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COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE COPYRIGHT
(CONSOLIDATED (MUSIC AND AUDIO-VISUAL WORKS) TARIFFS, 2026
- 2028
(LEGAL NOTICE NO.4 OF 2026)

 THE NATIONAL ASSEMBLY PAPERS LAID		APRIL, 2026
DATE: 29 APR 2026		DAY: <i>Wed</i>
TABLED BY:	<i>Hon. Julius Sunkulu</i>	
CLERK-AT THE-TABLE:	<i>Mado</i>	



The Directorate of Audit, Appropriations & General Purpose Committees
The National Assembly
Parliament Buildings
NAIROBI.

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LIST OF ABBREVIATIONS AND ACRONYMS

BMOs	Business Management Organization
CBS	Chief of the Order of the Burning Spear
CMO	Collective Management Organization
CMTs	Consolidated Music Tariffs
DLS	Directorate of Legislative and Procedural Services
EABL	East African Breweries Limited
EGH	Elder of the Order of the Golden Heart
EBS	Elder of the Order of the Burning Spear
GoK	Government of Kenya
IP	Intellectual Property
KAHC	Kenya Association of Hotelkeepers and Caterers
KAMP	Kenya Association of Music and Producers
KECOBO	Kenya Copyright Board
KNLS	Kenya National Library Service
LN	Legal Notice
MCSK	Music Copyright Society of Kenya
MP	Member of Parliament
PAVRISK	Performing and Audio-Visual Rights Society of Kenya
PERAK	Pubs, Entertainment and Restaurants Association of Kenya
ODM	Orange Democratic Movement
SBP	Single Business Permit
UDM	United Democratic Movement
UDA	United Democratic Alliance
UPA	United Progressive Alliance
UPIA	United Party of Independent Alliance
WDM–Kenya	Wiper Democratic Movement–Kenya

CHAIRPERSON'S FOREWORD

The Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028 were made by the Cabinet Secretary for Youth Affairs Creative Economy and Sports in exercise of powers conferred to him under the provisions of section 46A of the Copyrights Act, Cap. 130.

The Regulations were published in the **Kenya Gazette Supplement, No. 6, Legal Notice No. 4 of 2026** dated 29th January 2026, received by the Clerk of the National Assembly on Thursday, 12th February 2026 and tabled by the Deputy Leader of Majority on Tuesday, 17th February 2026, in line with section 11(1) of the Statutory Instruments Act, Cap. 2A and subsequently referred to the Committee on Delegated Legislation for scrutiny in accordance with Standing Order 210.

The Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028 seek to provide a harmonized, transparent and predictable tariff structure for the licensing and use of music and audio-visual works in Kenya. The tariffs are intended to facilitate the collection of royalties for the benefit of rights holder while ensuring fairness, proportionality and ease of compliance by users of copyright works. Further, the consolidated tariffs for music and audio-visual works also seek to simplify licensing, ensure fair compensation, reflect economic realities, and enhance transparency.

In examining the proposed Tariffs, the Committee was guided by the Constitution, the Statutory Instruments Act, the Interpretation and General Provisions Act, and the Copyright Act. The Committee also took into account the High Court decision in **HCCHRPET/EO76/2024; Mundia v KECOBO & 5 Others**, of 29th July, 2025 which underscored the requirement for reasonable, meaningful and effective public participation in the development of statutory instruments.

Pursuant to section 16 of the Statutory Instruments Act, 2013 which requires the Committee to confer with the regulation-making authorities before making its decision, the Committee held a meeting with the State Department for Youth Affairs, Creative Economy and Sports on Tuesday 21st April, 2026 to deliberate on the proposed Consolidated Tariffs.

Having examined the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028, *Legal Notice No. 4 of 2026* in accordance with the Constitution, the Interpretations and General Provisions Act, Cap 2, the Statutory Instruments Act, Cap 2A and Section 46A of the the Copyright Act, Cap 130, the Committee recommends that the House **APPROVES** the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* subject to the **ANNULMENT** of Tariff item No. CMT 17 relating to hairdressing – spas, carwash, barber shops, retail shops and similar establishments, is **overly broad and lacks clear differentiation which may result in inequitable application across distinct business categories** and Tariff item No. CMT 22 relating to political events/campaigns, launch parties, unveiling candidates and manifestos, **imposes financial obligations that may limit political participation, thereby raising undermining political rights as envisaged under Article 38 of the Constitution of Kenya, 2010.**

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

like to thank the Committee Membership and the Secretariat for their diligence in considering these Regulations.

On behalf of the Members of the Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b), it is my pleasure and duty to present to the House, the **Committee's Report on the Consideration of the Copyright (Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028,**



HON. CHEPKONG'A KIPRONO SAMUEL, CBS, MP.
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION.

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on Delegated Legislation is established under **Standing Order No. 210** and is mandated to consider statutory instruments submitted to National Assembly for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. During the scrutiny, the Committee is guided by the principles of good governance, rule of law considers whether the instrument-
 - a) is in accordance with the provisions of the Constitution, the Act pursuant to 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 the Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - f) gives retrospective effect to any of the provision 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 pursuant to which it is made;
 - j) appears to have had 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 insufficiently defined administrative powers;
 - m) inappropriately delegates legislative powers;
 - n) imposes a fine, imprisonment or other penalty 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.

1.2 Committee Membership

3. The Committee membership comprises –

Chairperson

Hon. Chepkong'a Kiprono Samuel, CBS, M.P.

Ainabkoi Constituency

UDA

Vice-Chairperson

Hon. Githinji Robert Gichimu, M.P.

Gichugu Constituency

UDA

Committee Members

Hon. Mbui Robert, CBS, M.P.

Kathiani Constituency

WDM-Kenya

**Hon. (Maj) (Rtd) Dekow Barrow
Mohamed, M.P.**

Garrisa Township Constituency

UDA

**Hon. Julius Lekakeny Ole Sunkuli,
EGH, EBS, M.P.**

Kilgoris Constituency

KANU

Hon. Kamene Joyce, M.P.

Machakos County

WDM-Kenya

**Hon. (Dr.) Onchoke, Mamwacha
Charles, M.P.**

Bonchari Constituency

UPA

**Hon. (Dr.) Kimaiyo, Gideon
Kipkoech, M.P.**

Keiyo South Constituency

UDA

Hon. Komingoi, Kibet Kirui, M.P.

Bureti Constituency

UDA

Hon. Chebor, Paul Kibet, M.P.

Rongai Constituency

UDA

Hon. Yakub Adow Kuno, M.P.

Bura Constituency

UPIA

**Hon. (Maj) (Rtd) Abdullahi, Bashir
Sheikh, M.P.**

Mandera North Constituency

UDM

Hon. Mwirigi John Paul, M.P.
Igembe South Constituency
UDA

Hon. Odoyo, Jared Okello, M.P.
Nyando Constituency
ODM

Hon. Chepkorir Linet, M.P.
Bomet County
UDA

Hon. Munyoro Joseph Kamau, M.P.
Kigumo Constituency
UDA

Hon. Ruku, Geoffrey Kariuki Kiringa, M.P.
Mbeere North Constituency
DP

Hon. Lenguris Pauline, M.P.
Samburu County
UDA

Hon. Okoth Moses Omondi M.P.
Ugunja Constituency
ODM

Hon Mnyazi Amina Laura, MP.
Malindi Constituency
ODM

Hon. Mugabe Innocent Maino, M.P.
Lukuyani Constituency
ODM

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises –

(1) Ms. Wanjiru Mwaura	Principal Clerk I (Team Leader)
(2) Mr. Dima Dima	Deputy Director-DLS
a. Mr. Brian Langwech	Clerk Assistant III
b. Mr. Grace Odedere	Clerk Assistant III
c. Mr. Peter Barasa	Legal Counsel II
d. Ms. Elsy Jerop	Legal Counsel II
e. Ms. Brenda Michira	Research Officer III
f. Mr. Yakub Ahmed	Media Relations Officer
g. Mr. Noah Chemweno	Serjeant at Arms

2.0 CONSIDERATION OF THE CONSOLIDATED (MUSIC AND AUDIO-VISUAL WORKS) TARIFFS, 2026 - 2028

2.1 Background

5. The primary objective of the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028 is to provide a harmonized, transparent and predictable tariff structure for the licensing and use of music and audio-visual works in Kenya.
6. The tariffs are also intended to facilitate the collection of royalties for the benefit of rights holder while ensuring fairness, proportionality and ease of compliance by users of copyright works.
7. Further, the consolidated tariffs for music and audio-visual works also seek to simplify licensing, ensure fair compensation, reflect economic realities, enhance transparency and promote compliance.
8. Previously, the Kenya Copyright Board (KECOBO) in collaboration with the Collective Management Organizations (CMOs), including the Performing and Audiovisual Rights Society of Kenya (PAVRISK), the KAMP Copyright and Related Rights Limited (KAMP) and the Business Management Organizations (BMOs) participated as key stakeholders representing user groups in developing the Consolidated Copyright 2025 – 2027, Tariffs, which would govern the use of musical and audiovisual works in Kenya.
9. However, in the High Court ruling in Milimani, **HCCHRPET/EO76/2024; Mundia v KECOBO & 5 Others**, on 29th July 2025, the court nullified *Legal Notice No. 84 of 2023* citing lack of reasonable, meaningful and effective public participation.
10. In essence, the ruling resulted to two main outcomes:–
 - a) **Invalidation of Legal Notice No. 84 of 2023** which would have set precedence for the 2025-2027 cycle, consequently rendered them null and void.
 - b) **Elevated the Standard for Public Participation.** The court mandated that KECOBO and the CMOs must conduct a public participation process that is demonstrably reasonable, meaningful, and effective.
11. As a result, KECOBO proceeded to establish the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028 while taking cognizance of the High Court ruling and conducted a public participation exercise in September 2025 to fulfill its statutory mandate of ensuring the formulation of copyright tariffs is inclusive, transparent, and fair.

2.2 Legislative Framework of the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028

(a) The Copyright Act, 2001, Cap 130

12. The Copyright Act establishes KECOBO as a corporate body with the mandate to administer and enforce copyright and related rights, which includes overseeing the tariff-setting process to enhance fairness and competitiveness.

