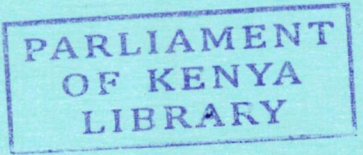


**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2025**

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**NAIROBI, 9th May, 2025**

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**THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING  
AND REUSE BILL, 2025**

**A Bill for**

**AN ACT of Parliament to provide a legal framework for environmentally sustainable disposal, recycling and reuse of e-waste; establishing the National E-Waste Recycling Plant; the e-waste sorting site and the ward consolidation site; and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows —

1. This Act may be cited as the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025.

Short title.

2. In this Act—

“Authority” means the National Environment Management Authority (NEMA) established under section 7 of the Environmental Management and Co-ordination Act;

Interpretation.

Cap. 387.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to the environment;

Cap 387C.

“County Executive Committee Member” means the county executive committee member responsible for matters relating to the environment in the respective county;

“e-waste” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act;

“e-waste practitioner” means—

(a) an “e-waste collector” licenced under section 9 by the county to gather e-waste and transport it to the e-waste sorting and consolidation site in that county; and

Cap 387.

(b) an “e-waste recycler” licensed under section 10 by the Cabinet Secretary to reclaim e-waste for further use as a product, raw material or input in the production of other goods;

“e-waste sorting site” means a site or premises designated by the county under section 17 of this Act for purposes of receiving, accumulating, depositing, storage and sorting of e-waste;

“National Environment Tribunal” means the National Environment Tribunal established under section 125(1) of the Environmental Management and Co-ordination Act;

“National e-waste Recycling Plant” means the plant established under section 16 of this Act;

“recycle” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act;

“re-use” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act; and

“ward consolidation site” means a site gazetted by the county government under section 18 of this Act.

**3.** The object of this Act is to—

Object of the Act.

- (a) provide for sustainable, environmentally compliant mechanisms for the disposal, recycling and reuse of electronic equipment;
- (b) improve the health of all Kenyans by ensuring proper collection and disposal of e-waste; and
- (c) create an enabling environment for employment in the green economy in e-waste management.

**4.** In implementing the Act, all persons shall be guided by the following principles—

Guiding principles.

- (a) promoting the right to a clean and healthy environment; and
- (b) zero waste principle in which e-waste is treated as a resource that can be harnessed for wealth creation, employment and the reduction of pollution.

## **PART II— FUNCTIONS OF THE NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS**

**5.** The Cabinet Secretary shall—

Functions of the Cabinet Secretary.

- (a) in consultation with the Council of County Governors, develop a policy on e-waste management;
- (b) classify e-waste;

- (c) co-ordinate adherence to international obligations with regards to e-waste management;
  - (d) in consultation with the Authority—
    - (i) develop strategies for proper e-waste disposal and management in the country; and
    - (ii) mobilise resources for financing of the e-waste management sector;
  - (e) develop standards and guidelines on health measures to be taken by an e-waste practitioner;
  - (f) in consultation with all relevant stakeholders, develop e-waste disposal strategies;
  - (g) conduct periodic reviews on the e-waste disposal strategies;
  - (h) monitor the whole value chain of e-waste management from collection to disposal and propose measures to ensure efficiency;
  - (i) license National E-waste Recycling Plants; and
  - (j) conduct e-waste public education and awareness.
- (2) In exercising the functions in subsection (1), the Cabinet Secretary may—
- (a) establish regional and international partnerships in e-waste management; and
  - (b) participate in regional and global initiatives for better e-waste management.

**6.** The Cabinet Secretary shall have all the powers necessary for the proper performance of their functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Cabinet Secretary shall have power to—

- (a) determine, impose and levy rates, charges, dues or fees for any services performed under this Act, or for the grant, renewal or validation of a licence, permit or certificate;
- (b) manage, control and administer assets in such manner and for such purposes as best promotes the purposes of the Act;
- (c) receive gifts, grants, donations or endowments made for purposes of this Act and make

Powers of the  
Cabinet Secretary.

disbursements therefrom in accordance with the provision of this Act;

- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the funds not immediately required for purpose of this Act, as it may determine; and
- (e) open a bank account into which all moneys received shall be paid in the first instance and out of which all payments shall be made.

