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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

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DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL
PLANNING

REPORT ON THE
HARMONISATION OF THE PROPOSED AMENDMENTS TO THE
SOVEREIGN WEALTH FUND BILL (NATIONAL ASSEMBLY BILL NO 7
OF 2026)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 02 JUN 2026 DAY: Thursday	
TABLED BY:	<i>Chairperson DC Finance and National Planning</i>
CLERK-AT THE-TABLE:	<i>Halima Ahmed</i>

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CHAIRPERSON'S FOREWORD

This Harmonisation Report presents the proceedings of the Departmental Committee on Finance and National Planning on its consideration and harmonisation of the proposed amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No 7 of 2026) as proposed by the Committee, Hon (Dr.) Wilberforce Oundo, Hon. Justice Kimei, Hon. Mark Mwenje, MP, Hon. Caroli Omondi, MP, Hon. John Kaguchia, MP, Hon. Robert Mbui, MP and Hon. John Mukunji, MP

The Bill, sponsored by Hon. Kimani Ichung'wah, EGH, MP was published on 9th March 2026 and read for the First Time on Wednesday, 11th March 2026. It was subsequently committed to the Departmental Committee on Finance and National Planning for consideration, facilitation of public participation pursuant to Article 118 of the Constitution, and reporting to the House in accordance with Standing Order 127(1).

The Bill has sixty-one (61) clauses and seeks to establish the Sovereign Wealth Fund; to provide institutional arrangements for the effective administration and efficient management of minerals and petroleum revenues, and monies from other sources allocated to the Fund: and for connected purposes. The Bill also proposes to make consequential amendments to the Mining Act and Petroleum Act.

During the Committee of the Whole House on Wednesday, 1st July 2026, the Bill was referred back to the Departmental Committee on Finance and National Planning for the harmonisation of the proposed amendments by the Committee and Honourable Members who had proposed amendments.

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support extended throughout the process.

On behalf of the Committee, and pursuant to Standing Order 131, it is my honour and privilege to table this Report on the harmonisation process undertaken by the Departmental Committee on Finance and National Planning in its consideration of the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026).

HON. FCPA KURIA KIMANI, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE AND
NATIONAL PLANNING

CHAPTER ONE

I.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Finance and National Planning is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - c) *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - d) **To study and review all legislation referred to it;**
 - e) *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - f) *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - g) *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - h) *To examine treaties, agreements and conventions;*
 - i) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
 - j) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - k) *To examine any questions raised by Members on a matter within its mandate.*
2. The Second Schedule to the National Assembly Standing Orders assigns the Committee the mandate to consider matters in relation to public finance, public audit policies, monetary policies, financial institutions, economy, investment policies, competition, banking, insurance, national statistics, population, revenue policies including taxation, national planning and development, digital finance, including digital currency.
3. In executing its mandate, the Committee oversees the following Ministries/Departments:
 - a. The National Treasury.

- b. State Department for Economic Planning.
- c. State Department for Public Investments and Asset Management.
- d. The Commission on Revenue Allocation (CRA)
- e. Office of the Controller of Budget

I.2 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Finance and National Planning was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. FCPA Kuria Kimani, CBS, MP.
Molo Constituency

UDA Party

Vice-Chairperson

Hon. (Amb.) FCPA Langat Benjamin Kipkirui, CBS, MP
Ainamoi Constituency

UDA Party

Members

Hon. Peter Kaluma, CBS, MP
Homa Bay Town Constituency
ODM Party

Hon. FCPA Oyula, Joseph H. Maero, MP
Butula Constituency
ODM Party

Hon. Mboni, David Mwalika, MP
Kitui Rural Constituency
WDM Party

Hon. Okuome Adipo Andrew, MP
Karachuonyo Constituency
ODM Party

Hon. Chiforomodo, Munga, MP
Lunga Lunga Constituency
UDM Party

Hon. Sunkuyia, R. George, MP
Kajiado West Constituency
UDA Party

Hon. Dr. Gathoni Wamuchomba, HSC, MP
Githunguri Constituency
UDA Party

Hon. Sheikh Umul Sheikh, MP
Mandera County
UDM Party

Hon. (Dr.) Shadrack Mwiti, MP
South Imenti Constituency
Jubilee Party

Hon. (Dr.) Ariko John Namoit, MP
Turkana South Constituency
ODM Party

Hon. CPA Rutto Julius Kipletting, MP
Kesses Constituency
UDA Party

Hon. Machele M. Soud, MP
Mvita Constituency
ODM Party

Hon. Paul Biego, MP
Chesumei Constituency
UDA Party

1.3 COMMITTEE SECRETARIAT

5. The Committee is supported by the following secretariat:

Ms. Tracy Chebet
Principal Clerk Assistant II

Ms. Jennifer Ndeto
Deputy Director Legal Services

Mr. Benson Kamande
Clerk Assistant III

Ms. Winfred Kambua
Clerk Assistant III

Mr. Salem Lorot
Senior Legal Counsel

Mr. Eugene Luteshi
Audio Officer III

Ms. Nelly W. Ondieki
Research Officer III

Mr. George Ndenjeshe
Fiscal Analyst II

Mr. James Macharia
Media Relations Officer

Ms. Joyce Wachera
Hansard Reporter II

Mr. Benson Muthuri
Assistant Serjeant-At-Arms

Mr. Jared Onyancha
Protocol Officer

Ms. Peninah Simiren
Legal Counsel II

Mr. Allan Ngugi
Administrative Officer II

CHAPTER TWO

2.0 OVERVIEW OF THE SOVEREIGN WEALTH FUND BILL (NATIONAL ASSEMBLY BILL NO 7 OF 2026).

6. The Bill seeks to establish the Sovereign Wealth Fund; to provide institutional arrangements for the effective administration and efficient management of minerals and petroleum revenues, and monies from other sources allocated to the Fund: and for connected purposes. The Bill also proposes to make consequential amendments to the Mining Act and Petroleum Act.
7. **PART I** (Clause 1-3) of the Bill contains the preliminary provisions including the short title and commencement of the Act; the definition of key terms used in the Act and the guiding values and principles of the Act.
8. **PART II** (Clause 4-8) of the Bill provides for the establishment of the Sovereign Wealth Fund; the object and purpose of the Fund; the sources of funds from the Fund; the establishment of the Holding Account to hold the resources and assets of the Fund; and the general principles relating to withdrawals from the Fund.

Part II also provides for the organisation of the Fund into the Stabilisation Component, Strategic Infrastructure Investment Component and Future Generations Component; the sources of funds for the components of the Fund; the procedures for withdrawals and transfers from or out of the components of the Fund; and the effect of the depletion of mineral and petroleum resources on the organisation of the Fund.

9. **PART III** (Clause 19-24) of the Bill provides for fiscal responsibility principles applicable to the Fund including the application of the Public Finance Management Act on the operation and management of the Fund; the manner of enforcing the fiscal responsibility principles: the designation of the Administrator of the Fund and the way by which the Administrator shall report on the Fund; the preparation of the annual estimates and Budget of the Fund; the management of cash by the administrator; and the connection of the Fund to the annual national government budget process.
10. **PART IV** (Clause 25-41) of the Bill provides for the management of the Fund including the establishment of the Sovereign Wealth Fund Board; the qualifications, appointment, tenure and remuneration of the members of the Board; the manner of filling in vacancies in the Board; the meetings and committees of the Board; the appointment of the Chief Executive Officer and staff of the Board; the code of conduct applicable to the members of the Board, Chief Executive Officer and staff of the Board; the protection of members of the Board, Chief Executive Officer and staff of the Board

from personal liability in respect to their official functions; the duty of confidentiality; and the common seal of the Board.

- 11.PART V** (Clause 42-48) of the Bill provides for the investment of the Fund including provisions relating to qualifying investment instruments of the components of the Fund: prohibited instruments; risk management principles; and investment rules.
- 12.PART VI** (Clause 49 and 50) of the Bill provides for the appointment by the Board and functions of investment managers of the Fund.
- 13.PART VII** (Clause 51-53) of the Bill provides for financial matters including the annual financial statements of the Fund; the manner of auditing the Fund; and the preparation and submission of the annual report of the Fund.
- 14.PART VIII** (Clause 54-61) provides for miscellaneous matters including the offence of, and penalty for, the misappropriation of the funds and assets of the Fund; a general penalty; the manner of preserving the reserves of the Fund before and during a general election: that the Act shall prevail in respect of allocation, withdrawal, transfer. investment and management of all revenues from medium and large-scale mining and petroleum operations; the power to make regulations by the cabinet Secretary; and consequential amendments.
- 15.The First Schedule to the Bill** deals with the conduct of the business and affairs of the Board.
- 16.The Second Schedule to the Bill** deals with the types of qualifying investment instruments applicable to the components of the Fund.
- 17.The Third Schedule to the Bill** provides for the guidelines on service level agreements for an investment fund manager.
- 18.The Fourth Schedule to the Bill** provides for consequential amendments to the Mining Act, Petroleum Act and Kenya Revenue Authority Act.

CHAPTER THREE

3.0 CONSIDERATION AND HARMONIZATION OF PROPOSED AMENDMENTS TO THE SOVEREIGN WEALTH FUND BILL (NATIONAL ASSEMBLY BILL NO 7 OF 2026)

3.1 Referral of the Sovereign Wealth Fund Bill (National Assembly Bill No 7 of 2026)

- 19.** The Sovereign Wealth Fund Bill (National Assembly Bill No 7 of 2026) sponsored by the Leader of Majority Party, Hon. Kimani Ichung'wah, EGH, MP, was published on 9th March 2026 and read for the First Time on Wednesday, 11th March 2026. It was subsequently committed to the Departmental Committee on Finance and National Planning for consideration, facilitation of public participation pursuant to Article 118 of the Constitution, and reporting to the House in accordance with Standing Order 127(1).
- 20.** On Wednesday, 1st July 2026, during the Committee of the Whole House, the Bill was referred back to the Departmental Committee on Finance and National Planning for Harmonization of the amendments proposed by the Committee, Hon (Dr.) Wilberforce Oundo, Hon. Justice Kimei, MP, Hon. Mark Mwenje, MP, Hon. Caroli Omondi, MP, Hon. John Kaguchia, MP, Hon. Robert Mbui, MP and Hon. John Mukunji, MP to the Bill.
- 21.** Pursuant to the provisions of Standing Order 131, the Speaker directed that all the amendments received be referred to the Departmental Committee on Finance and National Planning and be subjected to harmonization.

3.2 COMMITTEE CONSIDERATION OF THE AMENDMENTS

22.The Committee undertook the Harmonization process with the Leader of Majority Party (the sponsor of the Bill) and made observations and recommendations on all the proposed amendments. The amendments proposed by the Members were as follows;

3.2.1 Hon. Justice Kemei, M.P, Member for Sigowet/Soin Constituency

CLAUSE 12

23.THAT, clause 12 of the Bill be amended in subclause (2) by inserting the words “artificial intelligence, space technology” immediately after the word “education”.

3.2.2 Hon. Caroli Omondi, M.P, Member for Suba South Constituency.

CLAUSE 1

24.THAT, Clause 1 of the Bill be deleted.

CLAUSE 2

25.THAT, Clause 2 of the Bill be deleted.

CLAUSE 3

26.THAT, Clause 3 of the Bill be deleted.

CLAUSE 4

27.THAT, Clause 4 of the Bill be deleted.

CLAUSE 5

28.THAT, Clause 5 of the Bill be deleted.

CLAUSE 6

29.THAT, Clause 6 of the Bill be deleted.

CLAUSE 7

30.THAT, Clause 7 of the Bill be deleted.

CLAUSE 8

31.THAT, Clause 8 of the Bill be deleted.

CLAUSE 9

32.THAT, Clause 9 of the Bill be deleted.

CLAUSE 10

33.THAT, Clause 10 of the Bill be deleted.

CLAUSE 11

34.THAT, Clause 11 of the Bill be deleted.

CLAUSE 12

35.THAT, Clause 12 of the Bill be deleted.

CLAUSE 13

36.THAT, Clause 13 of the Bill be deleted.

CLAUSE 14

37.THAT, Clause 14 of the Bill be deleted.

CLAUSE 15

38.THAT, Clause 15 of the Bill be deleted.

CLAUSE 16

39.THAT, Clause 16 of the Bill be deleted.

CLAUSE 17

40.THAT, Clause 17 of the Bill be deleted.

CLAUSE 18

41.THAT, Clause 18 of the Bill be deleted.

CLAUSE 19

42.THAT, Clause 19 of the Bill be deleted.

CLAUSE 20

43.THAT, Clause 20 of the Bill be deleted.

CLAUSE 21

44.THAT, Clause 21 of the Bill be deleted.

CLAUSE 22

45.THAT, Clause 22 of the Bill be deleted.

CLAUSE 23

46.THAT, Clause 23 of the Bill be deleted.

CLAUSE 24

47.THAT, Clause 24 of the Bill be deleted.

CLAUSE 25

48.THAT, Clause 25 of the Bill be deleted.

CLAUSE 26

49.THAT, Clause 26 of the Bill be deleted.

CLAUSE 27

50.THAT, Clause 27 of the Bill be deleted.

CLAUSE 28

51.THAT, Clause 28 of the Bill be deleted.

CLAUSE 29

52.THAT, Clause 29 of the Bill be deleted.

CLAUSE 30

53.THAT, Clause 30 of the Bill be deleted.

CLAUSE 31

54.THAT, Clause 31 of the Bill be deleted.

CLAUSE 32

55.THAT, Clause 32 of the Bill be deleted.

CLAUSE 33

56.THAT, Clause 33 of the Bill be deleted.

CLAUSE 34

57.THAT, Clause 34 of the Bill be deleted.

CLAUSE 35

58.THAT, Clause 35 of the Bill be deleted.

CLAUSE 36

59.THAT, Clause 36 of the Bill be deleted.

CLAUSE 37

60.THAT, Clause 37 of the Bill be deleted.

CLAUSE 38

61.THAT, Clause 38 of the Bill be deleted.

CLAUSE 39

62.THAT, Clause 39 of the Bill be deleted.

CLAUSE 40

63.THAT, Clause 40 of the Bill be deleted.

CLAUSE 41

64.THAT, Clause 41 of the Bill be deleted.

CLAUSE 42

65.THAT, Clause 42 of the Bill be deleted.

CLAUSE 43

66.THAT, Clause 43 of the Bill be deleted.

CLAUSE 44

67.THAT, Clause 44 of the Bill be deleted.

CLAUSE 45

68.THAT, Clause 45 of the Bill be deleted.

CLAUSE 46

69.THAT, Clause 46 of the Bill be deleted.

CLAUSE 47

70.THAT, Clause 47 of the Bill be deleted.

CLAUSE 48

THAT, Clause 48 of the Bill be deleted.

CLAUSE 49

71.THAT, Clause 49 of the Bill be deleted.

CLAUSE 50

72.THAT, Clause 50 of the Bill be deleted.

CLAUSE 51

73.THAT, Clause 51 of the Bill be deleted.

CLAUSE 52

74.THAT, Clause 52 of the Bill be deleted.

CLAUSE 53

75.THAT, Clause 53 of the Bill be deleted.

CLAUSE 54

76.THAT, Clause 54 of the Bill be deleted.

CLAUSE 55

77.THAT, Clause 55 of the Bill be deleted.

CLAUSE 56

78.THAT, Clause 56 of the Bill be deleted.

CLAUSE 57

79.THAT, Clause 57 of the Bill be deleted.

CLAUSE 58

80.THAT, Clause 58 of the Bill be deleted.

CLAUSE 59

81.THAT, Clause 59 of the Bill be deleted.

CLAUSE 60

82.THAT, Clause 60 of the Bill be deleted.

CLAUSE 61

83.THAT, Clause 61 of the Bill be deleted.

FIRST SCHEDULE

84.THAT, the First Schedule to the Bill be deleted.

SECOND SCHEDULE

85.THAT, the Second Schedule to the Bill be deleted.

THIRD SCHEDULE

86.THAT, the Third Schedule to the Bill be deleted.

FOURTH SCHEDULE

87.THAT, the Fourth Schedule to the Bill be deleted.

3.3.3 Hon. Mark Mwenje, M.P, Member for Embakasi West Constituency

CLAUSE 2

88.THAT, clause 2 be amended by inserting the words ‘Public Debt Component’ immediately after the words ‘Strategic Infrastructure Investment Component’ in the definition of ‘component of the Fund’

CLAUSE 4

89.THAT, clause 4 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) the Public Debt Component;

CLAUSE 6

90.THAT, clause 6 of the Bill be amended—

(a) in subclause (1) (h) by inserting the words “and the National Assembly” at the end of the paragraph; and

(b) inserting the following new subclauses immediately after subclause (2)—

(3) All the monies under subsection (1) shall be paid into the Consolidated Fund.

(4) The monies shall be appropriated by the National Assembly into the Fund.

CLAUSE 5

91.THAT, clause 5 be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)—

(d) to provide the national government with resources for the repayment, redemption, refinancing and prudent management of public debt obligations in order to promote fiscal sustainability.

CLAUSE 8

92.THAT, clause 8 of the Bill be amended—

(a) in subclause (1) by deleting the words “specified by the Cabinet Secretary in consultation with the Board at the beginning of each financial year considering conditions specified under section 5(2)” appearing immediately after the words “in proportions” and substituting therefor the words “specified in subsection (3).

- (b) by deleting subclause (3) and substituting therefor the following new subclause—
 - “(3) The transfers into the respective components shall be distributed according to the following proportions at the beginning of each financial year—
 - (a) twenty percent to the Stabilization Component subject to the cap established under section 17B;
 - (b) forty percent to the Strategic Infrastructure Investment Component;
 - (c) at least ten percent to the Future Generations Component;
 - (d) thirty percent to the Public Debt Component in addition to any surplus funds transferred from the Stabilization Component once it reaches its prescribed ceiling.

CLAUSE 11

93.THAT, clause 11 be amended by deleting subclause (3) and substituting therefor the following new subclauses—

- (3) Any withdrawals from the Fund shall be approved by the Controller of Budget.

CLAUSE 17

94.THAT, the Bill be amended by inserting the following new part immediately after clause 17—

Public Debt Component

Object and purpose of the Public Debt Component. **17A.** The object and purpose of the Public Debt Component shall be to provide the national government with resources for the repayment, redemption, refinancing and management of public debt obligations in order to promote fiscal sustainability and maintain macro-economic stability.

Sources of funds of the Public Debt Component **17B.** The sources of funds of the Public Debt Component are—

- (a) transfers received from the Holding Account; and
- (b) fifty per cent of the investment income earned from the Public Debt Component.

Withdrawals from the Public Debt Component **17C.** (1) The Cabinet Secretary shall, in respect of any withdrawal from the Public Debt Component, submit a written request to the Board indicating—

- (a) the amount required;
- (b) the public debt obligation for which the withdrawal is sought; and

(c) the justification for the withdrawal.

(2) Where the Board is satisfied that the request complies with this Act, it shall issue written instructions to the Central Bank of Kenya to transfer the approved amount from the Public Debt Component to the Consolidated Fund.

(3) A withdrawal under this section shall be approved by the Cabinet and submitted to the National Assembly for appropriation in accordance with the Constitution and the Public Finance Management Act.

(4) Any balance standing to the credit of the Public Debt Component that is not immediately required for servicing public debt may be invested in a qualifying instrument in accordance with this Act.

(5) An investment under subsection (4) shall be undertaken in a manner that promotes the objectives of the Fund and does not prejudice the ability of the Public Debt Component to meet existing or anticipated public debt obligations.

(6) A transfer for investment purposes under subsection (4) shall require a resolution of the Board and written instructions from the Board to the Central Bank of Kenya authorising the transfer of funds from the Public Debt Component for investment.

(7) Transfers to the Stabilisation Component shall cease when the component grows to ten billion shillings or such amount as may be prescribed by the Cabinet Secretary, and any amount above that amount shall, with the approval of the Cabinet and the National Assembly, be utilised to service public debt.

CLAUSE 22

95.THAT, clause 22 of the Bill be amended in subclause (1) (b) by inserting the words “Public Debt Component” immediately after the words “Stabilisation Component”.

CLAUSE 28

96.THAT, clause 28 be amended in—

- a) subclause (1) (f) by inserting the words “process upon the approval of the National Assembly” immediately after the word ‘Cabinet Secretary’.

3.3.4 Hon. Kaguchia John P.G, M.P, Member for Mukurweini Constituency

CLAUSE 6

97.THAT, clause 6 of the Bill be amended—

- (a) in subclause (1) (h) by inserting the words “and the National Assembly” at the end of the paragraph; and
- (b) by inserting the following new subclauses immediately after subclause (2)—
 - (3) All the monies under subsection (1) shall be paid into the Consolidated Fund.
 - (4) The monies shall be appropriated by the National Assembly into the Fund.

CLAUSE 8

98.THAT, clause 8 of the Bill be amended—

- (a) in subclause (1) by deleting and substituting therefor the following new subclause—
 - “(1) Any deposits into the Holding Account shall be transferred into the respective components of the Fund as appropriated by the National Assembly.”; and
- (b) by deleting subclause (3).

CLAUSE 10

99.THAT, clause 10 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) monies appropriated by the National Assembly for the Stabilisation Component; and

CLAUSE 11

100. THAT, clause 11 be amended by inserting a new subclause immediately after subclause (3)—

- “(3A) Any withdrawal of funds from the Stabilization Component for investment in terms of subsection (1) shall be approved by the Controller of Budget.”

CLAUSE 13

101. THAT, clause 13 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) monies appropriated by the National Assembly for the Strategic Infrastructure Investment Component; and

CLAUSE 14

102. THAT, clause 14 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

- “(2A) Any withdrawal of Funds from the Strategic Infrastructure Investment component under subsection (2) shall be approved by the Controller of Budget.”

CLAUSE 16

103. THAT, clause 16 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) monies appropriated by the National Assembly for the Future Generations Component;

CLAUSE 17

104. THAT, clause 17 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- “(2) Any transfer or withdrawal of funds from the Future Generations Component for investment in terms of subsection (1) shall be approved by the Controller of Budget.”

CLAUSE 28

105. THAT, clause 28 of the Bill be amended in subclause (1) (f) by inserting the words “process upon the approval of the National Assembly” immediately after the words “through a”.

