



*Approved
SAA
17/6/26*

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

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

.....
THE REPORT OF THE CREATIVE ECONOMY SUPPORT BILL (SENATE NO. 30
OF 2024)

 THE NATIONAL ASSEMBLY PAPERS & AID	
DATE: 18 JUN 2026	
DAY: THUR	
TABLED BY:	HON. BAVICK NAROKI, MP CHAIRPERSON
CLERK-AT THE TABLE:	V. WAMBUI

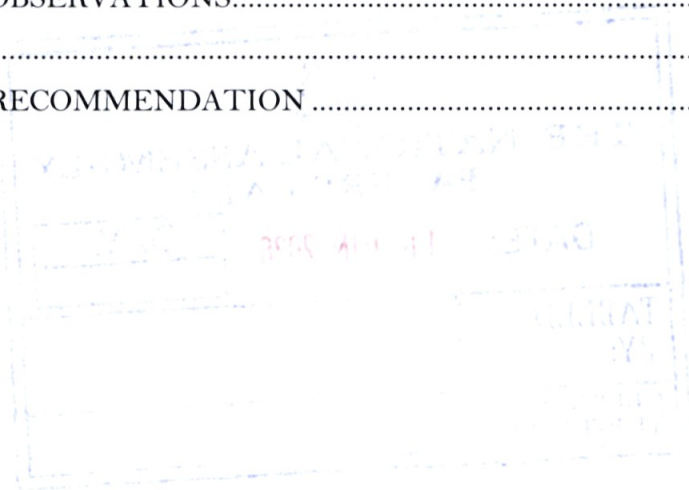
CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2026



TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS	2
ANNEXURES.....	3
CHAIRPERSON'S FOREWORD.....	4
CHAPTER ONE.....	5
1. PREFACE	5
1.1. Establishment and Mandate of the Committee	5
1.2. Subjects under the Committee	5
1.3. Committee Membership	6
1.4. Committee Secretariat	7
CHAPTER TWO.....	8
2.0 BACKGROUND	8
Situational Analysis	8
CHAPTER THREE.....	11
3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL	11
3.1 Legal Framework on Public Participation.....	11
3.2 Memoranda Received on the Creative Economy Support Bill, 2024	11
CHAPTER FOUR	17
4.0 COMMITTEE OBSERVATIONS.....	17
CHAPTER FIVE	18
5.0 COMMITTEE RECOMMENDATION	18



LIST OF ABBREVIATIONS AND ACRONYMS

M.P	- Member of Parliament
CAF	- County Assemblies Forum
CEO	- Chief Executive Officer
COG	- Council of Governors
CoK	- Constitution of Kenya

ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: Advertisement inviting the public to submit memoranda on the Bill
- Annexure 4: Letter inviting stakeholders for meetings with the Committee
- Annexure 5: Submission of memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Sports and Culture in its consideration of the Creative Economy Support Bill (Senate Bill No. 30 of 2024). The Bill, co-sponsored by Senator Eddy Gicheru Oketch and Hon. Irene Mayaka, M.P., was read a First Time in the National Assembly on 23rd September 2025 and thereafter committed to the Committee for consideration and reporting to the House pursuant to the provisions of Standing Order 127(1).

The Bill seeks to establish mechanisms for the support and promotion of persons engaged in the creative industry; to enhance the contribution of the creative economy to national development and economic growth; to establish the Creatives Fund; and for connected purposes.

In considering the Bill, the Committee undertook stakeholder consultations and facilitated public participation in accordance with Article 118 of the Constitution and the Standing Orders of the National Assembly. Accordingly, the Committee published an advertisement inviting members of the public and relevant stakeholders to submit memoranda on Wednesday, 1st October 2025, with the deadline for submission being Wednesday, 15th October 2025 at 5.00 p.m.

The Committee received submissions from the State Department for Youth Affairs and Creative Economy, the Office of the Attorney-General, the Kenya Academy of Sports, Creative Practitioners, the Kenya Institute for Public Policy Research and Analysis (KIPPRA), and the State Department for Culture under the Ministry of Gender, Culture and Children Services. The views and proposals received informed the Committee's deliberations and recommendations on the Bill.

Following its consideration of the Bill and the submissions received from stakeholders, the Committee considered and passed the Bill with amendments on Saturday, 6th June 2026.

The Committee expresses its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the logistical, technical and procedural support accorded to it during its sittings and throughout the consideration of the Bill.

On behalf of the Departmental Committee on Sports and Culture, and pursuant to the provisions of Standing Order 199(6), it is my pleasant duty and privilege to present this Report to the House on the Committee's consideration of the Creative Economy Support Bill (Senate Bill No. 30 of 2024), and to report that the Committee recommends that the House approves the Bill with amendments.

SIGNED..... DATE.....


HON. DANIEL WANYAMA SITATI, MP, CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

CHAPTER ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Sports and Culture is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216**. The mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation; ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - c) *study and review all legislation referred to it;*
 - d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *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;*
 - f) *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) fa) examine treaties, agreements and conventions;*
 - g) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i) *examine any questions raised by Members on any matter within its mandate.*

1.2. Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: - *Sports; Culture; Language; Creative Economy including promotion of music; Arts; Film promotion and Development; National Heritage and Betting & Lotteries.*
3. In executing its mandate, the Committee oversees the following government ministries, departments and agencies, namely:
 - a) State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports;
 - b) State Department for Youth Affairs and Creative Economy and State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports; and
 - c) State Department for Culture and Heritage under the Ministry of Gender, Culture, the Arts and Heritage.

1.3. Committee Membership

4. The Departmental Committee on Sports and Culture was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson

Hon. Daniel Wanyama Sitati, MP, CBS
Webuye West Constituency, **UDA Party**

Vice-Chairperson

Hon. James Githua Wamacukuru, MP, CBS
Kabete Constituency, **UDA Party**

Members

Hon. Naomi Jillo Waqo, MP, CBS
Marsabit County (CWR)
UDA Party

Hon. Stephen Mutinda Mule, MP
Matungulu Constituency
WDM-K Party

Hon. Robert Ngui Basil, MP
Yatta Constituency
WDM-K Party

Hon. Caroli Omondi, MP
Suba South Constituency
ODM Party

Hon. Ndakwa David Athman, MP
Malava Constituency
UDA Party

Hon. Paul Ekwom Nabuin, MP
Turkana North Constituency
ODM Party

Hon. BSP. (EM) Dr. Jackson Kipkemai Kosgei, MP
Nominated- **UDA Party**

Hon. Muhanda, Elsie Busihile, MP
Kakamega County (CWR)
ODM Party

Hon. Janet Jepkemboi Sitienei, MP
Turbo Constituency
UDA Party

Hon. Charles Ngusya Nguna, MP
Mwingi Constituency
WDM –K Party

Hon. Catherine Nakhabi Omanyoo MP
Busia County (CWR)
ODM Party

Hon. Letipila, Dominic Eli, MP
Samburu North Constituency
UDA Party

Hon. Richard Kipkemai Yegon, MP
Bomet East Constituency
UDA Party

1.4 Committee Secretariat

5. The Committee's secretariat comprises of the following officers:

Mr. Hassan A. Arale
Clerk Assistant I/Head of Secretariat

Ms. Mary Kinyunye
Clerk Assistant III

Ms. Christine Odhiambo
Principal Legal Counsel

Mr. Erastus Lotus
Public Communication Officer/ Protocol Officer I

Mr. V.P Okech Owino
Research Officer II

Mr. Wilson Mwangi
Fiscal Analyst II

Ms. Josephine Osiba
Hansard Reporter II

Mr. Said Babo Wako
Serjeant-At-Arms

Ms. Edith Chepgeno
Media Relations Officer III

CHAPTER TWO

2.0 BACKGROUND

6. The Creative Economy Support Bill (Senate Bill No. 30 of 2024) is a Senate Bill sponsored by Senator Eddy Gicheru Oketch, M.P. The Bill was published on 17th May 2024 and passed with amendments by the Senate on 7th August, 2025. Pursuant to the Senate Standing Order 161(1) the Bill was forwarded to the National Assembly for concurrence.
7. The overall objective of the Creative Economy Support Bill is to make systemic interventions to ensure adequate support to persons in the creative industry by establishing a Creative Industry Council governed by an Advisory Board. The Bill provides for the establishment of the Creatives Industry Council and the Creatives Fund which shall offer support for creatives through incentives for the promotion of the creatives industry.
8. The Bill was read a First Time in the National Assembly on 23rd September, 2025 and committed to the Departmental Committee on Sports and Culture pursuant to Standing Order 127(1). Pursuant to Standing Order 127 (3) the Committee conducted public participation by mapping out stakeholders who submitted written and oral submissions on the Bill.

Situational Analysis

9. The Bill proposes to establish the Creatives Industry Council governed by an Advisory Board and whose functions shall include to advise the Cabinet Secretary on policies, legislation, and strategies relating to the creative industry. A person who wishes to join the Council makes an application to the Board for consideration, and the Board shall consider the application within fourteen (14) days and if approved the name shall be entered in the Roll of Creatives.
10. The Council shall be governed by an Advisory Board whose membership include representation from the government and members of the creative industry. The secretariat of the Board shall comprise of various administrative units within the respective Ministry and a public officer designated by the Cabinet Secretary as the head of the secretariat.
11. The Council in collaboration with county governments shall offer support to creatives in form of subsidies, credit guarantee, tax incentives, protection of intellectual property, support, research and development as well as training and capacity building. Only the creatives entered in the Roll of Creatives shall be entitled to the benefits.
12. The Bill also establishes the Creatives Fund who purpose is to extend grants to the creatives in the roll and mandates the Cabinet secretary to make within ninety (90) days regulations to operationalize the Fund.

13. The Bill establishes a Fund which consists of funds appropriated by Parliament. The Bill is therefore a money Bill within the meaning of Article 114 of the Constitution.

2.1 Summary of Legal Provisions

14. The principal objective of the Bill is to establish mechanisms for the support of the persons in the creative industry, to enhance the contribution of creative industry to the economy and to establish the Creatives Fund.

Part I: Preliminary

15. **(Clauses 1 to 7)** of the Bill provides for the short title of Bill, interpretation of the terms used in the Bill and outlines the respective obligations of the National and County Governments. This Part also provides for the establishment of an online platform for publication of incentives and opportunities in the creative industry, the application of provisions on data protection as well as inclusion of the creatives industry in curriculum development.

Part II: Creative Industry Council

16. **(Clauses 8 to 20)** of the Bill provides for the establishment of the Creative Industry Council which shall be responsible for advising the Cabinet Secretary as well as the formulation of programmes, strategies and frameworks for the promotion of the creative industry.
17. The Council shall be governed by an Advisory Board appointed by the Cabinet Secretary. The Cabinet Secretary shall designate an administrative unit within the Ministry as the Secretariat to the Board.
18. This Part also outlines the composition of the Board, qualification for appointment, tenure of office and vacation of office by the Board members and the election of the chairperson and the vice-chairperson.
19. This Part also contains provides the procedure for application for membership to the Council, the roll of creatives containing the names of all creative persons and decentralization of the functions of the Council to all parts of the country.

Part III: Incentives for Creatives

20. **(Clauses 21 to 29)** of the Bill contain provisions on support of the creative industry by the Council in collaboration with the county governments. In terms of this Part, the Council shall put in place measures to support the development of the creative industry.
21. This Part also establishes the Creatives Fund whose object shall be the issuance of grants to persons in the creative industry. The Part also gives power to the Cabinet Secretary to establish a credit guarantee scheme.
22. This Part mandates the Council to put in place a programme for the training and capacity building of creatives, and gives power to the Cabinet Secretary to grant fiscal incentives including tax incentives to the creatives whose names have been entered in the roll of creatives.

Part IV: Miscellaneous Provisions

23. **(Clause 30)** of the Bill empowers the Cabinet Secretary to make regulations for the operationalization of the Bill.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

24. Article 118 (1)(b) of the Constitution provides that:
“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”
25. The National Assembly Standing Order 127(3) and (3A) stipulates that:
“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-
(a) inviting submission of memoranda;
(b) holding public hearings;
(c) consulting relevant stakeholders in a sector; and
(d) consulting experts on technical subjects.
(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 Memoranda Received on the Creative Economy Support Bill, 2024

26. The Committee received written memoranda and oral submissions from the following stakeholders—
- (a) State Department for Youth Affairs and Creative Economy**
27. The State Department for Youth Affairs and Creatives Economy submitted Memorandum in and oral submission in opposition to the Bill for the following reasons—
- (i) The matters to which the Bill relates fall under the mandate of the Ministry of Youth Affairs, Creative Economy and Sports pursuant to the Executive Order No. 1 of 2025 and not the Ministry of Trade as proposed in the Bill;
 - (ii) The Ministry of Youth Affairs, Creative Economy and Sports, through the State Department for Youth Affairs and Creative Economy has, in the exercise of its mandate, developed a comprehensive draft Policy and Bill, both of which have undergone extensive public participation across the country and awaits and submission to Cabinet for consideration;
 - (iii) The Ministry has developed a draft Bill in line with the Guidelines of National Government Policy which it intends to submit to the Cabinet for approval;
 - (iv) The creative economy plays a significant role in the promotion of more resilient and prosperous economies for which a comprehensive legislation that will address the emerging issues in the creative economy and to which

stakeholders and the public, have had an opportunity to interact with the concepts and give views on the same;

- (v) Whereas the Ministry supports strengthening of the creative economy through legislative interventions as evidenced by the draft Creative Economy Policy, any initiative towards the same should be harmonised with the existing institutional and legislative framework; and
- (vi) Should the Ministry propose amendments to the Bill, it would result in the change of the whole structure of the Bill.

(b) Office of the Attorney General

28. The Office of the Attorney General submitted Memorandum in writing and oral submissions to the Bill and noted the following—

- (i) The Office of the Attorney General was in agreement and support with the written and oral submissions submitted by the State Department for Youth Affairs, Creative Economy and Sports;
- (ii) The functions of the proposed Creative Industry Council on collaboration and enforcement of Intellectual Property Rights conflicts with the functions of the Kenya Copyright Board under section 5 of the Copyright Act which mandates the Board to co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by the Act and ensure the observance thereof. This creates a potential overlap between the functions of the Council and existing intellectual property bodies like the Kenya Copyright Board which may result in duplication of existing efforts since it does not clearly define the relationship between the Council and the intellectual property agencies;
- (iii) The provision that the Creative Economy Council shall collaborate with the relevant entities to ensure the transparent distribution of royalties collected on behalf of creative artists and creative arts operators contradicts the provisions of the Copyright Act, which mandates the Kenya Copyright Board in the overall administration, enforcement and licensing of collective management organizations for copyright and related rights. Collective Management Organizations are licensed by the Kenya Copyright Board to collect license fees and distribute royalties on behalf of artists, composers, authors and publishers;
- (iv) The establishment of a Creatives Fund and the objective of the Fund is inconsistent with section 24(4) of the Public Finance Management Act which provides that the Cabinet Secretary for the National Treasury may establish a national government public fund with the approval of the National Assembly;
- (v) The provision that the Creative Economy Council shall collaborate with the respective county executive committee members responsible for matters relating to trade to put in place measures to support the establishment and

development of the creative industry and facilitate the protection of the intellectual property of innovations by creatives in Kenya and with international organisations contradicts the provisions of the Copyright Act.

(c) Kenya Academy of Sports

29. The Kenya Academy of Sports submitted Memorandum in writing and oral submission to the Bill and noted the following—

- (i) The Bill should be fully anchored in the Ministry responsible for matters Creative Economy which is the Ministry of Youth Affairs, Creative Economy and Sports and not Trade to ensure coherence with existing government policies and framework;
- (ii) A robust monitoring and evaluation framework is essential to ensure effective coordination, performance tracking and accountability across both National and County Government levels. Establishing a monitoring and evaluation framework at the National level will further harmonize implementation standards across the country; and
- (iii) There is need to centralize training frameworks at the National level to ensure consistency, quality control and alignment with national policies. Counties should operationalize programmes through localized delivery while maintaining national standards.

(d) Creative Practitioners

30. The Creatives Practitioners through Mr. Kimani Munene submitted a Memorandum in writing to the Bill and noted the following—

- (i) The Bill proposes the creation of a new Creative Economy Fund, yet does not address the challenges that have historically prevented creatives from accessing existing funds. This contradicts the principles of Article 201 of the Constitution on Public Finance, which demands openness, accountability and prudence in the use of public resources. Establishing another fund without harmonizing existing ones risks waste, duplication and continued exclusion of creatives;
- (ii) During public participation, the Bill was overwhelmingly rejected by creatives due to its major shortcomings. The Kenyan creative economy requires a Bill that will set the creative industry on a path to attracting investors, more job creation and world class arts being exported to other countries at a fair price taking advantage of existing bilateral agreements;
- (iii) The Bill envisions a National Creative Council but fails to provide for devolved structures. Given the wide scope and regional diversity of Kenya's creative industries, the Council cannot function effectively without County-level Creative Industry Boards. This omission undermines the principle of devolution under Article 174 of the Constitution which guarantees equitable access to services and decision-making at the grassroots;

- (iv) The Bill does not reflect the pace of technological advancement or the emergence of new creative industries such as game development, animation, virtual reality and digital content creation. This is inconsistent with Article 259 of the Constitution, which requires that laws be interpreted and applied in a manner that develops the law and contributes to good governance, ensuring relevance for future generations; and
- (v) The Bill be returned to the Committee for redrafting in line with the Constitution and public input to ensure that it comprehensively captures tenor and vibrancy of the creative economy-industries, harmonize access to existing funds and strengthen fair and consistent royalty disbursements to creatives countrywide, and guarantee meaningful engagement with creatives across counties to ensure that the Bill truly reflects the scope, dynamism, and economic potential of Kenya's creative economy.

