

**SPECIAL ISSUE**

NATIONAL COUNCIL FOR  
LAW REPORTING  
LIBRARY

Kenya Gazette Supplement No. 35 (National Assembly Bills No. 12)



REPUBLIC OF KENYA

# **KENYA GAZETTE SUPPLEMENT**

## **NATIONAL ASSEMBLY BILLS, 2018**

---

---

**NAIROBI, 10th April, 2018**

---

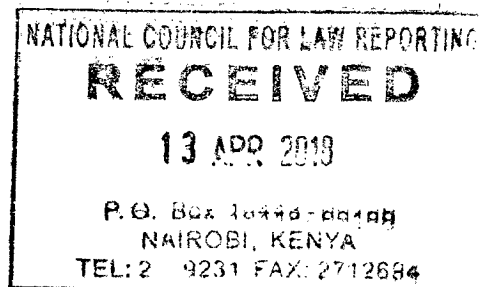
---

### **CONTENT**

Bill for Introduction into the National Assembly —

PAGE

The Statute Law (Miscellaneous Amendments) Bill, 2018 ..... 261



# THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2018

## 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, 2018. 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

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Judicature Act, (Cap.8).	s.2.	Delete the definition of the word “judge” and substitute therefor the following new definition—  “Judge” means the Chief Justice or any other judge appointed under Article 166 of the Constitution and includes a judge serving in an acting capacity.
	No. 20 of 2011.	Insert the following new definitions in proper alphabetical sequence—  “Employment and Labour Relations Court” means the Employment and Labour Relations Court established by the Employment and Labour Relations Court Act, 2011.
	No. 19 of 2011.	“Environment and Land Court” means the Environment and Land Court established by the Environment and Land Court Act, 2011.

- |  |         |  |
|--|---------|--|
|  | s.3(1)  | Insert the words “the Environment and Land Court, the Employment and Labour Relations Court and” immediately after the expression “High Court”.  |
|  | (2)     | Insert the words “the Environment and Land Court, and “the Employment and Labour Relations Court and” immediately after the expression “High Court”.   |
| The Oaths and Statutory Declarations Act (Cap.15). | s. 12   | Delete the words “a deputy registrar and district registrar” and substitute therefor the expression “and a Deputy Registrar”.  |
|  | s.13    | Delete.  |
| The Advocates Act (Cap. 16).                       | s.11(4) | Delete the expression “Disciplinary Committee” and substitute therefor the expression “Disciplinary Tribunal”.   |
|  | s.19    | Delete the expression “Disciplinary Committee” wherever it appears in paragraphs (a) and (b) and substitute therefor the expression “Disciplinary Tribunal”.   |
|  | s.23    | Insert the following new subsection immediately after subsection (2) —<br><br>(2A) Every advocate to whom a practicing certificate has been issued and who draws any legal document that includes pleadings, affidavits, depositions, deeds and other related instruments set out in section 34 and filed in any registry under any law requiring filing by an advocate shall in addition to setting out the firm’s details include the name of the advocate drawing the document, the advocate’s admission number and signature and the stamp of the respective law firm. |
|  | s.25    | Delete the expression “Disciplinary Committee” appearing in paragraph (f)  |

and substitute therefor the expression “Disciplinary Tribunal”.

s.27 Delete the expression “Disciplinary Committee” and substitute therefor the expression “Disciplinary Tribunal”.

s.46(d) Delete.

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

(d) any agreement by which an advocate agrees to accept, in respect of professional business, any fee or other consideration which is less than the remuneration prescribed by any Order under section 44;

(da) any agreement by which an advocate agrees to accept, in respect of professional business, any fee or other consideration which is more than twenty-five percent of the general damages recovered in respect of that business.

s.53(4) Delete the expression “Disciplinary Committee” wherever it occurs in paragraphs (b) and (e) and substitute therefor the expression “Disciplinary Tribunal”.

(6C) Delete and substitute therefor the following new subsection—

(6C) An advocate against whom an Order is made under this section and who has not appealed against such Order under subsection (8) may apply to the Disciplinary Tribunal for a review of the Order.

- s.57(1) Insert the words “or his representative” immediately after the expression “Attorney-General” appearing in paragraph (a);

Delete the expression “three years” appearing in paragraph (c) and substitute therefor the expression “four years”.

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

- (4) (1B) The election of the members referred to in paragraph (1) (c) shall be held at different times so that the expiry of the terms of office of at least two members falls at different times for purposes of continuity.

Delete the expression “Disciplinary Committee” wherever it appears in paragraphs (c) and (d) and substitute therefor the expression “Disciplinary Tribunal”.

- s.58(2) Delete and substitute therefor the following new subsections—

(2) The Attorney-General shall preside at all meetings of the Disciplinary Tribunal at which he is present and in his absence the Solicitor-General shall preside.

(2A) In the absence of both the Attorney-General and the Solicitor-General the person deputed by the Attorney-General under section 57(1)(b) shall preside, and in the absence of the person so deputed the members present shall elect one from among their number to preside.

- s.61(2) Delete the expression “(if the complaint has been referred by it to the Tribunal)”