

**THE STATUTE LAW (REPEAL AND MISCELLANEOUS
AMENDMENTS) ACT, 1991**

No. 14 of 1991

Date of Assent: 24th December, 1991

Date of Commencement: 27th December, 1991

An Act of Parliament to repeal the Video Tax Act and make minor amendments to the statute law

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Statute Law (Repeal and Miscellaneous Amendments) Act, 1991. *Short title.*
2. The Video Tax Act is repealed. *Repeal of
Cap. 477.*
3. The several written laws specified in the first column of the Schedule are amended, in relation to the provisions thereof specified in the second column of that Schedule, in the manner specified in relation thereto in the third column of that Schedule. *Amendment of
written laws.*

(s. 3)

SCHEDULE

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Magistrates' Courts Act (Cap. 10).	s. 2	Insert the expression "a senior principal magistrate" in the definition of "magistrate" immediately after the expression "chief magistrate".
	s. 3 (1)	Insert the expression "a senior principal magistrate" immediately after "chief magistrate".
	s. 5 (1)	Insert the expression "senior principal magistrate" immediately after "chief magistrate".
		Delete the proviso and substitute the following— Provided that the Chief Justice may by notice in the Gazette, increase the limit of jurisdiction of—
		(a) a chief magistrate or senior principal magistrate to a sum not exceeding three hundred thousand shillings; and
		(b) a principal magistrate, senior resident magistrate or resident magistrate to a sum not exceeding one hundred and twenty-five thousand shillings.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Court Brokers Act (Cap. 20).	s. 4 (2)	Insert the expression "senior principal magistrate" immediately after "principal magistrate".
The Penal Code (Cap. 63).	s. 69 (1)	Delete the expression "commission of engagement" and insert "commission or engagement".
The Criminal Procedure Code (Cap. 75).	s. 2	Insert the following definition its proper alphabetical sequence— "drug related offence" means any specified in Part V of the Dangerous Drugs Act and includes the possession, manufacture, distribution or receipt of any drug of any quantity whatsoever.
	Cap. 245.	
	s. 7 (1)	Insert the expression "senior principal magistrate" in paragraph (a) immediately after "chief magistrate"
	s. 123 (1)	Delete the words "or attempted robbery with violence" and insert, "attempted robbery with violence or any drug related offence".
	First Schedule.	Insert in the fifth column against the items for sections 42, 43, 43A, 44, 47, 59, 60, 69, 85, 122(1)(a), 166, 167, 170, 171, 172, 202, 210, 220, 221, 222, 224, 225, 228, 229, 230, 232, 247, 265, 286, 287, 288 and 336, the expression "senior principal magistrate", immediately after "chief magistrate".
The Evidence Act (Cap. 80).	s. 77	Delete subsection (1) and substitute the following— (1) In criminal proceedings any document purporting to be report under the hand of a Government analyst, medical practitioner or of any ballistics expert, document examiner or geologist upon any person, matter or thing submitted to him for examination or analysis may be used in evidence. In subsection (3) insert the comma and words "ballistics expert", "document examiner" and "medical practitioner", immediately after "analyst".
The Prisons Act (Cap. 90).	s. 68	Insert the following new subsection immediately after subsection (1)— (1A) The Commissioner shall, upon being satisfied that a prisoner serving a term of imprisonment or detention is of good conduct and industry and whose remaining balance of sentence does not

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		<p>exceed six months, order the prisoner to report to an authorized officer of the district in which his home is situated for the purpose of performing public work for the duration of the remainder of his sentence.</p> <p>Delete the words "or to any other specified officer under the control of such authorized officer" appearing in subsection (2).</p> <p>Delete the expression "the organization or any service administered by it", appearing in the definition of "public work" in subsection (9).</p>
The Pharmacy and Poisons Act (Cap. 244).	s. 51	Delete the expression "two thousand shillings" and "three months" and insert "five thousand shillings" and "one year" respectively.
The Local Government Act (Cap. 265).	New section	<p>Insert the following new section immediately after section 263—</p> <p>Execution of process against local authority. 263A. Notwithstanding anything to the contrary in any law—</p> <p>(a) where any judgement or order has been obtained against a local authority, no execution or attachment or process in the nature thereof shall be issued against the local authority or against the immovable property of the local authority or its vehicles or its other operating equipment, machinery, fixtures or fittings, but the clerk of the local authority shall, without delay, cause to be paid out of the revenue of the local authority such amounts as may, by the judgement or order, be awarded against the local authority to the person entitled thereto;</p>

