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THE INTERGOVERNMENTAL RELATIONS ACT
(Cap. 265F)

**THE INTERGOVERNMENTAL RELATIONS (SECTOR FORUMS)
REGULATIONS, 2026**

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THE INTERGOVERNMENTAL RELATIONS ACT
(Cap. 265F)

IN EXERCISE of the powers conferred by section 38(2)(e) of the Intergovernmental Relations Act, Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs, in consultation with the Summit, makes the following Regulations—

**THE INTERGOVERNMENTAL RELATIONS
(SECTOR FORUMS) REGULATIONS, 2026**

PART I—PRELIMINARY PROVISIONS

- Citation. 1. These Regulations may be cited as the Intergovernmental Relations (Sector Forums) Regulations, 2026.
- Interpretation. 2. In these Regulations, unless the context otherwise requires—
- Cap. 265. “County Executive Committee member” has a meaning assigned to it under section 2 of the County Government Act;
- Cap. 412A. “Intergovernmental Budget and Economic Council” means the Intergovernmental Budget and Economic Council established under section 187 of the Public Finance Management Act;
- “sector forum” means a consultative forum constituted by a Cabinet Secretary under regulation 4 pursuant to section 13(2) of the Act to consult on sectoral issues of common interest to the national government and county governments; and
- “sectoral issue” means a matter of common interest to the national government and a county government including policy, legislative or administrative strategies.
- Objective of the Regulations. 3. (1) The objective of these Regulations is to provide procedures for operationalising consultative sector forums pursuant to section 13(2) of the Act.
- (2) Despite the generality of subregulation (1), these Regulations are intended to provide—

- (a) for the constitution, operationalisation and functions of sector forums;
- (b) for the meetings of sector forums;
- (c) for the co-ordination of intergovernmental relations between the national government and county governments within each sector; and
- (d) a platform for co-operation and consultation between the national government and county governments to facilitate co-ordination in the implementation of policies and legislation.

Application of Regulations.

4. (1) These Regulations shall apply to sector forums convened by a Cabinet Secretary pursuant to section 13(2) of the Act.

(2) Each sector forum shall comprise of—

- (a) representatives from the relevant national government Ministry and State departments responsible for matters within that sector; and
- (b) representatives from the relevant county governments and county departments responsible for matters within that sector.

(3) For the purposes of these Regulations—

“sector” means a functional area of government that is aligned to a national government Ministry.

PART II—SECTOR FORUMS

Convening of sector forums.

5. (1) Pursuant to section 13(2) of the Act, a Cabinet Secretary shall, with the concurrence of the respective chairperson of the sector committee of the Council, convene a consultative forum on sectoral issues.

(2) The Cabinet Secretary shall be the chairperson of the sector forum and the chair of the sector committee of the Council shall be the co-chairperson.

(3) The Cabinet Secretary and the respective chairperson of the sector may, by notice in writing, convene a meeting of the forum meeting to discuss any matter relevant to the respective sector.

(4) A sector forum convened under this regulation may be a standing sector forum or an *ad hoc* sector forum, depending on the sectoral issue.

Membership of
sector forums.

6. (1) The membership of a sector forum convened under regulation 5 shall include —

- (a) the Cabinet Secretary responsible for the sector, who shall be the chairperson;
- (b) the respective chairperson of the sector committee in the Council, who shall be the co-chairperson;
- (c) four members drawn from the sector committee of the Council;
- (d) the relevant Principal Secretary or Principal Secretaries of the sector;
- (e) the Principal Secretary in the Ministry responsible for matters relating to intergovernmental relations;
- (f) the county executive committee member of each relevant county government responsible for the sector;
- (g) the Chief Executive Officer of the Council;
- (h) the Attorney-General or a representative designated in writing, who shall be an *ex officio* member; and
- (i) the chairperson of the Technical Committee or a representative designated in writing, who shall be an *ex officio* member.

(2) The sector forum may co-opt any other person or persons who, in the opinion of the members of the sector forum, has or have relevant technical expertise to assist in the determination of the matter at hand.

