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THE CREATIVE ECONOMY BILL, 2026

A Bill for—

AN ACT of Parliament to nurture and support the development of the creative economy in Kenya by facilitating innovation, talent, research and entrepreneurship in the sector; to repeal and consolidate the laws providing for establishment, functions and management of creative economy sector institutions; to provide for government interventions to nurture, grow and protect the creative economy sector; and for connected purposes

ENACTED by the Parliament of Kenya as, follows—

PART I—PRELIMINARY

1. This Act may be cited as the Creative Economy Act, 2026. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"animation" means the process of creating moving images through a series of still images or frames;

"audio-visual works" means a fixation in any physical medium of images, either synchronized with or without sound, from which a moving picture may by any means be reproduced and includes videotapes and videogames but does not include a broadcast;

"Authority" means the Kenya Audio-Visual Regulatory Authority established under section 21;

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to the creative economy;

"classification" means the process of examining audio-visual works to make a determination to either allow for public exhibition, restrict to certain ages or prohibit from exhibition and distribution;

"Commission" means the Kenya Audio-Visual and Cinema Commission established under section 7;

"creative economy" means the knowledge based economic activities upon which the creative industries are based including trade, labour and production;

"creative industries" means those sectors that rely on the creation, production, distribution, and exploitation of intellectual property;

"creative works" means original outputs of human imagination and effort, transformed into tangible or intangible forms;

"creativity" means the ability to generate new and original ideas, connections or solutions through artistic, intellectual or practical innovation with economic implications or becomes a tradeable product;

"cultural expression" has the meaning assigned to it under the Protection of Traditional Knowledge and Cultural Expression Act;

"exhibition" means the display of audio-visual works to the public or a section of the public, whether or not a charge is made for admission;

"Ministry" means the Ministry for the time being responsible for matters relating to the creative economy; Cap. 218A.

"re-classification" in relation to a classified audio-visual works, means to review the classification for the audio-visual works and to alter the classification by raising or lowering the classification applicable to the audio-visual work;

"State Department" means the State Department for the time being responsible for matters relating to the creative economy; and Cap. 411A.

"Tribunal" means the Communications and Multimedia Appeals Tribunal established under section 102 of the Kenya Information and Communications Act.

Objects of the Act.

3. The objects of this Act is to—

(a) nurture and support the development of creative economy in Kenya;

(b) put in place measures that will facilitate innovation, talent development, research and entrepreneurship for the creative economy sector;

(c) repeal and consolidate various laws providing for establishment, functions, governance and management of creative economy sector institutions;

(d) provide a regulatory framework for the creation, distribution and exhibition of creative works; and

(e) facilitate investments, partnerships and market access for a conducive environment for the growth and improved global positioning of Kenya's creative economy sector.

Guiding principles.

4. The implementation of this Act shall be guided by the following principles—

(a) creativity, innovation and cultural expression as the foundation of creative economy;

(b) inclusivity and equitable participation of all persons in the creative economy, including youth, women and persons with disabilities;

(c) collaboration between public institutions, private sector entities and creative practitioners for the development of the creative economy;

(d) integrity, professionalism and accountability in the conduct of affairs within the creative economy sector; and

(e) sustainability, competitiveness and the effective utilisation of creative resources for national development.

Scope of the Act.

5. (1) This Act shall apply to the development, promotion and regulation of the creative economy in the following categories—

(a) visual arts and crafts, including drawing, painting, sculpture, printmaking, photography and indigenous crafts;

(b) performing arts, including music, dance, theatre, drama and live performances;

(c) literary arts, including written works such as novels, poetry, essays and publishing;

(d) design and creative services, including fashion, graphic, interior design and architectural design; and

(e) audio-visual arts, including new media, digital media, film, television, animation, gaming, extended and augmented reality.

(2) This Act shall not apply to aspects relating to intellectual property rights.

PART II—ADMINISTRATION OF THE CREATIVE ECONOMY SECTOR

Role of the Cabinet Secretary.

6. The Cabinet Secretary shall, in the implementation of this Act—

(a) formulate and oversee the implementation of a National Creative Economy Development Plan;

(b) set out the objectives, targets, strategies and activities for the development and promotion of the creative economy sector;

(c) define goals for the creative economy including value creation, job creation, market creation and market expansion;

(d) develop, in consultation with relevant government institutions, financial assistance programmes, incentive frameworks, investment schemes and guarantee mechanisms for the creative economy sector;

(e) develop technical and technological programmes for the development, commercialization and distribution of goods and services generated within the creative economy sector;

(f) develop, coordinate and oversee the implementation of policy, legal and regulatory measures necessary for the growth and development of the creative economy;

(g) establish, upgrade and promote infrastructure and facilities that support the development, production, exhibition and distribution of creative economy works;

(h) provide and maintain digital infrastructure and platforms, including internet connectivity, cloud services and content distribution systems, to enable creation, innovation and market access;

(i) maintain a consolidated and up-to-date database of creative economy practitioners, enterprises and institutions;

(j) promote equitable regional development of the creative economy by facilitating access to opportunities, markets, training and resources across the country;

(k) mobilise and coordinate financial and non-financial support for creative economy programmes through collaboration with public and private funding partners and development agencies;

(l) facilitate research, development and innovation by supporting the establishment and utilisation of facilities, programmes and schemes for experimentation, product development and technological advancement;

(m) provide and coordinate incubation, accelerator and business development services, including mentorship, training and enterprise support for creative ventures;

(n) develop, implement and enforce quality assurance standards, guidelines and frameworks applicable to creative economy goods, services and practices; and

(o) prepare and submit an annual report on the status, performance and implementation of creative economy priorities, programmes and development plans.

