



Kenya Independence Act 1963

1963 CHAPTER 54

An Act to make provision for, and in connection with, the attainment by Kenya of fully responsible status within the Commonwealth, including provision for terminating the giving of financial and other assistance to the East African Common Services Organisation under the Colonial Development and Welfare Act 1959. [3rd December 1963]

1 Provision for fully responsible status of Kenya.

- (1) On and after 12th December 1963 (in this Act referred to as “the appointed day”) Her Majesty’s Government in the United Kingdom shall have no responsibility for the government of Kenya or any part thereof.
- (2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Kenya, or any part of Kenya, as part of the law thereof; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to legislative powers in Kenya.
- (3) In this Act “Kenya” includes the territories comprised immediately before the appointed day in the Kenya Protectorate.

2, 3. F1

Annotations:

Amendments (Textual)

F1 Ss. 2 and 3 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

4 Consequential modification of other enactments.

- (1) F2
- (2) On and after the appointed day—

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- (a) the expression “colony” in the ^{M1}Army Act 1955, the ^{M2}Air Force Act 1955 and the ^{M3}Naval Discipline Act 1957 shall not include Kenya or any part thereof; and
 - (b) in the definitions of “Commonwealth force” in sections 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Kenya”.
- (3) No Order in Council made after 31st December 1963 under section 1 of the ^{M4}Army and Air Force Act 1961 shall operate to continue either of the said Acts of 1955 in force as part of the law of Kenya or any part thereof.
- (4) On and after the appointed day, the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . . ^{F3}
- (5) Subsection (4) of this section, Schedule 2 to this Act . . . shall not extend to Kenya or any part of Kenya, as part of the law thereof.

Annotations:

Amendments (Textual)

F2 S. 4(1) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **Sch. 3**

F3 Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. VI**.

Modifications etc. (not altering text)

C1 The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a), 7, 8 and 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M1 1955 c. 18 (7:1).

M2 1955 c. 19 (7:1).

M3 1957 c. 53 (7:1).

M4 1961 c. 52 (7:1).

5 ^{F4}

Annotations:

Amendments (Textual)

F4 S. 5 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. XIII**

6 ^{F5}

Annotations:

Amendments (Textual)

F5 S. 6 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XV**

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7 F6

Annotations:

Amendments (Textual)

F6 S. 7 repealed by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(2), **Sch. 2**

8 Interpretation.

- (1) In this Act “the existing Constitution Order” means the ^{M5}Kenya Order in Council 1963 as amended by the ^{M6}Kenya (Amendment) Order in Council 1963; and references in this Act to Kenya shall be construed in accordance with section 1(3) of this Act.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

Annotations:

Marginal Citations

M5 S.I. 1963 No. 791.
M6 S.I. 1963 No. 1047.

9 Short title.

This Act may be cited as the Kenya Independence Act 1963.

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SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS IN KENYA

- 1 The ^{M7}Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by any legislature established for Kenya or any part thereof.

Annotations:

Marginal Citations

M7 1865 c. 63 (26:1).

- 2 No law and no provision of any law made on or after the appointed day by any such legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of any such legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Kenya or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.
- 3 Any legislature established for Kenya or any part thereof shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

F⁷⁴

Annotations:

Amendments (Textual)

F7 Sch. 1 para. 4 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

- 5 Without prejudice to the generality of the foregoing provisions of this Schedule, section 4 of the ^{M8}Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section 7 of that Act as requires the approval of her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Kenya.

Annotations:

Marginal Citations

M8 1890 c. 27 (26:1).

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- 6 (1) Nothing in this Act shall confer on any legislature established for Kenya or any part thereof any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.
- (2) In this paragraph “the constitutional provisions” means the following, that is to say—
- (a) this Act;
 - (b) any Order in Council revoking the existing Constitution Order and providing for a new constitution for Kenya to come into effect on the appointed day;
 - (c) any law, or instrument made under a law, of any legislature established for Kenya or any part thereof which, being a law or instrument made on or after the appointed day, amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of the Order in Council first mentioned in this sub-paragraph, or of any such law or instrument previously made.

SCHEDULE 2

Section 4.

AMENDMENTS NOT AFFECTING THE LAW OF KENYA

Diplomatic Immunities

1 F8

Annotations:

Amendments (Textual)

F8 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32, SIF 63:1, 2), Sch. 21 Pt. IX

- 2 In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Kenya”.

Annotations:

Modifications etc. (not altering text)

C2 The text of Sch. 2 para. 2, which is spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

3 F9

Annotations:

Amendments (Textual)

F9 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68:1), Sch.

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Financial

- 4 In section 2(4) of the Import Duties Act 1958, before the words “together with” there shall be inserted the words “Kenya”.

Annotations:

Modifications etc. (not altering text)

- C3** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a), 7, 8 and 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Visiting forces

- 5 In the ^{M9}Visiting Forces (British Commonwealth) Act 1933, section 4 (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Kenya as it applies in relation to forces raised in Dominions within the meaning of the ^{M10}Statute of Westminster 1931.

Annotations:

Marginal Citations

- M9** 1933 c. 6.
M10 1931 c. 4 (22 & 23 Geo. 5).

- 6 In the ^{M11}Visiting Forces Act 1952—
- (a) in section 1(1)(a) (which specifies the countries to which that Act applies) at the end there shall be added the words “Kenya, or”
 - (b) in section 10(1)(a) the expression “colony” shall not include Kenya or any part thereof;
- and, until express provision with respect to Kenya is made by Order in Council under section 8 of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Kenya.

Annotations:

Modifications etc. (not altering text)

- C4** The text of s. 4(2)(b), Sch. 2 paras. 4, 6(a), 7, 8 and 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M11** 1952 c. 67.

Ships and aircraft

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Annotations:

Amendments (Textual)

F10 Sch. 2 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

F118

Annotations:

Amendments (Textual)

F11 Sch. 2 para. 8 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

9 **F12**

Annotations:

Amendments (Textual)

F12 Sch. 2 para. 9 repealed by Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60, SIF 99:2), **Sch. 2**

10 **F13**

Annotations:

Amendments (Textual)

F13 Sch. 2 para. 10 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XV**

11 In the ^{M12}Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Kenya.

Annotations:

Marginal Citations

M12 1934 c. 49.

12 **F14**

Annotations:

Amendments (Textual)

F14 Sch. 2 para. 12 repealed by Civil Aviation Act 1971 (c. 75), **Sch. 11**

Commonwealth Institute

F1513

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Annotations:

Amendments (Textual)

F15 [Sch. 2 para. 13](#) repealed (7.1.2003) by [2002 c. 39, ss. 3, 4\(2\)](#), [Sch. 3](#)

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Changes and effects yet to be applied to :

- s. 4(2) repealed by [2006 c. 52 Sch. 17](#)
- s. 4(3) repealed by [2006 c. 52 Sch. 17](#)

Commencement Orders yet to be applied to the Kenya Independence Act 1963:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/812 art. 3](#) commences ([2006 c. 52](#))
- [S.I. 2009/1059](#) Order transitional provisions for effects of commencing [SI 2009/812](#)
- [S.I. 2009/1167 art. 3 4](#) commences ([2006 c. 52](#))