

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) (No. 2) ORDINANCE, 1961**

No. 28 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE FOR PROMOTING THE REVISION
OF THE STATUTE LAW BY MAKING MINOR
AMENDMENTS TO CERTAIN WRITTEN LAWS
AND FOR PURPOSES CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Statute Law (Miscellaneous Amendments) (No. 2) Ordinance, 1961.

Amendment of Ordinances.

2. The several Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column, of such Schedule.

Provision concerning the Detention Camps Ordinance. Cap. 80.

3. For the avoidance of doubt, it is hereby declared that section 9 of, and the Schedule to, the Detention Camps Ordinance were included in error in the 1948 Revised Edition of the Laws of Kenya, and have, since such inclusion, had no effect or force whatsoever.

SCHEDULE

Criminal Procedure Code s. 2
(Cap. 27, R.E. 1961)

In the definition of "summary trial", delete "Part V", and substitute "Part VI".

s. 86

Delete "any such private person", and substitute "any private person".

1st Sch.

(a) In the first column, delete the section number "209" and the section number "233" where it appears for the second time, and substitute the numbers "229" and "235" respectively;

(b) insert, immediately after the item concerning section 323 (2) of the Penal Code, a new item as follows—

SCHEDULE—(Contd.)

Criminal Procedure Code (Cap. 27, R.E. 1961)		<p>column 1: (3)</p> <p>column 2: Assisting in concealing or disposing of property unlawfully obtained.</p> <p>column 3: May arrest without warrant.</p> <p>column 4: Imprisonment for three years.</p> <p>column 5: Subordinate court of the first or second class.</p>
	2nd Sch.	<p>In form 1, delete "section 204", and substitute "section 205".</p> <p>In form 3, delete "section 203", and substitute "section 206".</p> <p>In form 4, delete "section 139", and substitute "section 140".</p> <p>Delete form 16.</p> <p>In form 17, delete "cocoa", and substitute "coffee".</p>
Bankruptcy Ordinance (Cap. 30)	s. 85	Delete "and shall be entitled to charge for such list the sum of fifty cents per folio of one hundred words, together with the cost of the postage thereof", and substitute "on payment of fee of one shilling for every folio of one hundred words, but not less than five shillings in any case".
Deeds of Arrangement Ordinance (Cap. 31)	s. 19	Delete "shall be guilty of a misdemeanour", and substitute "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 such fine and such imprisonment".
Public Trustee Ordinance (Cap. 37)	s. 29 s. 3	<p>Delete "with the concurrence of the Governor".</p> <p>Delete "a Deputy and Assistant Public Trustee", and substitute "a Deputy Public Trustee and one or more Assistant Public Trustees".</p>
Aliens Restriction Ordinance (Cap. 54)	s. 2	Delete.

SCHEDULE—(Contd.)

Official Secrets Ordinance (Cap. 64)	s. 5 (1)	Delete "a misdemeanour", and substitute "an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand shillings, or to both such imprisonment and such fine".
Asiatic Widows' and Orphans' Pension Ordinance (Cap. 74)	s. 2 (1)	Insert, in its proper place, a new definition— "Karachi Agents" means the agents in Pakistan for the Government of Kenya.
Probation of Offenders Ordinance (Cap. 79)	s. 4 (2)	Delete "Chief Secretary", and substitute "Minister".
	s. 10 (5)	Delete "Chief Secretary", and substitute "Minister".
Trust Land Ordinance (Cap. 100)	s. 31 (5)	Delete "the Town Planning Ordinance", and substitute "any law for the time being in force relating to town and country planning".
Public Health Ordinance (Cap. 130)	s. 2	Delete "Governor" and "proclamation" wherever they appear, and substitute in each case "Minister" and "order" respectively.
	ss. 8, 11, 12 and 14	Delete "Governor" wherever it appears, and substitute in each case "Minister".
	s. 35	Delete "Governor may declare by proclamation", and substitute "Minister may, by order, declare".
	ss. 36, 37 and 38	Delete "Governor in Council" wherever it appears, and substitute in each case "Minister".
	s. 55 (3)	Delete "Governor", and substitute "Minister".
	s. 63	Delete "Governor", and substitute "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".
	s. 64 (1)	Delete "proclamation", and substitute "order".
	s. 71	Delete "Governor", and substitute "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".

