



REPUBLIC OF KENYA

NATIONAL ASSEMBLY LIBRARY
ACCESSION No. _____
LOCATION _____

PARLIAMENT
OF KENYA
LIBRARY

KENYA GAZETTE SUPPLEMENT

ACTS, 1997

NAIROBI, 3rd October, 1997

CONTENTS

	PAGE
Acts—	
The Appropriation Act, 1997	387
The Kenya Reinsurance Corporation Act, 1997	399

THE UNIVERSITY OF CHICAGO

LIBRARY

PHYSICS

PHYSICS
LIBRARY
UNIVERSITY OF CHICAGO



11



THE APPROPRIATION ACT, 1997

No. 6 of 1997

Date of Assent: 1st October, 1997

Date of Commencement: 3rd October, 1997

An Act of Parliament to authorize the issue of a sum of money out of the Consolidated Fund and its application towards the service of the year ending on the 30th June, 1998, and to appropriate that sum and a sum voted on account by the National Assembly for certain public services and purposes

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Appropriation Act, 1997.

Short title.

2. (1) The Treasury may issue out of the Consolidated Fund and apply towards the supply granted for the service of the year ending on the 30th June, 1998, the sum of five billion, nine hundred and twenty-three million, six hundred and sixty-one thousand, five hundred and eighty pounds, and that sum shall be deemed to have been appropriated as from the 1st July, 1997, for the services and purposes specified in the Schedule.

Issue of
KES,923,661,508
out of the
Consolidated
Fund for
services of the
year ending
30th June, 1998
and
appropriation
of money
granted.

(2) The sum granted out of the Consolidated Fund by subsection (1) includes the sum of two billion, nine hundred and sixty-one million, eighty hundred and thirty thousand, seven hundred and fifty-four pounds, voted on account by the National Assembly on the 25th June, 1997, in accordance with section 101 of the Constitution of Kenya.

3. In addition to the moneys granted by section 2, there may be applied, for the several services and purposes specified in the Schedule, the sum specified in relation thereto in the last column of that Schedule out of any money directed to be applied as appropriations in aid in accordance with section 11 (iii) of the Exchequer and Audit Act.

Appropriations
in Aid.

Cap. 412.

No. 6	Appropriation	1997	
SCHEDULE		(ss. 2 and 3)	
(1) Vote No.	(2) Service or Purpose	(3) Supply	(4) Appropriations in Aid
		K£	K£
<i>Recurrent Expenditure</i>			
R01.	The amount required in the year ending 30th June, 1998, for salaries and expenses of the Office of the President, including general administration and planning, field administration services, Administration Police Services, Government Press, National Youth Service, Immigration, Police Department, Government Chemist, General Service Unit and civil registration services	617,305,910	39,877,382
R02.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the State Houses: Nairobi, Mombasa and Nakuru and State Lodges at Sagana, Kisumu, Eldoret and Kakamega; and Presidential Press Unit	18,729,010	8,200
R03.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Directorate of Personnel Management, including general administration and planning, Civil Service Reform Secretariat, Government training institutes and departmental training schemes	60,292,730	1,247,500
R04.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Foreign Affairs and International Co-operation, including general administration and planning, diplomatic representation and contributions to international organizations	105,973,940	20,418,500
R05.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Home Affairs and National Heritage, including general administration and planning, archives, museums and historic monuments, Prisons Department, children's services, probation services and Betting Control and Licensing Board	114,422,250	1,190,810
R06.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Office of the Vice-President and Ministry of Planning and National Development, including general administration, planning and development services, Central Bureau of Statistics, Department of Resource Surveys and Remote Sensing and National Council for Population and Development	24,663,990	193,500

1997

Appropriation
SCHEDULE—(Contd.)