Establishment of the Kenya Audio-Visual and Cinema Commission.

7. (1) There is established the Kenya Audio-Visual and Cinema Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing and lending money; and

(d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

Functions of the Commission.

8. The functions of the Commission shall be to—

(a) develop, promote and market the audio-visual and cinema industry locally and internationally;

(b) facilitate growth of the audio-visual and cinema industry;

(c) generate, manage and disseminate audio-visual and cinema industry research, information and market data;

(d) establish a repository and archive of Kenya's audio-visual works, cinematic artefacts, historical audio-visual and cinema records and related works created in or about Kenya;

(e) develop and administer national infrastructure for the audio-visual and cinema industry;

(f) register and coordinate persons, associations and organizations participating in the production of audio-visual and cinema, photography, video, animation, gaming, new media and related media;

(g) provide liaison services for public and private entities on matters relating to the promotion, marketing and development of the audio-visual and cinema industry;

(h) develop incentives to promote investment in the audio-visual and cinema industry;

(i) partner, develop and create linkages with public and private entities to improve and facilitate investment in the audio-visual and cinema industry;

(j) promote and facilitate the development of Kenyan audio-visual and cinema content; and

(k) certify local content as Kenyan audio-visual and cinema content; and

(l) perform any such other functions as may be provided in law.

Powers of the Commission.

9. (1) The Commission shall have such powers as are necessary for the performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Commission shall have the power to—

(a) maintain a repository and archive for audio-visual works, cinematic artefacts, historical audio-visual records and related works in or about Kenya;

(b) prescribe the criteria, form and manner of accreditation and skills recognition in the audio-visual industry in Kenya;

(c) determine the criteria for the recognition of the umbrella organisation representing audio-visual industry players;

(d) assign identity to Kenyan audio-visual and cinema products and determine the criteria for their identification;

(e) develop products or offer services to promote the sustainability of the Commission; and

(f) determine the applicable criteria for the issuing of incentives to audio-visual and cinema industry players.

Board of the Commission.

10. (1) The management of the Commission shall vest in a Board which shall consist of—

(a) a Chairperson appointed by the President;

(b) the Principal Secretary for the time being responsible for the creative economy or their representative, appointed in writing;

(c) the Principal Secretary for the time being responsible for the National Treasury or their representative, appointed in writing;

(d) the Attorney General or their representative, appointed in writing;

(e) two representatives of the representative bodies of audio-visual industry practitioners in the country, appointed by the Cabinet Secretary;

(f) three other persons, who shall be appointed by the Cabinet Secretary of whom at least one shall be a youth; and

(g) the Chief Executive Officer of the Commission, who shall be an *ex-officio* member.

(2) In making the appointments under (1)(e) and (f) the Cabinet Secretary shall appoint members by virtue of their knowledge and experience in matters relating to—

(a) finance and accounting;

(b) audio-visual and creative arts;

(c) law; or

(d) communications and technology.

(3) A person is qualified for appointment as the Chairperson or a member of the Board if such person—

(a) is a citizen of Kenya;

(b) holds a bachelor's degree from a university recognized in Kenya;

(c) has in the case of the Chairperson, at least eight years, or in the case of a member, at least six years' professional experience in the creative industry; and

(d) meets the requirements of Chapter Six of the Constitution.

Chief Executive Officer.

11. (1) The Board shall, through a competitive recruitment process, appoint a Chief Executive Officer who shall be responsible for the day-to-day management of the Commission.

(2) A person is qualified for appointment as Chief Executive Officer if such person—

(a) is a citizen of Kenya;

(b) holds a bachelor's degree from a university recognized in Kenya in—

(i) film;

(ii) public administration and management;

(iii) law;

(iv) business administration; or

(v) communications and technology;

(c) has at least ten years' experience, seven of which shall be at senior management level; and

(d) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

Corporation Secretary.

12. (1) The Board shall appoint a Corporation Secretary on such terms and conditions as the Board may determine.

(2) The Corporation Secretary shall perform such duties as the Board may, from time to time, assign.

Conduct of business of the Board of the Commission.

13. The conduct and regulation of the business and affairs of the Board of the Commission shall be as provided in the First Schedule, but subject thereto, the Board shall regulate its own procedure and the procedure of any committee of the Board.

Terms of office, common seal, annual estimates and books of account.

14. The terms of office, vacancy of office, removal from office of the members of the Board, the common seal, the financial year, annual estimates and books of accounts, records, audit and reports of the Commission shall be as provided in the Second Schedule.