13. Section 46 of the Act empowers the Kenya Copyright Board (KECOBO) to oversee the development and approval of tariffs of proposed charges by CMOs. CMOs are therefore restricted from levying or collecting royalties without approved and gazetted tariffs.

(b) The Copyright (Collective Management) Regulations, 2020

14. These Regulations provide detailed procedures for the operations of CMOs. They outline the requirement for them to draft and submit proposed tariffs to KECOBO, the obligation for KECOBO to conduct public participation before approval of any tariffs and, the principles of transparency, fairness, and representation of rights-holders' interests that must guide the process.

15. Further, the regulations create a structured system where CMOs including the KAMP and the PAVRISK can propose tariffs based on their mandates, whereas KECOBO acts as the regulatory body to approve them after a consultative process.

2.3 Institutional Framework

16. The preparation of consolidated tariffs involves a tripartite institutional structure as provided below.

(a) Kenya Copyright Board (KECOBO)

17. KECOBO is a state regulatory agency responsible for the administration and enforcement of copyright. It receives tariff proposals from CMOs, conducts public participation to gather stakeholder input, considers objections, and grants final approval to ensure the tariffs are reasonable and non-discriminatory.

(b) Collective Management Organizations (CMOs)

18. KAMP Copyright and Related Rights Limited (KAMP) is licensed to administer the rights of authors, composers, and publishers of musical works, including reproduction, public performance, and broadcasting rights.

(c) Performing and Audiovisual Rights Society of Kenya (PAVRISK)

19. The PAVRISK is licensed to administer the rights of performers and producers of audiovisual works including actors in films, producers of sound recordings.

20. KAMP and PAVRISK are responsible for drafting the initial tariff proposals. This involves research, economic analysis, and consultations with their respective rights-holders' members and BMOs to determine proposed rates that reflect the economic value of the use of their works.

2.4 Administrative Framework and Process

21. The administrative process for preparing the tariffs contained several steps as described below.

Step I: Tariff Drafting by CMOs

22. KAMP and PAVRISK, following internal consultations with their members including artists, producers, publishers, and prepared the initial Consolidated Draft Copyright Tariffs.

Step 2: Submission to KECOBO

23. Submission of the Consolidated Draft Copyright Tariffs to KECOBO for review and approval as required by law.

Step 3: Public Notification

24. In compliance with the law, KECOBO published public notices in print and electronic media on 9th September, 2025 and 16th September, 2025. The notices were also posted on KECOBO's official website and social media platforms, inviting stakeholders to review the drafts and submit written comments or attend public forums.

Step 4: Public Participation Forums

25. KECOBO convened key stakeholder engagement forums on 12th September 2025 and 19th September, 2025 in Nairobi. These forums brought together 62 participants from a diverse cross-section of stakeholders, including rights-holders and their representatives from CMOs, Music Organizations of Artists (MOA), Music Alliances, users of copyrighted works, Kenya Association of Hotelkeepers and Caterers (KAHC), Pubs, Entertainment and Restaurants Association of Kenya (PERAK), media Houses from Mediamax and GoTV, and corporates represented by EABL.

Step 5: Stakeholder Deliberations and Submissions

26. During the forums, stakeholders raised critical issues for consideration, such as:
 - a) The need for fair business categorizations (e.g., separating video game arcades).
 - b) Requests for rate adjustments for sectors like hospitality including hotels, bars, and restaurants to reflect post-pandemic economic realities.
 - c) Clarifications on non-commercial use, such as music in offices and vehicles.
 - d) Concerns over "double taxation" and calls for transparent, verifiable fee structures.
 - e) Advocacy for reduced CMO administration fees to maximize royalties for rights-holders.

Step 6: Finalization and Approval

27. Following the public participation, KECOBO, in consultation with KAMP and PAVRISK, is tasked with reviewing all submissions and refining the tariff proposals. The final, approved tariffs will then be forwarded to the Cabinet Secretary in charge of copyright and related rights for gazettment, thereby becoming legally binding.

3.0 SCRUTINY OF THE CONSOLIDATED MUSIC AND AUDIO-VISUAL TARIFFS 2026 – 2028

28. The Committee examined the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028 against the Constitution, the Interpretation and General Provisions Act (Cap 2), the Copyright Act Cap 130 and the Statutory Instruments Act (Cap. 2A).

29. The scrutiny was undertaken following the tabling of the Regulations before the House on and their subsequent referral to the Committee on Delegated Legislation. The Committee held a meeting with the State Department for Youth Affairs, Creative Economy and Sports on Tuesday, 21st April, 2026, at Main Chamber, Parliament Buildings, to deliberate on the Tariffs.

3.1 Summary of the Consolidated Music and Audio-Visual

30. The summary of the proposed tariffs is shown in Table I as illustrated below.

SCHEDULE

Table I: Summary of the Proposed Consolidated Music and Audio-Visual Tariffs, 2026 - 2028

Tariff No.	Tariff Parameter	Tariff Classification	Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)
Aircraft - CMT 1	Seating Capacity	Passenger seat per annum	900, subject to minimum annual fee of 25,000 per aircraft
Amusement Parks/Arcades and Fairgrounds -CMT 2	Flat rate per class	Cities	40,000
		All Other Areas	25,000
Professional Training programmes, Dance Schools, DJ Academies and Music Schools – Universities and colleges CMT 3	Flat Rate	Annual Rate	20,000
Cinema	Flat rate per cinema theatre	Annual	60,000

theatres/Cabaret, Open Air Cinemas and or Video Shows similar establishments - CMT 4	Per day, per county,	Cities and Urban areas	5,000
		All other areas	2,000

Private Members Clubs-CMT 5	Flat rate	Cities	100,000
		All Other Areas	75,000
Discotheques, Night Clubs Dancehalls, and Casinos-CMT 6	Percentage of Single Business Permit (SBP)	All Areas	60% of Single Business Permit (SBP)
Medical Facilities - CMT 7	Hospital	Level 1	5,000
		Level 2	10,000
		Level 3	15,000
		Level 4	50,000
		Level 5	200,000
		Level 6	500,000
	Clinics, Chemists, Pharmacy Outlets	Flat rate	5,000
Bars, Restaurants, Cafes, Road houses Lounges, Eateries, Taverns, Beer Gardens, Motels, Lodgings, camps, Cottages, Furnished, Serviced apartments, Airbnb and similar establishments- CMT 8	Percentage of Single Business Permit	All Areas	60% of Single Business Permit (SBP)
Hotels, Lodges and similar establishments CMT 9	Flat Rate per Percentage of Single Business Permit	All Areas	60% of Single Business Permit (SBP)
Mobile DJs -CMT 10	Flat rate annual or per event	Per Disk Jockey – Annual	30,000
		Per Disk Jockey - per event	1,000

Motor Vehicles - All commercial vehicles PSVs, TSVs, taxis, car hire, etc. and Passenger Trains - CMT 11			
	Flat rate per sitting capacity cluster, per passenger or train wagon	1 - 5 seaters, including taxis	4,000
		6 - 14 seaters	6,000

		15 - 33 seaters	10,000
		34 and above seaters	15,000
	Flat rate per sitting capacity	TSV	200 per seat annual
		Trucks, trailers and lorries	4000
		Small cars and minivans	2,500
		Train Coaches per wagon	25,000
		Marine vessel	60,000
		Marine vessel attached to hotel	30,000
Regular Live Band, In-House Band Shows, House Bands, Nightly Band shows, Resident Musicians' Live Sets, Regular Venue-Based Music Shows, Scheduled Live Music Entertainment, Live Band Performances or other such events -CMT 12	Flat rate, per annum	Cities	50,000
		All Other Areas	20,000

Concerts and Live Shows - CMT 13	Flat fee payment per event	Paying concerts	50,000
		International Concerts	100,000
Roadshows -CMT 14	Per Daily Rate, Per Annum. National Annual Rate per corporate	Per truck per event corporate	50,000
		Other vehicles/event	22,000

			1,100,000
Promotional Activities and Activations - CMT 15	Chain businesses, Event per day. SMES	Per corporate,	20,000
			5,000
Banking Halls, gyms, showrooms, workshops and other similar establishments - CMT 16	Flat rate per branch (audible area)	Cities	25,000
		All other areas	15,000
Hairdressing, salons, spas, car wash, Barber shops, retail shops and similar establishments CMT 17	Flat Rate per branch (audible area)	Cities	5,000
		All Other Areas	3,000
Supermarkets, godowns, halls and other similar establishments- CMT18	Flat rate (audible areas)	above 5000 sq. ft	200,000 (cities) 150,000(other areas)
		3000 sq. ft to 4999 sq. ft	100,000 (Cities) 75,000 (other areas)
		1,000sqft to 2999 sq.ft	45,000 (cities) 30,000 (Other areas)
		1,000sqf. ft and below	25,000 (Cities) 15,000 (Other areas)

Broadcasting Services (Radio, Television) - CMT 19	National/Regional/Community	National Radio	4% of Net Revenue subject to a minimum of 500,000
		National Television	4% of Net

			Revenue subject to a minimum of 400,000
		Regional Radio	4% of Net Revenue subject to a minimum of 300,000
		Regional Television	4% of Net Revenue subject to a minimum of 200,000
		Community Radio	4% of Net Revenue subject to a minimum of 160,000
		Community Television	4% of Net Revenue subject to a minimum of 100,000
		Pay TV/ subscription services	Flat rate
	Digital Online Broadcasting (V.O.D, OTT)	Flat rate	250,000
Shopping Arcades, Malls and Similar Large Shopping Complexes (music in common areas only)-CMT 21	Flat Rate Depending on size	Above 15,000 sq. ft	300,000
		10,001-15,000 sq ft	200,000
		1 – 10,000 sq ft	150,000

Political events/Campaigns, Launch Parties, Unveiling Candidates & Manifestos -CMT 22	Flat Rate per type of election	Presidential candidate	500,000
		Gubernatorial Candidate	200,000
		Senatorial Candidate	150,000
		Member of the National Assembly	100,000

		and Women Representative	
		Member of the County Assembly	15,000
Public Transport Termini-CMT 23	Flat Rate per terminus classification and location	International Airport Nairobi	500,000
		International Airport in Other Cities	400,000
		Other Airports	300,000
		Airstrips	200,000
		Railway Stations	100,000
		Bus Stations	50,000
New Media Services-(digital and internet-based platforms that allow the creation, distribution, and consumption of content in nontraditional formats) Services-CMT 24	Percentage of Gross Revenues from the service	Caller Ring Back Tones, Ringtones, Downloads, Including Content Service Providers and Telecommunication Companies.	9% subject to a minimum of 300,000

3.2 Financial Analysis of the Consolidated Music and Audio-Visual Tariffs

3.2.1 Situational Analysis

31. Historically, users of copyrighted works were required to interact with multiple CMOs, each responsible for different categories of rights. This fragmentation created confusion and increased administrative burdens for businesses to comply with licensing

requirements. Additionally, studies indicate that only about 30% of media houses are fully compliant with royalty payments, while approximately 70% of public transport vehicles playing music do not pay the required music licenses, highlighting widespread non-compliance in several sectors.

