

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

# ***KENYA GAZETTE SUPPLEMENT***

**ACTS, 2017**

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**NAIROBI, 19th April, 2017**

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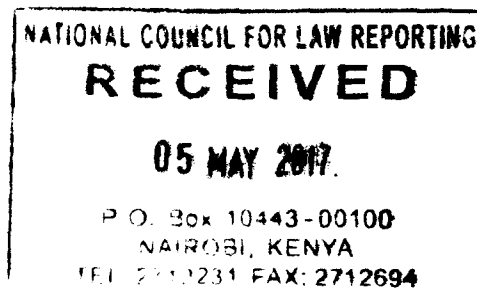
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**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT**

**No. 11 of 2017**

*Date of Assent: 13th April, 2017*

*Date of Commencement: 4th May, 2017*

**AN ACT of Parliament to make minor  
amendments to statute law**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2017. Short title.

**2.** The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

**SCHEDULE** (s. 2)

| <i>Written law</i>          | <i>Provision</i> | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Judicature Act (Cap. 8) | s.9              | <p>Delete and substitute therefor the following new section—</p> <p style="margin-left: 40px;">Retirement Age.      <b>9</b> (1) Subject to subsection (2), the age at which a person holding the office of judge shall retire shall be seventy years.</p> <p style="margin-left: 40px;">(2) Notwithstanding subsection (1), a person holding the office of Judge may elect to vacate office at any time after attaining the age of sixty-five years.</p> |
| The Advocates Act (Cap. 16) | s.2              | <p>Delete the definitions of “unqualified person” and substitute therefor the following new definition—</p> <p style="margin-left: 40px;">“unqualified person” means a person who is not qualified under section 9 and includes an advocate who—</p> <p style="margin-left: 40px;">(a) is not qualified under section 9;</p>                                                                                                                              |

(b) is not exempt under section 10; and

(c) fails to take out a practising certificate.

s.23 Insert the following new subsection immediately after subsection (2)—

(2A)The Society shall issue to every advocate registered with it a stamp or seal bearing the advocate's name, admission number and the year of practice in such form as may be approved by the Council of the Society and prescribed in regulations, and such stamp or seal shall be affixed on every document drawn by such advocate and lodged for registration in any registry in Kenya or issued for any other professional purpose.

New Insert the following new sections immediately after section 34—

Additional  
endorsements.

**34A.** Subject to section 10, an advocate who holds a current practising certificate shall not file any legal documents in any registry under any law which requires filing of such document by an advocate, or issue such document for any other professional purpose, unless there is affixed on each such document the stamp or seal issued by the Society under section 23(2A).

Validity of legal  
documents.

**34B.** (1) A practising advocate who is not exempt under section 10 and who fails to take out a practising certificate in any year, commits an act of professional misconduct.

(2) Notwithstanding any other provisions of this Act,

nothing shall affect the validity of any legal document drawn or prepared by an advocate without a valid practising certificate.

(3) For the purpose of this section, "legal document" includes pleadings, affidavits, depositions, applications, deeds and other related instruments, filed in any registry under any law requiring filing by an advocate.

|                                             |         |                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Bills of Exchange Act<br>(Cap. 27)      | s.4(3)  | Insert at the end thereof the words "and any other country granted membership to the Community under Article 3 of the Treaty for the East African Community.                                                                                                                                                                      |
| The Probation of Offenders Act<br>(Cap. 64) | s.2     | Insert the following definition in proper alphabetical sequence—<br>"Minister" means the Cabinet Secretary responsible for matters relating to probation and after-care services.                                                                                                                                                 |
|                                             | s.16(1) | Delete the word "Minister" and substitute therefor the expression "Public Service Commission".                                                                                                                                                                                                                                    |
| The Prisons Act<br>(Cap 90)                 | s.2     | Delete the definition of the word "Commissioner" and substitute therefor the following new definition—<br>"Commissioner" means the Commissioner-General of Prisons.<br>Insert the following new definition in proper alphabetical sequence—<br>"Minister" means the Cabinet Secretary responsible for matter relating to prisons. |
|                                             | s.30(1) | Insert at the end thereof the words—<br>"and shall be categorized and detained in such manner as to take into account the safety of the prisoner, of the public and of other persons in the prison".                                                                                                                              |

s.43(1) Delete the word “hard”.

s.74(1) Insert the following new paragraph immediately after paragraph (q)—

(qa) guidelines and parameters for engaging with partners or stakeholders of the Service.

