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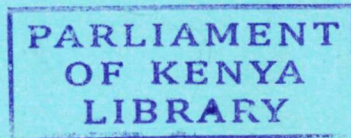
KENYA GAZETTE SUPPLEMENT

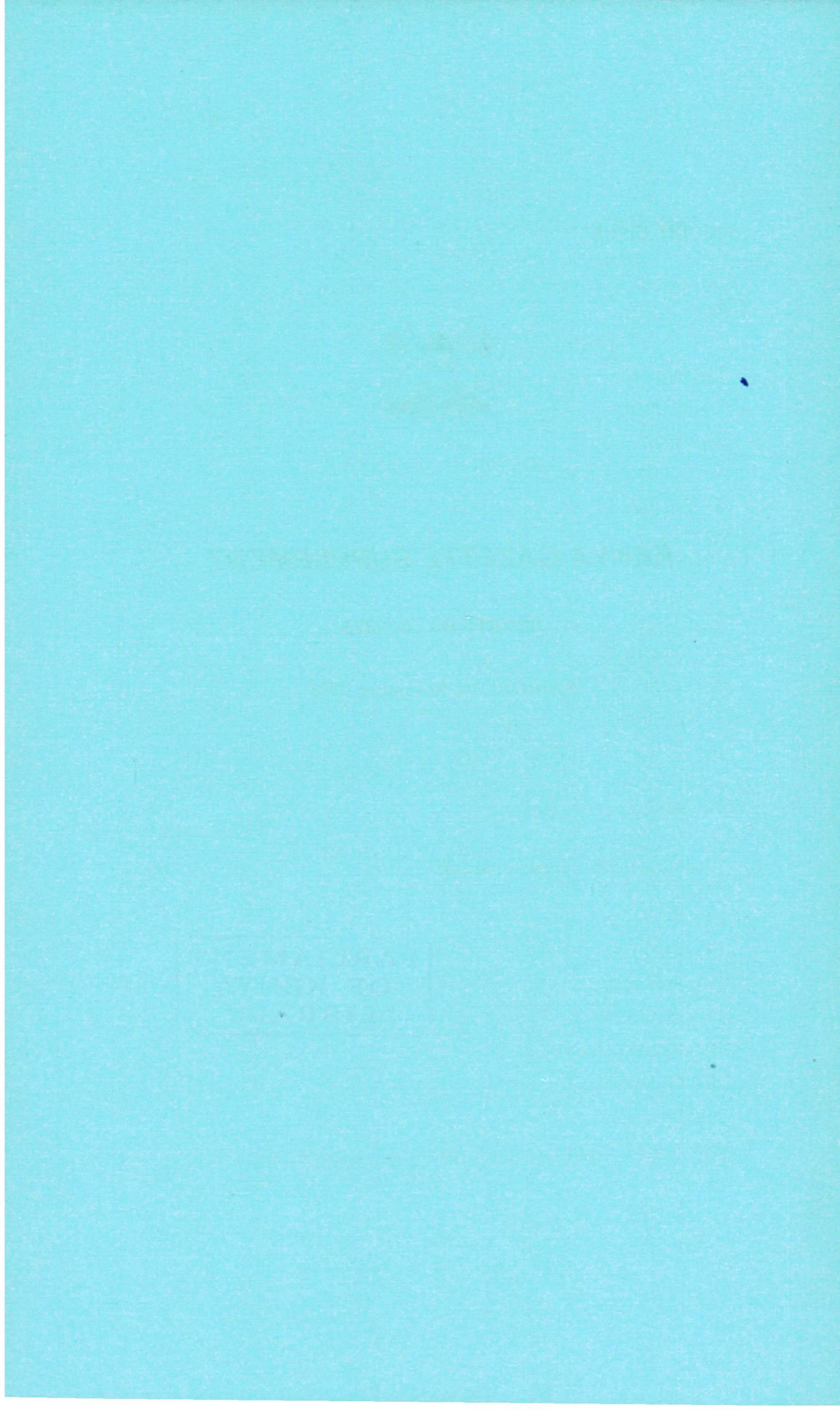
SENATE BILLS, 2025

NAIROBI, 7th November, 2025

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FIRST SCHEDULE—Lead Agencies

THE SOCIAL RISK MANAGEMENT BILL, 2025**A Bill for**

AN ACT of Parliament to provide for the establishment of an appropriate legal and institutional framework for social risk management in projects and connected purposes

ENACTED by the Parliament of Kenya, as follows —

PART I – PRELIMINARY

1. This Act may be cited as the Social Risk Management Act, 2025. Short title.
2. In this Act, unless the context otherwise requires Interpretation.

—

“Authority” means the Social Risk Management Authority established under section 7;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters related to social protection;

“Complaints Committee” means the Social Risk Complaints Committee established under section 31;

“deposit bond” means a deposit bond payable under section 30;

“developer” means a person who proposes to undertake a new project or to rehabilitate, repair, extend, maintain or operate an existing project with potential social risks;

“economic and social rights” means the rights and fundamental freedoms outlined in Articles 26, 28, 30, 31, 32, 33, 35, 36,37, 40, 41, 42, 43, 44, 45, 48, 53, 54, 55, 56 and 57 of the Constitution;

“free, prior and informed consent” means consent that is obtained without coercion, intimidation, or manipulation, and sufficiently in advance of the issuance of any licence, permit or the authorization for the commencement of activities in a project based on information that is accurate and relevant in a timely manner;

“Lead Agency” means any government ministry, department, parastatal, state corporation or county government office, in which any law vests functions of control or management or any element of social risk management set out in the First Schedule;

“person” includes a company or association or body of persons, corporate or incorporate;

“public participation” means any process that directly engages the public in decision making and considers public input in making that decision pursuant to Article 10 of the Constitution;

“public project” includes any project, programme or policy carried out or coordinated by a public entity that may have a social risk;

“Restoration Fund” means the Social Risk Restoration Fund established under section 25;

“Strategic Social Assessment” means a formal and systematic process to analyse and address the social risks of projects, policies, plans, programmes and other strategic initiatives;

“social impact” means the effect, whether cognitive or physical, experienced by a person, social unit, workplace or local community from a project that affects their way of life, means of livelihood, culture, beliefs and customs, community, political systems, environment, health and well-being, and property rights;

“Social Impact Assessment” means a systematic examination conducted to identify and manage the social risks and social impacts of a programme, activity or project at all stages of the projects development and implementation cycle;

“Social Impact Assessment Study” means a systematic study conducted to determine whether a project will have any adverse social impacts.

“social licence to operate” means the level of acceptance or approval of the programme, activity or project of a developer by its stakeholders, especially the impacted local communities.

“social risk” means the social issues arising from a project that may result in a social conflict which may threaten the completion and success of an infrastructure or development project and socially impact the local community, and these include:

- (a) social inclusion (ethnicity, gender, age; geographic location and disability, vulnerability and marginalisation);

- (b) land acquisition, restrictions on land use and involuntary resettlement;
- (c) indigenous peoples and historically underserved traditional local communities;
- (d) cultural heritage;
- (e) gender-based violence and sexual exploitation and abuse;
- (f) labour and working conditions;
- (g) community health and safety;
- (h) stakeholder engagement and information disclosure;
- (i) conflict and mitigation; and
- (j) grievances redress mechanisms.

“social risk management” means the legal, regulatory and institutional measures to mitigate the social risks and social impacts arising from infrastructure or development projects; and

“Trust Fund” means the Social Risk Management Trust Fund established under section 24.

3. The objects of this Act are to provide —

- (a) a legal and institutional framework for a coordinated approach in the management of social risks in public projects;
- (b) the principles, procedures, and standards for social risk management in public projects;
- (c) a dispute resolution mechanism with respect to social risk management; and
- (d) a framework to ensure that social risk management mitigates the social impact arising from identified social risks of projects.

Objects of the Act.

4. Every State organ, State officer, public officer and person engaged in social risk management is bound by the Constitution and in particular —

- (a) the national values and principles set out in Article 10 of the Constitution;
- (b) the rights and fundamental freedoms enshrined in Chapter 4 of the Constitution;

Values and Principles.

- (c) the leadership and integrity principles set out in Articles 73 and 75 of the Constitution; and
- (d) the principles, procedures, and standards of social risk management contemplated in this Act.

5. Every person engaged in social risk management shall adhere to the following principles —

Principles of social risk management.

- (a) social risk management shall promote the equality and non-discrimination of all human rights and fundamental freedoms as provided for in Article 27 of the Constitution;
- (b) social risk management shall promote sustainable development and liveable communities which integrate human needs;
- (c) projects shall be planned in a manner that integrates the social and economic needs of present and future generations;
- (d) social risk management interventions shall be comprehensive, sustainable and integrated at all levels of government;
- (e) social risk management shall be inclusive and must take into consideration the culture and heritage of people concerned; and
- (f) social risk management shall promote the principle of public participation in the development of policies, plans, and processes for the management of social risks.

PART II – POLICY, CO-ORDINATION AND OVERSIGHT OF SOCIAL RISK MANAGEMENT

6. (1) The Cabinet Secretary shall —

Functions of the Cabinet Secretary

- (a) be responsible for the policy formulation and directions for purposes of this Act and shall in this regard receive policy proposals from the Authority, bodies created under this Act, sectoral stakeholders and community representatives;
- (b) be responsible for the formulation of a social risk management action plan;
- (c) set national goals and objectives and determine policies and priorities for the mitigation of social risks and social impacts;

- (d) promote co-operation among national and county governments, ministries, departments and agencies, private sector, public benefits organizations, international Non-Governmental Organisations, local communities and such other organizations and stakeholders engaged in social risk management activities;
- (e) provide evidence of public participation in the formulation of the policy and the social risk management action plan;
- (f) mobilise resources for social risk management activities;
- (g) submit an annual report to Parliament on the implementation of social risk management in projects in Kenya prepared by the Authority; and
- (h) perform such other functions as are assigned under this Act.

