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REPUBLIC OF KENYA

## ***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2017**

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**NAIROBI, 21st April, 2017**

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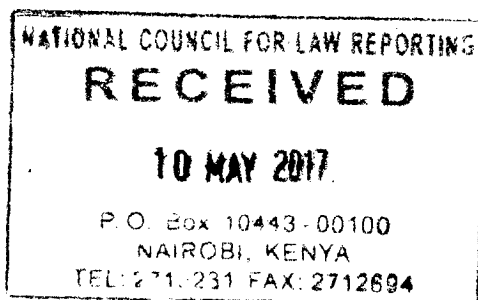
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### **CONTENT**

Bill for Introduction into the National Assembly—

**PAGE**

The Statute Law (Miscellaneous Amendments) Bill, 2017..... 485



## THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2017

### A Bill for

#### AN ACT of Parliament to make minor 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, 2017. 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

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Interpretation and General Provisions Act. (Cap. 2)	s.3	Delete the definition of "the Cabinet Secretary".
	s.3	Insert the following new definition in proper alphabetical sequence — "Attorney-General" means the Attorney-General appointed under Article 156 (2) of the Constitution;
The Business Registration Service Act, 2015 (No. 15 of 2015)	s.2	Delete the definition of "Cabinet Secretary".
	s.2	Insert the following new definition in proper alphabetical sequence — "Attorney-General" means the Attorney-General appointed under Article 156 (2) of the Constitution;
	s.4	Delete the words "Cabinet Secretary" wherever they appear and substitute therefor the word "Attorney-General".

- s.5 Delete the words “Cabinet Secretary” appearing in subsection (3) immediately after the words “by the” and substitute therefor the word “Attorney-General”.
- s.6 Delete the words “Cabinet Secretary” wherever they appear and substitute therefor the word “Attorney-General”.
- s.10 Delete the word “Cabinet Secretary” and substitute therefor the word “Attorney-General”.
- s.17 Delete the words “Cabinet Secretary” appearing immediately after the word “The” and substitute therefor the word “Attorney-General”.
- s.25 Delete the words “Cabinet Secretary wherever they appear and substitute therefor the word “Attorney-General”.
- s.28 Delete the words “Cabinet Secretary” appearing in subsection (2) immediately after the words “to the” and substitute therefor the word “Attorney-General”.
- s.30 Delete the words “Cabinet Secretary” appearing immediately after the word “The” and substitute therefor the word “Attorney-General”.
- s.32 Delete the words “Cabinet Secretary” and substitute therefor the word “Attorney-General”.
- The College of Arms Act (Cap. 98) s.2 Insert the following new definition in proper alphabetical sequence—  
“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
- s.3 Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.
- s.9 Delete the word “Minister” appearing immediately after the word “The” and substitute therefor the word “Attorney-General”.
- The Public Trustee Act (Cap. 168) s.2 Insert the following new definition in proper alphabetical sequence—  
“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;

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|  | s.5   | Delete the word “Minister” appearing immediately after the word “The” and substitute therefor the word “Attorney-General”.   |
|  | s.12  | Delete the word “Minister” appearing immediately after the words “that the” in subsection (5) and substitute therefor the word “Attorney-General”.                             |
|  | s.25  | Delete the word “Minister” appearing in subsection (2) (c) and substitute therefor the word “Attorney-General”.  |
|  | s.27  | Delete the word “Minister” appearing immediately after the word “The” and substitute therefor the word “Attorney-General”.   |
| The Chattels<br>Transfer Act<br>(Cap. 28)      | s.2   | Insert the following new definition in proper alphabetical sequence –<br><br>“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution; |
|  | s.14A | Delete the word “Minister” and substitute therefor the word “Attorney-General”.  |
| The Wakf<br>Commissioners<br>Act<br>(Cap. 109) | s.1   | Delete the word “Minister” and substitute therefor the word “Attorney-General”.  |
|  | s.2   | Insert the following new definition in proper alphabetical sequence –<br><br>“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution; |
|  | s.6   | Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.  |
|  | s.23  | Delete the word “Minister” and substitute therefor the word “Attorney-General”.  |
|  | s.24  | Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.  |
|  | s.25  | Delete the word “Minister” appearing in subsection (2) and substitute therefor the word “Attorney-General”.  |

