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THIRTEENTH PARLIAMENT- SECOND SESSION (2023)

THE NATIONAL ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE PREVENTION OF TERRORISM (IMPLEMENTATION  
OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON  
SUPPRESSION OF TERRORISM) REGULATIONS, 2023

(LN. NO. 152 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2023	DAY: Tuesday
TABLED BY: DECEMBER, 2023	Hon. Samuel Chepkong'o (Chairperson, Delegated Legislation Committee)
CLERK AT THE TABLE:	Inzafu Mwale

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

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## **ABBREVIATIONS**

AML/CFT/CPF	Anti-Money Laundering, Counter-Financing of Terrorism and Counter-Financing of Proliferation of Weapons of Mass Destruction
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
FATF	Financial Action Taskforce
FRC	Financial Reporting Centre
LN	Legal Notice
MER	Mutual Evaluation Report
ML	Money Laundering
POCAMLA	Proceeds of Crime and Anti-Money Laundering Act
POTA	Prevention of Terrorism Act
RMA	Regulatory Making Authority
SI	Statutory Instruments
SO	Standing Order
TF	Terrorism Financing

## CHAIRPERSON'S FOREWORD

The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 were made *Vide* (L.N 152 of 2023) pursuant to powers conferred on the Cabinet Secretary, Ministry of Interior and National Administration by Section 50 of the Prevention of Terrorism Act, 2012 hence, is a statutory instrument within the meaning of section 2 of the Statutory Instruments Act (No 23 of 2013).

The Regulations were published in the Gazette *vide* LN No. 152 of 2023 on 6<sup>th</sup> October 2023, forwarded to the Clerk of the National Assembly and laid on the table of the House on 12<sup>th</sup> October, 2023 being the third sitting day since publication, hence met the Statutory timelines contemplated under section 11(1) of the Statutory Instruments Act. They were subsequently referred to the Committee on Delegated Legislation for consideration.

The Primary purpose of the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023(POTA Regulations, 2023) is to give effect to, and ensure the full implementation of the substantive provisions of the Parent Act, particularly as relates to implementation of measures on targeted financial sanctions.

Pursuant to section 16 of the Statutory Instruments Act, 2013 which requires the Committee to confer with the regulation-making authorities before making its decision, the Committee held a meeting with the Ministry of Interior and National Administration on Friday, 1st December, 2023 to deliberate on the Regulations.

Having examined the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 Legal Notice No. 152 of 2023 in accordance with the Constitution, the Interpretations and General Provisions Act (*Cap 2*), the Statutory Instruments Act (*No 23 of 2013*) and the Prevention of Terrorism Act, 2012, the Committee recommends that the House **APPROVES** the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 for operations by the Ministry of Interior and National Administration and other relevant Ministries.

I wish to sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate. I also wish to thank the Committee Membership for their diligence during the consideration of these Regulations.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b) it is my pleasure and duty to present to the House, the **Committee's Report on the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 (LN. No. 152 of 2023).**

**HON. CHEPKONGA KIPRONO SAMUEL, CBS, MP**

## 1.0 PREFACE

### 1.1 Establishment and Mandate of the Committee

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

## 1.2 Committee Membership

3. The Committee membership comprises –

Hon. Chepkonga Kiprono Samuel, CBS, M.P. (**Chairperson**)

UDA

**Ainabkoi Constituency**

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

UDA

**Gichugu Constituency**

### Committee Members

Hon. Mbui Robert, CBS, M.P

WDM-KENYA

**Kathiani Constituency**

Hon. Chebor, Paul Kibet, M.P

UDA

**Rongai Constituency**

Hon. Maj (Rtd) Dekow Barrow Mohamed,

M.P

UDA

**Garissa Township Constituency**

Hon. Yakub Adow Kuno, M.P

UPIA

**Bura Constituency**

Hon. Julius Lekakeny Ole Sunkuli, EGH,

EBS, M.P.

KANU

**Kilgoris Constituency**

Hon. (Maj) (Rtd) Abdullahi, Bashir Sheikh

,M.P.

UDM

**Mandera North Constituency**

Hon. Kamene Joyce, M.P

WDM-KENYA

**Machakos County**

Hon. Mwirigi John Paul, M.P.

UDA

**Igembe South Constituency**

Hon. Onchoke, Mamwacha Charles, M.P.

UPA

**Bonchari Constituency**

Hon. Odoyo, Jared Okello, M.P.

ODM

**Nyando Constituency**

Hon Kimaiyo, Gideon Kipkoech, M.P.

UDA

**Keiyo South Constituency**

Hon. Chepkorir Linet, M.P.

UDA

**Bomet County**

Hon. Komingoi, Kibet Kirui, M.P.

UDA

**Bureti Constituency**

Hon. Munyoro Joseph Kamau, M.P

UDA

**Kigumo Constituency**

Hon. Ruku, Geoffrey Kariuki Kiringa,  
M.P.

DP

**Mbeere North Constituency**

Hon. Lenguris Pauline, M.P.

UDA

**Samburu County**

Hon. Mwale, Nicholas S. Tindi M.P.

ODM

**Butere Constituency**

Hon Mnyazi Amina Laura, MP.

ODM

**Malindi Constituency**

Hon. Mugabe Innocent Maino, M.P.

ODM

**Likuyani Constituency**

### **1.3 Committee Secretariat**

4. The Secretariat facilitating the Committee comprises –

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

Mr. Dima Dima  
*Principal Legal Counsel I*

Mr. Jacknorine Buleemi  
*Clerk Assistant III*

Ms. Winny Otieno  
*Clerk Assistant III*

Mr. Brian Langwech  
*Clerk Assistant III*

Ms Fiona Wanjiru  
*Legal Counsel II*

Mr. Daniel Ominde  
*Research Officer III*

Mrs. Sheila Chebotibin  
*Serjeant at Arms*

Mr. Charles Ayari  
*Audio Officer*

## **2.0 CONSIDERATION OF THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS (LN NO. 152 OF 2023)**

### **2.1 Introduction**

5. The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 (*L.N. No. 152 of 2023*) were made pursuant to powers conferred on the Cabinet Secretary, Ministry of Interior and National Administration by Section 50 of the Prevention of Terrorism Act, 2012 hence, is a statutory instrument within the meaning of section 2 of the Statutory Instruments Act (*No 23 of 2013*).
6. The Regulations were published in the Gazette as LN No. 152 of 2023 on 6<sup>th</sup> October 2023, forwarded to the Clerk of the National Assembly and laid on the table of the House on 12<sup>th</sup> October, 2023 being the third sitting day since publication, hence met the Statutory timelines contemplated under section 11(1) of the Statutory Instruments Act (No. 23 of 2013). They were subsequently referred to the Committee on Delegated Legislation for consideration pursuant to section 12(1) of the Statutory Instruments Act (No. 23 of 2013).
7. Pursuant to Section 16 of the Statutory Instruments Act, 2013 which requires the Committee to confer with the regulation-making authorities before making its decision, the Committee held a meeting with the Ministry of Interior and National Administration on 1st December, 2023 at Hilton Garden Inn to deliberate on the merits or otherwise of the Regulations in terms of conformity to the Constitution, policy considerations and documentation, and for compliance with relevant statutes.

### **2.1 Summary of the Prevention of Terrorism (Implementation of The United Nations Security Council Resolutions on Suppression of Terrorism) Regulations (LN No. 152 of 2023)**

8. The objects and purpose of these regulations is to give effect to and ensure the full implementation of the substantive provisions of the Parent Act, particularly as relates to implementation of measures on targeted financial sanctions. The Regulations provide as follows: –
9. **Part I** entails preliminary provisions including the Citation, Interpretation of various terminologies employed and used therein and the scope of application of the Regulations.
10. **Part II** deals with the Rules and Designations.
  - a) Regulation 4 Provides for Circulation of United Nations Sanctions List without delay.
  - b) Regulation 5 provides for Procedure for listing under UN Resolution 1267 for persons or entity that meet the relevant listing criteria.