The Explosives Act (Cap 115).

s.2 Delete the definition of the word “Commissioner” and substitute therefor the following new definition—

“Commissioner” means the Director of Mines appointed under the Mining Act, 2016.

Insert the following new definition in proper alphabetical sequence—

“Minister” means the Cabinet Secretary responsible for mining.

The Income Tax Act (Cap. 470)

s. 15(3) Delete the word “four” appearing in paragraph (c) and substitute therefor the word “five”.

First Schedule Insert the following new paragraph immediately after paragraph 45-

45A. The income of the National Hospital Insurance Fund established under the National Hospital Insurance Fund Act, 1998 consisting of—

(a) all contributions and other payments into and out of the Fund; and

(b) monies invested under section 34 of the Act.

Second Schedule (Part V)

Insert the following new paragraph immediately after paragraph 24B—

Capital expenditure on construction of liquefied petroleum gas storage facilities.

**24C.** (1) Where capital expenditure is incurred on the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of a total value

of fifteen thousand metric tonnes, there shall be deducted in computing the gains or profits of the person incurring that expenditure for the year of income in which the liquefied petroleum gas storage facilities were first used for storage of liquefied petroleum gas, a deduction referred to as an investment deduction.

(2) The amount of the investment deduction under subparagraph (1) shall be equal to one hundred and fifty per centum of the capital expenditure.

Third Schedule Delete the word “four” appearing in paragraph 2(i) of Head B and substitute therefor the word “one”.

Head B (Rates of Tax) Insert the following as the introductory portion for the second table appearing after item 1 —

1A. The wife’s employment, wife’s professional and wife’s self employment income rates of tax shall be —

The Insurance Act (Cap. 487)

s.2 Delete the words “section 161 of” appearing in the definition of “auditor”

s.3A(1) Insert the following paragraphs immediately after paragraph (h) —

“(ha) educate the public regularly on the right to independently select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;

(hb) regulate the business of baccassurance offered by banks in the same manner as the ordinary insurance business including capital requirements and disclosures.

s.3A(2) Insert the following new subsection immediately after subsection (2)-

(3) The Authority shall publish the standards formulated under subsection (1) (b) and may provide for the punishment of a person who contravenes any of the standards by a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

s.20(4) Delete the words “ten thousand shillings or to imprisonment for a term not exceeding one year” and substitute with “five million shillings or to imprisonment for a term not exceeding five years”.

s.43(2)(c) Insert the words “as may be” immediately after the word “liability”

New Insert the following new section immediately after section 71 —

Choice of  
insurer  
for loans.

71A. (1) A bank shall —

- (a) inform a loanee, in writing, that the loanee has a right to select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;
- (b) inform a loanee, in writing, that the loanee has an option to forfeit the right to select an underwriter or broker;
- (c) not prescribe or assign an underwriter or broker to a loanee, unless the loanee forfeits in writing the right to select an underwriter or broker; and
- (d) update the list of licensed brokers or underwriters

availed to loanees regularly and ensure that underwriters or brokers under statutory management are excluded from the list.

(2) A bank that contravenes the provisions of subsection (1) commits an offence and shall upon conviction be liable to a fine not exceeding five million shillings.

s.73(2) Delete the words “section 191 of” appearing in the subsection.

Second Schedule Delete the expression “30th June, 2018” appearing in paragraph 3 and substitute therefor the expression “30<sup>th</sup> June 2020.”

The Auctioneers Act (Cap. 526)

s.2 Delete the definition of the word “auctioneer” and substitute therefor the following new definition in proper alphabetical sequence—

“auctioneer” means a person licensed under section 10.

s.3 Delete the expression “Part I of Chapter IV” appearing in subsection (1)(a) and substitute therefor the expression “Chapter 10”.

Delete the words “provincial administration” appearing in subsection (1)(b) and substitute therefor the words “National Security”.

