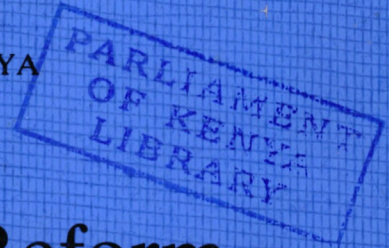




REPUBLIC OF KENYA



Kenya Law Reform Commission

Eleventh Annual Report

1st SEPTEMBER, 1992—31st AUGUST, 1993

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FOR THE YEAR 1875

Kenya Law Reform Commission

Eleventh Annual Report

1st SEPTEMBER, 1992—31st AUGUST, 1993

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**KENYA LAW REFORM COMMISSION ELEVENTH ANNUAL REPORT
1992-1993**

The Honourable S. A. Wako, E.B.S., E.G.H., M.P.
Attorney-General
Sheria House
P.O. Box 40112
NAIROBI.

In accordance with the provisions of Section 3(3) of the Law Reform Commission Act (Cap. 3), we submit the Eleventh Annual Report of the Kenya Law Reform Commission for the period 1st September, 1992, to 31st August, 1993.

Signed:



Hon. J. F. H. Hamilton, C.B.E.—*Acting Chairman*

Commissioners



Mr. J. N. King'arui



Hon. Lady Justice E. Owuor



Mr. G. K. Waruhiu



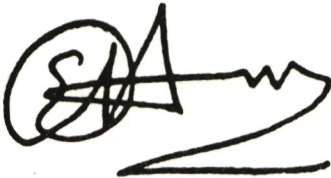
Mrs. Z. M. Wandera



Mr. N. P. Sheth



Prof. J. B. Ojwang



Mr. E. O. Abang—Secretary

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Members and Staff of the Commission

Mr. J. F. H. Hamilton, C.B.E., B.A. (Hons.) M.A. (Cantab), Barrister at Law, Grays Inn, Advocate of the High Court of Kenya—*Chairman*

Commissioners:

Mr. J. N. King'arui, LL.B (Hons.) (E.A.), Advocate of the High Court of Kenya, F.C.P.A. (K)

The Hon. Lady Justice E. Owuor, LL.B. (Hons.)
Judge of High Court of Kenya.

Mr. G. K. Waruhiu, (B.A.) (Dartmouth), M.A., LL.B. (Cantab) of the Middle Temple, Barrister at Law, Advocate of High Court of Kenya.

Mrs. Z. M. Wandera, LL.B. (Hons.), Advocate of the High Court of Kenya, Clerk, City Council of Nairobi.

Mr. N. P. Sheth, Barrister at law, Lincoln's Inn, Advocate of the High Court of Kenya, Lecturer Kenya School of Law.

Prof. J. B. Ojwang, LL.B. (Hons.), LL.M. (Nairobi) Ph. D (Cantab), Professor of Law.

Professional Staff

Secretary

Mr. E. O. Abang, LL.B. (Hons.), *Chief State Counsel*.

Research Staff

Mrs. V. W. M. Kattambo, LL.B. (Hons.), LL.M., Senior Principal State Counsel.

Miss C. W. Munyao, B.A., LL.B. (Hons.), State Counsel.

Miss R. C. Lagat, LL.B. (Hons.) State Counsel.

Mrs. L. K. Munyi, LL.B. (Hons.), State Counsel.

Miss. R. Ayugi, LL.B., Diploma in Law, State Counsel (from 27th April, 1993).

Mr. G. M. Kegoro, LL.B., Diploma in Law, State Counsel (from 10th May, 1993).

Administrative and Support Staff

Mr. M. W. Gichango, Executive Officer.

Mr. T. G. Ndigwa, Librarian.

Secretary/Typists

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Miss A. Njoroge

Miss A. W. Kamutu

Mrs. J. W. Kanja

Miss K. Onyimbo

Miss S. Katiku

Miss K. N. Wainaina

Miss S. M. Hamisi

Telephone Operator

Miss Mary W. Ndichu

Mr. J. M. Munywoki—*Storeman*

Clerical Officers

Mr. D. W. Musau

Miss O. K. Samson

Mr. J. Muthee

Miss L. A. Agutu

Drivers

Mr. S. O. Owuodho

Mr. Katana Mapeya

Subordinate Staff

Mr. C. Waweru

Mr. A. Odhiambo

Mr. E. A. Musita

Mrs. R. Otindo

Mr. G. O. Baka

Mr. J. Musembi

Mr. J. Olewa

INTRODUCTION

This Eleventh Annual Report of the Commission covers the Commission's activities during the period from 1st September, 1992, to 31st August, 1993. The Report however, describes some developments after that period.

