

SPECIAL ISSUE

Kenya Gazette Supplement No. 27 (National Assembly Bills No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 1st February, 2024

CONTENT

Bill for Introduction into the National Assembly –	PAGE
The Statutory Instruments (Amendment) Bill, 2024	59



the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2002).

There is a growing awareness of the need to address the needs of older people, and the UK Government has set out a strategy for the 21st century (Department of Health 2001). The strategy is based on the principle of 'active ageing', which is defined as 'the process of optimising opportunities for health, participation in society, and security in old age' (Department of Health 2001, p. 1).

The strategy is based on three pillars: health, participation and security. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment. The Department of Health has set out a number of objectives for each pillar, and has identified a number of key areas for action. The key areas for action are: health, participation, security, and the environment.

**THE STATUTORY INSTRUMENTS (AMENDMENT)
BILL, 2024**

A Bill for

AN ACT of Parliament to amend the Statutory Instruments Act

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Statutory Instruments (Amendment) Act, 2024.

Short title.

2. Section 11 of the Statutory Instruments Act, 2013 (in this Act referred to as the “principal Act”) is amended by inserting the following new subsections immediately after subsection (4)—

Amendment of section 11 of No. 23 of 2013.

“(5) Where a regulation making authority fails to submit a statutory instrument in accordance with subsection (1), the Committee shall require the regulation making authority to submit the statutory instrument to Parliament within seven days from the date of the resolution by the Committee.

(6) Notwithstanding subsections (4) and (5), Parliament may, where a statutory instrument ceases to have effect in accordance with subsection (4), notify the public in the Parliamentary website, that the statutory instrument is a nullity.”

3. Section 12 of the principal Act is amended by deleting subsection (3).

Amendment of section 12 of No. 23 of 2013.

4. Section 14 of the principal Act is amended by inserting the words “recommend to the House to” immediately after the words “the Committee may”.

Amendment of section 14 of No. 23 of 2013.

5. The principal Act is amended by deleting section 19 and substituting therefor the following new section—

Amendment of section 19 of No. 23 of 2013.

Requirements for publishing an annulment.

19. (1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled—

(a) the instrument shall stand annulled; and

(b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority.

(2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in the *Gazette* within fourteen days.

6. The principal Act is amended by deleting the heading to Part V and substituting therefor the following new heading —

Amendment of title of PART V of No. 23 of 2013.

“PART V –PURPOSE FOR REVIEW OF STATUTORY INSTRUMENTS”

7. The principal Act is amended by repealing section 21.

Amendment of section 21 of No. 23 of 2013

8. Section 24 of the principal Act is amended in subsection (5) by deleting the words “not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months” and substituting therefor the words “not exceeding one million shillings or such term of imprisonment not exceeding five years”.

Amendment of section 24 of No. 23 of 2013.

9. Section 27 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) —

Amendment of section 27 of No. 23 of 2013.

“(3) Any statutory instrument that was in operation on or before the 24th January, 2024, shall continue to operate and to have effect as if the instruments had not been automatically revoked on that date.”

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the provisions of the Statutory Instruments Act, 2013 to streamline its provisions with the Constitution and ensure better application of its provisions.

Clause 2 of the Bill seeks to amend section 11 of the Act, to enable the Committee on Delegated Legislation to require the regulation making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law. The amendment further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.

Clause 3 of the Bill seeks to amend section 12 of the Act, to align the Act with the constitutional provision delegated legislative authority as per article 94 (5).

Clause 4 of the Bill seeks to amend section 14 of the Act to provide that where the committee recommends an exemption of any statutory instrument from scrutiny, then the exemption may only be done subject to approval by the House.

Clause 5 of the Bill seeks to amend section 19 of the Act, to harmonize the wording of the law, specifying the action taken by Parliament as an annulment and deleting the word revoke.

Clause 6 of the Bill seeks to amend the Title of Part V of the Act, to align it with the revised provisions.

Clause 7 of the Bill seeks to amend section 21 of the Act, to remove the mandatory requirement for the review of subsidiary legislation and the expiration of statutory instruments.

Clause 8 of the Bill seeks to amend section 24 of the Act, to increase the limit of fines and term of imprisonment in order for the law to act as an adequate deterrent for violation or breach of regulations.

Clause 9 of the Bill seeks to amend section 27 of the Act, to provide for savings provision, allowing the continuous operation of regulations that were in operation on or before the 24th of January, 2024.

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

The Bill delegates legislative powers to the relevant House Committee as per section 12 of the Statutory Instruments Act, 2013, and does not limit fundamental rights and freedoms.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill does not occasion additional expenditure on public funds.

Dated the 30th January, 2024.

