

Approved for tabling in the House.

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

DATE: 09 JUN 2022 Thursday

TABLED BY: *Chairperson, Delegated Legislation*

CLEAR AT THE TABLE: *G. Chebet*

 HARAMBEE

TWELFTH PARLIAMENT – SIXTH SESSION

BN
SWA
9/6/2022

THE NATIONAL ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

EXIT REPORT FOR THE 12TH PARLIAMENT (2017-2022)

Directorate of Audit, Appropriations and Other Select Committees
National Assembly
Parliament Buildings
NAIROBI

June, 2022



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ABBREVIATIONS /ACRONYMS

ASALs	-	Arid and Semi-Arid Lands
CoK	-	Constitution of Kenya
SO	-	Standing Order
NA	-	National Assembly
MP	-	Member of Parliament
LN	-	Legal Notice

CHAIRPERSON'S FOREWORD

Standing Order 200A (1) and (2) of the National Assembly Standing Orders provides that *“(1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability; and (2) The report shall be available to the succeeding committee which may consider it in preparing its work plan”*.

The Exit Report is an important tool of gauging the Committee's performance in the Twelfth Parliament. It gives details of the business transacted by the Committee from November 2017 to June 2022 and offers a starting point for the succeeding Committee as it highlights the business pending before the Committee at the end of the Sixth Session.

In line with Article 118 of the Constitution which requires Parliament to facilitate public participation and involvement in legislative and other business of the Parliament, two hundred sixty nine published Regulations were referred to the Select Committee on Delegated Legislation in the 12th Parliament; whereby eight (8) Regulations were in draft format that was required to be tabled in the House before publication i.e. IEBC Regulations, the Breast Milk Substitute (Regulation and Control) (General) Regulations, 2021. The Committee executed most of the work referred to it despite the challenging COVID-19 Pandemic period where Members had to work under unprecedented arrangements that prohibited physical meetings because of the Covid 19 dangers to human life.

Through its work, the Committee positively impacted the country in several ways including among others, scrutiny and approval of Land Registration (Electronic Transactions) Regulations, 2020. The Regulations outlines framework for roll-out of electronic land transactions system, conduct of searches on an electronic system, valuation for online payment of stamp duty and registration of interests in the electronic land register. The Regulations also make provision for the execution of instruments using electronic signatures by parties. Prior to the Regulations, the property records of each registration unit throughout the country have been kept at the Lands Registry of that registration unit in physical form in the deed files.

Moreover, most Arid and Semi-Arid Lands (ASALs) in Kenya experience perennial draught due to lack of adequate rainfall. The effects of prolonged drought aggravated food insecurity situation and lead to decreased pasture for livestock as well as increasing potential for resource-based conflicts. In that regard, the Committee approved Public Finance Management (National Drought Emergency Fund) Regulations, 2021 following its commital to the Committee. The purpose of the Regulations - among others - was to improve the effectiveness and efficiency of drought risk management in the country as wells as to provide common basket emergency fund and resources to primarily facilitate faster, transparent, predictable and accountable release of fund for drought risk management and mitigation.

I wish to most sincerely thank The Speaker of National Assembly and The Office of the Clerk for the invaluable support accorded to the Committee in discharge of its mandate.

Finally, on behalf of the Members of the Select Committee on Delegated Legislation, and pursuant to Standing Order 200A (1), it is my pleasure and humble duty to present to the House the Exit Report of the Committee.

HON. WILLIAM KASSAIT KAMKET, M.P.

1. PREFACE

1.1 Establishment of Committee

1. The power of each House of Parliament to establish committees and to make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees is provided under Art. 124 of the Constitution of Kenya, 2010.
2. The National Assembly Standing Orders has established various committees of the House with distinct Mandates. These Committees under the Directorate of Audit, Appropriations and Other Select Committees play a pivotal role of facilitating the National Assembly fulfill its constitutional mandate of allocation of national revenue, appropriation of funds and oversight over national revenue, expenditure and State organs.
3. The Committee on Delegated Legislations is established pursuant to *Standing Order No. 210*.

1.2 Mandate of the Committee

4. The Committee is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it:
 - a) is in accordance with the provisions of the Constitution, the Act under which it is made, or other relevant written laws. is in accordance with the provisions of the Constitution, the Act under which it is made, or other relevant written laws;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the option of the Committee should more properly be dealt with in an Act of Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - f) gives retrospective effect to any of the provisions in respect to which the Constitution does not expressly give any such power;
 - g) it involves expenditure from the consolidated fund or other public revenues;
 - h) is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
 - i) appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act under which it is made;

- j) appears to have had an unjustifiable delay in its publication or laying before Parliament;
- k) makes rights, liberties, or obligations unduly dependent upon non-renewable decisions;
- l) makes rights, liberties, or obligations unduly dependent on insufficiently defined administrative powers;
- m) inappropriately delegates legislative powers;
- n) imposes a fine, imprisonment, or other penalties without express authority having been provided for in the enabling legislation;
- o) appears for any reason to infringe on the rule of law;
- p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
- q) accords to any other reason that the Committee considers fit to examine.

1.3 Committee Membership

5. The Committee comprises of the following members:-

1st Session – 2017

- | | | |
|--|---|------------------|
| 1. Hon. Gladys Boss-Shollei, CBS, M.P. | - | Chairperson |
| 2. Hon. Fatuma Gedi, M.P. | - | Vice Chairperson |
| 3. Hon. Muriuki Njagagua, M.P. | | |
| 4. The Hon. Alice Wahome, M.P. | | |
| 5. Hon. Isaac Waihenya Ndirangu, M.P. | | |
| 6. Hon. George Gitonga Murugara, M.P. | | |
| 7. Hon. Muturi Kigano, M.P. | | |
| 8. Hon. Charles Gimose, MP | | |
| 9. Hon. Ronald Kiprotich Tonui, M.P. | | |
| 10. Hon. William Kamket Kassait, M.P. | | |
| 11. Hon. Munene Wambugu, M.P. | | |
| 12. Hon. Abdi Tepo, M.P. | | |
| 13. Hon. Martha Wangari, M.P. | | |
| 14. Hon. Sammy Seroney, M.P. | | |
| 15. Hon. Alfred Bernard Wekesa Sambu, MP | | |
| 16. Hon. William Kamoti, MP | | |
| 17. Hon. Timothy Wanyonyi, MP | | |
| 18. Hon. Abdullswamad Shariff Nassir, MP | | |
| 19. Hon. (Dr.) Wilberforce Oundo, MP | | |
| 20. Hon. Robert Mbui, MP | | |
| 21. Hon. Daniel Maanzo, M.P. | | |
| 22. Hon. Jennifer Shamalla, M.P. | | |
| 23. Hon. Patrick Kariuki Mariru, M.P. | | |

1.4 Committee Secretariat

- | | | |
|-----------------------|---|------------------------|
| 1. Ms. Susan Maritim | - | Senior Clerk Assistant |
| 2. Mr. Jimale Mohamed | - | Third Clerk Assistant |
| 3. Mr. Dima Dima | - | Senior Legal Counsel |
| 4. Ms. Mugure Gituto | - | Legal Counsel II |
| 5. Ms. Ann Kigoro | - | Research Officer |
| 6. Mr. Stanley Lagat | - | Sergeant-At-Arms |

Committee Sitzings

6. During this period, the Committee held **one sitting** on Election of Chairperson. Where Members were informed that twenty eight (28) Regulations from various Regulatory making Authorizes were pending before the Committee that ought to be considered within the statutory timelines of twenty-eight days after referral to the Committee;

The Committee was then advised to consider holding its induction workshop between 22 January, 2017 and 13 February, 2018 before resumption of the House for the 2nd Session.

2nd Session – 2018

Committee Membership

7. The Committee comprises the following Members –

1. **Hon. Gladys Boss Shollei CBS MP (Chairperson)** - *Uasin Gishu County Woman Representative County, Jubilee Party;*
2. **Hon. Fatuma Gedi, MP (Vice- Chairperson)** - *Wajir County Woman Representative, Party for Development and Reforms;*
3. **Hon. Isaac Waihenya Ndirangu, MP-** *Roysambu Constituency, Jubilee Party;*
4. **Hon. Alice Wahome, MP,** *Kandara Constituency, Jubilee Party;*
5. **Hon. Robert Mbui, MP,** *Kathiani Constituency, Wiper Democratic Movement -Kenya;*
6. **Hon. Daniel Maanzo, MP -** *Makueni Constituency, Wiper Democratic Movement - Kenya;*
7. **Hon. Muriuki Njagagua, MP -** *Mbeere North Constituency, Jubilee Party;*
8. **Hon. Timothy Wanyonyi, MP -** *Westlands Constituency, Orange Democratic Movement;*
9. **Hon. Alfred W. Sambu, MP -** *Webuye East, Amani National Congress;*
10. **Hon. Ronald Tonui, MP -** *Bomet Central Constituency, Orange Democratic Movement;*
11. **Hon. William Kamoti, MP -** *Rabai Constituency, Jubilee Party;*
12. **Hon. Martha Wangari, MP -** *Gilgil Constituency, Jubilee Party;*
13. **Hon. Gideon Mulyungi, MP -** *Mwingi Constituency, Wiper Democratic Movement - Kenya;*
14. **Hon. William Kamket Kassait, MP -** *Tiaty Constituency, KANU;*
15. **Hon. (Dr.) Wilberforce Oundo, MP -** *Funyula Constituency, Orange Democratic Movement;*
16. **Hon. Abdi Koropu Tepo, MP -** *Isiolo South Constituency, Kenya Patriots Party;*
17. **Hon. George Gitonga Murugara, MP -** *Tharaka Constituency, Jubilee Party;*
18. **Hon. Jennifer Shamalla, MP –** *Nominated, Jubilee Party;*
19. **Hon. Munene Wambugu, MP -** *Kirinyaga Central Constituency, Jubilee Party;*
20. **Hon. Muturi Kigano, MP -** *Kangemi Constituency, Jubilee Party;*
21. **Hon. Patrick Kariuki Mariru, MP -** *Laikipia West Constituency, Jubilee Party;*
22. **Hon. Sammy Seroney, MP –** *Nominated, Wiper Democratic Movement Kenya;*
23. **Hon. Tindi Mwale, MP -** *Butere Constituency, Amani National Congress.*

