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tabling*  
SNA  
4/6/23



THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 14 JUN 2023	DAY: WED
TABLED BY: HON. SAMUEL CHEPKONGA, MP	REPUBLIC OF KENYA
CLERK-AT THE-TABLE: KUTHER NGENYO	THIRTEENTH PARLIAMENT - SECOND SESSION

PARLIAMENT  
OF KENYA  
LIBRARY

THE NATIONAL ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE STATUTORY INSTRUMENTS  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)

JUNE, 2023

The Directorate of Audit, Appropriations & Other Select Committees  
The National Assembly  
Parliament Buildings  
NAIROBI.

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**ABBREVIATIONS**

<b>AG</b>	Attorney General
<b>KLRC</b>	Kenya Law Reform Commission
<b>SI</b>	Statutory Instrument
<b>SO</b>	Standing Order

## CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) which was published on 15<sup>th</sup> February, 2023 and read for the First Time on 21<sup>st</sup> March, 2023. The Bill was thereafter, committed to the Select Committee on Delegated Legislation pursuant to National Assembly Standing Order 127(2).

The main object of the Bill is to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the Regulation Making Authority to submit to Parliament a copy of any Statutory Instrument that ceases to have effect by operation of law.

The amendment further obligates Parliament to notify the general Public in two newspapers of wide circulation, that a Statutory Instrument which ceases to have effect by the operation of law is a nullity.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly placed an advertisement in the Daily Nation and the Standard Newspapers of 27<sup>th</sup> March, 2023 requesting for comments on the Bill from members of the public and stakeholders. By the close of business on the deadline for the submission of the memoranda, the Committee had not received views from the public.

The Committee *vide* letter Ref: NA/DAA&OSC/CDL/2023(039) dated 14<sup>th</sup> April, 2023 wrote to the Office of the Attorney General and the Kenya Law Reform Commission (KLRC) seeking for the views on the Bill. The two institutions, in response supported the proposed amendment to the Act. KLRC also proposed a further amendment to the effect that "the Government Printers may publish a tracker for any published Regulations to enable Parliament and any other stakeholders track published Regulations before they are tabled in the House."

In conclusion, the Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all those who participated in the consideration of the Bill.

Finally, I wish to express my appreciation to the Honorable Members of the Committee for making useful contributions towards the preparation and production of this report.

On behalf of the Select Committee on Delegated Legislation and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Statutory Instruments (Amendment) Bill, 2023.

It is my pleasure to report that the Committee has considered the Statutory Instruments (Amendment) Bill, 2023, and has the honour to report back to the National Assembly with the recommendation that the Bill be **approved with amendments** as contained in the report.

**Hon Samuel Kiprono Chepkonga, CBS, M.P.**

## 1.0 PREFACE

### 1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to *Standing Order No. 210* and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
  - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
  - d) contains imposition of taxation;
  - e) directly or indirectly bars the jurisdiction of the Courts;
  - f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
  - g) involves expenditure from the Consolidated Fund or other public revenues;
  - h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
  - j) appears to have had an unjustifiable delay in its publication or laying before Parliament;
  - k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - l) makes rights, liberties, or obligations unduly dependent on insufficiently defined administrative powers;
  - m) inappropriately delegates legislative powers;
  - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - o) appears for any reason to infringe on the rule of law;
  - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
  - q) accords to any other reason that the Committee considers fit to examine.

### 1.2 Committee Membership

3. The Committee membership comprises of:

Hon. Chepkonga Kiprono Samwel CBS, M.P  
Chairperson  
UDA

**Ainabkoi Constituency**

Hon. Githinji, Robert Gichumi M.P  
Vice Chairperson  
UDA

**Gichugu Constituency**

Hon. Mbui, Robert, CBS, M.P  
WDM-Kenya  
**Kathiani Constituency**

Hon. (Maj.) (Rtd) Dekow Barrow  
Mohamed, M.P.  
UDA  
**Garissa Township Constituency**

Hon. Julius Lekakeny Ole Sunkuli , EGH,  
EBS, M.P.  
KANU  
**Kilgoris Constituency**

Hon. Odoyo, Jared Okello M.P  
ODM  
**Nyando Constituency**

Hon. Mwirigi, John Paul, M.P  
UDA  
**Igembe South Constituency**

Hon. Chepkorir, Linet M.P  
UDA  
**Bomet County**

Hon. Munyoro, Joseph Kamau M.P  
UDA  
**Kigumo Constituency**

Hon. Kipkoech, Gideon Kimaiyo M.P  
UDA  
**Keiyo South Constituency**

Hon. Ruku, Geoffrey Kariuki Kiringa M.P  
DP  
**Mbeere North Constituency**

Hon. Komingoi, Kibet Kirui M.P

UDA  
**Bureti Constituency**

Hon. Chebor, Paul M.P  
UDA  
**Rongai Constituency**

Hon. Lenguris, Pauline M.P  
UDA  
**Samburu County**

Hon. Onchoke Mamwacha Charles M.P.  
UPA  
**Bonchari Constituency**

Hon. Yakub, Adow Kuno, M.P.  
UPIA  
**Bura Constituency**

Hon. Kamene, Joyce M.P.  
WDM-Kenya  
**Machakos County**

Hon. Mwale, Nicholas S. Tindi, M.P.  
ODM  
**Butere Constituency**

Hon. Mnyazi, Amina Laura M.P.  
ODM  
**Malindi Constituency**

Hon. (Maj.) (Rtd) Abdullahi, Bashir  
Sheikh, M.P.  
UDM  
**Mandera North Constituency**

Hon. Mugabe, Innocent Maino, M.P.  
ODM  
**Likuyani Constituency**

### **1.3 Committee Secretariat**

4. The Secretariat facilitating the Committee comprises -

**Ms. Esther Nginyo**  
*Clerk Assistant I (Team Leader)*

Mr. Dima Dima  
*Principal Legal Counsel*

Mr. Jacknorine Buleemi  
*Clerk Assistant III*

Ms. Winny Otieno  
*Clerk Assistant III*

Mr. Brian Langwech  
*Clerk Assistant III*

Mr. Daniel Ominde  
*Research Officer III*

Mrs. Sheila Cherobotim  
*Serjeant at Arms*

Mr. Charles Ayari  
*Audio Officer*

## **2.0 OVERVIEW OF THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2023**

### **2.1 Introduction**

5. The Statutory instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) is a Committee sponsored Bill that was published on 14<sup>th</sup> February, 2023.
6. Pursuant to Standing Order 126, the Bill was read a first time on 21<sup>st</sup> March, 2023 and thereafter it was committed to the Select Committee on Delegated Legislation.
7. The main object of the Bill is to amend section 11 of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the Regulation-making Authority to submit to Parliament a copy of any Regulation that ceases to have effect by operation of Law.
8. The amendment further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument that ceases to have effect by the operation of law is a nullity.
9. The Bill delegates legislative powers to the relevant House Committee as per section 12 of the Statutory Instruments Act, 2013, but it does not limit fundamental rights and freedoms.
10. The Bill does not concern County Governments in terms of Article 110(1)(a) of the Constitution as it does not affect the functions of County Governments as provided for under Part 2 of the Fourth Schedule to the Constitution.
11. The enactment of this Bill does not occasion additional expenditure or charge on public funds.
12. In accordance with Article 118(1)(a) of the Constitution that requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees, an advertisement was placed on 27<sup>th</sup> March 2023 in the Standard and Daily Nation newspapers inviting public participation and submission of memoranda. By the end of the period designated for submission of views by the stakeholders on 11<sup>th</sup> April 2023, the Committee had not received any submissions or memoranda.
13. The Clerk, National Assembly further wrote to the Office of the Attorney General and the Kenya Law Reform Commission vide a letter Reference number NA/DAA&OSC/CDL/2023/(039) dated 14<sup>th</sup> April 2023 seeking views on the Bill.
14. The Office of the Attorney General responded vide letter Ref: AG/LDD/32/1/6 dated 25<sup>th</sup> April 2023 in which they did not find any constitutional or statutory issues in the proposed Statutory Instruments (Amendment) Bill, 2023.
15. KLRC responded vide letter Ref: KLRC/8/64/VOL.VII (57) dated 3<sup>rd</sup> May 2023 in which they welcomed the proposed amendment as this would ensure that all Regulatory Making Authorities table their published instruments with the Clerk of the House. KLRC also



proposed a further amendment requiring the Government Printer to establish a tracker of published instruments to ensure that Parliament and any other stakeholders can track the instruments forwarded for publication prior to tabling in the House.

