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CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Statute Law (Miscellaneous Amendments) Bill, 2020 527

NATIONAL ASSEMBLY
DIRECTORATE OF LEGAL SERVICES
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THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2020

A Bill for

AN ACT of Parliament to make various amendments to statute law

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2020. Short title.

2. The several laws specified in the first column of the Schedule hereto are amended in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

SCHEDULE

Written law	*Provision*	*Amendment*
Interpretation and General Provisions Act (Cap. 2)	s. 3	Delete the definition of "armed forces" and substitute therefor the following—
	No. 25 of 2012.	"Kenya Defence Forces" has the meaning assigned to it under the Kenya Defence Forces Act, 2012.
		Delete the proviso to the definition of "the Cabinet Secretary" and substitute therefor the following new proviso—
		"Provided that where there is no Cabinet Secretary assigned the responsibility for matters relating to the legal sector, the Attorney-General shall be responsible for the matter in question."
The Records Disposal Act (Cap. 14)	s. (2) (1)	Insert the words "Employment and Labour Relations Court", immediately after the words "High Court".

The Penal Code (Cap. 63)	s. 52 (3) (b)	Delete the words "Commissioner of Police" and substitute therefor the word "Inspector-General".
The Criminal Procedure Code (Cap. 75)	s. 2	Delete the definition of "police officer" and substitute therefor with the following new definition—
	No. 11A of 2012	"police officer" has the meaning assigned to it under the National Police Service Act, 2011.
		Delete the definition of "police station" and substitute therefor with the following new definition—
		"police station" has the meaning assigned to it under the National Police Service Act, 2011.
		Delete the words "a State Counsel" appearing immediately after the words "Director of Public Prosecutions" in the definition of "public prosecutor" and substitute therefor the words "a Prosecution Counsel".
	s.83	Delete and substitute therefor the following new section—
		Delegation of powers by Director of Public Prosecution. **83.** (1) The Director of Public Prosecutions may order in writing that all or any of the powers vested in him by sections 81 and 82, and by Part VIII, be vested for the time being in the Secretary, Prosecution Services;

Deputy Director, Public Prosecutions; Senior Assistant Director of Public Prosecutions; Assistant Director of Public Prosecutions; Senior Principal Prosecutions Counsel; Senior Prosecution Counsel and Prosecution Counsel and the exercise of those powers by the officers shall then operate as if they had been exercised by the Director of Public Prosecutions.

(2) The Director of Public Prosecutions may in writing revoke an order made by him under this section.

s.89 (2) Delete and substitute therefor the following new subsection—

"(2) A public prosecutor or any other person who believes from a reasonable and probable cause that an offence has been committed by a person may make a complaint to a magistrate."

s.90(3) Delete the words "a Sunday" appearing immediately after the words "issued on" and substitute therefor the words "any day of the week".

s.123(1) Delete the phrase "other than a person accused of murder, treason, robbery with violence, attempted

		robbery with violence and any related offence" appearing immediately after the words "when a person".
	s.131(2)	Delete the word "movable" appearing immediately after the words "sale of the".
	s.184	Delete.
	s.186	Delete.
	New	Insert the following new section immediately after section 360—
		Appeals from the High Court. **360A.** A person dissatisfied with a decision of the High Court in the exercise of its original jurisdiction has a right of appeal to the Court of Appeal.
	s. 344A (1)	Insert the words "the Counter-Trafficking in Persons Act, 2012, the Prevention of Organised Crimes Act, 2010" immediately after the words "Prevention of Terrorism Act, 2012".
	s. 36A (7)	Insert the words "and not less than three days" immediately after the words "thirty days".
The Evidence Act (Cap. 80)	s. 3	Insert the following new definition in proper alphabetical sequence—
		"photograph" means an image created by light falling on a light-sensitive surface, either a photographic film or an electronic medium and then made visible and permanent by chemical treatment, or stored digitally".
	s.78(1)	Delete and substitute therefor the following new subsection—

		"(1) In criminal proceedings a certificate in the form in the First Schedule to this Act, with necessary modifications, given under the hand of an officer appointed by order of the Director of Public Prosecutions for the purpose, who shall have prepared a photographic print or a photographic enlargement from exposed film or an electronic and digital medium submitted to him, shall be admissible, together with any photographic prints, photographic enlargements and any other annex referred to therein, and shall be evidence of all facts stated therein.
The Public Holidays Act (Cap. 109)	s. 3	Delete the word "Minister" and substitute therefor the expression "Cabinet Secretary".
		Delete the word "district" and substitute therefor the word "sub-county".
	Schedule	Delete the expression "Moi Day" and substitute therefor the expression "Utamaduni Day".
The Firearms Act (Cap. 114)	s. 2	Delete the expression "Commissioner of Police" appearing in the definition of the expression "approved carrier" and substitute therefor the expression "Inspector-General".
		Insert the following new definition in proper alphabetical sequence—
		"Inspector-General" means the Inspector-General of Police

		appointed under Article 245(2) of the Constitution.
	s. 27 (8)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector General".
	s. 29 (3)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
	s. 38 (1)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
	s. 38 (2)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
	s. 38 (3)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
	s. 38 (4)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
	s. 39 (2)	Delete the expression "Commissioner of Police" and substitute therefor the expression "Inspector-General".
The Housing Act (Cap. 117)	s. 2	Insert the following new definition in proper alphabetical sequence – "voluntary contribution" means a contribution made voluntarily to the National Housing Fund under this Act.

	s. 7(3)	Insert the following new paragraph immediately after paragraph (a)— "(aa) all monies paid as voluntary contributions to the National Housing Fund in accordance with regulations made under this Act."
The Official Secrets Act (Cap. 187)	s. 2 (1)	Delete the words "of the first class" in the definition of "court".
		Insert the following new definitions in proper alphabetical sequence— "Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to internal security";
		"data" means information recorded in a format in which it can be processed by equipment operating automatically in response to instructions given for that purpose, and includes representations of facts, information and concepts held in any removable storage medium;
		"telecommunication apparatus" means apparatus constructed or adapted for use in transmitting anything which is transmissible by a telecommunication system or in conveying anything which is transmitted through such a system;
		Delete the definition of "telegraph apparatus".
	s. 6	Delete and substitute therefor the following new section—

Production of data.

