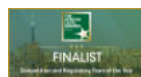




REGULATORY UPDATE

MAY 2024

NATIONAL ASSEMBLY



Papers

The following Papers were laid on the Table of the National Assembly for Consideration among others:

- Statutory Instruments from the Ministry of Mining, Blue Economy and Maritime Affairs:
 - a. Legal Notice No. 40 of 2024 relating to the Mining (Mine Support Services) (Amendment) Regulations and the Explanatory Memorandum;
 - b. Legal Notice No.41 of 2024 relating to the Mining (Dealings in Minerals) (Amendment) Regulations and the Explanatory Memorandum;
 - c. Legal Notice No. 42 of 2024 relating to the Mining (Gemstone Identification and Value Addition) (Fees) Regulations and the Explanatory Memorandum;
 - d. Legal Notice No. 43 of 2024 relating to the Mining (Licence and Permit) (Amendment) Regulations and the Explanatory Memorandum;
 - e. Legal Notice No. 43 of 2024 relating to the Mining (Licence and Permit) (Amendment) Regulations and the Explanatory Memorandum.

- Statutory Instruments from the Ministry of Lands, Public Works, Housing and Urban Development:

Legal Notice No. 69 of 2024 relating to the Valuers (Forms and Fees) (Amendment) Rules, 2024 and the Explanatory Memorandum;

 - a. Legal Notice No. 70 of 2024 relating to the Survey (Electronic Cadastre Transactions) (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - b. Legal Notice No. 71 of 2024 relating to the Survey (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - c. Legal Notice No. 72 of 2024 relating to the Physical and Land Use Planning (Planning Fees (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - d. Legal Notice No. 73 of 2024 relating to the Community Land (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - e. Legal Notice No. 74 of 2024 relating to the Land (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - f. Legal Notice No. 75 of 2024 relating to the Land Registration (Revocation) Regulations, 2024 and the Explanatory Memorandum;
 - g. Legal Notice No. 76 of 2024 relating to the Land Adjudication (Amendment) Regulations, 2024 and the Explanatory Memorandum;
 - h. Legal Notice No. 77 of 2024 relating to the Land Registration (General) (Amendment) Regulations, 2024 and the Explanatory Memorandum;

- Reports of the Auditor-General and Financial Statements for various institutions.
- The Reports of the Departmental Committee on Tourism and Wildlife on:
 - a. The Budget Implementation Monitoring for Financial Year 2022/2023 and Half Year 2023/2024 for the State Department for Tourism; and State Department for Wildlife.
 - b. Its participation in the International Tourism Bourse in Berlin, Germany from 5th to 7th March 2024.
- Supplementary Estimates II for the Financial Year 2023/2024 from the National Treasury and Economic Planning and the following accompanying documents:
 - a. Financial Year 2023/2024 Supplementary Estimates No. II (ProgrammeBased Budget).
 - b. Financial Year 2023/2024 Supplementary Estimates No. II (Recurrent Estimates).
 - c. Financial Year 2023/2024 Supplementary Estimates No. II (Development Estimates Volumes I, II and III).
 - d. Statement on Financial Year 2023/2024 Supplementary Estimates No. II.
- Report of the Budget and Appropriation Committee on its consideration of the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No.14 of 2024).
- Report of the Select Committee on its investigation into the proposed dismissal of Hon. Franklin Mithika Linturi as the Cabinet Secretary for Agriculture and Livestock Development

Communication

Referral of the Penal Code Bill

The House received a Memorandum from His Excellency the President referring the Penal Code (Amendment) Bill, 2022 back to the House for reconsideration. The Bill passed on 20th March 2023, sought to repeal Section 182 of the Penal Code, Cap. 63, which provides for idle and disorderly persons and. The President's reservations on the Bill were inter alia:

- a. That, were the Bill to be assented to in its present form without offering alternative offences or sanctions, the Bill will effectively render certain indecent, immoral or disruptive public conduct to be acceptable;
- b. That, the repeal of Section 182 shall encourage commission of the acts covered under Section 182 and allow persons to freely behave in a disorderly or indecent manner in a public place and conduct themselves in a manner likely to cause a breach of the peace; and
- c. That, the repeal undermines the credibility of criminal law and may promote public disorder and disobedience. Further, a blanket decriminalisation of conduct that a majority considers delinquent, undermines the reputation of the law as a reliable moral authority that should be obeyed.

Consequently, the President recommended the deletion of the said clause of the Bill.