11. **Part III** deals with the Authority to Freeze

- a) Regulation 6 provides for Authority to freeze without delay, property or funds of a designated person or entity.
- b) Regulation 7 provides for action to be taken on receipt of the Sanctions List, which include freezing of fund or assets without delay and without prior notice, file a suspicious transaction report to the Centre in accordance with section 44 of the Proceeds of Crime and Anti-money Laundering Act, 2009 (POCAMLA).
- c) Regulation 8 provides for Rights of bona fide third parties. A person who claims to have a bona fide right to funds or asset frozen in terms of Regulation 6 may apply to the Counter Financing of Terrorism Committee through the Cabinet Secretary.
- d) Regulation 9 provides for Domestic List comprising of specified entities under Section 3 of the Act.
- e) Regulation 10 gives Authority to solicit and collect information for purposes of making a determination on a person or entity meeting the criteria for designation under relevant United Nations Security Council Resolutions (UNSCRs).
- f) Regulation 11 Provides for Publication of Designation by the Financial Reporting Centre on its website and make available to the public, an electronic version of the list.
- g) Regulation 12 provides for Third Party requests for designation pursuant to Resolution 1373.
- h) Regulation 13 provides for Request to any other country by the Cabinet Secretary on instruction by the Committee, to give effect to the actions initiated under the freezing mechanisms against any designated person or entity.
- i) Regulation 14 provides for Humanitarian exemptions; procedures for claiming for basic and necessary expenses or extraordinary expenses by the entity.
- j) Regulation 15 provides for Application for the de-listing of a designated person by filing a petition with appropriate Sanctions Committee in the case of Resolution 1267(1999), 1989(2011), or 1988(2011) Resolutions or the Committee in the case of Resolution 1373(2001).
- k) Regulations 16 provides for Request for delisting by a designated person or entity.
- l) Regulation 17 provides for Obligation of Financial Institutions and Designated Non-Financial Businesses and Professions to respect de-listing.
- m) Regulation 18 provides for Request for de-listing under resolution 1267/1989 and 1988
- n) Regulation 19 provides for Access to frozen funds or other assets.
- o) Regulation 20 Provides for Notices by the Committee to competent parties or entities of any amendment to the name of any person or entity on the sanctions list and the domestic list and information required for inclusion in the list. The Committee shall also notify competent authorities or country of any measures taken by the Committee in accordance with these Regulations.
- p) Regulation 21 Provides for Duty to report violation of Regulations to the Committee or the nearest police station within forty-eight hours of obtaining such information.

12. **Part IV**-deals with restrictions on travel and dealings in arms

- a) Regulation 22 Provides for Entry of designated persons into Kenya.
- b) Regulation 23 Provides for Exemptions allowed under the travel restrictions for Kenyan citizen who is a designated person, or the entry or transit is necessary for compliance with a judicial process, or the entry/transit is determined and justified on case-by-case basis by the Al-Qaida United Nations Sanctions Committee.
- c) Regulation 24 Provides for Transactions with designated persons in relation to arms prohibited.
- d) Regulation 25 Provides for Carriage of arms to designated persons prohibition.
- e) Regulation 26 prohibits availing of resources to prohibited person unless one is licensed, authorized or otherwise notified in accordance with the relevant United Nations Security Council Resolutions.
- f) Regulation 27 provides for protection from liability for entity, reporting institutions, relevant government agencies in respect of effecting or implementing an order designating an entity or freezing the property or funds of a designated entity in good faith under these Regulations.
- g) Regulation 28 provides for penalties for contravention of these Regulations.
- h) Regulation 29 provides for provision of internal administrative rules by a competent party or any person concerned with the implementation of these Regulations in respect to its employees, agent or staff for purposes of implementing the obligations, imposed under these Regulations.
- i) Regulation 30 provides for submission to the Cabinet Secretary and the Centre in writing, within twenty-four hours of notice of an order to freeze the fund or property of a designated entity, a return in a format specified by the Centre in consultation with the Cabinet Secretary for that purpose.
- j) Regulation 31 and 32 Provides for On-going monitoring of transactions and Powers to issue directives.
- k) Regulation 33 Provides for Revocation of L.N.No.211 of 2013.

**2.1 Legislative Context**

13. Section 50 of the Prevention of Terrorism Act, 2012 (POTA) empowers the Cabinet Secretary to make Regulations in respect of which regulations are required or authorized by this Act. Additionally, the Cabinet Secretary is empowered to make Regulations, in circumstances where the Security Council of the United Nations decides, in pursuance of Article 41 of the Charter of the United Nations, on the measures to be employed to give effect to any of its decisions and calls upon member States to apply those measures, the regulations are necessary to enable the application of these measures.

14. Kenya is a member of the United Nations and as such bound by the decisions of the United Nations Security Council by virtue of Article 41 of the Charter of the United Nations. The Constitution of Kenya recognizes the general rules of international law and treaties or convention ratified by Kenya to be part of the laws of Kenya.

## **2.2 Policy Background**

15. The country's regime to combat Money Laundering (ML), Terrorism Financing (TF) and Proliferation Financing (PF) is largely contained in the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAML) and the Prevention of Terrorism Act, 2012 (POTA). It is also contained in the attendant Regulations, namely; the Proceeds of Crime and Anti-Money Laundering Regulations, 2023 and the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023.
16. In 2021-2022, Kenya underwent its second Anti-Money Laundering and Counter Terrorist Financing Mutual Evaluation (ME), a peer review assessment by the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) to assess its compliance with global Anti-Money Laundering, Counter-Financing of Terrorism and Counter-Financing of Proliferation of Weapons of Mass Destruction (AML/CFT/CPF) standards. Kenya's Mutual Evaluation Report (MER) was adopted by the ESAAMLG Council of Ministers in September 2022.
17. The MER summarizes the AML/CFT/CPF regime in the country, analyses the extent to which Kenya's AML/CFT/CPF laws comply with the FATF Recommendations and their level of effectiveness. It also identifies deficiencies in Kenya's AML/CFT/CPF framework and provides recommendations to strengthen the country's AML/CFT/CPF regime.
18. Based on the findings of the Mutual Evaluation Report for Kenya, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 amended various legislations to address the deficiencies in Kenya's Mutual Evaluation Report.
19. The POTA Regulations, 2023 is aligned with the POCAML, 2009 as amended by the AML/CFT Amendment Act, 2023 and with the Financial Action Taskforce (FATF) standards to combat terrorism financing.
20. Recommendation 6 of the FATF Recommendations requires countries to put in place a mechanism for implementing targeted financial sanctions. The mechanism is a critical requirement for the country if Kenya is to successfully combat terrorism financing. The POTA Regulations, 2023 provide this mechanism. Implementation of Targeted Financial Sanctions is critical for the country because of the risks posed by terrorism and terrorism financing.

### **3.0 COMMITTEE OBSERVATIONS**

21. Having examined the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 Legal Notice No. 152 of 2023 in accordance with the Constitution, the Prevention of Terrorism Act, 2012, the Statutory Instruments Act (*No 23 of 2013*), and the Interpretations and General Provisions Act (*Cap 2*), the Committee made the following observations –

#### **3.1 Statutory Timelines**

22. THAT the Regulations were published in the Gazette as LN No. 152 of 2023 on 6<sup>th</sup> October 2023, received by the Clerk of the National Assembly and laid on the table of the House on 12<sup>th</sup> October, 2023 being the third sitting day since publication, hence within the Statutory timelines contemplated under section 11(1) of the Statutory Instruments Act, 2013.

#### **3.2 Public Participation**

23. The Explanatory Memorandum provides a detailed justification for making the Regulations and it indicates that public consultation was conducted on September and October, 2023 in line with Article 10, Article 118 and Article 201 of the Constitution of Kenya 2010.
24. In attempt to demonstrate the extent of the public participation, the Ministry of Interior and National Administration apprised the Committee during the meeting, that they held engagements with stakeholders and the public on 4<sup>th</sup> October, 2023 at the Kenyatta International Conference Centre, Aberdare Room. In line with Section 5 of the Statutory Instruments Act, 2013, the Ministry called for comments and memoranda from the members of the public through print media and its website and that of the Financial Reporting Centre. The comments and views received from the stakeholders and the public were considered and incorporated in the development of the Regulations.

#### **3.3 Regulatory Impact Statement**

25. Pursuant to the provisions of Section 5A of the Statutory Instruments Act, 2013, there is attached to the Regulations a detailed Explanatory Memorandum which provides for the purpose of the Statutory Instrument and its legislative context. The memorandum further provides for the policy background, public consultations outcome, impact of the Statutory Instrument, non- requirement of a regulatory impact assessment and monitoring and review.
26. A Regulatory Impact Statement was not prepared for these Regulations as they fall within the exceptions provided under Section 9 of the Statutory Instruments Act, 2013.

