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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

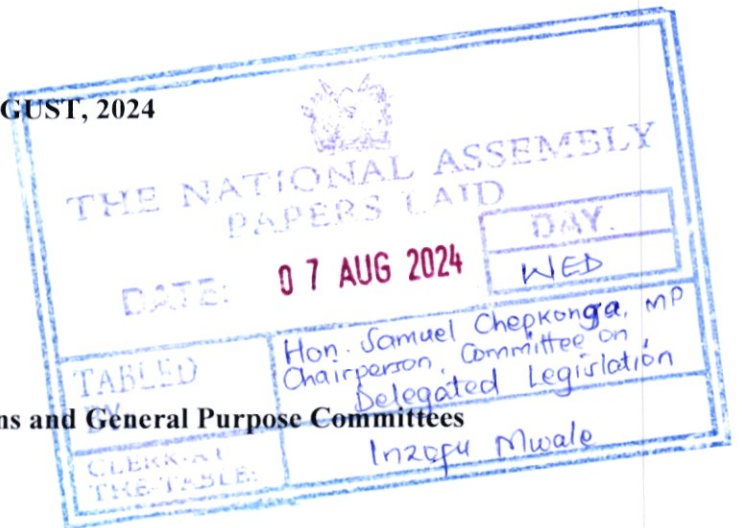
THIRTEENTH PARLIAMENT- THIRD SESSION - 2024

THE NATIONAL ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

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

AUGUST, 2024



The Directorate of Audit, Appropriations and General Purpose Committees
National Assembly
Parliament Buildings
NAIROBI



TABLE OF CONTENTS

CHAIRPERSON'S FOREWORD..... i

1.0 PREFACE..... 1

 1.1 Establishment and Mandate..... 1

 1.2 Committee Membership..... 2

 1.3 **Committee Secretariat**..... 3

**2.0 OVERVIEW OF THE SENATE AMENDMENTS TO STATUTORY INSTRUMENTS
(AMENDMENT) BILL, 2023**..... 4

 2.1 Introduction..... 4

 2.2 Analysis of the Bill..... 4

3.0 COMMITTEE OBSERVATIONS..... 6

4.0 COMMITTEE RECOMMENDATIONS..... 6

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Committee on Delegated Legislation on its consideration of the Senate Amendments to the Statutory Instruments (Amendment) Bill (*National Assembly Bills No. 2 of 2023*).

The National Assembly considered the Statutory Instruments (Amendments) Bill (*National Assembly Bill No. 2 of 2023*) and passed it with amendments on 28th November, 2023 and forwarded the same to the Senate for concurrence pursuant to the provisions of Standing Order 144. The Senate considered the Bill and passed it with amendments on 11th June, 2024.

The Senate amendments to the Bill were subsequently referred to the Committee on Delegated Legislation for consideration, and reporting back to the House.

In considering the amendments, the Committee held a meeting on Tuesday, 30th July, 2024 during which it observed that, the Senate had proposed amendments to clauses 2(5), 5 and 7 and a deletion of clauses 3, 4 and 6.

Under clause 2(5) the Senate proposed that the Cabinet Secretary is required to publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and to submit the published notice to Parliament.

The Senate proposes a deletion of clause 4 which sought to require the Clerk of the relevant House of Parliament to publish an annulment of a statutory instrument in the Gazette and Parliamentary website.

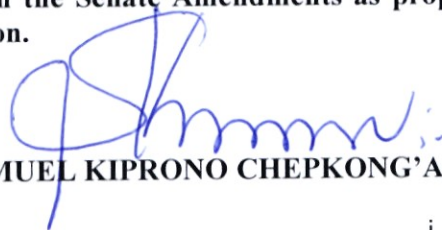
The Committee considered the proposed amendments to the Bill and recommended that the House approves the proposed amendments to clauses 2(5), 5 and clause 7 and deletion of clauses 3, 4, and 6 as proposed by the Senate.

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 Committee on Delegated Legislation and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege to present to this House the report of the Committee on its consideration of the Senate Amendment to Statutory Instruments (Amendment) Bill (*National Assembly Bill No. 2 of 2023*).

