

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1977**

**No. 16 of 1977**

*Date of Assent: 25th October, 1977*

*Date of Commencement: 28th October, 1977*

**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, 1977. Short title.

2. (1) 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. Amendment of written laws and dates on which amendments shall take effect.

(2) The amendment to the Laws of Kenya (Revision) Act shall be deemed to have taken effect from 17th December, 1976. Cap. 1

(3) The amendment to the Cereals and Sugar Finance Corporation Act shall be deemed to have effect from 1st May, 1977. Cap. 329.

3. The Miraa Prohibition Act is hereby repealed. Repeal of Chapter 339.

**SCHEDULE**

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>
The Laws of Kenya (Revision) Act (Cap. 1).	s. 11 (1) (c) (i)	Delete and substitute— (i) all subsidiary legislation made under it since the date of the last revision of the Act or the date of the Act if it has not been revised; and.
	s. 11	Insert the following new subsections 11 (1A) and 11 (1B) immediately after and below subsection 11 (1)—  11 (1A) The Attorney-General may in an annual supplement to the Laws of Kenya include a revised edition of the Local Government Regulations, 1963 as if those Regulations had been enacted as an Act of Parliament and may for such purpose alter those Regulations in any way which he considers to be necessary
		L.N. 256/1963.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>	
		<p>in order that the Regulations will in future be read and construed as if they had been enacted as an Act of Parliament and not made as Regulations.</p> <p>(1B) For avoidance of doubt, it is hereby declared that when, under the provisions of subsection (1A) of this section, the Local Government Regulations, 1963 have been revised and reprinted as the Local Government Act with a Chapter number and made up of sections and all the other constituents and contents of an Act, all subsidiary legislation and appointments made under, and acts performed or things done under any regulation of the Local Government Regulations, 1963 which are then in force shall remain in full force and effect as if they had been made, performed or done under the corresponding sections or subsections of the Local Government Act.</p>	
The Kadhi's Courts Act (Cap. 11).	s. 3	Delete "section 179 (1)" and substitute "section 66 (1)".	
	s. 4 (1)	Delete and substitute— (1) In pursuance of section 66 (3) of the Constitution of Kenya, there are hereby established seven Kadhi's Courts.	
	s. 4 (2)	Substitute a semicolon for the full stop at the end and insert following new paragraph— (d) one Kadhi's Court shall have jurisdiction within the Nairobi Area and the Central and Eastern Provinces.	
The Penal Code (Cap. 63)	s. 28 (2)	Delete the scale at the end and substitute—	
		<i>Amount</i>	<i>Maximum period</i>
		Not exceeding Sh. 30 ..	10 days
		Exceeding Sh. 30 but not exceeding Sh. 100 ..	1 month
		Exceeding Sh. 100 but not exceeding Sh. 500 ..	3 months
Exceeding Sh. 500 ..	6 months		
The Criminal Procedure Code (Cap. 75).	s. 344A (1)	Delete "296, 297" in the second line and substitute "296 (1), 297 (1)".	

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>
	s. 359 (1)	Insert the commas and words “, or a judge to whom the Chief Justice has given authority in writing,” immediately after the words “the Chief Justice”.
Public Health Act (Cap. 242).	s. 164	Delete fifth, sixth, seventh and last lines and substitute— “conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment, and, if the offence, contravention or default is of a continuing nature, to a further fine not exceeding two hundred shillings for each day it continues.”
The National Social Security Fund Act (Cap. 258).	s. 5	Insert the following new subsection 5 (4) at the end— (4) Any person who fails to comply with any of the provisions of this section or with any regulations made thereunder shall be guilty of an offence.
	s. 15 (1)	Delete and substitute— (1) Subject to the provisions of this Act, the account of a member of the fund and any benefit payable out of his account shall not be assignable or transferable and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever.
	s. 23 (b)	Delete “one year” and substitute “three months”.
	s. 36	Substitute a semicolon and the word “or” for the comma at the end of paragraph (c) and insert immediately thereafter— (d) fails to return to the Fund at the end of each calendar year contributions records, dockets or other documents which are required for the proper maintenance of members’ accounts.
	New s. 48	Insert the following new section at the end— Penalty 48. Any person who is where not guilty of any offence under expressly this Act or who contravenes provided. or fails to comply with any of the provisions of this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable to a fine not exceeding two thousand shillings.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Land Adjudication Act (Cap. 284).	s. 29	Insert the following new subsection 29 (4) at the end— (4) Notwithstanding the provisions of section 38 (2) of the Interpretation and General Provisions Act or of any other written law, the Minister may delegate, by notice in the Gazette, his powers to hear appeals and his duties and functions under this section to any public officer by name, or to the person for the time being holding any public office specified in such notice, and the determination, order and acts of any such public officer shall be deemed for all purposes to be that of the Minister.
The Agriculture Act (Cap. 318).	ss. 182, 183, and the Fifth Schedule.	Delete in full.
The Cereals and Sugar Finance Corporation Act (Cap. 329).	s. 4 (2) (b)	Delete "Parliament" and substitute "the National Assembly".
The Wildlife (Conservation and Management) Act (Cap. 376).	s. 42 (1)	Delete the words "an offence" in line 5 and substitute "a forfeiture offence".
The Traffic Act (Cap. 403)	s. 46	Insert immediately before the full stop at the end— "whether or not the requirements of section 50 of this Act have been satisfied as regards that offence".
	s. 50	Insert immediately after the word "Act" in the second line— " , other than section 46, "
The Constitutional Offices (Remuneration) Act (Cap. 423).	Schedule	In the item "Chief Justice"— (i) Insert, after the expression "From 1-7-71" in the second column, the expression— "to 30-6-77 From 1-7-77" (ii) Insert, after the expression "Scale Q" in the third column, in relation to the expression "From 1-7-77" in the second column, the expression— "£4,956 increasing by annual increments of £186 to £5,514". Insert, after the item relating to "Chief Justice" the following— Judge of Appeal From 1-11-77 £4,428 increasing by one annual increment of £156 to £4,584, thereafter increasing by annual increments of £186 to £4,956.