(e) Kenya Institute for Public Policy Research and Analysis

31. The Kenya Academy of Sports submitted Memorandum in writing on the Bill and noted the following—

- (i) Implementation of the Bill under the Cabinet Secretary responsible for Trade would further compound already existing duplications and/or overlaps between the roles of the Ministry of Youth Affairs, Creative Economy and Sports and the Ministry of Gender, Culture, the Arts & Heritage;
- (ii) To ensure policy synergy, the online platform proposed in the Bill should be a digital integrated national cultural and creative industries information management system or a digital arts and crafts information platform. The platform also needs to list creative infrastructure available nationally;
- (iii) There is need to prioritize the expansion and mainstreaming of culture and the arts infrastructure, build capacities and other support required to scale up the cultural production and creative economy. This can be coordinated and facilitated by the Council under the guidance of a Creative Economy Masterplan. A masterplan can include specific strategies to close these gaps, build capacities, strengthen regulatory frameworks and ensure effective implementation of creative industry policies (noting however Kenya has only operationalized two relevant policies; National Music Policy and National Policy on Culture and Heritage both in 2021);
- (iv) The Bill provides for the inclusion of members of the public in the Council. The roles, responsibilities, and obligations of these voluntary members are, however, not clearly defined;
- (v) The Bill introduces a roll of creatives. The benefits or incentives provided in the Act are limited to those whose names are entered in the roll. The Board of the Council seems to be responsible for this. Given the mandate of the Council, which is more policy advisory and support, this should be separated from regulatory which would be established through registration into the roll. Policy support and regulatory functions should be distinct. The role of

the County Governments in this regard also requires clarification. The establishment and maintenance of a database of cultural and creative industries by County Governments is necessary for planning, promotion and organization purposes. Notably, the National Culture and Heritage Policy identifies the development of cultural databases as a shared function between the National and County Governments; and

- (vi) The purpose of the Creative Fund needs to be clearly established. This can include giving grants and subsidies targeting creatives and inform the use of intellectual property (IP) as established in the Movable Property Security Rights Act as collateral. There is need for clarification therefore on which IP developed by creatives can be identified as collateral to access finance from the fund and therefore how will valuation of such IP be achieved. This also requires insights into the enforcement mechanisms in the event of default when it comes to IP. This calls for the establishment of clear evaluation methods for creative IP.

(f) State Department of Culture in the Ministry of Gender, Culture and Children Services

32. The State Department of Culture in the Ministry of Gender, Culture and Children Services submitted Memorandum in writing on the Bill and noted the following—

- (i) There is need for alignment with the Culture Bill, 2024 (National Assembly Bill No. 12 of 2024) which is currently before the Senate, having already undergone all requisite stages in the National Assembly, including public participation. The Senate also subjected it to further public participation. Given that the Creative Industries fall under the broader spectrum of Cultural Expressions, which are already addressed in the Culture Bill, it is important that the two Bills be clearly delineated to avoid conceptual and operational overlap. A clear definition of the scope and hierarchy of each Bill will ensure legislative coherence;
- (ii) There is need to avoid duplication of mandates across government institutions. Clause 2 of the Creative Economy Support Bill defines the "creative industry" to include fashion, publishing, advertising, music, audio-visual and performing arts, film, photography, gaming, animation, graphic design, and web design, among others. However, several of these domains, such as music, visual and performing arts, film and fashion, are already within the statutory mandates of existing public institutions, including:
 - (a) The Department for Culture;
 - (b) The Permanent Presidential Music Commission;
 - (c) The Kenya Cultural Centre; and
 - (d) The National Museums of Kenya.

The proposed Bill therefore risks creating duplication of roles, administrative inefficiencies and potential conflicts in mandates. The State Department

therefore recommend a harmonisation process to clarify institutional responsibilities and prevent bureaucratic fragmentation;

- (iii) There is need for harmonisation of Databases and Registration Systems. Clause 16(h) of the Bill assigns to the Secretariat the responsibility to maintain a manual and digital database of creative artists, stakeholders, and programmes. However, Clause 7 of the Culture Bill (National Assembly Bill No 12 of 2024) already provides for the establishment of a comprehensive national database on culture and heritage, including registered cultural practitioners. To avoid fragmented data systems, conflicting records and parallel registration processes, the State Department recommends the creation of a unified national registry for all cultural practitioners and creatives to be managed within the framework set out in the Culture Bill;
- (iv) There is need for Intellectual Property (IP) Protection for Both Individual and Community Creators. The Bill places significant emphasis on individual creatives but does not explicitly address creativity by cultural and community groups, despite the centrality of communal creativity in Kenya's cultural landscape. This omission presents potential gaps and conflicts regarding intellectual property rights, particularly in relation to—
 - (a) traditional cultural expressions; and
 - (b) collective authorship.

For the better management and benefit-sharing of IP arising from community creativity, the State Department recommends that the Bill clearly articulate how communal creativity and associated IP will be safeguarded, to prevent exploitation, ensure equity and align with national and international frameworks on cultural expressions.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

33. In facilitating public participation on the Creative Economy Support Bill, 2024 the Committee observed that—
1. The Bill wrongfully assigns the mandate of the creative industry to the Ministry responsible for matters relating to trade. In terms of Executive Order No. 1 of 2025, creative economy is under the purview of the Ministry of Youth Affairs, Creative Economy and Sports;
 2. Clause 27 of the Bill provides that the Council shall be responsible for the filing and registration of intellectual property pursuant to international instruments. However, section 5(a) of the Copyright Act, Cap. 130 provides that the Kenya Copyright Board shall direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright. Section 5(g) further mandates the Kenya Copyright Board to administer and enforce all matters of copyright and related rights in Kenya as provided in the Act and to deal with ancillary matters connected with its functions under the Act. The Bill if enacted would therefore result in conflict of mandates between the already existing Kenya Copyright Board and the proposed Creative Industry Council;
 3. The Ministry had developed a comprehensive draft Creative Economy Policy and Creative Economy Bill which were developed following extensive public participation and stakeholder engagement. The Ministry submitted the draft Bill to the Committee for consideration;
 4. The draft Creative Economy Bill submitted to the Committee by the Ministry provides for a comprehensive legal framework for the development of the creative economy in Kenya by facilitating innovation, talent, research and entrepreneurship in the creative economy sector. The Bill provides for the overhaul of the administration of the creative economy as well as the promotion and development of the creative economy in Kenya; and
 5. The Bill falls within the meaning of a Money Bill in terms of Article 114 of the Constitution, as advised by the Parliamentary Budget Office. The provisions of Article 109(5) of the Constitution should therefore apply with respect to the Bill.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

34. Having deliberated on the Creative Economy Support Bill, 2024 (Senate Bill No. 30 of 2024) and having considered the submissions from stakeholders, the Committee recommends that the House **NOT** approve the Bill as proposed.

SIGNED..... DATE.....

17th June 2026

HON. DANIEL WANYAMA SITATI, MP, CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTUR

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 JUN 2026	
DAY: THUR	
TABLED BY:	HON. DANIEL WANYAMA, MP CHAIRPERSON
CLERK-AT THE-TABLE:	V. WAMBUI

ANNEXURE 1:

ADOPTION SCHEDULE



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FIFTH SESSION - 2026
DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
REPORT ADOPTION SCHEDULE

DATE: 5/6/2026 VENUE: Hilton Garden Inn

No.	NAME	SIGNATURE
1.	The Hon. Daniel Wanyama Sitati, M.P.CBS – Chairperson	
2.	The Hon. James Githua Wamacukuru, M.P. CBS – Vice Chairperson	
3.	The Hon. Naomi Jillo Waqo, M.P. CBS	
4.	The Hon. Muhanda, Elsie Busihile, M.P.	
5.	The Hon. Stephen Mutinda Mule, M.P.	
6.	The Hon. Janet Jepkemboi Sitienei, M.P.CBS	
7.	The Hon. Robert Ngui Basil, M.P.	
8.	The Hon. Charles Ngusya Nguna, M.P.	
9.	The Hon. Caroli Omondi, M.P.	
10.	The Hon. Catherine Nakhabi Omanyoo, M.P.	
11.	The Hon. Letipila, Dominic Eli, M.P.	
12.	The Hon. Paul Ekwom Nabuin, M.P.	
13.	The Hon. Richard Kipkemai Yegon, M.P.	
14.	The Hon. BSP. (EM) Dr. Jackson Kipkemai Kosgei, M.P.	
15.	The Hon. Ndakwa David Athman, M.P.	

ANNEXURE 2:

MINUTES

MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON SATURDAY, 6TH JUNE, 2026 AT 2:30 PM IN HILTON GARDEN INN, MACHAKOS.

PRESENT

1. **The Hon. Daniel Wanyama Sitati, M.P** - Chairperson
2. The Hon. Caroli Omondi, M.P.
3. The Hon. Stephen Mule Mutinda, M.P
4. The Hon. Catherine Omanyo Nakhabi, M.P.
5. The Hon. Richard Yegon Kipkemoi, M.P.
6. The Hon. Naomi Jillo Waqo, M.P. CBS
7. The Hon. Ndakwa David Athman, M.P
8. The Hon. Muhanda, Elsie Busihile, M.P.

ABSENT WITH APOLOGY

1. The Hon. Githua Wamacukuru, M.P. -Vice Chairperson
2. The Hon. Janet Sitienei Jepkemboi, M.P.
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Letipila, Dominic Eli, M.P.
5. The Hon. Paul Nabuin Ekwom, M.P.
6. The Hon. Robert Nguĩ Basil, M.P
7. The Hon. BSP.(EM) Dr. Jackson Kipkemoi Kosgei, M.P

IN-ATTENDANCE

Committee Secretariat

1. Mr. Hassan A. Arale - Clerk Assistant I
2. Mary Kinyunye - Clerk Assistant
3. Ms. Christine Odhiambo - Principal Legal Counsel II
4. Mr. Wilson Mwangi - Fiscal Analyst II
5. Mr. Vitus O. Owino - Research Officer II
6. Ms. Ivyin Maritim - Media Relations Officer III
7. Ms. Sharon Muchangi - Intern
8. Mr. John Sankei - Intern

AGENDA

1. Prayers
2. Preliminaries
3. Introductions
4. Adoption of the reports:
 - a) **The Sports (Amendment) Bill, NA Bill No. 5 of 2025 by Hon. Irene Mayaka, M.P.**
 - b) **The County Library Services Bill Senate No. 40 of 2024 by Senator Joyce Chepkoech Korir.**
 - c) **The Report of the Creative Economy support Bill (Senate No. 30 of 2024) co-sponsored by Senator Eddy Gicheru Oketch and the Hon. Irene Mayaka, M.P.**

5. Any Other Business
6. Adjournment.

MIN.NO.DC/SC/2026/: PRAYER AND PRELIMINARIES

The meeting commenced at 2.30 p.m. with a word of prayer, followed by introductions. The Chairperson informed the Committee that the main agenda of the meeting was to adapt the three reports on the above Bills.

MIN.NO.DC/SC/2026/: ADOPTION OF THE AGENDA

The agenda was adopted without amendments, having been proposed and seconded Hon. Catherine Omanyo Nakhabi, M.P. and Hon. Stephen Mule Mutinda, M.P respectively.

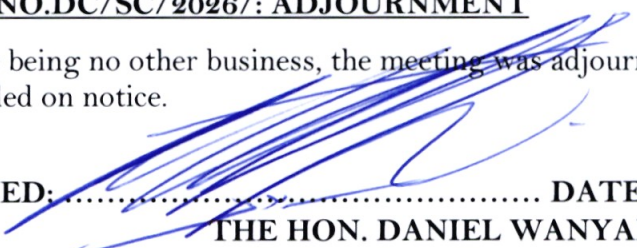
MIN.NO.DC/SC/2026/: CONSIDERATION AND ADOPTION OF REPORTS

The Committee considered the report of the following three Bills and adopted as follows, that,

- 1) The report of the County Library Services Bill, 2024 (Senate Bill No. 40 of 2024) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Caroli Omondi, M.P and seconded by Hon. Stephen Mule Mutinda, MP.
- 2) The report of the Creative Economy Support Bill (Senate No. 30 of 2024) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Caroli Omondi, M.P and seconded by Hon. Richard Yegon Kipkemoi, MP.
- 3) The report of the Sports (Amendment) Bill, 2026 (National Assembly Bills No. 5 of 2026) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Richard Yegon Kipkemoi, M.P and seconded by Hon. Stephen Mule Mutinda, MP.

MIN.NO.DC/SC/2026/: ADJOURNMENT

There being no other business, the meeting was adjourned at 3.30 pm and the next meeting will be called on notice.

SIGNED:  DATE:
THE HON. DANIEL WANYAMA SITATI, M.P. CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

ANNEXURE 3:

**ADVERTISEMENT INVITING THE PUBLIC TO
SUBMIT MEMORANDA ON THE BILL**

Members laxity leaves EAC in financial mess



At An... Community, Asals and Regional Development CS Beatrice Askul. [Jonah Onyango, Standard]

EAC Cabinet Secretary tells Parliament the member State have failed to meet their financial obligations.

East Africa Legislative Assembly has been unable to hold formal sessions, while many other functions have been underfunded.

BY GITHINJI, NAIROBI

The East Africa Community is in a financial crisis, with members of the East Africa Legislative Assembly (Eala) unable to hold formal sessions.

The EAC Cabinet Secretary Beatrice Askul told the National Assembly that failure by some member States to honour their financial obligations has constrained the bloc's ability to implement its programmes.

The CS said Kenya has kept its end of the bargain, adding that there are proposals to amend some of the treaties and protocols, which have been in operation since the time of the three pioneer member States.

"If a country is not paying and there are no net assets, then what becomes of it? For the countries that are paying, then what becomes of them because they are freely compliant and are assembly compliant?" the CS told the Defence, Intelligence and Foreign Relations Committee. She said discussions are underway among the attorneys of EAC to see which laws need to be amended.

"Whatever amount available, that is the money distributed to the entire structure of the EAC. Sometimes it is not adequate to run the activities of everyone."

The committee also heard that implementing the EAC's decisions remains inconsistent across the region, which has limited effectiveness.

Asked why Arusha has been domineering in matters EAC, Askul said there was an earlier communication that was implemented by the first founders of EAC, that Tanzania would host the bloc for 20 years.

"So that is where most of the activities are in Arusha, and I think it is time now we revisit

that. The EAC organs, the Secretariat headquarters have changed a lot. By then, that was the agreement that was made for 20 years. It is time we look at it because we also have other new partners on board. That is why you hear Arusha all the time," said the CS.

Askul also told the committee that gaps in development of key infrastructure continue to limit the full potential of regional integration.

"While significant progress has been made, inadequate transport and communication infrastructure in some partner States continue to increase the costs of regional trade and interaction. These infrastructure deficits limit the benefits that Kenyans can derive from regional markets and opportunities," she said.

Challenges on non-tariff barriers have also persisted despite the establishment of the Customs Union, which has created additional costs and complications for consumers and traders.

On the July ban that prohibited 15 businesses in Tanzania, the CS admitted that the Samia Suluhu administration went overboard.

She said the rights of citizens for EAC members to enter and establish economic activities in other partner states is enshrined in Article 13 of the protocol and Annex 3 to the protocol of East Africa Common Market.

"There are a lot of issues defending why every partner state was not okay with that prohibition but as Kenya, we had our technical team that are concerned with harmonising markets with the provisions of the treaty. They are sitting right now in Dar es Salaam and are engaging on a bilateral agreement between Kenya and Tanzania on matters that were prohibited," she said.

The ministry also told the committee that much as the ban is anchored in Tanzanian law, it may not directly apply to Kenya.