No. 6
(m. 2 and 3)

(1) <i>Vote No.</i>	(2) <i>Service or Purpose</i>	(3) <i>Supply</i>	(4) <i>Appropriations in Aid</i>
		<i>K£</i>	<i>K£</i>
<i>Recurrent Expenditure</i>			
R07.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Finance, including general administration and planning, financial services, Central Tender Board and other centralized services. The estimate also includes expenditure arising from revenue collection and Government investment and public enterprise departments	334,586,190	82,755,375
R08.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Department of Defence, including general administration and planning and the expenses related to Kenya Armed Forces	567,164,590	3,475,000
R10.	The amount required in the year ending 30th June 1998, for the salaries and expenses of the Ministry of Agriculture, Livestock Development and Marketing, including general administration and planning, crop development, land and farm development, agricultural and livestock education, livestock development, Agricultural Finance Corporation, rangeland development services, food supplies and management services	182,408,880	6,513,685
R11.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Health, including general administration and planning, curative health, preventive medicine and promotive health, rural health services, health training, National Health Insurance, medical supplies co-ordinating units and Kenyatta National Hospital	426,267,290	11,702,485
R12.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Local Government, including general administration and planning, contributions in lieu of rates and grants to local authorities	27,766,290	65,500
R13.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Public Works and Housing, including general administration and planning, Supplies Branch, Architectural Department, Electrical Department, Roads Department, Mechanical Department, staff training and housing services. The estimate also includes expenditure in respect of maintenance of buildings and rent and rates for offices and residential accommodation	176,561,860	205,302,063

No. 6	Appropriation SCHEDULE—(Contd.)	1997 (ns. 2 and 3)	
(1) Vote No.	(2) Service or Purpose	(3) Supply	(4) Appropriations in Aid
		K£	K£
<i>Recurrent Expenditure</i>			
R14.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Transport and Communications, including general administration and planning, Civil Aviation Board, the departments of meteorological services, Directorate of Civil Aviation	36,651,440	426,900
R15.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Labour and Manpower Development, including general administration and planning, industrial relations, Directorate of Occupational Health and Safety Services, human resources planning and development	13,440,980	132,040
R16.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Tourism and Wildlife, including general administration and planning, development of tourism, Kenya Wildlife Service and expenditure related to the development of fisheries	36,355,680	1,478,300
R18.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Culture and Social Services, including general administration and planning, social services, national library services, Department of Adult Education, cultural development and Department of Sports	38,154,320	1,419,17
R19.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Information and Broadcasting, including general administration and planning, information and news services, training and film production departments	17,661,360	461,752
R20.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Land Reclamation, Regional and Water Development, including general administration and planning, water development, training of water development staff, rural water supply and sewerage, special water programmes, National Water Conservation and Pipeline Corporation, regional and irrigation development; and reclamation and development of arid and semi-arid land	81,476,980	7,287,986

1997

Appropriation
SCHEDULE—(Contd.)

No. 6

(ss. 2 and 3)

(1) <i>Vote No.</i>	(2) <i>Service or Purpose</i>	(3) <i>Supply</i>	(4) <i>Appropriations in Aid</i>
		K£	K£
<i>Recurrent Expenditure</i>			
R21.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Environment and Natural Resources, including general administration and planning, forestry development, mineral development and national environment protection ..	39,830,180	1,304,257
R22.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Co-operative Development, including general administration and planning, Provincial and district administrative services, co-operative supervision and promotional services, co-operative audit services and co-operative education and training programme ..	17,934,570	465,120
R23.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Commerce and Industry, including general administration and planning, Department of Internal and External Trade Services, Inspectorate of Weights and Measures, Rent Control Tribunal, Kenya Institute of Business Training, industrial development and promotion, industrial training services and grant to the Kenya Bureau of Standards and G 77 Development Bank ..	30,800,320	2,704,852
R25.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Office of the Attorney-General, including general administration and planning, legal services, Registrar-General's Department, Legal Training and Administrator-General's Department and grant to the Standing Committee on Human Rights ..	12,325,620	1,877,153
R26.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of running judicial services, including the High Court of Kenya, the Court of Appeal, Magistrates' and Kadhis' Courts ..	12,397,120	14,900,000
R27.	The amount required in the year ending 30th June, 1998, for the salaries, allowances and expenses of the Public Service Commission in connection with public service appointments, including interviews, selections, examinations and discipline ..	2,286,310	77,000

No. 6

Appropriation

1997

SCHEDULE—(Contd.)

