

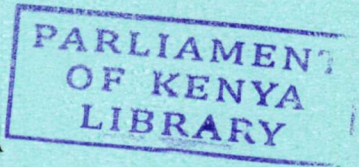
**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 153 (Senate Bills No. 18)*

---



REPUBLIC OF KENYA



---

***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2025**

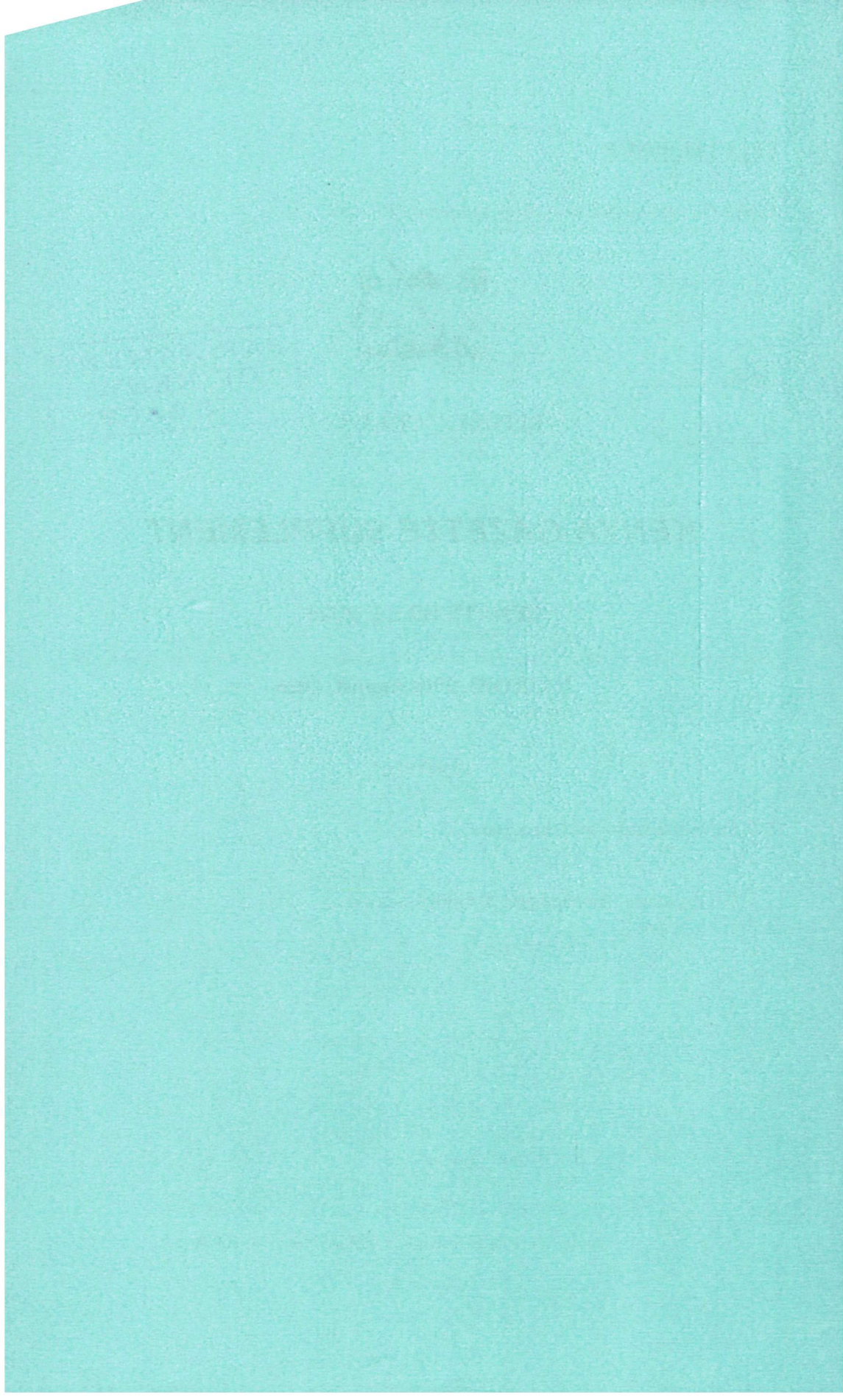
---

**NAIROBI, 29th August, 2025**

---

CONTENT

Bill for Introduction into the Senate —	PAGE
The Insurance (Amendment) Bill, 2025 .....	253



## THE INSURANCE (AMENDMENT) BILL, 2025

### A Bill for

### AN ACT of Parliament to amend the Insurance Act to provide for insurance of older members of society

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the Insurance (Amendment) Act, 2025.

Short title.

2. The Insurance Act, Cap. 487 is amended by inserting the following new section immediately after section 106 —

Insertion of new section 106A.

Prohibition against discrimination in insurance.

**106A.** (1) A person carrying out an insurance business shall not directly or indirectly refuse or fail to insure any person on ground of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(2) A person who contravenes the provisions of sub section (1) commits an offence.

(3) Where an offence under this section committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of; or
- (b) be attributable to any neglect on the part of, any director, chief executive, principal officer, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity,

he or she, as well as the body corporate, shall be guilty of that offence unless he or she proves that he or she did not know of the commission of the offence and was not reasonably in a position to know

of it, or that he or she took all reasonable steps to prevent the commission of the offence.

(3) A person convicted of an offence under this section shall—

- (a) be liable to a fine not exceeding five million shillings, or
- (b) in the case of a natural person, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both.

(4) Where a person convicted under this section is a body corporate, in addition, to any other penalty imposed under this section, the conviction shall constitute sufficient grounds for cancellation of its registration and the appointment of a manager under section 67C.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of Objects and Reasons**

This Bill seeks to amend the Insurance Act, Cap. 487, to prohibit discrimination when carrying out an insurance business.

Article 27 (4) of the Constitution provides that the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

Article 43 of the Constitution further provides that every person has the right to social security.

The Bill seeks to ensure that citizens of Kenya including older members of society and those with chronic health status enjoy social security and are not discriminated against.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

### **Statement of how the Bill concerns county governments**

The Bill concerns county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions that affect the functions and powers of the county governments.

Paragraph 14 of Part 1 of the Fourth Schedule to the Constitution assigns the national government the function of consumer protection, including standards for social security and professional pension plans while counties are tasked with implementing the same.

Paragraph 7 of Part 2 of the Fourth Schedule to the Constitution assigns the county governments the function of trade development and regulation, including trade licences (excluding regulation of professions).

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

Article 114 of the Constitution provides for matters that fall within the ambit of a money Bill. Article 114(1) provides that a money Bill may not deal with any matter other than those listed in the definition of a “money Bill” in clause (3). Clause (3) provides that a “money Bill” means a Bill which contains provisions dealing with —

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to those matters.

The primary purpose of the Insurance (Amendment) Bill, 2025 is to prohibit against discrimination in insurance. As such, the Bill is not a “money Bill” within the meaning of Article 114(1), as read together with Article 114(3) of the Constitution.

Dated the 20th August, 2025.

MOGENI ERICK OKONG’O,  
*Senator.*

