




REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON BLUE ECONOMY AND IRRIGATION

REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 APR 2023	DAY: TUESDAY
TABLED BY: CLERK OF THE TABLE:	HON. GEORGE MURUGARA MP, CHAIRPERSON, JLAC RUTHIRU NGWITO

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

MARCH , 2023

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PART 1

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Blue Economy and Irrigation is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. *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;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *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;*
 - vii. *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);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subject of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of: use and regulation of water resources, irrigation, fisheries development including promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
3. In executing its mandate, the Committee oversees the following government ministries and departments and agencies (MDAs), namely:
 - i. The State Department for Water and Sanitation
 - ii. The State Department for Irrigation
 - iii. The State Department for Blue Economy and Fisheries

1.3 Committee Membership

4. The Departmental Committee on Blue Economy and Irrigation was constituted by the House on 27th October, 2022 and comprises of the following Members:

Chairperson

Hon. Bowen David Kangogo, MP - **Chairperson**
Marakwet East Constituency

United Democratic Alliance Party

Vice- Chairperson

Hon. Kemero Maisori Marwa, MP - **Vice- Chairperson**
Kuria East Constituency

United Democratic Alliance Party

Hon. Stanley Muiruri Muthama, MP
Lamu West Constituency

Jubilee Party

Hon. Tandaza Kassim Sawa, MP
Matuga Constituency

Amani National Congress

Hon. Chepkwony Charity Kathambi, MP
Njoro Constituency

United Democratic Alliance Party

Hon. William Kamket, MP
Tiaty Constituency

KANU

Hon. Buyu Rozaah Akinyi, MP
Kisumu West Constituency

Orange Democratic Party

Hon. Eng. Paul Nzengu, MP
Mwingi North Constituency

Wiper Democratic Party

Hon. Were Charles Ong'ondo, MP
Kasipul Constituency

Orange Democratic Party

Hon. Dorothy Muthoni Ikiara, MP
Nominated

United Democratic Alliance Party

Hon. Nebart Bernard Muriuki, MP
Mbeere South Constituency

Independent Member

Hon. Mnyazi Amina Laura, MP
Malindi Constituency

Orange Democratic Movement

Hon. Adow Mohamed Aden, MP
Wajir South Constituency

Orange Democratic Party

Hon. Eric Mwangi Kahugu, MP
Mathira Constituency

United Democratic Alliance Party

Hon. George Gachagua, MP
Ndaragwa Constituency

United Democratic Alliance Party

1.4 **Committee Secretariat**

5. The Committee is facilitated by the following staff:

Mr. Nicodemus K. Maluki
Clerk Assistant II/Head of Secretariat

Ms. Ivy Kageha
Clerk Assistant III

Dr. Benjamin Ngimor
Senior Fiscal Analyst

Ms. Lynette A. Otieno
Senior Legal Counsel

Ms. Veron D. Aluoch
Research Officer III

Mr. Wilson Angatangoria
Sergeant At Arms

Mr. Bernard Omondi
Senior Sergeant-At-Arms

Ms. Lilian Mburugu
Media Relations Officer

Mr. Cosmas Akhoye
Audio Officer

1.5 CHAIRPERSON FORWARD

6. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022) was read a first time on 8th December, 2022 and was subsequently committed to various Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill seeks to amend among other statutes the Water Act, 2016 which falls under the mandate of the Departmental Committee on Blue Economy and Irrigation.
7. The Clerk of the National Assembly placed adverts in the print media on 16th December, 2022 seeking for comments from the public on the Bill pursuant to Article 118 of the Constitution.
8. The Committee received comments from the Office of the Director of Public Prosecution and the Ministry of Water, Sanitation and Irrigation touching on the Water Act, 2016.
9. The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill.
10. On behalf of the Departmental Committee on Blue Economy and Irrigation and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honour to submit this report of the Committee on its consideration of the Statute Law (Miscellaneous Amendments) Bill, 2022.

Hon. Bowen Kangogo, M.P.

PART II

2.0 INTRODUCTION

11. The Statute Law (Miscellaneous Amendments) Bill, 2022 (National Assembly Bills No. 60 of 2022)sponsored by the Leader of the Majority Party was published on 22nd November, 2022 and Read a First Time on 8th December, 2022. The Bill which seeks to make various amendments to various statutes while keeping with the practice of making various amendments which do not merit the publication of separate Bills into one Bill. The Water Act 2016 (No. 43 of 2016) is amongst legislations being proposed for amendments.

2.1 PUBLIC PARTICIPATION

12. In accordance with Article 118(1)(a) of the Constitution that provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees, an advertisement was published inviting for public participation and submission of memoranda by 16th December 2022. The Committee received comments from the Office of the Director of Public Prosecution and the Ministry of Water, Sanitation and Irrigation.
13. The Principal Secretary State Department for Water and Sanitation submitted that the proposed ten (10) sections of the Water Act, 2016 have been proposed for amendment to bestow smooth implementation of governance aspects in the water sector institutions.
14. The proposed amendments include representation of the office of the Attorney General as members in some of the management boards of water sector institutions; proposed amendment to increase independent board members from four to six in some boards and finally proposed amendment to various provisions of the act on term limit of the Chief Executive Officers to be three (3) years renewable once based on performance.
15. The Office of the Director of Public Prosecutions on the other hand supported the amendments to sections 14(1) and 17(1)of the Water Act,2016.
16. The Committee extensively considered the contents of the submissions on the Bill and the details of the deliberations and the Committee's observations and resolutions as relates to specific clauses are captured in this report.

PART III

3.0 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022

17. The Committee considered the proposed amendments to the Statute Law (Miscellaneous Amendments) Bill, 2022 as follows:
18. **Amend Clause 14 (1) (f)**

By inserting the following new paragraph immediately after paragraph (e) (ea) the Attorney-General or his representative.

Committee Observation

The Proposal seeks to include the Attorney General as a Member of the Board. The Membership of the Board will be even number with the proposed amendments which pause a challenge during voting. The CEO is an ex-officio member of the Board with no voting rights, further the Chairperson has no casting vote in instance when the votes on each side are equal. In this regard the other membership should be composed of an odd number. The Committee **agreed to the clause subject to an amendment.**

19. **Amend Clause 17(1)**

By inserting the words “and in accordance with the guidelines made by the Salaries and Remuneration Commission” immediately after the word “appointment.”

Committee Observation

The Proposal seeks to bring the provision on the terms and conditions of appointment into the ambit of the recommendations of the Salaries and Remuneration Commission. The Committee **agreed to the clause.**

20. **Amend Clause 31 (1)**

Delete and substitute thereof the following new subsections-

- (1) The Power and functions of the Water Storage Authority shall be exercised and performed under the direction of a Water Harvesting and Storage Board which shall consist of:-
- (a) a chairperson, who shall be appointed by the President;
 - (b) the Principal Secretary responsible for matters relating to finance or his representative;
 - (c) the Principal Secretary responsible for matters relating to water or his representative;
 - (d) the Principal Secretary responsible for matters relating to land;**

(f) the Chief Executive Officer.

Committee Observations

The proposal seeks to enable the Principal Secretary Responsible for Finance and water to send a representative to sit in the Board as their alternate. Further the amendment does not allow the Principal Secretary for land to nominate a representative. There is need for a Transitional Provision for the current Membership of the Board. In this regard the Committee **agreed to the clause subject to an amendment.**

21. Amend Clause 33(1)

Delete the words “the Cabinet Secretary for Public Service may determine on the advice of the Salaries and Remuneration Commission” and substitute therefor the words “may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.”

Committee Observation

The amendment deletes the provision for appointment of the CEO of the Water Storage Authority to be on conditions set by the Cabinet Secretary for Public Service but based on the terms set by the Salaries and Remuneration Commission. **The Committee agreed to the clause.**

22. Amend Clause 66(1)

Delete and substitute therefor the following new subsection—

- (1) Each water works development agency shall consist of—
 - (a) a chairperson, who shall be appointed by the President;
 - (b) the principal Secretary responsible for matters relating to finance or his representative;
 - (c) the Principal Secretary responsible for matters relating water or his representative;
 - (d) the Attorney – General or his representative;
 - (e) the Chief Executive Officer; and
 - (f) six other members who shall be appointed by the Cabinet Secretary from **counties within the basin area.**

Committee Observation

The Amendment seeks to change the compensation of water works development agency. The Chairperson will now be appointment by the President. The agency shall include the Principal Secretary for Finance and Water, the AG and six other persons appointed by the Cabinet Secretary. The Membership is even number and needs to be amended to be an odd number for purpose of voting. Further there is need for a transitional provision for the current membership of the board. The Committee further observes that the Chairperson appointed should be a person from a county within the basin area as they are best placed to under the water works development issues within that county of appointment.

In this regard the Committee **agreed to the clause subject to an amendment.**

23. **Amend Clause 66**

Insert the following new subsection immediately after subsection (2)—

(3) The Cabinet Secretary shall, on the recommendation of the respective Board of Water Development Agency appoint a Chief Executive Officer of the respective water works agency on such terms and conditions as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.