The matter was committed to the Departmental Committee on Justice and Legal Affairs for consideration.

Passage of Bills

The National Assembly received messages from the Senate regarding the passage of the following Bills;

- The County Boundaries Bill (Senate Bill No.6 of 2023);
- The Sugar Bill (National Assembly Bill No.34 of 2022) with amendments;
- Division of Revenue Bill (National Assembly Bill No.14 of 2024) with amendments; and
- The County Governments (Amendment) Bill (Senate Bill No.25 of 2023) without amendments.

Bills

1. The following Bills were read for the First time and ordered to be referred to the relevant Committee.
 - The Universities (Amendment) Bill (National Assembly Bill No.16 of 2024)
 - The Finance Bill (National Assembly Bill No.30 of 2024)
2. The following Bill came up for Second Reading
 - The Meteorology Bill (Senate Bills No.45 of 2023)
3. The following Bills were read the second time and committed to a Committee of the Whole House
 - The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023)
 - The Breastfeeding Mothers Bill (National Assembly Bill No.8 of 2024)
4. The following Bills were considered by the Committee of the Whole House
 - The National Disaster Risk Management Bill, (National Assembly Bill No. 24 of 2023).
 - The Gambling Control Bill (National Assembly Bills No.70 of 2023).
 - The Conflict of Interest Bill (National Assembly Bills No.12 of 2023)
5. The Committee of the Whole House considered the below Bills that were approved with amendments and thereafter read a Third Time and accordingly passed.
 - The County Licensing (Uniform Procedures) Bill, (Senate Bill No. 9 of 2022)
 - Independent Electoral and Boundaries Commission (Amendment) Bill, (National Assembly Bill No. 10 of 2024)

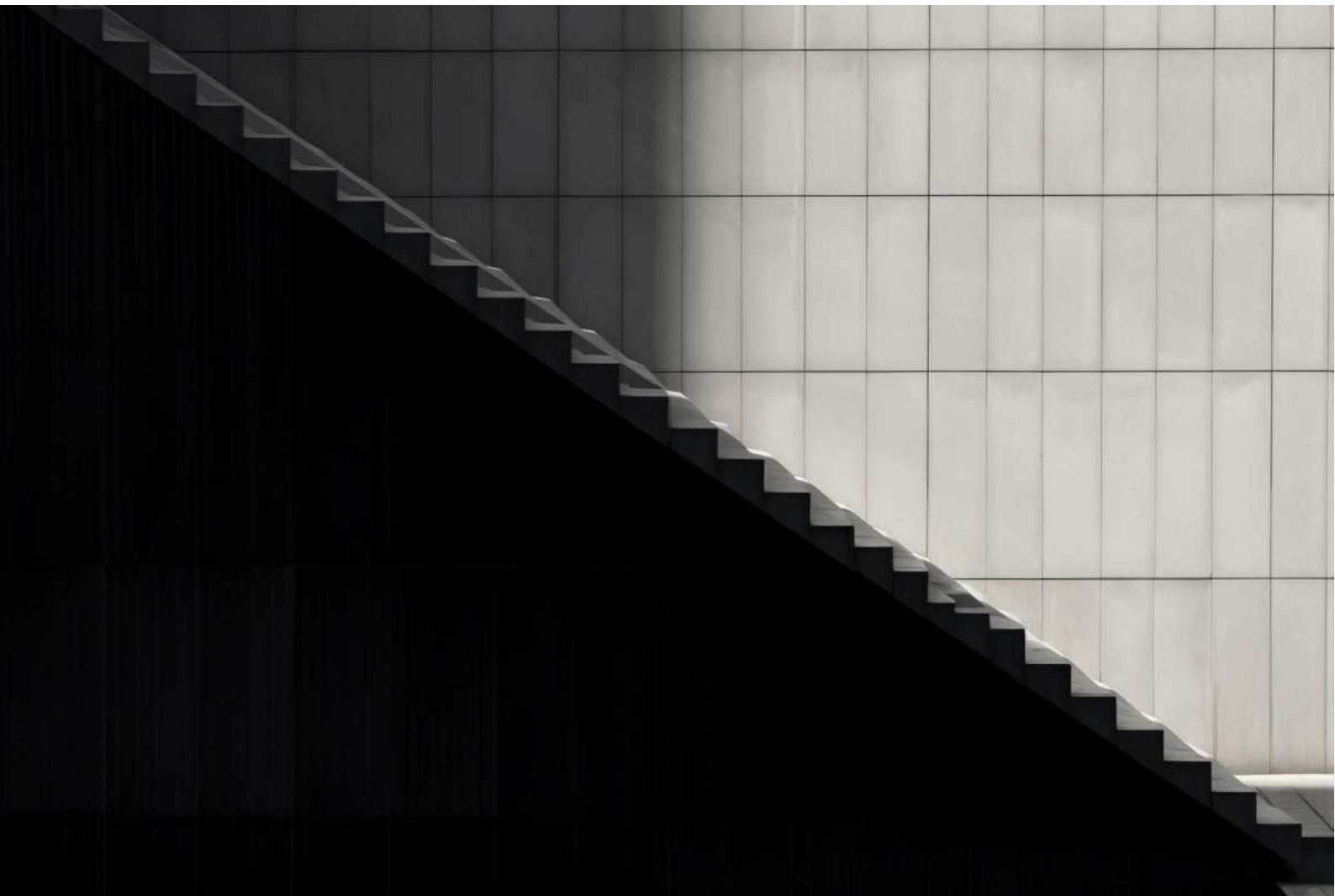
The Multilateral Convention on Tax Treaty Measures to Prevent Base Erosion and Profit Shifting