(2) All annual reports under subsection(1) shall be submitted within three months of the end of each financial year.

7. (1) There is established the Social Risk Management Authority.

Establishment of the Social Risk Management Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of –

- (a) suing and being sued;
- (b) taking, purchasing, charging and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts for the proper administration of this Act, which may lawfully be performed by a body corporate.

8. (1) The Authority shall be managed by a Board, which shall consist of –

Board of the Authority.

- (a) a Chairperson appointed by the President;

- (b) the Principal Secretary of the Ministry for the time being responsible for matters relating to Social Protection or an officer of that Ministry designated in writing by the Principal Secretary;
- (c) a Chief Executive Officer who shall be the Secretary to the Board;
- (d) the Principal Secretary in charge of finance or their representative;
- (e) one representative nominated by the Council of Governors;
- (f) three members, appointed by the Cabinet Secretary—
 - (i) who shall not be public officers; and
 - (ii) of whom at least one member shall have relevant experience in matters of financial management and be a member in good standing in the Institute of Chartered Public Accountants of Kenya; and
- (g) the Attorney General or their representative.

(2) No person shall be appointed under paragraphs (a), (c), (d) or (f) of subsection (1) unless such person holds at least a post-graduate degree from a recognized university in the fields of social science, law or a relevant degree and in the case of the Chief Executive Officer, has at least fifteen years' working experience in the relevant field.

(3) The members referred to under paragraphs (a) and (f) of subsection (1) shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(4) Where the office of the Chief Executive Officer falls vacant, the Board may, pending the appointment of a Chief Executive Officer, appoint a person to act in that capacity provided that such appointment shall not exceed a period of six months.

(5) The members appointed under paragraphs (a), (c) and (f) of subsection (1) shall hold office for a term of four years and shall be eligible for reappointment for one further term of four years.

(6) The Board shall elect a Vice-Chairperson from among the members appointed under paragraph (f) of subsection (1).

(7) The Board shall meet at least four times in every financial year.

(8) The Chairperson shall preside at every meeting of the Board at which they are present, but in their absence, the Vice-Chairperson shall preside, and in their absence, the members present shall elect one of their number who shall, with respect to that meeting have all the powers of the Chairperson.

(9) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairperson or person presiding shall have a casting vote.

(10) The quorum for the transaction of the business of the Board shall be five members including the person presiding; and all acts, matters or things authorised or required to be done by the Board, shall be effected by a resolution passed by a majority of the members present and voting.

(11) The Secretary to the Board shall not be entitled to vote on any matter before the Board.

(12) The appointment of a member of the Board may be terminated by the appointing authority where the member —

- (a) is adjudged bankrupt or enters into a composition or scheme of arrangement with their creditors;
- (b) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (c) is incapacitated by prolonged physical or mental illness from performing their duties as a member of the Board; or
- (d) becomes incapable of properly performing the functions of their office.

(13) Where a member of the Board dies or resigns or otherwise vacates office before the expiry of their term of

office, the appointing authority shall appoint another person in the place of such member.

(14) The Chief Executive Officer of the Authority shall subject to this Act and be responsible for the day-to-day management of the affairs of the Authority.

(15) The Chief Executive Officer shall perform such functions as conferred by this Act.

(16) Subject to subsections (8), (9), (10) and (11), the Board shall regulate its own procedure.

9. (1) The Authority shall be the principal instrument of Government in the creation of all social risk management related policies.

Functions of the Authority.

(2) In carrying out its functions under subsection (1), the Authority shall —

- (a) exercise general supervision, strategic direction, technical support and co-ordination over all matters relating to social risk management in projects;
- (b) coordinate social risk management activities in projects and promote the integration of social risk management into sectoral development policies, plans, programs and projects;
- (c) establish and review social risk management guidelines in consultation with county governments and lead agencies;
- (d) establish an online social risk management registry for data collection, collation and dissemination on social risks, social impacts, social impact assessment licences and social risk management activities among others;
- (e) collaborate with county governments and lead agencies to ensure that the social risks and social impacts of projects are incorporated in the social impact assessments and action plans;
- (f) collaborate with the Council of Governors to oversee the coordination of social risk management in projects at the county level through the County Social Risk Management Committees;

- (g) undertake planned interventions of social risk management that includes social impact assessments, social risk planning and social risk audits and monitoring;
- (h) in consultation with relevant institutions, undertake and coordinate research, investigations and surveys on social risks and social impacts of projects and collect, collate and disseminate information about the findings of such research, investigation or survey to guide the development and implementation of social risk management;
- (i) collaborate with lead agencies and training institutions to develop a curriculum on social risk management and conduct capacity building and training to develop and improve social risk management systems;
- (j) develop a policy framework to provide for the restoration and compensation mechanisms of persons who will be socially impacted from projects;
- (k) identify stakeholders, and map their interests, relationships, and potential two-way project-stakeholder impacts;
- (l) identify social risks and social impacts with regards to the project and local community for addressing social risk management;
- (m) identify projects, programs, plans and policies which require social risk management;
- (n) facilitate stakeholder engagement and public participation processes consistent with the spirit of free, prior and informed consent;
- (o) where minorities and marginalised groups and indigenous communities are involved, assist in processes to comply with formal free, prior and informed consent requirements;
- (p) design and implement grievance mechanisms for social risk management disputes;
- (q) prepare and submit policy proposals to the Cabinet Secretary as and when need arises;

- (r) monitor and audit the mitigation and management activities of social risks and social impacts of projects in local communities;
- (s) make recommendations to the relevant authorities with respect to implementation of social risk management;
- (t) advise the National Government on the implementation of relevant local, regional and international laws, conventions, treaties, agreements and frameworks on social risk management;
- (u) advise the National Government on regional and international social risk management conventions, treaties and agreements to which Kenya should be a party and follow up the implementation of such agreements where Kenya is a party;
- (v) develop and initiate measures to safeguard social risk management interventions;
- (w) monitor and audit social risk management activities, including activities being carried out by relevant lead agencies, to measure the implementation of social risk management interventions;
- (x) mobilise and monitor the use of financial and human resources for social risk management activities;
- (y) collaborate with relevant lead agencies to undertake civic education programmes to enhance education on economic and social rights, social risks, social impacts, social risk management, advocacy, public awareness and public participation;
- (z) develop, publish and disseminate manuals, codes or guidelines, education and awareness materials relating to social risk management;
- (aa) advise and provide technical support, where possible, to lead agencies and stakeholders on social risk management;

- (bb) prepare and submit to the Cabinet Secretary every year, a report on the state of social risk management in projects in Kenya and in this regard may direct any lead agency to prepare and submit to it a report on the state of its activities in the social risk management sector; and
- (cc) perform such other functions as the Government may assign to the Authority or as are incidental or conducive to the exercise by the Authority of any or all the functions provided under this Act.

10. The Authority shall have powers to —

Powers of the Authority.

- (a) control, supervise and administer the assets of the Authority in such manner as best promotes the purpose for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organisations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purpose for which the Authority is established;
- (e) open a banking account or banking accounts for the funds of the Authority; and
- (f) invest any funds of the Authority not immediately required for its purposes in the manner provided in section 27.

11. (1) The Authority may after giving reasonable notice of its intention so to do, direct any lead agency to perform any of the duties imposed upon the lead agency by or under this Act or any other written law, in the social risk management sector.

Powers in respect of lead agencies.

(2) Any person who fails to comply with subsection (1) commits an offence.

12. Subject to this Act, the Authority may, by resolution, delegate to any committee of the Authority or to

Delegation by the Authority.

any, officer of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act.

13. Subject to this Act, the Authority shall regulate its own procedure.

Conduct of business and affairs of the Authority.
Remuneration of the board of the Authority.

14. The board of the Authority shall be paid such salaries and allowances, as may, from time to time, be determined by the Board on the advice of the Salaries and Remuneration Commission.

15. (1) The Authority may appoint such officers or other staff as are necessary for the proper discharge of its functions under this Act or any other written law, upon such terms and conditions of service as the Authority may determine.

Staff of the Authority.

(2) The Board shall, in the appointment of employees, comply with Article 27 of the Constitution by ensuring—

(a) equalization of opportunity for persons with disabilities;

(b) equalization of opportunities for the youth; and

(c) that the appointment reflects ethnic, gender and regional diversity of the people of Kenya.

16. The common seal of the authority shall be kept in such custody as the Authority may direct and shall not be used except on the order of the Authority.

The common seal of the Authority.

17. No matter or thing done or omitted by the Cabinet Secretary, the Authority or other person or institution exercising powers or functions under this Act shall, if the matter or thing was done or omitted in good faith for the purpose of executing this Act or any rule, regulation or order made under this Act, subject the person in their personal capacity to any action, suit, claim or demand whatsoever.

Protection from personal liability.

18. The provisions of section 17 shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to their property or any of their interests caused by the exercise of the powers conferred on the Authority by this Act or by any other written law or by the failure, whether wholly or partially, or any works.

Liability of the Authority for damages.

19. The headquarters of the Authority shall be in Nairobi, but the Authority shall ensure its services are accessible in all parts of the Republic. Headquarters.

20. (1) There shall be a general fund of the Authority which shall vest in the Authority. General Fund.