32. Furthermore, the lack of awareness of intellectual property laws remains a significant issue, with research showing that about 45% of creative firms are unaware of existing intellectual property laws, while only 25% of Kenyan creatives have formally registered their intellectual property rights.
33. Kenya's evolving creative and digital economy has experienced significant growth over the past decade. The creative industry has become an important contributor to the national economy, with copyright-related industries accounting for approximately 5.32% of Kenya's GDP, valued at about KSh 85.21 billion.
34. This growth has been driven largely by increased production of music, films, broadcasting content, and digital media. Kenya's music industry alone generated approximately KSh 12.5 billion in 2023, with about 35% of this revenue originating from streaming platforms such as Spotify and Apple Music.
35. The emergence of streaming platforms, online video services, and mobile-based media distribution has therefore transformed the way content is produced, distributed, and consumed. Digital music sales and streaming accounts for approximately 38% of total music industry revenue in Kenya, demonstrating a shift from traditional distribution models to digital platforms.
36. Despite the industry's growth, piracy remains a major obstacle to revenue generation. It is estimated that Kenya's creative sector loses approximately Ksh. 92 billion annually due to piracy, including about Ksh. 15 billion in direct income losses to music creators. These losses significantly affect the livelihoods of thousands of artists and producers who depend on royalties as their primary source of income.
37. For instance, although royalty collection by the MCSK has increased over the years, with approximately Ksh. 450 million distributed to about 8,200 members, many artists still report receiving low payouts due to piracy and weak enforcement systems.
38. In addition, piracy rates in the Kenyan music industry were estimated at 35% in 2022, indicating that a significant portion of music consumption still occurs through unauthorized channels. These challenges show the urgent need for stronger regulatory frameworks, such as consolidated tariffs, to ensure that creators receive fair compensation for the public use of their works.
39. The introduction of consolidated tariffs, therefore, contribute to streamlining compliance processes and reduce fragmentation within the licensing system. However, the broader economic environment, characterized by rising operational costs and increased regulatory obligations, may place additional financial pressure on businesses, particularly SMEs, which already operate with limited profit margins.

3.2.2 Analysis of the Tariffs

40. The proposed Consolidated Music and Audio-Visual Tariffs represent a significant policy shift in the management of copyright licensing in Kenya. They introduce consolidated

tariffs for music and audiovisual works covering the period 1st January 2026 to 31st December 2028 and revoked the previous Legal Notice No. 84 of 2023.

41. This transition marked the movement toward a unified licensing framework that integrates sound recordings and audiovisual works into a single regulatory structure. One of the most notable features is the consolidation of music and audiovisual rights into a single tariff structure. This integration brings together various categories of rights belonging to composers, performers, producers, and audiovisual creators.
42. The unified structure is clearly illustrated in tariff classifications across multiple sectors. For example, aircraft operators (CMT 1) are required to pay KSh 900 per passenger seat per annum, subject to a minimum annual fee of KSh 25,000 per aircraft. Similarly, amusement parks, arcades, and fairgrounds (CMT 2) are charged KSh 40,000 annually in cities and KSh. 25,000 in other areas, indicating standardized licensing across geographical classifications.
43. Another important aspect is the structured classification of tariffs across different types of businesses and entertainment facilities. The schedule contains detailed provisions for institutions involved in creative and entertainment activities. For instance, professional training programmes, dance schools, DJ academies, and music schools (CMT 3) are to be charged a flat annual rate of KSh 20,000. Additionally, cinema theatres, cabarets, and open-air video shows (CMT 4) are required to pay KSh 60,000 annually, while temporary exhibitions of video shows are charged KSh 5,000 per day in cities and KSh 2,000 per day in other areas. These structured classifications provide clarity and predictability for users engaging in public performances or exhibitions.
44. The proposed tariffs also introduce percentage-based tariffs that scale according to business size, particularly in the hospitality and entertainment sectors. For example, nightclubs and casinos (CMT 6), bars and restaurants (CMT 8), and hotels and lodges (CMT 9) are required to pay 60% of their Single Business Permit (SBP) value as an annual licensing fee.
45. This percentage-based structure ensures that larger businesses with higher operational capacity contribute proportionately higher fees compared to smaller establishments. However, reliance on SBP values may lead to disparities because different county governments impose varying SBP charges, potentially creating unequal financial obligations across regions.
46. Retail and service-oriented establishments are also covered under specific tariff categories. For instance, salons and barber shops (CMT 17) are charged KSh 5,000 annually in cities and KSh 3,000 in other areas, while banking halls, gyms, and similar establishments (CMT 16) are required to pay KSh 25,000 in cities and KSh 15,000 in other areas.
47. Large commercial premises such as supermarkets exceeding 5,000 square feet (CMT 18) are charged KSh 200,000 annually in cities and KSh 150,000 in other areas, demonstrating how tariffs increase according to scale and commercial capacity.
48. In addition, the legal notice demonstrates significant modernization by incorporating broadcasting and digital media services into the licensing framework. The tariff schedule includes provisions for traditional broadcasting as well as emerging digital platforms. For

example, national radio stations (CMT 19) are required to pay 4% of net revenue, subject to a minimum annual fee of KSh 500,000, while national television stations pay 4% of net revenue, subject to a minimum annual fee of KSh 400,000.

49. Furthermore, digital and over-the-top (OTT) platforms are charged KSh 250,000 annually, and new media services such as streaming platforms are subject to 9% of gross revenue, with a minimum annual fee of KSh 300,000. These provisions demonstrate the growing importance of digital distribution channels within Kenya's copyright licensing regime.
50. The proposed tariffs also contain enforcement and compliance mechanisms intended to strengthen adherence to licensing requirements. License fees must generally be paid within 30 days of invoicing, and failure to comply attracts a 5% monthly compounded penalty until payment is completed. Additionally, licenses issued under the tariff schedule remain valid for one year, after which renewal is required.

4.0 COMMITTEE OBSERVATIONS

51. Having examined the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* in accordance with the Constitution, the Interpretations and General Provisions Act, Cap 2, the Statutory Instruments Act, Cap 2A, and Section 46A of the Copyright Act, Cap 130 the Committee made the following observations—

4.1 Specific Observations

a. Statutory Timelines

52. The Regulations were published in the **Kenya Gazette Supplement No. 6** dated 29th January 2026, received by the Clerk of the National Assembly on Thursday, 12th February 2026 and tabled by the Deputy Leader of Majority on Tuesday, 17th February 2026, in line with section 11(1) of the Statutory Instruments Act, Cap. 2A.

b. Public Participation

53. The Explanatory Memorandum provided a detailed justification for making the Tariffs in accordance with section 5A of the Statutory Instruments Act, Cap 2A.
54. Despite the explanatory memoranda stating that the regulatory-making authority undertook public participation, the number of stakeholders engaged does not provide evidence of reasonable, meaningful and effective public participation contrary to the Constitution, the Statutory Instruments Act and the High Court ruling in **HCCHRPET/EO76/2024; Mundia v KECOBO & 5 Others**.
55. This offends the provisions of Articles 10 and 118 of the Constitution. Further, failure to demonstrate public participation is contrary to section 5 of the statutory instruments Act which provides that—

(1) Before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—

- (a) have a direct, or a substantial indirect effect on business; or*
(b) restrict competition;

(2) The regulation-making authority shall make appropriate consultations with persons who are likely to be affected by the proposed instrument.

56. Further, considering that these tariffs are likely to affect a wider population within the country, failure by the regulatory-making body to demonstrate sufficient public participation across the country defeats the provisions of Articles 10 and 118 of the Constitution.

c. Regulatory Impact Statement

57. The regulatory making body failed to attach to the tariffs a regulatory impact statement contrary to section 6 of the Statutory Instruments Act, Cap 2A which provides that—

If a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument.

d. Explanatory Memorandum

58. The regulation-making authority provided an Explanatory Memorandum for the purpose of the Statutory Instrument and its legislative context. The memorandum further provided for the public consultation's outcome, impact of the Statutory Instrument and monitoring and review.

e. Tariffs Pegged on Single Business Permit

59. The Committee observed that tariff categories pegged on 60% of the Single Business Permit introduce variability and inconsistency due to the differing SBP regimes across county governments. This creates unequal financial obligations among similarly placed entities and raises concerns of arbitrariness, lack of uniformity, and inconsistency with the constitutional principles of equality and non-discrimination.

f. Tariffs Affecting Political Processes

60. The Committee observed that the tariff provisions relating to political events/campaigns, launch parties, unveiling candidates and manifestos, impose financial obligations that may limit political participation, thereby undermining political rights as envisaged under Article 38 of the Constitution of Kenya, 2010.