KIMANI ICHUNG'WAH,
Leader of Majority Party.

Section 11 of No. 23 of 2013 which it is proposed to amend –

11. Laying of statutory instruments before Parliament

(1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.

(2) Notwithstanding subsection (1) and pursuant to the legislative powers conferred on the National Assembly under Article 109 of the Constitution, all regulation-making authorities shall submit copies of all statutory instruments for tabling before the National Assembly.

(3) The responsible Clerk shall register or cause to be registered every statutory instrument transmitted to the respective House for tabling or laying under this Part.

(4) If a copy of a statutory instrument that is required to be laid before the relevant House of Parliament is not so laid in accordance with this section, the statutory instrument shall cease to have effect immediately after the last day for it to be so laid but without prejudice to any act done under the statutory instrument before it became void.

Section 12 of No. 23 of 2013 which it is proposed to amend –

12. Referral to the Committee

(1) Every statutory instrument issued, made or established after the commencement of this Act shall upon tabling before the respective House of Parliament stand referred to the Committee or any other committee that may be established for the purpose of reviewing and scrutinizing statutory instruments.

(2) Nothing under subsection (1) may be construed as precluding the Committee from scrutinizing statutory instruments previously published before the commencement of this Act.

(3) The provisions of subsection (1) shall not apply to any rules, regulations and orders emanating from a court of competent jurisdiction in Kenya.

Section 19 of No. 23 of 2013 which it is proposed to amend –

19. Revocation

Where Parliament has adopted a report or a resolution that a statutory instrument be revoked, the instrument shall stand revoked and the regulation making authority shall publish the revocation within fourteen days.

Section 21 of No. 23 of 2013 which it is proposed to amend –

PART V – STAGED AUTOMATIC EXPIRY OF STATUTORY INSTRUMENTS

21. Automatic revocation of statutory instruments

(1) Subject to subsection (3), a statutory instrument is by virtue of this section revoked on the day which is ten years after the making of the statutory instrument unless—

- (a) it is sooner repealed or expires; or
- (b) a regulation is made exempting it from expiry.

(2) The responsible Cabinet Secretary may in consultation with the Committee, make a regulation under this Act extending the operation of a statutory rule that would otherwise be revoked by virtue of this section for a period as is specified in the regulation not exceeding twelve months.

(3) Only one extension of the operation of a statutory rule can be made under subsection (2).

(4) The automatic revocation period for statutory instruments issued under the Income Tax Act (Cap. 470), the Stamp Duty Act (Cap. 480), the Value Added Tax Act, No. 35 of 2013, Tax Appeal Tribunal Act, No. 40 of 2013, Excise Duty Act, No. 23 of 2015 and Tax Procedure Act, No. 29 of 2015, is hereby extended for a period of twenty-four months with effect from the twenty fifth day of January, 2023.

Section 24 of No. 23 of 2013 which it is proposed to amend –

24. Exercise of powers

(1) Where any statutory instrument or appointment or any other thing purports to be made or done in exercise of a particular power, it shall be deemed also to be made or done in exercise of all powers thereunto enabling.

(2) A statutory instrument shall not be inconsistent with the provisions of the enabling legislation, or of any Act, and the statutory instrument shall be void to the extent of the inconsistency.

(3) Where an enactment confers a power to make a statutory instrument it shall be deemed also to include a power exercisable in the like manner and subject to the like conditions (if any) to amend, repeal or replace the statutory instrument.

(4) Where any enactment power is conferred on any person to make a statutory instrument or to do anything for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not derogate from the generality of the general purpose.

(5) There may be annexed to the breach of statutory instrument a penalty, not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months, or both, which the regulation making authority may think fit.

Section 27 of No. 23 of 2013 which it is proposed to amend –

27. Transition and saving

(1) Sections 27 and 34 of the Interpretation and General Provisions Act (Cap. 2) are hereby repealed.

(2) Despite the provisions of subsection (1), any regulations, order or notice issued immediately before the commencement of this Act shall continue in force as if it were made under this Act unless it is expressly revoked by an Act of Parliament under which it is made.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.4 billion.

As a result of the demographic changes, the number of people in the world who are 65 years of age and older is expected to increase from 250 million in 1990 to 500 million in 2025. The number of people in the world who are 75 years of age and older is expected to increase from 100 million in 1990 to 250 million in 2025.

The number of people in the world who are 85 years of age and older is expected to increase from 20 million in 1990 to 100 million in 2025. The number of people in the world who are 90 years of age and older is expected to increase from 5 million in 1990 to 30 million in 2025.

The number of people in the world who are 95 years of age and older is expected to increase from 1 million in 1990 to 10 million in 2025. The number of people in the world who are 100 years of age and older is expected to increase from 0.5 million in 1990 to 5 million in 2025.