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		<p>Delete all the words, figures and punctuation from and including the words "In this Schedule" and substitute the following—</p> <p>In this Schedule with effect from 1st July, 1977—</p> <p>"Scale M" means a salary commencing at £2,712 increasing by annual increments of £108 to £3,144, thereafter increasing by annual increments of £132 to £3,540;</p> <p>"Scale N" means a salary commencing at £3,144 increasing by annual increments of £132 to £3,804, thereafter increasing by one annual increment of £156 to £3,960;</p> <p>"Scale P" means a salary commencing at £3,804 increasing by annual increments of £156 to £4,584;</p> <p>"Scale Q" means a salary commencing at £4,584 increasing by annual increments of £186 to £5,514.</p>
The Income Tax Act (Cap. 470).	s. 15 (3) (c)	Delete "the said subsection (2)" and substitute "subsection (2) of section 3 of this Act".
The State Reinsurance Corporation of Kenya Act (Cap. 485).	Title, ss. 1, 2 and 3 and all subsidiary legislation made under this Act.	Delete the words "State Reinsurance Corporation of Kenya" wherever they appear and substitute therefor in each place the words "Kenya Reinsurance Corporation".
	s. 10 (1)	Delete "General Manager" and substitute "Managing Director".
The Law of Succession Act (No. 14 of 1972).	s. 2	<p>Delete and substitute—</p> <p>Applica- 2. Except as otherwise tion of expressly provided in this Act Act. or any other written law, the provisions of this Act shall constitute the law of Kenya in respect of intestacies or testa- mentary successions to the estates of deceased persons and the administration of the estates of deceased persons:</p> <p>Provided that, notwithstand- ing any of the other provisions of this Act, section 23 (3) (b)</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	Cap. 2	of the Interpretation and General Provisions Act shall apply to any estate, the administration of which has been commenced but has not been completed before the date of this Act and the provisions of section 23 (3) (b) of the Interpretation and General Provisions Act may be extended to cover any act or thing which may still require to be done in respect of any such estate under any repealed law in force immediately before the commencement of this Act until such estate has been wound up and the personal representative of any such estate may continue to act under the provisions of any such law instead of under the provisions of this Act.
	s. 35 (3)	Delete "improperly" and substitute "unreasonably".
	s. 47	Delete and substitute— Jurisdiction of High Court. 47. The High Court shall have jurisdiction to entertain any application and determine any dispute under this Act and to pronounce such decrees and make such orders therein as may be expedient: Provided that the High Court may for the purpose of this section be represented by Resident Magistrates appointed by the Chief Justice.
	s. 48	Delete and substitute— Jurisdiction of Magistrates. 48. Notwithstanding any other written law which limits jurisdiction, but subject to the provisions of section 49 of this Act, a Resident Magistrate shall have jurisdiction to entertain any application other than an application under section 76 of this Act and to determine any dispute under this Act and pronounce such decrees and make such orders therein as may be expedient in respect of any estate the gross value of which

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		does not exceed one hundred thousand shillings:
		Provided that for the purpose of this section in any place where both the High Court and a Resident Magistrate's Court are available, the High Court shall have exclusive jurisdiction to make all grants of representation and determine all disputes under this Act.
	s. 69 (2)	Delete and substitute— (2) When an answer and a cross-application have been duly filed under subsection (2) of section 68 of this Act, the court shall proceed to determine the dispute.