

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2026**

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**NAIROBI, 13th March, 2026**

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NATIONAL ASSEMBLY  
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**THE PENAL CODE (AMENDMENT) BILL, 2026****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, 2026.

Short title.

2. Section 4 of the Penal Code (in this Act known as the “principal Act”) is amended by inserting the following new definitions in proper alphabetical sequence—

Amendment of section 4 of Cap. 63.

“imprisonment for life” means imprisonment for a term of thirty years;

“person with mental illness” has the same meaning assigned to it in section 2 of the Mental Health Act.

3. Section 24 of the principal Act is amended by deleting paragraph (c).

Cap. 248  
Amendment of section 24 of Cap. 63.

4. Section 25 of the principal Act is amended—

Amendment of section 25 of Cap. 63.

(a) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) A sentence of death shall not be pronounced on or recorded against any person convicted of an offence if it appears to the court that at the time when the offence was committed the person was under the age of eighteen years, but in lieu thereof the court shall sentence such person in accordance with sections 238 and 239 of the Children Act.”;

(b) by deleting subsection (3).

5. Section 28 of the principal Act is amended—

Amendment of section 28 of Cap. 63.

(a) by deleting subsection (2) and substituting therefor the following new subsection—

“(2) In the absence of express provisions in any written law relating thereto, the term of imprisonment ordered by a court in respect of the

non-payment of any sum adjudged to be paid for costs under section 32 or compensation under section 31 or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any written law shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any such case the maximum fixed by the following scale—

Amount	Maximum period
Not exceeding Sh.2,500.....	14 days
Exceeding Sh.2,500 but not exceeding Sh.12,500	1 month
Exceeding Sh.12,500 but not exceeding Sh.75,000	3 months
Exceeding Sh.75,000 but not exceeding Sh.250,000	6 months
Exceeding Sh. 250,000.....	12 months

(b) in subsection (3), by deleting the words “or detention” appearing immediately after the word imprisonment.

6. Section 40 of the principal Act is amended in subsection (3), by deleting the words “shall be sentenced to death” appearing immediately after the word “treason” and substituting therefor the words “is liable to be sentenced to death or to imprisonment for a term of not less than thirty years”.

Amendment of section 40 of Cap. 63.

7. Section 60 of the principal Act is amended by deleting the word “shall be sentenced to death” appearing immediately after the words “felony and” and substituting therefor the words “is liable to be sentenced to death to imprisonment for a term of not less than thirty years”.

Amendment of section 60 of Cap. 63.

8. The principal Act is amended by repealing section 66.

Repeal of section 66 of Cap. 63.

9. Section 96 of the principal Act is amended by deleting the expression “, the burden of proof whereof

Amendment of section 96 of Cap. 63.

shall lie upon him,” appearing immediately after the words “lawful excuse”.

10. Section 132 of the principal Act is amended by deleting expression “, the burden of proof whereof shall lie upon him,” appearing immediately after the words “lawful excuse”.

Amendment of section 132 of Cap. 63.

11. The principal Act is amended by inserting the following new section immediately after Section 160—

Insertion of new section 160A in Cap. 63.

Limitation of criminal liability.

**160A.** It shall not be an offence under sections 158, 159 or 160 if any person was acting in accordance with the circumstances contemplated under Article 26(4) of the Constitution.

12. The principal Act is amended by repealing section 173.

Repeal of section 173 of Cap. 63.

13. The principal Act is amended by repealing section 191.

Repeal of section 191 of Cap. 63.

14. The principal Act is amended by repealing section 192.

Repeal of section 192 of Cap. 63.

15. The principal Act is amended by repealing section 193.

Repeal of section 193 of Cap. 63.

16. The principal Act is amended by repealing section 194.

Repeal of section 194 of Cap. 63.

17. The principal Act is amended by repealing section 195.

Repeal of section 195 of Cap. 63.

18. The principal Act is amended by repealing section 196.

Repeal of section 196 of Cap. 63.

19. The principal Act is amended by repealing section 197.

Repeal of section 197 of Cap. 63.

20. The principal Act is amended by repealing section 198.

Repeal of section 198 of Cap. 63.

21. The principal Act is amended by repealing section 199.

Repeal of section 199 of Cap. 63.

22. The principal Act is amended by repealing section 200.

Repeal of section 200 of Cap. 63.

23. The principal Act is amended in section 204 by deleting the words “shall be sentenced to death” appearing

Amendment of section 204 of Cap. 63.

immediately after the word “murder” and substituting therefor the words “is liable to be sentenced to death or to imprisonment for a term of not less than thirty years”.

24. The principal Act is amended by repealing section 295.

Repeal of section 295 of Cap. 63.

