



O'BANG LAW

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REGULATORY UPDATE
A SUMMARY OF PROCEEDINGS IN PARLIAMENT
SEPTEMBER 2024
NATIONAL ASSEMBLY

Papers

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

- Legal Notices from the Ministry of Mining, Blue Economy and Maritime Affairs:
 - (a) Legal Notice No.120 of 2024 relating to the Fisheries Management and Development (Safety and Quality) Regulations, 2024.
 - (b) Legal Notice No.121 of 2024 relating to the Fisheries Management and Development (Beach Management Units) Regulations, 2024.
 - (c) Legal Notice No.122 of 2024 relating to the Fisheries Management and Development (Inland Fisheries) Regulations, 2024.
 - (d) Legal Notice No.123 of 2024 relating to the Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024.
 - (e) Legal Notice No.124 of 2024 relating to the Fisheries Management and Development (General) Regulations, 2024.
 - (f) Legal Notice No.125 of 2024 relating to the Fisheries Management and Development (Marine Fisheries) Regulations, 2024.
 - (g) Legal Notice No.126 of 2024 relating to the Fisheries Management and Development (Aquaculture) Regulations, 2024.
 - (h) Legal Notice No.127 of 2024 relating to the Fisheries Management and Development (Recreational Fisheries) Regulations, 2024.
- Legal Notice No.130 of 2024 relating to the Pest Control Products (Registration) Regulations of 2024 and the explanatory memorandum from the Ministry of Agriculture and Livestock Development.
- Legal Notice No.131 of 2024 relating to the Kenya Defence Forces (Court Martials) (Appeals) Rules of 2024 and the explanatory memorandum from the Ministry of Defence.
- The proposed budget ceiling for each constituency for the Financial Year 2024/2025 from the National Government Constituencies Development Fund Board.
- Report of Joint Committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security Defence and Foreign Relation on the vetting of Mr. Douglas Kanja Kirocho as the Inspector-General of the National Police Service.
- Report of Joint Committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security Defence and Foreign Relation on the vetting of Mr. Douglas Kanja Kirocho as the Inspector-General of the National Police Service.
- The Fifty-fourth (54th) Monetary Policy Statement from the National Treasury and Economic Planning.
- Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.
- Report of the Select Committee on National Cohesion and Equal Opportunity on its consideration of the National Cohesion and Integration Bill, (National Assembly Bill, No 74 of 2023).
- Legal Notices from the Water Resources Authority—
 - (a) Legal Notice No.139 of 2024 relating to the Kamatargui Wetland Catchment Protection Order, 2024;
 - (b) Legal Notice No.141 of 2024 relating to the Fafi Wetland Catchment Protection Order, 2024;
 - (c) Legal Notice No.142 of 2024 relating to the Eneyampui Wetland Catchment Protection Order, 2024;
 - (d) Legal Notice No.143 of 2024 relating to the Mereroni-Mbaruk Wetland Catchment Protection Order, 2024;
 - (e) Legal Notice No.144 of 2024 relating to the Siany Wetland Catchment Protection Order, 2024; and,
 - (f) Legal Notice No.145 of 2024 relating to the Kibirong' Wetland Catchment Protection Order, 2024.
- Report of the Public Petitions Committee on its consideration of the following:
 - (a) Public Petition No 41 of 2023 by Mr. Bob Ndolo regarding the banning of TikTok in Kenya.
 - (b) Public Petition No 49 of 2023 by Mr. Hon. Protus Akujah regarding 41 Kenyans court

marshalled and convicted for eight years imprisonment in Uganda.

- Review of external public and publicly guaranteed debt and grants portfolio as per 30th June 2024 from the National Treasury.
- Report of the Committee on Delegated Legislation on the inquiry into irregular and illegal grant of tax exemptions to a company under the Special Operating Framework Agreement.
- Report of the Joint sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of Mr David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority Kenya (CAK).
- Reports of the Departmental Committee on Finance and National Planning on its consideration of:
 - (a) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.48 of 2022); and
 - (b) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.5 of 2023).