Committee Observations

The amendment deletes the provision for appointment of the CEO of the Water Storage Authority to be on conditions set by the Cabinet Secretary for Public Service but based on the terms set by the Salaries and Remuneration Commission. **The Committee agreed to the clause.**

24. **Amend Clause 71(1)**

Delete and substitute therefor the following new subsection—

(1) The powers and functions of the Regulatory Board shall be exercised and performed under the direction of the Regulatory Board, which shall consist of—

- (a) a chairperson, who shall be appointed by the President;
- (b) the Principal Secretary responsible for matters relating to finance or his representative;
- (c) the Principal Secretary responsible for matters relating to Water or his representative;
- (d) the Attorney-General or his representative;
- (e) the Chief Executive Officer; and
- (f) six other members appointed by the Cabinet Secretary.

Committee Observation

The amendment seeks to change the composition of the regulatory Board. The Principal Secretary for Finance and Water and AG have been co-opted into the Board. The number of appointees by the Cabinet Secretary have increased from four to six. Further there is need for a transitional provision for the current membership of the Board. In this regard the Committee **agreed to the clause subject to an amendment.**

25. **Amend Clause 73**

Delete the words “the Cabinet Secretary for Public Service may determine on the advice of the Salaries and Remuneration Commission” and substitute therefor the words “may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.”

Committee Observations

The amendment deletes the provision for the appointment of the CEO and officers of the Regulatory Board to be on the conditions set by the Cabinet Secretary for public service. **The Committee agreed to clause.**

26. **Amend Clause 115 (2)**

Delete and substitute therefor the following new subsection—

- (2) The Board of Trustees shall consist of—
- (a) a chairperson, who shall be appointed by the President;
 - (b) the Principal Secretary responsible for matters relating to finance or his representative;
 - (c) the Principal Secretary responsible for matters relating to Water or his representative;
 - (d) the Attorney-General or his representative;
 - (e) the Chief Executive Officer; and
 - (f) six other members recruited in accordance with the First Schedule and appointed by the Cabinet Secretary.

Delete and substitute therefor the following new subsection—

- (1) The Fund shall have a Chief Executive Officer who shall be appointed by the Cabinet Secretary on the recommendation of the Board of Trustees on such terms and conditions of service as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.

Committee Observations

The amendment seeks to change the composition of Board of Trustees of the Water Sector Trust Fund. It co-opts the Principal Secretary for Finance and Water and Attorney General into the Board. The Committee noted that the composition was an even number and may need to amend for the purposes of voting. There need to provide for transitional provision for the existing Board. In this regard the Committee **agreed to the clause subject to an amendment.**

27. **Amend Clause 118**

Delete and substitute therefor the following new subsection—

- (1) The Fund shall have a Chief Executive Officer who shall be appointed by the Cabinet Secretary on the recommendation of the Board of Trustees on such terms and conditions of service as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.

Committee Observation

The amendment deletes the provision for appointment of the CEO of the Fund to be on conditions set by the CS for public service. **The Committee agreed to the clause.**

PART IV

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill the Committee observed as follows:

- i. The Bill seeks to amend the Water Act, 2016 (No. 43 of 2016) to include the Attorney General as a member of the Water Resources Authority Management Board and several other Boards within the water sector.
- ii. The amendments further seek to require the appointments of Chief Executive Officers appointed under the Act to be in line with guidelines issued by Salaries and Remuneration Commission. Article 230(4) (b) provides that the powers and functions of the Salaries and Remuneration Commission shall be to advise the national and county governments on the remuneration and benefits of all public officers.
- iii. The Bill further seeks to allow the designation of representatives to sit in Boards in place of designated office holders and the introduction of new Members to the Water Development Agencies, the Water Storage and Harvesting Authority the Water Services Regulatory Board and the Water Sector Trust Fund Board.
- iv. The Bill seeks to reconstitute several Boards within the Water sector in this regard there is need for a transition for the existing membership of the current Boards.

PART V

5.0 COMMITTEE RECOMMENDATIONS

Having considered the Bill the Committee recommends that the House **approves** the Second reading of the proposed amendments to the Water Act, 2016 as contained in the Schedule to the Bill subject to the following amendments—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

Transition. **3.** (1) At the commencement of this Act, any person who, immediately before the commencement of this Act was a member or staff of any of the Boards proposed to be reconstituted under this Act shall be deemed to be a member or staff of the reconstituted Board for the unexpired period of his or her term of service.

(2) At the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in any of the Boards shall by virtue of this subsection, vest in the new Boards under this Act.

(3) At the commencement of this Act, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such date were vested in, imposed on or enforceable against any of the Board shall by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Board.

(4) Any reference in any written law or in any document or instrument to any of the Boards shall on and after the appointed day, be construed to be a reference to the respective new Board.

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendments to the Water Act, 2016 (No. 43 of 2016)—

(a) by deleting the proposed amendment to section 14(1)(f) and substituting therefor the following—

14(1)(e) Insert the following new paragraph immediately after paragraph (e)—

(ea) the Attorney-General or his representative.

(f) Delete the word “four” and substitute therefor the word “five”

(b) in the proposed amendment to section 31(1) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

(1)The powers and functions of the Water Storage Authority shall be exercised and performed under the direction of a Water Harvesting and Storage Board which shall consist of—

- (g) a chairperson, who shall be appointed by the President;
- (h) the Principal Secretary responsible for matters relating to finance or his representative;
- (i) Principal Secretary responsible for matters relating to water or his representative;
- (j) the Principal Secretary responsible for matters relating to land or his representative;
- (k) the Attorney-General or his representative;
- (l) six other members appointed by the Cabinet Secretary; and
- (m)the Chief Executive Officer.

(c) in the proposed amendment to section 66(1) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

- (1) Each water works development agency shall consist of—
 - (a) a chairperson, who shall be appointed by the President from a county within the basin area
 - (b) the principal Secretary responsible for matters relating to finance or his representative;
 - (c) the Principal Secretary responsible for matters relating water or his representative;
 - (d) the Attorney-General or his representative;
 - (e) the Chief Executive Officer; and
 - (f) five other members who shall be appointed by the Cabinet Secretary from counties within the basin area.

(d) in the proposed amendment to section 77(1) by deleting the word “six” appearing in the proposed new subsection (1)(f) and substituting therefor the word “five”; and

(e) in the proposed amendment to section 115(2) by deleting the word “six” appearing in the proposed new subsection (2)(f) and substituting therefor the word “five”;

SIGNED
HON. BOWEN KANGOGO, M.P.

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON BLUE ECONOMY AND IRRIGATION)

DATE..... 9/3/2023



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIRST SESSION - 2022

DEPARTMENTAL COMMITTEE ON BLUE ECONOMY AND IRRIGATION

MEMBERS ATTENDANCE SCHEDULE

DATE: 9TH MAR 2023 START: 9:30 AM END: 11:40 AM

VENUE: MEMBERS LOUNGE, PARLIAMENT BUILDINGS

AGENDA: CONSIDERATION & ADOPTION OF THE 2023/24 BPS AND STATUTES LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022

NO.	NAME	SIGNATURE
1.	Hon. Bowen David Kangogo, MP – Chairperson	
2.	Hon. Kemero Maisori Marwa Kitayama, MP – Vice- Chairperson	
3.	Hon. Chepkwony Charity Kathambi, MP	
4.	Hon. William Kamket, MP	
5.	Hon. Buyu Rozaah Akinyi, MP	
6.	Hon. Eng. Nzengu Paul Musyimi, MP	
7.	Hon. Tandaza Kassim Sawa, MP	
8.	Hon. Were Charles Ong'ondo, MP	
9.	Hon. Gachagua George, MP	
10.	Hon. Eric Mwangi Kahugu, MP	
11.	Hon. Dorothy Muthoni Ikiara, MP	
12.	Hon. Nebart Bernard Muriuki, MP	
13.	Hon. Muiruri Muthama Stanley, MP	
14.	Hon. Mnyazi Amina Laura, MP	
15.	Hon. Adow Mohamed Aden, MP	

Forwarded by:

Signed: Date: 9/3/2023

Mr. Nicodemus K. Maluki
Second Clerk Assistant – Committee Clerk

Approved by:

Signed: Date:

Mr. Peter K. Chemweno,
Director
Directorate of Departmental Committee



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT - SECOND SESSION – 2022

MINUTES OF THE 17TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
BLUE ECONOMY AND IRRIGATION HELD ON THURSDAY 9TH MARCH, 2023 IN
MEMBERS LOUNGE, PARLIAMENT BUILDING AT 9.30AM

PRESENT

- | | | |
|---|---|-------------------|
| 1. Hon. Bowen David Kangogo, MP | - | Chairperson |
| 2. Hon. Kemero Maisori Marwa Kitayama, MP | - | Vice- Chairperson |
| 3. Hon. Tandaza Kassim Sawa, MP | | |
| 4. Hon. William Kamket, MP | | |
| 5. Hon. Eng. Nzengu Paul Musyimi, MP | | |
| 6. Hon. Were Charles Ong'ondo, MP | | |
| 7. Hon. Dorothy Muthoni Ikiara, MP | | |
| 8. Hon. Nebart Bernard Muriuki, MP | | |
| 9. Hon. Muriuki Muthama Stanley, MP | | |

APOLOGIES

1. Hon. Chepkwony Charity Kathambi, MP
2. Hon. Buyu Rozaah Akinyi, MP
3. Hon. Mnyazi Amina Laura, MP
4. Hon. Adow Mohamed Aden, MP
5. Hon. Gachagua George, MP
6. Hon. Eric Mwangi Kahugu, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY
COMMITTEE SECRETARIAT**

- | | |
|----------------------------|------------------------|
| 1. Mr. Nicodemus K. Maluki | Second Clerk Assistant |
| 2. Dr. Benjamin Ngimo | Fiscal Analyst |
| 3. Ms. Ivy Kageha | Third Clerk Assistant |
| 4. Ms. Veron D. Aluoch | Research Officer |
| 5. Ms. Joyce Wachera | Hansard Officer |
| 6. Mr. Kelvin Lengasi | Audio Officer |

MIN.NO.DC/ BE&I/028/2023: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past nine o'clock and prayed. He thereafter welcomed Members and requested all present to make a self-introduction.