## **2.2 Analysis of the Bill**

16. The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) proposes to amend the section 11 of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the regulation-making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law.
17. The amendment further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.
18. **Clause 1** of the Bill provides for the short title.
19. **Clause 2** of the Bill provides for the proposed amendment to section 11 which seeks to insert new subsections after subsection (4) that will enable the Committee to require the regulation-making authority to submit to the Committee a statutory instrument that ceases to have effect and obligates parliament to notify the public of the same, in two newspapers of wide circulation.

## **2.3 PUBLIC PARTICIPATION/VIEWS FROM STAKEHOLDERS**

20. Following the call for memoranda from the public through the placement of adverts in the print media on 27<sup>th</sup> March 2021, and upon the expiry of the deadline which was on 11<sup>th</sup> April 2023, the Committee did not receive any views from the general public.
21. The Committee further wrote to the Office of the Attorney General and the Kenya Law Reform Commission vide a letter Reference number NA/DAA&OSC/CDL/2023/(039) dated 14<sup>th</sup> April 2023 seeking views on the Bill.
22. The Office of the Attorney General vide their letter Referenced AG/LDD/32/1/6 dated 25<sup>th</sup> April 2023 submitted that they did not raise significant constitutional or statutory issues and therefore did not have any comments on the Bill.
23. The KLRC responded vide a letter referenced KLRC/64/VOL.VII (57) dated 3<sup>rd</sup> May 2023 and approved the proposed amendment to the Act as it would ensure that all Regulatory Authorities table their published instruments with the Clerk of the respective House.
24. Further, KLRC proposed a further amendment requiring the Government Printer to establish a tracker of published instruments which would ensure that Parliament and any other stakeholders can track instruments forwarded for publication prior to tabling in the House.

### 3.0 COMMITTEE OBSERVATIONS

25. In considering the proposed amendment, the Committee resolved that the amendment conforms to the Constitution and other existing laws and observed that there was compliance with all the statutory procedures and the Standing Orders.
26. The Committee observed that the proposed amendment seeks to amend section 11 which provides for the procedure of laying instruments before Parliament.
27. Further that the amendment shall enable Parliament to require the Regulation Making Authority to submit to the Committee a copy of the statutory instrument that ceases to have effect to by operation of law.
28. The Committee noted that the Section 11 (4) as obtains only provides for the circumstances that lead to statutory instrument becoming void but is silent on whether or not it ought be submitted to the Committee.
29. The Committee also noted that the notification of the public by Parliament on the annulled instruments would ensure that the void instruments are not illegally implemented.
30. The 6<sup>th</sup> Edition of the National Standing Orders amended Standing Orders 210 and included provisions that require to be harmonized with the Statutory Instruments Act, 2013.

### 4.0 COMMITTEE RECOMMENDATIONS


31. The Committee having considered the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) recommends that the Bill be proceeded with in accordance with Standing Order 114(3) (b) with amendments as proposed in the schedule below:

Amendment of  
section 19 of  
No. 23 of 2013.

3. The Statutory Instruments Act is amended by deleting section 19 and substituting therefor the following new section —


“19.(1) Where the National Assembly has adopted a report or a resolution that a statutory instrument be revoked, the instrument shall stand revoked and the Clerk of the relevant House of Parliament shall publish the revocation by notice in the *Gazette*.

(2) The Attorney-General shall retain and shall periodically publish in a statutory instrument tracker a record of statutory

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instruments which are —

- (a) published in the *gazette* ;
- (b) approved ;or
- (c) annulled by Parliament.”

Signed  Date 13/06/2023

**HON. CHEPKONGA KIPRONO SAMUEL, CBS, MP  
CHAIRPERSON  
COMMITTEE ON DELEGATED LEGISLATION**

crimes or relatives missing, murdered or deaths by suicide



The casket bearing the remains of electrical engineering student Blair Muthomi during his funeral in Rubata village, Tharaka Nithi County, on March 18. ALEX NJERU IN NATION

people in broad daylight and people saw him jump.

Si controversy

"In some witnesses told us that they tried persuading him to climb down but he refused," Mr Kimaro told Nation.

A similar controversy surrounds the death of Brenda Ka-

wira on February 21. She allegedly jumped to her death from the fourth floor of an apartment building at around 11.30pm.

Kawira had in September 2021 graduated with a first-class honours degree in biochemistry from the University of Nairobi.

Her boyfriend told police that they had quarrelled that night

and she tossed herself to the ground from the balcony of their house in a fit of rage.

Scene-of-crime investigators from Kasarani Police Station ruled the death a suicide but Kawira's mother Catherine Gakii and other members of her family insist she was killed inside the house and the body thrown down.

They claim there were blood stains on the walls, which police ignored in their investigations. Kawira was set to travel to Australia in June to pursue her masters after securing a scholarship.

Fresh investigations

And barely two weeks ago on March 16, Blair Muthomi, who was an electrical engineering student at the Nairobi Technical Training Institute, died after he allegedly threw himself from the fifth floor of a residential building in Hunters area, Kasarani.

Muthomi's father, Onesmus Mwiricia, has refused to believe that he died by suicide and wants a fresh investigation conducted.

"Our hearts are very heavy and we will not settle until we know from the investigating agencies what exactly happened to our beloved son," Mr Mwiricia said during Muthomi's burial in Meru on March 18.

Sciuri@ke.nationmedia.com

Kalonzo calls for probe into tycoon's death in car crash

BY STANLEY NGOTHO

Wiper party leader Kalonzo Musyoka has urged the police to probe the death of an Athi River-based businessman who died in a road accident yesterday morning.

According to a police report seen by Nation, Mr Pius Musembi Kivindu, 60, was involved in a fatal accident around 6am on Mombasa Road.

He was heading home and was alone in the car.

He was in his double-cabin pick-up when he hit a pavement lost control and swerved to the left, before ramming an electricity post and flipping over.

Local leaders

The car was towed Athi River Police Station. By noon, news of the death of Mr Musembi, popularly known as "Chairman", had spread.

Local leaders led by Mr Musyoka, Machakos Machakos Governor Wavinya Ndeti, former Nairobi governor Mike Sonko, Mavoko MP Patrick Makau, among others, urged police to investigate Mr Musembi's death. Mr Musyoka eulogised him as



Wiper Democratic Movement party leader Kalonzo Musyoka. FILE IN NATION

a friend who had fought for the rights of the Kamba community. "I have lost an honest friend who was always ready to serve the community, I want the police to speedily investigate what led to the accident.

"We do not want to speculate but we are curious," said Mr Musyoka.

"Mr Musembi was one of my key supporters. Losing such a

friend in a time like this is questionable."

"Let the DCI do their work professionally," the former Vice-President added.

Ms Ndeti said the death of Mr Musembi was shocking for his family and to the entire Machakos County.

"We have lost a reputable businessman who never shied away from protecting the interest of the locals," said the governor.

No known enemies

"We condole with his family and commit to stand with them in this trying moments," she added.

Mr Sonko described Mr Musembi as an honest man who had no known enemies.

Mr Makau urged investigative agencies to leave no stone unturned in their investigations to curb endless speculation over the cause of his death.

"Only the police and the post-mortem will clear any doubts of foul play. The deceased was a beacon of hope to hundreds of squatters," Mr Makau said.

The body has since been moved to Lee funeral home awaiting an autopsy slated for coming Tuesday.