"I think they have told us it does not apply to Kenya. They were addressing their other interests on this and have given us assurance that through our embassy, should any Kenyan national fall victim to this, they will address. Their problem was China and the Chinese who were infiltrating their markets. The Chinese, the Turkish, who are now in all the businesses, and maybe in Kenya it's the same. That is their problem."

githinji@standardmedia.co.ke



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)

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

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-

- (1) THE PROVISIONAL COLLECTION OF TAXES AND DUTIES (REPEAL) BILL (NATIONAL ASSEMBLY BILL No. 18 OF 2025);
- (2) THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL No. 39 OF 2025)
- (3) THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL [SENATE BILL No. 41 OF 2023];
- (4) THE LOCAL CONTENT BILL (SENATE BILL No. 50 OF 2023);
- (5) THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILL No. 54 OF 2023); AND
- (6) THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILL No. 30 OF 2024)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation; AND WHEREAS, the Provisional Collection of Taxes and Duties (Repeal) Bill (National Assembly Bill No. 18 of 2025); the National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025); the Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023); the Local Content Bill (Senate Bill No. 50 of 2023); the Early Childhood Education (Amendment) Bill (Senate Bill No. 54 of 2023); and the Creative Economy Support Bill (Senate Bill No. 30 of 2024) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED that:-

- (1) The Provisional Collection of Taxes and Duties (Repeal) Bill (National Assembly Bill No. 18 of 2025) is a Bill sponsored by the Leader of Majority Party which seeks to repeal the Provisional Collection of Taxes and Duties Act (Cap. 415).
 - (2) The National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025) is a Bill sponsored by the Hon. Oduku Kaunya, MP. The Bill seeks to amend the National Police Service Act, Cap. 84 to provide for an age limit of sixty years for persons nominated and appointed to the offices of Inspector-General and Deputy Inspector-General of Police.
 - (3) The Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023) is a Bill sponsored by Sen. Esther Okenyuri Anyieni, MP and co-sponsored in the National Assembly by Hon. Owen Baya, MP. The Bill seeks to provide a legal framework for the recognition, protection and regulation of street vending.
 - (4) The Local Content Bill (Senate Bill No. 50 of 2023) is a Bill sponsored by Sen. Oburu Odinga, MP. The Bill seeks to facilitate the local ownership, control and financing of activities connected with the exploitation of gas, oil and other petroleum resources; and to provide a framework to increase the local value capture along the value chain in the exploration of gas, oil and other petroleum resources. In particular the Bill seeks to—
 - (a) provide for structures to promote, develop, and enforce local content across the entire extractive value chain;
 - (b) increase local ownership, control, and financing of extractive projects by ensuring that at least 30% of participation of Kenyan individuals, businesses, and financial institutions;
 - (c) support fair sharing of revenues, create more jobs, build skills, encourage technology transfer, fund research and development, and promote the purchase of Kenyan-made goods and services that meet global standards;
 - (d) establish a Local Content Development Committee, mandated to review and approve local content plans, monitor compliance, and even recommend the revocation of licenses where companies fail to meet the requirements;
 - (e) require the National and County Governments to set targets, carry out audits, and put measures in place to assist local enterprises to grow and participate meaningfully in the sector; and
 - (f) prescribe penalties and enforcement measures related to ensuring participation of locals in the exploitation of gas, oil and other petroleum resources.
 - (5) The Early Childhood Education (Amendment) Bill (Senate Bill No. 54 of 2023) is a Bill sponsored by Sen. Eddy Oketch, MP and co-sponsored in the National Assembly by Hon. Naisula Lesuuda, MP. The Bill seeks to amend the Early Childhood Education Act, Cap. 211B to mandate the county governments to provide for the welfare of early childhood education teachers in public schools.
 - (6) The Creative Economy Support Bill (Senate Bill No. 30 of 2024) is a Bill sponsored by Sen. Eddy Gicheru Oketch, MP and co-sponsored in the National Assembly by Hon. Irene Mayaka, MP. The Bill seeks to establish mechanisms for the support of the creative industry to the economy and to establish the Creatives Fund.
- NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees as listed below:-

S/ No.	BILL	COMMITTEE
1.	The Provisional Collection of Taxes and Duties (Repeal) Bill (National Assembly Bill No. 18 of 2025)	Finance and National Planning
2.	The National Police Service (Amendment) Bill (National Assembly Bill No. 39 of 2025)	Administration and Internal Security
3.	The Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023)	Trade, Industry and Cooperatives
4.	The Local Content Bill (Senate Bill No. 50 of 2023)	Energy
5.	The Early Childhood Education (Amendment) Bill (Senate Bill No. 54 of 2023)	Education
6.	The Creative Economy Support Bill (Senate Bill No. 30 of 2024)	Sports and Culture

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

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to ena@parliament.go.ke to be received on or before Wednesday, 15th October, 2025 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

1st October, 2025

For the Welfare of Society and the just Government of the People

ANNEXURE 4:

**LETTER INVITING STAKEHOLDERS FOR
MEETINGS WITH THE COMMITTEE**



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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

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

When replying, please quote:

Ref: NA/DDC/S&C/2025/ (78)

19th November, 2025

Ms. Ummi Mohamed Bashir, CBS

Principal Secretary,
State Department for Culture, the Arts and Heritage
Ministry of Gender, Culture, the Arts and Heritage
NAIROBI

Dr. James Njogu

Ag. Secretary General
Kenya National Commission for UNESCO
NAIROBI

Dear *Ms Bashir*

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SPORTS
AND CULTURE TO SUBMIT VIEWS ON THE CREATIVE ECONOMY
SUPPORT BILL (SENATE BILL NO. 30 OF 2024)**

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

As you are aware, the Creative Economy Support Bill (Senate Bill No. 30 of 2024) co-sponsored by Senator Eddy Gicheru Oketch and the Hon. Irene Mayaka, M.P. is before the Committee for consideration and reporting to the House. The Bill seeks to establish mechanisms for the support of persons in the creative industry; to enhance the contribution of creative industry to the economy; and to establish the Creatives Fund.

Article 118(1) (b) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.

In this regard, the Committee invites you, for a meeting on **Friday, 28th November and Saturday 29th November 2025 at 10:00 am** at a venue to be communicated in due course within either Machakos or Kiambu County. The agenda of the meeting is to receive your views on the Bill.

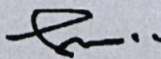
It is expected that the State Department and the Kenya National Commission for UNESCO will meet the expenses related to this activity for their officers.

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

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

Our Liaison Officers on this matter are Mr. Adan Gindicha, telephone no. **0720450112** and Ms. Mary Kinyunye on telephone no. **0723179346** or email: ddc@parliament.go.ke.

Yours



JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Mrs. Hanna Wendot Cheptumo
Cabinet Secretary
Ministry of Gender, Culture and Heritage
NAIROBI

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



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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

Telephone: +254202848000 ext. 3300
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When replying, please quote:

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19th November, 2025

Ms. Ummi Mohamed Bashir, CBS

Principal Secretary,
State Department for Culture, the Arts and Heritage
Ministry of Gender, Culture, the Arts and Heritage
NAIROBI

Dr. James Njogu

Ag. Secretary General
Kenya National Commission for UNESCO
NAIROBI

Dear **Dr. Njogu**

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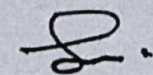
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Our Liaison Officers on this matter are Mr. Adan Gindicha, telephone no. **0720450112** and Ms. Mary Kinyunye on telephone no. **0723179346** or email: ddc@parliament.go.ke.

Yours



JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Mrs. Hanna Wendot Cheptumo
Cabinet Secretary
Ministry of Gender, Culture and Heritage
NAIROBI

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



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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

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

When replying, please quote:

Ref: NA/DDC/S&C/2025/ (78)

19th November, 2025

Ms. Umami Mohamed Bashir, CBS

Principal Secretary,
State Department for Culture, the Arts and Heritage
Ministry of Gender, Culture, the Arts and Heritage
NAIROBI

Dr. James Njogu

Ag. Secretary General
Kenya National Commission for UNESCO
NAIROBI

Dear

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AND CULTURE TO SUBMIT VIEWS ON THE CREATIVE ECONOMY
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Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Mrs. Hanna Wendot Cheptumo
Cabinet Secretary
Ministry of Gender, Culture and Heritage
NAIROBI



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

ANNEXURE 5:

**SUBMISSIONS OF MEMORANDA BY
STAKEHOLDERS**



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

AG/LDD/513/1/15

13th September 2025

Mr. Samuel Njoroge, CBS

Clerk of the National Assembly

Clerk's Chambers

Parliament Buildings

P.O. Box 41842-00100

NAIROBI

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SPORTS AND
CULTURE TO SUBMIT VIEWS ON THE CREATIVE ECONOMY SUPPORT BILL
(SENATE BILL NO. 30 OF 2024)**

Reference is made to your letter under reference NA/DDC/S&C/2025/ (71) dated 6th November 2025 requesting this Office to make submissions on the draft Creative Economy Support Bill (Senate Bill No. 30 of 2024).

We have reviewed the Bill and the relevant laws and our comments are set out in the matrix below.

Clause	Provision	Recommendation	Justification
9(e)	The Council shall collaborate with intellectual property rights enforcement agencies to ensure the enforcement of intellectual property rights of creative artists;	Delete.	Section 5(a) of the Copyright Act provides that the Kenya Copyright Board shall direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by the Act and ensure the observance thereof. There is potential overlap between the functions of the Council and existing intellectual property bodies like the Kenya

SHERIA HOUSE, HARAMBEE AVENUE

P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995

E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE

CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337

E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

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			Copyright Board. This may result in duplication of existing efforts. The Bill does not clearly define the relationship between the Council and the intellectual property agencies.
9(f)	The Council shall collaborate with the relevant entities to ensure the transparent distribution of royalties collected on behalf of creative artists and creative arts operators;	Delete.	According to section 5(b) of the Copyright Act, the Kenya Copyright Board is responsible for the overall administration, enforcement and licensing of collective management organizations for copyright and related rights. Collective Management Organizations are licensed by the Kenya Copyright Board to collect license fees and distribute royalties on behalf of artists, composers, authors, and publishers. Examples of such organizations include the Music Copyright Society of Kenya and the Performers' Rights Society of Kenya. The Bill does not clearly define the specific role of the Council with regard to the distribution royalties to creative artists and creative arts operators. Therefore, there is potential overlap between the functions of the Council and existing intellectual property bodies.
21(a)	The Council shall, in collaboration with the respective county executive committee members responsible for matters relating to trade, put in place measures to support the establishment	Delete	The expression "formalisation of creatives" is not clear. The provision is therefore not clear on what is being subsidized.

	and development of the creative industry and shall, for this purpose subsidise the formalisation of creatives;		
21(b)	The Council shall, in collaboration with the respective county executive committee members responsible for matters relating to trade, put in place measures to support the establishment and development of the creative industry and shall, for this purpose facilitate the protection of the intellectual property of innovations by creatives in Kenya and with international organisations;	Delete	Section 5(a) of the Copyright Act provides that the Kenya Copyright Board shall direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by the Act and ensure the observance thereof. There is potential overlap between the functions of the Council and existing intellectual property bodies like the Kenya Copyright Board. This may result in duplication of existing efforts. The Bill does not clearly define the relationship between the Council and the intellectual property agencies.
23	Establishment of the Creatives Fund	Delete	The provision is inconsistent with section 24(4) of the Public Finance Management Act which provides that the Cabinet Secretary for the National Treasury may establish a national government public fund with the approval of the National Assembly.
24	Objects of the Creatives Fund	Delete	The provision is inconsistent with section 24(4) of the Public Finance Management Act which provides that the Cabinet Secretary for the National Treasury may establish a national government public fund

			with the approval of the National Assembly.
--	--	--	--

HON. SHADRACK J. MOSE, CBS
SOLICITOR-GENERAL





REPUBLIC OF KENYA
MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS
STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY
Office of the Principal Secretary

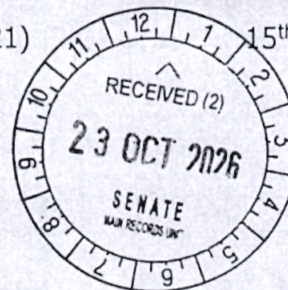
Telephone: Nairobi 227411
Telex: 23125
Fax: 243620
When replying please quote:

Talanta Plaza, 6th Floor
P O Box 34303-00100
NAIROBI, Kenya

Ref. No. MOYACES/SDYACE/KFC/15/31/Vol.I(121)

15th October, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
P.O. Box 41842 – 00100
NAIROBI



Dear *Cleric,*

SUBMISSION OF MEMORANDUM ON THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILL NO.30 OF 2024)

Reference is made to the Notice in the Daily Nation Newspaper of Wednesday 1st October, 2025 where you invited members of the public and stakeholders in line with Article 118 (1)(b) of the Constitution to submit memorandum on the Creative Economy Support Bill (Senate Bill No.30 of 2024) sponsored by Senator Eddy Gicheru Oketch, MP and co-sponsored in the National Assembly by Hon. Irene Mayaka, MP. The Bill seeks to establish mechanisms for supporting the creative industry, including the creation of a Creative Industry Council and a Creatives Fund.

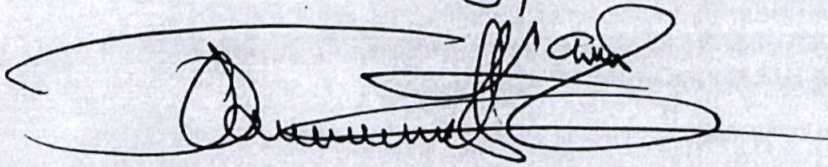
We have reviewed the Draft Bill and noted that if passed as proposed would adversely affect the Creative Economy Sector. The analysis of the Proposed Bill has identified substantive overlaps with the existing legal and institutional Framework and The Draft Creative Economy Bill proposed by the State Department for Youth Affairs and Creative Economy. These overlaps raise grave concerns about potential duplication, fragmentation of governance and legal ambiguity in the administration of the Creative Economy Sector. Accordingly, the Ministry of Youth Affairs, Creative Economy and Sports humbly requests that you consider withdrawing the said Bill in favor of more comprehensive proposals under the Draft Creative Economy Policy and Draft Creative Economy Bill.

Enclosed herewith please find the Memorandum from the State Department for Youth Affairs and Creative Economy for your kind consideration.

As always, your support and continued collaboration is highly appreciated.

Yours

Sincerely,

A large, stylized handwritten signature in black ink, featuring a prominent loop and a long horizontal stroke.

Fikirini Jacobs Katoi Kahindi
PRINCIPAL SECRETARY



DDC
8
23/10/25

REPUBLIC OF KENYA
MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS
STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY
Office of the Principal Secretary

Telephone: Nairobi 227411
Telex: 23125
Fax: 243620
When replying please quote:

Talanta Plaza, 6th Floor
P O Box 34303-00100
NAIROBI, Kenya

Ref. No. MOYACES/SDYACE/KFC/15/31/Vol.I(121)

15th October, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
P.O. Box 41842 – 00100
NAIROBI

Dear

Cleric,

② *Adan Gicheru*
Don
27/10/25

SUBMISSION OF MEMORANDUM ON THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILL NO.30 OF 2024)

Reference is made to the Notice in the Daily Nation Newspaper of Wednesday 1st October, 2025 where you invited members of the public and stakeholders in line with Article 118 (1)(b) of the Constitution to submit memorandum on the Creative Economy Support Bill (Senate Bill No.30 of 2024) sponsored by Senator Eddy Gicheru Oketch, MP and co-sponsored in the National Assembly by Hon. Irene Mayaka, MP. The Bill seeks to establish mechanisms for supporting the creative industry, including the creation of a Creative Industry Council and a Creatives Fund.

We have reviewed the Draft Bill and noted that if passed as proposed would adversely affect the Creative Economy Sector. The analysis of the Proposed Bill has identified substantive overlaps with the existing legal and institutional Framework and The Draft Creative Economy Bill proposed by the State Department for Youth Affairs and Creative Economy. These overlaps raise grave concerns about potential duplication, fragmentation of governance and legal ambiguity in the administration of the Creative Economy Sector. Accordingly, the Ministry of Youth Affairs, Creative Economy and Sports humbly requests that you consider withdrawing the said Bill in favor of more comprehensive proposals under the Draft Creative Economy Policy and Draft Creative Economy Bill.

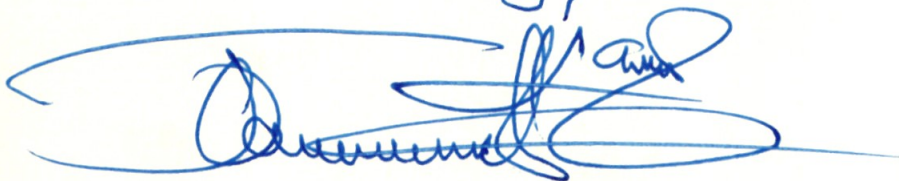
Enclosed herewith please find the Memorandum from the State Department for Youth Affairs and Creative Economy for your kind consideration.



As always, your support and continued collaboration is highly appreciated.

Yours

Sincerely,

A handwritten signature in blue ink, appearing to be 'Fikirini Jacobs Katoi Kahindi', written in a cursive style with a large loop at the end.