What is in this Report is a summary of the proceedings of the Commission as required by section 3(3) of the Law Reform Commission Act (Cap.3). Any details on the subjects discussed in the Report and actual reports on them can be received on request from the Commission.

CHAPTER ONE

THE COMMISSION

Establishment

The Commission was established by the Law Reform Commission Act (Cap. 3). The first Commissioners were appointed and started working with effect from 1st September, 1982.

Functions of the Commission

The functions of the Commission are set out in section 3(1) of the Law Reform Commission Act (Cap. 3). They are:

3. (1) 'It shall be the function of Law Reform Commission to keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization, and for that purpose . . .

Membership and Staffing

The list of members of the Commission and staff are at page vii and viii.

Commissioners

During the period under review there were no changes in the composition of members of the Commission. The list of the members of the Commission are at page vii

Legal Research Staff

During the year under review there were six Legal Research Officers in the Commission. The list of their names are at page vii.

Administrative and Support Unit

There were twenty-six full-time non-legal staff during the period. Our Librarian Mr. C. T. N. Ndigwa successfully completed his studies in England in July, 1993, and rejoined the Commission.

Co-operation with other Bodies

We continued with our contact with other bodies within and outside Kenya. We also participated in seminars and workshops organized by other bodies to which we are invited.

We continued to consult organizations and individuals on work carried out in the Commission. We also maintained our contacts with many other Law Reform agencies and other organizations outside Kenya.

United Kingdom Government (Appreciation)

We would like to record our gratitude to the British Government which through their High Commissioner in Nairobi assisted us with a word processing machine, a photocopier and books for our library. This assistance has greatly assisted the work of the Commission.

We would like to thank the British Government, which, through the British Council sponsored our Librarian, Mr. C.T.N. Ndigwa to undertake a course in Information and Library Studies at the Loughborough University, United Kingdom. Mr. C.T.N. Ndigwa successfully completed his course in July, 1993 and graduated with a BSc. (Hons.) degree.

Commonwealth Law Conference

The Chairman of the Commission Mr. Hamilton attended and participated at the 10th Commonwealth Law Conference held from 3rd to 7th May, 1993, in Nicosia, Cyprus.

The Chairman delivered a paper to the meeting of Law Reform Commission.

Seminars and Conferences

The Chairman also attended several Seminars:

(i) A seminar on Child Labour Project at Silver Springs Hotel on 3rd February, 1993, at which he was an observer.

(ii) A Criminal Justice Workshop at Safari Park Hotel on 8th and 9th July, 1993.

(iii) I.C.J. National Conference held at Safari Park Hotel from 12th to 14th August, 1993. The theme of the Conference being 'The Next Step Forward Operationalizing, Good Governance and Accountability'.

Mr. King'arui, a full-time Commissioner attended the following Seminars:

(i) *Institute of Certified Public Accountants of Kenya Seminar on Companies Act Review on 1st October, 1992, at Safari Park Hotel*

The seminar was organized by the Institute of Certified Public Accountants of Kenya (I.C.P.A.K.). The purpose of the Seminar was to give the members of the Institute an opportunity to hear more about the proposals for review of the Companies Act.

He was the main speaker and other speakers were the Senior Deputy Registrar-General and an Insolvency Practitioner.

He addressed the members of the Institute on matters relating to the Companies Act Review. He covered all the aspects of Companies Act and later answered questions from the members of the institute.

(ii) International Organization of Securities and Commissions Meeting from 9th to 12th May, 1993, at Safari Park Hotel

The meeting was hosted by the Kenya Capital Markets Authority. Several topics were discussed at the meeting and he was particularly interested in the topics of Privatisation, Internationalization, Institutional Investors and Derivatives, among others. He attended the meeting as an observer representing the chairman of the Kenya Law Reform Commission.

The meeting was officially opened by the Minister for Finance.