6. (1) Where it appears to the Cabinet Secretary that it is in the public interest to do so, the Cabinet Secretary may, by warrant under his hand, require any person who owns or controls any telecommunications apparatus used for the sending or receipt of any data to or from any place outside Kenya, to produce to the Cabinet Secretary or any person named in the warrant, the original or transcripts of all such data and all other documents relating to such data.

(2) Any person who fails to comply with a request made under subsection (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

s. 10 (1) Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".

s. 10 (2) Delete the expression "Attorney-General" and substitute therefor the expression "Director of Public Prosecutions".

s. 19 (1) Delete the expression "Attorney-General" and substitute therefor the

expression "Director of Public Prosecutions".

The Film and Stage Plays Act (Cap. 222)

Long title.

Delete and substitute therefor the following—

"An Act of Parliament to provide for regulation of the creation, broadcasting, exhibition and distribution of films, the classification of films and commercials, for the licensing of stage plays, theatres and cinemas; and for connected purposes."

s. 2

Delete the definition of the word "film" and substitute therefor the following new definition—

"film" means any sequence of visual images recorded in such a manner that by using such recording, such images will be capable of being seen as moving pictures, which series of images, with or without associated sounds, is intended for distribution, broadcasting and exhibition to the public.

Delete the definition of the word "poster".

Insert the following new definitions in their proper alphabetical sequence—

"advertisement" means a sponsored public message to promote or sell a product, service, event or idea;

"broadcasting" and "broadcast" means the unidirectional conveyance of information through sounds, signals, words, or images, whether encrypted or

not, by radio or other means of telecommunications, for reception by the public;

"commercial" means an advertisement that is broadcast;

"trailer" means an advertisement for a film;

s. 3 Delete and substitute therefor the following new section—

Licensing officer.

3. The chief executive officer of the Board shall be the licensing officer.

s. 15 Delete and substitute therefor the following new section—

Functions of the Board.

15. The functions of the Board are to regulate the creation, broadcasting, possession, distribution and exhibition of films by—

(a) classifying—

(i) all films and related promotional materials; and

(ii) commercials;

(b) issuing licences to film makers, film agents, distributors and exhibitors;

(c) developing guidelines for the classification of films, trailers and commercials;

(d) prescribing the procedure for—

(i) applying for a filming license; and

(ii) applying to distribute or exhibit films.

(e) regulating online film content in Kenya to protect the online safety of children by—

(i) protecting them from online harm; and

(ii) safeguarding their privacy and identity.

s. 16 Repeal.

s. 17 Delete and substitute therefor the following new section—

Classification.

17. (1) This section limits the right to freedom of expression for the purpose and only to the extent of protecting children from exposure to mature or adult content that may be harmful to their development, in the best interests of the child.

(2) Films and trailers may be classified as—

(a) general exhibition;

(b) parental guidance for children under the age of ten years;

(c) parental guidance for children under the age of thirteen years;

(d) unsuitable for children under the age of sixteen years;

(e) strictly for adults only; or

(f) prohibited.

(3) Where a film has been classified in accordance with this section, the classification shall be displayed conspicuously—

(a) on or through the cover or packaging; and

(b) before the commencement of any broadcast or exhibition of the film or related trailer.

(4) Advertisements may be classified as—

(a) approved for general exhibition; or

(b) approved for exhibition in places or through media to which access by children is restricted

(5) Commercials may be classified as—

(a) suitable for the watershed period;

(b) unsuitable for the watershed period; or

(c) prohibited.

(6) For the purposes of this section and Article 24(2) of the Constitution of Kenya, 2010, a film, trailer or commercial may only be prohibited if it contains content that is—

(a) propaganda for war;

(b) incitement to violence;

(c) hate speech; or

(d) advocacy of hatred that—

(i) constitutes ethnic incitement, vilification of others;

(ii) incitement to cause harm; or

		(iii)is based on any ground of discrimination specified or contemplated in Article 27(4) of the Constitution. (7) A person who fails to comply with the provisions of this section commits an offence.
The Kenya Roads Board Act, 1999 (No. 7 of 1999)	Second Schedule, paragraph 3	Delete subparagraph (1) and substitute therefor the following new subparagraph— "(1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting, at such place or places in Kenya and at such time or times as the chairman may determine."
The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)	s.4(4)	Insert the words "and the trial shall be heard and determined within two years from the date of filling the charge" immediately after the words "until completion".
	s.16	Delete.
	s.17	Delete.
	s.18	Delete.
	s.20	Delete.
	s.21	Delete.
	s.22	Delete.

s.62(1) Delete the phrase "Provided that the case shall be determined within twenty-four months" appearing immediately after the words "of the case".

s. 62 Insert the following new subsection immediately after subsection (1)—

"(1A) Where the case against a suspended public officer or state officer is not concluded within twenty-four months—

(a) the suspended officer may apply to the trial court for reinstatement; and

(b) the court shall hear representations by the Director of Public Prosecutions and the Commission before determining the application.

s.62(6) Delete and substitute therefor the following new subsections—

(6) The Commission may, by an *ex parte* application to the High Court, seek for an order barring an appointed state officer who is under investigation for or has been charged with corruption or an offence of economic crime from accessing a public office or exercising specified powers of that office where investigations have established grounds to reasonably suspect that the state officer is likely to—

(a) conceal, alter, destroy, remove records, documents or other evidence;

(b) intimidate, threaten or otherwise interfere with witnesses; or

(c) interfere with investigations in any other manner.

(7) An order granted under subsection (6) shall be in force for a period not exceeding ninety days.

The Public Officer Ethics Act, 2003 (No. 4 of 2003) s.3

Delete and substitute therefor the following new section—

Determination of responsible Commission.

3. (1) This section determines what body is the responsible Commission for a public officer for the purposes of this Act.

