

REGULATORY UPDATE

**A SUMMARY OF PROCEEDINGS
IN PARLIAMENT**

NATIONAL ASSEMBLY | JUNE 2024

Papers

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

- Legal Notice No.84 of 2024 relating to the Climate Change (Carbon Markets) Regulations, 2024, and the Explanatory Memorandum from the Ministry of Environment, Climate Change and Forestry.
- The following Statutory Instruments from the Ministry of Mining, Blue Economy and Maritime Affairs:
 - a. Legal Notice No.90 of 2024 relating to the Merchant Shipping (Maritime Labour) Regulations, 2024, and the Explanatory Memorandum;
 - b. Legal Notice No.91 of 2024 relating to the Merchant Shipping (Prevention of Collision) Regulations, 2024, and the Explanatory Memorandum;
 - c. Legal Notice No.92 of 2024 relating to the Merchant Shipping (Maritime Transport Operators) Regulations, 2024, and the Explanatory Memorandum;
 - d. Legal Notice No.93 of 2024 relating to the Merchant Shipping (Load Lines) Regulations 2024, and the Explanatory Memorandum;
 - e. Legal Notice No.94 of 2024 relating to the Merchant Shipping (Tonnage Measurement) Regulations 2024, and the Explanatory Memorandum; and,
 - f. Legal Notice No.95 of 2024 relating to the Merchant Shipping (Recognised Organisations) Regulations 2024, and the Explanatory Memorandum.
- Draft Supplies Practitioners Management (Continuous Professional Development Programmes) Guidelines 2024, from Kenya Institute of Supplies Management.
- Treaty establishing the Inter-Governmental Authority on Development (IGAD) from the Prime Cabinet Secretary and Cabinet Secretary, Foreign and Diaspora Affairs.
- Report to Parliament on all new loans contracted by Government from 1st February 2024 to 30th April 2024 from the National Treasury.
- Reports of the Budget and Appropriations Committee on its consideration of:
 - a. The Second Supplementary Estimates for Financial Year 2023/2024 and the compendium of Departmental Committee Reports on the consideration of the Supplementary Estimates;
 - b. The Equalisation Fund Appropriation (No.2) Bill, 2023, (Senate Bill No.3 of 2023).
 - c. Report of the Mediation Committee on Division of Revenue Bill, (National Assembly Bill No.14 of 2024); and,
 - d. Estimates of Revenue and Expenditure for the Financial Year 2024/2025 and the Medium Term and the Compendium of the Departmental Committee Reports of the consideration of the Annual Estimates.
- The Report of the Departmental Committee on Trade, Industry and Co-operatives on its inquiry into the illegal and irregular release of condemned sugar.
- Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates II for the Financial Year 2023/2024, and the Budget Estimates for Financial Year 2024/2025.
- The 2024 Economic Survey Report, including the popular version of the Report and the Facts and Figures Booklet from the Kenya National Bureau of Statistics.
- Annual Statutory Reports of the Council of Governors for the Financial Year 2022/2023.
- First Quarterly Report of the Ethics and Anti-Corruption Commission covering the period of 1st January 2024 to 31st March 2024.
- Report of the Kenya National Commission on Human Rights on the Shakahola killings.
- Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Senate amendments to the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No. 21 of 2023).

- Report of the Departmental Committee on Lands on its consideration of the Senate amendments to the National Rating Bill, (National Assembly Bill No.55 of 2022).
- Implementation of the recommendations of the Public Accounts Committee on the examination of the report of the Auditor-General on the financial statements for national government ministries, departments and agencies for the Financial Year 2020/2021 from the Judiciary.
- Report of the Departmental Committee on Health on the inquiry into alleged fraudulent payments of medical claims and capitation to health facilities by the National Health Insurance Fund.
- Legal Notice No.96 of 2024 relating to the Independent Policing Oversight Authority (General) Regulations, 2023, including the Explanatory Memorandum, Executive Summary and Synopsis of Stakeholders Engagement from the Independent Policing Oversight Authority (IPOA).
- Documentation submitted by the Cabinet Secretary of the National Treasury and Economic Planning during the Budget Highlights' Day of Thursday, 13th June 2024:
 - Budget Statement for the Financial Year 2024/25.
 - Budget Highlights – the Mwananchi Guide for the Financial Year 2024/2025 Budget.
 - Statistical annex to the Budget Statement for the Financial Year 2024/25.
- Legal Notice No.215 of 2023 relating to the Wildlife Conservation and Management (Access and Conservation) (Fees) Regulations of 2023 and the explanatory memorandum from the Ministry of Tourism and Wildlife.
- East African Community (EAC) Custom Proposals for the Financial Year 2024/25 from the National Treasury.
- Report on the status of administrative justice and access to information in Kenya from the Commission on Administrative Justice for 2012-2023
- The Agreement on the establishment of the Global Green Growth Institute (GGGI) from the Prime Cabinet Secretary and the Cabinet Secretary for Foreign and Diaspora Affairs
- Report of the Departmental Committee on Finance and National Planning on its consideration of the Finance Bill, National Assembly Bill No. 30 of 2024.
- The World Trade Organisation Agreement on Fisheries Subsidies from the Ministry of Investments, Trade and Industry;
- Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill, (National Assembly Bill No. 10 of 2024).
- Reports of the Auditor-General and Financial Statements for various institutions.