(ss. 2 and 3)

(1) Vote No.	(2) Service or Purpose	(3) Supply	(4) Appropriations in Aid
		K£	K£
<i>Recurrent Expenditure</i>			
R28.	The amount required in the year ending 30th June, 1998, for the salaries, allowances and the expenses of staff of the Office of the Controller and Auditor-General on account of services rendered to the Central Government and local authorities	6,976,720	90,800
R29.	The amount required in the year ending 30th June, 1998, for the salaries, allowances and expenses of the National Assembly comprising the Office of the Clerk and Legislative and grants to Electoral Commission	135,714,360	27,000
R30.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Energy, including general administration and planning, renewable energy development, electric power development, petroleum exploration and substitution; and regional development (Kerio Valley Development Authority and Tana and Athi Rivers Development Authority)	10,338,440	1,916,531
R31.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Education, including general administration and planning, primary education, teachers education, schools for the handicapped, miscellaneous services, pre-primary education, secondary education and university education and other expenses in connection with promotion of education	1,629,844,500	49,000
R35.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Research, Technical Training and Technology, including general administration and planning, industrial training, youth development, Directorate of Technical Training and Applied Technology, National Council for Science and Technology, Kenya Trypanosomiasis Research Institute, Kenya Medical Research Institute, Kenya Industrial Research and Development Institute, Kenya Marine and Fisheries Research Institute, Kenya Forestry Research Institute, Kenya Agricultural Research Institute and Kenya Industrial Property Office	113,799,570	2,434,200

1997 *Appropriation* No. 6
 SCHEDULE—(Contd.) (ss 2 and 3)

(1) Vote No.	(2) <i>Service or Purpose</i>	(3) <i>Supply</i>	(4) <i>Appropriations in Aid</i>
		K£	K£
<i>Recurrent Expenditure</i>			
R36.	The amount required in the year ending 30th June, 1998, for the salaries and expenses of the Ministry of Lands and Settlement, including general administration and planning, the departments of Land Adjudication and Settlement, Survey, Lands and Physical Planning	37,465,820	5,057,857
	TOTAL	K£ 4,929,597,220	414,859,924
<i>Development Expenditure</i>			
D01.	The amount required in the year ending 30th June, 1998, for the Office of the President for capital expenditure including general administration and planning, construction and maintenance of existing buildings, provincial and district offices, Agricultural Development Corporation, National Youth Service, Immigration Department, Matuga, Baringo and Embu District Development Institutes, Government Press, Government Chemist, Kenya Airports Authority and Administration Police. It also includes expenditure on furniture and equipment, access roads and other sundry services	182,549,100	81,385,643
D02.	The amount required in the year ending 30th June, 1998, for capital expenditure on new buildings, extension and renovation to existing buildings at the State Houses and Lodges	3,200,000	—
D03.	The amount required in the year ending 30th June, 1998, for the Directorate of Personnel Management for capital expenditure including general administration and planning, training, maintenance of buildings in training institutions and Civil Service Reform Secretariat	20,257,108	8,705,000
D04.	The amount required in the year ending 30th June, 1998, for the Ministry of Foreign Affairs and International Co-operation for capital expenditure including general administration and planning and diplomatic representation	9,062,600	—
D05.	The amount required in the year ending 30th June, 1998, for the Ministry of Home Affairs and National Heritage for capital expenditure, including headquarters administrative services, buildings, construction of staff houses, archives,		

No. 6

Appropriation

1997

SCHEDULE—(Contd.)

