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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY PAPERS LAID

11 MAR 2020

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Hon. Fatuma Gadi, MP
Vice chairperson
A-Shubuko

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FOURTH SESSION (2020)

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON

THE COUNTY STATUTORY INSTRUMENTS BILL, 2018

(Senate Bill No. 21 of 2018)

MARCH 2020

Directorate of Committee Services
The National Assembly,
Parliament Buildings,

NAIROBI.

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ABBREVIATIONS

COG	Council of Governors
SI	Statutory Instruments
SO	Standing Order

CHAIRPERSON'S FOREWORD

The County Statutory Instruments Bill, 2018 sponsored by Sen. Samuel Poghiso, MP Chairperson of the Senate Committee on Delegated Legislation was published on 10th August, 2018 and read a First Time in the Senate on 13th September, 2018.

The Bill was passed by the Senate on Wednesday, 10th July 2019 and subsequently submitted to the National Assembly pursuant to Article 110(4) of the Constitution and the provisions of Standing Orders of the National Assembly seeking concurrence of the National Assembly on the Bill. Pursuant to the provisions of Standing Order 41(4), the Speaker of the National Assembly communicated to the House, the Message from the Senate regarding the Bill on 24th July, 2020. The Bill was read a First Time in the National Assembly on 25th July, 2019.

Having been cleared by the Budget and Appropriations Committees in accordance with Standing Order No. 143 (6) (a), the Speaker referred the Bill to the Committee on Delegated Legislation on 17th September, 2019.

The Bill seeks to make provision for the procedure of consideration of Statutory Instruments by County Assemblies by providing a legal mechanism by which County Assemblies will scrutinize statutory instruments.

The Committee resolved to approve the Bill as passed by the Senate without amendments.

In conclusion, I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 127 (4) (b), it is my pleasure and duty to present to the House the Committee's **Report on the Consideration of the County Statutory Instruments Bill (Sen. Bill No. 21 Of 2018)**.

HON. GLADYS BOSS SHOLLEI CBS MP

CHAPTER ONE

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 accordance 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 option of the Committee should more properly be dealt with in an Act of the Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - f) gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;
 - g) it involves expenditure from the consolidated fund or other public revenues;
 - h) is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
 - i) appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
 - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - k) makes rights, liberties or obligations unduly dependent upon non-renewable decisions;
 - l) makes rights, liberties or obligations unduly dependent 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 –

Chairperson

Hon. Gladys Boss Shollei CBS MP
Uasin Gishu County Woman Representative

Jubilee Party

Vice- Chairperson

Hon. Fatuma Gedi, CBS, MP
Wajir County Woman Representative
Party for Development and Reforms

MEMBERS

Hon. Waihenya Ndirangu, MP
Roysambu Constituency

Jubilee Party

Hon. Alice Wahome, MP,
Kandara Constituency

Jubilee Party

Hon. Robert Mbui, MP
Kathiani Constituency,

Wiper Democratic Movement -Kenya

Hon. Daniel Maanzo, MP
Makueni Constituency

Wiper Democratic Movement -Kenya

Hon. Muriuki Njagagua, MP
Mbeere North Constituency

Jubilee Party

Hon. Timothy Wanyonyi, MP
Westlands Constituency

Orange Democratic Movement

Hon. Ronald Tonui, MP
Bomet Central Constituency

Jubilee Party

Hon. William Kamoti, MP
Rabai Constituency

Orange Democratic Movement

Hon. Martha Wangari, MP
Gilgil Constituency

Jubilee Party

Hon. Gideon Mulyungi, MP
Mwingi Constituency

Wiper Democratic Movement – Kenya

Hon. William Kassait Kamket, MP
Tiaty Constituency

KANU

Hon. (Dr.) Wilberforce Oundo, MP
Funyula Constituency

Orange Democratic Movement

Hon. George G. Murugara, MP
Tharaka Constituency
Democratic Party

Hon. Jennifer Shamalla, MP
Nominated
Jubilee Party

Hon. Munene Wambugu, MP
Kirinyaga Central Constituency
Jubilee Party

Hon. Muturi Kigano, MP
Kangema Constituency
Jubilee Party

Hon. Patrick Kariuki Mariru, MP
Laikipia West Constituency
Jubilee Party

Hon. Sammy Seroney, MP
Nominated

Wiper Democratic Movement – Kenya

Hon. Tindi Mwale, MP
Butere Constituency
Amani National Congress

Hon. Alfred W. Sambu, MP
Webuye East
Amani National Congress

Hon. Abdi Koropu Tepo, MP
Isiolo South Constituency
Kenya Patriots Party

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises -

Ms. Susan Maritim
Senior Clerk Assistant (Team Leader)