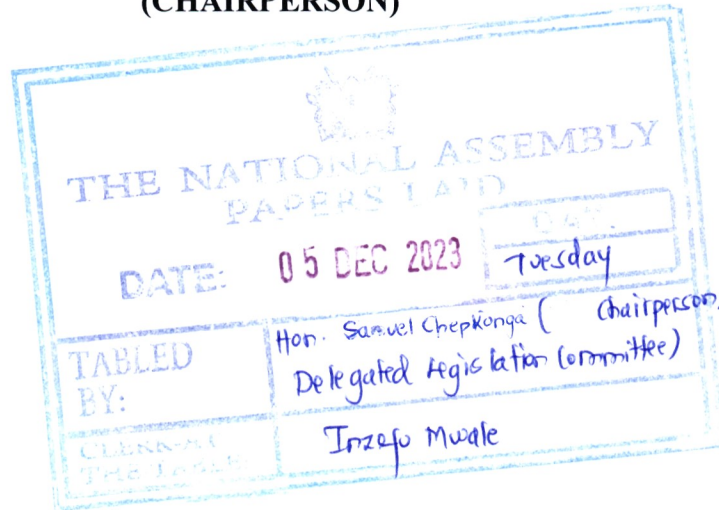
**4.0 COMMITTEE RECOMMENDATION**

27. Having examined the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 (*Legal Notice No. 152 of 2023*) in accordance with the Constitution, the Statutory Instruments Act (*No 23 of 2013*) and the Prevention of Terrorism Act, 2012 and the Interpretations and General Provisions Act (*Cap 2*), the Committee recommends that the House **APPROVES** the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 for operations by the Ministry of Interior and National Administration and other relevant Ministries.

Signed.....  
*[Signature]*

Date.....  
*5/12/2023*

**THE HON. CHEPKONGA SAMUEL KIPRONO, CBS, MP  
(CHAIRPERSON)**



**ANNEXURES**

- 1. Adoption List**
- 2. Legal Notice Number 40 of 2023 and the Explanatory Memorandum**
- 3. Committee Minutes**

LEGAL NOTICE NO. 152

THE PREVENTION OF TERRORISM ACT

(No. 30 of 2012)

THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE  
UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON  
SUPPRESSION OF TERRORISM) REGULATIONS, 2023

*Arrangement of Regulations*

PART I – PRELIMINARY

- 1— Citation.
- 2— Interpretation.
- 3— Application.

PART II – RULES ON DESIGNATION

- 4— Circulation of United Nations Sanctions List.
- 5— Procedure for listing under UN Resolution 1267

PART III— AUTHORITY TO FREEZE

- 6— Authority to freeze.
- 7— Action to be taken on receipt of the Sanctions List.
- 8— Rights of *bona fide* third parties.
- 9— Domestic List.
- 10— Authority to solicit and collect information.
- 11— Publication of Designation.
- 12— Third Party Requests.
- 13— Request to any other country.
- 14— Humanitarian exemptions; procedures for claiming.
- 15— Application for the de-listing of a designated person.
- 16— Request for delisting by a designated person or entity.
- 17— Obligation of Financial Institutions and Designated Non-Financial Businesses and Professions to respect de-listing.
- 18— Request for de-listing under resolution 1267/1989 and 1988.
- 19— Access to frozen funds or other assets.
- 20— Notices.

12 OCT 2023

THURS

12/10/2023

Hon. Owen Baya, MP  
Deputy Leader, Majority Party  
A. Simbuko

PREAMBLE

WHEREAS the Republic of Kenya has enacted the Prevention of Terrorism Act, 2012, the Prevention of Organized Crimes Act, 2010 and the Proceeds of Crime and Anti-Money Laundering Act, 2009;

WHEREAS the Constitution recognizes the general rules of international law and treaties or convention ratified by Kenya to be part of the laws of Kenya;

WHEREAS Kenya is a member of the United Nations and as such bound by the decisions and Resolutions of the United Nations Security Council by virtue of Article 41 of the Charter of the United Nations;

WHEREAS the Republic of Kenya has ratified the United Nations Conventions aimed at addressing terrorism and terrorism financing;

WHEREAS Article 41 of the Charter of the United Nations provides that the Security Council may determine the measures not involving the use of armed force that may be employed to give effect to its decisions, and call upon the Members of the United Nations to apply such measures;

NOW THEREFORE, IN EXERCISE of the powers conferred by section 50 of the Prevention of Terrorism Act, 2012, the Cabinet Secretary for Interior and National Administration makes the following Regulations—

21—Duty to report violation of Regulations.

PART IV – RESTRICTIONS ON TRAVEL AND DEALINGS IN  
ARMS

22—Entry of designated persons into Kenya.

23—Exemptions allowed under the travel restrictions.

24—Transactions with designated persons in relation to arms prohibited.

25—Carriage of arms to designated persons prohibition.

26—Availing resources to prohibited persons.

27—Protection from liability.

28—Penalties.

29—Internal rules.

30—Returns.

31—On-going monitoring of transactions.

32—Powers to issue directives.

33—Revocation of L.N. No. 211 of 2013.

“person” means any natural or legal person;

“reporting institution” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act, 2009;

“Resolution” means a resolution of the United Nations Security Council and includes its successor resolution;

“Resolution 1267” means Resolution 1267 (1999) of the Security Council;

“Resolution 1267/1989 (Al-Qaida)” means Resolutions 1267 (1999) and 1989 (2011) of the Security Council and includes its successor resolutions;

“Resolution 1373” means Resolution 1373 (2001) of the Security Council and includes its successor resolution;

“Resolution 1988” means Resolution 1988 (2011) of the Security Council and includes its successor resolution;

“Sanctions Committee” means a committee of the Security Council of the United Nations established under a Resolution of the Security Council;

“sanctions list” means the 1267/1989 Al-Qaida sanctions list and the 1988 sanctions list or other similar list issued by the Security Council;

“Security Council” means the Security Council of the United Nations established under Article 7 of Chapter III of the United Nations Charter;

“self-regulatory body” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act, 2009;

“terrorism financing” includes the offence specified under section 5 of the Act; and,

‘without delay’ means within twenty-four (24) hours of a designation by the United Nations Security Council or its relevant Sanctions Committee

3. These Regulations shall apply to—

Application.

- (a) an entity designated under Resolutions 1267/1989 (Al-Qaida) and successor resolutions;
- (b) an entity designated under Resolution 1373;
- (c) an entity designated under Resolution 1988 and successor resolutions; and
- (d) a specified entity in respect of which an order has been issued under section 3 of the Act.

#### PART II—RULES ON DESIGNATIONS

4. (1) The Kenyan Mission to the United Nations shall, without delay, submit to the Ministry responsible for matters relating to foreign

Circulation of  
United Nations

affairs, all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith. sanctions list.

(2) The Ministry shall, upon receipt of a designation or list under sub-regulation (1), submit such designation or sanctions list to the Cabinet Secretary without delay.

(3) The Cabinet Secretary or any member of the Committee designated in writing by the Cabinet Secretary for that purpose shall, without delay, upon receipt of the designation or sanctions list under sub-regulation (2), circulate it to the members of the Committee.

(4) The Committee shall, upon receipt of the designation or sanctions list under sub-regulation (3), circulate the designation or sanctions list without delay to—

- (a) the supervisory bodies specified under the First Schedule to the Proceeds of Crime and Anti-Money Laundering Act, 2009; No. 9 of 2009.
- (b) self-regulatory bodies under the Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (c) the national security organs specified under Article 239 of the Constitution;
- (d) such law enforcement agencies as it may consider necessary; and
- (e) any other person who is authorized –
  - (i) to detect, freeze or seize the funds or the property of a designated entity under any written law; or
  - (ii) to take such action as may be necessary to give effect to Resolution 1267, 1373, 1988 or successor Resolutions.

(5) The Committee shall upon designation, communicate and provide clear guidance to financial institutions and other persons or entities, including Designated Non-Financial Businesses or Professions (DNFBPs), that may be holding targeted funds or other assets, on their obligations in taking action under freezing mechanisms.