3.3.5 Hon. (Dr.) Wilberforce Oundo, MP Member for Funyula Constituency

CLAUSE 2

106. THAT, Clause 2 of the Bill be amended by deleting the definition “extraordinary shocks”.

CLAUSE 4

107. THAT, Clause 4 of the Bill be amended in subclause (3) by deleting paragraph (a).

CLAUSE 5

108. THAT, Clause 5 of the Bill be amended in subclause (2) by deleting paragraph (a).

CLAUSE 8

109. THAT, Clause 8 of the Bill be amended in subclause (1) by inserting the words “and after the approval by the Controller of Budget” immediately after the words “in consultation with the Board”.

CLAUSE 9

110. THAT, Clause 9 of the Bill be deleted.

CLAUSE 10

111. THAT, Clause 10 of the Bill be deleted.

CLAUSE 11

112. THAT, Clause 11 of the Bill be deleted.

CLAUSE 12

113. THAT, Clause 12 of the Bill be amended in subclause (2) by deleting the words “transport, housing,” appearing immediately after the word “agriculture,”.

CLAUSE 14

115. THAT, Clause 14 of the Bill be amended—

(a) in subclause (1)(a) by deleting the words “Stabilisation Component” appearing immediately after the words “to the credit of the” and substituting therefore the words “Infrastructure Investment Component”;

(b) in subclause (3) by deleting the words “to the Consolidated Fund” appearing at the end of the subclause and substituting therefor the following words “to the approved accounts held at the Central Bank of Kenya of the respective implementing agencies of the strategic infrastructure investment priorities approved as provided for under subsection (1) (b)”.

(c) by inserting the following new subclauses immediately after subclause (3)—
“(3A) The Board shall transfer the funds required to implement projects appropriated under subsection (1)(b) to the respective implementing agencies with specific performance conditions.

(3B) The implementing agencies shall implement the projects referred to in subsection (3A) and submit a report to the Board.”

CLAUSE 16

116. THAT, Clause 16 of the Bill be amended by deleting paragraph (c).

CLAUSE 17

117. THAT, Clause 17 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) Any transfer or withdrawal of funds from the Future Generations Component for investment in terms of subsection (1) shall be approved by the Controller of Budget.”

118. CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting the words “Stabilisation Component and” appearing immediately after the words “from the”.

CLAUSE 22

119. THAT, Clause 22 of the Bill be amended—

(a) in subclause (1) (b) by deleting the words “Stabilisation Component and” appearing immediately after the words “from the”;

(b) in subclause (2) (a) by deleting the words “Stabilisation Component and” appearing immediately after the words “from the”.

CLAUSE 29

120. THAT, Clause 29 of the Bill be amended in subclause (1) by deleting the words “under section 28(1) (a) and (f)” appearing immediately after the words “a member of the Board”.

CLAUSE 44

121. THAT, Clause 44 of the Bill be deleted.

CLAUSE 48

122. THAT, Clause 48 of the Bill be amended by deleting subclause (5).

CLAUSE 60

123. THAT, Clause 60 of the Bill be amended—

(a) by inserting the following new subclause immediately after subclause (1)—

“(1A) The interim manager and staff referred to in subsection (1) shall be public officers on secondment to the Fund.”

(b) by inserting the following new subclause immediately after subclause (3)—
“(3A) The President and the Cabinet Secretary, as the case may be, shall constitute the Board within three months of commencement of this Act.”

FIRST SCHEDULE

124. THAT, the First Schedule to the Bill be amended in paragraph (1) by deleting subparagraph (3) and substituting therefor the following new subparagraph—

“(3) The quorum for the conduct of the business of the Board shall be six members of whom at least one shall be a member appointed under section 28(1)(a) and (f).”

SECOND SCHEDULE

125. THAT, the Second Schedule to the Bill be amended by deleting paragraph (2)

3.3.6 Hon. Mukunji John Gitonga, MP, Member for Manyatta Constituency

CLAUSE 2

126. THAT, clause 2 of the Bill be amended by—

a) inserting the following definition in its proper alphabetical sequence—

“Strategic Infrastructure” means major public investments designated by law or approved by Parliament for sustainable economic growth or the delivery of essential public services, including transport, energy, water, education, health, capable of generating a reasonable financial return on investment over their life cycle and may leverage private sector finances.

CLAUSE 10

127. THAT, clause 10 of the Bill be amended in—

a) subclause (a) by inserting the words “not exceeding three percent in any financial year” immediately after the word “transfers”.

CLAUSE 13

128. THAT, clause 13 of the Bill be amended by inserting the following new subclause (c) immediately after subclause (b)—

- b) a percentage of the net financial returns derived from investments made from the Strategic Component, as prescribed by the Cabinet Secretary.

3.3.7 Hon. Robert Mbui, MP, Member for Kathiani Constituency

CLAUSE 6

129. THAT, clause 6 of the Bill be amended—

(a) in subclause (1), by deleting paragraph (h); and

(b) by deleting subclause (2).

NEW CLAUSE 6A

130. THAT, the Bill be amended by inserting the following new clause immediately after clause 6—

Consolidated Fund.	6A. (1) All monies collected under section 6 shall be paid into the Consolidated Fund.
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(2) The monies shall be appropriated by the National Assembly into the Sovereign Wealth Fund pursuant to section 7.

CLAUSE 8

131. THAT, clause 8 be amended—

(a) in subclause (1) by deleting the words “in proportions specified by the Cabinet Secretary in consultation with the Board at the beginning of each financial year considering conditions specified under section 5(2)” appearing immediately after the word “Fund”; and

(b) by deleting subclause (3).

CLAUSE 10

132. THAT, clause 10 of the Bill be amended in paragraph (a) by inserting the words “twenty per cent of” immediately before the word “transfers”.

CLAUSE 13

133. THAT, clause 13 of the Bill be amended in paragraph (a) by inserting the words “twenty per cent of” immediately before the word “transfers”.

CLAUSE 16

134. THAT, clause 16 of the Bill be amended in paragraph (a) by inserting the words “twenty per cent of” immediately before the word “transfers”.

CLAUSE 29

135. THAT, clause 29 of the Bill be amended in subclause (1) by inserting the words “, education, engineering, mining, geology” immediately after the word “banking” appearing in paragraph (c).

CLAUSE 49

136. THAT, clause 49 of the Bill be deleted.

CLAUSE 50

137. THAT, clause 50 of the Bill be deleted.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS ON THE HARMONIZATION OF PROPOSED AMENDMENTS TO THE SOVEREIGN WEALTH FUND BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2026)

The Committee having considered the amendments as proposed to the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026) by the Committee and Honourable Members; the Committee made the following observations; -

1) Authorization of withdrawals of funds by the Controller of Budget

138. The Committee noted the Members' proposed amendments on withdrawals of funds, either deleting the provision or amending it to provide for the authorization of withdrawals of funds by the Controller of Budget. The Members were Hon. (Dr.) Wilberforce Oundo, MP, Hon. Mark Mwenje, MP, Hon. Caroli Omondi, MP and Hon. John Kaguchia, MP. The Committee observed that it had proposed a similar amendment but only to clause 11. The Committee agreed to carry in its amendments provisions on authorization of withdrawal of funds by the Controller of Budget in clauses 11, 14 and 17 of the Bill as proposed by the Members.

2) The nature of the Fund

139. The Committee noted that the Fund as envisaged in the Bill is a public fund that has been excluded from the Consolidated Fund as provided for under Article 206(1)(a) of the Constitution. The Committee further noted that the rationale for the funds not to be paid into the Consolidated Fund is to achieve the main purpose of the Fund which is to preserve and invest it, and to mitigate the risks such as its decrease by dint of Article 214 of the Constitution and payments to other competing priorities for example, payment of salaries and emoluments.

The Committee therefore agreed with the proposed amendments by Members providing for the funds to be paid into the Consolidated Fund that they don't proceed with their amendments. The Members were Hon. Robert Mbui, MP (new clause 6A), Hon. John Kaguchia, MP (clauses 6, 8, 10, 13, 16), Hon. Caroli Omondi, MP and Hon. Mark Mwenje, MP (clause 6(b)).

3) Transfers from the holding account (Clause 8)

140. The Committee had proposed amendments to Clause 8. In addition, the following Members had also proposed amendments: Hon. (Dr.) Wilberforce Oundo, MP, Hon. Mark Mwenje, MP, Hon. Caroli Omondi, MP, Hon. John Kaguchia, MP and Hon. Robert Mbui, MP. Following deliberations, the Committee agreed to the harmonized version to be carried by the Committee in the Committee of the whole House.

4) Cessation of transfers to the Stabilisation Component (Clause 11(7))

141. The Committee had a particular amendment to clause 11(7). The Members who had proposed amendments to the clause proposed the deletion of the entire clause. They were Hon. (Dr.) Wilberforce Oundo and Hon. Caroli Omondi. The Committee had proposed that subclause (7) be amended as follows: *(7) The transfers into the Stabilisation Component pursuant to section 8, shall cease when the component raises ten billion shillings.* After deliberations, it was agreed that clause 11 be amended by deleting subclause (7).

5) The purpose of the Strategic Infrastructure Investment Component (Clause 12(2))

142. The Committee, Hon. Caroli Omondi, Hon. Justice Kemei and Hon. (Dr.) Wilberforce Oundo had proposed amendments to clause 12(2) on the object and purpose of the Strategic Infrastructure Investment Component. It was agreed that the harmonized version of the amendment should not particularize the investments under this component and should borrow the text in clause 5(2)(b) of the Bill and include the aspect of leveraging private sector finances.

6) Amendment of the definition “extraordinary shocks” (clause 2)

143. During deliberations, although there was no amendment to the definition “extraordinary shocks” by the Committee and the Members proposing amendments, it was agreed that the definition be amended by deleting the words “including terms-of-trade shocks, natural disasters, shocks due to demand for exports, or conflict or crisis in neighbouring countries that has adverse effects on balance of payments” appearing immediately after the word “economy”. It was noted that the definition sought to particularize circumstances that may fall within the definition but this would be counterintuitive.

7) Transfer of funds from the Strategic Infrastructure Investment Component (Clause 14)

144. The Committee did not have an amendment to clause 14 of the Bill. Hon. (Dr.) Wilberforce Oundo, MP had proposed amendments to clause 14. After deliberations, it was agreed that the Committee would provide for his amendment to subclauses (1) and (3) in the harmonized version. However, it was agreed that the Member's proposed new subclauses (3A) and (3B) could be dealt with administratively and that it may not be provided for in the clause. Therefore, the harmonized text which the Committee would propose was agreed as follows—

CLAUSE 14

THAT, clause 14 of the Bill be amended—

- (a) in subclause (1)(a) by deleting the words “Stabilisation Component” appearing immediately after the words “to the credit of the” and substituting therefor the words “Strategic Infrastructure Investment Component”; and*
- (b) in subclause (3) by deleting the words “to the Consolidated Fund” and substituting therefor the words “to the approved accounts held at the Central Bank of Kenya of the respective implementing agencies of the strategic infrastructure investment priorities approved as provided for under subsection (1) (b)”.*

The Committee agreed with the Member that the amendments were proper for the following reasons:

- (a) the first amendment to subclause (1)(a) is a correction of a clerical error: clause 14 provides for withdrawals from the Strategic Infrastructure Investment Component hence referral to the Stabilization Component in subclause (1)(a) is erroneous;
- (b) the second amendment to subclause (3) is aligning the provision to the policy position adopted by the Committee that monies will be paid into the Sovereign Wealth Fund (as a public fund) and not to the Consolidated Fund for the reasons outlined in the Committee's observations on the nature of the fund.

8) Qualifications of members of the Board

145. The Committee, Hon. (Dr.) Wilberforce Oundo, MP and Hon. Robert Mbui, MP had proposed amendments to clause 29. In regard to Hon. Oundo's amendments, the Committee noted that providing for the qualifications under clause 29(1) (a) to apply to all members of the Board including those under clause 28(b), (c), (d) and (e) who are essentially Government representatives in the Board would not be proper since their qualifications and approval process are provided for in respective Acts of Parliament including the Public Appointments (Parliamentary Approval) Act. Further, their role in the Board is by virtue of the office they hold. It was therefore agreed that Hon. Oundo's amendment be dropped.

Regarding Hon. Robert Mbui's proposed amendment, it was agreed that the words "or other relevant field" in clause 29(1)(c) were sufficient to address his concerns.

Additionally, it was agreed that the Committee, in addition to its earlier amendments to clause 29, amends subclause (2) by deleting paragraph (a). The rationale for the deletion was that sitting Members of Parliament or a County Assembly automatically do not qualify to be either Chairperson or a member of the Board by dint of Article 77(1) of the Constitution.

9) Prohibition of advances, credits and collateralisation of the Components of the Fund (clause 46)

146. Although the Committee and the Members proposing amendments did not have an amendment to clause 46 of the Bill, the clause was deliberated upon and it was agreed that the clause be amended and that the Committee carries it in its harmonized amendments as follows—

CLAUSE 46

THAT, the Bill be amended by deleting clause 46 and substituting therefor the following new clause—

Prohibition of advances, credits and collateralisation of the Future Generations Component of the Fund.	46. The Future Generations Component shall not be used— (a) to make advances or loans or provide any other form of credit to a government entity or any person; or (b) as collateral for borrowing by a government entity or any person.
---	--

The proposed amendment would provide further clarity on the clause to achieve its purposes.

10) Appointment of interim manager and staff (Clause 60)

147. Both the Committee and Hon. (Dr.) Wilberforce had proposed amendments to Clause 60. It was agreed that since Hon. (Dr.) Oundo's amendments were similar to the Committee's, the Committee will move the amendments in the Committee of the whole House. Hon. (Dr.) Oundo agreed to drop his amendments.

CHAPTER FIVE

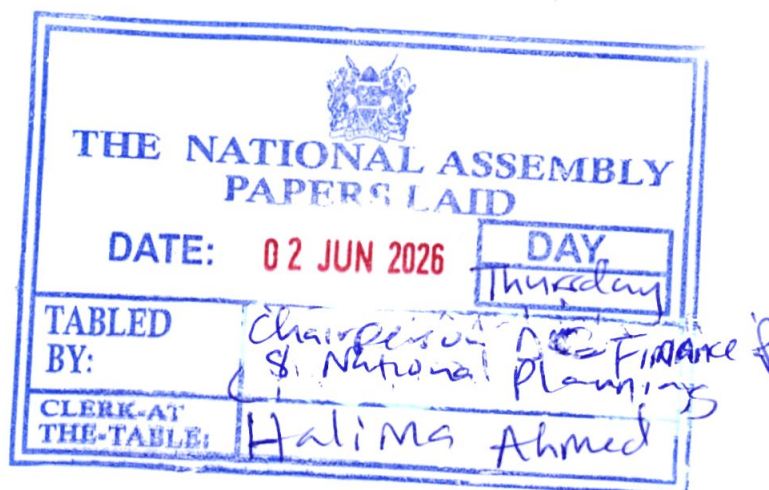
5.0 COMMITTEE RECOMMENDATIONS ON THE HARMONIZATION OF PROPOSED AMENDMENTS TO THE SOVEREIGN WEALTH FUND BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2026)

148. The Committee, having considered the amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026) proposed by the Committee and Honourable Members, recommends that the House **approves** the Bill with the amendments set out in Chapter Six of this report.

SIGNED  DATE 2nd July, 2026

HON FCPA KURIA KIMANI, CBS, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING.



CHAPTER SIX

6.0 SCHEDULE OF AMENDMENTS

149. Having considered all the proposed amendments as proposed by the Committee and Honourable Members, the Committee adopted the following amendments;

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) by inserting the following new definition in its proper alphabetical sequence—

“Government” means the national government;

(b) in the definition “extraordinary shocks” by deleting the words “including terms-of-trade shocks, natural disasters, shocks due to demand for exports, or conflict or crisis in neighbouring countries that has adverse effects on balance of payments” appearing immediately after the word “economy”; and

(c) in the definition “Interim Manager” by deleting the words “section 51” appearing immediately after the words “appointed under” and substituting therefor the words “section 60”.

CLAUSE 5

THAT, clause 5 of the Bill be amended in subclause (2) paragraph (a) by inserting the following words “which may affect macro-economic stability” immediately after the words “extraordinary shocks”.

CLAUSE 6

THAT, clause 6 of the Bill be amended in subclause (1) (h) by inserting the words “and the National Assembly” immediately after the word “Cabinet”.

CLAUSE 8

THAT, clause 8 of the Bill be amended

(a) by deleting subclause (1) and substituting therefor the following new subclauses—
(1) Any deposits into the Holding Account shall be transferred into the respective components of the Fund.

(1A) Subject to subsection (1) —

- (a) thirty percent of the amount in the Holding Account shall be transferred into the Future Generations Component; and
 - (b) the remaining seventy percent shall be transferred into the Stabilization Component and Strategic Infrastructure Investment Component in such proportions as may prescribed by the Cabinet Secretary in consultation with the Board at the beginning of each financial year.
- (b) in subsection (3) by deleting the expression “subsection(1)” and substituting therefor the expression “subsection (1A)”.

CLAUSE 11

THAT, clause 11 of the Bill be amended—

- (a) by deleting subclause (3) and substituting therefor the following new subclause—
 - (3) A withdrawal of monies under this section shall be authorized by the Controller of Budget.
- (b) by deleting subclause (6) and substituting therefor the following new subclause—
 - (6) A request for transfer under subsection (4) from the Stabilization Component, for investment purposes shall be—
 - (a) accompanied by a resolution of the Board and written instructions for transfer of the specified monies; and
 - (b) be authorized by the Controller of Budget.
- (c) by deleting subclause (7).

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause —

- (2) The Strategic Infrastructure Investment Component may be used to leverage private sector finance for strategic infrastructure investment.

CLAUSE 14

THAT, clause 14 of the Bill be amended—

(a) in subclause (1)(a) by deleting the words “Stabilisation Component” appearing immediately after the words “to the credit of the” and substituting therefor the words “Strategic Infrastructure Investment Component”;

(b) by inserting the following new subclause immediately after subclause (2)—

“(2A) Any withdrawal of monies from the Strategic Infrastructure Investment Component under subsection (2) shall be approved by the Controller of Budget.”; and

(c) in subclause (3) by deleting the words “to the Consolidated Fund” and substituting therefor the words “to the approved accounts held at the Central Bank of Kenya of the respective implementing agencies of the strategic infrastructure investment priorities approved as provided for under subsection (1) (b)”

CLAUSE 15

THAT, clause 15 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) establishing an endowment to support Strategic Infrastructure Investment for future generations;

CLAUSE 17

THAT, clause 17 of the Bill be amended by inserting the following subclause immediately after subclause (4)-

(5) Any withdrawal of monies from the Future Generations Component under subsection (4) shall be approved by the Controller of Budget.

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (2) (d) by inserting the words “and the National Assembly” immediately after the word “Cabinet”.

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - “(b) has served in a senior management or leadership position for a period of at least five years;” and
- (b) in subclause (2) by deleting paragraph (a).

CLAUSE 35

THAT, clause 35 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - “(a) holds a bachelors degree in a relevant field from a university recognized in Kenya;”
- (b) in subclause (3) by inserting the words “on advice of” immediately before the words “the Salaries and Remuneration Commission”.

CLAUSE 36

THAT, clause 36 of the Bill be amended be deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) be removed from office by the Board—
 - (i) for contravening the Constitution or any other laws relating to public finance;
 - (ii) if he or she is adjudged bankrupt;
 - (iii) if he or she is convicted for an offence involving fraud or dishonesty;
 - (iv) if he or she is convicted of an offence whose term of imprisonment exceeds six months;
 - (v) if he or she is incapacitated by prolonged physical or mental illness;
 - (vi) for gross misconduct; or
 - (vii) if he or she is incompetent and is unable to perform the function of the office.

CLAUSE 37

THAT, clause 37 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The staff recruited under subsection (1) shall serve on such terms and conditions as the Board may determine, on advice of the Salaries and Remunerations Commission.

CLAUSE 40

THAT, clause 40 of the Bill be amended in subclause (3) by inserting the words “or to both” at the end of the subclause.

CLAUSE 46

THAT, the Bill be amended by deleting clause 46 and substituting therefor the following new clause—

Prohibition of advances, credits and collateralization of the Future Generations Component of the Fund.	47. The Future Generations Component shall not be used— (c) to make advances or loans or provide any other form of credit to a government entity or any person; or (d) as collateral for borrowing by a government entity or any person.
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CLAUSE 49

THAT, clause 49 of the Bill be amended—

- (a) in subclause (2) by inserting the word “fund” immediately after the word “investment”;
- (b) in subclause (3) by inserting the word “fund” immediately after the word “investment”.

CLAUSE 51

THAT, clause 51 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) Within three months after the end of each financial year, the Board shall cause to be prepared and submit consolidated financial statements for each component of the Fund, in accordance with the standards set by the Accounting Standards Board for onward transmission to the Auditor-General for audit with a copy to the Cabinet Secretary and the Controller of Budget.

CLAUSE 53

THAT, clause 53 of the Bill be amended in subclause (3) (c) by inserting the following new subparagraph immediately after subparagraph (iii)—

(iiia) details of all fees paid to investment fund managers and any other service providers;

CLAUSE 55

THAT, clause 55 of the Bill be amended—

(a) by deleting the words “not less than two years” appearing immediately after the words “for a term” and substituting therefor the words “not exceeding three years”;

(b) by deleting the words “not less than five million shillings” appearing immediately after the words “to a fine of” and substituting therefor the words “not exceeding ten million shillings”.

CLAUSE 56

THAT, clause 56 of the Bill be amended in subclause (3) by deleting the words “one month” appearing at the beginning of the subclause and substituting therefor the words “three months”.

CLAUSE 60

THAT, clause 60 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclauses—

(1) The Cabinet Secretary may appoint an interim manager and staff to administer the Fund pending the constitution of the Board under section 28.

(1A) The interim manager and staff referred to in subsection (1) shall be public officers on secondment to the Fund.

(b) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The appointment of the interim manager and staff shall come to an end, six months after the commencement of this Act.

(c) by inserting the following new subclause immediately after subclause (3)—

(3A) The interim manager and staff recruited under subsection (1) shall serve on such terms and conditions as the Cabinet Secretary may, on advice of the Salaries and Remunerations Commission, determine.”