Mr. Jimale Mohamed
Second Clerk Assistant

Mr. Wilson Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Ancetta Gacheri
Research Officer III

Ms. Winnie Kiziah
Media Relations Officer II

Mr. Anthony Wamae
Serjeant at Arms

Mr. Charles Ayari
Superintendent of Electronics

Ms. Mary Otieno
Office Superintendent

CHAPTER TWO

2.0 INTRODUCTION

2.1 Background Information

5. The County Statutory Instruments Bill, 2018 sponsored by Sen. Samuel Poghio, MP, the Chairperson of the Senate Committee on Delegated Legislation was published on 10th August, 2018 and read a First Time in the Senate on 13th September, 2018.
6. The Bill was passed by the Senate on Wednesday, 10th July, 2019 and subsequently submitted to the National Assembly pursuant to Article 110(4) of the Constitution and the provisions of Standing Orders of the National Assembly seeking concurrence of the National Assembly on the Bill.
7. Pursuant to the provisions of Standing Order 41(4), the Speaker of the National Assembly communicated to the House, the Message from the Senate regarding the Bill on 24th July, 2020. The Bill was read a First Time in the National Assembly on 25th July, 2019.
8. Having been cleared by the Budget and Appropriations Committees in accordance with Standing Order No. 143 (6) (a), the Speaker referred the Bill to the Committee on Delegated Legislation on 17th September, 2019.
9. The Bill seeks to make provision for the procedure of consideration of Statutory Instruments by County Assemblies by providing a legal mechanism by which County Assemblies will scrutinize statutory instruments.
10. Subsidiary legislation is key in the running of County Governments as it would allow County Governments to enact regulations that would guide implementation of devolved functions under the Fourth Schedule of the Constitution.

2.2 The Object of the Bill

11. Statutory Instruments are a form of legislation which allow the provisions of an Act of Parliament to be subsequently brought into force or altered without Parliament having to pass a new Act. They are also referred to as secondary, subsidiary, delegated or subordinate legislation.
12. Acts of Parliament often confer powers on the Executive to make more detailed orders, rules or regulations by means of statutory instruments. The scope of these powers may vary from powers to stipulate fines or penalties for offences to much wider powers such as filling out the broad provisions in Acts. It is noteworthy that often, Acts of Parliament only contain a broad framework. Statutory Instruments are therefore used to provide the necessary detail that would be considered too complex to include in the body of an Act.

Secondary legislation can also be used to amend, update or enforce existing primary legislation¹.

13. The main object of the County Statutory Instruments Bill (Sen. Bill No. 21 of 2018) is to make provision for the procedure for consideration of Statutory Instruments by County Assemblies. The Bill seeks to provide a legal mechanism by which County Assemblies will scrutinize statutory instruments.
14. The Bill will provide a comprehensive framework for the making, scrutiny, publication and operation of statutory instruments by requiring regulation-making authorities to undertake appropriate consultations before making statutory instruments.
15. The Bill also seeks to promote high standards in the drafting of statutory instruments to ensure their legal effectiveness, clarity and intelligibility to anticipated users. It will also enhance public participation in the making of statutory instruments; establish a mechanism for scrutiny of statutory instruments by County Assemblies; and establish a mechanism for the periodic review of statutory instruments.

2.3 Legal Framework

16. The Constitution of Kenya created two levels of government: the National Government and the County Governments, each with distinctive mandates. Article 176 of the Constitution establishes the County Assemblies.
17. **Section 8** of the County Governments Act sets out the role of the county assembly which includes to perform the roles set out under Article 185 of the Constitution; and to perform any other role as may be set out under the Constitution or legislation.
18. Article 185 of the Constitution mandates County Assemblies to carry out the functions of law making, representation, and oversight over the County Executive Committees and other executive organs. It provides as follows-

185. (1) The legislative authority of a county is vested in, and exercised by, its county assembly.