Staff of the Commission.

15. (1) The staff of the Commission shall comprise such professional, technical, administrative and support staff as the Commission may require for the discharge of its functions.

(2) The Commission shall, in the appointment of staff, ensure—

(a) equalization of opportunity for persons with disability;

(b) equalization of opportunities for the youth;

(c) that not more than two thirds of its staff are of the same gender; and

(d) that appointments reflect ethnic and regional diversity.

Remuneration of members of the Commission.

16. The Commission shall upon the advice of the Salaries and Remuneration Commission, pay its members of the Board such remuneration, fees or allowances for expenses as it may determine.

17. A matter, thing or an act done by a member of the Board or an officer, employee or agent of the Commission shall not, if the matter or thing is done for executing the functions, powers or duties of the Commission, render the members of the Board, officer, employee or agent or any person acting on lawful directions of the Commission personally liable to any action, claim or demand whatsoever.

Protection from personal liability.

18. This Act shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury to that person, that person's property or any of that person's interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

Liability of Commission for damages.

19. (1) The funds of the Commission shall consist of—

Funds of the Commission.

(a) such monies as may be appropriated by the National Assembly for purposes of the Commission;

(b) any grants, gifts, donations or other endowments given to the Commission;

(c) any revenues generated from any proprietary interest held by the Commission, whether movable or immovable;

(d) interest from bank deposits; and

(e) such funds or assets as may vest in the Commission in the performance of its functions under this Act or any other written law.

(2) Any funds donated or lent to, or gift made to the Commission shall be disclosed to the National Assembly and made public before use.

20. (1) The Commission may, by resolution either generally or in any particular case, delegate to any committee of the Commission or to any member, officer, employee, self-regulated organization or agent of the Commission, the exercise of any of the powers or the performance of any of its functions or duties.

Delegation of powers or functions to committees or agents.

(2) Every such committee, officer, employee, self-regulated organisation or agent shall be appointed by the Commission in writing, setting out the duration of the

appointment, the duties, reporting requirements, functions, authority and powers so conferred.

(3) The Commission may at any time revoke a delegation under this section.

(4) A delegation conferred under this section shall not prevent the Commission from performing the delegated function.

(5) In this section, a self-regulated organisation means an organisation whose object is to regulate the operations of its members or the users of its services and includes organisations that may be recognised as such by the Commission.

Establishment of the Kenya Audio-Visual Regulatory Authority.

21. (1) There is established the Kenya Audio-Visual Regulatory Authority.

(2) The Authority shall be a body corporate with perpetual succession, a common seal and shall in its corporate name be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing and lending money; and

(d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

Board of the Authority.

22. (1) The management of the Authority shall vest in a Board of Directors which shall consist of—

(a) a Chairperson appointed by the President;

(b) the Principal Secretary of the Ministry for the time being responsible for the audio-visual industry or their authorized representative;

(c) the Principal Secretary to the National Treasury or their authorized representative;

(d) the Attorney General or their representative, appointed in writing;

(e) two representatives of the representative bodies of creative practitioners in the country, appointed by the Cabinet Secretary;

(f) three other persons, who shall be appointed by the Cabinet Secretary; and

(g) the Chief Executive Officer of the Board, who shall be an *ex-officio* member.

(2) In making the appointments under (1)(e) and (f) the Cabinet Secretary shall appoint members by virtue of their knowledge and experience in matters relating to—

(a) finance and accounting;

(b) creative arts;

(c) law; or

(d) communications and technology.

(3) A person is qualified for appointment as the Chairperson or a member of the Board if such person—

(a) is a citizen of Kenya;

(b) holds a bachelor's degree from a university recognized in Kenya;

(c) has in the case of the Chairperson, at least eight years, or in the case of a member, at least six years' professional experience preferably in the film industry; and

(d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

Functions of the Authority.

23. The functions of the Authority shall be to regulate the creation, exhibition, broadcasting and distribution of audio-visual works by—

(a) issuing licenses for—

(i) audio-visual works production;

(ii) audio-visual works distribution and exhibition;

(iii) audio-visual works makers, distributors and exhibitors;

(iv) audio-visual service providers; and

(v) streaming and online platform operations within Kenya.

(b) classifying audio-visual works, based on—

(i) age suitability;

(ii) cultural considerations; and

(iii) public interest.

(c) ensuring classified creative works display the assigned ratings and consumer advice;

(d) issue, in respect of creative works, a classification label that contains the rating; and

(e) giving consumer advice to empower the public with knowledge and skills to make informed choices on consumption of the audio-visual works.

Powers of the Authority.

24. (1) The Authority shall have all the powers necessary for the performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Authority shall have the power to—

(a) prescribe the form and manner in which an application for any authority, consent or approval under this Act shall be made and the fees payable in respect of such application;

(b) exempt, in writing or through a notice in the *Gazette*, from the provisions of this Part any audio-visual works, or any class of films, generally or by reference to the person or class of persons making the film or films;

(c) prescribe ratings for audio-visual works;

(d) prescribe the mechanism for self-classification of audio-visual works;

(e) impose administrative penalties including—

(i) suspension or revocation of licenses and certificates;

(ii) imposing monetary fines;

(iii) issuing orders closure of non-compliant entities of audio-visual works; and

(iv) issuing take-down orders where audio-visual works are prohibited or unclassified under the Act or contravene any other written law;

(f) prescribe audio-visual licensing regulations and guidelines; and

(g) prescribe guidelines for the classification of audio-visual works.

