



Kenya: Highlights on Regulatory & Legislative Developments: January & February 2025

REGULATORY UPDATE
HIGHLIGHTS OF PROCEEDINGS IN PARLIAMENT
JANUARY & FEBRUARY
2025
NATIONAL ASSEMBLY

PAPERS

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

- Recommendations concerning the fourth basis for revenue sharing among county governments for Financial Years 2025/2026 to 2029/2030 from the Commission on Revenue Allocation.
- The 4th Report of the Committee on Appointments on approval hearings of nominees for appointment as cabinet secretaries.
- The 2025 Budget Policy Statement (BPS).
- Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya.
- Notice No. 5 of 2024 relating to the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations.
- Supplementary Estimates II for the Financial Year 2024/2025 from the National Treasury and Economic Planning and the following accompanying documents:
 - (a) Programme Based Budget;
 - (b) Recurrent Estimates;
 - (c) Development Estimates (Vol I, II and III); and,
 - (d) Memorandum on Supplementary Estimates No. II.
- Report of the Departmental Committee on Agriculture and Livestock on its Consideration of the Agricultural and Livestock Extension Services Bill (Senate Bill No.12 of 2022).
- Reports of the Departmental Committee on Finance and National Planning on its consideration of:
 - a) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2024); and;
 - b) The Public Finance Management (Amendment) (No.2) Bill (National Assembly Bill No. 26 of 2024).
- Quarterly Economic and Budgetary Review Report in the 2024/2025 Financial Year for the period ending 31st December 2024, from the National Treasury and Economic Planning.
- The Thirteenth Report on the Status of Compliance of the Public Service with Values and Principles in Articles 10 and 232 of the Constitution from the Public Service Commission.
- Reports of the Departmental Committee on Administration and Internal Affairs on:
 - a) Its Consideration of the Births and Death Registration (Amendment) Bill, (National Assembly Bill No.37 of 2024); and,

- Report of the Departmental Committee on Transport and Infrastructure on its Consideration of Public Petition No.14 of 2024 regarding Legal Recognition and Protection of E-Hailing Motorcycle Riders and Delivery Personnel.
- Legal Notice No. 9 of 2024 relating to the Capital Markets (Coffee Exchange) (Fees) Regulations, 2024.
- Report of the Departmental Committee on Finance and National Planning on its Consideration of the Insurance Professionals Bill (National Assembly Bill No.13 of 2024).

COMMUNICATION

SESSIONAL PAPER NO. 1 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

The Speaker informed the House that the Ministry of Foreign and Diaspora Affairs, with the approval of the Cabinet, prepared the Foreign Policy of the Republic of Kenya to guide the country's international affairs, including promoting, protecting, and projecting Kenya's interest within the community of nations. The Policy has since been submitted to the National Assembly as Sessional Paper No. 1 of 2025. The Speaker urged the Departmental Committee on Defence and Foreign Relations to consider the Policy as a matter of priority and submit its report to the House as soon as possible for adoption as it will guide the conduct of the country's international affairs.

MOTIONS

THE HOUSE WAS NOTIFIED OF THE FOLLOWING NOTICES OF MOTION AMONG OTHERS:

- Adoption of Report of the Departmental Committee on Administration and Internal Security on the inquiry into the state of security in six counties of North Rift of Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia, declared as disturbed.
- Expansion of major roads in the country to dual carriageways.
- Adoption of reports on efforts towards realisation of two-thirds gender principle.
- Adoption of the Report of the Departmental Committee on Transport and Infrastructure on its consideration of Public Petition No.14 of 2024 regarding Legal Recognition and Protection of E-Hailing Motorcycle Riders and Delivery Personnel.

BILLS

1. THE FOLLOWING BILLS CAME UP FOR SECOND READING:

- The Culture Bill (National Assembly Bill No.12 of 2024).
- The Insurance Professionals Bill (National Assembly Bill No.13 of 2024).

- The National Police Service Commission (Amendment) Bill (National Assembly Bill No. 23 of 2024).
- 2. **THE FOLLOWING BILLS WERE READ A SECOND TIME AND COMMITTED TO THE COMMITTEE OF THE WHOLE HOUSE:**
 - The Culture Bill (National Assembly Bill No.12 of 2024)
 - The Institute of Social Work Professionals Bill (National Assembly Bill No.17 of 2023)
 - The Insurance Professionals Bill (National Assembly Bill No.13 of 2024)
 - The Gold Processing Bill (National Assembly Bill No. 46 of 2023).
- 3. **THE FOLLOWING BILLS WERE READ A THIRD TIME AND PASSED.**
 - Persons with Disabilities Bill (Senate Bill No.7 of 2023).
 - The Startup Bill (Senate Bill No. 14 of 2022).

STATEMENTS & QUESTIONS

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

- A Statement was sought from the Chairperson of the Departmental Committee on Administration and National Security regarding scrapping the application fees for issuance of identity cards.
- A Statement was sought from the Chairperson of the Departmental Committee on Health regarding the recent outbreak of Marburg virus disease in the region.
- A Statement was sought from the Chairman of the Departmental Committee on Tourism and Wildlife on the decline of performance of tourism sector in the country.
- A Statement regarding the engagement of the Departmental Committee on Health with the Ministry of Health and the Social Health Authority concerning the implementation of the Social Health Insurance Fund, was made on the floor of the House.

THE SENATE

PAPERS

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

- The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, Legal Notice No.5 of 2024.
- Dialogue Committee (NADCO) and the Report of the Multi-Sectoral working group on the realization of the two-thirds gender principle.
- The National Treasury and Economic Planning 2025 Medium Term Debt Management Strategy (MTDS) Public Participation Report.