(2) The committee of the National Assembly responsible for the ethics of members is the responsible Commission for—

(a) members of the National Assembly including the Speaker;

(b) the President;

(c) the Deputy President;

(d) Cabinet Secretaries;

(e) The Attorney-General; and

(f) members of commissions and independent offices established under the Constitution or any written law.

(3) The committee of the Senate responsible for the ethics of members is the responsible Commission for–

(a) members of the Senate including the Speaker;

(b) Governors; and

(c) Deputy Governors.

(4) The committee of the County Assembly responsible for the ethics of members is the responsible Commission for—

(a) members of the County Assembly including, the Speaker of the County Assembly; and

(b) members of the County Executive Committee;

No. 22 of 2011.

(5) The Ethics and Anti-Corruption Commission established under Article 79 of the Constitution and section 3 of the Ethics and Anti-Corruption Commission Act, 2011 shall be the responsible Commission for its staff.

(6) The Public Service Commission established under Article 233 of the Constitution shall be the responsible Commission for—

(a) the public officers in respect of which it exercises disciplinary control;

(b) the public officers who are officers,

employees or members of state corporations that are public bodies; and

(c) any other public officer as may be prescribed by Regulations.

No. 17 of 2012.

(7) The County Public Service Board established under section 57 of the County Governments Act, 2012 shall be the responsible Commission for county public officers other than the Clerk and staff of a County Assembly.

(8) The Judicial Service Commission established under Article 171 of the Constitution shall be the responsible Commission for judges, magistrates, Kadhis and the public officers in respect of which it exercises disciplinary control.

(9) The Independent Electoral and Boundaries Commission established under Article 88 of the Constitution shall be the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(10) The Teachers Service Commission established under Article 237 of the Constitution shall be the responsible Commission for all registered teachers under its

employment, and for the officers and employees of the Teachers Service Commission.

(11) The Defence Council established under the Article 241(5) of the Constitution shall be the responsible Commission for members of the armed forces, within the meaning of the Kenya Defence Forces Act, 2012.

(12) The National Intelligence Service Council established under section 64 of the National Intelligence Service Act, 2012 shall be the responsible Commission for members of the National Intelligence Service established under that Act.

(13) The Board of Directors of the Central Bank of Kenya established under section 3 of the Central Bank of Kenya Act, is the responsible Commission for officers and employees of—

(a) the Central Bank of Kenya; and

(b) banks and financial institutions licensed under the Banking Act that are state corporations.

(14) For the purposes of subsection (13), "officers"—

(a) include the members of the board, by whatever name called, carrying out or empowered to carry out functions relating to the overall direction and management of a bank of a financial institution, other than members who are members of the public service for whom the Public Service Commission is the responsible Commission; and

(b) do not include members of the Board of Directors of the Central Bank of Kenya.

No. 42 of 2012.

(15) The Commission for University Education established under section 4 of the Universities Act, 2012 shall be the responsible Commission for officers and employees of a public university, including members of a council of a public university other than members who are members of the public service for whom the Public Service Commission is the responsible Commission.

(16) The National Police Service Commission established under Article 246 of the Constitution shall be the responsible

		Commission for all members of the National Police Service established under Article 243 of the Constitution, and includes civilian members of staff of the Service. (17) The responsible Commission for a public officer for which no responsible Commission is otherwise specified under this section shall be the Public Service Commission. (18) The body with the power to exercise disciplinary control over a state or public officer under the Constitution or any written law, shall the responsible Commission for the state or public officer where no Commission is expressly provided under this section.
	s. 3 (9A)	Delete the expression "2003" and substitute therefor the expression "2006".
	s.33(4)	Delete and substitute therefor the following new subsection— (4) The failure by any responsible Commission to establish administrative procedures required under this section shall not excuse a public officer from the responsibility to make a declaration required under this Act.
The Statistics Act, 2006 (No. 4 of 2006)	s. 23	Delete subsections (3) and (4) and substitute therefor the following new subsections— "(3) The Director-General may, with the approval of the Board,

		cause any official statistical data collected, analysed and disseminated by the Bureau to be cancelled, revised or adjusted where such data is found not to be accurate: Provided that where such data relates to the size of the population, the Board shall inform the Cabinet Secretary accordingly and the Cabinet Secretary shall seek the approval of the full Cabinet to make the desired cancellation, revision or adjustment. "(4) The Cabinet Secretary shall, within fourteen days of receiving approval under subsection (3), publish the official data which is cancelled, revised or adjusted, in the *Gazette*."
The Employment Act, 2007 (No. 11 of 2007)	s. 2	Delete the definition of the expressions "basic salary", "employee contribution", and "National Housing Development Fund".
	s. 3 (2)	Delete paragraph (a) and substitute therefor the following new paragraph— "(a) the Kenya Defence Forces or the reserve as respectively defined in the Kenya Defence Forces Act, 2012." Insert the following new paragraph immediately after paragraph (b)— "(ba) the Kenya Coast Guard Service."
	s. 31A	Delete.
The Accountants Act, 2008 (No. 15 of 2008)	s. 4 (2)	Insert the following new paragraph immediately after paragraph (c)— "(ca) trainee accountant members being—

(i) persons registered under section 17(2A) by the Examinations Board and who are undertaking professional accountancy education or training; and

(ii) persons practising accountancy as part of the initial professional development towards qualification as an accountant."

	s. 4	Insert the following new subsection immediately after subsection (4)— "(5) Membership of the Institute under subsection (4) shall be for such period as the Cabinet Secretary may prescribe, after which the member shall apply for membership under paragraph (b) or (c) of that section."
	s. 17(2A)	Delete and substitute therefor the following new subsection— "(2A) Any person wishing to undertake the examinations in accountancy which are prescribed by the Examinations Board shall first register with the Institute as a trainee accountant."
The Proceeds of Crime and Anti-Money Laundering Act, 2009 (No. 9 of 2009)	s.2	Insert the following new paragraph in the definition of "authorised officer" immediately after paragraph (b)— "(ba) an officer of the Ethics and Anti-Corruption Commission;"
	s.49(1)	Insert the following new paragraphs immediately after paragraph (g)— "(ga) the Director of Public Prosecutions;