The House ratified the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting. The Convention discourages the repatriation of income to other countries through tax planning, base erosion and profit shifting.

Statements & Questions

The following statements among others were sought from the various departmental committees:

- a. A Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding
 - the state of infrastructure at the Jomo Kenyatta International Airport (JKIA).
 - the potential infringement of the right to privacy by the National Transport and Safety Authority (NTSA).
- b. A statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding exploitation of farmers at the Jomo Kenyatta International Airport (JKIA).
- c. A statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the status of the Kenya Digital Economy Acceleration Project.





THE SENATE

1. The Valuers (Forms and Fees) (Amendment) Rules, Legal Notice No.69 of 2024.
2. The Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No.70 of 2024.
3. The Survey (Amendment) Regulations, Legal Notice No.71 of 2024.
4. The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No.72 of 2024.
5. The Community Land (Amendment) Regulations, Legal Notice No.73 of 2024.
6. The Land (Amendment) Regulations, Legal Notice No.74 of 2024.
7. The Land Registration (Revocation) Regulations, Legal Notice No.75 of 2024. The Land Adjudication (Amendment) Regulations, Legal Notice No.76 of 2024.
8. The Land Registration (General) (Amendment) Regulations, Legal Notice No.77 of 2024.
9. Report of the Standing Committee on Education on its consideration of the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023)
10. Progress report of the Ad hoc Committee on the Compensation to the Kenyan Victims of the 1998 Bombing of the United States of America Embassy in Nairobi.
11. Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the National Rating Bill (National Assembly Bills No. 55 of 2022)
12. Report of the Standing Committee on Health on its consideration of the Maternal, New Born and Child Health Bill (Senate Bills No. 17 of 2023)
13. Reports of the Auditor- General on Financial Statements of various entities
14. The Report of the Standing Committee on Health on Inquiry on Alleged Irregularities in Procurement of Long-Lasting Insecticide Treatment Nets at Kenya Medical Supply Authority (KeMSA)
15. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023).

16. Report of the Standing Committee on Trade, Industrialization and Tourism on its consideration of the proposed amendments by the National Assembly to the County Licensing (Uniform Procedures) Bill (Senate Bills No.9 of 2022).
17. Report of the Standing Committee on Finance and Budget on its consideration of the County Public Finance Laws (Amendment) Bill (National Assembly Bills No.39 of 2023).
18. The Second Report of the Procedure and Rules Committee (PRC) on the review of the Standing Orders of the Senate.
19. The Climate Change (Carbon Markets) Regulations, Legal Notice No.84 of 2024.
20. Report of the Ethics and Corruption Commission, EACC on activities and financial statements for the Financial Year 2022/2023
21. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024).
22. Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No.14 of 2024).
23. Report of the Standing Committee on Trade, Industrialization and Tourism on its consideration of the proposed amendments by the National Assembly to the County Licensing (Uniform Procedures) Bill (Senate Bills No.9 of 2022).
24. Report of the Standing Committee on Finance and Budget on its consideration of the County Public Finance Laws (Amendment) Bill (National Assembly Bills No.39 of 2023).
25. Report of the Standing Committee on National Security, Defense, and Foreign Relations, on the Fire and Rescue Services Professionals Bill, 2023, (Senate Bills No. 55 of 2023).

