



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION (2026)

*Approved*  
*SNA*  
*18/6/26*

PARLIAMENT  
OF KENYA  
LIBRARY

COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY

REPORT ON THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 47 OF 2025)

JUNE 2026

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| <br><b>THE NATIONAL ASSEMBLY<br/>PAPERS LAID</b> |                                      |
| <b>DATE: 18 JUN 2026</b>                                                                                                              |                                      |
| <b>DAY: THUR</b>                                                                                                                      |                                      |
| <b>TABLED<br/>BY:</b>                                                                                                                 | HON. DANIEL NAROK, MP<br>CHAIRPERSON |
| <b>CLERK-AT<br/>THE-TABLE:</b>                                                                                                        | V. WAMBUI                            |

Directorate of Audit, Appropriations & General Purpose Committees  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
NAIROBI



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## **LIST OF ACRONYMS AND ABBREVIATIONS**

|        |   |                                                                  |
|--------|---|------------------------------------------------------------------|
| CEO    | - | Chief Executive Officer                                          |
| KNLS   | - | The Kenya National Library Services                              |
| KPA    | - | The Kenya Publishers Association                                 |
| MCK    | - | Media Council of Kenya                                           |
| NGEC   | - | National Gender and Equality Commission                          |
| UNESCO | - | United Nations Educational, Scientific and Cultural Organization |

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## CHAIRPERSON'S FOREWORD

The Books and Newspapers (Amendment) Bill (National Assembly Bill No. 47 of 2025) sponsored by the Chairperson of the Select Committee on Parliamentary Broadcasting and Library, Hon. Daniel Epuyo Nanok, M.P., seeks to amend section 6 of the Books and Newspapers Act, Cap 111, in order to require the deposit of published works in the Parliament of Kenya Library.

Most Parliament libraries in the world also serve as national libraries. Some examples include the Parliaments of South Korea, Indonesia, South Africa and the United Kingdom. Currently, the Books and Newspaper Act provides for the deposit and registration of books and newspapers published in Kenya to the Kenya National Library Services (KNLS) and the Registrar of Books and Newspapers.

The Bill was published on 16<sup>th</sup> October 2025, and read a First Time in the House on Wednesday, 11<sup>th</sup> February 2026. Pursuant to Standing Order 127 (2), the Bill was committed to the Select Committee on Parliamentary Broadcasting and Library for consideration and facilitation of public participation as provided for in the Standing Order 127 (3).

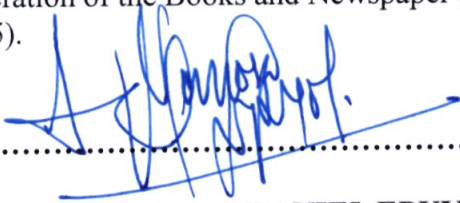
The Committee placed advertisements in print media on 14<sup>th</sup> February 2026, seeking views on the Bill as required by Article 118 (1) (b) of the Constitution of Kenya 2010 and the National Assembly Standing Orders 127 (3).

The Committee received written and oral submissions on the Bill. In total, the Committee received memoranda on the Bill from eight (8) stakeholders.

The Committee, having considered the Books and Newspapers (Amendment) Bill (National Assembly Bill No. 47 of 2026), recommends that the House approve the Bill with amendments. The Committee is grateful to the offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to Honourable Members of the Committee and the Committee secretariat for their resilience and commitment to duty, which made the consideration of the Bill successful. May I also, on behalf of the Committee, thank the members of the public and stakeholders who submitted memoranda on the Bill; their views informed its content.

On behalf of the Committee and pursuant to provisions of Standing Order 137(1) and 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Books and Newspaper (Amendment) Bill (National Assembly Bill No. 47 of 2025).

Signed.....Date.....



17<sup>th</sup> June, 2026

**HON. DANIEL EPUYO NANOK, CBS, M.P.**  
**CHAIRPERSON, COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY**



## PART ONE

### I PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Committee on Parliamentary Broadcasting and Library is established by Standing Order 212D of the National Assembly and is mandated to:
  - i. consider and report on all matters relating to broadcasting of the proceedings of the House;
  - ii. advise the House on matters related to public participation;
  - iii. make reports and recommendations to the House, including proposed legislation on matters relating to broadcasting of House proceedings;
  - iv. recommend to and advise the House on matters related to the provision of library, publications and research services in Parliament, including improvement of the library and research services; and
  - v. assist Members in utilizing the facilities provided by the library and research services, including the use of information and communication technology.

#### 1.2 Committee Membership

2. The Committee on Parliamentary Broadcasting and Library comprises the following Members:

##### **Chairperson**

Hon. Daniel Epuyo Nanok, CBS, M.P.  
Turkana West Constituency

**United Democratic Alliance Party**

##### **Vice-Chairperson**

Hon. (Eng.) John Kiragu Chege, CBS, M.P.  
Limuru Constituency

**United Democratic Alliance Party**

Hon. Waqo Naomi Jillo, CBS, M.P.  
Marsabit County

**United Democratic Alliance Party**

Hon. Ahmed Shakeel Ahmed Shabbir, CBS,  
M.P.

Kisumu East

**Independent**

Hon. Kombe, Harrison Garama, M.P.  
Magarini Constituency

**Orange Democratic Movement Party**

Hon. James Gakuya Mwangi, M.P.  
Embakasi North Constituency

**United Democratic Alliance Party**

Hon. John Waluke Koyi, CBS, M.P.  
Sirisia Constituency

**Jubilee Party**

Hon. Rindikiri Mugambi Murwithania, CBS,  
M.P.

Buuri Constituency

**United Democratic Alliance Party**

Hon. Adams Kipsanai Korir, M.P.  
Keiyo North Constituency

**United Democratic Alliance Party**

Hon. Gachobe Samuel Kinuthia, M.P.  
Subukia Constituency

**United Democratic Alliance Party**

Hon. Anthony Kenga Mupe, M.P.  
Rabai Constituency

**Pamoja African Alliance Party**

Hon. Phelix Odiwuor Khodhe, M.P.  
Langata Constituency

**Orange Democratic Movement Party**



Hon. Abdirahman Mohamed Abdi, M.P.  
Lafey Constituency  
**Jubilee Party**

Hon. Edward Muriu Wakili, MP  
Gatanga Constituency  
**United Democratic Alliance Party**

Hon. (Dr.) Charles Onchoke Mamwacha, M.P.  
Bonchari Constituency  
**United Progressive Alliance Party**

Hon. Nguro Onesmus Ngogoyo, M.P.  
Kajiado North  
**United Democratic Alliance Party**

Hon. (CPA) Rutto, Julius Kipletting, M.P.  
Kesses Constituency  
**United Democratic Alliance Party**

Hon. Suzanne Ndunge Kiamba, M.P.  
Makueni Constituency  
**Wiper Democratic Movement Party**

Hon. Talib Ahmed Abubakar, MP  
Nominated  
**Wiper Democratic Movement Party**

Hon (CPA) Mwangi, Geoffrey Wandeto, M.P.  
Tetu Constituency  
**United Democratic Alliance Party**

Hon. Salasya, Peter Kalerwa, M.P.  
Mumias East Constituency  
**The Democratic Action Party-Kenya**

### 1.3 Committee Secretariat

3. The Secretariat supporting the Committee comprises the following staff:

- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
| 1) Ms. Jane G. Ouko        | - | Clerk Assistant II                |
| 2) Mr. Silas Korir Lomutur | - | Research Officer III              |
| 3) Ms. Mercy Wanyonyi      | - | Principal Legal Counsel II        |
| 4) Ms. Caroline Waweru     | - | Hansard Reporter II               |
| 5) Ms. Mercy Mayende       | - | Media Relations Officer III       |
| 6) Ms. Mary Kamande        | - | Public Communications Officer III |
| 7) Ms. Jacinta Maru        | - | Serjeant-at-Arms                  |

## PART TWO

### 2 CONSIDERATION OF THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2025)

#### 2.1 Background Information

4. Publication plays an important role in advancing social, economic, and professional development. It plays a central role in promoting educational standards, fostering innovation, and disseminating data for informed decision-making. Publications are essentially preserved and stored in national libraries, academic libraries, archives, and digital repositories. In Kenya, Section 6 of the Books and Newspapers Act, Cap 111, mandates publishers to deliver to the Registrar of Books and Newspapers and the KNLS copies of published books and newspapers.
5. However, the Act is silent on the centrality of the Parliamentary Library as a national repository. The Parliament of Kenya Library serves Members of Parliament, parliamentary staff, and the public with timely, accurate, and relevant information, which is, to a great extent, legislative records and government publications.
6. The Books and Newspapers (Amendment) Bill seeks to expand the scope of the library by ensuring that it becomes a repository of all books and newspapers published in Kenya. This will strengthen Parliament's institutional knowledge base, enhance research capacity, and support evidence-based legislative processes.
7. In addition to national libraries, many countries have parliamentary libraries that serve as legal repositories of books. Some of these include:
  - i. **South Africa:** The Parliament of South Africa Library serves as a legal deposit repository, helping to preserve national literature.
  - ii. **South Korea and Indonesia:** In these countries, the National Assembly Library of Korea and the Library of the Parliament of Indonesia act as major legal deposit institutions.
  - iii. **United Kingdom:** While the British Library is the main legal deposit library, other Parliament-related libraries may request materials under the Legal Deposit Libraries Act 2003.
8. The Bill aims to:
  - i. Require the Parliament of Kenya Library to receive printed and published books;
  - ii. To maintain a digital repository of publications; and
  - iii. To eliminate the reference to Kenya as *the Colony*, which is obsolete.

#### 2.2 Analysis of the Bill

9. The Bill seeks to amend section 6 of the Books and Newspapers Act, Cap 111, to ensure that –
  - (i) a publisher of a book printed or published in Kenya delivers, within fourteen (14) days after publication of the book, at his or her own expense, to the **Clerk of the Senate**, in addition to the Registrar of Books and Newspapers, such number of copies of the book, not exceeding three (3) in number;
  - (ii) upon receipt of a copy of a book delivered under this section, the Clerk of the Senate **acknowledges receipt** in writing to the publisher;



(iii) the copies of books delivered to the Registrar and the Clerk of the Senate are **kept for record purposes or otherwise dealt** with in such a place or manner as may be deemed necessary; and

(iv) a publisher of a book, in addition to the delivery of copies of books under this section, submits a **digital copy** of the book to the **Registrar, the Kenya National Library Services, the Kenya National Archives and the Clerk of the Senate**.

10. Additionally, the Bill seeks to amend sections 6, 14 and 17 of the Books and Newspapers Act, Cap 111, by deleting any reference to the words “the Colony” and substituting therefore the word “Kenya”.

## **2.3 Public Participation in the Review of the Bill**

11. The Bill was published on 16<sup>th</sup> October, 2025, and read a First Time in the House on Wednesday, 11<sup>th</sup> February, 2026. Pursuant to Standing Order 127 (2), the Bill was committed to the Select Committee on Parliamentary Broadcasting and Library for consideration and facilitation of public participation as provided for in Standing Order 127 (3).

12. The Committee placed advertisements in print media on February 14, 2026, seeking views on the Bill as required by Article 118 (1) (b) of the Constitution and the National Assembly Standing Order 127 (3). The Committee received written submissions from two (2) stakeholders: the National Gender and Equality Commission (NGEC) and Mr. Collins Odhiambo Lusi.

13. It also invited the Registrar General, the National Archives and Documentation Services, the Media Council of Kenya, the Kenya Publishers Association, the Kenya National Library Services, as well as the Directorate of ICT and Library Services – Parliamentary Service Commission for engagement meetings on the Bill, which were held within Parliament buildings. In total, the Committee received oral submissions from six (6) stakeholders.

## **PART THREE**

### **3 PUBLIC PARTICIPATION**

14. Following the call for memoranda and the invitation of stakeholders for meetings, the Committee received memoranda from the following stakeholders:

- i. The Registrar General;
- ii. The Kenya National Archives and Documentation Services;
- iii. The Kenya National Library Services;
- iv. The Kenya Publishers Association;
- v. Kenya Media Council;
- vi. The Directorate of ICT and Library Services – Parliamentary Service Commission;
- vii. National Gender and Equality Commission; and
- viii. Mr. Collins Odhiambo Lusi

15. The stakeholders submitted as follows:

#### a) The Registrar General

16. The Registrar General, in her submission, observed that the Books and Newspapers (Amendment) Bill, 2025, is a timely and commendable initiative that will strengthen the Parliament of Kenya Library as a national repository of knowledge and enhance access to information for legislative, research, and public enlightenment purposes.
17. However, she noted the need for broader legislative considerations. She informed the Committee that the Books and Newspapers Act, Cap. 111 (Laws of Kenya) was enacted in 1960 to provide for the registration, deposit, and regulation of books and newspapers and to establish a framework for accountability within the publishing sector. More than six decades later, the Act has become outdated and fragmented. In light of significant developments in publishing, information management, and digital dissemination, the current legal framework no longer adequately addresses contemporary realities.
18. The Registrar General, therefore, observed that, rather than amending isolated provisions of the Act, there is an urgent need to undertake a comprehensive legislative review aimed at establishing a modern and cohesive legal framework and aligning the law with the Constitution. Such a framework would streamline, strengthen and rationalize the registration and regulation of books and newspapers in a manner that reflects present-day publishing practices.
19. She further informed the Committee that the Office of the Attorney General has already initiated a process to repeal the current Books and Newspapers Act, Cap. 111, through the development of a Zero Draft of the Registration of Books and Newspapers Bill, 2021, which was submitted for the Committee's consideration. This initiative underscores the urgency and importance of undertaking a holistic reform of the existing law.
20. The Registrar General highlighted several areas requiring review, including:
  - i. **Digital inclusion:** Extending the scope of the law to cover e-books, online newspapers, blogs and digital archives.
  - ii. **Modernization:** Replacing the requirement for physical deposit copies with electronic submissions.
  - iii. **Expanded scope:** Ensuring that the law covers the registration and regulation of books, newspapers and magazines printed or published both within and outside Kenya.
  - iv. **Scope clarification:** Narrowing the definition of "book" to avoid over-regulation of pamphlets and minor publications.
  - v. **Legal framework:** Providing a clear statutory basis for the registration and regulation of books, newspapers and magazines in Kenya.
  - vi. **Procedural clarity:** Establishing transparent procedures for the registration of publications.
  - vii. **Information system:** Creating and maintaining a comprehensive and reliable Books, Newspapers and Magazines Information System.
  - viii. **Registrar's role:** Clearly defining the powers and functions of the Registrar to ensure effective oversight.



- ix. **Supporting provisions:** Strengthening mechanisms relating to the evidentiary value of certified copies, inspection of the register, powers of investigation, general offences and penalties, service of notices, and the right of appeal.