		(gb) the Secretary of the Ethics and Anti-Corruption Commission;".
The Counter-Trafficking in Persons Act, 2010 (No. 8 of 2010)	s.19(2)	Insert the following new paragraph immediately after paragraph (e)— "(ea) the Director of Public Prosecutions;"
The Judicial Service Act, 2011 (No. 1 of 2011)	s. 7	Delete the words "two years" and substitute therefor the words "one year".
The Political Parties Act 2011 (No. 11 of 2011)	s. 24(1)	Delete paragraph (a) and substitute therefor the following new paragraph— "(a) such funds, not being less than zero point here percent of the National Government shareable revenues net of mandatory and non-discretionary expenditures of the Government."
The Kenya National Commission on Human Rights Act, 2011 (No.14 of 2011)	s.8	Insert the following new paragraph immediately after paragraph immediately after paragraph (e)— "(ea) to advise the state on the ratification of, or accession to, international and regional treaties relating to human rights."
	s.11(2)	Delete paragraph (ii). Delete paragraph (iii) and substitute therefor the following new paragraph— "(iii) the Office of the Attorney-General."
	s.11(14)	Delete.
The Employment and Labour Relations Court	s. 27	Insert the following new paragraph immediately after paragraph (c)—

Act, 2011 (No. 20 of 2011)		"(ca) delegating judicial, quasi-judicial and non-judicial duties to the Registrar."
The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011)	s. 11(1)(j)	Insert the words "including proceedings for the recovery of property or proceeds of corruption located outside Kenya" immediately after the word "measures".
The National Police Service Commission Act, 2011 (No. 30 of 2011)	s. 10 (2)	Delete the word "concerned".
Public Appointments (Parliamentary Approval) Act, 2011 (No. 33 of 2011)	s. 8(1)	Delete the word "fourteen" and substitute therefor the word "twenty-eight".
The Leadership and Integrity Act, 2012 (No. 19 of 2012)	s.12A	Renumber the existing provision as subsection (1).
		Insert the following new subsection immediately after subsection (1)
		"(2) The Commission shall verify the contents of a self-declaration submitted under subsection (1) within seven days of receipt and advise—
		(a) Parliament; or
		(b) a panel constituted for the shortlisting of persons for appointment to a State Office, on the financial integrity of a person seeking appointment to the state office."
	s.19(6)	Delete and substitute therefor the following new subsection—

"(6) Without prejudice to the foregoing provisions of this section, a State officer or public officer who—

(a) fails to declare operation or control of a bank account outside Kenya; or

(b) fails to submit annual statements of an account he or she has been approved to open, operate or control to the Commission,

commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding five years, or a fine not exceeding five million shillings, or both."

s.40

Renumber exiting provision as subsection (1).

Insert the following new subsection immediately after subsection (1)—

"(2) The High Court may, on an application by any person, declare the assumption of office by a State officer to be invalid for want of signing of the officer's specific Leadership and Integrity Code."

The Universities Act, 2012 (No. 42 of 2012)

s. 24

Insert the following new paragraph immediately after subsection (1)(b)—

"(c) specialized universities, specialising in national security issues."

Insert the following new subsections immediately after subsection 2—

"(3) The provisions of Part V of this Act shall apply, with the necessary modification, to the institutions established under this section.

		(4) A Charter granted to an institution established under this section shall stipulate the conditions under which the institution shall operate, and a clearly defined mandate with regard to specified academic programmes."
The Basic Education Act, 2013 (No. 14 of 2013)	s. 20 (1)	Delete the word "twelve" appearing in the introductory portion and substitute therefor the word "eight".
		Delete paragraph (a) and substitute therefor the following new paragraph—
		"(a) the County Commissioner."
		Delete paragraph (c) and substitute therefor the following new paragraph—
		"(c) seven other members with such qualifications as may be prescribed in regulations and appointed by the Cabinet Secretary."
		Delete paragraphs (d), (e), (f), (g), (h), (i), (j) and (k).
	s. 56 (1)	Delete the word "three" appearing in paragraph (a) and substitute therefor the word "two".
		Delete the word "three" appearing in paragraph (d) and substitute therefor the word "two"
		Delete paragraph (g).
	s. 93 (4)	Delete paragraph (a) and substitute therefor the following new paragraph—

"(a) a person qualified to be appointed as a Judge of the High Court appointed by the Chief Justice."

Delete paragraph (b) and substitute therefor the following new paragraph—

"(b) five other members appointed by the Cabinet Secretary based on such qualifications as may be prescribed in regulations."

Insert the following new paragraph immediately after paragraph (b)—

"(ba) a Secretary appointed by the Cabinet Secretary based on such qualifications as may be prescribed in regulations."

Delete paragraphs (c), (d) and (g).

e Kenya Law form mmission Act, 13 o. 19 of 2013)	s. 8 (1) (b)	Delete the expression "Cabinet Secretary" and substitute therefor the expression "Attorney-General".
	s.8(1)(c)	Delete and substitute therefor the following new paragraph – (c) a representative of the Law Society of Kenya.
	s. 8 (3)	Delete and substitute therefor the following new subsection – "(3) the representatives of the Attorney-General, the Director of Public Prosecutions and the Chief Justice respectively shall be *ex*

		officio members of the Commission."
	s. 9 (2)	Insert the words "other than an *ex officio* member" immediately after the word "Commission".
	s.12 (2)	Insert the words "other than an *ex officio* member" immediately after the word "Commission".
The Scrap Metal Act, 2015 (No. 1 of 2015)	s. 30 (1)	Delete the word "inspector" wherever it occurs and substitute therefor the words "police officer not below the rank of inspector".
The Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 (No. 8 of 2015)	New	Insert the following new section immediately after section 7—

Administration of benefits.