(2) There shall be paid into the general fund —

- (a) such monies or assets as may accrue to or vest in the Authority during the exercise of its powers or the performance of its functions under this Act;
- (b) such sums as may be granted to the Authority by the Cabinet Secretary pursuant to subsection (3); and
- (c) all monies from any other source provided for or donated or lent to the Authority.

(3) There shall be made to the Authority out of monies provided by Parliament for that purpose, grants towards the expenditure incurred by the Authority in the exercise of its powers or the performance of its functions under this Act.

(4) There shall be paid out of the general fund all sums required to defray the expenditure incurred by the Authority in the exercise, discharge and performance of its objectives, functions and duties.

21. The financial year of the Authority shall be the period of twelve months ending on the thirtieth June in each year. Financial year.

22. (1) At least three months before the commencement of each financial year, the Authority shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year. Annual estimates.

(2) The annual estimates shall make provisions for the estimated expenditure of the Authority for the financial year and in particular, the estimates shall provide for —

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Authority;
- (b) the payment of pensions, gratuities and other charges in respect of the staff of the Authority;
- (c) the proper maintenance of the buildings and grounds of the Authority;

- (d) the maintenance, repair and replacement of the equipment and other property of the Authority; and
- (e) the creation of such reserve funds to meet future contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Authority may deem appropriate.

(3) The annual estimates shall be approved by the Authority before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Authority shall not alter the annual estimates without the consent of the Cabinet Secretary.

23. (1) The Authority shall keep all proper and accurate books and records of accounts of the income, expenditure and assets of the Authority. Accounts and audit.

(2) Within a period of three months from the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority together with —

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- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a statement of the assets and liabilities of the Authority on the last day of that year.

(3) The annual accounts of the Authority shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution of Kenya, 2010 and the Public Financial Management Act.

24. (1) There is hereby established the National Social Risk Management Trust Fund which shall be the basket mechanism for the financing of social risk management governance in Kenya.

Establishment of the National Social Risk Management Trust Fund.

(2) The Trust Fund shall consist of —

(a) such sums of money as may be received by the Trust Fund in the form of donations, endowments, grants and gifts from whatever source and specifically designated for the Trust Fund; and

(b) such sums of money or other assets as may be specifically designated to the Trust Fund by the Authority out of its general fund.

25. (1) The Trust Fund shall be administered by a Board of five Trustees to be appointed by the Cabinet Secretary, by a notice in the *Gazette* on such terms and conditions as the Cabinet Secretary may prescribe, upon the advice of the Salaries and Remuneration Commission.

Board of Trustees.

(2) The Board shall be known as the Board of Trustees of the Trust Fund and shall be a body corporate having perpetual succession and a common seal and may, in its corporate name, sue and be sued.

(3) The Trust Fund shall be administered in the manner provided for under a Trust Deed, and for the purposes of this Act, the Trust Deed shall be deemed to constitute the rules and regulations that govern the operations and functions of the Fund.

(4) The object of the Trust Fund shall be to facilitate research intended to further the requirements of social risk management, capacity building, social risk management awards, social risk management publications, scholarships and grants.

(5) The Board of Trustees may, on the recommendation of the Council, determine that certain donations to the Trust Fund shall be applied specifically and reserved only for prizes and awards for exemplary services to social risk management. Such prizes and awards shall be applied by the recipient exclusively to social risk management activities.

26. The trustees shall be persons holding at least post-graduate degree from a recognized university in the fields of social sciences, law or relevant degree and subject to chapter Six of the Constitution at the time of their appointment.

Qualifications of Trustees.

27. (1) There is hereby established the Social Risk Restoration Fund.

Social Risk Restoration Fund.

(2) The Restoration Fund shall consist of —

(a) monies appropriated by Parliament from the national budget;

- (b) such proportion of fees or deposit bonds as may be determined by the Authority from time to time;
- (c) sums of money as may be received by the Fund in the form of donations; and
- (d) levies from industries and other projects proponents as a contribution towards the Restoration Fund.

(3) The Restoration Fund shall be vested in the Authority and, subject to this Act, shall be administered by the Chief executive officer.

(4) The object of the Restoration Fund shall be as supplementary insurance for the mitigation of social risks and social impacts of projects where the offender is not identifiable or where exceptional circumstances require the Authority to intervene towards the control or mitigation of social risks and social impact.

(5) The Cabinet Secretary may, by notice in the Gazette, issue orders for the levying of funds towards the Restoration Fund.

(6) The Cabinet Secretary shall, further, within twelve months of the enactment of this Act, publish regulations on the circumstances in which the Authority will utilise funds from the Restoration Fund to control or mitigate social risks and social impact.

28. (1) Subject to this Act, the Authority may invest any of its funds in securities which the National Treasury may, from time to time, approve for that purpose.

Investment of funds and disposal of assets.

(2) The funds in subsection (1) shall not include the funds in the Social Risk Restoration Fund.

(3) Subject to this Act, the Authority may upon consultation with the National Treasury, place on deposit with such bank or banks as it may determine, any monies not immediately required for its purposes.

(4) The assets of the Authority may be disposed of in accordance with the national law relating to Public Procurement and its subsidiary legislations.

29. (1) The Chief Executive Officer shall submit to the Cabinet Secretary, a financial report concerning the activities of the Authority within three months after the end of each financial year.

Annual financial report.

(2) The report of the Chief Executive Officer under subsection (1), shall include information on the financial affairs of the Authority and shall be appended to the report

- (a) an audited statement of income and expenditure of the previous financial year; and
- (b) estimates of income and expenditure of the Authority for the next ensuing financial year.

(3) The Cabinet Secretary shall submit the report to the National Assembly within fourteen days of receipt of the report from the Authority.

30. (1) The Authority shall create a register of projects which have or are most likely to have significant adverse social risks and social impacts.

Deposit bonds.

(2) The Cabinet Secretary responsible for Finance may, on the recommendations of the Cabinet Secretary, prescribe that persons engaged in projects identified under subsection (1) pay such deposit bonds as may constitute appropriate security for good social risk management practice.

(3) The deposit bond determined in accordance with subsection (2) shall be refunded to the project developer by the Authority after such duration not exceeding one year without interest where the operator has observed good social risk management practices to the satisfaction of the Authority.

(4) The Authority may, after giving the project developer an opportunity to be heard, confiscate a deposit bond where the project developer is responsible for social risk management practice or activities that are in breach of the provisions of this Act, and the Authority may in addition cancel any license issued to the project developer under this Act if the Authority is satisfied that the project developer has repeatedly contravened the provisions of this Act.

(5) Where a project developer is dissatisfied with the confiscation of their deposit bond under this Act, they may refer the matter to a competent court of law.

(6) The proceeds of every refundable deposit bond levied under this section shall be paid into the Restoration

Fund and shall be treated as part of the Restoration Fund until refunded to the depositor subject to subsection (3) or confiscated by the Authority.

(7) Any interest accruing from monies deposited into the Restoration Fund under this section shall be for the benefit of the Fund .

31. (1) A county governor shall, by notice in the Kenya Gazette and relevant county gazette, constitute a County Social Risk Management Committee of the County.

County social risk management committees.

(2) Every County Social Risk Management Committee shall consist of —

- (a) the county executive committee member in charge of social protection who shall be its Chairperson;
- (b) an officer of the Authority whose area of jurisdiction falls wholly or partially within the county who shall be the Secretary to the County Social Risk Management Committee;
- (c) one representative for each of the lead agencies specified in the First Schedule at the county level;
- (d) two representatives of each gender of farmers or pastoralists within the county to be nominated by the county governor;
- (e) two representatives of each gender of the business community operating within the concerned county nominated by the county governor;
- (f) one representative of community-based organisations and public benefits organizations engaged in socio-economic programmes within the county nominated by the county governor in consultation with the National Federation of Public Benefit Organizations; and
- (g) a representative of every regional development authority whose area of jurisdiction falls wholly or partially within the county.

(3) Appointments under this section shall be approved by the county assembly and confirmed in appointment by the governor.

(4) The Governor, in making the appointments under this section, shall ensure —

- (a) equal opportunities for persons with disabilities and minorities and marginalized groups within the county; and
- (b) that not more than two-thirds of the members are of the same gender.

(5) The members of the County Social Risk Management Committee appointed under paragraphs (d), (e) and (f) of subsection (2) shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

32. The County Social Risk Management Committee shall —

Functions of the county social risk management committees.

(a) have overall responsibility and coordination for proper and effective social risk management within the county as may be prescribed by county policies and legislation;

(b) develop and review the county social risk management action plan every five years;

(c) ensure integration and mainstreaming of social risk management actions and duties into County Integrated Development Plans (CIDPs), and submit an annual report on the implementation of social risk management activities to the county assembly; and

(d) perform such additional functions as are prescribed by this Act or as may, from to time to time, be assigned by the county governor by notice in the Gazette.

33. (1) There is hereby established a committee of the Authority to be known as the Social Risk Complaints Committee which shall consist of —

Social Risk Complaints Committee.

(a) a Chairperson appointed by the Cabinet Secretary and who shall be a person qualified for appointment as a judge of the High Court of Kenya;

(b) a representative of the Attorney-General;

- (c) a representative of the Law Society of Kenya;
- (d) one person who has demonstrated competence in socio-economic matters, nominated by the Council of County Governors and who shall be the Secretary to the Complaints Committee;
- (e) a representative of the business community appointed by the Cabinet Secretary; and
- (f) two members appointed by the Cabinet Secretary with expertise in social risk management.

(2) The members of the Complaints Committee, other than the members appointed under paragraph (b) of subsection (1), shall hold office for a period of three years but shall be eligible for reappointment provided that no member shall hold office for more than two terms.