AGENDA:

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/ Introductions
3. Confirmation of minutes

4. **Adoption of the Committee Reports on 2023 BPS and the Statute Law Miscellaneous Amendments Bill, 2022.**
5. Any Other Business
6. Adjournment and date of the next meeting

MIN.NO.DC/ BE&I/029/2023: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE BUDGET POLICY STATEMENT (BPS) FOR FY 2023/24

The Committee after scrutinizing policies and expenditure ceilings for FY 2023/24 in the 2023 Budget Policy Statement for the State Departments under their purview made the following recommendations:

Financial Recommendations

1. That the National Treasury reviews the BPS policies and ceilings for the State Departments under the purview of the Committee so as to realign them to the Kenya Kwanza Value Chain Priority Areas. This is because the BPS was not effectively aligned to the Kenya Kwanza Manifesto priority areas like the “Maji Nyumbani Water 10,000 programme” under the water sector and the “Sustainable Development of the Blue Economy programme” under the blue economy and maritime affairs sub-sector. To aid in the realignment of the ceilings, the Committee will be proposing areas of additional funding for priority activities and projects so as to align the budgets of the State Departments to the Kenya Kwanza Manifesto. This wish list is discussed in the next section.
2. That the proposed expenditure ceiling for FY 2023/24 for the **State Department for Water and Sanitation** of Kshs. 71.1 billion consisting of Kshs. 5.6 billion for recurrent expenditure and Kshs. 65.5 billion for development expenditure be approved. Despite the approval, the Committee noted that this ceiling is still lower than the resource requirement of Kshs. 117.4 billion indicating a resource gap of Kshs. 46.3 billion. The lower ceiling will impact on the implementation of some Kenya Kwanza Value Chain Priority areas.
3. That the proposed expenditure ceiling for FY 2023/24 for the **State Department for Irrigation** of Kshs. 24.4 billion consisting of Kshs. 1.4 billion for recurrent expenditure and Kshs. 23 billion for development expenditure be approved. Despite the approval, the Committee noted that this ceiling is still lower than the resource requirement of Kshs. 50.3 billion indicating a resource gap of Kshs. 24.3 billion. The lower ceiling will impact on the implementation of some Kenya Kwanza Value Chain Priority areas.
4. That the proposed expenditure ceiling for FY 2023/24 for the **State Department for Blue Economy and Fisheries** of Kshs. 9.3 billion consisting of Kshs. 2.7 billion for recurrent expenditure and Kshs. 6.6 billion for development expenditure be approved subject to the following policy recommendation:

The recurrent funding for “The Oceans and Blue Economy” (TOBEO) amounting to Kshs. 100 million in FY 2023/24 should be reallocated from the Executive Office of the President to the State Department Blue Economy and Fisheries since both offices are providing the same function of policy advisory on blue economy to the executive.

5. That the proposed expenditure ceiling for FY 2023/24 for the **State Department for Shipping and Maritime Affairs** of Kshs. 3.4 billion consisting of Kshs. 2.3 billion for recurrent expenditure and Kshs. 1.1 billion for development expenditure be approved subject to the following policy recommendation:
 - i. That the recognition of Bandari Maritime Academy (BMA) as a Technical and Vocation Education and Training (TVET) institution be fast-tracked so as to allow its students to access government capitation like their counterparts in other TIVET Institutions. Lack of this access has made it expensive for students to undertake maritime studies since the institution is not able to offer scholarships due to inadequate funding.
 - ii. The recurrent funding for the Government Clearing Agency be transferred from the National Treasury to the Kenya National Shipping Lines (KNSL). This function had been transferred to KNSL but the funds had not been transferred. The Committee noted that the funding for Government Clearing Agency for FY 2023/24 amounting to Kshs. 74 million has been incorporated in the ceiling for the National Treasury.

Wish List

6. The Committee further recommends additional funding which are necessary to align the functions of the State Departments with the key priorities in the Kenya Kwanza Manifesto “Maji Nyumbani water 10,000 programme” under the water sector and the “Sustainable Development of the Blue Economy programme” under the blue economy and maritime affairs sub-sectors. The total additional funding request is Kshs. 29.6 billion broken down as follows:
 - i. Under the State Department for Water and Sanitation, the Committee proposes the additional allocation of **Kshs. 14.2 billion** comprising of Kshs. 150 million for recurrent expenditure and Kshs. 14 billion for development expenditure.
 - ii. Under the State Department for Irrigation, the Committee proposes the additional allocation of **Kshs. 7.9 billion** comprising of Kshs. 200 million for recurrent expenditure and Kshs. 7.7 billion for development expenditure. The funding will be used for the areas indicated in Schedule II.
 - iii. Under the State Department for Blue Economy and Fisheries, the Committee proposes the additional allocation of **Kshs. 5.8 billion** comprising of Kshs. 1.3 billion for recurrent expenditure and Kshs. 4.5 billion for development expenditure. The funding will be used for the areas indicated in Schedule III.
 - iv. Under the State Department for Shipping and Maritime Affairs, the Committee proposes the additional allocation of **Kshs. 1.7 billion** comprising of Kshs. 200 million for recurrent expenditure and Kshs. 1.5 billion for development expenditure.

MIN.NO.DC/ BE&I/030/2023: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE STATUTE LAW MISCELLANEOUS AMENDMENT BILL, 2022.

The Committee considered the draft report and adopted it with the recommendations that the House **approves** the Second reading of the proposed amendments to the Water Act, 2016 as contained in the Schedule to the Bill subject to the following amendments—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

Transition. 3. (1) At the commencement of this Act, any person who, immediately before the commencement of this Act was a member or staff of any of the Boards proposed to be reconstituted under this Act shall be deemed to be a member or staff of the reconstituted Board for the unexpired period of his or her term of service.

(2) At the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in any of the Boards shall by virtue of this subsection, vest in the new Boards under this Act.

(3) At the commencement of this Act, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such date were vested in, imposed on or enforceable against any of the Board shall by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Board.

(4) Any reference in any written law or in any document or instrument to any of the Boards shall on and after the appointed day, be construed to be a reference to the respective new Board.

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendments to the Water Act, 2016 (No. 43 of 2016)—

(a) by deleting the proposed amendment to section 14(1)(f) and substituting therefor the following—

14(1)(e) Insert the following new paragraph immediately after paragraph (e)—

(ea) the Attorney-General or his representative.

(f) Delete the word “four” and substitute therefor the word “five”

(b) in the proposed amendment to section 31(1) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

(1) The powers and functions of the Water Storage Authority shall be exercised and performed under the direction of a Water Harvesting and Storage Board which shall consist of—

- (a) a chairperson, who shall be appointed by the President;
- (b) the Principal Secretary responsible for matters relating to finance or his representative;
- (c) Principal Secretary responsible for matters relating to water or his representative;
- (d) the Principal Secretary responsible for matters relating to land or his representative;
- (e) the Attorney-General or his representative;
- (f) six other members appointed by the Cabinet Secretary; and
- (g) the Chief Executive Officer.

(c) in the proposed amendment to section 66(1) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—


- (1) Each water works development agency shall consist of—
 - (a) a chairperson, who shall be appointed by the President from a county within the basin area
 - (b) the principal Secretary responsible for matters relating to finance or his representative;
 - (c) the Principal Secretary responsible for matters relating water or his representative;
 - (d) the Attorney-General or his representative;
 - (e) the Chief Executive Officer; and
 - (f) five other members who shall be appointed by the Cabinet Secretary from counties within the basin area.

(d) in the proposed amendment to section 77(1) by deleting the word “six” appearing in the proposed new subsection (1)(f) and substituting therefor the word “five”; and

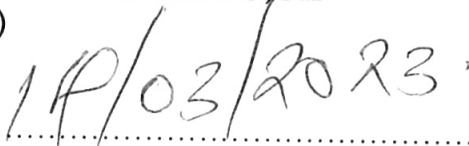
(e) in the proposed amendment to section 115(2) by deleting the word “six” appearing in the proposed new subsection (2)(f) and substituting therefor the word “five”;

MIN.NO.DC/ BE&I/031/2023: ADJOURNEMENT

There being no other business, the Chairperson adjourned the meeting at forty minutes past eleven o'clock. The next meeting will be held on notice.

Signed.....

**HON. BOWEN DAVID KANGOGO, MP
(CHAIRPERSON)**

Date.....