	s.26	Delete the word “Minister” and substitute therefor the word “Attorney-General”.
The Fair Administrative Action Act, 2015 (No. 4 of 2015)	s.2	Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
	s.13	Insert in subsection (1) the words “or the Attorney-General” immediately after the words “Cabinet Secretary”.
The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)	s.2	Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
	s.8	Insert the word “or Attorney –General” immediately after the word “Cabinet Secretary” appearing in subsection 1 (b).
	s.11	Insert the words “or the Attorney- General” immediately after the words “Cabinet Secretary” wherever they appear.
	s.15	Insert the words “or the Attorney- General” immediately after the words “Cabinet Secretary” wherever they appear.
	s.29	Insert the words “or the Attorney –General” immediately after the words “Cabinet Secretary” appearing in subsection (3).
The Kenya School of Law Act, 2012 (No. 26 of 2012)	s.2	Insert the following new definition in proper alphabetical sequence – “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
	s.6	Insert the words “or the Attorney- General” immediately after the words “Cabinet Secretary” wherever they appear.
	s.7	Insert the words “or the Attorney –General” immediately after the words “Cabinet Secretary” appearing in subsection (2) (g).

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|  | s.9    | Insert the words “or the Attorney- General” immediately after the words “Cabinet Secretary” appearing in paragraph (a).   |
|  | s.11   | Insert the words “or the Attorney –General” immediately after the words “Cabinet Secretary”.  |
|  | s.22   | Insert the words “or the Attorney –General” immediately after the words “Cabinet Secretary” wherever they appear.   |
|  | s.28   | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).   |
| The Leadership and Integrity Act, 2012<br>(No. 19 of 2012) | s.2    | In the definition of “Cabinet Secretary” delete the words “and includes the Attorney-General” appearing immediately after the word “integrity”.                           |
|  | s.2    | Insert the following new definition in proper alphabetical sequence—<br>“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution; |
|  | s.51   | Insert the words “or the Attorney –General” appearing immediately after the words “Cabinet Secretary” in subsection (2).  |
| The Legal Aids Act<br>(No. 6 of 2016)                      | s.2    | Insert the following new definition in proper alphabetical sequence—<br>“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution; |
|  | s.7(1) | Insert the words “or the Attorney –General” immediately after the words “Cabinet Secretary” appearing in subsection (1) (b).  |
|  | s.9    | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.  |
|  | s.12   | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.  |
|  | s.13   | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).   |
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- s.20 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in paragraph (b).
- s.32 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear in subsection (3).
- s.33 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
- s.83 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.86 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- The Legal Education Act s.2(1) Insert the following new definition in proper alphabetical sequence –  
(No. 27 of 2012) “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
- s.4(7) Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (7).
- s.5 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in paragraph (a).
- s.10 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary”.
- s.23 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3).
- s.24 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2) €.
- s.27 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.

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|  | s.30    | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in paragraph (b).   |
|  | s.40    | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).  |
|  | s.42    | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3).  |
|  | s.46    | Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).  |
| The Limited Liability Partnerships Act, 2011<br>(No. 42 of 2011) | s.2     | Insert the following new definition in proper alphabetical sequence—<br><br>“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;  |
|  | s.21    | Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears.  |
|  | s.23    | Insert the words “or the Attorney-General” immediately after the word “Minister”.  |
|  | s.34(2) | Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2).  |
|  | s.35    | Insert the words “or the Attorney-General” immediately after the word “Minister” in the marginal notes.<br><br>Insert the words “or the Attorney-General” immediately after the word “Minister”.   |
| Fifth Schedule   |         | Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in paragraph 2(1) (e).<br><br>Insert the words “or the Attorney-General” immediately after the words “stating that the Minister” appearing in paragraph 3(4). |



Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears in paragraph 3(5).

Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears in paragraph 5(4).

Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in the marginal note.

Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears in paragraph 14.

The Nairobi Centre for International Arbitration Act, 2013. (No. 26 of 2013)	s.2	Delete the definition of “Cabinet Secretary”.
	s.2	Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
	s.6(1)	Delete the words “Cabinet Secretary” wherever they appear in subsection (1) and substitute therefor the word “Attorney-General”.
	s.8	Delete the words “Cabinet Secretary” wherever they appear and substitute therefor the word “Attorney-General”.
	s.16(1)	Delete the words “Cabinet Secretary” wherever they appear and substitute therefor the word “Attorney-General”.
	s.19(3)	Delete the words “Cabinet Secretary” wherever they appear and substitute therefor the word “Attorney-General”.
	Schedule	Delete the words “Cabinet Secretary” wherever they appear and substitute therefor the word “Attorney-General”
	Par.2	
	s.2	Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
The National Cohesion and Integration Act, 2008 (No. 12 of	s.2	Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;

- 2008)
- s.23 Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears.
  - s.32 Insert the words “or the Attorney-General” immediately after the word “Minister”.
  - s.38 Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears.
  - s.41 Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears.
  - s.42 Insert the words “or the Attorney-General” immediately after the word “Minister”.
  - s.48 Insert the words “or the Attorney-General” immediately after the word “Minister” in the marginal note.  
Insert the words “or the Attorney-General” immediately after the word “Minister” wherever it appears.
  - s.49 Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2) (b).
  - s.54 Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2) (a).
  - s.55 Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2).
  - s.59 Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2).
  - s.69 Insert the words “or the Attorney-General” immediately after the word “Minister”.
  - First Schedule Insert the words “or the Attorney-General” immediately after the words “Minister” wherever it appears.
- The National s.2 Delete the definition of “Minister”.

Crime  
Research  
Centre Act  
(No. 4 of  
1997)

- s.2 Insert the following new definition in proper alphabetical sequence—  
“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution.
- s.6 Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.
- s.16 Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.
- s.17 Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.
- s.18 Delete the word “Minister” wherever it appears and substitute therefor the word “Attorney-General”.

The  
Partnerships  
Act, 2012  
(No. 16 of  
2012)

- s.2(1) Insert the following new definition in proper alphabetical sequence—  
“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;
- s.35 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (1) (d).
- s.51 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in the marginal note.
- s.51 Insert the words “or Attorney-General” immediately after the word “Minister” wherever it appears in subsection (1).
- s.74 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (3).
- s.75 Insert the words “or Attorney-General” immediately after the word “Minister”.
- s.76 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (1).

	Second Schedule	Part 1	Insert the words “or Attorney-General” immediately after the word “Minister” wherever it appears in paragraph 7.
The Persons Deprived of Liberty Act, 2014 (No. 23 of 2014)	s.2		Insert the following new definition in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution.
	s.12		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2).
	s.19		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2) (b).
	s.20		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary”.
	s.26		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary”.
	s.27		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
	s.29		Insert the words “or Attorney-General” immediately after the word “liberty” appearing in subsection (3) (a).
	s.29		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3) (j).
	s.30		Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
The Truth, Justice and Reconciliation Act, 2008 (No. 6 of 2008)	s.2		In the definition of “Minister” delete the words “and includes the Attorney-General” appearing immediately after the word “affairs”. Insert the following new in proper alphabetical sequence— “Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;

- s.9 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (1).
- s.15 Insert the words “or Attorney-General” immediately after the words “determined by the Minister” appearing in subsection (1).
- s.45 Insert the words “or Attorney-General” immediately after the word “Minister” wherever it appears.
- s.48 Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (4).
- s.49 Insert the words “or Attorney-General” immediately after the word “Minister” wherever it appears.
- s.50 Insert the words “or Attorney-General” immediately after the words “Minister” wherever it appears.
- s.53(1) Insert the words “or Attorney-General” immediately after the word “Minister” appearing in subsection (1).
- First Schedule Insert the words “or Attorney-General” immediately after the word “Minister” wherever it appears.

