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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

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REPORT ON:

THE BUSINESS LAWS (AMENDMENT) BILL (*SENATE BILL NO. 51 OF 2024*)

THE NATIONAL ASSEMBLY PAPERS LAID
DATE: 18 AUG 2026 DAY. Tuesday
TABLED BY: Hon. Benard Shinali, Chair, Trade
CLERK-AT THE-TABLE: Modo

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

AUGUST 2026

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TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS

ACA	-	Anti-Counterfeit Authority
AfCFTA	-	African Continental Free Trade Area
AI	-	Artificial Intelligence
ANC	-	Amani National Congress
ATWM	-	Africa Tech Workers Movement
BETA	-	Bottom-Up Economic Transformation Agenda
BPO	-	Business Process Outsourcing
Cap.	-	Chapter
CBS	-	Chief of the Burning Spear
CEO	-	Chief Executive Officer
CoG	-	Council of Governors
DDC	-	Directorate of Departmental Committees
DLA	-	Digital Labelers Association
EAC	-	East African Community
EBS	-	Elder of the Order of the Burning Spear
EDB	-	Economic Development Board
FDI	-	Foreign Direct Investment
ITES	-	Information Technology Enabled Services
KANU	-	Kenya African National Union
KEBS	-	Kenya Bureau of Standards
KENINVEST	-	Kenya Investment Authority
KEPSA	-	Kenya Private Sector Alliance
KUGWO	-	Kenya Union of Gig Workers
MDAs	-	Ministries, Departments and Agencies
MSMEs	-	Micro, Small and Medium Enterprises
NA	-	National Assembly
ODM	-	Orange Democratic Movement
PS	-	Principal Secretary
SD	-	State Department
SEZs	-	Special Economic Zones
SMEs	-	Small and Medium Enterprises
TIC	-	Trade, Industry and Cooperatives
UDA	-	United Democratic Alliance
WDM-K	-	Wiper Democratic Movement Kenya

LIST OF ANNEXURES

1. Adoption Schedule of the Report

2. Minutes
   Minutes of the 54th Sitting;
   Minutes of the 53rd Sitting; and
   Minutes of the 51st Sitting

3. Copy of the Newspaper Advertisement on the Bill

4. A Copy of the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*)

CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*), which was published on 11th November, 2024 and passed by the Senate without amendments on Thursday, 7th August 2025. The Bill underwent First Reading on Tuesday, 26th May, 2026. Being an omnibus Bill, it was referred to the following Departmental Committees for consideration and reporting to the House pursuant to the provisions of Standing Order 127:

a) Trade, Industry and Cooperatives to consider amendments to the Investment Promotion Act, Cap. 485 and the Anti-Counterfeit Act, Cap. 510;
b) Labour to consider amendments to the Employment Act, Cap. 226 and the Occupational Safety and Health Act, Cap. 236A;
c) Housing, Urban Planning and Public Works to consider amendments to the Affordable Housing Act, No. 2 of 2024; and
d) Lands to consider amendments to the Land Act, Cap. 280.

The Bill seeks to amend the Investment Promotion Act, Cap. 485; the Employment Act, Cap. 226; the Occupational Safety and Health Act, Cap. 236A; the Affordable Housing Act, No. 2 of 2024; the Land Act, Cap. 280; and the Anti-Counterfeit Act, Cap. 510 to create a conducive environment for doing business.

In accordance with Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Clerk of the National Assembly placed advertisements in the print media on 25th June 2026 requesting for comments on the Bill from the public and relevant stakeholders.

In considering the Bill, it was observed that most stakeholders supported the amendments proposed to the Investment Promotion Act, the Affordable Housing Act and the Anti-Counterfeit Act. On the other hand, most stakeholders opposed the amendments proposed to the Employment Act and the Occupational Safety and Health Act, observing that they presented structural gaps for immunity of tech companies to avoid liability through giving employer responsibilities to the BPOs and do not accurately address the gap that exists on the misclassification of tech and AI workers denying them worker protections accorded by Article 41 of the Constitution, the Employment Act, and the Occupational Safety and Health Act. The Committees took into consideration the proposals by stakeholders, some of which form part of the amendments proposed by the Committees.

The Committees observed that the Bill represents a significant step towards modernising Kenya's business regulatory framework by aligning key legislation with emerging economic realities, technological advancements and evolving investment practices. It was also observed that the amendments proposed to the Land Act are discriminatory because they only target purchasers of units of affordable housing and reduce their protections against lenders contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing.

The Committees extend sincere appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support extended throughout their sessions. We also acknowledge the valuable input from all the stakeholders that submitted their memoranda. Lastly, I express my deep gratitude to the Honourable Members of the Committees and the Committee Secretariat for their dedication and contributions to the development and production of this report.

On behalf of the Departmental Committees on Trade, Industry and Cooperatives; Labour; Housing, Urban Planning and Public Works; and Lands and pursuant to Standing Order 199(6), it is my privilege and honour to present to this House the Committees' Report on the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*).

Having considered the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*), the Committees recommend that the House approves the Bill with amendments as outlined in the Schedule under Chapter Six of this Report.

Hon. Benard Masaka Shinali, CBS, MP
Chairperson,
Departmental Committee on Trade, Industry and Cooperatives

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Trade, Industry and Cooperatives is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to **Standing Order 216 (5)** is as follows:

   i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
   ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
   iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
   iv. ***To study and review all the legislation referred to it;***
   v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
   vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
   vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
   viii. *To examine treaties, agreements and conventions;*
   ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
   x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
   xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider trade, including securities exchange, consumer protection, pricing policies, commerce, industrialisation including special economic zones, enterprise promotion & development including micro, small & medium enterprises (MSMEs), and small and medium enterprises (SMEs), intellectual property, industrial standards, anti-counterfeit policies and cooperatives development.

3. In executing its mandate, the Committee oversights the Ministry of Investment, Trade and Industry; and the Ministry of Cooperatives and MSMEs Development.

