

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 52 (Senate Bills No. 10)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2024**

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**NAIROBI, 7th March, 2024**

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

**A Bill for**

**AN ACT of Parliament to amend the Statutory Instruments Act to provide for the timelines within which statutory instruments shall be made; and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows —

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

Short title.

**2.** The Statutory Instruments Act is amended by inserting the following new section immediately after section 24 —

Insertion of new section 24A to No. 23 of 2023.

Timelines for making of statutory instrument.

**24A.** (1) A regulatory-making authority shall make a statutory instrument within the period provided for under the enabling legislation.

(2) If the enabling legislation does not provide the timelines within which a statutory instrument is to be made, the regulatory-making authority shall make the statutory instrument within twelve months from the date of commencement of the enabling legislation.

(3) If a regulatory-making authority fails to make a statutory instrument within the specified time, any person may petition Parliament and where possible together with a draft of the statutory instrument for consideration.

(4) A person who without a reasonable cause fails to make a statutory instrument within the required timelines commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings.

(5) A person liable for an offence under subsection (4) shall be personally liable for the fine and public funds shall not be used to pay such a fine.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of objects and reasons**

The principal object of the Bill is to amend the Statutory Instruments Act, Cap. 2A to provide the timelines for the making of regulations to ensure implementation of laws passed by Parliament. The Bill proposes to insert a new section 24A in the Statutory Instruments Act to require a person responsible for the making of regulations to make the regulations within twelve months, where the enabling legislation has not set the timelines for the making of regulations. Where a person fails to make regulations within the required timelines, the person commits an offence punishable with a fine of five hundred thousand shillings.

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

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

### **Statement on how the Bill concerns county governments**

Statutory Instruments are a form of delegated legislation, at the National and County Governments. Statutory Instruments are crucial at both levels of government as they give effect to a number of provisions usually contained in the Parent Act. The Bill is therefore a Bill concerning county governments as County Executives and County Assemblies are central in the processing of statutory instruments in order to actualize a number of functions and powers as contained in Part 2 of the Fourth Schedule to the Constitution.

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

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 6th March, 2024.

AARON CHERUIYOT,  
*Senate Majority Leader.*

STEWART MADZAYO,  
*Senate Minority Leader.*