Functions of
sector forums.

7. (1) Each sector forum shall provide a platform for the national government and county governments to engage in discussions and make decisions on sectoral issues to enable the harmonisation of their approaches.

(2) Without prejudice to the generality of subregulation (1), a sector forum shall—

- (a) facilitate consultations and co-ordination of implementation of policies in a sector;
- (b) make recommendations aimed at improving service delivery at both levels of government;
- (c) promote data and information sharing between the two levels of government in the sector;
- (d) promote sharing of experiences, best practices, implementation of competencies and emerging

issues in the sector between the two levels of government;

- (e) make recommendations on the implementation of relevant sector plans, activities and programs in the sector;
- (f) make recommendations on relevant interventions to build the capacity of both levels of government in the sector;
- (g) make recommendations to improve the performance and efficient use of resources by both levels of government in the sector;
- (h) identify and prevent potential conflicts in intergovernmental relations in the sector before they become formal disputes;
- (i) receive and make decisions on the recommendations of the committees of the sector forum;
- (j) deliberate on reports from other intergovernmental structures on matters affecting the sector;
- (k) refer any unresolved matters to relevant intergovernmental structures for deliberation and possible resolution;
- (l) make recommendations to the Summit regarding sectoral issues; and
- (m) perform any other function that may be conferred on it by these Regulations or by any other written legislation.

Secretariats of
sector forums.

8. The chairperson and co-chairperson of the sector forum shall jointly designate a secretariat for the sector forum.

PART III—MEETINGS OF SECTOR FORUMS

Conduct of
business and
affairs of sector
forums.

9. (1) Except as provided in this Part, each sector forum may regulate its own procedure.

(2) Without prejudice to the generality of subregulation (1), a sector forum shall conduct and regulate its business and affairs as provided for in the Schedule to the Act, subject to the necessary modifications, and this Part.

Convening of meetings.

10. (1) The chairperson of a sector forum, in consultation with the co-chairperson, shall—

(a) determine the agenda of the meetings of the sector forum including the date, time and venue of the meeting; and

(b) convene the meetings of a sector forum.

(2) In the absence of the chairperson, the co-chairperson shall assume chairmanship of the meeting.

Special meetings.

11. (1) The chairperson or co-chairperson may, on written request or on his or her own motion, convene a special meeting of the sector forum.

(2) Where a written request to convene a special meeting is made, the chairperson or co-chairperson, as the case may be, shall convene the special meeting within seven days upon receipt of the request.

Number and notice of meetings.

12. (1) Each sector forum shall hold meetings at least four times in each year but may hold such additional meetings as may be necessary to transact the business of the sector forum.

(2) Except in the case of a special meeting, a written notice of a meeting of a sector forum shall be issued to each member of the sector forum.

Quorum

13. (1) The quorum for the conduct of the business of a meeting of a sector forum shall be a majority of the total membership including the chairperson and the co-chairperson.

(2) The *ex officio* members of a sector forum shall not be counted when determining the quorum for a meeting of the sector forum.

Joint sector meetings.

14. A sector forum may hold a joint sitting with any other sector forum on any matter of common interest for the effective discharge of its mandate.

Attendance by non-members

15. A sector forum may invite a person who is not a member of the sector forum to attend and participate at a sitting of the sector forum for a specified period but such person shall not be entitled to vote.

Committees of a sector forum.

16. (1) A sector forum may establish such number of committees as it may deem appropriate to perform such functions and responsibilities as it may determine and on a need basis.

(2) A sector forum shall appoint the chairperson of a committee established under subregulation (1) from amongst its members.

(3) A sector forum may, where it deems appropriate, co-opt any person to attend the sittings of any of its committees.

(4) The decisions by the committees appointed under sub-regulation (1) shall be ratified by the respective sector forum.

Decisions of a
sector forum.

17. (1) The decision of a sector forum shall—

(a) be recorded in writing and shall be jointly signed by the chairperson and co-chairperson of the sector forum; and

(b) as much as practicably possible, be by consensus and reflect the constitutional principles set out in Articles 6 and 189 of the Constitution.

