

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2020

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**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) BILL, 2020**

A Bill for

**AN ACT of Parliament to make various 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, 2020. Short title.

2. The several laws specified in the first column of the Schedule hereto 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

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
Interpretation and General Provisions Act (Cap. 2)	s. 3	Delete the definition of “armed forces” and substitute therefor the following— “Kenya Defence Forces” has the meaning assigned to it under the Kenya Defence Forces Act, 2012.
	No. 25 of 2012.	Delete the proviso to the definition of “the Cabinet Secretary” and substitute therefor the following new proviso— “Provided that where there is no Cabinet Secretary assigned the responsibility for matters relating to the legal sector, the Attorney-General shall be responsible for the matter in question.”
The Records Disposal Act (Cap. 14)	s. (2) (1)	Insert the words “Employment and Labour Relations Court”, immediately after the words “High Court”.

The Penal Code (Cap. 63) s. 52 (3) (b) Delete the words “Commissioner of Police” and substitute therefor the word “Inspector-General”.

The Criminal Procedure Code (Cap. 75) s. 2 Delete the definition of “police officer” and substitute therefor with the following new definition—

No. 11A of 2012 “police officer” has the meaning assigned to it under the National Police Service Act, 2011.

Delete the definition of “police station” and substitute therefor with the following new definition—

“police station” has the meaning assigned to it under the National Police Service Act, 2011.

Delete the words “a State Counsel” appearing immediately after the words “Director of Public Prosecutions” in the definition of “public prosecutor” and substitute therefor the words “a Prosecution Counsel”.

s.83 Delete and substitute therefor the following new section—

Delegation of powers
by Director of Public
Prosecution.

83. (1) The Director of Public Prosecutions may order in writing that all or any of the powers vested in him by sections 81 and 82, and by Part VIII, be vested for the time being in the Secretary, Prosecution Services;

Deputy Director,
Public Prosecutions;
Senior Assistant
Director of Public
Prosecutions;
Assistant Director of
Public Prosecutions;
Senior Principal
Prosecutions Counsel;
Senior Prosecution
Counsel and
Prosecution Counsel
and the exercise of
those powers by the
officers shall then
operate as if they had
been exercised by the
Director of Public
Prosecutions.

(2) The Director
of Public
Prosecutions may in
writing revoke an
order made by him
under this section.

s.89 (2) Delete and substitute therefor the following new subsection—

“(2) A public prosecutor or any other person who believes from a reasonable and probable cause that an offence has been committed by a person may make a complaint to a magistrate.”

s.90(3) Delete the words “a Sunday” appearing immediately after the words “issued on” and substitute therefor the words “any day of the week”.

s.123(1) Delete the phrase “other than a person accused of murder, treason, robbery with violence, attempted

		robbery with violence and any related offence” appearing immediately after the words “when a person”.
	s.131(2)	Delete the word “movable” appearing immediately after the words “sale of the”.
	s.184	Delete.
	s.186	Delete.
	New	Insert the following new section immediately after section 360— Appeals from the High Court. 360A. A person dissatisfied with a decision of the High Court in the exercise of its original jurisdiction has a right of appeal to the Court of Appeal.
	s. 344A (1)	Insert the words “the Counter-Trafficking in Persons Act, 2012, the Prevention of Organised Crimes Act, 2010” immediately after the words “Prevention of Terrorism Act, 2012”.
	s. 36A (7)	Insert the words “and not less than three days” immediately after the words “thirty days”.
The Evidence Act (Cap. 80)	s. 3	Insert the following new definition in proper alphabetical sequence— “photograph” means an image created by light falling on a light-sensitive surface, either a photographic film or an electronic medium and then made visible and permanent by chemical treatment, or stored digitally”.
	s.78(1)	Delete and substitute therefor the following new subsection—