REPUBLIC OF KENYA
MINISTRY OF WATER, SANITATION AND IRRIGATION
STATE DEPARTMENT FOR WATER AND SANITATION
OFFICE OF THE PRINCIPAL SECRETARY

MAJI HOUSE
NGONG ROAD
P. O. BOX 49720-00100
NAIROBI
Website: www.water.go.ke

Telegrams: "MAJI" Nairobi
Telephone: +254204900303
G.L +254 20 2716103
Fax: +254 20 2728703
Email: pswater631@gmail.com

WD/3/3/1392

2nd February, 2023

Mr. Kennedy Ogeto, CBS
Solicitor General
Attorney General's Chamber
Harambee Avenue
NAIROBI

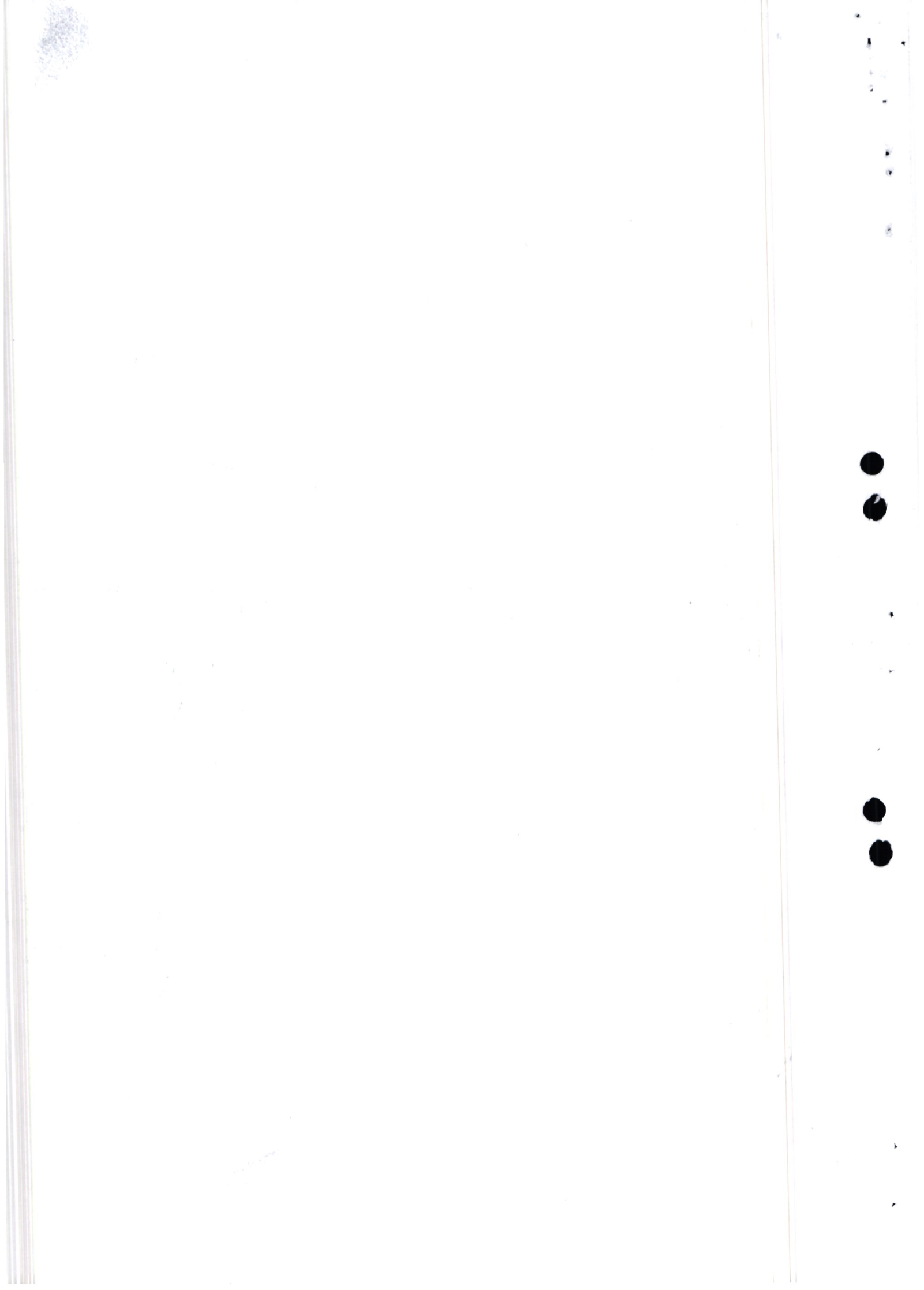
Dear **SG,**

RE: SUBMISSIONS ON THE STATUTE LAWS (MISCELLANEOUS AMENDMENTS) BILL

The Ministry developed written submissions following a request by the Parliamentary Committee on Blue Economy and Irrigation vide a letter dated 21st December, 2022. The purpose of the written submission to the proposed amendments to the act is to provide clarity and explain intention of the amendment. Further, it is expected to provide policy guidance on the proposed amendments.

This is also to appreciate efforts of relevant stakeholders like National Assembly Committee on Committee on Blue Economy and Irrigation and the Office of the Attorney General in this regard. The proposed ten (10) sections of the water act have been proposed for amendment to bestow smooth implementation of governance aspects in the water sector institutions.

The proposed amendments include representation of the Office of the Attorney General as members in some of the management boards of water sector institutions; proposed amendment to increase independent board members from four to six in some boards and Finally, proposed amendment to various provisions of the act on term limit of the Chief Executive Officers to be three (3) years renewable once based on proven performance.

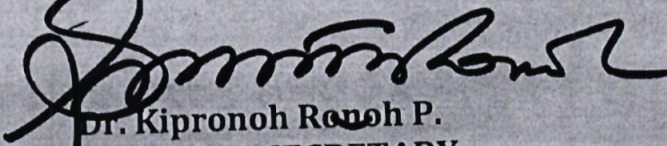


The appointment is proposed to be undertaken by the Cabinet Secretary on recommendation of the management boards.

Thank you for continued support.

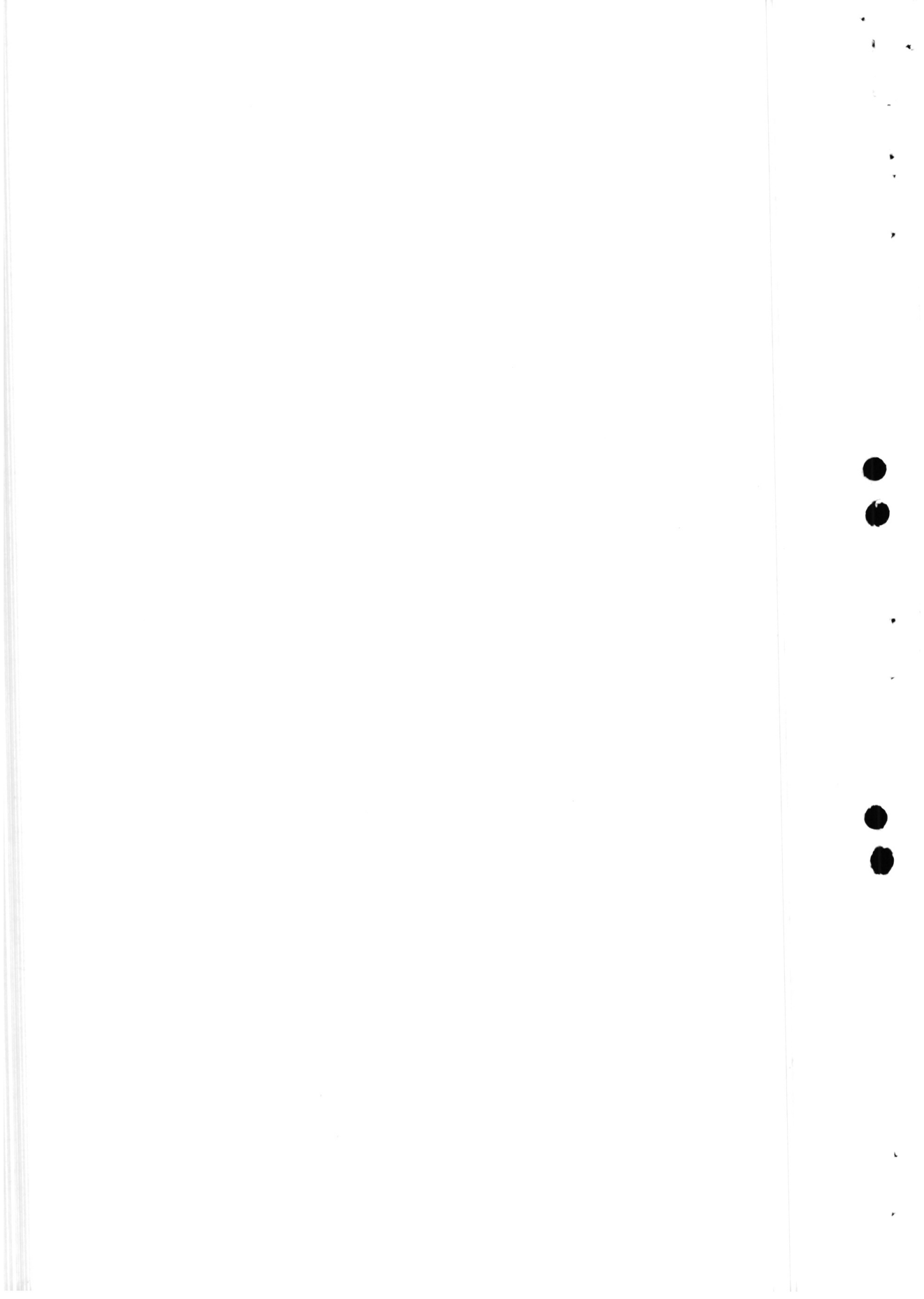
Yours

Sincerely



Dr. Kipronoh Rono P.
PRINCIPAL SECRETARY

Encl.