SCHEDULE—(Contd.)

Public Health Ordinance (Cap. 130)	s. 74 (1)	Delete "proclamation", and substitute "order".	
	s. 74 (2)	Insert ", order", immediately after "proclamation".	
	s. 75	Delete "Governor" and substitute "Minister".	
	s. 76	Delete "a proclamation", and substitute "an order".	
	s. 77	Delete "Governor" wherever it appears, and substitute in each case "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".	
	ss. 82 (3) 83, 85 and 86	Delete "Chief Secretary", and substitute in each case "Minister".	
	s. 87	Delete "Chief Secretary" and "Governor", and substitute in each case "Minister".	
	s. 101	Delete "Chief Secretary", and substitute "Minister".	
	s. 102	Delete "Governor" wherever it appears, and substitute in each case "Minister".	
	s. 146 (3)	Delete "Governor under the hand of the Chief Secretary", and substitute "Minister".	
	s. 155	Delete "Governor", and substitute "Minister".	
	s. 157 (1)	Delete "Governor in Council" wherever it appears, and substitute in each case "Minister"; insert "after consultation with the Minister for the time being responsible for agriculture," immediately after "may," where it appears for the first time.	
	Births and Deaths Registration Ordinance (Cap. 143)	s. 2	Delete the definition of "Registrar General" and substitute—

"Registrar General" means the Registrar General of Births and Deaths, or the Deputy Registrar General of Births and Deaths, or any Assistant Registrar General of Births and Deaths, appointed under section 3 of this Ordinance;

Births and Deaths Registration Ordinance (Cap. 143)	—	Insert, immediately after section 3 a new section as follows—
		<p>Deputy and Assistant Registrars General.</p> <p>4. The Governor may appoint a Deputy Registrar General of Births and Deaths, and so many Assistant Registrars General of Births and Deaths as he may think necessary for the carrying out of this Ordinance.</p>
	s. 20 (1)	Delete "Governor", and substitute "Minister".
Marriage Ordinance (Cap. 144)	s. 2	Delete the definition of "Registrar General", and substitute—
		<p>"Registrar General" means the Registrar General of Marriages, or the Deputy Registrar General of Marriages, or any Assistant Registrar General of Marriages appointed under section 2A of this Ordinance ;</p>
		Insert, immediately after section 2 a new section as follows—
		<p>Registrar General.</p> <p>2A. (1) The Governor shall appoint a Registrar General of Marriages.</p>
		<p>(2) The Governor may appoint a Deputy Registrar General of Marriages, and so many Assistant Registrars General of Marriages as he may think necessary for the carrying out of this Ordinance.</p>
	s. 43	Delete.
	s. 44	Delete "married", and substitute "unmarried".
Distress for Rent Ordinance (Cap. 154)	s. 2	Insert, immediately after the definition of "agricultural holding"—
		<p>"approved valuer" means an official broker, a court broker, a licensed auctioneer or any person carrying on business as an estate agent or insurance broker ;</p>

SCHEDULE—(Contd.)

Distress for Rent Ordinance (Cap. 154)	s. 4 (3)	Delete "appointed under the Estate Duty Ordinance".
Mining Ordinance (Cap. 168)	s. 7	Delete "or" in line 3, and substitute "and".
Plant Protection Ordinance (Cap. 178)	s. 2	(a) In the definition of "plant", insert "whether living or dead", immediately after "kingdom"; (b) in the definition of "vehicle", insert "railway vehicle" immediately after "motor vehicle"; (c) insert, immediately after the definition of "disease"— "disinfect" includes "disinfest";
	s. 6	Delete the proviso. Delete "Governor" wherever it appears in the Ordinance, and substitute in each case "Minister".
Land and Agricultural Bank Ordinance (Cap. 181)	s. 45 (4)	Insert "or any council within the meaning of the Local Government (County Councils) Ordinance, 1952" immediately after "Local Government (District Councils) Ordinance".
	s. 63	Delete "Financial Secretary" wherever it appears, and substitute in each case "Minister".
Cotton Ordinance (Cap. 188)	s. 2	Delete "Governor" and substitute "Minister".
	ss. 3 and 4	Delete "Governor in Council" and "proclamation" wherever they appear, and substitute "Minister" and "order" respectively in each case.
Coconut Industry Ordinance (Cap. 191)	s. 8	(a) Insert "(whether on his own account or as agent or servant of another)" immediately before "unless"; (b) renumber as subsection (1) thereof, and add a new subsection as follows— (2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence.