1.3 Committee Membership

4. The Departmental Committee on Trade, Industry and Cooperatives was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson
Hon. Bernard Masaka Shinali, CBS, MP
Ikolomani Constituency
ODM Party

Vice-Chairperson
Hon. Marianne Jebet Kitany, MP
Aldai Constituency
UDA Party

Hon. Adhe Wario Guyo, MP
North Horr Constituency
KANU

Hon. Anthony Tom Oluoch, MP
Mathare Constituency
ODM Party

Hon. (Dr.) Beatrice Kahai Adagala, MP
Vihiga County
ANC Party

Hon. Joshua Mbithi Mutua Mwalyo, MP
Masinga Constituency
Independent Member

Hon. Joyce Kamene, MP
Machakos County
WDM-K Party

Hon. Robert Githinji Gichimu, MP
Gichugu Constituency
UDA Party

Hon. (Dr.) Wilberforce Ojiambo Oundo, MP
Funyula Constituency
ODM Party

Hon. Adams Korir Kipsanai, MP
Keiyo North Constituency
UDA Party

Hon. Alfred Kiprono Mutai, MP
Kuresoi North Constituency
UDA Party

Hon. Amos Maina Mwago, MP
Starehe Constituency
Jubilee Party

Hon. John Okano Bwire, MP
Taveta Constituency
WDM-K Party

Hon. Samuel Parashina Sakimba, MP
Kajiado South Constituency
ODM Party

Hon. Michael Wainaina Wambugu, MP
Othaya Constituency
UDA Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:

Ms. Laureen Omusa Wesonga
Clerk Assistant I/Head of Secretariat

Ms. Carolyne Musyoka
Hansard Reporter II (Clerk Assistant)

Ms. Doreen Karani
Principal Legal Counsel II

Ms. Priscilla Wangu
Fiscal Analyst II

Ms. Priscilla Saidi
Research Officer III

Ms. Margaret Wainaina
Protocol Officer III

Mr. Kelvin Lengasi
Audio Assistant

Mr. Peter Barasa
Legal Counsel I

Ms. Pauline Sifuma
Hansard Officer II

Mr. Ambrose Nguti
Media Relations Officer III

Ms. Peris Kaburi
Assistant Serjeant-at-Arms II

CHAPTER TWO

2.0 OVERVIEW OF THE BUSINESS LAWS (AMENDMENT) BILL (*SENATE BILL NO. 51 OF 2024*)

2.1 Introduction

6. The Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*) is a Senate Bill sponsored by Sen. Aaron Cheruiyot, EGH, MP, Senate Majority Leader. The Bill was published in the *Kenya Gazette Supplement No. 202* on 11th November 2024 and was subsequently read a First Time in the Senate on 27th November 2024, after which it was committed to the Senate Standing Committee on Trade, Industrialization and Tourism for consideration.

7. The Bill was passed by the Senate without amendments on Thursday, 7th August 2025 and transmitted to the National Assembly for consideration in accordance with Article 110 of the Constitution. The Bill was read a First Time in the National Assembly on Tuesday, 26th May 2026. Being an omnibus Bill, it was referred to the following Departmental Committees for consideration and reporting to the House by Thursday, 13th August 2026:

   a) Trade, Industry and Cooperatives to consider amendments to the Investment Promotion Act, Cap. 485 and the Anti-Counterfeit Act, Cap. 510;
   b) Labour to consider amendments to the Employment Act, Cap. 226 and the Occupational Safety and Health Act, Cap. 236A;
   c) Housing, Urban Planning and Public Works to consider amendments to the Affordable Housing Act, No. 2 of 2024; and
   d) Lands to consider amendments to the Land Act, Cap. 280.

2.2 Clause by Clause Provisions of the Bill

8. The Bill seeks to amend the Investment Promotion Act, Cap. 485; the Employment Act, Cap. 226; the Occupational Safety and Health Act, Cap. 236A; the Affordable Housing Act, No. 2 of 2024; the Land Act, Cap. 280; and the Anti-Counterfeit Act, Cap. 510 to create a conducive environment for doing business. The Bill seeks to make the following specific amendments to the Acts:

9. **Clauses 2 to 9** of the Bill seek to amend **the Investment Promotion Act, Cap. 485**, to among others, provide for the accreditation of facilitators for foreign investors and the registration of foreign direct investments with the Authority before engaging in such investments and require ministries, departments, agencies, county governments and other public institutions to collaborate with the Authority in the performance of its functions under the Act.

10. **Clauses 10 and 11** of the Bill seek to amend **the Employment Act, Cap. 226** to define the terms '*employee*' and '*employer*'; introduce definition of the term '*business process outsourcing*'; and outline the obligations of business process outsourcing companies and providers of information technology services.

11. **Clause 12** of the Bill seeks to amend **the Occupational Safety and Health Act, Cap. 236A** by redefining the terms '*employee*', '*employer*' and '*workplace*' so as to provide for recognition of remote locations as workplaces.

12. **Clause 13** of the Bill seeks to amend **the Affordable Housing Act, No. 2 of 2024** to redefine the term '*affordable housing scheme*' and define the terms '*administration fee*' and '*social, physical, and urban infrastructure*'.

13. **Clauses 14 and 15** of the Bill seek to amend **the Land Act, Cap. 280** to among others, reduce the period within which a chargor may comply with a notice served by a chargee under section 90(2) of the Act in relation to default under a charge for an affordable housing unit. Additionally, the Bill proposes to reduce the period for rectifying a default from three months to forty-five days.

14. **Clauses 16 to 24** of the Bill seek to amend **the Anti-Counterfeit, Cap. 510** to among others, define the terms '*consumer*', '*counterfeiting*', '*counterfeit goods depot*', '*protected goods*', '*disposal*', '*raw material*' and '*unbranded goods*'. The Bill also seeks to remove the requirement that the cost of disposing of counterfeit goods be borne by the local manufacturer or importer.

