

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 1987**

**No. 22 of 1987**

*Date of Assent: 30th December, 1987*

*Date of Commencement: 31st December, 1987*

**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, 1987. Short title.

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 of that Schedule, in the manner specified in relation thereto in the third column. Amendment of written laws.

SCHEDULE

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Revision of the Laws Act (Cap. 1).	s. 5	Insert the following new subparagraph (iii) at the end of paragraph (e)—  (iii) the Act in question not yet being in force at the time of a given revision.
The Advocates Act (Cap. 16)	s. 3(1)(e)	Delete the words "East Africa" and insert the word "Kenya".
	s. 11(a)	Delete the expression "or ordinarily resides in Kenya".
The Limitation of Actions Act (Cap. 22).	s. 42	Insert the following new paragraph (h) after paragraph (g)—  (h) civil proceedings brought under the National Social Security Fund Act for the recovery of any contributions or any other sum and any penalty or interest thereon.
		Cap. 258

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Penal Code (Cap. 63)	s. 278	Delete and insert a new section as follows—  Stealing of stock. 278. If the thing stolen is any of the following things, that is to say, a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat or pig, or the young thereof the offender is liable to imprisonment for a period not exceeding fourteen years together with corporal punishment.
	s. 308(1)	Delete and insert the following new subsection (1)—  (1) Any person found armed with any dangerous or offensive weapon in circumstances that indicate that he was so armed with intent to commit any felony is guilty of a felony and is liable to imprisonment with hard labour for a term not exceeding fourteen years together with corporal punishment.
	s. 322(2)	Delete and insert the following new subsection (2)—  (2) A person who handles stolen goods is guilty of a felony and is liable to imprisonment with hard labour for a term not exceeding fourteen years.
The Extradition (Contiguous and Foreign Countries) Act (Cap. 76).	s. 2(1)	Delete the definition of "magistrate" and insert the following—  "magistrate", except in subsection (2), means a Principal Magistrate, a Senior Resident Magistrate or a Resident Magistrate.
The Books and Newspapers Act (Cap. 111).	s. 6(1)	Insert a new paragraph (c) as follows—  (c) in order to facilitate the publication of the national bibliography of Kenya under section 4(k) of the Kenya National Library Service Board Act, before or within fourteen days after publication of the book, at his own expense, deliver to the Director, Kenya National Library Service, two copies thereof, together with a return in respect thereof in the prescribed form, containing the prescribed particulars and signed by him.
		Cap. 225A