Communication

Approval of Mr Douglas Kanja Kirocho for appointment as Inspector-General of National Police Service

The House received a message from the Senate regarding the approval of Mr Douglas Kanja Kirocho for appointment to the position of Inspector-General of the National Police Service. The Senate by a resolution passed on 20th August 2024, approved the appointment of Mr Douglas Kanja Kirocho as the Inspector General of the National Police Service. The approval hearings for the nominee for Inspector-General of the National Police Service were conducted jointly by the relevant Committees of the two Houses of Parliament in line with established practice and in fulfilment of the provisions of Article 245(2)(a) of the Constitution.

Motions

The House was notified of the following Notices of Motion among others:

- Competency Based Curriculum Transition

- Ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.
- Report on Funds Spent Contrary to Provisions of Article 223 of the Constitution
- Report on implementation status of Reports on Petitions and Resolutions passed by the House.
- Report on banning of TikTok in Kenya.
- Report on poor implementation of Edu Afya medical scheme in public schools.
- Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.
- Report of the Committee on Delegated Legislation on the inquiry into the irregular and illegal grant of tax exemptions to a company under the Special Operating Framework Agreement.
- Vetting of a nominee for appointment as the Director-General of the Competition Authority of Kenya
- Policy and funding for sugarcane farming in the country, seeking for the House to resolve that the national government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for the development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.
- Comprehensive reform of education bursary schemes to ensure free basic education in Kenya., seeking for the House to urge the government, through the Ministry of Education, in collaboration with the relevant stakeholders, to undertake a comprehensive overhaul of the education bursary system with a view to collapsing all bursary schemes and allocating the funds to the State Department of Basic Education for provision of free basic education through capitation to be directly remitted to schools.

- Provision of appropriate access to markets in the county, seeking for the House to resolve that the Government, through the Ministry of Roads and Transport, develops a framework to ensure that where the market centres exist along road developments, appropriate access is provided, including service lanes and access roads.

The House adopted the following Motions:

- Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates I for FY 2024/2025.
- Report of the Public Petitions Committee on its consideration of Public Petition No. 4 of 2022 regarding funds spent by the National Government contrary to the provisions of Article 223 of the Constitution.
- The House considered and approved the appointment of Mr Douglas Kanja Kirocho as Inspector-General of National Police Service.
- The House resolved to alter its calendar as adopted on 14th February 2024 and amended on 25th June, 26th June and 7th August 2024, in respect of the Third Part of the Third Session (2024) so as to—
 - (a) Commence the short recess on Friday 18th October 2024; and,
 - (b) Resume regular sittings on Tuesday, 5th November 2024.

Bills

1. The following Bills were read for the First time and ordered to be referred to the relevant Committee
 - The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024).
 - The Birth and Death Registration Amendment Bill (National Assembly Bill No. 37 of 2024).
2. The Technopolis Bill (National Assembly Bill No.6 of 2024) came up for Secon Reading.
3. The Coffee Bill (Senate Bill No. 10 of 2023) was read a second time and committed to a committee of the Whole House.
4. The Mung Beans Bill (Senate Bill No.13 of 2022) was read a second time and rejected by the House.

Petition

Legal Recognition and Protection of E-Hailing Motorcycle Riders and Delivery Personnel

The House received a Petition regarding the legal recognition and protection of e-hailing motorcycle riders and delivery personnel from the Digital Boda Riders and Deliveries Association of Kenya. The Petition seeks the recognition and protection of e-hailing motorcycle riders and delivery personnel, noting that they face a myriad of challenges. These challenges include but are not limited to unfair classifications of drivers, lopsided contracts, oppressive pricing formulas, unfavourable working conditions, unfair compensation, arbitral administrative actions and lawful accounts, deactivation, data protection violations and lack of recognition of riders' welfare associations among other attendant issues.