Chief Executive Officer.

25. (1) The Board shall, through a competitive recruitment process, appoint a Chief Executive Officer who shall be responsible for the day-to-day management of the Authority.

(2) A person is qualified for appointment as a Chief Executive Officer if such person—

(a) holds a bachelor's degree from a university recognized in Kenya;

(b) has at least seven year's management experience at a senior level;

(c) has at least eight years of relevant experience preferably in the creative industry; and

(d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

Corporation Secretary.

26. (1) The Board shall appoint a Corporation Secretary on such terms and conditions as the Board may determine.

(2) The Corporation Secretary shall perform such duties as the Board may, from time to time, assign.

Staff of the Authority.

27. (1) There shall be a secretariat of the Board which shall comprise such professional, technical, administrative and support staff as the Board may require for the discharge of its functions.

(2) The Board shall, in the appointment of staff, ensure—

(a) equalization of opportunity for persons with disability;

(b) equalization of opportunities for the youth;

(c) that not more than two thirds of its staff are of the same gender; and

(d) that appointments reflect ethnic and regional diversity.

Conduct of business of the Board of the Authority.

28. The conduct of the business of the Board of the Authority shall be as provided in the First Schedule.

Terms of office, common seal, Annual estimates.

29. The terms of office, vacancy of office, removal from office of the members of the Authority, the common seal and books of accounts and audit of the Authority shall be as provided in the Second Schedule.

Remuneration of members of the Board.

30. The Authority shall upon the advice of the Salaries and Remuneration Commission, pay the Directors of the Board such remuneration, fees or allowances for expenses as it may determine.

Protection from personal liability.

31. A matter, thing or an act done by a member of the Board or an officer, employee or agent of the Authority shall not, if the matter or thing is done for executing the functions, powers or duties of the Authority, render the members of the Board of Directors, officer, employee or agent or any person acting on lawful directions of the Authority personally liable to any action, claim or demand whatsoever.

Liability of the Authority for damages.

32. This Act shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to that person, that person's property or any of that person's interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

Funds of the Authority.

33. (1) The funds of the Authority shall consist of—

(a) such monies as may be appropriated by the National Assembly for purposes of the Authority;

(b) any grants, gifts, donations or other endowments given to the Authority;

(c) any revenues generated from any proprietary interest held by the Authority, whether movable or immovable;

(d) interest from bank deposits;

(e) such funds or assets as may vest in the Authority in the performance of its functions under this Act or any other written law;

(f) a portion of monies from licensing fees charged by the Authority; and

(g) monies derived from national public funds or any other funds appropriated for the creative economy.

(2) Any funds donated or lent to, or gift made to the Authority shall be disclosed to the National Assembly and made public before use.

Delegation of powers or functions to committees or agents.

34. (1) The Board may by resolution either generally or in any particular case delegate to any committee of the Board or to any member, officer, employee, self-regulated organization or agent of the Authority, the exercise of any of the powers or the performance of any of its functions or duties.

(2) Every such committee, officer, employee, self-regulated organisation or agent shall be appointed by the Board in writing, setting out the duration of the appointment, the duties, reporting requirements, functions, authority and powers so conferred.

(3) The Board may at any time revoke a delegation under this section.

(4) A delegation conferred under this section shall not prevent the Authority from performing the delegated function.

(5) In this section, a self-regulated organisation means an organisation whose object is to regulate the operations of its members or the users of its services and includes the organisations that may be recognised as such by the Authority.

PART III—PROMOTION AND DEVELOPMENT OF THE CREATIVE ECONOMY

Establishment of the Kenya School of Film and Creative Arts.

35. (1) There is established the Kenya School of Film and Creative Arts which shall——

(a) implement curricula, training programmes and competency standards in film, audio-visual, cinematic and performing arts in consultation with relevant stakeholders;

(b) provide technical, vocational, professional and specialised training, mentorship and talent development programmes in film and creative arts;

(c) conduct assessments and examinations and award qualifications and certificates in accordance with applicable law;

(d) recognise prior learning and provide continuing professional development, reskilling and upskilling programmes for practitioners, including public officers;

(e) undertake applied research and innovation for pedagogical improvement and advancement of training methodologies in film and creative arts;

(f) establish, equip and maintain training facilities, studios, workshops, laboratories, libraries and learning resources necessary for instruction and practice;

(g) collaborate with learning institutions and industry players to facilitate internships, apprenticeships, attachments and career development opportunities for trainees;

(h) produce audio-visual and creative works strictly for instructional, training or institutional sustainability purposes;

(i) identify, mentor and nurture emerging talent and promote access, inclusion and the welfare of students and staff; and

(j) perform such other functions as may be necessary or incidental to the attainment of its training mandate.