Arale, Magar, Mutunga, Ekal, Nahu,
Rose Kiambisi, Lameen Mwangi,
Akadeli, Kina, Maluki, Gindicha

Please desk


11/1/23



NATIONAL ASSEMBLY
RECEIVED

10 JAN 2023

CLERK'S OFFICE
P O Box 41842, NAIROBI

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 2732090/2732240
Mobile: 0723202888/ 0787880580
Fax: 2243524/2251808
Email: info@odpp.go.ke

ODPP House,
Ragati Road, Upper Hill
P.O. BOX 30701 - 00100
NAIROBI

When replying please quote:

REF. ODPP/ES/GEN

9th January, 2023

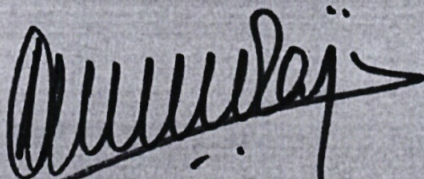
The Clerk,
National Assembly,
Parliament Building,
P.O. Box 41842 - 00100,
NAIROBI

ATTN: Mr. Jeremiah W. Ndombi

RE: INVITATION TO SUBMIT VIEWS ON THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS) BILL (NATIONAL
ASSEMBLY BILLS NO. 60 OF 2022)

Reference is made to your letter Ref. NA/DDC/LABOUR/2022/005 and dated 21st December 2022 on the above subject calling for written submissions on the proposed amendments.

Pursuant to Article 118 (1) (b) of the Constitution, the Office of the Director of Public Prosecutions (ODPP) hereby submits views for your consideration in respect of the proposed amendments.



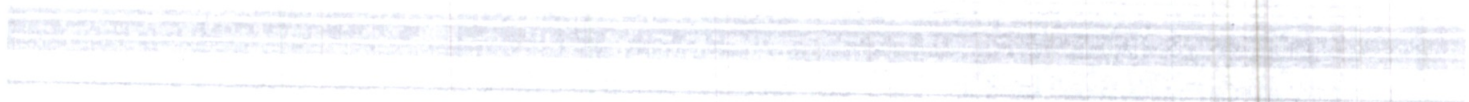
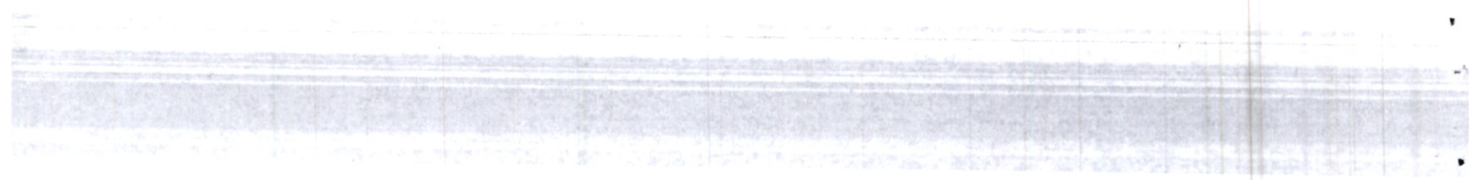
NOORDIN M. HAJI, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS

Encl.

NATIONAL ASSEMBLY
RECEIVED

10 JAN 2023

DEPUTY CLERK
P.O. Box 41842 - 00100, NAIROBI





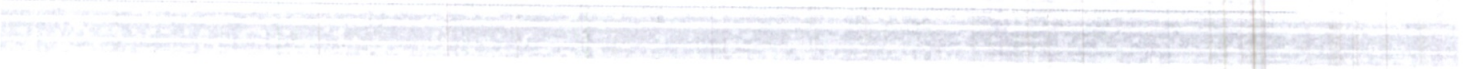
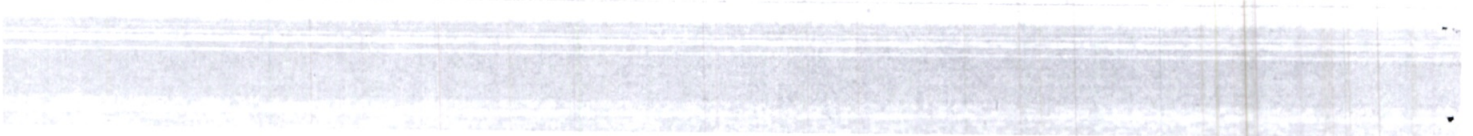
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

COMMENTS ON

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022

9TH JANUARY, 2023

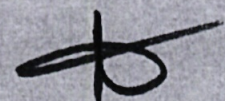
Page 1 of 48



S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
1.	Judicature Act (Cap 8)	7 (1)	Delete the word "thirty" and substitute therefor the word "seventy".	<p>This proposal will enhance the access to justice in the Court of Appeal and reduce case backlog.</p> <p>The ODPP will benefit from speedy resolution of criminal Appeals pending at the Court of Appeal.</p> <p>The proposal is acceptable.</p>
2.	Appellate Jurisdiction Act (Cap 9)	59 (7)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions"	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
		73	Delete the expression "Attorney General" wherever it appears and substitute therefor the expression "Director of Public Prosecutions"	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				Constitution.
3.	Vexatious Proceedings Act (Cap 41)	4	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
4.	Penal Code (Cap 63)	146	Delete the word "idiot" or "imbeciles" wherever it appears and substitute therefor the words "persons with mental disability".	<p>Mental disability is still a dated term. The preferred word is "persons differently abled mentally".</p> <p>The emphasis would be on the person's humanity while recognizing and describing their situation without being insensitive. We would propose that the words to be used be "persons with different mental ability"</p>
5.	Criminal Procedure Code (Cap 75)	2	Delete the word "State Counsel" appearing in the definition of the term "public prosecutor" and substitute therefor the expression "Prosecution Counsel".	<p>The words "State Counsel", "Police Officer" and "Police Station" are being streamlined with the existing legislations.</p> <p>This proposal aligns the definitions with the relevant provisions of the</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			<p>Delete the Definition of “police officer” and substitute therefor the following new definition –</p> <p>“police officer” has the meaning assigned to it under the National Police Service Act, 2012</p> <p>Delete the definition of “police station” and substitute therefor the following new definition –</p> <p>“police station” has the meaning assigned to it under the National Police Service Act, 2012.</p>	Office of the Director of Public Prosecutions Act, 2013 (<i>hereinafter</i> the ODPP Act) and the National Police Service Act, 2011.
		83	<p>Delete and substitute therefor the following new section -</p> <p>(1) The Director of Public Prosecutions may order in writing that all or any of the powers vested in him by sections 81 and 82, and by Part VIII, be vested for the time being in the Secretary of Prosecution Services, the Deputy Director of</p>	<p>The provision seeks to bring the Criminal Procedure Code in tandem with the Office of Director Public Prosecutions Act.</p> <p>However, it leaves out a cadre of officers “Principal Prosecution Counsel” which is also a cadre of prosecution counsel under the ODPP Act.</p> <p>We propose that this cadre be factored in the</p>



S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			<p>Public Prosecutions, the Senior Assistant Deputy Director of Public Prosecutions, Assistant Deputy Director of Public Prosecution, Senior Principal Prosecution Counsel, Senior Prosecution Counsel, and Prosecution Counsel, and the exercise of those powers by the specified officers shall then operate as if they had been exercised by the Director of Public Prosecutions.</p> <p>(2) The Director of Public Prosecutions may in writing revoke an order made by him under this section.</p>	<p>description so that the section is aligned with section 13 (b), (c) and (d) of the ODPP Act.</p>
		90 (3)	<p>Delete the words "a Sunday" and substitute therefor the words "any other day of the week including Sunday".</p>	<p>This is acceptable</p>
		123 (1)	<p>Delete the words "a person accused of murder, treason, robbery with violence, attempted robbery with violence, and any related offences".</p>	<p>This amendment is acceptable as it brings the legislation into conformity with the Constitution of Kenya, existing precedents and practice.</p>
		131 (2)	<p>Delete the word "movable".</p>	

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
		137	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	
		184	Delete What is deleted is:- <i>"Charge of rape Where a person is charged with rape and the court is of the opinion that he is not guilty of that offence but that he is guilty of an offence under one of the sections of the Sexual Offences Act, he may be convicted of that offence although he was not charged with it."</i>	Although no equivalent provision has been proposed, the deletion gives more prominence to the Sexual Offences Act, No. 3 of 2006 to deal with such offences.
		186	Delete What is deleted is:- <i>"Charge of defilement of a girl under 14 years of</i>	Although no equivalent provision has been proposed, the deletion gives more prominence to the Sexual Offences Act, No. 3 of 2006 to deal with such offences

