

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 113 (Senate Bills No. 24)*



REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2018**

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**NAIROBI, 10th August, 2018**

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**THE STATUTORY INSTRUMENTS (AMENDMENT)  
BILL, 2018**

**A Bill for**

**AN ACT of Parliament to make amendments to the  
Statutory Instruments Act, and for connected  
purposes**

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

**1.** This Act may be cited as the Statutory Instruments (Amendment) Act, 2018. Short title.

**2.** The Statutory Instruments Act, in this Act referred to as the “principal Act”, is amended in section 11 by— Amendment of section 11 of No. 23 of 2013.

- (a) deleting the words “responsible Clerk” appearing immediately after the words “transmitted to the” in subsection (1) and substituting therefor the words “Clerk of the Senate and the Clerk of the National Assembly”;
- (b) deleting subsection (2); and
- (c) deleting the words “responsible Clerk” appearing at the beginning subsection (3) and substituting therefor the words “Clerk of each House”.

**3.** The principal Act is amended in section 15 by deleting subsection (3) and substituting therefor the following new subsection— Amendment of section 15 of No. 23 of 2013.

- (3) Despite the provision of subsection (2), the extension of time by resolution of the House shall not exceed twenty-one days.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of Objects and Reasons**

The purpose of the Bill is to amend the Statutory Instruments Act in order to expressly include the Senate in the statutory instruments scrutiny process. As part of the Parliament of Kenya, the Senate of Kenya has a role in the making of the laws of Kenya which includes statutory instruments. Excluding the Senate from such an important aspect of law making would deny the Counties the right to be represented.

### **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 of how the Bill concerns County Governments**

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution as it affects the functions and powers of County Governments set out in the Fourth Schedule.

Statutory Instruments form part of the Laws of Kenya. The content of these instruments may have an impact on the functions of county governments as stipulated 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.**

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

Dated the 23rd July, 2018.

SAMUEL POGHISIO,  
*Chairperson, Delegated Legislation Committee.*

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

**Laying of statutory instruments before Parliament**

11. (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 15 of No.23 of 2013 which it is proposed to amend—*

**Report to Parliament**

15. (1) The Committee shall make a report to Parliament containing only a resolution that the statutory instruments that stands permanently referred to the Committee be revoked.

(2) Where the Committee does not make the report referred to in subsection (1) within twenty eight sitting days after the date of referral of the statutory instrument to the Committee under section 12, or such other period as the House may, by resolution approve, the statutory instrument shall be deemed to have fully met the relevant considerations referred to in section 13.

(3) Despite the provision of this Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the National Assembly relating to the handling of a statutory instrument, the National Assembly may, by resolution, extend that time by a period not exceeding twenty-one days.