(iii) ARIPO/EPO Roving Seminar from 27th to 28th July, 1993, at Panafric Hotel

The Seminar was jointly organized by the African Regional Industrial Property Organization (ARIPO) and the European Patent Office (EPO). The seminar was hosted by the Kenya Industrial Property Office (KIPO).

The Seminar was officially opened by the Attorney-General.

The following topics were discussed:

1. General Information on Intellectual Property.
2. International Co-operation in the field of Industrial Property; the objects and activities of ARIPO and EPO as examples of Regional Co-operation in the field of Industrial Property.
3. Users need for Patent Information; service to satisfy their needs.
4. Patent Documentation and Information for Research and Development.
5. Procedure for Industrial Property Rights; Protection for Industrial Property Rights established by the Harare Protocol and the E.E.C. Convention.
6. Patent Protection and Information in Kenya.

The seminar was addressed by officials of ARIPO, EPO and KIPO.

In recognition of his role as a former Chairman of the Administrative Council of ARIPO and long standing participation in the affairs of KIPO, he was requested (and agreed) to be the Chairman of the Seminar Session on Wednesday, 28th July, 1993.

CHAPTER TWO

Projects Undertaken

In this chapter we deal with subjects considered during the period under review. The subjects are those which were considered completed and either recommendations submitted to the Hon. Attorney-General or advice given to those who submitted the suggestions in accordance with Section 3 of the Law Reform Commission Act (Cap. 3). We also deal with the subjects which are still being considered and research going on in the Commission.

Powers of Attorney Bill

As reported in the Tenth Annual Report, the Bill had been finalised but had not yet been implemented into an Act. There were still consultations going on on the matter.

The Interpretation and General Provisions Act, Cap. 2 (Interpretation of Deeds and Documents)

The subject was still being considered at the time of this report.

Carriage by Air Bill

The Bill was finalised and enacted as the Carriage by Air Act No. 2 of 1993. It came into operation from 1st July, 1993. From the preamble of the Bill its main objective is to give effect to the convention concerning International Carriage by air, Known as "the Warsaw Convention as amended by the Hague Protocol, 1955, to enable the rules contained in the convention to be applied, with or without modifications, in other cases and in particular, to non-international carriage by air, and for connected purposes.

As reported in the Tenth Annual Report in Commission drafted and forwarded a Bill on the subject to the Attorney-General. The Bail Bill, 1992 was gazetted on 12th June, 1992 but was not taken to Parliament. The purpose of the Bill was to make provisions in relation to Bail in connection with Criminal proceedings and connected purposes. It was felt that it is necessary to spell out detailed provisions on the subject rather than the provisions in the Criminal Procedure Code.

It has since been decided that the subject be referred to the Task Force on reform of Penal Laws and Procedures which was appointed by the Honourable Attorney-General.

Drug Abuse Legislation

As reported in the Tenth Annual Report, the Bill submitted to the Attorney-General was published as the "Narcotic Drugs and Psychotropic Substances (Control) Bill. The purpose of the Bill as its preamble states is "to make provision with respect to the control of the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants; to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances and for

connected purposes." The Bill is yet to be discussed in Parliament by the time this report was concluded.

The Employment Act (Cap. 226) And Regulation of Wages and Conditions of Employment Act (Cap. 229)

The draft Bill was forwarded to the Permanent Secretary Ministry of Labour for comments in September, 1991 which had not been received at the time of writing this Report.

The Clean Air Bill and the National Environment Bill

The Commission drafted the two Bills to be considered separately. However, after consultations with the relevant Ministry and other organisations concerned, it has been decided that one Bill be drafted to cater for the two subjects. Work on the Bill was going on at the time this report was prepared.

The Government Lands Act (Cap. 280)

A Sub-Committee consisting of Commissioners, representatives from the Department of Lands and Law Society was formed to look at various proposed amendments to the Act and make recommendations. The Committee was still working by the time of the report.

The Committee would also look into the Agriculture Act with regard to utilization of wildlife on ranches.

Service Mark Legislation

The Bill on the subject has since been passed as the Trade Mark (Amendment) Act, 1993, but has not been brought into operation.

The object of the Act was to amend the Trade Marks Act (Cap. 506 of the laws of Kenya) to provide for the registration of trade marks in relation to services which are normally provided for reward including in particular activities of individual or commercial character or of craft-men or of any lawful profession.

