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REPUBLIC OF KENYA


THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION (2025)

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT  
(PUBLIC OFFICERS MEDICAL FUND) REGULATIONS, 2024 (LEGAL NOTICE NO.  
195 OF 2024)

JULY 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUL 2025	
DAY Thursday	
TABLED BY:	Chairperson
CLERK-AT THE-TABLE:	Tracy chebet

*The Directorate of Audit, Appropriations & General Purpose Committees*

The National Assembly

Parliament Buildings

NAIROBI

NATIONAL ASSEMBLY  
RECEIVED  
24 JUL 2025  
SPEAKER'S OFFICE  
P. O. Box 41842, NAIROBI.

## TABLE OF CONTENTS

<b>ABBREVIATIONS AND ACCRONYMS</b> .....	2
<b>CHAIRPERSON’S FORWARD</b> .....	3
<b>1.0 PREFACE</b> .....	4
<b>1.1 Establishment and Mandate of the Committee</b> .....	4
<b>1.2 Committee Membership</b> .....	5
<b>1.3 Committee Secretariat</b> .....	7
<b>2.0 CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL FUND) REGULATIONS, 2024 (L.N. NO. 195 OF 2024)</b> .....	8
<b>2.1 Introduction</b> .....	8
<b>2.2 Object and Purpose of the Regulations</b> .....	8
<b>2.3 Policy Context and Rationale for the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024)</b> .....	8
<b>2.4 Summary of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024)</b> .....	9
<b>2.5 Scrutiny of the Instrument</b> .....	10
<b>3.0 COMMITTEE OBSERVATIONS</b> .....	11
<b>3.1 Statutory Timelines</b> .....	11
<b>3.2 Consultations/Public Participation</b> .....	11
<b>3.3 Regulatory Impact Statement</b> .....	11
<b>4.0 COMMITTEE RECOMMENDATIONS</b> .....	12

## **ABBREVIATIONS AND ACCRONYMS**

<b>CEO</b>	Chief Executive Officer
<b>GoK</b>	Government of Kenya
<b>LN</b>	Legal Notice

## CHAIRPERSON'S FORWARD

The Public Finance Management (Public Officers Medical Fund) Regulations, 2024 were made vide LN. No. 195 of 2024 pursuant to powers conferred on the Cabinet Secretary for the National Treasury and Planning under section 24(4) of the Public Finance Management Act, 2012 hence, is a statutory instrument within the meaning of section 2 of the Statutory Instruments Act (2023).

The Regulations were published in the Gazette on 6<sup>th</sup> December, 2024, and received by the Clerk of the National Assembly on 20<sup>th</sup> December, 2024. They were tabled before the House on 27<sup>th</sup> May, 2025, being within the statutory timelines contemplated under section 11(1) of the Statutory Instruments Act and committed to the Committee on Delegated Legislation for consideration.

The purpose of this Statutory Instrument is to establish a fund to be known as the **Public Officers Medical Fund** which will ensure that Civil Servants continue receiving Medical benefits as part of their remunerations even after exhausting the comprehensive range of quality health services from the Social Health Authority.

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 National Treasury and Economic Planning on Wednesday, 16<sup>th</sup> July, 2025 to deliberate on the Regulations.

Having examined the Public Finance Management (Public Officers Medical Fund) Regulations 2024 against the Constitution, the Statutory Instruments Act, 2013, the Public Finance Management Act, 2012, and the Interpretation and General Provisions Act (Chapter 1:01), the Committee resolved to recommend that the House **APPROVES the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (L.N. No. 195 of 2024)**.

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

On behalf of the Members of the Committee on Delegated Legislation, Order 210, it is my pleasure and duty to present to the House, the **Consideration of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024)**.



HON. CHEPKONG'A KIPRONO SAMUEL, CBS, Chairperson

## 0 PREFACE

### 1 Establishment and Mandate of the Committee

The Select Committee on Delegated Legislation is established under *Standing Order No. 210* of the National Assembly Standing Orders and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.

The Committee is mandated to consider in respect of any statutory instrument, whether it:

- a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
  - d) contains imposition of taxation;
  - e) directly or indirectly bars the jurisdiction of the Courts;
  - f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
  - g) involves expenditure from the Consolidated Fund or other public revenues;
  - h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- appears to have had unjustifiable delay in its publication or laying before Parliament;
- makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- inappropriately delegates legislative powers;
- imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- allows for any reason to infringe on the rule of law;
- inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
- for any other reason that the Committee considers fit to examine.

## 1.2 Committee Membership

3. The Committee membership comprises –

### Chairperson

**Hon. Chepkong’ a Kiprono Samuel, CBS, M.P.**

Ainabkoi Constituency

UDA

### Vice-Chairperson

**Hon. Githinji Robert Gichimu, M.P.**

Gichugu Constituency

UDA

### Committee Members

**Hon. Mbui Robert, CBS, M.P**

Kathiani Constituency

WDM-Kenya

**Hon. (Maj) (Rtd) Dekow Barrow Mohamed,  
M.P**

Garrisa Township Constituency

UDA

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

Kilgoris Constituency

KANU

**Hon. Kamene Joyce, M.P**

Machakos County

WDM-Kenya

**Hon. Dr. Onchoke, Mamwacha Charles,  
M.P.**

Bonchari Constituency

UPA

**Hon. Dr. Kimaiyo, Gideon Kipke**

Keiyo South Constituency

UDA

**Hon. Waithaka, John Machua, M.P.**

Kiambu Constituency

UDA

**Hon. Chebor, Paul**

Rongai Constituency

UDA

**Hon. Yakub Adow Kuno, M.P**

Bura Constituency

UPIA

**Hon. (Maj) (Rtd) ...**

Man...

**Hon. Mwirigi John Paul, M.P.**

Igembe South Constituency

**H 5**

**UDA**

**Hon. Chepkorir Linet, M.P.**

Bomet County

**UDA**

**Hon. Oluoch, Anthony Tom M.P.**

Mathare Constituency

**ODM**

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

Butere Constituency

**ODM**

**Hon. Mugabe Innocent Maino, M.P.**

Likuyani Constituency

**ODM**

**ODM**

**Hon. Munyoro Joseph Kamau, M.P**

Kigumo Constituency

**UDA**

**Hon. Lenguris Pauline, M.P.**

Samburu County

**UDA**

**Hon Mnyazi Amina Laura, MP.**

Malindi Constituency

**ODM**

### 1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises –

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

Mr. Dima Dima  
*Deputy Director-DLS*

Mr. Brian Langwech  
*Clerk Assistant III*

Ms. Isabella Mwembi  
*Clerk Assistant III*

Mr. Silvanus Makau  
*Clerk Assistant III*

Ms. Angela Musau  
*Legal Counsel II*

Mr. Peter Barasa  
*Legal Counsel II*

Mr. Daniel Ominde  
*Research Officer III*

Mr. Noah Chemweno  
*Serjeant at Arms*

Mr. Valerian Pascal  
*Hansard Reporter III*

Ms. Rahab Chepkilim  
*Audio Officer*

## **2.0 CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL FUND) REGULATIONS, 2024 (L.N. NO. 195 OF 2024)**

### **2.1 Introduction**

5. The Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (*LN. No. 195 of 2024*) were made pursuant to the powers conferred on the Cabinet Secretary for the National Treasury and Planning under section 24(4) of the Public Finance Management Act, 2012 (*No. 18 of 2012*) hence, is a statutory instrument within the meaning of section 2 of the Statutory Instruments Act Cap 2A.
6. The Regulations were published in the Gazette on 6<sup>th</sup> December, 2024, and received by the Clerk of the National Assembly on 20<sup>th</sup> December, 2024 and was tabled before the House on 27<sup>th</sup> May, 2025, being within the statutory timelines contemplated under section 11(1) of the Statutory Instruments Act. They were subsequently transmitted to the Committee on Delegated Legislation for consideration.
7. Pursuant to section 16 of the Statutory Instruments Act Cap 2A which requires the Committee to confer with the regulation-making authorities before making its decision, the Committee held a meeting with the National Treasury and Economic Planning on Wednesday, 16<sup>th</sup> July, 2025 to deliberate on the Regulations.