CHAPTER THREE

3.0 STAKEHOLDER ENGAGEMENT ON THE BUSINESS LAWS (AMENDMENT) BILL (*SENATE BILL NO. 51 OF 2024*)

15. Following the request for memoranda by the Clerk of the National Assembly from members of the public and relevant stakeholders vide an advertisement in the print media on 25th June 2026, the following stakeholders submitted memoranda on the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024):

    i. State Department for Trade;
    ii. State Department for Investment Promotion;
    iii. State Department for Land and Physical Planning;
    iv. The Council of Governors (CoG);
    v. Kenya Private Sector Alliance (KEPSA);
    vi. Kenya Association of Manufacturers (KAM);
    vii. Bolt, Glovo and Uber;
    viii. Africa Tech Workers Movement (ATWM);
    ix. Data Labelers Association (DLA);
    x. E-Hailers Transport Operators Umbrella Association;
    xi. Kenya Union of Gig Workers (KUGWO); and
    xii. Africa Content Moderators Union

16. The stakeholders submitted as follows:

3.1 State Department for Trade

17. In a memorandum Ref. No. MITI/SDI dated 4th August 2026, the Principal Secretary, Ms. Regina Ombam submitted that the State Department was in support of most of the amendments proposed in the Bill. She proposed the following amendments:

18. While the amendments proposed to the Land Act specifically focus on properties tied to the affordable housing framework to encourage banks and financial institutions to extend credit to lower risk, the state Department proposed that in view of the target group for the affordable housing, default period and timelines for discharge be retained as they appear in existing legislation i.e. ninety (90) days to allow more time for purchasers of affordable housing units to organise their finances.

    Committee Observation/Recommendation

    The Committee observed that the proposal is discriminatory because it only targets purchasers of units of affordable housing and reduces their protections against lenders contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing. The Committee therefore proposed that clauses 14 and 14 of the Bill be deleted.

Clause 19

19. The Bill proposes deletion of the word 'destruction', however, the word does not exist in the section. Proper cross-referencing needs to be done.

Committee Observation/Recommendation

The Committee took note of the State Department's observation and deleted the clause.

3.2 State Department for Investment Promotion

20. In their memorandum, the Principal Secretary, Mr. Abubakar Hassan Abubakar, CBS, supported the amendments proposed to the Investment Promotion Act, the Employment Act, the Occupational Safety and Health Act, the Affordable Housing Act, and the Land Act.

21. The State Department proposed new insertions in the Bill amending section 974 of the Companies Act, Cap. 486; and section 22 of the Insurance Act, Cap. 487.

Committee Observation/Recommendation

The Committee observed that all the Companies Act, Cap. 486 and the Insurance Act, Cap. 487 were not being amended in the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024). The Committee therefore rejected their amendments to the Acts because they would expand the Bill beyond its scope.

3.3 State Department for Land and Physical Planning

In a letter Ref: MOLFWHUD/LPP/L/BILLS/GEN/2 dated 6th August 2026, the State Department for Lands and Physical Planning submitted as follows on the Bill:

22. The term affordable housing is used without defining the meaning thereof under the Land Act. The same would need to be defined by accordingly amending section 2 of the Land Act.

23. The proposals in the Bill seek to reduce the period within which the chargee in respect to affordable housing could quickly secure its securities in case of default by chargor is disadvantaged in so far as the period of notice is concerned. The proposal to amend bears the risks of being termed as discriminatory since it only targets affordable housing purchasers by disadvantaging them on the part of shortened notice periods within which they are supposed to do certain things to avert their properties from being sold in default cases.

Committee Observation/Recommendation

The Committee observed that the proposal is discriminatory because it only targets purchasers of units of affordable housing and reduces their protections against lenders

contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing. The Committee therefore proposed that clauses 14 and 15 of the Bill be deleted.

3.4 The Council of Governors (CoG)

24. In their memorandum Ref: COG/6/50/1A Vol. 23 (95) dated 5th August 2026, the Chief Executive Officer, Ms. Mary Mwiti, EBS proposed amendments to the Banking Act, the Central Bank of Kenya Act, the Microfinance Act, the Standards Act, the Kenya Accreditation Service Act, the Scrap Metal Act, the Special Economic Zones Act, the Kenya Industrial Research and Development Institute Act, and the National Electronic Single System Act

Committee Observation/Recommendation

The Committee observed that all the Acts that CoG was proposing were not being amended in the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024). The Committee therefore rejected all their amendments because they would expand the Bill beyond its scope.

3.5 Kenya Private Sector Alliance (KEPSA)

In their memorandum, KEPSA proposed the following amendments to the Bill:

Clause 10

25. Amend the clause by deleting the definition of 'employee' because the expansion of the definition to include individuals performing duties remotely or on-site within BPO or ITES arrangements fundamentally challenges the principle of contractual freedom.

26. Amend definition of the term '*information technology enabled service*' by making it clear, precise and narrowly framed to provide clarity, avoid regulatory overreach and ensure that only the intended categories of service providers are captured.

27. The definition should be further amended by including a savings provision to expressly preserve the principle of freedom of contract, allowing parties to define the nature of their working relationships, provided such arrangements are independent.

28. To safeguard the integrity of the employer-employee relationship, they recommended that the Bill be amended by introducing a clarifying provision acknowledging the evolving nature of work arrangements. In particular, it should affirm that the duty of fidelity remains enforceable where exclusivity is intended by parties.

Committee Observation/Recommendation

The Committee rejected deleting the definition of employee as the definition reflects the emerging trends in the labour sector such as the outsourcing of services. In addition, the Committee has retained the use of the term Information Technology Enabled Service" and has provided for its definition for clarity purposes.

29. Amend definition of '*employer*' by inserting the following proviso, '*Provided that an agent shall be regarded as an employer only where the agent exercises direct and meaningful control over the engagement, management and terms and conditions of employment on behalf of the principal. For the avoidance of doubt, this provision shall not otherwise alter, diminish, or affect the legal distinction between principal-agent relationships and employer-employee relationships*'.