(ss. 2 and 3)

(1) Vote No.	(2) Service or Purpose	(3) Supply	(4) Appropriations in Aid
		K£	K£
<i>Development Expenditure</i>			
	museums and historic monuments, Prisons Department, children's services and probation services	7,821,390	44,014,084
D06.	The amount required in the year ending 30th June, 1998, for the Office of the Vice-President and Ministry of Planning and National Development for capital expenditure including general administration and planning, planning and development services, statistical services and salaries and expenses of project related personnel	27,725,940	32,335,180
D07.	The amount required in the year ending 30th June, 1998, for the Ministry of Finance for capital expenditure including general administration and planning, minor works, construction of staff houses for Kenya Revenue Authority, for capital and share investment in banking and other institutions and for providing loans to statutory organizations	83,136,190	31,690,900
D08.	The amount required in the year ending 30th June, 1998, for the Department of Defence for capital expenditure including construction of buildings for the Kenya Armed Forces, site works and purchase of furniture and equipment	34,099,640	—
D10.	The amount required in the year ending 30th June, 1998, for the Ministry of Agriculture, Livestock Development and Marketing for general administration and planning crop development, land and farm development, integrated agricultural and livestock production, agricultural and livestock education, livestock development, veterinary services, rangeland development services and National Cereals and Produce Board	110,911,370	60,439,305
D11.	The amount required in the year ending 30th June, 1998, for the Ministry of Health for capital expenditure including general administration and planning, buildings, equipment, housing projects, curative health, preventive medicine and promotive health, rural health services, integrated rural health and family planning programme, health training, national health insurance, Kenyatta National Hospital, medical supplies and grants to non-Governmental hospitals	92,572,730	207,861,808
D12.	The amount required in the year ending 30th June, 1998, for the Ministry of Local Government		

1997

Appropriation

No. 6

SCHEDULE—(Contd.)

(ss. 2 and 3)

(1) Vote No.	(2) Service or Purpose	(3) Supply K£	(4) Appropriations in Aid K£
<i>Development Expenditure</i>			
	for capital expenditure including general administration and planning and development schemes within the local authorities	36,523,770	80,777,367
D13.	The amount required in the year ending 30th June, 1998, for the Ministry of Public Works and Housing for capital expenditure including general administration and planning, consultancy, design, expenditure on Government buildings and other building works, development of roads, Materials Branch, Mechanical and Transport Department, Electrical Department, Staff Training Department and housing services and loans to National Housing Corporation	89,093,460	244,421,200
D14.	The amount required in the year ending 30th June, 1998, for the Ministry of Transport and Communications for capital expenditure including general administration and planning, meteorological and civil aviation services, construction of vehicle inspection centres, post and telecommunication services, railways and shipping	25,236,980	7,397,500
D15.	The amount required in the year ending 30th June, 1998, for the Ministry of Labour and Manpower Development, for capital expenditure including general administration and planning, industrial relations, Directorate of Occupational Health and Safety Services and human resources planning and development	121,000	—
D16.	The amount required in the year ending 30th June, 1998, for the Ministry of Tourism and Wildlife for capital expenditure including general administration and planning, Kenya Tourism Board, tourism services, fisheries development and Kenya Wildlife Service	24,834,580	77,095,247
D18.	The amount required in the year ending 30th June, 1998, for the Ministry of Culture and Social Services for capital expenditure including general administration and planning, social services, national library services, adult education, cultural development and Department of Sports	12,952,930	5,387,000
D19.	The amount required in the year ending 30th June, 1998, for the Ministry of Information and Broadcasting for capital expenditure including general administration and planning, information and		

No. 6

Appropriation
SCHEDULE—(Contd.)