21. In conclusion, the Registrar General reiterated that while the proposed amendments address specific provisions of the Act, it would be more beneficial to undertake a comprehensive review of the entire legislation. Such a holistic review would enable Parliament to determine whether the Act remains fit for purpose, aligns with current policy priorities, and reflects contemporary social and economic realities. It would also facilitate the development of a progressive framework for regulating publications in the digital era, ensuring that reforms are not only responsive but also forward-looking and capable of providing a stronger and more coherent legal framework.

**Committee's Observation/Recommendation**

*The Committee observed that a comprehensive legislative review of the Books and Newspapers Act, Cap.111, should be undertaken with the aim of establishing a modern and cohesive legal framework and aligning the law with the Constitution. The Committee further resolved to review the Zero Draft of the proposed Registration of Books and Newspapers Bill, 2021 submitted by the Registrar.*

**b) The Kenya National Archives and Documentation Services**

22. The Director of the Kenya National Archives and Documentation Services, in his submission, informed the Committee that the Kenya National Archives is established under an Act of Parliament, the Public Archives and Documentation Service Act, Cap 19, to provide for the preservation of public archives and public records, and for related purposes.
23. Reference was made to Section 5(1) of the Act, which requires every Principal Secretary, Head of a Government Department, or Chief Executive Officer of a State Corporation or Local Authority to supply the Director with two (2) copies of any published or generally circulated document or report produced by that office for permanent preservation and posterity.
24. He observed that under the current Act, private publishers are not obligated to supply copies of their works to the National Archives, which creates a gap in the preservation of the country's documentary heritage. The proposed amendment would therefore ensure the systematic preservation of publications for historical record, research, and posterity.
25. The Kenya National Archives expressed support for the proposed amendment, and recommended that Clause 2(c)(i) of the Bill be revised to provide that a publisher of a book shall, in addition to delivering copies of the book to the Clerk of the Senate as required under the section, also supply two(2) copies of the book to the Kenya National Archives for purposes of preservation and posterity.



### **Committee's Observation/Recommendation**

*The Committee rejected the proposed amendment, noting that section 3 of the Public Archives and Documentation Service Act, Cap 19, establishes the Kenya National Archives to provide for the preservation of public archives and public records.*

#### **c) The Kenya National Library Services (KNLS)**

26. The Kenya National Library Services Chief Executive Officer (CEO) submitted that while the Act has historically served as an important regulatory function in relation to printed publications, it was enacted in 1960 and does not adequately address the realities of digital publishing and born-digital content in the modern information environment.
27. He asserted that the proposed amendments present an opportunity to review the legal deposit framework in line with constitutional principles, international best practices, and Kenya's digital transformation agenda.

### **Proposed Amendments**

KNLS proposed the following amendments:

#### **Definitions**

28. Expand definitions of "book", "newspaper", and "print", primarily in relation to visible printed matter. Additionally, insert definitions for:
- (i) **Digital publication** – any book, newspaper, journal, magazine, report, database, website, blog, social media publication, e-book, PDF, audiobook, or other work made available to the public in electronic form, whether online or offline.
  - (ii) **Electronic format** – any format stored or transmitted in digital form.
  - (iii) **Online publication** – a publication made available to the public through the internet.
  - (iv) **Publisher** – to include self-publishers and online content creators.

#### **Justification**

29. The Act does not recognize digital publishing. This creates a major legal gap and excludes born-digital content from preservation.

### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment to define the term "digital publication" so as to provide clarity on the same since the term has been used in the Bill.*

#### **Section 6(1) – Mandatory Deposit of Digital Publications**

30. There is no provision for the deposit of electronic or online publications. Insert a new provision requiring that the publisher of every digital publication made available in Kenya shall, within fourteen (14) days, deposit with KNLS one (1) electronic copy in the prescribed format.

#### **Justification**

31. This aligns Kenya with international legal deposit standards (UK, South Africa, Australia) and protects born-digital heritage from permanent loss.

### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment, noting that the Books and Newspapers Act, Cap. 111 and the Bill do not provide for the deposit of electronic or online publications.*

#### **Section 6(1)(c) – Strengthening National Bibliography**

32. The Act links to the national bibliography but does not comprehensively define KNLS's bibliographic authority. Amend to mandate publication of the National Bibliography in both print and digital form.

#### **Justification**

33. Strengthens bibliographic control and aligns with international library standards.

### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment.*

#### **Section 6 – Audiovisual & Multimedia Deposit**

34. The scope is limited to books and newspapers. Expand scope to include audiobooks, podcasts, documentary films, educational videos, sound recordings and e-learning materials.

#### **Justification**

35. Modern documentary heritage includes multimedia formats.

### **Committee Observations and Recommendations**

*The Committee agreed to redefine the word "books" to provide clarity on what constitutes a digital publication. Further, the Committee observed that podcasts, documentary films, educational videos and sound recordings are not books but broadcasts, hence not within the jurisdiction of the Books and Newspapers Act, Cap.111*

#### **Section 9 – Revision of Penalties**

36. Monetary fines, for example, Kshs 10,000, are outdated and not deterrent. Penalty scale should be aligned with inflation, introduce administrative penalties for digital non-compliance and establish graduated enforcement mechanisms.

#### **Justification**

37. Enhances enforceability and reflects current economic realities.

### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment, noting that the fines provided in the Books and Newspapers Act, Cap.111 are outdated and not deterrent.*

#### **Section 6(1)(d) – Mandatory Deposit of Government-Funded Publications**

38. There is no explicit obligation for publicly funded works in digital format. Insert a clause requiring that any publication produced using public funds be subject to mandatory deposit in both print and digital formats.



### **Justification**

39. Ensures preservation of publicly financed knowledge outputs.

### **Committee Observations and Recommendations**

*The Committee rejected the proposed amendment, noting that section 5 of the Books and Newspapers Act, Cap.111 exempts the application of Part II of the Act (the deposit and registration of books and newspapers) to any book or newspaper printed or published by or on behalf of the Government.*

### **Section 1 – Structural Modernization (Renaming the Act)**

40. The title “Books and Newspapers Act” should be renamed to “Legal Deposit Act.”

### **Justification**

Reflects a comprehensive legal deposit framework and a broader national heritage mandate beyond books and newspapers.

### **Committee’s Observation and Recommendation**

*The Committee rejected the proposed amendment, noting that the Short Title of the Books and Newspapers Act, Cap. 111 could not be changed as the object of the Act is to make provision for the registration and deposit of books and newspapers, for the printing of books and newspapers, and for the execution of bonds by printers and publishers of newspapers. Additionally, the Short Title of the Act speaks to the contents of the Act, which have not substantially changed.*

### **d) The Kenya Publishers Association**

41. The Kenya Publishers Association (KPA), acting as the umbrella body for publishers in Kenya, acknowledged the Committee’s efforts to modernize the legal deposit framework through the Books and Newspapers (Amendment) Bill, 2025.
42. While they supported the objective of building a comprehensive national repository of published works, they expressed significant concern that certain provisions within the Bill carried unintended negative consequences for the sustainability and competitiveness of the industry.
43. In their submissions, KPA raised key issues and industry concerns as follows:

### **Increased Cost Burden on Publishers**

44. The Bill mandates publishers to submit multiple physical copies to various institutions, including the Registrar, the Clerk of the Senate, the Kenya National Library Service, and the National Archives. They observed that this requirement will significantly increase production and distribution costs. Consequently, the Association noted that smaller publishers and independent authors will be disproportionately affected by these overheads.

### **Mandatory Digital Submission**

45. The requirement for digital copies introduces new and complex compliance obligations. They highlighted an increased risk of intellectual property breaches and piracy. In addition,



they expressed concerns regarding the absence of defined protocols for data protection, storage, and access control.

#### **Tight Compliance Timelines**

46. The mandate to deposit copies within fourteen (14) days of publication imposed severe operational pressure. This timeframe threatened disrupting publishing schedules and required excessive logistical coordination across multiple offices.

#### **Expansion of Regulatory Oversight**

47. That the inclusion of additional state actors, such as the Clerk of the Senate, will expand the regulatory framework leading to concerns regarding potential bureaucratic delays and overregulation, risks of perceived censorship and coordination gaps between the involved institutions.

#### **Severe Penalties for Non-Compliance**

48. The Bill proposes heavy fines and imprisonment for failures in compliance. These penalties are disproportionate to administrative breaches and create a high-risk environment that discourages innovation.

#### **Impact on Industry Growth**

49. That the cumulative effect of the provisions might raise barriers to entry, reduce local content production, and encourage informal or unregulated publishing practices. Further, while the preservation of Kenya's intellectual output remained a national priority, any framework has to be balanced and supportive of industry growth.

50. However, the Association did not oppose the Bill in principle but called for critical amendments to ensure the legislation remains practical and fair. Further, they made the following recommendations:

- (i) **Rationalization of Deposits:** recommended a reduction in the number of mandatory physical copies and suggested that secured digital editions should suffice.
- (ii) **Digital Frameworks:** establish secure repositories with guaranteed protections for copyright and data security.
- (iii) **Timeline Flexibility:** extend the deposit timeline from fourteen (14) days to at least twenty-eight (28) days to allow for phased compliance.
- (iv) **Review of Sanctions:** replace punitive measures with administrative fines and compliance support systems.
- (v) **Streamlining Roles:** clearly define institutional roles to avoid duplication, proposing that registration details be shared electronically between agencies to reduce physical logistics.
- (vi) **Support for Emerging Publishers:** introduce exemptions or scaled requirements for small and startup publishers.

#### **Committee's Observation and Recommendation**

*The Committee agreed to the proposed amendments to have a digital framework to protect publishers from piracy, to extend the deposit timeline from fourteen (14) days to twenty-one (21) days and to review the fines provided in the Books and Newspapers Act,*

*Cap.111. Additionally, the Committee agreed to streamline the process of depositing books by publishers to provide for the deposit of the required copies to the Registrar, who acknowledges receipt in writing and delivers the copies to the KNLS and the Clerk of the Senate within one month of receipt of the published books.*

**e) Media Council of Kenya (MCK)**

51. The Media Council of Kenya submitted as follows:

- (i) The Bill should align with the Constitution particularly Articles 33 and 34, which guarantee freedom of expression and the independence of the media;
- (ii) There should be consistency with the existing media regulator, a framework established under the Media Council Act, 2013, which mandates the Media Council of Kenya to regulate professional standards in journalism;
- (iii) Provisions that may create barriers to media establishment, including legacy requirements relating to publisher and punter bonds, which may be inconsistent with contemporary press freedom standards, need to be reviewed;
- (iv) The legislative framework needs to be reviewed to recognise the transformation of the media ecosystem from traditional print publishing to digital, online, and multimedia media journalism platforms; and
- (v) There should be coherence between archival and legal deposit obligations and modern digital publishing practices.

**Proposed Amendments**

**Short Title**

52. Amend the title to “Media Publications and Legal Deposit Act.”

**Justification**

The current title reflects a narrow focus on print media. A modern statute should recognize the broader ecosystem of digital, multimedia, and online publications.

**Interpretation (Definition of Newspaper)**

53. Delete the definition of “newspaper” and substitute with the following—

- (i) “Media publication” – the regular or periodic dissemination of news, information, analysis, commentary, or public affairs content through print, digital, audio-visual, or online platforms.
- (ii) “Media publisher” – any person or entity responsible for production, editorial control, or distribution.
- (iii) “Digital publication” – a media publication disseminated primarily through electronic or internet-based platforms.
- (iv) “Editorial control” – responsibility for selection, preparation, and presentation of content for public dissemination.

**Justification**

54. The current definition excludes online and digital journalism and conflicts with constitutional protection of expression through any media. This amendment modernises the Act, removes outdated print-only definitions, and clarifies who qualifies as a media publisher.



### **Appointment of Registrar**

55. Amend the Act to provide that the Registrar of Media Publications shall be appointed through an independent institutional framework, such as the Media Council of Kenya or Kenya National Library Services.

### **Justification**

An executive appointment may create perceived government control, inconsistent with Article 34 on media independence.

### **Registers**

56. Establish a national Register of Media Publications, including digital publications, maintained through an electronic registry system.

### **Justification**

Current provisions assume a print-based environment and fail to accommodate digital platforms.

### **Exclusion by Minister**

57. Replace ministerial discretion in the exclusion of publications from the Act with criteria-based exemptions prescribed through parliamentary regulations.

### **Justification**

Wide discretion may lead to unequal or politically motivated application, undermining media independence.

### **Copies of Books**

58. Include electronic legal deposit of e-books, digital journals, and other electronic publications through a national digital repository.

### **Justification**

The provision does not recognize digital publishing formats.

### **Copies of Newspapers**

59. Provide for the digital submission of online newspapers and electronic editions to a national digital archive.

### **Justification**

Ensures preservation of digital journalism and aligns with global best practices.

### **Returns Relating to Newspapers**

60. Require disclosure of publisher details, editorial contacts, ownership structure, and digital publication address.

### **Justification**

Current provisions are outdated and designed for print structures.



### **Execution of Bond**

61. Repeal Section 11 and replace it with a simple registration system.

#### **Justification**

The bond creates financial barriers and undermines the freedom of the media establishment.

### **Withdrawal of Surety**

62. Repeal and replace with a simple publisher notification system.

#### **Justification**

The withdrawal of surety becomes unnecessary once the bond system is removed.

### **Bond by Printer**

63. Repeal Section 13.

#### **Justification**

The provision of Section 11 would become irrelevant in digital publishing.

### **Penalty Provisions**

64. Replace criminal sanctions with administrative penalties or civil compliance mechanisms.

#### **Justification**

Criminal sanctions create a chilling effect and conflict with international standards.

### **New Section 2A - Criteria for Media Publications**

65. Define criteria, including regular dissemination, public interest content, editorial oversight, and public distribution.

#### **Justification**

Establishes objective thresholds, prevents over-regulation, and focuses on journalism.

### **New Section 2B – Exclusions**

66. Exclude personal social media posts, private communications, non-journalistic blogs, academic works, and internal communications.

#### **Justification**

Protects freedom of expression and prevents regulation of private or non-journalistic content.