(2) The sector forum shall determine the timelines for implementation of its decisions.

(3) The chairperson shall, within seven days of a decision by the Forum, communicate the decision in writing to—

(a) the Ministry in the national government for the time being responsible for matters relating to the sector;

(b) the Principal Secretary in the State department for the time being responsible for matters relating to intergovernmental relations;

(c) the Council;

(d) the relevant county government;

(e) the Technical Committee; and

(f) any other relevant stakeholder.

PART IV—MISCELLANEOUS PROVISIONS

Referral to
Intergovernmental
Budget and
Economic Council
or Summit.

18. Where a sector forum has fully considered a matter but is unable to reach a decision, the matter shall be referred to the Intergovernmental Budget and Economic Council or, as appropriate, to the Summit for determination.

Monitoring of the
implementation of
decisions.

19. (1) The Cabinet Secretary responsible for matters relating to intergovernmental relations shall monitor implementation by the national government of the decisions and resolutions of sector forums.

(2) The Council shall monitor implementation by county governments of the decisions and resolutions of sector forums.

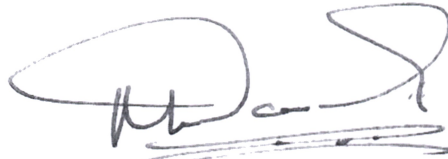
Report by a sector
forum.

20. The chairperson and co-chairperson of each sector forum shall prepare a report for the respective sector forum and submit it to the Intergovernmental Budget and Economic Council and Summit, as appropriate.

Financing of
sector forum.

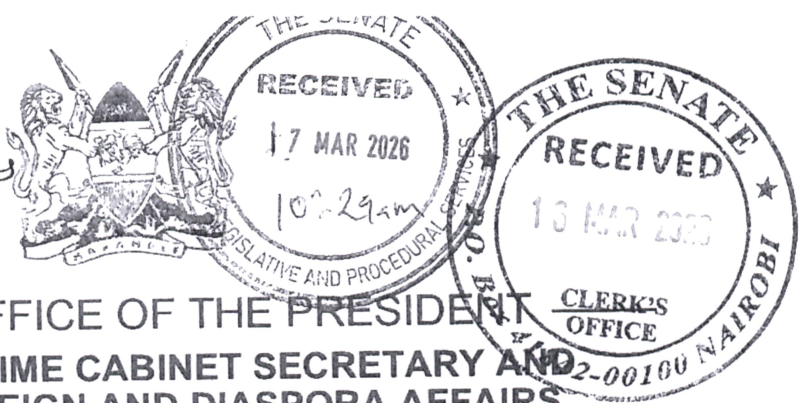
21. The operational costs of each sector forum shall be defrayed from the funds of the responsible Ministries, State departments, county governments and county departments.

Made on the ...12th March, 2026.



Hon. Dr. Musalia Mudavadi
Prime Cabinet Secretary and Cabinet Secretary for
Foreign and Diaspora Affairs.

1. noting the previous
debates on the question of
Draft Regulations



Shiraz
17/3/26

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE PRIME CABINET SECRETARY AND
MINISTRY OF FOREIGN AND DIASPORA AFFAIRS**

When replying please quote

Ref. No. **EOP/OPCS/ADM/GEN/1/2**

Date **12th March 2026**

Mr. Jeremiah M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI



DDPS
Please deal
MA
17/3/26

Dear Jeremiah,

**SUBMISSION OF THE DRAFT INTERGOVERNMENTAL RELATIONS
(SECTOR FORUMS) REGULATIONS, 2026**

The subject matter refers.

Pursuant to section 38(3) of the Intergovernmental Relations Act (Cap. 265F, laws of Kenya), it is my pleasure forwarding herewith, the draft Intergovernmental Relations (Sector Forums) Regulations, 2026 for laying before the Senate for approval. Also enclosed is an Explanatory Memorandum.