The Refugees Bill, 1990

As reported in the Eleventh Report, the Commission worked on a proposed Bill to make provisions for refugees and for connected purpose. The matter was still being reviewed by the instructing Ministry and further information from the Permanent Secretary concerned was still being awaited.

Local Authorities Services Charge Act, 1988

The Commission in collaboration with the Ministry of Local Government worked on the amendment to the above Act and Regulations. It was the view of the Ministry and the Commission that there were anomalies in the Act and Regulations which needed to be rectified. It was for example, noted that the Act appeared to have been copied word for word from the

repealed Graduated Personal Tax and was not updated to correspond with changing times. It was also noted that the charge scale in the Schedule do not cover many payees and further that no attention was given to the legal conflicts within the Act.

The Commission forwarded the Draft Bill for Amendment of the Act and Regulations to the Attorney-General in September, 1992. The matter had not been finalised by the time of this Report.

The Advocates Act

The Committee appointed to look into ways how the Scheme of Appointment of Senior Counsel under the Act had not completed its work by the time of this Report.

The Commission was also looking into the problems which may be created by death etc. of one man advocates.

Land Control Act (CAP. 302)

The Commission is studying the Act with a view to making recommendations for amendments to the Act which it is felt by many people that it is now not serving the purposes for which it was intended. The subject like the Government Lands Act is being considered as part of a wider Land Law Reform Project.

The Probation of Offenders Bill

“The Probation of Offenders and After-Care Services Bill” which was drafted by the Commission and finalised after consultation with the Probation Department was forwarded to the Attorney-General in order to process it with a view to its enactment. There had been no change as reported in the previous Report.

The Marriage Bill

The Commission made comments on the draft Bill and sent them to the Attorney-General. The Bill is still being considered by the Attorney-General.

The Rating Act (Cap. 267) and the Valuation for Rating Act (Cap. 266)

As stated in the last Report the Commission made recommendations for amendments to the above Acts. The Commissioner of Lands wanted further comments on the proposed amendments which the Commission did. The proposed amendment had not been made by the time of this Report. Consultations on the subject was continuing.

The Land Disputes Tribunal Act, 1990

The Act came into operation with effect from 1st July, 1993. The Commission together with the Department of Lands was working on the guidelines to assist Magistrates and District officers when implementing the Act.

Presumption of Death (The Criminal Procedure Code)

The Commission considered the question of presumption of death where a dead body cannot be found. It was noted that there is a possibility of fraud in relation to insurance policies and uncertainty of the rights of a person who suddenly resurfaced after he had been presumed dead through legal process. The Commission recommended amendment to provide discretion to the court to declare a person dead where it was clear that no other conclusion could be reached and in any case after an inquest.

The amendments had been accepted by the Honourable Attorney-General and were to be included in the next Statute Law (Miscellaneous Amendments) Bill.

The Liquor Licensing Bill

The Commission drafted a Bill whose purpose was to consolidate the liquor Licensing Act (Cap. 121) and the Traditional Liquor Act (Cap. 122). The Bill was forwarded to the Attorney-General and to the Office of the President for comments. There are consultations going on the Bill between the Commission and Office of the President. The matter had not been concluded by the time of this Report.

Sectional Properties Act (No. 21 of 1987)

The Commission in consultation with the Department of Lands worked in a sub-committee to look into the various aspects in the operation of the Act. The Sub-Committee completed its work and submitted a report to the Commissioner of Lands for implementation. The Committee drafted a Bill proposing to amend the Act to streamline the various grey areas. The matter was still being considered by the Ministry of Lands and Settlement.

Law of Succession Act (CAP. 160)—(Shia Imami Ismaili Community)

The subject, reported in full in the last Report had not concluded as the Chief Kadhi was still in consultation with members of his faith on the subject.

The Commission also dealt with the problem of inheritance by Step Children under Muslim Law. The Act as it is does not include a step-child to benefit in cases where there is intestate succession. It was recommended that the definition of Child in Sec. 3(2) of the Law of Succession Act be amended to include step-son in order to solve the problem.

