SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 15th February, 2023

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DIRECTORATE OF LEGAL SERVICES
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THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Statutory Instruments Act, 2013, 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, 2023.

Amendment of section 11 of No. 23 of 2013.

2. Section 11 of the Statutory Instruments Act, 2013, is amended by inserting the following new subsections immediately after subsection (4) —

(5) Where a regulation making authority fails to submit a statutory instrument in accordance with subsection (1), the Committee shall require the regulation making authority to submit the statutory instrument to Parliament within seven days from the date of the resolution by the Committee.

(6) Notwithstanding subsections (4) and (5), Parliament may, where a statutory instrument ceases to have effect in accordance with subsection (4), notify the public in two newspapers of wide circulation, that the statutory instrument is a nullity.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the provisions of the Statutory Instruments Act, 2013 to enable the Committee on Delegated Legislation to require the regulation making authority to submit to Parliament a copy of any regulation that ceases to have effect by operation of law.

The amendment further obligates Parliament to notify the general public in two newspapers of wide circulation, that a statutory instrument which ceases to have effect by operation of law is a nullity.

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

The Bill delegates legislative powers to the relevant House Committee as per section 12 of the Statutory Instruments Act, 2013, but it does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns County Governments

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution as it does not affect the functions of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution

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

The enactment of this Bill does not occasion additional expenditure of public funds.

Dated the 14th February, 2023.

. SAMUEL CHEPKONG'A,
Member of Parliament.

Section 11 of No. 23 of 2013 which it is proposed to amend —

11. Laying of statutory instruments before Parliament

(1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.

(2) Notwithstanding subsection (1) and pursuant to the legislative powers conferred on the National Assembly under Article 109 of the Constitution, all regulation-making authorities shall submit copies of all statutory instruments for tabling before the National Assembly.

(3) The responsible Clerk shall register or cause to be registered every statutory instrument transmitted to the respective House for tabling or laying under this Part.

(4) If a copy of a statutory instrument that is required to be laid before the relevant House of Parliament is not so laid in accordance with this section, the statutory instrument shall cease to have effect immediately after the last day for it to be so laid but without prejudice to any act done under the statutory instrument before it became void.