

**SPECIAL ISSUE**

*Kenya Gazette Supplement No 92 (Acts No 3)*



REPUBLIC OF KENYA

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# ***KENYA GAZETTE SUPPLEMENT***

## **ACTS, 2024**

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**NAIROBI, 25th April, 2024**

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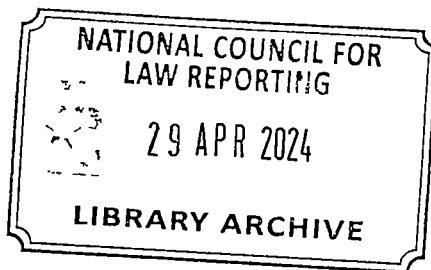
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**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT, 2024**

**No 3 of 2024**

*Date of Assent 24th April, 2024*

*Date of Commencement See Section 1*

**AN ACT of Parliament to make various amendments to  
statute law and for connected purposes**

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

1 This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2024 and shall come into force upon publication in the *Gazette*

Short title and commencement

2 The several laws specified in the first column of the Schedule are amended in the provisions respectively specified in the second column, 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 Office of the Attorney-General Act (Cap 6A)	s 2	Delete the words “by the Public Service Commission” appearing immediately after the word “employed” in the definition of “subordinate officer”
		Insert the following new definition in the proper alphabetical sequence—  “Advisory Board” means the Advisory Board established under section 20A(1)
	s 9(5)(d)	Delete the words “Article 234” of the Constitution” appearing immediately after the words “subject to” and substitute therefor the words “section 20B”
	s 13	Delete the words “Public Service Commission” and substitute therefor the words “Advisory Board”

New Insert the following new Part immediately after section 20—

**PART IIIA—ADVISORY BOARD OF  
THE OFFICE OF THE ATTORNEY-  
GENERAL**

Advisory Board

**20A** (1) There is established a board to be known as the Advisory Board to the Office of the Attorney-General

(2) The Advisory Board shall consist of—

- (a) the Attorney-General,
- (b) the Principal Secretary responsible for matters relating to the public service,
- (c) the Principal Secretary responsible for matters relating to the National Treasury,
- (d) the Chairperson of the Public Service Commission or a representative designated in writing by the Chairperson,
- (e) the Chairperson of the Council of the Institute of Human Resource Management established under the Human Resource Management Professionals Act or a representative designated in writing by the Chairperson, and
- (f) the President of the Law Society of Kenya or a

Cap 538

representative designated  
in writing by the President

(3) The Attorney-General shall  
be the chairperson of the  
Advisory Board

(4) The Solicitor-General shall  
be the secretary to the  
Advisory Board

Functions of the  
Advisory Board

**20B** (1) The Advisory Board  
shall advise the Attorney-General  
on—

(a) recruitment and  
appointment of Deputy  
Solicitors-General, State  
Counsel and other  
members of staff of the  
Office,

(b) promotion of State  
Counsel and other  
members of staff of the  
Office,

(c) discipline of the Deputy  
Solicitors-General, State  
Counsel and other  
members of staff of the  
Office,

(d) remuneration of Deputy  
Solicitors-General, State  
Counsel and other  
members of staff of the  
Office in consultation with  
the Salaries and  
Remuneration  
Commission, and

(e) matters that may be  
referred to the Advisory  
Board by the Attorney-  
General

Remuneration of  
the Advisory  
Board

**20C** The members of the Advisory Board shall be paid such allowances as the Attorney-General shall approve upon the advice of the Salaries and Remuneration Commission

Meetings and  
quorum

**20D** (1) The Advisory Board shall meet at least four times in every financial year and not more than three months shall elapse between one meeting and the next meeting

(2) Unless four members of the Advisory Board otherwise agree, at least fourteen days' notice of a meeting shall be given to every member

(3) The quorum at a meeting of the Advisory Board shall be four members

(4) The chairperson of the Advisory Board shall convene and preside over the meetings of the Advisory Board or in the absence of the chairperson, a member of the Advisory Board elected by the members present from among their number

(5) The proceedings of the Advisory Board shall not be invalidated by reason of a vacancy or absence among the members

