as the case may be".
	r. 14 (a)	Substitute for the words "and unreserved Crown" the word "Government".
The Forests (Fish Hatcheries) Rules, Cap. 385 (Sub. Leg.)	r. 2	Substitute for the words "demarcated forest" the words "Central Forest".
The Forests (Fish Hatcheries) Order, Cap. 385 (Sub. Leg.)	r. 2	Substitute for the words "forest area" the words "Central Forest".
The Forests (Controlled Entry) Rules, Cap. 385 (Sub. Leg.)	r. 2	Substitute for the words "forest areas" the words "Central Forests".
	Schedule	Substitute for the word "Province" the word "Region".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Forests (Closing of Roads) Rules, Cap. 385 (Sub. Leg.).	r. 2	Insert immediately after the words "forest areas", in both places where they appear, the words "or Central Forests."
The Forests (Coast Special Areas) Rules, Cap. 385 (Sub. Leg.).	r. 2	Substitute for the words "forest areas" the words "Central Forests".
	r. 2 and Schedule Forms 1 and 3	Substitute for the word "Province", wherever it appears, the word "Region".
The Forests (Lembus) Rules, Cap. 385 (Sub. Leg.).	r. 2	Substitute for the words "proclaimed to be a forest area" the words "designated to be a Central Forest".
The Forests (Nandi) Rules, Cap. 385 (Sub. Leg.).	r. 2	Substitute for the words "forest areas", in both places where they appear, the words "Central Forests".
	proviso to r. 2	Substitute for the word "those" the word "these".
	r. 4	Substitute for the words "Provincial Commissioner of the Rift Valley Province" the words "Civil Secretary of the Rift Valley Region"; and delete the words "and after consulting the Nandi African District Council".
The Forests (Arabuko-Sokoki Forest) Rules, Cap. 385 (Sub. Leg.).	r. 2	Delete the word "Area".
The Forests (Elgeyo) Rules, Cap. 385 (Sub. Leg.).	rr. 1, 2, 3, 4, 5 and 6	Substitute for the words "forest areas", wherever they appear, the words "Central Forests".
	r. 4	Delete the words "and the Elgeyo African District Council".
The Forests (Tugen-Kamasia) Rules, Cap. 385 (Sub. Leg.).	rr. 2, 3, 5, 6, 7 and 8	Substitute for the words "forest areas" and "forest area", wherever they appear, the words "Central Forests" and "Central Forest" respectively.
	r. 4	Substitute for the words "Provincial Commissioner, Rift Valley Province" the words "Civil Secretary of the Rift Valley Region"; and delete the words "after consulting the Baringo African District Council".

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Forests (West Pokot) Rules, Cap. 385 (Sub. Leg.).	rr. 1 and 2	Delete the word "Areas" in both places where it appears.
	rr. 1, 2, 3, 5, 6, 7 and 8	Substitute for the words "forest area" and "forest areas", wherever they appear, the words "Central Forest" and "Central Forests" respectively.
	r. 4	Substitute for the words "Provincial Commissioner, and after consultation with the West Pokot African District Council" the words "Civil Secretary of the Rift Valley Region".
The Forests (North Nyanza-Kakamega and Bunyala) Rules Cap. 385 (Sub. Leg.).	rr. 1, 2, 3 and 5	Substitute for the words "forest areas" and "forest area" the words "Central Forests" and "Central Forest" respectively.
The Forests (Meru) Rules, Cap. 385 (Sub. Leg.).	rr. 2, 3, 4, 5, 6, 7, 8 and 9 and Second Schedule	Substitute for the words "forest areas" and "forest area" the words "Central Forests" and "Central Forest" respectively.
	rr. 3 (c) and 4	Substitute for the words "African District Council" the words "County Council".
The Forests (Kwale) Rules, Cap. 385 (Sub. Leg.).	r. 1	Substitute for the word "proclaimed" the word "designated".
	rr. 1, 2, 3, 4 and 5	Substitute for the words "forest areas" and "forest area" the words "Central Forests" and "Central Forest" respectively.
The Stamp Duty Act, Cap. 480.	s. 2	Insert immediately before the words "local authority", appearing in the definition of "stock", the word "Region,".
	s. 4	Substitute for the word "Governor" the word "Minister".
	s. 61	Substitute for the words "or by the Governor" the words "the Government, or by a Region".
	ss. 95 (1) and 95 (3)	Insert immediately before the word "Parliament", wherever it appears, the words "the United Kingdom".
	s. 95 (6)	Substitute for the word "Crown" the word "Government".
s. 117 (1) (a)	Delete the words "the Crown or" in both places where they appear; and insert immediately after the word "Government", in both places where it appears, the words "or a Region".	

## SCHEDULE—(Contd.)

Column 1	Column 2	Column 3
The Stamp Duty Act, Cap. 480—(Contd.).	s. 118	Substitute for the words "the Legislature" the word "Parliament".
Classes of Instruments directed to be exempted from the Provisions of the Act under section 106, Cap. 480 (Sub. Leg.).	paragraph 1 (a)	Substitute for the word "Crown", where first appearing, the words "Government or a Region"; and substitute for the word "Crown", where second appearing, the words "Government or Regional".
	paragraph 2 (b)	Substitute for the word "Crown" the words "Government or a Region".
	proviso to paragraph 2 (b)	Substitute for the word "Crown" the words "Government or Regional".
	paragraph 4	Substitute for the words "Royal Technical College of East Africa" the words "University College, Nairobi".
The National Assembly Elections Act, 48 of 1960.	s. 2	Delete the words "by Order of the Governor on behalf of Her Majesty".
		Substitute for the definition of "Constituency" the new definition following— "constituency" means one of the constituencies into which Kenya is divided under section 49 of the Constitution, or, until Kenya is first so divided, one of the constituencies established by the Kenya (Lower House Constituencies) Regulations, 1963; (L.N. 208/1963.)
		Substitute for the expression "section 41 (1)", appearing in the definition of "election court", the expression "section 50 (1)".
		Substitute for the expression "section 39 (9)", appearing in the definition of "election officer", the expression "section 48 (9)".
		Substitute for the expression "section 39", appearing in the definition of "the Electoral Commission", the expression "section 48".
s. 16	Substitute for the expression "section 41 (1)" the expression "section 50 (1)".	
s. 29	Substitute for the words "the Legislature" the word "Parliament".	

Made this 17th day of July, 1964.

MALCOLM MACDONALD,  
Governor-General.