4.2 General Observations

61. The Committee made the following general observations regarding the proposed Consolidated Tariffs: –

- a) **THAT** the prescribed tariffs impose a disproportionate financial burden on Small and Medium Enterprises (SMEs), which may potentially undermine business sustainability and compliance.
- b) **THAT** there was need to incorporate reduced or preferential tariffs provisions for vulnerable groups including the youth and persons with disabilities.
- c) **THAT** the differentiation of tariffs based on geographical locations, including cities, may be discriminatory and inconsistent with the constitutional principles which guarantee equality and freedom from discrimination.
- d) **THAT** there was need for the Tariffs to clearly provide for the framework on distribution of royalties, including identification of beneficiaries and accountability mechanisms.
- e) **THAT** the proposed Tariffs lacked clear provisions on the effect of non-compliance, enforcement mechanisms, and penalties, which are essential for effective implementation.
- f) **THAT** the proposed tariffs lacked clear provision for recourse or dispute resolution mechanisms in cases of breach or dissatisfaction by affected parties.
- g) **THAT** there was need to benchmark the tariffs set against global trends, as they were significantly high raising concerns regarding affordability, fairness, and competitiveness.

5.0 COMMITTEE RECOMMENDATION

62. Having examined the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* in accordance with the Constitution, the Interpretations and General Provisions Act Cap 2, the Statutory Instruments Act Cap 2A, and Section 46A of the Copyright Act, Cap 130, the Committee pursuant to Standing Order 210 (4)(b) recommends that the House **APPROVES** the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* subject to the **ANNULMENT** of the following provisions in the Schedule to the Regulations-

- a) **The classification on tariff item No. CMT 17, relating to hairdressing – spas, carwash, barber shops, retail shops and similar establishments, and**
- b) **The Tariff item No. CMT 22, relating to political events/campaigns, launch parties, unveiling candidates and manifestos.**

Signed.......... Date..........

**THE HON. CHEPKONG'A SAMUEL KIPRONO, CBS, MP
(CHAIRPERSON)**



THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
DIRECTORATE OF AUDIT, APPROPRIATIONS & GENERAL-PURPOSE
COMMITTEES
COMMITTEE ON DELEGATED LEGISLATION
ADOPTION LIST

Date: 23/04/2026


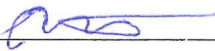

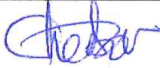
Venue: BUNGE TOWER, ROOM 21

Time Started: 10.00AM

Time ended: 11.00AM

Agenda: Consideration of the Consolidated (Music and Audio-Visual Works) Tarrifs for the Period 1st January 2026 to 31st December 2026

NO.	NAME	SIGNATURE
1.	The Hon. Chepkong'a Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichumi, M.P. Vice-Chairperson	
3.	The Hon. Mbui, Robert, CBS, M.P.	
4.	The Hon. Sunkuli Julius Lekakeny, EGH, EBS, MP	
5.	The Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, M.P.	
6.	The Hon. Mwirigi, John Paul, M.P.	
7.	The Hon. Kamene, Joyce, M.P.	
8.	The Hon. Omondi, Moses Okoth M.P.	
9.	The Hon. Odoyo, Jared Okello, M.P.	
10.	The Hon. Anthony, Oluoch, M.P.	
11.	The Hon. Maj. (Rtd.) Dekow Barrow Mohamed, M.P.	
12.	The Hon. Munyoro, Joseph Kamau, M.P.	

NO.	NAME	SIGNATURE
13.	The Hon. (Dr.) Kimaiyo, Gideon Kipkoech, M.P.	
14.	The Hon. Waithaka, John Machua, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. (Dr.) Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	
21.	The Hon. Mugabe, Innocent Maino, M.P.	

MINUTES OF THE 18TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 21ST APRIL, 2026 IN THE MAIN CHAMBER, PARLIAMENT BUILDINGS AT 10.00AM

PRESENT

1. The Hon. Samuel Kiprono Chepkong'a, CBS, M.P. – Chairperson
2. The Hon. Oduyo, Jared Okello, M.P
3. The Hon. Maj. (Rtd) Dekow Barrow Mohamed, M.P
4. The Hon. Anthony Oluoch, M.P.
5. The Hon. Paul Chebor, M.P.
6. The Hon. (Dr) Kimaiyo, Gideon Kipkoech, M.P
7. The Hon. Laura Amina Mnyazi, M.P
8. The Hon. Lenguris Pauline, M.P
9. The Hon. Waithaka John Machua, M.P

APOLOGIES

1. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
2. The Hon. Robert Mbui, CBS, M.P
3. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
4. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
5. The Hon. Mwirigi, John Paul, M.P
6. The Hon. (Dr.) Mamwacha Onchoke Charles, M.P
7. The Hon. Innocent Mugabe, M.P.
8. The Hon. Omondi Moses Okoth, M.P
9. The Hon. Joseph Kamau Munyoro, M.P.
10. The Hon. Yakub Adow Kuno, M.P.
11. The Hon. Kameme Joyce, M.P
12. The Hon. Chepkorir Linet, M.P

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------|---|----------------------------------|
| 1. Ms. Wanjiru Mwaura | - | Principal Clerk Assistant I, HOD |
| 2. Mr. Wilson Dima Dima | - | Deputy Director, DLS |
| 3. Mr. Brian Langwech | - | Clerk Assistant III |
| 4. Ms. Brendah Michira | - | Research Officer III |
| 5. Mr. Rodgers Kilungya | - | Hansard Officer II |
| 6. Mr. George Ndejeshe | - | Fiscal Analyst |
| 7. Mr. Noah Chemweno | - | Sergeant at Arms |

MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

- | | | |
|-------------------------|---|----------------------------|
| 1. Hon Salim Mvuya, EGH | - | Cabinet Secretary, MOYECES |
|-------------------------|---|----------------------------|

- | | | |
|------------------------|---|-----------------------------|
| 2. Mr. Fikirini Jacobs | - | Principal Secretary, SDYACE |
| 3. Mr. George Nyakweba | - | Ag. CEO, KECOBO |
| 4. Ms. Junet Karisa | - | Dir. Comms, MOYACES |
| 5. Mr. Brian kamanza | - | PA, CS, MOYACES |
| 6. Mr. Alex Nyadwengi | - | Legal Counsel, KECOBO |
| 7. Mr. Hebrews Ronoh | - | Communication, SDYACE |
| 8. Ms. Analo Kanga | - | Advocate Trainee, KECOBO |
| 9. Ms. Elsy Kundu | - | Advocate Trainee, KECOBO |

THE NATIONAL ASSEMBLY OF TANZANIA – COMMITTEE ON SUBSIDIARY LEGISLATION

- | | |
|--|--|
| 1. Hon. Yahya Mfaume Zuberi, MP | -Vice Chairperson and Leader of Delegation |
| 2. Hon. Rashid Habib Ali, MP | - Member |
| 3. Hon. Salehe Mbwana Mhando, MP | - Member |
| 4. Hon. Sigrada Wilhelm Mligo, MP | - Member |
| 5. Hon. Suleiman Premji Arif, MP | - Member |
| 6. Hon. George Boniface Simbachawene, MP | - Member |
| 7. Mr. Emmy Peter Mwabwanga | - Secretariat |
| 8. Mr. Carlos Green Mbinga | - Secretariat |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Meeting with the Cabinet Secretary, Ministry of Youth affairs, Creative Economy and Sports regarding the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&GPC/CDL/104/2026: PRELIMINARIES

The Chairperson called the meeting to order at 10.29 a.m after which he said a word of prayer. He then welcomed all to the meeting followed by a round of introductions.

MIN. DAA&GPC/CDL/105/2026: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by the Hon. Waithaka John Machua, M.P., and seconded by the Hon. Maj. (Rtd) Dekow Barrow Mohamed, M.P.

MIN. DAA&GPC/CDL/106/2026: CONFIRMATION OF MINUTES

The Minutes of the 17th Sitting held on Thursday, 16th April, 2026 were confirmed as an accurate record of the proceedings having been proposed by the Hon. Waithaka John Machua, M.P., and seconded by the Hon. Lenguris Pauline, M.P.

MIN.DAA&GPC/CDL/107/2026: MEETING WITH THE CABINET SECRETARY, MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS REGARDING THE CONSOLIDATED (MUSIC AND AUDIO-VISUAL WORKS) TARIFFS, 2026-2028

The Cabinet Secretary, Ministry of Youth Affairs, Creative Economy and Sports appeared before the Committee and briefed it on the Consolidated (Music and Audio-Visual Works) Tariffs, 2026-2028 as follows:

1. Legal Notice No. 4 of 2026, issued under the Copyright Act (Cap. 130), provide for schedule that establishes consolidated tariffs governing the use of music and audio-visual works in Kenya for the period from 1st January 2026 to 31st December 2028. The Notice is made pursuant to the powers conferred under Section 46A of the Act and introduces a unified and comprehensive framework for regulating the public use, performance, broadcasting, and distribution of copyrighted musical and audio-visual content.
2. It brings together all rights associated with such works, including those of authors, composers, arrangers, and publishers, as well as the rights of producers and performers of sound recordings and actors. The Legal Notice revokes and replaces the earlier tariff structure under Legal Notice No. 84 of 2023, while significantly expanding the scope of licensing obligations to cover emerging sectors such as Airbnb-type accommodation, hairdressing and beauty salons, and political campaign activities. Through this consolidation, the Notice seeks to modernize copyright administration, enhance compliance, and align Kenya's regulatory framework with the evolving dynamics of the creative and digital economy.
3. Legal Notice No. 4 of 2026 introduces a consolidated tariff structure that applies to music and audiovisual works used in commercial, institutional, and public environments. The legal basis of the notice is derived from Section 46A of the Copyright Act (Cap. 130), which authorizes the Cabinet Secretary responsible for copyright administration to approve tariffs recommended by collective management organizations. These tariffs regulate the lawful use of copyrighted works in settings where music or audiovisual content is publicly performed, broadcast, or played.
4. The notice covers a wide range of establishments and sectors. Commercial establishments such as bars, restaurants, cafes, lodges, hotels, retail shops, salons, and entertainment venues are required to obtain licenses and pay annual fees based on either fixed rates or a percentage of their Single Business Permit (SBP). In many cases, particularly in the hospitality sector, the tariff is set at sixty percent of the SBP value, which links licensing costs to the size and classification of the business. Transport

services are also included under the tariff structure, with fees imposed on commercial vehicles such as taxis, buses, trains, aircraft, and marine vessels based on seating capacity or vehicle type.