Computer Legislation

The Commission is working on a Bill to regulate computer misuse and data protection. It is noted that since the world is going computer, it is necessary that legislation on the subject be enacted. The proposed legislation had been completed and sent for comments from relevant organizations.

The Value Added Tax Act

As reported in the Tenth Annual Report, the proposed amendment Bill which was forwarded to the Attorney-General had not been implemented by the time of the report.

The Local Government Act (CAP. 265)

The Commission considered and made several amendments to the above Act which were forwarded to the Ministry of Local Government.

Law of Apportionments

The Commission considered a recommendation that we need an appropriate law on apportionments. At present we rely on the Apportionment Act 1870 of Great Britain, which is a Statute of general application and on the Common law doctrines.

The main objective of the proposed amendment or Act was to replace the, Apportionment Act 1970 which is Statute of general application but not readily available.

It was decided that a Bill be drafted so that the subject could be covered by our own Statute rather than relying on the British one.

Small Claims Courts

The Commission dealt with a recommendation that there should be a Small Claims Courts System. The courts could deal with claims where the monetary value is small. It was noted that the system would greatly speed up the processing of small claims which presently clog the Magistrates' courts.

The Commission was in the process of preparing a draft of the proposed Bill at the time of writing this Report.

Anti-Discrimination Legislation

The Commission considered enactment of Anti-Discrimination Legislation. The Bill on the subject was to be prepared, details of which will be in the next Report.

Interest on Debts

The subject was referred to the Commission in 1983, deliberated upon and recommendation submitted to the then Attorney-General in 1986. However, no action was taken.

The proposal which was later approved and recommended to the Attorney-General was that there is need to amend the Common Law which prohibits the awarding of interest on debts prior to the date of filing suit. The right to award interest contained in section 26 of our Civil Procedure Act (Cap. 21) had been held not to apply to interest before the filing of the suit (Yusuf Abdullah Gulanhusein Vs. French Somaliland Shipping Co. Ltd. [1959] E.A. 25).

The matter was referred again to the Attorney-General who stated that he was considering it for possible inclusion in the Statute Law (miscellaneous Amendments) Bill.

Land Law Reform

The Commission is carrying out research with a view to making recommendations on reform of various land laws. The Sub-Committee mentioned above is dealing with proposed amendments to the Government

Lands Act would also consider Land Law Reform generally with the ultimate aim of consolidating all land laws into one Statute.

Aids and the Law

The Honourable Attorney-General asked the Commission to consider the above subject. It had been noted the problem of Aids has brought about a number of legal problems and therefore it is necessary to evaluate the law and practice on the subject in order to develop a legal policy on Aids and related health issues.

The Commission in consultation with relevant organizations is still carrying out research on the subject with a view to formulating suitable legislation on the subject.

Applied Legislation

As reported in the last Report, in August 1984, the Honourable Attorney-General asked the Commission 'to study laws of other Jurisdictions which still apply by reference so that they may be enacted into our laws'.

It is important to note that there are several statutes of other jurisdictions which we still apply by reference.

Work has not started on this important project although it is felt that it is a high time that statutes of other jurisdictions should not apply to us by reference and that those which are still useful should be enacted into our laws with appropriate modifications to suit our conditions.

General Reference

In June 1985, the then Honourable Attorney-General made a general reference to the Commission in the following terms:-

'To study all laws from chapter 1 to chapter 540 and suggest any reform, codification, etc. as is necessary.'

Work never started on a systematic study of the chapters as the Commissioners thought it would be difficult without enough research officers. The Commission however, hopes that a systematic study of the statutes would start after urgent subjects it is currently engaged are completed.

CHAPTER THREE

Task Forces For Law Reform

At the State opening of the Second Session of the Seventh Parliament His Excellency the President stated "My Government will continue to be committed to constant review and reform of our laws so as to anticipate and respond to changing needs of our society. Honourable members are aware that the Law Reform Commission was set up to specifically review our laws from time to time. In this regard, the Commission has established specialized task forces to review laws relating to the disabled, the Rent Restriction Act, law relating to the child, law relating to companies and land law reform. It is my expectation that the reports of these task forces will be brought to the House for deliberation. Honourable members will also have an opportunity to carry out a comprehensive review of our constitution to enable it reflect the current political, economic and social reality in Kenya."