  
REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY**  
**THIRTEENTH PARLIAMENT - SECOND SESSION 2023**

In the Matter of Article 118(1) (b) of the Constitution  
And  
In the Matter of Consideration by National Assembly of:  
The Statutory Instruments (Amendment) Bill, 2023

**PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)**

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the Statutory Instruments (Amendment) Bill, 2023 sponsored by the Hon. Samuel Chepkongá, CBS, MP.


The Statutory Instruments (Amendment) Bill, 2023 seeks to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the Regulation making authority to submit to Parliament a copy of any Regulation that ceases to have effect by operation of law. It further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.


The Bill underwent the First Reading in accordance with Standing Order 127(1) on Tuesday, 21<sup>st</sup> March, 2023 and was committed to the Select Committee on Delegated Legislation for consideration. A copy of the Bill is available at the National Assembly Table Office, or on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills)

The memoranda may be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [ena@parliament.go.ke](mailto:ena@parliament.go.ke); to be received on or before Tuesday, 11<sup>th</sup> April, 2023 at 5.00 p.m.

**SAMUEL NJOROGÉ**  
**CLERK OF THE NATIONAL ASSEMBLY**  
27<sup>th</sup> March, 2023

"For the Welfare of Society and the just Government of the People"

  
**KCB GROUP PLC.**  
APPOINTMENT OF NON-EXECUTIVE DIRECTOR



**FCS DR. JOSEPH KINYUA, EGH**

The Board of KCB Group Plc., having received regulatory approval, is pleased to announce the appointment of FCS Dr. Joseph Kinyua, EGH to the Board of Directors with effect from 24 March 2023.

Dr. Kinyua is the immediate former Head of Public Service. He has had an illustrious career spanning over 44 years in public service and has a wealth of experience in public administration. He is credited with effectively holding a pivotal role in implementing key government initiatives and reforms including the liberalization of the banking sector, the foreign exchange market and the trade and capital accounts of the balance of payments among other initiatives.

Prior to his appointment as the Head of Public Service in 2013, he had served in various senior positions in the government, including as Permanent Secretary to the National Treasury.

The Board takes this opportunity to welcome FCS Dr. Joseph Kinyua, EGH to the Board of KCB Group Plc.

**Bonnie Okumu**  
**Group Company Secretary**

DISCLAIMER: This announcement is for information purposes only. It has been issued with the approval of the Capital Markets Authority pursuant to the Capital Markets (Securities) (Public Offers, Listing and Disclosures) Regulations, 2002. As a matter of policy, the Capital Markets Authority of Kenya assumes no responsibility for the correctness of the statements appearing in this announcement.



COUNTY GOVERNMENT OF KERICHO  
DEPARTMENT OF TRADE, INDUSTRIALIZATION,  
COOPERATIVE DEVELOPMENT, TOURISM AND WILDLIFE

WEIGHTS AND MEASURES ACT (CAP 513)

NOTICE TO TRADERS

Pursuant to section 27 of the Act, an Inspector of Weights and Measures, shall be visiting places indicated hereunder for purposes of verification and stamping weighing and measuring equipment used for trade, on the dates shown. All traders within and neighboring the stations mentioned are required to produce to the inspector, all weighing instruments which are in their possession, for verification and stamping. Traders with equipment that can only be tested in their premises due to their fixed or delicate nature may comply by informing the Inspector in writing at least three days in advance of the date of verification.

WEEK	STATION	DAY	DATE
1	Kericho Town	Mon	27-31/03/2023
		Fri	
2	Nyagacho	Mon	03/04/2023
		Tue	04/04/2023
		Wed	05/04/2023
		Thurs	06/04/2023
		Tue	11/03/2023
3	Samutet/Soko Huru	Tue	11/03/2023
		Wed	12/03/2023
		Thu	13/03/2023
		Fri	14/03/2023
		Mon	17/04/2023
4	Sasot	Tue	18/04/2023
		Wed	19/04/2023
		Thu	20/04/2023
		Mon	24/04/2023
		Tue	25/04/2023
5	Kabenet/Mindirirwet/Kipanyie	Wed	26/04/2023
		Thu	27/04/2023
		Fri	28/04/2023
		Mon	09/05/2023
		Tue	09/05/2023
6	Chebawn/Seretut	Wed	10/05/2023
		Thu	11/05/2023
		Fri	12/05/2023
		Tue	15/05/2023
		Wed	16/05/2023
7	Chepnyogaa	Thu	17/05/2023
		Fri	18/05/2023
		Fri	18/05/2023
		Fri	18/05/2023
		Fri	19/05/2023

WEEK	STATION	DAY	DATE
8	Chemosot/Getarwet Junction	Mon	22/05/2023
		Tue	23/05/2023
		Wed	24/05/2023
		Thu	25/05/2023
		Fri	26/05/2023
9	Cheplanget	Mon	05/06/2023
		Tue	06/06/2023
		Wed	07/06/2023
		Thur	08/06/2023
		Fri	09/06/2023
10	Brooke	Mon	12/06/2023
		Tue	13/06/2023
		Wed	14/06/2023
		Thu	15/06/2023
		Fri	16/06/2023
11	Kaptenet	Mon	19/06/2023
		Tue	20/06/2023
		Wed	21/06/2023
		Thu	22/06/2023
		Fri	23/06/2023

N/B Traders within Kericho town to submit their weighing equipment at the Weights and Measures Verification Hall

CHIEF OFFICER  
TRADE, INDUSTRIALIZATION, INNOVATION, TOURISM & WILDLIFE.  
COUNTY GOVERNMENT OF KERICHO



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT – SECOND SESSION 2023

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The **Statutory Instruments (Amendment) Bill, 2023** seeks to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the Regulation making authority to submit to Parliament a copy of any Regulation that ceases to have effect by operation of law. It further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.

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SAMUEL NJOROGE  
CLERK OF THE NATIONAL ASSEMBLY  
27<sup>th</sup> March, 2023

"For the Welfare of Society and the just Government of the People"



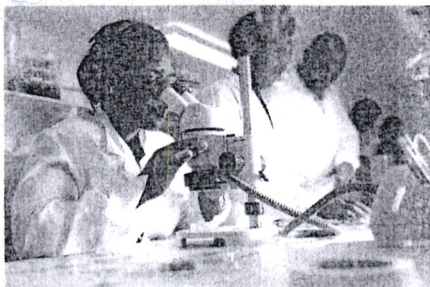
Congratulatory Message to KALRO on their 10<sup>th</sup> Year Anniversary

On behalf of CABI, I wish to extend Dr Eliud Kiregor, Director General, Kenya Agricultural and Livestock Research Organization (KALRO) and the entire team my warmest congratulations on your 10th anniversary. CABI and KALRO's partnership has made valuable contributions to research and development initiatives in Kenya.

Over two decades, our partnership and joint efforts in control research continue to address emerging threats, such

as the fall armyworm, the desert locust and other destructive pests. We also continue to catalyse agricultural innovation and technology uptake thereby helping communities have increased incomes. Kenyan farmers are increasingly growing safer and higher quality food through sustainable approaches to crop production.

Your dedication and hard work have made a real difference, and we are proud to celebrate this milestone with you.



Dr Morris Akiri  
Senior Regional Director

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(i) D/AASC  
Please deal  
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(ii) ESTHER  
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FAA  
26/4/23



REPUBLIC OF KENYA  
OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE

Our Ref: AG/LDD/32/1/6  
Your Ref: NA/DAA&OSC/CDL/2023/(039)

25th April, 2023

The Clerk of the National Assembly  
Clerk's Chambers  
National Assembly  
Parliament Building  
P.O. 41842-00100  
**NAIROBI**

(iii) 1. EMESEN  
2. Lucy  
Please note  
FAA  
26/4/23

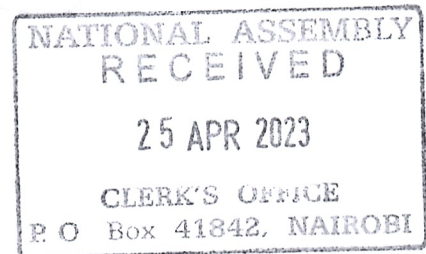
(Attn: Peter K. Chemweno)

RE: SCRUTINY OF THE PROPOSED STATUTORY INSTRUMENTS  
(AMENDMENT) BILL, 2023

This has reference to your letter dated the 14th April, 2023, under Ref. NA/DAA&OSC/CDL/2023/(039), and the request for comments and recommendations on the Statutory Instruments (Amendment) Bill (National Assembly Bills No. 2 of 2023) that was published in the Gazette on the 15th February, 2023.

