SPECIAL ISSUE

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STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Statutory Instruments Act to provide for mandatory timelines for making statutory instruments where the enabling legislation does not specify such timelines; and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

Short title.

1. This Act may be cited as the Statutory Instruments (Amendment) Act, 2026.

Amendment of section 26 of Cap. 2A.

2. Section 26 of the Statutory Instruments Act, hereinafter referred to as the principal Act, is amended by inserting the following new section immediately after section 26 –

Prescribed timelines for making of statutory instruments.

26A. (1) Where an enabling legislation does not specify the period within which a regulation-making authority shall make a statutory instrument, the regulation-making authority shall make the instrument within twelve months from the date of commencement of that Act.

(2) Where an enabling legislation requires a regulation-making authority to make different categories of statutory instruments, the period specified in subsection (1) applies separately to each category of statutory instruments.

(3) Each regulation-making authority shall submit to Parliament, by 31st of March in each year, an annual report, setting out information on –

(a) statutory instruments made during the preceding year in compliance with subsection (1);

(b) outstanding statutory instruments and the reason for delay;

(c) projected timelines for completion of outstanding instruments; and

(d) such other information as the regulation-making authority shall consider necessary on the compliance by the authority with this provision.

(4) Parliament may, upon consideration of a report under subsection (3), pass a resolution requiring a regulation-making authority to make outstanding statutory instruments within a specified period not exceeding one year.

Failure to comply with a resolution of Parliament under subsection (4) shall constitute a breach of the general code of conduct and ethics under the Leadership and Integrity Act Cap 185C in the case of a State officer.

3. A regulation making authority shall make outstanding statutory instruments required to be made under an Act of Parliament to which this section applies, within eighteen months of the coming into force of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The primary object of this Bill is to address the persistent problem of delayed implementation of Acts of parliament owing to non-development or delayed making of statutory instruments by designated regulation-making authorities. Currently, many Acts of Parliament remain partially or wholly ineffective due to the absence of necessary subsidiary legislation, sometimes for years after enactment.

The Bill aims to ensure timely implementation of legislation by establishing clear timelines for the making of statutory instruments, enhance accountability by requiring annual reporting to Parliament on compliance with statutory instrument obligations and strengthening parliamentary oversight by empowering Parliament to direct completion of outstanding instruments. The Bill also promotes good governance by making it an offence for any regulation making authority to refuse to make required statutory instruments.

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

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill establishes mandatory timelines for making statutory instruments which will apply to national legislation that affects county government functions, powers, and operations. This directly impacts how county governments operate within the national regulatory framework.

The Bill is therefore a Bill concerning county governments in terms of Article 110(1)(a) of the Constitution.

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

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

Dated the 6th October, 2025.

WAKILI HILLARY SIGEI,
Senator.