(2) A county assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

(4) A county assembly may receive and approve plans and policies for—

(a) the management and exploitation of the county's resources; and

¹ House of Commons Information Office, Statutory Instruments <https://www.parliament.uk/documents/commons-information-office/107.pdf> Retrieved 25.11.2018

(b) the development and management of its infrastructure and institutions.

19. County Assemblies have the constitutional mandate of law-making and can enact legislation on devolved functions set out under the Fourth Schedule of the Constitution. Statutory Instruments are necessary to operationalize legislation passed by County Assemblies and guide implementation of devolved functions under the Fourth Schedule of the Constitution by the County Executives. The Bill seeks to provide a legal mechanism by which County Assemblies will scrutinize statutory instruments tabled before Assemblies. The Bill will ensure that statutory instruments formulated by County Executives have been subjected to public participation and an impact assessment.

2.4 Overview of the Bill

The Bill provides as follows-

20. PART I—PRELIMINARY

- i) **Clause 1** sets out the **short title** as the County Statutory Instruments Act, 2018.
- ii) **Clause 2 (Interpretation)** sets out the interpretation of terms used in the Bill. A ‘statutory instrument’ is defined as *“any rule, order, regulation, direction, form, tariff of costs or fees, letters, patent, commission, warrant, proclamation, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of a County Assembly under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.”*
- iii) **Clause 3 (Application)** provides that the Act shall apply to every statutory instrument made directly or indirectly under any Act of a county assembly.
- iv) **Clause 4 (Object of the Act):** the Bill seeks to provide a comprehensive framework for the making, scrutiny, publication and operation of statutory instruments by requiring regulation-making authorities to undertake appropriate consultations before making statutory instruments. The Bill also seeks to promote high standards in the drafting of statutory instruments, enhancing public participation, establishing a mechanism for scrutiny of statutory instruments and establishing a mechanism for the periodic review of statutory instruments by County Assemblies.

21. PART II—CONSULTATIONS BEFORE MAKING STATUTORY INSTRUMENTS

Clause 5 requires consultation before a regulation-making authority makes a statutory instrument, and in particular where the proposed instruments are likely to have a direct, or a substantial indirect effect on business; or restrict competition. Clause 5 (2) further sets out a threshold for determining the extent of the consultation.

22. PART III— REGULATORY IMPACT STATEMENTS

- i) **Clause 6 (Regulatory Impact Statements)** provides that a regulation-making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement regarding the instrument where a proposed statutory instrument is likely to impose significant costs on the community or a part of the community
- ii) **Clause 7 (Contents of regulatory impact statements)** sets out the contents of the regulatory impact statement to be prepared. These include: – a statement of the objectives of the proposed statutory instrument and the reasons for its proposed enactment and an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives.

Clause 7 (2) provides that the assessment of the costs and benefits shall include an assessment of the economic, environmental and social impact and the likely administrative and compliance costs including resource allocation costs.

Clause 7(4) and 7 (5) further requires the County Executive Committee member to issue regulatory impact statement and the compliance certificate which will then be forwarded to the Clerk of the Assembly for tabling.

- iii) **Clause 8 (Notification of regulatory impact statements)** provides for the notification of regulatory impact assessments. It requires that a regulation making authority that intends to prepare a regulatory impact statement shall notify the residents of the county, of the intended preparations, by notice in the Gazette, County Gazette and in a newspaper of wide circulation within the county.

Clause 8 (2) sets out the requirements of the notice the proposed statutory instrument is likely to have a significant impact on a particular group of people ensure members of the group understand the purpose and content of the notice.

- iv) **Clause 9 (Where regulatory impact statements may be unnecessary)** sets out circumstances where preparation of a regulatory impact statement is not necessary for instance a matter that is not of a legislative character, including, a matter of a machinery, administrative, drafting or formal nature.

23. PART IV— SCRUTINY OF STATUTORY INSTRUMENTS BY A COUNTY ASSEMBLY

- v) **Clause 10 (Laying of statutory instruments before a County Assembly)** provides for the procedure for laying of statutory instruments before a County Assembly.