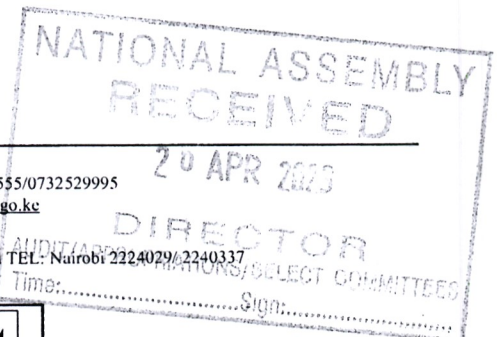
Having scrutinized the Bill, we find that it does not raise significant constitutional or statutory issues and consequently, we have no further comments or recommendations to make thereon.

Samson Davies Maundu  
Principal State Counsel  
FOR: ATTORNEY-GENERAL



Copies to: Hon. J.B.N. Muturi EGH  
Attorney-General

Hon. Shadrack John Mose  
Solicitor-General



Mrs. M.N. Nzioka

SHERIA HOUSE, HARAMBEE AVENUE  
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995  
E-MAIL: [info.statelawoffice@kenya.go.ke](mailto:info.statelawoffice@kenya.go.ke) WEBSITE: [www.attorney-general.go.ke](http://www.attorney-general.go.ke)

23 APR 2023

DEPUTY CLERK  
P.O. Box 41842 - 00100, NAIROBI

DEPARTMENT OF JUSTICE  
CO-OPERATIVE BANK HOUSE, HAILLE SELLAIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya  
E-MAIL: [legal@justice.go.ke](mailto:legal@justice.go.ke) WEBSITE: [www.justice.go.ke](http://www.justice.go.ke)

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# KENYA LAW REFORM COMMISSION



*"A Vibrant Agency for Responsive Law Reform"*

Telegrams: "LAWREFORM" NAIROBI  
Telephone: Nairobi, +254-20-2241186/2241201  
Fax: +254-20-2225786  
www.info@klrc.go.ke

When replying please quote

Ref. No. KLRC/8/64 VOL.VII. (5.7)  
and Date



KENYA LAW REFORM COMMISSION  
REINSURANCE PLAZA  
3RD FLOOR  
TAIFA ROAD  
P.O. Box 34999-00100  
NAIROBI, KENYA

3<sup>rd</sup> May, 2023

.....20.....

The Clerk of the National Assembly  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
P. O. Box 41842 00100  
NAIROBI

(Attn. Peter Chemweno)

Dear *Peter,*

RE: SCRUTINY OF THE PROPOSED STATUTORY INSTRUMENTS (AMENDMENT) BILL,  
2023

---

Reference is made to your letter Ref.No.NA/DAA&OSC/CDI/2023(039) dated 14<sup>th</sup> April, 2023 on the above subject.

The Kenya Law Reform Commission (KLRC) is mandated to keep under review all the law and recommend its reform to ensure that it conforms to the letter and spirit of the Constitution, that it systematically develops the law in compliance with the values and principles enshrined in the Constitution and to ensure that the law is consistent, harmonized, just, simple, accessible, modern and cost effective in application.

One of the key functions of KLRC is to consult and collaborate with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social, economic and political policies for the time being in force.

In light of this, KLRC hereby forwards the following comments in consideration of the Statutory Instruments (Amendment) Bill, 2023.

We welcome the proposed amendment because it will ensure that all Regulatory Making Authorities table their published instruments with the Clerk of the House.

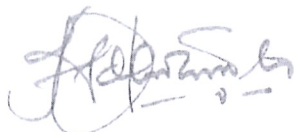
Further we propose a further amendment where the Government Printer may establish a tracker of published instruments which will ensure that Parliament and any other stakeholders can track instruments forwarded for publication prior to tabling in the House. Is there a possibility of an administrative sanction against Regulation Making Authorities that do not comply with laying of instruments as per Section 11?

We conclude by stating that KLRC is committed to ensuring that legislation is drafted to the highest standards possible to promote their legal effectiveness, clarity and intelligibility to anticipated users.

As always, we thank the National Assembly for the continued support and cooperation.