7A. (1) The benefits granted under this Act shall be administered—

(a) in the case of a retired Deputy-President, Vice-President or Prime Minister, by the Office of the President, and shall be provided for in the estimates of the national government referred to in Article 221(1) of the Constitution;

(b) in the case of a retired Speaker of the National Assembly or of the

Senate, by the Parliamentary Service Commission, and shall be provided for in the annual estimates of the parliamentary service prepared pursuant to Article 127(6)(c) of the Constitution; and

(c) in the case of a retired Chief Justice or Deputy Chief Justice, by the Judicial Service Commission, and shall be provided for in the estimates of the Judiciary prepared pursuant to Article 173(3) of the Constitution.

(2) For the avoidance of doubt, subsection (1) shall not apply to the pension, lump sum payment upon retirement, and gratuity provided for in this Act.

The Investment and Financial Analysts Act, 2015 (No. 13 of 2015)	s. 18(1)(e)	Delete the word "public".
		Delete the phrase "a securities and investment" and substituting therefor the phrase "investment (including securities) and financial".
	s. 20	Insert the following new subsections immediately after subsection (1) —

"(1A) A person shall not become a chief investment officer, or head of an investment department or function in a firm investing public funds, or a firm in the practice of investment and financial analysis, unless the person is registered as a certified investment and financial analyst and holds a practising certificate and an annual licence issued by the Registration Committee."

"(1B) A person shall not perform verification, certification and advice of investment of funds in public entity, or a firm in the practice of investment and financial analysis, unless the person is registered as a certified investment and financial analyst and holds a practising certificate and an annual licence issued by the Registration Committee.

"(1C) A person shall not verify investment returns declared by a firm investing public funds, or a firm in the practice of investment and financial analysis, unless the person is registered as a certified investment and financial analyst and holds a practising certificate and an annual licence issued by the Registration Committee".

s. 32 Insert the following new subsection immediately after subsection (a)—

"(aa) money appropriated by the National Assembly."

s. 34 Insert the following new subsection immediately after subsection (4) —

"(4A) The accounts of the Institute relating to monies

		appropriated by the National Assembly shall be audited in accordance with the Public Audit Act, 2015."
The Court of Appeal (Organization and Administration) Act, 2015 (No. 28 of 2015)	s. 26 (1)	Delete and substitute therefor the following new subsection—
		"(1) The Court shall proceed on recess as follows— (a) from the Second Thursday before Good Friday to the first Tuesday after Easter week, both days inclusive; (b) from the 1st August to the 15th September both days inclusive; and (c) from the 21st December to the 13th January, both days inclusive."
The Procurement and Asset Disposal Act, 2015 (No. 33 of 2015)	s. 82	Delete and substitute therefor the following new section—
	Correction, revision, adjustment or amendment of tender.	**82.** (1) Subject to subsection (2) of this section, the tender sum as submitted and read out during the tender opening shall be absolute and final and shall not be the subject of correction, revision, adjustment or amendment in any way by any person or entity. (2) For avoidance of doubt, the provisions of subsection (1) shall not apply to sections 103, 131 and 141 of this Act.
	s. 86(1)	Insert the following new proviso immediately after paragraph (d)—

		"Provided that the provisions of this subsection shall not apply to section 141 of this Act."
	s. 141	Delete and substitute therefor the following new section—
		Framework contracting and multiple awards. **141.** (1) Subject to any prescribed restrictions, an accounting officer of a procuring entity may apply framework contracting arrangements by making awards of indefinite-delivery contracts and multiple awards of indefinite or definite quantity contracts for procurements under this Act. (2) For purposes of subsection (1), "multiple award" means award of separate (partial) contract to two or more bidders of the same item.
The Witness Protection Act, 2016 (No. 16 of 2016)	s. 3J	Delete subsection (4).
	s. 3K (2)	Delete the expression "No. 12 of 2003" and substitute therefor the expression "No. 34 of 2015".
	s. 3K (2)	Insert the following new subsection immediately after subsection (3)— "(4) The legislative and regulatory provisions on classified procurement and disposal of assets shall apply *mutatis mutandis* to the Agency."
The Bribery Act, 2016 (No. 47 of 2016)	s.14(1)	Delete the words "holding a position of authority" appearing immediately after the words "any other person".

The Kenya Coast Guard Service Act, 2018 (No. 11 of 2018)	s. 2	Insert the following new definition in proper alphabetical sequence— "para-military organizations" includes the Kenya Wildlife Service and the Kenya Forest Service.
	s. 6 (2) (a)	Insert the words "para-military organizations" immediately after the words "national security organs".
	s. 7	Insert the following new subsection immediately after subsection (3)— "(3A) The Cabinet Secretary may by notice in the *Gazette* and with the approval of the Council, amend the ranks specified in the First Schedule."
	s. 13 (2)	Insert the following new paragraphs immediately after paragraph (f)— "(fa) the Principal Secretary in the Ministry responsible for matters relating to immigration and citizenship; (fb) the Principal Secretary in the Ministry responsible for matters relating to shipping and maritime affairs; (fc) the Director-General of the Kenya Fisheries Services; (fd) the Director-General of the Kenya Wildlife Service."
	s. 14 (2)	Insert the words "report to the Council and" immediately after the words "the Technical Committee shall".
	Part II of the First Schedule	Delete the expression "Chief Warrant Officer Grade I" and substitute therefor the expression "Warrant Officer I".

		Delete the expression "Chief Warrant Officer Grade II" and substitute therefor the expression "Warrant Officer II".
		Delete the expression "Senior Warrant Officer" and substitute therefor the expression "Senior Sergeant".
The Energy Act, 2019 (No. 1 of 2019)	s. 2	Delete the definition of the term "distribution licence" appearing immediately after the definition of the term "distribution".
	s. 10(a)(ii)	Delete the phrase "with the exception of crude oil".
	s. 12(1)(e)	Delete.
	s. 13(1)	Delete and substitute therefor the following new subsection— "(1) The Cabinet Secretary shall, on the recommendation of the Board, appoint a Director-General, from a list of three names submitted by the Board, who shall be the chief executive officer of the Authority, and shall, subject to the directions of the Board, be responsible for the day to day management of the Authority."
	s. 20(1)(a)	Delete the phrase "half of a".
	s. 20(1), proviso	Delete the word "levies".
	s. 26(4)	Insert the word "in" immediately after the word "terms".
	s. 45(1)(e)	Delete the word "three" and substitute therefor the word "seven".
	s. 45(1)(f)	Delete.
	s. 46(1)	Delete and substitute therefor the following new subsection— "(1) The Cabinet Secretary shall, on the recommendation of the

