

(Legislative Supplement No. 47)

CORRIGENDA

Legal Notice No. 168 of 1964, page 333:—

Substitute "s. 5" for "s. 5 (2)" in the second column relating to the item "The Pensions (Increase) Act, Cap. 190" in the first column.

Legal Notice No. 236 of 1964, page 454:—

Substitute "forest area" for "forest areas" in the third column relating to the item "The Forests (Coast Special Areas) Rules, Cap. 385 (Sub. Leg.) in the first column.

LEGAL NOTICE No. 303

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. 5) ORDER, 1964

1. This Order may be cited as the Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 5) 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 hereof 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 Exchange Control Act, Cap. 113. | s. 37 | Substitute for the word "Crown", in both places where it appears, the word "Government". |
| The Births and Deaths Registration Rules, Cap. 149 (Sub. Leg.). | SCHEDULE Forms A and B | Substitute for the words "ELGON NYANZA AND NAIROBI EXTRA - PROVINCIAL DISTRICTS", in both places where they appear, the words "AND BUNGOMA DISTRICTS"; and substitute for the words "Province of", in both places where they appear, the expression "..... Region". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|--|----------------------------|--|
| The Births and Deaths Registration Rules, Cap. 149 (Sub. Leg.)—(Contd.). | SCHEDULE Forms A.1 and B.1 | Substitute for the words "ELGON NYANZA AND NAIROBI EXTRA - PROVINCIAL DISTRICTS", in both places where they appear, the words "AND BUNGOMA DISTRICTS AND THE NAIROBI AREA"; substitute for the expression "District", in both places where it appears, the expression "Nairobi Area/District"; and substitute for the words "Kenya born African", appearing in both places in item 6 (b) and also in item 9 (b) in Form A.1, the words "a citizen of Kenya". |
| | SCHEDULE Forms C and D | Substitute for the words "Province of", in both places where they appear, the expression ".....Region". |
| | SCHEDULE Form E | Substitute for the word "District" the word "Area". |
| | SCHEDULE Form I | Substitute for the expression "P.M." the expression "post-mortem". |
| The National Service Act, Cap. 206. | s. 3 | In the definition of "essential undertaking", substitute for the words "Governor in Council" the word "Minister"; and substitute for the words "Her Majesty" the word "Kenya". |
| | | In the definition of "national service", substitute for the words "Armed Forces of the Crown" the words "Kenya Military Forces". |
| | | In the definition of "Provincial Exemptions Tribunal", substitute for the word "Provincial", in both places where it appears, the word "Regional". |
| | s. 4 | Substitute for the words "Her Majesty" the word "Kenya". |
| | s. 4 (a) | Substitute for the word "Commonwealth" the word "Kenya"; delete the words "or a male British protected person"; substitute for the words "Her Majesty's Forces", where first appearing, the words "the Kenya Military Forces"; and delete the words "or in any unit of Her Majesty's Forces which is serving in Kenya". |
| | s. 4 (b) | Substitute for the word "Commonwealth" the word "Kenya"; and delete the words "or a female British protected person", the words "the Women's Territorial Service (East African) or" and the word "other". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| The National Service Act, Cap. 206—(Contd.). | s. 4 (c) | Substitute for the word "Commonwealth" the word "Kenya"; and delete the words "or a male British protected person". |
| | s. 5 | Delete. |
| | ss. 6, 7, 10, 15 (1) (a), 15 (1) (c), 21, 23, 31 and 35 and the marginal note to s. 10 | Substitute for the words "Governor in Council" and "Governor", wherever they appear, the word "Minister". |
| | s. 10 (1) | Substitute for the word "races" the word "nationalities". |
| | s. 15 (1) (b) | Delete. |
| | s. 19 | Substitute for the words "Provincial Agricultural Committee" the words "Regional Agricultural Committee"; and substitute for the words "Provincial Commissioner" the words "Civil Secretary". |
| | ss. 22 and 28 (1) | Substitute for the word "Governor", in both places where it appears, the word "Governor-General". |
| | ss. 30 and 31 and the marginal note to s. 30 | Substitute for the words "province" and "Provincial", wherever they appear, the words "Region" and "Regional" respectively. |
| | proviso to s. 33 (5) and the marginal note thereto | Substitute for the words "Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955" the words "Kenya Military Forces Act"; and delete the marginal note. |
| | ss. 35 (c) and 35 (e) | Delete. |
| | SCHEDULE paragraph 1 | Delete and substitute the new paragraph following— "1. Officers, warrant officers, non-commissioned officers and men of— (a) the Kenya Military Forces; (b) the regular reserves of the Kenya Military Forces; (c) the Territorial Force and the Territorial Force Reserves;". |
| | SCHEDULE paragraph 4 | Substitute for the words "Council of Ministers and members of the Legislative Council" the words "National Assembly". |

SCHEDULE—(Contd.)

