

**PARLIAMENT OF KENYA  
THE SENATE**

**SENATE BILLS DIGEST**

**Issue No...../2025**

**THE MINING (AMENDMENT) BILL, 2025  
SENATE BILLS NO. 22 OF 2025**

---

**Sponsor:** Sen. Karen Njeri Nyamu, MP  
**Date of Publication:** 7<sup>th</sup> November, 2025  
**Date of First Reading:** 26<sup>th</sup> February, 2026  
**Committee referred to:** Standing Committee on Land, Environment and Natural Resources  
**Type of Bill:** Ordinary Bill

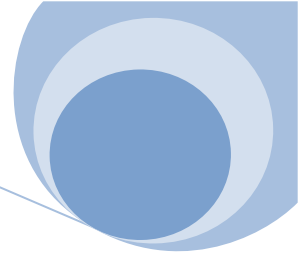
1. **PURPOSE OF THE BILL**

The primary objective of the Mining (Amendment) Bill, 2025, is to amend the Mining Act (Cap. 306) to establish a comprehensive legal and administrative framework for the utilization of mineral royalties by counties and local communities. It mandates the prompt transfer of royalties allocated to county governments and local communities into County Revenue Funds to facilitate immediate utilization. Additionally, it provides for the establishment of community-led committees to identify and monitor projects funded by these royalties.

2. **BACKGROUND**

*What is the problem that is sought to be addressed?*

The Bill addresses existing administrative gaps in the principal Act where there are no clear timelines or mechanisms for ensuring royalties reach intended beneficiaries. Currently, the lack of a disbursement framework has hampered the receipt and utilization of funds by mining-affected communities. By introducing strict remittance timelines and community-led identification processes, the Bill seeks to align Kenya's legal framework with international best practices such as those in Ghana and India regarding decentralized resource management.



### 3. OVERVIEW OF THE BILL

#### **Application of the Bill**

The Bill once enacted, shall apply to the management and sharing of mineral royalties among communities where the exploitation of mineral resources occurs. It specifically amends the Mining Act (Cap. 306) by inserting a new Part XXIA dedicated to the "Sharing of Mineral Royalties Among Communities". This framework governs the interaction between the National Government (Cabinet Secretary), County Governments, and the local Community Project Implementation Committees.

#### **Alienation and utilisation of royalties**

Clause 190A of the Bill proposes the establishment of a strict administrative chain of command to ensure funds reach host communities without delay.

The Bill proposes mandatory transfer and timelines requiring the Cabinet Secretary is required to transfer royalties due to both county governments and communities into the respective County Revenue Fund within twenty-one (21) days of receiving the funds.

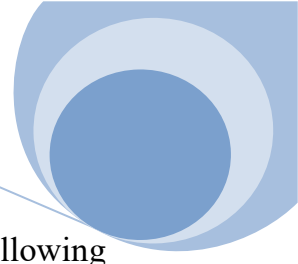
The Bill further proposes the ring-fencing and utilization of funds received in the community share of royalties to only be utilized for projects that have been formally identified by the Community Project Identification Committee.

The Bill proposes for the Commission on Revenue Allocation (CRA), in consultation with affected counties, to be responsible for determining the specific share of royalties due to communities residing in two or more counties.

#### **Notification of the grant or renewal of a mining licence or permit.**

Clause 190B of the Bill seeks to ensure that county governments can effectively track and plan for the revenue they are entitled to and introduces a strict transparency requirement for the National Government.

The Bill proposes that the Cabinet Secretary responsible for mining is required to notify the relevant County Executive Committee member of the grant or renewal of any mining licence or permit within seven days of their issuance.



The Bill ensures that counties are aware of new or continued mining operations, allowing them to initiate the formation of community committees and prepare for the subsequent royalty transfers.

**Establishment of community project implementation committees.**

Clause 190C of the Bill seeks to establish a Community Project Implementation Committee in every community where a mining license or permit is granted or renewed.

The Bill proposes that all members of the Community Project Implementation Committee except for the secretary are elected by the respective community. The Bill further proposes the qualifications for the election of a chairperson and members to the Community Project Implementation Committee.