The Petition also notes that other digital platforms such as Bolt, Glovo, and Uber charge excessive commissions exceeding the 18 per cent recommended for the e-hailing subsector, subjecting riders to losses or no profits after accounting for operational costs. Moreover, riders lack designated parking areas, leading to unfair harassment from traffic police and county officials and the insufficient Government oversight over the operations of transport network companies. In addition, there is a legal and regulatory gap in which the digital riding subsector is currently not recognised by labour laws, leading to unfair treatment and exploitation of the riders.

Members of the Digital Boda Drivers and Deliveries Association of Kenya pray that the National Assembly—

1. Enacts or amends relevant legislation to formally recognise digital riders as a core subsector of the transport industry and ensure their rights are protected.
2. Recommends necessary amendments to the National Transport and Safety Authority Transport Network Owners, Drivers and Passengers Regulations 2022 to include motorcycles as vehicles protected under the regulations.
3. Inquires into the urgently recommended appropriate legal and regulatory reforms on, among others, the operations of transport network companies, including pricing mechanisms and contract terms, establishing a minimum wage for e-hailing riders and minimum contractual terms, the empowerment of rider welfare organizations, fair hearing before adverse actions against riders, clear timelines for addressing their complaints, both internal and externally, review of the minimum costs of deliveries,

designation of specific parking areas for riders, and training of riders on county regulations.

The petition was committed to the Departmental Committee on Transport and Infrastructure for consideration. The Committee is required to consider the matters contained in the prayers of the Association, conduct an inquiry and report its findings to the House and to the petitioners. Further, the Committee will also be expected to provide policy and legislative interventions to be actualised by the House.

Statements & Questions

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

- (a) A Statement was sought from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding re-evaluation of the schemes of service for appointment of chiefs and assistant chiefs.
- (b) A Statement was sought from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives regarding the renewal of the Standardisation Mark from the Kenya Bureau of Standards, also known as KEBS on the following:
 - i. The rationale behind extending the validity period of the standardisation mark and the impact of that on product quality and fair competition, especially for SMEs.
 - ii. The justification for imposing back-pay penalties on businesses restarting after COVID-19 related shutdowns.
 - iii. The measures that the Ministry of Investments, Trade and Industry is taking to ensure the regulatory environment supports SMEs in economic recovery, rather than penalising those businesses that are recovering from the COVID-19 shutdown.
- (c) A Statement was sought from the chairpersons of the departmental committees on Energy and Environment and Forestry and Mining regarding the implementation of a nuclear power plant project in Uyombo Village, Matsangoni Ward within Kilifi North Constituency.
- (d) A Statement was sought from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the status of implementation of the National Water Harvesting and Storage Strategy - NWHSS (2020-2025).
- (e) A Statement was sought from the Chairperson of the Departmental Committee on Health regarding:
 - i. the status of the report by the Kenya Medical Research Institute on the probe into high prevalence of cancer in Meru County.
 - ii. the regulations and lack of facilities specialising in the treatment of endometriosis.

The following responses to Statements were received among others:

- (a) Responses to the following Statements by the Cabinet Secretary for the Ministry of Youth Affairs, Creative Economy and Sports:
 - i. State of preparedness of key sporting facilities to host international sports events.
 - ii. Facilitation of national sports teams: The measures in place to ensure timely preparation, coordination, management and facilitation of teams to represent the country in various disciplines.
- (b) The interim cane price for the month of August as set by the Agriculture and Food Authority (AFA) and the reduction of sugar-cane prices by AFA.