Fikirini Jacobs Katoi Kahindi
PRINCIPAL SECRETARY



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON CULTURE AND SPORTS

MEMORANDUM ON THE CREATIVE ECONOMY SUPPORT BILL, 2024
(SENATE BILL No. 30 of 2024)

BY

THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

SUBMITTED TO THE CLERK OF THE SENATE.

BY

FIKIRINI J K. KAHINDI

PRINCIPAL SECRETARY-STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY

WHEREAS a Bill entitled “An Act of Parliament to establish mechanisms for the support of the persons in the creative industry; to enhance the contribution of creative industry to the economy; to establish the Creatives fund; and for connected purposes.” (hereinafter referred to as Senate Bill No. 30 of 2024)

AND WHEREAS pursuant to Article 118 of the Constitution and Standing Orders 127 (3) of the National Assembly Standing Orders the Clerk of the National Assembly invited the public and stakeholders vide a Notice dated 1st October 2025 to submit memoranda on Senate Bill No. 30 of 2024 to the Departmental House Committee of Sports and Culture to be received on or before Wednesday, 15th October, 2025 at 5.00 p.m.

NOW THEREFORE, The Ministry of Youth Affairs, the Arts and Sports being a stakeholder hereby submits the following views on the Creative Economy Support Bill (Senate Bill No. 30 of 2024):

I. INTRODUCTION

Honour Chair and Members, the Ministry of Youth Affairs, Creative and Sports is mandated under Executive Order No. 2 of November 2023 as read together with Executive Order No. 1 of 9th June 2025, and to give effect to Articles 11 and 55 of the Constitution, to among other things:

- (i) Develop Youth Policy and Empowerment;
- (ii) Mainstream Youth in National Development;
- (iii) Manage and promote engagement with Youth for National Development;

- (iv) Harness Youth Talent for National Development;
- (v) Initiate Business Innovation and Incubation;
- (vi) Facilitate the mobilization of resources for youth entrepreneurship and development;
- (vii) Design Self-development programs for young persons in Kenya to equip them with positive life skills;
- (viii) Formulate National Volunteer Policy and Interventions through work, community service, and various learning opportunities;
- (ix) Coordinate the National Internship and Apprenticeship Program in both public and private sectors;
- (x) Collaborate with stakeholders to promote interventions to enhance access to employment for youth;
- (xi) Develop Policy on Kenya's creative economy across film, pageantry, Theatre, Fine arts, Performing and Literary Creative Industries;**
- (xii) Develop the Film Industry;**
- (xiii) Promote investments in the development of the creative industry;**
- (xiv) Lead in the development of the creatives industry as a key driver of the Kenyan economy; and**
- (xv) Establish mechanisms and support measures for the creatives.** [Emphasis applied] Annex Executive Orders No. 2 of November 2023 and No. 1 of 9th June 2025.

The institutions which fall under the State Department for Youth Affairs and Creative Economy by dint of the above Executive Orders are:

- a) Kenya National Youth Council;
- b) Kenya Association of Youth Centres;
- c) Kenya National Innovation Agency;
- d) The President's Award-Kenya;
- e) Youth Enterprise Development Fund (YEDF);

- f) Kenya Film Classification Board;
- g) **Kenya Film Commission**, a State Corporation established through Legal Notice No. 147 of 2015 with the mandate to develop and promote the film industry both locally and internationally.
- h) Kenya National Theatre;
- i) **Kenya Copyright Board**, which is a State Corporation established under the Copyright Act, Cap 130 of the Laws of Kenya with the mandate to administer and enforce copyright and related rights in literary, musical and artistic works, audio-visual works, sound recordings and broadcasts.

Honourable Chair and Members, it is notable that under the Executive Order No. 1 of 2025 which is aimed at enhancing accountability in the governance of State Corporations as part of the reforms to enhance service delivery and consolidate public finance sustainability by expanding the fiscal space through enhanced revenue generation and better expenditure control, the Cabinet sanctioned the transfer of Kenya Film Classification Board back to the Ministry. Accordingly, by dint of the said Executive orders and the enabling instruments of the various Semi-Autonomous Agencies that fall under the State Department for Youth Affairs and Creative Economy, the Ministry offers policy and oversight over the said mandate areas including offering support to the creative economy.

Honourable Chair and Members, the United Nations Trade and Development (UNCTAD) Report 2008 describes the term Creative Economy, which is also known as the Orange Economy, as an evolving concept based on creative assets, and builds on the interplay between human creativity and ideas and intellectual property, knowledge and technology. It is a knowledge-based economic activities upon which the 'creative industries' are based and whose scope is determined by the extent of the creative industries.

The creative industries on the other hand is defined as the cycles of creation, production and distribution of goods and services that use creativity and intellectual capital as primary inputs; and comprise tangible products and

intangible intellectual or artistic services with creative content, economic value and market objectives. These industries include advertising, arts, and crafts, design, fashion, film, video, photography, music, performing arts, publishing, research and development. Similarly, there are emerging areas under the Creative Economy including the Gig Economy and remote collaboration or artists and content creators, Artificial Intelligence driven content creation and Metaverse which allows users to engage with digital content in a virtual immersive space, from virtual concerts to digital fashion shows and art galleries. Therefore, the Creative industries is a segment of the Creative Economy which has a multitude of dimensions and is operates at the *intersection* of arts, culture, business and technology.

According to the International Finance Corporation (The World Bank Group), “the creative economy is \$2 trillion in size, providing significant revenue for small businesses and employment opportunities, especially for women and youth. Creative Industries also account for nearly 50 million jobs worldwide, according to UN estimates. About half of these workers are women, and these industries employ more people aged 15-29 than any other sector” (Source: <https://www.ifc.org/en/what-we-do/sector-expertise/creative-industries>)

Under the Fifth Pillar of the Bottom-Up Economic Transformative Agenda, on the Digital Superhighway and Creative Economy, the Government takes cognizance of the diverse talent and creative work of the country in music, theatre, graphic design and craft, among others, and commits to expand and mainstream culture and the arts infrastructure, build capacities and other supports required to scale up the cultural production and creative economy. Paragraph 6.4.3.2 of the Fourth Medium-Term Plan (2023-2027) highlights the development of a Creative Economy Bill and Creative Economy Council as priority legal reforms for the realisation of the objectives of the both the BETA PLAN and the Fourth Medium-Term Plan.

II. GENERAL COMMENTS

Honourable Chair and Members, flowing from the above, whereas the Ministry acknowledges that the proposals as contained in the draft Bill are noble but urges the Departmental Committee to note the following, that:

- i. The matters for which the Bill relates falls under the mandate of the Ministry of Youth Affairs, Creative Economy and Sports pursuant to the afore said Executive Orders.
- ii. The Ministry of Youth Affairs, Creative Economy and Sports, through the State Department for Youth Affairs and Creative Economy has in exercise of its mandate, developed a comprehensive draft Policy and Bill, both of which have undergone extensive public participation across the country and now awaits validation and submission to Cabinet for consideration. **Annexed hereto** are the **draft Creative Economy Policy, 2025**; the **draft Creative Economy Bill, 2025**; **Reports of the Public Participation** and the **Roadmap** for the remaining activities which are in line with the Guidelines for the Development of National Government Policy and Legislation of July 2024.
- iii. The Creative Economy plays a significant role in the promotion more resilient and prosperous economies for which a comprehensive legislation that which address all the emerging issues in the creative economy and to which stakeholders including the public have heard an opportunity to interact with the concepts and give views on the same.
- iv. Whereas the Ministry supports strengthening of the creative industry through legislative interventions as evidenced by the Draft Creative Economy Policy, 2025 and draft Creative Economy Bill, 2025, any initiative towards the same should be harmonised with the existing institutional and legislative framework.

Without prejudice the above comments, we now wish to give our comments on the specific clauses of the draft Bill as follows:

III. SPECIFIC COMMENTS

Subs	PROVISION	COMMENT
	PART I PRELIMINARY	

Memorandum of Objects and Reasons	The Bill does not contain a Memorandum of Objects and Reasons	It is not clear the gaps the Bill aims to address with respect to the creative economy as it does not contain a Memorandum of Objects and Reasons. In addition, the Bill is not comprehensive, as it does not address the following issues: a) clearly outlining the creative economy domains and their interlinkages. b) Moving beyond institutional creation to address policy, funding, education, innovation, and market development aspects of the creative economy c) Provision of creator rights and protections, including fair compensation and intellectual property safeguards. d) Promotion of research, data collection, and monitoring to inform evidence-based policy. e) Strengthening inter-agency and cross-sectoral coordination across film, music, arts, and digital media sectors.
Clause-2 Interpretation	Definition of “Cabinet Secretary”	The term Cabinet Secretary under the Bill means the <i>Cabinet Secretary responsible for <u>matters related to trade</u></i>, We propose the deletion of the words “ related to trade” and replacing the same with “matters relating to <u>creative economy</u>”

		Matters creative economy, by dint of the Executive Order No. 1 of 9th June 2025 fall under the Ministry of Youth Affairs, Creative Economy and Sports, and therefore to avoid duplicity and overlaps in mandate, the same should rest with the cabinet secretary responsible for matters relating to creative economy. The definition does not align with the internationally applied definition; the inclusion of the various subsectors is restrictive and does not take into consideration the evolving nature of the creative economy.
	Definition of “Creative industry” means all activities or trade by persons that produce artistic, cultural or innovative goods and services including fashion, publishing, advertising, crafts, music, audio, visual and performing arts, video, film and imaging photography, gaming and animation, graphic design and web design that originate from creativity, skill and talent and whose exploitation may result in the creation of wealth and livelihood through the generation and exploitation of intellectual property, knowledge and technology;	
PART II-CREATIVE INDUSTRY COUNCIL		
Clause 5	<i>The Cabinet Secretary shall establish and maintain an online platform where persons in the creative industry may</i>	We propose the deletion of the said clause, as the establishment of an online platform is part of administrative operations which need not be legislated.

	<i>publish events and current affairs in the creative industry</i>	
Clause 8 and 15(1)	<i>There is established the Creative Industry Council.</i> <i>Section 15(1) The Cabinet Secretary shall designate an appropriate administrative unit within the respective Ministry to serve as the Secretariat of the Board.</i>	We propose deletion of the entire clause for the following reasons:- a) The Bill creates administrative layers (Council, Board, Secretariat) but does not take cognisance of existing bodies (like Department of Film Services, KECOBO, KFC, Kenya Film School, KFCB among nor provide a framework for collaboration and coordination with the said entities or operational independence and accountability. b) It does not take cognisance of the recent developments in the organisation of Government, in particular the ongoing reforms in government that seeks to align the functions and operations of various State agencies.
Clause 9(a) Functions of the Council	The mandate of the Council shall be to advise the Cabinet Secretary on the review and formulation of policies and legislation relating to the creative industry	We propose the deletion of the entire clause , as it overlaps with the policy and oversight role of the State Department, and creates a parallel policy function.
Clause 9(b) Functions of the Council	The mandate of the Council shall conduct labour market surveys and mapping exercises of persons involved in the	We propose deletion of the entire clause as it creates an overlap with the mandate of the existing agencies within the creative economy.

	creative industry and put in place the most appropriate strategies that facilitate the development of the creative industry.	
Clause 9(c) Functions of the Council	The mandate of the Council shall be to formulate and implement strategies, programs and plans for the development of the creatives industry and that promote growth and competitiveness within the creative industry	We propose the deletion of the entire clause, as it overlaps with the policy and oversight role of the State Department, and creates a parallel policy function.
Clause 9(d) Functions of the Council	The mandate of the Council shall be to collaborate with relevant institutions to facilitate the protection of the intellectual property rights of creative artists through sensitization and awareness programmes and facilitate the registration of works produced by creative artists.	We propose the deletion of the entire clause, as it overlaps with the overall mandate of KECOBO and creates duplication in IP protection and enforcement role. Under Section 5(g) of the Copyright Act, KECOBO is mandated to <i>administer and enforce all matters of copyright and related rights in Kenya as provided for under this Act and to deal with ancillary matters connected with its functions under this Act.</i>
Clause 9(e) Functions of the Council	The mandate of the Council shall be to <i>collaborate with intellectual property rights enforcement agencies to ensure the</i>	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under Section 5(g), as above.

	<i>enforcement of intellectual property rights of creative artists</i>	
Clause 9(f) Functions of the Council	The mandate of the Council shall be to collaborate with the relevant entities to ensure the transparent distribution of royalties collected on behalf of creative artists and creative arts operators	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under section 5(b) of the Copyright Act which mandates KECOBO to license and supervise activities of collective management organizations.
Clause 9(g) Functions of the Council	The mandate of the Council shall be to develop and publish industry standards on royalty computation, royalty collection and royalty distribution	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under Section 30B on Collection and payment of royalty; <i>(1) Subject to the provisions of sections 28 and 30 of this Act, the Kenya Revenue Authority or any other designated entity by the Board shall collect royalties on behalf of collective management organizations licensed to represent performers and owners of sound recordings.</i>
Clause 9(h)	The mandate of the Council shall be to develop a framework for the classification of subsectors and actors in the creative industry and establish and implement sector-specific mechanisms that promote innovation and growth in each subsector.	We propose deletion of the entire clause . The function duplicates existing mandates of agencies such as KFCB and KECOBO as well as usurping the policy development function of the Ministry of Youth Affairs, Creative Economy and Sports, which already classify and collect data on creative sub-sectors. Retaining it could create overlap, confusion and inefficiency.
Clause 9(i) Functions of the Council	The mandate of the Council shall be to prescribe standards for the regulation of the creative industry	We propose the deletion of the entire clause , for the following reasons in addition to the comment to 9(h) above:

		a) it overlaps with the mandate of KECOBO under section 49 of the Copyright Act which prescribes the standards and regulations for the collective management organizations in the creative industry. b) Its generality is likely to create overlaps in mandates as existing regulations are sector specific for example the Kenya Film Commission facilitates the development of standards for the film industry and c) it overlaps with the mandate of KFCB under Films and Stage Plays Act which provides for the regulation of the film industry
Clause 9(0) Functions of the Council	<i>The mandate of the Council shall be to promote the amicable resolution of conflicts arising between persons in the creative industry.</i>	We propose the deletion of the entire clause, noting that it overlaps with the mandate of KECOBO under section 5(g) under which KECOBO offers mediation services in relation to copyright and related rights infringement and section 48 of the Copyright Act which provides for the Copyright tribunal as the forum for resolving copyright related disputes.
Clause 10(1) Board of the Council as read together with Clause 15(1)	<i>The Council shall be governed by an unincorporated Advisory Board</i> <i>Clause 15(1) The Cabinet Secretary shall designate an appropriate administrative unit within the respective Ministry to serve as the Secretariat of the Board.</i>	We propose deletion of the entire clauses as they create bureaucracy, create duplicity of functions, increase costs and complicate accountability.

Clause 15(2) and 15(2) (sic)	<i>The Secretariat shall consist of—</i> <i>(a) a public officer designated by the Cabinet Secretary from the Ministry to serve as the head of the secretariat; and</i> <i>(b) such other public officers as the Cabinet Secretary shall, in consultation with the Board, deploy for the proper performance of the functions of the secretariat under this Act.</i> <i>(2) The head of the Secretariat and persons deployed under subsection (2)(b) shall possess such knowledge and experience in matters relating to the creative industry as the Cabinet Secretary shall, in consultation with the Board, determine.</i>	We propose amendments to the said clause to include the appointment process, reporting structure and term of service of the Secretariat and its head as the said provision lacks autonomy and may expose it to outside control, and thereby undermining its independence and effectiveness.
Clause 16(h) Functions of the Secretariat	The Secretariat shall “maintain a manual and digital data base setting out information on creative artists in Kenya, stakeholders and players in various sectors of the creative industry and programmes in place to facilitate the growth of the creative industry”	We propose the deletion of the entire clause for the following reasons”- a) It overlaps with the mandate of KECOBO under section 5(f) of the Copyright Act under which KECOBO is mandated to <i>maintain an effective data bank on authors and their works.</i> b) The provision relates to matters that are operational and ought not be legislated.