### **2.2 Object and Purpose of the Regulations**

8. The purpose of this Statutory Instrument is to establish a fund to be known as the Public Officers Medical Fund, which will ensure that Civil Servants continue receiving medical benefits as part of their remuneration even after exhausting the comprehensive range of quality health services from the Social Health Authority.
9. Further, and in particular, the Fund shall be used to:
  - a. Finance the provision of a medical scheme for public officers; and
  - b. Facilitate expenses approved by the Administrator of the Fund to promote the objects for which the Fund was established

### **2.3 Policy Context and Rationale for the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024)**

10. The Government of Kenya introduced a comprehensive Medical Insurance Scheme for civil servants and disciplined services and their eligible dependents, named the Comprehensive Medical Insurance Scheme for Civil Servants & Disciplined Services (the Scheme). The scheme was rolled out with effect from 1<sup>st</sup> January, 2012 and has been in operation until the establishment of the Social Health Authority.

11. The Scheme started with basic coverage of a principal member and three (3) dependents and after four years, it was enhanced to a principal member and six (6) dependents. The benefits package was also improved and currently includes outpatient, inpatient, and specialized services, dental, optical, annual medical checkups for member and spouse, road ambulance, emergency air rescue services, overseas treatment, group life and last expense cover.
12. Social Health Authority facilitates access for all Kenyan residents to a comprehensive range of quality health services. These services include integrated preventive, promotive, curative, rehabilitative, and palliative health services at level 4, 5, and 6 health facilities.
13. For civil servants to continue receiving medical benefits as part of their remunerations, a Fund is proposed to enable civil servants first to receive the comprehensive range of quality health services from the Social Health Authority and, once this is exhausted, proceed with the limits provided for under the comprehensive medical insurance scheme for civil servants and disciplined services (renamed Public Officers Medical Scheme).
14. The proposed Public Officers Medical Scheme include civil servants and any other participating group of public officers. Funds recovered from their medical benefits will be channeled to the Fund established to support the Scheme. Civil servants and all other participating public servants of the proposed Public Officers Medical Scheme shall continue contributing to the Social Health Authority through payroll deductions.

#### **2.4 Summary of the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024)**

15. The Regulations are in five (5) parts: Part I is on preliminary provisions; Part II is on the establishment of the Fund; Part III is on the administration and management of the Fund; Part IV is on financial provisions and Part V is on miscellaneous provisions.
16. **Regulations 1 and 2** are preliminary provisions which include the citation and interpretation while regulation 3 provides for the objects of the Regulations.
17. **Regulation 4** establishes the Fund while **Regulation 5** provides for the purpose of the Fund
18. **Regulation 6** provides for the sources of the Funds
19. **Regulation 7** provides for the initial capital of the Fund which shall be the amount appropriated by the National Assembly in the Financial year 2024/2025
20. **Regulation 8** provides for the payments out of the Fund.
21. **Regulation 9** provides for retention of funds.
22. **Regulation 10** provides for the Board of the Fund.

23. **Regulation 11** establishes the committee which shall advise the Board on administration and management of the Fund and outlines the composition of the committee.
24. **Regulation 12** provides for the Administrator of the Fund who shall be the Chief Executive Officer of the Social Health Authority.
25. **Regulation 13** provides for the secretariat of the Fund.
26. **Regulation 14** provides for contracting.
27. **Regulation 15** provides that the financial year of the Fund shall be the period of twelve months commencing on the first July in each year and ending on the thirtieth of June.
28. **Regulation 16** provides for Bank accounts of the Fund.
29. **Regulation 17** provides for overdrawn accounts.
30. **Regulation 18** provides for expenditure and commitments of the Fund.
31. **Regulation 19** provides for the withdrawal from the Fund
32. **Regulation 20** provides for the annual estimates
33. **Regulation 21 and 22** provides for the annual reports and records of the Fund
34. **Regulation 23** provides for the Financial and procurement regulation
35. **Regulation 24** provides for administrative expenses
36. **Regulation 24 and 25** provides for the review of the performance of the fund and winding up of the Fund

## **2.5 Scrutiny of the Instrument**

37. The Committee examined the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 against the Constitution, the Interpretation and General Provisions Act (Cap 2), the Public Finance Management Act, 2012 (No. 18 of 2012) and the Statutory Instruments Act Cap 2A
38. The scrutiny was undertaken following the tabling of the Regulations before the House on 27<sup>th</sup> May, 2025 and their subsequent referral to the Committee on Delegated Legislation. The Committee held a meeting with the National Treasury and Economic Planning on Wednesday, 16<sup>th</sup> July, 2025 at Room 21, 5<sup>th</sup> Floor, Bunge Tower, Parliament Buildings to deliberate on the Regulations.

### **3.0 COMMITTEE OBSERVATIONS**

39. Having examined the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024) against the Constitution, the Public Finance Management Act, 2012 (No. 18 of 2012) and the Statutory Instruments Act (Cap 2A), the Interpretation and General Provisions Act (Cap 2), the Committee observed **THAT**: -

#### **3.1 Statutory Timelines**

40. The Regulations were published in the gazette on 6<sup>th</sup> December, 2024 vide Legal Notice No. 195 of 2024, submitted to the Clerk of the National Assembly on 20<sup>th</sup> December, 2024 and laid on the table of the House on 27<sup>th</sup> May, 2025 being within the requisite statutory timelines under section 11(1) of the Statutory Instruments Act (Cap 2A).

#### **3.2 Consultations/Public Participation**

41. Articles 10 and 118 of the Constitution and section 5 of the Statutory Instruments Act require that the regulation-making authority conducts public participation and sufficient consultation with the stakeholders and persons likely to be affected by the regulations.

42. In attempt to demonstrate the extent of public participation, the Task force responsible for preparation and development of the Regulations, held targeted consultations with key stakeholders and their input taken into account before finalization of these Regulations. These included The National Treasury and Economic Planning, Office of the President, Kenya Medical Practitioners Pharmacists Dentists Union (KMPDU), Kenya Association of Retired Officers (KARO) and the Union of Kenya Civil Servants (UKCS)

43. In line with the provisions of Section 5 of the Statutory Instruments Act (Cap 2A), the National Treasury and Economic planning together with the state department for public service undertook public participation before publication of these Regulations.

44. The mode of public participation included invitation of key stakeholders via an advertisement posted on the National Treasury website and published in the *My Gov* section on 12<sup>th</sup> November, 2024. Written submissions on the Regulations were sent to [psnt@treasury.go.ke](mailto:psnt@treasury.go.ke) and [jona.wala@treasury.go.ke](mailto:jona.wala@treasury.go.ke).

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

45. The Committee was satisfied with the explanation and the demonstration that an impact assessment need not to have been prepared for the statutory instrument as it falls within the exceptions provided under Section 9 of the Statutory Instruments Act (Cap 2A).

#### 4.0 COMMITTEE RECOMMENDATIONS

46. Having examined the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024) in accordance with the Constitution, the Statutory Instruments Act (No. 23 of 2013), the Public Finance Management Act, 2012 (No. 18 of 2012), the Interpretation and General Provisions Act (Cap 2), the **Committee recommends that the House APPROVES the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 (LN. No. 195 of 2024) in accordance with section 24(4) the Public Finance Management Act (No. 18 of 2012).**


Signed .....  .....