5. The legal notice also addresses broadcasting and media services, requiring radio and television broadcasters to pay four percent of their net revenue, subject to specified minimum thresholds. Digital platforms, including video-on-demand services and telecommunications companies offering caller ring-back tones and downloads, are similarly subject to licensing fees. In addition, the notice regulates events and entertainment activities such as concerts, live band performances, promotional roadshows, and political campaign events. Administrative provisions specify that licenses remain valid for one year, invoices must be settled within thirty days, and failure to pay within the stipulated time attracts a monthly compounded penalty of five percent.
6. Upon deliberations, the committee made the following observations;
 - (i) Statutory Timelines-The Tariffs were published in the Gazette as Legal Notice No. 4 of 2026 on 29th January, 2026. They were received on 12th February, 2026 and tabled on the 17th February, 2026, being within the stipulated time under section 11 (1) of the Statutory Instruments Act, Cap 2A which requires a Cabinet Secretary to transmit a copy of a statutory instrument within seven sitting days after publication.
 - (ii) The Tariffs were made pursuant to the provisions of section 46A of The Copyright Act, Cap. 130, which is the enabling provision which empowers the Cabinet Secretary to approve imposition or collection of royalty based on a tariff and publishing the same in the Kenya Gazette.
 - (iii) Attached to the tariffs is an explanatory memorandum which is in accordance with section 5A of the Statutory Instrument Act.
 - (iv) The Committee observed that there was a need to systematically structure the Tariffs into Parts for ease of reference, clarity, and logical flow.
 - (v) The Committee observed that the prescribed tariffs impose a disproportionate financial burden on Small and Medium Enterprises (SMEs), which may potentially undermine business sustainability and compliance.
 - (vi) The Committee noted that there was a need to incorporate reduced or preferential tariff provisions for vulnerable groups, including the youth and persons with disabilities.
 - (vii) The Committee observed that the differentiation of tariffs based on geographical locations, including cities, may be discriminatory and inconsistent with the constitutional principles which guarantee equality and freedom from discrimination.
 - (viii) The Committee observed that the public participation conducted was inadequate, both qualitatively and quantitatively, noting that the number of participants did not sufficiently represent the diversity of stakeholders across the country.

- (ix) The Committee further noted that there was need to effectively engage all stakeholders across the country who were likely to be affected by the tariffs, including SMEs, political actors, religious institutions, and content users.
 - (x) The Committee observed that there was need to benchmark the tariffs set against global trends, as they were significantly high raising concerns regarding affordability, fairness, and competitiveness.
 - (xi) The Committee observed that there was need for the Tariffs to clearly provide for the framework on distribution of royalties, including identification of beneficiaries and accountability mechanisms.
 - (xii) The Committee observed that the Tariffs lacked clear provisions on non-compliance, enforcement mechanisms, and penalties, which are essential for effective implementation.
 - (xiii) The Committee observed that there was no clear provision for recourse or dispute resolution mechanisms in cases of breach or dissatisfaction with the tariffs imposed.
5. Having examined the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* in accordance with the Constitution, the Interpretations and General Provisions Act Cap 2, the Statutory Instruments Act Cap 2A, and the Copyright Act, Cap 130, the Committee, pursuant to Standing Order 210(4)(b) recommends that the House **APPROVES** the Copyright (Consolidated (Music and Audio-Visual) Tariffs 2026 – 2028, *Legal Notice No. 4 of 2026* subject to amendment of the Regulations and **ANNULMENT OF the following provisions in the Schedule to the Regulations—**
- a) the tariff item on hairdressing, salons, spas, car wash, barber shops, retail shops and similar establishments (CMT 17) on the grounds that the classification is overly broad, lacks clear tariff differentiation and may result in inequitable application across distinct business categories; and
 - b) the tariff item on political events/campaigns, launch parties, unveiling candidates and manifestos (CMT 22) prescribing flat rate tariffs for Presidential, Gubernatorial, Senatorial, Member of the National Assembly, Women Representative and Member of County Assembly Candidates on the grounds that it imposes disproportionate and potentially inequitable financial burdens not clearly linked to copyright usage.

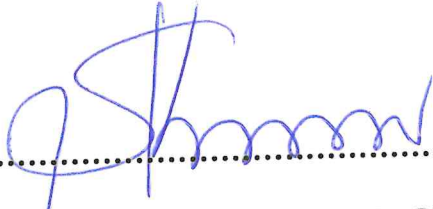
MIN. DAA&GPC/CDL/I08/2026: ANY OTHER BUSINESS

There was no deliberation under this agenda item

MIN. DAA&GPC/CDL/I09/2026: ADJOURNMENT

The meeting was adjourned at twenty five minutes past noon. The next meeting will be held on Thursday, 23rd April 2026.

SIGNED:



**THE HON. SAMUEL CHEPKONG'A, CBS, M.P.
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION**

DATE:

22/04/2026



REPUBLIC OF KENYA

MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS
OFFICE OF THE CABINET SECRETARY

E-mail csyouthsportsandartske@gmail.com
Tel: +254-020-2251164, 2251005, 225050576
Website: www.moysa.go.ke

Talanta Plaza
P O Box 49849-00100
NAIROBI

Ref. No.: MOYACES/CS/SDYACE/11/10(2)

9th February, 2026

EXPLANATORY MEMORANDUM

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Clerk's Chambers, Parliament Buildings
NAIROBI

Dear Clerk NA.

**THE CONSOLIDATED (MUSIC AND AUDIO-VISUAL WORKS) TARIFFS,
2026–2028 LEGAL NOTICE NO. 4 OF 2026**

Reference is made to the above subject matter.

1. This Explanatory Memorandum is submitted pursuant to section 11 of the Statutory Instruments Act, 2013.
2. The object of the Consolidated (Music and Audio-Visual Works) Tariffs, 2026–2028 is to provide a harmonized, transparent and predictable tariff structure for the licensing and use of music and audio-visual works in Kenya. The tariffs are intended to facilitate the collection of royalties for the benefit of rights holders while ensuring fairness, proportionality and ease of compliance by users of copyright works.
3. The tariffs consolidate the various categories of use of music and audio-visual works across different sectors of the economy into a single instrument, thereby enhancing administrative efficiency and regulatory clarity.

① DLPS
8
12/2/26

③ SL
for tabling -
12/2/26
MS


② Hto

11 FEB 2026

4. The Statutory Instrument is made pursuant to section 46A of the Copyright Act (Cap. 130), which empowers the Cabinet Secretary responsible for matters relating to copyright to approve tariffs applicable to the use of copyright works. The Cabinet Secretary for Youth Affairs, Creative Economy and Sports is the responsible authority under the Act.
5. The Consolidated Tariffs do not delegate legislative powers nor do they limit any fundamental rights and freedoms under the Constitution. The tariffs regulate the commercial use of copyright works and provide for reasonable remuneration to rights holders in accordance with Article 40 of the Constitution on protection of intellectual property, while balancing the interests of users through clearly defined and proportionate tariff rates.
6. In developing and approving the Consolidated (Music and Audio-Visual Works) Tariffs, the Collective Management Organizations (CMOs), in collaboration with the Kenya Copyright Board (KECOBO), undertook consultations with relevant stakeholders in the creative sector, including users of copyright works, industry associations and government agencies.
7. The consolidation exercise took into account stakeholder feedback, prevailing economic conditions, sector-specific realities and the need to align tariffs with current modes of exploitation of music and audio-visual works, including digital and online platforms.
8. The Consolidated (Music and Audio-Visual Works) Tariffs, 2026–2028 comply with the provisions of the Statutory Instruments Act, 2013. In particular:
 - a) The instrument is within the powers conferred by the enabling legislation;
 - b) It does not have retrospective effect;
 - c) It does not impose criminal sanctions; and
 - d) It is clear, precise and accessible to users.

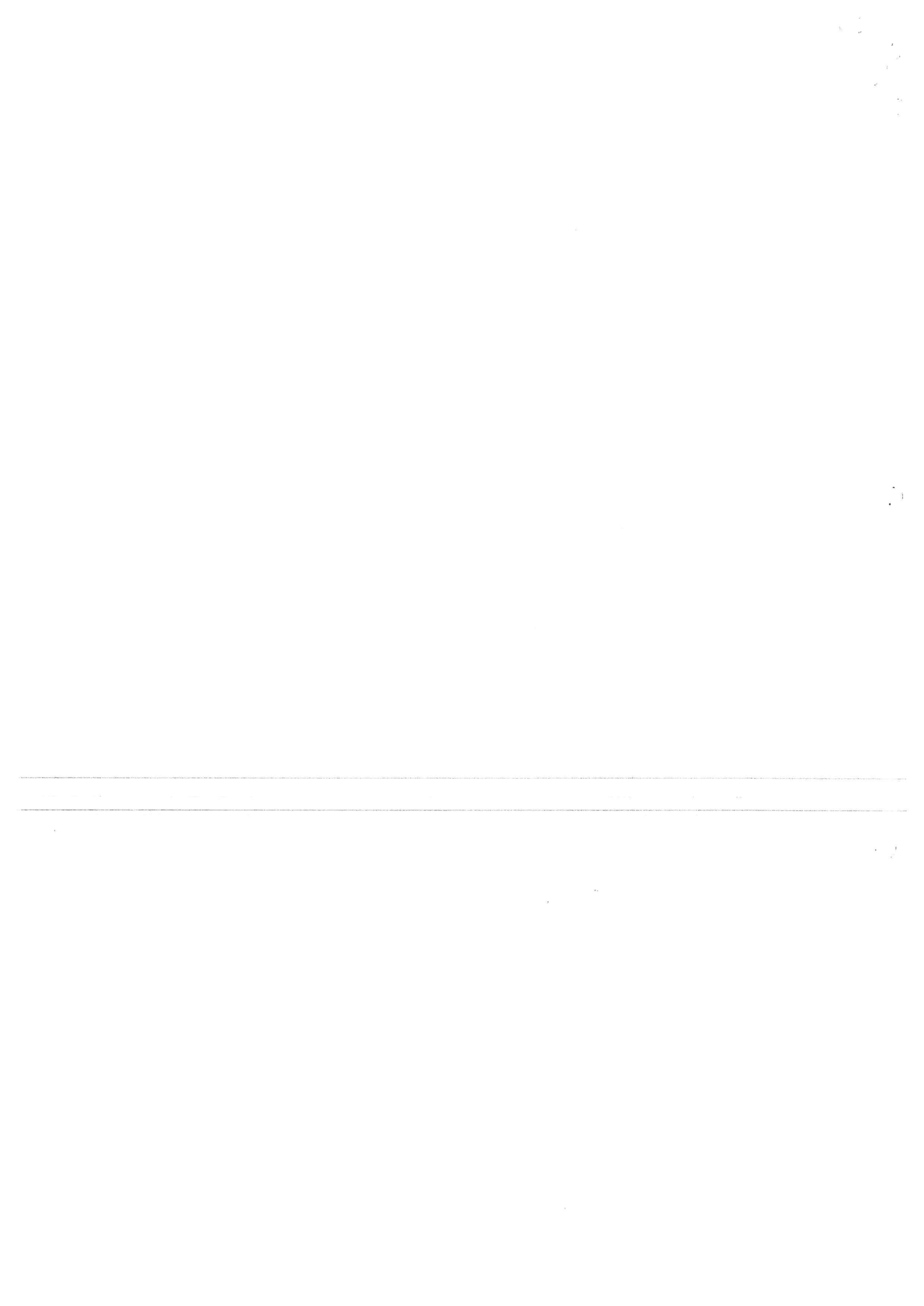
9. The tariffs apply for the period 1st January 2026 to 31st December 2028 and cover a wide range of users, including but not limited to broadcasters (radio, television, digital and online platforms); hospitality and entertainment establishments; transport services; public events, concerts and promotional activities; commercial premises and public spaces; and new media and digital content services.
10. The tariffs are exclusive of taxes, provide for annual licensing unless otherwise specified, and include provisions on invoicing, payment timelines and penalties for late payment.
11. Legal Notice No. 84 of 2023 expired on 31st December 2023 and this Statutory Instrument ensuring continuity and regulatory certainty through an updated and consolidated framework.
12. The Consolidated (Music and Audio-Visual Works) Tariffs, 2026–2028 are necessary to support the growth and sustainability of Kenya's creative economy by ensuring fair remuneration for rights holders, improving compliance by users, and strengthening the administration of copyright licensing.