The Regulations, with approval of the National and County Government Co-ordinating Summit, provide a framework for establishment and conduct of business of sector forums as key intergovernmental structures under the Intergovernmental Relations Act (Cap. 265F, laws of Kenya).

Yours Sincerely,

H.E. Dr. Musalia Mudavadi, EGH
PRIME CABINET SECRETARY AND CABINET SECRETARY

3 Ms. Kavata
please confirm
publication stat
of these Regulations
and process for
tabling. 201
17/03/26

Encl.

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5 DDLPs (2m)
The right procedure
has been followed in
proposing the Regulations
for tabling in the Senate. See
the Intergovernmental Relations Act (Cap. 265F).

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Note Adm (3) and
expdise
Kavata
17/3/2026

Copy to: **Dr. Christopher K. Wanjau, PhD, MBS**
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**REPUBLIC OF KENYA
OFFICE OF THE DEPUTY PRESIDENT
STATE DEPARTMENT FOR DEVOLUTION**

**EXPLANATORY MEMORANDUM TO THE INTERGOVERNMENTAL
RELATIONS (SECTOR FORUMS) REGULATIONS, 2026**

PART I

Name of the Statutory Instrument: Intergovernmental Relations (Sector Forums) Regulations, 2026

Name of the Parent Act : Intergovernmental Relations Act Chapter 265F

Enacted Pursuant to : Sections 38(2)(e) of the Intergovernmental Relations Act Cap 265F

Name of the Office: Office of the Deputy President

Department: State Department for Devolution

Gazetted on : To be advised by the Hon. Attorney-General

Tabled on: Upon Publication

PART II

1. Purpose of the Statutory instrument

The purpose of the Statutory Instrument is to promote the effective intergovernmental relations through the provision of procedures for operationalizing consultative sector forums. They prescribe the constitution, operationalisation and functions of sector forums; the meetings of the sector forums; the coordination of intergovernmental relations between the national government and county governments within each sector; the frequency of meetings and the procedures for adopting and implementing the decisions of the forum.

2. Legislative Context

- 2.1. The Intergovernmental Relations Act Cap 265F is the principal legislation which regulates the relationship between the two levels of government. It seeks to bring into effect the provisions of Article 189 by providing a framework for consultation and cooperation between the national government and county governments and different governments at the county level.
- 2.2. Section 38(2)(e) of the Act, empowers the Cabinet Secretary responsible for intergovernmental relations to make Regulations to constitute intergovernmental forums on sectoral issues of common interest to the national and county governments.

3. Policy Background

- 3.1. The Constitution of Kenya establishes a devolved system of governance, and creates two levels of government: national and county and pursuant to Article 189 (2), Governments at each level and different governments at the county levels must co-operate in the performance of functions and exercise of powers.
- 3.2. Interaction and interdependence between levels of government is integral to every devolved system of governance. A forum that brings the two levels of government together to deliberate on an issue affecting a sector is therefore critical in facilitating exchange of relevant information among levels of governments, leading to a better understanding of respective objectives and constraints in each functional area.
- 3.3. The State Department for Devolution in realization of the pivotal role played by the sectoral forums in facilitating structured dialogue on key issues of common interest established 18 intergovernmental sectoral forums based on national government ministries.
- 3.4. The operationalisation of the sector forums as established by the Ministry has faced shortcomings related to the composition of the forums, the lack of clarity over the decision-making within the forum, and inadequate mechanisms for implementation of the decisions of the forum and the lack of clarity on the funding mechanisms for the forum.

3.5. The Regulations are aimed at addressing the shortcomings of the existing intergovernmental sector forums by institutionalizing the sector forums by prescribing the composition of the forums, establishing technical structures to support the forum, introducing regularity of meetings and a procedure for adopting resolutions.