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 6(5)	<p>Renumber the existing provision as paragraph (a) of subsection (5) and insert a new paragraph (b) as follows—</p> <p>(b) upon receipt of a copy of a book delivered to him under subsection (1)(c), the Director, Kenya National Library Service, shall acknowledge receipt thereof in writing to the publisher.</p>
	Marginal note to s. 6.	Insert the words "and to the Director, Kenya National Library Service" after the word "Registrar".
The Housing Act (Cap. 117).	s. 4	<p>Delete subsections (6) and (7) and insert the following—</p> <p>(6) The seal of the Corporation shall be authenticated by the signature of the chairman of the Corporation, or any other member of the Corporation authorized in that behalf, and the officer for the time being the managing director of the Corporation, and such seal shall be officially and judicially noticed.</p> <p>(7) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman, or any other member of the Corporation authorized in that behalf.</p>
The Liquor Licensing Act (Cap. 121).	s. 34	Delete subsection (2) thereof.
The Betting, Lotteries and Gaming Act (Cap. 131).	s. 40(2)(c)	Delete the expressions "two thousand shillings" and "one shilling" and insert the expressions "five thousand shillings" and "five shillings".
	s. 40(2)(e)	Delete the expression "ten per centum" and insert the expression "fifteen per centum".
	s. 40(2)(g)	Delete the expression "fifteen thousand shillings" wherever it occurs and insert the expression "fifty thousand shillings".
	s. 41(1)	<p>Delete the expression "two hundred shillings" occurring in paragraph (a) (iii) and insert the expression "one thousand shillings".</p> <p>Insert the following new paragraph immediately after paragraph (h)—</p> <p>(i) No ticket or chance shall be sold at a price exceeding ten shillings.</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 56(1)(a)(ii)	Delete the expression "two hundred shillings" and insert the expression "one thousand shillings".
The Trustees (Perpetual Succession) Act (Cap. 164)	s. 2	Insert the following new definition in appropriate alphabetical sequence—  "provident fund" means a fund, whether or not approved and registered pursuant to and for the purposes of the Income Tax Act, which is established under an irrevocable trust and which is established by or on behalf of an employer with the principal object of providing for the payment of lump sums to his employees in respect of their service with him upon their leaving that service after a specified period thereof, or to any of the dependants, or to the estate, of any of those employees on their death while in that service;
	s. 3(1)	Cap. 470 Insert after the words "or the trustees of a pension fund" the words "or provident fund".
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 sixty years of age.
The Parliamentary Pensions Act (Cap. 196).	s. 5(2)	Delete the words "six months" in that subsection and the words "three years" in the proviso thereto and substitute the words "one year" and the words "four years" respectively.
The Films and Stage Plays Act (Cap. 222).	s. 2	Delete the definition of "film" and insert the following— "film" means a cinematographic film, recorded video cassette film, recorded video discs, any recorded audio-visual medium, and includes any commentary (wherever spoken and whether the person speaking appears in the film or not), and any music or other sound effect, associated with the film, and any part of a film.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		<p>Delete the definition of "making of a film" and insert the following—</p> <p>"making of a film" means the acts of photographing, performing or otherwise taking part in or arranging any scenes or episodes for the purpose of the production of a film and includes the recording of a film on a video cassette, video disc or other audio-visual medium.</p>
The Workmen's Compensation Act (Cap. 236).	s. 2(1)	In paragraph (i) of the proviso thereto delete the words "twenty-four thousand shillings" and insert the words "forty-eight thousand shillings".
	s. 6	In paragraph (a) delete the expression "a sum equal to forty-one months' earnings or twenty-nine thousand shillings whichever is less" and insert the expression "a sum equal to sixty months' earnings or thirty-five thousand shillings whichever is greater".
	s. 7	<p>In paragraph (c), delete the words "the sum of five hundred shillings" and insert "the sum of two thousand shillings".</p> <p>Delete subsection (1) and the proviso thereto and insert the following new subsection—</p> <p>(1) Where permanent total incapacity results from the injury, the amount of compensation shall be a sum equal to sixty months' earnings.</p>
	s. 8	<p>Delete subsection (1) and the proviso thereto and insert the following new subsection—</p> <p>(1) Where the permanent partial incapacity results from the injury, the amount of compensation shall be—</p> <p>(a) in the case of an injury specified in the Second Schedule to this Act, such percentage of sixty months' earnings as is specified therein as being the percentage of the loss of of earning capacity caused by that injury; and</p> <p>(b) in the case of an injury not specified in the Second Schedule to this Act, such percentage of sixty months' earnings as is proportionate to the loss of earnings capacity permanently caused by the injury.</p>
	s. 22(1)	In paragraph (a), delete the words "six thousand" and insert the words "fifteen thousand"; and