Communication

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

- a. County Licensing (Uniform Procedure) Bill, (Senate Bill No. 9 of 2022)
- b. County Governments Additional Allocations Bill, (Senate Bill No. 19 of 2024)

The following Bills were passed by the Senate with amendments;

- a. The National Rating Bill (National Assembly Bill No. 55 of 2022)
- b. Conflict of Interest Bill, (National Assembly Bill No.12 of 2023)
- c. County Allocation of Revenue Bill, (Senate Bill No. 25 of 2024)
- d. Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 2 of 2023)
- e. Independent Electoral and Boundaries Commission (Amendment) Bill, (National Assembly Bill No. 10 of 2024)

Motions

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

1. Formulation of a Land Use Policy on Zoning of Land for Agriculture and Built Development.

The Motion seeks the National Assembly to resolve that, the Government, through the Ministry of Lands, Public Works, Housing and Urban Development, puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development for commercial and residential developments with shared public utilities and separate zones for agricultural use in order to arrest further diminishing of agricultural land and steady the country's agricultural productivity.

2. National Sensitisation and Support for Combating Sickle Cell and Haemophilia Diseases

The Motion seeks the National Assembly to resolve that the National Government, through the Ministry of Health, and in conjunction with county governments –

- a. Conducts awareness and sensitisation programmes on sickle cell and haemophilia diseases and support research and training for medical personnel on the two diseases; and,
- b. Put measures in place for mandatory screening of newborns with sickle cell and haemophilia diseases in all public health facilities in the country to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

3. Policy and Fund for Sugar-Cane Farming to avert shortage in Western Kenya.

The Motion seeks the National Assembly 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 development of sugar-cane farming, incentivising farmers to embrace sugar-cane growing and to enhance cane production in each of the respective zones.

4. Introduction of mandatory community service for all learners upon completion of secondary school education

The Motion seeks the National Assembly to resolve that that the Government, through the Ministry of Education, introduces mandatory community service to all learners upon completion of secondary school education.

Bills

Bills

1. The following Bills were read for the First time and ordered to be referred to the relevant Committee
 - The County Governments (Amendment) Bill (Senate Bill No.25 of 2023)
 - The Agricultural Professionals Registration and Licensing Bill National Assembly Bill No.19 of 2024
 - The Kenya Roads Board (Amendment) (No.2) Bill (National Assembly Bill No.20 of 2024)
 - The National Police Service Commission (Amendment) Bill (National Assembly Bill No.23 of 2024)
 - The Pensions (Amendment) Bill (National Assembly Bill No.25 of 2024)
 - The Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No.21 of 2024)
 - The Kenya Roads (Amendment) Bill (National Assembly Bill No 31 of 2024)
 - The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)
 - The Public Finance Management (Amendment) (No. 2) Bill (National Assembly Bill No. 26 of 2024)
 - The County Boundaries Bill (Senate Bill No. 6 of 2024)
2. The following Bill came up for Second Reading
 - The Public Service Internship Bill (National Assembly Bill No.63 of 2022)
3. The following Bills were read the second time and committed to a Committee of the Whole House
 - The Care and Protection of Child Parents Bill (Senate Bill No.29 of 2023)
 - The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023)
4. The following Bills were considered by the Committee of the Whole House
 - The Kenya Drugs Authority Bill (National Assembly Bill No.54 of 2022)
 - Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)
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 Equalisation Fund Appropriation (No. 2) Bill (Senate Bill No. 30 of 2023)
 - The Finance Bill (National Assembly Bill No.30 of 2024)

The Finance Bill (National Assembly Bill No.30 of 2024) and the National Disaster Risk Management Bill, (National Assembly Bill No.24 of 2023) were considered by the National Assembly and passed

Statements & Questions

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

- a. A Statement was sought from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the development of Mass Rapid Transit Corridors in the Nairobi Metropolitan Area (NMA) and the role of the Nairobi Metropolitan Area Transport Authority (NaMATA)
- b. A Statement was sought from the Chairperson of the Departmental Committee on Lands and the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the ongoing demolitions targeting buildings that are constructed on riparian land in Starehe Constituency within areas of Landimawe Ward, Nairobi South Ward, Gikomba and other areas in Nairobi City County, including City Carton in Embakasi West and Kariobangi South, Ruaraka, Mathare and other constituencies.
- c. A Statement was sought from the Chairperson of the Departmental Committee on Finance and National Planning regarding
 - the inordinate delay by Kenya in ratifying the agreement for the establishment of the Africa Finance Corporation (AFC).
 - the measures to contain the high cost of living in the country; and
 - regarding delays in issuance of eTIMS invoices by Kenya Revenue Authority (KRA).