The Cabinet Secretary accordingly submits the annexed Statutory Instrument to the National Assembly in triplicates for consideration in accordance with the Statutory Instruments Act, 2013.



Hon. Salim Mvurya, EGH
CABINET SECRETARY

Copy to: Mr. Fikirini J. K. Kahindi
Principal Secretary
State Department for Youth Affairs and
Creative Economy
NAIROBI



THE STATUTORY INSTRUMENTS ACT, 2013
(No. 23 of 2013)
THE COPYRIGHT ACT, NO. 12 OF 2001
THE COPYRIGHT (COLLECTIVE MANAGEMENT) REGULATIONS

COMPLIANCE CERTIFICATE

WHEREAS the Cabinet Secretary responsible for matters relating to copyright has approved the Consolidated Music Tariffs, 2026–2028, pursuant to Section 46A of the Copyright Act, 2001 and the Copyright (Collective Management) Regulations;

NOW THEREFORE IT IS HEREBY CERTIFIED that the Consolidated Music Tariffs, 2026–2028:

- a. Are consistent with the Constitution of Kenya, the Copyright Act, 2001, and the Copyright (Collective Management) Regulations, 2020 and do not conflict with any other written law;
- b. Have been developed in accordance with the procedure prescribed under the Copyright (Collective Management) Regulations, 2020 including the submission, review, and approval of tariffs by the regulatory authority;
- c. Are reasonable, equitable and non-discriminatory, and ensure a fair balance between the rights and legitimate interests of rights holders and users of musical works, in accordance with the Copyright (Collective Management) Regulations;
- d. Are transparent and proportionate, and do not impose unjustifiable or excessive financial or administrative burdens on users of musical works;
- e. Have been formulated following adequate stakeholder consultation and public participation, including engagement with collective management organizations, users, and other relevant stakeholders, as required under the Copyright (Collective Management) Regulations, 2020 and Article 10 of the Constitution;
- f. Are accompanied by an Explanatory Memorandum that sets out the objectives, rationale, and anticipated impact of the tariffs, in compliance with the Statutory Instruments Act, 2013; and
- g. Are necessary for the effective regulation of collective management of copyright and related rights and for ensuring the orderly collection and distribution of royalties within the music sector.

Dated 9th Feb.2026

17 FEB 2026

DEPUTY MAJORITY
LEADER

FINLATT

Hon. Salim Mvurya, EGH
CABINET SECRETARY

MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

(Legislative Supplement No. 4)

LEGAL NOTICE NO. 4

THE COPYRIGHT ACT

(Cap. 130)

THE CONSOLIDATED (MUSIC AND AUDIO-VISUAL WORKS) TARIFFS
FOR THE PERIOD 1ST JANUARY 2026 TO 31ST DECEMBER 2028

IN EXERCISE of the powers conferred by section 46A of the Copyright Act, the Cabinet Secretary for Youth Affairs, Creative Economy and Sports approves the consolidated music and audio visual tariffs set out in the Schedule and revokes the consolidated music tariffs issued under Legal Notice No. 84 of 2023.

SCHEDULE

<u>Tariff No.</u>	<u>Tariff Parameter</u>	<u>Tariff Classification</u>	<u>Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)</u>
Aircraft - CMT 1	Seating Capacity	Passenger seat per annum	900, subject to minimum annual fee of 25,000 per aircraft
Amusement Parks/Arcades and Fairgrounds -CMT 2	Flat rate per class	Cities	40,000
		All Other Areas	25,000
Professional Training programmes, Dance Schools, DJ Academies and Music Schools – Universities and colleges CMT 3	Flat Rate	Annual Rate	20,000
Cinema theatres/Cabaret, Open Air Cinemas and or Video Shows similar	Flat rate per cinema theatre Per day, per county,	Annual	60,000
		Cities and Urban areas	5,000
		All other areas	2,000

DATE: 17 FEB 2026

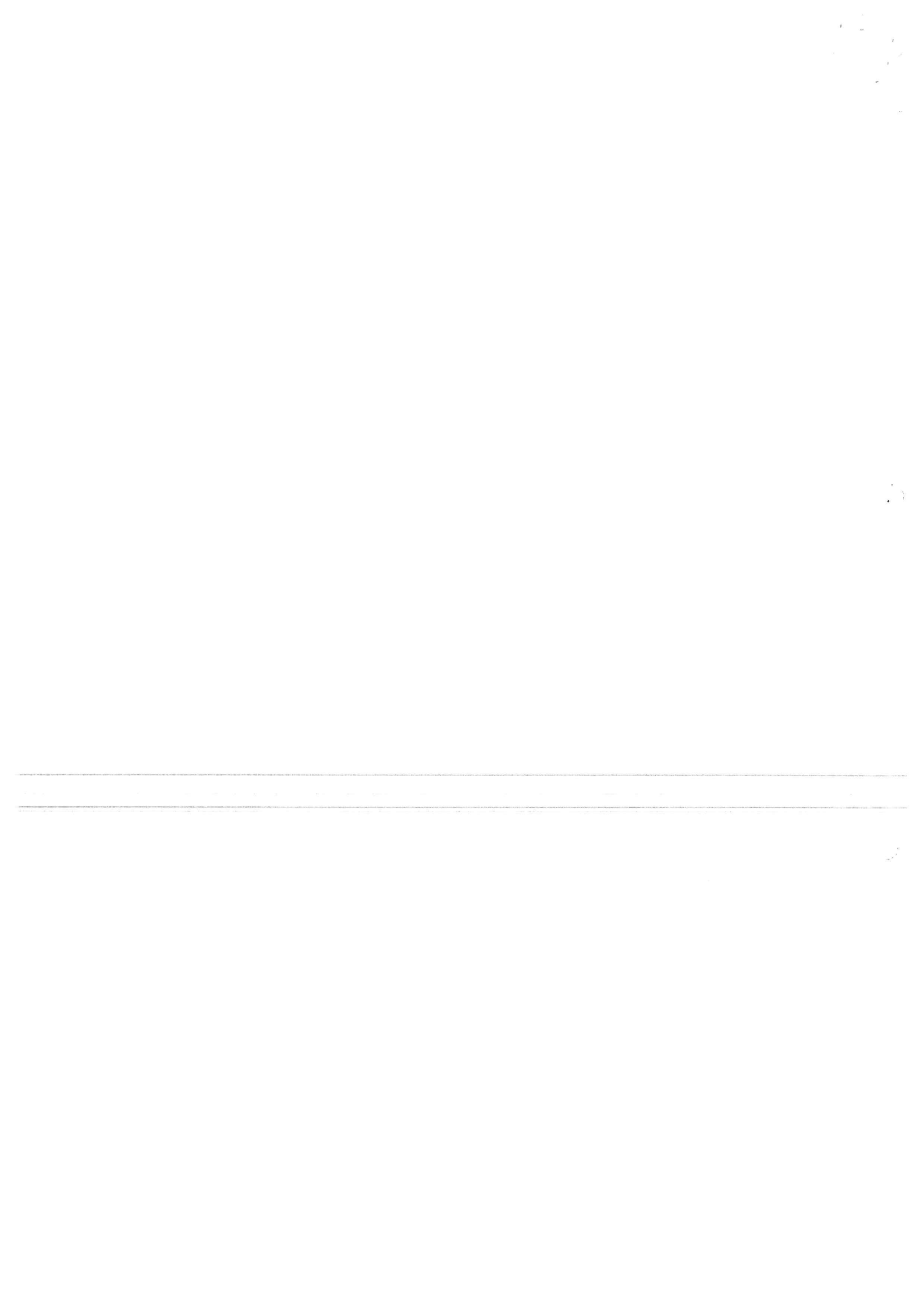
TUESDAY

FILED

DEPUTY MAGISTRATE

LEADER

FINLAY



Tariff No.	Tariff Parameter	Tariff Classification	Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)
establishments - CMT 4			
Private Members Clubs-CMT 5	Flat rate	Cities	100,000
		All Other Areas	75,000
Discotheques, Night Clubs Dancehalls, and Casinos-CMT 6	Percentage of Single Business Permit (SBP)	All Areas	60% of Single Business Permit (SBP)
Medical Facilities - CMT 7	Hospital	Level 1	5,000
		Level 2	10,000
		Level 3	15,000
		Level 4	50,000
		Level 5	200,000
		Level 6	500,000
	Clinics, Chemists, Pharmacy Outlets	Flat rate	5,000
Bars, Restaurants, Cafes, Road houses Lounges, Eateries, Taverns, Beer Gardens, Motels, Lodgings, camps, Cottages, Furnished, Serviced apartments, Airbnb and similar establishments- CMT 8	Percentage of Single Business Permit	All Areas	60% of Single Business Permit (SBP)
Hotels, Lodges and similar establishments - CMT 9	Flat Rate per Percentage of Single Business Permit	All Areas	60% of Single Business Permit (SBP)
Mobile DJs -CMT 10	Flat rate annual or per event	Per Disk Jockey – Annual	30,000
		Per Disk Jockey - per event	1,000
Motor Vehicles - All commercial vehicles PSVs, TSVs, taxis, car	Flat rate per sitting capacity cluster, per passenger or train wagon	1 - 5 seaters, including taxis	4,000
		6 - 14 seaters	6,000