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended by deleting paragraph 2 and substituting therefor the following new paragraph—

2. The annual management fee payable to an investment fund manager shall not exceed two percent of the investment in the qualifying instrument and shall be specified in the instrument of appointment.

FOURTH SCHEDULE

THAT, the Fourth Schedule to the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

Amendment 1. Section 186 of the Mining Act is amended by inserting the
of section following new subsections immediately after subsection (1)—
186 of Cap.
306.

(1A) The State department responsible for collecting royalties shall remit the royalties paid under subsection (1) to the Collector and the Collector shall remit the royalties into the Sovereign Wealth Fund.

(1C) For the purpose of this section, “Collector” means the Commissioner-General appointed under section 11 of the Kenya Revenue Authority Act.



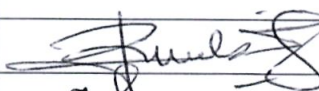
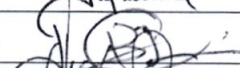
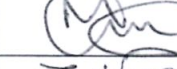
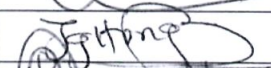
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION - 2026
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING.
ATTENDANCE SCHEDULE

AGENDA : Harmonization of Amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026)

VENUE : Committee Room 7, Main Parliament Buildings

DATE : 1st July 2026

TIME: From 4:30 PM To

S/NO.	NAME	SIGNATURE
1.	Hon. Robert Mbui	
2.	JOHN KAGUCHIA, MP	
3.	Hon Justice Kenia, MP	
4.	DR. OJAMBO OUNDO	
5.	CAROL OMONDI	
6.	Mark Mwenje MP	
7.	Gitonga MUKWJI	
8.	Kirani Ichunguwa	
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Forwarded by:

Signed: **Date:**

Tracy Chebet
Principal Clerk Assistant II

Approved by:

Signed: **Date:**

Mr. Peter Chemweno.
Director, Directorate of Departmental Committees



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION - 2026
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING.

ATTENDANCE SCHEDULE

AGENDA Harmonization of Amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026)

VENUE : Committee Room 9, Main Parliament Buildings

DATE : 1st July 2026

TIME: From 11:30 A.M. To

S/NO.	NAME	SIGNATURE
1.	HON. FCPA. KURIA KIMANI, CBS, MP - CHAIRPERSON	
2.	HON. FCPA (AMB). BENJAMIN KIPKIRUI LANGAT, MP – VICE CHAIRPERSON	
3.	HON. KALUMA PETER OPONDO, CBS, MP	
4.	HON. GEORGE SUNKUYIA RISA, MP	
5.	HON. FCPA JOSEPH MAERO OYULA, OGW, MP	
6.	HON. ANDREW ADIPO OKUOME, MP	
7.	HON. DAVID MWALIKA MBONI, MP	
8.	HON. CHIFOROMODO MANGALE MUNGA, MP	
9.	HON. GATHONI WAMUCHOMBA, HSC, MP	
10.	HON. (CPA) JULIUS KIPLETING RUTTO, MP	
11.	HON. PAUL KIBICHIY BIEGO, MP	
12.	HON. UMUL KER SHEIKH KASSIM, MP	
13.	HON. DR. SHADRACK MWITI ITHINJI, MP	
14.	HON. DR. JOHN ARIKO NAMOIT, MP	
15.	HON. MOHAMED SOUD MACHELE, MP	

Forwarded by:

Signed: **Date:**

Tracy Chebet
Principal Clerk Assistant II

Approved by:

Signed: **Date:**

Mr. Peter Chemweno.
Director, Directorate of Departmental Committees



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION-2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 73rd SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE
AND NATIONAL PLANNING HELD ON WEDNESDAY, 1ST JULY 2026 AT COMMITTEE
ROOM 9, MAIN BUILDING AT 4.30 P.M.**

PRESENT

- | | | |
|---|---|--------------------|
| 1. Hon. FCPA. Kuria Kimani, CBS, MP | - | Chairperson |
| 2. Hon. Kaluma Peter Opondo, CBS MP | | |
| 3. Hon. David Mwalika Mboni, MP | | |
| 4. Hon. CPA Julius Kipletting Rutto, MP | | |
| 5. Hon. FCPA. Joseph Maero Oyula, MP | | |
| 6. Hon. Chiforomodo Mangale Munga, MP | | |
| 7. Hon. Gathoni Wamuchomba, MP | | |

ABSENT WITH APOLOGY

- | | | |
|---|--|-------------------------|
| 1. Hon. (Amb.) Benjamin Kipkirui Langat, CBS, MP- | | Vice-Chairperson |
| 2. Hon. Andrew Adipo Okuome, MP | | |
| 3. Hon. (Dr.) Shadrack Mwiti Ithinji, MP | | |
| 4. Hon. Umul Ker Sheikh Kassim, MP | | |
| 5. Hon. Mohamed Soud Machele, MP | | |
| 6. Hon. George Sunkuyia Risa, MP | | |
| 7. Hon. Paul Kibichiy Biego, MP | | |
| 8. Hon. (Dr.) John Ariko Namoit, MP | | |

IN- ATTENDANCE

1. Hon. Kimani Ichung'wah, EGH, MP – Leader of the Majority Party
2. Hon. Robert Mbui, CBS, MP – Deputy Leader of the Minority Party
3. Hon. Mark Mwenje, CBS, MP – Deputy Minority Whip
4. Hon. Justice Kemei, MP
5. Hon. Dr Ojiambo Oundo, MP
6. Hon. Caroli Omondi, MP
7. Hon. Gitonga Mukunji, MP
8. Hon. John Kaguchia, MP

THE NATIONAL TREASURY

Mr. Lawrence Kibet, EBS– Director General, Public Investment and Portfolio Management

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|--------------------------------|
| 1. Ms. Jennifer Ndeto | - | Deputy Director Legal Services |
| 2. Ms. Tracy Chebet | - | Principal Clerk Assistant II |
| 3. Mr. Salem Lorot | - | Senior Legal Counsel |
| 4. Mr. Benson Kamande | - | Clerk Assistant III |
| 5. Ms. Penninah Simiren | - | Legal Counsel II |
| 6. Ms. Patricia Gichane | - | Legal Counsel II |
| 7. Mr. Allan Kimani | - | Administrative Officer III |
| 8. Ms. Anne Kang'ethe | - | Administrative Officer III |
| 9. Mr. Luteshi Eugene | - | Audio Officer |

AGENDA

1. Prayers
2. Preliminaries;
3. Confirmation of Minutes/Matters Arising;
4. **Harmonization of Amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No.7 of 2026)**
5. Any Other Business
6. Adjournment

MIN No. NA/F & NP/2026/294: PRELIMINARIES

The Chairperson called the meeting to order at 4.35 p.m. with a word of prayer. The Chair thereafter informed the Committee that the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026) had been scheduled for Committee of the Whole House that afternoon. However, due to a wide range of proposed amendments to the said Bill by both the Committee and individual Members of Parliament, the Speaker referred the proposed amendments to the Bill to a 'winnowing' process pursuant to the provisions of Standing Order 131.

MIN No. NA/F & NP/2026/295: CONFIRMATION OF MINUTES

Agenda was deferred.

MIN NO. NA/F & NP/2026/296: Harmonization of Amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No.7 of 2026)

The Committee undertook the Harmonization process with the Leader of Majority Party, Hon. Kimani Ichung'wah, EGH, MP (the sponsor of the Bill) and other Honourable Members who had proposed amendments to the **Sovereign Wealth Fund Bill (National Assembly Bill No.7 of 2026)**.

The meeting made observations and recommendations on all the proposed amendments. Consequently, the Committee and the Members agreed on the following harmonized amendments:

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) by inserting the following new definition in its proper alphabetical sequence—

“Government” means the national government;

(b) in the definition “extraordinary shocks” by deleting the words “including terms-of-trade shocks, natural disasters, shocks due to demand for exports, or conflict or crisis in neighbouring countries that has adverse effects on balance of payments” appearing immediately after the word “economy”; and

(c) in the definition “Interim Manager” by deleting the words “section 51” appearing immediately after the words “appointed under” and substituting therefor the words “section 60”.

CLAUSE 5

THAT, clause 5 of the Bill be amended in subclause (2) paragraph (a) by inserting the following words “which may affect macro-economic stability” immediately after the words “extraordinary shocks”.

CLAUSE 6

THAT, clause 6 of the Bill be amended in subclause (1) (h) by inserting the words “and the National Assembly” at the end of the paragraph.

CLAUSE 8

THAT, clause 8 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclauses—

(1) Any deposits into the Holding Account shall be transferred into the respective components of the Fund.

(1A) Subject to subsection (1) —

(a) thirty percent of the amount in the Holding Account shall be transferred into the Future Generations Component; and

(b) the remaining seventy percent shall be transferred into the Stabilization Component and Strategic Infrastructure Investment Component in such proportions as may prescribed by the Cabinet Secretary in consultation with the Board at the beginning of each financial year.

CLAUSE 11

THAT, clause 11 of the Bill be amended—

(a) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A withdrawal of funds under this section shall be authorized by the Controller of Budget.

(b) by deleting subclause (6) and substituting therefor the following new subclause—

(6) A request for transfer under subsection (4), from the Stabilization Component, for investment purposes shall be—

(a) accompanied by a resolution of the Board and written instructions for transfer of the specified funds; and

(b) be authorized by the Controller of Budget.

(c) by deleting subclause (7).

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause –

(2) The strategic infrastructure investment priorities under subsection (1) may include such investments that foster strong and inclusive growth and development and may leverage private sector finances.

CLAUSE 14

THAT, clause 14 of the Bill be amended—

(a) in subclause (1)(a) by deleting the words “Stabilisation Component” appearing immediately after the words “to the credit of the” and substituting therefor the words “Strategic Infrastructure Investment Component”; and

(b) in subclause (3) by deleting the words “to the Consolidated Fund” appearing at the end of the subclause and substituting therefor the following words “to the approved accounts held at the Central Bank of Kenya of the respective implementing agencies of the strategic infrastructure investment priorities approved as provided for under subsection (1) (b)”

CLAUSE 15

THAT, clause 15 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) establishing an endowment to support Strategic Infrastructure Investment for future generations;

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (2) (d) by inserting the words “and the National Assembly” immediately after the word “Cabinet”.

CLAUSE 29

THAT, clause 29 of the Bill be amended—

(a) in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) has served in a senior management or leadership position for a period of at least five years;” and

(b) in subclause (2) by deleting paragraph (a).

CLAUSE 35

THAT, clause 35 of the Bill be amended—

(a) in subclause (2) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) holds a bachelors’ degree in a relevant field from a university recognized in Kenya;”

(b) in subclause (3) by inserting the words “on advice of” immediately before the words “the Salaries and Remuneration Commision”.

CLAUSE 36

THAT, clause 36 of the Bill be amended be deleting paragraph (b) and substituting therefor the following new paragraph—

(b) be removed from office by the Board—

(i) for contravening the Constitution or any other laws relating to public finance;

(ii) if he or she is adjudged bankrupt;

(iii) if he or she is convicted for an offence involving fraud or dishonesty;

(iv) if he or she is convicted of an offence whose term of imprisonment exceeds six months;

(v) if he or she is incapacitated by prolonged physical or mental illness;

(vi) for gross misconduct; or

(vii) if he or she is incompetent and is unable to perform the function of the office.

CLAUSE 37

THAT, clause 37 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The staff recruited under subsection (1) shall serve on such terms and conditions as the Board may determine, on advice of the Salaries and Remunerations Commission.

CLAUSE 40

THAT, clause 40 of the Bill be amended in subclause (3) by inserting the words “or to both” at the end of the subclause.

CLAUSE 46

THAT, the Bill be amended by deleting clause 46 and substituting therefor the following new clause—

Prohibition of
advances,
credits and
collateralization
of the Future
Generations
Component of
the Fund.

46. The Future Generations Component shall not be used—

(a) to make advances or loans or provide any other form of credit to a government entity or any other legal or natural person; or

- (b) as collateral for any borrowing of a government entity or any other legal or natural person.

CLAUSE 49

THAT, clause 49 of the Bill be amended—

- (a) in subclause (2) by inserting the word “fund” immediately after the word “investment”;
- (b) in subclause (3) by inserting the word “fund” immediately after the word “investment”.

CLAUSE 51

THAT, clause 51 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) Within three months after the end of each financial year, the Board shall cause to be prepared and submit consolidated financial statements for each component of the Fund, in accordance with the standards set by the Accounting Standards Board for onward transmission to the Auditor-General for audit with a copy to the Cabinet Secretary and the Controller of Budget.

CLAUSE 53

THAT, clause 53 of the Bill be amended—

- (a) in subclause (1) by deleting the words “six months” appearing immediately after the words “shall, within” and substituting therefor the words “three months”;
- (b) in subclause (3) (c) by inserting the following new subparagraph immediately after subparagraph (iii)—
 - (iiia) details of all fees paid to investment fund managers and any other service providers;

CLAUSE 55

THAT, clause 55 of the Bill be amended—

- (a) by deleting the words “not less than two years” appearing immediately after the words “for a term” and substituting therefor the words “not exceeding three years”;
- (b) by deleting the words “not less than five million shillings” appearing immediately after the words “to a fine of” and substituting therefor the words “not exceeding ten million shillings”.

CLAUSE 56

THAT, clause 56 of the Bill be amended in subclause (3) by deleting the words “one month” appearing at the beginning of the subclause and substituting therefor the words “three months”.

CLAUSE 60

THAT, clause 60 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclauses—

- (1) The Cabinet Secretary may appoint an interim manager and staff to administer the Fund pending the constitution of the Board under section 28.
- (1A) The interim manager and staff referred to in subsection (1) shall be public officers on secondment to the Fund.
- (b) by deleting subclause (3) and substituting therefor the following new subclause—
- (3) The appointment of the interim manager and staff shall come to an end, six months after the commencement of this Act.
- (c) by inserting the following new subclause immediately after subclause (3)—
- (3A) The interim manager and staff recruited under subsection (1) shall serve on such terms and conditions as the Cabinet Secretary may, on advice of the Salaries and Remunerations Commission, determine.”

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended by deleting paragraph 2 and substituting therefor the following new paragraph—

2. The annual management fee payable to an investment fund manager shall not exceed two percent of the investment in the qualifying instrument and shall be specified in the instrument of appointment.

FOURTH SCHEDULE

THAT, the Fourth Schedule to the Bill be amended by deleting paragraph 1 and substituting therefor the following new paragraph—

Amendment
of section
186 of Cap.
306.

I. Section 186 of the Mining Act is amended by inserting the following new subsections immediately after subsection (1)—

(1A) The State department responsible for collecting royalties shall remit the royalties paid under subsection (1) to the Collector and the Collector shall remit the royalties into the Sovereign Wealth Fund.

(1C) For the purpose of this section, “Collector” means the Commissioner-General appointed under section 11 of the Kenya Revenue Authority Act.

MIN No. NA/F & NP/2026/297: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at 8.54 p.m. The next meeting will be held on notice.

SIGNED: DATE: 2nd July, 2026

HON. FCPA. KURIA KIMANI, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE AND
NATIONAL PLANNING

Annexure **1**

Adoption Schedule



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION OF THE COMMITTEE REPORT ON ITS CONSIDERATION OF THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on its Consideration of the Criminal Procedure Code (Amendment) Bill, (National Assembly Bill No. 55 of 2025) Sponsored by the Hon. Babu Owino Paul Ongili, MP and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson

2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair

3. Hon. Gladys Boss, MGH, MP

4. Hon. Farah Maalim, EGH, MP

5. Hon. Silvanus Osoro Onyiego, CBS, MP

6. Hon. Tom Joseph Francis Kajwang', CBS, MP

7. Hon. Timothy Wanyonyi Wetangula, CBS, MP

8. Hon. (Dr.) Otiende Amollo, SC, EBS, MP

9. Hon. Michael Mwangi Muchira, MP

10. Hon. Aden Daud, EBS, MP

11. Hon. John Okwisia Makali, MP

12. Hon. Stephen M. Mogaka, MP

13. Hon. Timothy Kipchumba Toroitich, MP

14. Hon. Harold Kimuge Kipchumba, MP

15. Hon. CPA Suleka Hulbale Harun, MP

Annexure **2**

Minutes



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION-2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 48TH SITTING OF THE DEPARTMENTAL COMMITTEE
ON JUSTICE AND LEGAL AFFAIRS, HELD AT THE COMMITTEE ROOM 17,
THIRD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON
THURSDAY, 18TH AUGUST 2026 AT 10:00 A.M.**

PRESENT

1. Hon. Murugara George Gitonga, CBS, MP – Chairperson
2. Hon. Gladys Boss, MGH, MP
3. Hon. Onyiego Silvanus Osoro, CBS, MP
4. Hon. Francis Kajwang' Tom Joseph, CBS, MP
5. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP
6. Hon. Aden Daud, EBS, MP
7. Hon. Mogaka Stephen M. MP
8. Hon. Toroitich Timothy Kipchumba, MP
9. Hon. Harold Kimuge, MP

ABSENT WITH APOLOGIES

1. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chairperson
2. Hon. Maalim Farah, EGH, MP
3. Hon. Timothy Wanyonyi Wetangula, MP
4. Hon. Makali John Okwisia, MP
5. Hon. Muchira Michael Mwangi, MP
6. Hon. CPA Sulekha Hulbale Harun, MP

SECRETARIAT

- | | |
|-----------------------|--|
| 1. Mr. Ahmed Salim | - Clerk Assistant I/ Head of the Secretariat |
| 2. Mr. Abdirahim Omar | - Fiscal Analyst I |
| 3. Mr. Samuel Wanjiru | - Clerk Assistant III |
| 4. Mr. Abdikafar Abdi | - Clerk Assistant III |
| 5. Ms. Vivienne Ogega | - Research Officer III |
| 6. Mr. Isaac Nabiswa | - Legal Counsel I |
| 7. Ms. Esther Mbatha | - Public Communication Assistant |
| 8. Mr. Eugene Luteshi | - Audio Assistant |
| 9. Mr. John Nduaci | - Serjeant at Arms |

IN ATTENDANCE

Business Registration Service

- | | |
|------------------------|---|
| 1. Mr. Kenneth Gathuma | - Director-General |
| 2. Mr. Zacharia Mwangi | - Senior Assistant Registrar of Companies |
| 3. Mr. Benard Otiego | - Assistant Registrar |

Office of the Attorney General and Department of Justice

- | | |
|-----------------------|--|
| 1. Mr. Louis Mutuku | - State Counsel, OAG |
| 2. Ms. Maureen Odendo | - Deputy Chief Parliamentary Counsel |
| 3. Ms. Wachira Ngiyo | - Deputy Chief State Counsel, State Law Office |

The Institute of Certified Public Accountants of Kenya

1. CPA Njeru Jacob Mutegi - Council Member
2. Ms. Nancy Moraa - Public Policy & Research Officer
3. Ms. Livingstone Mulehi - Public Policy & Research Officer
4. Mr. Tony Juma - Public Policy & Research Officer

Kenya Law Reform Commission (KLRC)

1. Mr. James Nombi - Ag. Chief Executive Officer

The Central Bank of Kenya

1. Mr. Waweru Mathenge - General Counsel

National Council of Churches of Kenya

1. Rev. Canon Chris Kinyanjui - General Secretary
2. Ms. Tracy Chamia - Legal Counsel

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Meeting with stakeholders to consider the Trust Administration Bill (National Assembly Bill No. 29 of 2026), by the Leader of the Majority Party
5. Consideration and adoption of the report on the Criminal Procedure Code (National Assembly Bill No. 55 of 2025) sponsored by the Leader of the Majority Party
6. Any Other Business
7. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/217/2026:

PRELIMINARIES

The Meeting was called to order at twenty-five minutes past ten o'clock with a Prayer by the Chairperson. The agenda of the Sitting was adopted, having been proposed by Hon. Harold Kimuge, MP and seconded by Hon. Otiende Amollo, SC, EBS, CBS MP.

MIN. NO. DDC/JLAC/218/2026:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The Agenda was deferred.

MIN. NO. DDC/JLAC/219/2026:

MEETING WITH STAKEHOLDERS TO CONSIDER TRUST ADMINISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2026)

The following agencies and organisations appeared before the Committee and submitted as follows:

Kenya Law Reform Commission, Office of the Attorney General (OAG), Business Registration Services (BRS)

The agencies noted that vide a Committee resolution made on Tuesday, 6th August 2026, they were required to submit a harmonised joint Memorandum on the Bill. However, they requested the Committee for an additional fourteen days to submit the same.

They further noted that they had made some progress in their deliberations, particularly on the amendments proposed by the Kenya Revenue Authority.

The Committee resolved to afford the multi-agency team, led by the Office of the Attorney General, nine days and appear before the Committee on Thursday, 27th August 2026.

Central Bank of Kenya (CBK)

The CBK submitted that they supported the Bill with amendments. The Committee however, directed the CBK to join the multi-agency team, led by the Office of the Attorney General, to consolidate their amendments, and appear before the Committee on Thursday, 27th August 2026

The Institute of Certified Public Accountants of Kenya (ICPAK)

The Institute proposed amendment to the Bill as follows:

- i. Clause 2 on definition to amend the definition of trust agent to read as follows: Trust Agent means an advocate of the High Court of Kenya, a certified public secretary, or certified accountant holding a valid practising certificate under the Accountants Act.
- ii. Clause 64 on Accounting Records to provide for clear accountability for financial reporting and introduction of proportionate and risk-based assurance framework.
- iii. Clause 75 on Annual Returns – the provision requires trust to file annual returns but leaves the content of the returns entirely to regulations. The absence of minimum statutory financial disclosures may limit effective oversight of the financial position, ownership and compliance status of trusts.
- iv. Clause 76 on trust agent to sufficiently clarify the accounting, financial reporting and tax related functions that may be undertaken by a Certified Accountant in the Administration of a trust.
- v. Clause 83 on fees payable to the registrar to establish clear parameters for the Registrar's exercise of discretion to determine fees where no fees have been prescribed.