The Attorney-General had indeed set specialized task forces to review laws covering various subjects. The appointment of task forces which are all based at the Law Reform Commission was as a result of the realization that the Law Reform Commission with inadequate resources both in terms of personnel and funds could not carry out the necessary recommendations for reform with the required speed.

At the time of printing this report, task forces had been set up to review various subjects.

Landlord/Tenancy Legislation

A Task Force to review Landlord/Tenancy Legislation was set up by Gazette Notice No. 3565 dated 21st August, 1992.

Its terms of reference was to review the Rent Restriction Act (Cap. 296) and the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (Cap. 301) with a view of making proposals for reform of the two Acts.

The members of the Task Force are:

Anthony H. Khamati—*Chairman*
E. O. Abang—*Secretary*

Members

Dr. Bondi Ogola
Mr. Jacob Ombonya
Mr. David Masika
Mr. Fred Muyoti
Mr. Walter Mukuria
Dr. W. M. Mutunga
Mr. A. H. Buluma
Miss Sarah Ondeyo
Miss Rachael Omamo
Miss U. P. Kidula
Mr. P. Murgor
Mrs. Z. M. Wandera

The Law Relating to the Disabled

A Task Force to review the law relating to the disabled with a view of making proposals for reform was appointed by Gazette Notice No. 4993 dated 10th November, 1992. The Task Force comprised of:

Hon. Mr. Justice D. K. S. Aganyanya—*Chairman*

Mr. Ben Ashihundu—*Vice Chairman*

Ms Josephine Sinyo—*Joint Secretary*

Miss Rose Ayugi—*Joint Secretary*

Miss C. W. Munyao—*Joint Secretary*

Members

Mr. Samuel N. Kabue

Ms. Josephine Sinyo

Mr. Stephen Gachuhi

Mr. E. N. Monari

Mr. Benson O. Anjere

Mr. Mbuthi Gathenji

Ms. Canning Otiato

Elizabeth O. Mazrui (Dr.)

Roseline Wabuge

Mrs. Lavera Levi

Miss Maria Teresia Paul

Mrs. Linnet Ndolo

Dr. Joice Malombe

Mr. Moses Khaemba

Ex Officio Members

Arthur Buluma, *Chief Parliamentary Counsel or his representative*

Eliud Mahihu, *Chairman of the National Fund for the Disabled or his representative.*

Reform of Penal Laws and Procedures

By Gazette Notice No. 3603 dated 26th July, 1993 the Attorney-General appointed a Task Force consisting of the following:

Benna C. W. Lutta—*Chairman*

E. O. Abang—*Joint Secretary*

Githu Muigai—*Joint Secretary*

Members

Mr. Byron N. Georgiadis

Mr. A. R. Kapila

Prof. Charles Okidi

Dr. David Gachuki

Dr. Philista Onyango

Dr. Muli Musiime

Mr. Okech-Owiti

Mr. Amos M. S. Kimunya

Mr. Benjamin Kimagut arap Maiyo

Ex-Officio Members

Mr. B. P. Kubo, *Solicitor-General or his representative*

Mr. B. Chunga, *Deputy Public Prosecutor or his representative*

Mr. A. Buluma, *Chief Parliamentary Counsel or his representative*

Mr. Noah arap Too, *Director of Criminal Investigation or his representative*

Justice J. F. H. Hamilton, *Acting Chairman, K. L. R. C.*

Prof. J. Ojwang', *Member of the Law Reform Commission*

The terms of reference of the Task Force are:

- (a) to review all the Penal laws, offences and procedure as well as the Penal Code (Cap. 63), the Criminal Procedure Code (Cap. 75), the Evidence Act (Cap. 80), etc., and make recommendation, thereon:
- (b) to make proposals for making provisions on, and enhancing control of economic, commercial and environmental crimes; and
- (c) to make any further recommendations incidental to the foregoing.