1997
(ss. 2 and 3)

(1) <i>Vote No.</i>	(2) <i>Service or Purpose</i>	(3) <i>Supply</i>	(4) <i>Appropriations in Aid</i>
		<i>K£</i>	<i>K£</i>
<i>Development Expenditure</i>			
	news services, training, engineering services and film production department	3,332,840	50,000
D20.	The amount required in the year ending 30th June, 1998, for the Ministry of Land Reclamation, Regional and Water Development for capital expenditure including water development training of water development staff, provision of rural water, self-help water supply, urban water sewerage, and special water programmes, Water Conservation and Pipeline Corporation, regional and irrigation development and reclamation and development of arid and semi-arid land	87,542,550	66,291,721
D21.	The amount required in the year ending 30th June, 1998, for the Ministry of Environment and Natural Resources for capital expenditure including general administration and planning, buildings, equipment, vehicles, water supplies, roads, management and maintenance of forest plantations, control of cypress aphids, expenditure on local afforestation, conservation of indigenous forests, scheme for rural afforestation extension, studies on saw-mill industry, utilization of forest resources, mineral survey and development and expenditure related to the enhancement and protection of environment	23,675,670	15,939,907
D22.	The amount required in the year ending 30th June, 1998, for the Ministry of Co-operative Development for capital expenditure including general administration and planning, professional administrative services, second coffee improvement project, cotton processing and marketing project, loans through Co-operative Bank of Kenya and the co-operative management improvement project	9,386,520	21,044,485
D23.	The amount required in the year ending 30th June, 1998, for the Ministry of Commerce and Industry, for capital expenditure including general administration and planning, internal and external trade services, industrial training services and investment loans and grants to industries and export promotion zones	9,905,000	26,268,000
D25.	The amount required in the year ending 30th June, 1998, for the Office of the Attorney-General for		

1997

Appropriation
SCHEDULE—(Contd.)

No. 6
(ss. 2 and 3)

(1) Vote No.	(2) <i>Service or Purpose</i>	(3) <i>Supply</i>	(4) <i>Appropriations in Aid</i>
		K£	K£
<i>Development Expenditure</i>			
	capital expenditure including general administration and planning, the Registrar-General's Department, legal training and the Administrator-General's Department	1,259,540	800,000
D26.	The amount required in the year ending 30th June, 1998, for the Judicial Department for capital expenditure on construction and improvement of court houses	624,080	34,460
D30.	The amount required in the year ending 30th June, 1998, for the Ministry of Energy for capital expenditure including general administration and planning, renewable energy development, electric power development, petroleum exploration and substitution and regional development authorities (Keno Valley Development Authority and Tana and Athi Rivers Development Authority)	7,825,310	227,404,052
D31.	The amount required in the year ending 30th June, 1998, for the Ministry of Education for capital expenditure including general administration and planning, primary education, teachers education schools for the handicapped, pre-primary education, university education and miscellaneous services	59,577,240	71,770,465
D35.	The amount required in the year ending 30th June, 1998, for the Ministry of Research, Technical Training and Technology for capital expenditure, including general administration and planning, technical training, industrial training, youth development services, National Council for Science and Technology, Kenya Trypanosomiasis Research Institute, Kenya Medical Research Institute, Kenya Industrial Research and Development Institute, Kenya Marine and Fisheries Research Institute, Kenya Forestry Research Institute, Kenya Agricultural Research Institute and Kenya Industrial Property Office	26,989,310	35,713,895
D36.	The amount required in the year ending 30th June, 1998, for the Ministry of Lands and Settlement for capital expenditure, including general administration and planning, Departments of Land Adjudication and Settlement, Survey and Lands	3,847,440	14,650,000
	TOTAL	K£ 994,064,288	1,361,477,019
	GRAND TOTAL	K£ 5,923,661,508	1,776,336,943

THE KENYA REINSURANCE CORPORATION ACT, 1997**No. 7 of 1997***Date of Assent: 1st October, 1997**Date of Commencement: By Notice**Section*

- 1— Short title and commencement.
 - 2— Interpretation.
 - 3— Company to be successor of Kenya Reinsurance Corporation.
 - 4— Trust property.
 - 5— Existing contracts, etc.
 - 6— Existing business.
 - 7— Legal proceedings, etc.
 - 8— Employees and pension schemes.
 - 9— Evidence of books, documents, etc.
 - 10— Exemptions from tax, etc.
 - 11— Duties of public officers.
 - 12— Application of Cap. 487 to the Company.
 - 13— Amendment of section 2 of Cap. 487.
 - 14— Amendment of section 20 of Cap. 487.
 - 15— Repeal of Part XIII of Cap. 487.
 - 16— Amendment of section 145 of Cap. 487.
-

No. 7*Kenya Reinsurance Corporation***1997**

17— Amendment of section 146 of Cap. 487.