Messages

Passage of Bills

The Senate received messages from the National Assembly regarding the passage of the following Bills;

- a) The County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022)
The National Assembly considered and passed the said Bill with further amendments. As such, the amendments will be considered in a Committee of the Whole.
- b) The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024)

The National Assembly considered the Bill and passed it with amendments. As such, the Bill will be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading.

Sixth KEPSA – Senate Speaker’s Roundtable

The House was informed of the invitation to the Kenya Private Sector Alliance (KEPSA) Speaker’s Roundtable. The Senate Speaker’s Roundtable (SRT) is a high-level platform for public-private sector dialogue between the business community and the Senate that facilitates a joint review of the country’s policy and legislative environment.

The 6th KEPSA-Senate Speaker's Roundtable is scheduled to be held in Mombasa County between the 12th and 13th June 2024. The event will be held under the theme: "Strengthening the role of the Senate in improving county business environment competitiveness for the creation of wealth, jobs and inclusive prosperity in Kenya." To this end, the business community and hon. Senators will seek to set the legislative interventions for 2024 between the private sector and the Senate that is aimed at boosting county economic competitiveness. Focus areas under the theme will be:

- a. Improvement of the overall ease of doing business and competitiveness in the counties.
- b. Promotion of the manufacturing sector as a key driver of economic transformation and job creation.
- c. Addressing factors that inhibit agribusiness in counties.
- d. Ensuring counties integrate environmental and social considerations.
- e. Strengthening the Senate's vanguard role as shepherds for devolution and county competitiveness.

Motions

The following Notice of Motions were given on the Floor of the House, that the Senate:

1. Adopts the progress report of the Ad Hoc Committee on the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi.
2. Approves the Second Report of the Procedure and Rules Committee on the review of the Standing Orders of the Senate.
3. Notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:
 - a) that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or renew existing power purchase agreements with IPPs; and,
 - b) that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by IPPs with valid power purchase agreements for setting up power plants.
4. Adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024).

Status of Pending Bills in Counties

The House resolved accordingly that:

- a) All County Governments pay verified pending bills amounting to less than Kshs 1 billion by the end of this financial year and those above Kshs1 billion by the end of the financial year 2024/2025; and
- b) County Governments prioritize payment of pending bills as a first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done
- c) County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations.
- d) Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates.
- e) County governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

Petition

Amendment of Section 32(3) of the County Governments Act

The House was informed of a Petition submitted on behalf of Triple the Impact Community Based Organisation, regarding amendment of Section 32(3) of the County Governments Act. The petitioners, pray that the Senate amends Section 32(3) of the County Governments Act with a view to making it mandatory for county governors to assign portfolios to deputy governors.

The Petition was committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

Restricting County Governments from Hiring External Law Firms for Legal Representation in Court Cases

The Speaker directed that the Petition regarding the county governments from hiring external law firms for legal representation in court cases be considered jointly by the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights as the management and operations of legal professionals is a matter that falls under the purview of the Standing Committee on Justice, Legal Affairs and Human Rights.

Bills

1. The following Bills were read for the First time and ordered to be referred to the relevant Senate Committee for consideration.
 - The Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024)
 - The County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024)
 - The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.10 of 2024)
 - The Law of Succession (Amendment) Bill (Senate Bills No. 20 of 2023)
 - The Constitution of Kenya (Amendment) Bill (Senate Bills No.17 of 2024)
 - The County Governments Additional Allocations Bill (Senate Bills No.19 of 2024)
 - The County Allocation of Revenue Bill (Senate Bills No.25 of 2024)
2. The following Bills came up for Second Reading
 - The Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023)
 - The Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No.44 of 2023)
 - The Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023)
 - The Public Finance Management (Amendment) Bill (Senate Bills No.40 of 2023)
 - The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024)
3. The following Bills were read the second time and committed to a Committee of the Whole House
 - The Meteorology Bill (Senate Bills No.45 of 2023)
 - The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022)
 - The Nuts and Oil Crop Development Bill (Senate Bills No.47 of 2023)
 - Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022)
 - The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024)

4. The Committee of the Whole House considered the Gambling Control Bill (National Assembly Bills No.70 of 2023)
5. The Committee of the Whole House considered the below Bills that were approved with amendments and thereafter read a Third Time and accordingly passed.
 - Division of Revenue Bill (National Assembly Bills No.14 of 2024)
 - The County Governments (Amendment) Bill (Senate Bills No.25 of 2023)
 - The National Rating Bill (National Assembly Bill No.55 of 2022)
 - The Conflict of Interest Bill (National Assembly Bills No.12 of 2023)