The Bill further proposes that the County Executive Committee member responsible for mining publicise and conduct elections of committee members in a prescribed manner. The Bill requires that elections must be conducted within sixty (60) days of receiving the mining particulars from the Cabinet Secretary. The Bill further proposes that the County Executive Committee member appoints the Chairperson and members by notice in the Kenya Gazette within fourteen days of the election.

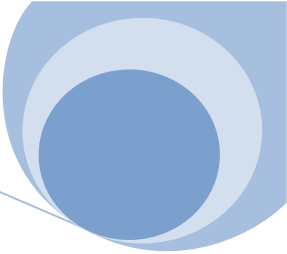
The Bill further provides for the tenure of the committee members as five years. The Bill further provides that the allowances of committee members be set by the Salaries and Remuneration Commission in consultation with the Council of County Governors.

The Bill proposes that the County Government provides the committees with the necessary staff to assist in carrying out their functions.

**Functions of community project implementation committees.**

Clause 190D of the Bill proposes the functions of the community project implementation committees to include —

- a) identification and presentation to the relevant county executive committee member responsible for finance the projects to be funded;
- b) monitoring the implementation of projects;
- c) convening of community forums to facilitate public participation with regard to the identification of projects to be funded; and

- 
- d) monitoring the utilisation of funds allocated to the community.

### **Conduct of the affairs of community project implementation committees**

Clause 190E of the Bill proposes the standard rules governing the conduct of business of the committee to be set out in the Third Schedule and include:

- i) Meetings of the committee;
- ii) Voting;
- iii) Conflict of interest; and
- iv) Rules of Procedure and minutes.

The Bill further provides for the Committee to determine its own procedure in addition to what is set out in the Third Schedule.

### **General Provisions**

#### **(a) Power to make regulations**

The Bill proposes the amendment of section 223 of the Mining Act, Cap. 306 to mandate the Cabinet Secretary to make regulations on the manner in which the election of the chairperson and members of community project implementation committees shall be conducted.

#### **(b) Insertion of new Third Schedule to Cap. 306.**

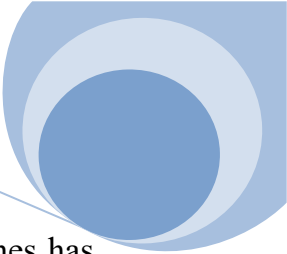
The Bill proposes the introduction of a new Third Schedule in the Mining Act, Cap. 306, to provide for the conduct of business and affairs of a community project implementation committee.

### **Schedule**

The Bill contains Third Schedule with details the conduct of business and affairs of the Board, including meeting procedures, voting, conflict of interest and the rules of procedure and minutes.

## **4. CONSEQUENCES OF THE BILL**

The enactment of the Mining (Amendment) Bill, 2025, will promote prompt access to royalties by counties and host communities. The Bill mandates that the National Government transfer royalties due to counties and communities within twenty-one days



of receipt. This addresses the current "administrative gap" where a lack of timelines has historically hampered the actual receipt of these funds.

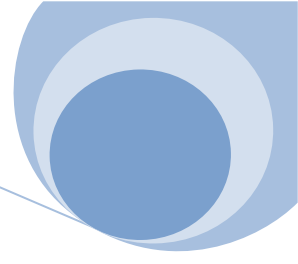
The establishment of Community Project Implementation Committees will enable community led projects as the committees will directly identify and monitor projects funded by these royalties. The Bill provides a comprehensive legal framework where the existing law was previously silent, particularly regarding the utilization of mineral royalties for community benefit.

#### 5. **WAY FORWARD**

Pursuant to standing order 145 (1) and (5) of the Senate Standing Orders, the Bill now stands committed to the Standing Committee on Land, Environment and Natural Resources and the Committee shall facilitate public participation and take into account the views and recommendation of the public when it submits its report to the Senate.

Further, pursuant to standing order 148(1) of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, which is by **28<sup>th</sup> March, 2026**.

**Any comments on the Bill may be submitted to the Office of the Clerk of the Senate,  
1<sup>st</sup> Floor, Main Parliament Buildings, P.O. Box 41842-00100, Nairobi, Kenya or  
email [senatebills@parliament.go.ke](mailto:senatebills@parliament.go.ke)**



**Note:**

1. This Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill made after publication of the Bill.
2. The Digest does not have any official legal status.