Clause 10 (1) provides that every regulation-making authority shall within **seven sitting days** after the publication of a statutory instrument, transmit a copy of the statutory instrument to the clerk of the county assembly for tabling before the county assembly.

Clause 10(2) requires that a regulation-making authority submits the statutory instrument together with an explanatory memorandum.

- vi) **Clause 11 (Referral to the Committee)** requires that once a statutory instrument is tabled in the County Assembly, it shall be referred to the relevant Committee with the mandate to review and scrutinize statutory instruments.
- vii) **Clause 12 (Relevant considerations)** requires County Assemblies to put into account the principles of good governance and the rule of law while considering statutory instruments. These include ensuring that the statutory instrument is aligned with the provisions of the Constitution, the Act or other written law; whether it infringes on fundamental rights and freedoms of the public or imposes taxes among other considerations.
- viii) **Clause 13 (Exemptions)** allows the Committee to exempt certain statutory instruments or class of statutory instruments from scrutiny if the committee upon consulting the relevant regulation-making authority.
- ix) **Clause 14 (Report to the County Assembly)** provides that the Committee considering the statutory instrument shall table a report before the county assembly and set out the required contents of the report.
- x) **Clause 15 (Notice to the regulation-making authority)** provides that the Committee will ensure that it confers with the regulation-making authority before tabling its report on the statutory instrument.
- xi) **Clause 16 (Resolution of county assembly)** provides that where the County Assembly passes a resolution that the statutory instrument is void, it shall stand revoked.
- xii) **Clause 17 (Revocation)** gives direction on revocation of a statutory instrument by the County Assembly. Where the County Assembly adopts a report or a resolution that a statutory instrument is void, under section 16, the instrument shall stand revoked and the regulation making authority shall publish the revocation within fourteen days.

24. PART V— GENERAL PROVISIONS

- i) **Clause 18 (Automatic revocation of statutory instruments)** sets out the circumstances in which a statutory instrument is automatically revoked. It provides that a statutory instrument shall by virtue of this section stand revoked on the day which is **ten years** after the making of the statutory instrument unless it is sooner repealed or expires; or a regulation is made exempting it from expiry.
- ii) **Clause 19 (Publication of instruments)** provides that every statutory instrument shall be published in the Kenya Gazette and County Gazette and shall be assigned a serial number as of the year in which it is made which shall be printed on the face of the statutory instrument.
- iii) **Clause 19(2)** further provides that if a question arises as to whether statutory instruments under any provision of an enactment are statutory instruments, the

county executive member for the time being responsible for legal affairs may, by certificate in writing, decide the matter.

- iv) **Clause 20 (Commencement of statutory instrument)** provides guidance on the commencement of statutory instrument. **Clause 20 (1)** provides that a statutory instrument shall come into operation on the date specified in the statutory instrument or if a date is not specified, then, the statutory instrument shall come into operation on the date of its publication in the Gazette subject to annulment where applicable.
 - v) **Clause 21 (Exercise of powers)** deals with exercise of powers under the Act. **Clause 21(2)** provides that a statutory instrument shall not be inconsistent with the provisions of the enabling legislation, or of any Act, and the statutory instrument is void to the extent of the inconsistency. **Clause 21 (5)** further provides that a regulation-making authority can include a penalty in the statutory instrument where it may consider fit.
 - vi) **Clause 22 (fees and charges)** sets guidelines where a statutory instrument may provide for the imposition of fees and charges.
 - vii) **Clause 23 (Forms)** sets out guidelines on the use of prescribed forms under a statutory instrument.
25. **Clause 24** provides for transition and saving of existing regulations.
26. The **Schedule** sets out the format of the Statutory Instrument and the Explanatory Memoranda.