Yours

*Sincerely,*



Joash Dache, MBS  
SECRETARY/CEO



**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 14 (National Assembly Bills No. 2)*



REPUBLIC OF KENYA

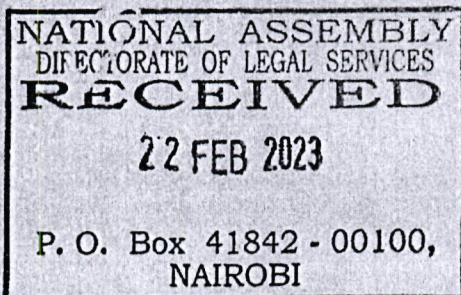
**KENYA GAZETTE SUPPLEMENT**

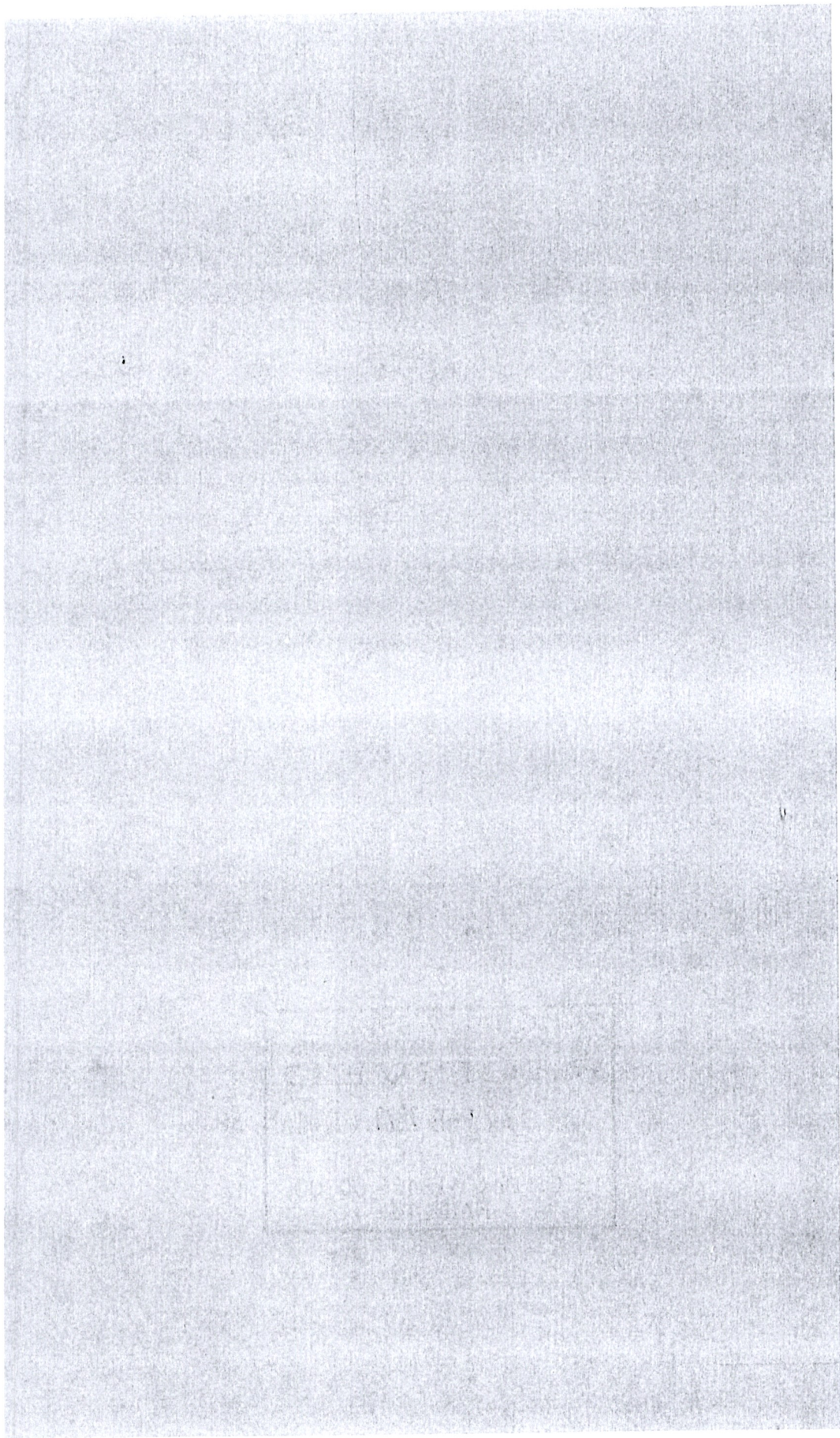
**NATIONAL ASSEMBLY BILLS, 2023**

**NAIROBI, 15th February, 2023**

CONTENT

Bill for Introduction into the National Assembly—	PAGE
The Statutory Instruments (Amendment) Bill, 2023 .....	7





**THE STATUTORY INSTRUMENTS (AMENDMENT)  
BILL, 2023**

**A Bill for**

**AN ACT** of Parliament to amend the Statutory Instruments Act, 2013, and for connected purposes.

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Statutory Instruments (Amendment) Act, 2023.

Short title.

2. Section 11 of the Statutory Instruments Act, 2013, is amended by inserting the following new subsections immediately after subsection (4) —

Amendment of section 11 of No. 23 of 2013.

(5) Where a regulation making authority fails to submit a statutory instrument in accordance with subsection (1), the Committee shall require the regulation making authority to submit the statutory instrument to Parliament within seven days from the date of the resolution by the Committee.

(6) Notwithstanding subsections (4) and (5), Parliament may, where a statutory instrument ceases to have effect in accordance with subsection (4), notify the public in two newspapers of wide circulation, that the statutory instrument is a nullity.

**MEMORANDUM OF OBJECTS AND REASONS****Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the regulation making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law.

The amendment further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.

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

The Bill delegates legislative powers to the relevant House Committee as per section 12 of the Statutory Instruments Act, 2013, but it does not 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(1)(a) of the Constitution as it does not affect the functions of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution

**Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill does not occasion additional expenditure of public funds.

Dated the 14th February, 2023.

SAMUEL CHEPKONG'A,  
*Member of Parliament.*

*Section 11 of No. 23 of 2013 which it is proposed to amend —*

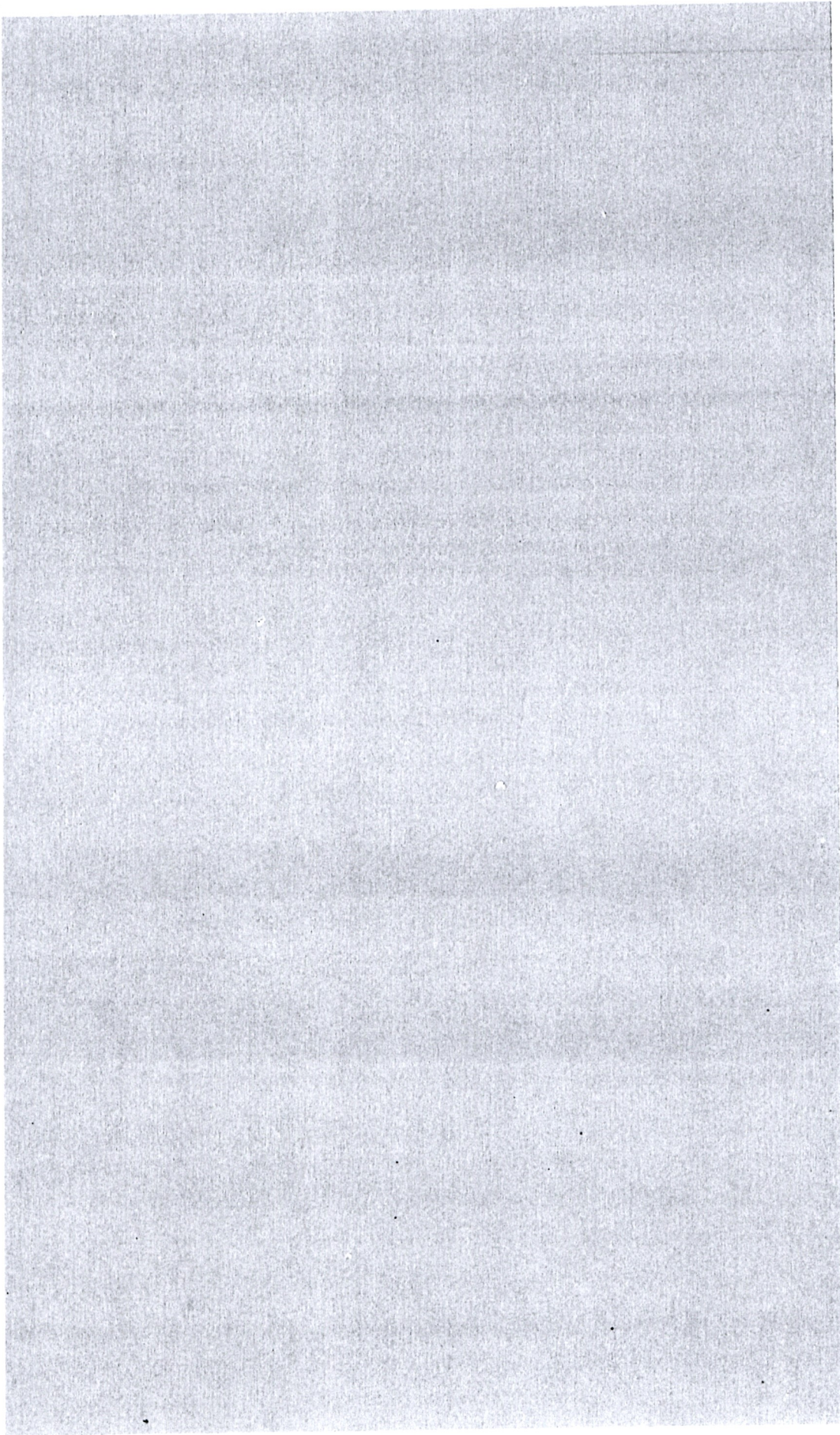
11. Laying of statutory instruments before Parliament

(1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.

(2) Notwithstanding subsection (1) and pursuant to the legislative powers conferred on the National Assembly under Article 109 of the Constitution, all regulation-making authorities shall submit copies of all statutory instruments for tabling before the National Assembly.

(3) The responsible Clerk shall register or cause to be registered every statutory instrument transmitted to the respective House for tabling or laying under this Part.

(4) If a copy of a statutory instrument that is required to be laid before the relevant House of Parliament is not so laid in accordance with this section, the statutory instrument shall cease to have effect immediately after the last day for it to be so laid but without prejudice to any act done under the statutory instrument before it became void.



**MINUTES OF THE 20<sup>th</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 18<sup>th</sup> APRIL, 2023, IN THE SMALL DINING ROOM, MAIN PARLIAMENT BUILDING AT 10:00 AM.**

**PRESENT**

1. **The Hon Samuel Kiprono Chepkonga, CBS, M.P.**                      **Chairperson**
2. The Hon. Robert Mbui, CBS, M.P
3. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS MP
4. The Hon. Jared Okello Odoyo M.P
5. The Hon. Joyce Kamene, M.P.
6. The Hon. Kibet Kirui Kimingoi, M.P.
7. The Hon. Paul Chebor, M.P.
8. The Hon. Onchoke Charles Mamwacha. M.P
9. The Hon. Gideon Kimaiyo Kipkocch, M.P.
10. The Hon. Pauline Lenguris, M.P.
11. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.