Board, appoint a Chief Executive Officer, from a list of three names submitted by the Board, who shall be the chief executive of the Corporation and shall, subject to the directions of the Board, be responsible for the day to day management of the Corporation."

s. 61(1) Delete and substitute therefor the following new subsection—

"(1) The Cabinet Secretary shall, on the recommendation of the Board, appoint a Director-General, from a list of three names submitted by the Board, who shall be the chief executive officer of the Agency, and shall, subject to the directions of the Board, be responsible for the day to day management of the Agency."

s. 82 Delete the word "Authority" and substitute therefor the phrase "Renewable Energy Resource Advisory Committee".

s. 98(1)(d) Insert the word "with" immediately after the word "compliance".

s. 100(1)(b) Insert the word "of" immediately after the word "type".

s. 129(2) Delete the word "three" and substitute therefor the word "four".

s. 149(3) Delete the word "licence" and substitute therefor the word "certificate".

s. 166(3) Insert the phrase "to any penalty or" immediately after the word "liable".

Insert the word "or" immediately after the word "majeure".

s. 166(4) Delete the word "six" and substitute therefor the word "eighteen".

s. 167(o)	Delete the word "electrician" and substitute therefor the words "electrical worker".
s. 169(2)	Insert the words "or stolen" immediately after the word "vandalised".
	Delete the phrase "in the attempted vandalism" and substitute therefor the word "as".
s. 199(1)	Insert the word "*Gazette*" immediately after the phrase "by notification in the".
s. 208(1)	Delete the phrase "on the recommendation of" and substitute therefor the phrase "in consultation with".
Second Schedule, para. 4(1)(d)	Delete the words "or Board" and substitute therefor the words "Corporation or Agency".
para. 4(1)(e)	Delete the words "or Board" and substitute therefor the word "Corporation or Agency".
para. 5(2)	Delete the word "Director-General" appearing immediately after the phrase "subparagraph (1)".
para. 7(1)	Insert the words "the Corporation" immediately before the phrase "or the Agency for that year".
para. 7(2)(a)	Insert the words "the Corporation" immediately after the word "Tribunal".
para. 7(3)	Insert the word "Corporation" immediately after the word "Tribunal".
para. 7(4)	Insert the words "the Corporation" immediately after the word "Tribunal".
para. 8(1)	Delete the words "the Authority" appearing immediately after the words "the Tribunal" and substitute therefor the words "the Corporation".

para. 8(9)	Delete the word "Authority" and substitute therefor the word "Authority's".
para. 9(1)	Delete the words "or the Board" and substitute therefor the word "the Corporation or the Agency".
para. 9(2)	Delete the words "or the Board" and substitute therefor the word "the Corporation or the Agency".
para. 9(3)	Delete the words "or the Board" wherever they appear and substitute therefor the word "the Corporation or the Agency".

MEMORANDUM OF OBJECTS AND REASONS

The Statute Law (Miscellaneous Amendment) Bill, 2020 is in keeping with the practise of making various amendments which do not merit the publication of separate Bills and consolidating them into one bill.

The Bill contains amendments to the following statutes—

Interpretation and General Provisions Act (Cap. 2)

The Bill proposes to amend the Interpretation and General Provisions Act (Cap. 2) to harmonise the definition of "Kenya Defence Forces" with the contained in the Kenya Defence Forces Act, 2012. It also proposes to recognise the Attorney-General as the office to administer the matters relating to the legal sector.

The Records Disposal Act (Cap. 14)

The Bill proposes to amend the Records Disposal Act to make provisions empowering the Chief Justice to make rules on the disposal records of the Employment and Labour Relations Court.

The Penal Code (Cap. 63)

The Bill proposes to amend the Penal Code to replace the reference to the Commissioner-General of Police with the Inspector-General in line with the National Police Service Act, 2011.

The Criminal Procedure Code (Cap. 75)

The Bill proposes to amend the Criminal Procedure Code to harmonise the terns therein with the National Police Service Act, 2011 and to provide for police supervision for persons previously imprisoned for offences under the Counter-trafficking in Persons Act, 2012 and the Prevention of Organised Crimes Act, 2010. It additionally proposes to amend the Act to allow the Court to order the recovery of any penalty for the failure to observe a condition that has been ordered or agreed to by an accused person before Court for the grant of bail from the sale of both movable and immovable property of the person; to delete offences already provided for in the Sexual Offences Act, 2006; and to allow an appeal from the High Court in the exercise of its original jurisdiction.

The Evidence Act (Cap. 80)

The Bill proposes to amend the Act to expand the definition of "*Photograph*" and allow for the presentation and admissibility of digital photographs.

The Public Holidays Act (Cap. 109)

The Bill proposes to amend the Public Holidays Act to harmonise the terms applied therein with the Constitution and to rename Moi Day as Utamaduni Day.

The Firearms Act (Cap. 114)

The Bill proposes to amend the Firearms Act to replace the reference to the Commissioner General of Police with the Inspector General in line with the National Police Service Act, 2011.

The Housing Act (Cap. 117)

The Bill proposes to amend the Housing Act to remove the mandatory nature of contributions to the National Housing Fund.

The Official Secrets Act (Cap. 187)

The Bill proposes to amend the Official Secrets Act to harmonise its provisions with the structure of courts and other State offices established by the Constitution. It also proposes to amend the Act to harmonise it with advances in technology.

The Films and Stage Plays Act (Cap. 222)

The Bill proposes to amend the Films and Stage Plays Act to empower the Kenya Film Classification Board to regulate and manage matters touching on classification of films, commercials and other advertisements, and online film content.

The Kenya Roads Board Act, 1999 (No. 7 of 1999)

The Bill seeks to amend the Act to provide for the minimum number of meetings the Board can hold in any given year, and depart from the current situation where the Board must hold a meeting every month.