Insert the following new subsection immediately after subsection (2)—

(3) Where a member of the Board nominated under section 3(1)(a), (b), (c) or (d) is nominated to the position of High Court, court of appeal or Supreme Court of Kenya, the appointee shall cease to serve as a member of the Board immediately upon assumption of office or elevation.

New Insert the following new section immediately after section 3—

Board to be a body  
corporate.

**3A** The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, developing or disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all such other things or acts, which may lawfully be done by a body corporate.

**4(2)** Delete paragraph (c) and substitute therefor the following new paragraph—

- (c) develop and facilitate adequate training programmes for licensed auctioneers;

Insert the following new paragraphs immediately after paragraph (c)—

- (d) conduct routine inspections and visits of auctioneer's premises;
- (e) set, maintain and continuously improve the standards of learning, professional competence and professional conduct for the provision of auctioneering services in Kenya;
- (f) determine, maintain and enhance the standards of professional practice

and ethical conduct and learning for the auctioneering profession in Kenya.

s.10(1) Delete paragraph (b) and substitute therefor the following new paragraph—

(b) has obtained sufficient knowledge and experience for a continuous period of not less than three years under or from a reputable licensed auctioneering firm;

s.10(3) Delete the words “Member of Parliament or a Councillor” and substitute therefor the words “Member of the National Assembly, Senate or County Assembly”.

s.11 Delete paragraph (a).

Renumber the existing provision as subsection (1) and insert the following new subsection—

(2) A licensed auctioneer shall retire at the age of seventy years.

s.14(2) Delete the words “a licensed auctioneer” appearing immediately after the word “employ” in the proviso to subsection (2) and substitute therefor the words “or engage a licensed auctioneer with equal experience”.

s.15 Insert the words “and sole surviving partnerships” immediately after the word “proprietor” appearing in the marginal note.

s.15(1) Delete the expression “ninety days” and substitute therefor the expression “forty-five days”.

s.18(6) Insert the words “the auctioneer may thereafter apply to the Board for the reinstatement of the licence” immediately after the word “business”.

s.18(7) Insert the following new subsection immediately after subsection (7)—

(8) Where a licence is reinstated, the holder of such licence shall be work for a

period of twelve months under a licensed auctioneer of equal experience for supervision in order to become eligible to resume practice in their own capacity.

- s.20(1) Delete the expression “district or districts” appearing in paragraph (c) and substitute therefor the expression “county or counties”.

**The Clinical  
Officers  
(Training,  
Registration and  
Licensing)  
Act, 1988 (No 9  
of 1988)**

- s.3 Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”

- s.7(4) Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”

- s.13(6) Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”

- s.16 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”

- s.17 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”

**The Kenya  
Information and  
Communications  
Act, 1998. (No 2  
of 1998)**

- s.27A Insert new subsections (3A) and (3B) immediately after subsection (3) as follows—

(3A) Subject to subsection (3B), a telecommunication operator shall, before levying or allowing to be levied, any specific charge relating to a premium rate service provided to a subscriber, disclose the fact, amount, and frequency of the charge to the subscriber.

(3B) Subsection (3A) shall not apply to services rendered by a telecommunications operator on behalf of a public body.

**The Community  
Service Orders  
Act, 1998 (No.  
10 of 1998).**

- s.2 Insert the following new definitions in proper alphabetical sequence—

“Minister” means the Cabinet Secretary for the time being responsible for Community Services.

“Permanent Secretary” means the Principal Secretary in the Ministry responsible for Community Service.

- s.7(1) Delete the word “Provincial” appearing in paragraph (c);

Delete the expression “Commissioner of Police” appearing in paragraph (e) and substitute therefor the expression “Inspector-General of Police”.

Delete the expression “Commissioner of Prisons” appearing in paragraph (f) and substitute therefor the expression “Commissioner-General of Prisons”.

Insert the following new subsection immediately after subsection (1)—

(1A) The Director of Probation shall be the Vice-Chairman of the Committee.

The Industrial  
Property Act  
2001 (No.3 of  
2001).

- s.11(3) Delete paragraph (b).

- s.12 Insert the words “a Corporation Secretary and” immediately after the word “appoint”.

Renumber the existing provision as subsection (1) and insert the following new subsection—

(2) The Managing Director may delegate to any officer any of the duties and functions conferred on him under this Act.