25. The principal Act is amended by inserting the following new sections immediately after the repealed section 295—

Insertion of new sections 298A, 298B, 298C and 298D in Cap. 63.

Robbery.

**295A.** A person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, commits an offence and is liable, on conviction, to imprisonment for a term of fourteen years.

Attempted robbery.

**295B.** A person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

Aggravated robbery.

**295C.** A person who steals anything, and, at or immediately before or immediately after the time of the robbery, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, and

(a) is armed with any firearm or any offensive weapon, or any

obnoxious or chemical material;  
or

- (b) displays what appears to be a firearm or offensive weapon, or obnoxious or chemical material;  
or
- (c) is in the company of one or more other person or persons; or
- (d) wounds, beats, strikes or uses any other personal violence to any person; or
- (e) acts for the benefit of, at the direction of, or in association with, a criminal organization,

commits an offence and is liable, on conviction, to be sentenced to death or imprisonment for a term of not less than thirty years.

Attempted aggravated robbery.

**295D.** A person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, and—

- (a) is armed with any firearm or any offensive weapon, or any obnoxious or chemical material; or
- (b) displays what appears to be a firearm or offensive weapon, or obnoxious or chemical material; or
- (c) is in the company of one or more other person or persons; or
- (d) wounds, beats, strikes or uses any other personal violence to any person; or

(e) acts for the benefit of, at the direction of, or in association with, a criminal organization,

commits an offence and is liable, on conviction, to be sentenced to death or imprisonment for a term of not less than thirty years

26. The principal Act is amended by repealing section 296.

Repeal of section 296 of Cap. 63.

27. The principal Act is amended by repealing section 297.

Repeal of section 297 of Cap. 63.

28. The provisions in this Act shall not affect—

Saving.

- (a) the liability or trial of a person, or the punishment of a person under any sentence passed, in respect of any act done or commenced before the commencement of this Act;
- (b) the right of an accused person to the benefit of the least severe of the prescribed punishments for an offence, if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing pursuant to Article 50(2)(p) of the Constitution;
- (c) any power of the President to exercise a power of mercy in accordance with Article 133 of the Constitution; or
- (d) any written law, Articles or Standing Orders for the time being in force for the government of the disciplined forces or the police force.

## **MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to amend the Penal Code Cap 63 to align it with the Constitution and other statutes. The Constitution introduced new principles with regard to sentencing and freedom of expression which need to be incorporated in the Penal Code. The Bill also aligns the language in the Penal Code with the language used in the Mental Health Act, Cap. 248 with regard to persons with mental illness.

The Bill also seeks to align the provisions of the Penal Code relating to sentencing of children with the provisions of the Children Act, 2022 and removes the reference to detention camps as the Detention Camps Act was repealed by the Community Service Orders Act, No. 10 of 1998. Lastly, the Bill shifts the burden of proof for the offences of incitement to violence and disobedience from an accused person to the prosecution, in line with the general principles of criminal law.

The Bill is informed by legislative reform proposals submitted to Parliament by the National Council on the Administration of Justice.

**Clause 1** of the Bill provides for the short title.

**Clause 2** of the Bill provides for the amendment of section 2 to include and define the terms “imprisonment for life” and “person with mental illness” as used in the Act.

**Clause 3** of the Bill provides for the amendment of section 24 of the Penal Code to remove the provisions relating to detention camps as a form of punishment.

**Clause 4** of the Bill provides for the amendment of section 25 of the Penal Code, to align it with the provisions of sections 238 and 239 of the Children Act, 2022 that provide for methods of dealing with children in conflict with the law.

**Clause 5** of the Bill provides for the amendment of section 28 of the Penal Code to readjust the scale for determination of the term of imprisonment ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs, compensation, non-payment of a fine or of any sum adjudged to be paid.

**Clause 6** of the Bill provides for amendment of section 40 of the Penal Code to remove the mandatory death sentence for the offence of treason and allow discretion for either the death sentence or a term of imprisonment of not less than thirty years.

**Clause 7** of the Bill provides for the amendment of section 60 of the Penal Code to remove the mandatory death sentence for administration of

unlawful oaths to commit capital offences and allow discretion for either the death sentence or a term of imprisonment of not less than thirty years.

**Clause 8** of the Bill provides for the repeal of section 66 of the Penal Code to abolish the offence of alarming publications.

**Clause 9** of the Bill provides for the amendment of section 96 of the Penal Code to shift the burden of proof from the accused person to the prosecution for the offence of incitement to violence and disobedience of the law.

**Clause 10** of the Bill provides for the amendment of section 132 of the Penal Code to remove the burden of proof on the accused person for the offence of undermining authority of public officer.