**APOLOGIES**

1. **The Hon. Robert Gichimu Githinji, M.P. Vice Chairperson**
2. The Hon. John Paul Mwirigi, M.P.
3. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
4. The Hon. Nicholas S. Tindi Mwale, M.P.
5. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
6. The Hon. Innocent Maino Mugabe, M.P.
7. The Hon. Joseph Kamau Muryoro, M.P.
8. The Hon. Linet Chepkorir M.P.
9. The Hon. Adow Kuno Yakub, M.P.
10. The Hon. Laura Amina Mnyazi, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                           |   |                     |
|---------------------------|---|---------------------|
| 1. Ms. Esther Nginyo      | - | Clerk Assistant I   |
| 2. Mr. Brian Langwech     | - | Clerk Assistant III |
| 3. Ms. Winny Otieno       | - | Clerk Assistant III |
| 4. Mr. Jacknorine Buleemi | - | Clerk Assistant III |
| 5. Mr. Barasa Peter       | - | Legal Counsel II    |
| 6. Ms. Faith Sialai       | - | Legal Counsel II    |
| 7. Ms. Angela Musau       | - | Legal Counsel II    |
| 8. Mr. Manuel Leparachao  | - | Serjeant-At-Arms.   |
| 9. Mr. Valerian Pascal    | - | Audio Officer       |

**AGENDA**

1. Prayers
2. Preliminaries

3. Adoption of the Agenda
4. Confirmation of Minutes of the Previous Meeting
5. Matters arising
6. **Consideration of the Statutory Instruments (Amendment) Bill, 2023**
7. Any Other Business; and
8. Adjournment

**MIN. DAA&OSC/CDL/129/2023**

**PRELIMINARIES**

The Chairperson called the Meeting to order at 10:28 a.m. He welcomed all present to the meeting after which prayers were said by the Hon. Robert Mbui, CBS, M.P.

**MIN. DAA&OSC/CDL/130/2023**

**ADOPTION OF THE AGENDA**

Members adopted the agenda of the meeting as was proposed by the Hon. Robert Mbui, CBS, M.P and seconded by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS MP

**MIN. DAA&OSC/CDL/131/2023**

**CONFIRMATION OF MINUTES**

Minutes of the 19<sup>th</sup> Sitting held on Thursday, 13<sup>th</sup> April, 2023 at 10.00 a.m. were confirmed as true records of the deliberations as proposed by the Hon. Onchoke Charles Mamwacha, M.P. and seconded by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS MP.

**MIN. DAA&OSC/CDL/132/2023**

**MATTERS ARISING**

Under MIN.DAA&OSC/CDL/1261/2023 the Committee was notified that the draft Tax Procedures (Common Reporting Standards) Regulations, 2023 with amendment deleting Regulation 39 has been forwarded for its attention. The Committee directed that the Regulations be published and submitted for its consideration.

**MIN. DAA&OSC/CDL/133/2023**

**CONSIDERATION OF THE  
STATUTORY INSTRUMENTS  
(AMENDMENT) BILL, 2023**

Ms. Angela Musau, Legal Counsel II briefed the Committee on the Statutory Instrument (Amendment) Bill, 2023 as follows, that;

1. The Statutory Instruments (Amendment) Bill, 2023 was a Committee sponsored Bill that was published on 14<sup>th</sup> February, 2023.
2. Pursuant to Standing Order 126, the Bill was read a First Time on 21<sup>st</sup> March, 2023 and thereafter it was committed to the Delegated Legislation Committee.
3. Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127 (3), the Committee had invited submission of memoranda from several stakeholders including the Office of the Attorney General and the Kenya Law Reform Commission. However, the Committee was yet to receive any submission on the proposed Bill.
4. The Statutory Instruments (Amendment) Bill, 2023 proposed to amend section 11 of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the regulation making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law.



5. The amendment further obligated Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.
6. **Clause 1** of the Bill provided for the short title.
7. **Clause 2** of the Bill provided for the proposed amendment to section 11 which seeks to insert new subsections after subsection 4 that will enable the Committee to require the regulation making authority to submit to the Committee a statutory instrument that ceases to have effect and obligates parliament to notify the public of the same in two newspapers of wide circulation.

**JUSTIFICATION**

8. In considering the proposed amendment, the Committee was required to determine whether the amendment conforms to the Constitution and other existing laws.
9. The proposed amendment seeks to amend section 11 which provides for the procedure of laying instruments before Parliament. The amendment seeks to enable Parliament to require the regulation making authority to submit a copy of the statutory instrument that ceases to have effect to the Committee.
10. Section 11 (4) only provides for the circumstances that lead to statutory instrument becoming void but is silent on whether it can be submitted to the Committee.
11. Submission of these instruments to the Committee and enabling Parliament to notify the Public of the same is important as it will ensure that the void instruments are not illegally implemented.
12. The amendment was in order as it sought to provide for a further procedure on void instruments.

The Committee took note of the Statutory Instrument (Amendment) Bill, 2022 which was proposed by Hon Gladys Boss, Deputy Speaker National Assembly proposing to amend section 18 and 19 of the Act. However, the Committee observed that the two Bills were almost similar, therefore proposed to prepare amendments which would consolidate the two Bills into one.

**MIN.DAA&OSC/CDL/134/2023**

**ANY OTHER BUSINESS**


The Committee acknowledged the receipt of a letter from the Chief Executive Officer Independent Policing Oversight Authority (IPOA) requesting to have a meeting with the Committee from 27<sup>th</sup> - 30<sup>th</sup> April 2023 to consider the Draft IPOA (General Operations) Regulations, 2023. This request was acceded to.

**MIN. DAA&OSC/CDL/135/2023**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at Fifteen Minutes past Eleven O'clock. The next meeting will be held on Thursday, 20<sup>th</sup> April, 2023 at Ten O'clock.

SIGNED: .....

*for*  THE HON. SAMUEL CHEPKONGA, CBS. M.P.  
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE: ..... 20/4/2023 .....

**MINUTES OF THE 30<sup>TH</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 6<sup>TH</sup> JUNE, 2023, IN THE SMALL DINING, NEW WING, MAIN PARLIAMENT BUILDING AT 11:30 AM.**

**PRESENT**

1. The Hon Samuel Kiprono Chepkonga, CBS, M.P., Chairperson
2. The Hon. Robert Gichimu Githinji, M.P., Vice Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP
5. The Hon. John Paul Mwirigi, M.P.
6. The Hon. Jared Okello Odoyo M.P
7. The Hon. Joyce Kamene, M.P
8. The Hon. Onchoke Charles Mamwacha. M.P
9. The Hon. Kibet Kirui Kimingoi, M.P.
10. The Hon. Innocent Maino Mugabe, M.P.
11. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.

**APOLOGIES**

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Joseph Kamau Munyoro, M.P.
3. The Hon. Gideon Kipkoech Kimaiyo, M.P.
4. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, MP
5. The Hon. Linet Chepkorir M.P.
6. The Hon. Laura Amina Mnyazi, M.P.
7. The Hon. Paul Chebor, M.P.
8. The Hon. Pauline Lenguris, M.P
9. The Hon. Adow Kuno Yakub, M.P.
10. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P

**SECRETARIAT**

- |                           |   |                      |
|---------------------------|---|----------------------|
| 1. Ms. Esther Nginyo      | - | Clerk Assistant I    |
| 2. Ms. Colleta Sigilai    | - | Senior Legal Counsel |
| 3. Mr. Brian Langwech     | - | Clerk Assistant III  |
| 4. Ms. Winny Otieno       | - | Clerk Assistant III  |
| 5. Mr. Jacknorine Buleemi | - | Clerk Assistant III  |
| 6. Mr. Samuel Leparachao  | - | Serjeant-At-Arms.    |
| 7. Mr. Charles Ayari      | - | Audio Officer        |

**AGENDA**

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of previous minutes
4. Matters Arising

5. **Consideration of the Draft Report on the Statutory Instruments (Amendment) Bill (NA Bill No. 2 of 2023)**
6. **Consideration of Pending Regulations before the Committee**
7. Any Other Business; and
8. Adjournment.