- s.22 Insert the word “and” immediately after the words “inventive step” and delete the words “or is a new use”.

- s.28(4) Delete.

- s.36(2) Delete the words “one or more” and substitute therefor the words “two or more”.

Add the following new subsection immediately after subsection (2)—

(3) The Cabinet Secretary may make regulations for the carrying out of the provisions of this section.

s.41(1) Insert the words “and address” immediately after the word “name” appearing in paragraph (a).

(6) Delete.

(7) Delete paragraph (d).

s.42(1) Insert the following proviso—

Provided that the Managing Director may at the request of the applicant, publish the application before the expiry of eighteen months.

Insert the following new subsection immediately after subsection (3)—

(4) The Cabinet Secretary may make regulations for the carrying out of the provisions of this section.

s.44(1) Delete.

(2) Delete the words “and the subject matter thereof does not fall within a technical field specified in subsection (1) of this section”.

Delete the word “three” and substitute therefor the word “five”.

(3) Add the following new paragraph—

(c) the application complies with the requirements of unity of invention prescribed in section 35.

(4) Delete.

(5) Delete.

(6) Delete.

(7) Delete and substitute therefor the following new subsection—

(7) Where the Managing Director is of the opinion that any of the conditions referred to in subsection (3) are not fulfilled, he shall notify the applicant accordingly and invite him to make his observations, and where applicable, to amend his application.

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- (8) Delete the expression “subsection (2)” and substitute therefor the expression “subsection (3).
- s.45(1) Insert the expression “41 or” immediately before the expression “44”
- s.54(2) Delete the words “the Institute” and substitute therefor the words “ a relevant authority”.
- s.82(2) Insert the expression “42” immediately after the expression “24”.  
Insert the following new subsection immediately after subsection (2)—  
(2A) An application for a utility model certificate shall be published in the Industrial Property Journal upon compliance with the requirements of section 41.
- s.103(2) Delete.
- s.113(6) Delete the word “Board” and substitute therefor the expression “Cabinet Secretary”
- s.31 Delete subsections (1) and (2) and substitute therefor the following new subsections—  
(1) The Council shall consist of—  
(a) a chairperson appointed by the President, who shall be knowledgeable in, or has actively contributed to the promotion of the rights and welfare of children;  
(b) the Principal Secretary responsible for matters relating to children or his representative;  
(c) the Principal Secretary responsible for finance or his representative;  
(d) the Principal Secretary responsible for Education or his representative;  
(e) the Principal Secretary responsible for health or his representatives;

The Children  
Act, 2001 (No. 8  
of 2001)

- (f) the Attorney General or his representative;
- (g) the Director children's Services;
- (h) the following person appointed by the Cabinet Secretary—
  - (i) one representative from the non-governmental organization engaged in matters related to children activities;
  - (ii) one person representing faith based organisations; and
- (i) the Chief Executive officer who shall be secretary to the Council.

(2) The members of the Council appointed under subsection (1) (a) and (h) shall hold office for three years and may be nominated for a further final term of three years.

s.156 (3) Insert the following new subsection immediately after subsection (3)—

(4) The Cabinet Secretary may issue a moratorium on inter-country and residents adoptions where there is sufficient evidence to support the opinion that such adoptions or processes leading up to such adoptions are likely to be in contravention of the Constitution or any other law, or any international treaties or conventions to which Kenya is a party.

The Copyright Act, 2001 (No. 12 of 2001).

- S.2 Delete the word "Minister" wherever it occurs and substitute therefor the words "Cabinet Secretary"
- s.7 Delete the word "Minister" wherever it occurs and substitute therefor the words "Cabinet Secretary"
- s.9 Delete the word "Minister" wherever it occurs and substitute therefor the words "Cabinet Secretary"

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No. 11

- s.11 Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”
- s.16 Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”
- s.18(3) Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”
- S.30(8) Insert the words “and performance for private purposes shall include the digital content of artistic works” at the end thereof.
- s.30A Delete
- s.39(3) Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”
- s.45(3) Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”
- s.46 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”
- s.48 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”
- s.49 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”
- The Public Officer Ethics Act, 2003 (No. 4 of 2003)
- s.3 Insert the following new subsection immediately after subsection (9)—
- (9A) The Witness Protection Advisory Board established under the Witness Protection Act, 2003 shall be the responsible commission for the members of the Witness Protection Agency established under that Act.
- The Persons with Disabilities Act 2003 (No. 14 of 2003)
- s.4 Delete and substitute therefor the following new section—
- Membership. 4. (1) The Council shall consist of—
- (a) the Chairperson, who shall be drawn from organizations

