

(Legislative Supplement No. 7)

LEGAL NOTICE NO. 39

THE CONSTITUTION OF KENYA (AMENDMENT) ACT, 1964

(No. 28 of 1964)

IN EXERCISE of the powers conferred by section 14 of the Constitution of Kenya (Amendment) Act, 1964, the President hereby makes the following Order:—

THE CONSTITUTION (AMENDMENT OF LAWS) (RATING AND VALUATION FOR RATING) ORDER, 1965

1. This Order may be cited as the Constitution (Amendment of Law) (Rating and Valuation for Rating) Order, 1965, and shall be deemed to have come into operation on the 12th December 1964.

2. The provisions of the Rating Act, 1964, and of the Valuation for Rating Act specified in the first column of the Schedule to this Order are amended in the manner specified in relation thereto in the second column of that Schedule. 20 of 1964.
Cap. 266.

3. They are hereby repealed—

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| (a) The Rating (Rift Valley Region) Enactment, 1964. | 9 of 1964. |
| (b) The Rating (Central Region) Enactment, 1964. | 13 of 1964. |
| (c) The Rating (Coast Region) Enactment, 1964. | 7 of 1964. |
| (d) The Rating (Nyanza Region) Enactment, 1964. | 9 of 1964. |

SCHEDULE

<i>Provision</i>		<i>Amendment</i>
The Rating Act, 1964	Long title	Delete the words "the Nairobi Area" and substitute "Kenya".
	s. 2	<p>(a) Delete the definitions of "the Council", "the general rate fund" and "the general reserve fund", the "Minister", "the Municipality" and "the rating authority";</p> <p>(b) in the definition of "local council" delete the words ", in the municipality";</p> <p>(c) insert in their proper alphabetical positions the following definitions—</p> <p style="padding-left: 2em;">"area council" means any area council established under the Local Government Regulations, 1963;</p> <p style="padding-left: 2em;">"county" has the meaning assigned to it in the Local Government Regulations, 1963;</p>

SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
The Rating Act, 1964— (Contd.)	<p>s. 2—(Contd.) “the Council” means the Council of a municipality or county, as the case may be;</p> <p>“the rating authority” means:—</p> <p>(a) in respect of a municipality and any local council area situate therein, the municipal council thereof;</p> <p>(b) in respect of a county and any urban, area or local council situate therein, the county council thereof;</p> <p>“urban council” means any area council established under the Local Government Regulations, 1963;.</p>
s. 3	<p>(a) Insert immediately after the words “general rate fund” wherever they appear therein, the words “or the county fund, as the case may be,”.</p> <p>(b) Insert at the end thereof the following subsection—</p> <p>(3) In this section “the county fund”, “the general rate fund” and “the general reserve fund” mean the funds provided for under regulations 216 and 218 of the Local Government Regulations, 1963.</p>
s. 6 (1)	Delete the words “the municipality” and substitute the words “a municipality or a county”.
ss. 8, 9 and 10	Insert immediately after the words “the municipality” the words “or the county, as the case may be”.
s. 11 (b)	Delete the words “a local council, or the whole area of the local council” and substitute the words “an urban council, an area council or a local council, or the whole area of such urban, area or local council”.
s. 12	Insert immediately before the words “local council” the words “urban, area or”.
ss. 13 and 14 Rating in areas of urban, area and local councils.	<p>Delete and substitute the following sections—</p> <p>13 (1). The rating authority may, upon a request being made by any urban council, area council or local council, levy a rate in the area of such council to meet the expenses of that council:</p> <p>Provided that any rate so levied shall be of the same type or method as, and shall be levied in addition to, the rate or rates levied in the area of such council by the rating authority, to meet its own expenses.</p>

SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
<p>The Rating Act, 1964— (Contd.).</p> <p>Rating in areas of urban, area and local councils— (Contd.).</p> <p>Fees for collection of rates on behalf of urban, area and local councils.</p> <p>s. 19</p> <p>s. 27 (d)</p>	<p>(2). The amount of the rate levied in the area of any urban council, area council or local council shall be sufficient to meet all liabilities falling to be discharged by that urban, area or local council, as the case may be, for which provision is not otherwise made, including amounts required by such council to establish or increase to a reasonable level a general reserve fund in accordance with regulation 218 of the Local Government Regulations, 1963.</p> <p>(3). The rate or rates levied under this section by a rating authority on behalf of any urban council, area council or local council shall not, without the consent of the Minister, be such as to produce an amount exceeding a quarter of the proceeds of any other rate or rates levied under this Act within the area of that urban, area or local council, as the case may be, for the same financial year by the rating authority.</p> <p>14. The rating authority shall be entitled to retain out of the proceeds of any rate levied by it under section 13 of this Act to meet liabilities in respect of expenses of any urban council, area council or local council, the cost of levying and collecting such rate or two and one-half per centum of the given proceeds of that rate, whichever is the lower.</p> <p>Delete the words "local authority" and substitute the words "rating authority".</p> <p>Delete the words "the council of every local council area (if any) in respect of the whole or any part of" and substitute the words "every urban, area or local council in respect of the whole or any part of the area of".</p>

SECOND SCHEDULE

<i>Provision</i>	<i>Amendment</i>
<p>Form of Demand</p> <p>Form of Statement of Payment of Rates and Other Charges</p>	<p>(a) Delete the words "the due date of such rates" and substitute the words "the date when such rates were payable"; and</p> <p>(b) delete the expression "section 16" and substitute the expression "section 17".</p> <p>(a) Delete the words "City Council of Nairobi and to the Local Council of" and substitute the expression "(Municipal/County/Council) and to the (Urban/Area/Local Council) of"; and</p> <p>(b) delete the words "City Hall,".</p>

SECOND SCHEDULE—(Contd.)

<i>Provision</i>	<i>Amendment</i>
The Valuation for Rating Act.	s. 1 (2) Delete the words "made by Parliament in relation to the Nairobi Area, or by a Regional Assembly in relation to a Region".
	s. 2 (a) In the definition of "local authority" delete the words "made by Parliament or by a Regional Assembly";
	(b) in the definition of "the Valuer" delete the words "made by Parliament, in relation to the Nairobi Area, or by a Regional Assembly in relation to a Region,".
	s. 8 (1) (c) Delete the words "the lessee from the Crown, or".
	s. 26 Delete the words "relevant authority" wherever they appear and substitute the word "Minister".
	s. 26 (1) Delete the words "or a Regional Assembly".
	s. 26 (4) Delete the words "or Regional Assembly, as the case may be", wherever they appear.
	s. 26 (6) Delete all the words which appear after the words "unalienated".
	s. 27 (1) Delete the expression "Governor-General" and substitute the word "President".
	s. 27A (1) (g) Delete the word "Royal" wherever it appears therein.
s. 46 (1) (d) Insert immediately after the word "thereunder" the words "may be exempted from any rate".	

Made this 9th day of February 1965.

JOMO KENYATTA,
President.