

SPECIAL ISSUE

Kenya Gazette Supplement No. 152 (National Assembly Bills No. 54)



REPUBLIC OF KENYA

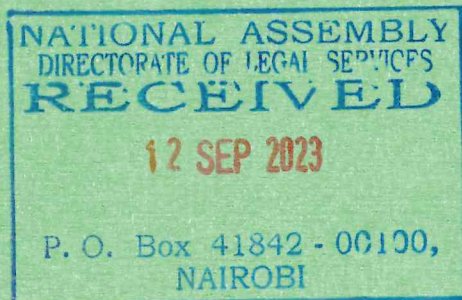
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 1st September, 2023

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THE PRISONS (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Prisons Act, Cap 90

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Prisons (Amendment) Act, 2023. Short title.

2. The Prisons Act is amended by deleting section 69. Repeal of section 69 of Cap 90.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Prisons Act, Cap 90 Laws of Kenya in order to abolish the death penalty and the manner of its execution.

The objectives of the Bill are to preserve the fundamental right to life, to put an end to cruel, inhuman and degrading treatment and punishment of condemned persons occasioned by the enforcement of the death penalty.

Further, it seeks to stop the psychological trauma brought about by the death sentence and to reflect Kenya's international commitment to the abolition of the death penalty through ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The Bill proposes to repeal section 69 of the Prisons Act that contains provisions regulating the manner of execution of persons sentenced to death.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor limit fundamental rights and freedoms.

Statement as to whether the Bill concerns county governments

This is not a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution as it does not contain provisions affecting the functions and powers of the county governments set out in the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill for the purposes of Article 114 of the Constitution as the enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 31st May, 2023.

J. OPIYO WANDAYI,
The Leader of Minority Party.

Section 69 of Cap 90 Laws of Kenya which it is proposed to amend—

69. Manner of execution of persons sentenced to death

When any person is sentenced to death, he shall be hanged by the neck until he is dead and the sentence shall be carried out in such manner as the Commissioner shall direct.