(6) A member of the Advisory Board or a person present at a meeting of the Advisory Board who has interest in a matter for consideration by the Advisory Board or by the Office shall disclose in writing the nature of that

interest and is disqualified from participating in the deliberations of the Advisory Board or the Office in respect of that matter, unless the Advisory Board or Office decides otherwise

s 21(1) Delete the words “Public Service Commission” appearing immediately after the words “on the recommendation of the” and substitute therefor the words “Advisory Board”

s 22 Delete the words “Public Service Commission” appearing immediately after the words “Commission and” and substitute therefor the words “Advisory Board”

New Insert the following new section immediately after section 28—

Seal of the  
Office

**28A** (1) There shall be a seal of the Office which shall be such device as the Attorney-General shall determine

(2) The seal of the Office shall be kept in the custody of the Attorney-General or such person as the Attorney-General may authorise in that regard

(3) The seal of the Office shall be used in accordance with the orders of the Attorney-General

(4) The seal of the Office, when affixed to a document and duly authenticated, shall be judicially and officially noticed and, unless the contrary is proved, any necessary order or authorization of the Attorney-General in respect of the seal under this section shall be presumed to have been duly given

New Insert the following new section immediately after section 33—

Further  
saving

**33A** (1) Any State Counsel, officer or member of staff employed and deployed by the Public Service Commission and serving in the Office immediately before the commencement of this section shall—

- (a) on the commencement of this section, be deemed to have been employed and deployed in accordance with this Act,
- (b) retain any rights that have accrued or are accruing to him or her before the commencement of this Act,
- (c) continue to contribute to any superannuation scheme to which he or she was a contributor immediately before the commencement of this Act,
- (d) be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he or she has continued to be such an officer, contributor or person during his or her service as a member of the Office,
- (e) be deemed to have been employed in accordance with this Act for the purposes of any written

law under which any rights accrued or were accruing to him or her under which he or she continues to contribute or by which any entitlement has been conferred, and

- (f) be deemed to be a State Counsel, officer or employee of the Office for the purposes of any superannuation scheme to which he or she is entitled to contribute

Paragraph 1 Delete the words “Public Service Code of  
(2) of the Conduct and the” appearing immediately after  
Schedule the words “supplementary to the”

The Oaths and s 3  
Statutory  
Declarations  
Act (Cap 15)

Delete the words “Registrar of the High Court” and substitute therefor the words “Chief Registrar of the Judiciary”

s 12 Delete the words “the Registrar of the High Court, a Deputy Registrar, a Deputy Registrar of the Environment and Land Court and a Deputy Registrar of the Employment and Labour Relations Court” and substitute therefor the words “the Registrar or Deputy Registrar of a superior court or subordinate court”

The s 2  
Advocates Act  
(Cap 16)

Delete the definition of “Registrar” and substitute therefor the following new definition—

“Registrar” means the Chief Registrar of the Judiciary”

s 81(1) Insert the following new paragraph immediately after paragraph (a)—

- (aa) the admission of advocates under section 15



The Notaries Public Act (Cap 17)	s 4(1)	Delete the words “Registrar of the High Court” wherever they appear and substitute therefor the words “Chief Registrar of the Judiciary”
	s 4(2)	Delete the words “Registrar of the High Court” and substitute therefor the words “Chief Registrar of the Judiciary”
	s 5(3)	Delete the words “Registrar of the High Court” and substitute therefor the words “Chief Registrar of the Judiciary”
The Sexual Offences Act (Cap 63A)	s 39(13)	Delete the words “Registrar of the High Court” and substitute therefor the words “Chief Registrar of the Judiciary”
The Public Holidays Act (Cap 110)	Schedule	Delete the expression “Utamadunı Day” and substitute therefor the expression “Mazingira Day”
The Trustees (Perpetual Succession) Act (Cap 164)	s 2	Delete the definition of “Cabinet Secretary”
		Delete the definition of “pension fund”
		Delete the definition of “Principal Registrar”
		Delete the definition of “provident fund”
		Insert the following new definition in proper alphabetical sequence—
		“the Registrar” has the same meaning assigned to it in section 3(1) of the Companies Act
	s 3(1)	Delete the word “Principal”
	s 3(2)	Delete the word “Principal”
	s 3(2A)	Delete the word “Principal”
	s 3(2B)	Delete the word “Principal”
s 3J(9)	Delete the word “Principal”	
s 5(1)	Delete the word “Principal”	
		Insert the word “First” immediately before the word “Schedule”