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
The Local Government Act (Cap. 265).	s. 252(3)	<p>In paragraph (b), delete the words "four thousand" and insert the words "ten thousand".</p> <p>Delete the proviso and insert the following new proviso—</p> <p>Provided that such period of two years may be extended—</p> <p>(i) by the Minister by order, by a further period not exceeding one year;</p> <p>(ii) thereafter by the Minister, by order made with authority of a resolution of the National Assembly, for an additional period or additional periods.</p>
The Registered Land Act (Cap. 300).	s. 48	<p>Delete the fullstop at the end thereof and insert a colon and the following proviso—</p> <p>Provided that the Registrar may, upon receipt of adequate proof, dispense with the consent of the lessor—</p> <p>(i) if he is satisfied that the lessor is dead and that there is no personal representative of the lessor; or</p> <p>(ii) if he considers that the consent of the lessor or the personal representative, as the case may be, cannot be obtained or that it can be obtained only with difficulty or at unreasonable expense and shall, after making such enquiries as he may deem necessary in the circumstances, record on the document his reason for dispensing with the consent and note such dispensation in the register.</p>
The Land Control Act (Cap. 302).	s. 6(1) s. 9(1) (c)	<p>Delete paragraph (c)</p> <p>Insert the following new subparagraph (iv)—</p> <p>(iv) a state corporation within the meaning of the State Corporations Act, 1986.</p>
The National Cereals and Produce Board Act (Cap. 338)	s. 3(1)	<p>Insert the following paragraph after paragraph (d)—</p> <p>(da) The Permanent Secretary of the Ministry for the time being responsible for matters relating to the Board, or a person deputed by him in writing either generally or for a particular purpose or meeting.</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	New section	Insert the following new section 30A immediately after section 30—  Forfeiture. 30A. On any conviction for an offence under this Act or any regulations made thereunder, the court may, in addition to any penalty otherwise imposed—  (a) order that any maize, wheat or scheduled agricultural produce in respect of which the offence is committed be forfeited to the Board, or where the maize, wheat or scheduled agricultural produce has been disposed of so as to be unavailable for such forfeiture, that the person guilty of the offence pay to the Board an amount not exceeding the value of the maize, wheat or scheduled agricultural produce; and  (b) order that anything seized, removed or detained or taken into charge under any of the provisions of this Act other than the maize, wheat or scheduled agricultural produce shall be forfeited:  Provided that a vehicle, aircraft, pack animal or vessel shall not be so forfeited if the owner thereof satisfies the court that it was used in connection with the offence without his consent or acquiescence.
The Kenya Tourist Development Corporation (Cap. 382)	s. 2	Delete the definition of "General Manager" and insert the following definition in appropriate alphabetical sequence—  "managing director" means the managing director of the Corporation appointed under section 6 of this Act.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 5(b) (iv)	Delete and insert the following new subparagraph—  (iv) not less than one shall be appointed to represent the interests of tour operators, air charter operators or travel agents;
	s. 6	Delete the words "General Manager" wherever they occur and insert the words "managing director".
	s. 9(3)	Delete the expression "seven million pounds" and insert the expression "thirteen million two hundred and fifty thousand pounds".
	s. 14	Delete subsections (3), (4) and (5) and insert the following new subsection (3)—  (3) The accounts of the Corporation shall be audited by the Auditor-General (Corporations) in accordance with Part VII of the Exchequer and Audit Act.
	Cap. 412	
The Civil Aviation Act (Cap. 394)	s. 10(1)	Delete the full stop and insert the words and full stop "or to be removed."
The Kenya Posts and Telecommunications Corporation Act (Cap. 411)	New section	Insert the following new section 116A immediately after section 116—  Vesting of Kenya External Telecommunications assets, etc. in the Corporation. 116A The Minister may by order— (a) provide that from a specified date (which date may be on or after the 3rd June, 1982) the property, assets, rights, obligations, liabilities of and proceedings by or against the Kenya External Telecommunications Company Limited, in this section referred to as the "company", (a company incorporated in Kenya under the Companies Act and limited by shares of which the Government and the Corporation were members), shall by virtue of the order as the case may be vest without conveyance, transfer or assignment in, be imposed on or be continued by or against the Corporation;