The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)

The Bill proposes to amend the Act to allow a public officer whose case is not concluded within twenty-four (24) months to apply to the Court for his or her suspension to be lifted and to allow the Commission to apply to Court for an order for a State Officer under investigation or charged with corruption or economic crimes to be temporarily restricted from specific access to their office for a period not exceeding ninety (90) days. It additionally proposes to delete Part IIIB of the Act which relates to the defunct Kenya Anti-Corruption Commission Advisory Board.

The Statistics Act, 2006 (No. 4 of 2006)

The Bill propose to amend the Statistics Act to give the Board the power to cancel or revise data if data is found to be inaccurate.

The Employment Act, 2007 (No. 11 of 2007)

The Bill proposes to amend the Employment Act, 2007 to remove references to contributions to the National Housing Fund and also to harmonise the reference to the armed forces with the terms applied in the

Kenya Defence Forces Act, 2007 and also to exclude the Coast Guard Service from its provisions.

The Accountants Act, 2008 (No. 15 of 2008)

The Bill seeks to amend the Accountants Act to introduce trainee accountants as a category of persons to be subject to the Act and make some additional provisions in that respect.

The Proceeds of Crime and Anti-Money Laundering Act, 2009 (No. 9 of 2009)

The Bill seeks to amend the Act to include investigators from the Ethics and Anti-Corruption Commission as *authorised officer*s under the Act and to include the Secretary of the Ethics and Anti-Corruption Commission and the Director of Public Prosecutions as members of the Anti-Money Laundering Advisory Board.

The Counter-Trafficking in Persons Act, 2010 (No. 8 of 2010)

The Bill proposes to amend the Act to include the Director of Public Prosecutions in the Counter-Trafficking in Persons Advisory Committee.

The Judicial Service Act, 2011 (No. 1 of 2011)

The Bill proposes to amend the Judicial Service Act to reduce the post-qualification years of experience required for recruitment as a legal researcher from two years to one year.

The Political Parties Act 2011 (No. 11 of 2011)

The Bill proposes to amend the Political Parties Act to clarify the amount of money payable by Government into the Political Parties Fund.

The Kenya National Commission on Human Rights Act 2011 (No. 14 of 2011)

The Bill proposes to amend the KNCHR Act, 2011 to elaborate on the functions of the Commission and to update the provisions relating to appointment of members of the Commission.

The Employment and Labour Relations Court Act, 2011 (No. 20 of 2011)

The Bill proposes to amend the Employment and Labour Relations Court Act, 2011 to empower the Chief Justice to make rules for the delegation of specified powers to the Registrar for purposes of the Civil Procedure Act (Cap. 21).

The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011)

The Bill proposes to amend the Act to allow the Ethics and Anti-Corruption Commission to institute proceedings for the recovery of

corruptly acquired assets located outside Kenya. It further proposes to amend the Act to allow the Ethics and Anti-Corruption Commission to institute proceedings for the recovery of corruptly acquired assets located outside Kenya.

The Public Appointments (Parliamentary Approval) Act, 2011 (No. 33 of 2011)

The Bill proposes to amend the Public Appointments (Parliamentary Approval) Act, 2011 to increase the period during which a House of Parliament shall consider a nomination and table its report, from fourteen to twenty-eight days.

The Leadership and Integrity Act, 2012 (No. 19 of 2012)

The Bill proposes to amend the Act to allow the Ethics and Anti-Corruption Commission to verify the contents of any self-declaration form filed by a person intending to be appointed to a State office and to advise Parliament or a selection panel on the suitability of the person for appointment. It additionally proposes to introduce the offences of operating an account outside Kenya without approval by the Commission and failing to submit annual statements of such accounts to the Commission. Both Offences attract a penalty of five years imprisonment or a fine of five million shillings, or both. It further proposes to allow the High Court to invalidate the assumption to office of a State Officer where they fail to sign the Leadership and Integrity Code.

The Universities Act, 2012 (No. 42 of 2012)

The Bill proposes to amend the Act to provide for the establishment by Charter of degree-awarding institutions specialising in national security issues, and to apply the provisions of the Act relating to administration and management of universities to those institutions.

The Basic Education Act, 2013 (No. 14 of 2013)

The Bill proposes to amend Basic Education Act, 2013 to harmonise the provisions relating to membership of the County Education Boards, Boards of Management and the Education Appeals Tribunal.

The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)

The Bill proposes to amend the Kenya Law Reform Commission Act, 2013 to provide for the powers of the Attorney-General with respect to the Commission and to streamline membership by *ex officio* members in the Commission.

The Scrap Metal Act, 2015 (No. 1 of 2015)

The Bill proposes to amend the Scrap Metal Act, 2015 to provide for the powers of a police officer during investigations under the Act.

The Retirement Benefits (Deputy President and Designated State Officers) Act, 2015

The Bill proposes to amend the Act to provide for, firstly, the administration of benefits due to retired Deputy-President, Vice-President, Prime Minister, Speakers of Parliament, Chief Justice and Deputy Chief Justice, and, secondly, for such benefits to be factored in the respective estimates of the national government, the parliamentary service and the Judiciary, submitted for approval by the National Assembly. However, the administration of pension, lump sum payment upon retirement, and gratuity provided for in the Act shall not be affected by this amendment, and will continue being administered by the relevant office in the National Treasury.

The Investment and Financial Analysts Act, 2015 (No. 13 of 2015)

The Bill proposes to amend the Investment and Financial Analysts Act to streamline the day to day operations of the Institute with the Act.

The Court of Appeal (Organisation and Administration) Act, 2015 (No. 28 of 2015)

The Bill proposes to amend the of Appeal (Organisation and Administration) Act, 2015 to provide for the vacation dates of the Court to harmonise them with those applying in other courts.

The Procurement and Asset Disposal Act, 2015 (No. 33 of 2015)

The Bill proposes to amend the Act to address the challenges faced by procuring entities in implementing multiple awards of contracts in the wake of sections 82 and 86 of the Act.

The Bribery Act, 2016 (No. 47 of 2016)

The Bill proposes to amend the Act to require all persons, and not just those holding a position of responsibility, to report any knowledge or suspicion of bribery.