- s 6(1) Delete the word “Principal” wherever it appears
- s 6(2) Delete the word “Principal”
- s 6(3) Delete the word “Principal”
- s 8(1) Delete the word “Principal” wherever it appears
- s 9(1) Delete subsection (1) and substitute therefor the following new subsection—
- (1) The Registrar shall keep and record in a register kept for that purpose each application, order and other document lodged or given under the provisions of this Act, and a duplicate of each certificate of incorporation issued under this Act
- s 9(2) Delete the words “appointed under the Registration of Documents Act (Cap 285)”
- Delete the word “prescribed fee” and substitute therefor the words “fee set out in the Second Schedule”
- s 11 Insert the words “set out in the Second Schedule” immediately after the word “fee”
- s 13(1) Delete the word “Principal” wherever it appears
- s 15 Delete the words “at the Principal Registry of Documents” and substitute therefor the word “to the Registrar”
- s 16(1) Delete the word “Principal”
- s 16(2) Delete the word “Principal”
- s 17 Delete the words “Cabinet Secretary” and substitute therefor the word “Registrar”
- Schedule Delete and substitute therefor the following new Schedule—

**FIRST SCHEDULE (s 5(1))  
 FORM TR 1  
 APPLICATION TO REGISTER A TRUST  
 PART I—TRUST DETAILS**

1 Name of the Trust

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2 Trust Constitution

Please attach the Trust Deed or Will or any other instrument forming the constitution of the Trust

3 Registered office address

Name of the building/plot No	
Street/Road	
District	
Floor/Room No	
Town	
County	

5 Contact address of the Trust

P O Box	
Postal Code	
Office No	
Mobile No	
Email Address <sup>1</sup>	

6 Principal objects of the Trust

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**PART II—PROPOSED SETTLOR/  
 OFFICERS**

7 Details of the Settlor(s), first Trustees and/or Enforcers of the Trust

Name	
Designation	
Postal Address	
Identity card or passport number <sup>2</sup>	

<sup>1</sup>Please provide an email address which has never been used on iTax

<sup>2</sup>If a passport number is provided, please also indicate the issuing country and place and date of issue of the passport

Nationality	
Telephone No	
Email Address	
I/We hereby consent to act as Trustee/Enforcer of the Trust	

Complete a separate sheet for each Settlor, Trustee and/or Enforcer (if applicable) or authorised signatory and attach the following documents for each

- a) Copy of Kenyan national identification card, alien card or passport,
- b) Copy of PIN certificate issued by Kenya Revenue Authority (not applicable to persons who are not Kenyan residents), and
- c) Coloured passport-sized photograph

For a corporate body

- a) Certificate of incorporation,
- b) Copy of PIN certificate issued by Kenya Revenue Authority,
- c) Copies of Kenyan national identification cards, alien cards or passports of the directors, and
- d) Coloured passport-sized photographs of the directors

### **PART III—STATEMENT OF INITIAL TRUST ASSETS**

8 The Trust property is initially capitalised as follows and shall include any subsequent property registered in the trust's name

Type of Asset	Value

Complete a separate sheet of Initial Assets (if applicable)  
Lodged on behalf of the Trust by

Settlor/Trustee/Enforcer/Advocate

**OFFICIAL USE**

Trust registry  
Checked by  
Name

\_\_\_\_\_

\_\_\_\_\_

New Insert the following new Schedule—

**SECOND SCHEDULE (s 9(2), s 11)**

**FEES CHARGEABLE BY THE  
REGISTRAR FOR INCORPORATION,  
INSPECTING DOCUMENTS OR  
OBTAINING COPIES OF DOCUMENTS  
OR INFORMATION**