THE SENATE Papers

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

- The Pest Control Products (Registration) Regulations, Legal Notice No.130 of 2024.
- Report of the Commission on Administrative Justice (CAJ) on Investigative Report on the public officials' role in the Shakahola tragedy.
- Report of the National Cohesion and Integration Commission (NCIC) on ethnic and diversity audit of the County Public Service for 2023.
- The Employment and Labour Relations Court (Procedure) Rules, Legal Notice No. 133 of 2024.
- Report of the Controller of Budget (CoB) on the Annual National Government Budget Implementation Review for Financial Year 2023/2024.
- The Salaries and Remuneration Commission (SRC) End of Term Report for financial years 2018/2019 – 2023/2024.
- Report of the Standing Committee on Finance and Budget on the Division of Revenue Bill (National Assembly Bills No. 38 of 2024)
- Legal Notices on protection of various wetland and catchment areas:
 - (a) The Kamatargui Wetland and Catchment Protection Order, Legal Notice No. 139 of 2024.
 - (b) The Fafi Wetland Catchment Management Plan, Legal Notice No. 141 of 2024.
 - (c) The Eneyampuipui Wetland Catchment Protection Order, Legal Notice No. 142 of 2024
 - (d) The Mereroni-Mbaruk Wetland Catchment Protection Order, Legal Notice No. 143 of 2024.
 - (e) The Siany Wetland Catchment Protection Order, Legal Notice No. 144 of 2024.
 - (f) The Kibirong' Wetland Catchment Protection Order, Legal Notice No. 145 of 2024.

Messages

The Senate received messages regarding the following;

- The passage of the Cotton Industry Development Bill, Senate Bill No.5 of 2023 by the National Assembly.
- The passage of the County Government's Additional Allocations Bill, Senate Bills No.19 of 2024 by the National Assembly.
- Consideration of the Senate Amendments to the Sugar Bill (National Assembly Bill No.34 of 2022) by the National Assembly.

Motions

The following Notice of Motions were given on the Floor of the House among others:

- The House resolved to alter its Calendar (Regular Sessions) for the Third Session, 2024, in respect of Part IV, to – continue with regular sittings until Thursday, 31st October 2024; proceed for recess from 1st November, 2024; and, resume regular sittings on Tuesday, 12th November, 2024.
- Consideration of the National Assembly Amendments to the Equalization Fund Appropriation (No. 2) Bill (Senate Bills No. 30 of 2023).
- Adoption of the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission.
- Consolidation of bursary funds for equitable access to education in Kenya.
- Deployment of safety officers in schools for enhanced security and preparedness.
- Adoption of the report of the Joint Sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of Mr. David Kibet Kemei, nominee for the appointment for the position of Director General of the Competition Authority of Kenya (CAK).

Bills

1. The following Bills were read for the First time and ordered to be referred to the relevant Senate Committee
 - The Environment Laws (Amendment) Bill (Senate Bills No.23 of 2024)
 - The Public Finance Management (Amendment) Bill (Senate Bills No.27 of 2024)
 - The County Library Services Bill (Senate Bills No.40 of 2024)
 - The Constitution of Kenya (Amendment) (No.2) Bill (Senate Bills No.46 of 2024)
 - The County Governments (Amendment) Bill (Senate Bills No.39 of 2024)
 - The Labour Migration and Management (No.2) Bill (Senate Bills No.42 of 2024)
2. The following Bills came up for Second Reading
 - The Land (Amendment) Bill (National Assembly Bills No. 40 of 2022)
 - The Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024)
 - The Energy (Amendment) Bill (Senate Bills No. 42 of 2023)

- The National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023)
 - The Division of Revenue (Amendment) Bill (National Assembly Bills No.38 of 2024)
 - The Co-Operative Societies (Amendment) Bill (Senate Bills No.53 of 2023)
3. The following Bills were read a Second Time and committed to the Committee of the Whole House
- The Local Content Bill (Senate Bills No.50 of 2023)
 - The Early Childhood Education (Amendment) Bill (Senate Bills No.54 of 2023)
 - The Land (Amendment) Bill (National Assembly Bills No.40 of 2022)
 - The Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024)
 - The Energy (Amendment) Bill (Senate Bills No.42 of 2023)
 - The National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023)
4. The Constitution of Kenya (Amendment) (No.2) Bill (Senate Bills No.52 of 2023) was withdrawn by the Mover.