### **Committee's Observation and Recommendation**

*The Committee rejected the proposed amendments noting that—*

- (i) *the object of the Books and Newspapers Act, Cap.111 is to make provision for the registration and deposit of books and newspapers, for the printing of books and newspapers and not for purposes of media publications;*

- (ii) *media publications and standards are governed by the Media Council Act, Cap 411B and not the Books and Newspapers Act, Cap.111;*
- (iii) *public records are excluded from the jurisdiction of the Books and Newspapers Act, Cap. 111 because they are required to be deposited at the Kenya National Archives in line with the Public Archives and Documentation Service Act, Cap 19;*
- (iv) *the Books and Newspapers Rules require publishers to submit periodic returns in prescribed forms with details including publisher details and editorial contacts; and*
- (v) *the current framework requiring a publisher of a newspaper to provide a bond of one million shillings and a surety act as a guarantee for future legal liabilities.*

*However, the Committee agreed to the proposed amendment to include the legal deposit of e-books, digital journals and other electronic publications in the definition of “books”.*

#### **f) The Directorate of ICT and Library Services – Parliamentary Service Commission**

67. The Directorate of ICT and Library Services acknowledged that the proposed amendment to the Act is both timely and forward-looking. They noted that the Bill, if enacted into law, will strengthen parliamentary research services and enhance access to relevant information for both Members and staff in the execution of their constitutional mandate.
68. They informed the Committee that the Books and Newspapers Act (Cap. 111) became law in 1960. They noted that the original text of the Act repeatedly refers to Kenya as “the Colony.” Accordingly, a key objective of the Books and Newspapers (Amendment) Bill 2025 is to replace references to “the Colony” with “Kenya” throughout the Act and to require the deposit of digital publications with the Parliamentary Library.
69. Additionally, they informed Members that many countries designate parliamentary or legislative libraries as legal deposit repositories, not just national libraries. Examples include:
  - i. **South Africa:** The Parliament of South Africa Library serves as a legal deposit repository, helping to preserve national literature.
  - ii. **South Korea and Indonesia:** In these countries, the National Assembly Library of Korea and the Library of the Parliament of Indonesia act as major legal deposit institutions.
  - iii. **United Kingdom:** While the British Library is the main legal deposit library, other Parliament-related libraries may request materials under the Legal Deposit Libraries Act 2003.
70. They indicated that the Parliament of Kenya Library is the official custodian of all documents produced by Parliament. Its responsibilities include providing information to Members of Parliament, the Parliamentary Service Commission staff, and the public. The library holds both print and digital materials.

71. Further, they noted that despite its important role as Parliament's memory, the library faces a serious shortage of information resources – especially books published in Kenya. They drew the Committee's attention to several operational, technical, and drafting issues that require clarification or revision before the Bill is enacted as follows:
72. They therefore noted that the proposed amendments to the Books and Newspapers Act offer a valuable opportunity for the Parliament of Kenya Library to improve its collections through the legal deposit system.

### **Proposed Amendments**

#### **Define “Digital Copy” in the Bill**

73. New subsection 6(9) requires publishers to “submit a digital copy of the book” to four different institutions. However, the Bill does not specify the format, quality, or metadata requirements. This lack of clarity could lead to submissions that are not machine-readable, not searchable, or unsuitable for long-term preservation – for example, low-resolution scans or files in proprietary formats.
74. Add a new subsection (10) as follows:
- (10) The Cabinet Secretary may, by regulations published in the Gazette, prescribe the technical specifications for digital copies under subsection (9), including file format, resolution, metadata standards, and means of delivery.*

#### **Define a Digital Copy as:**

*A digital copy is an electronic version of a product, such as a movie, book, music album, or software, that can be downloaded or streamed from the Internet. Unlike physical copies, which come in formats like DVDs or CDs, digital copies are stored on a computer, tablet, smartphone, or other digital device. They offer convenience and immediate access, allowing users to enjoy the content without needing physical media. Digital copies are often included with physical purchases or available for purchase separately from online stores.*

#### **Alternative approach**

75. Amend subsection (9) to read: “...submit a digital copy of the book in a format and manner prescribed by the Cabinet Secretary by regulations.”

#### **Justification:**

It provides flexibility while ensuring that digital copies remain usable and preserved for the long term.

### **Committee Observations and Recommendations**

#### ***The Committee agreed to the proposed amendment***

#### **Clarify the Relationship between Physical and Digital Deposits**

76. Insert a clear statement that delivering a digital copy does not relieve a publisher of the duty to deliver physical copies, and the same applies in reverse. This is already implied, but making it explicit will prevent disputes.



### **Justification**

77. The Bill requires both physical copies (to the Registrar and the Clerk of the Senate) and digital copies. It is not entirely clear whether a digital copy can satisfy a physical copy obligation or whether a publisher must deliver all copies separately.

### **Committee Observations and Recommendations**

*The Committee rejected the proposed amendment, noting that the Bill expressly provides that the publisher of a book is required to submit a digital copy of the book in addition to the physical copies.*

### **Provide a Transition Period for Digital Copies**

78. Add a transitional clause to provide that:
- Notwithstanding section 6(9), a publisher shall not be required to submit a digital copy of any book whose first print run was completed before the date of commencement of this Act. For all other books, the requirement shall apply six months after commencement.*

### **Justification**

79. It gives publishers a reasonable time to set up digital workflows and avoids applying the new rule to books already finished.

### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment.*

### **The “One Year” Notice Period for Additional Copies**

80. Amended section 6(1)(b) allows the Registrar or the Clerk of the Senate to request up to three (3) extra copies by giving notice “not later than one year after publication.” This could create uncertainty for publishers who may have already disposed of extra stock.

### **Committee Observations and Recommendations**

*The Committee observed that the provision for the Registrar to request up to three (3) extra copies by giving notice not later than one year after publication is contained in the Books and Newspapers Act, Cap.111 and not in the Bill.*

### **Resource Implications for the Parliament Library**

81. Regarding the cost implications for the Parliamentary Service Commission arising from the amendment of the Bill, the Directorate informed the Committee that, although the Bill’s Memorandum states that its enactment “shall not occasion additional expenditure of public funds,” some internal resource reallocation will be required.
82. However, they clarified that the Directorate is not seeking additional funding at this stage, but noted that adjustments within the existing budget will be necessary in future, as illustrated in the table below.

**Table 1: Anticipated Resource Implication following the Enactment of the Bill**

| Item                                               | Estimate Need                             |
|----------------------------------------------------|-------------------------------------------|
| a) Digital repository system                       | The existing budget may not be enough     |
| b) Additional physical storage                     | Gradual re-use of existing space          |
| c) Staff time for cataloguing and acknowledgements | Need for more staff                       |
| d) Publisher liaison and outreach                  | Part of existing public engagement duties |

#### **Drafting Correction**

83. The typographical error in the Bill's heading on page 3. "NEWSPAPAERS" should be corrected to "NEWSPAPERS," and the recommended correction should be made before the publication of the Bill.

#### **Committee Observations and Recommendations**

*The Committee agreed to the proposed amendment.*

#### **g) National Gender and Equality Commission (NGEC)**

84. The Commission proposed the amendment of clause 2 (c)(i) by substituting the phrase "and the Clerk of the Senate" with the following clause – "Clerks of the National Assembly and the Senate. They further proposed that the amendment should apply in all other provisions that refer to the Clerk of the Senate.

#### **Justification**

85. The memorandum of objects and reasons contemplates the proposed amendment applying to Parliament, whereas the proposed Bill only mentions the Senate. The proposed amendment seeks to include both Houses.

#### **Committee Observations and Recommendations**

*The Committee rejected the proposed amendment, noting that the Clerk of the Senate is the Chief Executive Officer of the Parliamentary Service Commission and that the Parliamentary Library serves both the National Assembly and the Senate.*

86. Further, NGEC also proposed the amendment of Clause 2 (c)(ii)(b) by inserting after the phrase "additional copies" the following: "in accessible formats". They justified this amendment by stating that the copies should be in accessible formats, which include braille and/or big fonts, to ensure inclusion of persons with visual impairment.

### **Committee's Observation and Recommendation**

*The Committee agreed to the proposed amendment, noting that the Cabinet Secretary shall prescribe in the Regulations the specifications required for the submission of a digital copy of a book.*

#### **h) Mr. Collins Odhiambo Lusi**

87. Mr. Collins Lusi made a written submission as follows:

#### **Protection of Constitutional Freedoms**

88. He submitted that the Bill must strictly uphold Articles 33 and 34 of the Constitution, which guarantee freedom of expression and media freedom. He stated that provisions that may introduce excessive control, vague definitions, or disproportionate penalties could create a chilling effect on publishers, journalists, and citizens.

#### **Clarity and Precision in Drafting**

89. He submitted that key terms such as publisher, publication, and distribution should be clearly defined to prevent misinterpretation and potential abuse.

#### **Proportionality of Penalties**

90. He further stated that any penalties introduced must be reasonable, proportionate and subject to judicial oversight to avoid misuse or political interference.

#### **Digital and Emerging Media Considerations**

91. Additionally, he submitted that if the Bill seeks to regulate digital publications, it should do so carefully to avoid suppressing online civic engagement, innovation and independent journalism.

92. In conclusion, Mr. Odhiambo urged the Committee to ensure that the proposed amendments strengthen accountability and professionalism in publishing while fully safeguarding constitutional rights and democratic principles.

### **Committee's Observations and Recommendations**

*The Committee observed that the Bill does not limit Articles 33 and 34 of the Constitution, which guarantee freedom of expression and media freedom, the Bill does not impose any new penalties and that Bill does not seek to regulate digital publications but to ensure that digital copies of books are submitted to the Registrar, KNLS, Kenya National Archives and Parliament.*



## PART FOUR

### 4 COMMITTEE OBSERVATIONS

93. The Committee made the following observations:

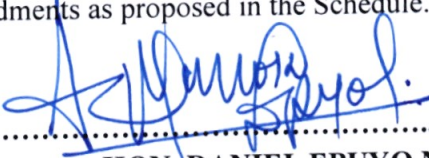
That: -

- i. the proposed amendment requires all publishers of books and newspapers, to submit copies of their publications to the Parliament of Kenya in addition to the Registrar of Books and Newspapers and the Kenya National Library Services;
- ii. that digital copies of books to be submitted to the Registrar of Books and Newspapers, the KNLS, the Parliament of Kenya Library and the Kenya National Archives should be in an accessible format;
- iii. appropriate systems should be developed and legal frameworks to support digital archiving and technical solutions and partnerships with relevant ICT stakeholders;
- iv. section 3 of the Public Archives and Documentation Service Act, Cap 19 establishes the Kenya National Archives and Documentation Service to provide for the preservation of public archives and public records;
- v. many jurisdictions like the UK, South Africa, Indonesia, South Korea, and Singapore designate parliamentary or legislative libraries as legal deposit repositories. However, Parliament of Kenya Library serves as the official custodian of all documents produced by Parliament, which largely, are legislative records and government publications. It is therefore important to expand its scope beyond Parliament and government publications; and
- vi. The entire *Books and Newspapers Act, Cap. 111 (Laws of Kenya)* and the Public Archives and Documentation Services Act, Cap 19 should be reviewed, to align them with the Constitution.

## PART FIVE

### 5 COMMITTEE RECOMMENDATION

94. The Committee, having facilitated Public Participation and considered the Books and Newspapers (Amendment) Bill (National Assembly Bill No. 47 of 2026), and stakeholders' comments, and from the above observations, recommends that the House approves the Bill with amendments as proposed in the Schedule.

Signed..........Date.....*17<sup>th</sup> June, 2026.*.....

HON. DANIEL EPUYO NANOK, CBS, M.P.

CHAIRPERSON, COMMITTEE ON PARLIAMENTARY BROADCASTING AND  
LIBRARY

|                                                                                                                                   |                                      |      |      |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------|------|
| <br><b>THE NATIONAL ASSEMBLY<br/>PAPERS LAID</b> |                                      |      |      |
| DATE: <b>18 JUN 2026</b>                                                                                                          |                                      |      |      |
| <table border="1"><tr><td>DAY.</td></tr><tr><td>THUR</td></tr></table>                                                            |                                      | DAY. | THUR |
| DAY.                                                                                                                              |                                      |      |      |
| THUR                                                                                                                              |                                      |      |      |
| TABLED<br>BY:                                                                                                                     | HON. DANIEL NANOK, MP<br>CHAIRPERSON |      |      |
| CLERK-AT<br>THE-TABLE:                                                                                                            | V. WAMBUI                            |      |      |

## PART SIX

### 6 SCHEDULE OF PROPOSED AMENDMENTS

95. The Committee proposed the following amendments to the Bill—

#### NEW CLAUSE 1A

**THAT** the Bill be amended by inserting the following new clause immediately after clause 1—

Amendment  
of section 2  
of Cap 111.

**“1A.** Section 2 of the principal Act is amended—

(i) in the definition of the word “book” by inserting the words “printed or digital publication” immediately after the words “includes any”;

(ii) in the definition of the word “newspaper” by inserting the words “or digital publication” immediately after the words “printed matter”;

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

“digital publication” means an on line or off line publication including any publication in electronic form of a book or newspaper;

**Justification—**The amendment seeks to amend the definition of the word “book” and “newspaper” in order to incorporate digital publications and to define the term “digital publication” which has been used in the Bill.

#### CLAUSE 2

**THAT** clause 2 of the Bill be amended—

(i) in paragraph (c) by deleting subparagraph (i) and substituting therefor the following new subparagraph—

“(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) before or within twenty-one days after publication of the book, at his or her own expense deliver to the Registrar three copies of the book, together with a return in the prescribed form, containing the prescribed particulars and signed by the publisher;”

(ii) by inserting the following new paragraphs immediately after paragraph (c)—

(ca) by deleting paragraph (c);

(cb) by inserting the following new subsection immediately after subsection (2)—

**(2A)** A publisher of a digital publication shall, within twenty-one days of publication of the book, submit to the Registrar a digital copy of the book, together with a return in the prescribed form, containing the prescribed particulars.



**(2B)** The Registrar shall, within one month of receipt of copies of books under subsection (1), deliver a copy to the Director of the Kenya National Library Service and the Clerk of the Senate.

- (iii) by deleting subsection (6);
- (iv) in paragraph (h) by deleting the words “the Kenya National Archives” appearing in the proposed new subsection (9);
- (v) by inserting the following new paragraph immediately after paragraph (h)—
  - (i) Section 6(9) of this Act, shall not apply to publishers of books for a period of six months.

**Justification—The amendments seek to ensure that—**

- (i) a publisher submits to the Registrar three copies of the books or a copy of the digital publication within twenty-one days after its publication;
- (ii) the Registrar of Books and Newspapers submits copies of books submitted to him or her by a publisher, to the Director of the Kenya National Library Service and the Clerk of the Senate, within one month after receiving copies of books published by a publisher;
- (iii) a publisher submits only to the Registrar and not the KNLS and the Clerk of the Senate, three copies of books published;
- (iv) a publisher submits a digital copy of the book to the Registrar, the KNLS and the Clerk of the Senate and not the Kenya National Archives; and
- (v) a transition period of six months is provided to publishers to enable them comply with the requirement for the submission of digital copies of books in addition to the physical copies.