(6) A supervisory body and the self-regulatory body, shall, upon receipt of the designations or sanctions list submitted to it under sub-regulation (4)—

- (a) circulate the designations or sanctions list, without delay to the reporting institutions under its purview for their information and action;
- (b) where necessary, provide guidance to the reporting institutions holding funds or other assets of a designated person, in relation to their obligations under these Regulations; and
- (c) ensure that the reporting institutions comply with the requirements of the designation.

Procedure for  
listing under UN  
Resolution 1267.

5. (1) Where there are reasonable grounds to believe that a person or entity meets the relevant listing criteria, the Committee shall direct the Cabinet Secretary in charge of foreign affairs to propose to the relevant United Nations Sanctions Committee, through diplomatic channels, the name of a person or entity which meets the listing criteria.

(2) A proposal for listing under this regulation shall not be conditional upon the existence of criminal proceedings and shall operate without prior notice to the proposed listed person or entity.

(3) The Cabinet Secretary for matters relating to foreign affairs shall, in proposing the name of a person or entity under sub-regulation (1) to the relevant United Nations Sanctions Committee—

- (a) follow the procedures, including using standard forms for listing, contained in or as may be adopted pursuant to any relevant United Nations Security Council Resolution;
- (b) provide as much relevant information on the proposed person or entity, including—
  - (i) sufficient identifying information to allow for the accurate and positive identification of the person or entity, and to the extent possible, the information required by the International Criminal Police Organisation (Interpol) to issue a Special Notice;
  - (ii) a statement of case which contains as much detail as possible on the basis of the listing, including specific information supporting a determination that the person or entity meets the relevant listing criteria, the nature of the information, supporting information or documents that can be provided, and details of any connection between the proposed person or entity and any currently listed person or entity
  - (iii) such other relevant information as may be required under any United Nations Security Council Resolution;
  - (iv) the nature of supporting evidence;
  - (v) supporting evidence or documents;

(c) specify whether the relevant United Nations Sanctions Committee may make known the status of Kenya as the designating State.

(4) Any information given under this regulation shall be given subject to conditions restricting the use and disclosure of the information communicated to the relevant United Nations Sanctions Committee, provided that the statement of case referred to in sub-regulation (2)(b)(ii) shall, upon request, be disclosed by the relevant United Nations Sanctions Committee, except for the parts the Committee identifies as being confidential.

(5) The Committee may, for the purpose of sub-regulation (1), consult or seek assistance from any competent authority, law enforcement agency, or other jurisdictions or United Nations entities,

as may be necessary to determine whether, on reasonable grounds, there is sufficient evidence to support the listing of a person or entity on a United Nations Sanctions List.

#### PART III—AUTHORITY TO FREEZE

6. (1) Subject to these Regulations, the Committee shall make an order to freeze, without delay, the property or funds of a designated person or entity, whether held directly or indirectly by the person or entity or by a person or entity acting on behalf of or at the direction of the person or entity, in accordance with these Regulations.

Authority to freeze.

(2) Pursuant to sub regulation (1), all natural and legal persons within the country shall freeze, without delay and without prior notice, the funds or other assets of designated persons and entities.

(3) An order to freeze property or funds under sub regulation (1) shall include an on-going prohibition against the provision of funds or financial services to the designated person or entity against which the order is made.

(4) A designation or sanctions list circulated by the Cabinet Secretary or the Committee shall be deemed to authorise a reporting institution and any other person holding the funds or other assets of a designated person or entity to freeze, until further notice, such property or funds.

7. (1) A person to whom a designation or sanctions list is submitted under regulation 4 shall—

Action to be taken on the receipt of the Sanctions List.

- (a) freeze, without delay and without prior notice—
  - (i) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular terrorist act, plot or threat;
  - (ii) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
  - (iii) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities;
  - (iv) funds or other assets of persons and entities acting on behalf of, or at the direction of, designated persons or entities;
- (b) within twenty hours of detecting the funds and freezing them, file a suspicious transaction report with the Centre in accordance with section 44 of the Proceeds of Crime and Anti- Money Laundering Act, 2009 or in such form as may be specified by the Committee; and
- (c) take such other action as may be necessary to give effect to Resolutions 1267, 1373 and 1988, and successor resolutions

No. 9 of 2009.

(2) A person who is required to take action under sub regulation (1) shall, without delay, inform the Committee, in writing in the form specified by the Committee, of the action taken.

8. (1) A person who claims to have a *bona fide* right to funds or assets frozen in terms of regulation 6 may apply to the Committee through the Cabinet Secretary for the exclusion of his or her interest from the freezing order. Rights of *bona fide* third parties.

(2) An application referred to in sub regulation (1) shall be accompanied by a sworn statement setting out—

- (a) the nature and extent of the right, title or interest of the applicant in the funds or assets concerned;
- (b) the time and circumstances of the acquisition by the applicant of the right, title or interest in the funds or assets; and
- (c) any additional facts supporting the application, which assist the Cabinet Secretary to make an assessment on the *bona fide* ownership or interest in the frozen funds.

9. (1) The Committee shall compile a domestic list comprising of specified entities under section 3 of the Act. Domestic list.

(2) The domestic list prepared under sub-regulation (1) shall include, where available, the following information in relation to a specified entity—

- (a) the name, including any alias or title of the entity;
- (b) the place and date of birth, establishment or incorporation;
- (c) the original or acquired nationality;
- (d) passport numbers, identity card numbers or registration number;
- (e) gender;
- (f) physical and postal addresses;
- (g) occupation;
- (h) telephone number; and
- (i) any other information which the Committee may consider relevant.

(3) The Committee shall circulate the domestic list compiled under sub-regulation (1) in accordance with regulation 4(4).

(4) The Committee shall circulate the domestic list to another State as specified in the relevant Resolution.

(5) A circulation under sub-regulation (3) shall, provide such identifying or specific information as set out under sub-regulation (2) in support of the circulation.

(6) The Committee shall, where it intends to propose a person or entity to the security council 1267(1999), 1989(2011) or 1988(2011), Committee for designation, identify such person, entity or organization through the procedure provided for under section 3 of the Act, as far as it is applicable to the requirements of Security Council 1267(1999), 1989(2011), or 1988(2011) Committees.

(7) Upon identification, the Committee shall circulate to the Security Council the specified entity together with any information which the Committee considers relevant, through the Cabinet Secretary responsible for foreign affairs, to take action as specified in the Security Council Resolution 1267(1999), 1989(2011), or 1988(2011) Committee and any of their successor resolutions.

10. (1) For the purposes of making a determination on a person or entity meeting the criteria for designation under relevant UNSCRs, the Committee may—

Authority to solicit and collect information.

- (a) consult or seek assistance from relevant regulatory agency, security agency, intelligence agency, law enforcement agency, supervisory body or administrative agency, including countries or United Nations entities, as may be necessary to determine whether, on reasonable grounds, there is sufficient evidence to support the listing of a person or entity on a United Nations Sanctions List; and
- (b) collect or solicit information to identify a person and entity that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation.

(2) The Committee shall operate *ex-parte* against a person or entity who has been identified and whose proposal for designation is being considered.

11. (1) The Centre shall publish the domestic list on its website and make available to the public, an electronic version of the list.

Publication of Designation.

(2) The Committee may adopt such measures or make such arrangements for the prompt publication and dissemination of the domestic list.

12. (1) A designation or request for designation made by a country pursuant to Resolution 1373 shall be transmitted to the Kenyan Mission in that country.

Third Party Requests.

(2) Where a Kenyan Mission does not exist in the country making the request, the country shall transmit the request to the Ministry responsible for matters relating to foreign affairs in Kenya.

(3) Upon receipt of a request under sub-regulation (2), the Kenyan Mission or the Ministry shall, without delay, submit the request to the Cabinet Secretary for his consideration.

(4) The Cabinet Secretary shall, upon receipt of a request under sub-regulation (3) and without delay, submit the request to the Committee for a determination as to whether there are reasonable grounds to designate the entity in accordance with the Act and these Regulations.

(5) Where the Committee determines that there are reasonable grounds to designate that entity, the Cabinet Secretary shall, without delay;

- (a) make an order designating the entity;

- (b) make an order freezing the assets of the entity; and
- (c) circulate the order in accordance with regulation 4(4).