CHAPTER THREE

3.0 Public Participation

27. The Senate Committee on Justice, Legal Affairs and Human Rights, pursuant to Article 118 of the Constitution and Standing Order 134 (1), invited submissions from members of the public on the Bill via an advertisement in *The Daily Nation* Newspaper and *The Standard* Newspapers dated 28th September, 2018. The Committee also held a public forum at the Kenyatta International Convention Centre (KICC), *Taifa* Hall, Nairobi on 17th October, 2018 from 10am to receive views from the public. The Committee received written submissions from the Kenya National Commission on Human Rights (KNCHR) and the Council of Governors (COG).
28. The Committee took into consideration general recommendations and proposals from the public on specific Clauses of the Bill as follows-

2.1 Submissions from the Kenya National Commission on Human Rights

29. The Kenya National Commission on Human Rights submitted to the Committee that devolution of power from the national government to the county government has yielded successes and challenges. Even though devolution brought government functions and resources closer to the people, there was a leadership challenge. Kenya National Commission on Human Rights was of the view that power to make decisions in all aspects of governance had more often than not been abused by leadership. Arbitrary declarations especially on overlapping roles, imposition of taxes that were unreasonable and punitive to the poor and vulnerable were common. The Commission attributed the situation to a lack of guidelines or procedures or consideration, scrutiny by county assemblies and general public participation on statutory instruments.
30. From the foregoing, the Kenya National Commission on Human Rights submitted that it welcomed the Bill because it would cure the challenges raised by emphasizing on *inter alia* public participation and regulatory impact assessments to ensure that statutory instruments at the county level are reasonable and people-centered. In addition, the Bill calls for accountability and transparency on the county leadership whenever statutory instruments are enacted by the County Government. This is also in tandem with the County Assemblies constitutional mandate to ensure public participation in their affairs.

3.2 Submissions from the Council of Governors

31. The Council of Governors (COG) submitted to the Committee that it supported the Bill as it intends to regularize the process of tabling of all County Governments statutory instruments before the respective County Assemblies. It also seeks to provide a legal mechanism by which County Assemblies will scrutinize statutory instruments thus ensuring that the County Governments undertake their mandate under the Fourth Schedule of the Constitution effectively and efficiently. The Council of Governors however proposed the following amendments-

(i) Consultation before making statutory instruments

32. **Amend Clause 5 (1) (b)** which provides that before a regulation-making authority makes a statutory instrument, and in particular where the proposed instruments are likely restrict competition, the regulation-making authority shall consult with persons who are likely to be affected by the proposed instrument and shall invite members of the public to give their views on the instrument within a prescribed period and in a manner to be determined by the Committee.
33. **Amend Clause 5 (3) (a)** which provides that without limiting by implication the form that consultation referred to in 5(1) might take, the consultation shall involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument.

Need for **clarity on the prescribed period upon which the regulation-making authority should undertake public participation** and, in their opinion, that thirty (30) days is adequate.

Need to **expand the scope of the advertisement to ensure that more members of the public are engaged within the county**. As such, all forms of advertisements should be expanded to include; newspapers, notice boards, radio and any other means of communication within the County.

(ii) Contents of regulatory impact statements- Clause 7(3)

34. Clause 7 (3) is too vague for purposes of implementation and proposed that there is **need to clarify on where the independent advice would be sought from**. The Council of Governors recommended that the same be a legal body or institution.

(iii) Notification of regulatory impact statements - Clause 8(5)

35. There is need for certainty as to what amounts to the reasonable fee as stipulated in the Clause and proposed a fee of not more than Kshs.500.

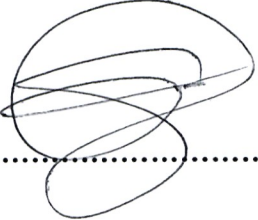
CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

36. Article 1 of the Constitution of Kenya provides for the sovereignty of the people and therefore the exercise of power and authority by government officials is through delegated responsibility.
37. The Committee observed that the County Statutory Instruments Bill, 2018 is essential to ensure that statutory instruments at the County level are reasonable and people-centred. The Bill will ensure that there is accountability and transparency in the county leadership in the formulation and enactment of statutory instruments by the County Government.
38. The Committee, therefore agreed with the Bill as passed by the Senate on 10th July, 2019, without any amendments as follows –