- of persons with disabilities and who shall be appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to disabilities or a representative duly appointed in writing.
  - (c) the Principal Secretary in the Ministry responsible for finance or a representative duly appointed in writing;
  - (d) the following persons appointed by the Cabinet Secretary—
    - (i) four persons representing various categories of disabilities, nominated by organizations of persons with disabilities;
    - (ii) two persons nominated by organizations for persons with disabilities, one of whom shall be from organizations of parents of person with mental disabilities.

(e) the executive Director of the Council who shall be the Secretary to the Council.

(2) The appointing authority, in making appointments under this section, shall ensure that—

- (a) there is equitable representation of categories of persons with disabilities and that not more than two-thirds of the members are of the same gender;
- (b) at least one of the members of the Council shall be from a rural-based organization;
- (c) persons appointed have knowledge or experience of the needs of persons with disabilities and belong to a related group or organization;
- (d) the requirement of a mix of skills across all functionalities of the Council is observed.

s.5 Delete and substitute therefor the following new section—

Tenure of office.

**5.** The Chairperson and members appointed under section 4(1)(d) shall hold office for a period not

exceeding three years and shall be eligible for re-appointment for a further term not exceeding two years.

|                                                 |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Refugees Act 2006.<br>(No. 13 of 2006)      | s.6                | Delete the word “Department” and substitute therefor the expression “Secretariat”.<br><br>Delete the expression “Department of Refugee Affairs” wherever it appears and substitute therefor the expression “Refugee Affairs Secretariat”.                                                                                                                                                                                                                                    |
|                                                 | s.8(3)             | Delete the words “Provincial administration and internal security” appearing in paragraph (b) and substitute therefor the words “interior and co-ordination of national government”.                                                                                                                                                                                                                                                                                         |
| The Anti-Counterfeit Act, 2008 (No. 13 of 2008) | s.6(1)             | Delete the introductory portion and substitute therefor the following—<br>“There shall be a Board of the Agency which shall consist of—<br><br>Delete the word “industrialization” appearing in paragraph (b) and substitute therefor the word “trade”.                                                                                                                                                                                                                      |
| The Competition Act, 2010 (No. 10 of 2010)      | Schedule<br>Para 3 | Delete subparagraph (4) and substitute therefor the following—<br><br>(4) The chairman shall preside at all meetings of the Authority at which he is present, and in his absence the members present may appoint one from among their number to preside at the meeting                                                                                                                                                                                                       |
| The Judicial Service Act 2011 (No. 1 of 2011)   | s.5                | Insert the following new subsection immediately after subsection (4)—<br><br>(5) If a vacancy occurs in the office the Chief Justice and that of the Deputy Chief Justice, or if the Deputy Chief Justice is unable to act in the absence of Chief Justice, the senior most judge in the Supreme Court shall act as the Chief Justice and shall assume the administrative duties of the Chief Justice until the position of Chief Justice or Deputy Chief Justice is filled. |

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The National  
Police Service  
Act, 2011 ((No.  
11A of 2011)

s.13(7) Insert the following new subsection immediately after subsection (7)—

(8) Whenever a vacancy occurs in the office of the Deputy Inspector-General, the President may on the recommendation of the Commission appoint a suitably qualified police officer to act as Deputy Inspector-General until the appointment of the substantive holder of the office, provided that such police officer appointed to serve in acting capacity shall serve for a period not exceeding six months.

s.27 Insert the following new paragraph immediately after paragraph (j)—

(ja) collection of criminal intelligence.