**MIN. DAA&OSC/CDL/191/2023**

**PRELIMINARIES**

The Chairperson called the Meeting to order at 11:40 a.m. after which prayers were said. He then welcomed all present to the meeting.

**MIN. DAA&OSC/CDL/192/2023**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as was proposed by the Hon. Onchoke Charles Mamwacha. M.P. and seconded by the Hon. Robert Mbui, CBS, M.P

**MIN. DAA&OSC/CDL/193/2023**

**CONFIRMATION OF MINUTES**

Minutes of the 23<sup>rd</sup> Sitting held on Thursday, 27<sup>th</sup> April, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Robert Mbui, CBS, M.P. and seconded by the Hon. Onchoke Charles Mamwacha. M.P.

Minutes of the 24<sup>th</sup> Sitting held on Friday, 28<sup>th</sup> April, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Robert Mbui, CBS, M.P. and seconded by the Hon. Joyce Kamene, M.P.

Minutes of the 25<sup>th</sup> Sitting held on Friday, 28<sup>th</sup> April, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Ruku Geoffrey Kariuki Kiringa, M.P. and seconded by the Hon. Onchoke Charles Mamwacha. M.P.

Minutes of the 26<sup>th</sup> Sitting held on Saturday, 29<sup>th</sup> April, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Ruku Geoffrey Kariuki Kiringa, M.P. and seconded by the Hon. Robert Mbui, CBS, M.P.

Minutes of the 27<sup>th</sup> Sitting held on Saturday, 29<sup>th</sup> April, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Joyce Kamene, M.P. and seconded by the Hon. Kibet Kirui Kimingoi, M.P.

Minutes of the 28<sup>th</sup> Sitting held on Tuesday 2<sup>nd</sup> May, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Robert Mbui, CBS, M.P. and seconded by the Hon. Innocent Maino Mugabe, M.P.

Minutes of the 29<sup>th</sup> Sitting held on Thursday, 4<sup>th</sup> May, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Innocent Maino Mugabe, M.P. and seconded by the Hon. Onchoke Charles Mamwacha. M.P.

**MIN. DAA&OSC/CDL/194/2023**

**CONSIDERATIO OF THE DRAFT REPORT**

**ON STATUTORY INSTRUMENTS  
(AMENDMENT)BILL (NA BILL NO. 2 OF  
2023)**

The Committee considered the draft Report on Statutory Instruments (amendment) Bill, 2023 and made the following observations, that

- i. In considering the proposed amendment, the Committee resolved that the amendment conforms to the Constitution and other existing laws and observed that there was compliance with all the statutory procedures and the Standing Orders.
- ii. The Committee observed that the proposed amendment seeks to amend section 11 which provides for the procedure of laying instruments before Parliament.
- iii. Further that the amendment shall enable Parliament to require the Regulation Making Authority to submit to the Committee a copy of the statutory instrument that ceases to have effect to by operation of law.
- iv. The Committee noted that the Section 11 (4) as obtains only provides for the circumstances that lead to statutory instrument becoming void but is silent on whether or not it ought to be submitted to the Committee.
- v. The Committee also noted that the notification of the public by Parliament on the annulled instruments would ensure that the void instruments are not illegally implemented.
- vi. The 6<sup>th</sup> Edition of the National Standing Orders amended Standing Orders 210 and included provisions that require to be harmonized with the Statutory Instruments Act, 2013.

The Committee consequently resolved to consider the proposed amendments to the Bill and adopt the report during the next meeting. The Secretariat was requested to draft the proposed amendments and present them to the Committee in the next meeting.

**MIN. DAA&OSC/CDL/195/2023**

**BRIEFING ON THE REGULATIONS  
PENDING BEFORE THE COMMITTEE.**

The Committee was notified of the following pending Regulations;

1. The Bribery Regulations, 2021 and Guidelines to assist Public and Private Entities in the preparation of Procedures for the Prevention of Bribery and Corruption.
2. Public Finance Management (National Peace Support Operations Fund) Regulations, 2022. Legal Notice No.219 of 2022
3. The Climate Change (Public Participation and Access to Climate Change Information) Regulations, 2023
4. The Statutory Instruments(Amendment) Bill, 2023

5. The Value Added Tax (Electronic Internet and Digital Marketplace Supply) Regulations, 2023
6. The Excise Duty (Excisable Goods Management) (Amendment) Regulations, 2023
7. The National Cereals and Produce Board (National Strategic Reserve) Regulations, 2023

The Committee observed that the Bribery Regulations, 2021 and Guidelines to assist Public and Private Entities in the preparation of Procedures for the Prevention of Bribery and Corruption had come into effect due to lapse of time. The Committee also observed that Public Finance Management (National Peace Support Operations Fund) Regulations, 2022. Legal Notice No.219 of 2022 had been revoked and the new Regulations had been resubmitted for tabling in Parliament.


**MIN. DAA&OSC/CDL/196/2023                      ANY OTHER BUSINESS**

The following matter arose under this agenda item:

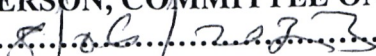
- i. The Committee acknowledged the receipt a letter from Witness Protection Agency requesting the Committee to reschedule a meeting that was to be held on 9<sup>th</sup> June 2023. The Agency proposed to have the meeting on Friday 18<sup>th</sup> August 2023. The committee acceded to the request by the Agency.
- ii. The Committee took note of a letter to the Attorney General and copied to the Clerk, National Assembly from the Clerk of the Senate communicating the decision of the Senate on annulling the Statutory Instruments (Exemption from Expiry) Regulations, 2022. The Committee observed that the Senate decision had been overtaken by event as the Regulations were already in force.
- iii. The Committee took note of the Finance Bill, 2023 in which section 78 and 79 of the Bill were proposing to repeal sections 20 and 21 of the Statutory Instruments Act, 2013 on the automatic revocation of statutory instruments. The Chair undertook to follow up on the matter in the House Business Committee seeking that the proposal be deleted from the Finance Bill, 2023 and have it referred to the Committee.

**MIN. DAA&OSC/CDL/197/2023                      ADJOURNMENT**

There being no other business, the meeting was adjourned at Thirty-five Minutes past Twelve O'clock.

SIGNED:  .....

**THE HON. SAMUEL CHEPKONGA, CBS. M.P.  
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION**

DATE:  .....

**G21qMINUTES OF THE 31<sup>ST</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY, 8<sup>TH</sup> JUNE, 2023 IN THE SMALL DINING, NEW WING, MAIN PARLIAMENT BUILDING AT 10:00 AM.**

**PRESENT**

1. **The Hon Samuel Kiprono Chepkonga, CBS, M.P., Chairperson**
2. **The Hon. Robert Gichimu Githinji, M.P., Vice Chairperson**
3. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP
4. The Hon. John Paul Mwirigi, M.P.
5. The Hon. Joyce Kamene, M.P
6. The Hon. Kibet Kirui Komingoi, M.P.
7. The Hon. Innocent Maino Mugabe, M.P.
8. The Hon. Ruku Geoffrey Kariuki Kiringa, M.P.
9. The Hon. Linet Chepkorir M.P.