(2) The Cabinet Secretary shall in accordance with the Technical and Vocational Education Training Act, put in place governance, management and administrative measures to enhance the capacity, status and sustainability of the School. Cap. 210A.

Register of creatives.

36. (1) The Cabinet Secretary shall keep and maintain a register of creatives, creatives' groups and associations in such manner as may be prescribed under this Act.

(2) Entries into the register may be made available to the public through official search on such terms and upon payments as may be prescribed in this Act.

Incentives and awards.

37. (1) The Cabinet Secretary shall develop incentives programmes and award schemes for the creative economy sector.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may consult or collaborate with other relevant government, non-governmental and private sector players in the development and operationalization of the creative economy incentives and award schemes.

(3) The incentives programmes and award schemes shall provide vouchers addressing the industry's diverse needs, including training, equipment and marketing.

(4) The Cabinet Secretary shall formulate administrative guidelines governing the issuance, utilization, and management of the creative voucher system.

Integration of Creative economy products with the capital markets.

38. The Cabinet Secretary shall, in consultation with the Cabinet Secretary for the National Treasury and the relevant regulatory bodies, develop a framework for the development and introduction of creative economy products for trade in the capital markets.

Creatives industries in educational establishments.

39. The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for education, recommend the implementation of policy measures to—

(a) ensure the inclusion and promotion of talent and skills training in creative fields within the curricula of educational establishments;

(b) foster collaborations with industry practitioners and stakeholders in the development and delivery of relevant training programs; and

(c) equip educational establishments with the necessary resources and facilities to enhance the quality and scope of creative education.

PART IV—PROVISIONS ON DELEGATED POWERS

Regulations.

40. (1) The Cabinet Secretary shall make regulations for better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations with respect to—

(a) the preparation, approval and implementation of the National Creative Economy Development Plan;

(b) the classification and designation of creative economy subsectors;

(c) the establishment and maintenance of registries, databases and information systems relating to creatives, creative enterprises and organisations;

(d) the accreditation and quality assurance of training programmes in the creative economy;

(e) the development of talent through mentorship, incubation and certification;

(f) the development, administration and maintenance of creative economy infrastructure including hubs, studios, theatres, galleries, exhibition spaces and digital platforms;

(g) the development and operationalisation of incentive schemes, awards, vouchers and other support mechanisms for the creative economy;

(h) the licensing, registration and regulation of persons and entities engaged in the creation, production, distribution, broadcast, performance or exhibition of creative works;

(i) the classification, labelling, re-classification and consumer advisory requirements for audio-visual works, animation, gaming, extended reality and other creative works;

(j) the identification, certification and branding of Kenyan creative works;

(k) the recognition of representative bodies of creative economy practitioners;

(l) the administration of financial incentives, grants, rebates including frameworks for public–private partnerships and capital markets participation; and

(m) compliance, enforcement, inspection, administrative sanctions, appeals, forms and fees required under this Act.

PART V—REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS

41. (1) The Films and Stage Plays Act is repealed. Repeals, revocation and savings. Cap. 222.

(2) The State Corporations (Kenya Film Commission Order is revoked. Legal Notice 1472015.

(3) Any act done under the Films and Stage Plays Act or under the Kenya Film Commission Order before the commencement of this Act shall be deemed to have been done under the provisions of this Act. Cap. 222. Legal Notice 1472015.

(4) A revocation of a license under this Act shall not indemnify the licensee from any liabilities to which the person may have become liable under the repealed Act before such revocation.

42. The provisions of the Third Schedule shall apply with respect to the transition from the Kenya Film Commission and the Kenya Film Classification Board. Transitional provisions.

43. The Kenya Information and Communication Act is amended in the Fourth Schedule, in the provision specified in the second column thereof in the manner specified in the third column. Consequential amendments. Cap. 411A.

FIRST SCHEDULE (s.13, s.28)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF BOARD OF THE KENYA AUDIO-VISUAL & CINEMA COMMISION AND THE BOARD OF KENYA AUDIO-VISUAL REGULATORY AUTHORITY

Interpretation.

1. In this Schedule, unless the context otherwise requires, "Board" means the Boards established under the Act to provide for governance of the institutions

Number of Board meetings.

2. The Board shall meet as often as necessary for the transaction of business but shall meet not less than four times every financial year and not more than four months shall elapse between the date of one meeting and the next.

The Chairperson to preside all meetings.

3. (1) The Chairperson shall preside at every meeting of the Board at which the Chairperson is present but in the absence of the Chairperson, the members of the Board present shall appoint a member from among their number to preside at that meeting.

(2) The Chairperson or, in the absence of the Chairperson or member of the Board appointed by the Board to act in the place of the Chairperson, as the case may be, may at any time call a special meeting upon a written request by a majority of the members of the Board.

Notice of meeting.

4. Unless five members of the Board otherwise agree, a written notice of at least seven days of every meeting of the Board shall be given to every member of the Board.

Decision of the Board to be by majority.

5. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members of the Board present and in the case of an equality of votes, the Chairperson presiding shall have a casting vote.

