

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) (No. 2) ACT 1968**

No. 38 of 1968

Date of Assent: 26th June 1968

Date of Commencement: 28th June 1968

**An Act of Parliament to make minor amendments to the
statute law**

ENACTED by the Parliament of Kenya, as follows:—

Short title.

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) (No. 2) Act 1968.

Amendment of
written laws.

2. The several written laws specified in the first column of the Schedule to this Act are hereby 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.

Provisions as
to amendment
of
L.N. 374/1964.

3. The amendment of the Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 7) Order 1964, effected in the Schedule to this Act, shall be deemed to have been made upon the commencement of that Order, and accordingly section 7 of the Guarantee (High Commission Railways and Harbours Loan) (No. 4) Act shall be taken not to have been repealed, and section 8 of that Act shall be taken to have been repealed, on such commencement.

Cap. 459.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Laws of Kenya (Revision) Act (Cap. 1).	s. 11 (1) (e).	Delete “, Act of Parliament of the United Kingdom, Order in Council, Royal Instructions”.
	s. 11 (2).	Replace “and 10” with “, 10 and 15”
The Penal Code (Cap. 63).	s. 144 (2).	Delete “or jury”.
The Films and Stage Plays Act (Cap. 222).	s. 16 (5).	Insert “or poster” after “film”.
The Workmen’s Compensation Act (Cap. 236).	s. 4 (1).	In paragraph (b) of the proviso, replace “1st December 1967” with “16th February 1968”.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (Cap. 301).	s. 4 (3).	Delete "agrees to give up possession of the premises comprised in the tenancy, or".
	s. 4 (4).	Replace "served by" with "given by". Replace "served on" with "given to".
The Agriculture Act (Cap. 318).	s. 37.	Delete paragraph (e).
	s. 56 (3).	Delete.
	s. 56 (4).	Delete "and has not been deemed to be a land preservation loan in pursuance of subsection (3) of this section".
	s. 71.	Delete.
The Pyrethrum Act (Cap. 340).	s. 168 (2).	Delete paragraph (g).
	s. 4 (2).	Insert after paragraph (d)— (da) the Permanent Secretary of the Ministry, or any person deputed by him in writing to exercise his functions as a member of the Board;
	s. 8 (2).	Insert after paragraph (a)— (aa) the Permanent Secretary of the Ministry, or any person deputed by him in writing to exercise his functions as a member of the Board.
The Cattle Cleansing Act (Cap. 358).	s. 18 (3).	Delete "in any cattle cleansing area".
The Carriage of Goods by Sea Act (Cap. 392).	s. 7.	Replace with— 7. This Act does not affect the operation of section 230 of the Merchant Shipping Act 1967 (which relates to the carriage of dangerous goods) or of any regulations made under that section, nor the operation of section 273 of that Act (which relates to the limitation of liability of shipowners).
The Traffic Act (Cap. 403).	s. 91 (1).	Replace paragraph (b) with— (b) deposits or causes to be deposited in any manner whatever on a road any material or matter, other than road-making materials deposited for the purpose of making up or repairing the road;

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Companies Act (Cap. 486).	s. 232 (8).	Replace "a provisional" with "an interim".
	s. 271 (1).	Delete paragraph (c).
	s. 311 (1) (a).	Delete "Government".
The Price Control Act (Cap. 504).	s. 2.	After the definition of "goods" insert— "invoice" includes any record of a cash sale;.
The Factories Act (Cap. 514).	s. 5 (1) (vii).	Insert ", transformation or transmission" after "generating". Insert "or motive power of any kind" after "energy".
The Auctioneers Act (Cap. 526).	s. 2.	Replace the definition of "licensing officer" with— "licensing officer" means the Provincial Commissioner of the relative province.
	s. 4 (2).	Insert ", or shall sell any property by auction elsewhere than at the premises specified in the licence as the place or premises at which the business of an auctioneer may be carried on," after "value".
	s. 5.	Delete "resides or".
	Second Schedule.	In Form B, insert "at . . ." after "auctioneer".
The Civil Procedure Act (Cap. 5 (1948)).	Part VII. Heading.	Replace the word "APPEALS" appearing immediately after the expression "PART VII" with "APPEALS TO THE HIGH COURT AND COURT OF APPEAL FOR EAST AFRICA".
	s. 65A.	Insert "to the High Court" after "subordinate court", and "of the High Court" after "judge".
The Loans and Credit Facilities Act 1967 (No. 12 of 1967).	s. 2 (1).	Replace "the purposes for which provision is made in the development estimates approved in Parliament" with "development purposes".
The Merchant Shipping Act 1967 (No. 35 of 1967).	s. 66.	Delete subsection (2).
	s. 200 (3).	Replace "an East African" with "a Kenya".

SCHEDULE—(Contd.)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Customs Tariff Act 1967 (No. 36 of 1967).	First Schedule.	In Chapter 31, Note 3A (ii) (page 41), replace "best" with "beet".
		In Chapter 40, item 40. 11c (1) (page 56), insert "cycles." after "motor".
		In Chapter 73, Note 1 (r) (page 102), insert "(i), (j)," after "definitions (h)".
The Local Government Regulations (Amendment) (No. 2) Act 1968 (No. 31 of 1968).	s. 8.	Replace "in the month of October not later than the fifteenth day of the month" with "not later than the 15th October".
	The Local Government Regulations 1963 (L.N. 256/1963).	r. 13.
r. 13 (4)		Insert "in the year 1970 or later" after "date".
r. 14 (1).		Insert "second" after "each".
r. 15.		Replace paragraph (1) with— (1) A deputy mayor shall be elected by secret ballot by the council from among the councillors at the first meeting of the council and subsequently at each annual meeting (immediately after the election of the mayor, if a mayor is being elected), and shall hold office until the next annual meeting.
r. 29.		Replace paragraph (1) with— (1) The chairman of a county council shall, unless he is nominated under paragraph (7) of this regulation, be elected by the council from among the councillors at the first meeting of the council and subsequently at each second annual meeting of the council, and a chairman elected in the year 1968 or later shall hold office until the next annual meeting but one of the council.
r. 29 (2).		Insert "in the year 1970 or later" after "date".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Local Government Regulations 1963 (L.N. 256/1963)—(Contd.).	r. 30 (1).	Replace the first three lines with— A deputy chairman shall be elected by secret ballot by the council from among the councillors at the first meeting of the council and subsequently at each annual meeting (immediately after the election of the chairman, if a chairman is being elected), and shall hold office until the next annual meeting:.
The Kenya (Amendment of Laws) (Miscellaneous Amendments) (No. 7) Order 1964 (L.N. 374/1964).	Schedule.	Replace "s. 7", where it appears in connexion with the Guarantee (High Commission Railways and Harbours Loan) (No. 4) Act (Cap. 459), with "s. 8".