Reform of Laws Relating to Public Order and Security

The Attorney-General appointed a Task Force on reform of Laws Relating to Public Order and Security by Gazette Notice No. 3701 dated 4th, August, 1993. The members of the Task Force were:

Mr. J. F. H. Hamilton—*Chairman.*

Joint Secretaries

Prof. Jackton B. Ojwang

Mr. B.P. Kubo, Solicitor-General

Members

Mr. Hastings Okoth-Ogendo

Mr. John K. Etemesi

Mr. Aaron Ringera

Mr. Fred Ojiambo

Ex-Officio Members

Mr. Arthur Buluma, Chief Parliamentary Counsel or his representative

The terms of reference of the Task Force are:

- (a) to review the Public Order Act (Cap. 56), the Preservation of Public Security Act (Cap. 108) and make recommendation thereon;
- (b) to examine the preliminary draft of the Administrative Officers Authority Bill and make recommendations thereon;
- (c) to make such further recommendations as it may consider incidental to the foregoing.

Review of Laws Relating to Companies, Partnerships, Insolvency and Investment

A Task Force to review laws relating to Companies, Partnerships and Insolvency was appointed by Gazette Notice No. 3823 dated 4th August, 1993. The Task Force consists of the following:

Mr. J. N. King'arui—*Chairman.*

Joint Secretaries

Prof. Arthur Eshiwani

Mrs. V.W.M. Kattambo

Members

Mr. Muir Hunter

Mr. Leonard Njagi

Mr. Shem Ong'ondo (Dr.)

Mr. J. W. Kuria

Mr. F. J. Addly

Mr. Willy Kichlat

Mr. Eliud Njoroge

Mr. Mathew Emukule

Mr. R. G. Mwai

Mr. Dinesh Kapila

Mr. S. O. J. Ambundo

Mr. T. Owuor

Mr. C. A. Otolo

Ex-Officio Members

Mr. Omondi Mbago, the Registrar-General or his representative.

Mr. W. K. B. arap Chelashaw, Chief Executive, Capital Markets Authority or his representative.

Miss S. Wainaina, Monopolies and Price Commissioner or her representative.

Mr. Akich Okola, Chief State Counsel (Treaties and Agreements) or his representative.

Mr. Arthur Buluma, Chief Parliamentary Counsel or his representative.

The terms of reference of the Task Force are:

- (a) to review laws governing companies, partnerships and their operations and make recommendations thereon;
- (b) to review laws relating to insolvency, liquidations and receiverships, and
- (c) to make such further recommendations incidental to the foregoing as they may deem necessary.

Task Force to Review Laws Relating to Women.

A Task Force to Review Laws Relating to Women was appointed by Gazette Notice No. 4820 dated 28th September, 1993. The Task Force consists of the following:

Hon. Justice Effie Owuor—*Chairwoman.*

Members

Hon. Justice Joyce Aluoch
H.E. Pamela Mboya
Margaret Kenyatta
Wilkista Onsando (Mrs.)
Margaret Mngola (Mrs.)
Grace Githu
Eddah Gachukia (Mrs.)
Z. Kittony (Mrs.)
Mary Okello (Mrs.)
Nora Olembo (Mrs.)
Maria Nzomo (Dr.)
Shanyisa Khasiani (Dr.)
Ben Mukuria
J. B. Havelock
Philomena M. Mwilu
Florence Manguyu (Dr.)
Terry Kantai
Abdul Azziz (Prof.)
Shimina Lalani (Dr.) (Mrs.)
Ruth Oniang'o (Prof.)
Surinder Kapila (Mrs.)
Mary Kiptanui (Mrs.)
Naomi Kipury (Dr.)
Lilian W. Mwaura (Mrs.)

Ex-Officio Members

F. R. B. Oeri (Mrs.), Head of the Women's Bureau, Ministry of Culture and Social Services.

Z. Wandera (Mrs.), Member of the Law Reform Commission.

Francisca Otete (Mrs.), Vice-Chairman, Public Service Commission.

Mr. Arthur Buluma, the Chief Parliamentary Counsel or his representative.

Joint Secretaries

C. W. Mwangi (Mrs.)
Elizabeth Oduor
R. C. Lagat (Miss)

The terms of reference of the Task Force are:

- (a) to review all the existing laws, regulations, practices, customs and policies which have the effect or purpose of impairing or nullifying the enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights in the civil, political, economic, social, cultural or any other field;
- (b) to make recommendations to modify, amend or abolish existing laws, regulations, practices, customs or policies which constitute discrimination against women;
- (c) to consider and recommend a comprehensive bill which render unlawful any discrimination on the basis of sex and promote equality of opportunity between all persons; and
- (d) to make such further recommendations incidental to foregoing that it may deem necessary.