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		<p>(b) provide that from the specified date, subject to such exemptions as may be contained in the order, employees of the company shall be employees of the Corporation; and make provision consequent upon such transfer or exception;</p> <p>(c) make provision with respect to pensions or provident fund benefits of employees of the company and with respect to the pension scheme and provident fund of the company;</p> <p>(d) make such other provision, including adaptations of or exemptions from this Act or any other written law, as appears to him necessary or expedient in connection with the vesting of the property, assets, rights, obligations and liabilities of the company in the Corporation.</p>
The Exchequer and Audit Act (Cap. 412)	s. 29	<p>Insert a new subsection as follows—</p> <p>(5) In the exercise and performance of his powers and duties under this Act, the Auditor-General (Corporations) and any person authorized under subsection (2) (b) shall not be subject to the direction or control of any other person or authority.</p>
	s. 30A(4)	Delete “subsection (3)” and insert “subsection (2)”.
The Customs and Excise Tax Act (Cap. 472)	First Schedule	<p>CHAPTER 71</p> <p>Delete Tariff No. 71.07.019 and Statistical Code 991 1 19 and insert the number 71.07.020 and Code 991 1 10.</p> <p>CHAPTER 72</p> <p>For Tariff No. 72.01.021 delete the Statistical Code 992 0 01 and insert the Code 992 0 21.</p> <p>For Tariff No. 72.01.029 delete the Statistical Code 992 0 09 and insert the Code 992 0 29.</p>

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	CHAPTER 73	
	For Tariff No. 73.13.021 delete the Statistical Code 674 5 21 and insert the Code 674 5 11.	
	For Tariff No. 73.13.029 delete the Statistical Code 674 5 29 and insert the Code 674 5 19.	
	CHAPTER 84	
	Delete Tariff No. 84.30.029 and Statistical Code 727 2 99 and insert respectively the number 84.30.020 and the Code 727 2 90.	
	CHAPTER 85	
	Delete Tariff No. 85.15.034 and Statistical Code 761 2 04 and insert respectively the number 85.15.033 and the Code 761 2 03.	
	Delete Tariff No. 85.21.069 and Statistical Code 776 8 99 and insert respectively the number 85.21.060 and the Code 776 8 90.	
	CHAPTER 87	
	Delete Tariff No. 87.04.000 and insert the number 87.04.009.	
	CHAPTER 89	
	For Tariff No. 89.01.010 delete the import duty "33 $\frac{1}{2}$ %" and insert "FREE".	
	CHAPTER 90	
	For Tariff No. 90.17.039 delete the Statistical Code 87 2 099 and insert the Code 87 2 029.	
	CHAPTER 92	
	For Tariff No. 92.11.022 delete the Statistical Code 783 1 82 and insert the Code 763 1 82.	
	For Tariff No. 92.12.011 delete the Statistical Code 893 3 11 and insert the Code 898 3 11.	
	For Tariff No. 92.12.019 delete the Statistical Code 893 3 19 and insert the Code 898 3 19.	
The Sales Tax Act (Cap. 476).	First Schedule	Delete the Tariff No. "20.04.000" appearing immediately after the Tariff No. 22.03.009 and insert the Tariff No. "22.04.000".