It is my pleasure to report that the Committee has considered the Senate amendments to Statutory Instruments (Amendment) Bill (*National Assembly Bill No. 2 of 2023*), and has the honour to report back to the National Assembly with the recommendation **that the House agrees with the Senate Amendments as proposed, pursuant to Article 112(2)(a) of the Constitution.**



HON. SAMUEL KIPRONO CHEPKONG'A, CBS, M.P.

1.0 PREFACE

1.1 Establishment and Mandate

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 Samuel Kiprono, CBS, M.P.
(Chairperson)
UDA

Anaibkoi Constituency

Hon. Githinji Robert Gichimu, M.P.
(Vice Chairperson)
UDA

Gichugu Constituency

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

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

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

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

Hon. Julius Lekakeny Ole Sunkuli, EGH, MBS, M.P.
KANU
Kiligoris Constituency

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

Hon. Kamene Joyce, M.P.
WDM-KENYA
Machakos County

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

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

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

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

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

Hon. Komingoi Kibet Kirui, M.P.
UDA
Bureti Constituency

Hon. Muniyoro Joseph Kamau, M.P.
UDA
Kigumo Constituency

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

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

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

Hon. Mnyazi Amina Laura, M.P.
ODM
Malindi 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 I

Ms. Fiona Wanjiru Githunguri
Legal Counsel II

Mr. Brian Langwech
Clerk Assistant III

Ms. Isabella N. Mwembi
Clerk Assistant III

Mr. Silvanus Makau Mbuvi
Clerk Assistant III

Ms. Viola Khalwali Saiya
Research Officer III

Mr. Noah Chemweno
Serjeant at Arms

Ms. Rahab Chepkilim
Audio Officer

2.0 OVERVIEW OF THE SENATE AMENDMENTS TO STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2023

2.1 Introduction

5. The Statutory Instruments (Amendment) Bill (*National Assembly Bill No. 3 of 2024*) was sponsored by the Chairperson, Committee on Delegated Legislation.
6. Pursuant to Standing Order 126, the Bill was read a first time on 21st March, 2023 and thereafter it was committed to the Select Committee on Delegated Legislation for its consideration.
7. The principal object of this Bill was to amend the provisions of the Statutory Instruments Act, 2013 to ensure notification of the public on the annulled instruments so as to ensure that the void instruments are not illegally implemented.
8. The Bill was passed by the House on 28th November, 2023 and was forwarded to the Senate pursuant to Article 110(4) of the Constitution and Standing Order 144 of the National Assembly Standing Orders. The Senate considered the Bill and passed it with amendments on 11th June, 2024.
9. The Bill was referred back to the National Assembly in accordance with Article 112(1)(b).

2.2 Analysis of the Bill

10. In **CLAUSE 2** - the Senate proposes a deletion of the proposed subsection (5) and substitution with the following new subsection—

(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to-

- i. Publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
- ii. Submit the published notice to Parliament.

11. Under **CLAUSE 3** - The Senate proposes a deletion of the proposed amendment to section 12.
12. **CLAUSE 4** -The Senate proposes a deletion of Clause 4 which sought to require the Clerk of the relevant House of Parliament to publish an annulment of a statutory instrument in the Gazette and Parliamentary website.
13. **CLAUSE 5** -The Senate proposes an amendment to Clause 5 which sought to amend section 19 of the Act. The Senate proposes that where Parliament has adopted a report or a resolution that a statutory instrument be annulled, the instrument shall stand annulled and the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority. Thereafter the regulation making authority shall publish the annulment in the gazette within 14 days upon receipt of the communication from the Clerk.
14. **CLAUSE 6** - The Senate proposes a deletion of clause 6 which proposes an amendment to section 23 that was requiring that a statutory instrument shall come into effect only after it has been considered in accordance with this Act.

15. **CLAUSE 7** -The Senate proposes an amendment to Clause 7 by substituting five hundred thousand shillings with one million shillings.