(3) A member of the Complaints Committee other than the member appointed under paragraph (b) of subsection (1) may —

- (a) at any time resign from office by notice in writing to the Cabinet Secretary through the chairperson;
- (b) be removed from office by the Cabinet Secretary if the member —
 - (i) has been absent from three consecutive meetings of the Committee without permission from the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months.
 - (iii) is incapacitated by prolonged physical or mental illness; or
 - (iv) is otherwise unable or unfit to discharge their functions.

(4) If a member of the Complaints Committee vacates office before the expiry of their term, the appointing authority shall appoint a suitable replacement.

(5) Where a member of the Complaints Committee is unable to perform the functions of their office due to any temporary incapacity which may be prolonged, the

appointing authority may appoint a substitute for the member until such time as the Cabinet Secretary determines the incapacity has ceased.

(6) Subject to this Act, the Complaints Committee shall regulate its own procedure.

34. The functions of the Complaints Committee shall be —

Functions of the
Complaints
Committee.

- (a) to investigate —
 - (i) any allegations or complaints against any person or against the Authority in relation to social risks arising from projects in Kenya; and
 - (ii) on its own motion, any suspected case of negative social impacts of projects on local communities, and to make a report of its findings together with its recommendations to the Cabinet Secretary;
- (b) to prepare and submit to the Cabinet Secretary, periodic reports of its activities which report shall form part of the annual report on the state of social risk management under paragraph (cc) of section 10;
- (c) undertake public interest litigation on behalf of the citizens on social risks and social impacts of projects; and
- (d) to perform such other functions and exercise such powers as may be assigned to it by the Cabinet Secretary.

35. (1) The Complaints Committee may, by notice in writing, require any person to —

Powers of the
Complaints
Committee.

- (a) give all reasonable assistance in connection with the investigation of any complaint; or
 - (b) appear before the Social Risk Complaints Committee for examination concerning matters relevant to the investigation of any complaint.
- (2) A person commits an offence under this Act if they —
- (a) refuse or fail to comply with the requirement of the Social Risk Complaints Committee which is

applicable to them, to the extent to which they can comply with it; or

- (b) obstruct or hinder the Authority in the exercise of its powers under this Act; or
- (c) furnish information or makes a statement to the Social Risk Complaints Committee which they know to be false or misleading in any material particular; or
- (d) make a statement which they know to be false or misleading in any material when appearing before the Social Risk Complaints Committee for examination.

(3) A person convicted of an offence under subsection (2) shall be liable to a fine not exceeding fifty thousand shillings.

(4) Where an offence under subsection (2) is a continuing offence, the person convicted shall, in addition to the penalty prescribed in subsection (3), be liable to a fine of one thousand shillings for each day during which the offence continues.

36. No proceedings shall lie against the Chairperson or any member of the Social Risk Complaints Committee in respect of anything done in the performance of the duties of the Complaints Committee under this Act.

Proceedings of the Social Risk Complaints Committee.

37. (1) If a member of the Social Risk Complaints Committee is directly or indirectly interested in any matter before it and is present at its meeting at which the matter is the subject of investigation, they shall, at the meeting and as soon as reasonably practicable, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions in respect of the matter, or be counted in the quorum of the meeting during the consideration of the matter

Disclosure of interest.

(2) A disclosure of interest made under subsection (1) shall be in writing and be recorded in the minutes of the meeting at which it is made.

38. (1) There shall be paid to the Chairperson and members of the Complaints Committee, such remuneration,

Remuneration and other expenses of the Complaints Committee.

fees or allowances for expenses as the Salaries and Remuneration Commission may determine.

(2) The remuneration fees or allowances referred to in subsection (1) together with any other expenses incurred by the Complaints Committee in the execution of its functions under this Act shall be paid out of monies provided by Parliament for that purpose.

PART III— SOCIAL RISK MANAGEMENT RESEARCH AND PLANNING

39. The Authority shall —

Research
coordination.

- (a) develop social risk indicators for social risk monitoring and auditing;
- (b) coordinate lead agencies in research, investigation and surveys in the field of social risk management;
- (c) collect, collate and disseminate information about the findings of such research, investigation or survey;
- (d) coordinate relevant agencies in appraising social risks and social impacts of projects in Kenya;
- (e) mainstream research data and findings into reports on social risk management;
- (f) develop and maintain a social risk data repository mechanism; and
- (g) collaborate with academic institutions in research and capacity building of experts in the field of social risk management.

40. (1) The Authority shall, within two years of the commencement of this Act and every six years thereafter, formulate the National Social Risk Management Action Plan and shall ensure that it has undertaken public participation before the adoption of the Plan.

National Social
Risk Management
Action Plan.

(2) The Authority shall submit the Plan referred to in subsection (1) to the Cabinet Secretary for approval.

(3) The Cabinet Secretary shall publish the National Social Risk Management Action Plan in the Gazette.

(4) The Authority shall review the National Social Risk Management Action Plan every three years.

41. The purpose of social risk management action plans is to co-ordinate and harmonise the social risk management policies, plans, programmes and decisions of the national and county governments, as the case may be, to —

Purpose of Social Risk Management Action Plans.

- (a) minimize the duplication of procedures and functions; and promote consistency in the exercise of functions that may affect the socio-economic status quo of local communities;
- (b) safeguard economic and social rights across the country; and
- (c) prevent unreasonable actions by any person, state organ or public entity in respect of social risk management in projects that are prejudicial to the socio-economic interests of other counties or the country.

42. The National Social Risk Management Action Plan shall —

Provisions of the National Social Risk Management Action Plan.

- (a) contain an analysis of identified social risks and social impacts in projects in Kenya;
- (b) recommend appropriate legal and fiscal incentives that may be used to encourage the private sector to incorporate social risk management requirements into their planning and operational processes;
- (c) recommend methods for creating national awareness through education on social risks that arise from projects;
- (d) set out guidelines and standards for the planning and management of social risks in projects;
- (e) identify social risks and social impacts on local communities;
- (f) identify and recommend policy and legislative approaches for mitigating social risks in projects;
- (g) prioritise areas of social risk management research and outline methods of using such research findings;

- (h) be reviewed and modified from time to time to incorporate emerging knowledge and realities; and
- (i) be binding on all persons and all government departments, agencies, state corporations or other organs of Government upon adoption by Parliament.

43. (1) Every County Social Risk Management Committee shall, within one year of the commencement of this Act and every five years thereafter, prepare a county social risk management action plan in respect of the county for consideration and adoption by the respective county assembly.

County Social
Risk Management
Action Plan.

(2) Every County Social Risk Management Committee, in preparing a county social risk management plan, shall undertake public participation and take into consideration every other county social risk management action plan already adopted with a view to achieving consistency among such plans.

(3) The respective County Executive Committee members of every county shall submit the county social risk management action plan referred to in subsection (1) to the Cabinet Secretary for incorporation into the national social risk management action plan referred to in section 38.

(4) The Authority shall consider every county social risk management action plan and either recommend incorporation of such plan into the national social risk management action plan or specify changes to be incorporated into a respective county social risk management plan.

(5) Every county social risk management action plan prepared under section 40 shall contain provisions dealing with matters contained in paragraphs (a) to (i) of section 41 in relation to their respective county.

(6) The Cabinet Secretary shall, on the recommendation of the Authority and within twelve months of the enactment of this Act issue guidelines and prescribe measures for the preparation of social risk management action plans.

44. (1) The Authority shall monitor compliance with the national and county social risk management action plans and may take any steps or make any inquiries that it may consider necessary to determine if the plans are being complied with.

(2) If as a result of any action taken or inquiry made under subsection (1) the Authority is of the opinion that a plan is not substantially being complied with, the Authority shall serve a written notice to the organ concerned, calling on it to take such specified steps as the Authority may consider necessary to remedy noncompliance.

(3) Within thirty days of the receipt of the notice referred to in subsection (2), the organ shall respond to the notice in writing setting out any —

- (a) objections to the notice, if any;
- (b) the action that will be taken to ensure compliance with the respective plan; or
- (c) other information that the organ considers relevant to the notice.

(4) After considering the representations from the organ and any other relevant information, the Authority shall within thirty days of receiving the response referred to in subsection (3) issue a final notice —

- (a) to confirm, amend or cancel the notice referred to in subsection (2); or
- (b) to specify any action and a time period within which such action shall be taken to remedy non-compliance.

(5) The Authority shall keep a record of all social risk management action plans and ensure that such plans are available for inspection by the public.

PART IV – PROTECTION OF ECONOMIC AND SOCIAL RIGHTS AND SOCIAL RISK MANAGEMENT STANDARDS

45. No person shall carry out any activities that may infringe the social and economic rights set out in this Act,

Approval of the
Authority.

without the prior written approval of the Authority given after a social impact assessment.

46. The Authority shall, in consultation with the relevant lead agencies and within twelve months of the enactment of this Act, develop, issue and implement regulations, procedures, guidelines and measures for the following social risk management standards—

Protection of
social risk
management
standards.

- (a) social inclusion that ensures the participation of women, majority and minority ethnic groups, people with disabilities, indigenous people, minorities and marginalised groups in decision making processes;
- (b) land acquisition, restrictions on land use and involuntary resettlement that guarantees that local communities are appropriately compensated and resettled in the event that their land is acquired to implement projects;
- (c) cultural heritage that preserves the cultural heritage of local communities which comprises of their human rights, dignity, aspirations, identity, cultural heritage and natural resource-based livelihoods from projects;
- (d) gender-based violence and sexual exploitation and abuse to provide for gender-based violence response mechanisms and protect workers and local community from gender-based violence and sexual exploitation acts;
- (e) labour and work conditions that promote the welfare of all workers and creates safe and healthy work environments;
- (f) community health and safety that mitigates the social impacts of projects on the health of the local community;
- (g) stakeholder engagement and information disclosure to promote impactful consultations among stakeholders in all decision-making processes;
- (h) conflict and mitigation to develop conflict resolution skills when social risk management conflicts arise;

- (i) grievance redress mechanisms that facilitate for aggrieved parties to access justice; and
- (j) governance and corruption to promote good governance, transparency and accountability of all stakeholders in social risk management activities under this Act.

