

LEGAL NOTICE NO. 458

(1101/2/10/8)

THE KENYA ORDER IN COUNCIL 1963

(L.N. 245 of 1963)

IN EXERCISE of the powers conferred by section 11 of the Kenya Order in Council 1963, the Governor hereby makes the following Regulations:—

THE KENYA (AMENDMENT OF LAWS) (INTERPRETATION AND GENERAL PROVISIONS) REGULATIONS, 1963

1. These Regulations may be cited as the Kenya (Amendment of Laws) (Interpretation and General Provisions) Regulations 1963, and shall be deemed to have come into operation on the 1st June 1963.

2. In these Regulations, "the Ordinance" means the Interpretation and General Provisions Ordinance. Cap. 2.

3. Section (1) of the Ordinance is amended by deleting the definitions of the following terms, which appear therein—

- "administrative officer";
- "African District Council";
- "district";
- "District Assistant";
- "District Commissioner";
- "District Officer";
- "District Officer (Cadet)";
- "the Gazette";
- "the Governor in Council";
- "the Legislative Council";
- "Minister" and "the Minister";
- "province";
- "Provincial Commissioner";
- "public body";
- "the Trust Land Board";
- "the Supreme Court".

4. (1) Section 3 (1) of the Ordinance is further amended by inserting, in their respective alphabetical positions, the following new definitions—

"administrative officer" means the Civil Secretary of a Region, a Regional Government Agent, an Assistant Regional Government Agent, a Lwali or a Mudir;

"Assistant Regional Government Agent" means a person appointed to hold or act in the office of that designation in the public service of a Region;

"Civil Secretary" means the person appointed to hold or act in the office of that designation in the public service of a Region;

“the Constitution” means the Constitution of Kenya contained in Schedule 2 of the Kenya Order in Council 1963;

“district” means one of the Districts into which Kenya is divided by section 27 of the Constitution;

“District Assistant” means a person appointed to hold or act in the office of that designation in the public service of a Region;

“Enactment” means an Enactment made by a Regional Assembly under sections 93 and 94 of the Constitution;

“the Gazette” means the Kenya Gazette published by authority of the Government of Kenya, and includes any supplement thereto;

“the House of Representatives” means the House of Representatives established by section 25 of the Constitution;

“Liwali” means a person appointed to hold or act in such office of that designation in the public service of the Coast Region as may be established in accordance with section 184 of the Constitution;

“Minister” means a person appointed as minister of the Government of Kenya under section 65 of the Constitution;

“the Minister” means the Minister for the time being responsible for the matter in question;

“Mudir” means a person appointed to hold or act in such office of that designation in the public service of the Coast Region as may be established in accordance with section 184 of the Constitution;

“the Nairobi Area” means the Nairobi Area established by section 27 of the Constitution;

“National Assembly” means the National Assembly established by section 25 of the Constitution;

“public body” means—

- (a) the Government, the Authority or the Organization, or any department or undertaking thereof; or
- (b) a Regional Assembly, or any committee, department or undertaking thereof; or
- (c) a local authority; or
- (d) any authority, board, commission, committee or other body, whether paid or unpaid, which is invested with or is performing, whether permanently or temporarily, functions of a public nature;

“Region” means one of the Regions into which Kenya is divided by section 82 of the Constitution;

“Regional Assembly” means one of the Regional Assemblies established by section 83 of the Constitution;

“the Regional Fund” means the fund of that name established for the Region concerned under section 121 of the Constitution;

“the Regional Gazette” means the Gazette of the Region concerned published by authority of the Regional Assembly of that Region;

“the Senate” means the Senate established by section 25 of the Constitution;

“the Supreme Court” means the Supreme Court established by section 161 of the Constitution;

“Trust land” means land which is for the time being Trust land for the purposes of section 198 of the Constitution;

(2) Regulation 2 of the Kenya (Miscellaneous Provisions) (No. 4) Regulations, 1963, shall be deemed never to have applied to section 3 (1) of the Ordinance.

5. There shall be substituted for section 78 of the Ordinance a new section as follows—

Provision concerning Nairobi Area.

78. (1) Where by or under any written law any power is conferred or any duty is imposed on the Civil Secretary of a Region, or on the Regional Government Agent of a District, or on any other public officer having the responsibility for any particular matter within the limits of a province or a district, then, as regards the Nairobi Area, such power shall be exercisable or such duty performed, except where the context otherwise requires, by the public officer in charge of the Nairobi Area or by the public officer having the responsibility for the particular matter within the limits of the Nairobi Area, as the case may be; and in such case, unless the context otherwise requires, “Region” or “district”, as the case may be, shall be construed as the Nairobi Area.

6. Sections 42, 44, 45 and 79 of the Ordinance are repealed.

7. The provisions of the Ordinance specified in the first column of the Schedule to these Regulations are amended in the manner specified in the second column of that Schedule.

SCHEDULE

(r. 7)

MINOR AMENDMENTS

<i>Provision</i>	<i>Amendment</i>
Section 3 (1)—definition of “the Legislature	Delete “the legislature of Kenya” and substitute “the Central Legislature established by section 25 of the Constitution”.
definition of “public officer” .. ..	Insert “or a Region” after “Kenya”.
definition of “the special areas” ..	Add at the end “as it stood immediately before the 1st June 1963”.
definition of “written law” .. ..	Insert “all Regional Enactments” after “Ordinances”.

## SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
Section 7 .. ..	Delete "shall be published in the Gazette and".
Section 9 (2) .. ..	Delete "Legislative Council" and substitute "National Assembly".
Section 34 (1) .. ..	Delete "the Legislative Council" where it first appears and substitute "the National Assembly"; delete "within the next subsequent twenty days on which the Legislative Council has next sat" and substitute "by either House within twenty days on which that House next sits".
Section 34 (2) .. ..	Delete "Legislative Council" and substitute "National Assembly".
Section 36 (1) .. ..	Delete "or the Governor in Council" and "or the Governor in Council, as the case may be".
Section 36 (3) ..	Delete and substitute— (3) The draft of every order to be made under this section shall be laid before the National Assembly, and shall be approved by resolution of both Houses before it is submitted to the Governor, and if either House resolves that the draft be not so submitted no further proceedings shall be taken thereon, but without prejudice to the laying of a new draft before the National Assembly.
Section 41 ..	Delete "in Council".
Section 74 ..	Delete "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", and substitute "copy of the Gazette purporting to be printed by the Government Printer or of a Regional Gazette purporting to be printed by authority of the Regional Assembly concerned, containing any written law or notice or any copy of a written law or notice".

Made this 20th day of July 1963.

MALCOLM MACDONALD,  
*Governor.*