7. (1) Each county executive committee member shall—

- (a) advise the governor on National government policies and strategies for proper e-waste disposal and management in the county;
- (b) prepare a county e-waste management plan and allocate funds necessary for the provision of e-waste management in county budgets;
- (c) establish an e-waste sorting site in each county;
- (d) establish ward consolidation sites in each ward where residents can drop off their electronic waste;
- (e) prepare a quarterly monitoring report on e-waste management in the county and submit it to the Authority and the county assembly;
- (f) create an inter-county transportation and disposal framework;
- (g) register and licence e-waste collectors operating in the county;
- (h) maintain an up-to-date register of all e-waste collectors;
- (i) in collaboration with law enforcement agencies, enforce national and county legislation on e-waste management;
- (j) inspect e-waste sorting sites;
- (k) maintain data on e-waste management service provision by e-waste collectors and share the information at least once in each year through the

Functions of  
County Executive  
Committee  
Member.

Cap 387C.

national waste information system established under the Sustainable Waste Management Act;

- (l) implement standards and guidelines on health measures to be considered when handling e-waste;
- (m) monitor e-waste collection and disposal strategy in the County and develop modalities to mitigate any shortcomings; and
- (n) conduct e-waste public education and awareness.

### **PART III —COLLECTION, TRANSPORTATION AND RECYCLING OF E-WASTE**

**8.** (1) A person who generates e-waste in Kenya shall dispose of the e-waste at the designated ward consolidation site within the respective wards in the county.

Duty to safely dispose of e-waste.

(2) A person who does not manage e-waste in accordance with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand Kenya Shilling or imprisonment for a term not exceeding six months or both.

**9.** (1) A person shall not operate as an e-waste collector they have applied for and obtained a licence from the respective county government in which the business is to be undertaken.

Licensing of e-waste collectors.

(2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the respective county executive committee member for consideration.

(3) The county executive committee member may consider the application within such period as may be prescribed in the respective county legislation, and may—

- (a) grant an applicant a conditional or unconditional licence; or
- (b) reject the application;

(4) The county executive committee member shall inform the applicant of its decision under subsection (4) within fourteen days of the decision.

(5) Where the county executive committee member refuses to grant an application, the county executive

committee member shall, in its notification under subsection (4), specify the reason for the refusal.

(6) A licence issued under this section is not transferable.

(7) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

**10.**(1) A person shall not operate as an e-waste recycler unless they have applied for and obtained a licence from the Cabinet Secretary.

Licensing of e-waste recyclers.

(2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the Cabinet Secretary for consideration.

(3) The Cabinet Secretary may consider the application within such period as may be prescribed in the Regulations, and may—

(a) grant an applicant a conditional or unconditional licence; or

(b) reject the application.

(4) The Cabinet Secretary shall inform the applicant of its decision under subsection (4) within fourteen days of the decision.

(5) Where the Cabinet Secretary refuses to grant an application, the Cabinet Secretary shall, in its notification under subsection (4), specify the reason for the refusal.

(6) A licence issued under this section is not transferable.

(7) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

**11.** A licence issued under this Act shall be in the prescribed form and shall be valid for a period of one year.

Duration of licence.

**12.** Where an applicant or a licensee is dissatisfied with the decision of the Cabinet Secretary or the county

Appeals.

executive committee member not to issue a licence or to cancel a licence under this Act, the applicant may make an application for judicial review to a court of competent jurisdiction within thirty days of the decision.

13. The Cabinet Secretary or the county executive committee member may cancel a licence if the licensee—

Cancellation of licence.

- (a) fails to meet any condition imposed by the Cabinet Secretary or the county executive committee member;
- (b) fails to comply with the provisions of this Act or the regulations hereunder; and
- (c) surrenders the licence to the Cabinet Secretary or the county executive committee member together with a notice setting out a request that the licence be cancelled.

14. (1) An e-waste collector shall handle e-waste in the prescribed manner.

Responsibilities of the e-waste collector.

(2) An e-waste collector shall deliver e-waste collected from the ward consolidation sites to a designated e-waste sorting site or to the National e-waste recycling plant.

(3) An e-waste collector who fails to handle or manage waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term of six months or both

15. (1) An e-waste recycler shall reclaim e-waste from National e-waste recycling plant in the prescribed manner.