<i>Tariff No.</i>	<i>Tariff Parameter</i>	<i>Tariff Classification</i>	<i>Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)</i>	
hire, etc. and Passenger Trains - CMT 11		15 - 33 seaters	10,000	
		34 and above seaters	15,000	
		Flat rate per sitting capacity		
			TSV	200 per seat annual
			Trucks, trailers and lorries	4000
			Small cars and minivans	2,500
			Train Coaches per wagon	25,000
			Marine vessel	60,000
			Marine-vessel attached to Hotel	30,000
Regular Live Band, In-House Band Shows, House Bands, Nightly Band shows, Resident Musicians' Live Sets, Regular Venue-Based Music Shows, Scheduled Live Music Entertainment, Live Band Performances or other such events -CMT 12	Flat rate, per annum	Cities	50,000	
		All Other Areas	20,000	
Concerts and Live Shows - CMT 13	Flat fee payment per event	Paying concerts	50,000	
		International Concerts	100,000	
Roadshows -CMT 14	Per Daily Rate, Per Annum. National	Per truck per event corporate	50,000	
		Other vehicles/event	22,000	

Tariff No.	Tariff Parameter	Tariff Classification	Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)
	Annual Rate per corporate		1,100,000
Promotional Activities and Activations - CMT 15	Chain businesses, Event per day.	Per corporate,	20,000
	SMES		5,000
Banking Halls, gyms, showrooms, workshops and other similar establishments - CMT 16	Flat rate per branch (audible area)	Cities	25,000
		All other areas	15,000
Hairdressing, salons, spas, car wash, Barber shops, retail shops and similar establishments - CMT 17	Flat Rate per branch (audible area)	Cities	5,000
		All Other Areas	3,000
Supermarkets, go- downs, halls and other similar establishments- CMT18	Flat rate (audible areas)	above 5000 sq.ft	200,000 (cities) 150,000(other areas)
		3000 sq.ft to 4999 sq.ft	100,000 (Cities) 75,000 (other areas)
		1,000sqft to 2999 sq.ft	45,000 (cities) 30,000 (Other areas)
		1,000sq.ft and below	25,000 (Cities) 15,000 (Others areas)
Broadcasting Services (Radio, Television) -CMT 19	National/Regional/Community	National Radio	4% of Net Revenue subject to a minimum of 500,000
		National Television	4% of Net

Tariff No.	Tariff Parameter	Tariff Classification	Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)
			Revenue subject to a minimum of 400,000
		Regional Radio	4% of Net Revenue subject to a minimum of 300,000
		Regional Television	4% of Net Revenue subject to a minimum of 200,000
		Community Radio	4% of Net Revenue subject to a minimum of 160,000
		Community Television	4% of Net Revenue subject to a minimum of 100,000
	Pay TV/ subscription services	Flat rate	750,000
	Digital Online Broadcasting (V.O.D, OTT)	Flat rate	250,000
Shopping Arcades, Malls and Similar Large Shopping Complexes (music in common areas only)-CMT 21	Flat Rate Depending on size	Above 15,000 sq. ft	300,000
		10,001-15,000 sq ft	200,000
		1 – 10,000 sq ft	150,000
Political events/Campaigns, Launch Parties, Unveiling Candidates & Manifestos -CMT 22	Flat Rate per type of election	Presidential candidate	500,000
		Gubernatorial Candidate	200,000
		Senatorial Candidate	150,000
		Member of the National Assembly	100,000

Tariff No.	Tariff Parameter	Tariff Classification	Consolidated (Music and Audio-Visual works) tariff 2026 – 2028 (amounts in Kenya shillings, unless indicated)
		and Women Representative	
		Member of the County Assembly	15,000
Public Transport Termini-CMT 23	Flat Rate per terminus classification and location	International Airport Nairobi	500,000
		International Airport in Other Cities	400,000
		Other Airports	300,000
		Airstrips	200,000
		Railway Stations	100,000
		Bus Stations	50,000
New Media Services-(digital and internet-based platforms that allow the creation, distribution, and consumption of content in non-traditional formats) Services- CMT 24	Percentage of Gross Revenues from the service	Caller Ring Back Tones, Ringtones, Downloads, Including Content Service Providers and Telecommunication Companies.	9% subject to a minimum of 300,000

NOTES:

1. This is a consolidated tariff for music and audio-visual works including—
 - (a) all rights in music, including authors, composers or arrangers and publishers;
 - (b) all rights for producers and performers of sound recordings; and
 - (c) actors' tariff.
2. The rates are exclusive of taxes.
3. Invoices shall be payable within thirty days save for daily activities including roadshows, promotional activities and events that are payable immediately.
4. Failure to pay an invoice upon the lapse of the thirty days shall attract a penalty of 5% per month compounded for the period the invoice remains unpaid.
5. A license shall be valid for one year from date of issue.
6. For purposes of this Tariffs—
 - (a) "National Broadcaster" means a broadcaster with listenership or viewership beyond five counties

- (b) “Regional Broadcaster” means a broadcaster with listenership or viewership within 5 counties
- (c) “Community Broadcaster” means a broadcaster with objective to serve a community and registered as such by the Communication Authority of Kenya.

Dated the 14th January, 2026.

SALIM MVURYA,
*Cabinet Secretary for Youth Affairs,
Creative Economy and Sports,*

LEGAL NOTICE NO. 5

THE COMPETITION ACT

(Cap. 504)

EXCLUSION

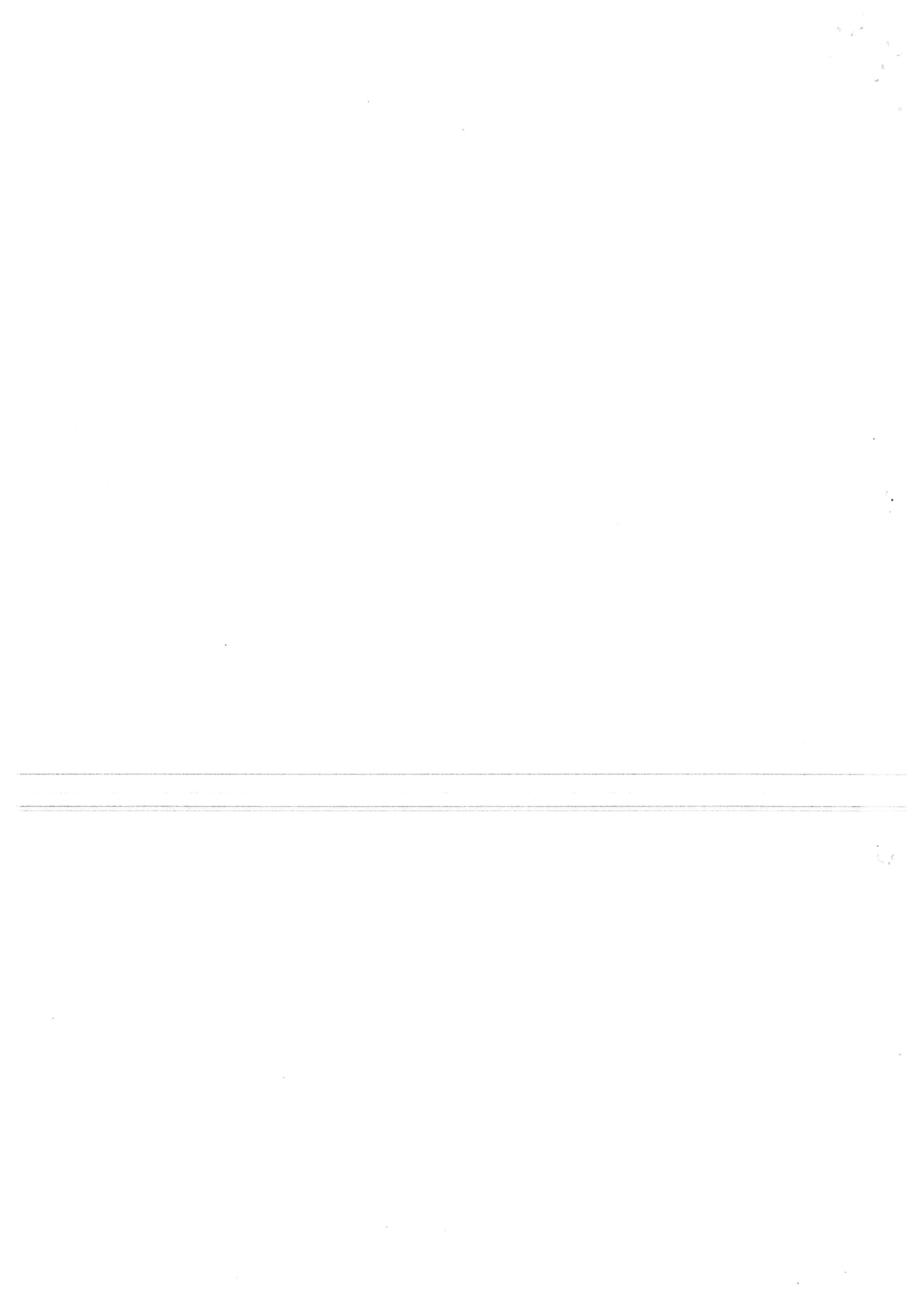
THE PROPOSED ACQUISITION OF EQUITY INTEREST IN LBT MIDCO INC.
BY NEW LIONBRIDGE LP

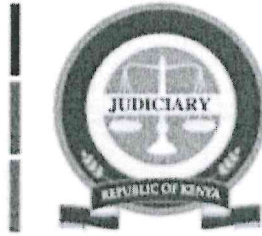
IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, the Competition Authority of Kenya excludes the proposed acquisition of equity interest in LBT Midco Inc. by New Lionbridge LP from the provisions of Part IV of the Act due to the following reasons—

- (a) the merger will not affect competition negatively;
- (b) although the combined value of assets of the merging parties for the preceding year 2024, which was higher than the combined turnover, was more than one billion shillings, the target had no assets and therefore, the value of assets is below five hundred million shillings; and
- (c) the transaction meets the threshold for exclusion provided under the Competition (General) Rules, 2019.