The Vetting of s.2(1) Insert the following new definition in proper  
Judges and alphabetical sequence—  
Magistrates  
Act, 2011 “Attorney-General” means the Attorney-General  
(No. 2 of appointed under Article 156(2) of the  
2011) Constitution;

- s.26(2) Insert the words “or Attorney-General” immediately after the word “Minister”.

The Victim s.2(1) Insert the following new definition in proper  
Protection alphabetical sequence—  
Act, 2014 “Attorney-General” means the Attorney-  
(No. 17 of General appointed under Article 156(2) of the  
2014) Constitution;

- s.21 Insert the words “or Attorney-General” immediately after the words “in the opinion Cabinet Secretary.
- s.22 Delete the words “Cabinet Secretary for the time being responsible for matters relating to justice” wherever it appears and substitute therefor the word “Cabinet Secretary or the Attorney-General”.
- s.29 Delete the words “Cabinet Secretary for the time being responsible for matters relating to justice” wherever it appears and substitute therefor the words “Cabinet Secretary or the Attorney-General”.
- s.30 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.31 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.32 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.33 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.34 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection 9(1).  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection 9(2)(c).
- The Companies Act, 2015 (No. 16 of 2015)
- s.1 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.3 Insert the following new definition in proper alphabetical sequence—  
“Attorney-General” means the Attorney-General appointed under Article 156(2) of the Constitution;

- s.55 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary”.
- s.367 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2).
- s.384 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2).
- s.507 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3).
- s.508 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
- s.509 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.539 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.606 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.634 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (5).
- s.647 Insert the words “or the Attorney-General” immediately after the word “Cabinet Secretary” appearing in subsection (4) (b).
- s.686 Insert the words “or the Attorney-General” immediately after the word “Cabinet Secretary” appearing in sub section (5) (b)(ii).
- s.687 Insert the words “or the Attorney-General” immediately after the word “Cabinet Secretary” appearing in subsection (3) (b)(ii).
- s.688 Insert the words “or the Attorney-General” immediately after the word “Minister” appearing in subsection (2) (b)(ii).

- s.696 Insert the words “or the Attorney-General” immediately after the words “Minister” in the marginal note.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.697 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever it appears.
- s.698 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal note.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.699 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
- s.700 Insert the words “or the Attorney-General” immediately after the words “Minister” in the marginal note.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.702 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.718 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal note.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.722 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal note.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.



- s.724 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3).
- s.725 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (3).
- s.726 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary”.
- s.736 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1) (b).
- s.737 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2) (b).
- s.753 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1) (a).
- s.778 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal notes.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.779 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal notes.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.816 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2) (a).
- s.831 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear
- s.832 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.

- s.834 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (2) (a).
- s.862 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (4).
- s.898 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.971 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1) (c).
- s.987 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.995 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal notes.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
- s.1013(1) Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).
- s.1022 Insert the words “or the Attorney-General” immediately after the words “Cabinet Secretary” in the marginal notes.  
Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.1023 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” wherever they appear.
- s.1026 Insert the words “or Attorney-General” immediately after the words “Cabinet Secretary” appearing in subsection (1).

## **MEMORANDUM OF OBJECTS AND REASONS**

The Statute Law (Miscellaneous Amendments) Bill, 2017 is in keeping with the practice of making minor amendments which do not merit the publication of separate Bills and consolidating them into one Bill. The Bill has proposals for amendments of the following statutes:

### **The Interpretation and General Provisions Act (Cap. 2)**

The Bill proposes to amend the Interpretation and General Provisions Act to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of roles of the Attorney-General and Cabinet Secretaries so that the Attorney-General is not perceived as holding two offices.