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
		For Tariff No. 92.12.029 delete the rate of tax "35%" and insert the rate of tax "50%".
		For Tariff No. 92.13.009 delete the rate of tax "50%" and insert the rate of tax "100%".
Second Schedule	Delete the items relating to Tariff Numbers 30.01.121, 37.01.001, 37.04.000, 85.11.052, 85.21.032.	
	Insert the following items in appropriate numerical sequence—	
	11.04.001	Yellow gram flour.
	39.01.032	Phenoplasts in the form of plates, sheets, film, foil or strip (other than sheets, film or foil of a kind used in the manufacture of packing materials).
	39.01.121	Polyamides in the form of sheets, film or foil, of a kind used for the manufacture of packing materials.
	84.40.040	Drying machines, industrial.
	84.40.069	Other machinery and machines.
	84.40.071	Parts of industrial drying machines and other machinery and machines.
	85.01.011	Solar D.C. motors and generators.
	85.01.019	Other D.C. motors and generators.
	85.01.031	Solar A.C. generators.
	85.01.039	Other A.C. generators.
	85.21.031	Solar cells and solar modules not equipped with any elements like diodes, batteries and similar equipment.
	86.07.000	Railway and tramway goods vans, goods wagons and trucks.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	86.08.000	Containers specially designed and equipped for carriage by one or more modes of transport.
	86.09.000	Parts of railway and tramway locomotives and rolling stock.
	86.10.000	Railway and tramway track fixtures and fittings, mechanical equipment, not electrically powered, for signalling to or controlling road, rail or other vehicles, ships or aircraft; parts of the foregoing fixtures, fittings and equipment.
	87.01.010	Track-laying tractors.
	87.01.030	Wheeled tractors (other than those falling within tariff heading 87.07).
	87.02.043	Ambulances and hearses.
	87.03.001	Fire engines, fire escapes and street cleaning vehicles.
	87.03.004	Mobile radiological units and mobile clinics.
	87.04.001	Chassis fitted with engines for track-laying tractors of Tariff No. 87.01.010.
	87.04.003	Chassis fitted with engines for wheeled tractors of Tariff No. 87.01.030.
	87.05.001	Bodies for track-laying tractors of Tariff No. 87.01.010.
	87.05.003	Bodies for wheeled tractors of Tariff No. 87.01.030.
	87.08.000	Tanks and other armoured fighting vehicles, motorized whether or not fitted with weapons and parts of such vehicles.
	87.11.001	Invalid carriages fitted with means of mechanical propulsion (motorized or not).
	87.11.002	Invalid carriages, other.
	87.12.002	Parts and accessories of invalid carriages of tariff heading 87.11.

## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	87.14.031	Wheelbarrows, not mechanically propelled.
	87.14.033	Carts (public service) for collection and disposal of refuse, not mechanically propelled.
	88.03.001	Parts of aircraft falling in tariff Nos. 88.02.020, 88.02.040 and 88.02.050.
	88.03.009	Parts of balloons, airships and aircraft of tariff Nos. 88.01.000, 88.02.010 and 88.02.030.
	89.01.010	Warships of all kinds.
	89.02.000	Vessels specially designed for towing (tugs) or pushing other vessels.
	89.03.000	Light-vessels, fire floats, dredgers of all kinds, floating cranes and other vessels the navigability of which is subsidiary to their main function; floating docks; floating or submersible drilling or production platforms.
	89.04.000	Ships, boats, and other vessels for breaking up.
	89.05.000	Floating structures other than vessels (for example, cofferdams, landing stages, buoys and beacons).
	90.04.001	Spectacles and other articles for correcting vision.
The Banking Act (Cap. 488).		Delete the definition of "company" and insert the following— "company" means— (a) a company wholly owned directly or indirectly by the Government of Kenya or the government of a foreign sovereign state; or (b) a public company within the meaning of the Companies Act; or

## SCHEDULE—(Contd.)

Written Law	Provision	Amendment
		(c) a foreign company within the meaning of Part X of the Companies Act which has complied with the requirements of that Part.
	s. 3 (1)	Insert the words "or licensed financial institution" immediately after the words "licensed bank" and insert a new paragraph (aa) immediately after paragraph (a) as follows—  (aa) transact the business of a financial institution.
	s. 3 (1A)	Delete paragraph (a) and insert the following—  (a) the company is registered as a public company under the Companies Act and, unless it is a subsidiary of a company incorporated outside Kenya as a company having the equivalent attributes of a public company in Kenya, no member thereof owns or controls shares or assets in excess of twenty-five per centum of its share capital; or  Delete paragraph (c) and insert the following—  (c) the company is wholly owned directly or indirectly by the Government of Kenya or by the government of a foreign sovereign state.
The Hotels and Restaurants Act (Cap. 494).	s. 4(1)	Insert the following paragraph (d)—  (d) no person shall exercise overall control over the day-to-day operation of a restaurant, whether he is the owner or the manager of the restaurant, unless he is the holder of a restaurant manager's licence.
The Investment Promotion Centre Act, 1986 (No. 3 of 1986).	s. 5 (1)	Delete paragraph (a) and insert the following—  (a) the Permanent Secretary in the Office of the President or his representative.
	s. 5 (3)	Delete the words "by notice in writing to the Chief Secretary".