13. The Committee may instruct the Cabinet Secretary to request any other country to give effect to the actions initiated under the freezing mechanisms against any person or entity designated under this part, by circulating the domestic list containing as much identifying information, and specific information supporting the designation, which the Committee considers relevant to that other country to take the actions as specified in the request and in the Security Council Resolutions 1373 (2001) and any of its successor resolutions.

Request to any other country.

14. (1) Where an order has been made freezing the property or funds of an entity, such entity shall not withdraw any monies or deal with such property or funds, unless—

Humanitarian exemptions; procedure for claiming.

- (a) the property or funds are necessary to cover the basic and necessary expenses or extraordinary expenses of the entity; and
- (b) the entity has applied for, and obtained an authorization from the Cabinet Secretary in accordance with this regulation.

(2) An entity under sub-regulation (1) which requires funds to cover its basic and necessary expenses may make an application for that purpose to the Cabinet Secretary in accordance with the guidelines and procedures set by the Committee, apply through a written request to be delisted.

(3) The Cabinet Secretary shall, subject to sub-regulation (4), consider an application submitted to him or her under sub-regulation (2) within seven days from the date of receipt of the application.

(4) The Cabinet Secretary shall, subject to sub-regulation (5)—

- (a) where an order freezing the property or funds of the person is made pursuant to a resolution of the Sanctions Committee;
- (b) where he or she finds merit in the application made under sub-regulation (2); and
- (c) prior to authorizing the withdrawal of monies requested under the application,

notify the appropriate Sanctions Committee of the application and request the Sanctions Committee to submit to him or her, its recommendations on the matter.

(5) The Cabinet Secretary may, within ten days from the date of notification of the Sanctions Committee under sub-regulation (4) and in the absence of negative recommendations from the Sanctions Committee, authorize the withdrawal of such monies as he or she may consider reasonable to cover the basic and necessary expenses of the entity.

(6) In authorizing the withdrawal of monies under sub-regulation (5), the Cabinet Secretary shall take into account the recommendations of the appropriate Sanctions Committee and shall not authorize such withdrawal where the Sanctions Committee makes

a negative recommendation in relation to the application for withdrawal.

(7) Where an application is for the withdrawal of funds to cover extraordinary expenses of the entity, the Cabinet Secretary shall not grant an authorization for the withdrawal of such funds unless he or she has obtained the prior written approval of the relevant Sanctions Committee.

(8) For purposes of this regulation—

“basic and necessary expenses” includes—

- (a) monthly family expenses, payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurances premiums, and public utility charges;
- (b) reasonable professional fees and reimbursement of expenses related to the provision of legal services;
- (c) fees or service charge incurred for the routine holding or maintenance of frozen funds or other financial assets or economic resources;

“extraordinary expenses” means expenses not falling under paragraph (a) (b) and (c).

15. (1) A designated entity may make an application for de-listing by filing a petition with the appropriate Sanctions Committee in the case of Resolution 1267(1999), 1989(2011), or 1988(2011) Resolutions or to the Committee in the case of Resolution 1373(2001).

Application for the de-listing of a designated entity.

(2) An application made under sub-regulation (1) may be made based on the following grounds—

- (a) mistaken identity;
- (b) relevant and significant change of facts or circumstances including the inclusion of the applicant in a witness protection program;
- (c) the death dissolution or liquidation of a designated entity; or
- (d) any other circumstance which would show that the basis for designation no longer exists.

(3) Where the Sanctions Committee or the Committee deletes the name of a person or entity appearing on a sanctions list or domestic list, the Cabinet Secretary shall, within twenty four hours of the deletion, notify the institutions specified under regulation 4(4) of such deletion and direct the institutions to delete that name from the list circulated to them.

(4) A direction issued under sub-regulation (3) shall have the effect of revoking the freeze order and other sanctions imposed against the entity whose name is deleted from the list.

16. (1) A designated person or entity who claims—

Request for delisting by a designated person or entity.

- (a) not to be the person or entity on the designation list;
- (b) to longer meet the criteria for designation; or
- (c) to have been incorrectly designated,

may, in accordance with the guidelines and procedures set by the Committee, apply through a written request to be delisted.

(2) Within 30 days of receiving the request, the Committee shall consider the request under sub-regulation (1), and where reasonable grounds exist—

- (a) shall revoke the order of designation against the applicant; publish a notice of revocation in the Gazette; and
- (b) provide clear guidance to financial institutions and other persons or entities, including Designated Non-Financial Businesses and Professions (DNFBPs), that may be holding targeted funds or other assets, on their obligations to respect the revocation order.

(3) Where the Committee decides that no reasonable grounds exist to revoke the designation, the Committee shall, within 30 days of receiving the application, instruct the Cabinet Secretary to inform the applicant of its decision.

(4) Within 60 days of receiving information of the decision referred to in sub-regulation (3), the applicant may apply to the High Court for review of that decision.

17. Upon revocation of the order of designation—

- (a) all Financial institutions and other persons or entities, including Designated Non-Financial Businesses or Professions, that may be holding targeted funds or other assets, must take action, without delay, to un-freeze the funds or other assets; and
- (b) respect the revocation order.

18. (1) Notwithstanding regulation 15, an entity designated pursuant to Resolution 1267/1989 (Al-Qaida) or Resolution 1988 may make a request for his or her de-listing in accordance with sub-regulation (2).

(2) A request made by a person designated—

- (a) under the Resolution 1267/1989 (Al-Qaida), 1904 and 2083 shall be submitted to the Office of the Ombudsperson through the address specified under Part A of the Schedule or through such other address as may be specified by the Sanctions Committee; or
- (b) under Resolution 1988, shall be submitted to the Focal Point for De-listing through the address specified under Part B of

Obligation of Financial Institutions and Designated Non-Financial Businesses and Professions to respect de-listing.

Request for de-listing under resolution 1267/1989 and 1988.

the Schedule or through such other address as may be specified by the Sanctions Committee.

(3) A request for de-listing under sub-regulation (1) may be made on behalf of the designated person by his or her legal representative or estate.

(4) The Office of the Ombudsperson or Focal Point for De-listing shall, upon receipt of a request under sub-regulation (3), determine the request in accordance with the applicable procedures set out under the relevant Security Council Resolutions.

19. (1) A person whose funds has been affected by the freezing order issued in accordance with United Nations Security Council Resolution 1267 and 1373 may submit a request, in the manner specified by the Committee, to have such funds or part thereof released to cover—

Access to frozen funds or other assets.

- (a) necessary and basic expenses, including payments for rent or mortgage, foodstuffs, monthly family expenses, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) expenses exclusively for payment of reasonable professional fees, or reimbursement of incurred expenses associated with the provision of legal services;
- (c) fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources;
- (d) necessary for extraordinary expenses provided that such request is assessed by the Cabinet Secretary and if favorably considered, forwarded to the relevant Sanctions Committee for its approval.

(2) The request to have funds released for expenses outlined in sub-regulation (1), shall be assessed by the Committee within the 30 working days, and if favorably considered, the request shall be directed to the relevant Sanctions Committee established pursuant to Security Council Resolutions 1267 (1999), 1988 (2011) or 1989 (2011) for its decision.

(3) The Committee may, within 48 hours from date of submission of the request to the relevant UN Sanctions Committee, and in the absence of any negative decision received from such Committee, authorise the release of funds as applied for.

20. (1) The Committee shall notify—

Notices.

- (a) the competent parties or entities of—
  - (i) any amendment to the name of any person or entity on the sanctions list and the domestic list; and
  - (ii) information required for inclusion in the list; and
- (b) competent authorities or countries of any measures taken by the Committee in accordance with these Regulations.

(2) The Committee shall provide additional information including supporting documents which become available to it in relation to designated persons or entities to the Sanctions Committee.

21. A person who obtains information on the breach of any provision of these Regulations shall, within forty-eight hours after obtaining such information, inform the Committee or report the breach to the nearest police station.

Duty to report violation of Regulations.

#### PART IV—RESTRICTIONS ON TRAVEL, DEALINGS IN ARMS AND OTHER PROHIBITIONS

22. (1) A person who is designated under these Regulations shall not enter or transit through Kenya, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.

Entry of designated persons into Kenya.

(2) Notwithstanding the provisions of any other written law, a Director of the Kenya Citizens and Foreign Nationals Management Service shall not grant a visa under the Kenya Citizenship and Immigration Act, 2011, to a designated person unless he or she has obtained the advice of the Cabinet Secretary that the visa is consistent with the provisions of sub-regulation (1).