3.0 COMMITTEE OBSERVATIONS

16. In considering the proposed amendments, the Committee observed that the amendments conform to the Constitution and other existing laws, and that they were compliant with all the statutory procedures and the Standing Orders.
17. The Committee observed that the principal object of this Bill was to amend the provisions of the Statutory Instruments Act, 2013 to ensure notification of the public on the annulled instruments so as to ensure that the void instruments are not illegally implemented.
18. Further, it observed that the amendment shall enable Parliament to require the Regulation Making Authority to publish the nullity of the statutory instruments in the Gazette and submit the published notice to Parliament.
19. The Committee also observed that the amendment proposed to raise the penalty from five hundred thousand to one million shillings in the principal Act

4.0 COMMITTEE RECOMMENDATIONS

The Committee having considered the Senate Amendment to Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) recommends that **the House agrees with the Senate Amendments as proposed, pursuant to Article 112(2)(a) of the Constitution.**

Summary of the Committee Consideration of the Senate Amendments

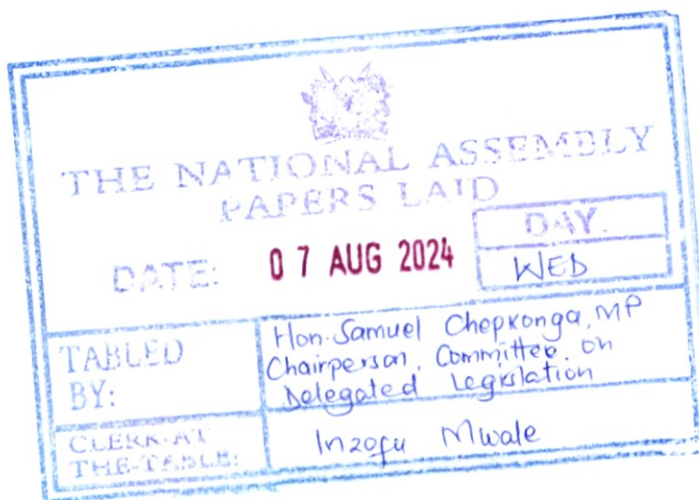
Clause	National Amendment	Assembly	Senate Amendment	Committee on Delegation Legislation's Resolution
2(5)	Section 11 of the Statutory Instruments Act, 2013 (hereinafter referred to as the "principal Act") is amended by inserting the following new subsections immediately after subsection (4)— “(5) Where 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.		Clause 2 be amended by deleting the proposed new sub-section 5 and substituting therefor the following new subsection— “(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to (a). publish a notice in the Gazette within seven days from the date of the resolution , to the effect that the statutory	Agreed to

		instrument is a nullity; and (b). submit the published notice to Parliament.	
3	Section 12 of the principal Act is amended by deleting subsection (3).	Clause 3 deleted	Agreed to.
4	Section 18 of the principal Act is amended by— (a) renumbering the existing provision as subsection (1); (b) inserting the following new subsection immediately after subsection (1)— “(2) The Clerk of the relevant House of Parliament shall, by notice in the <i>Gazette</i> and the Parliamentary website, publish the annulment of a statutory instrument by Parliament.”	Clause 4 deleted	Agreed to
5	Section 19 of the Principal Act is amended by— (a) renumbering the existing provision as subsection (1); and (b) inserting the following new subsection immediately after subsection (1)— “(2) The Clerk of the relevant House of Parliament shall, by notice in the <i>Gazette</i> and the Parliamentary website, publish the revocation of a statutory instrument by Parliament.”	The principal Act is amended by deleting section 19 substituting therefor the following new section 19- 19.(1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled- (a) the instrument shall stand annulled; and (b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority. (2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in	Agreed to

		the Gazette within fourteen days.	
6	Section 23 of the Principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection— “(1) A statutory instrument issued or made under any written law shall not come into effect until the statutory instrument is considered in accordance with this Act and the Standing Orders.”	Clause 6 deleted	Agreed to
7	Section 24 of the Principal Act is amended in subsection (5) by deleting the words “not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months” and substituting therefor the words “not exceeding five hundred thousand shillings or such term of imprisonment not exceeding two years”	Clause 7 amended by deleting the clause and substituting therefor the following clause- 7. Section 24 of the principal Act is amended in subsection (5) by deleting the words “twenty thousand shillings” appearing immediately after the words “penalty not exceeding” and substituting therefor the words “one million”	Agreed to

Signed..... *Shmuni* Date *6/08/2024*

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



MINUTES OF THE 41ST SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 30TH JULY, 2024, IN ROOM 11, BUNGE TOWER AT 10.00 A.M.

