

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1988**

**No. 13 of 1988**

*Date of Assent: 14th December, 1988*

*Date of Commencement: 16th December, 1988*

**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, 1988. Short title.

2. (1) 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 of that Schedule, in the manner specified in relation thereto in the third column. Amendment of written laws and dates on which amendments take effect.

(2) The amendments to the Land Control Act shall be deemed to have come into operation on the 31st December, 1987. Cap. 302.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Law Reform Commission Act (Cap. 3).	s. 2	In subsection (1), delete the words "four other commissioners" and insert "six other commissioners".  Insert the following new subsection immediately after subsection (6)— (7) The appointment of, or service by, a person who holds the office of a judge of the High Court or Court of Appeal in accordance with the provisions of Part I of Chapter IV of the Constitution as the chairman or commissioner shall not affect the tenure of his judicial office or his rank, status, salary or allowance and such service shall be regarded as judicial service.
The Criminal Procedure Code (Cap. 75).	s. 36	Delete the words "or treason" and insert "treason, robbery with violence and attempted robbery with violence".
The Betting, Lotteries and Gaming Act (Cap 131).	s. 3	Insert the following new subsection (2A) immediately after subsection (2)— (2A) The members referred to in paragraphs (a) and (e) of subsection (1) shall hold office for a period of three years from the date of their appointment, but shall be eligible for re-appointment.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Immigration Act (Cap. 172).	Schedule	Delete paragraph (a) under <i>class K</i> and insert the following new paragraph— (a) is not less than thirty-five years of age.
The University of Nairobi Act (Cap. 210).	s. 23	Delete the expression “the Controller and Auditor-General” wherever it appears and insert “the Auditor-General (Corporations)”.
The Moi University Act (Cap. 210A).	s. 21	Delete the expression “the Controller and Auditor-General” wherever it appears and insert “the Auditor-General (Corporations)”.
The Universities Act (Cap. 210B).	s. 19(2)	Delete the expression “the Controller and Auditor-General” and insert “the Auditor-General (Corporations)”.
	s. 20(1) and (2)	Delete the expression “the Controller and Auditor-General” wherever it appears and insert “the Auditor-General (Corporations)”.
	s. 20(3)	Delete the expression “the Controller and Auditor-General’s report” and insert “the report of the Auditor-General (Corporations)”.
The Kenyatta University Act (Cap. 210C).	s. 21	Delete the expression “the Controller and Auditor-General” wherever it appears and insert “the Auditor-General (Corporations)”.
The Kenya National Library Services Board Act (Cap. 225).	s. 9(2)	Delete and insert the following— (2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Trade Disputes Act (Cap. 234).	s. 14(1), (3), (5) and (6)	Delete and insert the following— (1) For the purpose of the settlement of trade disputes and of matters relating thereto the President may by order establish an Industrial Court consisting of— (a) such number of judges, not being less than two, as may be determined by the President;