No. 12 of 2011.

(3) The provisions of this regulation shall not be construed to vary or waive the requirements imposed under the Kenya Citizenship and Immigration Act, 2011.

23. Notwithstanding the provisions of regulation 22(1), a designated person shall not be prevented from entering or transiting through Kenya where—

Exemptions allowed under the travel restrictions.

- (a) the designated person is a citizen of Kenya;
- (b) the entry or transit is necessary for compliance with a judicial process; and
- (c) the Al-Qaida United Nations Sanctions Committee determines, on a case-by-case basis, that the entry or transit is justified.

24. A person in Kenya or citizen of Kenya in any place outside Kenya shall not, directly or indirectly, enter into or deal in the supply, sale, transfer, carriage, delivery, training in or provision of technical assistance or any deal with any weapons or related materials of any type, knowing that the weapons or materials—

Transactions with designated person in relation to arms prohibited.

- (a) are intended to be imported by a designated person; or
- (b) are to be supplied or delivered to, or to the order of, a designated person.

25. A person shall not use a ship or aircraft in Kenya or use a Kenyan ship or aircraft in any place outside Kenya for the carriage of weapons or related materials from or to a designated person.

Carriage of arms to designated person prohibited.

26. No person shall avail any funds, assets, economic resources, or financial and other related services, directly or indirectly, wholly or

Availing resources to prohibited

jointly, for the benefit of designated persons and entities, entities owned or controlled, directly or indirectly, by designated persons or entities, and persons and entities acting on behalf of, or at the direction of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolutions.

persons.

27. No proceedings shall lie against any entity, including reporting institutions and relevant government agencies, in respect of effecting or implementing an order designating an entity or freezing the property or funds of a designated entity in good faith under these Regulations.

Protection from liability.

28. A person or entity that contravenes the provisions of these Regulations commits an offence and shall be liable, on conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years.

Penalties.

29. A competent party and any person concerned with the implementation of these Regulations may provide administrative rules in relation to its employees, agents, or staff for the purposes of implementing the obligations imposed under these Regulations.

Internal rules.

30. (1) A reporting institution and relevant government agency shall, within twenty four hours of receipt of a notice of an order to freeze the funds or property of a designated entity, submit to the Cabinet Secretary and the Centre in writing, a return in the format specified by the Centre in consultation with the Cabinet Secretary for that purpose.

Return.

(2) A return submitted under sub-regulation (1) shall include the following information—

- (a) in the case of a reporting institution—
  - (i) the account number;
  - (ii) the name of the account owner or holder;
  - (iii) the time of freezing of all subject accounts;
  - (iv) the balance of the account as at the time of freezing the funds;
  - (v) the related accounts, if any, including the balance of monies in the accounts as at the time of freezing; and
  - (vi) an explanation as to the ground for the identification of related accounts; and
- (b) in the case of a government agency—
  - (i) the nature and description of the property;
  - (ii) the name of the owner or holder of the property;
  - (iii) the mode and date of acquisition of the property by the owner; and
  - (iv) the location of the property.

(3) A reporting institution and relevant government agency shall notify the Cabinet Secretary and the Centre of any attempted dealing with property or funds against which an order freezing such property or funds has been issued, within twenty-four hours of such attempt.

31. A reporting institution shall regularly review the domestic or sanctions lists and monitor transactions in relation to entities specified in the lists on an on-going basis to mitigate against the risks of the occurrence of the financing of terrorism.

On-going monitoring of transactions.

32. The Cabinet Secretary may issue such instructions, directions, guidelines or rules as he or she may consider necessary for the better carrying out of the provisions of these Regulations.

Powers to issue directives and guidelines.

33. (1) The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2022, are revoked.

Revocation of L.N. No. 211 of 2013.

(2) Despite the provisions of sub-regulation (1)—

- (a) any criminal proceedings taken or pending against any person immediately before the commencement of these Regulations may be continued by or against that person as if instituted under these Regulations; or
- (b) any investigation or inquiry instituted in terms of the revoked Regulations which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations.

## SCHEDULE (r. 18(2)(a) and (b))

## ADDRESSES FOR DE-LISTING REQUESTS

## PART A

Office of the Ombudsperson  
Room TB-08041D United Nations  
New York, NY 10017  
United States of America  
Tel: +1 212 963 2671  
Fax: +1 212 963 1300/3778  
E-mail: *ombudsperson@un.org*

## PART B

Focal Point for De-listing  
Security Council Subsidiary Organs Branch  
Room TB-08041B  
United Nations  
New York, N.Y. 10017  
United States of America  
Tel. +1 917 367 9448  
Fax. +1 212 963 1300/3778  
Email: *delisting@un.org*  
Made on the 25th September, 2023.

KITHURE KINDIKI,  
*Cabinet Secretary for Interior and National Administration.*

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**EXPLANATORY MEMORANDUM TO L.N 153 ON THE PREVENTION OF TERRORISM ACT (IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM REGULATIONS), 2023**

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**PART 1**

- Name of the Statutory instrument:** The Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023.
- Name of the parent Act:** The Prevention of Terrorism Act, 2012.
- Enacted pursuant to:** Section 50 of the Prevention of Terrorism Act, 2012.
- Name of the Ministry/ Department:** Ministry of Interior and National Administration.
- Gazetted on:** 6<sup>th</sup> October 2023
- Tabled on:**

**PART II**

**1. The Purpose of the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023**

The purpose of the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023 (POTA Regulations, 2023) is to give effect to and ensure the full implementation of the substantive provisions of the Parent Act in terms of particularly as relates to implementation of measures on targeted financial sanctions.

**2. The legislative Context**

Section 50 of the Prevention of Terrorism Act, 2012 (POTA) empowers the Cabinet Secretary to make Regulations in respect of which regulations are required or authorised by this Act or in circumstances where the Security Council of the United Nations decides, in pursuance of Article 41 of the Charter of the United Nations, on the measures to be employed to give effect to any of its decisions and calls upon member States to apply those measures, the regulations are necessary to enable the application of these measures.

### **3. Policy Background**

- 3.1 The country's regime to combat Money Laundering (ML), Terrorism Financing (TF) and Proliferation Financing (PF) is largely contained in the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA) and the Prevention of Terrorism Act, 2012 (POTA) and the attendant Regulations thereunder namely, the Proceeds of Crime and Anti-Money Laundering Regulations, 2023 and the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023.
- 3.2 In 2021-2022, Kenya underwent its second Anti-Money Laundering and Counter Terrorist Financing Mutual Evaluation (ME), a peer review assessment by the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) to assess Kenya's compliance with global Anti-Money Laundering, Counter-Financing of Terrorism and Counter-Financing of Proliferation of Weapons of Mass Destruction (AML/CFT/CPF) standards. Kenya's Mutual Evaluation Report (MER) was adopted by the ESAAMLG Council of Ministers in September 2022.
- 3.3 The MER summarises the AML/CFT/CPF regime in the country, analyses the extent to which Kenya's AML/CFT/CPF laws comply with the FATF Recommendations and their level of effectiveness. It also identifies deficiencies in Kenya's AML/CFT/CPF framework and provides recommendations to strengthen the country's AML/CFT/CPF regime.
- 3.4 Based on the findings of the Mutual Evaluation Report for Kenya, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 amended various legislations to address the deficiencies in Kenya's Mutual Evaluation Report.
- 3.5 The POTA Regulations, 2023 is aligned with the POCAMLA, as amended by the AML/CFT Amendment Act, 2023 and with the FATF standards to combat terrorism financing.
- 3.6 Rec. 6 of the FATF Recommendations requires countries to have in place a mechanism for implementing targeted financial sanctions. The mechanism is a

critical requirement for the country if Kenya is to successfully combat terrorism financing. The POTA Regulations 2023 provide this mechanism. Implementation of Targeted Financial Sanctions is critical for the country because of the risks posed by terrorism and terrorism financing.