Committee Observation/Recommendation

The Committee rejected the proposal and observed that the Bill seeks to address the emerging trends in the labour sector.

30. Amend definition of 'business process outsourcing' by inserting the following proviso, '*For the avoidance of doubt, Business Process Outsourcing shall not, by itself, create an employment relationship between the client and the outsourced personnel*'.

Committee Observation/Recommendation

The Committee rejected the proposals and observed that the Bill seeks to address the emerging issues such issues such outsourcing of services.
Clause 11

31. Delete section 5A in its entirety or redraft it entirely to focus on employer obligations where an undisputed employment relationship already exists, rather than creating automatic presumptions. They proposed the following amendments to the clause:

32. Amend the clause by inserting the following, '*For the avoidance of doubt, this section shall not apply to persons engaged as independent contractors or under non-employment contractual arrangements*'.

33. Amend the clause by inserting the following provision, '*Nothing in this section shall be construed to derogate from the established principles and judicial tests used to determine the existence of an employer-employee relationship*'.

34. Amend the clause by inserting the following provision, '*The obligation to provide necessary tools, equipment and resources shall apply solely in respect of persons recognised as employees under this Act and shall not extend to independent contractors or third-party beneficiaries*'.

Committee Observation/Recommendation

The Committee took note of this proposal and provided a definition for the term '*third party beneficiary*'.

Clause 12

35. Amend the definition to specify that a '*workplace*' includes any land, premises, onsite or remote location, vessel, or thing, at, in, upon, or near which a worker is in the course of employment, and which is provided, controlled, or reasonably foreseeable by the employer.

36. Insert the following proviso to the above definition, '*This definition shall apply solely to employment relationships recognised under this Act and shall not extend to persons engaged as independent contractors*'.

Committee Observation/Recommendation

The Committee recommends that the words 'workplace' be retained as proposed in the Bill as it is sufficiently defined.

3.6 Kenya Association of Manufacturers (KAM)

In their memorandum, KAM proposed the following amendments to the Bill:

37. The definition of '*Business Process Outsourcing*' should be narrowed to better reflect the modern BPO and ITES sector; otherwise, it risks capturing any company that outsources anything to a third party.

38. The Bill should focus on employment status and employer accountability rather than creating special industry-specific definitions that may be interpreted inconsistently. It was its view that: i) existing definition of employee should be left largely unchanged; (ii) recognise that employees may work remotely; (iii) create a broad technology-neutral definition of outsourced and technology-enabled services; (iv) avoid a narrow BPO terminology based on legacy outsourcing models; or (v) clarify that the employer of record remains responsible for labour obligations, even where work is performed for a third-party client.

39. There exists a need to clarify that remote employment constitutes employment, and that labour obligations do not abate merely by reason of work being performed off-site or remotely. From an industry perspective, it would be preferable for the Bill to clarify that the term '*employer*' includes a person acting on behalf of the employer in relation to compliance with the Act, rather than leaving unresolved the question of individual liability.

Committee Observation/Recommendation

The Committee rejected the proposals and observed that the Bill seeks to address emerging trends in the labour sector such as business process outsourcing and the

labour obligations that arise on the employer and employee in business process outsourcing arrangements.

40. The Bill should recognise commercial arrangements where the employer meets this obligation through client contracts, for example where the client supplies laptops, systems or other resources, or where responsibilities and costs are shared.

41. The Bill or supporting regulations should clearly define what constitutes 'necessary tools, equipment and resources' to ensure consistent interpretation and implementation. In the interest of protecting employees while giving due regard to commercial realities, the clause be amended to state that the employer shall take reasonable steps to ensure that an employee is furnished with the tools, equipment and resources reasonably necessary for the performance of assigned duties; and that, where such tools, equipment or resources are owned or controlled by a client or third-party beneficiary, the employer shall remain responsible for coordinating access thereto, but shall not be held liable for delays or interruptions arising solely from circumstances beyond its reasonable control.

42. The Business Process Outsourcing employer be retained as the primary party liable in respect of employee claims, save that, where the matter giving rise to a claim result wholly or substantially from the act, omission or instruction of the client, the law ought expressly to preserve the employer's right to recover from, or seek indemnity against, the client, in accordance with the contractual arrangements subsisting between the parties.

Committee Observation

The Committee took note of the proposals.

Clause 12

43. Regulations should clearly define how occupational safety obligations apply in remote work environments, including reasonable risk assessments, inspections, employee privacy and the limits of employer responsibility in premises that the employer does not own or control.

44. The definition of 'employee' ought to be rendered technology-neutral, and proposed that the said term be defined to include a person who performs duties remotely, virtually, digitally, or at an employer-designated workplace.

45. The law should clarify that employers should distinguish between workplaces and remote work locations, limiting employer obligations to matters reasonably within their control. The proposed definition of workplace ought to distinguish between an employer-controlled workplace and a remote or third-party location.

46. The law ought to clarify that an employer is not a guarantor of the safety of private residences, and ought clearly to distinguish corporate liability from the personal liability of individual managers.

Committee Observation/Recommendation

The Committee noted that the term employer has not been defined in the Occupational Safety and Health Act, Cap. 236A and provided the definition under paragraph 12 (c).

The Committee took note of the comments and rejected the same on the basis that the Occupational Safety and Health Act provides a broad definition of employee which properly reflects the different forms and locations of work place.

3.7 Bolt, Glovo and Uber

In their memorandum, Bolt, Glovo and Uber proposed the following amendments to the Business Laws (Amendment) Bill, 2024:

Clause 10

47. Amend the clause by deleting the words *"information technology-enabled service"* as the inclusion of the term technology-enabled service is overly broad and creates legal uncertainty.

Committee observation/Recommendation

The Committee rejected the proposal and observed that the Bill seeks to address emerging trends in the labour sector such as outsourcing of digital services.

The Committee observed that there is need to define the term information technology enabled services to provide clarity and certainty on its scope as opposed to deleting the word.