Date 24/07/2025

THE HON. CHEPKONG'A SAMUEL KIPRONO, CBS, MP

(CHAIRPERSON)

COMMITTEE ON DELEGATED LEGISLATION

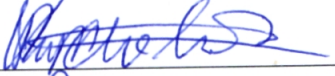

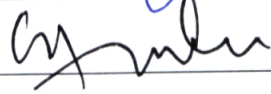

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUL 2025	DAY: Thursday
TABLED BY:	Chairperson
CLERK-AT-THE-TABLE:	Tracy chebet



**COMMITTEE ON DELEGATED LEGISLATION**  
**MEMBERS ADOPTION LIST**

Date 22/07/2025 Venue RUNGE TOWER 5<sup>TH</sup> FLOOR RM 21  
Start Time 10 AM Time Ended 01:10 P.M  
Agenda CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT  
(PUBLIC OFFICERS MEDICAL FUND) REGULATION, 2024 L.N 195

No.	NAME	SIGNATURE
1.	The Hon. Chepkonga Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichimu, 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.	Hon. Anthony Oluoch, M.P.	
11.	Hon. Waithaka, John Machua, M.P.	
12.	The Hon. Maj. (Rtd.) Dekow Barrow Mohamed, M.P.	
13.	The Hon. Munyoro, Joseph Kamau, M.P.	
14.	The Hon, ( Dr.) Kimaiyo, Gideon Kipkoech, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	

No.	NAME	SIGNATURE
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. (Dr.) 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.	

**MINUTES OF THE 21<sup>ST</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY 22<sup>ND</sup> JULY, 2025, IN COMMITTEE ROOM 21, 5<sup>TH</sup> FLOOR, BUNGE TOWER, AT 10.00 A.M**

**PRESENT**

1. The Hon. Samuel Kiprono Chepkong'a, CBS, M.P. - Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
5. The Hon. Waithaka, John Machua, M.P.
6. The Hon. Anthony Oluoch, M.P.
7. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
8. The Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.
9. The Hon. (Dr.) Charles Mamwacha Onchoke, M.P
10. The Hon. Innocent Mugabe, M.P.
11. The Hon. Joseph Kamau Munyoro, M.P

**APOLOGIES**

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
3. The Hon. John Paul Mwirigi, M.P.
4. The Hon. Joyce Kamene, M.P.
5. The Hon. Jared Okello Odoyo, M.P.
6. The Hon. Pauline Lenguris, M.P.
7. The Hon. Paul Chebor, M.P.
8. The Hon. Linet Chepkorir M.P.
9. The Hon. Laura Amina Mnyazi, M.P.
10. The Hon. Yakub Adow Kuno, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                         |   |                        |
|-------------------------|---|------------------------|
| 1. Ms. Esther Nginyo    | - | Senior Clerk Assistant |
| 2. Mr. Wilson Dima Dima | - | Deputy Director, DLS   |
| 3. Mr. Silvanus Makau   | - | Clerk Assistant III    |
| 4. Mr. Brian Langwech   | - | Clerk Assistant III    |
| 5. Ms. Isabella Mwembi  | - | Clerk Assistant III    |
| 6. Mr. Peter Barasa     | - | Legal Counsel II       |
| 7. Mr. Valerian Pascal  | - | Hansard Officer        |
| 8. Ms. Rahab Chepkilim  | - | Audio Officer          |
| 9. Mr. Daniel Psirmoi   | - | Media Relations III    |
| 10. Mr. Daniel Ominde   | - | Research Officer II    |
| 11. Mr. Noah Chemweno   | - | Sergeant-At-Arms       |
| 12. Mr. Tonny Odhiambo  | - | Attachee               |
| 13. Mr. Newton Kimathi  | - | Pupil                  |

## **STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY**

- |                        |   |                       |
|------------------------|---|-----------------------|
| 1. Mr. Fikirini Jacobs | - | Principal Secretary   |
| 2. Mr. Paskal Opiyo    | - | CEO-KFCB              |
| 3. Mr. Marcos Masiga   | - | Manager, Liaison-KFCB |
| 4. Ms. Eunice Mwanza   | - | Legal Officer-KFCB    |
| 5. Mr. Felix Mutuku    | - | PA to the PS          |
| 6. Mr. David Mukara    | - | KFCB                  |

## **KENYA EDITORS GUILD**

- |                         |   |                          |
|-------------------------|---|--------------------------|
| 1. Ms. Zubeidah Kananu  | - | President, KEG           |
| 2. Mr. Francis Mureithi | - | Editor                   |
| 3. Mr. Ochami Daudi     | - | Advocate                 |
| 4. Mr. Hassan Kalunda   | - | Member, Ethics Committee |

## **KENYA UNION OF JOURNALISTS**

- |                      |   |           |
|----------------------|---|-----------|
| 1. Mr. Erick Oduor   | - | President |
| 2. Mr. Ibrahim Oduor | - | Advocate  |

## **AGENDA**

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Meeting with the Cabinet Secretary, Ministry of Youth Affairs, Creative Economy and Sports to Consider the Films and Stage Plays (Films Classification) Guidelines, 2024**
7. **Meeting with the Kenya Editors Guild, Kenya Union of Journalists, and the Media Owners Association regarding the Code of Conduct for Media Practice, 2025**
8. Adjournment.

### **MIN. DAA&GPC/CDL/106/2025**

### **PRELIMINARIES**

The Chairperson called the Meeting to order at 10.15 a.m. and requested Hon. Robert Mbui, CBS, M.P to say a word of prayer. He then welcomed all to the meeting followed by a round of introductions.

### **MIN. DAA&GPC/CDL/107/2025**

### **ADOPTION OF THE AGENDA**

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

### **MIN. DAA&GPC/CDL/108/2025**

### **CONFIRMATION OF MINUTES**

The Minutes of the 20<sup>th</sup> Sitting held on Wednesday, 16<sup>th</sup> July, 2025, were confirmed as an accurate record of the proceedings having been proposed by the Hon. Robert Gichimu Githinji, M.P. and seconded by the Hon. Waithaka, John Machua, M.P.

**MIN. DAA&GPC/CDL/109/2025****MATTERS ARISING**

- I. Arising from MIN. DAA&GPC/CDL/104/III/2025 regarding the Public Finance Management (Public Officers Medical Fund) Regulations, 2024 the committee observed that Regulation 11(2)(l) contravened Section 13(m) of the Statutory Instruments Act due to improper delegation of power.
- II. As a result, the committee resolved to table a report in the House recommending **approval** of the Regulations, subject to annulling in part Regulation 11(2)(l) which contravenes Section 13(m) of the Statutory Instruments Act, having been proposed by the Hon. Robert Mbui, CBS, M.P and seconded by the Hon. Joseph Kamau Munyoro, M.P
- III. Arising from MIN. DAA&GPC/CDL/104/V/2025 regarding the Public Finance Management (Public Prosecution Fund) Regulations, 2025 the Committee resolved that the final draft of the Regulations be submitted to the committee for review before publication.