Clause 1	-	Agreed to;
Clause 2	-	Agreed to;
Clause 3	-	Agreed to;
Clause 4	-	Agreed to;
Clause 5	-	Agreed to;
Clause 6	-	Agreed to;
Clause 7	-	Agreed to;
Clause 8	-	Agreed to;
Clause 9	-	Agreed to;
Clause 10	-	Agreed to;
Clause 11	-	Agreed to;
Clause 12	-	Agreed to;
Clause 13	-	Agreed to;
Clause 14	-	Agreed to;
Clause 15	-	Agreed to;
Clause 16	-	Agreed to;
Clause 17	-	Agreed to;
Clause 18	-	Agreed to;
Clause 19	-	Agreed to;
Clause 20	-	Agreed to;
Clause 21	-	Agreed to;

- Clause 22 - Agreed to;
- Clause 23 - Agreed to;
- Clause 24 - Agreed to; and
- Schedule - Agreed to.

Signed.....


Date..... 9/3/2020

**HON. GLADYS BOSS SHOLLEI CBS MP
(CHAIRPERSON)**

ANNEXURES

1. **Adoption List**
2. **Report of the Senate Committee on Justice, Legal Affairs and Human Rights**
3. **Committee Minutes**

COMMITTEE ON DELEGATED LEGISLATION

ADOPTION LIST

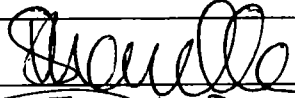

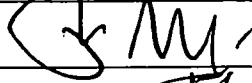
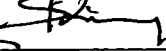

Adoption of the Report on the County Statutory Instruments Bill, 2018

(Senate Bill No.21 of 2018)

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 03/03/2020

	HON. MEMBER	SIGNATURE
1.	Hon. Gladys Boss Shollei CBS, MP (Chairperson)	
2.	Hon. Fatuma Gedi, MP, CBS, (Vice Chairperson)	
3.	Hon. Isaac Waihenya Ndirangu, MP	
4.	Hon. Alfred Wekesa Sambu, MP	
5.	Hon. Muriuki Njagagua, MP	
6.	Hon. Alice Wahome, MP	
7.	Hon. Gideon Mulyungi, MP	
8.	Hon. Daniel Maanzo, MP	
9.	Hon. Robert Mbui, MP	
10.	Hon. Martha Wangari, MP	
11.	Hon. Ronald Kiprotich Tonui, MP	
12.	Hon. Timothy Wanyonyi, MP	
13.	Hon. William Kamoti, MP	
14.	Hon. Patrick Kariuki Mariru, MP	
15.	Hon. (Dr.) Wilberforce Oundo, MP	
16.	Hon. Abdi K. Tepo, MP	
17.	Hon. George Gitonga Murugara, MP	

	HON. MEMBER	SIGNATURE
18.	Hon. Jennifer Shamalla, MP	
19.	Hon. Munene Wambugu, MP	
20.	Hon. Muturi Kigano, MP	
21.	Hon. Sammy Seroney, MP	
22.	Hon. William Kamket Kassait, MP	
23.	Hon. Tindi Mwale, MP	

REPUBLIC OF KENYA



TWELFTH PARLIAMENT THE SENATE

**The County Statutory Instruments Bill (Senate Bills No. 21 of 2018)
The Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018)
The Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018)
The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 Of 2018)**

PUBLIC HEARINGS/ RECEIPT OF MEMORANDA

The County Statutory Instruments Bill (Senate Bills No. 21 of 2018), the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018), the Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018) and the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 Of 2018) were read a First Time in the Senate on 13th September, 2018 and thereafter stood committed to the Senate Standing Committee on Justice, Legal Affairs and Human Rights.

In pursuance to the provisions of Article 118 and standing order 134 (5) of the Standing Orders of the Senate, the Standing Committee on Justice, Legal Affairs and Human Rights now invite interested members of the public to submit any representations that they may have on the Bills. Representations may be made orally or by submission of written memoranda in the following manner –

Public Hearings shall be held on **Wednesday, 10th October, 2018 from 10.00 a.m. to 1.00 pm at the Mini Chamber, County Hall, Parliament Buildings, Nairobi;** or

Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi** or emailed to **csenate@parliament.go.ke**, to be received **on or before Tuesday, 9th October, 2018 at 1:00 pm.**

Bills may be found on the Parliament website at **<http://www.parliament.go.ke/senate>**