#### **4. Consultation Outcome**

- 4.1 Reporting Institutions, Supervisory and Regulatory bodies, public institutions and Law Enforcement Agencies with a role to play in the implementation of requirements to combat ML, TF and PF and general members of the public were consulted between September and October 2023.
- 4.2 The Legal Sub Group of the National Taskforce on Anti-Money Laundering, Combating the Financing of Terrorism and Combating Proliferation Financing which was in charge of developing the regulations held a stakeholders' engagement for stakeholders and members of the public on 4<sup>th</sup> October 2023 at the Aberdares Room, Kenyatta International Convention Centre.
- 4.3 In compliance with Section 5 of the Statutory Instruments Act, the Ministry of Interior and National Administration (IN&A) called for comments and memoranda from members of the public through print media and the websites of the IN&A and the Financial Reporting Centre (FRC) for those who preferred to submit written comments. Digital copies of the regulations were also availed on the websites.
- 4.4 Through comments received from the invitation for comments made on print media and digital platforms the Legal Sub Group of the National Taskforce on Anti-Money Laundering, Combating the Financing of Terrorism and Combating Proliferation Financing in charge of developing the regulations further fine-tuned the regulations; considered and incorporated the views of the public and key stakeholders. The Regulations were then forwarded to the Attorney General for clearance, legislative drafting and publication in the Kenya Gazette.

#### **5. Guidance**

The Financial Reporting Centre (FRC) will sensitize stakeholders and the general public on the provisions of the Prevention of Terrorism Act (Implementation of

United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023 (POTA Regulations, 2023) to create awareness on the same.

## **6. Impact**

### **6.1 Impact on fundamental rights and freedoms**

These regulations do not limit the fundamental rights and freedoms as enshrined in the Constitution.

### **6.2 Impact on the private sector**

Reporting Institutions are already implementing the requirements for targeted financial sanctions so it will not occasion any new additional burden.

### **6.3 Impact on the public sector**

The targeted financial sanctions mechanism is targeted at persons designated for supporting terrorism. It is a critical instrument in dealing with such persons. Designated persons will not be adversely affected by the implementation of the mechanism. Designated persons and third parties are afforded an opportunity by the mechanism in the regulations to apply for review.

### **6.4 An impact assessment statement**

An impact assessment has not been prepared for this statutory instrument as it falls within the exceptions provided under section 9 of the Statutory Instruments Act.

## **7. Monitoring and Review**

The Financial Reporting Centre shall monitor the application of the Prevention of Terrorism Act (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism Regulations), 2023 to ensure compliance with the set standards. A review of the regulations shall be done by the Cabinet Secretary Ministry of Interior and National Administration with the approval of Parliament.

### **Contact Person**

The Financial Reporting Centre shall implement the regulations and the contact person for the FRC shall be the Director General, Financial Reporting Centre, Private Bag 92424, Nairobi, Tel: 0709858000, email: [DG@frc.go.ke](mailto:DG@frc.go.ke).



REPUBLIC OF KENYA

## THE NATIONAL TREASURY AND ECONOMIC PLANNING

### PUBLIC NOTICE

**CALL FOR SUBMISSION OF COMMENTS AND PUBLIC PARTICIPATION ON THE REVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING REGULATIONS, 2013**

The National Treasury and Economic Planning is conducting public participation on proposed amendments to the Proceeds of Crime and Anti-Money Laundering and Regulations, 2013 to align the regulations with the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act 2023 which came into effect on 15<sup>th</sup> September 2023.

The draft Proceeds of Crime and Anti-Money Laundering Regulations, 2023 can be found on the websites of the National Treasury and Economic Planning and the Financial Reporting Centre at [www.treasury.go.ke](http://www.treasury.go.ke) and [www.ftc.go.ke](http://www.ftc.go.ke) respectively.

The National Treasury invites stakeholders and members of the public to submit written comments on the draft regulations in the prescribed format as follows:

Regulation/Clause	Issues of concern	Justification	Recommendation

The written comments, views, representations and any written memoranda may be forwarded to [MEKenya@ftc.go.ke](mailto:MEKenya@ftc.go.ke) or by hand delivery to the Financial Reporting Centre at 13<sup>th</sup> Floor, UAP Old Mutual Towers, Upperhill on or before 2<sup>nd</sup> October 2023 by 5:00 PM.

**PROF. NJUGUNA NDUNG'U, CBS  
CABINET SECRETARY, NATIONAL TREASURY & ECONOMIC PLANNING**



REPUBLIC OF KENYA

## MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

### PUBLIC NOTICE

**CALL FOR SUBMISSION OF COMMENTS AND PUBLIC PARTICIPATION ON THE REVIEW OF THE DRAFT PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2022**

The Ministry of Interior and National Administration is conducting public participation on the proposed amendments to the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations, 2022 to align the regulations with the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act 2023 which came into effect on 15<sup>th</sup> September 2023. The draft regulations can be found on the websites of the Ministry of Interior and National Administration and the Financial Reporting Centre at [www.interior.go.ke](http://www.interior.go.ke) and [www.ftc.go.ke](http://www.ftc.go.ke) respectively.

The Ministry of Interior and National Administration invites stakeholders and members of the public to submit written comments on the draft regulations in the prescribed format as follows.


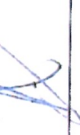








Regulation/Clause	Issues of concern	Justification	Recommendation

The comments, views, representations and any written memoranda may be forwarded to [MEKenya@ftc.go.ke](mailto:MEKenya@ftc.go.ke) or by hand delivery to the Financial Reporting Centre at 13<sup>th</sup> Floor, UAP Old Mutual Towers, Upperhill on or before 2<sup>nd</sup> October 2023 by 5:00 PM.

**PROF. KITHURE KINDIKI, EGH  
CABINET SECRETARY, MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION**










PUBLIC PARTICIPATION ON THE REVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING REGULATIONS, AND THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2022

WEDNESDAY, OCTOBER 4, 2023 AT THE KENYATTA INTERNATIONAL CONVENTION CENTRE FROM 8.00 AM TO 1.00 PM

No.	Name	Institution	Signature
	Fredrick Mwarui	SLO	
	Ray A. M. Mbatia	ARA	
	SAITOTI THANICA	FRC	
	Africa Muluambi	FRC	
	Joseph Mwanzia	National Treasury	
	 Joy Wangari	MRS	
	Joseph Mwanzia	BARATON	
	Kennedy Mwanza	FRC	
	James Mwangi	FRC	


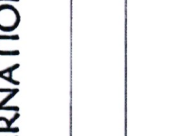
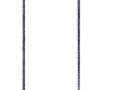
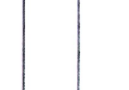
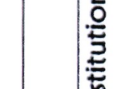
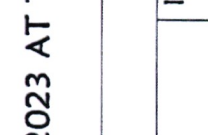
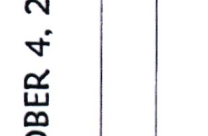


PUBLIC PARTICIPATION ON THE REVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING REGULATIONS, AND THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2022

WEDNESDAY, OCTOBER 4, 2023 AT THE KENYATTA INTERNATIONAL CONVENTION CENTRE FROM 8.00 AM TO 1.00 PM

No.	Name	Institution	Signature
1.	VICTOR OCHIENGATA	KENYA REVENUE AUTHORITY	
2.	ROBERT K. KIRER	KENYA REVENUE AUTHORITY	
3.	JENNIFER GITIRI	ASSETS RECOVERY AGENCY	
4.	NICHOLAS OUNJOR	CENTRAL BANK OF KENYA	
5.	JACOB ONDARI	MFSDA	
6.	MARGARET NUTHIE	FRC	
7.	REBECCA KAPAI	FRC	
8.	Chweya Matigano	FRC	
9.	Reson Sireig	FRC	
10.	ZIPPORATH NYUNGA	CF	

PUBLIC PARTICIPATION ON THE REVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING REGULATIONS, AND THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2022

WEDNESDAY, OCTOBER 4, 2023 AT THE KENYATTA INTERNATIONAL CONVENTION CENTRE FROM 8.00 AM TO 1.00 PM

No.	Name	Institution	Signature
1	William Tui	N.C.P.B	
2	Joseph Njiru	Warak County Government	
3	Samuel Ombao	IBM	
4	ERICH EDUO	KOT/DR. SHS	
5	Benson Gima	A.R.A	
6	ALLAN OSHOME	PRIME PIX MEDIA	
7	CAXTON MUKITA	PRIME PIX MEDIA	
8	KARURI MBOI	JAMIA MSQ	
9	FRANCIS NGINA	A.S.E. N21	

PUBLIC PARTICIPATION ON THE REVIEW OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING REGULATIONS, AND THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2022