Clause 16(i) Functions of the Secretariat	The Secretariat shall “establish in collaboration with the private sector, incubation programmes for persons in the creative industries”	We propose the deletion of the entire clause as it overlaps with the mandate of KECOBO under section 5(f) of the Copyright Act under which KECOBO is mandated to <i>maintain an effective data bank on authors and their works.</i>
PART III- INCENTIVES FOR CREATIVES		
Clause 21- Incentives for Creatives	The council shall in collaboration with the respective CEC responsible for matters relating to trade put in place measures to support the establishment and development of the creative industry which shall include: a) Subsidise the formalization of creatives; b) Facilitate the protection of the intellectual property of intellectuals by creatives in Kenya and with international organizations. c) Provide fiscal and non-fiscal support to creatives admitted into incubation programmes under this Act. d) Provide support in the form of research and development, activities that are aligned with county-specific needs and opportunities, ensuring that creatives	We propose the deletion of the entire clause or in the alternative delete the phrase “respective CEC responsible for matters relating to trade” and amend to read as follows immediately after “respective government entities” Delete the clause or revise it to a coordination role rather than implementation

	<i>across all counties can access support; and e) provide such other support to enable the development and growth of creatives registered under this Act.</i>	
Clause 21(b) on Support to creatives	The Section provides that <i>the Councils shall "facilitate the protection of the intellectual property of innovations by creatives in Kenya and with international organisations"</i>	We propose the deletion of the entire clause. The said provision overlaps with the mandate of KECOBO under section 5(a) of the Copyright Act which stipulates that KECOBO shall direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by this Act and ensure the observance thereof
Clause 22 - Incentives for persons with disabilities	The Council <i>shall in collaboration with county governments ensure equitable access to incentives for creatives with disabilities.</i>	We proposed the deletion the clause for the reason that the clause assigns the Council implementation roles that duplicate existing mandates of MSEA, KRA, NCPWD, relevant funding agencies and county governments. Collaboration should be with such related agencies rather than direct execution. This ensures efficiency, avoids overlap, and strengthens coordinated delivery of creative economy support or in the alternative revise it to specify that the Council shall coordinate and collaborate with relevant government entities mandated to undertake these functions.

Clause 23 read with Clause 24 on the Creatives Fund	The Bill establishes the Creatives Fund which shall consist of; a) monies that may be appropriated to the Fund by Parliament; and (b) grants, donations, bequests or other gifts made to the Fund.	We propose the deletion of the entire clause as the functions of the proposed Fund duplicate those of the SASDF under the Public Finance Management (Sports, Arts and Social Development Fund) Regulations. Reviewing the existing Fund ensures efficient use of public resources, avoids duplication and strengthens coordinated financial support for the creative economy.
Clause 25 - Credit guarantee scheme	The credit guarantee scheme under subsection (1) shall have as its objectives - (a) the provision of accessible financial support to creatives; (b) a framework for credit guarantee for creatives; (c) guarantee for investors in creatives; (d) availing of financial and credit information to creatives; and (e) capacity building on financial and risk management to creatives.	We propose deletion of the entire clause . The objectives of the proposed scheme duplicate the mandate of the National Credit Guarantee Scheme established under the Public Finance Management (Credit Guarantee Scheme) Regulations. Credit guarantees and financial capacity building are functions of the National Treasury, not sectoral councils. Linking creatives to existing frameworks avoids duplication and ensures efficient coordination.
Clause 26(a)- (h) on Training and	The Council shall put in place a programme for the training and capacity building of creatives under this Act and shall, for this purpose establish a platform	We propose the deletion of the entire clause This overlaps with the mandate of a) KECOBO under section 5(c) of the Copyright Act which states that KECOBO shall devise promotion.

Capacity building	setting out information at the national and county level of government, on- (a) existing incubators; (b) available training programmes; (c) mentors and resource persons; (d) intellectual property rights; (e) projects under existing incubation programmes; (f) available fiscal and non-fiscal support services; (g) business information necessary for the management and development of creative artists; and (h) such other information as the Council shall, in consultation with the county executive committee member consider necessary.	<i>introduction and training programs on copyright and related rights, to which end it may co-ordinate its work with national, regional or international organisations concerned with the same subject matter.</i> b) The outlined functions are already operational under existing agencies and initiatives such as KFCB, MSEA, KFC and Ajira Digital. Retaining the clause would duplicate existing efforts, create overlap and strain public resources.
Clause 27 on application for grant or revocation of patents	The Council shall facilitate creative artists in the- <i>(a) application for registration, grant, revocation and institution of legal action for infringement of intellectual property rights; and</i> (b) filing and registration of intellectual property pursuant to international instruments	We propose deletion of the entire clause for the following reasons: a) The provision is vague on the meaning of the term “facilitate” and the extent of the same. b) In so far as it relates to matters under 22A on the Register of copyright works including maintenance of register of all works under this Act; Section 22B on the establishment of a National Rights Registry for purposes under Section 22C include the

		registration of right holders; copyright works; and Section 22D on online portal for registration of copyrights works and access thereto. c) Whereas the clause is indicated as 24(1), there is no any other subclause. Accordingly, we propose the deletion of the entire clause as IP registration, enforcement and protection are functions of KECOBO and KIPI under existing laws. Assigning these duties to the Council creates duplication and legal inconsistency.
Clause 28 and 29 on Fiscal incentives and the Scope of the incentives	The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, put in place measures for the granting of fiscal incentives including tax incentives as shall be considered necessary for the development of creatives in the country.	The granting of tax and fiscal incentives is already operational under the Public Finance Management Act and the Income Tax Act (Cap 470). Relevant fiscal support measures for creatives already exist through KRA, the National Treasury, and the Sports, Arts and Social Development Fund. Including this clause duplicates current mechanisms and may cause administrative overlap
Existing Legal and Institutional Framework		
	Legal Framework 1. Executive Order No. 1 of 2025 on the organisation of Government 2. Films and Stage Plays Act 3. Legal Notice No. 147 of 2015	Institutional Framework 1. Ministry of Youth Affairs, Creative Economy and Sports 2. The Kenya Film Classification Board 3. Kenya Film Commission 4. Communications Authority of Kenya

	4. Kenya Information and Communication Act 5. Executive Order No. 1 of 2023 6. Copyright Act 7. County Governments Act, 2012 8. National Museums and Heritage Act 9. Kenya Cultural Centre Act 10. Kenya National Library Service Board Act 11. Industrial Property Act 12. Anticounterfeit Act 13. Standards Act 14. Environmental Management and Coordination Act 15. Micro and Small Enterprise Act	5. Department of Film Services (DFS) 6. Kenya Copyright Board 7. County Governments 8. National Museums of Kenya 9. Permanent Presidential Music Commission (PPMC) 10. Kenya Cultural Centre 11. Kenya National Library Services 12. Kenya Industrial Property Institute 13. Anticounterfeit Authority 14. The Kenya Bureau of Standards 15. The National Environment Management Authority 16. Ministry of Education 17. Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development 18. Micro and Small Enterprise Authority (MSEA)
Summary of the proposed legal and institutional framework		
	SUMMARY OF THE CREATIVE ECONOMY POLICY, 2025 The Draft Creative Economy Policy provides a framework for developing and supporting Kenya's creative economy as a key driver of socio-economic transformation. Objectives The policy seeks to:	

	i. Strengthen institutional and legal frameworks governing the creative sector to improve coordination, regulation, and growth. ii. Promote creativity, innovation, and cultural expression by creating an enabling environment for artists, filmmakers, musicians, designers, and other creative professionals. iii. Enhance funding and investment in creative enterprises through government incentives, partnerships, and financial instruments. iv. Leverage digital transformation by encouraging digital skills development, online content creation, and e-commerce platforms for creatives. v. Foster talent development and capacity building through training, mentorship, and integration of creative arts in education systems. vi. Encourage local content production and consumption while ensuring protection of intellectual property rights. vii. Facilitate market access and international collaboration to position Kenya as a regional creative hub. viii. Promote inclusion and diversity by supporting women, youth, and marginalized groups in creative industries. Expected Outcomes i. Increased contribution of the creative economy to GDP.
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	ii. Creation of employment and entrepreneurship opportunities. iii. Strengthened institutional capacity for regulation and coordination. iv. Enhanced visibility and global competitiveness of Kenyan creative products.
	SUMMARY OF THE CREATIVE ECONOMY BILL, 2025 The Creative Economy Bill, 2025 seeks to establish a unified legal and institutional framework for the promotion, regulation and development of Kenya's creative economy, consolidating multiple laws such as the <i>Films and Stage Plays Act (Cap 222)</i>, <i>Kenya Cultural Centre Act (Cap 218)</i> and <i>Kenya Film Commission Order (L.N. 147/2015)</i>. Key Provisions 1. Objectives The Bill aims to: i. Promote innovation, talent development, research and entrepreneurship in the creative sector. ii. Strengthen creative industry institutions and consolidate them under one framework. iii. Provide incentives, funding mechanisms, and market access for creative enterprises. iv. Establish a conducive regulatory and investment environment for creative industries.

2. Institutional Framework

The Bill creates several new entities:

- i. Kenya Audio-Visual and Cinema Commission – to develop, promote, and market the audiovisual and cinema industry, register film practitioners and manage archives.
- ii. Kenya Audio-Visual Regulatory Authority – to license filmmakers, distributors, exhibitors, and film agents; classify films, posters, advertisements and video games; and issue self-classification accreditations.
- iii. Kenya National Theatre Agency – to promote theatre and visual arts, register practitioners and manage national theatre infrastructure.
- iv. Kenya Academy of Creative Arts – to train practitioners in audiovisual, theatre and visual arts.

3. Regulation of Content

The Bill:

- i. Requires all films exhibited or distributed to the public to be classified by the Authority (successor of KFCB functions).

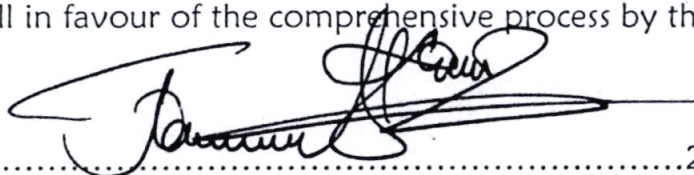
	ii. Allows entities such as broadcasters and online platforms to apply for self-classification accreditation. iii. Mandates intermediary platforms (e.g., YouTube, TikTok) to provide parental controls and remove inappropriate content that violates Article 33(2) of the Constitution. iv. Introduces administrative penalties for non-compliance (up to KES 1 million for digital platforms).
	4. Promotion and Development of the Creative Economy i. Establishes a Creative Industry Development Fund for financing creative projects. ii. Promotes public-private partnerships and creative hubs across counties. iii. Integrates creative industry training into educational curricula. iv. Provides for incentives and awards for creative innovation. v. Encourages inclusion of creative products in capital markets. 5. Transitional and Repeal Provisions i. Repeals the <i>Films and Stage Plays Act (Cap 222)</i> and the <i>Kenya Cultural Centre Act (Cap 218)</i>. ii. Transfers functions of the Kenya Film Classification Board (KFCB), Kenya Film Commission (KFC), Kenya Cultural Centre and Kenya Film School to the new entities.

	iii. Saves existing licences and actions taken under the repealed Acts. 6. Financial Provisions i. Each institution may receive allocations from Parliament, grants, donations or proceeds from licensing fees. ii. Any received donations must be disclosed to the National Assembly and made public before use. 7. Regulation-Making Powers The Cabinet Secretary may prescribe: i. Procedures for filmmaker registration and licensing. ii. Film and video game classification mechanisms. iii. Branding and identification of Kenyan films. iv. Fees and penalties for non-compliance. v. Formation of a representative body for creative practitioners. The Bill provides a consolidated legal framework for Kenya's creative economy, merging regulatory, promotional, and educational functions under a new institutional structure. It aligns creative sector governance with economic development goals but significantly restructures the existing regulatory environment, particularly affecting the Kenya Film Classification Board (KFCB), whose current mandate is absorbed into the new Kenya Audio-Visual Regulatory Authority.
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IV CONCLUSION

It is our submission that the Senate Bill does not adequately address the legal and institutional gaps in the creative sector, nor does it contain a Memorandum and Objects of the Bill that would have identified the said gaps. Additionally, the proposals contained in the Bill can be sufficiently addressed under the existing legal and institutional framework and the draft Creative Economy Policy, 2025 and Creative Economy Bill, 2025, if passed.

Given the extensive consultations that the Ministry has carried on the draft Creative Economy Policy, 2025 and Creative Economy Bill, 2025, it is our humble submission that the Departmental Committee considers withdrawing the said Bill in favour of the comprehensive process by the Ministry.



Dated the2025

MR. FIKIRINI J. K. KAHINDI

PRINCIPAL SECRETARY-STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY



**ROADMAP FOR THE FINALISATION OF THE CREATIVE ECONOMY POLICY AND
THE CREATIVE ECONOMY BILL, 2025**

No.	Activity	Description	Responsible	Required resources	Date(s)
1	Final review of the Policy and Bill	Final clean-up of the Policy and Bill	Technical working team	5 days retreat for the Technical Working team, Invitations, Conference facility	3 rd - 7 th November 2025
2	Stakeholder validation of the Policy and Bill	Virtual validation in which all persons that gave comments/views in the PP are invited	Technical working team + PS, CS	Virtual set up, invitations	18 th November 2025
3	Finalisation	Preparation of cabinet memo, finalisation of the Policy and Bill (in case of new comments from the Validation exercise) and forwarding memo	Technical working team	5 days retreat for the Technical Working team, Invitations, Conference facility	24 th -28 th November 2025
4	Briefing the CS, PS and Ministry leadership	Hand-over of the finalised documents	Technical working team	Board room	5 th December 2025



**MINISTRY OF GENDER, CULTURE AND CHILDREN SERVICES
STATE DEPARTMENT FOR CULTURE, THE ARTS AND HERITAGE**

RE: COMMENTS ON THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILL NO. 30 OF 2024)

PRELIMINARY REMARKS

Pursuant to the call by the Clerk of the National Assembly for submission of Memoranda on the Creative Economy Support Bill published on the 1st October, 2025, the Ministry of Gender, Culture and Children Services *through* the State Department for Culture, The Arts and Heritage (SDCAH) scrutinized the Bill and offer the following comments.

The Ministry welcomes the publication of the Bill noting that its intentions align with the Bottom Up Economic Transformation Agenda (BETA), especially the pillar on the Digital Superhighway and the Creative Economy that aims at transforming the Country into a knowledge-based economy through digital innovation and creative economy.

The purpose of this Bill, which is, to create *“An Act of Parliament to establish mechanisms for the support of the persons in the creative industry; to enhance the contribution of creative industry to the economy; to establish the Creatives fund; and for connected purposes”* is therefore timely.

While the Bill has some well-thought-out and forward looking ideas, it is our view that certain aspects or articles will need further revision for ease of its management and implementation without causing any conflicts with other existing legal and institutional frameworks, thus, posing implementation challenges.

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
1. Overall Governance & Anchoring	Lead Ministry (Clauses 2, 5, 6, 7, etc.)	Vest the coordination and implementation of the Act under the Ministry responsible for the Creative Economy and/or Culture & Heritage, not the Ministry of Trade. Alternatively, incorporate a robust inter-ministerial coordination mechanism into the Bill.	❖ Fragmentation: Introducing a third ministry (Trade) fragments the sector's management, creating confusion and bureaucracy. ❖ Philosophical Misalignment: The creative industry is <i>not solely</i> for trade; it encompasses <i>cultural preservation, social cohesion, and national values</i>, which are better aligned with <i>a culture/arts portfolio</i>.

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
			❖ Policy Anchoring: The Bill is not anchored on the National Culture and Heritage Policy, leading to a disconnect from existing frameworks.
2.Institutional Framework: The Council	Composition of the Board (Clause 10)	Reduce the number of government officials (<i>Principal Secretaries</i>) on the Board. Increase the number of elected representatives from registered creative industry associations and guilds. Specify a clear, transparent election process for industry representatives.	❖ Bureaucratic Inefficiency: A board dominated by government officials is top-heavy and out of touch with grassroots realities. ❖ Risk of Patronage: Vague selection processes for industry representatives open the door to political

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
			patronage, not genuine representation.
	The Secretariat (Clause 15)	Allow the Secretariat to hire external experts on contract for key technical roles, in addition to or instead of being staffed solely by seconded public officers.	❖ Specialized Skills: The creative sector has unique needs that may require specialized, industry-specific talent not readily available in the general civil service.
	Membership Model (Clause 17)	Consider introducing a tiered or formal registration system, which could be a prerequisite for accessing high-value incentives, rather than a purely voluntary model.	❖ Effectiveness & Funding: Voluntary membership may limit the Council's reach, funding base (if fees were introduced), and its ability to function as a true <i>self-regulatory body</i> for the entire industry.

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
	Conflict Resolution (Clause 9(o))	Amend to establish a clear, low-cost Arbitration or Mediation service (<i>ADR mechanism</i>) specifically for creative industry disputes, operated under the Council.	❖ Industry Need: The sector is rife with Intellectual Property and contract disputes . " <i>Promoting amicable resolution</i> " is too weak; a structured mechanism is necessary.
3. Funding & Incentives	Establishment of the Creatives Fund (Clause 23)	Instead of creating a new fund, restructure and enhance the existing Sports, Arts and Social Development Fund (SASDF) to have a dedicated, substantial percentage for artists/creatives, with express provisos for individuals.	❖ Duplication & Efficiency: Avoids creating a parallel fund when a mechanism for Parliamentary appropriation to the arts already exists. Streamlines resources and management.