#### **NEW CLAUSE 2A**

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

Amendment  
of section 9  
of Cap 111.

**2A.** Section 9 of the principal Act is amended by—

- (i) deleting the proviso to subsection (1) and substituting therefor the following new proviso—

shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment;
- (ii) by deleting the words “guilty of an offence and liable to a fine not exceeding twenty” appearing in subsection (4) and substituting therefor the words “on conviction be liable to a fine not exceeding five hundred”;

**Justification—The amendment seeks to enhance the penalties for non-compliance with the provisions of Part II of the Books and newspapers Act, Cap.111.**

**NEW CLAUSE 2B**

Amendment  
of section  
22 of Cap  
111.

**2B.** Section 22 of the principal Act is amended by inserting the following new paragraph immediately after paragraph g—  
(h) prescribe the technical specifications for digital copies of books to be submitted to the Registrar, including the file format, resolution, metadata standards and the manner of delivery.

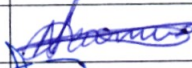
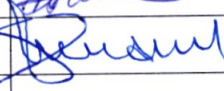
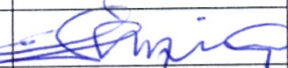
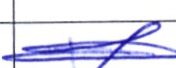
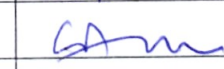
**Justification-**The amendment seeks to ensure that the Cabinet Secretary prescribes through regulations the technical specifications required for the submission of digital copies of books to the Registrar.

# COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY

## ADOPTION LIST

Adoption of the Report on the Consideration of The Books and Newspaper (Amendment) Bill 2025 (National Assembly Bill No. 47 Of 2025)

**We, the undersigned, hereby affix our signatures to this Report to affirm our approval:**

| S. NO | HON. MEMBER                                                               | SIGNATURE                                                                             |
|-------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1.    | The Hon. Daniel Epuyo Nanok, CBS, M.P. – <b>Chairperson</b>               |    |
| 2.    | The Hon. (Eng.) John Kiragu Chege, CBS, M.P. –<br><b>Vice-Chairperson</b> |    |
| 3.    | The Hon. Waqo Naomi Jillo, CBS, M.P.                                      |    |
| 4.    | The Hon. Ahmed Shakeel Ahmed Shabbir, CBS, M. P                           |    |
| 5.    | The Hon. Koyi, John Waluke, CBS, M.P.                                     |                                                                                       |
| 6.    | The Hon. Kombe Harrison Garama, M.P.                                      |                                                                                       |
| 7.    | The Hon. Gakuya James Mwangi, M.P.                                        |                                                                                       |
| 8.    | The Hon. Murwithania, Rindikiri Mugambi, CBS, M.P.                        |                                                                                       |
| 9.    | The Hon. Gachobe Samuel Kinuthia, M.P.                                    |  |
| 10.   | The Hon. Abdirahman Mohamed Abdi, M.P.                                    |  |
| 11.   | The Hon. Edward Muriu Wakili, M.P.                                        |                                                                                       |
| 12.   | The Hon. Khodhe, Phelix Odiwuor, M.P.                                     |  |
| 13.   | The Hon. Kiamba, Suzanne Ndunge, M.P.                                     |  |
| 14.   | The Hon. Korir, Adams Kipsanai, M.P.                                      |                                                                                       |
| 15.   | The Hon. (CPA) Geoffrey Wandeto, M.P.                                     |  |
| 16.   | The Hon. (Dr.) Mamwacha, Onchoke Charles, M.P.                            |  |
| 17.   | The Hon. Mupe, Anthony Kenga, M.P.                                        |                                                                                       |
| 18.   | The Hon. Nguro Onesmus Ngogoyo, M.P.                                      |  |
| 19.   | The Hon. Salasya, Peter Kalerwa, M.P.                                     |                                                                                       |
| 20.   | The Hon. (CPA) Rutto, Julius Kipletting, M.P.                             |  |
| 21.   | The Hon. Abubakar, Talib Ahmed, M.P.                                      |  |



**MINUTES OF THE 21<sup>ST</sup> SITTING OF THE COMMITTEE ON PARLIAMENTARY  
BROADCASTING AND LIBRARY HELD AT COMMITTEE ROOM 15 BUNGE  
TOWER ON TUESDAY, 16<sup>TH</sup> JUNE 2026 AT 12.00 PM**

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**PRESENT**

- |                                               |   |                 |
|-----------------------------------------------|---|-----------------|
| 1. Hon. (Dr.) Mamwacha, Onchoke Charles, M.P. | – | <b>Chairing</b> |
| 2. Hon. Waqo Naomi Jillo, CBS, M.P.           |   |                 |
| 3. Hon. Gachobe Samuel Kinuthia, M.P.         |   |                 |
| 4. Hon. Nguro Onesmus Ngogoyo, M.P.           |   |                 |
| 5. Hon. Khodhe, Phelix Odiwuor, M.P.          |   |                 |
| 6. Hon. (CPA) Rutto, Julius Kipletting, M.P.  |   |                 |
| 7. Hon. Salasya, Peter Kalerwa, M.P.          |   |                 |
| 8. Hon. Abubakar, Talib Ahmed, M.P.           |   |                 |

**APOLOGIES**

- |                                                   |   |                         |
|---------------------------------------------------|---|-------------------------|
| 1. Hon. Daniel Epuyo Nanok, CBS, M.P              | – | <b>Chairperson</b>      |
| 2. Hon. (Eng.) John Kiragu Chege, CBS, M.P        | – | <b>Vice Chairperson</b> |
| 3. Hon. Ahmed Shakeel Ahmed Shabbir, CBS, M. P.   |   |                         |
| 4. Hon. Kombe Harrison Garama, M.P.               |   |                         |
| 5. Hon. Koyi, John Waluke, CBS, M.P.              |   |                         |
| 6. Hon. Murwithania, Rindikiri Mugambi, CBS, M.P. |   |                         |
| 7. Hon. Mupe, Anthony Kenga, M.P.                 |   |                         |
| 8. Hon. Gakuya James Mwangi, M.P.                 |   |                         |
| 9. Hon. Edward Muriu Wakili, M.P.                 |   |                         |
| 10. Hon. Kiamba, Suzanne Ndunge, M.P.             |   |                         |
| 11. Hon. CPA Geoffrey Wandeto, M.P.               |   |                         |
| 12. Hon. Abdirahman Mohamed Abdi, M.P.            |   |                         |
| 13. Hon. Korir, Adams Kipsanai, M.P.              |   |                         |

**IN ATTENDANCE**

- |                        |   |                                  |
|------------------------|---|----------------------------------|
| 1. Ms. Jane Ouko       | – | Clerk Assistant II               |
| 2. Mr. Silas Lomutur   | – | Research Officer III             |
| 3. Ms. Mary Kamande    | – | Public Communication Officer III |
| 4. Ms. Mercy Mayende   | – | Media Relations Officer III      |
| 5. Ms. Caroline Waweru | – | Hansard Officer II               |
| 6. Mr. Mark Mbuthia    | – | Audio Officer III                |
| 7. Ms. Jacinta Maru    | – | Serjeant-at-arms                 |

**MIN NO/DAA&GPC/PBL/2026/108****PRELIMINARIES**

Pursuant to Standing Order 188, Members present elected Hon. (Dr.) Mamwacha, Onchoke Charles, M.P., to chair the session on the proposal of Hon. Abubakar, Talib Ahmed, M.P. and the secondment of Hon. (CPA) Rutto, Julius Kipletting, M.P.

The session chairperson then called the meeting to order twenty-seven minutes past twelve o'clock with a word of prayer and introductions thereafter.

**MIN NO/DAA&GPC/PBL/2026/109****ADOPTION OF AGENDA**

The agenda was adopted on the proposal of Hon. Gachobe Samuel Kinuthia, M.P., and seconded by Hon. (CPA) Rutto, Julius Kipletting, M.P.

**MIN NO/DAA&GPC/PBL/2026/109****CONFIRMATION OF THE MINUTES  
THE PREVIOUS MEETINGS**

The Minutes of the 20<sup>th</sup> sitting held on 9<sup>th</sup> June 2026 were confirmed as a true record of the proceedings of that meeting on a proposal by the Hon. Abubakar, Talib Ahmed, M.P., and seconded by Hon. (CPA) Rutto, Julius Kipletting, M.P.

**MIN NO/DAA&GPC/PBL/2026/110****ADOPTION OF THE REPORT ON  
THE BOOKS AND NEWSPAPERS  
(AMENDMENT) BILL, 2025**

Following the consideration of the Report during a report writing retreat at Fourpoint by Sheraton Hotel in May 2026, the Committee observed as follows:

That:

- (a) The proposed amendments require publishers to submit copies of books and newspapers to the Registrar of Books and Newspapers, the Kenya National Library Service (KNLS), and the Parliament of Kenya;
- (b) Digital copies of books and newspapers should be submitted in accessible formats;
- (c) Appropriate systems, legal frameworks and technical partnerships are necessary to support digital archiving;
- (d) The Public Archives and Documentation Act establishes the Kenya National Archives and Documentation Service for the preservation of public archives; consideration must be given to institutional mandates;
- (e) Several jurisdictions designate parliamentary or legislative libraries as legal deposit repositories; the Parliament of Kenya Library's custodial scope should be reviewed and potentially expanded beyond parliamentary and government publications; and
- (f) The Books and Newspapers Act (CAP 111) and the Public Archives and Documentation Service Act require review and amendment to ensure alignment with the Constitution.



The Committee further considered the following proposed Amendments:

**1. Introduction of new clause 1A:**

Amendment to the definitions to expressly incorporate and define “digital publication” as an online or offline publication, including any electronic-form book or newspaper.

**2. Amendment to clause 2 (submission timelines and procedure):**

Publishers to submit required copies to the Registrar within 21 days of publication (revised from 14 days).

Publishers shall submit copies to the Registrar only; the Registrar shall thereafter submit copies to the Kenya National Library Service and the Clerk of the Senate within one month of receipt.

Digital copies to be submitted to the Registrar, KNLS and the Clerk of the Senate; the Kenya National Archives is excluded from routine receipt of publisher digital submissions due to its mandate concerning public records.

A transitional period of six (6) months shall be provided to publishers to comply with the new digital submission requirements.

**3. New clause 2B:**

The Cabinet Secretary shall prescribe, by regulation, technical specifications for the submission of digital copies, including measures to protect copyright and ensure accessibility.

**4. Enhancement of penalties:**

Penalties for non-compliance to be increased to reflect contemporary standards (proposed fines not exceeding KES 100,000 and KES 500,000 for escalating offences), replacing outdated amounts under the extant Act.

The Committee recommended that, having conducted public participation and considered stakeholder submissions, the House approve the Bill with the amendments proposed in the Committee’s schedule.

The Report was adopted on the proposal of Hon. (CPA) Rutto, Julius Kipletting, M.P., and seconded by Hon. Abubakar, Talib Ahmed, M.P.,

**MIN NO/DAA&GPC/PBL/2026/111**

**AOB**

The Committee was informed that CMG Africa had requested a rescheduling of the familiarization tour scheduled for **Thursday, June 18, 2026**, to a later date.

Further, Members were informed of an invitation to the International Federation of Library Associations (IFLA) World Library and Information Congress (WILC) 2026 in Busan, South Korea, between 10<sup>th</sup> and 14<sup>th</sup> August 2026.



**MIN NO/DAA&GPC/PBL/2026/112**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at 1:51 pm. The next meeting will be held on notice.

Signed.  Date. 17/06/2026

**HON. DANIEL EPUYO NANOK, CBS, M.P.  
CHAIRPERSON**



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

**IN THE MATTER OF ARTICLES 118 (1)(b) OF THE CONSTITUTION  
AND  
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF: -  
THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL  
NO. 47 OF 2025)**

**INVITATION FOR SUBMISSION OF 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 Orders 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

**AND WHEREAS**, The Books and Newspapers (Amendment) Bill (National Assembly Bill No. 47 of 2025) was read a first time on **Wednesday, 11<sup>th</sup> February 2026**, and thereafter referred to the **Select Committee on Parliamentary Broadcasting and Library** for consideration and reporting back to the House;

**IT IS NOTIFIED** that the Books and Newspapers (Amendment) Bill (National Assembly Bill No. 47 of 2025) is a Bill sponsored by the **Select Committee on Parliamentary Broadcasting and Library** and seeks to amend the Books and Newspaper Act, Cap 111, in order to require the deposit of published works in the library of Parliament.

**NOW THEREFORE**, in compliance with Articles 118(1)(b) and the National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites members of the public and stakeholders to submit memoranda on the Bill to the Select Committee on Parliamentary Broadcasting and Library.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building, and on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

The memoranda should be addressed to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke); to be received on or before **Thursday, 26<sup>th</sup> February 2026** at **5.00 p.m.**

**S. NJORGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY**

*Friday 13<sup>th</sup> February, 2026*





### THIRTEENTH PARLIAMENT- FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION  
AND  
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE BOOKS AND NEWSPAPERS  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2025)

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S. NJORGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY

Saturday 14<sup>th</sup> February, 2026

"For the Welfare of Society and the Just Government of the People"



### THIRTEENTH PARLIAMENT- FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION  
AND  
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE 2026 BUDGET POLICY  
STATEMENT AND THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY FOR FY 2026/27 - FY 2028/29

#### 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 WHEREAS, pursuant to section 25(2) and section 33(1) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Economic Planning submitted the 2026 Budget Policy Statement and the Medium-Term Debt Management Strategy for FY 2026/27 - FY 2028/29 to the National Assembly on Wednesday, 11<sup>th</sup> February 2026 which were referred to the relevant Committees for consideration and reporting to the House;

IT IS NOTIFIED that-

- (1) The 2026 Budget Policy Statement articulates the broad strategic priorities and policy goals that will guide the national government and County governments in preparing their budgets for the 2026/27 Financial Year and over the medium-term; and
- (2) The Medium-Term Debt Management Strategy for FY 2026/27 - FY 2028/29 provides the borrowing strategy for the 2026/27 Financial Year and the medium term and underscores the public debt management objectives that will minimize the costs and risks of the public debt portfolio.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the 2026 Budget Policy Statement and the Medium-Term Debt Management Strategy for FY 2026/27 - FY 2028/29 to the respective Committee listed below-

| S/No | PAPER                                                   | COMMITTEE                     |
|------|---------------------------------------------------------|-------------------------------|
| 1.   | The 2026 Budget Policy Statement                        | Budget and Appropriations     |
| 2.   | The Medium-Term Debt Strategy for FY 2026/27-FY 2028/29 | Public Debt and Privatization |

The Memoranda should clearly indicate the name of the person or organization submitting it and their contact details. The Memoranda should be hand-delivered to the Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi or emailed to [cta@parliament.go.ke](mailto:cta@parliament.go.ke) to be received on or before Monday, 23<sup>rd</sup> February 2026 at 5.00 pm.