Task Force on Press Law

A Task Force on Press Law was appointed by Gazette Notice No. 6889 dated 22nd November, 1993. The Task Force consists of the following:

Hilary Ng'weno—*Chairman*

Members

Philip J. Ranley
Wangethi Mwangi
Mitch Odero
Amboka Andere
Joseph Mbidyo (Dr.)
Horace Awori
Evelyn Mwangi (Mrs.)
Henry Chakava
Peter Biwott (Dr.)
Mohamed Amin
Patrick Lumumba Otieno
Roger Steadman
Irene Mwakesi
Jean Njeri Kamau
Esther Adagala
Rose Kimotho
Philip Ochieng

Ex-Officio Members

Shadrack Musandu, Director of Information.

Augustine K. Maritim, Editor-in-Chief, Kenya Broadcasting Corporation.

Arthur Buluma, Chief Parliamentary Counsel or his nominee.

Joint Secretaries

William Ikileng Ikapel

Koki Muli

The terms of reference of the Task Force are:

- (a) To make recommendations on Press Law providing for a comprehensive legal framework for the exercise of freedom of the press and development of a dynamic and responsible print and electronic media, making provision, inter alia for:
 - (i) Information access and dissemination.
 - (ii) A code of professional and ethical standards for journalists and its enforcement.
 - (iii) A Press Council, or other similar body, its composition, functions, duties and procedures.
 - (iv) Ownership, development and licensing of media.
- (b) To make recommendations on such other matters which are related or incidental to the foregoing.

Task Force to Review Laws relating to Auctioneers and Brokers

The Task Force to review laws relating to auctioneers and Brokers was appointed by Gazette Notice No. 6769 dated 9th December, 1993.

The Task Force consists of the following:

Justice S. E. O. Bosire—*Chairman*.

Members:

Jacob Ole Kipury

Zakayo Cheruiyot

D. N. Njoka

R. Magu Gakuru

Sally Church (Mrs.)

A. S. Jeneby

Jean Gacheche

Walter Mukuria

M. Z. Malik

Peterson Kamaraa

Joint Secretaries

Jessie Lessiit (Mrs.)

Hannah Okwengu (Mrs.)

The terms of reference of the Task Force are:

- (a) To examine and review the Auctioneers Act (Cap. 526), the Brokers Act (Cap. 527) and the Court Brokers Act (Cap. 20) and consider the desirability or otherwise of consolidating the laws related thereto.
- (b) To make recommendation on provisions to be made under law in respect of the following matters:
 - (i) Minimum legal requirement for eligibility for carrying on auctioneers' and/or brokers' business.
 - (ii) Procedures for licensing, monitoring and disciplining of auctioneers and brokers.
 - (iii) Rules and regulations relating to possessions, evictions and auction sales including the scale of charges; and
- (c) To make recommendations on such other matters which are related or incidental to the foregoing.

Task Force to Look into the Status of the Kenya School of Law

Task Force to look into the status of the Kenya School of Law was appointed by Gazette Notice No. 6768 dated 9th December, 1993.

The Task Force consists of the following:

Justice A. Akiwumi—*Chairman*.

Members:

B. P Kubo
 Willy Mutunga (Dr.)
 Lee Muthoga
 Mutula Kilonzo
 Joe Okwach

Ex-Officio Members

Justice Gachuhi, Chairman, Council of Legal Education.
 Kivutha Kibwana (Dr.), Dean, Faculty of Law, University of Nairobi.

Joint Secretaries

L. Njagi, Principal, Kenya School of Law.
 M. N. Nzioka (Mrs.), Secretary, Council of Legal Education.

The terms of reference of the Task Force are:

- (a) To review and make recommendations on the legal status and management of the Kenya School of Law taking into account its urgent development needs and with a view of enhancing its contribution in the field of professional legal education; and
- (b) To make recommendations on such other matters which are related or incidental to the foregoing.

Law Relating to Children

The Task Force had completed its work, compiled a report and prepared a Bill which was awaiting further action.

Conclusion

We would like to thank all those who have assisted us in our work. We look forward to further co-operation.

The Kenya Law Reform Commission has the honour to submit its Eleventh Annual Report to the Honourable the Attorney-General under the Law Reform Commission Act (Cap. 3).

