

**THE IMMIGRATION AND DEPORTATION
(MISCELLANEOUS AMENDMENTS) ACT, 1964**

No. 1 of 1964

Date of Assent: 29th February 1964

Date of Commencement: 3rd March 1964

An Act of Parliament to amend certain Acts in the interests of security, and to make other minor consequential or incidental amendments

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Immigration and Deportation (Miscellaneous Amendments) Act, 1964.

Short title.

2. The Immigration Act is amended by—

Amendment of
Cap. 172.

(a) deleting section 1 (2) and substituting therefor the subsection following—

(2) Subject to the provisions of this subsection, this Act shall not apply—

(a) to a citizen of Kenya; or

(b) to an African:

Provided that—

- (i) sections 5 and 20 and, for the purposes of any case arising under section 20, sections 11 and 12, shall apply to an African;
- (ii) an immigration officer may exercise any of the powers conferred upon him by or under this Act in relation to any person who is a citizen of Kenya or an African in so far as the exercise of such power is necessary to determine the status of that person as such;
- (iii) a person who is a citizen of Kenya or an African shall be liable to be proceeded against, convicted and punished for an offence under this Act in respect of any obstruction of, or otherwise in

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relation to the exercise of his powers by, an immigration officer under this Act, or for an offence under this Act in relation to a person to whom this Act applies generally; and

- (iv) regulations made under section 16 (1) (b), (f), (g), (h), (i), (j) and (o), and in pursuance of section 16 (2), may be applied to persons who are citizens of Kenya or Africans;

and to such extent and for such purposes this Act and such regulations shall apply to citizens of Kenya and to Africans.;

- (b) inserting after the word "person" in the definition of "African" in section 2 (1) the words "not being a citizen of Kenya";

- (c) deleting in the definition of "passport" in section 2 (1) the words "Her Majesty's Government in the United Kingdom" and the words "Her Majesty's Government" and substituting therefor in each case the words "the Government of Kenya";

- (d) deleting section 3 (1) and substituting the new subsection following—

(1) There shall be a Principal Immigration Officer and a Deputy Principal Immigration Officer, and so many immigration officers as may be necessary for the purposes of this Act.; and

- (e) adding at the end thereof the new section following—

Power to prohibit immigration on security grounds.

20. (1) Subject to subsection (2) of this section any person who is not a citizen of Kenya or the holder of a resident's certificate and whose presence in Kenya is declared by the Minister to be contrary to the interests of national security shall be for all the purposes of this Act (other than the purposes of section 7 (3)) a member of the prohibited classes and a prohibited immigrant.

(2) In this section, and in sections 11 and 12 of this Act in all cases arising under subsection (1) of this section, "the Minister" means the Minister who is for the time being responsible for matters

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relating to home affairs, or any other Minister for the time being authorized by him to perform his functions under this section.

3. The Aliens Restriction Act is amended by deleting the word "Governor" and the words "Governor in Council" wherever they appear and substituting therefor in each case the word "Minister".

Amendment of
Cap. 173.

4. The Deportation (Aliens) Act is amended by deleting the word "Governor" and the words "Governor in Council" wherever they appear and substituting therefor in each case the word "Minister".

Amendment of
Cap. 174.

5. The Deportation (Immigrant British Subjects) Act is amended by—

Amendment of
Cap. 175.

(a) deleting the definitions of "judge" and "magistrate" which appear in section 2 (1);

(b) inserting in section 2 (1) in its correct alphabetical sequence the new definition following—

"Minister" means the Minister for the time being responsible for home affairs;

(c) deleting proviso (ii) to section 2 (4);

(d) deleting section 7 (2);

(e) deleting all the words after "not exceeding twenty-eight days" which appear in section 9;

(f) deleting section 19;

(g) deleting section 22; and

(h) deleting the word "Governor" and the words "Governor in Council" wherever they appear except in section 2 (3) (c) and substituting therefor in each case the word "Minister".

6. The Deportation (Immigrant British Subjects) Rules are amended by—

Amendment of
Cap. 175
Sub. Leg.

(a) deleting the words "By Command of the Governor in Council of Ministers" wherever they appear in Forms 4, 5, 6, 7, 8 and 9 of the Schedule;

- (b) deleting the words "Secretary to the Council of Ministers" wherever they appear in Forms 4, 5, 6, 7, 8 and 9 of the Schedule and substituting therefor in each case the word "Minister"; and
- (c) deleting the word "Governor" and the words "Governor in Council" and the words "Governor in Council of Ministers" wherever they appear and substituting therefor in each case the word "Minister".

Amendment of
Cap. 2.

7. Section 3 (1) of the Interpretation and General Provisions Act is amended by deleting the definitions of "alien" and "British subject" and substituting therefor in their alphabetical order the new definitions following—

"alien" means a person who is not a citizen of Kenya, a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland;

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act, 1948, of the United Kingdom;

"Commonwealth citizen" means a person who has the status of a Commonwealth citizen by virtue of section 9 of the Constitution and of any Act or order making provision for the purposes of that section;

Replacement
of "British
subject" in
all written laws.

8. Every written law other than the Constitution, the long and short title of every such law, and all subsidiary legislation is amended by deleting the words "British subject" and "British subjects" wherever they appear and substituting therefor in each case the words "Commonwealth citizen" and "Commonwealth citizens", as the case may be.