National Council of Churches of Kenya (NCCK)

The Churches amendment to the Bill as follows:

- (i) Under Part II on types of Trusts- NCCK proposed the deletion of Clause 8(3) the Income Tax (Charitable Organisations and Donations Exemption) Rules, 2024 (LN 105/2024, paragraph 10, first schedule, Income Tax Act) already permit charitable trading- exempting purpose related business income while taxing unrelated income separately. A blanket ban is more restrictive than existing tax law and undermines sector sustainability.
- (ii) Under Part IX on Beneficial Owners of a trust Clauses 65-69- the NCCK, recognizing the importance of beneficial ownership transparency for combating money laundering and terrorism financing, expressed concerns about the application of these requirements to charitable trusts, particularly religious trusts.

MIN. NO. DDC/JLAC/220/2026:

ADOPTION OF THE REPORT ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025) SPONSORED BY THE LEADER OF THE MAJORITY PARTY

The Committee, having considered the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025) and the submissions from members of the public and stakeholders, recommends that the House approves the Bill with the amendments contained in the Schedule of Amendments forming Chapter Six the Report.

Adoption of the Report

The Report was adopted having being proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Toroitich Timothy Kipchumba, MP.

MIN. NO. DDC/JLAC/221/2026:

ADJOURNMENT

The meeting was adjourned at twenty-two minutes past twelve o'clock. Next meeting to be held on notice.

SIGNED:  DATE: 19.8.026
(CHAIRPERSON: HON. MURUGARA GEORGE GITONGA, CBS, MP)



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION-2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 41ST SITTING OF THE DEPARTMENTAL COMMITTEE
ON JUSTICE AND LEGAL AFFAIRS, HELD AT THE MINI CHAMBER, FIRST
FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS ON THURSDAY, 25TH
JUNE 2026 AT 10:00 A.M.**

PRESENT

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson
2. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP
3. Hon. Muchira Michael Mwangi, MP – *Virtually*
4. Hon. Toroitich Timothy Kipchumba, MP – *Virtually*
5. Hon. Aden Daud, EBS, MP – *Virtually*
6. Hon. Mogaka Stephen M. MP
7. Hon. Harold Kimuge, MP – *Virtually*
8. Hon. CPA Sulekha Hulbale Harun, MP – *Virtually*

ABSENT WITH APOLOGIES

1. Hon. Mutuse Eckomas Mwangi, OGW, MP - Vice Chairperson
2. Hon. Gladys Boss, MGH, MP
3. Hon. Maalim Farah, EGH, MP
4. Hon. Onyiego Silvanus Osoro, CBS, MP
5. Hon. Francis Kajwang' Tom Joseph, CBS, MP
6. Hon. Timothy Wanyonyi Wetangula, MP
7. Hon. Makali John Okwisia, MP

SECRETARIAT

- | | | |
|-----------------------|---|-------------------------------|
| 1. Mr. Ahmed Salim | - | Clerk Assistant I/ Lead Clerk |
| 2. Mr. Abdikafar Abdi | - | Clerk Assistant III |
| 3. Mr. Samuel Wanjiru | - | Clerk Assistant III |
| 4. Mr. Isaac Nabiswa | - | Legal Counsel II |
| 5. Mr. John Nduaci | - | Assistant Serjeant-at-Arms |
| 6. Ms. Valentine Too | - | Attache' |

IN ATTENDANCE

Ministry of Interior and National Administration

1. Ms. Prisca Wambui - Deputy Chief Sate Counsel

Witness Protection Agency (WPA)

1. Dr. Zachary Mwangi, PhD - Chief Protection Officer
2. Ms. Everlyne Arisi - Senior Legal Officer

The Office of the Director of Public Prosecutions (ODPP)

1. Ms. Magdalene Ngalyuka - Deputy Director of Public Prosecutions
2. Ms. Fredah Mwanza - Ag. Senior Deputy Director of Public Prosecutions

Officers from the National Intelligence Service (NIS)

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Meeting with stakeholders to consider the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025) sponsored by Hon. Babu Owino Paul Ongili, MP
5. Any Other Business
6. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/187/2026:

PRELIMINARIES

The Meeting was called to order at twenty-seven minutes past ten o'clock. The Chairperson said the Prayer. This was followed by self-introductions. The agenda of the Sitting was adopted, having been proposed by Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP and seconded by Hon. Mogaka Stephen M. MP.

MIN. NO. DDC/JLAC/188/2026:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The agenda was deferred.

MIN. NO. DDC/JLAC/189/2026:

MEETING WITH STAKEHOLDERS TO CONSIDER THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

The following agencies appeared before the Committee and submitted as follows:

1. National intelligence Service (NIS)

The Service proposed amendments to the Bill, including:

- a) Inclusion of a new clause 142A to introduce the definition of "expungement" for consistent interpretation and implementation;
- b) Amendment to clause 142A (1) to clarify that the qualifying period should commence after the sentence has been fully served, otherwise, a person serving a sentence exceeding five years may become eligible for expungement before completing the sentence;
- c) Amendment to clause 142A(1)(b) to require that applicants must not have pending criminal cases. The applicant could be facing active, serious charges in court but because they have not yet been convicted, he or she would be legally fit to have their previous records wiped;
- d) Amendment to clause 142A (2) to exclude from expungement, offences that threaten the security of the country, including, terrorism offences under the Prevention of Terrorism Act and sexual offences under the Sexual Offences Act, 2006;
- e) Amendment to clause 142B to insert provisions prescribing the procedure for automatic expungement - including the responsible authority, timelines, and notification to the affected persons to prevent administrative challenges;
- f) Amendment to clause 142C(1)(a) and (b) to provide for a sentence of imprisonment exceeding six months without the option of a fine or with the option of a fine not exceeding one million. This is on the background that clauses 142B and 142C overlap because they both potentially cover a sentence of imprisonment without the option of a fine and 142C does not exclude the less severe sentences already covered by the automatic track in 142B;
- g) Amendment to clause 142C to insert new provisions expressly providing whether the decision of the High Court is final or subject to appeal, including the procedure for such an appeal;

- h) Deletion of clause 142D (3) noting that the provision assigns a role to the Office of the Data Protection Commissioner (ODPC) beyond its statutory mandate. The ODFPC is primarily a data protection regulator and is not mandated to supervise criminal records or execute judicial orders; and
- i) Inclusion of new provisions to provide for juvenile records, operative clause on revocation of an expungement certificate and development for guidelines on expungement.

2. Ministry of Interior and National Administration

The Ministry, supporting the intent of the Bill, proposed amendments of the various provisions, including:

- a) Amendment to clause 142A, on eligibility for expungement of criminal record, to reframe the clause and indicate that expungement is for minor offences (misdemeanours) and to remove the itemized offence for which expungement cannot be granted and state that expungement cannot be granted in respect of felonies;
- b) Deletion of clause 142B, on automatic expungement, noting that expungement is a judicial discretion to be exercised by a Judge;
- c) Reframing of clause 142C, on procedure for expunging criminal records, to specify that the mode of applying for expungement should be by a petition to the High Court and only for criminal cases which were dismissed, or if there were convictions, the convictions should be limited to misdemeanours; and
- d) Deletion of clause 142D and replace it with the statement that once the court issues the expungement order, the petitioner should serve it to all relevant agencies to give effect to it.

3. Witness Protection Agency (WPA)

The Agency proposed amendment to the Bill to provide for the following:

- a) Amendment to clause 142C to provide that the High Court should consider the effect of expungement on ongoing criminal justice processes, including witness protection arrangements, before granting an expungement order; and
- b) Amendment to clause 142D to provide for mechanisms to safeguard confidential witness protection information and prevent inadvertent disclosure of protected identities, protection arrangements and witness protection arrangements or sensitive information during the expungement process.

4. The Office of the Director of Public Prosecutions (ODPP)

The office proposed, among others:

- a) Amendment to Section 2 of the Principal Act to insert the definition of the terms "Expungement" and "Conviction period".
- b) Amendment of clause 142A (1), on eligibility for expungement of criminal record, to provide for a period of five years upon completion of conviction period for misdemeanours and a period of ten years upon completion of conviction period for felonies.
- c) Amendment to clause 142A (2) to include other offences not eligible for expungement including robbery with violence; grievous harm; genocide, war crimes and crimes against humanity. In addition, all sexual offences are not subject to expungement.
- d) Amendment to clause 142D to delete "National Police Service" and substitute with "Directorate of Criminal Investigations". This will mandate the Directorate of Criminal Investigations to issue the certificate of expungement to the applicants
- e) In addition, the office proposed new provisions to provide for:
 - i. Procedure for expungement;
 - ii. Form and content of application;
 - iii. Service of an application;
 - iv. Reply to application;
 - v. Effect of expunging a criminal record; and

- vi. Use of criminal record information by law enforcement agencies, courts and tribunals.

Committee Observations

- i. On the proposed new provisions to provide for procedure for expungement, form and content of application, among others, the mandate may be assigned to the Chief Justice. The mandate to make rules is a statutory and constitutional power designed to regulate court practice, procedure, and fees to ensure the fair administration of justice.
- ii. The Committee further explored modalities of assigning the Office of the Data Protection Commissioner (ODPC) with the mandate of issuing expungement certificates. However, some agencies submitted that the Directorate of Criminal Investigations (DCI) is the agency responsible for managing, updating, and issuing clearance on criminal records.
- iii. There is need to define the term 'expungement' to provide clarity and guidance noting that once a record is expunged, the law treats the offense as if it never occurred.
- iv. Arising from the proposed amendments to include other offences not eligible for expungement, including offences under the international Crimes Act, 2008, there may be a need to provide for misdemeanours and felonies in the Bill. Further, the legislation may limit expungement solely to misdemeanours.

MIN. NO. DDC/JLAC/190/2026:

ADJOURNMENT

There being no other business, the meeting was adjourned at twenty-six past twelve o'clock. Next meeting to be held on Tuesday, 30th June 2026 at ten o'clock.

SIGNED:



DATE:

30/06/2026

(CHAIRPERSON: HON. MURUGARA GEORGE GITONGA, CBS, MP)

Annexure **3**

**Criminal Procedure Code
(Amendment) Bill
(National Assembly Bill No. 55 of 2025)**

SPECIAL ISSUE

Kenya Gazette Supplement No. 201 (National Assembly Bills No. 55)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

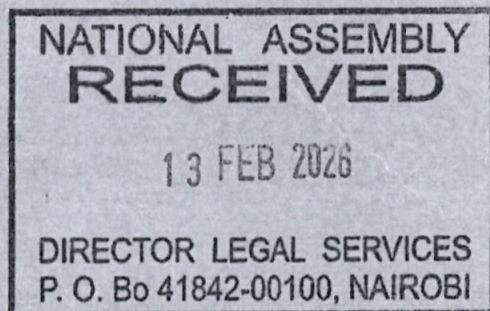
NAIROBI, 24th November, 2025

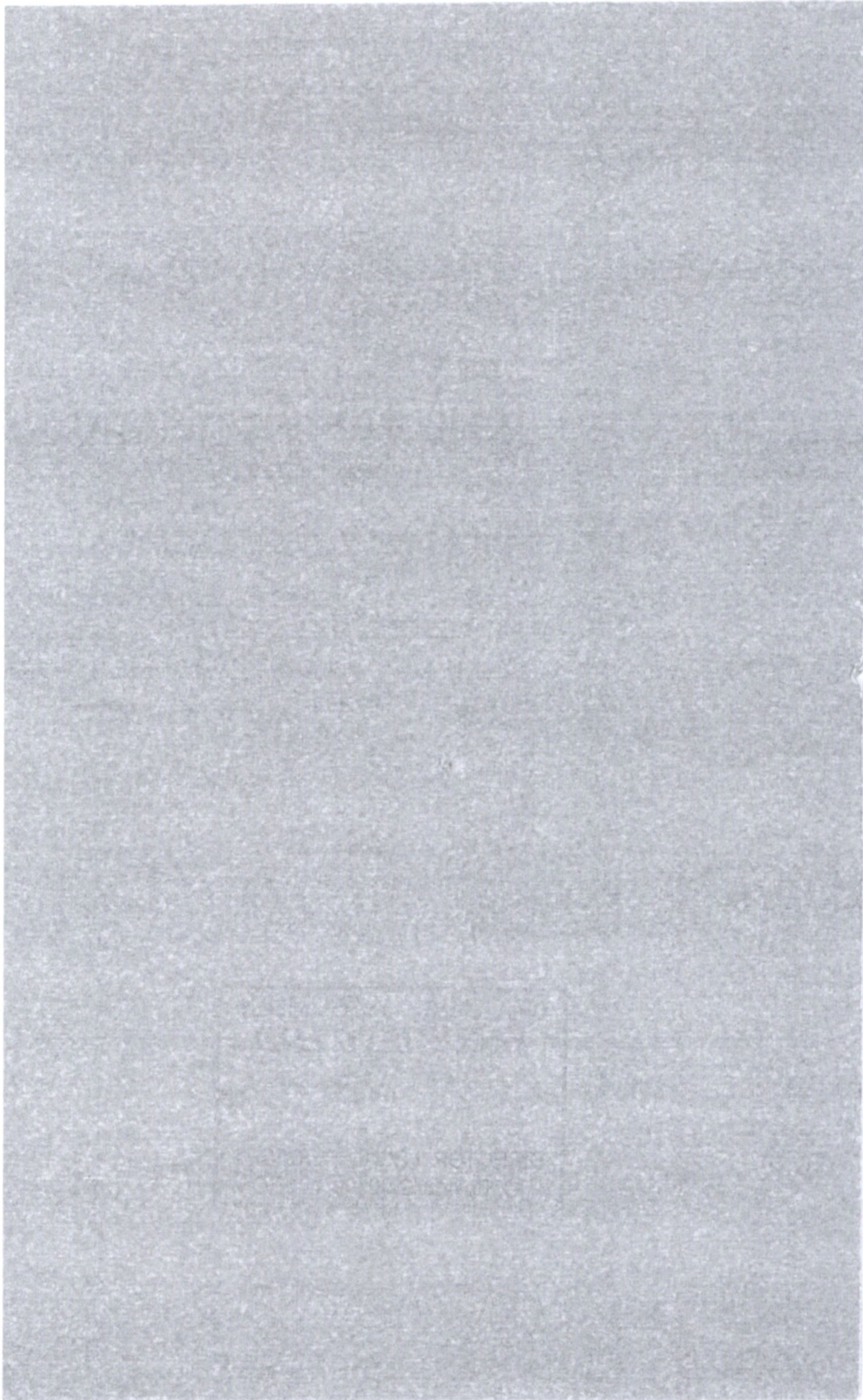
CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Criminal Procedure Code (Amendment) Bill, 2025 1281





**THE CRIMINAL PROCEDURE CODE
(AMENDMENT) BILL, 2025**

A Bill for

**AN ACT of Parliament to amend the Criminal
Procedure Code and for connected purposes**

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, 2025.

Short title.

2. The Criminal Procedure Code (herein referred to as the “principal Act”) is amended by inserting the following new sections immediately after section 142 —

Insertion of new sections 142A, 142B, 142C, 142D and 142E in Cap. 75.

Eligibility for expungement of criminal record.

142A. (1) A person is eligible for expungement of a criminal record upon the lapse of five years from the date of conviction, if the person —

- (a) fulfils their sentence as pronounced by the court; and
- (b) is not convicted of an additional offence.

(2) A person is not eligible for expungement of a criminal record if convicted of —

- (a) a capital offence;
- (b) corruption or an economic crime as provided under the Anti-Corruption and Economic Crimes Act;
- (c) an offence provided under the Proceeds of Crime and Anti-Money Laundering Act; or
- (d) a sexual offence against a minor, mentally handicapped, elderly or vulnerable person.

(3) The criminal record of an offender may be expunged —

- (a) automatically under section 142B; or

Cap. 65.

Cap. 59A.

- (b) by the High Court under section 142C.

(4) For the purpose of this section, a sexual offence is an offence that warrants the registration of an offender's details by the Chief Registrar of the Judiciary in the register for convicted sexual offenders.

Automatic
expungement.

142B. (1) A person is eligible for automatic expungement of a criminal record for an offence for which—

- (a) a sentence of imprisonment for a term not exceeding six months without the option of a fine is imposed;
- (b) a sentence of imprisonment for a term not exceeding six months without the option of a fine is imposed but the sentence is substituted for community service orders or wholly suspended for a fixed period of time; or
- (c) a sentence of imprisonment for a term not exceeding six months with the option of a fine not exceeding fifty thousand shillings is imposed.

Procedure for
expungement of
criminal record.

142C. (1) A person may apply to the High Court for the expungement of their criminal record for an offence for which—

- (a) a sentence of imprisonment without the option of a fine is imposed; or
- (b) a sentence of imprisonment with the option of a fine not exceeding one million shillings is imposed.

(2) In determining an application under subsection (1) the High Court shall consider—

- (a) the recommendations of the Director of Public Prosecutions;

Cap. 64.

- (b) a report by a probation officer on the attitude of the applicant towards the offence;
- (c) the victim impact statement of the victim of the crime the applicant seeks an order for expungement; and
- (d) compelling circumstances in granting or denying the application, including the age of the offender at the time of the commission of the offence.

(3) The High Court shall, within fourteen days of granting an order for expungement, notify the Director of Public Prosecutions and the National Police Service to update their criminal records.

Certificate of expungement.

142D. (1) A person may apply to the National Police Service for a certificate of expungement if—

- (a) they have met the requirements under section 142B; or
- (b) the High Court has granted an order for expungement under section 142C.

(2) The National Police Service shall, within fourteen days of an application, update the record of the applicant and issue a certificate of expungement.

Cap. 411C.

(3) Where the criminal record is not updated as per the High Court order for expungement, a person may file a complaint to the Office of the Data Protection Commissioner to enforce their rights as provided in the Data Protection Act.

(4) A person who intentionally or negligently issues a certificate of expungement without authority as provided in section 142B and 142C, commits an

offence and is liable to imprisonment for a term not exceeding ten years or a fine not exceeding one million shillings or both.

Regulations.

142E. The Cabinet Secretary responsible for matters relating to internal security, may make regulations to give effect to the provisions of section 142A, 142B and 142D on—

- (a) the form of application for expungement;
- (b) the certificate of expungement; and
- (c) any other matter necessary in order to achieve the object of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Criminal Procedure Code, Cap. 75 to provide a framework for the expungement of criminal records in the interests of justice. The rationale of the amendment is to ensure that in the interests of justice those who violate the law and pay their debt to society should not be punished indefinitely.

It seeks to promote rehabilitation and to assist the rehabilitated to re-enter society by removing existing barriers. In Kenya there is a lacuna in the law on expungement of criminal records.

The proposed Bill seeks to provide for the distinction of crimes that can be subject to expungement, the criteria that a person must satisfy for their criminal record to be expunged, the application process for expungement or the automatic expungement of criminal records, the revocation of an expungement certificate and regulations on the same.

Clause 2 of the Bill proposes amendments to section 142 of the Criminal Procedure Code by inserting new Sections 142A, 142B, 142C, 142D and 142E. These new sections provide for application for expungement of criminal records, automatic expungement, court procedure for expungement, certificate of expungement and regulations on expungement.

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

This Bill delegates legislative power and does not limit any fundamental rights or freedoms.

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

The enactment of this Bill shall not occasion additional expenditure of public funds.

Whether the Bill concern counties

This Bill is not a Bill concerning counties.

BABU OWINO PAUL ONGILI,
Member of Parliament.

Section 142 of Cap. 75 that is proposed to be amended—

142. Mode of proof of previous conviction

(1) In any trial or other proceeding under this Code, a previous conviction may be proved, in addition to any other mode provided by any law for the time being in force—

- (a) by an extract certified, under the hand of the officer having the custody of the records of the court in which the conviction was had, to be a copy of the sentence or order; or
- (b) by a certificate signed by the officer in charge of the prison in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered, together with, in either case, evidence as to the identity of the accused person with the person so convicted.

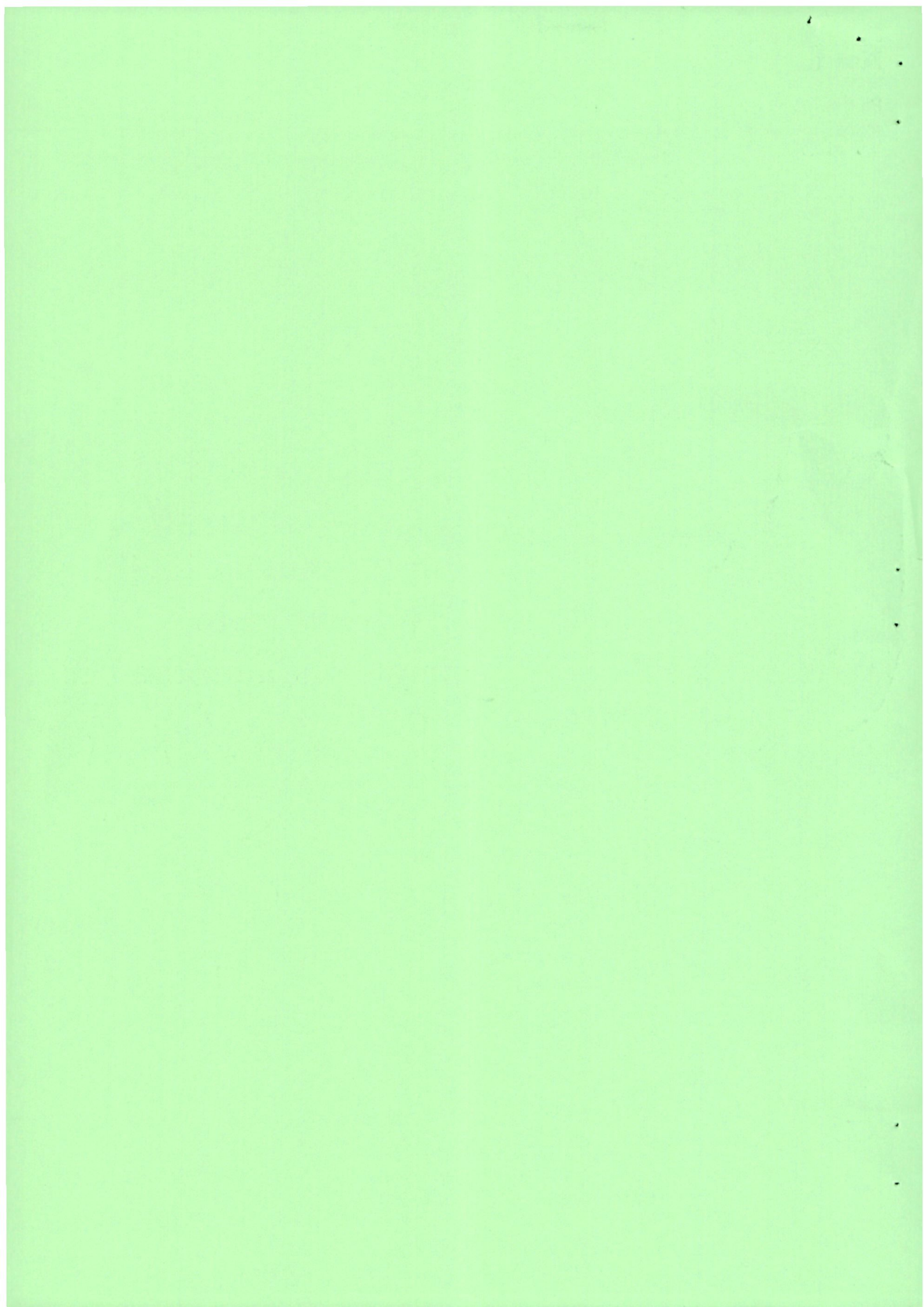
(2) A certificate in the form prescribed by the Cabinet Secretary given under the hand of an officer appointed by the Cabinet Secretary in that behalf, who has compared the finger prints of an accused person with the finger prints of a person previously convicted, shall be prima facie evidence of all facts therein set out if it is produced by the person who took the finger prints of the accused.