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		<p>(b) eight other members, who shall be appointed for terms of not less than three years by the Minister after consultation with the Central Organization of Trade Unions and the Federation of Kenya Employers:</p> <p>Provided that whenever it appears to be expedient a judge may appoint two assessors, one to represent employees, from a panel of assessors appointed by the Minister, to assist in the determination of any trade dispute before the Court.</p> <p>(1A) A person shall not be qualified to be appointed as a judge under subsection (1) unless he is an advocate of the High Court of Kenya of not less than seven years' standing.</p> <p>(1B) A person appointed as a judge under subsection (1) shall hold office for a term of not less than five years.</p> <p>(3) A judge of the Court and the other members shall be eligible for re-appointment.</p> <p>(5) The jurisdiction of the Court shall be exercised by a judge and two of the other members of the Court selected by him for that purpose; and the Court shall sit in divisions.</p> <p>(6) The judges of the Court shall rank among themselves according to the priority of their respective appointments as judges of the Court.</p>
The Local Government Act (Cap. 265).	s. 26 s. 39(1) s. 46	Delete the proviso and insert the following— Provided that the total number of councillors nominated or appointed under paragraphs (b) and (c) shall not exceed one-third of the number of elected councillors under paragraph (a) or where the number of elected councillors is not divisible by three the next lowest number so divisible.
The Local Authorities Provident Fund Act (Cap. 272).	s. 21(5)	Delete the definition of "financial year" and insert the following— "financial year" means the period from the 1st July to 30th June or such other period as the Minister may at any time by writing addressed to the Board appoint for the purposes of this section.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (Cap. 301).	s. 2(1)	Delete the words "or assignment of" appearing in the definition of "tenancy".
The Land Control Act (Cap. 302).	s. 2	Delete the words "or a debenture within the meaning of that Act or any interest or right therein" appearing in the definition of "share".
	s. 6(1)	Insert the following paragraph immediately after paragraph (b)—  (c) the issue, sale, transfer, mortgage or any other disposal of or dealing with any share in a private company or co-operative society which for the time being owns agricultural land situated within a land control area.
The Mining Act (Cap. 306)	s. 12	Insert the following new subsection immediately after subsection (6)—  (6A) Any person who possesses or deals in any mineral without a mineral dealer's licence shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both; and the minerals in respect of which the offence was committed shall be forfeited to the Government.
The Trading in Unwrought Precious Metals Act (Cap. 309).	s. 3	Delete paragraph (b) of subsection (1).
		Delete subsection (2).
The Diamond Industry Protection Act (Cap. 310).	s. 11(2) and (3)	Delete subsection (2) and insert the following—  (2) The fee for a licence shall be ten thousand shillings.
		Delete the proviso to subsection (3).
The Agricultural Produce Marketing Act (Cap. 320).	s. 14(3)	Delete and insert the following—  (3) The accounts of every Marketing Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The National Cereals and Produce Board Act (Cap. 338).	s. 25(2)	Delete the expression "the Controller and Auditor-General" and insert "the Auditor-General (Corporations)".

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Pyrethrum Act (Cap. 340)	s. 31(2)	Delete and insert the following— (2) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Sisal Industry Act (Cap. 341).	s. 10(1)	Delete and insert the following— (1) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Agricultural Development Corporation Act (Cap. 346).	s. 17(2)	Delete and insert the following— (2) The accounts of the Corporation shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Irrigation Act (Cap. 347)	s. 22(1)	Delete and insert the following— (1) The accounts of the Board shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Pig Industry Act (Cap. 361)	s. 7(3)	Delete and insert the following— (3) The accounts of the Board shall be examined, audited and reported annually by the Auditor-General (Corporations).
The Kenya Meat Commission Act (Cap. 362).	s. 16	Delete the expression "the Controller and Auditor-General" wherever it appears and insert "the Auditor-General (Corporations)".
The State Corporations Act (Cap. 446).	s. 26(1) (a)	Delete and insert the following— (a) The Permanent Secretary in the Office of the President who shall be the chairman.
	s. 29	Delete the words "or which or who restricts the Inspector in the performance of his duties" and insert "or which or who restricts the Auditor-General (Corporations) or the Inspector in the performance of his duties".
Investment Promotion Centre Act (Cap. 485)	s. 5(4)	Delete and insert the following— (4) A member appointed under subsection (1) (e) may resign by notice in writing addressed to the chairman of the Board.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Kenya Post Office Savings Bank Act (Cap. 492B).	s. 12 (1)	Delete the expression “the Controller and Auditor-General” and insert “the Auditor-General (Corporations)”.
The Hotels and Restaurants Act (Cap. 494).	s. 21(2)	Delete subsection (2) and insert the following— (2) The accounts of the Trustees shall be examined, audited and reported upon annually by the Auditor-General (Corporations).
The Standards Act (Cap. 496)	s. 8(4)	Delete the expression “the Controller and Auditor-General” and insert “the Auditor-General (Corporations)”.
The Insurance Act (No. 1 of 1985).	s. 143(2)	Delete the expression “the Controller and Auditor-General” and insert “the Auditor-General (Corporations)”.