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
	Sustainability of the Creatives Fund (Clause 23)	<i>(If a new Fund is created)</i> Specify sustainable funding sources in the Bill itself (e.g., a percentage of a specific tax, a levy on cultural/creative imports).	❖ Empty Shell Risk: Relying only on Parliamentary appropriations and donations makes the Fund unsustainable and vulnerable to budget cuts. A dedicated revenue stream is crucial.
	Eligibility Criteria for Grants (Clause 24(3))	Revise the criteria. A person should not be barred for receiving any other government support. Instead, prohibit receiving two grants for the same project or require full disclosure for case-by-case assessment.	❖ Punitive & Restrictive: The current clause is highly punitive and prevents creatives from layering support. It disadvantages those who have received

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
			small, <i>early-stage grants</i> .
	Fiscal Incentives (Clause 28)	Provide more concrete guiding principles in the Bill for <i>the fiscal incentives</i> (e.g., tax exemptions for creative start-ups, reduced VAT on artistic works, tax deductions for investments in creative enterprises).	❖ Vagueness: The current clause is non-committal and provides no certainty to investors or creatives. Concrete principles ensure the incentives are meaningful and pursued.
	Delay in Fund Regulations (Clause 24(2))	The regulations for the Fund should be developed concurrently with the Bill and come into force immediately upon the Act's commencement.	❖ Implementation Vacuum: A mandatory 90-day delay (<i>which could be longer</i>) halts all grant-making from the start, crippling the Fund's immediate impact.

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
4. Training & Capacity Building	Training Programmes (Clause 26)	The Bill should explicitly mandate collaboration with existing specialized institutions (KIPI, MSE Authority, KECOBO, KBIT, TVETA) to deliver the training, rather than implying the Council will do it all itself.	❖ Duplication of Mandate: Specific institutions already have the mandate and expertise to train on incubators, IP, business skills, etc. The Council should be a coordinator, <i>not a duplicator</i> .
5. Harmonization with Other Laws	Conflict with the Culture Bill, 2024 (Multiple Clauses)	Overarching Recommendation: Harmonize the Creative Economy Support Bill with the Culture Bill before enactment. Specifically:- 1. Delineate Jurisdictions: Clearly define the roles of the Creative Industry Council <i>versus</i> the State Department for Culture.	❖ Philosophical & Regulatory Conflict: The two bills have fundamentally different focuses (economic vs. preservative), leading to direct conflicts, especially on IP (individual vs. communal rights),

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
		2. Unified Registration: Create a single registration system for cultural practitioners and creatives. 3. Coherent IP Framework: Develop a harmonized framework for IP and royalties that respects both individual creatives and communal cultural rights. 4. Align Definitions: Harmonize the definitions of "creative industry" and "cultural industry" to minimize ambiguity.	database management, and institutional mandates. Stifling Effect: Without harmonization, two conflicting legal regimes will create bureaucracy, confusion, and stifle the very sector they aim to grow.
6. Accountability & Oversight	General Lack of Accountability	Insert a clause requiring the Council to table a comprehensive annual report in Parliament, detailing its activities, financial statements, and an independent assessment of its impact on the creative economy.	❖ Transparency & Performance: The Bill delegates significant power but lacks mechanisms for transparency and accountability. Parliamentary oversight

Thematic Area	Specific Clause / Issue	Proposed Amendment / Comment	Justification
			is essential to ensure the Council is effective.
	Excessive Delegated Legislation (Throughout Bill)	Include the fundamental principles for key areas (<i>Fund operations, credit guarantee scheme, industrial standards</i>) in the Bill itself, rather than leaving all details to future regulations.	❖ Reduced Oversight: Over 15 instances of delegated legislation grant excessive power to the executive and reduce Parliamentary oversight, creating uncertainty.

Conclusion

The Creative Economy Support Bill is a necessary initiative but requires significant strengthening and harmonization to be effective. In its current form, it defers too many critical decisions and risks creating a bloated, inefficient bureaucracy. Without harmonization with the Culture Bill, we risk creating two conflicting legal and regulatory regimes that will stifle, rather than support, the creative economy. We urge the Committee to consider these recommendations to ensure the Bill achieves its laudable objectives.



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When replying please quote

Ref. No. KNCU/CUL/SPP/DCE/VOL. V/(86)

Date: 25th November 2025

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

Adan Gindia
pls facilitate
11/12/25

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26/11/25

Dear

Njoroge

**INVITATION BY THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
TO SUBMIT VIEWS ON THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILL
NO. 30 OF 2024)**

We acknowledge receipt of your letter on the subject matter, dated 19th November 2025, vide Ref. NA/DDC/S&C/2025/(78).

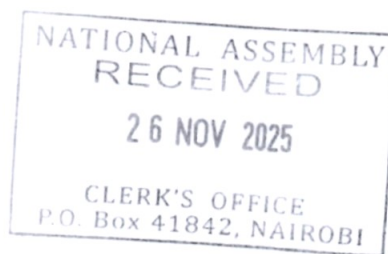
We wish to confirm that the Kenya National Commission for UNESCO (KNATCOM) will be duly represented at the meeting as indicated in the invitation letter.

Thank you for the opportunity to contribute to this important legislative process.

Yours

Sincerely

Dr. James Njogu, HSC
Ag. SECRETARY GENERAL/CEO





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Clerk of the National Assembly
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P. O. Box 41842-00100
NAIROBI

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Sincerely

[Signature]

Dr. James Njogu, HSC
Ag. SECRETARY GENERAL/CEO





MEMORANDUM ON THE CREATIVE ECONOMY SUPPORT BILL, 2024

By

**KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)
Bishops Garden Towers, Bishops Road
P.O. Box 56445- 00200 Nairobi, KENYA
Tel: +254 20 2719933/4, 20 4936000**

15th October 2025

1. Introduction

This memorandum is submitted in response to the public invitation issued by the Clerk of the National Assembly, pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), inviting stakeholders and members of the public to submit views on the Creative Economy Support Bill (Senate Bill No. 30 of 2024), sponsored by Sen. Eddy Gicheru Oketch, MP, and co-sponsored in the National Assembly by Hon. Irene Mayaka, for consideration by the Departmental Committee on Sports and Culture. These comments are largely informed by policy analysis carried out by the Institute which include but not limited to Discussion Paper 347, The Creative Economy in Kenya: An Assessment of the Policy and Institutional Environment, available at <https://kippra.or.ke/download/the-creative-economy-in-kenya-an-assessment-of-the-policy-and-institutional-environment-dp347/>

2: Comments

Part I	Comments
Interpretation	<i>“Cabinet Secretary” means Cabinet Secretary responsible for matters related to trade</i> Cabinet Secretary (CS) in the draft Bill is referred to the CS responsible for matters related to trade. This is very limiting, particularly as the ministry responsible for Trade is mandated to support movements of goods and services with emphasis on export value chains. This omits other aspects on the down value chain including production and development as well as non-commercial cultural expressions and community-based creatives as focus is on the distribution phase. Implementation under the Cabinet Secretary responsible for Trade would further compound already existing publication and/or overlaps between the roles of the Ministry of Youth Affairs, Creative Economy and Sports and the Ministry of Gender, Culture, The Arts & Heritage.
	<i>“Creative industry”</i> The definition and identification of industries that fall into creative industry need to be well established. To ensure consistency with relevant international and national frameworks, consider therefore the following sources in revising this section. 1. Kenya National Policy on Culture and heritage (2021) 2. Fourth Medium Term Plan (2023-2027) 3. UNESCO Framework for Cultural Statistics (FCS) 2009.

	The constitution of creative industries informed by the Kenya National Policy on Culture and Heritage include cultural sites and monuments; cultural expressions; publishing and printed media; design; visual arts; performing arts; audio-visuals; new media; and creative services. The Fourth Medium Term Plan (2023-2027) recognizes diverse talent and creative work of the country in music, theatre, graphics design and craft, among others. The UNESCO Framework for Cultural Statistics (FCS) 2009 acknowledges that “Creative industries usually cover a broader scope than traditional artistic domains with the inclusion, for example, of all ICT industries or research and development.” The framework describes these cultural domains as cultural and natural heritage; performance and celebration; visual arts and crafts; books and press; audio-visual and interactive media; and design and creative services. The definition needs to also acknowledge the creative value chain which includes creation, production, dissemination, exhibition/reception/transmission and consumption/participation. This is also established in the UNESCO Framework for Cultural Statistics (FCS).
<i>Obligations of the county government</i>	The Fourth Schedule of the Constitution of Kenya gives the function and powers to county governments on creative and culture including promoting, supporting, and regulating cultural activities, public entertainment, and creative enterprises within the county through regulation, licensing, infrastructure development (including county parks, beaches, and recreation facilities) and heritage preservation (libraries and museums) and trade facilitation (registration and licensing). Hence, this section needs to be enhanced to provide clarity of obligations of the county governments. It can also establish how the County Governments will inform or support the activities of the proposed Creative Economy Council.
<i>Online platform</i>	The Fourth Medium Term Plan (2023-2027) targets to “establish an integrated national cultural and creative industries information management system” as well as a “Government-powered arts and crafts industry information portal”. To ensure policy synergy therefore, the online platform proposed in this Bill needs to be a digital integrated national cultural and creative industries information management system or a digital arts and crafts information platform. The platform also needs to list creative infrastructure available nationally.

Part II***Creative industry Council***

The Fourth Medium Term Plan (2023-27) refers to establishing a “National Creatives Economy Council” to regulate the creative sector. Consider using a similar terminology for policy synergy by replacing industry with economy.

Functions of the Council

A KIPPRA study *The Creative Economy in Kenya: An Assessment of the Policy and Institutional Environment*. Kenya Institute for Public Policy Research and Analysis (KIPPRA). (Retrieved from <https://kippra.or.ke/download/the-creative-economy-in-kenya-an-assessment-of-the-policy-and-institutional-environment-dp347/>) reveals policy gaps as relates to policy coherence and coordination. For instance, creative industries are diverse and supported by various institutions. Effective coordination is therefore essential. Coordination of creative industries need therefore form a key and strategic mandate of the Council. Coordination can also be achieved through the development and implementation of a comprehensive Creative Economy Master Plan or Creative Industries Development Plan. This can also be a mandate of the Council. A masterplan helps align all actors around a shared vision, priorities, and outcomes. This reduces duplication, clarifies mandates, and helps stakeholders move in the same direction.

Creative Industries in Kenya are often overlooked in the minimum wage orders issues by the Cabinet Secretary responsible for Labour. The proposed Creative Industry Council could play a pivotal role in establishing sector-specific labor standards and fair remuneration guidelines.

Further, creatives experience challenges in accessing appropriate financing, the council can play a role in facilitating access to finance and enhancing financial literacy. The council would therefore be central in providing valuation methods for creative IP while providing other relevant legal advisories to creatives.

Lastly, MTP IV prioritizes the expansion and mainstreaming of culture and the arts infrastructure, build capacities and other support required to scale up the cultural production and creative economy. This can be coordinated and facilitated by the Council under the guidance of a Creative Economy Masterplan. A masterplan can include specific strategies to close these gaps, build capacities, strengthen regulatory frameworks, and ensure effective implementation of creative industry policies (noting however Kenya has only operationalized two relevant policies; National Music Policy and National Policy on Culture and Heritage both in 2021).

<i>Board of the Council</i>	Consider including the following Principal Secretaries as members of the council: 1. Principal Secretary for matters relating to the arts, culture and heritage. 2. Principal Secretary for matters relating to micro, small and medium enterprises (MSMEs). 3. The creative industries in Kenya, as established in the National Culture and Heritage Policy (2021), constitute cultural sites and monuments; cultural expressions; publishing and printed media; design; visual arts; performing arts; audio-visuals; new media; and creative services. The proposed representation of the Council therefore omits performing arts (theatre art); design and further combines literary and visual arts which are distinct industries. 4. Under the Constitution of Kenya (2010), counties are responsible for promoting and managing creative and cultural activities and facilities, while the national government retains policy, coordination, and heritage preservation roles. The national government can be accommodated as indicated above. The county should also be represented in the Council. This can be achieved through representation of Council of Governors (CoG) or some sort of rotational representation from different Counties.
<i>Membership</i>	The Bill provides for the inclusion of members of the public in the Council. The roles, responsibilities, and obligations of these voluntary members are, however, not clearly defined.
<i>Roll of creatives</i>	The Bill introduces a roll of creatives. The benefits or incentives provided in the Act are limited to those in the role. The Board of the Council seems to be responsible for this. Given the mandate of the Council, which is more policy advisory and support, this should be separated from regulatory which would be established through registration into the role. Policy support and regulatory should be distinct. The role of the County Government in this regard also requires clarification. The establishment and maintenance of a database of cultural and creative industries by County Governments is necessary for planning, promotion and organization purposes. Notably, the National Culture and Heritage Policy identifies the development of cultural databases as a shared function between the National and County Governments.

Part III	
<i>Creatives Fund</i>	The purpose of the fund needs to be clearly established. This can include giving grants and subsidies targeting creatives. A Creative Fund and inform the use of intellectual property (IP) as established in the Movable Property Security Rights Act as collateral. Clarification therefore on which IP developed by creatives can be identified as collateral to access finance from the fund and therefore how will valuation of such IP be achieved. This also requires insights into the enforcement mechanisms in the event of default when it comes to IP. This calls for the establishment of clear evaluation methods for creative IP
<i>Training and Capacity Building</i>	This section can be renamed “<i>Training and Capacity Development</i>”.



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON CULTURE AND SPORTS

**MEMORANDUM ON THE CREATIVE ECONOMY SUPPORT BILL, 2024
(SENATE BILL No. 30 of 2024)**

BY

THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

SUBMITTED TO THE CLERK OF THE SENATE

BY

FIKIRINI J. K. KAHINDI

PRINCIPAL SECRETARY-STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY

WHEREAS a Bill entitled “An Act of Parliament to establish mechanisms for the support of the persons in the creative industry; to enhance the contribution of creative industry to the economy; to establish the Creatives fund; and for connected purposes.” (hereinafter referred to as Senate Bill No. 30 of 2024)

AND WHEREAS pursuant to Article 118 of the Constitution and Standing Orders 127 (3) of the National Assembly Standing Orders the Clerk of the National Assembly invited the public and stakeholders vide a Notice dated 1st October 2025 to submit memoranda on Senate Bill No. 30 of 2024 to the Departmental House Committee of Sports and Culture to be received on or before Wednesday, 15th October, 2025 at 5.00 p.m.

NOW THEREFORE, The Ministry of Youth Affairs, the Arts and Sports being a stakeholder hereby submits the following views on the Creative Economy Support Bill (Senate Bill No. 30 of 2024):

I. INTRODUCTION

Honourable Chair and Members, the Ministry of Youth Affairs, Creative and Sports is mandated under Executive Order No. 2 of November 2023 as read together with Executive Order No. 1 of 9th June 2025, and to give effect to Articles 11 and 55 of the Constitution, to among other things:

- (i) Develop Youth Policy and Empowerment;
- (ii) Mainstream Youth in National Development;
- (iii) Manage and promote engagement with Youth for National Development;

- (iv) Harness Youth Talent for National Development;
- (v) Initiate Business Innovation and Incubation;
- (vi) Facilitate the mobilization of resources for youth entrepreneurship and development;
- (vii) Design Self-development programs for young persons in Kenya to equip them with positive life skills;
- (viii) Formulate National Volunteer Policy and Interventions through work, community service, and various learning opportunities;
- (ix) Coordinate the National Internship and Apprenticeship Program in both public and private sectors;
- (x) Collaborate with stakeholders to promote interventions to enhance access to employment for youth;
- (xi) **Develop Policy on Kenya's creative economy across film, pageantry, Theatre, Fine arts, Performing and Literary Creative Industries;**
- (xii) **Develop the Film Industry;**
- (xiii) **Promote investments in the development of the creative industry;**
- (xiv) **Lead in the development of the creatives industry as a key driver of the Kenyan economy; and**
- (xv) **Establish mechanisms and support measures for the creatives.** [Emphasis applied] Annex Executive Orders

No. 2 of November 2023 and No. 1 of 9th June 2025.

The institutions which fall under the State Department for Youth Affairs and Creative Economy by dint of the above Executive Orders are:

- a) Kenya National Youth Council;
- b) Kenya Association of Youth Centres;
- c) The President's Award-Kenya;

- d) **Youth Enterprise Development Fund**, a State Corporation established through Legal Notice No. 63 of 2007 with the mandate to promote Enterprise Development as a critical strategy for increasing economic opportunities and youth participation in Nation Building;
- e) **Kenya Film Classification Board**, a State Corporation established under the Films and Stage Plays Act, Cap 222. Laws of Kenya whose mandate is to regulate the creation, broadcasting, possession, exhibition, distribution of films in the Country;
- f) **Kenya Film Commission**, a State Corporation established through Legal Notice No. 147 of 2015 with the mandate to develop and promote the film industry both locally and internationally.
- g) **Kenya Copyright Board**, a State Corporation established under the Copyright Act, Cap 130 of the Laws of Kenya with the mandate to administer and enforce copyright and related rights in literary, musical and artistic works, audio-visual works, sound recordings and broadcasts.