(3) A previous conviction in a place outside Kenya may be proved by the production of a certificate purporting to be given under the hand of a police officer in the country where the conviction was had, containing a copy of the sentence or order, and the finger prints, or photographs of the finger prints, of the person so convicted, together with evidence that the finger prints of the person so convicted are those of the accused person.

(4) A certificate under this section shall be prima facie evidence of all facts stated therein without proof that the officer purporting to sign it did in fact sign it and was empowered so to do.

Annexure **4**

Advertisement inviting the public to submit memoranda on the Bill



National News

Hard ball The decision to limit the agenda was made on Wednesday by ODM's National Executive Committee

Oburu camp rules out elections at NDC

A rival wing led by Senator Sifuna has threatened not to participate in the convention

BY MOSES NYAMORI

A fresh political storm has erupted in the Orange Democratic Movement (ODM) after it emerged that no competitive election of national officials will take place during the planned March 27 Special National Delegates Convention (NDC).

Instead, the convention, led by party leader Oburu Oginga, is set to focus solely on the confirmation of interim officials by the delegates. Sources say the party plans another NDC, tentatively in December or early 2027, to consider agenda items, including a possible endorsement of a pre-election coalition with President William Ruto's United Democratic Alliance (UDA).

The decision to limit the agenda was made on Wednesday by ODM's National Executive Committee (NEC), seen as part of Dr

Oginga's strategy to consolidate power and avoid an acrimonious fallout.

However, a rival camp led by Secretary-General Edwin Sifuna, co-deputy party leader Godfrey Otsi, Siaya Governor James Orenge and Embakasi East MP Babu Owino has threatened not to participate unless all national positions are opened for competitive elections. The group also wants the list of delegates published before the convention and has questioned the legality of the NDC, citing incomplete grassroots elections, particularly in Nairobi and Kisumu counties.

"As they publish the notice of the meeting, let them publish the list of delegates expected to attend the NDC," Mr Otsi told *Nation*. Citing Article 47 of the party constitution, he noted that the maximum number of delegates at any NDC is 3,000 and that the NDC's mandate includes electing national officials.

"The current dispute in ODM can only be resolved through a competitive election. All interim officials and any eligible member should be allowed to compete," said the Vihiha senator. He further questioned who would represent



ODM leader Oburu Oginga (right) and National Chairperson Gladys Wanga after a meeting in Nairobi on Wednesday to discuss preparations for the National Delegates Convention scheduled for March 27. POOL

resent counties yet to conclude grassroots elections, stressing that there can never be a formal NDC without a complete list of delegates.

Under the planned March 27 NDC, interim officials – including Dr Oginga, his deputies Otsi, Abdulswamad Nassir and Simba Arati, and National Chairperson Gladys Wanga – approved by

the National Governing Council (NGC) in Mombasa last year, will be presented individually for confirmation or rejection.

"This is not an open-ended NDC. NEC has only approved two agenda items, including confirmation of the officials ratified by the NGC," a NEC member, speaking off the record, said. ODM Nairobi branch chairman and Makadara

Date this month when the ODM Special National Delegates Convention is scheduled to take place

MP George Aladwa said competitive elections will have to wait until the next NDC ahead of the 2027 General Election. "There is nothing like election during the NDC. People have to align with decisions taken by party organs," he said, citing the need to complete pending grassroots polls before any national elections.

Dr Oginga has invited critics questioning his legitimacy to attend the convention. "Those who have been saying Oburu is an illegitimate ODM leader because he was not confirmed by NDC, we have called the meeting on March 27, and we are inviting them to come and speak," he said.

National Assembly Minority Leader Junet Mohammed said preparations are in place for the NDC, which he described as a moment of reckoning for camps loyal to Dr Oginga and Mr Sifuna. The outcome is likely to influence the

party's internal balance of power.

Whereas the NEC resolved to remove Mr Sifuna from office and appoint his deputy Catherine Omanyi in an acting capacity, the Political Parties Disputes Tribunal has temporarily barred the party from executing his ouster, leaving the matter pending.

ODM's NDC will comprise NEC members, MPs, governors, branch chairpersons, county coordinating committees, and leaders from the ODM Youth, Women, and Disability Leagues. The party constitution limits delegates at any convention to 3,000, though NEC may invite others without voting rights.

Article 49 states that a Special NDC shall be summoned by the chairperson upon NEC decision or requisition by at least one-third of delegates. Notices must be issued at least 21 days before the meeting and published via party website, a daily newspaper, or a Swahili radio broadcast. Only NEC-prepared or requisitioned agenda items may be discussed, and quorum requires 30 percent of eligible members present and voting.

mnyamori@ke.nationmedia.com



TENDER NOTICE FOR AIR CARGO SERVICES FOR MSF – SOMALIA MISSION (SOM/01/2026)

Médecins Sans Frontières (MSF) / Doctors Without Borders is an international independent medical humanitarian organization that provides assistance to people affected by conflicts, epidemics, and natural or human-made disasters and excluded from healthcare. We provide this assistance without discrimination, irrespective of race, religion, creed or political affiliation.

For over four decades, MSF has provided medical and humanitarian care to Somali communities across the Horn of Africa. In Somalia, MSF responds to urgent needs linked to conflict, displacement, and extreme weather, while supporting Ministry of Health facilities. Our work strengthens care through training and capacity building, quality improvement, hospital rehabilitation, WASH services, and infection prevention and control. MSF currently runs medical activities in Baidoa (Bay Region) and in Galkayo North (Puntland) and Galkayo South (Galmudug).

MSF Somalia Mission is seeking interested and eligible service providers for the following tender:

NO	TENDER NUMBER	DESCRIPTION	TENDER PUBLICATION DATE	TENDER CLOSING DATE	TENDER CLOSING TIME
01	Air cargo SOM/01/2026	Airlifting of assorted cargo to various destinations in Somalia	6 th Mar 2026	27 th Mar 2026	5:00 P.M

Interested eligible service providers are requested to send below required documents in order to receive the bidding documents to tenders@msf-somalia.org.

DOCUMENTS REQUIRED (TO RECEIVE BIDDING DOCUMENTS)

- Tax Compliance Certificate (TCC)
- Certificate of Registration (COR)
- Air Operators Certificate (AOC)
- Foreign Operators Certificate (FOC)

CLARIFICATION OF TENDER DOCUMENTS

Should the tenderer be in any doubt as to the precise meaning of any item and/or requirement, they should contact tenders@msf-somalia.org.

DELIVERY OF TENDERS

Tender submissions and all documents in connection therewith shall be submitted as per the instructions shared in the bidding documents issued by the Supply Department – MSF Somalia Mission to tenders@msf-somalia.org.



REPUBLIC OF KENYA THIRTEENTH PARLIAMENT – FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (B) OF THE CONSTITUTION

- AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:
- (1) THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2025); AND
 - (2) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Law of Contract (Amendment) Bill (National Assembly Bill No. 49 of 2025) and the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025) were read a First Time on 4th March 2026 and referred to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House;

IT IS NOTIFIED that—

(1) The Law of Contract (Amendment) Bill (National Assembly Bill No. 49 of 2025) is a Bill sponsored by Hon. Aden Daud Mohamed, MP which seeks to amend the Law of Contract Act, Cap. 23 to protect parties to a contract against unfair and unconscionable terms. The Bill seeks to prevent parties from relying on unfair and unconscionable terms imposed by the application of English common law principles in contract law.

(2) The Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025) is a Bill sponsored by Hon. Babu Owino Paul Ongili, MP which seeks to amend the Criminal Procedure Code, Cap. 75 to provide a framework for expungement of criminal records. The amendment seeks, in the interests of justice, to ensure that persons who violate the law and repay their debt to society are not punished indefinitely for their infractions. This will promote rehabilitation and assist the rehabilitated offenders to be reintegrated into the society.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Law of Contract (Amendment) Bill (National Assembly Bill No. 49 of 2025) and the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025) to the Departmental Committee on Justice and Legal Affairs.

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke to be received on or before Friday, 20th March 2026 at 5.00 p.m.

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th March 2026

Opposition: NIF linked to Ruto's campaigns

Leaders criticise proposed fund amid existing inefficiency, corruption and fiscal opacity.

They say over 60 public funds already operate outside Consolidated Fund oversight.

NDUNG'U GACHANE, NAIROBI

The Opposition has linked the proposed National Infrastructure Fund (NIF) with President William Ruto's re-election plans, claiming he intends to use the money covertly for campaigns to retain power in 2027.

Leaders of the United Alternative Government (UAG), as they now call themselves, also demanded an explanation after National Treasury Cabinet Secretary John Mbadi admitted he had misled the National Assembly regarding the legal status of the proposed Fund.

The Opposition members, led by Kalonzo Musyoka (Wiper) Rigathi Gachagua (Democracy for Citizens Party), Eugene Wamalwa (Democratic Alliance Party (DAP-K) and Justin Muturi (Democratic Party), claimed The National Infrastructure Fund Bill, 2026 is Ruto's secret plan to estab-

lish a fund outside the regulations of the Public Finance Management Act (PFMA), enabling potential misuse of resources for personal gain.

They argued that the country's infrastructure deficit is not due to institutional scarcity but to execution failures, procurement corruption and fiscal opacity, warning that adding a new fund would increase dysfunction and reduce oversight.

"What we know is that they are creating a fund that will bypass Parliamentary approval and oversight and instead be used to finance their election campaign. They want Sh5 trillion that is neither approved by Parliament nor audited by the Auditor General," Gachagua claimed.

The Opposition noted that by 2024, the country had over 60 public funds operating outside the Consolidated Fund, with many overlapping mandates and weak oversight. They maintained that creating another fund would only serve illegal purposes.

"Article 206 of the Constitution is unambiguous: all public revenue must flow through the Consolidated Fund and be subject to parliamentary appropriation. The proposed Fund risks creating a semi-autonomous financial reservoir where Cabinet-level officials can deploy significant public resources without annual parliamen-



United Opposition leaders Justin Muturi, Rigathi Gachagua, Kalonzo Musyoka and Eugene Wamalwa address the press in Nairobi, yesterday. [Kanyiri Wahito, Standard]

“Parliament cannot pass legislation premised on information the responsible Cabinet Secretary has admitted, under oath, was misleading.”
Opposition leaders

tary approval, the very arrangement Article 206 was designed to prevent,” said Kalonzo.

The Opposition also took issue with Mbadi, who swore an affidavit stating he had misled Parliament about the status of the fund, claiming it had been registered under Article 206 as a limited liability company.

“A CS who assures Parliament of a Sh5 trillion vehicle's constitutional status, then swears under oath to its private, unincorporated nature, has not made a technical error, he has misled the legislature on a matter of

the highest fiscal and constitutional consequence under Article 153(4) of the Constitution,” the leaders said.

They demanded that Mbadi be summoned back to the National Assembly to reconcile his parliamentary statements with his court testimony and urged MPs to reject the bill, saying, “Parliament cannot pass legislation premised on information the responsible Cabinet Secretary has admitted, under oath, was misleading.”

Offering an alternative to the proposed fund, the Opposition suggested the government deepen its infrastructure bond market and reform the Public-Private Partnership (PPP) framework.

The government should also enforce fiscal discipline by rationalising the recurrent budget, which has grown 63 per cent from Sh3.1 trillion to Sh4.9 trillion despite low single-digit GDP growth, and strengthen procurement oversight at project inception, where the greatest losses occur, as seen in the SHA, SGR, ADANI, CBC and Rironi-Mau Summit Road scandals.

The Opposition warned that if the National Assembly passes the bill, they would seek court redress, accusing the Executive of capturing Parliament.

Jgachane@standardmedia.co.ke



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

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S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

6th March 2026

POLITICS

Orengo labels Ruto a 'dictator,' warns ODM revolution hijacked

Siaya Governor James Orengo has warned that the Orange Democratic Movement (ODM) has lost its soul, likening President William Ruto to a dictator as a power struggle threatens to tear the party apart.

Speaking on Spice FM on Wednesday, March 5, Orengo trained his guns on both the government and his ODM's direction, saying Kenya's Constitution remains the last line of defence against authoritarian rule.

"President William Ruto is cut from the same cloth as most dictators. Kenya is fortunate to have a strong constitution to safeguard democratic principles," said Orengo.

The governor said the founding document remains the only check on Executive overreach. "There is the return of the imperial presidency, with many running to State House for favours. It makes it even more critical that resources are shared fairly and equitably across the country," observed Orengo.

His remarks come two days after an ODM parliamentary group meeting formally



Siaya Governor James Orengo. [File, Standard]

endorsed working arrangements between the Party and the United Democratic Alliance (UDA), backing negotiations aimed at forming a coalition ahead of the 2027 General Election.

Orengo flatly rejected any such deal. "If ODM were to form an alliance with UDA and the president, it could trigger a mass exodus of members, as many supporters may not accept such a partnership that conflicts with the party's founding ideals," he said.

The discussion laid bare the depth of ODM's internal crisis. Orengo did not mince words about what he believes has gone wrong since Raila's death.

"Our revolution has been hijacked and it is clear that ODM today is not the same party that Raila Odinga stood for over 20 years."

Odinga led ODM from its inception in 2005 until his death in October 2025, with his brother Oburu Oginga appointed acting party leader.

Oburu was formally sworn in as party leader on November 13, 2025 after his appointment was approved by the National Governing Council. That transition has since unraveled into a factional fight with ODM splitting along ideological lines into two camps.

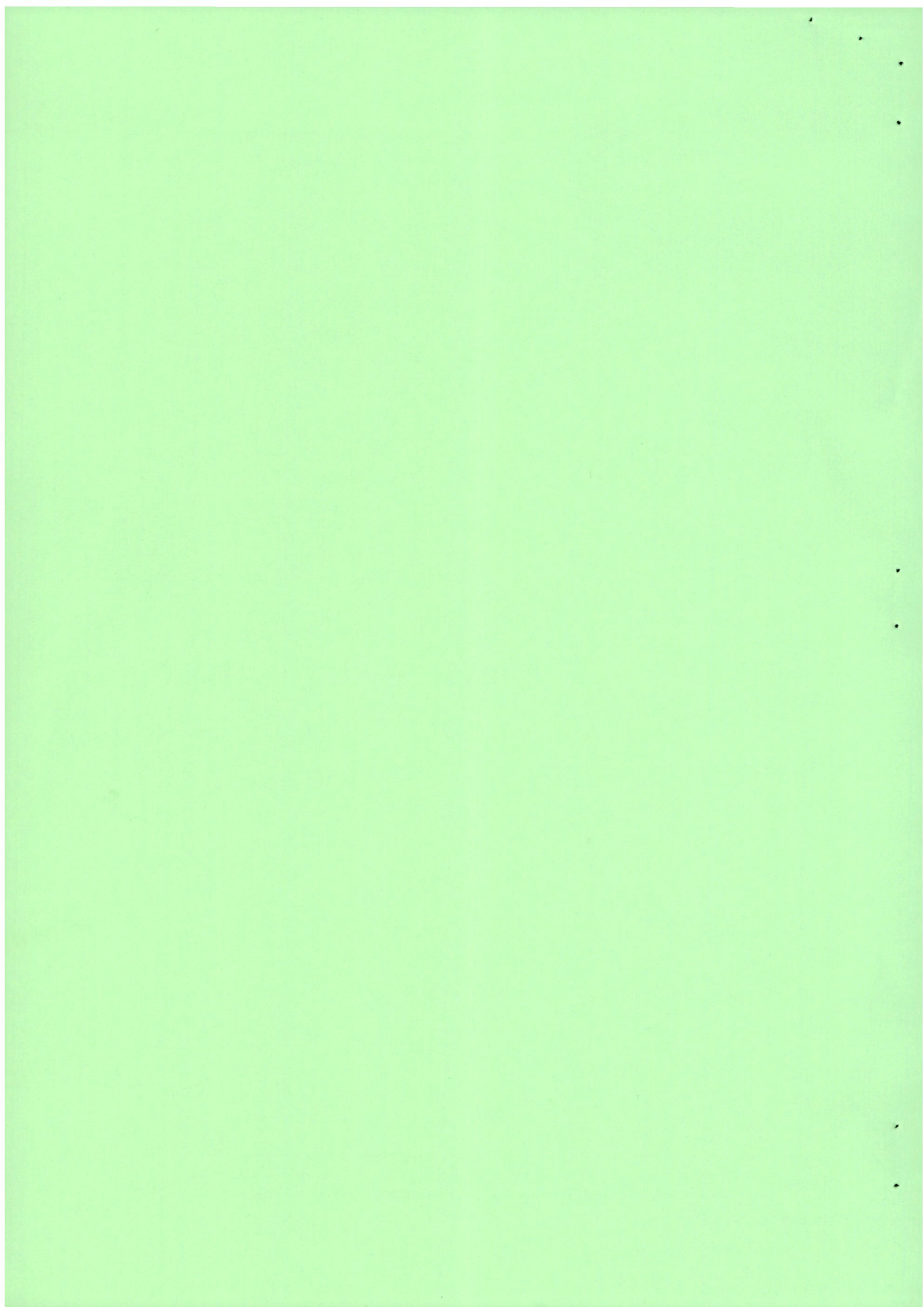
The Linda Mwananchi faction, which supports the "one term" narrative, comprises Orengo, Nairobi Senator Edwin Sifuna, Embakasi East Member of Parliament Babu Owino, Vihiga Senator Godfrey Osoti, Kisii Senator Richard Onyonka and Saboti MP Caleb Amisi, among others.

The opposing Linda Ground faction, aligned with Oburu, backs a broad-based arrangement and is pushing for a coalition with UDA.

[David Njaaga]

Annexure **5**

Letter from the Clerk of the National Assembly inviting key stakeholders to a meeting to submit views on the Bill





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

Ref: NA/DDC/JLAC/2026/047

11th June, 2026

Hon. Winfridah Boyani Mokaya, CBS

Chief Registrar of the Judiciary / Secretary
Judicial Service Commission
Supreme Court Building
NAIROBI

Dr. Raymond Omollo, PhD, CBS

Principal Secretary
State Department for Internal Security and National Administration
Ministry of Interior and National Administration
Harambee House, Harambee Avenue
NAIROBI

Dr. Salome W. Muhia-Beacco, CBS

Principal Secretary
State Department for Correctional Services
Ministry of Interior and National Administration
Teleposta Towers
NAIROBI

Hon. Shadrack John Mose, CBS

Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Hon. Judith Nayiai Ramaita-Pareno

Principal Secretary
State Department for Justice, Human Rights & Constitutional Affairs
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Noordin M. Haji, MGH, CBS, OGW, 'nsc' (AU)

Director General
National Intelligence Service
NAIROBI

Mr. Renson Mulele Ingonga, OGW

Director of Public Prosecutions
ODPP House, Ragati Road, Upper Hill

NAIROBI

Mohamed I. Amin, CBS, OGW, ndc(K)

Director
Directorate of Criminal Investigations

NAIROBI

Dr. Mutuma Ruteere

Director/CEO and Secretary
National Crime Research Centre (NCRC)
ACK Garden Annex – Ground Floor
1st Ngong Avenue, Off Bishop's Road

NAIROBI

Mr. Patrick M. Aranduh, CBS

Commissioner General of Prisons
Kenya Prison Headquarters
Bishop Road Upperhill, Next to NSSF Building

NAIROBI

Mr. James Nombi

Ag. Commission Secretary / CEO
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor
Taifa Road

NAIROBI

Mr. Daniel Karomo

Ag. Commission Secretary / CEO
Commission on Administrative Justice
West End Towers, 2nd Floor

NAIROBI

Ms. Florence W. Muturi

Chief Executive Officer
Law Society of Kenya (LSK)
Lavington, Opposite Valley Arcade, Gitanga Road

NAIROBI

Mr. Joseph Ndiku

Ag. Commission Secretary / CEO
Kenya National Commission on Human Rights
1st Floor, CVS Plaza
Lenana Road

NAIROBI

Ms. Jedidah W. Waruhiu, SC

Chief Executive Officer
Witness Protection Agency
Liaison Office, Milimani Law Courts
4th Floor, Room 413

NAIROBI

Ms. Nora Mbagathi
Executive Director
Katiba Institute, House No. 5
The Crescent-Off Parklands Road
NAIROBI

Dear

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE
AND LEGAL AFFAIRS TO SUBMIT VIEWS ON THE CRIMINAL
PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 55 OF 2025)**

The Departmental Committee on Justice and Legal Affairs is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and is mandated to *inter alia*, 'study and review all legislation referred to it.'

As you are aware, the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 of 2025), sponsored by Hon. Babu Owino Paul Ongili, MP is before the Committee for consideration and reporting to the House. The Bill seeks to amend the Criminal Procedure Code, Cap. 75 to provide a framework for expungement of criminal records. The amendment seeks, in the interests of justice, to ensure that persons who violate the law and repay their debt to society are not punished indefinitely for their infractions. This will promote rehabilitation and assist the rehabilitated offenders to be reintegrated into the society.