<b>Item no</b>	<b>Matter</b>	<b>Fee (KSh)</b>
1	Fees chargeable for incorporation of a trust	10,000
2	Right under the Act to inspect the register of trusts and get copies of any public documents relating to a trust	500

The Universities Act (Cap 210)

s 24 (3)

Delete the words “a specialized degree awarding institution” appearing immediately after the word “establish” and substitute therefor the words “specialized degree awarding institutions”

s 25 Delete subsection (2) and substitute therefor the following new subsection—

(2) A declaration made under this section shall only apply to a public institution—

(a) that is or previously was a National Polytechnic within the meaning of the Technical and Vocational Education and Training Act or

(b) that has the requisite physical facilities and human resource capacity that are appropriate for a technical university

The Employment Act (Cap 226) s 3(2) Insert the following new paragraph immediately after paragraph (ba)—

(bb) the National Intelligence Service,

The Industrial Training Act (Cap 237) s 5B(3) Delete the words “fifth day” and substitute therefor the words “ninth day”

The Veterinary Surgeons and Veterinary Para-Professionals Act (Cap 366) s 2(1) Delete the definition of “animal” and substitute therefor the following new definition—

“animal” means all species of the animal kingdom, but not man, whether in aquatic, domesticated or wild environments and includes wild animals, cattle, camel, buffalo, sheep, goats, pigs, fish, horse, mule, donkey, dog, birds, bees, insects, reptiles and marine animals

Delete the definition of “animal resource industry” and substitute therefor the following new definition—

“animal resource industry” means the sector responsible for animal health, production, welfare, marketing, animal food safety and security, and sanitary aspects of animals

In the definition of “register”, delete the words “chief executive officer” and substitute therefor the word “Registrar”

In the definition of “veterinary medicine”, delete the words “alternative medicines” appearing in paragraph (c)

New Insert the following new definitions in proper alphabetical sequence—

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to veterinary services,

“veterinary practice” means any practice for hire, gain, fee, compensation, employment or reward received, promised, offered, expected or accepted, either directly or indirectly, by the person rendering the veterinary service from the person requesting or receiving the service

s 2 Delete subsection (2)

s 6(2)(a) Delete the words “and the” appearing immediately after the word “poisons”

s 6(2)(n) Delete the word “with” appearing immediately after the word “organisations”

The Civil Aviation Act (Cap 394) s 2(1) In paragraph (e) of the definition of “publication”, delete the words “for aviation metrology” appearing after the words “information circulars”

s 34 Delete the word “three” and substitute therefor the word “six”

The Traffic Act (Cap 403) s 117(3) Insert the words “or through the use of any electronic or mobile communications technology” immediately after the words “vehicle concerned”,

Insert the words “either pay the fine or” immediately after the words “requiring such person to”

Insert the words “or through the use of electronic or mobile medium” immediately after the words “served personally”

- s 117(8) Delete the expression “to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding one month” and substitute therefor the expression “on first conviction, to a fine of an amount equivalent to ten times the maximum statutory penalty for the offence to which the notification relates and an amount equivalent to twenty times of the penalty for a second or subsequent conviction

Provided that where a notification relates to two or more offences, the fine under this subsection shall be based on the offence with the highest penalty under the notification ”

- s 117(9)(a) Delete the expression “on first conviction to a fine not exceeding two hundred shillings, and on each subsequent conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months” and substitute therefor the expression “on first conviction to a fine of an amount equivalent to ten times the maximum statutory penalty for the offence to which the notification relates, and an amount equivalent to twenty times of the penalty for a second or subsequent conviction

Provided that where a notification relates to two or more offences, the fine under this paragraph shall be based on the offence with the highest penalty under the notification”

- s 117(10) Insert the word “thousand” immediately after the word “hundred”



The Public Finance Management Act (Cap 412A)

s 40(3) Delete

s 40(4) Delete

The Value Added Tax Act (Cap 476)

Section A of Part 1 of the First Schedule Delete paragraph 138

Insert the following new paragraph immediately after paragraph 147—

148 The supply of gas meters of tariff number 9028 10 00

The Privatisation Act, 2023 (No 11 of 2023)

s 9 Delete paragraph (f)