Statements & Questions

- A statement was sought from the Standing Committee on Labour and Social Welfare regarding mismanagement and financial impropriety in the sports sector.
- A Statement was sought from the Standing Committee on Finance and Budget concerning the lack of necessary frameworks in Nairobi and Mombasa Counties to receive climate action funding under the Financing Locally-Led Climate Action (FLLoCA) programme.
- A Statement was sought from the Standing Committee on Agriculture, Livestock and Fisheries, regarding the distribution and use of harmful pesticides and herbicides in Kenya.
- A Statement was made on the nationwide health workers' strike.
- The attention of the Standing Committee on Health was drawn to the press report on the presence of toxic Benylin paediatric cough syrup in the Kenya market.
- A Statement was sought from the Standing Committee on Information, Communication, and Technology regarding the loss of signal on the Free-To-Air (FTA) channels for licensed broadcast signal distributors (BSDs) namely Pan African Network Group (PANG) and Signet Kenya Limited.
- A Statement was sought from the standing Committee on Energy regarding the conversion of the Seven Forks Hydroelectric Dams in Embu County from single-use to multipurpose use dams.
- A Statement was sought from the Standing Committee on Information, Communication and Technology regarding the implementation of the digital literacy programme by the Ministry of Information, Communication and the Digital Economy.
- A Statement was sought from the Standing Committee on Trade, Industrialization and Tourism regarding the United States to Kenya Strategic Trade and Investment Partnership (STIPINTERNET).
- A Statement was sought from the Standing Committee on Information, Communication, and Technology regarding the recent internet disruption in Kenya caused by submarine cable cuts and folds.
- A Statement was sought from the Standing Committee on Finance and Budget on the Kenya Revenue Authority (KRA) revenue collection targets for the Financial Year 2023/2024.
- A Statement was sought from the Standing Committee on National Security, Defence and Foreign Relations on the fight against alcohol and drug substance abuse.
- A Statement was sought from the Standing Committee on National Security, Defense and Foreign Relations regarding the visa-free requirement for persons travelling to Kenya with the visa free policy.
- A Statement was sought from the Standing Committee on Finance and Budget concerning expenditure of the budgetary allocations to the Sanitary Towels Programme for the financial year 2023/2024.
- A Statement was sought from the Standing Committee on National Security and Foreign Relations regarding reported cases of attacks targeting women drivers operating taxi-hailing services.



UPDATES FROM THE KENYA GAZETTE

Acts, 2024

1. The National Government Administration Laws (Amendment) Act, 2024

Legislative Supplements

1. The Valuers (Forms and Fees) (Amendment) Rules, 2024
2. The Survey (Electronic Cadastre Transactions) (Amendment) Regulations, 2024
3. The Survey (Amendment) Regulations, 2024
4. The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, 2024
5. The Community Land (Amendment) Regulations, 2024
6. The Land (Amendment) Regulations, 2024
7. The Land Registration (Revocation) Regulations, 2024
8. The Land Adjudication (Amendment) Regulations, 2024
9. The Land Registration (General) (Amendment) Regulations, 2024
10. The Public Benefits Organization Act—Commencement

National Assembly Bills, 2024

1. The National Police Service Commission (Amendment) Bill, 2024
2. Teachers Service Commission (Amendment) Bill, 2024
3. The Assembly and Demonstration Bill, 2024
4. National Transport and Safety Authority (Amendment) Bill, 2024
5. The Pensions (Amendment) Bill, 2024
6. The Public Finance Management (Amendment) (No. 2) Bill, 2024
7. The Kenya Revenue Authority (Amendment) Bill, 2024
8. The Finance Bill, 2024

Senate Bills, 2024

1. The County Wards (Equitable Development) Bill, 2024
2. The Advocates (Amendment) Bill, 2024
3. The Labour Relations (Amendment) Bill, 2024
4. The Environment Laws (Amendment) Bill, 2024
5. The Labour Relations (Amendment) (No. 2) Bill, 2024
6. The County Allocation of Revenue Bill, 2024
7. The Political Parties (Amendment) (No. 2) Bill, 2024
8. The Public Finance Management (Amendment) Bill, 2024
9. The Election Offences (Amendment) (No. 2) Bill, 2024
10. The Elections (Amendment) (No. 2) Bill, 2024