Committee Secretariat

8. The secretariat comprises of the following members of staff –

- | | | |
|-----------------------|---|---------------------------------|
| 1. Mr. Susan Maritim | - | Clerk Assistant I (Team Leader) |
| 2. Mr. Jimale Mohamed | - | Clerk Assistant III |

- | | | |
|-----------------------|---|---------------------------|
| 3. Mr. Dima Dima | - | Senior Legal Counsel |
| 4. Ms. Mugure Gituto | - | Legal Counsel II |
| 5. Ms. Anne N. Kigoro | - | Research & Policy Analyst |
| 6. Mr. Anthony Wamae | - | Serjeant at Arms |
| 7. Ms. Mary Otieno | - | Office Superintendent |

3rd Session 2019

8. During this period, the Committee held total of 74 sittings, the meetings were held on the following action items;-

- House Keeping meetings/Progress evaluation of the various listed action items
- Scrutiny of Statutory Instruments committed to the Committee
- Meetings with Regulatory making Authorities/Ministries and Parastatals who are makers of subsidiary legislations in and outside Parliament Buildings
- Field visit undertaken by the committee

Committee Membership

9. The Committee membership comprises –

Chairperson

Hon. Gladys Boss Shollei CBS MP
Uasin Gishu County Woman Representative

Jubilee Party

Vice- Chairperson

Hon. Fatuma Gedi, MP
Wajir County Woman Representative
Party for Development and Reforms

MEMBERS

Hon. Waihenya Ndirangu, MP
Roysambu Constituency
Jubilee Party

Hon. Alice Wahome, MP,
Kandara Constituency
Jubilee Party

Hon. Robert Mbui, MP
Kathiani Constituency,
Wiper Democratic Movement -Kenya

Hon. Daniel Maanzo, MP
Makueni Constituency
Wiper Democratic Movement -Kenya

Hon. Muriuki Njagagua, MP
Mbeere North Constituency
Jubilee Party

Hon. Timothy Wanyonyi, MP
Westlands Constituency
Orange Democratic Movement

Hon. Ronald Tonui, MP
Hon. Jennifer Shamalla, MP
Nominated
Jubilee Party

Hon. Muturi Kigano, MP
Kangema Constituency
Jubilee Party

Hon. Patrick Kariuki Mariru, MP
Laikipia West Constituency
Jubilee Party

Hon. Sammy Seroney, MP
Nominated
Wiper Democratic Movement – Kenya

Hon. Tindi Mwale, MP

Bomet Central Constituency
Jubilee Party

Hon. William Kamoti, MP
Rabai Constituency
Orange Democratic Movement

Hon. Martha Wangari, MP
Gilgil Constituency
Jubilee Party

Hon. Gideon Mulyungi, MP
Mwingi Constituency
Wiper Democratic Movement – Kenya

Hon. William Kassait Kamket, MP
Tiaty Constituency
KANU

Hon. (Dr.) Wilberforce Oundo, MP
Funyula Constituency
Orange Democratic Movement

Hon. George G. Murugara, MP
Tharaka Constituency
Democratic Party

Hon. Munene Wambugu, MP
Kirinyaga Central Constituency
Jubilee Party

Butere Constituency
Amani National Congress

Hon. Alfred W. Sambu, MP
Webuye East

Amani National Congress

Hon. Abdi Koropu Tepo, MP
Isiolo South Constituency

Kenya Patriots Party

Committee Secretariat

The secretariat facilitating the Committee comprised -

Ms. Susan Maritim
Senior Clerk Assistant (Team Leader)

Mr. Jimale Mohamed
Second Clerk Assistant

Mr. Wilson Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Anne Njeri Kigoro
Research Officer III

Ms. Winnie Kiziah
Media Relations Officer II

Mr. Anthony Wamae
Serjeant at Arms

Mr. Charles Ayari
Superintendent of Electronics

Ms. Mary Otieno
Office Superintendent

4th Session 2020

Committee Sittings

10. During this period, the Committee held a total of fifty six (56) sittings comprising of the following activities –

- i) scrutiny of statutory instruments committed to the Committee;
- ii) meeting with various regulation-making authorities and stakeholders, within the precincts of Parliament and outside; and
- iii) house-keeping meetings;

Committee Membership

11. The Committee membership comprises –

Chairperson

Hon. Gladys Boss Shollei CBS MP
Uasin Gishu County Woman Representative

Jubilee Party

Vice- Chairperson

Hon. Fatuma Gedi, MP
Wajir County Woman Representative
Party for Development and Reforms

MEMBERS

Hon. Waihenya Ndirangu, MP
Roysambu Constituency

Jubilee Party

Hon. Alice Wahome, MP,
Kandara Constituency

Jubilee Party

Hon. Robert Mbui, MP
Kathiani Constituency,

Wiper Democratic Movement -Kenya

Hon. Daniel Maanzo, MP
Makueni Constituency

Wiper Democratic Movement -Kenya

Hon. Muriuki Njagagua, MP
Mbeere North Constituency

Jubilee Party

Hon. Timothy Wanyonyi, MP
Westlands Constituency

Orange Democratic Movement

Hon. Ronald Tonui, MP
Hon. Jennifer Shamalla, MP
Nominated

Jubilee Party

Hon. Muturi Kigano, MP
Kangema Constituency

Jubilee Party

Hon. Patrick Kariuki Mariru, MP
Laikipia West Constituency

Jubilee Party

Hon. Sammy Seroney, MP
Nominated

Wiper Democratic Movement – Kenya

Hon. Tindi Mwale, MP

Bomet Central Constituency

Jubilee Party

Hon. William Kamoti, MP
Rabai Constituency

Orange Democratic Movement

Hon. Martha Wangari, MP
Gilgil Constituency

Jubilee Party

Hon. Gideon Mulyungi, MP
Mwingi Constituency

Wiper Democratic Movement – Kenya

Hon. William Kassait Kamket, MP
Tiaty Constituency

KANU

Hon. (Dr.) Wilberforce Oundo, MP
Funyula Constituency

Orange Democratic Movement

Hon. George G. Murugara, MP
Tharaka Constituency

Democratic Party

Hon. Munene Wambugu, MP
Kirinyaga Central Constituency

Jubilee Party

Butere Constituency
Amani National Congress

Hon. Alfred W. Sambu, MP
Webuye East

Amani National Congress

Hon. Abdi Koropu Tepo, MP
Isiolo South Constituency

Kenya Patriots Party

Committee Secretariat

12. The secretariat facilitating the Committee comprised -

Ms. Susan Maritim
Senior Clerk Assistant (Team Leader)

Mr. Jimale Mohamed
Second Clerk Assistant

Mr. Wilson Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Anne Njeri Kigoro
Research Officer III

Ms. Winnie Kiziah
Media Relations Officer II

Mr. Anthony Wamae
Serjeant at Arms

Mr. Charles Ayari
Superintendent of Electronics

Ms. Mary Otieno
Office Superintendent

5th Session – 2021

Committee Membership

13. The Committee membership comprises –

- i) The Hon. William Kassait Kamket, M.P. (Chairperson)

Tiaty Constituency

KANU

The Hon. Muriuki Njagagua, M.P. (Vice Chairperson)

Mbeere North Constituency

Jubilee Party

Members

The Hon. Waihenya Ndirangu, M.P.
Roysambu Constituency

Jubilee Party

The Hon. William Cheptumo, M.P.
Baringo North Constituency

Jubilee Party

The Hon. Cecily Mbarire, MGH, M.P.
Nominated

Jubilee Party

The Hon. Alice Wahome, M.P.
Kandara Constituency

Jubilee Party

The Hon. Robert Mbui, M.P.
Kathiani Constituency

Wiper Democratic Movement -Kenya

The Hon. Daniel Maanzo, M.P.
Makueni Constituency

Wiper Democratic Movement -Kenya

The Hon. Timothy Wanyonyi, M.P.
Westlands Constituency

Orange Democratic Movement

The Hon. Ronald Tonui, M.P.
Bomet Central Constituency

Jubilee Party

The Hon. William Kamoti, M.P.
Rabai Constituency

Orange Democratic Movement

The Hon. Martha Wangari, M.P.
Gilgil Constituency

Jubilee Party

The Hon. Gideon Mulyungi, M.P.
Mwingi Constituency

Wiper Democratic Movement – Kenya

The Hon. (Dr.) Wilberforce Oundo, M.P.
Funyula Constituency

Orange Democratic Movement

The Hon. George G. Murugara, M.P.
Tharaka Constituency

Democratic Party

The Hon. Jennifer Shamalla, M.P.
Nominated

Jubilee Party

The Hon. Munene Wambugu, M.P.
Kirinyaga Central Constituency

Jubilee Party

The Hon. Patrick Mariru, M.P.

Laikipia West Constituency

Jubilee Party

The Hon. Sammy Seroney, M.P.

Nominated

Wiper Democratic Movement – Kenya

The Hon. Tindi Mwale, M.P.

Butere Constituency

The Hon. Robert Gichimu, M.P.

Gichugu Constituency

Jubilee Party

Amani National Congress

The Hon. Edith Nyenze, M.P.

Kitui West Constituency

Wiper Democratic Movement – Kenya

The Hon. Abdi Koropu Tepo, M.P.