The Kenya  
Citizenship and  
Immigration  
Act, 2011 (No.  
12 of 2011)

s.11 Insert the words “and has acquired residence status” immediately after the expression “seven years” appearing in the introductory portion.

s.15(2) Delete the expression “five years” and substitute therefor the expression “seven years”.

s.16(2) Delete the expression “five years” and substitute therefor the expression “seven years”.

s.19(1) Insert the words “or registration” immediately after the words “by birth”.

s.27(3) Insert the following new paragraph at the end thereof—

(h) such other documentation or information as the Director may require to ascertain the citizenship status of the applicant.

s.37 Delete the introductory portion and substitute therefor the following—

“The following persons, their spouses, children and dependants shall be eligible upon application in the prescribed manner for grant of permanent residence status in Kenya....”.

Insert the words “or dependants under any law” immediately after the word “children” appearing in paragraph (c).

Insert the following new paragraph immediately after paragraph (c)—

(ca) children of registered citizens who are born before their parents acquire citizenship.

Insert the following new paragraph immediately after paragraph (d)—

(e) widows or widowers of Kenyan citizens.

- s.40(10) Delete the words “may appeal to the High Court” and substitute therefor the words “may apply to the Cabinet Secretary for review in the prescribed manner”.

Insert the following new subsections immediately after subsection (10)—

(11) A notice of approval or rejection as the case may be, of an application under this section shall be issued to the respective applicant in the prescribed manner.

(12) Where the notification issued under subsection (11) is for the rejection of the application, an aggrieved applicant may apply for a review of the Cabinet Secretary’s decision within a period of ninety days from the date of receipt of the notification and may appeal the decision of the Cabinet Secretary to the High Court.

- s.41(1) Delete the words “referred to in paragraph (a)’ and substitute therefor the words “in respect of which the permit was issued”.

- s.49(6) Delete the word “issues” and substitute therefor the word “issued”.

- s.50 Renumber the existing provision as subsection (1) and insert the following new provision—

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(2) The Cabinet Secretary shall notify the establishment of holding facilities by notice in the Gazette.

s.53 Delete the expression “(n)” and substitute therefor the expression “(m)”.

The National  
Construction  
Authority Act  
2011 (No 41 of  
2011)

s.18(5) Delete the expression “sections 14 and 16” and substitute therefor the expression “section 16”.

s.30(c) Delete the expression “section 29” and substitute therefor the expression “section 31”.

s.42(2) Delete the expression “section 29” appearing in paragraph (a) and substitute therefor the expression “section 31

Kenya School of  
Government  
Act, 2012 (No. 9  
of 2012)

s.13(3A) Insert the words “by the Council” immediately after the word “appointed”

s.21(4) Delete the word “Commission” and substitute therefor the word “Council”.

The Value  
Added Tax Act,  
2013 (No. 35 of  
2013)

First Schedule  
(Part I-  
Goods) Insert the following new paragraph immediately after paragraph 30 —

**30A.** Taxable supplies, procured locally or imported for the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by the Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas.

First Schedule  
(Part II-  
Services) Insert the following new paragraph immediately after paragraph 27—

**28.** Taxable services, procured locally or imported for the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion

shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas.

The Retirement Benefits (Deputy President and Designated Officers) Act 2015 (No. 8 of 2015)

Long title Insert the words " Deputy Chief Justice or Chief Justice" immediately after the word "Speaker".

s.2 Insert the following new definitions in their proper alphabetical sequence—

“retired Chief Justice” means a person who, having held the office of Chief Justice, has ceased to hold the office as such in the manner specified in the Constitution;

“retired Deputy Chief Justice” means a person who, having held the office of Deputy Chief Justice, has ceased to hold office as such in the manner specified in the Constitution;”

s. 3 Delete and substitute therefor the following new section—

Persons entitled to benefits.

3. Subject to sections 5(3) and 15, the persons entitled to the benefits conferred by this Act shall be persons who—

(a) at any time after the 1st January, 1993, retire as Deputy President, Prime Minister, Vice-President or Speaker; or

(b) at any time after the 27<sup>th</sup> August, 2010, retire as Chief Justice or Deputy Chief Justice.