SCHEDULE—(Contd.)

Coconut Industry Ordinance (Cap. 191)	s. 9	Delete and substitute— Provisions concerning licences.	9. A licence granted under section 8 of this Ordinance shall define the exact situation of the premises thereby licensed to be used, and not more than one place of business shall be specified therein.
	s. 13	Delete	"section 4 and section 8 of".
Sisal Industry Ordinance (Cap. 196).	s. 2	Delete	the definition of "export".
	—	Delete	"Governor in Council" and "Governor" wherever those expressions appear in the Ordinance, and substitute in each case "Minister".
Stock and Produce Theft Ordinance (Cap. 206)	s. 2	Delete	"Governor in Council by proclamation", and substitute "Minister by notice in the Gazette".
Cattle Cleansing Ordinance (Cap. 208)	s. 2	(a) Delete the definition of "inspector" and substitute—	"inspector" means any veterinary officer or livestock officer, or such other officer as the Minister may, by notice in the Gazette, appoint to be an inspector for the purposes of this Ordinance; ;
		(b) delete	"Governor" in the definition of "interest", and substitute "Minister".
Animal Diseases Ordinance (Cap. 213)	s. 2	In the definition of "animals", delete	"which the Governor may, by proclamation published in the Gazette," and substitute "which the Minister may, by order,".
	s. 2	In the definition of "disease", delete	"fowl paralysis,".
	s. 2	In the past paragraph—	(a) delete "Governor", and substitute "Minister".
		(b) delete	"proclamation" in both places, and substitute in each case "order".
Rabies Ordinance (Cap. 214)	s. 6 (2)	Insert	"or suspected cat" immediately after "dog".

Royal National Parks of Kenya Ordinance (Cap. 215)	s. 3 proviso	Insert "the special areas", immediately before "the special reserves".
Trout Ordinance (Cap. 219)	s. 7 (2)	Insert, immediately after paragraph (a)— (aa) A monthly licence shall remain in force for a period of one month from the date of issue thereof.
Shipping Ordinance (Cap. 221)	s. 47	Insert "or British pro-consul" immediately after "British consular officer".
Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 233)	s. 4 (2)	Delete "certificate of competency", and substitute "driving licence or provisional licence under the Traffic Ordinance, 1953".
	s. 6 (1) and (2)	Delete "Governor" wherever it appears and substitute "Minister" in each case.
	s. 17	Delete "Governor in Council" and substitute "Minister".
Lakes and Rivers Ordinance (Cap. 234)	—	Add immediately after section 12, a new section as follows— Application of Ordinance. 13. Notwithstanding the foregoing provisions of this Ordinance, this Ordinance shall not apply to any lake or river which falls within the definition of "inland waters" contained in section 2 of the East African Inland Water Transport Act, 1958, of the High Commission.
Trading Centres Ordinance (Cap. 278)	s. 2	Delete "District Council", and substitute "local authority".
	ss. 2, 4 and 6	Delete "Governor", wherever it appears, and substitute in each case "Minister".
Stock Traders Licences Ordinance (Cap. 280)	s. 2	(a) Delete "asses" in the definition of "stock" and substitute "donkeys";

SCHEDULE—(Contd.)