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|----------------------|---|
| The National Service Act, Cap. 206—(Contd.). | SCHEDULE paragraph 6 | Delete. |
| | SCHEDULE paragraph 9 | Substitute for the words "Deputy Governor" the word "Governor-General". |
| Standards of physical fitness determined under section 21 (2), Cap. 206 (Sub. Leg.). | third column | Substitute for the word "Regiment", in both places where it appears, the words "Military Forces". |
| Regulations under section 35, Cap. 206 (Sub. Leg.). | | Delete. |
| The Registration of Documents Act, Cap. 285. | s. 2 | Substitute for the word "Governor", in both places where it appears, the word "Minister". |
| | ss. 3 and 11 | Substitute for the word "Province", wherever it appears, the word "Region". |
| The Registration of Documents (Forms) Rules, Cap. 285 (Sub. Leg.). | SCHEDULE Form A | Substitute for the words "Provincial Commissioners'" the words "Civil Secretary's". |
| The Distress for Rent Act, Cap. 293. | s. 12 | Substitute for the word "Crown" the words "Government or Regional". |
| | s. 16 | Substitute for the word "Crown" the words "Government or a Region". |
| The Survey Act, Cap. 299. | s. 2 | Insert immediately after the words "Crown Lands Act", where they appear in the definition of "grant", the words "or any conveyance, lease or licence of unalienated Government or Regional land for a period exceeding one year made by and on behalf of the Government or a Region". |
| | s. 3 | Substitute for the words "The Governor may appoint" the words "There shall be appointed"; and substitute for the words "he may deem" the words "may be deemed to be". |
| | s. 12 (1) (c) | Insert immediately before the word "Colonial" the word "British". |
| | s. 22 | Substitute for the words "Land Registration (Special Areas) Act" the words "Land Adjudication Act". |
| | s. 33 (2) (a) | Substitute for the word "Crown" the word "public". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|--|---|---|
| The Survey Act, Cap. 299— (Contd.). | s. 33 (3) (d) and the marginal note thereto | Delete and substitute the new paragraph following— “(d) in the case of land registered under the Registered Land Act, the Chief Land Registrar;”; and delete the marginal note and sub- stitute therefor the new marginal note following— “25 of 1963.” |
| | s. 33 (3) (e) | Delete. |
| The Survey Regulations, Cap. 299 (Sub. Leg.). | regulations 38 (2) and 64 (4) | Substitute for the word “Crown”, in both places where it appears, the word “public”. |
| | regulation 87 (a) | Substitute for the word “township” the word “urban”. |
| | regulation 99 (2) | Delete the word “Crown”; and insert immediately after the word “grants” the words “of public land”. |
| | regulation 106 | Substitute for the word “township” the words “urban area”. |
| | PART XII heading | Substitute for the word “CROWN” the word “PUBLIC”. |
| | regulation 110 (1) | Substitute for the word “Crown” the word “public”. |
| | regulations 110 (1) and 111 | Substitute for the words “Government purposes”, in both places where they appear, the words “purposes of the Government or a Region”. |
| | regulation 116 (2) | Substitute for the words “Government duty” the words “duty for the Gov- ernment or a Region”. |
| | FIFTH SCHEDULE paragraph 1 | Substitute for the word “Crown” the word “public”; and substitute for the word “township” the word “urban”. |
| | FIFTH SCHEDULE paragraph 3 | Substitute for the word “Province”, where first appearing, the word “Region”; and substitute for the words “Northern Province” the words “North-Eastern Region and the Isiolo, Marsabit, Samburu, Tana River and Turkana Districts”. |
| | EIGHTH SCHEDULE paragraph 5 (3) (c) | Insert immediately after the word “departments” the word “, Regions”. |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|----------------------------|-----------------|--|
| Grass Fires Act, Cap. 327. | s. 2 | Delete the definition of "local authority" and substitute the new definition following— <p style="margin-left: 40px;">"local authority" means a municipal council, county council, urban or area council, or a township authority established by regulation 50 of the Local Government Regulations, 1963, and in respect of any functions delegated to or conferred upon a local council, such local council;".</p> |
| | L.N. 256/1963. | Delete the definition of "owner and occupier" and substitute the new definition following— <p style="margin-left: 40px;">"owner and occupier", in relation to any land, includes any person who is for the time being managing a farm on such land and in respect of Government land includes the Commissioner of Lands, and in respect of Central Forests includes the Chief Conservator of Forests, and in respect of Regional land the Regional Assembly or its appointed agent, and in respect of Trust land the County Council in which such land is vested;".</p> |
| | | Delete the definition of "reserved areas". |
| | s. 5 | Delete the words "paragraph (a) or paragraph (b) of". |
| | s. 6 (1) | Substitute for the word "servant" the word "employee". |
| | s. 6 (3) | Delete. |
| | s. 7 (1) | Delete the words "and, in the case of the reserved areas, the appropriate native authority (through the Regional Government Agent in charge of that part of the reserved areas)" in both places where they appear. |
| | proviso to s. 9 | Substitute for the words "Northern Province" the words "North-Eastern Region and the Isiolo, Marsabit, Samburu, Tana River and Turkana Districts". |
| | s. 11 (1) | Delete the words "paragraph (a) or paragraph (b) of". |
| | s. 11 (2) | Delete. |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|---|------------------------------------|---|
| The Wild Animals Protection Act, Cap. 376. | s. 2 | Delete the definition of "private land" and substitute the new definition following— "private land" means any land which is held under a conveyance, lease or licence from the Government, a Region or a County Council, but does not include any land held under a Temporary Occupation Licence under the Crown Lands Act;". Cap. 280. |