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			<p><i>age</i></p> <p><i>When a person is charged with the defilement of a girl under the age of fourteen years and the court is of the opinion that he is not guilty of that offence but that he is guilty of an offence under the Sexual Offences Act, he may be convicted of that offence although he was not charged with it."</i></p>	
6.	Extradition (Commonwealth Countries) Act (Cap 77)	7, 8, 9, and 10	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
7.	Evidence Act (Cap 80)	3	<p>Insert the following definition in proper alphabetical sequence -</p> <p>"Photograph" means an image created by light falling on a larger sensitive surface either photographic film or an electronic medium and made visible and permanent by chemical treatment or stored</p>	<p>This is a good proposal as it seeks to bring clarity to the definitions.</p> <p>There have been several contests as to what amounts to a photograph.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			digitally.	
		78 (1)	Insert the words "or an electronic and digital medium" immediately after the word "film",	
		125 (2)	Delete the words "a mentally disordered person or a lunatic" and substitute therefor the words "a person with a mental disability".	<p>Mental disability is still a dated term. The preferred word is "persons differently abled mentally".</p> <p>The emphasis would be on the person's humanity while recognizing and describing their situation without being insensitive. We would propose that the words to be used be "persons with different mental ability"</p>
8.	National Flag, Emblems and Names Act (Cap 99)	6	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
9.	Public Holidays Act (Cap 110)	Schedule	Delete the expression "Utamaduni Day" and substitute therefor the	This is acceptable

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			expression "Huduma Day".	
10.	Housing Act (Cap 117)	2	<p>Insert the following definitions in proper alphabetical sequence –</p> <p>"affordable housing" means housing that is adequate, targeted for the population whose income is below the median individual or house income, and whose cost does not exceed more than thirty per cent of household or individual income per month to rent or acquire.</p> <p>"affordable housing development project" means a housing development project targeted to construct and deliver affordable housing and approved by the Cabinet Secretary responsible for matters relating to housing.</p>	This is a good proposal as it seeks to bring clarity to the definitions.
11.	Official Secrets Act (Cap 187)	10 (1) and 49 (1)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				as it aligns the Act with the Constitution.
12.	Geneva Convention Act (Cap 198)	3 (3)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
13.	Pharmacy and Poisons Act (Cap 244)	40 (4)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
14.	Mental Health Act (Cap 248)	42 (5)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> <p>In addition, we propose that the definition of persons with different</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				mental abilities be included in the definition section.
15.	Land Consolidation Act (Cap 283)	14 (6) (b)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
16.	Land Adjudication Act (Cap 284)	33	Delete the expression "Attorney General" appearing in the proviso and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
17.	Marine Insurance Act (Cap 390)	91 (3)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
18.	Local Manufacturers (Export	10 (2)	Delete the expression "Attorney General" and substitute therefor the	This proposal will bring the provision of the Act into conformity with

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
	Compensation) Act (Cap 482)		expression "Director of Public Prosecutions".	Article 157 of the Constitution. The proposal is acceptable as it aligns the Act with the Constitution.
19.	Capital Markets Act (Cap 485A)	38	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution. The proposal is acceptable as it aligns the Act with the Constitution.
20.	Architects and Quantity Surveyors Act (Cap 525)	3 (3)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution. The proposal is acceptable as it aligns the Act with the Constitution.
21.	Prevention of Fraud (Investments) Act, 1977	27 (3)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution. The proposal is acceptable as it aligns the Act with the Constitution.

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
22.	Higher Education Loans Board Act, 1995	24	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
23.	Retirement Benefits Act, 1997	54 (1)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
24.	Co-operative Societies Act, 1997	94 (3)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
25.	Central Depositories Act, 2000	63	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				The proposal is acceptable as it aligns the Act with the Constitution.
26.	Copyright Act, 2001	2, 30AA, 30B, 46, 46A, 46B, 46C, and 46E		The proposed amendments are not within the mandate of the ODPP
27.	Anti-Corruption and Economic Crimes Act, 2003	25A (1), 37 (6), and 62 (5)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution, 2010.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution, 2010.</p>
		62	<p>Delete subsection (6)</p> <p>Insert the following new subsections (6A) Notwithstanding the provisions of any other law where a state officer is under investigations for or has been charged with corruption or economic crimes, the Commission may by an <i>ex-parte</i> application in the High Court seek an order barring the officer from accessing his or her office or exercising the powers of that office including participating in decision making, voting and</p>	<p>The deletion of subsection (6) is progressive as it ensures that the law is applied equally irrespective of status and office.</p> <p>It is unconstitutional to bar a state officer from accessing his or her office or exercising the powers of that office when the matter is pending investigations, as it infringes on the right to fair hearing under Article 50 (2) of the Constitution. However, the EACC is at liberty to make an <i>ex-parte</i> application for</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			<p>supervising staff</p> <p>(6B) The provisions of subsection (6A) shall apply where the commission upon preliminary investigations has established grounds reasonably suspect that the public or state officers is likely to</p> <p>a) Conceal, alter, destroy or remove records, documents or other evidence</p> <p>b) intimidate, threaten or otherwise interfere with witnesses or</p> <p>c) Interfere with investigations in any other manner.</p>	<p>warrant of search of the office or investigate accounts or any other matters attendant thereto.</p> <p>The insertion of section (6A) should only apply to individuals who have been charged in a court of law. In this regard, the application to the High Court seeking to bar the officer from accessing their office or exercising the powers of that office, being criminal in nature should be made by the Director of Public Prosecutions so as to avoid duplicity of the matter which could affect the outcome of the case, as well as to enhance efficiency.</p> <p>The provision of subsection (6B) should be amended to read that, "The provisions of subsection (6A) shall apply where the Director of Public Prosecutions has established that there is evidence of:</p> <p>a) Conceal, alter, destroy, or remove records, documents or other evidence</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				<p>b) intimidate, threaten or otherwise interfere with witnesses or</p> <p>c) interfere with investigations in any other manner”</p>
28.	Sexual Offences Act, 2006	40	Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”.	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
29.	National Museums and Heritage Act, 2006	57 (2)	Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”.	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
30.	Labour Institutions Act, 2007	35 (1) (k)	Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”.	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution, 2010.</p> <p>The Cases SHALL be instituted with the consent of the Director of</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				Public Prosecutions or officers acting on delegated authority by the DPP Pursuant to Article 157 (9) of the Constitution and Section 22 of the ODPP Act, 2013.
31.	Accountants Act, 2008	43	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
32.	International Crimes Act, 2008	5, 19 (2) & (3), 21(1)(b), 23 (2), 24, 25 (3)(a), 26 (1) & (2), 76, 77 (2), 78, 79, 84, 85 (4), 86, 87 (1), 88, 89, 90, 91, 92, 93 (2)(b), 94, 95, 96 (1) & (2), 102 (2) & (3), 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 (1), (3), & (4), 113 (2) & (3), 114 (1) & (2), 115 (1), 116, 118 (2), 119, 120, 121 (b), 122, 124, 126, 127 (6), 129, 153 (1) & (2),	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> <p>Further, we propose that the definition of "prosecutor" under section 2 of the Act be expanded to include the Director of Public Prosecutions under Article 157 of the Constitution.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
		154, 155, 156, 157, 158, 159, 160, 168, and 171.		
33.	Biosafety Act, 2009	53	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
34.	Merchant Shipping Act, 2009	16	Delete	
35.	The Vetting of Judges and Magistrates Act 2011 (No. 2 of 2010)	18 (1)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	<p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>
36.	Prevention of Organised Crimes Act, 2010	14	Delete the expression "five hundred thousand" and substitute thereof the words "ten million shillings".	<p>This increases the fine amount substantially.</p> <p>This is a good proposal as it enhances the discretion of the magistrate where the situation demands a stiffer penalty and guides</p>

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				in terms of severity of the offences under the sections of the Act.
		14 (3)	Delete the expression "thirty days" and substitute thereof the words "ninety days".	Not provided in the Act.
		17 (9)	Delete paragraph (b) and substitute therefor the following new paragraph - (b) Inspector General of the National Police Service.	This section regularizes the provisions of the Act with the National Police Services Act. However, it is noted that it still makes reference to the "Attorney General" instead of "Director of Public Prosecutions" as an authorized officer. The section relates to seizure and detention of organized criminal group cash which relates to a matter dealt with by the Director of Public Prosecutions, and would be retained in the Prosecutors Fund under section 40 or 45 of the ODPP Act
37.	Counter-Trafficking in Persons Act, 2010	19 (2) (e)	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.

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				The proposal is acceptable as it aligns the Act with the Constitution.
38.	Judicial Service Commission Act, 2011	38	<p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The commission shall submit the annual report to the President and the National Assembly within six months after the end of the year to which it relates.</p>	<p>The proposal seeks to have the JSC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
39.	Independent Electoral and Boundaries Commission Act, 2011	24 (1)	Delete the word "three" and substitute therefore the word "six".	<p>The proposal seeks to have the IEBC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
40.	Salaries and Remuneration Commission Act, 2011	24	<p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end</p>	<p>The proposal seeks to have the SRC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>

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			of the year to which it relates.	
41.	Kenya National Commission on Human Rights Act, 2011	53	<p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p>	<p>The proposal seeks to have the KNCHR annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
42.	National Gender and Equality Commission Act, 2011	53	<p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p>	<p>The proposal seeks to have the NGECC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
43.	Commission on Revenue Allocation Act, 2011	23	<p>Renumber the existing provision as subsection (1).</p> <p>Insert the following new subsection immediately after subsection (1) -</p>	<p>The proposal seeks to have the CRA annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.	
44.	Ethics and Anti-Corruption Commission Act, 2011	27 (2)	Delete the word "three" and substitute therefore the word "six".	The proposal seeks to expand the time allotted to the EACC for the presentation of its annual report from three (3) to six (6) months. The proposal is acceptable.
45.	Tourism Act, 2011	116	Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".	This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution. The proposal is acceptable as it aligns the Act with the Constitution.
46.	National Police Service Commission Act, 2011	26 (2)	Delete the word "three" and substitute therefor the word "six".	The proposal seeks to expand the time allotted to the NPS Commission for the presentation of its annual report from three (3) to six (6) months.