PART V – INTEGRATED SOCIAL IMPACT ASSESSMENT

47.(1) All policies, plans and Programmes for implementation shall be subject to a Strategic Social Assessment.

Strategic Social Assessment.

(2) For the avoidance of doubt, the plans, programmes and policies are those that are —

(a) subject to preparation or adoption by a public entity at regional, national, county or local level, or which are prepared for adoption through a legislative procedure by Parliament, or county assemblies or if regional, by agreements between the governments or county governments, as the case may be;

(b) determined by the Authority as likely to have significant social impacts on local communities.

(3) All entities shall undertake or cause to be undertaken the preparation of Strategic Social Assessments at their own expense and shall submit such assessments to the Authority for approval.

(4) The Authority shall, in consultation with lead agencies and relevant stakeholders and within twelve months of the enactment of this Act, prescribe rules and guidelines in respect of Strategic Social Assessments.

48. (1) Any person, being a proponent of a project, shall before any financing, commencing, proceeding with, carrying out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking specified in the Second Schedule of the Environmental Management and Co-ordination Act, submit a project report to the Authority, in the prescribed form, giving the prescribed information and which shall be accompanied by the prescribed fee.

Application for a Social Impact Assessment Licence.

Cap 487.

Cap 487.

(2) The application under subsection (1) shall be made despite any approval, permit or license granted under this Act or any other law in force in Kenya.

(3) The proponent of any project specified in the Second Schedule of the Environmental Management and Co-ordination Act shall undertake a full social impact assessment study and submit a social impact assessment study report to the Authority prior to being issued with any licence by the Authority, provided that the Authority may direct that the proponent foregoes the submission of the social impact assessment study report in certain cases, as shall be published in the regulations under subsection 7.

(4) The social impact assessment study report prepared under this subsection shall be submitted to the Authority in the prescribed form, giving the prescribed information and shall be accompanied by the prescribed fee.

(5) The Cabinet Secretary may, on the advice of the Authority given after consultation with the relevant lead agencies, amend the Second Schedule of the Environmental Management and Co-ordination Act, to this Act by notice in the Gazette.

(6) Social impact assessment studies and reports required under this Act shall be conducted or prepared respectively by individual experts or a firm of experts authorised in that behalf by the Authority. The Authority shall maintain a register of all individual experts or firms of all experts duly authorized by it to conduct or prepare social impact assessment studies and reports respectively. The register shall be a public document and may be inspected at reasonable hours by any person on the payment of a prescribed fee.

(7) The Chief Executive Officer may, approve any application by an expert wishing to be authorised to undertake social impact assessment. Such application shall be made in the prescribed manner and accompanied by any fees that may be required.

(8) The Cabinet Secretary in consultation with the Authority shall make regulations and formulate guidelines for the practice of Integrated Social Impact Assessments and Social Risk Audits.

(9) The Cabinet Secretary shall make regulations for the accreditation of experts on social impact assessments.

(10) Social impact assessment shall be conducted in accordance with the social impact assessment regulations, guidelines and procedures issued under this Act.

(11) The Chief Executive Officer shall respond to the applications for social impact assessment license within three months.

(12) Any person who upon submitting their application does not receive any communication from the Chief Executive Officer within the period stipulated under subsection (10) may start their undertaking.

(13) A person who knowingly submits a report which contains information that is false, or misleading commits an offence and is liable on conviction, to a term of imprisonment of not more than three years, or to a fine of not more than five million shillings, or to both such fine and imprisonment and in addition, their licence shall be revoked.

49. (1) Upon receipt of a social impact assessment study report from any proponent under paragraph (2) of this section, the Authority shall cause to be published in the Gazette, in at least two newspapers circulating in the area or proposed area of the project and over the radio a notice which shall state —

- (a) a summary description of the project;
- (b) the location of the project;
- (c) the potential social risks and social impact of the project;
- (d) the social risk management interventions to mitigate identified social risks and social impact of the project;
- (e) the location where the social impact assessment study, evaluation or review report may be inspected; and
- (f) a time limit of not exceeding sixty days for the submission of oral or written comments social impact assessment study, evaluation or review report.

Publication of
Social Impact
Assessment.

(2) The Authority may, on application by any person extend the period stipulated in paragraph (f) subsection (1) to afford reasonable opportunity for such person to submit oral or written comments on the social impact assessment report.

(3) The Authority shall ensure that its website contains a summary of the report referred to in subsection (1).

50. A lead agency shall, upon the written request of the Chief Executive Officer, submit written comments on a social impact assessment study, evaluation and review report within thirty days from the date of the written request.

Comments on
Social Impact
Assessment report
by Lead Agencies.

51. The Authority may set up a technical advisory committee to advise it on social impact assessment related reports and the Chief Executive Officer shall prescribe the terms of reference and rules of procedure for the technical advisory committee appointed hereunder.

Technical
Advisory
Committee on
Social Impact
Assessment.

52. The Authority may require any proponent of a project to carry out at their own expense further evaluation or social impact assessment study, review or submit additional information for the purposes of ensuring that the social impact assessment study, review or evaluation report is as accurate and exhaustive as possible.

Further Social
Impact
Assessment.

53. The Authority may, after being satisfied as to the adequacy of a social impact assessment study, evaluation or review report, issue a social impact assessment licence on such terms and conditions as may be appropriate and necessary to facilitate social risk management.

Social impact
assessment
licence.

54. (1) The Authority may, at any time after the issue of a social impact assessment licence direct the holder of such licence to submit at their own expense a fresh social impact assessment study, evaluation or review report within such time as the Authority may specify where —

Submission of
fresh Social
Impact
Assessment
Study.

- (a) there is a substantial change or modification in the project or in the way the project is being operated;
- (b) the project poses social risks which could not be reasonably foreseen at the time of the study, evaluation or review; or

(c) it is established that the information or data given by the proponent in support of their application for a social impact assessment licence under section 47 was false, inaccurate or intended to mislead.

(2) Any person who fails, neglects or refuses to comply with the directions of the Authority issued under subsection (1) shall be guilty of an offence.

(3) Where the Authority has directed that a fresh social impact assessment be carried out, or that new information is necessary from the project proponent, any social impact assessment licence that has been issued may be cancelled, revoked or suspended by the Authority.

55. (1) A social impact assessment licence may be transferred by the holder to another person only in respect of the project in relation to which such licence was issued.

Transfer of Social
Impact
Assessment
Licence.

(2) Where a social impact assessment licence is transferred under this section, the person to whom it is transferred and the person transferring it shall jointly notify the Chief Executive Officer in writing of the transfer,

(3) Where no joint notification of a transfer is given in accordance with subsection (2), the registered holder of the licence shall be deemed for the purposes of this Act to be the owner or the person having charge or management or control of the project.

(4) Any transfer of a social impact assessment licence, under this section shall take effect on the date the Chief Executive Officer is notified of the transfer.

(5) Any person who contravenes any provisions of this section, shall be guilty of an offence.

56. (1) No civil or criminal liability in respect of a project or consequences resulting from a project shall be incurred by the Government, the Authority or any impact assessment study, evaluation or review report or grant of a social impact assessment licence or by reason of any condition attached to such licence.

Protection in
respect of a Social
Impact
Assessment
Licence.

(2) The issuance of a social impact assessment licence in respect of a project shall afford no defence to any civil action or to a prosecution that may be brought or preferred against a proponent in respect of the way the project is executed, managed or operated.

57. (1) The Authority may after the issuance of a social impact assessment licence, cancel, revoke or suspend such license where the licensee contravenes the provisions of the licence.

Revocation, suspension or cancellation of a Social Impact Assessment Licence.

58. (1) The Authority shall, before exercising its power under Section 57, issue to the entity a compliance notice in the prescribed form.

Issuance of a compliance notice.

(2) A compliance notice specified under subsection (1) shall—

- (a) be in writing;
- (b) notify the licensee of the noncompliance and the steps it is required to take in order to ensure compliance; and
- (c) inform the licensee of the period within which it is required to comply with the notice.

(2) The Authority may, upon request by the licensee and where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the Authority may consider necessary to ensure compliance.

59. (1) Where a licensee receives a notice under section 58 fails to comply with such notice, the Authority shall—

Cancellation, revocation or suspension.

- (a) cancel, revoke or suspend the licence;
- (b) notify the licensee in writing of —
 - (i) the cancellation, revocation, suspension and the reasons for it; and
 - (ii) the date on which the certificate of registration was cancelled; and
- (c) amend the register accordingly.

(2) For purposes of this Section, cancellation, revocation or suspension takes effect on the date on which the license is cancelled, revoked or suspended by the registrar.

60. (1) A person who is aggrieved by the decision of the Authority under this part may, within thirty days of being notified of the decision, apply to the Cabinet Secretary for a review of the decision.

Application from an order of cancellation, revocation or suspension.

(2) An application for review shall be in such form as the Cabinet Secretary shall prescribe.

(3) The Cabinet Secretary shall determine an application under subsection (1) within sixty days of receipt of the application under subsection (1) and may confirm, or reverse the decision under review.

61. (1) The Authority shall keep and maintain a register of all social impact assessment licences issued under this Act specifying—

Register of licences.