**MIN. DAA&GPC/CDL/110/2025****BRIEFING ON THE FILMS AND  
STAGE PLAYS (FILM  
CLASSIFICATION) GUIDELINES,  
2024**

Mr. Fikirini Jacob Principal Secretary, State Department for Youth Affairs and Creative Economy, presented an overview of the regulations and thereafter invited Ms. Eunice Mwanza, Legal Officer from the Films and Classifications Board, who made a detailed presentation on the subject as follows;

1. **Regulations 1 and 2** are preliminary provisions which include the citation and interpretation, while Regulation 3 provides for the application of the Regulations.
2. **Regulation 4** provides for the principles
3. **Regulation 5** provides for the Rating scale.
4. **Regulation 6** provides for the General exhibition films
5. **Regulation 7** provides for the Parental Guidance films (PG-10) while **Regulation 8** provides for the Parental Guidance films (PG-13)
6. **Regulation 9** provides for Films unsuitable for children younger than sixteen years while Regulation **10** provides for Adults only films
7. **Regulation 11** provides for the restricted films
8. **Regulation 12** provides for the Consumer advice
9. Upon deliberations, the Committee made the following observations and recommendations
  - i. The use of 'Preliminary matter' in **PART 1** is incorrect in legislative drafting;
  - ii. The definition of watershed period as defined under Regulation 2 is not clear;
  - iii. The definition of coarse language period as defined under Regulation 2 is not clear;
  - iv. The words 'restricted films' be substituted with the words 'prohibited films';
  - v. Regulations 3 and 4 should form PART II and be named as the objects;

- vi. The grammatical error in Regulation 3 be corrected;
- vii. The word 'possessed' be defined as used in the Regulations;
- viii. The committee also recommended making a provision for the Penalties, offenses and the appeal mechanism;
- ix. There should be proof of public participation exercise and also provide information on the Regulatory Impact Assessment; and
- x. The Committee observed that the guidelines were submitted to Parliament beyond the timelines stipulated under Section 11(1) of the Statutory Instruments Act, and therefore ceased to have effect in accordance with Section 11(4) of the same Act. In light of these findings, the Committee recommended that the guidelines be revoked and republished, ensuring compliance with the provisions of the Statutory Instruments Act and incorporating the Committee's comments.

**MIN. DAA&GPC/CDL/111/2025**

**BRIEFING BY THE MEDIA  
STAKEHOLDERS REGARDING THE  
CODE OF CONDUCT FOR MEDIA  
PRACTICE, 2025**

1. Following the meeting held on Thursday, 3<sup>rd</sup> July 2024, between the Committee and the Ministry of Information, Communication, and the Digital Economy regarding the proposed *Code of Conduct for Media Practice, 2025*, the Committee resolved to invite the Kenya Editors' Guild, the Kenya Union of Journalists, and the Media Owners Association to make their submissions on the Code.
2. The Kenya Editors' Guild and the Kenya Union of Journalists appeared before the Committee led by Ms. Zubeidah Kananu, President of the Kenya Editors' Guild, and made their submissions. They further confirmed their full involvement in the formulation of the regulations and expressed their support for the proposed Code. However, they raised two key concerns for the Committee's attention:
  - I. The Media Council of Kenya has operated without a board for the past two years.
  - II. The use of the word "shall" throughout the Code makes it mandatory for journalists and media enterprises to strictly adhere to the Code, even in situations where compliance may not be practically feasible.
3. The Committee requested that they highlight and submit specific instances where the use of the word "shall" may be considered unreasonable, for the Committee's review and consideration.
4. In view of the above findings, the Committee resolved to make a determination on the aforementioned code in the next meeting.

**MIN. DAA&GPC/CDL/112/2025**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at Ten Minutes past One O'clock. The next meeting will be held on Thursday, 24<sup>th</sup> July, 2025

SIGNED:  .....

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

DATE: 24/07/2025 .....

**MINUTES OF THE 19<sup>TH</sup> SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY, 3<sup>RD</sup> JULY, 2025, IN COMMITTEE ROOM 21, 5<sup>TH</sup> FLOOR, BUNGE TOWER, AT 10.00 A.M**

**PRESENT**

1. The Hon. Samuel Kiprono Chepkong'a, CBS, M.P. - Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
5. The Hon. (Dr.) Charles Mamwacha Onchoke, M.P
6. The Hon. Waithaka, John Machua, M.P.
7. The Hon. Anthony Oluoch, M.P.
8. The Hon. Joseph Kamau Munyoro, M.P
9. The Hon. Pauline Lenguris, M.P.

**APOLOGIES**

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
3. The Hon. John Paul Mwirigi, M.P.
4. The Hon. Joyce Kamene, M.P.
5. The Hon. Jared Okello Odoyo, M.P.
6. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P.
7. The Hon. Paul Chebor, M.P.
8. The Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.
9. The Hon. Linet Chepkorir M.P.
10. The Hon. Laura Amina Mnyazi, M.P.
11. The Hon. Yakub Adow Kuno, M.P.
12. The Hon. Innocent Mugabe, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                         |   |                        |
|-------------------------|---|------------------------|
| 1. Ms. Esther Nginyo    | - | Senior Clerk Assistant |
| 2. Mr. Wilson Dima Dima | - | Deputy Director, DLS   |
| 3. Mr. Brian Langwech   | - | Clerk Assistant III    |
| 4. Ms. Isabella Mwembi  | - | Clerk Assistant III    |
| 5. Mr. Peter Barasa     | - | Legal Counsel II       |
| 6. Ms. Angela Musau     | - | Legal Counsel II       |
| 7. Mr. Valerian Pascal  | - | Hansard Officer        |
| 8. Ms. Rahab Chepkilim  | - | Audio Officer          |
| 9. Mr. Daniel Psirmoi   | - | Media Relations III    |
| 10. Mr. Tonny Odhiambo  | - | Attachee               |

**MINISTRY OF INFORMATION, COMMUNICATION AND THE DIGITAL ECONOMY**

1. Hon. William Kabogo - Cabinet Secretary, Ministry of Information, Communication and the Digital Economy
2. Mr. Stephene Isaboke - Principal Secretary, State Department for Broadcasting and telecommunication
3. Mr. David Omwoyo - CEO-MCK
4. Mr. Victor Bwire - Director MCK
5. Mr. Minishi Terence - Manager MCK
6. Ms. Jamila Yeshe - Deputy Registrar, MCC
7. Mr. Douglas Gicho - Advisor, CS ICT

**AGENDA**

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Meeting with the Cabinet Secretary, Ministry of Information, Communication and the Digital Economy regarding the Code of Conduct for the Media Practice, 2025**
7. Any Other Business; and
8. Adjournment.

**MIN. DAA&GPC/CDL/095/2025**

**PRELIMINARIES**

The Chairperson called the Meeting to order at 10.20 a.m. after which, he said a word of prayer. He then welcomed all to the meeting followed by a round of introduction.

**MIN. DAA&GPC/CDL/096/2025**

**ADOPTION OF THE AGENDA**

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

**MIN. DAA&GPC/CDL/097/2025**

**CONFIRMATION OF MINUTES**

The Minutes of the 18<sup>th</sup> Sitting held on Thursday, 12<sup>th</sup> June, 2025, were confirmed as an accurate record of the proceedings having been proposed and seconded by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P and the Hon. (Dr.) Charles Mamwacha Onchoke, M.P respectively.

**MIN. DAA&GPC/CDL/098/2025**

**MEETING WITH THE CABINET SECRETARY, MINISTRY OF INFORMATION, COMMUNICATION AND THE DIGITAL ECONOMY REGARDING THE CODE OF CONDUCT FOR THE MEDIA PRACTICE,2025**

Hon. William Kabogo, Cabinet Secretary, Ministry of Information, Communication and the Digital Economy gave a brief highlight of the Code of Conduct for the Media Practice, 2025 and invited Mr. David Omwoyo, CEO Media Council of Kenya, who briefed the Committee as follows;

**PART I Provides for Preliminary**

1. **Clause 1:** Provides for citation where the Regulations may be cited as the Code of Conduct for the Media Practice, 2025
2. **Clause 2:** Provides for Interpretation of words used in the Code of Conduct, and
3. **Clause 3:** Provides for the objects of the Code.

