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ACTS, 2023

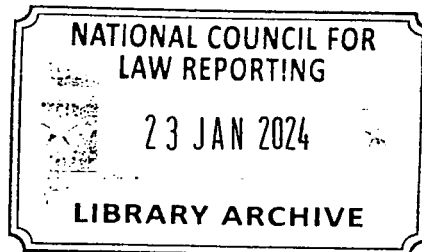
NAIROBI, 27th November, 2023

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**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ACT, 2023**

No. 19 of 2023

Date of Assent: 23rd November, 2023

Date of Commencement: 11th December, 2023

**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, 2023. 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. 7 (1)		Delete the word “thirty” and substitute therefor the word “seventy”.
The Vexatious Proceedings Act (Cap. 41).	s. 4		Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Penal Code (Cap. 63).	s. 146		Delete the words “idiots or imbeciles” wherever they appear and substitute therefor the words “person suffering from mental illness”.
The Criminal Procedure Code (Cap. 75).	s. 2		Delete the expression “State Counsel” appearing in the definition of the term “public prosecutor” and substitute therefor the expression “Prosecution Counsel”.
	s. 2		Delete the definition of “police officer” and substitute therefor the following new definition— “police officer” has the meaning assigned to it under the National Police Service Act, 2012;

*Written law**Provision**Amendment*

- s. 2 Delete the definition of “police station” and substitute therefor the following new definition—
- “police station” has the meaning assigned to it under the National Police Service Act, 2012;
- s. 83 Delete and substitute therefor the following new section—
- 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 of Prosecution Services, the Deputy Director of Public Prosecutions, the Senior Assistant Director of Public Prosecutions, Assistant Director of Public Prosecutions, the Senior Principal Prosecutions Counsel, Principal Prosecution Counsel, the Senior Prosecution Counsel and Prosecution Counsel, and the exercise of those powers by the specified 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. 90(3) Delete the words “a Sunday” and substitute therefor the words “any day of the week including Sunday”.
- s. 123(1) Delete the words “other than a person accused of murder, treason, robbery with violence attempted robbery with violence and any related offence”.
- s. 131(2) Delete the word “movable”.
- s. 137 Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

2023	<i>Statute Law (Miscellaneous Amendments)</i>	No. 19
<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 184	Delete.
	s. 186	Delete.
The Extradition (Commonwealth Countries) Act (Cap. 77).	s. 7	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 8	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 9	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 10	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Evidence Act (Cap. 80).	s. 3	Insert the following definition in proper alphabetical sequence— “photograph” means an image created by light falling on a light sensitive surface, either photographic film or an electronic medium and made visible and permanent by chemical treatment or stored digitally.
	s. 78 (1)	Insert the words “or an electronic and digital medium” immediately after the word “film”.
	s.125 (2)	Delete the words “a mentally disordered person or a lunatic” and substitute therefor the words “a person suffering from a mental illness”.
The National Flag, Emblems and Names Act (Cap. 99).	s. 6	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Geneva Conventions Act (Cap. 198).	s. 3 (3)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Pharmacy and Poisons Act (Cap. 244).	s. 40 (4)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Mental Health Act (Cap. 248).	s. 42 (5)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Land Consolidation Act (Cap. 283).	s. 14 (6) (b)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Land Adjudication Act (Cap. 284).	s. 33	Delete the expression "Attorney-General" appearing in the proviso and substitute therefor the expression "Director of Public Prosecutions".
The Marine Insurance Act (Cap. 390).	s. 91 (3)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Local Manufactures (Export Compensation) Act (Cap. 482).	s. 10 (2)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Capital Markets Act (Cap. 485A).	s. 38	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Architects and Quantity Surveyors Act (Cap. 525).	s. 3 (3)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Prevention of Fraud (Investments) Act (No. 1 of 1977).	s. 27 (3)	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".
The Higher Education Loans Board Act 1995, (No. 3 of 1995).	s. 24	Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".

2023	<i>Statute Law (Miscellaneous Amendments)</i>	No. 19
<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Retirement Benefits Act (No. 3 of 1997).	s. 54A (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Co-operative Societies Act, 1997 (No. 12 of 1997).	s. 94 (3)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Central Depositories Act, 2000 (No. 4 of 2000).	s. 63	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003).	s. 25A (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 37 (6)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 62 (5)	Delete the expression “the Attorney General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions.”
The Sexual Offences Act, 2006 (No. 3 of 2006).	s. 40	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The National Museums and Heritage Act, 2006 (No. 6 of 2006).	s. 57 (2)	Delete subsection (2) and insert the following new subsection— “(2) The Director of Public Prosecutions may appoint a heritage warden appointed under subsection (1) as a prosecutor for purposes of prosecuting offences committed under this Act.”
The Labour Institutions Act, 2007 (No. 12 of 2007).	s. 35 (1) (k)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Accountants Act, 2008 (No. 15 of 2008).	s. 43	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The International Crimes Act, 2008 (No. 16 of 2008).	s. 5	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 19 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 19 (3)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 21 (1) (b)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 23 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 24	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 25 (3) (a)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 26 (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 26 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 76	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 77 (2)	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 78	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 79	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 84	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 85 (4)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 86	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 87 (1)	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 88	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 89	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 90	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

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- s. 91 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 92 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 93 (2) (b) Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 94 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 95 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 96 (1) Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 96 (2) Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 102 (2) Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 102 (3) Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 103 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.