18— Amendment of section 147 of Cap. 487.

19— Amendment of section 148 of Cap. 487.

20— Amendment of section 149 of Cap. 487.

21— Amendment of section 157 of Cap. 487.

A Bill for

An Act of Parliament to facilitate the reconstitution of the Kenya Reinsurance Corporation into a public limited liability company, to provide for the transfer of the assets, liabilities and the business of the Kenya Reinsurance Corporation to the company, and for connected purposes

ENACTED by the Parliament of Kenya, as follows:-

1. This Act may be cited as the Kenya Reinsurance Corporation Act, 1997 and shall come into operation on such day as the Minister may, by notice in the Gazette, appoint. Short title and commencement

2. In this Act, unless the context otherwise requires - Interpretation

"appointed day" means the date of commencement of this Act;

"Company" means the Kenya Reinsurance Corporation Limited;

"Kenya Reinsurance Corporation" means the Corporation established under Part XIII of the Insurance Act (now repealed); Cap 487.

"Kenya Reinsurance Corporation Limited" means the public limited liability company by that name, incorporated pursuant to the provisions of section 3;

"Minister" means the Minister for the time being responsible for finance;

"undertaking" in relation to the Kenya Reinsurance Corporation means its existing business, assets and property vested in or held by it and all liabilities to which it is subject in respect of its business immediately before the appointed day.

Company to be
successor of Kenya
Reinsurance
Corporation

3.(1) For the purpose of bringing the provisions of this Act into operation, the Kenya Reinsurance Corporation shall, in exercise of the powers conferred by section 30 of the Interpretation and General Provisions Act, incorporate in its name a public limited liability company under the provisions of the Companies Act.

Cap 2
Cap 486

(2) The Company shall be the successor of the Kenya Reinsurance Corporation and, subject to this Act, all rights, duties, obligations, assets and liabilities of the Kenya Reinsurance Corporation existing on the appointed day shall be automatically and fully transferred to the Company and any reference to the Kenya Reinsurance Corporation in any contract or document shall for all purposes be deemed to be a reference to the Company.

Trust property

4.(1) Any property or right vested in the Company by virtue of this Act which immediately before the appointed day, vested in the Kenya Reinsurance Corporation, either alone or jointly with any other person -

(a) as trustee or custodian trustee under any trust deed, settlement, covenant or under any other instrument; or

(b) as executor or trustee of any person; or

(c) as judicial trustee appointed by order of any court;
or

(d) in any other fiduciary capacity,

shall, on the appointed day, vest in the Company alone or jointly with such other person, upon the same trusts and subject to the same powers, provisions, liabilities and obligations.

(2) Any existing instrument or order of any court under or by virtue of which any property or right vested in Kenya Reinsurance Corporation in any capacity specified in subsection (1), including, in the case of a will, any grant of probate thereof, and any provision therein or any existing contract or arrangement for the payment or retention by the Kenya Reinsurance Corporation of remuneration for its services in any such capacity shall, on and after the appointed day, be construed and have effect, so far as the context permits, as if for any reference therein to the Kenya Reinsurance Corporation, there were substituted a reference to the Company.

5. Any existing contracts, agreements, conveyances, deeds, leases, licences, permits, exemptions, powers of attorney, undertakings, securities and other instruments, whether analogous to the foregoing or not, entered into by, made with or granted or addressed to the Kenya Reinsurance Corporation whether alone or with any other person and whether as principal or agent shall, as from the appointed day, be binding and of full force and effect in every respect against or in favour of the Company as if, instead of the Kenya Reinsurance Corporation, the Company had been a party thereto, bound thereby or entitled to the benefit thereof and as if any reference, express or implied, to any director, officer or employee of the Kenya Reinsurance Corporation as respects anything to be done on or after the appointed day, were substituted a

Existing contracts,
conveyances, etc.

reference to the director, officer or employee of the Company who most nearly corresponds thereto.