**PART II Provides for Accuracy, Balance and Fairness**

4. **Clause 4:** Provides for Duty to ensure accuracy,
5. **Clause 5:** Provides for Balance and fairness in reporting, and
6. **Clause 6:** Provides for Corrections and right to reply.

**PART III Provides for Independence, Integrity, and Accountability**

7. **Clause 7:** Provides for Independence and ethical conduct,
8. **Clause 8:** Provides for Editorial integrity and avoidance of undue influence,
9. **Clause 9:** Provides for Prohibition on improper conduct,
10. **Clause 10:** Provides for Accountability to the public and the profession,
11. **Clause 11:** Provides for Mandatory delay for live broadcast,
12. **Clause 12:** Provides for Responsibility of an editor,
13. **Clause 13:** Provides Author's byline,
14. **Clause 14:** Provides for Sponsored content, and advertising ethics,
15. **Clause 15:** Provides for Obscenity, taste and tone,
16. **Clause 16:** Provides for Confidentiality, privacy, and protection of sources, and
17. **Clause 17:** Provides for Prohibition on payment for information.

**PART IV Provides for Protection of Children, Victims of Sexual Violence, and Vulnerable Persons**

18. **Clause 18:** Provides for General Principles,
19. **Clause 19:** Provides for Standards for children's programming,
20. **Clause 20:** Provides for Obligations relating to children,
21. **Clause 21:** Provides for Restrictions on photography and coverage,
22. **Clause 22:** Provides for Obligations concerning digital and online platforms,
23. **Clause 22:** Provides for Reporting on sexual violence, and
24. **Clause 23:** Provides for Obligations of media enterprises.

**PART V Provides for Protection Against Hate Speech, Religious Incitement, and Ethnic Conflict**

25. **Clause 24:** Provides for Obligations of media practitioners and platforms,
26. **Clause 25:** Provides for Obligations on reporting ethnic, religious, or sectarian conflicts, and
27. **Clause 26:** Provides for Standards of reporting on court matters.

**PART VI Provides for User Generated Content, Use of Artificial Intelligence and other Technologies**

28. **Clause 27:** Provides for Obligations regarding the use of artificial intelligence and other technologies
29. **Clause 28:** Provides for Liability for user-generated content, and
30. **Clause 29:** Provides for Content moderation and compliance measures.

**PART VII Provides for Gaming, betting and Lottery**

31. **Clause 30:** Provides for Obligations of persons subject to this Act

**PART VIII Provides for General Provisions**

- 32. **Clause 31:** Provides for Obligations for classification of non-editorial content, and
- 33. **Clause 32:** Provides for Dispute resolution.
- 34. Upon deliberations, Members made the following further recommendations. THAT;
  - i. In the preamble, the Cabinet Secretary ought to have indicated clearly that he is making the Code of Conduct **on recommendation** from the Council as required under section 45(2) in regards to amending the second schedule by the Cabinet Secretary.
  - ii. The following terms used in the Code of Conduct need to be included in the interpretation part for clarity and subsequent understanding of the regulations:
    - a. Legally protected documents,
    - b. Privileged documents,
    - c. Watershed period,
    - d. Sponsored content,
    - e. Editorial content, and
    - f. Hate speech.
  - iii. Clause 22 has been numbered twice hence there is need to re-number the clauses to avoid repetition;
  - iv. There is need to ascertain from relevant stake holders on the level of engagement during public participation process of the Code as there was no proof of public participation;
  - v. There is need to align the Code of Conduct with existing laws like National Cohesion and Integration Act for compliance especially in regards to Part V which deals with protection against hate speech, religious incitement and ethnic conflict.
- 35. The Committee therefore resolved that Regulatory Making Body should address the above-mentioned concerns before the Committee can make its determination.
- 36. The Committee further resolved to invite the following stakeholders in the Media Fraternity to appear before it for further consultations regarding the Code of Conduct to further guide in its determination:
  - a. The Kenya Editors Guild,
  - b. The Kenya Union of Journalists, and
  - c. The Media Owners Association.

**MIN. DAA&GPC/CDL/099/2025**

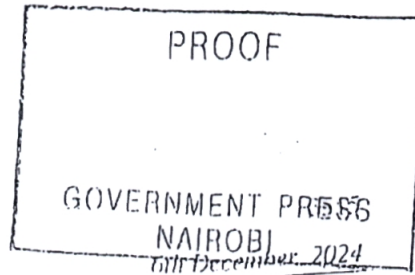
**ADJOURNMENT**

There being no other business, the meeting was adjourned at Ten minutes to One O'clock. The next meeting will be held on notice.

**SIGNED:** ..... 

**THE HON. SAMUEL CHEPKONG'A, CBS, M.P.**  
**CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION**

**DATE:** 16/07/2025 .....



**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 212*

*(Legislative Supplement No. 93)*

LEGAL NOTICE NO. 195

THE PUBLIC FINANCE MANAGEMENT ACT

(Cap. 412A)

THE PUBLIC FINANCE MANAGEMENT (PUBLIC  
OFFICERS MEDICAL SCHEME FUND) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

*Regulation*

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

3—Object of the Regulations.

PART II—THE PUBLIC OFFICERS MEDICAL SCHEME FUND

4—Establishment of the Fund.

5—Purpose of the Fund.

6—Sources of funds.

7—Initial capital of the Fund.

8—Payments out of the Fund.

9—Retention of funds.

PART III—ADMINISTRATION AND MANAGEMENT OF THE  
FUND

10—Board of the Fund.

11—Committee.

12—Administrator of the Fund.

13—Secretariat of the Fund.

14—Contracting.

PART V—FINANCIAL PROVISIONS

15—Financial year.

16—Bank accounts of the Fund.

17—Overdrawn accounts.

18—Expenditure and commitments of the Fund.

19—Withdrawals from the Fund.



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THE NATIONAL TREASURY AND ECONOMIC PLANNING

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REF: AG.3/191 Vol.2 (7)

Date: 16<sup>th</sup> December, 2024

Mr. Samuel Njoroge, CBS  
Clerk of the National Assembly  
P. O. Box 441842 – 00100  
Parliament Buildings  
NAIROBI

Dear

**PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL FUND)  
REGULATIONS, 2023**

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As required by Section 11 (1) of the Statutory Instruments Act, 2013, enclosed please find a copy of published Public Finance Management (Public Officers Medical Fund) Regulations, 2024 as published in the Legal Notice No.195 of 2024 dated 6<sup>th</sup> December 2024 for tabling before National Assembly.

Yours

**HON. FCPA JOHN MBADI NG'ONGO, EGH  
CABINET SECRETARY**

Copy to: Hon. Justin B. N. Muturi, EGH  
Cabinet Secretary  
Ministry of Public Service and Human Capital Development  
NAIROBI

Encls.

- 20— Annual estimates.
- 21— Annual reports.
- 22— Records of the Fund.
- 23— Financial and Procurement Regulations.

PART VI— MISCELLANEOUS PROVISIONS

- 24— Administrative expenses.
- 25— Review of the performance of the Fund.
- 26— Winding up of the Fund.

## THE PUBLIC FINANCE MANAGEMENT ACT

(Cap. 412A)

IN EXERCISE of the powers conferred by section 24(1) of the Public Finance Management Act, the Cabinet Secretary for the National Treasury and Economic Planning makes the following Regulations—

## THE PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL SCHEME FUND) REGULATIONS, 2024

## PART I—PRELIMINARY

1. These Regulations may be cited as the Public Finance Management (Public Officers Medical Scheme Fund) Regulations, 2024.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation

“Act” means the Public Finance Management Act;

Cap. 412A.