Clause 11

48. Amend the clause by deleting the words *'information technology-enabled service'*. The inclusion of the term technology-enabled service is overly broad and creates legal uncertainty.

Committee Observation/Recommendation

The Committee rejected the proposal and proposed to define the term *'information technology-enabled service'* to provide for its scope and clarity and certainty.

Clause 12

49. Amend the clause by deleting the words *'information technology-enabled service'*. The inclusion of the term technology-enabled service is overly broad and creates legal uncertainty.

Committee Observation

The Committee rejected the proposal and proposed to define the term *'information technology-enabled service'* to provide for its scope and clarity and certainty.

3.8 Africa Tech Workers Movement; Data Labelers Association; E-Hailers Transport Operators Umbrella Association; Kenya Union of Gig Workers; and Africa Content Moderators' Union

In their memoranda, ATWN, DLA, E-Hailers Transport Operators Umbrella Association, KUGWO and Africa Content Moderators' Union proposed the following amendments to the Bill:

Clause 10

50. The clause be amended in paragraph (b) by deleting the definition of the term 'employer' and substituting therefor the following definition: *'employer' means any person, entity, or enterprise that: (a) engages a worker to perform services; (b) exercises control, directly, indirectly, or algorithmically over remuneration, work conditions, or performance standards; and (c) benefits economically from the worker's services as part of its business operations and includes: (i) agents acting on the employer's behalf; (ii) digital platforms using algorithmic management; (iii) labour brokers or franchise operators controlling work conditions; (iv) ITES companies, digital labour platform, or temporary employment services, but excludes pure online marketplaces with no control over work terms'.*

Committee observation/Recommendation

The Committee rejected the proposal and observed that the Bill seeks to address emerging issues such outsourcing of digital services. The Committee amended definition of the term 'employer' under paragraph 10(b) to provide for performance of duties on-site or off-site.

51. The clause be amended in paragraph (c) by deleting the definition of '*Business Process Outsourcing*' and inserting the following new definition: *'Information Technology Enabled Services' means services delivered predominantly through information and communication technologies, including but not limited to: (a) business process outsourcing services, such as customer relationship management, financial and accounting operations, and human resource administration; (b) knowledge process services, including legal process outsourcing, data analytics, and market research; (c) digital and cloud-based services, such as software support, IT helpdesk services, and cloud infrastructure management; (d) healthcare and medical data services, including medical transcription, telemedicine support, and health informatics; (e) artificial intelligence and machine learning services, such as data annotation, natural language processing, and computer vision solutions; (f) e-learning and education technology services, including content development, online assessment systems, and virtual classroom support; (g) social media content moderation and fast response services; (h) social media content creation services; (i) workers undertaking click work, task work, or micro work; and (j) any other technology-driven services that rely substantially on digital infrastructure for delivery'.*

52. The clause be amended in paragraph (c) by inserting the following new definitions in the proper alphabetical sequence: *'algorithmic management' means the use by an employer of automated systems to allocate work, monitor performance, determine remuneration, or impose sanctions on workers; 'digital labour platform' means any online infrastructure that facilitates the provision of services by workers to clients, including but not limited to ride-hailing, delivery, freelance, or task-based services; 'digital platform worker' means any worker who performs remunerated work through a digital labour platform or is subject to algorithmic control by the platform, where the digital platform: (a) unilaterally determines remuneration rates; (b) imposes binding rules on conduct, performance standards, or appearance; (c) restricts the worker's ability to refuse tasks; (d) uses automated monitoring, surveillance, or rating systems to discipline workers; or where the worker does not have genuine autonomy over the work, remuneration rates and the tools of trade; and 'successive fixed-term contracts' means two or more fixed-term contracts between the same employer and employee with intervals of less than sixty days between contracts'.*

Committee observation/Recommendation

The Committee took note of the proposals and provided a definition of the term Information Technology Enabled Service and retained the definition of the term business process outsourcing as it provides clarity on what the term means. In addition, the Committee rejected the insertion of the new terms, algorithmic management, digital labour platform, digital platform worker and successive fixed term contracts as they have not been used in substantive text in the Act.

53. The clause be amended to include provisions on local industry growth in the Bill. Definitions to be inserted in the proper alphabetical sequence: *'digital content work' includes but is not limited to data labelling, content moderation, and any other task involving the classification, annotation, or review of digital content or datasets for artificial intelligence or machine learning purposes; 'skills transfer program' means a structured training initiative where an employer provides Kenyan workers with technical and operational knowledge to enable them to perform higher-value tasks within the same field; and 'upskilling' means the process of training workers to acquire advanced skills relevant to their current or future roles'.*

Committee Observation/Recommendation

The Committee rejected the proposal as the terms digital content work, skills transfer program and upskilling have not been used in the substantive text of the Act.

Clause 11

54. Amend the Bill by inserting the following new clauses immediately after clause 11—
11A. The Employment Act is amended by inserting the following new sections immediately after section 16 (Cap. 226):

Dependent Contractor *'16A. For the purpose of this Act, 'dependent contractor' means a person who performs work or services for another party under conditions that exhibit characteristics of both employment and independent contracting, where such person: (a) derives income from an employer, client, or digital platform, demonstrating economic dependence on the work relationship; (b) is subject to control or direction,* *whether directly or through algorithmic means, regarding the manner, timing, or conditions of work performance, including but not limited to adherence to performance metrics or quality standards, compliance with specified work schedules or acceptance quotas, use of designated tools, equipment, or platforms, or conformity to conduct requirements; (c) lacks genuine autonomy in determining the rates or terms of remuneration; (d) lacks genuine autonomy over the ability to refuse work assignments without penalty; (e) lacks genuine autonomy or the freedom to maintain an independent client base; (f) performs work that forms an integral part of the engager's ordinary business operations; (2) Where a worker demonstrates that they meet at least two of the criteria under subsection (1), they shall be presumed to be a dependent contractor unless the employer proves otherwise; (3) No employer shall classify a worker as an independent contractor where the factual relationship meets the definition of a dependent contractor under this Act; (4) The provisions of this Act and the Labour Relations Act (Cap. 233) shall apply to a dependent contractor with the necessary modifications; (5) The Cabinet Secretary shall make regulations to prescribe further protections for dependent contractors in different sectors.*