**CLERK OF THE SENATE/ SECRETARY
PARLIAMENTARY SERVICE COMMISSION.**

MINUTES OF THE 9TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 3RD MARCH, 2020 AT 11.30 A.M. IN THE SMALL DINING ROOM, NEW WING, MAIN PARLIAMENT BUILDINGS

PRESENT

1. **The Hon. George Murugara, MP** (Chairing)
2. The Hon. Daniel Maanzo, MP
3. The Hon. Kamoti Mwamkale, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Ronald Tonui, MP
6. The Hon. Abdi Koropu Tepo, MP
7. The Hon. Gideon Mulyungi, MP
8. The Hon. Jennifer Shamalla, MP
9. The Hon. Kassait Kamket, MP
10. The Hon. Munene Wambugu, MP
11. The Hon. Muturi Kigano, MP
12. The Hon. Patrick Mariru, MP
13. The Hon. Sammy Seroney, MP

ABSENT WITH APOLOGY

1. **The Hon. Gladys Boss Shollei CBS MP** - **Chairperson**
2. **The Hon. Fatuma Gedi, CBS, MP** - **Vice Chairperson**
3. The Hon. Waihenya Ndirangu, MP
4. The Hon. Alice Wahome, MP
5. The Hon. Martha Wangari, MP
6. The Hon. Robert Mbui, MP
7. The Hon. Timothy Wanyonyi, MP
8. The Hon. (Dr.) Wilberforce Oundo, MP
9. The Hon. Tindi Mwale, MP

ABSENT

The Hon. Alfred Sambu, MP

IN-ATTENDANCE

National Assembly Secretariat

1. Ms. Susan Maritim - Senior Clerk Assistant
2. Mr. Jimale Mohamed - Second Clerk Assistant
3. Mr. Dima Dima - Principal Legal Counsel
4. Mr. Charles Ayari - Superintendent of Electronics (Audio)
5. Ms. Mary Otieno - Office Superintendent

MIN.NO. /NA/CDL/2020/048 PRAYER AND PRELIMINARIES

Pursuant to Standing Order 188, the Members present unanimously elected Hon. George Murugara, MP, to chair the meeting.

The meeting thereafter commenced with the Prayer at 1140am.

MIN.NO. /NA/CDL/2020/049 ADOPTION OF THE AGENDA

The Committee unanimously adopted the Agenda as presented having been proposed by Hon. Jennifer Shamalla, MP and Hon. Muriuki Njagagua, MP.

MIN.NO. /NA/CDL/2020/050 CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the 3rd Sitting held on 27th February, 2020 were confirmed as a true record of the proceedings, having been proposed by Hon. Sammy Seroney, MP and seconded by Hon. Kamket Kassait, MP.

MIN.NO. /NA/CDL/2020/051 MATTERS ARISING

Under **MIN.NO. /NA/CDL/2020/022**, the Committee rescheduled the retreat with the National Transport Safety Authority to 16th to 19th April, 2020 in Mombasa County.

MIN.NO. /NA/CDL/2020/052 ADOPTION OF THE REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2018

The Committee considered and unanimously adopted the Report on the Statutory Instruments (Amendment) Bill, (Senate Bill No. 24 of 2018) without amendment, having been proposed by Hon. Jennifer Shamalla, MP and seconded by Hon. Kamoti Mwamkale, MP.

MIN.NO. /NA/CDL/2020/052 ADOPTION OF THE REPORT ON THE COUNTY STATUTORY INSTRUMENTS BILL, 2018

The Committee considered and unanimously adopted the Report on the County Statutory Instruments (Amendment) Bill, (Senate Bill No. 21 of 2018) without amendment, having been proposed by Hon. Munene Wambugu, MP and seconded by Hon. Jennifer Shamalla, MP.

MIN.NO. /NA/CDL/2020/053 ANY OTHER BUSINESS

No other business arose.

MIN.NO. /NA/CDL/2020/054 ADJOURNMENT

There being no other business, the meeting was adjourned at 12.05 p.m. The next meeting to be called by notice.

Signed: 

Date:10/3/2020.....

**HON. GLADYS BOSS SHOLLEI CBS MP
(CHAIRPERSON)**