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. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
5. The Hon. Joyce Kamene, M.P.
6. The Hon. Jared Okello Odoyo, M.P.
7. The Hon. Kibet Kirui Komingoi, M.P.
8. The Hon. Geoffrey Kariuki Kiringa Ruku, M.P
9. The Hon. Paul Chebor, M.P.
10. The Hon. Charles Mamwacha Onchoke. M.P
11. The Hon. Laura Amina Mnyazi, M.P.

APOLOGIES

1. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
2. The Hon. John Paul Mwirigi, M.P.
3. The Hon. Nicholas S. Tindi Mwale, M.P.
4. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
5. The Hon. Joseph Kamau Munyoro, M.P
6. The Hon. Gideon Kipkoech Kimaiyo, M.P.
7. The Hon. Linet Chepkorir M.P.
8. The Hon. Pauline Lenguris, M.P.
9. The Hon. Yakub Adow Kuno, M.P.
10. The Hon. Innocent Mugabe, M.P.

IN ATTENDANCE

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. Isabella Mwembi | - | Clerk Assistant III |
| 5. Mr. Silvanus Makau | - | Clerk Assistant III |
| 6. Ms. Angela Musau | - | Legal Counsel II |
| 7. Ms. Rahab Chepkilim | - | Hansard Services |
| 8. Mr. Daniel Sirmoi | - | Media Relation officer |
| 9. Mr. Noah Chemweno | - | Serjeant-At-Arms. |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Briefing on the Senate Amendments to Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023)**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&GPC/CDL/264/2024

PRELIMINARIES

The Chairperson called the Meeting to order at 10.25 a.m. and said a word of prayer. He then welcomed all to the meeting having returned from the short recess.

MIN. DAA&GPC/CDL/265/2024

ADOPTION OF THE AGENDA

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

MIN. DAA&GPC/CDL/266/2024

CONFIRMATION OF MINUTES

Minutes of the 40th Sitting held on Wednesday, 19th June 2024, were confirmed as an accurate record of the proceedings having been proposed by the Hon. Charles Mamwacha Onchoke, M.P and seconded by the Hon. Kibet Kirui Komingo, M.P.

MIN. DAA&GPC/CDL/267/2024 BRIEFING ON THE SENATE AMENDMENTS TO STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2023)

Mr. Wilson Dima Dima, Principal Legal Counsel I briefed the Committees on the Senate amendments to the Statutory Instruments (amendment) Bill (National Assembly Bills No. 2 of 2023) as follows:

1. In CLAUSE 2- the Senate proposed a deletion of the proposed subsection (5) in substitution with the following new subsection
(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to

- (a) publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
 - (b) submit the published notice to Parliament.
2. In CLAUSE 3- the Senate proposed a deletion of the proposed amendment to section 12.
3. In regards to CLAUSE 4-The Senate proposed a deletion of Clause 4 which sought to require the Clerk of the relevant House of Parliament to publish an annulment of a statutory instrument in the Gazette and Parliamentary website.
4. In regards to CLAUSE 5-The Senate proposed an amendment to Clause 5 which sought to amend section 19 of the Act. The Senate proposed that where Parliament has adopted a report or a resolution that a statutory instrument be annulled, the instrument shall stand annulled and the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority. Thereafter the regulation making authority shall publish the annulment in the gazette within 14 days upon receipt of the communication from the Clerk.
5. In regards to CLAUSE 6- The Senate proposed a deletion of clause 6 which proposed an amendment to section 23 that was requiring that a statutory instrument shall come into effect only after it has been considered in accordance with this Act.
6. In regards to CLAUSE 7-The Senate proposed an amendment to Clause 7 by substituting five hundred thousand shillings with one million shillings.
7. Resulting from the foregoing, the Committee **CONSIDERED AND ACCEDED** to the Senate Amendments to Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) in its entirety.
8. The Committee therefore resolved to **ADOPT** the Senate Amendments to Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) having been proposed by Hon. Robert Mbui, CBS, M.P and seconded by Hon. Jared Okello Odoyo, M.P for onward tabling in the House pursuant to Article 112(2) of the Constitution which provides that if, after the originating House has reconsidered a Bill referred back to it