Isiolo South Constituency

Kenya Patriots Party

Committee Secretariat

14. The secretariat facilitating the Committee comprises -

Mr. Mohamed Jimale
Clerk Assistant II (Team Leader)

Ms. Ruth Mwihaki Gakuya
Clerk Assistant II

Mr. Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Fiona Musili
Research Assistant II

Ms. Noelle Chelangat
Media Relations Officer II

Mr. Anthony Wamae
Serjeant at Arms

Mr. Charles Ayari
Superintendent of Electronics

Mr. Muriithi Theuri
Parliamentary Intern

6th Session

Committee Membership

15. The Committee membership comprises –

The Hon. William Kassait Kamket, M.P. (Chairperson)

Tiaty Constituency

KANU

The Hon. Muriuki Njagagua, M.P. (Vice Chairperson)

Mbeere North Constituency

Jubilee Party

Members

The Hon. Waihenya Ndirangu, M.P.
Roysambu Constituency

Jubilee Party

The Hon. Ronald Tonui, M.P.
Bomet Central Constituency

Jubilee Party

The Hon. William Cheptumo, M.P.
Baringo North Constituency

Jubilee Party

The Hon. William Kamoti, M.P.
Rabai Constituency

Orange Democratic Movement

The Hon. Cecily Mbarire, MGH, M.P.
Nominated

Jubilee Party

The Hon. Martha Wangari, M.P.
Gilgil Constituency

Jubilee Party

The Hon. Alice Wahome, M.P.
Kandara Constituency

Jubilee Party

The Hon. Gideon Mulyungi, M.P.
Mwingi Constituency

Wiper Democratic Movement – Kenya

The Hon. Robert Mbui, M.P.
Kathiani Constituency

Wiper Democratic Movement -Kenya

The Hon. (Dr.) Wilberforce Oundo, M.P.
Funyula Constituency

Orange Democratic Movement

The Hon. Daniel Maanzo, M.P.
Makueni Constituency

Wiper Democratic Movement -Kenya

The Hon. George G. Murugara, M.P.
Tharaka Constituency

Democratic Party

The Hon. Timothy Wanyonyi, M.P.
Westlands Constituency

Orange Democratic Movement

The Hon. Jennifer Shamalla, M.P.
Nominated

Jubilee Party

The Hon. Munene Wambugu, M.P.
Kirinyaga Central Constituency
Jubilee Party

The Hon. Patrick Mariru, M.P.
Laikipia West Constituency
Jubilee Party

The Hon. Sammy Seroney, M.P.
Nominated
Wiper Democratic Movement – Kenya

The Hon. Robert Gichimu, M.P.
Gichugu Constituency
Jubilee Party

The Hon. Tindi Mwale, M.P.
Butere Constituency
Amani National Congress

The Hon. Edith Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement – Kenya

The Hon. Abdi Koropu Tepo, M.P.
Isiolo South Constituency
Kenya Patriots Party

Committee Secretariat

16. The secretariat facilitating the Committee comprises -

Mr. Mohamed Jimale
Clerk Assistant II (Team Leader)

Ms. Ruth Mwihaki Gakuya
Clerk Assistant II

Mr. Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Fiona Musili
Research Assistant II

Ms. Noelle Chelangat
Media Relations Officer II

Mr. Anthony Wamae
Serjeant at Arms

Mr. Charles Ayari
Superintendent of Electronics

Changes within the Committee membership during the term

1. Hon Gladys Boss Shollei, CBS, Chairperson - 2017-2020
2. Hon. Fatuma Gedi, CBS, M.P - 2017-2020
3. Hon. Alfred Sambu - 2017-2020
4. Hon. William Cheptumo, M.P - 2020 – 2022
5. The Hon. Cecily Mbarire, MGH, M.P. – (2020 -2022)
6. Hon Gideon Mulyungi, M.P – 2019 – 2022
7. Hon Muturi Kigano - 2017-2019
8. Hon Edith Nyenze, M.P - 2019-2022
9. Hon Tindi Mwale - 2019-2022
10. Hon Kamoti Mwamkale - (Deceased May 2022)

Committee Secretariat

17. The Secretariat supporting the Committee comprises of the following staff:

- 1) Mr. Mohamed Jimale , *Clerk Assistant II & Head of the Secretariat*

- 2) Ms. Ruth Mwihaki, *Clerk Assistant II*
- 3) Mr. Wilson Dima Dima, *Principal Legal Counsel*
- 4) Mr. Josephat Motonu, *Fiscal Analyst I*
- 5) Ms. Fiona Musili, *Research Officer II,*
- 6) Mr. Charles Ayari, *Superintendent of Electronics I*
- 7) Ms. Noelle Chelagat, *Media Relations Officer III*
- 8) Mr. Stanley Lagat, *Senior Serjenat At Arms*
- 9) Mr. Anthony Wamae, *Assistant Serjeant at Arms*

2. BACKGROUND INFORMATION

2.1 Legal framework

18. Art. 93 (1) of the Constitution of Kenya establishes Parliament of Kenya which consists of the National Assembly and the Senate. Further, Art 95 provides for the role of the National Assembly amongst others to:

- (i) deliberate on and resolve issues of concern to the people;
- (ii) enact legislations
- (iii) determine allocation of national revenue between the two levels of governments the National government and County governments;
- (iv) appropriate funds for expenditure by the national government and national State organs;
- (v) exercise oversight over national revenue and its expenditure;
- (vi) exercise oversight over State organs; and
- (vii) review the conduct in the office of the President, Deputy President and other State officers and initiate the process of removal from office.

19. In addition, Art 124 of the Constitution empowers Parliament to establish Committees and to make Standing Orders for orderly conduct of its proceedings including the proceedings of its Committee.

20. The National Assembly Standing Orders has established various Committees of the House with distinct mandates

21. The Committee on Delegated Legislation considers statutory instruments submitted to Parliament for consideration.

3. ACHIEVEMENTS

22. In the discharge of its mandate, the Committee held a total of (304 sittings) as follows

First session (2017) – One Sittings

Second session (2018) – 72 Sittings

Third session (2019) - 74 Sittings

Fourth session (2020) – 56 Sittings

Fifth session (2021) -76 Sittings

Sixth session (2022) -25 Sittings

23. Some of the Achievements can be highlighted as follows -

- ✓ Undertook and reviewed 5 Draft Instruments with relevant MDAs indicating pro-activeness of the relevant sectors to ensure regulations are responsive to the needs of the public:
- ✓ **Capacity Building for Members and staff of Committees.**
 - a) *Undertook various capacity building and engagements with MDAs*
 - b) *Thus Contribute to robust debate in the House and parliamentary democracy*
 - c) *Quality reports to the House (and improved formats supporting floor members to follow and contribute)*
 - d) Improved synergy and collaboration with the L & P including Table Office.

4. SUBSIDIARY LEGISLATIONS/REGULATIONS

24. The Committee successfully considered, approved, and or annulled the following instruments as tabulated below.

EAST AFRICAN COMMUNITY LEGAL NOTICES - 2018

S.No.	Legal Instrument	Regulation Making Authority	Date Tabled	Status
1.	Approved measures on Import Duty Rates in the EAC Common External Tariff	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
2.	Approved Duty Remission on Raw Materials and Inputs	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
3.	Stay of Application of the conditions contained in Legal Notice EAC /39/2013 of 30 th June, 2013 on duty remission for motorcycle assembly for one year	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
4.	Revocation of the conditions contained in Legal Notice No. EAC/32/2016 of 30 th June, 2016	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)

	Statutory Instrument	Regulation Making Authority	Approval Status
1.	The Scrap Metal Rules, 2022	Minsity of Industrialization, Trade and Enterprise Development	Approved on 07.06.2022 (Report on Annulement Tabled in the House on 08.06.2022 pursuant to Sec 18 of the Statutory Instrument Act, 2013 and approved on 09.06.2022
2.	Public Service Commission (County Appeal Procedures) Regulations, 2022;	Public Service Commision	Approved on 07.06.2022
3.	The National Gender and Equality Commission (Complaint Handling Procedure) Regulations, 2021;	National Gender Commission	Approved on 02.06.2022
4.	The Irrigation (General) Regulations, 2021	Ministry of Water, Sanitation and Irrigation	Approved on 17.02.2022 (Report Approved in the House on 29.03.2022 pursuant to Sec 34 of the Irrigation Act, 2019)
5.	The Engineers (Scale of Fees for Professional Engineering Services) Rules, 2022	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works	Approved on 14.05.2022
6.	The Dik Dik Gardens Wetland Conservation Area Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 17.02.2022
7.	The Ngarelen Springs Catchment Conservation Area Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 17.02.2022
8.	The Lake Kenyatta Sub Catchment Conservation Area Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 17.02.2022
9.	The Kikuyu Springs Aquifer Groundwater Conservation Area Management Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 17.02.2022
10.	The Amu Sand-Dunes Groundwater Conservation Area Management Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 17.02.2022

11.	The Partnerships (Limited Partnerships) Regulations, 2021	Office of the Attorney General	Approved on 17.02.2022
12.	The Public Finance Management (National Roads Toll Fund) Regulations, 2021	The National Treasury & Planning	Approved on 27.01.2022 (Report Approved by the House on 29.02.2022 Pursuant to Sec 24(2) of PFM Act, 2022)
13.	The Tax Procedures (Unassembled Motorcycles) (Amendment)(No. 2) Regulations, 2021	The National Treasury & Planning	Approved on 17.02.2022
14.	The Designation of Basin Areas	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	Approved on 27.01.2022
15.	The Physical and Land Use Planning (Liaison Committee) Regulations, 2021	Ministry of Lands and Physical Planning	Approved on 25.01.2022
16.	The Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021	Ministry of Lands and Physical Planning	Approved on 25.01.2022
17.	The Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021	Ministry of Lands and Physical Planning	Approved on 25.01.2022
18.	The Physical and Land Use Planning (Development Permission and Control) (General) Regulations, 2021	Ministry of Lands and Physical Planning	Approved on 25.01.2022
19.	The Controller of Budget Regulations, 2021	Officer of the Controller of Budget	Approved on 25.01.2022
20.	The Political Parties (Membership) Regulations, 2021	Office of the Attorney General	Approved on 07.04.2022
21.	The Data Protection (General) Regulations, 2021	Ministry of ICT, Innovation, and Youth Affairs	Approved on 17.02.2022
22.	The Data Protection (Complaints Handling and Enforcement Procedures) Regulations, 2021	Ministry of ICT, Innovation, and Youth Affairs	Approved on 17.02.2022
23.	The Data Protection (Registration of Data Controllers and Data Processors) Regulations, 2021	Ministry of ICT, Innovation, and Youth Affairs	Approved on 17.02.2022
24.	Certification of Fees and Payment for Animal Diseases	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 01.03.2022