**Clause 11** of the Bill provides for the insertion of a new section 160A, to provide for actions carried out in accordance with Article 26(4) of the Constitution as a defence to offences relating to abortion.

**Clause 12** of the Bill provides for the amendment of section 173 to provide for the offence of unlawful and malicious bodily harm to an apprentice.

**Clause 13** of the Bill provides for the repeal of section 191 of the Penal Code to remove the offence of fouling water as the same is provided for under the Environmental Management and Co-ordination Act, No. 8 of 1999.

**Clause 14** of the Bill provides for the repeal of section 192 of the Penal Code to delete the offence of fouling air as the same is provided for the Environmental Management and Co-ordination Act, No. 8 of 1999.

**Clauses 15, 16, 17, 18, 19, 20, 21 and 22** of the Bill provide for the repeal of sections 194-200 of the Penal Code to abolish libel and defamation as offences under the Penal Code and to align the Penal Code with Article 33 of the Constitution.

**Clause 23** of the Bill provides for the amendment of section 204 of the Penal Code to provide for the punishment for the offence of murder as death or imprisonment for a term of not less than thirty years.

**Clause 24** of the Bill provides for the repeal of section 295 of the Penal Code.

**Clause 25** of the Bill provides for the insertion of new sections 298A, 298B, 298C and 298D to provide for the offences of robbery, aggravated robbery, attempted robbery and attempted aggravated robbery and their respective punishments.

**Clause 26** provides for the repeal of section 296 of the Penal Code.

Clause 27 of the Bill provides for the repeal of section 297 of the Penal Code.

Clause 28 of the Bill is a savings provision to cater for ongoing trials and sentencing.

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

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

**Statement on whether the Bill concerns County Governments**

The Bill does not concern county governments in terms of Article 110 of the Constitution as it does not contain provisions that affect the functions and powers of county governments.

**Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution.**

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 25th February, 2026.

GEORGE GITONGA MURUGARA,  
*Chairperson, Departmental Committee on  
Justice and Legal Affairs.*

*Section 24 of Cap. 63 which it is proposed to amend—*

#### **24. Different kinds of punishments**

The following punishments may be inflicted by a court—

- (a) death;
- (b) imprisonment or, where the court so determines under the Community Service Orders Act, 1998, community service under a community service order;
- (c) detention under the Detention Camps Act;
- (d) deleted by Act No. 5 of 2003, s. 3;
- (e) fine;
- (f) forfeiture;
- (g) payment of compensation;
- (h) finding security to keep the peace and be of good behaviour;
- (i) any other punishment provided by this Code or by any other Act.

*Section 25 of Cap. 63 which it is proposed to amend—*

#### **25. Sentence of death**

(2) \* Sentence of death shall not be pronounced on or recorded against any person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years, but in lieu thereof the court shall sentence such person to be detained during the President's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the President may direct, and whilst so detained shall be deemed to be in legal custody.

\*Power delegated to the Minister and to the Permanent Secretary of the Ministry for the time being responsible for Prisons (L.N. 579/1963).

(3) When a person has been sentenced to be detained during the President's pleasure under subsection (2), the presiding judge shall forward to the President a copy of the notes of evidence taken on the trial, with a report in writing signed by him containing any recommendation or observations on the case he may think fit to make.

*Section 28 of Cap. 63 which it is proposed to amend—*

#### **28. Fines**

(2) In the absence of express provisions in any written law relating thereto, the term of imprisonment or detention under the Detention Camps Act (Cap. 91) ordered by a court in respect of the non-payment of any sum

adjudged to be paid for costs under section 32 or compensation under section 31 or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any written law shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any such case the maximum fixed by the following scale—

Amount	Maximum period
Not exceeding sh. 500	14 days
Exceeding sh. 500 but not exceeding sh. 2,500	1 month
Exceeding sh. 2,500 but not exceeding sh. 15,000	3 months
Exceeding sh. 15,000 but not exceeding sh. 50,000	6 months
Exceeding sh. 50,000	12 months

(3) The imprisonment or detention which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

*Section 40 of Cap. 63 which it is proposed to amend—*

#### **40. Treason**

(3) Any person who is guilty of the offence of treason shall be sentenced to death.

*Section 60 of Cap. 63 which it is proposed to amend—*

#### **60. Administration of unlawful oaths to commit capital offences**

Any person who administers an oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence, punishable with death, is guilty of a felony and shall be sentenced to death.

*Section 66 of Cap. 63 which it is proposed to amend—*

#### **66. Alarming publications**

(1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace is guilty of a misdemeanour.

(2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of the statement, rumour or report as to lead him reasonably to believe that it was true.