Honourable Chair and Members, the United Nations Trade and Development (UNCTAD) Report 2008 describes the term Creative Economy, which is also known as the Orange Economy, as an evolving concept based on creative assets, and builds on the interplay between human creativity and ideas and intellectual property, knowledge and technology. It is a knowledge-based economic activities upon which the 'creative industries' are based and whose scope is determined by the extent of the creative industries.

The creative industries on the other hand is defined as the cycles of creation, production and distribution of goods and services that use creativity and intellectual capital as primary inputs; and comprise tangible products and intangible intellectual or artistic services with creative content, economic value and market objectives. These industries include advertising, arts, and crafts, design, fashion, film, video, photography, music, performing arts, publishing, research and development. Similarly, there are emerging areas under the Creative Economy including

the Gig Economy and remote collaboration or artists and content creators, Artificial Intelligence driven content creation and Metaverse, which allow users to engage with digital content in a virtual immersive space, from virtual concerts to digital fashion shows and art galleries. Therefore, the Creative industries is a segment of the Creative Economy which has a multitude of dimensions and it operates at the *intersection* of arts, culture, business and technology.

According to the International Finance Corporation (The World Bank Group), “the creative economy is \$2 trillion in size, providing significant revenue for small businesses and employment opportunities, especially for women and youth. Creative Industries also account for nearly 50 million jobs worldwide, according to UN estimates. About half of these workers are women, and these industries employ more people aged 15-29 than any other sector” (source: <https://www.ifc.org/en/what-we-do/sector-expertise/creative-industries>)

Under the Fifth Pillar of the Bottom-Up Economic Transformative Agenda on the Digital Superhighway and Creative Economy, the Government takes cognizance of the diverse talent and creative work of the country in music, theatre, graphic design and craft, among others, and commits to expand and mainstream culture and the arts infrastructure, build capacities and other supports required to scale up the cultural production and creative economy. Paragraph 6.4.3.2 of the Fourth Medium-Term Plan (2023-2027) highlights the development of a Creative Economy Bill and Creative Economy Council as priority legal reforms for the realization of the objectives of the both the BETA PLAN and the Fourth Medium-Term Plan.

II. GENERAL COMMENTS

Honourable Chair and Members, flowing from the above, the Ministry acknowledges that the proposals as contained in the draft Bill are noble but urges the Departmental Committee to note that:

- i. The matters for which the Bill relates falls under the mandate of the Ministry of Youth Affairs, Creative Economy and Sports pursuant to the afore said Executive Orders. It is however important to distinguish between the two forms of intellectual property namely industrial property and copyright and related rights. Industrial property, which includes patents, trademarks, industrial design, geographical indication and utility models, fall within the purview of Kenya Industrial Property Institute (KIPI) as established under the Industrial Properties Act. On the other hand, copyright, which deals with the protection of literary works, musical works, artistic works, audio-visual works, computer works, sound recordings and other related rights, fall within the purview of the Kenya Copyright Board as established under the Copyright Act. In light of this, where copyright and related rights fall, the Cabinet Secretary in charge of the Creative Economy is responsible for the same whereas where industrial property rights are concerned, the Cabinet Secretary for Trade is responsible.
- ii. The Ministry of Youth Affairs, Creative Economy and Sports, through the State Department for Youth Affairs and Creative Economy has, in exercise of its mandate, developed a comprehensive draft Policy and Bill, both of which have undergone extensive public participation across the country and now awaits validation and submission to Cabinet for consideration. **Annexed hereto** are the **draft Creative Economy Policy, 2025**; the **draft Creative Economy Bill, 2025**; **Reports of the Public Participation** and the **Roadmap** for the remaining activities which are in line with the Guidelines for the Development of National Government Policy and Legislation of July 2024.
- iii. The Creative Economy plays a significant role in the promotion of more resilient and prosperous economies for which a comprehensive legislation that will address the emerging issues in the creative economy and to which stakeholders and the public, have had an opportunity to interact with the concepts and give views on the same.

iv. Whereas the Ministry supports strengthening of the creative economy through legislative interventions as evidenced by the draft Creative Economy Policy, 2025 and draft Creative Economy Bill, 2025, any initiative towards the same should be harmonised with the existing institutional and legislative framework.

Without prejudice the above comments, we now wish to give our comments on the specific clauses of the draft Bill as follows:

III. SPECIFIC COMMENTS

Subs	PROVISION	COMMENT
	PART I PRELIMINARY	

Memorandum of Objects and Reasons	The Bill does not contain a Memorandum of Objects and Reasons	It is not clear the gaps the Bill aims to address with respect to the creative economy as it does not contain a Memorandum of Objects and Reasons. In addition, the Bill is not comprehensive, as it does not address the following issues: a) clearly outlining the creative economy domains and their interlinkages. b) Moving beyond institutional creation to address policy, funding, education, innovation, and market development aspects of the creative economy c) Provision of creator rights and protections, including fair compensation and intellectual property safeguards. d) Promotion of research, data collection, and monitoring to inform evidence-based policy. e) Strengthening inter-agency and cross-sectoral coordination across film, music, arts, and digital media sectors.
Clause-2 Interpretation	Definition of “ Cabinet Secretary ”	The term Cabinet Secretary under the Bill means the <i>Cabinet Secretary responsible for matters related to trade</i>. Matters creative economy, by dint of the Executive Order No. 1 of 9th June 2025, fall under the Ministry of Youth Affairs, Creative Economy and Sports, and therefore to avoid duplicity and overlaps in mandate, the same should

		rest with the cabinet secretary responsible for matters relating to creative economy.
	Definition of “Creative industry” means all activities or trade by persons that produce artistic, cultural or innovative goods and services including fashion, publishing, advertising, crafts, music, audio, visual and performing arts, video, film and imaging photography, gaming and animation, graphic design and web design that originate from creativity, skill and talent and whose exploitation may result in the creation of wealth and livelihood through the generation and exploitation of intellectual property, knowledge and technology;	We propose the deletion of the said definition as it does not align with the internationally applied definition and the inclusion of the various subsectors is restrictive and does not take into consideration the evolving nature of the creative economy.
PART II-CREATIVE INDUSTRY COUNCIL		
Clause 5	<i>The Cabinet Secretary shall establish and maintain an online platform where persons in the creative industry may publish events and current affairs in the creative industry</i>	We propose the deletion of the said clause, as the establishment of an online platform is part of administrative operations which need not be legislated.

Clause 8 and 15(1)	<i>There is established the Creative Industry Council.</i> <i>Section 15(1) The Cabinet Secretary shall designate an appropriate administrative unit within the respective Ministry to serve as the Secretariat of the Board.</i>	We propose deletion of the entire clause for the following reasons:- a) The Bill creates administrative layers (Council, Board, Secretariat) but does not take cognisance of existing bodies (like Department of Film Services, KECOBO, KFC, Kenya Film School, KFCB among nor provide a framework for collaboration and coordination with the said entities or operational independence and accountability. b) It does not take cognisance of the recent developments in the organisation of Government, in particular the ongoing reforms in government that seeks to align the functions and operations of various State agencies.
Clause 9(a) Functions of the Council	The mandate of the Council shall be to advise the Cabinet Secretary on the review and formulation of policies and legislation relating to the creative industry	We propose the deletion of the entire clause , as it overlaps with the policy and oversight role of the State Department, and creates a parallel policy function.
Clause 9(b) Functions of the Council	The mandate of the Council shall conduct labour market surveys and mapping exercises of persons involved in the creative industry and put in place the most	We propose deletion of the entire clause as it creates an overlap with the mandate of the existing agencies within the creative economy.

	appropriate strategies that facilitate the development of the creative industry.	
Clause 9(c) Functions of the Council	The mandate of the Council shall be to formulate and implement strategies, programs and plans for the development of the creatives industry and that promote growth and competitiveness within the creative industry	We propose the deletion of the entire clause, as it overlaps with the policy and oversight role of the State Department, and creates a parallel policy function.
Clause 9(d) Functions of the Council	The mandate of the Council shall be to collaborate with relevant institutions to facilitate the protection of the intellectual property rights of creative artists through sensitization and awareness programmes and facilitate the registration of works produced by creative artists.	We propose the deletion of the entire clause, as it overlaps with the overall mandate of KECOBO and creates duplication in IP protection and enforcement role. Under Section 5(g) of the Copyright Act, KECOBO is mandated to <i>administer and enforce all matters of copyright and related rights in Kenya as provided for under this Act and to deal with ancillary matters connected with its functions under this Act.</i>
Clause 9(e) Functions of the Council	The mandate of the Council shall be to <i>collaborate with intellectual property rights enforcement agencies to ensure the enforcement of intellectual property rights of creative artists</i>	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under Section 5(g), as above.

Clause 9(f) Functions of the Council	The mandate of the Council shall be to <i>collaborate with the relevant entities to ensure the transparent distribution of royalties collected on behalf of creative artists and creative arts operators</i>	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under section 5(b) of the Copyright Act which mandates KECOBO to <i>license and supervise activities of collective management organizations</i> .
Clause 9(g) Functions of the Council	The mandate of the Council shall be to <i>develop and publish industry standards on royalty computation, royalty collection and royalty distribution</i>	We propose the deletion of the entire clause , as it overlaps with the overall mandate of KECOBO under Section 30B on Collection and payment of royalty; <i>(1) Subject to the provisions of sections and of this Act, the Kenya Revenue Authority or any other designated entity by the Board shall collect royalties on behalf of collective management organizations licensed to represent performers and owners of sound recordings.</i>
Clause 9(h)	The mandate of the Council shall be to <i>develop a framework for the classification of subsectors and actors in the creative industry and establish and implement sector-specific mechanisms that promote innovation and growth in each subsector.</i>	We propose deletion of the entire clause . The function duplicates existing mandates of agencies such as KFCB and KECOBO as well as usurping the policy development function of the Ministry of Youth Affairs, Creative Economy and Sports, which already classify and collect data on creative sub-sectors. Retaining it could create overlap, confusion and inefficiency.
Clause 9(l) Functions of the Council	The mandate of the Council shall be to <i>prescribe standards for the regulation of the creative industry</i>	We propose the deletion of the entire clause , for the following reasons in addition to the comment to 9(h) above: a) it overlaps with the mandate of KECOBO under section 49 of the Copyright Act which prescribes the

		standards and regulations for the collective management organizations in the creative industry. b) Its generality is likely to create overlaps in mandates as existing regulations are sector specific for example the Kenya Film Commission facilitates the development of standards for the film industry and it overlaps with the mandate of KFCB under Films and Stage Plays Act which provides for the regulation of the film industry
Clause 9(0) Functions of the Council	The mandate of the Council shall be <i>to promote the amicable resolution of conflicts arising between persons in the creative industry.</i>	We propose the deletion of the entire clause , noting that it overlaps with the mandate of KECOBO under section 5(g) under which KECOBO offers mediation services in relation to copyright and related rights infringement and section 48 of the Copyright Act which provides for the Copyright tribunal as the forum for resolving copyright related disputes.
Clause 10(1) Board of the Council as read together with Clause 15(1)	<i>The Council shall be governed by an unincorporated Advisory Board</i> Clause 15(1) <i>The Cabinet Secretary shall designate an appropriate administrative unit within the respective Ministry to serve as the Secretariat of the Board.</i>	We propose deletion of the entire clauses as they create bureaucracy, create duplicity of functions, increase costs and complicate accountability.
Clause 15(2) and 15(2) (sic)	<i>The Secretariat shall consist of— (a) a public officer designated by the Cabinet Secretary from the Ministry</i>	We propose deletion to the said clause as it does not include the appointment process, reporting structure and term of service of the Secretariat and its head as the said

	<i>to serve as the head of the secretariat; and</i> <i>(b) such other public officers as the Cabinet Secretary shall, in consultation with the Board, deploy for the proper performance of the functions of the secretariat under this Act.</i> <i>(2) The head of the Secretariat and persons deployed under subsection (2)(b) shall possess such knowledge and experience in matters relating to the creative industry as the Cabinet Secretary shall, in consultation with the Board, determine.</i>	the provision lacks autonomy and may expose the Secretariat to outside control, and thereby undermining its independence and effectiveness.
Clause 16(h) Functions of the Secretariat	The Secretariat shall “maintain a manual and digital data base setting out information on creative artists in Kenya, stakeholders and players in various sectors of the creative industry and programmes in place to facilitate the growth of the creative industry”	We propose the deletion of the entire clause for the following reasons”- a) It overlaps with the mandate of KECOBO under section 5(f) of the Copyright Act under which KECOBO is mandated to <i>maintain an effective data bank on authors and their works.</i> b) The provision relates to matters that are operational and ought not be legislated.
Clause 16(i) Functions of the Secretariat	The Secretariat shall “establish in collaboration with the private sector,	We propose the deletion of the entire clause as it overlaps with the mandate of KECOBO under section 5(f) of the Copyright Act under which KECOBO is mandated to

	incubation programmes for persons in the creative industries”	<i>maintain an effective data bank on authors and their works.</i>
PART III-INCENTIVES FOR CREATIVES		
Clause 21-Incentives for Creatives	The council shall in collaboration with the respective CEC responsible for matters relating to trade put in place measures to support the establishment and development of the creative industry which shall include: a) Subsidise the formalization of creatives; b) Facilitate the protection of the intellectual property of intellectuals by creatives in Kenya and with international organizations. c) Provide fiscal and non-fiscal support to creatives admitted into incubation programmes under this Act. d) Provide support in the form of research and development, activities that are aligned with county-specific needs and opportunities, ensuring that creatives across all counties can access support; and	We propose the deletion of the entire clause as this is more of a coordination role.

	<i>e) provide such other support to enable the development and growth of creatives registered under this Act.</i>	
Clause 21(b) on Support to creatives	The Section provides that <i>the Councils shall “facilitate the protection of the intellectual property of innovations by creatives in Kenya and with international organisations”</i>	We propose the deletion of the entire clause. The said provision overlaps with the mandate of KECOBO under section 5(a) of the Copyright Act which stipulates that KECOBO shall direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by this Act and ensure the observance thereof
Clause 22 - Incentives for persons with disabilities	<i>The Council shall in collaboration with county governments ensure equitable access to incentives for creatives with disabilities.</i>	We proposed the deletion the clause for the reason that the clause assigns the Council implementation roles that duplicate existing mandates of MSEA, KRA, NCPWD, relevant funding agencies and county governments. Collaboration should be with such related agencies rather than direct execution. This ensures efficiency, avoids overlap, and strengthens coordinated delivery of creative economy support.
Clause 23 read with Clause 24 on the Creatives Fund	The Bill establishes the Creatives Fund which shall consist of; a) monies that may be appropriated to the Fund by Parliament; and	We propose the deletion of the entire clause as the functions of the proposed Fund duplicate those of the SASDF under the Public Finance Management (Sports, Arts and Social Development Fund) Regulations. Reviewing the existing Fund ensures efficient use of public

	(b) grants, donations, bequests or other gifts made to the Fund.	resources, avoids duplication and strengthens coordinated financial support for the creative economy.
Clause 25 - Credit guarantee scheme	The credit guarantee scheme under subsection (1) shall have as its objectives - (a) the provision of accessible financial support to creatives; (b) a framework for credit guarantee for creatives; (c) guarantee for investors in creatives; (d) availing of financial and credit information to creatives; and (e) capacity building on financial and risk management to creatives.	We propose deletion of the entire clause. The objectives of the proposed scheme duplicate the mandate of the National Credit Guarantee Scheme established under the Public Finance Management (Credit Guarantee Scheme) Regulations. Credit guarantees and financial capacity building are functions of the National Treasury, not sectoral councils. Linking creatives to existing frameworks avoids duplication and ensures efficient coordination.
Clause 26(a)-(h) on Training and Capacity building	The Council shall put in place a programme for the training and capacity building of creatives under this Act and shall, for this purpose establish a platform setting out information at the national and county level of government, on- (a) existing incubators; (b) available training programmes; (c) mentors and resource persons; (d) intellectual property rights;	We propose the deletion of the entire clause This overlaps with the mandate of: a) KECOBO under section 5(c) of the Copyright Act which states that KECOBO <i>shall devise promotion, introduction and training programs on copyright and related rights, to which end it may co-ordinate its work with national, regional or international organisations concerned with the same subject matter.</i> and b) The outlined functions are already operational under existing agencies and initiatives such as KFCB,

	(e) projects under existing incubation programmes; (f) available fiscal and non-fiscal support services; (g) business information necessary for the management and development of creative artists; and (h) such other information as the Council shall, in consultation with the county executive committee member consider necessary.	MSEA, KFC and Ajira Digital. Retaining the clause would duplicate existing efforts, create overlap and strain public resources.
Clause 27 on application for grant or revocation of patents	The Council shall facilitate creative artists in the- <i>(a) application for registration, grant, revocation and institution of legal action for infringement of intellectual property rights; and</i> <i>(b) filing and registration of intellectual property pursuant to international instruments</i>	We propose deletion of the entire clause for the following reasons: a) The provision is vague on the meaning of the term “facilitate” and the extent of the same. b) In so far as it relates to matters under 22A on the Register of copyright works including maintenance of register of all works under this Act; Section 22B on the establishment of a National Rights Registry for purposes under Section 22C include the registration of right holders; copyright works; and Section 22D on online portal for registration of copyrights works and access thereto. c) Whereas the clause is indicated as 24(1), there is no any other subclause.