**APOLOGIES**

1. The Hon. Robert Mbui, CBS, M.P
2. The Hon. Nicholas S. Tindi Mwale, M.P.
3. The Hon. Jared Okello Odoyo M.P.
4. The Hon. Joseph Kamau Munyoro, M.P.
5. The Hon. Gideon Kipkoech Kimaiyo, M.P.
6. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, MP
7. The Hon. Onchoke Charles Mamwacha. M.P
8. The Hon. Laura Amina Mnyazi, M.P.
9. The Hon. Paul Chebor, M.P.
10. The Hon. Pauline Lenguris, M.P
11. The Hon. Adow Kuno Yakub, M.P.
12. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P

**SECRETARIAT**

- |                           |   |                           |
|---------------------------|---|---------------------------|
| 1. Ms. Esther Nginyo      | - | Clerk Assistant I         |
| 2. Mr. Wilson Dima Dima   | - | Principal Legal Counsel I |
| 3. Mr. Brian Langwech     | - | Clerk Assistant III       |
| 4. Ms. Winny Otieno       | - | Clerk Assistant III       |
| 5. Mr. Jacknorine Buleemi | - | Clerk Assistant III       |
| 6. Mr. Daniel Ominde      | - | Research Officer III      |
| 7. Mr. Samuel Leparachao  | - | Serjeant-At-Arms.         |
| 8. Mr. Charles Ayari      | - | Audio Officer             |

**AGENDA**

1. Prayers
2. Preliminaries

3. Adoption of the Agenda
4. Confirmation of previous minutes
5. Matters Arising
6. **Briefing by the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry on Climate Change (Public Participation Access to Climate Change Information) Regulation, 2023.**
7. **Consideration and Adoption of the Report on Statutory Instruments (Amendment) Bill, 2023.**
8. **Consideration of the Amendments to the Statutory Instruments Acts, 2013 Contained in the Finance Bill, 2023.**
9. Any Other Business; and
10. Adjournment.

**MIN. DAA&OSC/CDL/198/2023**

**PRELIMINARIES**

The Chairperson called the Meeting to order at 10:30 a.m. after which prayers were said by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP. The Chairperson then welcomed all present to the meeting.

**MIN. DAA&OSC/CDL/199/2023**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as was proposed by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP and seconded by the Hon. Robert Gichimu Githinji, M.P., Vice Chairperson

**MIN. DAA&OSC/CDL/200/2023**

**CONFIRMATION OF MINUTES**

Minutes of the 30<sup>th</sup> Sitting held on Tuesday, 6<sup>th</sup> June, 2023, were confirmed as true records of the deliberations as proposed by the Hon. Kibet Kirui Komingoi, M.P. and seconded by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP.

**MIN. DAA&OSC/CDL/201/2023**

**CONSIDERATION OF CLIMATE CHANGE  
(PUBLIC PARTICIPATION AND ACCESS TO  
CLIMATE CHANGE INFORMATION)  
REGULATIONS, 2023.**

The Committee was notified that, through a letter dated 7<sup>th</sup> June, 2023, the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry would not be able to appear before the Committee to brief it on the Climate Change (Public Participation and Access to Climate Change Information) Regulations, 2023. This was due to the fact that personnel involved in the subject under discussion were attending a Climate Change Conference in Germany. The matter was therefore deferred to 22<sup>nd</sup> June, 2023

**MIN. DAA&OSC/CDL/202/2023**

**ADOPTION OF THE REPORT ON STATUTORY  
INSTRUMENTS (AMENDMENT)BILL, 2023**

The Committee considered the report on the Statutory Instruments (Amendment) ( N/A Bill No.2, 2023) and adopted it with the following Committee Stage amendments as was proposed by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP and seconded by the the Hon. Joyce Kamene, M.P:

- i. The Statutory Instruments Act is amended by deleting section 19 and substituting therefor the following new section —

“19.(1) Where National Assembly has adopted a report or a resolution that a statutory instrument be revoked, the instrument shall stand revoked and the Clerk of the relevant House of Parliament shall publish the revocation by notice in the *Gazette*.

- ii. The Attorney-General shall retain and shall periodically publish in a statutory instrument tracker a record of statutory instruments which are —

- (a) published in the *gazette* ;
- (b) approved ;or
- (c) annulled by Parliament.

**MIN. DAA&OSC/CDL/203/2023**

**CONSIDERATION OF THE AMENDMENTS  
ON THE STATUTORY INSTRUMENTS  
ACT, 2013 CONTAINED IN THE FINANCE  
BILL, 2023**

The Committee deliberated the Amendments to the Statutory Instruments Act, 2013 and adopted the following Committee Stage amendments to the Finance Bill 2023 as was proposed by the Hon. Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS, MP and seconded by the Hon. Joyce Kamene, M.P.:

**THAT**, the Bill be amended by deleting clause 78 and substituting therefor the following new Clause —

**78.** The Statutory Instruments Act, 2023 is amended by deleting the heading to Part V and substituting therefor the following new heading —

“PART V – PURPOSE FOR REVIEW OF STATUTORY INSTRUMENTS”

Justification:

- i. Part V of the Statutory Instruments Act, 2023 provides for “**Staged Automatic Expiry of Statutory Instruments**”. It may be imperative that if the requirement for the ten year lapse of Statutory Instruments is removed or deleted as proposed under Clause 79 of the Finance Bill, 2023 that seeks do delete section 21 of the Statutory Instruments Act, 2023, It calls for a consequential amendment to the heading which addresses the necessity for reviewing the Regulations, but without a timeline of ten years.
- ii. Clause 78 of the Finance Bill, 2023 seeks to amend section 20 of the Statutory Instruments Act, 2013 by deleting paragraph (c) and paragraph (d).





Paragraph (c) of section 20 of the Act provides for the necessity and requirements for the periodic review of statutory instruments and stipulates *inter alia* that the review ensures that part of the Kenya statute book consisting of statutory instruments is of the highest standard, while paragraph (d) provides for the purpose of the part as an obligation for the various regulation making authorities and the agencies under them to continually review the statutory instruments under them.

Paragraphs (c) and (d) explain and justify why there should be periodic review of Regulations to ensure that **all written laws of Kenya** (the Statute Book) consist of subsidiary legislation that are of the highest standard, hence it is important to check the standards and therefore deleting the provision in the manner proposed in the Finance Bill, 2013 may result to compromising the standards of the laws being enacted including Regulations made pursuant to those statutes, and may hence lower the standards.

The two paragraphs therefore **ought not to** be deleted in the manner proposed in the Finance Bill, 2023, so that they are retained in the Statutory Instrument Act.

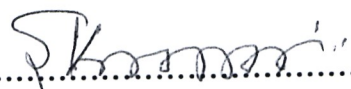
**MIN. DAA&OSC/CDL/204/2023      ANY OTHER BUSINESS**  
 The following matters arose under this Agenda item;

The Committee was notified of the following pending Regulations;

1. The Excise Duty (Amendment) Regulations, 2023
2. Universities Regulations, 2023
3. Access to Information (General) Regulations, 2023
4. Public Finance Management (National Peace Support Operations Fund) Regulations, 2023.

**MIN. DAA&OSC/CDL/205/2023      ADJOURNMENT**

There being no other business, the meeting was adjourned at Thirty Minutes past Eleven O'clock.

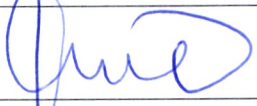
**SIGNED:** .....  
  
**THE HON. SAMUEL CHEPKONGA, CBS. M.P.**  
**CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION**  
**DATE:** .....13/06/2023.....

**COMMITTEE ON DELEGATED LEGISLATION ADOPTION LIST**

DATE: 08/06/2023. VENUE: SMALL DINING NEW WING STARTING TIME: 10:00 AM  
ENDING TIME: .....

AGENDA: ADDITION OF THE STATUTORY INSTRUMENTS (AMENDMENT) BILL 2023

	NAME	SIGNATURE
1.	The Hon. Chepkonga Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichumi, M.P. Vice-Chairperson	
3.	The Hon. Mbui, Robert, CBS, M.P.	
4.	The Hon. Sunkuli Julius Lekakeny, EGH,EBS,MP	
5.	The Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, M.P.	
6.	The Hon. Mwirigi, John Paul, M.P.	
7.	The Hon. Kamene, Joyce, M.P.	
8.	The Hon. Mwale, Nicholas S. Tindi, M.P.	
9.	The Hon. Odoyo, Jared Okello, M.P.	
10.	The Hon. Komingoi, Kibet Kirui, M.P.	
11.	The Hon. Maj. (Rtd.) Dekow Barrow Mohamed, M.P.	
12.	The Hon. Munyoro, Joseph Kamau, M.P.	
13.	The Hon, Kimaiyo, Gideon Kipkoech, M.P.	
14.	The Hon. Ruku, Geoffrey Kariuki Kiringa, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	

21.	The Hon. Mugabe, Innocent Maino, M.P.	
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