Petitions

Introduction of the Hospitality Professionals Bill, 2023

The House received a Petition submitted to the Clerk by Mr. Charles Ochola Osango on behalf of other citizens of the Republic of Kenya and residents of Nairobi, seeking the introduction of the Hospitality Professionals Bill, 2023. The Petition was committed to the Standing Committee on Trade, Industrialization and Tourism for its consideration.

Statements & Questions

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

- (a) A Statement was sought from the Standing Committee on Finance and Budget regarding utilisation of cess levied on sugarcane by the county government of Kisumu, particularly in construction and rehabilitation.
- (b) A Statement was sought from the Standing Committee on Roads, Transportation and Housing regarding
 - i. the proposed tolling policy on the Dongo Kundu Bypass Highway.
 - ii. Plans to upgrade Wang'uru Airstrip and policy measures to develop air transport in the country.
- (c) A question was raised to the Cabinet Secretary for Labor and Social Protection on the roles of the National Employment Authority (NEA) in the recruitment of Kenyans seeking job opportunities in foreign countries.
- (d) A Statement was sought from the Standing Committee on Land, Environment and Natural Resources regarding:
 - i. the status of KFW Development Bank funded Drought Resilient Programme in Northern Kenya (DRPNK).
 - ii. a clash over the copper and gold mines in Nyatike Sub-County, in Migori County which occurred on 14th September, 2024
- (e) A Statement was sought from the Standing Committee on Health regarding:
 - i. the status and implementation of the Linda Mama Healthcare Programme.
 - ii. the state of mental health clinics and the availability of qualified mental health care providers in each county and in the country.
- (f) A Statement was sought from the Standing Committee of Trade, Industrialisation and Tourism regarding the management and operations of the new Kenya Cooperative Creameries (KCC).
- (g) A Statement was sought from the Standing Committee on Finance and Budget regarding the steps taken by the Central Bank of Kenya (CBK) in maintaining banking hygiene with specific reference to cases of accounts of deceased persons.
- (h) A statement was made regarding the pivotal role of parliaments in implementing both international and national climate change commitments in Africa.
- (i) A statement was made regarding the realization of Article 204 of the Constitution and the Status of the Equalization Fund.
- (j) A Statement was sought from the Standing Committee on Justice Legal Affairs and Human Rights (JLAHR) regarding the urgent and concerning issue of the criminalization and re-victimization of survivors of Female Genital Mutilation (FGM), including minors.
- (k) A Statement was sought from the Standing Committee on Devolution and Intergovernmental Relations concerning the implementation of the County

Aggregation and Industrial Parks (CAIPs) project across the counties.

- (l) A Statement was sought from the Standing Committee on Agriculture, Livestock and Fisheries regarding the reduction of tea bonuses in certain regions in Kenya such as Nandi, Kericho, Bomet, Nyamira, Kisii, Trans Nzoia, Bomet, among other counties.
- (m) A Statement was sought from the Standing Committee on Labour and Social Welfare regarding:
 - i. the provision of conducive and easily accessible lactating rooms for breastfeeding mothers in workplaces in Kenya.
 - ii. the safety and welfare of employees of Moja Expressway Company stationed on the Nairobi Expressway.
 - iii. the audits by the Public Service Commission of Human Resource and Payroll Systems in Government.
- (n) A Statement was sought the Standing Committee on Education regarding:
 - i. the state of education in Kenya.
 - ii. the safety of pupils and students in schools around the country.
 - iii. the incorporation of teachers with diploma qualification to the Teacher Service Commission.
 - iv. the transition rates of secondary schools, universities and tertiary institutions in the country.
 - v. the extortion of parents through illegal demands for fees for remedial classes in schools.
 - vi. the lack of Higher Education Loans Board (HELB) funding and Government capitation for certificate and diploma students in primary and secondary school teachers' colleges.
 - vii. the rising cases of fires in boarding schools countrywide.