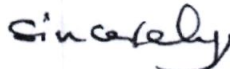
Article 118(1)(b) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative business of Parliament and its Committees. Due to the great public interest in the Bill, the Committee resolved to meet critical stakeholders to make submissions on the Bill.

In this regard, the Committee invites you, or your representatives, for a meeting on **Thursday, 18th June 2026, at 10:00 am** at the **Committee Room 22, 5th Floor, Bunge Tower**. The agenda of the meeting is to receive your views on the Bill.

You are requested to prepare your written submissions in a matrix format that indicates the specific clause, proposed amendment and justification. Twenty (20) hard copies of the submissions to be availed to the meeting, soft copies of which may be sent to the Committee through the Office of the Clerk of the National Assembly via email: cna@parliament.go.ke.

Hard copies of the Bill are available at the National Assembly Table Office, Main Parliament Building, while an electronic copy may be accessed on the Parliament website: www.parliament.go.ke/the-national-assembly/house-bills for reference.

Our liaison officers on this subject are Mr. Abenayo Wasike, H.O.D., who may be contacted on tel. no. 0721352053 or email abenayo.makokha@parliament.go.ke or Mr. Ahmed Salim Abdalla, Lead Clerk, tel. no. 0710204056 or email: ahmed.salim@parliament.go.ke.

Yours 

PETER K. CHEMWENO, OGW
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Hon. Dorcas Agik Oduor, SC, OGW, EBS

The Attorney General

The State Law Office and the Department of Justice

Sheria House, Harambee Avenue

NAIROBI

Hon. Onesimus Kipchumba Murkomen, EGH

Cabinet Secretary

Ministry of Interior and National Administration

NAIROBI

CPA. Dr. Aurelia Rono

Principal Secretary

The State Department for Parliamentary Affairs

Office of the Prime Cabinet Secretary

Kenya Railways, Block A, Haile Selassie Avenue

NAIROBI





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When replying, please quote:

Ref: NA/DDC/JLAC/2026/049

18th June, 2026

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Chief Registrar of the Judiciary / Secretary
Judicial Service Commission
Supreme Court Building
NAIROBI

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Principal Secretary
State Department for Internal Security and National Administration
Ministry of Interior and National Administration
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Dr. Salome W. Muhia-Beacco, CBS

Principal Secretary
State Department for Correctional Services
Ministry of Interior and National Administration
Teleposta Towers
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Office of the Attorney-General and Department of Justice
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Hon. Judith Nayiai Ramaita-Pareno

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Director General
National Intelligence Service
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Director of Public Prosecutions
ODPP House, Ragati Road, Upper Hill
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Mohamed I. Amin, CBS, OGW, ndc(K)
Director
Directorate of Criminal Investigations
NAIROBI

Dr. Mutuma Ruteere
Director/CEO and Secretary
National Crime Research Centre (NCRC)
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NAIROBI

Mr. Patrick M. Aranduh, CBS
Commissioner General of Prisons
Kenya Prison Headquarters
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Mr. James Nombi
Ag. Commission Secretary / CEO
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor
Taifa Road
NAIROBI

Mr. Daniel Karomo
Ag. Commission Secretary / CEO
Commission on Administrative Justice
West End Towers, 2nd Floor
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Chief Executive Officer
Law Society of Kenya (LSK)
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Mr. Joseph Ndiku
Ag. Commission Secretary / CEO
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Lenana Road
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Ms. Jedidah W. Waruhiu, SC
Chief Executive Officer
Witness Protection Agency
Liaison Office, Milimani Law Courts
4th Floor, Room 413
NAIROBI

Ms. Nora Mbagathi
Executive Director
Katiba Institute, House No. 5
The Crescent-Off Parklands Road
NAIROBI

Dear *Hon Mwakya*

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE
AND LEGAL AFFAIRS TO SUBMIT VIEWS ON THE CRIMINAL
PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 55 OF 2025)**

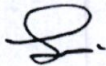
We refer to our letter **Ref: NA/DDC/JLAC/2026/047**, dated 11th June 2026, on the above-captioned matter.

As you are aware, the Committee could not sit as scheduled on Thursday, 18th June 2026, following a resolution by the House to hold a Morning Sitting.

In this regard, the Committee has resolved to reschedule the Meeting to **Thursday, 25th June 2026, at 10:00 am** at the **Mini Chamber, County Hall, Parliament Buildings**.

Our liaison officers on this subject are Mr. Abenayo Wasike, H.O.D., who may be contacted on tel. no. 0721352053 or email abenayo.makokha@parliament.go.ke or Mr. Ahmed Salim Abdalla, Lead Clerk, tel. no. 0710204056 or email: ahmed.salim@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Hon. Dorcas Agik Oduor, SC, OGW, EBS
The Attorney General
The State Law Office and the Department of Justice
Sheria House, Harambee Avenue
NAIROBI

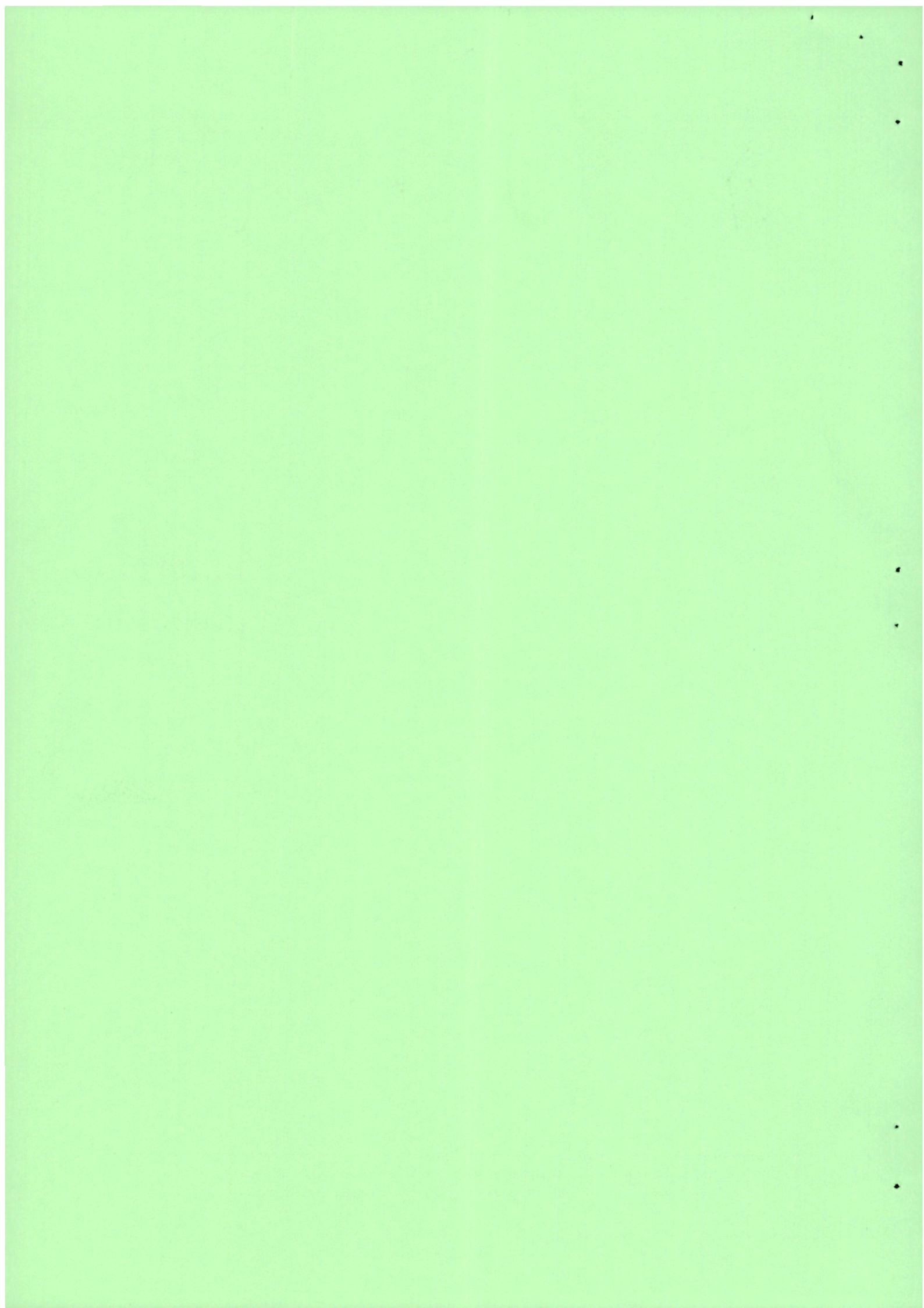
Hon. Onesimus Kipchumba Murkomen, EGH
Cabinet Secretary
Ministry of Interior and National Administration
NAIROBI

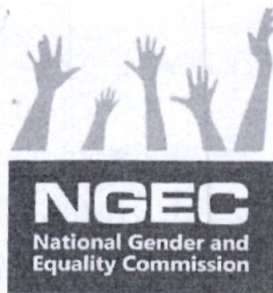
CPA. Dr. Aurelia Rono
Principal Secretary
The State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
Kenya Railways, Block A, Haile Selassie Avenue
NAIROBI



Annexure **6**

Memoranda by Stakeholders





(0)D/D C

National Gender and Equality Commission

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P.O. Box 27512-00506 Nairobi, Kenya.

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(11) Mr. Ahmed
Solim
Please
Deal
Dr

27th March 2026

02/04/26

NGEC/CS/LEGAL/VOL.III (43)

Mr. Samuel Njoroge, CBS

The Clerk of the National Assembly

Clerk's Chambers

Parliament Building

P.O. Box 41842-00100

NAIROBI

cna@parliament.go.ke

(11) Abernayo Naoike, HoD

Pls bring to the attention of the
Dept. Committee on Justice & Legal
Affairs. Due 2/4/26

Dear Mr Njunge

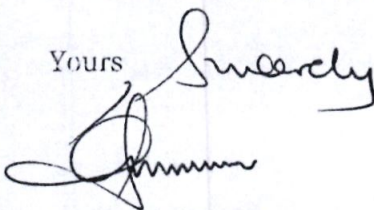
MEMORANDUM ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, NATIONAL ASSEMBLY BILL NO. 55 OF 2025

Reference is made to the call for submission of memorandum on the Criminal Procedure Code (Amendment) Bill 2025

Section 8 (b) of the National Gender and Equality Commission Act, CAP 7K mandates the Commission to, 'monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions';

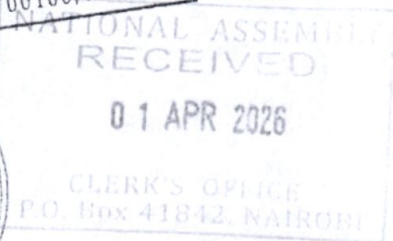
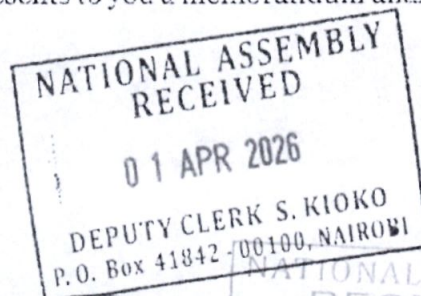
In line with its mandate, the Commission presents to you a memorandum analyzing the proposed Bill and making proposals where necessary.

Yours



Paul Karia, OGW

FOR: COMMISSION SECRETARY/ CEO



1 | Page

"Gender Equality and Non-Discrimination"

NATIONAL GENDER AND EQUALITY COMMISSION

**MEMORANDUM: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2025 NATIONAL
ASSEMBLY BILL NO. 55 OF 2025**

PROVISIONS	PROPOSALS FOR AMENDMENT	JUSTIFICATION
2. The Criminal Procedure Code (herein referred to as the "principal Act") is amended by inserting the following new sections immediately after section 142— Insertion of new sections 142A, 142B, 142C, 142D and 142E in cap. 75. Eligibility for expungement of criminal record 142A. (1) A person is eligible for expungement of a criminal record upon the lapse of five years from the date of conviction, if the person— (a) fulfils their sentence as pronounced by the court; and (b) is not convicted of an additional offence. (2) A person is not eligible for expungement of a criminal record if convicted of —	The Commission proposes amendment of clause 142A(2)(d) by deleting the term “mentally handicapped” and substituting it with the term “persons with mental disabilities” Amend clause 142 (A) by deleting clause (3) (a).	The amendment is to ensure consistency with use of terms that are human rights compliant and uphold the dignity of persons with disabilities. The consideration of term limit as the only qualification for automatic expungement violates both substantive and procedural justice of the stakeholders in the criminal justice system especially those of the victim even where the Republic is the victim.



(b) a sentence of imprisonment for a term not exceeding six months without the option of a fine is imposed but the sentence is substituted for community service orders or wholly suspended for a fixed period of time; or (c) a sentence of imprisonment for a term not exceeding six months with the option of a fine not exceeding fifty thousand shillings is imposed.		The procedure provided for under clause 142 (C) should be applicable to all cases in order to give both procedure and substantive justice an opportunity.
Procedure for expungement of a criminal record 142C (1) A person may apply to the High Court for the expungement of their criminal record for an offence for which— (a) a sentence of imprisonment without the option of a fine is imposed; or (b) a sentence of imprisonment with the option of a fine not exceeding one million shillings is imposed. (2) In determining an application under subsection (1) the High Court shall consider— (a) the recommendations of the Director of Public Prosecutions;	Amend clause 142C (1) by replacing the phrase “High Court” with the phrase “sentencing court” The Commission proposes that applications be made to the sentencing court.	The expungement process is a quasi-judicial process. The process would add more work load to the judiciary. Therefore, distributing the load to the sentencing court would reduce the workload to the High Court. Restricting applications for expungement to High Court assumes that the High Court is exercising oversight administrative function yet the decisions for expungement may also attract judicial inquiry. It is therefore prudent to have the sentencing court handle such applications and where need arises, such applications can be contested at the High Court or Court of Appeal.

(b) a report by a probation officer on the attitude of the applicant towards the offence; (c) the victim impact statement of the victim of the crime the applicant seeks an order for expungement; and (d) compelling circumstances in granting or denying the application, including the age of the offender at the time of the commission of the offence. (3) The High Court shall, within fourteen days of granting an order for expungement, notify the Director of Public Prosecutions and the National Police Service to update their criminal records.		
Certificate of expungement. 142D. (1) A person may apply to the National Police Service for a certificate of expungement if— (a) they have met the requirements under section 142B; or (b) the High Court has granted an order for expungement under section 142C. (2) The National Police Service shall, within fourteen days of an application, update the	Amend clause 142D (1) (b) by replacing the phrase “High Court” with the phrase, “sentencing court”	The amendment is in line with the justifications in clause 142B and 142C above. The certificate would be the proof of expungement especially where such persons may face challenges of accessing services due to their criminal record.

record of the applicant and issue a certificate of expungement. (3) Where the criminal record is not updated as per the High Court order for expungement, a person may file a complaint to the Office of the Data Protection Commissioner to enforce their rights as provided in the Data Protection Act. (4) A person who intentionally or negligently issues a certificate of expungement without authority as provided in section 142B and 142C, commits an offence and is liable to imprisonment for a term not exceeding ten years or a fine not exceeding one million shillings or both.		
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**SUBMISSIONS ON THE CRIMINAL PROCEDURE CODE (AMENDMENT)
BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)**

PROPOSED AMENDMENTS AND JUSTIFICATION

GENERAL POLICY POSITION

The State Department for Correctional Services supports the objective of the Criminal Procedure Code (Amendment) Bill, 2025, which seeks to establish a legal framework for the expungement of criminal records in furtherance of rehabilitation and successful reintegration of offenders into society.

To ensure that the proposed Bill achieves a proper balance between rehabilitation, public safety, victims' rights and the integrity of the criminal justice system, the State Department seeks to submit for consideration, proposed amendments to the Bill.

The proposed amendments are informed by the constitutional values of human dignity, equality, rehabilitation and restorative justice, comparative international practice, and the operational experience of the Kenya Prisons Service, and Probation and Aftercare Service.

PROPOSED AMENDMENT NO. 1

CLAUSE 142A - REPLACE CONVICTION-BASED ELIGIBILITY WITH SENTENCE COMPLETION

Clause	Proposed Amendment	Proposed Revised Text	Justification
142A(1)	Amend eligibility period	Replace "five years from the date of conviction" with <i>"three years from the date of conviction or lawful discharge from custodial or non-custodial supervision, during which period the applicant shall have maintained good conduct."</i>	Rehabilitation begins upon completion of sentence rather than conviction. Alignment with International best practice on measures for eligibility.

PROPOSED AMENDMENT NO. 2

CLAUSE 142A – INSERT REHABILITATION COMPLETION CERTIFICATE

Clause	Proposed Amendment	Proposed Revised Text	Justification
142A	Insert new subsection	<i>"A person shall qualify for expungement upon issuance of a Rehabilitation Completion Certificate by the Kenya Prisons Service or the Probation and Aftercare Service confirming successful completion of rehabilitation programmes, good institutional conduct and suitability for reintegration."</i>	Kenya Prisons Service and Probation and Aftercare Service are the primary rehabilitation institutions.

PROPOSED AMENDMENT NO. 3

CLAUSE 142A – EXPAND NON-ELIGIBLE OFFENCES

Clause	Proposed Amendment	Proposed Revised Text	Justification
142A(2)	Expand excluded offences	Insert the following after 142A(2)(d) <i>(e) repeat violent offenders;</i> <i>(f) offence provided under the Prevention of Terrorism Act,</i> <i>(g) organised criminal activities and offences provided under the Prevention of and Organised Crimes Act;</i> <i>(h) offence under the Counter-Trafficking in Persons Act;</i>	Comparative jurisdictions exclude serious offences from expungement in order to preserve public safety and maintain public confidence in the criminal justice system. The amendment ensures that rehabilitation objectives are balanced against legitimate security concerns and victim protection.

		<i>(i) offences involving children and vulnerable persons; and;</i> <i>(j) any offence prescribed by law as incompatible with expungement.</i>	
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PROPOSED AMENDMENT NO. 4

Clause 142B (1)(b) – AUTOMATIC EXPUNGEMENT & COMMUNITY SERVICE ORDERS

Clause	Proposed Amendment	Proposed Revised Text	Justification
142B(1)(b)	Revise clause	Revise to read as follows: <i>a sentence of imprisonment for a term not exceeding six months without the option of a fine is imposed but the sentence is substituted for community service orders upon successful completion of the community service order by the offender to the satisfaction of the court, as certified by the probation officer responsible for their supervision, or wholly suspended for a fixed period of time.</i>	To ensure compliance – Expungement should only follow an offender's successful compliance with the terms of the Community Service Order. As currently drafted, an offender who fails to report, absconds, or breaches the conditions of the CSO could still benefit from expungement simply because the order was issued. This undermines the purpose of the CSO as an alternative sentence that is contingent upon compliance and successful completion.

PROPOSED AMENDMENT NO. 5

CLAUSE 142C (2) (b) - PROBATION OFFICER'S REPORT

Clause	Proposed Amendment	Proposed Revised Text	Justification
142C (2) (b)	Revise clause	Revise to read as follows: <i>a Probation Officer's report assessing the applicant's risk of reoffending, rehabilitation progress, and reintegration prospects, including their attitude, personal circumstances and support systems.</i>	To provide a comprehensive and holistic report. Evidence-based correctional practice requires a comprehensive assessment of an offender's risks, needs, and protective factors, not merely their attitude. Limiting a probation report to attitude alone provides an incomplete picture of rehabilitation and hinders the court's ability to make an informed decision.

PROPOSED AMENDMENT NO. 6

CLAUSE 142C – INSERT ADDITIONAL SUBSECTION FOR A REHABILITATION ASSESSMENT REPORT

Clause	Proposed Amendment	Proposed Revised Text	Justification
142C(2)	Insert additional subsection	Insert paragraph "(aa) <i>a Rehabilitation Assessment Report prepared by the Kenya Prisons Service where the applicant served a custodial sentence.</i> "	To provide a comprehensive and holistic report. The Kenya Prisons Service maintains comprehensive records on an offender's conduct and rehabilitation progress, which can assist the Court in making an informed determination on an application for expungement.

PROPOSED AMENDMENT NO. 7**CLAUSE 142D – LIMITED EFFECT OF EXPUNGEMENT**

Clause	Proposed Amendment	Proposed Revised Text	Justification
142D	Insert new subsection	<i>An expunged criminal record shall not be disclosed for purposes of employment, licensing, education or general public background checks but shall remain accessible to the relevant government agencies and other security agencies as prescribed by law.</i>	Expungement should remove barriers to reintegration without compromising public safety or criminal justice administration. Alignment to international best practice by creating a 'record sealing' framework rather than permanent deletion of criminal history. It protects rehabilitated persons while preserving information necessary for sentencing, prison management, child protection and national security.

PROPOSED AMENDMENT NO. 8**CLAUSE 142E –REGULATIONS**

Clause	Proposed Amendment	Proposed Revised Text	Justification
142E	Expand consultation requirements	<i>The Cabinet Secretary responsible for matters relating to internal security, may, in consultation with the relevant agencies in the criminal justice system make regulations to give effect to the provisions of section 142A, 142B and 142D on—</i>	To incorporate the relevant agencies to ensure harmonized implementation, operational consistency and effective information sharing across the criminal justice system.

GENERAL JUSTIFICATION

The Government invests significant public resources in offender rehabilitation through correctional programmes, vocational training, education, counselling, psychosocial support and aftercare supervision. The absence of a legal mechanism recognizing successful rehabilitation undermines these investments and perpetuates stigma, discrimination and unemployment among rehabilitated offenders.

The current Police Clearance Certificate regime creates a permanent barrier to reintegration despite successful completion of correctional interventions, thereby increasing the risk of recidivism and weakening public safety objectives.

The proposed amendments establish an earned rehabilitation framework that:

- a) recognizes successful correctional interventions;
- b) promotes constitutional values of dignity, equality and non-discrimination;
- c) reduces recidivism through improved reintegration opportunities;
- d) preserves public safety through appropriate exclusions and controlled access to criminal records;
- e) strengthens the role of Kenya Prisons Service and Probation and Aftercare Service in the rehabilitation continuum; and
- f) aligns Kenya with comparative international best practices on criminal record sealing and rehabilitation.