Recording of dissenting opinion.

6. Any member of the Board present at a meeting of the Board or a Committee thereof, shall have the right to require his opinion to be recorded in the minutes if the Board passes a resolution, which in the opinion of that member, is contrary to his advice or to law.

Disclosure of interest.

7. A member of the Board who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as possible after the relevant facts concerning the matter have come to his knowledge, disclose the nature of his interest to the Board and shall not be present during any deliberations on the matter.

Recording and keeping of minutes.

8. The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the Chairperson or the member presiding at the meeting.

Quorum.

9. (1) Subject to subsection (2), five members of the Board shall constitute a quorum for the conduct of business at any meeting of the Board.

(2) When there is no quorum at or for the continuation of a meeting of the Board only because of the exclusion of a member of the Board under paragraph 6, the other members present may, if they deem it expedient so to do—

(a) postpone the consideration of that matter until there is a quorum; or

(b) proceed to consider and decide the matter as if there was quorum.

SECOND SCHEDULE (s.14, s.29)

TERM OF OFFICE, VACANCY OF OFFICE, REMOVAL FROM OFFICE, MEMBERS OF THE BOARD, THE COMMON SEAL, FUNDS, FINANCIAL YEAR, ANNUAL ESTIMATES AND BOOKS OF ACCOUNTS, RECORDS, AUDIT AND REPORTS OF THE KENYA AUDIO-VISUAL & CINEMA COMMISSION AND THE KENYA AUDIO-VISUAL REGULATORY AUTHORITY

1. In this Schedule, unless the context otherwise requires— Interpretation.

"Institution" means the creative economy institutions established under Part III of the Act;

"Board" means the Boards established under the Act to provide for governance of the institutions

2. (1) The Chairperson and member of the Board shall hold office for a period of three years. Term of office.

(2) The Chairperson and members shall be eligible for reappointment for one further term.

(3) The Chairperson and members shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

3. Appointments under this Act shall take into account the principle that the composition of the Board when taken as a whole, shall reflect gender balance as well as regional and ethnic diversity of the people of Kenya. Gender, regional and ethnic balance.

4. (1) The office of the Chairperson or member shall become vacant if the holder— Vacancy in the office of Chairperson, vice Chairperson, or members.

(a) dies;

(b) by notice in writing addressed to the President or the Cabinet Secretary, as the case may be, resigns from office; or

(c) is removed from office under any of the circumstances specified in paragraph 5 of this schedule.

(2) The President or the Cabinet Secretary, as the case may be, shall notify every resignation, vacancy or termination in the *Gazette* within 14 days.

Removal of chairperson, vice-chairperson or members

5. A Chairperson or member may be removed from office on account of any of the following—

(a) violation of the Constitution or any other law;

(b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;

(c) physical or mental incapacity to perform the functions of office;

(d) being absent from three consecutive meetings of the Board without reasonable cause;

(e) failure to disclose to the Board any interest in any contract or matter before the Board;

(f) being convicted of a criminal offence;

(g) incompetence; or

(h) bankruptcy.

Removal of the Chief Executive Officer or Corporation Secretary.

6. (1) The Chief Executive Officer or Corporation Secretary may be removed from office by the Board in accordance with the terms and conditions of service only for—

(a) inability to perform the functions of the office of their respective offices arising out of physical or mental incapacity;

(b) gross misconduct or misbehaviour;

(c) incompetence or neglect of duty;

(d) violation of the Constitution or any other law;

(e) bankruptcy; or

(f) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the Chief Executive Officer or Corporation Secretary is removed under subparagraph (1), the Chief Executive Officer or Corporation Secretary, shall be given—

(a) sufficient notice of the allegations made against him or her; and

(b) an opportunity to present his or her defence against the allegations.

Financial year.

7. The financial year of the Board shall be the period of twelve months ending on the thirtieth day of June in each year.

Annual estimates.

8. (1) At least three months before the commencement of each financial year, the Institution shall cause to be prepared estimates of the revenue and expenditure of the Institution for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Institution for the financial year, and in particular but not limited to—

(a) the payment of salaries or allowances and other expenses in respect of the staff of the Institution and the members; and

(b) any other expenditure that may be necessary for the carrying out of their respective objects and functions under the Act.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary who, after approving it, shall forward it to the Cabinet Secretary of the National Treasury.

(4) After the Cabinet Secretary's approval, the Institution, shall not increase the annual estimates without the consent of the Cabinet Secretary.

Books of accounts, records, audit and reports.

9. (1) The Institution shall keep or cause to be kept proper books of accounts recording all the income and liabilities, expenditure assets, undertakings, funds, activities, contracts, transactions and any other business of the Institution.

(2) The Institution shall ensure that all monies received are properly brought to account, all payments out of its funds are correctly made and properly authorized and that adequate control is maintained over its assets and liabilities under this Act.

(3) Within a period of three months after the end of each financial year, the Institution shall prepare annual financial statements in accordance with the provisions of section 81 of the Public Financial Management Act, 2012, and submit them to the Controller of Budget and the

Auditor-General or to an auditor appointed under subparagraph (4), for audit.