Rights of dependent contractors, *16B. (1) A dependent contractor shall be entitled to: (a) minimum earnings as may be prescribed by the Cabinet Secretary; (b) a written contract of terms specifying: (i) the nature and scope of work; (ii) remuneration structure and payment intervals; (iii) performance measurement criteria; and (iv) grounds and procedures for contract termination; (v) social protection through mandatory contributions to the National Social Security Fund and Social Health Insurance Fund; and (c) protection from unfair termination.*

55. Obligations of a person engaging a dependent contractor, *16C. A person who engages a dependent contractor shall: (a) maintain clear records of all work assignments and payments; (b) provide at least seven days' notice of any material changes to working conditions; (c) disclose the key parameters of any algorithmic management systems used to allocate work, measure performance, or determine remuneration (Cap. 236); and (d) provide insurance coverage for work-related injuries equivalent to that required under the Work Injury Benefits Act.*

Enhanced enforcement powers, *16D. (1) A labour officer investigating alleged worker misclassification may: (a) enter any premises during working hours; (b) require production of any records; (c) interview any worker privately; (d) make copies of any relevant documents; and (2) The Labour Officer shall maintain a register of employers convicted of worker misclassification under section 49A which shall be: (a) published quarterly in the Kenya Gazette; and (b) made available on the Ministry's website.*

56. 11B. The Employment Act is amended by inserting the following new section immediately after section 49: *Offences relating to worker misclassification, 49A. (1) An employer who: (a) deliberately misclassifies a worker; (b) maintains false records regarding worker classification status; or (c) fails to produce worker classification records within seven days of a request by a labour officer, commits an offence; (2) Where an employer is charged with an offence under subsection (1), the burden shall be upon the employer to prove that the classification was proper; (3) A person who commits an offence under this section shall be liable to a fine not exceeding ten million shillings or three times the value of avoided statutory contributions, whichever is higher; (4) Subject to subsection (3), the court may order payment to the affected worker of all unpaid wages and benefits plus interest at the Central Bank rate; (5) The Court may make such further orders as may be necessary, including: (a) requiring the employer to conduct an audit of all worker classifications; (b) requiring the employer to provide training on compliance with this Act; (c) appointing an*

administrator to oversee compliance for up to three years; (6) No employer shall take adverse action against any worker who: (a) makes a complaint regarding misclassification; or (b) provides information regarding potential misclassification; and (7) Any person who contravenes the provisions of subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year, or both.

57. 11C. The Employment Act is amended by inserting the following new paragraphs in section 90(1) immediately after paragraph (o): *(p) prescribing sector-specific standards for dependent contractor engagements; (q) establishing mechanisms for monitoring compliance with this section; (r) standard terms for joint employment contracts; (s) procedures for amending joint employment contracts; (t) minimum curricula for skills transfer programs; (u) reporting templates for skills development progress; (v) standards for certification of upskilled workers.*

58. 11D. The Employment Act is amended by inserting the following new section immediately after section 90: *Transitional provision, 91(1) Any existing dependent contractor relationship shall be amended to comply with the provisions of this Act within twelve months of the commencement of this Act. Any existing contracts which constitute joint employment relationships shall be amended to comply with section 10A within six months of the commencement of this Act.*

59. 11E. The Employment Act is amended by inserting the following new section immediately after section 37: *Regulation of fixed-term contracts, 37A. (1) Where an employee is engaged on successive fixed-term contracts to perform the same or similar work for an aggregate period exceeding six months, the employee shall be deemed to be employed on a permanent basis; (2) An employer shall not terminate a fixed-term contract with the sole purpose of avoiding the operation of subsection (1); (3) All workers engaged on fixed-term contracts are entitled to: (a) equal remuneration for work of equal value as permanent employees; (b) equal access to company benefits, including but not limited to medical cover, pension contributions, and training opportunities; (c) written notice of any contract renewal at least thirty days before expiry of the current contract; (4) Where an employer fails to comply with subsection (1), the employee shall be entitled to: (a) automatic conversion to permanent employment status; or (b) severance pay equivalent to one month's salary for every completed year of service. This amplifies the psychological harm, especially in content moderation and data-labelling work, because the platforms and BPOs use the short fixed-term contracts to deny medical and psychological care. The Cabinet Secretary shall make rules prescribing: (a) the maximum permissible duration of fixed-term contracts in each sector; (b) standard terms for contract renewal; and (c) penalties for non-compliance with this section.*

60. 11F. Joint Employment, *(1) For the purposes of this Act, 'joint employment' exists where: (a) two or more persons or entities exercise control over the work or working conditions of an employee; or (b) the employee has an employment relationship with one person or entity but is economically dependent on another person or entity for work opportunities; (2) In determining whether joint employment exists, the following factors shall be considered: (a) the nature and degree of control over the employee's work, including but not limited to (i) hiring, firing, or disciplining the employee; (ii) setting work schedules or employment conditions; (iii) determining pay rates or methods of payment; and (iv) maintaining employment records; (b) the degree of supervision exercised or retained over the employee's work; (c) whether the work performed is integral to the business of the alleged joint employer; (d) whether the employee is economically dependent on the alleged joint employer; and (e) whether the alleged joint employer shares control with another employer, either*

directly or indirectly; (4) Joint employers shall be: (a) jointly and severally liable for compliance with all provisions of this Act; (b) required to clearly inform their joint employees of their joint employment status; (c) prohibited from using contractual arrangements to avoid joint employment obligations.