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(b) no immovable property of the local authority or any of its vehicles or its other operating equipment, machinery, fixture or fittings shall be seized or taken by any person having by law power to attach or distrain property without the previous written permission of the clerk of the local authority.
The Registered Land Act (Cap. 300).	s. 77	<p>Insert the following new subsection immediately after subsection (5)—</p> <p>(6) Where the charged land is agricultural land the chargee shall, at least one month before exercising his power of sale, serve a notice on the District Commissioner of the area in which the charged land is situated of his intention thereof; and the District Commissioner may, within fourteen days of the service of the notice, apply by originating summons to the High Court for an order that the sale of the charged land be postponed, and the court may, if it is satisfied that the sale would result in persons (other than the chargor and his family) being evicted from the charged land and the eviction of such persons would either cause undue social difficulties or cause public disorder in the neighbourhood, order that the sale shall be postponed for such period not exceeding six months as it thinks fit.</p>
The Traffic Act (Cap. 403)	s. 72B	Delete the words “calculated in accordance with this section” appearing in subsection (1) and insert “calculated in accordance with this section or in such other manner as the local authority may, by-laws, prescribe.
	New subsection	<p>Insert the following subsection immediately after subsection (4)—</p> <p>(5) Notwithstanding anything contained in this section, a local authority may, by by-laws, prescribe other methods for the payment of parking fees in respect of a vehicle left in each designated parking place.</p>

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Lake Basin Development Authority Act (Cap. 442).	s. 2	Delete the expression "paragraph (h) of subsection (1)" and insert "paragraph (j) of subsection (1)".
The Estate Duty Act (Cap. 483).	s. 3 (5)	Delete the expression "The Registrar-General, the Deputy Registrar-General and every Assistant Registrar-General" and insert "the Administrator-General, the Deputy Administrator-General and every Assistant Administrator-General".
The Kenya Post Office Savings Bank Act (Cap. 493B).	s. 4	Re-number paragraph (f) as paragraph (h) and insert the following new paragraphs—
		(f) to establish a corporate body for the purposes of undertaking banking business and other related financial services in Kenya and to utilize such part of the deposit capital as the Minister may authorize;
		(g) to own and hold shares in any corporate body established in accordance with this section.
	s. 11	Delete subsection (1) and insert the following new subsection—
		(1) Except in so far as any funds may be determined by the Board to be kept in hand for the general purposes of the Board, the Board shall ensure that any surplus of cash in the Bank shall be invested in any or all of the following—
		(a) interest bearing securities;
		(b) the corporate body established under section 4 or in such other institution as the Board shall deem appropriate;
		(c) at interest as the Board may direct.
	s. 15	Insert the following new paragraph immediately after paragraph (g)—
		(h) prescribe the terms and conditions upon which surplus cash in the Bank shall be invested.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		(i) prescribe the manner of dealing with or application of any dividends accruing from the investment in the corporate body or institution in accordance with section 11.
The Capital Markets Authority Act (Cap. 485A).	s. 29 (1)	Delete paragraph (a) subsection (1) and (c) of subsection (2).
The Hotels and Restaurants Act (Cap. 494).	s. 6 (1)	Delete and insert the following— (1) Every licence shall expire on the 31st December of the year in respect of which it is issued.
The Weights and Measures Act (Cap. 513).	s. 12 (1)	Delete the expression “the metre, the kilogram, the second, the ampere, the candela and the mole” and insert “the metre and the kilogram”.
	s. 27	Insert in subsection (3) after “permanently fixed” the words “or of its heavy weight or delicate construction”. Insert at the end of subsection (3) immediately after the word “notification” the words “at least three days in advance of the date the verification falls due”. Delete subsection (8) and insert the following new subsection— (8) Subject to subsection (3), any person who fails to comply with any notice published under subsection (2) shall be guilty of an offence.
	s. 33	Insert the following new paragraph immediately after paragraph (u)— (v) the material, principle of construction and the meteorological control of weights, measures or instruments other than those covered by paragraph (a), as the Director may from time to time recommend.
The Unit Trusts Act (Cap. 521)	s. 20 (2)	Delete the expression “The Registrar-General and the Deputy Registrar-General” and insert “The Administrator-General and the Deputy Administrator-General”.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Transfer of Property Act	s. 69A	<p>Renumber the existing section as subsection (1) and delete the full stop at the end of paragraph (e) and insert a semi-colon and the word "or" and the following new paragraph—</p> <p>(d) in the case of agricultural land, notice of the exercise of the statutory power of sale has been served on the District Commissioner of the area in which the mortgaged land is situated at least one month before the sale and the period specified by the court pursuant to subsection (2) has expired.</p> <p>(2) The District Commissioner shall, within fourteen days of the service on him of the notice under paragraph (d) of subsection (1), apply by originating summons to the High Court for an order that the sale be postponed, and the court may, if it is satisfied that the sale would result in persons (other than the mortgagor and his family) being evicted from the land and that the eviction of such persons would cause undue social difficulties or cause public disorder in the neighbourhood, order that the sale shall be postponed for such period not exceeding six months as it shall think fit.</p>
The Certified Public Secretaries of Kenya Act, 1988 (No. 12 of 1988)	s. 12 (1)	<p>Insert the following new paragraph immediately after paragraph (e)—</p> <p>(f) one shall be nominated by the Minister for the time being responsible for finance.</p>
	s. 16	<p>Insert the following new subsection immediately after subsection (2)—</p> <p>(3) Any person who, in any application for a practising certificate wilfully makes a false or misleading statement shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or imprisonment for a term not exceeding six months or to both.</p>
	s. 20 (2)	Delete the expression "from time".
	s. 35 (3) (a)	Delete the word "is" after "partners" and insert "in".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>	
The Export Processing Zone Act, 1990 (No. 12 of 1990).	s. 9 (2) (o)	Insert the word “an export processing zone developer” immediately after the expression “enterprise or” appearing in the second line.	
	s. 10 (2)	Delete and insert the following— (2) The Authority shall render its decision on the designation of an export processing zone and all other approvals required under this Act within thirty days from the date on which the completed application form for the relevant approval or the licence has been received by the Authority.	
	s. 19 (1)	Delete the expression “export processing enterprise” appearing in the fifth line and insert “export processing zone enterprise”.	
	s. 21 (1) (c)	Insert the word “operator” immediately after the expression “processing zone” appearing in the first line.	
	s. 22 (4)	Delete the expression “paragraph (c), (d), (e) and (f)” and insert “paragraph (b)”.	
	s. 25 (1)	Delete the words “with the prior approval of the Authority and” and insert “processing and conversion”.	
	s. 27 (1) (a)	Insert the words “or bonded factory” immediately after the words “processing zone” appearing in the second line.	
	s. 27 (2)	Delete the words “and are approved by the Minister” and insert “by a licensed export processing zone enterprise”.	
	s. 29 (1)	Delete the expression “export zone enterprises” and insert “export processing zone enterprises”.	
	s. 29 (2)	Delete the words “obtaining a licence” appearing in the second line of paragraph (c) and insert “first sale”.	
	The Non-Governmental Organizations Co-ordination Act, 1990 (No. 19 of 1990).	s. 2	Delete the definition of “Council” and insert the following— “Council” means the National Council of Non-Governmental Organizations established under section 23.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		Delete the expression "across two or more districts in" appearing in the definition of "National Non-Governmental Organization".
	s. 4 (1)	Delete paragraph (c) and insert the following new paragraph— (c) the Permanent Secretary in the Ministry for the time being responsible for matters relating to Non-Governmental Organizations.
		Delete the word "diversified" appearing in paragraph (i) and insert "diverse".
		Insert after paragraph (j) the following new paragraph— (k) the chairman of the Council.
	s. 5 (1)	Delete the word "may" and insert "shall"
	PART III	Delete the expression "AND LICENSING" appearing in the heading.
	s. 10 (4)	Delete and insert the following new paragraph— (4) The Minister may, on the recommendation of the Board and by notice in the Gazette, exempt such Non-Governmental Organization from registration as he may determine.
	s. 12 (3)	Insert after the words "body corporate" the words "with perpetual succession" Insert after subsection (3) the following new subsection— (4) A certificate issued under this Part may contain such terms and conditions as the Board may prescribe.
	s. 13	Delete.
	s. 14	Insert the word "or" at the end of paragraphs (a) and (b).
	s. 15	Delete.
	s. 16	Delete the words "or suspend" appearing in subsection (1). Insert the word "or" at the end of paragraphs (a) and (b). Delete the words "or suspension" appearing in subsection (2).