25.	The Nairobi International Financial Centre (General) Regulations, 2021	The National Treasury & Planning	Approved on 07.04.2022
26.	Traffic (Driving schools, Driving Instructors and Driving Licences) Rules, 2020	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works/ NTSA	Approved on 24.03.2022 (Report Tabled in the House on 07.04.2022)
27.	The Companies (Beneficial Ownership Information) (Amendment) Regulations, 2022	Office of the Attorney General	Approved on 13.05.2022
28.	The Central Bank of Kenya (Digital Credit Providers) Regulations, 2022	The Central Bank of Kenya	Approved on 14.05.2022
29.	The Petroleum Development Levy(Amendment) Order, 2021	Ministry of Petroleum and Mining	Recommended for annulment - Report Tabled on 29.09.2021
30.	The Draft Elections (General) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
31.	The Draft Elections (Party nomination and Party Lists) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
32.	The Draft Elections (Technology) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
33.	The Draft Elections (Voter Education) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
34.	The Draft Elections (Voter Registration) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
35.	The Draft Elections (General) (Amendment) Regulations, 2022	Independent Electoral and Boundaries Commission (IEBC)	Report Tabled on 02.06.2022
36.	The Retirement Benefits (Individual Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	Approved on 17.02.2022
37.	The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	Approved on 17.02.2022
38.	The Retirement Benefits (Umbrella Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	Approved on 17.02.2022
39.	The Water Services Regulations, 2021	Ministry of Water, Sanitation and Irrigation	Approved on 16.10.2021

40.	The Water Harvesting and Storage, Regulations, 2021	Ministry of Water, Sanitation and Irrigation	Approved on 16.10.2021
41.	The Water Resources, Regulations, 2021	Ministry of Water, Sanitation and Irrigation	Approved on 16.10.2021
42.	The National Youth Council (Election of Certain Council Members) Regulations, 2021	Ministry of ICT, Innovation and Youth Affairs.	Approved on 16.10.2021
43.	The Breakfast Milk Substitutes (Regulation and Control) (General) Regulations, 2021	Ministry of Health	Approved by the House on 11.11.2021, Pursuant to Section 28(5) of the Breast Milk Substitute (Control and Regulations) Act, 2012
44.	The Tax Procedures (Unassembled Motorcycles) (Amendment) Regulations, 2021	The National Treasury & Planning	Approved on 17.02.2022
45.	The Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Members) Regulations, 2021	Ministry of Defence	Approved on 16.10.2021
46.	The Adjustment of Rates for inflation, Order, 2021	Kenya Revenue Authority	Approved on 23.11.2021
47.	The Warehouse Receipts System Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries & Cooperatives	Approved on 27.05.2021
48.	Increase of Amount payable as protected deposit, under Section 28 of the Kenya Deposit Insurance Act, 2012	Kenya Deposit Insurance Corporation	Approved on 03.02.2021
49.	The Dairy Industry (Registrations, Licensing, Cess and Levy) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
50.	The Dairy Industry (Returns, Reports and Estimates) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
51.	The Copyright Regulations, 2020	The Attorney-General	Approved on 03.02.2021
52.	The Petroleum Development Levy Order, 2020	Ministry of Petroleum and Mining	Approved on 17.02.2021
53.	The Matrimonial Proceedings Rules, 2020	Judiciary	Approved on 03.02.2021

54.	The Copyright (Collective Management) Regulations, 2020	The Attorney-General	Approved on 03.02.2021
55.	The Value Added Tax (Amendment) Regulations, 2020	The National Treasury & Planning	Approved by the House on 30.03.2021- <i>requires approval of NA pursuant to section 24 (4) of PFM Act</i>
56.	The Value Added Tax (Electronic Tax Invoice) Regulations, 2020	The National Treasury & Planning	Approved by the House on 30.03.2021- <i>requires approval of NA pursuant to section 24 (4) of PFM Act</i>
57.	The Value Added Tax (Digital Marketplace Supply) Regulations, 2020	The National Treasury	Approved by the House on 30.03.2021- <i>requires approval of NA pursuant to section 24 (4) of PFM Act</i>
58.	The Registration of Persons (National Integrated Identity Management System) Rules, 2020	Ministry of Interior and Coordination of National Government	Approved on 18.11.2020
59.	The Excise Duty (Remission of Excise Duty) (Amendment) Regulations, 2019	The National Treasury and Planning	Took effect pursuant to section 15 (2) of SI Act,2020
60.	The Public Finance Management (Credit Guarantee Scheme) Regulations, 2020	National Treasury and Planning	Approved on 03.02.2021- <i>requires approval of NA pursuant to section 24 (4) of PFM Act.</i>
61.	The Dairy Industry (Compliance Officers) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
62.	The Dairy Industry (Produce Traceability and Recall) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
63.	The Dairy Industry (Milk Sales Contract) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
64.	The Dairy Industry (Imports and Exports) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021
65.	The Dairy Industry (Dairy Produce Safety) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 31.07.2021

66.	The Crops (Coffee) (Amendment) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries & Cooperatives	Report on Annulment approved on 01.12.2021
67.	The Public Service (Performance Management) Regulations, 2021	Public Service Commission	Approved on 31.08.2021
68.	The Income Tax Exemption on the Send-Off Package Paid on Employees of the Kenya Airways Limited	The National Treasury & Planning	Approved by the House on 07.10.2021 pursuant to section 13(2) of the Income Tax Act (<i>Cap 470</i>)
69.	The Anti-Counterfeit (Amendment) Regulations, 2021	Ministry of Industrialization, Trade and Enterprise Development	Approved on 31.08.2021
70.	The Anti-Counterfeit (Recordation) Regulations, 2021	Ministry of Industrialization, Trade and Enterprise Development	Approved on 31.08.2021
71.	Customs and Excise (Railway Development Levy Fund) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
72.	Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020	Parliamentary Service Commission	Approved on 11.11.2020 – Report to be tabled on 19.11.2020. <i>Requires approval of NA pursuant to section 24 (4) (2A) of PFM Act.</i>
73.	Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020	Parliamentary Service Commission.	Approved on 11.11.2020 – Report to be tabled on 19.11.2020. <i>Requires approval of NA pursuant to section 24 (4) (2A) of PFM Act.</i>
74.	Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020	Parliamentary Service Commission	Approved on 11.11.2020 – Report to be tabled on 19.11.2020. <i>Requires approval of NA pursuant to section 24 (4) (2A) of PFM Act.</i>

75.	Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020	Parliamentary Service Commission.	Approved on 11.11.2020 – Report to be tabled on 19.11.2020. <i>Requires approval of NA pursuant to section 24 (4) (2A) of PFM Act.</i>
76.	Competition (General) Rules, 2019	The National Treasury and Planning	Approved on 11.08.2020
77.	Crops (Fibre Crops) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Recommended for annulment on 28.10.2020 – report tabled on 17.11.2020
78.	Banking (Credit Reference Bureau) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
79.	Capital Markets (Coffee Exchange) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
80.	Capital Markets (Commodity Markets) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
81.	Retirement Benefits (Forms and Fees) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
82.	Retirement Benefits (Forms and Fees) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
83.	Retirement Benefits (Mortgage Loans) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
84.	Retirement Benefits (Umbrella Retirement Benefits Schemes) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
85.	Stamp Duty (Valuation of Immovable Property) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
86.	Standards (Verification of Conformity to Standards and Other Applicable Regulations) Order, 2020	Ministry of Industrialization, Trade	Approved on 28.10.2020

		and Enterprise Development.	
87.	Tax Procedures (Settlement of Tax Disputes out of Court or Tribunal) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
88.	Tax Procedures (Tax Agents) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
89.	Tax Procedures (Unassembled Motor Vehicles and Trailers) (Amendment) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
90.	Tax Procedures (Unassembled Motorcycles) Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
91.	Crops (Tea Industry) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 26.10.2020
92.	Land (Amendment) Regulations, 2020	Ministry of Lands and Physical Planning	Approved on 26.10.2020
93.	Land Registration (Electronic Land Transactions) Regulations, 2020	Ministry of Lands and Physical Planning	Approved on 26.10.2020
94.	Law Society of Kenya (General) Regulations, 2020	Law Society of Kenya	Approved on 26.10.2020
95.	Survey (Amendment) Regulations, 2020	Ministry of Lands and Physical Planning	Approved on 26.10.2020
96.	Survey (Electronic Cadastre Transactions) Regulations, 2020	Ministry of Lands and Physical Planning	Approved on 26.10.2020
97.	Insurance (Anti-Money Laundering and Combating Financing of Terrorism) Guidelines, 2020	The National Treasury and Planning	Approved on 14.10.2020
98.	Insurance (Bancassurance) Regulations, 2020	National Treasury and Planning	Approved on 14.10.2020
99.	Insurance (Group-wide Supervision) Regulations, 2020	National Treasury and Planning	Approved on 14.10.2020