under clause (1)(b), that if the House passes the Bill as amended, the Speaker of that House shall refer the Bill to the President within seven days for assent.

MIN. DAA&GPC/CDL/268/2024

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, 1st August, 2024.

SIGNED: 

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

DATE: 

COMMITTEE ON DELEGATED LEGISLATION ATTENDANCE REGISTER

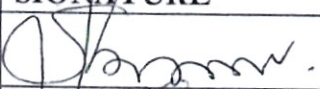
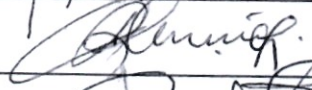
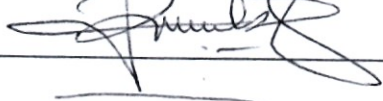



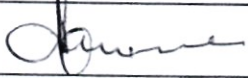

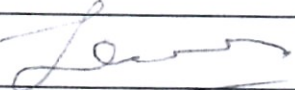
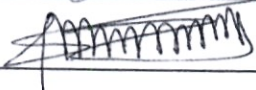


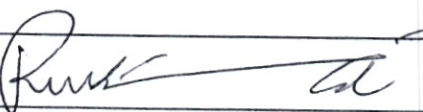
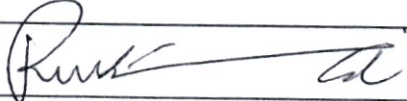
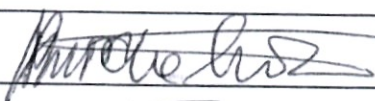


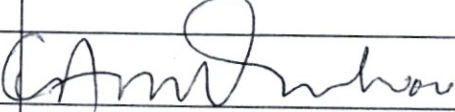


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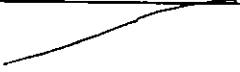
VENUE: RUNGE TOWER


STARTING TIME: 10:00 AM

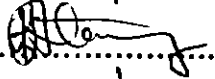
ENDING TIME:

AGENDA: CONSIDERATION OF STATUTORY INSTRUMENT 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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COMMITTEE CLERK: *ESTHER NGINYO*SIGNATURE.....

DIRECTOR, DAA&OSC:SIGNATURE.....

31/7/2024



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - (THIRD SESSION)

MESSAGES

MESSAGES FROM THE SENATE

(No. 015 of 2024)

ON PASSAGE OF THREE SENATE BILLS AND TWO NATIONAL
ASSEMBLY BILLS

- 1. Honourable Members,** pursuant to the provision of Standing Order 41(4), I wish to report to the House that I have received five (5) Messages from the Senate regarding passage of three Senate Bills and two National Assembly Bills.
- 2. Honourable Members,** the **first Message** conveys that on 11th June 2024, the Senate considered and **agreed** to the National Assembly amendments to the County Licensing (Uniform Procedures) (Senate Bill No. 9 of 2022). You will recall that on 2nd May 2024, this House passed the said Bill **with amendments**, following which I referred the Schedule of National Assembly amendments to the Senate for consideration in accordance with Article 110(4) of the Constitution.
- 3. Honourable Members,** the concurrence of the Senate with the National Assembly on the Bill therefore concludes the bicameral consideration of the Bill under Article 110 of the Constitution.
- 4. Honourable Members,** the **second Message** conveys that, on 11th June 2024, the Senate considered and passed the County Governments Additional Allocations Bill (Senate Bill No. 19 of 2024), **with amendments**.