The House also received the following Statements on the Activities for the second quarter of the Third Session (the period April to August 2024) of the following Committees:

- (a) The Standing Committee of Agriculture, Livestock and Fisheries
- (b) The Standing Committee on Devolution and Intergovernmental Relations
- (c) The Standing Committee on Education
- (d) The Standing Committee on Energy
- (e) The Standing Committee on Finance and Budget
- (f) The Standing Committee on Information Communication and Technology

- (g) The Standing Committee on Justice Legal Affairs and Human Rights
- (h) The Standing Committee on Labour and Social Welfare

UPDATES FROM THE KENYA GAZETTE**Legislative Supplements**

1. The National Youth Service Act—Amendment of the First Schedule
2. The Water Act—The Water (Services) Regulations, 2024
3. The Water Act—The Kamatargui Wetland Catchment Protection order, 2024
4. The Water Act—The Water (Harvesting and Storage) Regulations, 2024
5. The Water Act—The Fafi Wetland Catchment Protection Order, 2024
6. The Water Act—The Eneyampuipui Wetland Catchment Protection Order, 2024
7. The Water Act— The Mbaruk Wetland Catchment Protection Order, 2024
8. The Water Act— The Siany Wetland Catchment Protection Order, 2024
9. The Water Act— The Kibirong' Wetland Catchment Protection Order, 2024
10. The Social Health Insurance Act—Tariffs for Healthcare Services
11. The Social Health Insurance (Amendment) Regulations, 2024.

Senate Bills, 2024

1. The Sports (Amendment) (No. 2) Bill, 2024
2. The Constitution of Kenya (Amendment) (No. 2) Bill, 2024.

General Updates

1. The Kenya Civil Aviation Authority issued notice on the decisions made on applications for air service licences.
2. The Competition Authority of Kenya has granted an exemption to Kenya Airways Limited and Precision Air Services PLC with respect to the following:
 - (a) To the restrictive clauses of the Joint Venture Agreement in the request dated 20th April, 2023 between Kenya Airways Limited and Precision Air Services PLC for the period of six (6) years. Specifically, the clauses are on coordination of:
 - i. Clause 3.3.1—Code sharing;
 - ii. Clause 3.3.2—Network management activities;
 - iii. Clause 3.3.3—Pricing of all ticket fares;
 - iv. Clause 3.3.4—Management of all revenues attributable to the performance of the Joint Venture; and
 - v. Clause 3.3.5—Setting up joint marketing and sales Activities.
3. The Competition Authority of Kenya authorized the implementation of the following transactions:

- i. The proposed acquisition of certain assets of Ramoda Ceramics Limited by KEDA (Kenya) Ceramics.
- ii. The proposed acquisition of the entire issued share capital of Suntory beverage and Food Kenya Limited and Bidcoro Africa Limited.
- iii. The proposed acquisition of 51% shareholding in Monarch Insurance Limited by Ondoba Limited, Kenyoro Limited and Equico Thirteen Limited.

4. The Central Bank of Kenya approved the application by Muungano Microfinance Bank PLC to convert from a community microfinance bank to a nationwide microfinance bank and therefore permitting the institution to carry out microfinance banking business throughout Kenya.
5. The President of Kenya established the National Committee on review of the New University Education Funding Model. The Committee shall comprise the following four Workstreams/ sub-committees:
 - i. The Workstream on the Review and Refinement of the New Funding Model for Universities and Technical, Vocational Education and Training Institutions (TVETs);
 - ii. The Workstream on Appeals arising from the categorization of students into various eligibility bands for allocation of Scholarships and Loans;
 - iii. The Workstream on Structure of Student Loans; and
 - iv. The Workstream on the Review of the cost of University Academic Programmes.

