



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

THE 24th ANNUAL SUPPLEMENT

INFORMATION BOOKLET



OFFICE OF THE ATTORNEY GENERAL
AND DEPARTMENT OF JUSTICE



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1. INTRODUCTION

The National Council for Law Reporting Act, 1994 (No. 11 of 1994) provides the mandate of the National Council for Law Reporting as:

- (a) to be responsible for the preparation and publication of the reports to be known as the Kenya Law Reports;
- (b) undertake such other publications as in the opinion of the Council are reasonably related to or connected with the preparation and publication of the Kenya Law Reports; and
- (c) perform any other functions conferred on the Council by or under the provisions of any other written law.

As the National Council for Law Reporting carried out its mandate, it was imminent that the work of law reports had to go hand in hand with statutes for easier reference. This led to the digitization of the Laws of Kenya and the deployment of the same on the internet to facilitate easier access. This culminated with the amendment of the Act in 2007, through the Statute Law (Miscellaneous Amendments) Act, to accommodate electronically published laws of Kenya. Following the challenges that the judges were experiencing with access of updated laws, discussions relating to law revision begun. Thereafter, the National Council for Law Reporting started having discussions with the Attorney-General on the possibility of carrying out revision of the Laws of Kenya since the powers vested in the Attorney-General under the Revision of the Laws Act (Cap. 1). Due to this progress in providing the laws in electronic format and the Attorney-General delegated the power of law revision to the National Council for Law Reporting under section 38(1) of the Interpretation and General Provisions Act (Cap. 2).

2. THE LAWS OF KENYA

The Laws of Kenya are defined by the Revision of the Laws Act (Cap. 1) as the revised edition prepared and published under the Act.

Content of the Laws of Kenya

Section 4 of the Revision of the Laws Act provides for the contents of the Laws of Kenya as:

- (a) The Constitution;
- (b) All acts in force unless omitted under section 5 of the Revision of the Laws Act;
- (c) Subsidiary legislation in force;
- (d) Foreign legislation applied to Kenya;
- (e) Table of Contents;
- (f) Chronological table listing all Ordinances, Acts and other enactments ever enacted in Kenya and showing how each have been dealt with;
- (g) An accumulative index of all Acts; and
- (h) A table of omitted Acts.



Omitted Legislation

Section 5 of the Revision of the Laws Act provides that the following may be omitted from the Laws of Kenya:

- (a) Annual appropriation Acts;
- (b) Specific loan or specific loan guarantee Acts;
- (c) Any Act which is in the opinion of the Attorney-General:
 - i) of temporary effect;
 - ii) of local or limited application; and
 - iii) of application only to a time past.
- (d) Any Constitution of Kenya (Amendment) Act or provision in such Act which does not become incorporated in the Constitution;
- (e) Any Act which has:
 - i) proposed substantial amendments to the Act or subsidiary legislation; or
 - ii) the proposed making of a substantial quantity of new subsidiary legislation; or
 - iii) the Act in question not yet being in force at the time of a given revision

3. THE ANNUAL SUPPLEMENT

The Annual Supplement is a publication by the Attorney-General of the revised editions of the Laws of Kenya. The first Annual Supplement was published in the year 1963 vide Legal Notice 683 of 1963 on 11th November, 1963. Twenty-two (22) subsequent Annual Supplements followed thereafter with the last one published in the year 1995 as Legal Notice No. 334 of 1995 on the 29th September, 1995.

4. THE POWER, PROCESS AND EFFECTS OF REVISION OF LAWS

Powers of Revision

The powers of revision are set out in section 8 of the Revision of the Laws Act (Cap. 1) and include the following:

- (a) Allocation of Chapter numbers to newly enacted Acts.
- (b) Supply of section headings.
- (c) Correction of grammatical and typographical mistakes, cross references and punctuation of any law.



The Process of Revision of Laws

Law Revision is the editorial process of incorporating amendments to Laws passed by Parliament. It is ideally carried out on a continuous basis to ensure that the laws are constantly updated following their enactment or amendment by Parliament, and that there is uniformity in the form and structure and organization of the Statute Book.

This exercise is usually followed by a release of an Annual Supplement as provided in section 7 of the Revision of the Laws Act (Cap. 1).

Effect of Law Revision on Existing Law

Section 8 (4) of the Revision of the Laws Act (Cap. 1), which provides that no power of revision applied shall empower the Attorney General to make any alteration or amendment in the substance of any law.

Accordingly, revision does not affect the substance of any law which has been revised.