*Section 96 of Cap. 63 which it is proposed to amend—*

### **96. Incitement to violence and disobedience of the law**

Any person who, without lawful excuse, the burden of proof whereof shall lie upon him, utters, prints or publishes any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or omit to do, any act the doing or omission of which is calculated—

- (a) to bring death or physical injury to any person or to any class, community or body of persons; or
- (b) to lead to the damage or destruction of any property; or
- (c) to prevent or defeat by violence or by other unlawful means the execution or enforcement of any written law or to lead to defiance or disobedience of any such law, or of any lawful authority,

is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

*Section 132 of Cap. 63 which it is proposed to amend—*

### **132. Undermining authority of public officer**

Any person who, without lawful excuse, the burden of proof whereof shall lie upon him, utters, prints, publishes any words, or does any act or thing, calculated to bring into contempt, or to excite defiance of or disobedience to, the lawful authority of a public officer or any class of public officers is guilty of an offence and is liable to

*Section 173 of Cap. 63 which it is proposed to repeal—*

### **173. Master not providing for servants or apprentices**

Any person who being legally liable, either as master or mistress, to provide for any apprentice or servant necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

*Section 191 of Cap. 63 which it is proposed to repeal—*

**191. Fouling water**

Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

*Section 192 of Cap. 63 which it is proposed to repeal—*

**192. Fouling air**

Any person who voluntarily vitiates the atmosphere in any place, so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour.

*Section 193 of Cap. 63 which it is proposed to repeal—*

**193. Offensive trades**

Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights commits an offence and is liable to be punished as for a common nuisance.

*Section 194 of Cap. 63 which it is proposed to repeal—*

**194. Definition of libel**

Any person who, by print, writing, painting or effigy, or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed libel.

*Section 195 of Cap. 63 which it is proposed to repeal—*

**195. Definition of defamatory matter**

Defamatory matter is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation; and it is immaterial whether at the time of the publication of the defamatory matter the person concerning whom the matter is published is living or dead.

*Section 196 of Cap. 63 which it is proposed to repeal—*

**196. Definition of publication**

(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed to be so dealt with, either by exhibition, reading, recitation, description, delivery or

otherwise, that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

*Section 197 of Cap. 63 which it is proposed to repeal—*

**197. Definition of unlawful publication**

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter, unless—

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds hereafter mentioned in this Chapter.

*Section 198 of Cap. 63 which it is proposed to repeal—*

**198. Cases in which publication of defamatory matter is absolutely privileged**

(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely—

- (a) if the matter is published by the President, or by the Cabinet of Ministers, or in Parliament, in any case in an official document or proceeding; or
- (b) if the matter is published in the Cabinet of Ministers, or in Parliament, in any case by the President, or by a Minister, or by a Member of Parliament, as the case may be; or
- (c) if the matter is published by order of the President or by order of the Cabinet of Ministers; or
- (d) if the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or

- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge, magistrate, commissioner, advocate, assessor, witness or party thereto; or
- (f) if the matter published is in fact a fair report of anything said, done or published in the Cabinet of Ministers or in Parliament; or
- (g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:

Provided that nothing in this section shall exempt any person from any liability to punishment under any other Chapter of this Code or under any other written law in force within Kenya.

*Section 199 of Cap. 63 which it is proposed to repeal—*

**199. Cases in which publication of defamatory matter is conditionally privileged**

A publication of defamatory matter is privileged, on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely—

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or

- (b) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of it was or would have been privileged under section 198; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or

- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or
- (e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or
- (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (g) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person so far as it appears in such conduct; or
- (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

*Section 200 of Cap. 63 which it is proposed to repeal—*

#### **200. Explanation as to good faith**

A publication of defamatory matter shall be deemed not to have been made in good faith by a person, within the meaning of section 199, if it is made to appear either—

- (a) that the matter was untrue, and that he did not believe it to be true; or

- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

*Section 204 of Cap. 63 which it is proposed to repeal and replace—*

#### **204. Punishment of murder**

Any person convicted of murder shall be sentenced to death.

*Section 295 of Cap. 63 which it is proposed to repeal—*

#### **295. Definition of robbery**

Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed robbery.

*Section 296 of Cap. 63 which it is proposed to repeal—*

#### **296. Punishment of robbery**

(1) Any person who commits the felony of robbery is liable to imprisonment for fourteen years.

(2) If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes or uses any other personal violence to any person, he shall be sentenced to death.

*Section 297 of Cap. 63 which it is proposed to repeal—*

#### **297. Attempted robbery**

(1) Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatensto use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony and is liable to imprisonment for seven years.

(2) If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons,

or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes or uses any other personal violence to any person, he shall be sentenced to death.