

SPECIAL ISSUE

Kenya Gazette Supplement No. 186 (National Assembly Bills No. 56)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2022

NAIROBI, 16th November, 2022

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Penal Code (Amendment) Bill, 2022 1439





THE PENAL CODE (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Penal Code

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Penal Code (Amendment) Act, 2022. Short title.
2. The Penal Code is amended by repealing section 182. Repeal of section
182 of Cap. 63.

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons

The principal object of the Bill is to amend the Penal Code Cap. 63 by repealing section 182 which prescribes the offence of idle and disorderly persons. The law enforcers have often used section 182 to harass innocent members of the public.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers neither does it limit fundamental rights and freedoms.

Statement that the Bill does not concern County Governments

The Bill does not affect the functions of County Governments and is therefore not a Bill concerning counties for the purposes of Standing Orders.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 10th November, 2022.

DAVID GIKARIA,
Member of Parliament.

Section 182 of Cap. 63 which the Bill proposes to amend—

182. Idle and disorderly persons

The following persons—

- (a) every common prostitute behaving in a disorderly or indecent manner in any public place;
- (b) every person causing, procuring or encouraging any person to beg or gather alms;
- (c) *deleted by Act No. 61 of 1968, s. 22;*
- (d) every person who publicly conducts himself in a manner likely to cause a breach of the peace;
- (e) every person who without lawful excuse publicly does any indecent act;
- (f) every person who in any public place solicits for immoral purposes;
- (g) *deleted by Act No. 61 of 1968, s. 22,*

shall be deemed idle and disorderly persons, and are guilty of a misdemeanour and are liable for the first offence to imprisonment for one month or to a fine not exceeding one hundred shillings, or to both and for every subsequent offence to imprisonment for one year.

[Act No. 40 of 1952, Sch., Act No. 9 of 1966, s. 71, Act No. 24 of 1967, Sch., Act No. 61 of 1968, s. 22.]