The 2026 Budget Policy Statement and the Medium-Term Debt Management Strategy for FY 2026/27 - 2028/29 are available at the National Assembly Table Office, First Floor, Main Parliament Building and on the Parliament Website (<http://www.parliament.go.ke/the-national-assembly/house-business/paper-14d>).

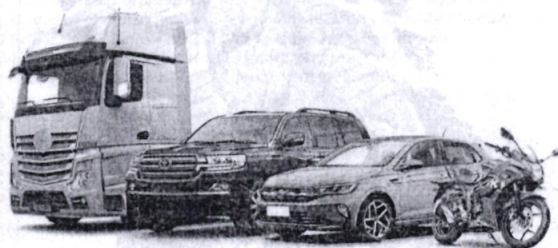
S. NJORGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY

14<sup>th</sup> February 2026

"For the Welfare of Society and the Just Government of the People"

## MOTOR Digest

The Standard



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### REPUBLIC OF KENYA COUNTY GOVERNMENT OF ISOILO THE COUNTY TREASURY- FINANCE & ECONOMIC PLANNING



#### PUBLIC NOTICE

#### THE 2026 COUNTY FISCAL STRATEGY PAPER (CFSP)

Pursuant to the provisions of Section 117 of the Public Finance Management Act 2012 and in line with Section 91 of the County Governments Act 2012 and Article 201(a) and 232(d) of the Constitution of Kenya 2010; the County Government of Isiolo invites Stakeholders, Civil Society Organizations, Faith-based Organizations, leaders, professionals, Members of the General Public and all other special interest groups to participate in the consultations on the development interventions to be prioritized in the 2026 County Fiscal Strategy Paper.

The interested stakeholders who will not be available can also give their inputs through:-

- i. Submission of memoranda/proposal on strategic priorities and interventions of projects and programs to be pursued by the County Government of Isiolo in the Financial Year 2026/2027.
- ii. Written submissions should be hand-delivered to the County Chief Officer, Department of Economic Planning, Budgeting & Statistics; or soft copies emailed to [ecoeconomicplanning.statistics@gmail.com](mailto:ecoeconomicplanning.statistics@gmail.com) by Wednesday 25<sup>th</sup> February 2026.

The physical ward public consultative fora will be held on Monday and Tuesday as per the schedule set out below.

| WARD      | VENUE                 | DATE       | START TIME |
|-----------|-----------------------|------------|------------|
| Cherab    | Merti Social Hall     | 23/02/2026 | 9:00 AM    |
| Sericho   | Sericho Social Hall   | 23/02/2026 | 9:00 AM    |
| Garbatula | Garbatula Social Hall | 23/02/2026 | 9:00 AM    |
| Kinna     | Kinna Centre          | 23/02/2026 | 9:00 AM    |
| Oldonyiro | Oldonyiro Social Hall | 23/02/2026 | 9:00 AM    |
| Chari     | Biliqo Social Hall    | 24/02/2026 | 9:00 AM    |
| NgareMara | Ngaremara Social Hall | 24/02/2026 | 9:00 AM    |
| Bula Pesa | Pepo La Tumaini Hall  | 24/02/2026 | 9:00 AM    |
| Wabera    | Isiolo MCK Hall       | 24/02/2026 | 9:00 AM    |
| Burat     | Killmani Hall         | 24/02/2026 | 9:00 AM    |

HON. LUQMAN AHMED ABDI  
CECM - FINANCE AND ECONOMIC PLANNING



## National News

Politics Democracy for Citizens Party boss says wrangles in the Orange outfit are engineered by the President

# Opposition rolls out a red carpet for ODM 'renegades'

Wamalwa, Gachagua among leaders urging Sifuna and Owino to join their outfits

BY EVANS JAOLA AND JUSTUS OCHIENG

The opposition has intensified the onslaught against the Orange Democratic Movement (ODM), moving to court disgruntled party officials and elected leaders in the wake of Secretary-General Edwin Sifuna's removal.

What began as an internal party row has snowballed into a realignment battle, with opposition outfits positioning themselves as alternative homes for the castaways or those perceived to be on a collision course with the ODM leadership.

At the centre of the storm is Nairobi Senator Edwin Sifuna, whose removal from the secretary-general position ignited de-

bate about democracy in the party founded by Raila Odinga, who died in October last year.

Mr Eugene Wamalwa's Democratic Action Party of Kenya (DAP-K) has welcomed Mr Sifuna and other ODM "renegades".

During the elevation of Kimini trading centre to township status yesterday, Mr Wamalwa said his party would reach out to leaders who feel sidelined by ODM.

"We will approach our brothers who have been kicked out of ODM to join our party," he said, specifically mentioning Mr Sifuna and Saboti MP Caleb Amisi.

Mr Wamalwa took issue with "shrinking democratic space" in ODM, saying the party is straying from the traditions established by Odinga.



Nairobi Senator Edwin Sifuna and other ODM 'rebels' address a crowd at Busia stadium on February 8. ALEX ODHAMBO / NATION

"Raila accommodated and tolerated dissenting voices and allowed democracy to prevail in ODM. It is wrong for Dr (ODM leader Oburu) Oginga to chase Mr Sifuna away because of his call for the rejection of President William Ruto's re-election," Mr Wamalwa said.

He added that some in ODM are abandoning the culture of debate and tolerance, dismissing claims that Mr Sifuna is working with rival parties to destabilise ODM.

Democracy for Citizens Party (DCP) chief, Rigathi Gachagua, also invited Mr Sifuna to consider joining his outfit.

"Sifuna, you are a great leader. If driven away from ODM by William Ruto, you are welcome to DCP," the former deputy president said yesterday.

He praised the performance of the Nairobi Senator.

"Sifuna is a great Senator and I have no problem with DCP supporting his re-election," he said.

Mr Gachagua added that President Ruto is influencing ODM's internal affairs.

"Ruto has even said (Embakasi East MP) Babu Owino should leave. To Babu Owino, if you're sent away, know that DCP is your home," he said.

"If Sifuna and Babu feel uncomfortable with DCP, they can join

Wiper Party, our partner in the opposition."

Mr Gachagua said ODM could lose its Nairobi base if it continues to work with President Ruto.

Mr Owino has found himself at the centre of speculation after attending a top Wiper organ meeting hosted by party leader Kalonzo Musyoka.

The MP, however, dismissed reports that he is planning to defect from ODM.

Trans Nzoia Governor George Ntembeya, who doubles as DAP-K deputy leader, used the Kimini event to criticise "politicisation" of development.

"It is wrong for the government to distribute resources based on political loyalty," he said, adding that Trans Nzoia is being sidelined by the government due to its political leaning.

He said Kenya has one government that must serve all equitably.

Former Kitale deputy mayor Pius Mzee Arap has been picked to replace Mr Amisi as Trans Nzoia ODM branch chairman. Branch Woman Representative, Miriam Kubai, has been replaced by Ms Jemima Chepkemoi.

Observers say the coming weeks will tell if the ODM figures will fight from within or walk into new political homes waiting with open arms.



### THIRTEENTH PARLIAMENT- FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION  
AND  
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE BOOKS AND NEWSPAPERS  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2025)

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S. NJOROGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY

Saturday 14<sup>th</sup> February, 2026

"For the Welfare of Society and the Just Government of the People"



### THIRTEENTH PARLIAMENT- FIFTH SESSION (2026) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION  
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S. NJOROGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY

14<sup>th</sup> February 2026

"For the Welfare of Society and the Just Government of the People"





REPUBLIC OF KENYA.

**SUBMISSION OF VIEWS ON THE BOOKS AND NEWSPAPERS (AMENDMENT BILL)**

Honourable Chair and Members of the Committee on Parliamentary Broadcasting and Library, we appreciate the opportunity to provide our views on the proposed **Books and Newspapers (Amendment) Bill**.

After a review the provisions of the Bill, we note that it seeks to require the deposit of published works in Parliament's Library. This is a timely and commendable initiative, as it will strengthen Parliament's Library as a national repository of knowledge and enhance access to information for legislative, research, and public enlightenment purposes.

However, we would like to draw the Committee's attention to broader considerations. The **Books and Newspapers Act, Cap 111(Laws of Kenya)** was enacted in 1960. The Act was originally designed to regulate the registration, deposit, and oversight of books and newspapers, while also providing a framework for accountability within the publishing sector.

More than six decades later, the law has become outdated and fragmented. In light of the significant developments in publishing, information management, and digital dissemination, the current legal framework no longer adequately addresses contemporary realities.

Rather than amending isolated provisions of the Act, there is urgent need to undertake a comprehensive legislative review of the Act aimed at establishing a modern and cohesive legal framework and more importantly align it to the Constitution of Kenya. Such a framework would streamline, strengthen, and rationalize the registration and regulation of books and newspapers in a manner that reflects present-day publishing practices.

Indeed, the Office of the Attorney General has already initiated the process of repealing the current **Books and Newspapers Act, Cap 111**, through the development of a **Zero Draft The Registration of Books and Newspapers Bill, 2021**, which is attached herewith for the Committee's consideration. This initiative underscores the urgency and importance of undertaking a holistic reform of the existing law.

Some of the areas identified as requiring review include:

- **Digital Inclusion:** Extend coverage to e-books, online newspapers, blogs, and digital archives.
- **Modernization:** Replace the requirement for physical deposits with electronic submission.

- **Scope of the Act:** Amend provisions so that the law covers the registration and regulation of books, newspapers, and magazines printed or published both within and outside Kenya.
- **Scope Clarification:** Narrow the definition of "book" to avoid over-regulation of pamphlets and minor publications.
- **Legal Framework:** Provide a clear statutory basis for the registration and regulation of books, newspapers, and magazines in Kenya.
- **Procedural Clarity:** Establish transparent procedures for registration of these publications.
- **Information System:** Create and maintain a comprehensive and reliable Books, Newspapers, and Magazines Information System.
- **Registrar's Role:** Define the powers and functions of the Registrar to ensure effective oversight.
- **Miscellaneous Provisions:** Strengthen supporting mechanisms, including:
  - Evidentiary value of certified copies
  - Inspection of the register
  - Power to investigate
  - General offences and penalties
  - Service of notices
  - Right of appeal
  - Financial arrangements
  - Transitional provisions

In conclusion, while the proposed amendments address specific sections of the Act, it may be more beneficial to undertake a comprehensive review of the entire legislation. A holistic review would allow Parliament to assess whether the Act remains fit for purpose, aligns with current policy priorities, and reflects contemporary social and economic realities. Further, it will be necessary to create a progressive framework for regulating publications in the digital era. This approach would ensure that reforms are not only reactive but also forward-looking, providing a stronger and more consistent legal framework.

Thank you for the opportunity to provide our input. We remain available should the committee require further clarification or engagement on these matters.

  
**Jane Joram**  
Registrar General

10/3/26



REPUBLIC OF KENYA



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

Telegrams Tel: (254-020) 2226007  
Mobile: 0722509212  
E-mail: [info@archives.go.ke](mailto:info@archives.go.ke)  
Website: <http://www.archives.go.ke>

*When replying please quote*

KENYA NATIONAL ARCHIVES  
AND DOCUMENTATION SERVICE,  
MOI AVENUE,  
P. O. BOX 49210,  
NAIROBI, KENYA.

REF No: KNA/1/26 (23)

11<sup>th</sup> March 2026

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

Dear

**RE: INVITATION TO A MEETING WITH THE COMMITTEE ON PARLIAMENTARY  
BROADCASTING AND LIBRARY**

The Kenya National Archives was established by an Act of Parliament to provide for the preservation of Public Archive and Public records and for connected purposes.

Section 5 (I) requires every Principal Secretary or head of Government department or chief Executive of a state corporation or local Authority to supply to the Director two copies of any published or generally Circulated document or report produced by that office for Permanent preservation and posterity. We concur with the amendment and wish to state as follows.

In article 2 (b) (a) of the amendment to read A publisher of a book shall in addition to the delivery of copies of books under this section to the Clerk of the Senate supply two copies of his book to the Kenya National Archvies for preservation and posterity.

MR. FRANCIS G. MWANGI, OGW  
**DIRECTOR**



kenya national  
library service

## **KENYA NATIONAL LIBRARY SERVICE**

### **MEMORANDUM TO PARLIAMENT ON THE PROPOSED AMENDMENTS TO THE BOOKS AND NEWSPAPERS ACT (CAP 111)**

**SUBMITTED BY:**

**THE DIRECTOR GENERAL,  
KENYA NATIONAL LIBRARY SERVICE**

**7<sup>th</sup> April 2026**



# KENYA NATIONAL LIBRARY SERVICE

## MEMORANDUM TO PARLIAMENT

### ON THE PROPOSED AMENDMENTS TO THE BOOKS AND NEWSPAPERS ACT (CAP 111)

#### 1.0 INTRODUCTION

The Kenya National Library Service (KNLS) Board is established under Cap. 225 of the Laws of Kenya, with the mandate to preserve the national documentary heritage and to promote, establish, equip, manage, maintain, and develop libraries in Kenya as the National library service.

KNLS respectfully submits this Memorandum to Parliament in consideration of the proposed amendments to the Books and Newspapers Act (Cap. 111). While the Act has historically served an important regulatory function in relation to printed publications, it was enacted in 1960 and does not adequately address the realities of digital publishing and born-digital content in the modern information environment.

The proposed amendments present an opportunity to review the legal deposit framework in line with constitutional principles, international best practice, and Kenya's digital transformation agenda.

#### 2.0 Justification for Renaming and Amendment

The current title — *Books and Newspapers Act* — reflects a historical publishing environment limited to printed materials. However, contemporary publishing now includes:

- Books published electronically (e-books, e-pub, PDFs,).
- Online newspapers;
- Electronic journals;
- Audiovisual materials;
- Websites and web-based publications;
- Government digital reports and databases;
- Multimedia and educational digital content.

Renaming the Act would:

- Align Kenya with international legal deposit guidelines for legislation;
- Reflect a modern and comprehensive legal deposit framework;
- Emphasize preservation of Kenya's national documentary heritage in all formats;
- Shift the focus from regulation of print media to preservation of national knowledge assets.

The proposed title better captures the constitutional and cultural importance of safeguarding Kenya's documentary heritage for present and future generations.

## 2.1 Constitutional Imperatives

The proposed reforms align with:

- **Article 11** – Recognition and protection of culture as the foundation of the nation.
- **Article 35** – Right of access to information.
- **Article 10** – National values including good governance, transparency and accountability.