The Bill proposes to amend section 2 of the Interpretation and General Provisions Act by deleting the definition of Cabinet Secretary and inserting the definition of the Attorney-General.

### **The Business Registration Service Act, 2015 (No. 15 of 2015)**

The Bill proposes to amend the Business Registration Service Act, 2015 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend the Business Registration Service Act, 2015 by deleting the definition of Cabinet Secretary and substituting it with the definition of the Attorney-General.

### **The College of Arms Act (Cap. 98)**

The Bill proposes to amend the College of Arms Act (Cap. 98) to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the College of Arms Act (Cap. 98) by inserting the definition of the Attorney-General and by deleting the definition of Minister and substituting it with the definition of the Attorney-General wherever it appears.

### **The Public Trustee Act (Cap. 168)**

The Bill proposes to amend the Public Trustee Act (Cap. 168) to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The

proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Public Trustee Act (Cap. 168) by inserting the definition of the Attorney-General and by deleting the definition of Minister and substituting it with the definition of the Attorney-General wherever it appears.

#### **The Chattels Transfer Act (Cap. 28)**

The Bill proposes to amend the Chattels Transfer Act (Cap. 28) to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Chattels Transfer Act (Cap. 28) by inserting the definition of the Attorney-General and by deleting the definition of Minister and substituting it with the definition of the Attorney-General wherever it appears.

#### **The Wakf Commissioners Act (Cap. 109)**

The Bill proposes to amend the Wakf Commissioners Act (Cap. 109) to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Wakf Commissioners Act (Cap. 109) by inserting the definition of the Attorney-General and by deleting the definition of Minister and substituting it with the definition of the Attorney-General wherever it appears.

#### **The Fair Administration Act, 2015 (No. 4 of 2015)**

The Bill proposes to amend the Fair Administration Act, 2015 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Fair Administration Act, 2015 by inserting the definition of the Attorney-General and by inserting words "or the Attorney-General in section 13(1).

#### **The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)**

The Bill proposes to amend the Kenya Law Reform Commission Act, 2013 to align it with the Judgement in Petition No. 238 of 2016 and

Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Kenya Law Reform Commission Act, 2013 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General in sections 8(1), 11, 15, and 29(3).

#### **The Kenya School of Law Act, 2012 (No. 26 of 2012)**

The Bill proposes to amend the Kenya School of Law Act, 2012 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Kenya School of Law Act, 2012 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General in sections 6, 7, 9, 11, 22, and 28(1).

#### **The Leadership and Integrity Act, 2012 (No. 19 of 2012)**

The Bill proposes to amend the Leadership and Integrity Act, 2012 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Leadership and Integrity Act, 2012 by inserting the definition of the Attorney-General and in the definition of Cabinet Secretary by inserting words “and includes the Attorney-General. The Bill also proposes to amend section 51(2) by inserting words “or the Attorney-General after the words “Cabinet Secretary”.

#### **The Legal Aid Act, 2016 (No.6 of 2016)**

The Bill proposes to amend the Legal Aid Act, 2016 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Legal Aid Act, 2016 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General in sections 7(1), 9, 12, 13(1), 20, 32(3), 33(1), 83, and 86.

**The Legal Education Act, 2012 (No. 27 of 2012)**

The Bill proposes to amend the Legal Education Act, 2012 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Legal Education Act, 2012 by inserting the definition of the Attorney-General and by inserting words "or the Attorney-General in sections 4(7), 5, 10, 23(3), 24(2), 27, 30, 40(1), 42(3), and 46.

**The Limited Liability Partnerships Act, 2011 (No. 42 of 2011)**

The Bill proposes to amend the Limited Liability Partnerships Act, 2011 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Limited Liability Partnerships Act, 2011 by inserting the definition of the Attorney-General and by inserting words "or the Attorney-General in sections 21, 23, 34(2), 35 and Part II of the Fifth Schedule.