The number of people in the world who are 105 years of age and older is expected to increase from 0.1 million in 1990 to 1 million in 2025. The number of people in the world who are 110 years of age and older is expected to increase from 0.05 million in 1990 to 0.5 million in 2025.

The number of people in the world who are 115 years of age and older is expected to increase from 0.01 million in 1990 to 0.1 million in 2025. The number of people in the world who are 120 years of age and older is expected to increase from 0.005 million in 1990 to 0.05 million in 2025.

The number of people in the world who are 125 years of age and older is expected to increase from 0.001 million in 1990 to 0.01 million in 2025. The number of people in the world who are 130 years of age and older is expected to increase from 0.0005 million in 1990 to 0.005 million in 2025.

The number of people in the world who are 135 years of age and older is expected to increase from 0.0001 million in 1990 to 0.001 million in 2025. The number of people in the world who are 140 years of age and older is expected to increase from 0.00005 million in 1990 to 0.0005 million in 2025.

The number of people in the world who are 145 years of age and older is expected to increase from 0.00001 million in 1990 to 0.0001 million in 2025. The number of people in the world who are 150 years of age and older is expected to increase from 0.000005 million in 1990 to 0.00005 million in 2025.

The number of people in the world who are 155 years of age and older is expected to increase from 0.000001 million in 1990 to 0.00001 million in 2025. The number of people in the world who are 160 years of age and older is expected to increase from 0.0000005 million in 1990 to 0.000005 million in 2025.

The number of people in the world who are 165 years of age and older is expected to increase from 0.0000001 million in 1990 to 0.000001 million in 2025. The number of people in the world who are 170 years of age and older is expected to increase from 0.00000005 million in 1990 to 0.0000005 million in 2025.

The number of people in the world who are 175 years of age and older is expected to increase from 0.00000001 million in 1990 to 0.0000001 million in 2025. The number of people in the world who are 180 years of age and older is expected to increase from 0.000000005 million in 1990 to 0.00000005 million in 2025.

The number of people in the world who are 185 years of age and older is expected to increase from 0.000000001 million in 1990 to 0.00000001 million in 2025. The number of people in the world who are 190 years of age and older is expected to increase from 0.0000000005 million in 1990 to 0.000000005 million in 2025.

The number of people in the world who are 195 years of age and older is expected to increase from 0.0000000001 million in 1990 to 0.000000001 million in 2025. The number of people in the world who are 200 years of age and older is expected to increase from 0.00000000005 million in 1990 to 0.0000000005 million in 2025.

the 1990s, the number of people who have been employed in the public sector has increased in all countries.

There are a number of reasons for the increase in public sector employment. One of the main reasons is the increasing demand for public services. As the population ages, there is a need for more social security and health care services. In addition, the demand for education and training has increased, leading to a larger public sector workforce.

Another reason for the increase in public sector employment is the expansion of government activities. In the 1990s, many countries expanded their public sector to provide a wider range of services, such as housing, transportation, and environmental protection. This expansion led to a corresponding increase in the number of public sector employees.

Finally, the increase in public sector employment can be attributed to the growth of the public sector as a share of the economy. In many countries, the public sector has grown from a small fraction of the economy in the 1970s to a significant portion of the economy by the 1990s. This growth has led to a corresponding increase in the number of public sector employees.

In conclusion, the number of people who have been employed in the public sector has increased in all countries during the 1990s. This increase can be attributed to a number of factors, including the increasing demand for public services, the expansion of government activities, and the growth of the public sector as a share of the economy.

There are a number of reasons for the increase in public sector employment. One of the main reasons is the increasing demand for public services.

Another reason for the increase in public sector employment is the expansion of government activities. In the 1990s, many countries expanded their public sector to provide a wider range of services, such as housing, transportation, and environmental protection. This expansion led to a corresponding increase in the number of public sector employees.

Finally, the increase in public sector employment can be attributed to the growth of the public sector as a share of the economy. In many countries, the public sector has grown from a small fraction of the economy in the 1970s to a significant portion of the economy by the 1990s. This growth has led to a corresponding increase in the number of public sector employees.

In conclusion, the number of people who have been employed in the public sector has increased in all countries during the 1990s. This increase can be attributed to a number of factors, including the increasing demand for public services, the expansion of government activities, and the growth of the public sector as a share of the economy.

There are a number of reasons for the increase in public sector employment. One of the main reasons is the increasing demand for public services.

Another reason for the increase in public sector employment is the expansion of government activities. In the 1990s, many countries expanded their public sector to provide a wider range of services, such as housing, transportation, and environmental protection. This expansion led to a corresponding increase in the number of public sector employees.