(a) all social impact assessment licences issued under this Act specifying—

- (i) The name of the Licensee
- (ii) The directors and shareholders of the licensee
- (iii) The address of the licensee; and
- (iv) such other particulars as the Authority may from time to time determine.

(2) Any person may inspect the register and obtain a copy of, or an extract from the registrar upon payment of such fee as the Authority shall determine.

PART VI – SOCIAL RISK AUDITS AND MONITORING

62. (1) The Authority or its designated agents shall be responsible for carrying out a social risk audit of all activities that are likely to have a significant social risk and social impact on the local community.

Social risk audit.

(2) A social risk inspector appointed under this Act may enter any land or premises for the purposes of determining how far the activities carried out on that land or premises conform with the statements made in the social impact assessment study report issued in respect of that land or those premises under paragraph (2) of section 47.

(3) The owner of the premises or the operator of a project for which a social impact assessment study report has been made shall keep accurate records and make annual reports to the Authority in the prescribed form describing how far the project conforms in operation with the statements made in the social impact assessment study report submitted under paragraph (2) of section 47.

(4) The owner of premises or the operator of a project shall take all reasonable measures to mitigate any undesirable effects not contemplated in the social impact assessment study report submitted under paragraph (2) of section 47 and shall prepare and submit a social risk audit report on those measures to the Authority annually or as the Authority may, in writing, require.

(5) The Authority, shall within 12 months of the enactment of this Act, publish regulations on the reporting of compliance with Social Impact Assessment Study.

63. (1) The Authority shall, in consultation with the relevant lead agencies, monitor —

Social risk monitoring.

- (a) all social risk related matters to assess any possible changes in the project and the possible social impacts; or
- (b) the operation of any project with a view of determining its immediate and long-term social impact on local communities.

(2) Every lead agency shall establish a social risk unit to implement the provisions of this Act.

(3) A social risk inspector appointed under this Act may enter upon any land or premises for the purposes of monitoring the social impact on local communities of any project carried on that land or premises.

PART VII – SOCIAL RISK RESTORATION ORDERS

64. (1) Subject to any other provisions of this Act, the Authority may issue and serve on any person in respect of any matter relating to social risk management an order in this Part referred to as a social risk restoration order.

Issue of Social Risk Restoration Orders.

(2) A social risk restoration order issued under subsection (1) of section 62 shall be issued to —

- (a) require the person on whom it is served to restore the local community as near as it may be to the state in which it was before the taking of the action which is the subject of the order;
- (b) prevent the person on whom it is served from taking any action which would or is reasonably likely to cause harm to the local community;

- (c) award compensation to be paid by the person on whom it is served to other persons whose economic and social rights have been infringed and/or violated by the action which is the subject of the order; or
- (d) levy a charge on the person on whom it is served which in the opinion of the Authority represents a reasonable estimate of the costs of any action taken by an authorised person or organisation to restore the local community to the state in which it was before the taking of the action which is the subject of the order.

(3) A social risk restoration order may contain such terms and conditions and impose such obligations on the persons on whom it is served as will, in the opinion of the Authority, enable the order to achieve all or any of the purposes set out in subsection (2).

(4) Without prejudice to the general effect of the purposes set out in subsection (2), a social risk restoration order may require a person on whom it is served to —

- (a) take such action to prevent the commencement or continuation or cause of a negative social impact;
- (b) restore the local community to its previous state before the activity;
- (c) cease to take any action which is causing or may contribute to causing a negative social impact;
- (d) remove or alleviate any injury to the local community or to the amenities of the area; or
- (e) pay any compensation specified in the order.

(5) In exercising the powers under this section, the Authority shall —

- (a) be guided by the principles of social risk management in accordance with the provisions of this Act; and
- (b) explain the right of appeal of the persons against whom the order is issued to the Tribunal or if dissatisfied with the decision of the Tribunal, to superior courts.

65. (1) A social risk restoration order shall specify clearly and in a manner which may be easily understood —

Contents of social risk restoration orders.

- (a) the project to which it relates;
- (b) the person or persons to whom it is addressed;
- (c) the time at which it comes into effect;
- (d) the action which must be taken to remedy the harm to the local community and the time, being not more than thirty days or such further period as may be prescribed in the order within which the action must be taken;
- (e) the powers of the Authority to enter any land and undertake the action specified in paragraph (d) above;
- (f) the penalties which may be imposed if the action specified in paragraph (d) above, is not undertaken; and
- (g) the right of the person served with a social risk restoration order to appeal to the Tribunal against that order, except where the order is issued by a court of competent jurisdiction, in which case the right of appeal shall lie with superior courts.

(2) A Social Risk Inspector of the Authority may inspect or cause to be inspected any project to determine whether it is harmful to the local community and may consider the evidence obtained from that inspection in any decision on whether or not to serve a social risk restoration order.

(3) The Authority may seek and consider any technical, professional and scientific advice which it considers to be desirable for a satisfactory decision to be made on a social risk restoration order.

(4) A social risk restoration order shall continue to apply to the activity in respect of which it was served notwithstanding that it has been complied with.

(5) A person served with a social risk restoration order shall, subject to the provisions of this Act, comply with all the terms and conditions of the order that has been served on them.

(6) It shall not be necessary for the Authority or its Inspectors in exercising the powers under subsection (2), to give any person conducting or involved in the project which is the subject of the inspection or residing or working on or developing land on which the activity which is the subject of the inspection is taking place, an opportunity of being heard by or making representations to the person conducting the inspection.

66. (1) A person upon whom the order has been served may, by giving reasons in writing, request the Authority to re-consider that order at any time within twenty-one days after the service of a social risk restoration order. ^{Reconsideration of a social risk restoration order.}

(2) Where the Authority exercises the power under subsection (1), the expenses necessarily incurred by it in the exercise of that power shall be a civil debt recoverable summarily by it from the person referred to in subsection (1).

67. (1) A court of competent jurisdiction may, in proceedings brought by any person, issue a social risk restoration order against a person who has harmed, is harming or is reasonably likely to harm the local community.

Issue of a social restoration order by a court.

(2) It shall not be necessary for a plaintiff under this under this section to show that they have an interest in the local community alleged to have been or likely to be harmed.

PART VIII – INSPECTION, ANALYSIS AND RECORDS

68. (1) The Chief Executive Officer shall, by Gazette Notice, appoint duly qualified persons whether public officer or otherwise, as social risk inspector units as shall be specified

Appointment of Social Risk Inspectors.

(2) A social risk inspector shall —

- (a) monitor compliance with the social risk management standards established under this Act;
- (b) monitor the activities of other sector-specific social risk inspectorates including social risk units in lead agencies;

- (c) monitor the social risk and social impact trends of projects;
- (d) conduct social risk audits; and
- (e) perform such other functions as may be required under this Act or under the Gazette Notice appointing them.

(3) A social inspector may, in the performance of their duties under this Act or any regulations made thereunder, at all reasonable times and without a warrant —

- (a) enter any land, premises, vessel, motor vehicle or ox-drawn trailer and make examinations and enquiries to determine whether the provisions of this Act are being complied with;
- (b) require the production of, inspect, examine and copy licences, registers, records and other documents relating to this Act or any other law relating to social risk management;
- (c) carry out periodic inspections of all project locations within their respective jurisdictional limits that are likely to have significant social risk and social impact on the local community, to ensure that the provisions of this Act are complied with;
- (d) with the written approval of the Chief Executive Officer, order the immediate closure of any project which causes or is likely to cause significant negative social impact contrary to the provisions of this Act and to require the project developer or owner to implement any remedial measures that the social risk inspector may direct in the notice closing the project.;
- (e) with the approval of the Chief Executive Officer or their designate, issue an improvement notice requiring the project owner or developer to cease any project activities deleterious to the livelihood of the local community and to take appropriate remedial measures, if necessary, within a time period specified in regulations to this Act; and
- (f) install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring

compliance with the provisions of this Act, or the regulations made thereunder upon giving the owner or occupier of the land thirty days' written notice.

(4) A social inspector may, with an arrest warrant and the assistance of a police officer, arrest any person whom they reasonably believe has committed an offence under this Act.

(5) A project closed under this section may resume its operations only with the written approval of the Chief Executive Officer.

(6) In exercising their powers under this Act, the social risk inspector shall suitably identify themselves with documentation from the Authority.

(7) In effecting arrest, the Authority may request the Inspector- General of Police for such number of officers as it may require.

69. Subject to section 29 of the Office of the Director of Public Prosecutions Act, a social risk inspector may, in any case in which they consider it desirable so to do —

Social Risk Inspector's powers to prosecute.

(a) institute and undertake criminal proceedings against any person before a court of competent jurisdiction (other than a court martial) in respect of any offence alleged to have been committed by that person under this Act; and

(b) discontinue at any stage with the approval of the Director of Public Prosecutions, before judgment is delivered any such proceedings instituted or undertaken by himself.

70. (1) The Chief Executive Officer shall, by notice in the Gazette, prescribe the activities for which records shall be kept for the purposes of this Act, the contents of such records and the storage method to be used.

Records to be kept.

(2) The records kept in accordance with subsection (1) of this section and any other records available at the site of an establishment or undertaking shall be made available at such reasonable time to any social risk inspector for the purpose of —

- (a) undertaking a social risk audit;
- (b) social risk monitoring and evaluation;
- (c) inspection; or
- (d) any other purpose that may be prescribed by the Chief Executive Officer from time to time.

71. (1) The records kept under section 64 shall be transmitted annually to the Authority or its designated representative to be received not later than one month after the end of each calendar year.

Transmission of records to the Authority.

(2) The Authority shall keep all records transmitted and may maintain their confidentiality if the applicable circumstances so require.