(4) The auditor referred to in subparagraph (3) shall be appointed by the institution with the written approval of the Auditor-General.

(5) The appointment of an auditor shall not be terminated by the institution without the prior written consent of the Auditor-General.

(6) The Auditor-General may give general or special directions to an auditor appointed under subparagraph (4) and the auditor shall comply with those directions.

(7) An auditor appointed under subsection (4) shall report directly to the Auditor General on any matter relating to the directions given under subparagraph (6).

(8) Within a period of six months after the end of the financial year, the Auditor General shall report on the examination and audit of the accounts of the institution to the Board and to the Cabinet Secretary, and in the case of an auditor appointed under subparagraph (4), the auditor shall submit a copy of the report to the Auditor-General.

(9) Nothing in this Act shall be construed to prohibit the Auditor-General from carrying out an inspection of the Institution's accounts or records whenever it appears to him to be desirable and the Auditor-General shall carry out such inspection at least once every six months.

(10) Notwithstanding anything in this Act, the Auditor- General may submit to the Cabinet Secretary a special report on any matter incidental to his or her powers under this Act, and the provisions of the Public Financial Management Act No. 18/2012, on the same issue shall apply to any report made under this section.

(11) The Cabinet Secretary shall lay the audit report before the National Assembly as soon as reasonably practicable after the report is submitted to him or her under this section.

(12) The fee for any auditor, not being a public officer, shall be determined and paid by the Institution.

(13) The Institution shall prepare a report for each quarter not later than fifteen days after the end of each quarter and submit it to the Cabinet Secretary who shall, upon approving it, forward a copy to the Cabinet Secretary of the National Treasury.

(14) The Institution shall prepare the financial statements in a form that complies with the relevant accounting standards prescribed and published by the Public Sector Accounting Standards Board from time to time.

Common seal.

10. (1) The common seal of the Institution shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The common seal of the Institution when affixed on a document and duly authenticated shall be judicially and officially noticed unless and until the contrary is proved any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

(3) The affixing of the common seal of the Institution shall be authenticated by the signature of the Chairperson and the Chief Executive Officer and any document not required by law to be made under seal and all decisions of the Institution may be authenticated by the signature of the Chairperson or the Chief Executive Officer:

(4) In the absence of either the Chairperson or the Chief Executive Officer, the Institution shall nominate one member to authenticate the seal on behalf of the Chairperson or the Chief Executive Officer.

THIRD SCHEDULE (s. 42)

TRANSITIONAL PROVISIONS WITH RESPECT TO THE KENYA AUDIO-VISUAL & CINEMA COMMISSION AND THE KENYA AUDIO-VISUAL REGULATORY AUTHORITY

Effect of transition on existing rights, duties, obligations, assets and liabilities.

1. Subject to this Act, all rights, duties, obligations, assets and liabilities of the creative economy institutions existing at the commencement of this Act shall be automatically and fully transferred to the creative economy institutions established under Part III of this Act and any reference to either the Kenya Film Commission or the Kenya Film Classification Board, in any contract or document shall respectively and for all purposes, be deemed to be a reference to the Kenya Audio-Visual & Cinema Commission and the Kenya Audio-Visual Regulatory Authority established under Part III.

Effect of transition on Chairperson, Commissioners, Chief Executive Officer or Corporation Secretary the Kenya Film Authority.

2. (1) The persons who at the commencement of this Act are the Chairperson, Commissioners, Chief Executive Officer or Corporation Secretary of the Kenya Film Commission, the Kenya Film Classification Board, shall respectively and where applicable, become Chairperson, members of the Board, Chief Executive Officer or Corporation Secretary of the Kenya Audio-Visual & Cinema Commission, the Kenya Audio-Visual Regulatory Authority for the remainder of their tenure in accordance with their appointment.

(2) For greater certainty, such persons shall have and may exercise and perform all the powers and functions of Chairperson or members of the Board, as the case may be, as if they were appointed under respective sections of the Act.

Effect of transition on employees of the Kenya Film Authority.

3. Every person who at the commencement of this Act is an employee of the Kenya Film Commission, the Kenya Film Classification Board, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, respectively become an employee of the Kenya Audio-Visual & Cinema Commission, the Kenya Audio-Visual Regulatory Board, established under Part III of the Act, on the same terms and conditions.

FOURTH SCHEDULE (s. 43)

CONSEQUENTIAL AMENDMENTS TO THE KENYA INFORMATION AND COMMUNICATION ACT

No.	Provision	Amendment
1	s. 2	Insert the following new definition in proper alphabetical sequence— "film" has the meaning assigned to it under the Creative Economy Act; "film entity" has the meaning assigned to it under the Creative Economy Act;
2	s. 46I(2)(a)	Delete the words "cinematograph film" and substitute therefor the word "film".
3	s. 46I(2)	Delete the expression "except with the consent of and subject to any conditions given by the Kenya Film Censorship Board established under the Films and Stage Plays Act (Cap. 222)" and substitute therefor the following— "except with the consent of and subject to any conditions given by the Kenya Audio-Visual Regulatory Board established under the Creative Economy Act."
4	s. 102(1)(b)	Insert the word "film" immediately after the words "and experience in".
5	s. 102(3)	Insert the following new paragraph after paragraph (h)— "(i) Kenya Audio-Visual and Cinema Commission"
6	s. 102A(1)(c)	Insert the words "or the Creative Economy Act" immediately after the words "under this Act".
7	s. 102C(3)	Insert the words "or the Creative Economy Act" immediately after the words "Media Council Act".
8	s. 102C(6)	Insert the words "or the Creative Economy Act" immediately after the words "Media Council Act".