Digital publications form a significant and growing component of Kenya's cultural and intellectual output. Failure to provide for their preservation poses a risk of permanent loss of national memory.

## 2.2 International Best Practice

Modern legal deposit regimes in jurisdictions such as the United Kingdom, South Africa, Australia, Canada, and Singapore includes:

- **Mandatory deposit of electronic publications.**
- Web archiving authority.
- Preservation of audiovisual materials.
- Secure digital repositories.
- Updated enforcement mechanisms.

Kenya should align its framework with these international standards and best practices.

### 3.0 PROPOSED AMENDMENTS

#### 3.1 Proposed Renaming of CAP 111

In addition to substantive amendments, KNLS respectfully proposes that CAP 111 be renamed:

**“The Legal Deposit Act.”**

KNLS respectfully proposes the following inclusions:

#### 3.2 Mandatory Legal Deposit of Digital Publications

Amend the Interpretation section to include definitions for:

- Electronic publishing which include, Digital publication, Electronic format, Online publication, Electronic publisher
- Audiovisual materials,
- Legal Deposit

Insert a new provision requiring:

The publisher of every digital or electronic publication made available to the Kenyan public shall, within fourteen (14) days of publication, deposit with the Kenya National Library Service one electronic copy in the prescribed format or provide secure access for preservation purposes.

This shall apply to:

- E-books
- Online newspapers
- Journals and magazines
- Government publications
- Audiovisual materials
- Research reports
- Multimedia educational publications

#### 3.3 Establishment of a Legal Deposit Committee

The object of the Committee is to Coordinate and promote the implementation of the Act. The Committee shall;

##### 3.3.1. Composition of the Legal Deposit Committee

(1) There is established a committee to be known as the *Legal Deposit Committee* (hereinafter referred to as “the Committee”), which shall consist of—



- a) Representatives from the the Parliament,
- b) Representative from the Kenya National Library Service, and
- c) The representative from the Office of the Attorney General
- d) The Head of the Government Printing press;
- e) Representative from the Kenya National Archives and Documentation
- f) Two Representatives of the Publishing Industry.

(2) The Attorney General may appoint not more than two additional members to the Committee, to represent other interested parties, including the library and information services sector.

(3) Chairperson

- a) The Attorney General shall, in consultation with relevant stakeholders, appoint one member of the Committee to serve as Chairperson.
- b) The Chairperson shall hold office for a term of three (3) years and shall be eligible for reappointment for one further term.

(4) Object of the Committee

The object of the Committee shall be to coordinate and promote the effective implementation of this Act.

(5) Functions of the Committee

The Committee shall;

- a) Advise the Attorney General on matters arising under this Act;
- b) Enforce the compliance with the provisions of this Act;
- c) Make recommendations to the Attorney General on regulations to be made under this Act;

(6) Remuneration and Allowances

Members of the Committee shall not be entitled to remuneration, except for reasonable travel and subsistence allowances as may be determined by the Attorney General, with the concurrence of the Salaries and Remuneration Commission, within the limits of the approved budget of the Committee.

**3.4 Penalties**

The fines currently provided under CAP 111 reflect historical monetary values and are no longer proportionate or deterrent.

KNLS recommends:

- Books without International Standard Book Number
- Updated penalty thresholds aligned with current economic realities;
- Provision for administrative enforcement mechanisms;
- Graduated compliance measures.

#### 4.0 EXPECTED IMPACT OF THE PROPOSED AMENDMENTS

The proposed reforms will:

- Safeguard Kenya's digital documentary heritage.
- Prevent loss of born-digital publications.
- Strengthen national bibliographic control.
- Support research, education and innovation.
- Align Kenya with UNESCO and international legal deposit standards.
- Support the Digital Superhighway, Vision 2030 and the Africa Agenda 2063 objectives.

#### 5.0 CONCLUSION

The Books and Newspapers Act (CAP 111) has served Kenya for over six decades. However, the publishing landscape has evolved significantly from predominantly print-based formats to digital and multimedia dissemination.

In order to ensure that Kenya's documentary heritage, in all formats, is preserved for present and future generations, it is imperative that Parliament reviews the Act to incorporate mandatory legal deposit of digital publications and related reforms as outlined above.

##### Memorandum of objects and reason

For clarity purposes, the National Library and Parliamentary Library have distinct roles. Parliament Library supports Governance and Legislation while National Library preserves the Nation's documentary and cultural heritage.

Globally the national libraries serve the general public while parliament libraries serve the legislature e.g South Africa: Has separate Parliament and National Libraries. Parliament Library of South Africa serves Members of Parliament and Parliamentary staff only. The National Library of South Africa is the official National Library of the Country. In South Korea: National Assembly of Korea (Parliament Library) supports legislative work and does not serve as the National Library.



## PROPOSED AMENDMENT MATRIX

| Clause                                                                            | Current                                                                                                  | Proposed changes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Rationale/reason                                                                                                                           |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 1.<br/>Expand<br/>Definitions<br/>(Section 2 –<br/>Interpretation)</b> | Definitions limited to “book”, “newspaper”, and “print” primarily in relation to visible printed matter. | Insert definitions for:<br>• <b>Digital publication</b> – any book, newspaper, journal, magazine, report, database, website, blog, social media publication, e-book, PDF, audiobook, or other work made available to the public in electronic form, whether online or offline.<br>• <b>Electronic format</b> – any format stored or transmitted in digital form.<br>• <b>Online publication</b> – a publication made available to the public through the internet.<br>• <b>Publisher</b> – to include self-publishers and online content creators. | The Act does not recognize digital publishing. This creates a major legal gap and excludes born-digital content from preservation.         |
| <b>Section 6(1) –<br/>Mandatory<br/>Deposit of Digital<br/>Publications</b>       | No provision for deposit of electronic or online publications.                                           | Insert new provision:<br>Publisher of every digital publication made available in Kenya shall within 14 days deposit with KNLS:<br>(a) one electronic copy in prescribed format; or                                                                                                                                                                                                                                                                                                                                                                | Aligns Kenya with international legal deposit standards (UK, South Africa, Australia). Protects born-digital heritage from permanent loss. |
| <b>(Section 6(1)(c))Strengthening National Bibliography</b>                       | Act links to national bibliography but does not comprehensively define KNLS's bibliographic authority.   | Amend to:<br>• Mandate publication of National Bibliography in print and digital form                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Strengthens bibliographic control and aligns with international library standards.                                                         |
| <b>Section 6<br/>Audiovisual &amp;<br/>Multimedia<br/>Deposit</b>                 | Scope limited to books and newspapers.                                                                   | Expand scope to include:<br>• Audiobooks<br>• Podcasts<br>• Documentary films<br>• Educational videos<br>• Sound recordings<br>• E-learning materials                                                                                                                                                                                                                                                                                                                                                                                              | Modern documentary heritage includes multimedia formats.                                                                                   |



|                                                                                                   |                                                                     |                                                                                                                                                           |                                                                                                                   |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Section 9<br/>Revision of<br/>Penalties</b>                                                    | Monetary fines (e.g., KSh 10,000) outdated and not deterrent.       | Propose:<br>• Updated penalty scale aligned with inflation<br>• Administrative penalties for digital non-compliance<br>• Graduated enforcement mechanisms | Enhances enforceability and reflects current economic realities.                                                  |
| <b>Section 6.<br/>(1)(d) Mandatory<br/>Deposit of<br/>Government-<br/>Funded<br/>Publications</b> | No explicit obligation for publicly funded works in digital format. | Insert clause requiring that any publication produced using public funds be subject to mandatory deposit in print and digital formats.                    | Ensures preservation of publicly financed knowledge outputs.                                                      |
| <b>Section 1<br/>Structural<br/>Modernization –<br/>Renaming the<br/>Act</b>                      | Title: “Books and Newspapers Act.”                                  | Rename it to “ <b>Legal Deposit Act.</b> ”                                                                                                                | Reflects comprehensive legal deposit framework and broader national heritage mandate beyond books and newspapers. |



31<sup>st</sup> March 2026

## **KENYA PUBLISHERS ASSOCIATION (KPA)**

### **POSITION PAPER ON THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL, 2025**

#### **1. Introduction**

The Kenya Publishers Association (KPA), as the umbrella body representing publishers in Kenya, acknowledges the Government's efforts to strengthen the legal deposit framework and preserve the nation's intellectual and cultural heritage through the Books and Newspapers (Amendment) Bill, 2025.

KPA supports the objective of building a comprehensive national repository of published works. However, the Association expresses concern that certain provisions within the Bill may have unintended negative consequences on the sustainability, growth, and competitiveness of the publishing industry in Kenya.

#### **2. Key Issues and Industry Concerns**

##### **2.1 Increased Cost Burden on Publishers**

The Bill requires publishers to submit multiple physical copies of each publication to several institutions, including the Registrar, the Clerk of the Senate, the Kenya National Library Service and the Kenya National Archives.

##### **Our Concern:**

- a) This significantly increases production and distribution costs.
- b) Smaller publishers and independent authors will be disproportionately affected.

##### **2.2 Mandatory Digital Submission**

The requirement for submission of digital copies introduces new compliance obligations.

##### **Concern:**

- a) Increased risk of intellectual property breaches and piracy.
- b) Lack of clarity on data protection, storage and access control mechanisms.
- c) Additional technical and administrative costs.

##### **3.3 Tight Compliance Timelines**

The requirement to deposit copies within fourteen (14) days of publication imposes operational pressure.

##### **Concern:**

May disrupt publishing schedules when producing several titles, creating too many visits to multiple offices.

Council Members

Kiarie Kamau; Chairperson, Agatha Karani, Mary Maina, John Mwazemba, Musyoki Muli, James Njehuri, Kithusi Mulonzya





## **2.4 Expansion of Regulatory Oversight**

The inclusion of additional state actors, such as the Clerk of the Senate, expands the regulatory framework.

### **Concern:**

- a) Potential for bureaucratic delays.
- b) Risk of overregulation and perceived censorship.
- c) Unclear roles and coordination among institutions.

## **2.5 Severe Penalties for Non-Compliance**

The Bill proposes heavy fines and imprisonment for non-compliance.

### **Concern:**

- a) Disproportionate penalties relative to administrative breaches.
- b) Discourages entrepreneurship and innovation in publishing.
- c) Creates a high-risk operating environment.

## **2.6 Mandatory Disclosure Requirements**

Publishers are required to disclose detailed information (printer, publisher, location) in every publication.

### **Concern:**

- a) Limits flexibility for independent and digital-first publishers.
- b) May discourage emerging publishing models.

## **2.7 Quality and Format Requirements**

The requirement that deposited copies meet specific production standards increases costs.

### **Concern:**

- a) Limits adoption of low-cost or alternative publishing formats.
- b) Increases financial strain on educational and local content publishers.

## **2.8 Lack of Cost-Sharing Mechanism**

The Bill explicitly states that it will not result in additional public expenditure.

### **Concern:**

- a) Entire financial burden is shifted to publishers.





- b) Contradicts government policy on supporting the creative economy.

## **2.9 Administrative and Compliance Burden**

Multiple submissions, documentation and acknowledgements increase bureaucracy.

### **Concern:**

- a) Requires additional staffing and compliance systems.
- b) Reduces operational efficiency.

## **2.10 Impact on Industry Growth and Competitiveness**

The cumulative effect of these provisions may:

- a) Raise barriers to entry
- b) Reduce local content production
- c) Limit participation of SMEs and young publishers
- d) Encourage informal or unregulated publishing

## **3. KPA Position**

KPA affirms that while the preservation of Kenya's intellectual output is a national priority, frameworks must be balanced, enabling and supportive of industry growth.

The Association therefore does not oppose the Bill in principle, but calls for critical amendments to ensure it is practical, fair, and growth-oriented.

## **3. Recommendations**

### **4.1 Rationalisation of Legal Deposit Copies**

- a) Reduce the number of mandatory copies.
- b) If secured, digital editions would suffice.

### **4.2 Clear Framework for Digital Submissions**

- a) Establish secure digital repositories.
- b) Provide guarantees on:
  - Copyright protection
  - Access control
  - Data security

### **4.3 Flexible Compliance Timelines**

#### **Council Members**

Kiarie Kamau; Chairperson, Agatha Karani, Mary Maina, John Mwazemba, Musyoki Muli, James Njehuri, Kithusi Mulonzya



- Extend deposit timelines beyond 14 days, to 28 days or more.
- Allow phased or conditional compliance.

#### **4.4 Review of Penalties**

Replace punitive sanctions with:

- Administrative fines
- Warning systems
- Compliance support mechanisms

#### **4.5 Cost-Sharing Mechanisms**

- a) Government should subsidise legal deposit costs
- b) Consider tax incentives for compliant publishers.

#### **4.6 Streamlining Institutional Roles**

- a) Clearly define roles of:
  - Registrar
  - Senate
  - KNLS
  - National Archives
- b) Avoid duplication of processes. For instance, KNLS deposit registration details for a book can be passed onto the Registrar and Senate, thus reducing number of copies distributed and the logistics.

#### **5.7 Support for Small and Emerging Publishers**

Introduce exemptions or scaled requirements.

#### **5. Conclusion**

The Kenya Publishers Association reiterates its commitment to working collaboratively with the Government to develop a regulatory framework that:

- a) **Preserves Kenya's literary heritage**
- b) **Protects intellectual property**
- c) **Promotes innovation and investment**
- d) **Strengthens the publishing industry**

KPA urges policymakers to review the Bill in consultation with industry stakeholders to ensure it supports, not constrains, the growth of Kenya's knowledge economy.



OUR REF: MCK/001/NA/B&N/CPBL/01/26

31<sup>st</sup> March 2026

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

Dear Sir,

**RE: SUBMISSION OF MEDIA COUNCIL OF KENYA MEMORANDUM ON THE  
BOOKS AND NEWSPAPERS (AMENDMENT) BILL, 2025**

The above subject refers.

The Media Council of Kenya (MCK) is in receipt of your letter Ref No. NA/DAA&GPC/PB&L/2026(002) dated 26<sup>th</sup> February 2026, inviting the Chief Executive Officer to appear before the Departmental Committee on Parliamentary Broadcasting and Library on Thursday 2<sup>nd</sup> April 2026 at 12:00noon, to give MCK views concerning the Books and Newspaper (Amendment) Bill (National Assembly Bill No. 47 of 2025).

The MCK appreciates the opportunity accorded to stakeholders to participate in the legislative review process pursuant to Article 118(1)(b) of the Constitution of Kenya, which requires Parliament to facilitate public participation in its legislative and other business.

