

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) (No. 2) ACT, 1984**

**No. 19 of 1984**

*Date of Assent: 28th December, 1984*

*Date of Commencement: 28th December, 1984*

**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, 1984.

Amendment  
of written laws.

2. 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, in the manner specified in the third column.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Judicature Act (Cap. 8)	s. 7(1)	Delete "twenty-four" and insert "thirty".
The Magistrates' Courts Act (Cap. 10).	s. 9A(2)	Delete and substitute—  (2) An issue relating to any matter set out in paragraphs (a) to (d) of subsection (1) shall be referred to a panel of elders to be resolved; but nothing in that subsection shall be construed as conferring jurisdiction or powers on a panel of elders to determine title to land.
The Advocates Act (Cap. 16).	New Section	Insert the following new section immediately after section 13—  Power to grant diplomas. 13A. The Council of Legal Education may grant a diploma, in such form as may be prescribed, to a person who becomes duly qualified under section 12 or section 13 of this Act (other than a person who has been exempted from all examinations).

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Penal Code (Cap. 63)	s. 26A	Delete and substitute—  26A. Where a person who is not a citizen of Kenya is convicted of an offence punishable with imprisonment for a term not exceeding twelve months the court by which he is convicted, or any court to which his case is brought by way of appeal against conviction or sentence may, by directions to the Commissioner of Police and the Commissioner of Prisons (including directions on how the order shall be carried out) order that the person be removed from and remain out of Kenya either immediately or on completion of any sentence of imprisonment imposed; but where the offence for which the person is convicted is punishable with imprisonment for a term exceeding twelve months, the court shall, where it is satisfied that the person may be removed from Kenya, recommend to the Minister for the time being responsible for immigration that an order for removal of that person from Kenya be made in accordance with section 8 of the Immigration Act.
		Cap. 172.
The Criminal Procedure Code (Cap. 75).	s. 123(3)	Delete the words "or treason" and substitute "treason, robbery with violence or attempted robbery with violence",
The Law of Succession Act (Cap. 160).	s. 71	Delete paragraph (a) of subsection (3) and insert the following—  (a) that there is no dependant, as defined by section 29, of the deceased or that the only dependants are of full age and consent to the application;
		Insert the following new subsection—  (4) Notwithstanding the provisions of this section and sections 72 and 73, where an applicant files, at the same time

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		as the petition, summons for the immediate issue of a confirmed grant of representation the court may, if it is satisfied that—
		(a) there is no dependant, as defined by section 29, of the deceased other than the petitioner;
		(b) no estate duty is payable in respect of the estate; and
		(c) it is just and equitable in all circumstances of the case,
		immediately issue a confirmed grant of representation.
The Armed Forces Act (Cap. 199).	s. 115	Insert a new subsection (3) as follows—  (3) The decision of the High Court on any appeal under this Act shall be final and shall not be subject to a further appeal.
The Medical Practitioners and Dentists Act (Cap. 253).	New Section	Insert the following new section immediately after section 19—  Report of convictions. 19A. The court by which a medical practitioner or dentist is convicted of an offence under the Penal Code or this Act or any court by which his case is brought by way of appeal against conviction shall report the conviction or the upholding of a conviction to the Board specifying the name of the medical practitioner or dentist, as the case may be, the date of the conviction or judgment on appeal and the offence for which he was convicted.
The Cotton Lint and Seed Marketing Act (Cap. 335).	s. 3(4) (d)	Delete “section 55” and insert “section 51”.
The Lake Basin Development Authority Act (Cap. 442).	s. 4(1) (b)	Delete and substitute—  (b) The Permanent Secretary to the Government department for the time being responsible for development co-ordination and cabinet affairs.

## SCHEDULE(—Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Customs and Excise Act (Cap. 472).	Third Schedule Part A	<p>Delete item 23 and substitute—</p> <p>23. <i>Petroleum exploration and production companies</i></p> <p>Any materials, plant, machinery or equipment for a petroleum company which has entered into a petroleum agreement in accordance with the provisions of the Petroleum (Exploration and Production) Act, 1984 or by a contractor duly appointed by that company, to be used exclusively for the purpose of exploring for, and production of petroleum in Kenya or in ocean water over which Kenya exercises jurisdiction:</p> <p>Provided that—</p> <p>(i) the Commissioner is satisfied that such materials, plant, machinery or equipment are not available locally;</p> <p>(ii) such materials, plant, machinery or equipment shall not be disposed of by way of sale in Kenya, but shall be re-exported at the completion of the exploration for, and production of, petroleum in Kenya except where such items are consumed during the exploration or production work of the petroleum company.</p> <p>(iii) “materials, machinery, plant or equipment” includes specifically designed vehicles for petroleum exploration and production but not any other type of vehicle.</p>
	No. 14 of 1984.	
The Banking Act (Cap. 488).	s. 20 (1)	<p>Delete and substitute—</p> <p>(1) If it is found upon an inspection under section 19 that the business of the bank or financial institution concerned is being conducted in a manner</p>

## SCHEDULE—(Contd.)

*Written Law**Provision**Amendment*

detrimental to the interests of the depositors or to the interests of the bank or financial institution or to the public interest, the Central Bank may—

- (a) issue directions to the bank or financial institution concerned requiring it to take remedial measures which in the opinion of the Central Bank are necessary or desirable in the circumstances; or
- (b) with the approval of the Minister, appoint a person who in the opinion of the Central Bank is competent to advise the bank or financial institution on the necessary remedial measures, and the advice of the person so appointed shall have the same force and effect as a direction of the bank made under paragraph (a) and for the purposes of this section the advice shall be deemed to be a requirement of the Central Bank; or
- (c) with the approval of the Minister, assume or appoint any other person to assume the management and conduct of the affairs of the bank or financial institution, and the bank or financial institution shall submit its business to the Central Bank or a person appointed to assume control under this paragraph and shall provide the Central Bank or that other person with all the facilities necessary for the effective management and conduct of the affairs of the bank or financial institution.

s. 20 (2)

Insert the expression “paragraph (a) of” immediately after “subsection (1).

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Public Roads Toll Act (No. 9 of 1984).	s. 2	Insert the following definition in proper alphabetical sequence—  “matatu” means a public service vehicle having seating accommodation for not more than twenty-five passengers exclusive of the driver; but does not include a motor car;
	New sections	Insert the following new sections immediately after section 9—
	Offences cognizable.	10. Offences under this Act shall be cognizable to the police.
	Power to exempt from provisions.	11. The Minister may, by notice published in the Gazette, exempt any vehicle or any class or classes or description of vehicle from all or any of the provisions of this Act.