

LEGAL NOTICE NO. 27

(1101/2/10/8)

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) (INTERPRETATION AND GENERAL PROVISIONS) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Interpretation and General Provisions) Order, 1964 and shall be deemed to have come into operation on the 12th December 1963. Citation and commencement
2. In this Order "the Act" means the Interpretation and General Provisions Act. Interpretation. Cap. 2.
3. Section 3 (1) of the Act is amended by— Amendment of section 3 (1) of Cap. 2.
- (1) deleting the definitions of the following terms—
- "applied Act", "the Constitution", "the Court of Appeal", "district", "Enactment", "Government land", "the Governor", "the House of Representatives", "imperial enactment", "Kenya", "the Legislature", "Liwali", "Minister", "Mudir", "the Nairobi Area", "National Assembly", "Ordinance", "Region", "Regional Assembly", "The Regional Gazette", "The Regional Fund", "the Senate", "the Supreme Court", "Trust Land", "written law";
- (2) inserting in their correct alphabetical sequence the new definitions following—
- "Act" means any Act of Parliament of Kenya and any applied Act;
- "Act of the Organization" shall have the meaning assigned to such expression in the East African Common Services Organization Act; Cap. 4.
- "applied Act" means any imperial enactment or any Act of any other legislature for the time being in force in Kenya;
- "the Colony" or "the Colony of Kenya" shall have the meaning assigned to the expression "the former Colony of Kenya" in the Constitution;
- "the Constitution" means the Constitution of Kenya contained in Schedule 2 of the Kenya Independence Order in Council 1963; L.N. 718/63.
- "the Court of Appeal" means the Court of Appeal for Eastern Africa or any court substituted therefor for the hearing and determining of appeals from the Supreme Court;
- "district" means one of the Districts into which Kenya is divided in accordance with the Constitution;

"Enactment" means an Enactment made by a Regional Assembly under the Constitution;

"Government land" means any land that is vested in the Governor-General on behalf of Her Majesty in right of the Government of Kenya;

"the Governor-General" means the Governor-General and Commander in Chief of Kenya, and shall include any person for the time being appointed to perform the functions of, or any person for the time being assuming the functions of, the Governor-General in accordance with the Constitution;

"the House of Representatives" means the House of Representatives established by the Constitution;

"imperial enactment" means any Act of the Parliament of the United Kingdom, any Order in Council or any Letters Patent;

"Kenya" has the meaning assigned to such term in the Constitution;

"Liwali" means a person appointed to hold or act in such office of that designation on the establishment of the Coast Region as may be established in accordance with the Constitution;

"Minister" means a person appointed as a Minister of the Government of Kenya under the Constitution;

"Mudir" means a person appointed to hold or act in such office of that designation on the establishment of the Coast Region as may be established in accordance with the Constitution;

"the Nairobi Area" means the Nairobi Area established by the Constitution;

"the National Assembly" means the National Assembly established by the Constitution;

"Parliament" means the Parliament of Kenya established by the Constitution and any reference in any written law to "the Legislature", or "the Central Legislature", shall be deemed to be and construed as a reference to "Parliament";

"Prime Minister" means the person appointed as Prime Minister of the Government of Kenya under the Constitution;

"the Protectorate" or "the Protectorate of Kenya" shall have the meaning assigned to the expression "the former Protectorate" in the Constitution;

"public land" means land comprised in Government land or Regional land, or Government land and Regional land, as the case may be;

"Region" means one of the Regions into which Kenya is divided by the Constitution;

"Regional Assembly" means one of the Regional Assemblies established by the Constitution;

"the Regional Fund" means the fund of that name established for the Region concerned by the Constitution;

"the Senate" means the Senate established by the Constitution;

"the Supreme Court" means the Supreme Court established by the Constitution;

"Trust land" means land which is for the time being Trust land for the purposes of the Constitution;

"written law" includes any Act, any Regional Enactment, any applied Act and any subsidiary legislation;

(3) deleting paragraph (c) of the definition of "statutory declaration" and substituting therefor the new paragraph following—

(c) in any other place, means a declaration made before a Kenya consular officer or pro-consul, or a British consular officer or pro-consul, or before any person having authority under any Act or imperial enactment for the time being in force to take or receive a declaration.

4. The heading A of Part III of the Act is amended by deleting the word "*Ordinances*".

Amendment of heading A of Part III of Cap. 2.

5. The Act is amended by deleting section 8 and substituting therefor the new section following—

Replacement of section 8 of Cap. 2

Acts of Organization, 26 of 1961, section 9.
Cap. 4.

8. (1) Where an Act of the Organization is inconsistent with an Act of Parliament enacted before the Act of the Organization was enacted, the Act of the Organization shall be construed so as to repeal, to the extent of the inconsistency, the Act of Parliament unless that Act of Parliament makes provision in express terms indicating the intention that the provisions of the East African Common Services Organization Act shall not apply in relation thereto.

(2) Where an Act of the Organization is inconsistent with an Act of Parliament enacted after the Act of the Organization was enacted, the Act of Parliament shall not be construed so as to repeal any provision of the Act of the Organization unless the Act of Parliament expressly so provides or makes other provision in express terms indicating the intention that the Act of Parliament shall have effect notwithstanding the Act of the Organization.

(3) For the purposes of this section, where an Act of the Organization and an Act of Parliament are enacted on the same day, the Act of Parliament shall be deemed to have been enacted after the Act of the Organization.

(4) References in subsection (2) of this section to Acts of the Organization include references to Acts of the High Commission.

Amendment of section 38 (2) of Cap. 2.

6. Section 38 (2) of the Act is amended by deleting the words "subject to the provisions of any Order in Council or of any Royal Instructions relating to the appointment of the Deputy Governor".

Deletion of section 39 of Cap. 2.

7. The Act is amended by deleting section 39.

Deletion of section 65 of Cap. 2.

8. The Act is amended by deleting section 65.

Replacement of section 74 of Cap. 2.

9. The Act is amended by deleting section 74 and substituting therefor the new section following—

Gazette, etc.,
to be prima
facie
evidence.

74. The production of a copy of the Gazette containing any written law or any notice, or of any copy of any written law or any notice, purporting to be printed by the Government Printer, shall be prima facie evidence in all courts and for all purposes whatsoever of the due making and tenor of such written law or notice.

Substitution of "Governor-General" for "Governor" throughout Cap. 2.

10. The Act is amended by deleting the word "Governor" wherever it appears and substituting therefor in each case the expression "Governor-General".

Made this 23rd day of January 1964.

MALCOLM MACDONALD,
Governor-General.

LEGAL NOTICE No. 28

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) (SERVICE
COMMISSIONS) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Service Commissions) Order, 1964, and shall be deemed to have come into operation on the 12th December 1963.

Cap. 185.

2. In this Order Act means the Service Commission Act.

3. The long title of the Act is deleted and the new long title following substituted—

"An Act to make provision for the Public Service Commission of Kenya, the Judicial Service Commission and the Police Service Commission as established under the Constitution of Kenya."