		Accordingly, we propose the deletion of the entire clause as IP registration, enforcement and protection are functions of KECOBO and KIPi under existing laws. Assigning these duties to the Council creates duplication and legal inconsistency.
Clause 28 and 29 on Fiscal incentives and the Scope of incentives	The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for matters relating to finance, put in place measures for the granting of fiscal incentives including tax incentives as shall be considered necessary for the development of creatives in the country.	The granting of tax and fiscal incentives is already operational under the Public Finance Management Act and the Income Tax Act (Cap 470). Relevant fiscal support measures for creatives already exist through KRA, the National Treasury, and the Sports, Arts and Social Development Fund. Including this clause duplicates current mechanisms and may cause administrative overlap
Existing Legal and Institutional Framework		
	Legal Framework 1. Executive Order No. 1 of 2025 on the organisation of Government 2. Films and Stage Plays Act 3. Legal Notice No. 147 of 2015 4. Kenya Information and Communication Act 5. Executive Order No. 1 of 2023 6. Copyright Act	Institutional Framework 1. Ministry of Youth Affairs, Creative Economy and Sports 2. The Kenya Film Classification Board 3. Kenya Film Commission 4. Communications Authority of Kenya 5. Department of Film Services (DFS) 6. Kenya Copyright Board 7. County Governments

	7. County Governments Act, 2012 8. National Museums and Heritage Act 9. Kenya Cultural Centre Act 10. Kenya National Library Service Board Act 11. Industrial Property Act 12. Anticounterfeit Act 13. Standards Act 14. Environmental Management and Coordination Act 15. Micro and Small Enterprise Act	8. National Museums of Kenya 9. Permanent Presidential Music Commission (PPMC) 10. Kenya Cultural Centre 11. Kenya National Library Services 12. Kenya Industrial Property Institute 13. Anticounterfeit Authority 14. The Kenya Bureau of Standards 15. The National Environment Management Authority 16. Ministry of Education 17. Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development 18. Micro and Small Enterprise Authority (MSEA)
Summary of the proposed legal and institutional framework		
SUMMARY OF THE CREATIVE ECONOMY POLICY, 2025		
	The Draft Creative Economy Policy provides a framework for developing and supporting Kenya's creative economy as a key driver of socio-economic transformation.	
	Objectives	
	The policy seeks to:	

	i. Strengthen institutional and legal frameworks governing the creative sector to improve coordination, regulation, and growth. ii. Promote creativity, innovation, and cultural expression by creating an enabling environment for artists, filmmakers, musicians, designers, and other creative professionals. iii. Enhance funding and investment in creative enterprises through government incentives, partnerships, and financial instruments. iv. Leverage digital transformation by encouraging digital skills development, online content creation, and e-commerce platforms for creatives. v. Foster talent development and capacity building through training, mentorship, and integration of creative arts in education systems. vi. Encourage local content production and consumption while ensuring protection of intellectual property rights. vii. Facilitate market access and international collaboration to position Kenya as a regional creative hub. viii. Promote inclusion and diversity by supporting women, youth, and marginalized groups in creative industries. Expected Outcomes i. Increased contribution of the creative economy to GDP.
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	ii. Creation of employment and entrepreneurship opportunities. iii. Strengthened institutional capacity for regulation and coordination. iv. Enhanced visibility and global competitiveness of Kenyan creative products.
	SUMMARY OF THE CREATIVE ECONOMY BILL, 2025 The Creative Economy Bill, 2025 seeks to establish a unified legal and institutional framework for the promotion, regulation and development of Kenya's creative economy, consolidating multiple laws such as the <i>Films and Stage Plays Act (Cap 222)</i>, <i>Kenya Cultural Centre Act (Cap 218)</i> and <i>Kenya Film Commission Order (L.N. 147/2015)</i>. Key Provisions 1. Objectives The Bill aims to: i. Promote innovation, talent development, research and entrepreneurship in the creative sector. ii. Strengthen creative industry institutions and consolidate them under one framework. iii. Provide incentives, funding mechanisms, and market access for creative enterprises. iv. Establish a conducive regulatory and investment environment for creative industries.

2. Institutional Framework

The Bill creates several new entities:

- i. Kenya Audio-Visual and Cinema Commission – to develop, promote, and market the audiovisual and cinema industry, register film practitioners and manage archives.
- ii. Kenya Audio-Visual Regulatory Authority – to license filmmakers, distributors, exhibitors, and film agents; classify films, posters, advertisements and video games; and issue self-classification accreditations.
- iii. Kenya National Theatre Agency – to promote theatre and visual arts, register practitioners and manage national theatre infrastructure.
- iv. Kenya Academy of Creative Arts – to train practitioners in audiovisual, theatre and visual arts.

3. Regulation of Content

The Bill:

- i. Requires all films exhibited or distributed to the public to be classified by the Authority (successor of KFCB functions).

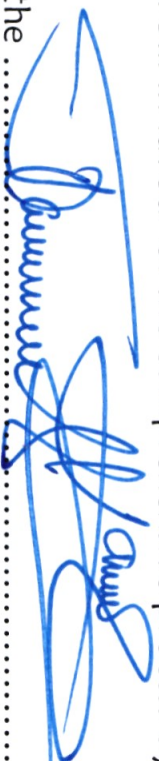
	ii. Allows entities such as broadcasters and online platforms to apply for self-classification accreditation. iii. Mandates intermediary platforms (e.g., YouTube, TikTok) to provide parental controls and remove inappropriate content that violates Article 33(2) of the Constitution. iv. Introduces administrative penalties for non-compliance (up to KES 1 million for digital platforms).
	4. Promotion and Development of the Creative Economy i. Establishes a Creative Industry Development Fund for financing creative projects. ii. Promotes public-private partnerships and creative hubs across counties. iii. Integrates creative industry training into educational curricula. iv. Provides for incentives and awards for creative innovation. v. Encourages inclusion of creative products in capital markets. 5. Transitional and Repeal Provisions i. Repeals the <i>Films and Stage Plays Act (Cap 222)</i> and the <i>Kenya Cultural Centre Act (Cap 218)</i>. ii. Transfers functions of the Kenya Film Classification Board (KFCB), Kenya Film Commission (KFC), Kenya Cultural Centre and Kenya Film School to the new entities.

	iii. Saves existing licences and actions taken under the repealed Acts. 6. Financial Provisions i. Each institution may receive allocations from Parliament, grants, donations or proceeds from licensing fees. ii. Any received donations must be disclosed to the National Assembly and made public before use. 7. Regulation-Making Powers The Cabinet Secretary may prescribe: i. Procedures for filmmaker registration and licensing. ii. Film and video game classification mechanisms. iii. Branding and identification of Kenyan films. iv. Fees and penalties for non-compliance. v. Formation of a representative body for creative practitioners. The Bill provides a consolidated legal framework for Kenya’s creative economy, merging regulatory, promotional, and educational functions under a new institutional structure. It aligns creative sector governance with economic development goals but significantly restructures the existing regulatory environment, particularly affecting the Kenya Film Classification Board (KFCB), whose current mandate is absorbed into the new Kenya Audio-Visual Regulatory Authority.
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IV CONCLUSION

It is our submission that the Senate Bill does not adequately address the legal and institutional gaps in the creative sector, nor does it contain a Memorandum and Objects of the Bill that would have identified the said gaps. Additionally, the proposals contained in the Bill can be sufficiently addressed under the existing legal and institutional framework and the draft Creative Economy Policy, 2025 and Creative Economy Bill, 2025, if passed.

Given the extensive consultations that the Ministry has carried on the draft Creative Economy Policy, 2025 and Creative Economy Bill, 2025, it is our humble submission that the Departmental Committee considers withdrawing the said Bill in favour of the comprehensive process by the Ministry.

Dated the.....2025

MR. FIKIRINI JACOBS KATOI KAHINDI

PRINCIPAL SECRETARY-STATE DEPARTMENT FOR YOUTH AFFAIRS AND CREATIVE ECONOMY

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19/09/25

Creative Practitioners Memoranda to the National Assembly

Creative Economy Support Bill, No.30.

Kimani Munene
ID: 14674222
17th September 2025

The Clerk of the National Assembly
Parliament Buildings
Nairobi, Kenya

Adan Gindicha
pls facilitate
22/9/25

RE: SUBMISSION ON THE CREATIVE ECONOMY SUPPORT BILL NO.30 OF 2023

Dear Sir,

I write pursuant to Article 118(1)(b) of the Constitution of Kenya, 2010, which guarantees the right of every Kenyan to participate in the legislative process, and Standing Order 127 of the National Assembly, which provides for the submission of views by the public on Bills before the House.

Having reviewed the Creative Economy Support Bill No.30, I respectfully submit the following observations and objections:

1. Duplication of Funds without Addressing Access Issues

The Bill proposes the creation of a new Creative Economy Fund, yet does not address the challenges that have historically prevented creatives from accessing existing funds (e.g., Sports Arts and Social Development Fund, the Universal Fund, Youth Enterprise Development Fund, Women Enterprise Fund, etc.).

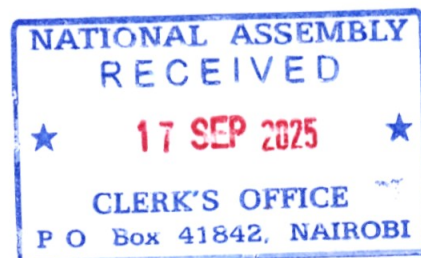
This contradicts the principles of Article 201 of the Constitution on public finance, which demands openness, accountability, and prudence in the use of public resources. Establishing another fund without harmonizing existing ones risks waste, duplication, and continued exclusion of creatives.

2. Ignoring the Crisis of Royalties for Kenyan creatives – Musicians, Writers, Actors

Kenya's largest creative sector—music—has suffered systemic exploitation. This week after 4 years of work, musicians have received a little KES 3,400 in royalties. The President has since directed that royalties be collected and disbursed via e-Citizen, a progressive step toward transparency.

Instead of capturing this landmark reform in law, the Bill sidesteps it, leaving the most urgent issue in the sector unresolved. This undermines Article 40 of the Constitution, which protects intellectual property rights, and the right of creators to enjoy the fruits of their labour.

Finlay Muniki
pls. bring to
the attention of
the committee
22/09/2025



3. Public Participation Ignored

During public participation, the Bill was overwhelmingly rejected by creatives due to its major shortcomings. This rejection is already captured in the Committee's minutes, the written and in person submissions stated clearly that we don't want a white elephant bill, the Kenya creative economy requires a Bill that will set the creative industries on a path to attracting investors, more job creation and world class arts being exported to other countries at a fair price taking advantage of Afcta, Comesa, Agoa and other bilateral agreements.

Failure to meaningfully incorporate public input contravenes Article 10(2)(a) and (c) of the Constitution on national values and principles of governance specifically public participation, good governance, transparency, and accountability

4. Weak Institutional Framework

The Bill envisions a National Creative Council but fails to provide for devolved structures. Given the wide scope and regional diversity of Kenya's creative industries, the Council cannot function effectively without County-level Creative Industry Boards.

This omission undermines the principle of devolution (Article 174 of the Constitution), which guarantees equitable access to services and decision-making at the grassroots.

5. Failure to Future-Proof the Law

The Bill does not reflect the pace of technological advancement or the emergence of new creative industries such as game development, animation, virtual reality, and digital content creation.

This is inconsistent with Article 259 of the Constitution, which requires that laws be interpreted and applied in a manner that develops the law and contributes to good governance, ensuring relevance for future generations.

6. Misalignment with National Development Goals

Kenya has committed to growing the creative economy to contribute at least 10% of GDP, yet the Bill's narrow, outdated, and duplicative approach undermines the efforts of the creative practitioners in playing our active role in Nation building.

A forward-looking Creative Economy Bill should:

- Harmonize existing funds instead of duplicating them.
- Legally secure reforms such as the eCitizen royalty collection system.
- Provide devolved structures for grassroots inclusion.
- Anticipate future technologies and new creative industries.

PRAYER

In light of the above, I respectfully urge the Clerk of the National Assembly to:

1. Return the Creative Economy Support Bill No.30 to the Committee for redrafting in line with the Constitution and public input.
2. Ensure that subsequent drafts comprehensively capture tenor and vibrancy of the creative economy - industries, harmonize access to existing funds, and strengthen fair and consistent royalty disbursements to creatives countrywide.
3. Guarantee meaningful engagement with creatives across counties to develop a future-proof Bill that truly reflects the scope, dynamism, and economic potential of Kenya's creative economy.

Kenya deserves a robust and visionary Creative Economy Bill—not a stop gap measure that risks entrenching the very challenges it seeks to solve.

Respectfully submitted,

Kimani Munene
14674222
0735195555

MEMORANDUM TO THE NATIONAL ASSEMBLY

On the Creative Economy Support Bill No.30 of 2023

Submitted under Article 118(1)(b) of the Constitution of Kenya, 2010
By: Kimani Munene 'George' | 14674222 | 0735195555.
The Creative Economy Ambassador.

17 September 2025

1. INTRODUCTION

This memorandum is submitted in exercise of the right to participate in the legislative process under Article 118(1)(b) of the Constitution and Standing Order 127 of the National Assembly.

The Creative Economy Support Bill No.30 is deeply flawed and cannot adequately serve Kenya's dynamic growing creative industries. It should be recommitted for redrafting in order to align with constitutional requirements, national development goals, and global standards.

2. KEY GROUNDS OF OBJECTION

a) Duplication of Funds Without Fixing Access Barriers

The Bill creates a 'new Creative Economy Fund', yet creatives no access to existing funds (Sports, Arts and Social Development Fund, Universal Fund, Youth Enterprise Fund, Women Enterprise Fund, which are well funded already.

This contradicts Article 201 (prudence, accountability, avoidance of duplication).

b) Failure to Address Royalties Crisis

Musicians, Kenya's largest creative group, this week received a standard payment of KES 3,400 in royalties after four years of not receiving royalties. Book publishers also receive numerous complaints from writers for lack of transparency and non-remittance of royalties. The President's directive that royalties be collected via eCitizen is a major reform, but the Bill ignores it, instead of codifying it into law.

Relevant Law: Article 40 (protection of intellectual property rights).

c) Ignored Outcome of Public Participation

Public participation feedback was overwhelmingly negative, as captured in Committee minutes. The bill received 88 written memoranda and nearly a similar number appeared in person at the senate, the message was strong and precise, the bill is not structured to solve any creative economy challenges but seems more keen on creating another layer of red tape to keep the creatives at the bottom of the barrel. In the senate committee minutes, the industry concerns were mentioned, ignored and other non-core matters discussed.

The Bill proceeds despite this, violating:

Article 10(2)(a) & (c) (national values of public participation, good governance, accountability).

Article 118(1)(b) (right to legislative participation).

Section 5, Parliamentary Powers and Privileges Act, 2017 (requirement to facilitate public engagement).

d) Weak Institutional Framework

The Bill establishes a National Creative Council, but no County-level industry boards.

This ignores grassroots realities and contravenes Article 174 (objects of devolution).

The role of the National Creative Council is not firmly specific on solving industry challenges, or creating opportunities for creatives, or enticing investors into the Kenya creative economy.

Creatives can't see the value the board is meant to unlock. What's their job?

e) Procedural Shortcomings

Standing Order 127(3) & (6): Committees must ensure Bills are constitutional, harmonized, and stakeholder-informed.

Standing Order 133: Deficient Bills may be recommitted before Third Reading.

Section 9, Parliamentary Powers and Privileges Act, 2017: Requires transparent handling of submissions.

3. RECOMMENDATIONS

That the Clerk of the National Assembly ensures the Bill is recommitted to the relevant Committee for comprehensive redrafting to:

1. Harmonize funds, addressing access challenges instead of duplication.
2. Legally entrench e-Citizen royalty collection and disbursement.
3. Provide county-level boards under the National Creative Council to ensure inclusivity.
4. Future-proof the law by capturing new industries (gaming, animation, digital content, AI-driven creative arts).
5. Ensure meaningful public participation as required by the Constitution and Standing Orders.

4. CONCLUSION

Kenya deserves a robust, future-proof Creative Economy Bill that secures livelihoods, Spurs growth of the creative industries, and positions Kenya as a continental creative hub.

The Creative Economy Support Bill No.30 in its current form falls far short of this vision.

Parliament must return it for redrafting in line with constitutional and national obligations.

Respectfully submitted,

Kimani Munene 'George'

14674222

0735195555