2017

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New Insert the following sections immediately after section 5—

Pension and other  
benefits of retired  
Chief Justice

5A. A retired Chief Justice shall, during his or her lifetime, be entitled to—

- (a) a monthly pension equal to eighty per cent of the monthly salary of the entitled person's last monthly salary while in office;
- (b) a lump sum payment on retirement, calculated as a sum equal to one year's salary paid for each term served in office;
- (c) one saloon vehicle of an engine capacity not exceeding 2000 cc which shall be replaceable once every four years;
- (d) one four-wheel drive vehicle of an engine capacity not exceeding 3000 cc which shall be replaceable once every four years;
- (e) a fuel allowance equal to fifteen per cent of current monthly salary of the office holder;
- (f) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the entitled person and the entitled person's spouse;
- (g) the additional benefits set out in the First Schedule.

Pension and other  
benefits of retired  
Deputy Chief Justice.

**5B.** A retired Deputy Chief Justice shall, during his or her lifetime, be entitled to—

- (a) a monthly pension equal to eighty per cent of the monthly salary of the entitled person's last monthly salary while in office;
- (b) a lump sum payment on retirement calculated as a sum equal to one year's salary paid for each term served in office;
- (c) one salon vehicle of an engine capacity not exceeding 2000 cc which shall be replaceable once every four years;
- (d) one four-wheel drive vehicle of an engine capacity not exceeding 3000 cc which shall be replaceable once every four years;
- (e) a fuel allowance equal to fifteen per cent of the current monthly salary of the office holder;
- (f) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the

entitled person and  
the entitled person's  
spouse;

(g) the additional benefits  
set out in the First  
Schedule.

First Schedule Insert the words "the Deputy chief  
Justice or the Chief Justice" immediately  
after the words "the Senate" appearing in the  
title.

The Business  
Registration  
Service Act  
2015 (No. 15 of  
2015)

s.2 Delete the definition of the expression  
"Registrar-General".

Insert the following new definition in proper  
alphabetical sequence—

"Director-General" means the Director-  
General of the Service appointed under  
section 17.

s.4(1) Delete and substitute therefor the following  
new subsection—

(1) The Service shall, under the general  
supervision of the Cabinet Secretary, be  
responsible for the implementation of  
policies, laws, and other matters relating to  
the registration of Companies, partnerships  
and firms, individuals and corporations  
carrying on business under a business name,  
bankruptcy, hire-purchase, and chattels  
transfers.

s.5(2) Insert the words "or his representative" at  
the end of paragraphs (c) and (d).

Delete paragraph (f) and substitute therefor  
the following new paragraph—

(f) the Director-General, who shall be an  
*ex-officio* member.

s.17 Delete and substitute therefor the following  
new section—

Director General

**17.** The Board shall  
appoint a Director-General  
on such terms and conditions

as may be specified in the instrument of appointment

- s.18 Delete the expression “Registrar-General” wherever it appears and substitute therefor the expression “Director-General”.
- s.18(1) Delete paragraphs (a) and (b) and substitute therefor the following new paragraphs—
  - (a) is an advocate of the High Court of not less than ten years standing.
  - (b) has at least five years’ working experience at a senior management position in public affairs or in a commercial environment.
- s.19(1) Insert the following new paragraph immediately after paragraph (d)—
  - (e) failure to perform in accordance with agreed targets.
- s.19(2) Delete the expression “Registrar-General” wherever it appears and substitute therefor the expression “Director-General”.
- s.20(1) Delete the word “Registrar” and substitute therefor the word “directors”.
- s.21 Delete the expression “Registrar-General” wherever it appears and substitute therefor the expression “Director-General”.
- s.27(2) Delete the word “Board” and substitute therefor the word “Service”.
- s.28(3) Insert the words “who are engaged in the functions as set out under section 4(1)” immediately after the words “of this Act”.  
Insert the words “of staff” immediately after the word “members” appearing in paragraph (e).
- s.31 Delete and substitute therefor the following new section—

Secondment of staff

**31.** (1) Subject to subsection (2), all persons who, immediately before the commencement of this section were members of the

Department of the Registrar-General engaged in the activities of the Service as set out in section 4(1) shall upon such commencement, be deemed to be on secondment to the Service.

(2) Notwithstanding the provisions of subsection (1), within twelve months after the commencement of this section, the Service shall review the qualifications of all persons deemed to be on secondment to the Service under that subsection, and may retain those found suitably qualified for employment by the Service subject to—

(a) such persons opting to remain in the service of the Service ; and

(b) such terms and conditions of service (not being to the disadvantage of such persons) as may be agreed with the Service.