72. (1) Subject to the provisions of section 65, any person may have access to any records transmitted to the Authority under this Act.

Public Access to records transmitted to the Authority.

(2) A person desiring access to such records referred to in subsection (1) may on application to the Authority, be granted access to the said records on the payment of a fee prescribed by the Authority.

73. (1) There shall be established and maintained an up-to-date computerized social impact assessment licence cadastre and registry system.

Register of social impact licences.

(2) The register of social impact assessment licence shall be a public document and may be inspected in such a manner as may be prescribed in Regulations.

74. (1) The register established under section 28(1) of this Act, shall contain details of each application, grant, assignment, transfer, notice, surrender, suspension and cancellation of a social impact licence.

Requirement to enter information in register.

(2) The Cabinet Secretary may prescribe such other records and instruments that shall entered into the register.

(3) The digital registry system shall include an online transactional facility to enable online submission of —

- (a) applications for granting and renewal of social impact assessment licences;
- (b) submission of records under section 65; and
- (c) submission of annual reports under section 56 (3).

(4) The registry shall be a public document and may be inspected by an interested person upon the payment of a prescribed fee.

(5) The Authority shall keep a copy of the cadastre.

**PART IX – INTERNATIONAL TREATIES,
CONVENTIONS AND AGREEMENTS**

75. (1) Where Kenya is a party to an international treaty, convention or agreement, whether bilateral or multilateral, concerning social risk management, the Authority shall, subject to the Treaty Making and Ratification Act –

Conventions,
agreements and
treaties on social
risk management.
Cap. 4D

(a) initiate legislative proposals for consideration by the Attorney-General, for purposes of giving effect to such treaty, convention or agreement in Kenya or for enabling Kenya to perform her obligations or exercise her rights under such treaty, convention or agreement; and

(b) identify other appropriate measures necessary for the national implementation of such treaty, convention or agreement.

(2) The Authority shall keep a register of all international treaties, agreements or conventions in the field of social risk management to which Kenya is a party.

**PART X – NATIONAL SOCIAL RISK
MANAGEMENT TRIBUNAL**

76. (1) There is established a Tribunal to be known as the National Social Risk Management Tribunal which shall consist of the following members –

Establishment of
the National
Social Risk
Management
Tribunal.

(a) a person, qualified for appointment as a judge of the High Court of Kenya;

(b) an advocate of the High Court of Kenya nominated by the Law Society of Kenya;

(c) a lawyer with professional qualifications in human rights law appointed by the Cabinet Secretary; and

(d) two persons with demonstrated competence in social science matters.

(2) The Judicial Service Commission shall vet the persons in paragraph (a), (b) and (c) under subsection (1) and recommend their appointment to the Cabinet Secretary.

(3) All appointments to the Tribunal shall be by name and by Gazette Notice issued by the Cabinet Secretary.

(4) The office of a member of the Tribunal shall become vacant —

- (a) at the expiration of three years from the date of their appointment;
- (b) if they accept any office which would make them ineligible for appointment to the office of a member of the Tribunal;
- (c) if they are removed from membership of the Tribunal by the Cabinet Secretary or the Judicial Service Commission for failure to discharge the functions of their office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour; and
- (d) if they resign the office of member of the Tribunal.

(5) The members of the Tribunal shall, in their first meeting, elect from amongst themselves a Chairperson to the Tribunal from amongst the persons appointed under paragraphs (a), (b) and (c) of subsection (1) and a Vice Chairperson to the Tribunal from amongst all members.

(6) The Chairperson and Vice-Chairperson shall be of opposite gender.

(7) In the absence of the Chairperson, the Vice-Chairperson shall serve as the acting Chairperson for the duration of the absence of the Chairperson and the acting Chairperson shall perform such functions and exercise such powers as if that person was the Chairperson.

(8) In the absence of both the Chairperson and the Vice-Chairperson, the members of the Tribunal present may nominate, from among themselves, a person to act as the Chairperson, which person shall have the training and qualifications in the field of law and such person, while acting as the Chairperson, shall perform such functions and exercise such powers as if that person were the Chairperson.

(9) The Chairperson may designate the Vice-Chairperson and two other members to constitute a separate sitting of the Tribunal.

77. (1) The Tribunal shall not be bound by the rules of evidence as set out in Evidence Act (Cap. 80).

Proceedings of the Tribunal.
Cap. 80

(2) The Tribunal shall, upon an appeal made to it in writing by any party or a referral made to it by the Authority on any matter relating to this Act, inquire into the matter and make an award, give directions, make orders or make decisions thereon, and every award, direction, order or decision made shall be notified by the Tribunal to the parties concerned, the Authority or any relevant committee thereof, as the case may be.

(3) The Tribunal shall sit at such times and in such places as it may appoint.

(4) The proceedings of the Tribunal shall be open to the public save where the Tribunal, for good cause, otherwise directs.

(5) Except as expressly provided in this Act or any regulations made thereunder, the Tribunal shall regulate its proceedings as it deems fit.

(6) Any person who is a party to the proceedings before the Tribunal may appear in person or be represented by an Advocate except where such a party is required by the tribunal to appear in person and submit evidence.

78. (1) The Tribunal may —

Awards of the Tribunal.

(a) make such orders for the purposes of securing the attendance of any person at any place where the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient;

(b) take evidence on oath and may for that purpose administer oaths; or

(c) on its own motion summon and hear any person as a witness.

(2) Any person who —

(a) fails to attend the Tribunal after having been required to do so under paragraph (a) of subsection (1);

(b) refuses to take oath or affirmation before the Tribunal or being a public officer refuses to

produce any article or document when lawfully required to do so by the Tribunal;

- (c) knowingly gives false evidence or information which they know to be misleading before the Tribunal; or
- (d) at any sitting of the Tribunal —
 - (i) wilfully insults any member or officer of the Tribunal; or
 - (ii) wilfully interrupts the proceedings or commits any contempt of the Tribunal;
- (e) fails or neglects to comply with a decision order, direction or notice confirmed by the Tribunal, commits an offence under this Act.

79. (1) Subject to section 70, the quorum for hearing or determining any cause or matter before the Tribunal under this Act shall be three members.

Quorum for determination by Tribunal.

(2) A member of the Tribunal who has a direct interest in any matter which is the subject of the proceedings before the Tribunal shall not take part in those proceedings and shall indicate the nature of their interest in writing.

80. (1) Any person who is aggrieved by —

Appeals to the Tribunal.

- (a) the grant of a licence or permit or a refusal to grant a licence or permit, or the transfer of a licence or permit, under this Act or its regulations;
- (b) the imposition of any condition, limitation or restriction on the person's licence under this Act or its regulations;
- (c) the revocation, suspension or variation of the person's licence under this Act or its regulations;
- (d) the amount of money required to be paid as a fee under this Act or its regulations; or
- (e) the imposition against the person of an environmental restoration order or environmental improvement order by the Authority under this Act or its Regulations,

may within sixty days after the occurrence of the event against which the person is dissatisfied, appeal to the

Tribunal in such manner as may be prescribed by the Tribunal.

(2) Where this Act empowers the Chief Executive Officer, the Authority or Committees of the Authority or its agents to make decisions, such decisions may be subject to an appeal to the Tribunal in accordance with such procedures as may be established by the Tribunal for that purpose.

(3) Upon any appeal, the Tribunal may —

- (a) confirm, set aside or vary the order or decision in question;
- (b) exercise any of the powers which could have been exercised by the Authority in the proceedings in connection with which the appeal is brought;
- (c) make such other order, including orders to enhance the principles of social risk management and an order for costs, as it may deem just;
- (d) if satisfied upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined; or
- (e) if satisfied upon application by any party, review any orders made under paragraph (a) above.

(4) Any status quo automatically maintained by virtue of the filing of any appeal prior to the commencement of subsection (3) shall lapse upon commencement of this section unless the Tribunal, upon application by a party to the appeal, issue fresh orders maintaining the status quo in accordance with paragraph (a) of subsection (3).

81. (1) Any person aggrieved by a decision or order of the Tribunal may, within thirty days of such decision or order, appeal against such decision or order to the High Court.

Appeals to the High Court.

(2) No decision or order of the Tribunal shall be enforced until the time for lodging an appeal has expired or, where the appeal has been commenced, until the appeal has been determined.

(3) Notwithstanding the provisions of subsection (2), where the Chief Executive Officer is satisfied that

immediate action must be taken to avert serious social impact on local communities, the Chief Executive Officer shall have the power to take such reasonable action to stop, alleviate or reduce such injury, including the powers to close down any undertaking, until the appeal is finalised or the time for appeal has expired.

(4) Upon the hearing of an appeal under this section, the High Court may —

- (a) confirm, set aside or vary the decision or order in question;
- (b) remit the proceedings to the Tribunal with such instructions for further consideration, report, proceedings or evidence as the court may deem fit to give;

exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or

- (c) make such other order as it may deem just, including an order as to costs of the appeal or of earlier proceedings in the matter before the Tribunal.

(5) The decision of the High Court on any appeal under this section shall be final.

82. (1) Where any matter to be determined by the Authority under this Act appears to it to involve a point of law or to be of unusual importance or complexity, it may, after giving notice to the concerned parties, refer the matter to the Tribunal for direction.

Power to seek the directions of the Tribunal in complex matters, etc.

(2) Where any matter has been referred to the Tribunal under subsection (1), the Authority and the parties thereto shall be entitled to be heard by the Tribunal before any decision is made in respect of such matter and may appear personally or be represented by an Advocate.

(3) Any person who is a party to proceedings before the Tribunal may appear in person or be represented by an Advocate before the Tribunal.