Existing business

6. Without prejudice to the provisions of any other section of this Act, the following provisions shall have effect in relation to the business of the Kenya Reinsurance Corporation vested in the Company by virtue of this Act -

(a) any account between the Kenya Reinsurance Corporation and a customer shall, on and after the appointed day, become an account between the Company and the customer, with the same rights and subject to the same obligations and incidents, including the rights of set-off as theretofore, and the account shall be deemed to be a single continuing account:

Provided that nothing in this paragraph shall affect any right of the Company or of the customer to vary the conditions or incidents subject to which the account is kept;

(b) any existing instruction, direction, mandate, power of attorney, authority or consent given to or by the Kenya Reinsurance Corporation shall have effect, on and after the day, as if given to or by the Company;

(c) any security held by the Kenya Reinsurance Corporation for the payment of debts or liabilities, whether present or future, actual or contingent, of any person, which is transferred to the Company shall, on and after the appointed day, be held by and be available to the Company as security for the payment of such debts and liabilities to the Company, and where the moneys secured by the security include future advances or liabilities of such person, the security shall, as from

that day, be held by and be available to the Company as security for future advances to that person by, and future liabilities of, that person to the Company to the same extent to which the same was held by or available to the Kenya Reinsurance Corporation immediately before the appointed day as security for future advances or future liabilities;

(d) the Company shall, in relation to any security transferred or deemed to have been transferred to it and to the moneys thereby secured, be entitled to the same rights and priorities, and be subject to the same obligations and incidents, as the Kenya Reinsurance Corporation would have been entitled and subject to if the same had continued to be held by the Kenya Reinsurance Corporation;

(e) any negotiable instrument or order for payment of money, whether drawn, given, accepted or endorsed before, on or after the appointed day, which is expressed to be drawn by or on, given by or to, or accepted or endorsed by the Kenya Reinsurance Corporation shall on or after the appointed day have effect as if it had been drawn by or on, or given by or to, or accepted or endorsed by the Company;

(f) where, by the operation of the provisions of this Act, any right, liability or obligation becomes a right, liability or obligation of the Company, all other persons shall, on and after the appointed day, have the same rights, powers and remedies, and, in particular, the same rights and powers as to taking or defending any legal proceedings or any application to any authority, for ascertaining, perfecting or enforcing that right, liability or obligation as if it had at all times been a

right, liability or obligation of the Company;

(g) the custody of any documents, goods or other property held by the Kenya Reinsurance Corporation as bailee for any other person shall be transferred to the Company on the appointed day and the rights and obligations of the Kenya Reinsurance Corporation under any contract of bailment relating to such documents, goods or other property shall be transferred or deemed to be transferred to the Company on that day; and,

(h) any bank or other accounts, books of accounts, revenue accounts, balance sheets, audited accounts, profit and loss accounts, actuarial or other valuations, accounting records, or any other accountable documents held by or belonging to the Kenya Reinsurance Corporation immediately before the appointed day shall on and after the appointed day be held by and belong to the Company.

Legal proceedings,
etc

7.(1) No existing legal or arbitration proceedings or application to any authority by or against the Kenya Reinsurance Corporation shall abate, be discontinued or be in any way prejudiced by reason only of the provisions of this Act, but the same may be prosecuted or continued by or against the Company and any judgement or award obtained by or against the Kenya Reinsurance Corporation and not fully satisfied before the appointed day shall thereafter be enforceable by or against the Company.

(2) In any legal or arbitration proceedings concerning any right or liability transferred to or vested in the Company by this Act, a certificate under the hand of the manager of a branch of the Company that such right or liability has been so transferred to or vested in the

Company shall be *prima facie* evidence of that transfer or vesting.