100.	Insurance (Microinsurance) Regulations, 2020	National Treasury and Planning	Approved on 14.10.2020
101.	SACCO Societies (Specified Non-Deposit Taking Business) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries & Cooperatives	Approved on 14.10.2020
102.	Judicial Service (Code of Conduct & Ethics) Regulations, 2020	Judicial Service Commission	Approved on 09.09.2020
103.	Crops (Sugar) (General) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Report recommending annulment tabled on 3.11.2020
104.	Special Economic Zones (Amendment) Regulations, 2020	Ministry of Industrialization, Trade and Enterprise Development	Report recommending annulment tabled on 3.11.2020 and approved by the House
105.	Public Service Commission Regulations, 2020	Public Service Commission	Approved on 25.02.2020
106.	Retirement Benefits (Treating Customers Fairly) Guidelines, 2019	The National Treasury and Planning	Approved on 18.02.2020
107.	Public Procurement and Assets Disposal Regulations, 2020	The National Treasury and Planning	Approved by the House on 2.07.2020 pursuant to Section 180 of the Procurement and Asset Disposal Act, 2015
108.	Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Order, 2020 (Nairobi Metropolitan Area) (Extension) Order, No.3 of 2020	Ministry of Health	Approved on 01.09.2020
109.	Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020	Ministry of Health	Approved on 01.09.2020
110.	Public Health (COVID-19 Restriction of Movement of Persons	Ministry of Health	Approved on 01.09.2020

	and Related Measures) (Mombasa County) (Extension) Order, No.3 of 2020		
111.	Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No. 2 of 2020	Ministry of Health	Approved on 01.09.2020
112.	Crops (Horticultural Crops) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 28.10.2020
113.	Crops (Nuts and Oil Crops) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives.	Approved on 28.10.2020
114.	Crops (Sugar) (Imports, Exports and By-Products) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Approved on 28.10.2020
115.	Excise Duty Regulations, 2020	The National Treasury and Planning	Approved on 28.10.2020
116.	Exemption from the provisions of Stamp Duty Act on instruments executed for the transfer of LR. No. 209/3869	The National Treasury and Planning	Approved on 28.10.2020
117.	Public Health (Covid-19 Sale of Alcoholic Drinks) Rules, 2020	Ministry of Health	Exempted from scrutiny pursuant to section 14 of SI Act.
118.	Public Health (Covid-19 General Public Safety) Rules, 2020	Ministry of Health	Exempted from scrutiny pursuant to section 18 of SI Act.
119.	Excise Duty (Remission of Excise Duty) (Amendment) Regulations, 2019	The National Treasury and Planning	Took effect pursuant to section 15 (2) of SI Act,2020

120.	Adjustment of Excise Duty Rates for Inflation in line with Section 10 of the Excise Duty Act, 2015	The Kenya Revenue Authority	Approved on 28.10.2020
121.	Civil Aviation (Security) Regulations, 2020	Kenya Civil Aviation Authority	Approved on 18.11.2020
122.	Registration of Persons (National Integrated Identity Management System) Rules, 2020	Ministry of Interior and Coordination of National Government	Approved on 18.11.2020
123.	Data Protection (Civil Registration) Regulations, 2020	Ministry of Interior and Coordination of National Government	Approved on 18.11.2020
124.	Public Finance Management (Strategic Food Reserve Trust Fund (Revocation) Regulations, 2020	The National Treasury and Planning	Approved on 25.11.2020
125.	Public Finance Management (Credit Guarantee Scheme) Regulations, 2020	The National Treasury and Planning	Approved on 25.11.2020
126.	Value Added Tax (Amendment) Regulations, 2020	The National Treasury & Planning	Approved on 25.11.2020
127.	Value Added Tax (Electronic Tax Invoice) Regulations, 2020	The National Treasury & Planning	Approved on 25.11.2020
128.	Imposition of User Fees on the Kenya Electronic Single Window System Services Regulations, 2019	The National Treasury & Planning	Withdrawn vide LN 13 of 2020
129.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Nairobi Metropolitan)(Extension)Orders, 2020	Ministry of Health	Approved on 17.07.2020
130.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Mandera County)(Extension), Order, 2020	Ministry of Health	Approved on 10.07.2020

131.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Dadaab Refugee Complex and Kakuma Refugee Camp)Orders, 2020	Ministry of Health	Approved on 10.07.2020
132.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Eastleigh Area) Orders, 2020	Ministry of Health	Approved on 10.07.2020
133.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Kwale County)(Extension)Orders, 2020	Ministry of Health	Approved on 10.07.2020
134.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Kilifi County)(Extension)Orders, 2020	Ministry of Health	Approved on 10.07.2020
135.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Nairobi Metropolitan)(Extension)Orders, 2020	Ministry of Health	Approved on 10.07.2020
136.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures (Mandera County) Orders, 2020	Ministry of Health	Approved on 10.07.2020
137.	Public Procurement and Assets Disposal Regulations, 2020	National Treasury and Planning	Approval Report tabled in the House on 25.06.2020
138.	Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020	Ministry for Transport, Infrastructure, Housing, Urban Development and Public Works	Approved on 28.04.2020
139.	Crops (Food Crops) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries & Cooperatives	Approved on 23.04.2020

140.	Declaration of a Notifiable Disease	Ministry of Health	Approved on 23.04.2020
141.	Public Finance Management (Coffee Cherry Advance Revolving Fund) Regulations, 2020	National Treasury and Planning	Approved on 30.04.2020
142.	Public Finance Management (COVID-19 Emergency Response Fund) Regulations, 2020	National Treasury and Planning	Approved by the House on 14.04.2020
143.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Kwale County) Order, 2020	Ministry of Health	Approved on 23.04.2020
144.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Kilifi County) Order, 2020	Ministry of Health	Approved on 23.04.2020
145.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) Order, 2020	Ministry of Health	Approved on 23.04.2020
146.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) Order, 2020	Ministry of Health	Approved on 23.04.2020
147.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) Rules, 2020	Ministry of Health	Approved on 5.05.2020
148.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Variation) Rules, 2020	Ministry of Health	Approved on 5.05.2020
149.	Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Variation) No. 2 Rules, 2020	Ministry of Health	Approved on 5.05.2020

150.	Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020	Ministry of Health	Approved on 5.05.2020
151.	Public Health Order (Declaration of Formidable Disease) Order, 2020	Ministry of Health	Approved on 23.04.2020
152.	Public Order (State Curfew) Order, 2020	Ministry of Interior and Coordination of the National Government	Approved on 23.04.2020
153.	Public Order (State Curfew) Variation Orders, 2020	Ministry of Interior and Coordination of the National Government	Approved on 23.04.2020
154.	Retirement Benefits (Treating Customers Fairly) Guidelines, 2019	National Treasury & Planning	Approved on 18.02.2020
155.	Value Added Tax (Amendment of the Rate of Tax) Order, 2020	National Treasury and Planning	Approved by the House on 14.04.2020
156.	Public Procurement and Assets Disposal Regulations, 2020	National Treasury and Planning	Approval Report tabled in the House on 25.06.2020
157.	Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020	Ministry for Transport, Infrastructure, Housing, Urban Development and Public Works	Approved on 28.04.2020
158.	Crops (Food Crops) Regulations, 2020	Ministry of Agriculture, Livestock, Fisheries & Cooperatives	Approved on 23.04.2020
159.	Declaration of a Notifiable Disease	Ministry of Health	Approved on 23.04.2020
160.	Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House
161.	Public Finance Management (Youth Enterprise Development Fund) (Revocation), Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House

162.	Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House
163.	Public Finance Management (Biashara Kenya Fund) Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House
164.	Judiciary Fund Regulations	Judiciary	Approved on 20.06.2019
165.	The Public Finance (Tourism Promotion Fund) Regulations, 2019	National Treasury	Approved on 11.06.2019
166.	The Air Passengers Service Charge (Apportionment) Order, 2019	National Treasury	Approved on 11.06.2019
167.	Engineers Rules, 2019	Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works	Approved 25.06.2019
168.	Crops (Irish Potato) Regulations, 2019	Ministry of Agriculture, Livestock and Fisheries	Approved on 02.05.2019
169.	VAT Regulations, 2017	National Treasury	scrutinized pursuant to Section 12 (2) of the SI Act of 2013 and approved 09.04.2019
170.	Housing Fund Regulations, 2018	Ministry of Transport, Infrastructure, Housing Urban Development and Public Works	Approved on 04.03.2019
171.	Adjustment of Excise Duty Rates for Inflation, 2018	Kenya Revenue Authority	Approved on 21.02.2019
172.	Adjustment of Rates for Inflation and decrease in rates of Excise Duty, 2018	National Treasury	Approved on 21.02.2019
173.	Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House

174.	Delegation of Powers, 2018	Kenya Revenue Authority	Approved on 21.02.2019
175.	Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019	National Treasury	Report on Annulment tabled on 30.07.2019 and approved by the House
176.	Public Service Commission Regulations, 2020	Public Service Commission	Approved on 25.02.2019
177.	Retirement Benefits (Post-Retirement Medical Funds) Guidelines, 2018 and the Explanatory Memorandum	National Treasury	Approved on 06.12.2018
178.	Retirement Benefits (Good Governance Practice) Guidelines, 2018 and the Explanatory Memorandum	National Treasury	Approved on 06.12.2018
179.	Public Finance Management (Sports, Arts and Social Development) Regulations, 2018 and the Explanatory Memorandum.	National Treasury	Approved on 01.12.2018
180.	The Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018 and the Explanatory Memorandum	National Treasury	Annulled on 23.10.2018
181.	The Judiciary Fund Regulations, 2018	Judiciary	Report on annulment tabled 13.11.2018
182.	The Excise Duty Act (Adjustment of Rates for Inflation) Schedule, 2018	Kenya Revenue Authority	Annulled on 29.08.2018

183.	The Tax Procedures (Tax Agents) Regulations, 2018	The National Treasury and Planning	Annulled on 30.08.2018
184.	The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2018	The National Treasury and Planning	Approved on 17.08.2018
185.	The Public Finance Management (Tourism Promotion Fund) Regulations, 2018	The National Treasury and Planning	Annulled on 28.08.2018
186.	The Public Finance Management (National Government) (Amendment) Regulations, 2018	The National Treasury and Planning	Approved on 17.08.2018
187.	The Proceeds of Crime and Anti-Money Laundering (Amendment) Regulations, 2018	The National Treasury and Planning	Approved on 17.08.2018
188.	The Excise Duty Act (Adjustment of Rates for Inflation) Schedule, 2018	Kenya Revenue Authority	Annulled on 29.08.2018
189.	The Tax Procedures (Tax Agents) Regulations, 2018	The National Treasury	Annulled on 30.08.2018
190.	The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2018	The National Treasury	Approved on 17.08.2018
191.	The Public Finance Management (Tourism Promotion Fund) Regulations, 2018	The National Treasury	Annulled on 28.08.2018
192.	The Public Finance Management (National Government) (Amendment) Regulations, 2018	The National Treasury	Approved on 17.08.2018
193.	The Proceeds of Crime and Anti-Money Laundering (Amendment) Regulations, 2018	The National Treasury	Approved on 17.08.2018