| The Royal National Parks of Kenya Act, Cap. 377. | s. 4 and the marginal note thereto | Substitute for the words "proclamation" and "proclamations" the words "declaration" and "declarations" respectively. |
| The National Reserve Regulations, Cap. 377 (Sub. Leg.). | regulation 2 | Substitute for the words "Governor in Council" the word "Minister". |
| The Fish Protection Act, Cap. 378. | s. 2 | Insert immediately after the word "designation", where it appears in the definition of "fisheries officer", the words "and includes the Chief Fisheries Officer and an honorary fish warden". Insert immediately before the word "includes", where it appears in the definition of "game warden", the words "means a person appointed to the Game Department office of that designation, and". |
| | s. 5 | Substitute for the word "Governor" the word "Minister". |
| The Fish Protection (Importation Restriction) Rules, Cap. 378 (Sub. Leg.). | rules 2 and 3 | Substitute for the words "Game Warden", in both places where they appear, the words "Fisheries Officer". |
| The Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, Cap. 378 (Sub. Leg.). | rule 2 | Substitute for the words "District Officer" the words "Assistant Regional Government Agent". |
| | proviso to rule 8 | Substitute for the words "Provincial Commissioner" and "Province" the words "Civil Secretary" and "Region" respectively. |
| The Fish Protection (Oysters) Rules, Cap. 378 (Sub. Leg.). | rules 3, 4, 5 and 6 | Substitute for the words "Game Warden", wherever they appear, the words "Fisheries Officer". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| The Trout Act, Cap. 380. | s. 2 | Delete the definition of "private land" and substitute the new definition following— "private land" means any land which is held under a conveyance, lease or licence from the Government, a Region or a County Council, but does not include any land held under a Temporary Occupation Licence under the Crown Lands Act;". |
| | Cap. 280. | |
| The Forests Act, Cap. 385. | s. 11 (c) | Substitute for the words "demarcated forest" the words "Central Forest". |
| The Forests (General) Rules, Cap. 385 (Sub. Leg.). | proviso to rule 12 | Insert immediately before the words "forest area" the words "Central Forest or". |
| The Forests (Closing) Rules 1963, Cap. 385 (Sub. Leg.) (L.N. 79/1963). | rule 2 | Substitute for the words "forest areas" the words "Central Forests". |
| | SCHEDULE item V | Delete the word "Area" appearing in the heading. |
| The Forests (Meru) Rules, Cap. 385 (Sub. Leg.). | FIRST SCHEDULE | Substitute for the words "Forest Area", appearing in the first column, the words "Central Forests". |
| The General Loan and Stock Act, Cap. 419. | ss. 3, 5, 7, 9, 13, 14, 24, 25, 26, 27, 28, 30, 32, 34, 36 and 37 | Substitute for the word "Governor", wherever it appears, the word "Minister". |
| | ss. 14 (2) and 28 (2) | Delete the words "with the approval of the Secretary of State," in both places where they appear. |
| | ss. 16 and 29 | Substitute for the words "Secretary of State", wherever they appear, the word "Minister". |
| | s. 36 | Substitute for the words "Legislative Council" the words "National Assembly". |
| The General Local Loans Act, Cap. 420. | s. 18 | Substitute for the words "High Commission" the word "Organization". |
| The Local Loan Act, Cap. 430. | ss. 3, 5, 12, 14, 15 and 19 | Substitute for the words "Governor" and "Governor in Council", wherever they appear, the word "Minister". |
| | s. 3 (2) (b) | Substitute for the words "Legislative Council" the words "National Assembly"; and delete the words "and the Secretary of State". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|---|---|--|
| The Local Loan Act, Cap. 430—(Contd.). | s. 15 (2) | Substitute for the words "Secretary of State" the word "Minister". |
| | s. 18 | Substitute for the words "High Commission" the word "Organization". |
| The Loans (Federal Republic of Germany) Act, Cap. 432. | s. 4 | Substitute for the words "Legislative Council" the words "National Assembly". |
| The Specific Loan (International Bank for Reconstruction and Development and Colonial Development Corporation) Act, Cap. 439. | long and short title and ss. 1 and 2 | Substitute for the word "Colonial" wherever it appears, the word "Commonwealth". |
| The Specific Loan (Colonial Development Corporation) Act, Cap. 440. | long and short title and ss. 1 and 2 | Substitute for the word "Colonial", wherever it appears, the word "Commonwealth". |
| | ss. 2, 3, 7, 11 and 14 | Substitute for the words "Governor" and "Governor in Council", wherever they appear, the word "Minister". |
| The Specific Loan (International Bank for Reconstruction and Development) Act, Cap. 441. | ss. 2, 3, 6, 8 and 9 | Substitute for the word "Governor", wherever it appears, the word "Minister". |
| | proviso to s. 6 | Delete the words "and agreed by the Secretary of State". |
| The Stamp Duty Act, Cap. 480. | s. 117 (d) | Insert immediately after the word "Government" the words "or a Region". |
| The Insurance Companies Act, Cap. 487. | s. 47 | Substitute for the words "Governor in Council" the word "Minister". |
| The Banking Act, Cap. 488 | ss. 5, 13 and 20 | Substitute for the words "Governor in Council", wherever they appear, the word "Minister". |
| The Post Office Savings Bank Act, Cap. 501. | ss. 5, 6, 9, 12 (2), 14, 15, 16, and 18 | Substitute for the words "Governor" and "Governor in Council", wherever they appear, the word "Minister". |
| | s. 8 | Substitute for the words "Legislative Council" the words "National Assembly". |
| | s. 12 (1) | Delete the words " , or, in the case of moneys remitted to London for investment, by the Secretary of State, and any such investment may at any time be changed into other like securities". |