5. THE 24th ANNUAL SUPPLEMENT

The 24th Annual Supplement of the Laws of Kenya is a publication prepared by the Attorney General and contains the revised edition of the Laws of Kenya for the period 1995 to 2022. This is pursuant to the powers of revision conferred on the Attorney-General by section 8(1) of the Revision of the Laws Act (Cap. 1) and delegated to the National Council for Law Reporting vide Legal Notice 29 of 2009.

Content of the 24th Annual Supplement

It contains the Laws of Kenya, up to date as at the 31st December, 2022.

The 24th Annual Supplement contains the following:

- (a) The Constitution of Kenya;
- (b) Two hundred and fifty-nine (259) revised editions of every Act enacted from the year 1995, which is the year of the last revision;
- (c) One hundred and twenty-six (126) revised editions which have been substantially amended;
- (d) The 2022 revised edition of the Table of Contents which includes the table of omitted Acts;
- (e) The Accumulative Index;
- (f) A Supplement to the chronological table of enactments.

The Supplement covers the period 1995- 2022 pursuant to section 7 of the Revision of the Laws Act (Cap. 1) which provides that a supplement may be prepared in respect of more than one year.

Acts Omitted from the 24th Annual Supplement

The following Acts were omitted because they were of temporary effect:

- (a) National Accord and Reconciliation Act, No. 4 of 2008;
- (b) Truth, Justice and Reconciliation Act, No. 6 of 2008;
- (c) Commission for the Implementation of the Constitution Act, No. 9 of 2010;
- (d) Vetting of Judges and Magistrates Act, No. 2 of 2011.

Others were omitted because the Act in question was not yet in force at the time of revision. These include:

- (a) Public Benefit Organization, No. 18 of 2013,
- (b) Radiographers Act, No. 28 of 2022;
- (c) Animal Technicians No. 11 of 2010

6. SOME KEY FACTORS CONSIDERED DURING REVISION

In preparation of the 24th Annual Supplement, the following factors, among others were taken into account:

The Constitution of Kenya, 2010

The passing of the Constitution brought a paradigm shift in approaching legislation due to key issues including:

- i. Introduction of a different regime in the Country's governance structure: Devolution was introduced by the Constitution which had the effect of introducing new terminologies in reference to the two levels of government and the re-naming of offices such as "County Governments" instead of "Local Governments"; and "Members of County Assembly" instead of "Councillors". Change of titles such as "Minister" to "Cabinet Secretary", "Permanent Secretary" to "Principal Secretary"; and "Registrar of High Court" to "Chief Registrar of Judiciary".
- ii. Access to Information under Article 35 of the Constitution, which goes hand in hand with the Concept of Universal Accessibility: The use of Section headings vis-a-vis Marginal Notes and the adoption of a font that aids electronic reading for persons with visual impairment and enable the conversion of text to Braille were among the features adopted during the preparation of the Supplement. The law was amended in the year 2012 to accommodate the use of section headings to enable printing of the statutes in Braille and enable Screen Readers, a software program which uses a text-to-speech engine to translate on-screen information into speech to work more efficiently.

The Digitization Agenda of Government

The Government of Kenya plans to digitize and automate all critical Government processes throughout the country, with a view to bringing at least 80 percent of all Government services online for greater convenience to citizens. The 24th Annual Supplement will be available in a digital format.

7. SOME ISSUES OF NOTE

The Difference between the Online of the Laws and the Annual Supplement

The online version of the Laws of Kenya (available on www.kenyalaw.org) are the updated version of the law prepared by the National Council for Law Reporting, while the Annual Supplement contains the revised edition issued by the Attorney-General as the official version of the Laws of Kenya. The 24th Annual Supplements are updated from 1995 up to 31st December 2022.

The difference between Law Revision and Law Reform

Law revision is about the form and structure of the law, while law reform involves the alteration of the law through amendment of the laws.

During the preparation of the 24th Annual Supplement, there were a number of laws that were identified and flagged for law reform. The issues identified were:

- i. Statutes with references to the pre-independence era;
- ii. Statutes in need of harmonization with the Constitution of Kenya, 2010;
- iii. Statutes that still refer to the application of foreign jurisdiction that are no longer applicable in Kenya;

These Law Reform issues will be forwarded to the relevant institutions for their action towards reform in order to accord with the current circumstances.

8. ACCESS TO THE CONTENTS TO THE 24th ANNUAL SUPPLEMENT

The contents to the 24th Annual Supplement will be available on the Kenya Law website., www.kenyalaw.org and the Government Press.





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