The State Department for Correctional Services therefore supports the Criminal Procedure Code (Amendment) Bill, 2025, subject to your consideration to the foregoing amendments.



MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

SUBMISSIONS ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

Hon. Chair and Members of the Departmental Committee on Justice and Legal Affairs, we thank you for convening this meeting to discuss this Amendment Bill.

Background

1. Under the Sentencing Policy Guidelines, 2023, among the objectives of sentencing are rehabilitation and reintegration.
2. Rehabilitation enables the offender to reform from his/her criminal disposition and thereafter turn into a law-abiding person.
3. Reintegration facilitates the re-entry of the offender into society.
4. The State Department for Internal Security and National Administration, through its national government administrative officers like Regional Commissioners, County Commissioners, Deputy County Commissioners, Assistant County Commissioners, Chiefs and Assistant Chiefs have a critical role to play in the rehabilitation and reintegration of offenders.
5. A criminal record can follow a person for an entire lifetime, affecting his or her ability to reintegrate into society. The record stigmatizes a person who lives isolated, guilt-ridden lives, suffers from low self-esteem and in certain instances, depression.

6. Criminals, even after completing their sentences, are still shunned by many members of the society. This renders them unable to live meaningful lives and may be a cause of recidivism.
7. In order to deal with the negative effects of criminal records, several countries in the world have legal frameworks for expunging criminal records i.e. their removal from public records entirely. Examples are United States, United Kingdom and South Africa.
8. Several principles have been laid down for expunging criminal records. These are that:
 - a. expungements are typically available for criminal cases that were dismissed, or that resulted in some form of deferred disposition;
 - b. they are rarely granted for serious felonies;
 - c. they are available for minor infractions or misdemeanors;
 - d. a person must file a petition for expungement in the same court in which the criminal prosecution took place;
 - e. the petition only addresses a single criminal case, and if a person wants to expunge records of multiple cases, he or she must file more than one petition;
 - f. If the court grants the order of expungement, the petitioner is responsible for providing copies of the order to any and all law enforcement agencies that have records related to the case.
9. We now examine the Bill viz-a viz the above principles.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

S/No.	SPECIFIC CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
1	142A (Eligibility for expungement of criminal record)	Reframe the Clause and indicate that expungement is for minor	This is the practice in jurisdiction such as the US, UK and Britain

		offences (misdemeanors) • It is not an automatic right but is subject to the discretion of a judge upon filing a petition. • Remove the itemized offence for which expungement cannot be granted and state that expungement cannot be granted in respect of felonies.	
2	Clause 142B (Automatic Expungement)	Remove this clause	Expungement is a judicial discretion to be exercised by a Judge.
3	Clause 142C (Procedure for expunging criminal records)	Reframe the Clause to specify that the mode of applying for expungement should be by a petition to the High Court and only for criminal cases which were dismissed, or if there were convictions, the convictions should be	Judicial practice justifies this.

		limited to misdemeanors	
4	Clause 142D	Delete the Clause and replace it with the statement that once the court issues the expungement order, the petitioner should serve it to all relevant agencies to give effect to it.	The Court order is sufficient for appropriate action.

Conclusion

10. Whereas there is need for Kenya to have a legal framework for expungement of criminal records, these amendments do not sufficiently reflect the best practices from jurisdictions such as the US, United Kingdom and South Africa. We submit that they should be amended as suggested above before further action.



Dr. Raymond Omollo, PhD, CBS
 PRINCIPAL SECRETARY
 INTERNAL SECURITY AND NATIONAL ADMINISTRATION

Legislative Comments on the Criminal Procedure Code (Amendment) Bill, 2025

S/No.	Specific Clause	Proposed Amendment	Justification
1.	New Section 142A (Definition)	Insert a new definition of “expungement” in the interpretation provisions or under section 142A. The following definition may be considered: ‘Expungement shall mean the sealing of criminal records such that they shall not be disclosed to any person or authority except pursuant to an order of the High Court or for national security vetting expressly authorized by law.’	The Bill introduces the concept of expungement without defining its meaning or legal consequences, which may result in inconsistent interpretation and implementation. Criminal records constitute an investigative and intelligence resource utilized for pattern analysis, offender profiling, organized crime disruption and other national security assessments. Complete expungement of historical information may impede future investigations and interagency cooperation where the deleted information becomes operationally significant.
2.	Section 142A(1)(b)	Delete the words “is not convicted of an additional offence” and substitute therefor the words “has not been convicted of any additional criminal offence during the qualifying period”; alternatively define “offence” to mean a criminal offence.	The amendment removes ambiguity by clarifying that the disqualification relates only to criminal convictions.
3.	Section 142A(1)(b)	Apart from not being convicted of an additional criminal offence during the qualifying period as proposed above, the applicant must also not have an ongoing criminal case.	The provision ignores pending criminal trials. The applicant could be facing active, serious charges in court, but because they have not yet been convicted, they would legally qualify to have their previous record wiped.
4.	Section 142A(1)	Delete the words “from the date of conviction” and substitute therefor with the words “from the date of completion of the sentence imposed by the court”.	The qualifying period should commence after the sentence has been fully served, otherwise, a person serving a sentence exceeding 5 years may become eligible before completing the sentence.
5.	Section 142A (2)	Insert a new paragraph excluding the following offences from eligibility for expungement of records:	These are serious offences that threaten national security of the country. Their exclusion aligns with the other listed serious offences.

Legislative Comments on the Criminal Procedure Code (Amendment) Bill, 2025

		a) Terrorism offences under POTA; b) Sexual offences under the Sexual Offences Act, 2006; c) Offences of genocide, war crimes and crimes against humanity as captured under Section 137N of the Criminal Procedure Code, Cap. 75; d) Offences under the International Crimes Act, 2008; e) Offences under the Computer Misuse and Cybercrime Act, 2018; f) Offences under the Proceeds of Crime and Anti-Money Laundering Act, 2009; g) Offences under the Prevention of Organized Crimes Act, 2010; and h) Offences on domestic violence and crimes against vulnerable adults.	
6.	Section 142A (2)	(d) delete the words ' <i>against a minor, mentally handicapped, elderly or vulnerable person.</i> '	Sexual offences under the Sexual Offences Act are serious offences that should fall under the exemptions for expungement. This is to align with the Government's strict zero tolerance to sexual offences.
7.	142A (4)	Delete	With the proposed amendment to delete the qualification to non-expungement of sexual offences records in entirety, section 142A (4) will no longer be necessary.

Legislative Comments on the Criminal Procedure Code (Amendment) Bill, 2025

8.	Section 142B	Insert provisions prescribing the procedure for automatic expungement, including the responsible authority, timelines and notification to the affected person.	The Bill provides for 'automatic expungement' without the administrative mechanism for implementation. The term 'automatic' may present administrative challenges because it is not an electronic prompt that self-executes, it is a process that requires verification such as on the lapse of the 5 years, that the applicant has served the sentence etc. In essence, it is not automatic as it requires certain actions to be done.
9.	Section 142C (1) (a) and (b)	Delete section 142C (1) (a) and (b) and substitute therefor with the paragraphs: “(a) a sentence of imprisonment exceeding six months without the option of a fine is imposed; or (b) a sentence of imprisonment exceeding six months with the option of a fine not exceeding one million shillings is imposed.”	Sections 142B and 142C overlap because both potentially cover a sentence of imprisonment without the option of a fine, and 142C does not exclude the less severe sentences already covered by the automatic track in 142B. Inserting “exceeding six months” into both parts of 142C(1) clarifies that the petition (High Court) track applies only to sentences above the automatic-eligibility threshold, eliminating the overlap and ensuring the two tracks are mutually exclusive.
10.	Section 142D (3)	Delete the provision	The ODPC may be given a role beyond its statutory mandate. The ODPC is primarily a data protection regulator and is not designated to supervise criminal records or execute judicial orders. This may create institutional friction and overlap. Additionally, a High Court order is an already binding judicial directive and creating an avenue through the ODPC risks duplicating processes.

Legislative Comments on the Criminal Procedure Code (Amendment) Bill, 2025

11.	Section 142C	Insert a new subsection expressly providing whether a decision of the High Court is final or is subject to appeal, including the forum for such appeal.	The Bill is silent on appellate rights, which may create uncertainty in the administration of the law.
12.	Section 142D	Insert provisions specifying the legal effect of a certificate of expungement, including the extent to which an expunged conviction may or may not be disclosed. The following provision may be considered: <i>‘A person whose record is expunged shall be deemed to have no conviction for purposes of employment, licensing or civil eligibility unless otherwise provided by law.’</i> In addition, the Bill may introduce provisions on protection against discrimination for an expunged record.	The amendment clarifies the legal consequences of expungement for employment, licensing and other statutory processes. The Bill could also introduce the effect of expungement on the Certificate of Good Conduct. In the absence of this, an expunged conviction could still surface on a Certificate of Good Conduct, defeating the purpose of expungement. The intention is to make it unlawful for employers to ask about or penalise a spent or expunged conviction, subject to exceptions for sensitive roles.
13.	Section 142D (2)	Expand the implementation period to between 30-60 days.	The timeline for implementation is unrealistic because multiple agencies maintain records including DCI, ATPU, ODPP and correctional services.
14.	Section 142D (3)	The provision refers to “updating” records rather than “deleting” them, suggesting sealing rather than erasure. This should be made explicit, as it determines the actual protection conferred.	Depending on the intention, the word “updating” can be substituted with the word “deleting.”
15.	Section 142D (4)	Substitute the word “and” with the word “or” in section 142D (4) to read as follows: “...without authority as provided in section 142B or 142C, commits an offence...”	The provision currently reads “without authority as provided in section 142B and 142C,” which could be read as requiring breach of both sections to occur simultaneously before the offence is made out. It should read “or,” so that

Legislative Comments on the Criminal Procedure Code (Amendment) Bill, 2025

			unauthorised issuance under either section, independently, constitutes an offence.
16.	New provision	The Bill does not make special provision for juvenile records.	International practice in Germany, England & Wales, and New Zealand generally provide minors with shorter qualifying periods and more generous treatment. This Bill applies a flat five-year, offence-severity test regardless of age at the time of offending. Age is treated only as a discretionary factor for the High Court petition track under section 142C(2)(d), and is absent entirely from the automatic track under 142B.
17.	New provision	The Bill does not provide an operative clause on revocation of an expungement certificate, though it is mentioned in the memorandum of objects of the bill.	There is no provision to undo an expungement if it was wrongly granted or if new evidence later emerges.
18.	Section 142E	There is a need for development of guidelines on expungement.	In addition to the CS Internal Security coming up with regulations under 142A, 142B and 142D, the Judiciary or NCAJ to come up with guidelines on expungement similar to the Bail/Bond policy guidelines of March 2015



WITNESS PROTECTION AGENCY'S SUBMISSIONS ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL No. 55 of 2025) BY HON. BABU OWINO

No.	Specific Clause under the Bill	Proposed Amendment	Justification
1	Clause 2 – Proposed Section 142C (Procedure for Expungement of Criminal Record)	Amend the proposed section 142C(2) by inserting the following new paragraph immediately after paragraph (d): “(e) whether the expungement of the criminal record is likely to prejudice witness protection arrangements and processes, protection orders, ongoing investigations, prosecutions, or any other criminal justice process.”	The High Court should consider the effect of expungement on ongoing criminal justice processes, including witness protection arrangements, before granting an expungement order. The court may on that basis decide on the appropriate action including deferring expungement orders

2	Clause 2 – Proposed Section 142D (Certificate of Expungement)	Amend the proposed section 142D by inserting the following new subsection immediately after subsection (2): “(3) In updating criminal records and issuing a certificate of expungement under this section, the National Police Service and any other relevant public body shall ensure that information relating to protected persons, covert operations, witness protection arrangements or any security sensitive information is not disclosed except as authorised by law.” Re-number subsequent subsections accordingly.	To safeguard confidential witness protection information and prevent inadvertent disclosure of protected identities, protection arrangements and WP arrangements or sensitive information during the expungement process.



PRACTICAL EXAMPLES SUPPORTING THE PROPOSED AMENDMENT TO THE CRIMINAL PROCEDURE CODE (AMMENDMENT)BILL 2025

1. Scenario 1 Relating to 142C:

Justice Collaborator Under Protection

Mr. Zuhura was previously convicted of a criminal offence and later agreed to cooperate with investigators in dismantling an organised criminal syndicate. Due to this cooperation and the threats against his life and that of his family, he was admitted into the Witness Protection Programme and is expected to testify against other members of that syndicate.

At the same time, Mr. Zuhura applies for expungement of his criminal record.

Before granting the application, the court should consider if expungement may affect ongoing investigations, prosecutions or witness protection arrangements connected to the criminal syndicate he is testifying against and make appropriate orders. This is important because the conviction, surrounding circumstances or criminal associations remain relevant to active criminal justice processes.

NB: The proposed amendment does not prevent expungement. It merely requires the court to consider whether granting the order at that time may prejudice ongoing investigations, prosecutions or witness protection arrangements and processes.

2. Scenario 2 Relating to 142C Amendment:

Prospective Protected Witness Requiring Assessment by WPA

Mr. Basi was convicted several years ago, has since reformed and is now cooperating with investigators in a major organised crime matter. Following threats against him, a recommendation is made for consideration of his admission into the Witness Protection Programme.

While the assessment process is ongoing, Mr. Abu applies for expungement of his criminal record.

In undertaking its statutory mandate, the WPA usually requires access to relevant background information to conduct risk assessments, threat assessments, and protection planning. Information relating to previous criminal associations, circumstances of conviction and links to criminal networks may assist the Agency in understanding the threat environment and determining appropriate protection measures.

Before granting expungement, the court should therefore consider whether the order may affect ongoing witness protection arrangements or the Agency's ability to undertake lawful protection-related functions and whether appropriate safeguards should be put in place to preserve lawful access to information necessary for witness protection and security management.

3. Scenario 3 relating to S142D Amendment

Mr. Gari was previously convicted of a criminal offence but later cooperated with law enforcement agencies and testified against members of an organised criminal group. Due to serious threats against his life and the safety of his family, he referred to and was admitted into the Witness Protection Programme.

Several years later, Mr. C successfully applies to the High Court for expungement of his criminal record.

In implementing the expungement order, various agencies may be required to retrieve, review, update and communicate records relating to the conviction. Some of those records may contain information relating to witness protection arrangements, relocation measures, protection assessments, protected identities, security arrangements or covert operations connected to the investigation.

Without adequate safeguards, there is a risk that sensitive information could be inadvertently disclosed during the process of updating records or issuing a certificate of expungement.

The proposed amendment therefore seeks to ensure that while a deserving applicant benefits from expungement, confidential witness protection information, protected identities, covert operational information and other security sensitive information continue to enjoy legal protection and are only disclosed where authorised by law.

WPAS Position

The Witness Protection Agency is not in any way proposing to deny deserving applicants the benefit of expungement. Rather, the Agency proposes that the court should consider whether expungement may adversely affect ongoing investigations, prosecutions, witness protection arrangements, protection orders or other criminal justice processes before making its determination.

Where necessary, the court may ensure that appropriate safeguards are put in place to preserve lawful access to information required for the effective administration of justice and witness protection as it grants the orders.



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

OPINION AND POLICY GUIDANCE ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2024

A. INTRODUCTION

In a progressive society, the rehabilitation and successful reintegration of persons who have served punishment is a hallmark of an effective corrections system. Reintegration includes facilitating access to employment and other opportunities that enable former offenders to secure livelihoods. Under current Kenyan practice, a criminal record is maintained for any person convicted of an offence and sentenced to more than six months. That record appears on the police clearance certificate, which is a prerequisite for employment in many institutions. As a result, the existence of a criminal record frequently obstructs access to public benefits, employment and credit facilities. The existing legal framework contains no mechanism for the expungement of criminal records following rehabilitation. The Criminal Procedure Code (Amendment) Bill, 2024, seeks to provide for the expungement of criminal records following completion of the sentence and demonstrable rehabilitation.

B. JUSTIFICATION

While public safety may necessitate disclosure of certain criminal history, experience shows that indefinite retention and disclosure of convictions can operate disproportionately to deny persons who have been rehabilitated the opportunity to enjoy the fullness of life. There is therefore a pressing need for a legislative framework that balances public safety concerns with the right to dignity and the right to earn a livelihood.

The present legal framework is silent on the period after which a criminal record may be expunged following completion of the sentence. That lacuna has produced litigation by affected persons seeking judicial relief. For example, in *Njoki v Directorate of Criminal Investigations & 2 others* (Miscellaneous Petition 05 of 2020), the petitioner was convicted of creating a disturbance contrary to Section 95 of the Penal Code and sentenced to six months' imprisonment in 2003. After serving the sentence, the petitioner applied for employment as a driver in 2019, but the police clearance certificate issued retained the conviction. The petitioner's request that the police delete the entry was refused. The petitioner filed a constitutional petition challenging the continued presence of the conviction on the police record. The court acknowledged the unfairness of a perpetual criminal record and observed that Kenya lacks a statutory framework for expungement. Because there was no statutory basis to compel the police to delete the record, the court dismissed the petition but directed that the judgment be placed before Parliament for legislative action on expungement.

C. INTERNATIONAL LAW

Reintegration of offenders into society aligns with the United Nations Sustainable Development Goal 16, which promotes peace, justice and strong institutions. Expungement of criminal records is a recognized post-release measure that facilitates social reintegration, reduces recidivism and breaks cycles of crime. A statutory framework for expungement would advance social inclusion by removing discriminatory barriers that prevent rehabilitated persons from accessing employment and other opportunities.

The Doha Declaration on Integrating Crime Prevention and Criminal Justice into the wider United Nations agenda similarly supports policies that prioritize social reintegration and prevention of reoffending. The period of punishment should, whenever possible, prepare persons for law-abiding and self-sustaining lives after release. Expungement, where appropriate, is therefore consistent with international sentencing objectives and reintegration norms.

D. COMPARATIVE STUDY

A number of jurisdictions have enacted frameworks for expungement, sealing or suspension of criminal records. Schemes differ in approach, eligibility and process; common features include waiting periods, conduct conditions and exclusions for serious offences. Representative practices include:

1. United States

- i. No uniform federal expungement statute; state laws vary.
- ii. Many states permit sealing (restricting access) rather than full deletion.
- iii. Courts consider factors such as the nature of the offence, time elapsed, evidence of rehabilitation and reasons for relief.
- iv. Example: Wyoming permits felony expungement ten years after completion of sentence; certain misdemeanours may be expunged after five years.
- v. Typical conditions exclude violent offences, sexual offences, certain drug distribution offences and firearm felonies; relief may be available only once and subject to restitution and public safety findings.

2. Jamaica

- i. The Criminal Record (Rehabilitation of Offenders) Act provides for rehabilitation periods and expungement.
- ii. Eligibility is often limited to misdemeanours and is subject to a conviction-free rehabilitation period.
- iii. Decisions are made by a Rehabilitation Board; appeal provisions exist.

3. South Africa

- i. Governed by the Criminal Procedure Act, 1977.
- ii. Expungement typically requires ten years to have elapsed from conviction, absence of subsequent convictions, non-inclusion in the sex offenders register and that the conviction be for a lesser offence.
- iii. Applications are free and administered by the Department of Justice and Constitutional Development.

4. Australia (New South Wales example)

- i. Convictions may be considered “spent” after a crime-free period; typical waiting periods are ten years for adult offences and five years for juvenile matters.
- ii. Exclusions apply for serious offences and for sentences exceeding specified durations (e.g., jail terms over 30 months).
- iii. The waiting period restarts upon commission of a new offence; federal exceptions may require disclosure of spent convictions in some contexts.

5. Cyprus

- i. Expungement or sealing is available for certain minor offences after a specified elapsed period.
- ii. Exclusions commonly include sexual offences, violent crimes, drug offences, fraud and DUI.
- iii. Even after expungement, law enforcement agencies may retain access for particular purposes.

6. Canada

- i. Distinguishes between expungement (erasure) and record suspension (formerly a pardon, which seals records).
- ii. Expungement is limited and typically used for convictions now considered unjust; record suspension is available following completion of sentence, waiting periods (commonly five years for summary

offences and ten years for indictable offences) and demonstration of good conduct.

- iii. A record suspension removes entries from public dissemination channels such as CPIC but does not necessarily erase all law enforcement access.

From these jurisdictions, it is clear that expungement frameworks can take varied forms: judicial orders, administrative boards, departmental processes, police-administered systems or automatic mechanisms. Eligibility criteria, waiting periods, exclusions and the scope of relief vary according to local policy choices and public safety considerations.

E. KENYAN POSITION

Kenya presently has no statutory regime for expungement. Section 35(f) of the National Police Service Act mandates the Directorate of Criminal Investigations to maintain criminal records. National Police Service Standing Orders make provisions for the collection and handling of fingerprints for record-keeping purposes, but do not specify retention periods or expungement mechanisms.

The absence of expungement mechanisms has tangible consequences for access to employment and licensing. For example, Regulation 6(m) of the National Transport and Safety Authority (Operation of Public Service Vehicles) Regulations, 2014 requires applicants for PSV licences to produce a certificate of good conduct. Applicants denied licences on the basis of criminal records have sought relief from the Kenya Transport Licensing

Appeals Board Tribunal. In *Kilonzo v National Transport & Safety Authority* [2023] KETLABT 662 (KLR), an applicant challenged NTSA's refusal to issue a PSV badge because of an outstanding remark on his police clearance certificate. The Tribunal held that NTSA properly applied its regulatory requirements and dismissed the appeal. This illustrates how persistent criminal records may bar persons from formal and informal employment. Given these consequences, a statutory basis for conditional expungement is necessary for persons who have served their punishment and are demonstrably rehabilitated. The Criminal Procedure Code (Amendment) Bill, 2024, seeks to remedy this gap.

F. CONCLUSION AND RECOMMENDATION

Having considered comparative approaches and the Kenyan legal context, I support the Criminal Procedure Code (Amendment) Bill, 2024, subject to amendments that ensure an appropriate balance between public safety and the right to reintegration. The Bill should provide clear eligibility criteria, reasonable waiting periods, exclusions for serious offences, safeguards for the victim and prosecutorial input, transparent procedures for applications and appeals, and defined limits on disclosure to third parties.

Enclosed herewith is a copy of the Amendment Bill with proposed amendments for action.