83. (1) The Chairperson or other members of the Tribunal shall not be liable to be sued in a civil court for a lawful act done or omitted to be done or ordered to be done

Immunity.

by them in the discharge of their duty as members of the Tribunal.

(2) It shall be an offence for any person to engage in acts or make omissions amounting to contempt of the Tribunal and the Tribunal may punish such person for contempt in accordance with the provisions of this Act.

84. (1) There shall be paid to the Chairperson and the members of the Tribunal such remuneration and allowances as the Cabinet Secretary on the recommendation of the Salaries and Remuneration Commission shall determine.

Remuneration of members of the Tribunal.

(2) The remuneration and allowances referred to in subsection (1) and any other expenses incurred by the Tribunal in the execution of its functions under this Act shall be paid out of monies voted by Parliament for that purpose.

85. There shall be such other staff of the Tribunal as may be necessary for the performance of its functions.

Staff of the Tribunal.

86. The Cabinet Secretary shall appoint an officer from the Authority to be the secretary to the Tribunal who shall be paid such allowances as the shall determine.

Appointment of a Secretary to the Tribunal.

87. (1) The Judiciary Service Commission may set up such other Tribunals in any part of Kenya as deemed appropriate.

Powers to establish other Tribunals.

(2) The provisions of sections 71 - 80 shall apply with such necessary modifications to any Tribunal established under subsection (1).

PART XI – OFFENCES

88. Any person who —

Offences relating to social risk inspection.

- (a) hinders or obstructs a social risk inspector in the exercise of their duties under this Act or regulations made thereunder;
- (b) fails to comply with a lawful order or requirement made by a social risk inspector in accordance with this Act or regulations made thereunder;
- (c) refuses a social risk inspector entry upon any land or into any premises, vessel or motor vehicle which they are empowered to enter under this Act or regulations made thereunder;

- (d) impersonates a social risk inspector;
- (e) denies a social risk inspector access to records or documents kept pursuant to the provisions of this Act or regulations made thereunder;
- (f) fails to state or wrongly states their name or address to a social risk inspector in the cause of their duties under this Act or regulations made thereunder;
- (g) misleads or gives wrongful information to a social risk inspector under this Act or regulations made thereunder; or
- (h) fails, neglects or refuses to carry out an improvement order issued under this Act by a social risk inspector,

commits an offence and shall, on conviction be liable to imprisonment for a term of not less than one year but not more than four years, or to a fine of not less than two million shillings but not more than four million shillings, or to both such fine and imprisonment.

89. Any person who —

- (a) fails to submit a project report contrary to the requirements of section 47 of this Act;
- (b) fails to prepare a social impact assessment report in accordance with the requirements of this Act or regulations made thereunder;
- (c) fails to submit a report pursuant to Section 56 (3); or
- (d) fraudulently makes false statements in a social impact assessment report submitted under this Act or regulations made thereunder,

commits an offence and is liable on conviction to imprisonment for a term not exceeding twenty-four months or to a fine of not more than two million shillings or to both such imprisonment and fine.

90. Any person who —

- (a) fails to keep records required to be kept under this Act; or

Offences relating to social impact assessment.

Offences relating to records.

- (b) fraudulently alters any records required to be kept under this Act; or
- (c) fraudulently makes false statements in any records required to be kept under this Act;

commits an offence and is liable upon conviction to a fine of not less than one year but not more than four years, or to a fine of not less than two million shillings but not more than four million shillings, or to both such fine and imprisonment.

91. Any person who —

- (a) contravenes any social risk management standard prescribed under this Act; or
- (b) contravenes any measure prescribed under this Act;

Offences relating to standards.

commits an offence and shall be liable upon conviction, to a fine of not less than one year but not more than four years or to a fine of not less than two million shillings but not more than four million shillings, or to both such fine and imprisonment.

92. (1) Any person who —

- (a) fails, neglects or refuses to comply with a social risk restoration order made under this Act; or
- (b) fails, neglects or refuses to comply with any order made by the Tribunal,

Offences relating to social risk restoration orders and orders of the Tribunal.

commits an offence and shall on conviction, be liable to imprisonment for a term of not less than one year and not more than four years or to a fine of not less than two million shillings and not more than four million shillings or to both such fine and imprisonment.

(2) Failure by a lead agency to comply with a directive of the Authority issued under section 12 of this Act shall constitute an offence.

93. Any person who contravenes against any provision of this Act or of regulations made thereunder for which no other penalty is specifically provided is liable upon conviction, to imprisonment for a term of not less than one year but not more than four years, or to a fine of not less

General Penalty.

than two million shillings but not more than four million shillings, or to both such fine and imprisonment. or to both such fine and imprisonment.

94. (1) When an offence against this Act, is committed by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence and liable on conviction.

Offences by
bodies corporate,
Partnerships,
Principals and
Employers.

(2) Where an offence is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence and liable on conviction.

(3) A person shall be personally liable for an offence against this Act, whether committed by themselves on their own account or as an agent or servant of another person.

(4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against their express or standing directions.

95. (1) The Court before which a person is charged for an offence under this Act or any regulations made thereunder may, in addition to any other order —

Forfeiture,
cancellation and
other orders.

- (a) upon the conviction of the accused; or
- (b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence,

order that the substance, motor vehicle, equipment and appliance or other thing by means whereof the offence concerned was committed or which was used in the commission of the offence be forfeited to the State and be disposed of as the court may direct.

(2) In making the order to forfeit under subsection (1) the Court may also order that the cost of disposing of the

substance, motor vehicle, equipment, appliance or any other thing provided for in that subsection be borne by the person convicted thereunder.

(3) The Court may further order that any licence, permit or any authorisation given under this Act, and to which the offence relates, be cancelled.

(4) The Court may further issue an order requiring that a convicted person restores at their own cost, the local community to as near as it may be to its original state prior to the offence.

(5) The Court may in addition issue a social risk restoration order against the person convicted in accordance with the provisions of this Act.

PART XII – REGULATIONS

96. (1) The Cabinet Secretary may, on the recommendation of the Authority and upon consultation with the relevant lead agencies, make regulations prescribing for matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving full effect to the provisions of this Act.

Power to make regulations.

(2) Regulations made under subsection (1) may —

- (a) make provisions for the issue, amendment and revocation of any licence;
- (b) provide for the charging of fees and levying of charges; or
- (c) adopt wholly or in part or with modifications any rules, standards, guidelines, regulations, by laws, codes, instructions, specifications, or administrative procedures prescribed by any lead agency either in force at the time of prescription or publication or as amended from time to time.

97. Nothing in this Act shall preclude a county from enacting legislation in respect of all such matters as are necessary or desirable that are required or permitted under the Constitution and this Act.

County legislation.

FIRST SCHEDULE*(s.2 & s. 31)*

- (a) The Ministry of Labour and Social Protection.
- (b) The National Treasury and Economic Planning.
- (c) The Ministry of Public Service, Gender and Affirmative Action.
- (d) The Natural Environment Management Authority (NEMA).
- (e) The Ministry of Environment, Climate Change and Forestry.
- (f) The Ministry of Roads and Transport.
- (g) The Ministry of Lands, Public Works, Housing and Urban Development.
- (h) The Ministry of Interior and National Administration (State Department for Internal Security and National Administration).
- (i) The Ministry of Health.
- (j) The Ministry of Education.
- (k) The Ministry of Youth Affairs, Sports and The Arts.
- (l) The Ministry of Tourism, Wildlife and Heritage (State Department for Culture and Heritage).
- (m) The Ministry of East African Community (EAC), the ASALs and Regional Development (State Department for the ASALs And Regional Development).
- (n) The Council of Governors.
- (o) The Commission on Administrative Justice.
- (p) The National Cohesion and Integration Commission.
- (q) The National Gender Equality Commission.
- (r) The Kenya National Commission on Human Rights.
- (s) The Kenya Law Reform Commission.
- (t) The National Council for Persons with Disability.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to provide a legal and regulatory framework for a coordinated multi-sectoral approach in social risk management in the entire project life cycle. This Bill seeks to achieve this through the establishment of a Social Risk Management Authority that exercises general supervision and coordination over all matters relating to social risk management in projects at national and county levels. By establishing principles, standards, and procedures such as social risk management planning and social impact assessments, this Bill ensures that each project is able to identify social risks from its initiation to closure to help mitigate the social impact of projects on society.

Additionally, these mechanisms also ensure that the country socially and economically benefit from projects by ensuring that all stakeholders do not incur increased costs, delays, unrest and other project failures that arise from social conflict due to lack of mitigation of social risks. Most importantly, this Bill provides for restoration and compensation mechanisms to ensure that persons whose economic and social rights have been denied, violated and infringed as a result of executing projects are compensated.

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

Clause 90 of the Bill gives the Cabinet Secretary power to enact regulations. The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110 (1) of the Constitution. Various projects, e.g. infrastructure projects and mineral exploration and extractions are done in counties. The negative social and economic risks of these projects are often suffered by the residents of counties, especially in marginalised areas.

Paragraph 10 of Part 2 of the Fourth Schedule to the Constitution provides for implementation of specific national government policies on natural resources and environmental conservation as a devolved function. This Bill seeks to implement the provisions of the National Environmental Policy 2013 (Sessional Paper No. 10 of 2014) regarding integration of Human demographic issues into environmental management and natural resources conservation.

This is a measure of social risk management that will be implemented through the various provisions in the Bill that seek to protect

communities within the proximity of natural resources and significant infrastructure projects.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

Dated the 11th June, 2025.

CATHERINE MUYEKA MUMMA,
Senator.

HILARY SIGEI,
Senator.