5. The said Bill seeks to provide for additional allocations to county governments for the financial year 2024/2025 and the responsibilities of National Government and county governments pursuant to such allocations.
6. **Honourable Members**, the **third Message** conveys that, on 11th June 2024, the Senate passed the County Allocation of Revenue Bill (Senate Bill No. 25 of 2024), **with amendments**. This annual Bill seeks to provide for the equitable allocation of revenue raised nationally among the county governments for the financial year 2024/2025 and the responsibilities of national and county governments.
7. **Honourable Members**, having passed the two (2) Senate Bills, the Senate now seeks the concurrence of the National Assembly pursuant to the provisions of Article 110(4) of the Constitution.
8. **Honourable Members**, the centrality of the said Bills in the budget process and the prescribed statutory timelines call for their expedited passage. In this regard, you will notice that I have directed the Clerk to list the two Bills for First Reading under Order Nos. 11 and 12 in the Supplementary Order Paper for today, Tuesday, 18th June, 2024.
9. Thereafter, both Bills will stand committed to the **Budget and Appropriations Committee** for consideration. I urge the Committee to prioritize the Bills and report to the House as soon as is practicable to enable the House to proceed with the next stages of the Bills.
10. **Honourable Members**, the **fourth and fifth Messages** convey that, on 11th June 2024, the Senate considered and passed the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) and the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) **with**

minutes
copy


The Senate has now referred the two Bills back to the National Assembly for reconsideration pursuant to Article 112(1)(b) of the Constitution.

12. Honourable Members, this House is therefore required to consider Senate amendments to the two Bills. In this regard, I direct the Clerk to circulate the schedule of the Senate amendments to the two Bills to all Members. Thereafter, the Senate amendments to the Statutory Instruments (Amendment) Bill, 2023 will stand referred to the **Committee on Delegated Legislation**, while the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill, 2024 will stand referred to the **Departmental Committee on Justice and Legal Affairs**.

13. The two Committees are expected to expedite consideration of the Senate amendments to the respective Bills and submit their reports to the House. Aware of the nature of the Independent Electoral and Boundaries Commission (Amendment) Bill, I direct that the **Departmental Committee on Justice and Legal Affairs** should table its report on Thursday, 20th June, 2024 during the Morning Sitting.

14. The House is accordingly guided.

I thank you!


THE RT. HON. (DR.) MOSES F. M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 18th June 2024

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PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE

**SENATE AMENDMENTS TO THE STATUTORY INSTRUMENTS
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)**

The Senate, on Tuesday, 11th June, 2024, considered and passed the **Statutory Instruments (Amendment) Bill (National Assembly Bills No. 2 of 2023)** with amendments as follows -

CLAUSE 2

Clause 2 amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection -

(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to -

- (a) publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
- (b) submit the published notice to Parliament.

CLAUSE 3

Clause 3 deleted.

CLAUSE 4

Clause 4 deleted.

CLAUSE 5

Clause 5 amended by deleting the clause and substituting therefor the following clause -

Amendm 5. The principal Act is amended by deleting
ent of section 19 substituting therefor the following
section new section 19 —
19 of
Cap 2A.

Requirements
for publishing
an
annulment.

19. (1) Where Parliament has
adopted a report or a resolution
that a statutory instrument be
annulled—

(a) the instrument shall stand
annulled; and

(b) the Clerk of the relevant
House shall publish the
annulment in the
Parliamentary website
and shall convey the
resolution of the House to
the regulation making
authority.

(c) Upon receipt of the
communication from the Clerk in
accordance with this section, the
regulation making authority shall
publish the annulment in the
Gazette within fourteen days.

CLAUSE 6

Clause 6 deleted.

CLAUSE 7

Clause 7 amended by deleting the clause and substituting therefor
the following clause —

Amendm 7. Section 24 of the principal Act is
ent of amended in subsection (5) by deleting the
section words "twenty thousand shillings" appearing
11 of immediately after the words "penalty not
Cap 2A. exceeding" and substituting therefor the words
"one million shillings".