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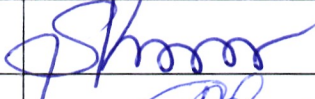
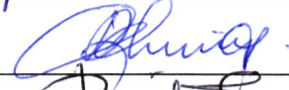
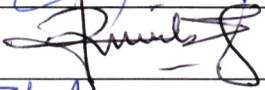



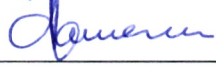
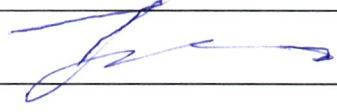
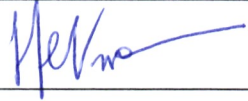


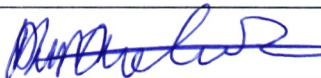

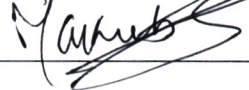
No.	Name	Institution	Signature
1	Ben Khandu	ABA	AKA
2	Walter Mwangi	ABA	Walter
3	Walter Mwangi	ABA	Walter
4	Ben Khandu	ABA	AKA
5	Walter Mwangi	ABA	Walter
6	Walter Mwangi	ABA	Walter
7	Solomon Mwangi	C.S.U.D.P	Solomon

**COMMITTEE ON DELEGATED LEGISLATION ADOPTION LIST**

DATE: 5/12/2023 VENUE: ..... STARTING TIME: .....

ENDING TIME: .....

AGENDA: ADOPTION OF THE REPORT ON TERRORISM INDICATORISATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTION ON SUPPRESSION OF TERRORISM REG/2023

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

21.	The Hon. Mugabe, Innocent Maino, M.P.	
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**COMMITTEE CLERK:** .....SIGNATURE.....

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

**MINUTES OF THE 75<sup>TH</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON FRIDAY, 1<sup>ST</sup> DECEMBER, 2023, AT HILTON GARDEN INN, MACHAKOS COUNTY AT 9.00 A.M.**

**PRESENT**

1. The Hon Samuel Kiprono Chepkonga
- 2.
3. , CBS, M.P. Chairperson
4. The Hon. Robert Gichimu Githinji, M.P. Vice Chairperson
5. The Hon. Robert Mbui, CBS, M.P
6. The Hon. Jared Okello Odoyo M.P.
7. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
8. The Hon. John Paul Mwirigi, M.P.
9. The Hon. Charles Mamwacha Onchoke. M.P.
10. The Hon. Geoffrey Kariuki Kiringa Ruku, M.P
11. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
12. The Hon. Joseph Kamau Munyoro, M.P
13. The Hon. Innocent Mugabe, M.P.
14. The Hon. Yakub Adow Kuno, M.P
15. The Hon. Kibet Kirui Komingoi, M.P.

**APOLOGIES**

1. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
2. The Hon. Nicholas S. Tindi Mwale, M.P.
3. The Hon. Joyce Kamene, M.P
4. The Hon. Laura Amina Mnyazi, M.P.
5. The Hon. Linet Chepkorir M.P.
6. The Hon. Gideon Kipkoech Kimaiyo, M.P.
7. The Hon. Pauline Lenguris, M.P.
8. The Hon. Paul Chebor, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                           |   |                           |
|---------------------------|---|---------------------------|
| 1. Ms. Florence Abonyo    | - | Director, DAA&OSC         |
| 2. Ms. Esther Nginyo      | - | Clerk Assistant I         |
| 3. Mr. Dima Dima          | - | Principal Legal Counsel I |
| 4. Mr. Brian Langwech     | - | Clerk Assistant III       |
| 5. Mr. Jacknorine Buleemi | - | Clerk Assistant III       |
| 6. Ms. Winny Otieno       | - | Clerk Assistant III       |

7. Mr. Charles Ayari - Hansard Services

## **THE MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION**

1. Dr. Raymond Omollo - Principal Secretary  
2. Mr. Stanley Mutua - SAS, Interior  
3. Ms. Mary Njenga - Parliamentary Liaison, Interior  
4. Mr. Robi Vincent - HOD-Legal, FRC  
5. Mr James Were - Media, Interior  
6. Mr. Kelly Ayodi - Media, Interior

### **AGENDA**

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. Briefing by the Principal Secretary, Ministry of Interior and National Administration on;
  - i) **The Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023**
  - ii) **The Private Security Regulations, 2019**
7. Any Other Business; and
8. Adjournment.

### **MIN. DAA&OSC/CDL/502/2023**

### **PRELIMINARIES**

The Chairperson called the Meeting to order at 09.13 a.m. after which prayers were said. He then welcomed all to the meeting with a round of introductions.

### **MIN. DAA&OSC/CDL/503/2023**

### **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as was proposed by the Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P. and seconded by the Hon. Kibet Kirui Komingoi, M.P

### **MIN. DAA&OSC/CDL/504/2023**

### **CONFIRMATION OF MINUTES**

Confirmation of the previous Minutes was deferred to the next meeting.

### **MIN. DAA&OSC/CDL/505/2023**

### **BRIEFING ON THE PREVENTION OF TERRORISM (IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2023**

Dr. Raymond Omollo, Principal Secretary, Ministry of Interior and National Administration briefed the Committee on the Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 as follows ;

1. **Part I** entails preliminary provisions for Citation, Interpretation and Application.
2. **Part II** deals with the Rules and Designations.
  - i. Regulation 4 Provides for Circulation of United Nations Sanctions List.
  - ii. Regulation 5 Provides for Procedure for listing under UN Resolution 1267
3. **Part III** Gives Authority to Freeze
  - i. Regulation 6 provides for authority to freeze.
  - ii. Regulation 7 provides for action to be taken on receipt of the Sanctions List.
  - iii. Regulation 8 provides for rights of bona fide third parties.
  - iv. Regulation 9 provides for domestic list.
  - v. Regulation 10 gives authority to solicit and collect information.
  - vi. Regulation 11 provides for publication of designation.
  - vii. Regulation 12 provides for third party requests.
  - viii. Regulation 13 provides for request to any other country.
  - ix. Regulation 14 provides for humanitarian exemptions; procedures for claiming.
  - x. Regulation 15 provides for application for the de-listing of a designated person.
  - xi. Regulations 16 provides for request for delisting by a designated person or entity.
  - xii. Regulation 17 provides for obligation of financial institutions and designated non-financial businesses and professions to respect de-listing.
  - xiii. Regulation 18 provides for request for de-listing under resolution 1267/1989 and 1988
  - xiv. Regulation 19 provides for access to frozen funds or other assets.
  - xv. Regulation 20 provides for notices
  - xvi. Regulation 21 provides for duty to report violation of Regulations.
4. **Part IV**-Restrictions on travel and dealings in arms
  - i. Regulation 22 provides for entry of designated persons into Kenya.
  - ii. Regulation 23 provides for exemptions allowed under the travel restrictions.
  - iii. Regulation 24 provides for transactions with designated persons in relation to arms prohibited.
  - iv. Regulation 25 provides for carriage of arms to designated persons prohibition.
  - v. Regulations 26,27,28,29 and 30 provides for availing resources to prohibited persons, protection from liability, penalties, internal rules and returns respectively.
  - vi. Regulation 31 and 32 provides for on-going monitoring of transactions and powers to issue directives.
  - vii. Regulation 33 provides for revocation of L.N.No.211 of 2013.

5. Upon deliberation, the Committee recommended that the House to approves the Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 as was proposed by the Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P. and seconded by the Hon. Geoffrey Kariuki Kiringa Ruku, M.P

**MIN. DAA&OSC/CDL/506/2023**

**BRIEFING ON THE PRIVATE SECURITY REGULATIONS, 2019**

Under this Agenda item, Dr. Raymond Omollo, Principal Secretary, Ministry of Interior and National Administration requested that the Committee allows him to appear on a later date to brief it on the status of the Private Security Regulations, 2019.

It was then resolved that the Principal Secretary would appear and brief the Committee on said Regulations on Thursday, 7<sup>th</sup> December 2023 at Small Dining, Parliament Buildings.

**MIN.DAA&OSC/CDL/507/2023**

**ANY OTHER BUSINESS**

There was no deliberation under this agenda item.

**MIN. DAA&OSC/CDL/508/2023**

**ADJOURNMENT**

There being no other business, the meeting was adjourned Five minutes to Eleven O'clock.

SIGNED: ..........

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

DATE: ..........