194.	The Air Passenger Service Charge Act (Apportionment) Order, 2018	The National Treasury	Annulled on 30.08.2018
195.	The Retirement Benefits (Individual Retirement Benefit Scheme) (Amendment) Regulations, 2018	The National Treasury	Approved on 17.08.2018
196.	Traffic (Driving Schools, Driving Instructors & Driving Licenses) Rules, 2018	Ministry of Transport, Infrastructure, Housing and Urban Development (National Transport & Safety Authority)	Annulled on 15.08.2018
197.	The Kenya Defence Forces (Board of Inquiry) (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
198.	The Kenya Defence Forces (Constabulary)(Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
199.	The Kenya Defence Forces (General) (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
200.	The Kenya Defence Forces (Internal Grievance Mechanism) (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
201.	The Kenya Defence Forces (Missing Persons) (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
202.	The Kenya Defence Forces (Retired Officers & Service Members) (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
203.	The Kenya Defence Forces Rules of Procedure (Amendment) Regulations, 2018	Ministry of Defence (Kenya Defence Forces)	Approved on 03.07.2018
204.	The Energy (Solar Water Heating) Regulations, 2012	Ministry of Energy	Annulled on 15.08.2018

205.	Traffic (Driving Schools, Driving Instructors & Driving Licenses) Rules Regulations, 2018	Ministry of Transport, Infrastructure, Housing and Urban Development (<i>National Transport & Safety Authority</i>)	Report on Annulment to be tabled in the House
206.	The Energy (Solar Water Heating) Regulations, 2012	Ministry of Energy (Energy Regulatory Commission)	Report on Annulment to be tabled in the House
207.	Public Finance Management (Senate Monitoring And Evaluation) Regulations, 2018	Parliamentary Service Commission	Report on Annulment Adopted by the House
208.	The Civil Aviation (Remote Piloted Aircraft Systems) Regulations, 2017	Ministry of Transport & Infrastructure Development (<i>Kenya Civil Aviation Authority</i>)	Report on Annulment Adopted by the House
209.	Traffic (Amendment) (No.3) Rules, 2017	Ministry of Transport, Infrastructure, Housing and Urban Development (<i>National Construction Authority</i>)	Report on Annulment Adopted by the House
210.	Kenya Defence Forces (Pensions and Gratuities) Regulations, 2017	Defence Council (<i>Kenya Defence Forces</i>)	Report on Annulment Adopted by the House
211.	National Land Commission (Investigation of Historical Injustices) Regulations, 2017	National Land Commission	Report on Annulment Adopted by the House
212.	National Construction Authority (Amendment) Regulations, 2017	Ministry of Transport, Infrastructure, Housing and Urban Development (<i>National Construction Authority</i>)	Report on Annulment Adopted by the House
213.	The Community Land Regulations, 2017	National Land Commission	Report on part-annulment (Reg. 23 & 24) tabled on Thursday, 26 April 2018 and Adopted on Tuesday 26 th June 2018

214.	Sacco Societies Levy (Amendment) Order, 2018	Ministry of Industry, Trade and Cooperatives	Approved 10.04.2018
215.	The Land (Extension and Renewal of Leases) Rules, 2017	National Land Commission	Approved 13.04.2018
216.	The Land (Conversion of Land) Rules, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
217.	The Land (Assessment of Just Compensation) Rules, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
218.	The Land (Allocation of Public Land) Regulation, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
219.	The Land Registration (General) Regulations, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
220.	The Land Registration (Registration Units) Order, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
221.	The Land Regulations, 2017	Ministry of Lands and Physical Planning	Approved 13.04.2018
222.	Sacco Societies Levy (Amendment) Order, 2018	Ministry of Industry, Trade and Cooperatives	Approved 10.04.2018
223.	Insolvency (Amendment) Regulations, 2018	The Attorney General	Approved 15.03.2018
224.	Companies (General) (Amendment) Regulations, 2018	The Attorney General	Approved 13.03.2018
225.	The Kenya Defence Forces (Commissioning of Officers) Regulations, 2017	Defence Council (Kenya Defence Forces)	Approved 20.03.2018

226.	The Kenya Defence Forces (Active Service Punishment) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 20.03.2018
227.	The Kenya Defence Forces (Execution of Sentence of Death) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 20.03.2018
228.	Kenya Defence Forces (Imprisonment) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 20.03.2018
229.	The Kenya Defence Forces (Internal Grievance Mechanism) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved on 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
230.	The Kenya Defence Forces (Retired Officers and Service Members) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
231.	The Kenya Defence Forces (Constabulary) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
232.	The Kenya Defence Forces (Missing Persons) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
233.	The Kenya Defence Forces (Board of Inquiry) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
234.	The Kenya Defence Forces (General) Regulations, 2017	Defence Council	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the

		<i>(Kenya Defence Forces)</i>	errors contained in the gazetted Regulation)
235.	Kenya Defence Forces (Rules of Procedure) Regulations, 2017	Defence Council <i>(Kenya Defence Forces)</i>	Approved 03.07.2018 (Subject to publishing a corrigendum to rectify the errors contained in the gazetted Regulation)
236.	The Capital Markets (Online Foreign Exchange Trading) Regulations, 2017	The National Treasury <i>(Capital Markets Authority)</i>	Approved 01.03.2018
237.	Capital Markets Authority (Securities Lending, Borrowing and Short-Selling) Regulations, 2017	The National Treasury <i>(Capital Markets Authority)</i>	Approved 01.03.2018
238.	Competition Tribunal (Procedure) Rules, 2017	National Treasury <i>(Competition Authority & Competition Tribunal)</i>	Approved 01.03.2018
239.	Legal Notices 44 & 45 relating to Income Tax Act (Exemption from Tax)	The National Treasury	Approved 27.02.2018
240.	Companies (General) (Amendment) (No. 2) Regulations, 2017	Attorney General	Approved 17.01.2018
241.	The Wildlife Conservation Management (Implementation of Treaties) Regulations, 2017	Ministry of Tourism and Wildlife <i>(Kenya Wildlife Service)</i>	Revoked 19.04.2018
242.	The Wildlife Conservation Management (Protection of Endangered and Threatened Ecosystems, Habitats and Species) Regulations, 2017	Ministry of Tourism and Wildlife <i>(Kenya Wildlife Service)</i>	Revoked 19.04.2018
243.	The Wildlife Conservation Management (Joint Management and Protection of Water Towers) Regulations, 2017	Ministry of Tourism and Wildlife <i>(Kenya Wildlife Service)</i>	Revoked 19.04.2018

244.	Wildlife Conservation Management (Compensation) Regulations, 2017	Ministry of Tourism and Wildlife (Kenya Wildlife Service)	Revoked 19.04.2018
245.	Wildlife Conservation Management (Government Trophies) Regulations, 2017	Ministry of Tourism and Wildlife (Kenya Wildlife Service)	Revoked 19.04.2018
246.	Exemption from expiry of LN. 86/2014 and LN.44/2018	National Treasury	Time lapsed before Committee's consideration
247.	Insolvency (Amendment) (No.2) Regulations, 2018	Attorney General	Time lapsed before Committee's consideration

S.No.	Legal Instrument	Regulation Making Authority	Date Tabled	Status
	on duty remission for sugar for Industrial Use			
5.	Approved Duty Remission on Raw Materials and inputs for Uganda	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
6.	Approved Duty Remission on raw materials and Inputs for the manufactures of textile and footwear for Uganda	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
7.	Approved Duty Remission on Raw Materials and inputs for Rwanda	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
8.	18 on Approved Duty Remission on raw materials and inputs for the manufactures of textile and footwear for Tanzania	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
9.	Stay of Application of EAC CET on raw materials and inputs for manufacture of textile and footwear for Rwanda	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
10.	Stay of Application of EAC CET on Telecommunication equipment in Rwanda	East African Community	25.10.2018	For noting

S.No.	Legal Instrument	Regulation Making Authority	Date Tabled	Status
				(dispensed with on 05.03.2019)
11.	Approved Duty Remission on Raw Materials and Inputs for Rwanda	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
12.	Amendments to the Fifth Schedule of the EAC Customs Management Act, 2004	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
13.	Corrigenda to EAC Gazette Vol.AT.1 – No. 8 Legal No. 85 of 30 th June, 2017	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
14.	Approved Kenya Manufacturers and quantities of duplex board and paper for manufacture of text and exercises books to be imported at a duty rate of 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
15.	Approved Kenya Manufacturers and quantities of Raw Materials for manufacture of Solar panels to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
16.	Approved Kenya manufacturers and quantities of sugar for industrial use to be imported at a duty rate of 10% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
17.	Approved Kenya manufacturer and quantities of glucose to be imported at the rate of 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)

S.No.	Legal Instrument	Regulation Making Authority	Date Tabled	Status
18.	Approved Kenya Manufacturers and quantities of inputs for manufacture of leaf springs, both and nuts to be imported at a duty rate of 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
19.	Approved Kenya Manufacturer and quantities of inputs for manufacture of matches to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
20.	Approved Kenya Manufacturers and quantities of raw materials for manufacture of goods for export to be imported at a duty rate of 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
21.	Approved Kenya Manufacturer and quantities of inputs for the manufacture of filters to be imported at a duty rate 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)
22.	Approved Kenya manufacturers and quantities of duplex board to be imported at a duty rate of 0% under duty remission scheme for twelve months	East African Community	25.10.2018	For noting (dispensed with on 05.03.2019)

5. IMPLICATIONS OF THE REGULATIONS

5.1 Impact of the Approval and Annulment of Statutory Instruments

Status of Regulations/ Instruments committed to the Committee

1. Scrutiny of Regulations

25. The Committee has had engagement with various Regulatory making Authorities in the development of Regulations during prepublication stage pursuant to section 5 (1) of the Statutory Instrument Act, 2013.