Requirements for joint employment contracts (1) Where a worker is engaged in a joint employment relationship, all joint employers shall: (a) enter into a single written contract with the worker that is signed by (i) the worker or their authorized representative; and (ii) all joint employers or their authorized representatives; and (b) provide the worker with a copy of the signed contract within seven days of execution; (2) Every joint employment contract shall specify: (a) the identity of all joint employers; (b) the respective obligations of each joint employer regarding (i) payment of wages and other remuneration; (ii) provision of statutory benefits; (iv) working conditions; and (v) termination procedures; (c) the primary contact person for work-related matters; (3) No joint employer shall: (a) avoid their obligations under this Act by claiming another joint employer is solely responsible; and (b) make unilateral changes to the contract without written consent from all parties; (4) Where a digital labour platform is involved as a joint employer, the contract shall additionally specify: (a) how algorithmic systems will be used to manage work; and (b) procedures for appealing automated decisions; and (5) Any joint employer who fails to comply with this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings.

Committee Observation/Recommendation

The Committee rejected the proposals as the proposed matters are provided for under the existing labour law framework. The existing legal framework on labour laws regulates fixed term employment, termination, employee rights, freedom of association and protection against anti-union discrimination. The proposed joint employment framework would introduce a broad liabilities.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committees made the following observations on the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*):

1. The Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024) represents a significant step towards modernising Kenya's business regulatory framework by aligning key legislation with emerging economic realities, technological advancements and evolving investment practices.

2. The proposed amendments are intended to improve the ease of doing business by strengthening investment facilitation, recognising remote work and digital employment, supporting affordable housing financing and enhancing the protection of intellectual property rights through stronger anti-counterfeit measures. The Bill is consistent with Kenya's development priorities under Vision 2030, the Bottom-Up Economic Transformation Agenda (BETA), and the country's commitment to improving its competitiveness as a regional investment and trade hub.

3. The proposed amendments to the Investment Promotion Act are intended to enhance Kenya's investment climate by streamlining investment procedures, strengthening investment facilitation and improving the ease of doing business.

4. The proposed amendments to the Land Act are discriminatory because they only target purchasers of units of affordable housing and reduce their protections against lenders contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing.

5. The proposed amendments to the Anti-Counterfeit Act will strengthen the institutional and operational capacity of the Anti-Counterfeit Authority to combat counterfeit trade, protect intellectual property rights and safeguard consumers and legitimate businesses. The proposed provisions on the disposal of counterfeit goods, enhanced penalties for offences and improved governance of the Authority are likely to promote effective enforcement, strengthen accountability and enhance compliance with the law.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

The Committees having reviewed the Business Laws (Amendment) Bill (*Senate Bill No. 51 of 2024*) recommend that the House approves the Bill with amendments as proposed in the Schedule in Chapter Six of this Report.

CHAPTER SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committees propose the following amendments to be considered by the House in the Committee Stage:

Clause 2

1. THAT, the Bill be amended by deleting clause 2

<u>Justification</u>

The Committee has proposed deletion of clause 3 which was providing for the accreditation of facilitators for foreign investors.

Clause 3

2. THAT, the Bill be amended by deleting clause 3

<u>Justification</u>

The deletion of section 3 of the Investment Promotion Act, Cap. 485 does away with the provision to apply for an investment certificate by local investors. Additionally, the amendment institutionalises corruption since the roles of facilitators are not provided for in the Bill.

Clause 4

3. THAT, clause 4 of the Bill be amended as follows—

   a) In subclause 4(1) by deleting the word '*direct*' appearing immediately after the word '*foreign*'; and
   b) By deleting subclause 4(2) and substituting therefor the following new subclause, '*A foreign investor shall apply for registration of a foreign investment in the prescribed form*'.

<u>Justification</u>

Definition of '*foreign direct investment*' is not provided in the Act.

Clause 5

4. THAT, clause 5 of the Bill be amended by deleting the proposed subsection 6(2) and substituting therefor the following new section—

   6(2) In determining whether an investment and any activity related to the investment are beneficial to Kenya for the purposes of subsection (1)(c), the Authority shall consider the extent to which the investment or activity will contribute to the conditions specified in paragraphs (a), (b) (c), (d) and (e) and any or all of the conditions specified in paragraphs (f), (g) and (h)—

   a) creation of employment for Kenyans;
   b) acquisition of new skills or modern compatible state of the art technology for Kenyans;
   c) contribution to tax revenues or other Government revenues;
   d) utilization of domestic raw materials, supplies and services if available and can meet the required standards;
   e) adoption of necessary value addition in the processing of local, natural and agricultural resources;
   f) transfer of technology to Kenya;
   g) an increase in foreign exchange, either through exports or import substitution; and
   h) utilization, promotion, development and implementation of information and communication technology.

Justification

Utilisation of raw materials, supplies and services; and adoption of value addition in the processing of local, natural and agricultural resources are very important and should therefore be compulsory considerations. The Committee recognises that the raw materials, supplies and services may not meet the required standards hence the amendments.

Clause 8

5. THAT, clause 8 of the Bill be amended as follows—

   a) In paragraph 8(1) (a) by deleting the word '*six*' and substituting with the word '*three*';
   b) In paragraph 8(1) (b) by deleting the word '*six*' and substituting with the word '*three*'; and
   c) Deleting paragraph (b).

Justifications

a) The proposal is to retain three work permits as provided in the Act because six work permits are many.
b) The provision under subclause 8(14) is provided for under section 15 of the Act on the functions of the Authority.

Clause 10

6. THAT, clause 10 of the Bill be amended in paragraph 10(b) by deleting the definition of the word employer and substituting therefor the following new definition—

   "employer" means any person, public body, firm, corporation or company who or which has entered into a contract of service to employ any individual, whether the duties of the employee are performed remotely or on-site, and includes the agent, foreman, manager or factor of such person, public body, firm, corporation or company'.

Justification

The definition is sufficient as is in the Act, however, the Committee recognised modern and emerging work arrangements in which an employee may perform duties on-site or off-site.

