

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1979**

**No. 6 of 1979**

*Date of Assent: 10th May, 1979*

*Date of Commencement: 11th May, 1979*

**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) Act, 1979.

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.

Retrospective  
effect of  
amendments.  
Cap. 335.

3. (1) The amendment to the Cotton Lint and Seed Marketing Act shall be deemed to have come into effect on the 30th June, 1978.

No. 10 of 1978.

(2) The amendment to the Customs and Excise Act, 1978, shall be deemed to have come into effect on the 12th April, 1979.

SCHEDULE

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>
The National Assembly and Presidential Elections Act (Cap. 7).	s. 16	Renumber the existing section as subsection (2).  Insert the following new subsection— (1) Any person who at the date of his nomination for election holds or is acting in any of the offices specified in the Schedule to this Act shall be deemed to hold or to be acting in an office to which paragraph (f) of subsection (1) of section 35 of the Constitution applies and shall not be qualified to be elected as an elected member of the National Assembly.
	New Schedule	Add the following new Schedule—

SCHEDULE

1. Any member of a board, council, or governing body (however called) of, or employee of, a body corporate established by or under an Act of Parliament other than the Companies Act, the Building Societies Act, the Co-operative Societies Act or the Local Government Act.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>
		2. Any officer, other than a director who is not employed full time, or employee of a Company incorporated under the Companies Act of which the Government holds fifty per cent or more of the shares.
The Judicature Act (Cap. 8)	s. 7 (2)	Delete "four" and substitute "five".
The Magistrate's Courts Act (Cap. 10).	s. 5	Delete "three thousand shillings", "six thousand shillings" and "ten thousand shillings" and substitute respectively "six thousand shillings", "ten thousand shillings" and "twenty thousand shillings".
	s. 10 (b)	Delete "one thousand shillings" and "two thousand shillings" and substitute respectively "two thousand shillings" and "three thousand shillings".
The Government Contracts Act (Cap. 25).	New Section	Add the following new section— Non-application. 9. For the avoidance of doubt it is declared that agreements made or other instruments given under the Internal Loans Act, the External Loans and Credits Act and the Guarantee (Loans) Act are not contracts to which this Act applies.
The Government Proceedings Act (Cap. 40).	s. 23 (1)	Delete paragraph (i) of the proviso.
The Traditional Liquor Act (Cap. 122).	New Section	Insert the following new section— Public meetings prior to sittings. 5A. (1) Not more than 14 days before a sitting of a Board at which applications are to be considered, the chairman of the Board shall call public meetings of the residents of each location in which an application for the grant or renewal of a licence under this Act has been made, for the purpose of deciding which applications should proceed to consideration by the Board. (2) At such meetings the chairman shall announce orally to the meeting the details of every application for the grant or renewal of a licence and the type of licence applied for and shall call for the decision of the meeting in respect of each such application.

## SCHEDULE—(Contd.)

Written Law	Provisions	Amendment
		<p>(3) The decision of the meeting shall be arrived at by the counting by the chairman of a simple majority of votes cast by residents of the location present at the meeting; and a vote shall be cast by each such resident raising his hand in favour of or against allowing the application to proceed:</p> <p>Provided that, in the event of a tie, the application shall proceed to consideration by the Board in the same way as if a majority of votes had been cast in favour of the application proceeding.</p> <p>(4) Neither the chairman nor any member of the Board shall vote at a public meeting held under this section.</p> <p>(5) Where by decision of a meeting under this section an application is not permitted to proceed to consideration by the Board, such application shall for the purposes of this Act be deemed to have been refused by the Board.</p>
	s 6	Delete and substitute the following—
	Notification of public meetings, sittings, etc.	<p>6. (1) Not less than twenty eight days before a sitting of a Board at which applications are to be considered, the chairman of the Board shall—</p> <p>(a) specify, by notice in the Gazette—</p> <ol style="list-style-type: none"> <li>(i) the date, time and place of each public meeting to be held under section 5A;</li> <li>(ii) like particulars of the sitting of the Board; and</li> <li>(iii) the address of the office at which a list will be published under paragraph (b) of this subsection;</li> </ol>