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				The proposal is acceptable.
47.	National Land Commission Act, 2012	33	<p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p>	<p>The proposal seeks to have the NLC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
48.	Leadership and Integrity Act, 2012	12A	<p>Renumber the provision as subsection (1) and insert the words "or public office" after the words "state office".</p> <p>Insert the following new subsections -</p> <p>(2) Where a public entity is recruiting staff, it shall, within seven days after shortlisting of candidates for any position for which appointment is considered, submit the list of all shortlisted candidates to the Commission for integrity suitability verification.</p>	The proposal is not acceptable as this may impede the independence of the Offices.

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			<p>(3) The Commission shall upon receipt of the list of shortlisted candidates verify the information regarding them and make recommendations to the public entity on the integrity suitability of the shortlisted persons.</p> <p>(4) In making recommendations under subsection (3), the Commission may consider any other information with respect to the integrity suitability of the applicant.</p> <p>(5) The recruiting entity shall take into account the recommendations on the integrity suitability of the candidates in making appointment decisions.</p>	
		19 (6)	Delete the words "fail to submit annual statements of account" and substitute therefor the words "fails to submit statements of account annually as required under section 19 (3)".	This proposal makes grammatical corrections and is acceptable.
		40	Renumber the provision as subsection (1) and insert the following new subsection -	This proposal seeks to empower the High Court to invalidate a state officer's appointment for

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			(2) The High Court may upon application by any person, declare the assumption of office by a state officer to be invalid for want of executing a commitment to the specific leadership and integrity code.	failure to execute a commitment to a specific leadership code. This proposal is unclear as it fails to specify which codes are to be executed by the said state officials.
49.	Teachers Service Commission Act, 2012	41	Insert the following new subsection immediately after subsection (1) - (1A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates.	The proposal seeks to have the TSC annual report presented within 6 months of the end of the year to which it relates. The proposal is acceptable.
50.	National Transport and Safety Authority Act, 2012	16	Delete the word "three" and substitute therefor the word "five".	It seeks to expand the period for the appointment of the Director General for a renewable period of 5 years rather than the current 3 years.
51.	Kenya Law Reform Commission Act, 2015	N/A	N/A	N/A
52.	Scrap Metal Act,	2	Insert the following new definitions in proper	The proposal in the Bill seeks to provide accurate

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	2015		<p>alphabetical sequence -</p> <p>“Authority” means the Kenya Revenue Authority established under section 3 of the Kenya Revenue Authority Act;</p> <p>“critical national infrastructure” means physical and virtual assets or facilities, whether owned by private or public entities which are essential to the provision of vital services to the public for their social and economic wellbeing, and which if destroyed, degraded or rendered unavailable, would impact on the social or economic wellbeing of the nation or affect government’s ability to undertake national defence and security;</p> <p>“electrical rewinder” means a person who deals in the repair or rewinding of electric motors;</p> <p>“smelter” means an installation or factory for smelting metal from its ore or means a person engaged in the business</p>	<p>definitions of various terms to protect critical infrastructure.</p> <p>It is however noteworthy that although the Memorandum of Objects and reasons indicates that the Bill seeks to provide for a special license for dealing in copper, aluminium and their alloys, this proposal is not included in the text of the Bill.</p> <p>The Memorandum also indicates that the Bill intends to restrict the disposal of critical infrastructure to the Numerical Machining Complex and the Kenya Shipyard Limited. Further, that the Bill had proposed regulation of imports and exports.</p> <p>These proposals are not included in the text of the Bill.</p>

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			<p>of smelting;</p> <p>“steel fabricators” means an installation of factory for the production of metal structures using a range of processes such as cutting, bending or assembling, which generates scrap metal in their processes.</p>	
53.	Excise Duty Act, 2015	Paragraph 1 of Part I of the First Schedule	<p>Delete -</p> <p>(a) the expression “3905.91.00 Emulsion VAM” and substitute therefor the expression “3905.91.00 Imported copolymers”;</p> <p>(b) the expression “3905.19.00 Homopolymers” and substitute therefor the expression “3905.19.00 Imported polymers”; and</p> <p>(c) the expression “3906.90.00 Emulsion B.A.M” and substitute therefor te expression “3906.90.00 Imported acrylic polymers”.</p>	
54.	Controller of Budget Act, 2016	19	Insert the following new subsection immediately	The proposal seeks to have the Controller of Budget’s annual report

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			<p>after subsection (2) -</p> <p>(2A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates.</p>	<p>presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>
55.	Water Act, 2016	14 (1) (f)	<p>Insert the following new paragraph immediately after paragraph (e) -</p> <p>(ea) the Attorney-General or his representative.</p>	<p>The proposal seeks to include the Attorney General as a member of the Water Resources Management Board.</p> <p>The proposal is acceptable.</p>
		17 (1)	<p>Insert the words "and in accordance with the guidelines made by the Salaries and Remuneration Commission" immediately after the word "appointment".</p>	<p>The proposal seeks to bring the section on appointment of the Chief Executive Officer into the ambit of the SRC recommendations.</p> <p>The proposal is acceptable.</p>
		31 (1)	<p>Delete and substitute therefor the following subsection -</p> <p>(1) The powers and functions of the Water</p>	<p>The proposal seeks to allow the representatives to sit in the board in place of the designated office holder.</p>

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			Cabinet Secretary from counties within the basin area.	
		66	<p>Insert the following new subsection immediately after subsection (2) -</p> <p>(3) The Cabinet Secretary shall, on the recommendation of the respective Board of Water Development Agency appoint a Chief Executive Officer of the respective water works agency on such terms and conditions as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.</p>	
		71 (1)	<p>Delete and substitute the following new subsection -</p> <p>(1) The powers and functions of the Regulatory Board shall be exercised and performed under the direction of the Regulatory Board, which shall consist of -</p>	



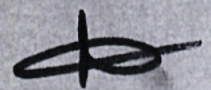
S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			<ul style="list-style-type: none"> (a) a chairperson, who shall be appointed by the President; (b) the Principal Secretary responsible for matters relating to finance or his representative; (c) the Principal Secretary responsible for matters relating to water or his representative; (d) the Attorney-General or his representative; (e) the Chief Executive Officer; and (f) six other members appointed by the Cabinet Secretary. 	
		73	Delete the words "the Cabinet Secretary for Public Service may determine on the advice of the Salaries and Remuneration Commission" and substitute therefor the words "may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration	

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			Commission.”	
		115 (2)	<p>Delete and substitute therefor the following new subsection -</p> <p>(2) The Board of Trustees shall consist of -</p> <ul style="list-style-type: none"> (a) a chairperson, who shall be appointed by the President; (b) the Principal Secretary responsible for matters relating to finance or his representative; (c) the Principal Secretary responsible for matters relating to water or his representative; (d) the Attorney-General or his representative; (e) the Chief Executive Officer; and (f) six other members recruited in accordance with the First Schedule and appointed by the Cabinet Secretary. 	
		118 (1)	Delete and substitute therefor the following new subsection -	

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			(1) The fund shall have a Chief Executive Officer who shall be appointed by the Cabinet Secretary on the recommendation of the Board of Trustees on such terms and conditions of service as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.	
56.	Bribery Act, 2016	1	Delete the expression "Bribery Act" and substitute therefor the expression "Anti-Bribery Act".	The proposal seeks to amend the title of the bill from the Bribery Act to Anti-Bribery Act. This proposal is acceptable to reflect the intent of the Act.
		4	Insert the words "public entity" immediately after the words "public officers".	Seeks to include public entities as those to whom the Act applies. The proposal is acceptable.
		5	Delete the word "who" and substitute therefor the words "if the person offering, promising or	Indicates clarity in the description of the offender.

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			giving knows”	The proposal is acceptable.
		7 (1)(a)(v)	Delete the word “and” and substitute therefor the word “or”	Provides clarity in the function or activity to which the offence relates. The proposal is acceptable.
		7 (1)(b)(i)	Delete the word “and” and substitute therefor the word “or”	The proposal refers to s.7(1)(b)(i) rather than s.7(1)(b)(ii). This should be corrected.
		10	Delete the marginal note and substitute therefor the words “bribery by a private entity”.	Seeks to provide better clarity on the offence. The proposal is acceptable.
		14 (1)	Delete the words “holding a position of authority”.	Allows every individual whether public or private to report instances of bribery.
		15 (1)	Delete the words “within the meaning of sections 11 and 12”	Expands the criminality of offences under the Act, to apply to both public and

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				private individuals. The proposal is acceptable.
57.	Public Service Commission Act, 2017	90 (1)	Delete the word "three" and substitute therefor the word "six".	The proposal seeks to expand the time allotted to the PSC for the presentation of its annual report from three (3) to six (6) months. The proposal is acceptable.
58.	Energy Act, 2019	2	Delete the definition of the term "distribution licence". Insert the following new definition in proper alphabetical sequence - "distribution licence" means a document or instrument authorising a person to distribute energy in the manner described in the document or instrument, in that person's authorised area of supply for the purpose of enabling supply to premises in that area and to also receive bulk supply from another licensee;	The proposal expands the definition of the licence to an acceptable scope.