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- s. 104 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 105 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 106 Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 107 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 108 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 109 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 110 Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
- s. 111 Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 112 (1) Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
- s. 112 (3) Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 112 (4)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 113 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 113 (3)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 114 (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 114 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 115 (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 116	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 118 (2)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 119	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 120	Delete the expression “Attorney-General” wherever it appears and substitute therefor expression “Director of Public Prosecutions”.
	s. 121 (b)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 122	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 124	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 126	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 127 (6)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 129	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 153 (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 153 (2)	Delete the words “Attorney-General” and substitute therefor the words “Director of Public Prosecutions”.
	s. 154	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 155	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 156	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
	s. 157	Delete the expression “Attorney-General” wherever it appears and substitute therefor expression “Director of Public Prosecutions”.
	s. 158	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 159	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 160	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 168	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
	s. 171	Delete the expression “Attorney-General” wherever it appears and substitute therefor the expression “Director of Public Prosecutions”.
The Biosafety Act, 2009 (No. 2 of 2009).	s. 53	Delete the expression “Attorney-General” wherever it appears and substitute therefor expression “Director of Public Prosecutions”.
The Merchant Shipping Act, 2009 (No. 4 of 2009).	s. 16	Delete.
The Prevention of Organised Crimes Act, 2010 (No. 6 of 2010).	s. 17 (9)	Delete paragraph (b) and substitute therefor the following new paragraph— (b) Inspector-General of the National Police Service.
The Counter-Trafficking in Persons Act, 2010 (No. 8 of 2010).	s. 19 (2) (e)	insert the following new paragraph immediately after paragraph(e)— “(ea) the Director of Public Prosecutions”.
The Judicial Service Act, 2011 (No. 1 of 2011).	s. 38	Insert the following new subsection immediately after subsection (1)—

2023	<i>Statute Law (Miscellaneous Amendments)</i>	No. 19
<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
		(1A) The Commission shall submit the annual report to the President and Parliament within six months after the end of the year to which it relates.
The Vetting of Judges and Magistrates Act, 2011 (No. 2 of 2011).	s. 18 (1)	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.
The Independent Electoral and Boundaries Commission Act (No. 9 of 2011).	s. 24 (1)	Delete the word “three” and substitute therefor the word “six”.
The Salaries and Remuneration Commission Act, 2011 (No. 10 of 2011).	s. 24	Insert the following new subsection immediately after subsection (1)—
		(1A) The Commission shall submit the annual report in subsection (1) to the President and Parliament within six months after the end of the year to which it relates.
The Kenya National Commission on Human Rights, 2011 (No. 14 of 2011).	s. 53	Insert the following new subsection immediately after subsection (1)—
		(1A) The Commission shall submit the annual report in subsection (1) to the President and Parliament within six months after the end of the year to which it relates.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The National Gender and Equality Commission, 2011 (No. 15 of 2011).	s. 53	<p>Insert the following new subsection immediately after subsection (1)—</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and Parliament within six months after the end of the year to which it relates.</p>
The Commission on Revenue Allocation, 2011 (No. 16 of 2011).	s. 23	<p>Renumber the existing provision as subsection 23(1).</p> <p>Insert the following new subsection immediately after subsection (1)—</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and Parliament within three months after the end of the year to which it relates.</p>
The Ethics and Anti-Corruption Commission Act (No. 22 of 2011).	s. 27 (2)	Delete the word “three” and substitute therefor the word “six”.
The Tourism Act, 2011 (No. 28 of 2011).	s. 116	Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions.
The National Land Commission Act (No. 5 of 2012).	s.33	<p>Insert the following new subsection immediately after subsection (1)—</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the</p>

2023	<i>Statute Law (Miscellaneous Amendments)</i>	No. 19
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		President and Parliament within six months after the end of the year to which it relates.
The Leadership and Integrity Act, 2012 (No. 19 of 2012).	s. 40	<p>Re-number the provision as subsection 40(1) and insert the following new subsection—</p> <p>(2) The High Court may upon application by any person, declare the assumption of office by a state officer to be invalid for want of executing a commitment to the specific leadership and integrity code.</p>
The Teachers Service Commission Act, 2012 (No. 20 of 2012).	s. 41	<p>Insert the following new subsection immediately after subsection (1)—</p> <p>(1A) The Commission shall submit the annual report in subsection (2) to the President and Parliament within six months after the end of the year to which it relates.</p>
The Controller of Budget Act, 2016 (No. 26 of 2016).	s. 19	<p>Insert the following new subsection immediately after subsection (2)—</p> <p>(2A) The Controller of Budget shall submit the annual report in subsection (2) to the President and Parliament within three months after the end of the year to which it relates.</p>
The Bribery Act, 2016 (No. 47 of 2016).	s. 1	Delete the expression “Bribery Act” and substitute thereof the expression “Anti-Bribery Act”.
	s. 4	Insert the words “public entity” immediately after the words “public officers”.

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 5 (1)	Delete the word “who” appearing immediately after the words “another person” and substitute therefor the words “if the person offering, promising or giving”.
	s. 7(1) (a) (v)	Delete the word “and” and substitute therefor the word “or”.
	s. 7 (1) (b) (i)	Delete the word “and” and substitute therefor the word “or”.
	s. 10	Delete the marginal note and substitute therefor the words “bribery by a private entity”.
	s. 14 (1)	Delete the words “holding a position of authority”.
	s. 15 (1)	Delete the words “within the meaning of sections 11 and 12”.
The Public Service Commission Act, 2017 (No. 10 of 2017).	s. 90 (1)	Delete the word “three” and substitute therefor the word “six”.