## SCHEDULE—(Contd.)

Written Law	Provisions	Amendment
		<p>(b) prepare a notice setting out the names of the applicants, the premises to which the applications relate, and the dates, times and places of each public meeting and the sitting of the Board, and shall cause such notice to be published at the office of the District Commissioner of the district and all chiefs' location centres of the district for a period of not less than fourteen consecutive days immediately preceding the day of the first public meeting.</p>
		<p>(2) Within seven days after a sitting of a Board the chairman shall cause to be published at the places specified in subsection (1) (b) of this section, for a period of not less than twenty-one days, a return signed by the chairman specifying the names and addresses of all persons, and the situation of all premises, in respect of which—</p>
		<p>(a) a licence has been granted, renewed, transferred, removed, suspended or cancelled at the sitting; and</p>
		<p>(b) an application has been refused at the sitting or has been deemed to have been so refused under section 5A (5) after the decision of a public meeting.</p>
	s. 9	Delete subsection (1) and substitute the following—
		<p>(1) Notwithstanding the provisions of section 5A, any person may lodge an objection under this section.</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provisions</i>	<i>Amendment</i>
The Government Lands Act (Cap. 280).	s. 75 (1)	Delete all words in the subsection which appear after the words "remain unpaid" in the fourth line and substitute the following— (a) at the end of one hundred and twenty days after they became due, the amount so remaining unpaid shall be increased by a penalty equal to one fifth of such sum or fifty shillings, whichever is the greater; (b) at the end of two hundred and forty days after they became due, the amount so remaining unpaid (excluding any penalty which would have been added by virtue of paragraph (a) of this subsection) shall be increased by a penalty equal to one half of such sum or one hundred shillings, whichever is the greater.
	s. 116 (6)	Delete "twenty eight" in the fourth line and substitute "forty five".
The Registration of Titles Act (Cap. 281).	s. 57 (6)	Delete "twenty eight" in the fourth line and substitute "forty five".
The Cotton Lint and Seed Marketing Act (Cap. 335)	ss. 12 (3) and 13	Delete "31st October" and substitute "30th June".
The Tea Act (Cap. 343)	s. 13A (1)	Delete paragraphs (b) and (c) and substitute the following paragraph— (b) buys, sells, exposes for sale, transports or has in his possession any tea which to his knowledge or belief— (i) has been grown, manufactured or dried otherwise than in accordance with this Act; or (ii) is being or has been moved otherwise than in accordance with regulations controlling such movement;
The Irrigation Act (Cap. 347).	s. 2	Delete the definition of "Minister".
The Kenya Posts and Telecommunications Corporation Act (Cap. 411).	s. 116 (12)	Renumber the existing subsection as (12) (a). Insert in the bracket in the fourth line immediately before the words "a company" the words "in this subsection referred to as E.A. Extelcoms,".

Insert immediately before the words "the Corporation is a member" in the thirteenth line the words "the Government or".

Add the following new paragraph—

- (a) Pending the vesting of any property by order made under paragraph (a), it shall be lawful for Kenya External Telecommunications Company Limited (in this paragraph referred to as Kenya Extelcoms, a company incorporated in Kenya under the Companies Act and limited by shares) to manage, operate, use and deal with the property of E.A. Extelcoms for any of the purposes of Kenya Extelcoms as if such property were the property of Kenya Extelcoms, but subject to such provisions with regard to that user, including provisions for any financial adjustments or arrangements, as the Minister may from time to time direct; and Kenya Extelcoms shall have power, subject to any direction of the Minister, to have recourse to any such property and income arising therefrom for the purpose of meeting any liabilities or obligations of E.A. Extelcoms, whether or not liabilities or obligations subsequently assumed by Kenya Extelcoms under paragraph (a).

The Exchequer and Audit Act (Cap. 412). New Section

Insert the following new section—

Inspector of Statutory Boards.

26A. (1) There shall be an Inspector of Statutory Boards whose office shall be an office in the public service and whose duties shall be—

- (a) to advise the Government on all matters affecting the effective running of statutory boards, commissions or bodies;
- (b) to report periodically to the appropriate Ministers on management practices within statutory boards, commissions or bodies;
- (c) to report to the Controller and Auditor-General any cases where moneys appropriated by Parliament are not being applied by statutory boards, commissions or bodies for the purposes for which they were appropriated.

## SCHEDULE—(Contd.)

*Written Law**Provisions**Amendment*

(2) for the purposes of carrying out his duties under subsection (1) of this section the Inspector shall have the following powers—

(a) to call for and inspect all books, records, returns and documents which in his opinion relate to the accounts of, or to execution of the functions of, any statutory board, commission or body;

(b) to inspect the premises, including any plant and installation thereon, of any statutory board, commission or body;

(c) to attend meetings of any statutory board, commission or body if in his opinion it is necessary to do so for the effective carrying out of his duties under this section.

(3) The Controller and Auditor-General may, if he considers it desirable, require the Inspector to conduct special investigations on his behalf and to report the findings to him.

(4) There may be appointed such staff as are necessary to assist the Inspector in the performance of his duties under this section.

The Customs and Excise Act, 1978 (No. 10 of 1978)

s. 236

Delete the words "six months" and substitute "thirty months".