



THE REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT
ACTS, 1970

NAIROBI, 7th AUGUST 1970

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**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 1970**

No. 11 of 1970

Date of Assent: 3rd August, 1970

Date of Commencement: 7th August, 1970

**An Act of Parliament to 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 (Miscellaneous Amendments) Act, 1970. Short title.

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 the third column of that Schedule. Amendment of written laws.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Criminal Procedure Code (Cap. 75).	s. 178	Add the following new subsection— (7) In this section and in section 177 of this Code, "property" includes, in the case of property regarding which offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person but also any property into which or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.
	s. 364 (2)	Add— "Provided that this subsection shall not apply to an order made in any case where a subordinate court has failed to pass any sentence which it was required to pass under the written law creating the offence concerned."
The Special Districts (Administration) Act (Cap. 105).	s. 16 (1)	Add after "District Commissioner" the words "either under this Act or under the Outlying Districts Act".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Children and Young Persons Act (Cap. 141).	s. 3 (4)	Delete the words "entitled to hold a court of the first or second class".
The Maintenance Orders Enforcement Act (Cap. 154).	s. 10	(a) Delete "British possession" and substitute "country to which for the time being section 95 of the Constitution applies"; (b) delete "such possession" wherever it occurs and substitute "such country"; (c) delete "Governor" and substitute "competent authority".
The Employment of Women, Young Persons and Children Act (Cap. 227).	s. 2	Delete the definitions of "native vessel" and "ship".
	s. 3	(a) Delete "or to any ship"; (b) delete "institution, school-ship or training-ship" and substitute "or institution".
	s. 14	Delete "or in any ship" wherever it occurs.
	s. 25 (1)	(a) Delete "or in a ship"; (b) delete "or ship" wherever it occurs.
The Electric Power Act (Cap. 314).	s. 109 (1)	(a) Insert "permanent" before "installation" in paragraph (d);
		(b) delete "five hundred shillings and in the case of a continuing offence to a daily penalty not exceeding forty shillings" and substitute "ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment".
The Exchequer and Audit Act (Cap. 412).	s. 28 (3)	Delete.
	s. 29	Delete.
	First Schedule	Delete.
	Second Schedule	Delete.
	Third Schedule	Delete.
The Guarantee (Loans) Act (Cap. 461).	Long title	Delete "raised by certain bodies".
	s. 3 (3)	Delete "under this Act" and substitute "under this section".

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Guarantee (Loans) Act (Cap. 461)—(Contd.).	s. 3A	Immediately after section 3 insert new section 3A— Motor vehicle loans. 3A. (1) The Government may guarantee, in such manner and upon such conditions as it may think fit, the due performance of any covenants on the part of any person who is a Member of the National Assembly, public officer or teacher employed by the Teachers Service Commission under the terms of any agreement entered into by such person with the National Bank of Kenya, Limited, for the purpose of enabling such person to purchase a motor vehicle. (2) Notwithstanding subsection (1) of this section, the extent of the contingent liability of the Government under any guarantees given under that subsection shall not exceed the sum of one million two hundred pounds.
	s. 5 (1)	Insert "section 3 of" immediately before "this Act" in both places.
The Graduated Personal Tax Act (Cap. 470).	s. 9 (3)	Add at the end "and the court before which any such individual is convicted may, in addition to or in lieu of any punishment awarded, make an order for the recovery of the tax outstanding by distress".
The Registration of Business Names Act (Cap. 499).	s. 9 (1)	Add at the end— "Provided that the proviso to subsection (1) of section 7 of this Act shall not apply in the case of a notice under this section relating to a firm."
	s. 14 (2)	Delete everything after "Registrar" and substitute "shall issue a fresh certificate in the prescribed form".
	s. 23 (1)	Delete "British" wherever it occurs and substitute "Kenyan".
The Imports, Exports and Essential Supplies Act (Cap. 502).	s. 4	Add new subsection— (4) The provisions of subsection (2) of section 15 of the East African Customs and Transfer Tax Management Act, 1952, relating to prohibition shall not apply to any goods the importation of which is restricted by an order made under this section which are imported into Kenya in a manner that is not contrary to any law relating to Customs and in respect of which an import licence is granted whilst such goods are subject to Customs control.

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Auctioneers Act (Cap. 526).	First Schedule	Delete the figures in the second column and substitute therefor respectively "250", "140", "70" and "62".
	Second Schedule	In Form A insert "at" immediately after "an auctioneer".
The Kadhi's Courts Act, 1967 (No. 14 of 1967).	s. 4 (2)	Insert after "Kilifi District" the words "Lamu District".
The Education Act, 1968 (No. 5 of 1968).	s. 30 (b)	Delete "20 (1)" and substitute "21".
The Hire Purchase Act, 1968. (No. 42 of 1968).	s. 3	(a) Renumber existing section as subsection (1).
		(b) Add new subsection— (2) Notwithstanding subsection (1) of this section, nothing in this Act shall apply to any Scheme controlled, managed or guaranteed by the Government for the purpose of providing loans to any persons for the purchase of motor vehicles.
The Land Acquisition Act, 1968 (No. 47 of 1968).	Schedule	(a) In paragraph 4, delete "for expenses incurred" and substitute "a sum equal to the amount of the expenses including legal, surveyor's or accountancy fees, which the claimant has reasonably incurred in connexion with his claim"; (b) delete everything after "Commissioner" in paragraph 5 (b).
The Vagrancy Act, 1968 (No. 61 of 1968).	s. 4 (4)	Add at end— "Provided that no person shall be detained under an order made under this subsection for a period exceeding twenty-eight days."
	ss. 4 (1) (c), 4 (4) and 8.	Delete "taken" and substitute "sent".
The Civil Procedure Act (Cap. 5 (1948)).	s. 38	Add at end— "Provided that where the decree is for the payment of money, execution by detention in prison shall not be ordered unless, after giving the judgement-debtor an opportunity of showing cause why he should not be committed to prison, the court, for reasons to be recorded in writing, is satisfied—
		(a) that the judgement-debtor, with the object or effect of obstructing or delaying the execution of the decree— (i) is likely to abscond or leave the local limits of the jurisdiction of the court; or

SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Civil Procedure Act (Cap. 5 (1948)) —(Contd.).		(ii) has after the institution of the suit in which the decree was passed, dishonestly transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation to his property; or (b) that the judgement-debtor has, or has had since the date of the decree, the means to pay the amount of the decree, or some substantial part thereof, and refuses or neglects, or has refused or neglected, to pay the same, but in calculating such means there shall be left out of account any property which, by or under any law, or custom having the force of law, for the time being in force, is exempt from attachment in execution of the decree; or (c) that the decree is for a sum for which the judgement-debtor was bound in a fiduciary capacity to account.