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Rt. Hon. Speaker
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J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: *15/05/2024*

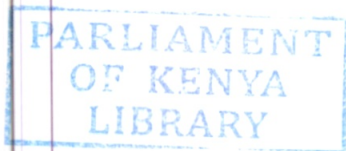
REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | THIRD SESSION

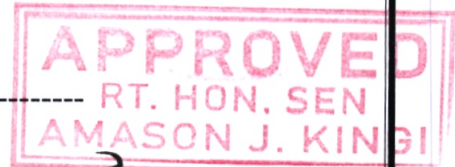
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15/05/2024

THE SENATE

STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND
HUMAN RIGHTS



REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT)
BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023) AND THE
STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2024
(NATIONAL ASSEMBLY BILLS NO. 3 OF 2024)



PAPERS LAID	
DATE	<i>21/5/2024</i>
TABLED BY	<i>Chairperson</i>
COMMITTEE	<i>JLHRC</i>
CLERK AT THE TABLE	<i>Cherof</i>

16/05/24

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

DC-E-G
Forwarded and recommended for approval
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15/05/2024

May, 2024

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LIST OF ABBREVIATIONS/ACRONYMS

CDL	Select Committee on Delegated Legislation
KLRC	Kenya Law Reform Commission
SEN	Senator

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Justice, Legal Affairs and Human Rights is established under the Standing Orders of the Senate and is mandated *'to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.*

Membership of the Committee

The Committee is comprised of –

- | | |
|--|--------------------|
| 1) Sen. Wakili Hillary Kiprotich Sigei, MP | - Chairperson |
| 2) Sen. Raphael Chimera Mwinzagu, MP | - Vice-Chairperson |
| 3) Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4) Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 5) Sen. Hamida Kibwana, MP | - Member |
| 6) Sen. Catherine Muyeka Mumma, MP | - Member |
| 7) Sen. Veronica W. Maina, MP | - Member |
| 8) Sen. Karen Njeri Nyamu, MP | - Member |
| 9) Sen. Andrew Omtatah Okoiti, MP | - Member |

Minutes of the Committee in considering the Statutory Instruments (Amendment) Bill, 2023 (National Assembly Bills No. 2 of 2023) and the Statutory Instruments (Amendment) Bill (National Assembly Bills No. 3 of 2024) are attached to this Report as *Annex I*.

FOREWORD BY THE CHAIRPERSON

Honourable Speaker,

The Statutory Instruments (Amendment) Bill, 2023 (National Assembly Bills No. 2 of 2023) was passed by the National Assembly with amendments, on 28th November, 2023, and was transmitted to the Senate for its consideration. The Bill was read a First Time in the Senate on Thursday, 7th December, 2023 and committed to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

Thereafter, the Statutory Instruments (Amendment) Bill (National Assembly Bills No. 3 of 2024) was passed by the National Assembly with amendments, on 21st March, 2024 and transmitted to the Senate for consideration. The Bill was read a first time in the Senate on Wednesday 17th April, 2024 and thereafter stood committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

Honourable Speaker,

The Statutory Instruments (Amendment) Bill, 2023 (National Assembly Bills No. 2 of 2023) seek to amend various sections of the Statutory Instruments Act, Cap 2A to provide for among others, publication of Parliament's decision to revoke or annul a statutory instrument, as well as reviewing the maximum penalties that may be stipulated in a proposed statutory instrument.

The Statutory Instruments (Amendment) Bill, 2024 (National Assembly Bills No. 3 of 2024) similarly seeks to amend various sections of the Statutory Instruments Act, particularly those dealing with informing the public, through notices in the Parliamentary website and in the gazette, of the lapse of instruments for failure to submit them for scrutiny within the required timelines, and also of decisions to annul instruments. The Bill also proposes to retroactively revive statutory instruments which had already been automatically revoked by operation of law and not been validly extended after being in place for ten years as provided for in section 21 of the Act, as well as repeal section 21 which provides for automatic revocation of statutory instruments.

Honourable Speaker,

Pursuant to Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bills. In that regard, the Committee published advertisements in the *Daily Nation* and *Standard* newspapers on Saturday, 9th December, 2023 and Friday, 26th April, 2024, respectively, inviting members of the public to submit written memoranda to the

Committee on the Bills. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bills.

The Committee received written memoranda from the Senate Select Committee on Delegated Legislation, Kenya Law Reform Commission and the Attorney General on the Statutory Instruments (Amendment) Bill, 2023 (National Assembly Bills No. 2 of 2023). The Committee further received submissions from Kenya Law Reform Commission on the Statutory Instruments (Amendment) Bill (National Assembly Bills No. 3 of 2024). The proposed amendments in this Report are therefore the product of extensive consultations that have taken place to ensure that we have a good law in place that will stand the test of time.

Honourable Speaker,

I wish to thank the Office of the Speaker and the Clerk of the Senate for the logistical and technical support accorded to the Committee during consideration of the Bills. The Committee further wishes to thank the Stakeholders who submitted written comments on the Bills.

Honourable Speaker,

It is now my pleasant duty, pursuant to Standing Order 148 (1) of the Senate Standing Orders, to present the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Statutory Instruments (Amendment) Bill, 2023 (National Assembly Bills No. 2 of 2023) and the Statutory Instruments (Amendment) Bill, 2024 (National Assembly Bills No. 3 of 2024).

Signed  Date..... 14/5/2024

**SEN. WAKILI HILLARY KIPROTICH SIGEI, MP
CHAIRPERSON, STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS
AND HUMAN RIGHTS**

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023) AND THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2024 (NATIONAL ASSEMBLY BILLS NO. 3 OF 2024).

We, the undersigned Members of the Standing Committee on Justice, Legal Affairs and Human rights, do hereby append our signatures to adopt this Report.

No	Name	Signature
1.	Sen. Wakili Hillary Kiprotich Sigei, MP (Chairperson)	
2.	Sen. Raphael Chimera Mwinzagu, MP (Vice-Chairperson)	
3.	Sen. Fatuma Adan Dullo, CBS, MP	
4.	Sen. William Cheptumo Kipkiror, CBS, MP	
5.	Sen. Hamida Kibwana, MP	
6.	Sen. Catherine Muyeka Mumma, MP	
7.	Sen. Veronica W. Maina, MP	
8.	Sen. Karen Njeri Nyamu, MP	
9.	Sen. Andrew Omtatah Okoiti, MP	