4. Public Consultations

- 4.1. Pursuant to Article 10 of the Constitution, the State Department for Devolution consulted with all key stakeholders, who were likely to be affected by the proposed Regulations over a period of 61 days. The consultations were conducted between 20th August 2019 and 19th October 2019.
- 4.2. The Ministry, by a letter dated 2nd August 2019, invited all County Governments, National Government Ministries and Independent Offices to present their views on the draft Regulations. Subsequently, the Ministry held public hearings on the draft Regulations in five regions as follows;

Region	Venue	Date
Nyanza and Western Region	Grand Royal Swiss Hotel, Kisumu,	20 th August 2019
Central Region	White Rhino Hotel, Nyeri,	27 th August 2019
Rift Valley Region	Water Buck Hotel, Nakuru	22 nd August 2019
Nairobi Region	• Laico Regency Hotel, Nairobi • Laico Regency Hotel, Nairobi	29 th August 2019 19 th September 2019
Coast Region	Bamburi Beach Hotel, Mombasa	3 rd September 2019

- 4.3. Additionally, the Ministry conferred with the National Assembly Standing Committee on Delegated Legislation on 5th October 2019 and the Senate Sessional Committee on Delegated Legislation on 19th October 2019 and received further input into the Regulations from the Members of Parliament.
- 4.4. The stakeholders acknowledged that the sector forums will enhance good working relationship between the two levels of government by ensuring. Some of the participants noted that the composition of the sector forums was too big and proposed for reduction of the membership to facilitate effective deliberations and decision making at the sector forum.
- 4.5. The State Department for Devolution, through the guidance of a consultant, and in collaboration with the Office of the Attorney General, Kenya Law Reform Commission, Council of Governors and the Intergovernmental Relations Technical Committee held workshops on 22nd – 28th October 2019 in Mombasa and 2nd – 5th March 2020 in Naivasha to consider the views of the stakeholders and incorporate the input of the stakeholders into the final draft of the Regulations.
- 4.6. The Intergovernmental (Sector Forums) Regulations, 2026 were tabled before the Summit for approval on 10th December, 2025 as required under Section 38 (1) of the Intergovernmental Relations Act. The Summit resolved to adopt the draft Regulations subject to the same being amended to provide for the Cabinet Secretary for the respective sector and the chair person of the Council of County Governors for the respective sector shall co -chair the meetings; that either co-chair may convene the sector forums with the concurrence of the other, and that the forums shall be convened quarterly and when need arises.

5. Guidance

The State Department for Devolution will sensitize key stakeholders including County Governments, National Government Ministries and Independent Offices on the provisions of the Regulations and the monitoring and evaluation mechanism, to ensure that the sector forums serve the purpose for which they have been made.

6. Impact

- 6.1. **The Impact on Fundamental Rights and Freedoms:** These Regulations do not limit fundamental rights and freedoms
- 6.2. **The impact on the Private Sector:** These Regulations will strengthen Intergovernmental Relations by enhancing communication and consultation between both levels of government therefore promoting good governance and transparency. This will have a positive impact on national economic growth and performance including creating an enabling environment private sector actors' growth.
- 6.3. **The impact on the Public Sector:** Lack of consultation and cooperation in intergovernmental relations poses a risk of underperformance, lack of responsibility and accountability. The Intergovernmental consultative forums will reduce overlaps and duplication of efforts and generally enhance consultation and Information-sharing between levels of governments, which are critical elements of co-operative governance.

7. Monitoring and review

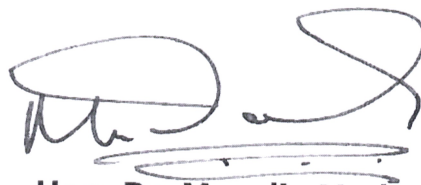
- 7.1. The State for Devolution shall monitor the implementation of the Regulations on the establishment of Intergovernmental sector forums in National Government Ministries and County Governments.

8. Contact

- 8.1. The contact person at the State Department for Devolution is **Michael Lenasalon, Principal Secretary, State Department for Devolution.**

Email: devolutionps@gmail.com

Dated this 12th day of March 2026



Hon. Dr. Musalia Mudavadi
Prime Cabinet Secretary and Cabinet Secretary
for Foreign and Diaspora Affairs