

OFFICE OF THE ATTORNEY-GENERAL AND DEPARTMENT OF JUSTICE



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

SENSITIZATION ON THE 24TH ANNUAL SUPPLEMENT TO THE LAWS OF KENYA

BY:
THE NATIONAL COUNCIL FOR LAW REPORTING

Revision of the Laws of Kenya

- Laws of Kenya means the revised edition of the Laws (Cap. 1) (Section 2)
- Revision Process is Governed by the Revision of the Laws of Kenya Act (Cap. 1) (Section 8)
- Laws of Kenya published through an Annual Supplement (Section 7)



Powers of Revision

- Vested in the Attorney-General (Cap. 1) (Sections 7 and 8)
- Delegated to Kenya Law under Interpretation and General Provisions Act (Cap. 2) (section 38 (1))
- ❖ Delegated through Legal Notice 29 of 2009



Process of Revision

- Revision is done through the preparation of the Annual Supplement
- Revision is done by:
 - Updating the statute book to incorporate new laws enacted
 - Updating the written laws to incorporate amendments made to the principal law
 - Issuing of the chapter numbers to the Laws of Kenya
 - Ensuring uniformity of the Law in form and structure
- The Process of Revision should not affect the substance of any law (Section 8(4))



Annual Supplement of the Laws of Kenya

- The first Annual Supplement
 - Issued on 11th November, 1963 through Legal Notice No. 683.
- Twenty-two (22) subsequent Supplements
 - (1963 – 1995)
- The latest Annual Supplement
 - Issued on 29th September, 1995 through Legal Notice No. 334
- The proposed 24th Annual Supplement
 - Provides updated Laws of Kenya as at 31st December 2022.



Powers of Revision Applied in Preparation of the 24th Annual Supplements (Section 8 of Cap 1)

- i) Allocated chapter numbers and dropped the year of enactment from the title of the statute (259 new chapters)
- ii) Converted marginal notes to section headings
- iii) Corrected cross references
- iv) Corrected grammatical and typographical errors
- v) Corrected punctuation
- vi) Made formal alterations of names, localities, offices to align with The Constitution of Kenya, 2010



Contents of the 24th Annual Supplement

(Section 7 of Cap. 1)

- The Constitution of Kenya
- 259 statutes appearing for the first time (Statutes enacted after 1995)
- 126 revised editions
- The 2022 Revised edition of the Table of Contents including a table of Omitted Acts
- An Accumulative Index to the Laws of Kenya
- Supplement of the Chronological Table (1995-2022)



Legislation Omitted from the 24th Annual Supplement

- Annual appropriation Acts;
- Acts which were of temporary effect, including;
 - ❖ Commission for the Implementation of the Constitution Act, No. 9 of 2010
 - ❖ Truth, Justice and Reconciliation Act No. 6 of 2008
 - ❖ Vetting of Judges and Magistrates Act, No. 2 of 2011
 - ❖ National Accord and Reconciliation Act No. 4 of 2008



Legislation Omitted from the 24th Annual Supplement (*Continued*)

- Acts which proposed making substantial quantity of new subsidiary legislation.

Example: Civil Aviation Act, No. 21 of 2013

- Act not yet in force at the time of revision
 - i) Public Benefit Organisation, No. 18 of 2013,
 - ii) Radiographers Act, No. 28 of 2022 ;
 - iii) Animal Technicians No. 11 of 2010



Factors considered during Revision

The Constitution of Kenya, 2010: Aligning with the format of the Constitution

i) Use of Section headings *vis-a-vis* Marginal Notes

THE MARRIAGE ACT, 2014
AN ACT of Parliament to amend and consolidate the various laws relating to marriage and divorce and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Marriage Act, 2014.

Interpretation.

2. In this Act, unless the context otherwise requires—

“child” means an individual who has not attained the age of eighteen years;

THE MARRIAGE ACT

Commencement: 20th May, 2014

An Act of Parliament to amend and consolidate the various laws relating to marriage and divorce and for connected purposes

[Act No. 4 of 2014]

PART I - PRELIMINARY

Short title.

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Interpretation.

2. In this Act, unless the context otherwise requires—

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Factors considered during Revision (*Continued*)

ii) Adoption of PT Serif font and section headings:

- To aid electronic reading for persons with visual impairment and enable the conversion of text to Braille
- Help to distinguish (especially online) numerical zero (0) and letter O
- Help to distinguish numerical number One:

(1), (i), (I) and Letter L (lower and upper case)





WAY FORWARD

1. Publication of the 24th Annual Supplement as a Legal Notice in the Kenya Gazette: [L.N 221/2023](#) on 22nd December, 2023
2. Availability of the Annual Supplement after gazettelement
 - a. At Kenya Law Website, www.kenyalaw.org
 - b. At Government Press.
3. Law Reform issues identified in the laws were flagged out and will be referred to the relevant institutions.



Examples of Proposed Law Reform

1. Statutes making reference to phrases applied during the pre-independence era i.e Crown Agents, British Protected Person, The Colony etc
2. Statutes to be harmonized with the Constitution of Kenya, 2010 and the current legal framework.
 - Refers to: Provinces, Local Government, town Clerk, municipalities
3. Statutes referring to titles which have been spent by operation of law where revision would amount to amendment of the law
 - National Gender and Equality Commission Act, 2011 refers to Office of the Prime Minister in section 11(2)



Examples of Proposed Law Reform (*Continued*)

4. Statutes making reference to repealed legislation
 - Records Disposal Act (Cap. 14) makes reference to the Patents Registration Act (Cap. 508) which was repealed by the Industrial Property Act (Cap. 509) which was in turn repealed by the Industrial Property Act (No. 3 of 2001)
5. Statutes that refer to the application of foreign jurisdiction that are no longer applicable in Kenya
 - Government Proceedings Act (Cap. 40) makes reference to section 46 of the Patents Act, 1949 and the First Schedule to the Registered Designs Act, 1949, of the United Kingdom.
6. Statutes limited in scope e.g.
 - Uplands Bacon Factory Act (Cap. 362)





Twenty-Fourth Annual Supplement Sensitization

Any Questions?

Comments?

Feedback?

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THANK YOU

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