SCHEDULE—(Contd.)

| Column 1 | Column 2 | Column 3 |
|---|-----------|--|
| The Post Office Savings Bank Act, Cap. 501—(Contd.). | s. 13 | Delete the words "Controller and" and "and submitted to the Secretary of State"; and substitute for the words "Legislative Council" the words "National Assembly". |
| | s. 14 (3) | Delete the words " , with the prior consent of the Secretary of State, ". |
| The Imports, Exports and Essential Supplies Act, Cap. 502. | s. 3 (1) | Substitute for the words "The Governor may appoint" the words "There may be appointed"; and substitute for the words "he may deem" the words "may be deemed". |
| | s. 10 (4) | Substitute for the words "Legislative Council", in both places where they appear, the words "National Assembly". |
| | s. 22 (3) | Substitute for the words "behalf of the Crown" the words "its behalf". |
| The Scrap Metal Act, Cap. 503. | s. 5 | Delete the word "Kenya". |
| | s. 18 (3) | Substitute for the words "Kenya Gazette in relation to the Nairobi Area and the Regional Gazette in relation to a Region" the word "Gazette". |
| The Price Control Act, Cap. 504. | s. 8 | Substitute for the words "Legislative Council", in both places where they appear, the words "National Assembly". |
| | s. 34 | Substitute for the word "Governor" the word "Minister". |
| The British Standard Portland Cement Company Limited (Bamburi Factory) Act, Cap. 515. | s. 5 | Substitute for the word "Crown" the words "Government or a Region"; and substitute for the word "department" the words "Regional department or department". |
| The Registered Land Act, 25 of 1963. | s. 7 (1) | Substitute for the words "The Governor shall appoint" the words "There shall be appointed". |
| | s. 7 (2) | Substitute for the words "The Governor may appoint" the words "There may be appointed". |

Made this 28th day of September 1964.

MALCOLM MACDONALD,
Governor-General.