Responsibilities of the e-waste recycler.

(2) An e-waste recycler who fails to handle or manage e-waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both.

**PART IV— ESTABLISHMENT OF A NATIONAL E-WASTE RECYCLING PLANT, COUNTY E-WASTE SORTING SITE AND WARD CONSOLIDATION SITE**

16. (1) The Cabinet Secretary in consultation with the Authority, may establish a National E-waste Recycling Plant by notice in the *Gazette*.

National e-waste recycling plant.

(2) A declaration of the National E-waste Recycling Plant under subsection (1) shall—

- (a) define the geographical area of the plant to be no less than thirty acres; and
- (b) the buffer zone of the recycling plant to be no less than a five acre radius.

(3) The plant shall be a designated area where recycling of e-waste materials shall be done.

(4) The land may be alienated for use of recycling e-waste to e-waste recyclers within the plant.

17. (1) The Governor on the recommendation of the respective county executive committee member, may establish an e-waste sorting site by notice in the *Gazette*.

E-waste sorting site.

(2) A declaration of an e-waste sorting site under subsection (1) shall define—

- (a) the geographical area of the site to be no less than five acres; and
- (b) the buffer zone of the recycling plant to be no less than a than two acre radius.

18. The Governor on the recommendation of the respective county executive committee member, may establish a ward consolidation site by notice in the *Gazette*.

Ward consolidation site.

(2) A declaration of a ward consolidation site under subsection (1) shall define—

- (a) the geographical area of the site to be no less than one (1) acre; and
- (b) the buffer zone of the recycling plant to be no less than a one (1) acre radius.

19. The Cabinet Secretary in consultation with the Authority and the Council of County Governors, may prescribe the standards, guidelines and requirements for the establishment of the National E-waste Recycling Plant, the E-waste sorting site and the ward consolidation site.

Standards and guidelines.

#### **PART V—MISCELLANEOUS PROVISIONS**

20. (1) The Cabinet Secretary shall, in consultation with the Council of County Governors, make regulations prescribing—

Regulations

- (a) the procedures for safe and sustainable e-waste management;
- (b) the expansion of the market for recycled e-waste products and incentives to expand the market for pre-consumer and post-consumer recycled e-waste products through incentives, government procurement preferences and other policies; and
- (c) the promotion of health, safety and environmental standards including —
  - (i) labour and health standards for e-waste collectors;
  - (ii) operational standards for e-waste sorting sites and ward consolidation sites; and
  - (iii) the classification of e-waste.

(2) Notwithstanding the generality of subsection (1), the Cabinet Secretary in consultation with the Council of County Governors, may prescribe regulations for the better carrying out of the provisions of this Act.

**21.** The county government may enact county specific legislation setting out the framework for e-waste management in the county.

County  
Legislation.

**MEMORANDUM OF OBJECTS AND REASONS****Statement of the Objects and Reasons**

Kenya generates an average of three thousand tonnes of e-waste annually that is mixed with ordinary waste in landfills (Waste Electrical and Electronic Equipment Centre (WEEE Centre)). According to the World Health Organisation, e-waste is considered hazardous waste, a threat to the environment and to human health if not treated, disposed of and recycled appropriately since it can release up to one thousand different chemicals and substances in to the environment including harmful neuro-toxicants such as lead, dioxins and mercury.

Due to the grave implications that mishandling of E-waste is likely to have on both the environment and eventually the health and life of the citizen, it is paramount that a legal framework is put in place to provide for the safe, regulated handling and disposal of E-waste as part of enhancing the constitutional rights to a clean and healthy environment contained in Article 42 as well as ensuring the state has carried out its obligations encapsulated under Article 69(1).

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

The Bill does not limit fundamental rights and freedoms.

**Statement on how the Bill concerns county governments**

The proposed Bill concerns county governments in terms of Article 110(1)(a) as it concerns disposal and recycling of e-waste which is a form of solid waste. Paragraph 2(f) of Part 2 of the Fourth Schedule to the Constitution mandates county governments to provide for county health services and in particular refuse removal, refuse dumps and solid waste disposal.

**Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution**

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 17th April, 2025.

PERIS TOBIKO,  
*Senator.*