

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1985**

**No. 19 of 1985**

*Date of Assent: 23rd December, 1985*

*Date of Commencement: 27th December, 1985*

**An Act of Parliament to make miscellaneous minor amend-  
ments 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, 1985.

Amendment of  
statutes.

**2.** The Acts specified in the Schedule are amended to the extent specified in the Schedule.

SCHEDULE

- (s. 2)

<i>Act</i>	<i>Provision</i>	<i>Amendment</i>
The Advocates Act (Cap. 16)	s. 64	Insert at end the following subsection—  (3) An appeal under this section shall not suspend the effect or stay the execution of the order appealed against, notwithstanding that the order is not a final order within the meaning of section 71 of this Act.
	s. 70	(a) Renumber existing section as subsection (1); (b) Insert at end the following subsection—  (2) An appeal under this section shall not suspend the effect or stay the execution of the decision or order appealed against, notwithstanding that the order concerned is not a final order within the meaning of section 71 of this Act.
The Civil Procedure Act (Cap. 21).	s. 27(2)	Repeal the words "six per cent per annum" and substitute the words "fourteen per cent per annum".
The Criminal Procedure Code (Cap. 75).	s. 123(3)	Repeal the words " , save where a person is accused of murder, treason, robbery with violence or attempted robbery with violence," and substitute the words "in any case, whether or not an accused person has been committed for trial,".

## SCHEDULE—(Contd.)

<i>Act</i>	<i>Provision</i>	<i>Amendment</i>
The Evidence Act (Cap. 80)	s. 3(1)	In the definition of "bank", repeal paragraphs (a) and (b) and substitute the following paragraphs— <ul style="list-style-type: none"> <li>(a) a financial institution within the meaning of section 2 of the Banking Act;</li> <li>(b) the Kenya Post Office Savings Bank established by the Kenya Post Office Savings Bank Act;</li> <li>(c) the Co-operative Bank of Kenya Limited; and</li> <li>(d) for the purposes of sections 176 and 177, any person or company or other body of persons carrying on banking business in Tanzania or Uganda.</li> </ul>
The Trustees (Perpetual Succession) Act (Cap. 164)	s. 2	Insert the following definition in appropriate alphabetical sequence— <p>"pension fund" means a fund established under trusts subject to the law of Kenya, in connection with an undertaking or combination of undertakings carried on wholly or partly in Kenya, being a fund of which the main purpose is—</p> <ul style="list-style-type: none"> <li>(a) the provision of superannuation allowances on retirement to persons employed in the undertaking or combination of undertakings in connection with which the fund is established; or</li> <li>(b) the provision of pensions during widowhood to the widows of persons who are or have been so employed and of periodical allowances to or in respect of children of those persons; or</li> <li>(c) the assurance of capital sums on the death of persons who have been so employed,</li> </ul> <p>whether or not the fund has been approved and registered pursuant to and for the purposes of the Income Tax Act;</p>
	Cap. 470 s. 3(1)	Insert after the words "any such purpose," the words "or the trustees of a pension fund".

## SCHEDULE—(Contd.)

<i>Act</i>	<i>Provision</i>	<i>Amendment</i>
The Pensions (Increase) Act (Cap. 190).	s. 3	(a) Number existing section as subsection (1);  (b) In proviso (iii) to new subsection (1) insert after the word "except" the words ", subject to subsection (2)."; and  (c) Insert at end the following subsections—  (2) Proviso (iii) to subsection (1) shall not operate with respect to any pension not exceeding sixty pounds per annum.  (3) Subsection (2) shall be deemed to have come into force on 1st July, 1977.
The Provident Fund Act (Cap. 191).	s. 2(1)	Insert the following definition in appropriate alphabetical sequence—  "General Fund Services" means services which were being administered by the East African Community on behalf of the Republic of Kenya, the United Republic of Tanzania and the Sovereign State of Uganda under the provisions of Article 43(2) of the Treaty for East African Co-operation, as listed in the Sixth Schedule to the Pensions Act;
	Cap. 189	
	s. 3(2)	Repeal the words "Chief Accountant" and substitute the words "Accounts Controller".
	s. 4	Insert after subsection (2) the following subsections—  (2A) Every Kenya citizen who on the 1st July, 1977 was an employee in the General Fund Services of the East African Community and on that date was a depositor to the East African Community Staff Provident Fund established under the Provident Fund Act of the Community shall be deemed to have been a depositor to the Fund established under this Act from the date on which he became a depositor to the East African Community Staff Provident Fund.  (2B) Subsection (2A) and the definition of "General Fund Services" shall be deemed to have come into force on the 1st July, 1977.
	E.A. Cap. 13	

## SCHEDULE—(Contd.)

Act	Provision	Amendment
The Local Authorities Provident Fund Act (Cap. 272).	s. 3	In the definition of "salary" repeal the words "and does not include any other payment or allowance whatsoever".
	s. 5(1)	<p>(i) Repeal paragraphs (a) and (b) and substitute the following paragraphs—</p> <p>(a) seven members appointed by the Minister, one to represent each province;</p> <p>(b) one member appointed by Nairobi City Commission;</p> <p>(c) two members appointed by the Association of Local Government Authorities of Kenya (or such other body as may for the time being have succeeded to the functions of that Association);</p> <p>(d) three members to represent members of the staffs of local authorities, appointed by the Minister after consultation with such local government associations and trade unions as he considers to be representative of those staffs;</p> <p>(e) the Principal Local Government Financial Officer.</p>
		<p>(ii) At end insert the following subsection—</p> <p>(1A) The chairman and vice-chairman shall be appointed from among the members by the Minister.</p>
	s. 8(1)	Repeal the words "basic salary" and substitute the words "gross salary".
The Registered Land Act (Cap. 300).	s. 33(3)	Repeal the word "chargor" and substitute the word "chargee".
The Kerio Valley Development Authority Act (Cap. 441).	s. 4(1)	<p>Insert at end the following paragraph—</p> <p>(l) The Permanent Secretary to the Government department for the time being responsible for development co-ordination and Cabinet affairs;</p>
The Customs and Excise Act (Cap. 472)	First Sch. Section IV Chapter 22	For tariff heading 22.08.001 (Denatured Spirits), in the fourth column repeal the words "Per Litre Shs. 72/60" and substitute the words "Per Litre Cents 72.60".

## SCHEDULE—(Contd.)

<i>Act</i>	<i>Provision</i>	<i>Amendment</i>
The Customs and Excise Act (Cap. 472)	First Sch. Section V Chapter 27	For tarriff heading 27.10.082 (Lubricating grease), in the fourth column repeal the words "Per Kg. Shs. 53/20" and substitute the words "Per Kg. Cents 53/20".
The Companies Act (Cap. 486).	s. 96(2)(a)	Repeal the words "other than a charge registered under the Registered Land Act relating solely to immovable property".
	s. 96(2)(d)	Repeal the words "other than a charge registered under the Registered Land Act".
The Transfer of Property Act, 1882 of India. (Applied Acts. Group 8).	s. 60	In the proviso (being the second paragraph of the section) insert at the end after the words " a court" the words "and is exercised before the mortgagee has, under the provisions of this Act, either by public auction or private contract entered into a binding contract for sale of the mortgaged property".
The Petroleum (Exploration and Production) Act, 1984 (No. 14 of 1984).	s. 11(1)	Repeal the words "the petroleum industry" and substitute the words "petroleum operations".
The Universities Act, 1985 (No. 5 of 1985).	s. 4(1)	Insert at the end the following paragraph— (i) the Permanent Secretary to the Ministry for the time being responsible for planning and national development.