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 17	Delete the expression "work permit" wherever it occurs and insert "entry permit".
	s. 23	Delete subsection (1) and insert the following new subsection— (1) There shall be established a National Council of Non-Governmental Organizations which shall, as a collective forum of all Non-Governmental Organizations registered under this Act.
	s. 26	Delete the expression "shall constitute a council" and insert "shall constitute an interim council".
	s. 32	Delete the word "rules" wherever it appears and insert "regulations". Delete paragraph (d).
The Petroleum Development Fund Act, 1991 (No. 4 of 1991).	s. 1	Delete the full-stop appearing immediately after "1991" and insert "and shall be deemed to have come into operation on the 1st September, 1990". Delete the marginal note and insert "Short title and commencement".
	s. 2	Delete the definition of "officer administering the Fund" and insert "officer administering the Fund" means the Permanent Secretary to the Treasury or any person appointed by him in writing for that purpose.
	s. 4 (2)	Delete and insert the following— (2) The Fund shall be administered by the Permanent Secretary to the Treasury or any person appointed by him in writing for that purpose.
	s. 4 (4)	Delete the expression "as the Minister may direct" and insert "as may be determined by the Minister with the approval of the Minister for the time being responsible for finance".
	s. 4 (5)	Delete the expression "on development programmes to be financed".
	s. 5	Delete paragraph (d) and insert the following new paragraph— (d) prepare, sign and transmit to the Controller and Auditor-General an account of the Fund in accordance with section 18(2) of the Exchequer and Audit Act.