(3) Any employee not retained by the Service under subsection (2) may exercise his option to either—

(a) retire from the service of the Government; or in cases where the employee has not reached retirement age, be redeployed within the public service.

(4) Where an employee enters into an agreement with the Service under subsection (2), his service with the Government shall be deemed to be terminated without the right to severance pay but without prejudice to all other remuneration and benefits payable upon the termination of his appointment with the Government.

s.32 Insert the words “in performing the services set out under section 4(1)” immediately after the expression “Registrar-General”.

Schedule Delete the words “the vice-chairperson shall  
Para 1(6) preside, and in the absence of both the chairperson and the vice-chairperson”

The Companies  
Act 2015 (No.  
17 of 2015)

s.93(9) Insert the words “other than a public listed company” immediately after the word “company”.

s.245(1) Delete the expression “Attorney-General” and substitute therefor the expression “Director-General”.

(2) Delete the expression “Attorney-General” and substitute therefor the expression “Director-General”.

s.468(2) Delete the expression “480” and substitute therefor the expression “470”.

s.518 Insert the words “in relation to the nominal value of a public listed company’s allotted share capital” immediately after the expression “authorised minimum”.

s.520(4) Delete the words “may issue” and substitute therefor the words “may not issue”.

s.540(1) Delete the expression “549” and substitute therefor the expression “537”

s.558 Delete the expression “553” and substitute therefor the expression “551”.

**2017***Statute Law (Miscellaneous Amendments)***No. 11**

s.560(1) Delete the expression “553” and substitute therefor the expression “551”.

s.986(3) Delete paragraph (d).

s.1024(7) Delete the expression “1025” and substitute therefor the expression “1026”.

The Excise Duty Act, 2015 (No. 23 of 2015) Part I of the First Schedule Insert the words “locally assembled motor vehicles and” immediately after the words “excluding” appearing in the item titled “motor vehicles excluding school buses for use by public schools of tariff heading 87.02, 87.03 and 87.04”.

Part III of the First Schedule Insert the words “day of” immediately after the word “1<sup>st</sup>” appearing in the definition of “Adjustment day”

The High Court (Organization and Administration) Act, 2015 (No. 27 of 2015)

s.10(2) Delete paragraph (a) and substitute therefor the following new paragraph—

(a) from the 14th January to the second Wednesday before Good Friday

Delete paragraph (c) and substitute therefor the following new paragraph—

(c) from the 16th September to the 20th December.

The Court of Appeal (Organization and Administration) Act 2015 (No. 28 of 2015)

s.26(1) Delete the word “Thursday” appearing in paragraph (a) and substitute therefor the word “Wednesday”.

Delete the expression “7th January” appearing in paragraph (c) and substitute therefor the expression “12th January”.

The Legal Aid Act, 2016 (No. 6 of 2016)

s.9(1) Insert the words “from among universities with an operational legal aid clinic” at the end of paragraph (i).

s.43(1) Insert the following new subsection immediately after subsection (1)—

(1A) In determining whether substantial injustice referred to in paragraph (1)(b) likely to occur, the court shall take into consideration—

- (a) the severity of the charge and sentence;
- (b) the complexity of the case; and
- (c) the capacity of the accused to defend themselves.

(4) Delete the words “the court may” and substitute therefor the words “the court shall”.

The  
Miscellaneous  
Fees and Levies  
Act, 2016 (No.  
29 of 2016)

Part A of  
Second  
Schedule

Insert the following new item immediately after item (xxi)—

- (xxii) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

Part B of  
Second  
Schedule

Insert the following new item immediately after item (v)—

- (vi) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

The Water  
Act, 2016 (No 43  
of 2016)

s.37

Insert the following new subsection immediately after subsection (4)—

- (5). The provisions of this section and section 36 shall not apply in respect of the abstraction of sea water for use in the extraction of salt.

s.74

Insert the following new subsection immediately after subsection (3)

- (3) This section does not apply to the provision or abstraction of sea water for the purposes of salt extraction

s.85 (3)

Insert the following new paragraph immediately after paragraph (c)—

- (d) the provision or abstraction of sea water for the purposes of salt extraction.