8.(1) Any person who is employed by the Kenya Reinsurance Corporation immediately before the appointed day shall on that day become an employee of the Company on the same terms and conditions of service as his existing terms and conditions and subject to any subsisting notice of termination, resignation or variation, and such employment with the Kenya Reinsurance Corporation and the Company shall be deemed to be continuous.

Employees and
pension schemes

(2) Any reference to the Kenya Reinsurance Corporation in any trust deed or rules constituting or relating to any pension scheme or provident or superannuation fund of which persons employed by the Kenya Reinsurance Corporation are members shall, on and after the appointed day, be construed and have effect as if the same were a reference to the Company but so that, for the purpose of ascertaining and calculating any right to benefits under such scheme or fund, service with the Kenya Reinsurance Corporation up to the appointed day shall be taken into account as if it were service with the Company.

(3) The operation of any of the provisions of this section shall not of itself give rise to a claim by any person to benefit under any scheme or fund referred to in subsection (2).

9. On and after the appointed day, all documents, records and admissions which would, before the appointed day, have been evidence in respect of any matter for or against the Kenya Reinsurance Corporation shall be admissible in evidence for or against the Company.

Evidence of books,
documents, etc

No. 7

Kenya Reinsurance Corporation

1997

Exemptions of taxes,
duties, etc

10. Notwithstanding the provisions of any other written law, no corporation or other tax, no stamp or other duty and no registration fee, filing fee, reinsurance licence fee or any other fee, shall be charged or become payable on account of any transfer or vesting of any property effected by this Act or on account of anything done under section 11.

Duties of public
officers

11. Every public officer having the power or duty to effect or amend any entry in any register relating to property, or to issue or amend any certificate or other document effecting or evidencing title to property shall, upon request made by or on behalf of the Company or the owner of such property, and without making any charge or receiving any fee or other payment therefore, do all such things as are by law necessary to complete the transfer of any property effected by this Act.

Application of Cap
487 to the company

12.(1) The provisions of the Insurance Act shall, subject to subsection (2), be applicable to the Company.

(2) The provisions of Parts IV, XII and XIV of the Insurance Act shall not apply to the Company.

Amendment of
section 2 of Cap
487

13. The Insurance Act is amended in section 2 -

(a) by repealing the definitions of "Corporation", "Kenya Reinsurance Corporation"; and

(b) by inserting the following new definitions in proper alphabetical sequence -

"Company" means the Kenya Reinsurance Corporation Limited;

1997

Kenya Reinsurance Corporation

No. 7

"Kenya Reinsurance Corporation Limited" has the meaning assigned to it in section 2 of the Kenya Reinsurance Corporation Act, 1997.

14. Section 20 of the Insurance Act is amended, in subsection (3) -

Amendment of
section 20 of Cap
487

(a) by inserting the word "Limited" immediately after the words "Kenya Reinsurance Corporation";

(b) by deleting the word "corporation" appearing at the end of the subsection and inserting the word "company".

15. The Insurance Act is amended by repealing Part XIII.

Repeal of Part XIII
of Cap 48

16. Section 145 of the Insurance Act is amended -

Amendment of
section 145 of Cap
487

(a) in subsection (1), by inserting the word "Limited" immediately after the words "Kenya Reinsurance Corporation";

(b) in subsection (2), by deleting the word "Corporation" and inserting the word "Company".

17. The Insurance Act is amended in section 146 by deleting the word "Corporation" wherever it occurs and inserting the word "Company".

Amendment of
section 146 of Cap
487

18. The Insurance Act is amended in section 148 by deleting the word "Corporation" wherever it occurs and inserting the word "Company".

Amendment of
section 148 of Cap
487

19. Section 149 of the Insurance Act is amended in paragraph (b) by deleting the word "Corporation" and inserting the word "Company".

Amendment of
section 149 of Cap
487

No. 7*Kenya Reinsurance Corporation***1997**

Amendment of
section 157 of Cap.
487.

20. Section 157 of the Insurance Act is amended in subsection (1)(h) by inserting the word "Limited" immediately after the words "Kenya Reinsurance Corporation".