“Administrator of the Fund” means the person designated as such under regulation 12(1);

“Board” means the Board of the Social Health Authority established under section 7 of the Social Health Insurance Act;

No. 16 of 2023.

“Fund” means the Public Officers Medical Scheme Fund established by regulation 4;

“healthcare services” has the meaning assigned to it under the Health Act;

Cap. 241.

“Office of the Attorney-General” means the Office of the Attorney-General established by Article 156 of the Constitution;

“public officer” means an officer—

- (a) appointed by the Public Service Commission to serve in a Ministry or State Department;
- (b) appointed to serve in the Office of the Attorney-General; or
- (c) appointed by any other public service entity including county governments, Commissions, Service, state corporations, or any other public service entity that opts to make payments to the Fund for the medical benefits of its officers.

“Public Service Commission” means the Public Service Commission established by Article 233 of the Constitution;

“Social Health Authority” means the Social Health Authority established under section 4 of the Social Health Insurance Act.

No. 16 of 2023.

3. The object of these Regulations shall be to provide a framework for the administration and management of a medical scheme for public officers.

Object of the Regulations

PART II—THE PUBLIC OFFICERS MEDICAL SCHEME  
FUND

4. There is established a Fund to be known as the Public Officers Medical Scheme Fund. Establishment of the Fund.

5. The purpose of the Fund shall be to— Purpose of the Fund.

(a) finance the provision of a medical Scheme for public officers; and

(b) facilitate expenses approved by the Administrator of the Fund to promote the objects for which the Fund was established.

6. The Fund shall consist of— Sources of funds.

(a) the amount of money appropriated by the National Assembly;

(b) contribution made by the Ministry responsible for public service and any other employer who has opted to contribute to the Scheme out of money payable to public officers as medical benefits; and

(c) grants and donations.

7. The Fund's initial capital shall be the amount of money appropriated by the National Assembly to the Ministry responsible for public service for medical benefits to public officers in the financial year 2024/2025. Initial capital of the Fund.

8. (1) There shall be paid out of the Fund moneys to the Social Health Authority in respect of medical claims and other expenses incurred in pursuance of the objects and purposes for which the Fund is established. Payments out of the Fund.

(2) The payments out of the Fund for administrative expenses shall only be based on annual work plans and cost estimates which the Administrator of the Fund shall prepare at the beginning of the financial year to which they relate.

(3) Any revision of the approved annual work plan and any cost estimates shall be submitted to the Board for advice before the revised annual work plan is implemented.

9. The earnings or accruals to the Fund shall be retained in the Fund and shall be spent only for the purposes for which the Fund is established. Retention of funds.

PART III—ADMINISTRATION AND MANAGEMENT OF THE  
FUND

10. (1) The Board of the Social Health Authority, constituted under section 7 of the Social Health Insurance Act, shall oversee the administration and management of the Fund. Board of the Fund.  
No. 16 of 2023.

(2) The functions of the Board with regard to this Fund shall be to—

- (a) oversee the administration of the Fund;
  - (b) consider, review, and approve estimates of revenues and expenditures of the Fund and recommend them to the Cabinet Secretary responsible for public service for approval;
  - (c) approve policies to guide the administration of the Fund;
  - (d) approve opening and closing of bank accounts of the Fund in accordance with the Act;
  - (e) consider, review, and approve the quarterly financial and non-financial reports of the Fund prepared in accordance with the Act;
  - (f) consider, review, and approve the annual financial and non-financial statements of the Fund prepared in accordance with the Act in the format prescribed by the Public Sector Accounting Standards Board for submission to the Auditor-General with a copy to the National Treasury, Commission on Revenue Allocation and Controller of Budget;
  - (g) advise the Administrator of the Fund on proper administration of the Fund;
  - (h) facilitate and develop sectoral linkages to the Fund; and
  - (i) advise the Cabinet Secretary responsible for public service on the funding requirements of the Fund.
- (2) The Board shall conduct its business and affairs in the manner provided under section 10 of the Social Health Insurance Act.
- No. 16 of 2023.  
Committee.
11. (1) For the purpose of this Fund, there is established a Committee to advise the Board on the administration and management of the Fund which shall consist of—
- (a) four representatives of the Ministry responsible for Public Service;
  - (b) four representatives of the Social Health Authority who shall be from the unit responsible for the management of the Fund and the associated benefits package;
  - (c) a representative of the Ministry responsible for finance;
  - (d) a representative of the Office of the Attorney-General; and
  - (e) two persons nominated by the Union of Kenya Civil Servants.
- (2) The Committee shall—
- (a) monitor the implementation of the contract entered into pursuant to these regulations;
  - (b) monitor, review, and implement the guidelines on excess loss under the contract;
  - (c) undertake the review of the performance of the medical Scheme on a quarterly basis;

- (d) identify challenges in the implementation of the Scheme and make recommendations to the Administrator of the Fund to improve the efficiency and effectiveness of the Scheme;
- (e) plan, oversee, and participate in the sensitization of public officers and other stakeholders;
- (f) plan, oversee, and participate in monitoring, evaluation, and reporting of the activities of the Scheme;
- (g) plan, oversee, and participate in experiential learning to improve the Scheme's efficiency and effectiveness;
- (h) receive and review the Scheme's utilization reports every quarter from the Administrator;
- (i) review the list of healthcare providers and the facilities contracted by the Authority and make recommendations to the Administrator;
- (j) develop and oversee the implementation of the work plan of the Scheme;
- (k) ensure that customer satisfaction survey is undertaken satisfactorily; and
- (l) perform such other as may be assigned by the Cabinet Secretary responsible for public service.

12. (1) Pursuant to section 24(5) of the Act, the Chief Executive Officer of the Social Health Authority is designated as the Administrator of the Fund. Administrator of the Fund.

(2) The Administrator of the Fund shall—

- (a) develop predictable, transparent, and accountable financial internal control systems for the Fund;
- (b) prepare estimates of annual revenue and expenditure of the Fund and submit them to the Board for advice before adoption;
- (c) establish proper systems of control and oversight in accordance with the provisions of the Act;
- (d) consult the Board on matters relating to the administration of the Fund;
- (e) prepare a non-financial performance report of the Fund and submit it to the Board for adoption;
- (f) be the custodian of the property, assets, and equipment of the Fund;
- (g) keep or cause to be kept proper books of accounts and other books and records relating to the Fund; and
- (h) prepare, sign, and transmit to the Auditor-General in respect of each financial year and within three months after the end of the financial year, a statement of account relating to the

Fund in such form as the Public Sector Accounting Standards Board established under the Act may prescribe.

(3) The Administrator of the Fund shall comply with the government budget cycle in the preparation of the estimates for the Fund.

(4) Upon approval by the Board, the Administrator of the Fund shall submit estimates of revenue and expenditure to the Cabinet Secretary responsible for public service by the 31st January of each financial year for approval.

13. (1) The Social Health Authority shall deploy its staff to support the functions of the Administrator of the Fund. Secretariat of the Fund.

(2) The Administrator of the Fund may assign duties to the staff with respect to the administration and management of the Fund.

14. (1) Before the commencement of every financial year the Ministry responsible for public service or any other employer who has opted to contribute to the Fund shall enter into a contract with the Social Health Authority to provide healthcare services to public officers. Contracting.