**The Nairobi Centre for International Arbitration Act, 2013 (No. 26 of 2013)**

The Bill proposes to amend the Nairobi Centre for International Arbitration Act, 2013 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Nairobi Centre for International Arbitration Act, 2013 by deleting the definition of Cabinet Secretary and substituting it with the definition of the Attorney-General and by deleting the definition of Cabinet Secretary and substituting it with the definition of the Attorney-General wherever it appears.

**The National Cohesion and Integration Act, 2008 (No. 12 of 2008)**

The Bill proposes to amend section 2 of the National Cohesion and Integration Act, 2008 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in

the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the National Cohesion and Integration Act, 2008 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General in sections 23, 32, 38, 41, 42, 48, 49(2), 54, 55(2), 59(2), 69 and the First Schedule.

#### **The National Crime Research Centre Act (No. 4 of 1997)**

The Bill proposes to amend section 2 of the National Crime Research Centre Act to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the National Crime Research Centre Act by deleting the definition of Cabinet Secretary and substituting it with the definition of the Attorney-General and by deleting the definition of Cabinet Secretary and substituting it with the definition of the Attorney-General wherever it appears.

#### **The Partnerships Act, 2012 (No. 16 of 2012)**

The Bill proposes to amend section 2 of the Partnerships Act, 2012 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Partnerships Act, 2012 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General in sections 35 (1), 51(1), 74(3), 75, 76(1) and the Second Schedule.

#### **The Persons Deprived of Liberty Act, 2014 (No. 23 of 2014)**

The Bill proposes to amend the Persons Deprived of Liberty Act, 2014 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Persons Deprived of Liberty Act, 2014 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General immediately after the words “Cabinet Secretary” in sections 12 (2), 19(2), 20, 26, 27 29 and 30.

**The Truth, Justice and Reconciliation Act, 2008 (No. 6 of 2008)**

The Bill proposes to amend the Truth, Justice and Reconciliation Act, 2008 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Truth, Justice and Reconciliation Act, 2008 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General immediately after the words “Cabinet Secretary” in sections 9(1), 15(1), 45 48(4), 49, 50 53(1) and the First Schedule.

**The Vetting of Judges and Magistrates Act, 2011 (No. 2 of 2011)**

The Bill proposes to amend the Vetting of Judges and Magistrates Act, 2011 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Vetting of Judges and Magistrates Act, 2011 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General immediately after the words “Cabinet Secretary” in section 26 (2).

**The Victim Protection Act, 2014 (No. 17 of 2014)**

The Bill proposes to amend the Victim Protection Act, 2014 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 2 of the Victim Protection Act, 2014 by inserting the definition of the Attorney-General and by inserting words “or the Attorney-General immediately after the words “Cabinet Secretary” in sections 21, 22, 29, 30, 31, 32, 33.

**The Companies Act, 2015 (No. 16 of 2015)**

The Bill proposes to amend the Companies Act, 2015 to align it with the Judgement in Petition No. 238 of 2016 and Articles 152 and 156 of the Constitution on the Office of the Attorney-General. The proposal arises as a result of the need for clarity in the distinction of the roles of the Attorney-General and Cabinet Secretaries.

The Bill proposes to amend section 3 of the Companies Act, 2015 by inserting the definition of the Attorney-General and by inserting words “or



the Attorney-General immediately after the words "Cabinet Secretary" in sections 55, 367(2), 384(2), 507(3), 508 (1), 509, 539, 606, 634(5), 647(4), 686(5), 687(3), 688(2), 696, 697, 698, 699(1), 700, 702, 718, 722, 724(4), 725(3), 726, 736(1), 737, 753(1), 778, 779, 816(2), 831, 832, 834(2), 862(4), 898, 971(1), 987, 995, 1013(1), 1022, 1023, 1025(1).

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.**

The Bill does not limit fundamental rights or freedoms.

**Statement that the Bill concerns county governments**

The Bill is not a Bill concerning County governments. It contains no provisions affecting the functions, powers and finances of county governments.

**Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 6th April, 2017.

ADEN DUALE,  
*Leader of Majority.*

