

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Kenya Independence Act 1963, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS IN KENYA

- 1 The ^{M1}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.

Marginal Citations

M1 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.
- 4 Without prejudice to the generality of the foregoing provisions of this Schedule, sections 735 and 736 of the ^{M2}Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to any legislature established for Kenya or any part thereof.

Marginal Citations

M2 1894 c. 60 (111).

- 5 Without prejudice to the generality of the foregoing provisions of this Schedule, section 4 of the ^{M3}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.

Marginal Citations

M3 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.

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