(2) The contract under sub regulation (1) shall provide for the following—

- (a) the amount to be paid into the Fund;
- (b) the number of public officers and their dependents who are eligible to benefit from the Scheme;
- (c) a benefits package equivalent or higher to the Comprehensive Medical Insurance Scheme for Civil Servants accessed by Civil Servants immediately before the commencement of these Regulations;
- (d) access rules; and
- (e) any other matter that relates to the Fund or the Scheme.

(3) The Social Health Authority and the Ministry responsible for public service and any other employer who has opted to contribute to the Fund shall sensitize the public officers on the benefits and access rules under a contract signed under sub-regulation (1).

#### PART V—FINANCIAL PROVISIONS

15. The financial year of the Fund shall be the period of twelve months commencing on the first of July in each year and ending on the thirtieth of June. Financial year.

16. (1) The Administrator of the Fund shall cause bank accounts in the name of the Fund to be maintained in a bank regulated by the Central Bank of Kenya in accordance with the Act. Bank accounts of the Fund.

(2) All moneys payable to the Fund shall be paid into the bank accounts of the Fund.

(3) The Fund's bank accounts shall be operated by the Administrator of the Fund and three other persons nominated by the Board.

(4) The Fund's bank accounts shall be submitted to the Auditor-General within three months after the end of each financial year in accordance with the Act and the Public Audit Act.

Cap. 412B.

17. The Administrator of the Fund shall ensure that the bank accounts of the Fund are not overdrawn.

Overdrawn accounts.

18. The Administrator of the Fund shall ensure that in any financial year, the expenditure and commitments of the Fund shall not exceed the annual income of the Fund together with any surplus income brought forward from the previous year.

Expenditure and commitments of the Fund.

19. (1) Withdrawal from the Fund shall only be to promote the objects for which the Fund is established.

Withdrawals from the Fund.

(2) The records of expenditure relating to the Fund shall be kept and maintained in accordance with the Act and Regulations made thereunder.

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

Annual estimates.

(2) The annual estimates shall make provision for the estimated revenues and expenditures of the Fund for the financial year and, in particular, the estimates shall provide for—

- (a) revenues projected to be received by the Fund from the sources of funds provided for under these Regulations; and
- (b) moneys for the administrative expenses of the Fund.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary responsible for public service and the Cabinet Secretary responsible for finance for approval.

Annual reports.

21. The Administrator of the Fund shall prepare annual financial and non-financial reports in accordance with the format prescribed by the Public Sector Accounting Standards Board and submit them to the Board for consideration and advice.

22. (1) The Administrator of the Fund shall cause to be kept all proper books and records of account of the income, expenditure, assets, liabilities, equipment, and properties of the Fund.

Records of the Fund.

(2) Within three months from the end of each financial year, the Administrator of the Fund shall submit to the Board the accounts of the Fund together with—

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

(3) The financial statements prepared under sub regulation (2) shall be prepared in accordance with the format prescribed by the Public Sector Accounting Standards Board.

23. The Fund shall be governed by all relevant financial and procurement laws and Regulations as applicable.

Financial and procurement regulation.

PART VI—MISCELLANEOUS PROVISIONS

24. The administrative expenses of the Fund shall not exceed three percent of the approved budget of each financial year. Administrative expenses.

25. (1) The Board shall, at the end of every financial year cause a review to be undertaken on the performance of the Fund. Review of the performance of the Fund.

(2) The review under sub regulation (1) shall be to determine whether the Fund has met the objectives for which the Fund was established.

(3) The report on the review of the Fund shall be submitted to the Cabinet Secretary responsible for public service and the Administrator of the Fund for consideration and further guidance.

26. (1) The winding up of the Fund shall be in accordance with the provisions of the Public Finance Management (National Government) Regulations, 2015. Winding up of the Fund. L.N. 34/2015.

(2) On winding up of the Fund—

(a) the Administrator of the Fund shall pay any amount remaining in the Fund into the National Exchequer Account for the credit of the national government; and

(b) the Cabinet Secretary responsible for finance shall pay any deficit in the Fund from the funds of the national government in the National Exchequer Account with the approval of the National Assembly.

(3) The Cabinet Secretary responsible for finance shall submit a final statement of accounts to the National Assembly and the Auditor-General for audit within six months from the date of the decision to wind up the Fund.

Made on the 5th December, 2024.

JOHN MBADI NG'ONGO,  
Cabinet Secretary for the  
National Treasury and Economic Planning.

## EXPLANATORY MEMORANDUM

### EXPLANATORY MEMORANDUM FOR THE PUBLIC FINANCE MANAGEMENT (PUBLIC OFFICERS MEDICAL SCHEME FUND) REGULATIONS, 2024

#### PART I

**Name of instrument:** Public Finance Management (Public Officers Medical Scheme Fund) Regulations, 2024.

**Name of Parent Act:** The Public Finance Management Act (No. 18 of 2012).

**Enacted Pursuant to:** Section 24(4) of the Public Finance Management Act, 2012

**Name of Ministry:** The National Treasury & Economic Planning/ State Department for Public Service

**Gazetted on:** To be advised by the Hon. Attorney-General

**Tabled on:** To be advised by the Clerk of the National Assembly

#### PART II


##### 1. Purpose of the Statutory Instrument

The purpose of this Statutory Instrument is to establish a Fund to be known as the **Public Officers Medical Scheme Fund** whose objects and purpose shall be to finance the provision of a medical scheme for public officers in addition to the social health insurance benefit package provided under the Social Health Insurance Act.

The Fund shall also facilitate expenses approved by the Administrator of the Fund to promote the objects for which the Fund was established.

##### 2. Legislative Context

The National Assembly delegated the duty to establish national public funds to the Cabinet Secretary responsible for finance with the approval of

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: 27 MAY 2025	DAY: Tuesday
TABLED BY:	Leader Masonry Party Hon. Owen Baya, MP
CLERK-AT	G. P. M. N. A. C. H. O. B. I. S.

the National Assembly. This is provided for under Section 24 (4) of the Public Finance Management Act, 2012.

The Regulations are therefore developed within the meaning of Section 24 (4) of the Public Finance Management Act 2012 and the procedure for public participation provided under the Statutory Instrument Act, 2013.

### **3. Policy Background**

The Government of Kenya introduced a comprehensive Medical Insurance Scheme for civil servants and disciplined services and their eligible dependents named Comprehensive Medical Insurance Scheme for Civil Servants & Disciplined Services (the Scheme). The scheme was rolled out with effect from 1<sup>st</sup> January 2012 and has been in operation until the establishment of the Social Health Authority.

The Scheme started with basic coverage of a principal member and three (3) dependents and was four years later enhanced to a principal member and six (6) dependents. The benefits package was also improved and currently includes outpatient, inpatient, and specialized services, dental, optical, annual medical checkups for member and spouse, road ambulance, emergency air rescue services, overseas treatment, group life and last expense cover.

Social Health Authority facilitates access for all Kenyan residents to a comprehensive range of quality health services. These services include integrated preventive, promotive, curative, rehabilitative, and palliative health services at level 4, 5, and 6 health facilities.

For civil servants to continue receiving medical benefits as part of their remunerations, a Fund is proposed to enable civil servants first to receive the comprehensive range of quality health services from the Social Health Authority and, once this is exhausted, proceed with the limits provided for under the comprehensive medical insurance scheme for civil servants and disciplined services (renamed Public Officers Medical Scheme).

The proposed Public Officers Medical Scheme include civil servants and any other participating group of public officers. Funds recovered from their medical benefits will be channelled to the Fund established to support the Scheme. Civil servants and all other participating public servants of the

proposed Public Officers Medical Scheme shall continue contributing to the Social Health Authority through payroll deductions.