2. Consultation / Public participation – Section 5 of the SI Act

26. On public participation, the Committee was keen that consultations are undertaken as required by law. Articles 10 and 118 of the Constitution, sections 5, 5A, 13(a) and (m) of the Statutory Instruments Act require that the regulation-making authority conducts public participation and sufficient consultation with the stakeholders and persons likely to be affected by the Regulations.

Lack of adequate public participation led to the annulment of Regulations.

3. Regulatory Impact Statement – Sections 6, 7 & 8 of the SI Act

27. Sections 6, 7, and 8 of the Act requires the regulatory-making authority to carry out a regulatory impact assessment and submit to Parliament a Regulatory Impact Statement if the proposed regulation has significant cost or impact to the community or a sect of the community.

4. Statutory Timelines – Section 11 of the SI Act

28. The Committee was also keen on the statutory timeline contemplated under section 11(1) of the Statutory Instruments Act (No 23 of 2013).

5. Penalties – section 13 (a) of the SI Act

29. On penalties – The Committee was also keen to know whether fees imposed on Kenyans by a proposed subsidiary Legislation was expressly in the parent Act. Section 13(a) of the Statutory Instruments Act requires Regulations to be in conformity with the parent Act.

6. Section 13(k) of SI Act

30. Section 13(k) of SI Act generally checks whether a statutory instrument was meant to among others promote the values, principles and general spirit of the Constitution with regards to Articles 28 on the Right to Human Dignity. The Committee also advises the Regulatory making Authorities that Regulation to be drafted in simple language and easily implemented by being facilitative to the users instead of punitive.

7. Inappropriate delegation of legislative powers – Section 13 (m) of the SI Act

31. Section 13(m) of the Act requires the Committee to carry out its scrutiny by considering whether Regulations inappropriately delegates legislative powers. Any other reason that the Committee considers fit to examine – Section 13 (q) of SI Act

Some of the Regulations approved by the House and which have had an impact on the general population are:-

(i) Housing Regulations, 2018

32. The Committee engaged with the Ministry of Transport, Infrastructures, Housing, Urban Development and Public Works, as part of the big four agenda the Committee considered and approved the Housing Regulations, 2018.

(ii) Engineers Rules

33. The Committee approved the Engineers Rules to ensure that there were enough professional engineers who are registered to mentor the graduate engineers for the recommended period of three years.

(iii) Public Finance Management (Parliamentary Catering Fund) Regulations, 2019

34. The Committee approved the Public Finance Management (Parliamentary Catering Fund) Regulations, 2019 which proposed the creation of a Catering Account in the Parliamentary Fund dedicated to the provision of catering services to Members of Parliament.

(iv) Crops (Irish Potato) Regulations

35. The Committee approved **Crops (Irish Potato) Regulations** to streamline the production, trade and problematic interactions among key players in the Irish Potato sub-sector. The Committee made sure that the Ministry through KEPHIS that was in-charge of seed regulation had put in place mechanisms to control illegal importation of seed potato and that there's a provision in the Regulation that put maximum weight of potato bags.
36. The Committee also considered various draft Crops (Food Crops) Regulations, 2019, Crops (Horticultural) Regulations, 2019 and Tea, Coffee, Sugar, Pyrethrum sub sectors regulations.

(v) Regulations by the Retirement Benefits Authority

37. The Committee also considered and approved the Retirement Benefits Act (The Retirement Benefits (Post-Retirement Medical Funds) Guidelines, 2018 and Retirement Benefits (Good Governance Practices) Guidelines, 2018 which has positive impact on the retirees and pensioners.

(vi) Public Finance Management (Biashara Kenya Fund) Regulations, 2019

38. The Committee considered the following published Regulations from the National Treasury and Planning –

- (a) the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 (*LN No. 78 of 2019*);
- (b) the Public Finance Management (Uwezo Fund) (Revocation) Regulations (*LN No. 79 of 2019*),
- (c) the Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019 (*LN No. 80 of 2019*); and
- (d) the Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations (*LN No. 81 of 2019*)

39. The Committee was not for the view of collapsing the existing affirmative action funds and establishes a new Fund to be known as the Biashara Kenya Fund.

40. The justification given for the merger is that the establishment of a new Fund seeks to operationalise Articles 27, 55 (b) (c) and 56 (b)(c) which provide for affirmative action programmes and other resources in respect to disadvantaged groups and youth aimed at ensuring equitable development of the State. The Regulations are also intended to operationalise the Presidential Taskforce on Parastatal Reform Report of 2014 which recommended the merger of the existing affirmative action Funds.

(vii) Public Finance Management (Tourism Promotion Fund) Regulations, 2018 & the Air Passenger Service Charge Act (Apportionment) Order 2018

41. The Committee considered the aforementioned statutory instruments relating to Tourism Promotion, Branding and Marketing.

(viii) Control of Public Health (Control of Shisha Smoking) Rules, 2017

42. The Committee noted that the Cabinet Secretary for Health issued Regulation vide legal notice number 292 of 2017 banning the importation, manufacture, sale and offer for sale, advertising and promotion of Shisha in Kenya, pursuant with Section 36(m) of the Public Health Act (*Cap 242*). Shisha was an emerging harmful product majorly consumed by young Kenyans and especially women of reproductive age. The product is illegally imported in Kenya as there is no legal entity licensed to import Shisha in Kenya.

Kenya Crops (Tea Industry) Regulations, 2020

43. In order to address various challenges in the Tea Industry, the government instituted reforms in the sector which were aimed at raising farmers' earnings and improving the tea value chain

by addressing corruption and exploitation of farmers, low prices and bonuses, fluctuating net earnings to farmers as well as delayed payments.

44. The Kenya Crops (Tea Industry) Regulations, 2020 were published on 22nd May, 2020 and submitted to the House for consideration. The Regulations seek to bring into effect the requirements of section 40 of the Crops Act with a purpose of guiding the development, promotion and regulation of the tea industry for the benefit of the tea growers and other stakeholders in the industry.
45. In line with Article 118 of the Constitution which requires Parliament to facilitate public participation and involvement in legislative and other business of the Parliament and its committees, the Committee undertook extensive public participation exercises in the tea growing areas of including Meru, Nyeri, Muranga, Kirinyaga, Kiambu, Nandi, Kericho, Bomet, Nyamira, and Vihiga Counties, holding multiple meetings with various stakeholders in the Tea Industry including tea farmers, and tea traders to receive their views on the proposed tea regulations with the Committee. The regulations were subsequently approved on 26th October, 2020.
46. The Ministry of Agriculture, Agriculture, Livestock, Fisheries and Co-operatives, is in the process of implementing the regulations.

Public Finance Management (National Drought Emergency Fund) Regulations, 2021

47. Most Arid and Semi-Arid Lands (ASALs) in Kenya experience perennial draught due to lack of adequate rainfall. The effects of the prolonged dry season aggravate the food insecurity situation and lead to decreased pasture for livestock as well as increasing the potential for resource-based conflicts.
48. The Public Finance Management (National Drought Emergency Fund) Regulations, 2021 were tabled before the House on 21st March, 2021 and committed to the Committee for consideration. The purpose of the Regulations is among others, to improve the effectiveness and efficiency of the drought risk management symptoms in the country as well as to provide a common basket emergency fund in order to facilitate faster, transparent, predictable and accountable release of fund for drought risk management.
49. To this end, the regulations establishes a national Draught emergency fund with an initial capital of Kshs. 2 billion to cushion the drought affected areas from the effects of famine and

also manage the famine situation in the country. The regulations were approved by the House on 13th May, 2021.

The Land Registration (Electronic Transactions) Regulations, 2020

50. The Land Registration (Electronic Transactions) Regulations, 2020 were tabled before the House and committed to the committee for consideration. The regulations provide the framework for the roll-out of an electronic land transactions system, the conduct of searches on an electronic system, valuation for payment of stamp duty online and registration of interests in land on the electronic land register. The Regulations also make provision for the execution of instruments using electronic signatures by parties.
51. These regulations have revolutionised the Land Management system in the country by introducing the electronic land registry and further requiring Registrars to maintain an electronic land register which provide information on the proprietorship or ownership of the property; any encumbrances i.e. any rights or interests by other parties that are registered against the title to the property such as well as any other feature required under any law or deemed necessary by the Cabinet Secretary.
52. Prior to the Regulations, the property records of each registration unit throughout the country have been kept at the Lands Registry of that registration unit in physical form in the deed files.

Petroleum Development Levy (Amendment), Order, 2020

53. The Petroleum Development Levy Order, 2020 was published as Legal Notice No. 124 on 10th July, 2020. The Order was considered and approved by the National Assembly's Select Committee on Delegated Legislation at its sitting on 17th February 2021. However, upon approval of the Instrument by the Committee, the Ministry discovered that the AGO (Diesel) was omitted from the First Schedule.
54. The Order therefore sought to amend the Petroleum Development Order, 2020, (LN No. 124 of 2020) with the effect of inserting Automotive Gas Oil (AGO or Diesel) to legally incorporate it in the First Schedule of the Petroleum Development Levy Order, 2020. As it had been erroneously omitted from the First Schedule to the Order.
55. The Committee in considering the amendment Order found that it is a Statutory Instrument on its own published under a different legal notice (No.77 of 2021) and with the implications on the rates of levy chargeable on AGO (Diesel) hence the Ministry ought to have conducted public participation as required under the Constitution and the relevant laws, and not chosen

to ride on public participation conducted for LN. No124 of 2020 which did not contain AGO (Diesel) in the schedule. The Committee therefore in its report annulled the order which had the implication of bringing down the cost of diesel.

56. Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Officers) Regulations, 2021
57. Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Members) Regulations, 2021 were made pursuant to Section 304 (1) (aa) of the Kenya Defence Forces Act, 2012. The objective of the regulations is to provide for efficient and effective processing of pension payments for retirees in the Defence Forces.
58. The Kenya Defence Forces has been without pensions since the committee annulled of the 2017 Regulations and no payment had been done as there was no body or committee to carry out the needed assessment to make recommendations to the Director General of Pensions.
59. On annulment, the Committee had proposed several amendments which had been addressed in the revised Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Officers) Regulations, 2021 .The KDF had further conducted adequate public Consultations and stakeholder engagements on the revised regulations.
60. The approval of the regulations has now paved way for the processing of over 700 pending cases of pension which had stalled due to due to lack of this regulations.

The Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020

61. The Rules were made by the Cabinet Secretary for Transport, Infrastructure ,Urban Development, Public Works and Housing pursuant to powers conferred under section 119(1)(ga) of the Traffic Act (Cap 403) Laws of Kenya and published in the Gazette as LN. No 28 of 2020 on 10th of March, 2020.
62. The Rules were however not laid on the table of the House as required under the Statutory Instruments Act that led them to be inter alia subject of Petition No. E251 of 2020, in the High Court of Kenya at Nairobi (Constitutional and Human Rights Division) between Kenya Driving Schools Association Vs the National Transport and Safety Authority & 3 others and the National Assembly and the Senate enjoined as 1st and 2nd Interested Parties accordingly.
63. Orders issued by the Court on the 27th of January, 2021

Mrima J, issued orders to the effect that-

- (a) the implementation of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 be stayed and suspended pending a reconsideration of the Rules by both Houses of Parliament.
 - (b) the Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works to re-transmit a copy of the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020, the Explanatory Memorandum together with a copy of [this] judgment to the Speakers of both Houses of Parliament within 14 days from the date of the Judgement.
 - (c) that in view of the remainder of the terms of the Houses of Parliament, the respective Speakers of Parliament shall take steps to ensure that the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 are expeditiously dealt with by the respective Houses.
 - (d) that in the event that any or both Houses of Parliament are/is unable to finalize the dealing with Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 within the remainder of the current terms of the Houses of Parliament, the said Rules shall be dealt with in the next term of Parliament.
64. Following the Court Ruling, the NTSA suspended implementation of the rules and disabled the NTSA portal which had the implication of suspension of all services offered by the NTSA, including drivers training and examination, issuance of driving licences and logbooks, among others.
 65. The Committee having received the Rules and granted its mandate set out under Standing Order 210 did a detailed scrutiny of the Rules and took cognizance of the High Court Judgment by Mrima J, dated 27th January, 2022 that required the expeditious dealing of the Rules.. The committee invited the National Transport and Safety Authority (NTSA) and the Kenya Driving Schools Association at separate meetings to deliberate on the rules. However, the committee noted that both parties had not come to a consensus on certain provisions of the said Rules. The committee resolved to invite both parties to a joint meeting for a hearing that enabled the committee approve the Rules with the exception of three provisions which the Committee proposed to the Cabinet Secretary to amend for purposes of conformity to the Constitution, the Act and in light of the deliberations at the aforementioned meetings as well as to comply with the judgment issued by the High Court.
 66. With the Rules approved by the National Assembly, the National Transport and Safety Authority restored the provision of all services to the general that had been suspended.

The Public Finance Management (National Roads Toll Fund) Regulations, 2021,

67. The Regulations were made by the Cabinet Secretary for the National Treasury and Planning pursuant to section 24 (4) of the Public Finance Management Act, 2012 and was published in the gazette vide Legal Notice No.222 of 2021.
68. The purpose of the Regulations is to establish a dedicated fund pool for meeting Government's payment obligations contracted under project agreements for road development programs in Kenya, especially those implemented under the tolling framework.
69. The National Roads Toll Fund is proposed to be established under the Public Finance Management Act, 2012 as a resource mobilization strategy of the National Treasury to support Government's investment agenda for roads modernization in Kenya. Under the National Tolling Policy of 2016, the Government has articulated its commitment to national transport infrastructure investment over a ten-year planning window, from 2016 to 2025, through the development of a National Surface Transport Sector Funding Policy. The purpose of the 2016 Tolling Policy statement is to support the National Surface Transport Sector Funding Policy by summarizing how road tolls will be applied in order to fund National Road infrastructure expenditure.
70. The Integrated National Transport Policy prioritizes the improvement and development of Kenya's national road network to achieve the aspirations of Kenya Vision 2030. Expenditure plans covering investment, rehabilitation and maintenance of Kenya's road sector show an annual funding deficit of over Ksh.100 billion, on top of a large pending bills portfolio of nearly Ksh. One trillion shillings. Without action to identify additional funding sources, it is evident that Kenya may not manage to deliver on its aggressive growth agenda under both Vision 2030 and the Big Four Agenda, since national trunk roads are central enablers of economic growth.
71. The primary objective of tolling is therefore to raise additional funds directly from road users in a cost-effective and equitable manner in order to contribute to the sustainable development, rehabilitation and maintenance of Kenya's National Road network. The passing of the regulations paved way for the operationalization of the tolling system on the Nairobi expressway.

6. COMMITTEE'S UNCOMPLETED, PENDING AND LAPSED BUSINESS

72. The following business were pending before the Committee at the end of the Sixth (6th) Session of the 12th Parliament:

- i. The draft Merchant Shipping (Seafarers Identity Document) Regulations, 2022
- ii. The draft Merchant Shipping (Tonnage Measurement) Regulations, 2022
- iii. The draft Merchant Shipping (Maritime Labour) Regulations, 2022
- iv. The draft Merchant Shipping (Load Line) Regulations, 2022.
- v. The draft Merchant Shipping (Collision Prevention) Regulations, 2022
- vi. The draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022;
- vii. The draft Pharmacy and Poisons (Conducts of Clinical Trials) Rules, 2022
- viii. The draft Pharmacy and Poisons (Transportation of Pharmaceuticals) Rules, 2022;
- ix. The draft Pharmacy and Poisons (Pharmaceuticals Waste Management) Rules, 2022;
- x. The draft Pharmacy and Poisons (Pharmacovigilance and Post-Market Surveillance) Rules, 2022;
- xi. The Draft Pharmacy and Poisons (Registration of Health Products and Technologies) Rules, 2022;
- xii. The draft Pharmacy and Poisons (Amendment) Rules, 2022.

73. The Committee considered the Regulations with Regulatory making Authorities on Friday 3rd June 2022 and advised them to take into consideration and published and submit for further scrutiny before the House goes on Sine Die.

7. CHALLENGES AND OPPORTUNITIES

- 1) National Assembly's Standing Order provides for timelines (28 sitting days as per SI Act) 15 sitting days for regulations made under 205 of the PFM, 2012;
- 2) SOs of both Houses provides for processing and approval of Regulations as well as annulment Provides for the manner/ submission, Tabling and processing upon publications.
- 3) According to the Standing Order No. 210(4) provides that if the Committee: - *Resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument.*
- 4) If the Committee Does not accede to the statutory instrument, the Committee may recommend to the House that the Assembly resolves that all or part of the statutory instrument be annulled and if the instrument:-
 - (i) *is not made under a legislation concerning counties and a resolution is passed by the Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument of part thereof shall henceforth stand annulled; and*

(ii) *is made under a legislation concerning counties the Clerk shall within seven days of the resolution transmit a message to the Senate.*

5) Consultation / Public participation – Section 5 of the SI Act

72. Articles 10 and 118 of the Constitution, sections 5, 5A, 13(a) and (m) of the Statutory Instruments Act require that the regulation-making authority conducts public participation and sufficient consultation with the stakeholders and persons likely to be affected by the Regulations. The Committee has during the 12th Parliament annulled several pieces of regulations due to the failure by the Regulatory making Authority to conduct Public participation on the Regulations.

8. RECOMMENDATIONS

- 1) Committee on Delegated Legislation must find an avenue or an opportunity to introduce amendments to the Parent Act specifically where Regulations were annulled on the basis of substantive legislative matter carried in regulations
- 2) Committee on Delegated Legislation should be more effective and to minimize litigation after Parliamentary approval.
- 3) Holding a Roundtable with Regulatory Making Authorities to ensure that Statutory Instrument Act, 2013 is adhered to;
- 4) State law Office to fully support the Ministries when drafting Regulations before publication.
- 5) Delegated Legislation Information System (DLIS) - Establishing of Database

HON. WILLIAM KAMKET

CHAIRPERSON,

COMMITTEE ON DELEGATED LEGISLATION

DATE 09/06/2022.....SIGNATURE: 




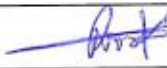


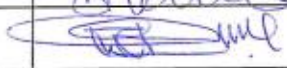

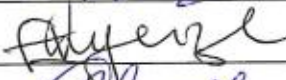
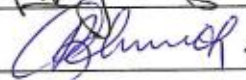

COMMITTEE ON DELEGATED LEGISLATION

ADOPTION LIST

Consideration and Adoption of the Legacy Report for the 12th Parliament (2017 - 2022)

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: _____ COMMITTEE ON DELEGATED LEGISLATION

	HON. MEMBER	SIGNATURE
1.	Hon. Kassait Kamket, MP (Chairperson)	
2.	Hon. Muriuki Njagagua, MP (Vice Chairperson)	
3.	Hon. Isaac Waihenya Ndirangu, MP	
4.	Hon. Cecily Mbarire, MP	
5.	Hon. Alice Wahome, MP	
6.	Hon. Daniel Maanzo, MP	
7.	Hon. Robert Mbui, MP	
8.	Hon. Martha Wangari, MP	
9.	Hon. Ronald Kiprotich Tonui, MP	
10.	Hon. Timothy Wanyonyi, MP	
11.	Hon. Gideon Mulyungi, MP	
12.	Hon. George Gitonga Murugara, MP	
13.	Hon. Jennifer Shamalla, MP	
14.	Hon. Munene Wambugu, MP	
15.	Hon. Patrick Kariuki Mariru, MP	
16.	Hon. (Dr.) Wilberforce Oundo, MP	
17.	Hon. Abdi K. Tepo, MP	
18.	Hon. Edith Nyenze, MP	
19.	Hon. Robert Githinji Gichimu, MP	
20.	Hon. Sammy Seroney, MP	
21.	Hon. Tindi Mwale, MP	
22.	Hon. William Cheptumo, M.P	