RENSON M. INGONGA, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2024

**RENSON M. INGONGA, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS**

Clause	Current	Comment	Proposal
1	This Act may be cited as the Criminal Procedure Code (Amendment) Act 2024.		
2	Include an interpretation of terms Section 2 of the Principal Act is amended by inserting the following definition: Expungement <i>Classification of the record maintained by the Directorate of Criminal Investigation in a manner reasonably tailored to ensure that the record will not be available for dissemination purposes.</i> Conviction period <i>The time period a person has to spend upon completion of punishment before making an application for expungement of a criminal record.</i> The Criminal Procedure Code (herein referred to		

Clause	Current	Comment	Proposal
	as the "principal Act") is amended by inserting the following new sections immediately after section 142A-		
142A (1)	A person is eligible for expungement of criminal records if, after conviction-		
142A (1) (a)	They fulfil their sentence as pronounced by the court.		
142A (1) (b)	They are not convicted of an additional offence; and	Delete the additional and substitute it with the subsequent	They are not convicted of a subsequent offence
142A (1) (c)	A period of five years has lapsed.		- A period of five years upon completion of the conviction period for misdemeanours; - A period of ten years upon completion of the conviction period for felonies
142A (2)	A person is not eligible for expungement of their criminal record if convicted of-		

Clause	Current	Comment	Proposal
142A (2)(a)	Murder; and		
142A (2)(b)	A sexual offence against a minor, mentally handicapped, elderly or vulnerable member of society.		Offences under the Sexual Offences Act, Prevention of Torture Act, Prevention of Terrorism Act, Counter Trafficking in Persons Act Robbery with violence Grievous Harm Genocide, war crimes and crimes against humanity, Trafficking in narcotic drugs and psychotropic substances
142A (3)	An offender's criminal record may be expunged-		
142A (3)(a)	Automatically under section 142B; or		
142A (3)(b)	By the High Court under section 142C.		
142A (4)	For this section, a sexual offence is an offence that warrants the registration of an offender's details by the Chief Registrar of the	Delete this section as not all sexual offences are subject to expungement	

Clause	Current	Comment	Proposal
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Judiciary in the register
for— convicted— sexual
offenders.

A person is eligible for
automatic expungement
of a criminal record for a
misdemeanour.

The — — — automatic
expungement applies to
criminal records for an
offence for which—

A — — sentence — of
Delete 142B (2) (a), (b) and
imprisonment for a term (c)

not exceeding six months
without the option of a
fine is imposed;
records for misdemeanours,
which is already covered by

142B (2)

A — sentence — of Delete

imprisonment for a term
not exceeding six months
without the option of a
fine is imposed, but the

142B

142B (2)

142B (2) (a)

142B (2) (b)

Clause	Current	Comment	Proposal
	sentence is substituted for community service orders or wholly suspended for a fixed period of time; or		
142B (2) (c)	A sentence of imprisonment for a term not exceeding six months with the option of a fine not exceeding ten thousand shillings is imposed.	Delete	
142C (1)	A person may apply to the High Court for the expungement of their criminal record for a felony for which	Delete for a felony for which	A person may apply to the High Court for the expungement of their criminal record
142C (1) (a)	A sentence of imprisonment without the option of a fine is imposed; or	Delete	
142C (1) (b)	A sentence of imprisonment with the	Delete	

Clause	Current	Comment	Proposal
142C (2)	option of a fine not exceeding one million shillings is imposed. In determining an application under subsection (1), the High Court shall—		
142C (2) (a)	Consider the recommendations of the Director of Public Prosecutions; and		
142C (2) (b)	Take into account compelling circumstances in granting or denying the petition, including—	Delete compelling after the account Substitute it with the following	Take into account the following circumstances in granting or denying the Application
142C (2) (b) (i)	The age of the offender at the time of the commission of the offence;		
142C (2) (b) (ii)	Prior and subsequent criminal history of the offender; and		

Clause	Current	Comment	Proposal
142C (2) (b) (iii)	The— education; — job training — and employment status of the offender.	Delete this section and substitute with proof of rehabilitation	Proof of rehabilitation
142C (5)	The High Court shall, within fourteen days of granting an order for expungement, notify the Director of Public Prosecutions and the National Police Service to facilitate the update of relevant records.		
142D (1)	A person may apply to the National Police Service for a certificate of expungement if—	Delete National Police Service and substitute with Directorate of Criminal Investigations	A person may apply to the Directorate of Criminal Investigations for a certificate of expungement if—
142D (1) (a)	They have met the requirements under section 142B; or		
142D (1) (b)	The High Court has granted an order for		

Clause	Current	Comment	Proposal
142D (1) (c)	expungement under section 142C.	Insert new section	A person aggrieved by the Directorate of Criminal Investigations under 142D (1)(a) may apply to the High Court under Section 142F for expungement of the criminal record.
142D (2)	The Directorate of Criminal Investigations shall, within fourteen days of an application, update the records of the applicant and issue a certificate of expungement.	Delete The Directorate of Criminal Investigations shall, within fourteen days of an application, update the records of the applicant and issue a certificate of expungement and substitute with, The Directorate of Criminal Investigations shall, within fourteen days of an application under 142D (1) (a) and an expungement order under 142D(1)(b), update the records of the applicant and issue a certificate of expungement.	The Directorate of Criminal Investigations shall, within fourteen days of an application under 142D (1) (a) and an expungement order under 142D(1)(b), update the records of the applicant and issue a certificate of expungement.

Clause	Current	Comment	Proposal
142D (3)	Any person who intentionally or negligently issues a certificate of expungement without authority as provided in section 142B and 142C. commits an offence and is liable to imprisonment for a term not exceeding ten years or a fine not exceeding one million shillings or both.		
142E (1)	The Cabinet Secretary may make regulations to give effect to the provisions of sections 142A, 142B and 142D on-		
142E (a)	The form of application for expungement.		
142E (b)	The certificate of expungement, and		

Clause	Current	Comment	Proposal
142E (c)	Any other matter necessary to achieve the object of this Act		
142E (2)		Insert a new section	The absence of regulations contemplated in Section 142 E (1) does not limit the right of any person to apply for expungement of criminal records.
142F (1)	Procedure for expungement	Insert a new section	A person may apply to the High Court for expungement of criminal records.
142F (2)		Insert a new section	A person may apply for expungement of a criminal record under subsection (1) in relation to more than one conviction imposed on the person.
142F (3)		Insert a new section	A person shall not apply for an expungement order under subsection (1) in relation to a conviction before the day on which the conviction period for that conviction expires.
142F (4)		Insert a new section	The High Court may decline an application under Subsection 1.
142F (5)		Insert a new section	A person whose Application has been declined by the High Court under Section 142F (4) may reapply for expungement of a criminal record

Clause	Current	Comment	Proposal
142F (6)		Insert a new section	upon expiry of two years from the day of such denial. If a person is unable to apply for expungement due to whichever reason for a criminal record, the person's guardian or next of friend may apply under subsection (1) on behalf of the person in relation to expungement of the person's criminal record.
142 G (1)	Form and Content of Application	Insert a new section	An application under section 142 F shall be made in writing and set out— (a) the full name of the applicant; and (b) the conviction in relation to which the expungement of the criminal record is sought; and (c) information in support of the rehabilitation of the applicant; and (d) any prescribed information.
142G (2)		Insert a new section	Subject to 142G (1), the Court may accept an oral application, a letter or any other informal documentation which discloses the requirements for expungement of a criminal record listed in 142G (1)

Clause	Current	Comment	Proposal
142G (3)		Insert a new section	An oral application entertained under 142G (2) shall be reduced into writing by the Court. As soon as practicable after a person makes an application under section 142F, the person must serve a copy of the application on-- (a) The Director of Public Prosecutions; and (b) The Inspector General of Police
142H (1)	Service of an Application	Insert a new section	Proof of service shall be through an affidavit of service The Director of Public Prosecutions or the Inspector General of Police shall, within fourteen days of service of an Application under Section 142F, respond by way of a replying affidavit, and if any document is relied upon, it shall be annexed to the replying affidavit.
142I (2)	Reply to Application	Insert a new section	A person is not required to disclose to another person-- (i) the existence of an expunged criminal record; or (ii) information in relation to an expunged criminal record; and
142J (1)	Effect of expunging a criminal record	Insert a new section	

Clause	Current	Comment	Proposal
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142J (2) Use of criminal record Insert a new section
 information by law
 enforcement agencies,
 courts and tribunals

142J (2) (i) Insert a new section
 (i) for the purposes of enabling the other
 law enforcement agency, court or tribunal to
 perform a function or exercise a power under
 any Act; or
 (ii) to any person or body for that person or
 body conducting research, statistical analysis
 or modelling
 (iii) On the request of the person to whom a
 criminal record relates
 (iv) in the course of a legal proceeding before a
 court or tribunal; and
 (v) in the course of publication or
 dissemination of decisions of the court or
 tribunal.

Insert a new section

Insert a new section

Insert a new section

Insert a new section

Insert a new section

Clause	Current	Comment	Proposal
142J (2) (vi)		Insert a new section	(vi) to the National Council for Law Reporting or a licensee of the Council
142J (2) (vii)		Insert a new section	(vii) to a person or body given access to a record kept by or on behalf of a court or tribunal
142J (2) (viii)		Insert a new section	(viii) by under any other enactment; or
142J (2) (ix)		Insert a new section	(ix) at the discretion of a court in the exercise of its jurisdiction.



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

WRITTEN MEMORANDUM

**ON
THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2025
(NATIONAL ASSEMBLY BILL NO. 55 OF 2025)**

SUBMITTED TO

OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY

SUBMISSION DATE: Tuesday, June 23, 2026

Kenya National Commission on
Human Rights (KNCHR)
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A. ABOUT THE COMMISSION

1. The Kenya National Commission on Human Rights (“KNCHR” or “National Commission”) is an independent National Human Rights Institution established under Article 59 of the Constitution with a broad mandate to promote a culture of respect of human rights in the Republic of Kenya. The operations of the National Human Rights Commission are guided by the United Nations *Paris Principles* on the establishment and functioning of independent national human rights institutions commonly referred to as the Paris Principles and as such enjoys an “A” status accreditation.
2. The National Commission is mandated to safeguard observance of democratic values and principles by all State organs and to advance constitutionalism. In fulfilling this role, it relies on Article 249 of the Constitution, which anchors its authority, and Article 10, which obligates every State organ to uphold constitutionalism and the rule of law in policy formulation and constitutional interpretation. To give effect to this mandate, the Commission issues advisories that serve as authoritative guidance, ensuring that public institutions align their decisions and practices with constitutional standards.
3. It is in this context that the National Commission submits its comments on the Criminal Procedure Code (Amendment) Bill, 2025, (National Assembly Bills No. 55 of 2025) sponsored by Hon. Babu Owino Paul Ongili.

B. GENERAL COMMENTS

I. Legislative Purpose and Addressing the Legal Lacuna

The Commission welcomes the introduction of the Criminal Procedure Code (Amendment) Bill, 2025, which seeks to address a long-standing lacuna in the law regarding the expungement of criminal records. By establishing this legal framework, the Bill ensures that the interests of justice are served not just through punishment, but by ensuring that those who have paid their debt to society are not punished indefinitely. This is a vital shift from a purely punitive system to one that prioritizes social responsibility and human development.

II. Rehabilitation as a Catalyst for Social Reintegration

The KNCHR emphasizes that the permanent retention of criminal records impedes essential life opportunities, including employment, housing, education, and international travel. Comparative jurisprudence suggests that an adverse criminal record often represents a blow to the aspirations of rehabilitated individuals, entrenching a cycle of

stigma and social exclusion¹. By providing a mechanism for expungement, the Bill recognizes that for an individual to be fully reintegrated, they must eventually be restored to full civic status where they are effectively deemed never to have been convicted². This transition is essential to upholding the constitutional rights to dignity and equality, ensuring that a past mistake does not become a permanent barrier to a productive life.

III. Alignment with Constitutional Safeguards and International Standards

The Commission notes that for this legal framework to be effective, it must be carefully aligned with Article 24 (Limitations of Rights), Article 28 (Human Dignity), and Article 50 (Fair Trial) of the Constitution. Specifically:

- a. **The Right to Privacy:** International and comparative standards suggest that as a conviction recedes into the past³, it becomes part of a person's private life that must be respected; systematic storage and disclosure of such data long after the event can constitute a violation of privacy.
- b. **Non-Discrimination:** The Bill should reflect international human rights instruments⁴ that discourage unfair discrimination based on a criminal record, particularly in the employment sector, where checks should only be conducted if directly relevant to the job requirements.
- c. **Proportionality:** In line with Article 24, any exclusions from expungement must be strictly necessary and proportionate. A minimalist approach that permanently excludes certain offenders without any path to rehabilitation may fail to balance individual rights with the public safety argument.

C. SPECIFIC COMMENTS

S/NO	CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
1.	Section 2 (Interpretation)	Insert a new definition: "Expungement" means the formal process of restoring an individual to full civic status, resulting in the criminal record	To ensure legal clarity. Without a clear definition, it remains uncertain whether an expunged record is physically destroyed, deleted, or merely

¹ Jamil Ddamulira Mujuzi, 'The Expungement of Criminal Records in South Africa: The Drafting History of the Law, the Unresolved Issues, and How They Could be Resolved' (2014) 35 Statute Law Review 278, 284, 296.

² The Citizen 1978 (Pty) Ltd and Others v McBride ZACC 11, 2011 (4) SA 191 (CC) paras 63, 72;

³ M.M. v The United Kingdom App no 24029/07 (ECtHR, 13 November 2012) para 188.

⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) article 26; African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 (ACHPR) article 2.

		being kept separate and apart from other criminal records and effectively deeming the conviction as never having occurred for all legal and civil purposes.	sealed from public view. A definition provides the necessary clarity for the National Police Service and the High Court on how to treat these files.
2.	Clause 142A (1)	Amend to include a new sub-clause: "(c) has demonstrated satisfactory participation in rehabilitative programmes as certified by the Commissioner of Prisons.	Expungement should be a tool to sustain rehabilitation. Adding a requirement for proven rehabilitative efforts ensures that expungement is a reward for human development and social responsibility, rather than just a passive lapse of time.
3.	Clause 142A(2)(d)	Delete the words "mentally handicapped" and insert the words "person with mental illness".	Updating the terminology to "person with mental illness" ensures the Bill is harmonized with the Mental Health Act
4.	Clause 142E	Insert a new sub-clause (d): the procedure for victim participation, including guidelines for the preparation of victim impact statements and criteria for balancing victims' rights with the rehabilitation objectives of the offender.	The provisions on Victim Impact Statements provided under Section 329A of the CPC and Section 12 of the Victim Protection Act, are currently tailored for the sentencing phase. The unique post-conviction context of expungement requires specialized regulations under Section 142E. These regulations should define specific procedures for victim notification and participation to ensure that the 'careful balance' between public safety and the right to a second chance is maintained without undermining the administration of justice.

		Insert a new sub-clause (e): the manner of notifying victims or their families of an application for expungement under section 142C.	For the High Court to substantively consider a victim impact statement as required by Clause 142C, there must be a formal mechanism to notify victims that an application has been filed.
5	New Clause (Effect of Expungement)	Insert a new clause: A person whose record is expunged is deemed to have no criminal record for any question asked of them and may lawfully state they have no record in job applications, for insurance, or for travel.	This clause prevents the "dishonesty" trap found in South African law, where individuals are dismissed for failing to disclose records they believed were cleared. It aligns with the New Zealand "Clean Slate" model and the Canadian Criminal Records Act (Section 8), which prohibit disclosure requirements for suspended records. This provision fulfills the Bill's object of ensuring rehabilitated persons are "not punished indefinitely" by permanent social stigma.

Yours Sincerely



CPA, CS JOSEPH NDIKU
Aq. COMMISSION SECRETARY/CEO



THE JUDICIARY

OFFICE OF THE CHIEF REGISTRAR OF THE JUDICIARY

Our Ref: JUD/CRJ/23.2/2026

Date: 24 June 2026

Your Ref: NA/DDC/JLAC/2026/049

Samuel Njoroge, CBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P. O. Box 41842- 00100
NAIROBI

Dear *clerk,*

INVITATION BY JLAC TO SUBMIT VIEWS ON THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (NA BILL NO. 55 OF 2025)

We acknowledge, with gratitude, your letter Ref: NA/DDC/JLAC/2026/049 dated 18th June 2026 inviting the Judiciary and other stakeholders to a meeting with the Justice & Legal Affairs Committee of the National Assembly on 25th June 2026 to submit comments on the Criminal Procedure Code (Amendment) Bill sponsored by the Honorable Babu Owino Paul Ongili, MP.

The Judiciary has duly reviewed the provisions of the Bill and notes that its principal objective is to establish a comprehensive legal framework for the expungement of criminal records in prescribed circumstances. The Bill is premised on the principle that offenders who have duly served their sentences ought not to be subjected to perpetual punishment upon reintegration into society.

The Judiciary is in support of this legislative initiative. Courts have, on numerous occasions, been petitioned by individuals seeking the expungement of their criminal records, only to be constrained by the absence of a governing legal framework. In adjudicating such matters, the courts have consistently underscored the urgent need for legislative intervention to address this gap in the law.

In the matter of ***Njoki v Directorate of Criminal Investigations & 2 Others (Milimani High Court Miscellaneous Petition No. 05 of 2020)***, the High Court expressly observed that there exists an urgent need for the Legislature to enact provisions addressing the lacuna in the law as it relates to the expungement of criminal records, in the interest of justice.

Notwithstanding the Judiciary's support for the Bill, it is observed that the current draft appears to limit the scope of expungement to individuals who have been convicted and sentenced. The Judiciary respectfully draws the Committee's attention to the matter of ***Kimathi v Inspector General of the***



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Police Service & 5 Others (Meru High Court Constitutional Petition No. E007 of 2024), in which the High Court at Meru was seized of a matter involving a person who had been charged with a criminal offence while under the age of eighteen years but was never convicted. Upon seeking a police clearance certificate several years thereafter, the individual was denied the same on account of his particulars remaining in police records, notwithstanding the absence of a conviction.

In light of the foregoing, the Judiciary respectfully urges the Committee to expand the scope of the proposed legislative framework to address the concerns raised by the High Court in the aforementioned decision.

The Judiciary thanks the Committee for the opportunity to review and comment on the Bill and remains committed to supporting legislative reforms that advance the cause of justice and the rule of law.

Yours sincerely,


HON WINFRIDAH B. MOKAYA, CBS
CHIEF REGISTRAR OF THE JUDICIARY

wmb/ko

Copy To: Executive Director, NCAJ





OFFICE OF THE ATTORNEY GENERAL

ACV/DIR/247/1/100

18th June 2026

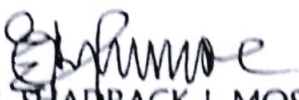
Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND
LEGAL AFFAIRS TO SUBMIT VIEWS ON THE CRIMINAL PROCEDURE CODE
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2025)

Reference is made to your letter under reference NA/DDC/JLAC/2026/047 dated 11th June 2026 requesting this Office to make submissions on the Criminal Procedure Code (Amendment) Bill (National Assembly Bill No. 55 Of 2025) sponsored by Hon. Babu Owino, MP.

We have reviewed the Bill and it does not raise constitutional or legal issues.

We thank you and assure you of our continued support.


HON. SHADRACK J. MOSE, CBS
SOLICITOR-GENERAL

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Ref: COG/6/12 Vol.15 (72)

22nd April 2026

Mr. Samuel Njoroge
The Clerk of the National Assembly
Parliament Buildings
Nairobi

Dear ,

**INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS TO
SUBMIT VIEWS ON THE POWER OF MERCY BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2025)**

We refer to your letter dated 9th April 2026 Ref. No. NA/DDC/JLAC/2026/035 inviting the Council to submit comments on the Power of Mercy Bill (National Assembly Bill No. 56 of 2025) (hereinafter "**the Bill**").

Having reviewed the bill, the Council notes that the same is intended to advance the provisions of Article 133 of the Constitution and is classified as one that does not concern County Governments. We note that key among the guiding principles under Clause 4 of the Bill include community involvement and providing conducive conditions for supervision and treatment, and provision of social support, aimed at assisting the offender's successful rehabilitation and reintegration in the society.

Under the Fourth Schedule of the Constitution, County Governments discharge key devolved functions that support reintegration including community services, health, education and social support, including maintaining peace and order, a function assigned to the Governor. Moreover, County Governments coordinate and capacity build communities to ensure they are well equipped for local governance.

Therefore, although County Governments do not contribute to the Presidential Power of Mercy through decision-making, Counties play complementary roles in community-based rehabilitation and reintegration of pardoned individuals and victim support. Counties are best placed to undertake public education and awareness creation on the nature and implications of the power of mercy, ensuring a smoother acceptance of pardoned individuals back into society. Through collaboration with national correctional services and probation officers at the local level, Counties can help gather necessary information and or data/ intelligence to inform decision-making on petitions for mercy.

Premised on the above, the Council urges for amendment of Clause 11 (1) to include the following as a function of the Advisory Committee:

c) collaborate with County Governments in public education and awareness creation and guaranteeing offender reintegration in the community.



This amendment will ensure that the exercise of the power of mercy will not affect the community that receives these offenders negatively. This collaboration will enable County Governments to plan for service delivery in relevant sectors whilst considering reintegration of offenders and victim support.

Further, pursuant to Clause 40, we urge for capacity building and technical assistance to County Governments on effective reintegration of offenders in the community. This will ensure consistency of efforts across the national and County Governments.

With respect to Clauses 43 and 52, the Council urges for multi-stakeholder consultation that includes County Governments in the issuance of guidelines/advisories by the Advisory Committee and development of Regulations by the Cabinet Secretary, to ensure we enact devolution-sensitive frameworks governing reintegration efforts.

Finally, the Council urges the National Assembly to advocate for finalization of the draft guidelines for prosecution of matters under County Government laws spearheaded by the Office of the Attorney General. This will bolster the legal effect of laws made by County Governments. The Council remains committed to operationalizing the intergovernmental sector forum on security issues in collaboration with the National Government to enable consultation and cooperation on among other issues reintegration of offenders and victim support.

Please accept the assurance of our highest esteem and consideration.

Yours

Sincerely,



Mary Mwiti, EBS
Chief Executive Officer

End