In this regard, we hereby submit a written memorandum containing comments and proposed amendments to the Bill for the Committee's consideration. The submissions highlight several key issues requiring consideration, including:

1. Alignment with the Constitution of Kenya, 2010 – particularly Articles 33 and 34 which guarantee freedom of expression and the independence of the media.
2. Consistency with the existing media regulatory framework established under the Media Council Act, 2013, which mandates the Media Council of Kenya to regulate professional standards in journalism.
3. Review of provisions that may create barriers to media establishment, including legacy requirements relating to publisher and printer bonds which may be inconsistent with contemporary press freedom standards.
4. Modernisation of the legislative framework to recognise the transformation of the media ecosystem from traditional print publishing to digital, online and multimedia journalism platforms.
5. Ensuring coherence between archival and legal deposit obligations and modern digital publishing practices.

MCK believes that these issues are important in ensuring that any amendments to the Books and Newspapers Act support a modern, pluralistic and constitutionally compliant media environment.

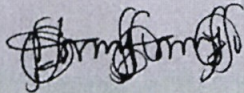


Further, we confirm that MCK will attend the consultative meeting as scheduled to present and elaborate on the submissions.

We look forward to engaging constructively with the Committee and other stakeholders in strengthening the legal framework governing publications in Kenya.

Attached is a comprehensive MCK memorandum on the Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Omwoyo Omwoyo', with a stylized flourish at the end.

**David Omwoyo Omwoyo, MBS**

Chief Executive Officer and Secretary to the Council

*Encls.*



**SPECIFIC PROPOSED AMENDMENTS BY THE MEDIA COUNCIL OF KENYA**

| Section                                                    | Current Provision                                                                                                                                                                                                                        | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Justification                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 1 –<br>Short Title                                 | “This Act may be cited as the Books and Newspapers Act.”                                                                                                                                                                                 | Amend the title to “ <b>Media Publications and Legal Deposit Act.</b> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | The current title reflects a narrow focus on print media. A modern statute should recognize the broader ecosystem of digital, multimedia and online publications.                                                                                                                                                                                                                                                                         |
| Section 2 –<br>Interpretation<br>(Definition of Newspaper) | “Newspaper means any paper containing public news, intelligence or occurrences, or any remarks or observations thereon, printed for sale and published periodically or in parts or numbers at intervals not exceeding thirty-five days.” | <p>Delete the definition of “<b>newspaper</b>” and substitute with the following definitions:</p> <p>“<b>Media publication</b>” means the regular or periodic dissemination of news, information, analysis, commentary, or public affairs content to the public through print, digital, audio-visual, or online platforms by a person or entity engaged in the business or practice of journalism or public information dissemination.</p> <p>“<b>Media publisher</b>” means any person or entity responsible for the production, editorial control, or distribution of a media publication.</p> <p>“<b>Digital publication</b>” means a media publication disseminated primarily through electronic or internet-based platforms.</p> <p>“<b>Editorial control</b>” means the exercise of responsibility for the selection, preparation, and presentation of content intended for public dissemination.</p> | <p>Current definition excludes online and digital journalism, which conflicts with constitutional protection of expression through any media.</p> <p>This amendment:</p> <ul style="list-style-type: none"> <li>• modernises the Act to reflect digital and multimedia journalism</li> <li>• removes the outdated print-only definition of newspapers</li> <li>• provides legal clarity on who qualifies as a media publisher.</li> </ul> |

| Section                                    | Current Provision                                                                                                                                                                                                                                                                                                                                                              | Proposal                                                                                                                                                                                           | Justification                                                                                                                                                     |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 3 -<br>Appointment<br>of Registrar | The Cabinet Secretary shall, by notice in the <i>Gazette</i> , appoint a Registrar of Books and Newspapers to perform the duties and exercise the powers imposed and conferred on the Registrar by this Act and any rules made thereunder, and may appoint a Deputy Registrar and any number of Assistant Registrars, who shall be subject to the directions of the Registrar. | Amend to provide that the Registrar of Media Publications shall be appointed through an independent institutional framework, such as the Media Council of Kenya or Kenya National Library Service. | Appointment by the executive may create perceived government control over media registration, which is inconsistent with Article 34 on independence of the media. |
| Section 4 -<br>Registers                   | The Registrar shall keep registers in the prescribed forms in which he shall register the returns in respect of books and newspapers made to him under sections 6 and 8, and the bonds delivered to him under sections 11 and 13, and shall enter therein such other particulars and matters as may be prescribed.                                                             | Establish a National Register of Media Publications, including digital publications, maintained through an electronic registry system.                                                             | Current provisions assume a print-based publishing environment and fail to accommodate digital journalism platforms.                                              |



| Section                                                                                               | Current Provision                                                                                                                                                                                                                                                                                                                                                                                       | Proposal                                                                                                                                        | Justification                                                                                                                  |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Section 5(2) –<br>Exclusion by<br>Minister                                                            | 5(2) The Cabinet Secretary may, by notice in the <i>Gazette</i> , exclude any book or newspaper or any class thereof from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit                                                                                                                                               | Replace ministerial discretion with criteria-based exemptions prescribed through regulations approved by Parliament.                            | Wide executive discretion may lead to unequal or politically motivated application of the law, undermining media independence. |
| Section 6 –<br>Copies of<br>books to be<br>delivered to<br>the Registrar<br>and returns to<br>be made | (1)The publisher of every book printed and published in the Colony shall—<br>(a)before or within fourteen days after publication of the book, at his own expense deliver to the Registrar such number of copies thereof, not exceeding three in number, as may be prescribed, together with a return in respect thereof in the prescribed form, containing the prescribed particulars and signed by him | Amend to include electronic legal deposit of e-books, digital journals and other electronic publications through a national digital repository. | The provision does not recognize digital publishing formats, yet modern publishing increasingly occurs electronically.         |
| Section 7 –<br>Copies of<br>newspapers to<br>be delivered to<br>the Registrar<br>and to the           | (1) The publisher of every newspaper printed in Kenya shall, upon every day upon which the newspaper is                                                                                                                                                                                                                                                                                                 | Provide for digital submission of online newspapers and electronic editions to a national digital archive.                                      | Ensures preservation of digital journalism records and aligns with global best                                                 |

| Section                                                | Current Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Proposal                                                                                                                        | Justification                                                                         |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Directors,<br>Kenya<br>National<br>Library<br>Services | <p>published, at his own expense deliver, or send by registered post, to the Registrar two copies of the newspaper and two copies of every supplement thereto (if any).</p> <p>(2) Such copies shall be of the paper on which the largest number of copies of the newspaper are printed and published and shall be in the like condition as the copies prepared for sale or distribution.</p> <p>(3) The copies delivered to the Registrar under this section shall be kept for the purpose of record in such place or manner or otherwise dealt with or disposed of in such manner or for such purposes, as may be prescribed.</p> |                                                                                                                                 | practices in national library archiving.                                              |
| Section 8 -<br>Returns<br>Relating to<br>Newspapers    | (1) The publisher for the time being of every newspaper printed in Kenya shall, within fourteen days after the date on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Replace with requirement to disclose publisher, editorial contact details, ownership structure and digital publication address. | Current provisions are designed for printing press structures, which are increasingly |



| Section                                                             | Current Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Proposal                                                                                                        | Justification                                                                                                                                                               |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                     | <p>which it is first published, and in the month of January in every year thereafter, make, sign and deliver to the Registrar a return in the prescribed form in respect thereof.</p> <p>(2) If, after any such return has been so delivered and before the next succeeding return in respect of the same newspaper is so delivered, any change occurs in any of the particulars returned, other than a change in circulation, the publisher for the time being of the newspaper shall, within one month of the change occurring, make, sign and deliver to the Registrar a return thereof in the prescribed form</p> |                                                                                                                 | <p>irrelevant in digital publishing.</p>                                                                                                                                    |
| <p><b>Section 11 – Execution of Bond by Newspaper Publisher</b></p> | <p>No person shall print any newspaper in Kenya, and no person shall publish any newspaper printed in the Colony, unless there is in force, duly executed, registered</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Repeal Section 11 entirely and replace with a simple notification or registration system for publishers.</p> | <p>The bond requirement creates a financial barrier to entry, discourages small publishers and community media, and undermines Article 34(2) which protects the freedom</p> |

| Section | Current Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Proposal | Justification                                          |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------|
|         | <p>and delivered by him to the Registrar in the manner hereinafter provided, a bond in the prescribed form in the sum of one million shillings, with one or more sureties as may be required and approved by the Registrar, as security for or towards the payment of any monetary penalty or damages which may at any time be imposed upon or adjudged against him upon his conviction for any offence, under this Act or under any other written law, committed after the execution of the bond, and relating to the printing or publication of such newspaper or of any matter therein, and also for the payment of any damages and costs awarded against him in respect of any libel printed or published in the newspaper after the execution of the bond</p> |          | <p>to establish media without undue state control.</p> |



| Section                                            | Current Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposal                                                                                     | Justification                                                                                                                                                                      |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 12-<br>Withdrawal of<br>Surety             | <p>If a surety desires to withdraw from a bond, and gives to the Registrar and to all other persons bound thereby not less than one month's notice in writing of such desire, he shall on the expiration of the period of such notice be discharged from his suretyship under the bond:</p> <p>Provided that the surety shall continue to be liable under the bond in respect of any penalties, damages or costs imposed, adjudged or awarded for and in respect of any offence committed, or any libel printed or published, before his discharge.</p> | Repeal section 12. Replace with provisions governing a simple publisher notification system. |                                                                                                                                                                                    |
| Section 13 -<br>Bond by<br>Printer of<br>Newspaper | <p>Whenever a surety—</p> <p>(a) gives notice of his desire to withdraw from a bond under the provisions of section 12; or (b) dies; or (c) leaves Kenya without leaving property therein sufficient and available to satisfy the full sum for which he</p>                                                                                                                                                                                                                                                                                             | Repeal Section 13.                                                                           | <p>Once Section 11 is repealed, the primary regulatory control mechanism disappears, maintaining a bond requirement for printers alone becomes illogical and disproportionate.</p> |

| Section | Current Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Proposal | Justification                                                                                                    |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------|
|         | <p>is bound as a surety; or(d)has a receiving order made against him; or(e)pays the whole or any part of the sum for which he is bound as a surety, or whenever a bond under this Part is enforced against a printer or publisher liable thereunder as a principal, the printer or publisher, as the case may be, shall, within one month thereafter, execute, register and deliver to the Registrar in the manner provided by <u>section 11</u> a new bond for the same purpose and in the same sum, and upon the completion of such execution, registration and delivery the old bond shall be thereby discharged:</p> <p>Provided that all persons liable, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties, damages or costs imposed, adjudged or</p> |          | <p>Additionally: digital publishing often occurs without a printing press, making the printer bond obsolete.</p> |



| Section                                                        | Current Provision                                                                                                             | Proposal                                                                                                                                                                                                                                                                                                                                                                                                       | Justification                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                | awarded for and in respect of any offence committed, or any libel printed or published, before the discharge of the old bond. |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                    |
| <b>Penalty Provisions (Various Sections)</b>                   | The Act creates criminal offences for administrative non-compliance such as failure to deposit copies of publications.        | Replace criminal sanctions with administrative penalties or civil compliance mechanisms.                                                                                                                                                                                                                                                                                                                       | Criminal sanctions for administrative breaches create a chilling effect on press freedom and are inconsistent with international standards on media regulation.                                                                                                                    |
| <b>New Provisions Recommended for Inclusion</b>                |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                    |
| <b>Insert new Section 2A – Criteria for Media Publications</b> |                                                                                                                               | <p>For purposes of this Act, a publication shall be considered a media publication where it meets one or more of the following criteria—</p> <ul style="list-style-type: none"> <li>a) the content is disseminated on a regular or periodic basis;</li> <li>b) the content primarily concerns news, public affairs, governance, law, economic policy, social issues, or matters of public interest;</li> </ul> | <p>This provision:</p> <ul style="list-style-type: none"> <li>i. establishes objective thresholds for determining whether content qualifies as a media publication</li> <li>ii. prevents over-regulation of private expression</li> <li>iii. ensures the law focuses on</li> </ul> |

| Section                                                                                           | Current Provision | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Justification                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                   |                   | <p>c) the publication is produced under editorial oversight or structured editorial processes; or</p> <p>d) the content is distributed to the general public through print, broadcast, or digital communication platforms.</p>                                                                                                                                                                                                                                                                                                                                                                                                  | journalistic activities.                                                                                                                                                                                                                                                                                          |
| <p><b>Insert Section 2B</b></p> <p><b>Exclusions from the Definition of Media Publication</b></p> |                   | <p>The following shall not constitute a media publication for purposes of this Act—</p> <p>a) personal social media posts made by individuals acting in a private capacity;</p> <p>b) private communications transmitted through messaging services, including email or messaging applications;</p> <p>c) personal blogs or websites not operated as a journalistic or public information platform;</p> <p>d) academic or scholarly publications primarily intended for research or educational purposes;</p> <p>e) internal communications produced by corporations, institutions, or organisations for internal use only.</p> | <p>This clause is critical because it:</p> <ol style="list-style-type: none"> <li>1) protects individual freedom of expression under Article 33</li> <li>2) ensures the Act does not regulate personal online expression</li> <li>3) prevents unintended regulation of ordinary social media activity.</li> </ol> |



| Section | Current Provision | Proposal | Justification |
|---------|-------------------|----------|---------------|
|         |                   |          |               |

## 2.0. CONCLUSION

If implemented, these amendments would:

- a) Remove colonial-era restrictions on media establishment
- b) Align legislation with constitutional protections of media freedom
- c) Recognize digital journalism and multimedia publishing
- d) Promote media pluralism and innovation
- e) Ensure preservation of Kenya's digital journalism record

Submitted by,



David Omwoyo Omwoyo, MBS

Chief Executive Officer & Secretary to the Council

**MEDIA COUNCIL OF KENYA**

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MOB: 0727 - 735252

[info@mediacouncil.or.ke](mailto:info@mediacouncil.or.ke)



**REPUBLIC OF KENYA**

**PARLIAMENTARY SERVICE COMMISSION**

**PARLIAMENTARY JOINT SERVICES**

**DIRECTORATE OF ICT AND LIBRARY SERVICES**

**MEMORANDUM TO THE NATIONAL ASSEMBLY COMMITTEE ON BROADCASTING  
AND LIBRARY ON THE PROPOSED AMENDMENTS TO THE BOOKS AND  
NEWSPAPERS ACT (CAP 111)**

**PARLIAMENT BUILDINGS,  
NAIROBI.**

**21<sup>ST</sup> APRIL 2025**



## 1. INTRODUCTION

The Books and Newspapers Act, Chapter 111 of the Laws of Kenya, was enacted in 1960. The Act was **assented to on 1 July 1960**. It officially **commenced on 19 July 1960**. This makes it a colonial-era law, as Kenya was still a British colony at the time. In fact, the original text of the Act repeatedly used the term "the Colony" to refer to Kenya. That's why a key part of the 2025 Amendment Bill is to replace "Colony" with "Kenya" throughout the Act, and to addLibrary the requirement for digital deposits to the Parliament Library.