Stock Traders Licences Ordinance (Cap. 280)		(b) insert at the end thereof—
	s. 2	“veterinary inspector” means any livestock officer, senior assistant veterinary officer, or assistant veterinary officer in the employment of the Government.
	s. 5 (1)	Delete, and substitute— (1) Licences under this Ordinance may be issued by Provincial Commissioners and District Commissioners in their discretion, and shall be in the prescribed form.
	s. 5 (3)	Delete.
	s. 6	Delete “stock inspector”, and substitute “veterinary officer or veterinary inspector”.
	—	Insert at the end thereof a new section as follows—
	Rules.	8. The Minister may make rules prescribing the fees to be paid for licences and the forms of licences under this Ordinance.
The Patents (Registration) Ordinance (Cap. 294)	s. 2 (1)	Delete “assistant registrars” and substitute “A Deputy Registrar of Patents and so many Assistant Registrars of Patents”.
Explosives Ordinance (Cap. 303)	s. 8 (2)	Delete.
	s. 18	Delete the last paragraph, which begins “A fee”.
	s. 29 (1) (l)	Insert “, or amendments” immediately after “duplicates”.
Pawnbrokers Ordinance (Cap. 308)	s. 11	Delete “and such a receipt shall not be liable to stamp duty unless the profit amounts to sixty shillings or more”.
	s. 40	Delete “Governor in Council”, and substitute “Minister”.
Trustees (Amendment) Ordinance, 1948 (No. 85 of 1948)	s. 3	Delete.
Entertainments Tax Ordinance, 1950 (63 of 1950)	s. 10 (1)	Delete “Governor in Council”, and substitute “Minister”.

SCHEDULE—(Contd.)

Road Authority Ordinance, 1950 (No. 64 of 1950)	s. 15	Delete “, with the approval of the Governor in Council.”.
Hospital Treatment Relief (European) Ordinance, 1951 (No. 33 of 1951)	s. 12 (1) proviso	Delete.
The Public Officers (Change of Titles) Ordinance, 1952 (No. 7 of 1952)	s. 3	Delete, and substitute— Change of title of public officer. 3. (1) Whenever the title of any public officer is changed, the Governor may, by notice in the Gazette, declare that, for the purpose of all written laws, the title of the officer shall be replaced by the new title specified in the notice. (2) Where a notice is published under subsection (1) of this section, any written law containing a reference to the title which is changed shall be deemed to have been amended by substituting for that reference a reference to the new title.
Trade Unions Ordinance, 1952 (No. 23 of 1952)	s. 6	Insert “a Deputy Registrar of Trade Unions and” immediately after “appoint”.
Societies Ordinance, 1952 (No. 52 of 1952)	s. 2 (1)	Delete all the words appearing after “Trade Unions Ordinance, 1952” in paragraph (d) of the definition of “society”.
Education Ordinance, 1952 (No. 58 of 1952)	s. 59 (5)	Delete all the words after “property”, and substitute “, reasonable compensation shall be payable therefor, and, in case of disagreement as to the liability for or the amount of compensation, the question shall be decided by the arbitration of a single person appointed by both parties, and the provisions of the Arbitration Ordinance, where applicable, shall apply.”

SCHEDULE—(Contd.)

Traffic Ordinance, 1953 (No. 39 of 1953)	s. 28	Delete "Commissioner for Inland Revenue", and substitute "Registrar of Motor Vehicles".
Seeds Ordinance, 1955 (No. 53 of 1955)	s. 18	Insert "or sent" immediately after "issued".
Interpretation and General Provisions Ordinance, 1956 (No. 38 of 1956)	s. 3 (1)	(a) In the definition of "Governor", delete "a Deputy to the Governor" and "the Deputy to the Governor", and substitute in each case "the Deputy Governor". (b) In paragraph (c) of the definition of "statutory declaration", delete "British consul or vice-consul", and substitute "British consular officer or pro-consul"; (c) delete the definition of "the Treasury", and substitute— "the Treasury" means the Minister for the time being responsible for finance and such other officer or officers of his Ministry as may be deputed by him to exercise and perform on behalf of the Treasury any power or duty conferred or imposed on the Treasury by any written law ;
	s. 5 (1) (c)	Delete subparagraph (ii).
Methylated Spirits Ordinance, 1958 (No. 49 of 1958)	s. 21	Delete "a Government Analyst" and "such Government Analyst", and substitute in each case "the Government Chemist".
Maize Marketing Ordinance, 1959 (No. 6 of 1959)	s. 39 (1)	Delete "conferred by the said subsection on the officers referred to therein", and substitute "conferred by paragraphs (c) and (d) of subsection (1) of section 38 of this Ordinance on the officers therein mentioned".
Companies Ordinance, 1959 (No. 50 of 1959)	s. 337 (1)	Delete "or vice-consuls", and substitute ", vice-consuls or pro-consuls".
	s. 337 (2)	Delete "or vice-consul", and substitute ", vice-consul or pro-consul".