S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
		4 (1)	<p>Insert the following new paragraph immediately after paragraph (e) -</p> <p>(ea) the Principal Secretary of the Ministry for the time being responsible for matters relating to finance or his or her representative.</p>	<p>The proposal does not fit the section it intends to amend.</p> <p>This should be corrected.</p>
		4 (1)(f)(i)	<p>Delete the word "the" and substitute therefor the word "a".</p>	<p>The proposal does not fit the section it intends to amend.</p> <p>This should be corrected.</p>
		4 (1)(f)(v)	Delete	<p>There is no such section in the Act.</p> <p>This should be corrected.</p>
		6 (1)(a)(ii)	<p>Delete the word "utility" and substitute therefor the words "critical national".</p> <p>Insert the following new section immediately after section 6 -</p> <p>6A. The Cabinet Secretary, in consultation with the relevant statutory authorities and stakeholders, shall coordinate the</p>	<p>No such section exists in the Act.</p> <p>This should be corrected.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			development and implementation of a national energy efficiency and conservation action plan.	
		9 (1)	Insert the word "a" immediately after the word "of".	The proposal does not fit into the section it seeks to amend and the same is rejected.
		10	<p>Delete the word "with the exception of crude oil" appearing in paragraph (a) (ii);</p> <p>Delete paragraph (ii) and substitute therefor the following new paragraph -</p> <p>(ii) make proposals to the Cabinet Secretary for purposes of making regulations on energy efficiency and conservation.</p>	<p>The proposal aims to expand the mandate of the Authority.</p> <p>The proposal is acceptable.</p>
		11	<p>Renumber the provision as subsection (1) and add the following subsections -</p> <p>(2) Notwithstanding subsection (1), the Cabinet Secretary shall issue a special licence for dealing in copper,</p>	<p>The amendment seeks to regulate the dealing of copper, aluminium and their alloys.</p> <p>The proposal is acceptable.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			aluminium and their alloys. (3) An application for a special licence shall be made in accordance with section 10.	However, there is a need for clarity on the specific paragraph in section 10 for the application of a special licence.
		12 (1)(e)	Delete	The proposal aims to remove the position of CEC member for the Board of the Energy and Petroleum Regulatory Authority. There is no objection.
		18 (3)(a)	Delete the words "one million" and substitute therefor the words "five million".	The proposal does not fit into the section it seeks to amend and the same is rejected.
		18 (3)(b)	Delete the word "five" and substitute therefor the word "ten".	The proposal does not fit into the section it seeks to amend and the same is rejected.
		20 (1)	Delete the phrase "half of a" appearing in paragraph (a).	The proposal seeks to increase the funds of the EPRA from the levies received from the the sale of electricity and petroleum products.
		20	Delete the word "levies" appearing in the provisio.	The proposal will cause the section incomprehensible.

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				This should be corrected.
		20 (4)	Delete the word "one" and substitute therefor the word "five".	The proposal does not fit into the section it seeks to amend and the same is rejected.
		22 (2)	Delete the words "one million" and substitute therefor the words "five million".	The proposal does not fit into the section it seeks to amend and the same is rejected.
		24	<p>(1) Insert the words "critical national" immediately after the word "the".</p> <p>Insert the following new sections immediately after section (1) -</p> <p>(1A) A state entity responsible for critical national infrastructure shall dispose scrap metal from critical national infrastructure to the Numerical Machining complex and the Kenya Shipyard Limited for smelting into billets.</p> <p>(1B) Where there is inadequate capacity at the Numerical Machining complex and Kenya</p>	<p>The proposal does not fit into the section it seeks to amend.</p> <p>This should be corrected.</p>

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			Shipyards Limited, the respective state entity through a written consent from the Numerical Machining Complex and the Kenya Shipyards Limited, shall seek approval from the Council to partner with a local smelter directly without involving a broker.	
		24 (2)	Delete the word "ten" and substitute therefor the word "twenty". Delete the word "three" and substitute therefor the word "seven".	The proposal does not fit into the section it seeks to amend and the same is rejected. This should be corrected.
		26 (1)	Insert the words "or import" immediately after the word "export".	The proposal does not fit into the section it seeks to amend and the same is rejected. This should be corrected.
		26 (2)	Insert the words "or import" immediately after the word "export".	The proposal does not fit into the section it seeks to amend and the same is rejected. This should be corrected.
		26 (3)	Insert the words "in consultation with the Authority." immediately	The proposal does not fit into the section it seeks to amend and the same is

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			after the word "Secretary"	rejected. This should be corrected.
		26	Insert the following new subsection immediately after subsection (3) - (3A) The certificate issued under subsection (3) shall indicate the nature, quantity and consideration from scrap metal to ensure compliance with the approved limits.	The proposal does not fit into the section it seeks to amend and the same is rejected. This should be corrected.
		26 (4)	Insert the word "of" immediately after the word "terms".	The proposal seeks to correct a grammatical error. This amendment is acceptable.
		30 (1)(a)	Insert the words "critical national" immediately after the word "vandalized".	The proposal does not fit into the section it seeks to amend and the same is rejected. This should be corrected.
		30 (1)(e)(ii)	Insert the words "smelter, electrical rewinder, steel fabricator" immediately after the word "miller".	The proposal does not fit into the section it seeks to amend and the same is rejected.

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
				This should be corrected.
		45 (1)	Delete the words "who shall be the Secretary to the Board" appearing in paragraph (d).	The amendment is acceptable.
		45 (1)(e)	Delete the word "three" and substitute therefor the word "seven".	The proposal increases the number of members to be appointed by the Cabinet Secretary to the Board of the Rural Electrification and Renewable Energy Corporation. The amendment is acceptable.
		45	Delete paragraph (f).	The proposal aims to remove the position of members appointed by the Council of Governors to the Board of the for the Board of the Rural Electrification and Renewable Energy Corporation. There is no objection.
		76 (2)	Insert the following new paragraph immediately after paragraph (g) - (h) the Managing Director of Kenya Power and Lighting Company PLC or his or her	The proposal seeks to add the MD of KPLC to the Renewable Energy Resource Advisory Committee.

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			representative.	The amendment is acceptable.
		82	Delete the word "Authority" and substitute therefor the expression "Renewable Energy Resource Advisory Committee".	The amendment aims to correct an error on the mandate of the Renewable Energy Resource Advisory Committee. The amendment is acceptable.
		98 (1)(d)	Insert the word "with" immediately after the word "compliance".	The proposal seeks to correct a grammatical error. This amendment is acceptable.
		100 (1)(b)	Insert the word "of" immediately after the word "type".	The proposal seeks to correct a grammatical error. This amendment is acceptable.
		117	Delete the word "one" and substitute therefor the words "one half of a".	The proposal seeks to reduce the capacity of electrical energy that does not require a licence. There is no objection to the amendment.
		129 (2)	Delete the word "three" and substitute therefor	The proposal increases the period for one to

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			the word "four".	submit audited accounts after the end of each financial year. The amendment is acceptable.
		149 (3)	Delete the word "licence" and substitute therefor the word "certificate".	The amendment is acceptable to ensure better comprehension of the section.
		154 (2)	Delete the word "meters" and substitute therefor the word "metres".	
		166 (3)	Delete and substitute therefor the following new subsection - (3) For the avoidance of doubt, the licensee shall not be liable to any penalty under subsection (1) or to pay compensation under subsection (2) if the failure, poor quality or irregularity of electricity supply was caused by third party interference to the licensee's accident or force majeure, or was so slight as not to materially affect the quality or value of the supply.	The amendment aims to expound on the penalties a licensee is liable to. The amendment is acceptable.
		166 (4)	Delete and substitute	The amendment aims to

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			with the following new subsection - (4) The Cabinet Secretary may make regulations to give effect to this section subject to the grid attaining the quality and reliability of supply and service as prescribed by the Authority.	give the Cabinet Secretary the mandate to enforce the section within given parameters. The amendment is acceptable.
		167 (1)	Delete the expression "(1)". Delete the word "electrician" appearing in paragraph (o) and substitute therefor the words "electrical worker".	The proposal seeks to correct a numerical and grammatical error. This amendment is acceptable.
		169 (2)	Delete and substitute therefor the following new subsection - (2) Any vessel that is used to convey the vandalised or stolen equipment or appliances referred to in subsection (1) shall be forfeited to the State.	The amendment aims to provide clarity to the section. The amendment is acceptable.
		187	Delete the words "coordinate the development and implementation of a" and substitute therefor the words "develop and	The proposal seeks to make the section precise. This amendment is

S/NO.	LEGISLATION	PROVISION TO BE AMENDED	PROPOSED AMENDMENT	COMMENTS/ PROPOSALS
			implement”.	acceptable.
		199 (1)	Insert the word “Gazette” immediately after the words “by notification in the”.	The proposal seeks to provide clarity on the way of notification. This amendment is acceptable.
		208	Delete the words “on the recommendation of” and substitute therefo the words “in consultation with”.	The proposal seeks to provide clarity on the role of the Authority. This amendment is acceptable.
		216 (1)	Delete the word “Consolidated”.	