The Parliament of Kenya Library is the official custodian of all documents produced by Parliament. Its responsibilities include providing information to Members of Parliament, the Parliamentary Service Commission staff, and the public. The library holds both print and digital materials.

Despite its important role as Parliament's memory, the library faces a serious shortage of information resources – especially books published in Kenya.

The proposed amendments to the Books and Newspapers Act offer a valuable opportunity for the Parliament Library to improve its collections through the legal deposit system. These changes will also bring Kenya's legal deposit framework in line with the constitutional principle of enhancing public access to information, and with international best practices.

The library fully supports the goals of the Bill. However, we wish to draw the Committee's attention to several operational, technical, and drafting issues that would benefit from clarification or change before the Bill is passed. Our recommendations aim to ensure smooth implementation and to avoid unintended difficulties for publishers.

## 2. INTERNATIONAL BEST PRACTICES FOR COMPARISON

Many countries designate parliamentary or legislative libraries as legal deposit repositories, not just national libraries. Examples include:

- a) **South Africa:** The Parliament of South Africa Library serves as a legal deposit repository, helping to preserve national literature.

- b) **South Korea and Indonesia:** In these countries, the National Assembly Library of Korea and the Library of the Parliament of Indonesia act as major legal deposit institutions.
- c) **United Kingdom:** While the British Library is the main legal deposit library, other Parliament-related libraries may request materials under the Legal Deposit Libraries Act 2003.

### **3. SPECIFIC RECOMMENDATIONS FOR THE COMMITTEE**

#### **3.1 Define “Digital Copy” in the Bill**

##### **The problem:**

New subsection 6(9) requires publishers to “submit a digital copy of the book” to four different institutions. However, the Bill does not specify the format, quality, or metadata requirements. This lack of clarity could lead to submissions that are not machine-readable, not searchable, or unsuitable for long-term preservation – for example, low-resolution scans or files in proprietary formats.

##### **What we recommend:**

Add a new subsection (10) as follows:

*(10) The Cabinet Secretary may, by regulations published in the Gazette, prescribe the technical specifications for digital copies under subsection (9), including file format, resolution, metadata standards, and means of delivery.*

##### **Alternative approach:**

Amend subsection (9) to read: “...submit a digital copy of the book in a format and manner prescribed by the Cabinet Secretary by regulations.”

##### **Why is this needed:**

It provides flexibility while ensuring that digital copies remain usable and preserved for the long term.

#### **3.2 Clarify the Relationship Between Physical and Digital Deposits**

##### **The problem:**

The Bill requires both physical copies (to the Registrar and the Clerk of the Senate) and



digital copies. It is not entirely clear whether a digital copy can satisfy a physical copy obligation or whether a publisher must deliver all copies separately.

**What we recommend:**

Insert a clear statement that delivering a digital copy does not relieve a publisher of the duty to deliver physical copies, and the same applies in reverse. This is already implied, but making it explicit will prevent disputes.

### **3.3 Provide a Transition Period for Digital Copies**

**The problem:**

The Bill does not say when the digital copy requirement takes effect. If the Act takes effect immediately after the President signs it, publishers whose books are already printed or at the proof stage may find compliance very expensive or impossible.

**What we recommend:**

Add a transitional clause like this:

*Notwithstanding section 6(9), a publisher shall not be required to submit a digital copy of any book whose first print run was completed before the date of commencement of this Act. For all other books, the requirement shall apply six months after commencement.*

**Why this is needed?**

It gives publishers a reasonable time to set up digital workflows and avoids applying the new rule to books already finished.

### **3.4 Address the “One Year” Notice Period for Additional Copies**

**The problem:**

Amended section 6(1)(b) allows the Registrar or the Clerk of the Senate to request up to three extra copies by giving notice “not later than one year after publication.” This could create uncertainty for publishers who may have already disposed of extra stock.

**What we recommend:**

The Bill does not strictly need to be changed. However, the Committee may wish to note in its report that the library intends to use this power only in rare cases – for example, when a copy has been lost or damaged – and not as a routine practice.

### **3.5 Resolve Potential Conflict with the Kenya National Library Service Act**

#### **The problem:**

Section 4(k) of the Kenya National Library Service Board Act (Cap. 225) already requires the Director of the Kenya National Library Service to publish a national bibliography. The current Bill does not amend that Act. As a result, the same digital copy might have to be submitted twice to the Kenya National Library Service – once under Cap. 111 and once under Cap. 225 – creating unnecessary administrative duplication.

#### **What we recommend:**

The Committee could consider making a small, related amendment to Cap. 225 to align the definitions and avoid double submission. Alternatively, the Committee can note that the Library will coordinate with the Kenya National Library Service to share digital copies where permitted.

### **4. RESOURCE IMPLICATIONS FOR THE PARLIAMENT LIBRARY**

The Bill's memorandum states that its enactment "shall not occasion additional expenditure of public funds." The Library respectfully wishes to inform the Committee that, while we are not asking for a new budget right now, some internal reallocation will be necessary. Specifically:

| <b>Item</b>                                     | <b>Estimate Need</b>                      |
|-------------------------------------------------|-------------------------------------------|
| Digital repository system                       | The existing budget may not be enough     |
| Additional physical storage                     | Gradual re-use of existing space          |
| Staff time for cataloguing and acknowledgements | Need for more staff                       |
| Publisher liaison and outreach                  | Part of existing public engagement duties |



The library is not requesting a supplementary budget at this stage, but we ask the Committee to note that full implementation may require small adjustments in future financial years.

#### 5. DRAFTING CORRECTION (NON-SUBSTANTIVE)

The library has noticed a typographical error in the Bill's heading on page

3. "NEWSPAPAERS" should be corrected to "NEWSPAPERS". We recommend fixing this before the Bill is finally published.

#### 6. CONCLUSION AND REQUEST

The Parliament Library Service fully supports the Books and Newspapers (Amendment) Bill, 2025. These amendments will transform the library into a proper legal deposit institution, directly supporting Parliament's legislative work.

We respectfully ask the Committee to:

- 1) **Adopt the technical recommendations** in paragraphs 3.1, 3.2, and 3.3 (definition of digital copy and transition period).
- 2) **Note the resource implications** without requiring immediate budget changes.
- 3) **Correct the typographical error** in the Bill's heading.

Prepared by:

**Mr. Harrison Owino-OGW**

**Director of ICT and Library Services**



## MEMORANDA: THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL NO 47 OF 2025

| S/NO | PROVISION                                                                                                                                                                                                                                                                                                                                                                                                                                              | PROPOSAL FOR AMENDMENTS                                                                                                                                                                                                                                                                | RATIONALE/JUSTIFICATION                                                                                                                                                                                      |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | <p><b>Clause 2</b></p> <p><b>Amendment of Section 6 of Cap 111</b></p> <p><b>Section 6 of the Books and Newspapers (Amendment) Act 2025</b></p> <p>"Delivery of copies of books;</p> <p>(a) by deleting the marginal note and substituting therefor the following new marginal note—</p> <p>(b) by deleting the words "the Colony" appearing in the opening statement and substituting therefor the word "Kenya";</p> <p>(c) in subsection (1) by—</p> | <p>a. Propose to amend clause 2 (c )(i) by substituting the phrase "and to the Clerk of the Senate" with the following –</p> <p>"Clerks of the National Assembly and the Senate"</p> <p>The amendment to apply in all other provisions which refer only to the Clerk of the Senate</p> | <p>The memoranda of objects and reasons contemplates the proposed amendment to apply to Parliament while the proposed Bill only mentions the Senate. The proposed amendment seeks to include both houses</p> |





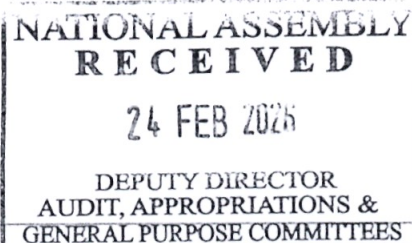
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|  | <p>(i) inserting the words "and to the Clerk of the Senate" immediately after the word "Registrar" appearing in paragraph (a); and</p> <p>(ii) deleting paragraph (b) and substituting therefor the following new paragraph—</p> <p>(b) if so required by the Registrar or the Clerk of the Senate, by notice in writing not later than one year after publication of the book, deliver to the Registrar or the Clerk of the Senate, at his or her own expense within one month of receipt of such notice, additional copies not exceeding three in number or as may be specified in the notice.</p> | <p>b. Amend by (c)(ii)(b) by inserting after the phrase "additional copies" the following "in accessible formats"</p> | <p>✓✓</p> <p>The copies in accessible formats which include braille and/ or big fonts ensures inclusion of persons with print disability</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

*pm*





Outlook



② MB Ouko June  
Committee to Consider  
24/2/26

Public Memorandum on the Books and Newspapers (Amendment) Bill, 2025

From Collins Lusi. <lusicollins@gmail.com>

Date Sun 02/22/2026 1:35 PM

To Clerk of the National Assembly Kenya <cna@parliament.go.ke>

① D/DC  
Please deal.  
23/02/26

Dear Clerk of the National Assembly,

RE: PUBLIC MEMORANDUM ON THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2025)

I write to submit my views on the above-mentioned Bill pursuant to the invitation issued by the National Assembly of Kenya and in line with Articles 10 and 118 of the Constitution on public participation.

Having reviewed the proposed amendments, I respectfully submit the following observations:  
Protection of Constitutional Freedoms

The Bill must strictly uphold Articles 33 and 34 of the Constitution, which guarantee freedom of expression and media freedom. Any provisions that may introduce excessive control, vague definitions, or disproportionate penalties could create a chilling effect on publishers, journalists, and citizens.

Clarity and Precision in Drafting

Key terms such as "publisher," "publication," and "distribution" should be clearly defined to prevent misinterpretation and potential abuse.

Proportionality of Penalties

Any penalties introduced must be reasonable, proportionate, and subject to judicial oversight to avoid misuse or political interference.

Digital and Emerging Media Considerations

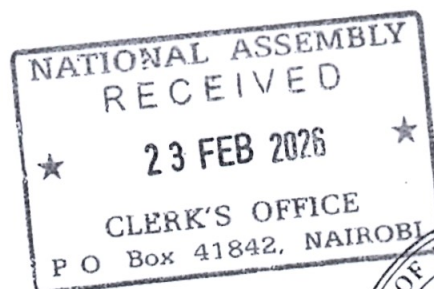
If the Bill seeks to regulate digital publications, it should do so carefully to avoid suppressing online civic engagement, innovation, and independent journalism.

In conclusion, I urge the House to ensure that the proposed amendments strengthen accountability and professionalism in publishing while fully safeguarding constitutional rights and democratic principles.

Thank you for the opportunity to participate in this legislative process.

Yours faithfully,

Collins Odhiambo Lusi



*[Handwritten signature]*



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**MEMORANDUM ON THE LOCAL CONTENT BILL, 2025 (National Assembly Bill No. 45 of 2025)**

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**From** Collins Lusi. <lusicollins@gmail.com>

**Date** Sun 02/22/2026 5:26 PM

**To** Clerk of the National Assembly Kenya <cna@parliament.go.ke>

This Memorandum is submitted pursuant to the constitutional principles of public participation under Articles 10 and 118 of the Constitution of Kenya.

The Local Content Bill, 2025 constitutes a significant legislative intervention aimed at institutionalizing Kenyan participation in strategic sectors of the economy, promoting equitable resource utilization, and operationalizing economic empowerment under Articles 201 and 232 of the Constitution.

While the policy objective of enhancing domestic participation is commendable, the Bill requires refinement to ensure legal certainty, enforceability, and protection against regulatory circumvention.

#### My General Position

I support the policy intent of the Bill in promoting local enterprise development, employment creation, and technology transfer. However, for the legislation to achieve its intended objectives, it must contain precise definitions, robust compliance mechanisms, and enforceable sanctions.

#### My Specific Recommendations

##### a) Definition of "Local Company"

The Bill should adopt a strict and objective definition of "local company," incorporating: Minimum Kenyan shareholding thresholds (e.g., not less than 51% beneficial ownership by Kenyan citizens);

Clear criteria on beneficial ownership to prevent nominee or proxy arrangements;

Requirements for Kenyan participation at both ownership and management levels.

The legislation should also mandate disclosure of ultimate beneficial ownership in line with corporate transparency standards to prevent regulatory evasion.

##### b) Mandatory Skills and Technology Transfer

The Bill should impose a statutory obligation on foreign investors to implement structured capacity-building frameworks, including:

Approved training and succession plans for Kenyan employees;

Mandatory internship and apprenticeship programs;

Time-bound localization targets for managerial and technical positions;

Formal technology transfer agreements.

Failure to meet localization benchmarks should attract administrative sanctions, including suspension of licenses or financial penalties.

##### c) Protection and Inclusion of SMEs

The Bill should incorporate affirmative procurement thresholds reserving a defined percentage of contracts for:

Youth-owned enterprises;

Women-owned enterprises;

Enterprises owned by persons with disabilities.

Such provisions should be harmonized with existing public procurement legislation to ensure consistency and avoid regulatory conflict.

d) County-Level Participation Framework

Given the devolved system of governance under Chapter Eleven of the Constitution, the Bill should: Provide a framework for county government consultation in projects undertaken within their jurisdictions;

Mandate local employment quotas at the county level;

Require community development agreements where extractive or large-scale infrastructure projects are implemented.

This will strengthen intergovernmental cooperation and promote equitable distribution of economic benefits.

e) Monitoring, Compliance, and Enforcement

The Bill should establish a clearly defined regulatory authority or designate an existing body with: Inspection and audit powers;

Authority to issue compliance directives;

Power to impose administrative penalties, fines, or license revocation for non-compliance;

A dispute resolution mechanism.

Enforcement provisions must be precise to avoid rendering the Act declaratory rather than operational.

f) Transparency and Public Reporting

The legislation should require:

Annual Local Content Compliance Reports;

Public disclosure of procurement data and localization performance metrics;

Parliamentary oversight through periodic reporting to the relevant departmental committee.

Transparency provisions will enhance accountability and public confidence in the implementation framework.

Therefore : The Local Content Bill, 2025 presents an opportunity to entrench economic participation, reduce structural unemployment, and enhance national economic sovereignty. However, without clear definitions, measurable compliance standards, and enforceable sanctions, the Bill risks ineffectiveness. Strengthening the above provisions will ensure that the legislation aligns with constitutional principles of accountability, equity, and sustainable development

Collins Odhiambo Lusi