A Statement was sought from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the regulation of wildlife in private conservancies.

A Statement was sought from the Chairperson of the Departmental Committee on Health regarding the lack of facilities specialising in the treatment of endometriosis
the proposed transition from two-test to three test algorithms for HIV testing in Kenya.

A Statement was sought from the Leader of the Majority Party regarding a directive issued by the Private Security Regulatory Authority to private security service providers on minimum wage payable to private security officers.



THE SENATE

Papers

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

- Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024)
- Report of the Standing Committee on Finance and Budget on the County Allocation of Revenue Bill (Senate Bills No. 25 of 2024).
- Report of the Commission on Administrative Justice on the status of Administrative Justice and Access to Information in Kenya from the year 2012 to 2023.
- Annual Statutory Report of the Council of Governors for the period 2022/ 2023.
- Report of the Office of the Controller of Budget on County Governments Budget Implementation Review for the first nine months of Financial Year 2023/ 2024.
- Annual Report of the Commission on Revenue Allocation and Financial Statements for the financial year 2022/2023.
- Report of the Commission on Revenue Allocation on Own Source Revenue Potential and Tax Gap Study of County Governments.
- The Commission on Revenue Allocation Recommendation on the Basis for Equitable Sharing of Revenue between the national Government and county governments for the Financial Year 2024/ 2025.

Messages

Passage of Bills

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

- The Mediated Version of the Division of Revenue Bill, (National Assembly Bills No. 14 of 2024)
- The Equalization Fund Appropriation Bill (No.2) (Senate Bills No. 30 of 2023)
- The National Disaster Management Bill (National Assembly Bills No. 24 of 2023)
- The County Allocation of Revenue Bill (Senate Bills No.25 of 2024).

Bills

The following Bills were considered by the Senate and passed.

- The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023)
- The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024)
- County Allocation of Revenue Bill (Senate Bills No.25 of 2024)
- The County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024)



UPDATES FROM THE KENYA GAZETTE

Acts, 2024

- The Division of Revenue Act, 2024
- The Supplementary Appropriation Act, 2024

Legislative Supplements

- The Occupational Safety and Health Act—First Aid in the Workplace Regulations, 2024
- The Climate Change Act—Carbon Markets Regulations, 2024
- The Merchant Shipping Act—Maritime Labour Regulations, 2024
- The Independent Policing Oversight Authority Act—General Regulations, 2024
- The National Police Service Act—Extension of the Declaration of Parts of Marsabit County as Security Disturbed and Dangerous
- The Pest Control Products (Labelling, Advertising and Packaging) Regulations, 2024
- The Pest Control Products (Inspection and Certification) Regulations, 2024

8. The Pest Control Products (Importation and Exportation) Regulations,
9. The Pest Control Products (Fees and Other Charges) Regulations, 2024
10. The Pest Control Products (Disposal) Regulations, 2024
11. The Energy (Net-Metering) Regulations, 2024
12. The Income Tax (Charitable Organisations and Donations Exemption) Rules, 2024

National Assembly Bills, 2024

1. The Supplementary Appropriation Bill, 2024
2. The Appropriation Bill, 2024
3. The Livestock Bill, 2024

Senate Bills, 2024

1. The Creative Economy Support Bill, 2024
2. The Retirement Benefits Laws (Amendment) Bill, 2024
3. The Livestock Protection and Sustainability Bill, 2024

General Updates

1. The Competition Authority of Kenya issued a Cease-and-Desist Order against the Opera Software Ireland Limited following the blocking of Kareco Holdings Limited subsidiary, "ODIBETS" from accessing its opera mini browser and redirecting its customers to other betting sites. The Authority directed Opera Software Ireland Limited is directed to, with immediate effect, cease and desist from causing financial harm by blocking ODIBETS from accessing its browser and from further redirecting its customers to other betting sites. The directive will remain in effect until the ongoing investigation is concluded and the Authority issues its decision.
2. The Cabinet Secretary for Interior and National Administration has constituted the Taskforce on the Development of Cybersecurity Policy, Standard Operating Procedures and Related Legislative Instruments.