Made on the 16th January, 2026.

DAVID KEMEL,
*Director-General of the
Competition Authority of Kenya.*





REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI COUNTY

COURT NAME: MILIMANI LAW COURTS

CASE NUMBER: HCCHRPET/E076/2024

CITATION: DR. KAHURA MUNDIA VS KENYA ASSOCIATION OF MUSIC PRODUCERS AND RURAL PRIVATE HOSPITALS ASSOCIATION AND 9 OTHERS

JUDGMENT

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. E 076 OF 2024

KAHURA MUNDIAPETITIONER

VERSUS

KENYA COPYRIGHT BOARD1ST RESPONDENT

KENYA ASSOCIATION OF MUSIC PRODUCERS.....2ND RESPONDENT

PERFORMER'S RIGHTS SOCIETY OF KENYA.....3RD RESPONDENT

MUSIC COPYRIGHT SOCIETY OF KENYA.....4TH RESPONDENT

THE CABINET SECRETARY-

YOUTH AFFAIRS, ARTS AND SPORTS.....5TH RESPONDENT

THE HON. ATTORNEY GENERAL.....6TH RESPONDENT

AND

The Judiciary of Kenya



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- KENYA DENTAL ASSOCIATION.....1ST INTERESTED PARTY**
- KENYA MEDICAL ASSOCIATION.....2ND INTERESTED PARTY**
- PHARMACEUTICAL SOCIETY OF KENYA.....3RD INTERESTED PARTY**
- KENYA MEDICAL PRACTITIONERS**
- PHARMACISTS AND DENTISTS UNION.....4TH INTERESTED PARTY**
- KENYA HEALTHCARE FEDERATION.....5TH INTERESTED PARTY**
- KENYA ASSOCIATION OF PRIVATE HOSPITALS...6TH INTERESTED PARTY**
- RURAL PRIVATE HOSPITALS ASSOCIATION.....7TH INTERESTED PARTY**

JUDGMENT

Introduction

1. On 29th January 2023, the Cabinet Secretary for Youth Affairs, Arts and Sports, (the 5th respondent) gazetted Legal Notice No. 84 pursuant to section 46(A) of the Copyright Act, introducing consolidated Music tariffs. The legal notice required institutions, among them, all hospitals with a television set to pay an annual flat rate depending on the level of the hospital.
2. Following that legal notice, hospitals and members of the interested parties experienced harassment from people claiming to be officers from PRISK, KAMP and MCSK. The facilities also received invoices of varied amounts followed with threats from persons claiming to be from the respondents demanding illegal fees. In some instances, collection of the tariffs involved intrusive and undignified practices potentially violating patients’ rights to dignity and privacy.

Petition

1. The petitioner filed a petition dated 12th February 2024 and amended on 27th February 2024, challenging the constitutionality of that Legal Notice on grounds that there was no public reasonable and effective public participation. That the impugned legal notice had the potential to violating rights and fundamental freedoms of patients and the petitioner prayed for several declarations and orders. The petition is supported by an affidavit sworn by the petitioner.
 2. The petitioner stated that through the legal notice, the Cabinet Secretary for Sports and Arts approved consolidated tariffs requiring all hospitals with a television set to pay an annual flat rate as follows; Level 1 and 2 hospitals Kshs. 50,000, Level 3- Kshs. 80,000, Level 4- Kshs. 200,000, Level 5-Kshs. 500,000, Level 6- Kshs. 1,000,000 and Clinics-Kshs. 25,000.
1. Following the impugned legal notice, different members of the interested parties were being harassed by officials claiming to be from PRISK, KAMP and MCSK. Members of the interested parties had also received invoices of varied amounts from the respondents demanding illegal fees with threats. It is the petitioner’s case that the interested parties’ members in different parts of the country were experiencing harassment from the respondents which had in some instances interfered with the provision of services. In some cases, collection of tariffs had involved undignified practices, violating patients’ rights to dignity and privacy.
 2. The petitioner asserted that the respondents did not have the legal authority to impose the charges and public participation was not undertaken. There was also breach of due process



January 2023 and is therefore a statutory instrument based on the definition under the Statutory Instruments Act. Section 11 (1) of the Act requires every Cabinet Secretary responsible for a regulation-making authority to ensure that within seven sitting days after publication of a statutory instrument, a copy of the instrument is transmitted to the responsible clerk for tabling before the relevant House of Parliament.

4. Subsection (2) states that notwithstanding subsection (1) and pursuant to legislative powers conferred on the National Assembly under article 109, all regulation making authorities have to submit copies of all statutory instruments for tabling before the National Assembly. Subsection (3) requires the responsible clerk to register or cause to be registered every statutory instrument submitted to the respective House(s) for tabling or laying.
5. Subsection (4) provides that if a copy of a statutory instrument that is supposed to be laid before the relevant House of Parliament is not laid as required, the statutory instrument “*shall cease to have effect immediately after the last day for it to be so laid without prejudice to any act done under the statutory instrument before it became void.*”
6. The Tariffs were gazetted on 29th January 2023 but the respondents did not show that they were laid before the National Assembly as required by the Act without which the tariffs gazetted under Legal Notice No. 84 of 2023 became void after seven sitting days as required by section 11(4). The respondents’ argument that all constitutional and procedural processes were met fell short of demonstrating that the section 11(3) of the Statutory Instruments Act was complied with.

Conclusion

1. Having considered the pleadings and arguments by parties as well as the Constitution and the law, the conclusion I come to, is that the enactment of the tariffs did not comply with the requirements of public participation. The notice calling for comments was not published in a manner that would reach a wide section of the public; there was no evidence that the notice reached the public and the three (3) working days the notice gave the public and stakeholders within which to receive, read and submit comments was insufficient for a reasonable, meaningful and effective public participation thus; the process failed a vital constitutional requirement of public participation.
2. There was also no evidence that the Legal Notice containing the tariffs was tabled before the National Assembly as required by the Statutory Instruments Act thus, became void for failure to comply with the law.
3. Consequently, and for the above reasons, the petition succeeds and the court makes the following declarations and orders it considers appropriate:
4. *A declaration is hereby issued that there was no reasonable meaningful and effective public participation on the imposition of the tariffs thus, the consolidated tariffs published on 29th January 2023 through Legal Notice No. 84 of 2023 is unconstitutional.*
5. *A declaration is hereby do issued that Legal Notice No. 84 of 2023 is unconstitutional, null and void for failing to comply with the Statutory Instruments Act.*
6. *An order of certiorari is hereby issued quashing Legal Notice No 84 of 2023 published on 29th January 2023.*
7. *An order of prohibition is hereby issued prohibiting the respondents from implementing the consolidated tariffs contained in Legal Notice No. 84 of 2023, published on 29th January 2023*
8. *This being a public interest litigation each party shall bear their own costs*

Dated and delivered at Nairobi this 29th Day of July 2025

E C MWITA

JUDGE

The Judiciary of Kenya



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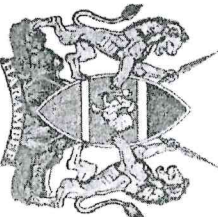
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SIGNED BY: HON. JUSTICE E.C. MWITA



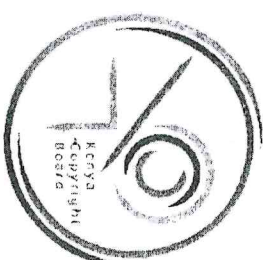
THE JUDICIARY OF KENYA.
MILIMANI HIGH COURT
HIGH COURT CONSTITUTION AND HUMAN RIGHTS
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REPUBLIC OF KENYA

**MINISTRY OF YOUTH AFFAIRS,
CREATIVE ECONOMY AND SPORTS
STATE DEPARTMENT FOR YOUTH AFFAIRS AND
CREATIVE ECONOMY**



PUBLIC NOTICE

**VALIDATION WORKSHOP TO APPROVE REVISED
CONSOLIDATED MUSIC AND AUDIO-VISUAL TARIFFS**

The Kenya Copyright Board (KECOBO) is a State Corporation under the Ministry of Youth Affairs, Creative Economy and Sports, whose mandate includes licensing and supervising Collective Management Organizations (CMOs).

Pursuant to Regulation 26 (i) of the Copyright (Collective Management) Regulations 2020, KECOBO hereby invites the Public, CMOs and any other interested parties for a validation forum to be held on **Friday 19th September 2025 from 8:30 a.m at Hekima Auditorium, Kenya National Library Services**. The forum will be for the validation of the revised consolidated Music and Audio- Visual Tariffs discussed in the public forum held on **12th September 2025**.

The revised draft consolidated Tariffs will be available on KECOBO website www.copyright.go.ke.

**Ag. Executive Director
16th September 2025
KENYA COPYRIGHT BOARD**

"Protecting Copyright, Encouraging Creativity"

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