Clause 11

6. THAT, clause 11 of the Bill be amended by inserting the following new definition in the proper alphabetical sequence—

   'third beneficiary' means a person or entity, other than the employer or employee, for whose benefit the services of an employee are provided pursuant to a business process outsourcing arrangement'.

Justification

The Committee proposes to define the term third beneficiary for clarity and certainty purposes.

Clause 12

7. THAT, clause 12 of the Bill be amended in paragraph 12(c) by deleting the proposed definition of employer and substituting therefor the following new definition—

'employer' means any person, public body, firm, corporation or company who or which has entered into a contract of service to employ any individual, whether the duties of the employee are performed remotely or on-site, and includes the agent, foreman, manager or factor of such person, public body, firm, corporation or company'.

Justification

The definition is sufficient as is in the Act, however, the Committee recognised modern and emerging trends in the labour sector in which an employee may perform duties on-site or off-site.

Clause 13

8. THAT, clause 13 of the Bill be amended by—

a) Deleting definition of the term '*affordable housing scheme*'.
b) Deleting definition of the term '*Social, Physical and Urban Infrastructure*';
c) Inserting the following new definition of the term '*social and physical infrastructure*' in Section 2 of the Act;
"Social and physical infrastructure" means social or physical amenities, infrastructure or services necessary for social welfare and the functioning and wellbeing of people, and includes urban infrastructure and any other associated social and physical infrastructure necessary to support the wellbeing of the people'.

<u>Justifications</u>

a) **The definition of the term 'affordable housing scheme' provided in the Affordable Housing Act, No. 2 of 2024 adequately captures the integrated nature of affordable housing schemes, including the supporting social and physical infrastructure necessary for sustainable human settlements.**
b) **The term 'social, physical and urban infrastructure is not used in the Act but instead refers to 'social and physical infrastructure' or 'associated social and physical infrastructure'. Introducing a new definition without consequential amendments creates inconsistency in drafting and may create uncertainty in the interpretation of the legislation**
c) **The definition of social and physical infrastructure will clarify the term to include urban infrastructure and maintain consistency in the Act while recognising urban infrastructure as an integral component of affordable housing schemes, without necessitating consequential amendments to other provisions.**

Clause 14

9. THAT, clause 14 of the Bill be deleted

<u>Justification</u>

The proposal is discriminatory because the proposal only targets purchasers of units of affordable housing and reduces their protections against lenders contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing.

Clause 15

10. THAT, clause 15 of the Bill be deleted

Justification

The proposal is discriminatory because the proposal only targets purchasers of units of affordable housing and reduces their protections against lenders contrary to the provisions of Article 43(1)(b) of the Constitution that provides that every person has the right to accessible and adequate housing.

Clause 17

11. THAT, clause 17 of the Bill be amended by deleting paragraph (c).

Justification

The Kenya Bureau of Standards has all standards including those of ICT and will therefore aptly execute the role that the State Department would have played in the Board. Including the PS responsible for matters relating to ICT or his representative will increase the Board membership to ten (10) which contravenes the *Mwongozo* Guideline on Good Governance.

Clause 19

12. THAT clause 19 of the Bill be amended by—

a) Deleting paragraph (a)
b) Amending the proviso to section 23 (1) (b) by deleting the words '*destruction or alienation*' and substituting with the word '*disposal*'.

Justifications

a) The deletion of paragraph (a) is to address the wrong cross-referencing. The paragraph being amended is 23 (1) (b) and not 23 (1) (a) as provided in the Bill.
b) The word 'disposal' as defined in the Bill encompasses both destruction and alienation hence the amendment.

Clause 20

13. THAT, Bill be amended by deleting clause 20 and substituting with the following clause—

27 (1) (a) '*Provided that in the case of counterfeit goods, such goods shall be disposed at the expense of the local manufacturer or importer, as the case may be, based on the environmental considerations and the capacity of the country to destroy the goods, or shall be reshipped*'.

Justification

To ensure that the manufacturer or importer of counterfeit goods bears the cost of disposal if incurred.

Clause 22

14. THAT, clause 22 of the Bill be amended by—

a) Deleting paragraph (a);
b) Deleting paragraph (b);
c) Amend section 34B of the Act by—
   i) Deleting the word '*Agency*' in subsection (1) and substituting with the word '*Authority*';
   ii) Deleting the word '*Agency*' in subsection (2) and substituting with the word '*Authority*';
   iii) Deleting the word '*Agency*' in subsection (3) and substituting with the word '*Authority*';
   iv) Deleting the word '*Agency*' in subsection (8) and substituting with the word '*Authority*';
   v) Deleting the word '*Agency*' in subsection (9) and substituting with the word '*Authority*';
   vi) Deleting the word '*Agency*' in subsection (10) and substituting with the word '*Authority*';
   vii) Deleting the word '*Agency*' in subsection (13) and substituting with the word '*Authority*'; and
   viii) Deleting the word '*Agency*' in subsection (14) and substituting with the word '*Authority*'.

Justifications

a) Section 34B addresses Trademarks and not intellectual property rights. The amendment is therefore misplaced;
b) There is misrefencing of the section being amended under paragraph (b); and
c) The amendments to section 34B of the Act delete the word agency and replace with the word authority because the implementing body is the Anti-Counterfeit Authority.

Clause 23

15. THAT, clause 23 of the Bill be amended by—

a) Deleting the clause
b) Amending subsection 35 (2) of the Act to read as follows, '*A person convicted of an offence under section 24, 31, and 32 (h) to 32 (n), shall be liable to imprisonment for a term not exceeding three years, or a fine not exceeding two million shillings, or both*'.

Justification

This is for clarity.

Clause 24

16. THAT, clause 24 of the Bill be amended in paragraph (b) by deleting the words '*two thirds*' and substituting with the word '*five*'.

Justification

Getting two thirds of the membership of the Board to transact business may be a challenge and may cause delays in the consideration of business before the Board.

SIGNED: .... DATE: 18th August 2026

HON. BENARD MASAKA SHINALI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES