

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) ACT (No.2 of 2002)**

***Date of Assent: 4th June, 2002 Date of Commencement:***

- (a) the amendments specified in the Schedule in relation to-***
- (i) the Parliamentary Pensions (Amendment) Act, 1999 (No. 9 of 1999)-1st January, 2001,;***
  - (ii) the Constitutional Offices (Remuneration) Act (Cap. 423)-1st July, 2001;***
  - (iii) ss. 12, 13 (d) and 81 of The Advocates Act (Cap. 16), the Law of Contract Act (Cap. 23), the Bills of Exchange Act (Cap. 27) and the Cheques Act (Cap. 35 )-By Notice.***
- (b) all other provisions- 7th June, 2002.***

**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, 2002.

**Short title**

2. The several written laws specified in the first column of the Schedule are amended, in the provisions of written thereof specified in the second column, in the manner laws respectively specified in the third column.

**Amendment of written laws**

3.(1) The amendments specified in the Schedule in relation to  
(a) sections 12, 13(1)(d) and 81 of the Advocates Act;  
(b) the Law of Contract Act,

**Commencement of amendments to Caps. 16, 23, 27 and 35.**

shall come into operation on such date as the Attorney- General may, by notice in the Gazette, appoint.

(2) The amendments specified in the Schedule in relation to the Bills of Exchange Act and the Cheques Cap.27. Act shall come into operation on such date as the Minister for Finance may, by notice in the Gazette, appoint.

**The standards  
Act(Cap. 496)**

**s. 141(1)** Insert the following new paragraphs immediately after paragraph (f) -

(g) seize and detain, for the purpose of testing, any goods in respect of which he has reasonable cause to believe that an offence has been committed;

(h) seize and detain any goods or f documents which he has reasonable cause to believe may be required as evidence in any proceedings for any offence under this Act.

**The Trade  
Descriptions  
Act(Cap. 505)**

**s.2** Delete the number "27" appearing immediately after the word "section" in the definition of "inspector" in subsection (1) and substitute therefor the number "54".

Insert the following new paragraph immediately after paragraph (b) of subsection (2) -

"(c) a description of goods in any customs entry shall be deemed to be a trade description".

**s.3** Delete paragraph (b) and substitute therefor the following new paragraph -

"(b) supplies or offers to supply or has in his possession for supply, any goods to which a false trade description is applied"

Repeal and replace it with the following new section -

**Prohibition of importation of goods bearing false indication of origin**

7.(1) Subject to section 27 of this Act, no person shall import into Kenya -

(a) any goods to which there is applied a trade description which contains a direct or indirect reference to any country, town or place other than the country, town or place in which the goods were manufactured or produced; or

(b) any goods which bear the name of any manufacturer, dealer or trader in Kenya, unless there is added to that name in a conspicuous manner, the name of the country in which such goods were made or produced and the name of the manufacturer of the goods in that country.

(2) Any person who imports goods in contravention of this section and any person or persons handling or dealing in such goods shall be guilty of an offence.

**s.8(1)** Insert the following new paragraph immediately after paragraph (i) -

(j) their being subject to an existing patent, trade mark licence or copyright licence";

Renumber the existing paragraph (j) as paragraph (k).

**s.9** Delete paragraph (a) and substitute therefor the following new paragraph -

(a) any trade description which is false or misleading in a material respect as regards to the goods to which it is applied.

Insert the following new paragraph (e) -

(e) any mark made to so nearly resemble a registered trade mark or monogram as to be likely to deceive.

Renumber the existing provision as subsection (1) and insert the following new subsection -

(3) The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, marks or colours or arrangement or combination thereof, whether including a trade mark or not, or any name or initials as are likely to lead a person to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and provisions relating to goods to which a false trade description

is applied shall be construed accordingly.

**s.10(3)** Delete and substitute therefor the following new subsection -

(3) Where goods are supplied in pursuance of a request made by reference to a trade description appearing in any sign, advertisement, invoice, business letter, business paper or other commercial communication, such goods shall for the purposes of this Act be deemed to be goods to which the trade description is applied.

**Weights and  
Measures Act (Cap.  
513)**

**s.2** Delete the words "weights and measures officer" appearing in the definition of the word "inspector" and substitute therefor the word "person".

Insert the following new definition immediately after the definition of the word "inspection" -

"International Bureau of Weights and Measures" means the body known as *Internationale des Poids et Mesures* established under the Convention du Metre, being the body responsible for the conservation of the prototypes of the international standards of weights and measures.

Insert the following new definition immediately after the definition of "weighing instrument" -

"weighing or measuring equipment" includes a weight, measure or a weighing or measuring instrument.

**s.12** Delete subsection (2) and substitute therefor the following new subsection -

(2) Every standard procured under subsection (1) shall, before being brought into use, be verified by the International Bureau of Weights and Measures and thereafter shall be reverified at such intervals and in such manner as may be prescribed; and the certificate of verification or reverification in respect thereof shall be kept in the custody of the Director.

Delete the words "shall direct" appearing immediately after the word "Minister" in subsection (4) and substitute therefor the words "may prescribe".

**s.13** Delete subsection (1) and substitute therefor the following new subsection -

(1) The Minister shall procure and cause to be maintained copies of the Kenya primary standards and the copies shall be designated the Kenya primary reference standards.

Delete subsection (2) and substitute therefor the following new subsection -

(2) Every Kenya primary reference standard shall be verified by such authority and in such manner as may be prescribed.

Delete subsection (3) and substitute therefor the following new subsection -

(3) Before the Kenya primary standards are reverified in accordance with subsection (2) of section 12, the Director shall cause the Kenya primary reference standards to be verified against the Kenya primary standards, and such Kenya primary

reference standards shall be deemed to be the Kenya primary standards during such time as the Kenya primary standards are undergoing verification" .

Delete the words "shall direct" appearing in subsection (4) immediately after the word "Minister" and substitute therefor the words "may prescribe".

**s.14** Insert the word "be" in paragraph (1) (b) immediately before the word "either".

Delete all the words appearing immediately after the word "of" in the second line and substitute therefor the words "unit of measurement specified in the Act or have no such markings".

Delete subsection (8).

**s.15(3)(b)** Delete all the words appearing immediately after the word "of" in the second line and substitute therefor the words "a unit of measurement specified in the Act, or have no such markings".

**s. 16( 1 )(b)** Delete all the words appearing immediately after the word "of" in the second line and substitute therefor the words "a unit of measurement specified in the Act or have no such markings".

**s.18(2)** Inserting the word "for" immediately before the word "the".

Delete the full stop appearing immediately after the word "duty" and substitute therefor the words "or other dues".

Insert the following new paragraph immediately after paragraph (b) –

(a) for the assessment of any work done, wages due or services rendered.

**s.18(4)(b)** Insert the word "and" immediately after the word "consumption".

Insert the following new paragraph immediately after paragraph (b) -

"(c) any weighing or measuring equipment used for determining whether or not any step is required to be taken to safeguard the well being of human beings or animals or to protect any commodity, vegetation or thing".