MOTIONS

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

- Report of the Standing Committee on Agriculture, Livestock and Fisheries on a petition to the Senate regarding the catastrophic maize diseases that farmers in Bomet County have endured for the last 12 years.
- Report of the Standing Committee on Trade, Industrialization and Tourism on a Petition to the Senate regarding alleged fraudulent dealings at Diageo PLC, East African Breweries Limited, Kenya Breweries and UDV (Kenya) Limited.
- Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County.
- Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties.
- A Motion on the challenge of power purchase agreement renewals and electricity supply in Kenya, urging the Senate to resolve that:
 - a) 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 Independent Power Producers; and
 - b) the Energy and Petroleum Regulatory Authority (EPRA) fasttracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

STATEMENTS & QUESTIONS

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

- A Statement was sought from the Standing Committee on National Security, Defence and Foreign Relations regarding the reported landing of a red-hot metal debris believed to be a separation ring from a rocket or a suspected spacecraft in Mukuku Village, Makueni County on 30th December, 2024.
- A Statement was sought from the Standing Committee on Roads and Transportation regarding the management, leasing and eviction of tenants of Kenya Railway properties with a particular focus on properties located on Kitui Road in Nairobi Industrial Area.
- The following Statements were sought from the Standing Committee on Health regarding the:
 - a) Poor working conditions and lack of essential equipment and kits for Community Health Promoters (CHPs) in Nairobi City County.
 - b) Viability of agreements entered into by the Ministry of Health and county government under the

National Equipment Support Programme (NESP) for supply and lease of medical equipment to county public health facilities.

- c) Management of IVF in the absence of comprehensive and legal and policy framework on the matter.
- d) Contingency measures being contemplated to address the funding shortfalls resulting from the implementation of the United States of America (USA) Executive Order No.14- 16-9 dated 24th January, 2025 on re-evaluating and realigning US foreign aid which is halted and supported by multiple US Government agencies to Kenya, including the President's Emergency Plan for AIDS Relief (PEPFAR).
- e) Allegations of child trafficking in Government health facilities and informal clinics.
- f) Criteria used by the Social Health Authority (SHA) to empanel clinical officers.
- g) Outbreak of Kala-azar, also known as Visceral Leishmaniasis in Marsabit County.
- The following Statements were sought from the Standing Committee on Agriculture, Livestock and Fisheries regarding the:
 - a) Impending dissolution of the Pyrethrum Processing Company of Kenya (PPCK), located in Nakuru.
 - b) Plight of wheat farmers in Narok County and the whole of Kenya due to the influx of imported wheat into the country.
 - c) Revival of Miwani Sugar Company and the long-standing issue of workers' unpaid salary arrears.
- The following Statements were sought from the Standing Committee on Finance and Budget regarding the:
 - a) Huge unspent funds by counties held in the County Revenue Fund (CRF) at the Central Bank of Kenya (CBK).
 - b) Alleged theft of 9,686,358 excise duty stamps from the custody of the Kenya Revenue Authority (KRA).
- A Statement was sought from the Standing Committee on Justice, Legal Affairs and Human Rights (JLACHR), regarding the state of the Judiciary in light of the ongoing conflict between the Judiciary and legal professionals.
- A Statement was sought from the Standing Committee on Information, Communication and Technology, regarding the unauthorised access by third parties to personal and company information in the Business Registration Service (BRS) platform, on e-Citizen on or around 31st January 2025.

RESPONSES TO THE FOLLOWING STATEMENTS WERE ISSUED BY THE CABINET SECRETARY FOR HEALTH:

4th Floor, Mayfair Suites,
Parklands Gardens, Parklands Rd.,
Nairobi, KE.
t: +254 208 400 629
e: hello@onganyaombo.com

- Prescription drugs for PWDS and persons living with seizure related ailments.
- Transfer of funds from the NHIF to the SHIF.
- Welfare of medical interns.
- Impact of withdrawal of aid funding by USA on healthcare programmes.
- Status of payment of liabilities of the defunct NHIF.

UPDATES FROM THE KENYA GAZETTE LEGISLATIVE SUPPLEMENTS

1. The Citizenship and Immigration (Amendment) Regulations, 2024.
2. The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2024.
3. The Capital Markets (Coffee Exchange) (Fees) Regulations, 2024.

ACTS

1. The Tax Laws (Amendment) Act, 2024.
2. The National Rating Act, 2024.
3. The Kenya Revenue Authority (Amendment) Act, 2024.
4. The Statutory Instruments (Amendment) Act, 2024.
5. The Business Laws (Amendment) Act, 2024.
6. The Tax Procedures (Amendment) Act, 2024.

GENERAL UPDATES

- The Cabinet Secretary for Health published the form in which the tobacco packaging product warning under Section 21 of the Tobacco Control Act should appear.
- The Competition Authority of Kenya:
 - a) Authorized the implementation of the proposed change from joint to sole control of Doctor No Parent by Stephan Cretier.
 - b) Authorized the proposed acquisition of Engie Afrique and its subsidiaries by Ignite Power.
 - c) Authorized the implementation of the proposed acquisition of assets of Nampak Kenya Limited by Metal Cans and Closures Kenya Limited.
 - d) Authorized the implementation of the proposed acquisition of sole control of Bioline Agrosciences Africa Limited and Dudutech Properties PLC by Eurazo se (indirectly through Legendre Holding 114 S.A.S. and Legendre Holding 115 S.A.S.)
 - e) In support of the East Africa Community, intends to carry out a market inquiry into the fertilizer markets in Kenya. The overall objective of the market inquiry is to assess the state of competition in the fertilizer sector within the East African Community.

Has granted exemptions with respect to various clauses of the proposed non-equity Strategic Business Partnership ("the Agreement") between National Oil Corporation of Kenya Limited (NOC) and Rubis Energy Kenya Limited (Rubis), for a period of five (5) years