#### **4. Guidance**

The National Treasury and Economic Planning, the State Department for Public Service and the Social Health Authority shall sensitize the National Assembly, the Civil Servants Unions, the general public, and various stakeholders on the objectives of the **Public Officers Medical Scheme Fund**.

#### **5. Stakeholder Consultations**

In line with the provisions of Section 5 of the Statutory Instruments Act, 2013, the National Treasury and Economic Planning together with the State Department for Public Service, undertook public participation before publication of these Regulations.

The Team responsible for preparing and developing the Regulations held targeted consultations with key stakeholders, and their input was considered before the finalization and publication of these Regulations.

These included The National Treasury and Economic Planning, the State Department for Public Service, the Social Health Authority, the National Assembly, the Civil Servants Unions, and the general public.

The mode of public participation included the invitation of key stakeholders via an advertisement posted on the National Treasury website and published in the **My Gov** on 12<sup>th</sup> November 2024. Written responses/submissions on the Regulations were sent to [ps@treasury.go.ke](mailto:ps@treasury.go.ke) and copied to [jona.wala@treasury.go.ke](mailto:jona.wala@treasury.go.ke)

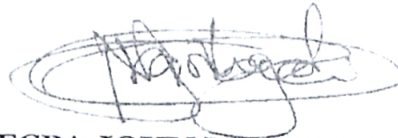
#### **6. Review**

The National Treasury shall monitor the application of the Regulations. This shall be done through the quarterly and annual reports prepared by the Fund and forwarded to the National Treasury.

**7. Contact**

The contact person shall be the Cabinet Secretary or Principal Secretary,  
The National Treasury & Economic Planning.

Made on the.....<sup>7th</sup> DEC, 2024.



**HON. FCPA JOHN MBADI NG'ONGO, EGH**  
*Cabinet Secretary for the National Treasury & Economic Planning*



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND ECONOMIC PLANNING

**MINUTES OF THE PUBLIC PARTICIPATION- TO DEVELOP PUBLIC FINANCIAL MANAGEMENT ACT 2012 (PUBLIC OFFICERS MEDICAL SCHEME FUND) REGULATIONS 2024, HELD ON 20<sup>TH</sup> NOVEMBER, 2024 AT THE NATIONAL TREASURY, 5TH FLOOR AGD BOARDROOM FROM 10:00 AM**

**STAKEHOLDERS**

- |                           |                         |
|---------------------------|-------------------------|
| 1. Dr. Thurania Kaungiria | Office of the President |
| 2. Mathilda Anyango       | MPS & HCD               |
| 3. Confat Ademba          | UKCS                    |
| 4. Lilly Samich           | State Law               |
| 5. Judy Wangari           | UKCS                    |
| 6. Beatrice Mwanlu        | KARO                    |
| 7. Ahmed Hussein          | KARO                    |
| 8. Dr. Miskellah Dennis   | KPMDU                   |
| 9. Dr. Joseph Makomere    | KPMDU                   |

**IN ATTENDANCE**

- |  |                                |
|--|--------------------------------|
| 1. James Oundo (Standing in for Jona Wala) | Chairman/The National Treasury |
| 2. Eva Kinoti                              | The National Treasury          |
| 3. Fidelis Gachoki                         | The National Treasury          |

MIN.	ITEM
Min 01/20/11	<b>Preliminaries:</b> The Chairman, CPA James Oundo brought the meeting to order at 11:00 a.m.
Min 02/20/11	<b>Opening Remarks:</b> <ul style="list-style-type: none"><li>The Chairman in his opening remarks welcomed everybody present to the meeting.</li><li>He thanked the stakeholders who had presented their submissions for the purpose of the Regulations to develop the Public Officers Medical Scheme Fund</li></ul>

MIN.	ITEM
Min 03/20/11	<p>Plenary:</p> <p>The Stakeholders presented their submissions and explained in detail what they would like the Fund to benefit them. In brief;</p> <ul style="list-style-type: none"> <li>• The Kenya Association of Retired Officers submitted to have the Regulations include them in the title and also for the Regulations to be amended to include them as stakeholders</li> <li>• Union of Kenya Civil Servants submitted to oversight the Fund and that the monies into the Fund be used for the purpose recommended</li> <li>• Kenya Medical Practitioners and Dentists Council presented that according to the definition of public service, anyone paid by taxpayers' money to be beneficial to the Fund.</li> <li>• All stakeholders requested to be included in the panel committee</li> </ul> <p>The full submissions are attached herewith</p>
Min 04/20/11	<p>Closing Remarks:</p> <ul style="list-style-type: none"> <li>• The Chairman thanked everyone for their submissions and assured them that they would be taken into consideration and that a report would be extracted from what had been submitted</li> <li>• There being no other business, the Chairman moved that the meeting be adjourned and this was agreed upon at 12:15 p.m.</li> </ul>
Prepared By:	<p>CPA Eva Kinoti... <u>[Signature]</u> Date. <u>[Date]</u></p> <p>CPA Fidelis Gachoki <u>[Signature]</u> Date. <u>[Date]</u></p>
Confirmed for Circulation by the Chairman	<p>CPA James Oundo <u>[Signature]</u> Date. <u>[Date]</u></p>

**ATTENDANCE LIST FOR THE PUBLIC PARTICIPATION MEETING ON PUBLIC FINANCE  
MANAGEMENT (PUBLIC OFFICERS MEDICAL SCHEME FUND) REGULATIONS 2024**

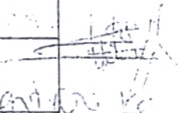
**VENUE: 5<sup>TH</sup> FLOOR BOARDROOM, THE NATIONAL TREASURY  
DATE: 20<sup>TH</sup> NOVEMBER, 2024**

NO	NAME	MINISTRY/STATE DEPARTMENT/ ORGANIZATION	DESIGNATION	TEL. NO.	EMAIL	SIGN.
1.	James Ombaka	TNT	S.D.A.G.	0721534956	Jamesombaka@equid.co.ke	
2.	Mathilda Anyago	MPS & HCD	AD	0722402794	semasah@equid.co.ke	
3.	Conrad Akemba	UKCS	Dep. Secy	023202073	conrad.akemba@equid.co.ke	
4.	Mrs. Wanjiku	Health Care Centre	Secy	0700000371	wanjiku@equid.co.ke	
5.	Judy Wanjiku	UKCS	Dep. Secy (Treasury)	0127145462	judy.wanjiku@equid.co.ke	
6.	Amos Mwangi	KARC	Gen. Mgr.	0722460231	amos.mwangi@equid.co.ke	
7.	Amos Mwangi	KARC	Chief	07232456	amos.mwangi@equid.co.ke	
8.	Fidelis Gachuki	TNT	Accountant	0127557834	fidelis.gachuki@equid.co.ke	
9.	Eva Wanjiku	TNT	Accountant	0716106450	eva.wanjiku@equid.co.ke	
10.	Dr. Mitchell Denis	KMPDU	Dep. Secy	072476438	mitchell.denis@equid.co.ke	
11.	Dr. Joseph Nakomore	KMPDU	NEC	0727587324	lubdeljoseph@equid.co.ke	



**ATTENDANCE LIST FOR THE PUBLIC PARTICIPATION MEETING ON PUBLIC FINANCE  
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**VENUE: 5<sup>TH</sup> FLOOR BOARDROOM, THE NATIONAL TREASURY  
DATE: 20<sup>TH</sup> NOVEMBER, 2024**

NO	NAME	MINISTRY/STATE DEPARTMENT/ ORGANIZATION	DESIGNATION	TEL. NO.	EMAIL	SIGN.
1.	D. Thiruganesh	CP	ACU	0720923288	thiruganesh.kovindan@gmail.com	
2.						
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