9	s. 102D(1)(a)	Insert the words "or the Creative Economy Act" immediately after the words "Media Council Act".
10	s. 102F(1)	Delete subsection (1) and substitute therefor the following new subsection— "(1) Unless otherwise expressly provided in this Act, the Media Council Act, the Creative Economy Act or any other law, where this Act, the Media Council Act or the Creative Economy Act, empowers the Media Council, the Kenya Audio-Visual Regulatory Board or the Authority to make decisions, such decisions may be subject to an appeal to the Tribunal in accordance with such procedures as may be established by the Tribunal for that purpose."
11	s. 102F(2)	Insert the words "or an action or decision made under the Creative Economy Act" immediately after the words "person licensed under this Act".
12	s. 102F(3)(b)	Insert the words "the Kenya Audio-Visual Regulatory Authority" immediately after the words "the Media Council".

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to provide for the growth and development of the creative economy in Kenya. The Bill aims to establish a legal and institutional framework that supports, nurtures and sustains creative endeavors across various sectors. The Bill achieves this by re-establishing existing institutions uniformly, therefore consolidating the institutional and functional scopes for various government institutions within the creative economy space. Further, the Bill aims at consolidating the scope of the creative economy in Kenya, which is necessary for the operationalisation of supportive and regulatory measures necessary for the growth of the creative economy sector.

PART I of the Bill provides for the Preliminary provisions. This part sets the foundation for the Act, setting out the short title and interpretation of terms. The Objects of the Act outlines the primary goals, primarily focusing on the promotion and protection of the creative economy sector. The Guiding Principles align the Act with broader national policies and core values, while the Scope of the Act delineates its applicability, establishing clear legal boundaries.

PART II of the Bill provides for the Administrative Provisions. This part mandates the creation of a Creative Industries Development Plan as a strategic framework to foster industry growth. This part also clarifies the role of the Cabinet Secretary in implementing the Act.

Part III of the Bill provides for the Creative Economy Institutions. This part puts into perspective the role of the various players within the creative economy space by providing for the establishment, management, functions and powers of the various institutions, whilst clearly demarcating the promotion and development roles from the regulatory functions. This is achieved by the establishment of the Kenya Audio-Visual and Cinema Commission, the Kenya Audio-Visual Regulatory Authority and the Kenya School of Film and Creative Arts.

Part III of the Bill provides for the Promotion and Development of the Creative Economy in Kenya. This part introduces a series of measures to bolster the creative economies such as infrastructure support, funding for research and innovation and the establishment of creative clusters and hubs. The integration of creative industries into educational establishments and capital markets aims to acknowledge the sector's growing economic significance. The establishment of a 'Creative Industry Development Fund' and the promotion of public-private partnerships reflect a comprehensive approach to industry support.

Part IV of the Bill provides for the Provisions on delegated powers. This part gives power to the Cabinet Secretary to make regulations for the better carrying into effect of the provisions of the Bill.

Part V of the Bill provides for Repeals, Savings and Transitional Provisions. This part provides for necessary repeals, revocations and savings clauses in relation to the existing organisations and those established under this Act. Further, the part also provides for consequential amendments to existing legislation to promote its alignment with existing legislation.

The **First Schedule** to the Bill provides for the provisions as to the conduct of business and affairs of the Board of the Kenya Audio-Visual and Cinema Commission and the Board of the Kenya Audio-Visual Regulatory Authority.

The **Second Schedule** to the Bill provides for the term of office, removal from office, members of the Board, audits and reports of the Kenya Audio-Visual and Cinema Commission and the Kenya Audio-Visual Regulatory Authority.

The **Third Schedule** to the Bill provides for the transitional provisions with respect to the Kenya Audio-Visual and Cinema Commission and the Kenya Audio-Visual Regulatory Authority.

The **Fourth Schedule** to the Bill provides for consequential amendments to the Kenya Information and Communication Act, Cap. 411A.

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

The Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to the Creative Economy to make regulations for implementation of the Act. The Bill does not limit any fundamental rights or freedoms.

Statement on how the Bill concerns county governments.

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution as it contains provisions that affect the functions of County Governments as set out in the Fourth Schedule to the Constitution.

Paragraph 4 of Part 2 of the Fourth Schedule to the Constitution provides that public entertainment including cinemas, video shows and hiring is a function of the county governments.

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

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 7th July, 2026.

DANIEL WANYAMA,
Chairperson, Departmental Committee on Sports and Culture.