The Kenya Coast Guard Act, 2018 (No. 11 of 2018)

The Bill proposed to amend the Kenya Coast Guard Act, 2018 to include the Kenya Wildlife Service and the Kenya Forest Service as bodies from which the Service can recruit officers. It also proposes to expand the Technical Committee of the Service and to standardise the ranks in the Service with the Defence Forces.

The Energy Act, 2019 (No. 1 of 2019)

The Bill proposes to amend the Energy Act to cure ambiguity and typographical errors, and to streamline membership to various bodies created in the statute.

This Bill is not a Bill concerning county government within the meaning of Article 110 of the Constitution.

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

Dated the 3rd June, 2020.

ADEN DUALE,
Leader of Majority Party.

Interpretation and General Provisions Act (Cap. 2)

Section 3 which is intended to amend—

Interpretation of terms

"armed forces" has the same meaning as in the Armed Forces Act (Cap. 199);

"the Cabinet Secretary" means the Cabinet Secretary for the time being responsible for the matter in question, or the President where executive authority is retained by him:

Provided that for the purposes of the administration of laws relating to the legal sector, the expression shall, subject to any assignment under Article 132 (3)(c) of the Constitution, include the Attorney-General.

The Records Disposal Act (Cap. 14)

Section 2 which is intended to amend—

Power to make rules for the disposal of records

The Chief Justice after consultation with the Kenya National Archives and Documentation Service and the Commission on Administrative Justice and subject to the provisions of the Public Archives Act (Cap.19), may from time to time make rules to provide for the disposal by destruction or otherwise of such records, books and papers, belonging to or being in the custody of the High Court or of courts of civil or criminal jurisdiction subordinate thereto, as he may consider to be of no further use or unworthy of being permanently preserved.

The Penal Code (Cap. 63)

Section 52 which is intended to amend—

52. Power to prohibit publications

(1) Where the Minister, on reasonable grounds, considers that it is necessary in the interests of public order, health or morals, the security of Kenya, and to be reasonably justifiable in a democratic society, the Minister may, by order published in the *Gazette*, prohibit the importation of any publication.

(2) Where the Minister, on reasonable grounds, considers that it is necessary in the interests of defence, public order, public morality or public health so to do and to be reasonably justifiable in a democratic society, the Minister may, by order in the *Gazette*, declare any publication to be a prohibited publication.

(3) There is established a Board to be known as the Prohibited Publications Review Board (hereinafter referred to as "the Board") which shall comprise—

(a) the Attorney-General or his representative, who shall be the chairman;

(aa) the Director of Public Prosecutions or his representative;

(b) the Commissioner of Police or his representative;

(c) the Director of Medical Services or his representative;

(d) two persons from the religious community, to be appointed by the Minister; and

(e) two other persons of integrity, good character and good standing to be appointed by the Minister.

The Criminal Procedure Code (Cap. 75)

Section 2 which is intended to amend—

Interpretation

In this Code, unless the context otherwise requires—

"police officer" means a police officer or an administration police officer;

"police station" means a place designated by the Inspector-General as a police station under section 40 of the National Police Service Act, 2011.

Section 36A which is intended to amend—

36A. Remand by court

(1) Pursuant to Article 49(1) (f) and (g) of the Constitution, a police officer shall present a person who has been arrested in court within twenty-four hours after being arrested.

(2) Notwithstanding subsection (1), if a police officer has reasonable grounds to believe that the detention of a person arrested beyond the twenty-four hour period is necessary, the police officer shall—

(a) produce the suspect before a court; and

(b) apply in writing to the court for an extension of time for holding the suspect in custody.

(3) An application under subsection (2) shall be supported by an affidavit sworn by the police officer and shall specify—

(a) the nature of the offence for which the suspect has been arrested;

(b) the general nature of the evidence on which the suspect has been arrested;

(c) the inquiries that have been made by the police in relation to the offence and any further inquiries proposed to be made by the police; and

(d) the reasons necessitating the continued holding of the suspect in custody.

(4) In determining an application under subsection (2), the court shall consider any objection that the suspect may have in relation to the application and may—

(a) release the suspect unconditionally;

(b) release the suspect subject to such conditions as the court may impose to ensure that the suspect—

(i) does not, while on release, commit an offence, interfere with witnesses or the investigations in relation to the offence for which the suspect has been arrested;

(ii) is available for the purpose of facilitating the conduct of investigations and the preparation of any report to be submitted to the court dealing with the matter in respect of which the suspect stands accused; and

(iii) appears at such a time and place as the court may specify for the purpose of conducting preliminary proceedings or the trial or for the purpose of assisting the police with their inquiries; or

(c) having regard to the circumstances specified under subsection (5), make an order for the remand of the suspect in custody.

(5) A court shall not make an order for the remand in custody of a suspect under subsection (5)(c) unless—

(a) there are compelling reasons for believing that the suspect shall not appear for trial, may interfere with witnesses or the conduct of investigations, or commit an offence while on release;

(b) it is necessary to keep the suspect in custody for his protection, or, where the suspect is a minor, for his welfare;

(c) the suspect is serving a custodial sentence; or

(d) the suspect, having been arrested in relation to the commission of an offence, has breached a condition for his release.

(6) The court may, for the purpose of ensuring the attendance of a suspect under subsection ((4)(b)(ii) or (iii), require the suspect—

(a) to execute a bond for such reasonable amount as the court considers appropriate in the circumstances; and

(b) to provide one or more suitable sureties for the bond.

(7) Where a court makes an order for the remand of a suspect under subsection (4)(c), the period of remand shall not exceed thirty days.

Section 344A which is intended to amend—

344A. Automatic police supervision

(1) A person who is convicted of an offence under section 296(1), 297(1), 308 or 322 of the Penal Code the Prevention of Terrorism Act or the Sexual Offences Act shall be subject to police supervision for a period of five years from the date of his release from prison.

The Public Holidays Act (Cap. 109)

Section 3 which is intended to amend—

3. Alteration or addition of public holiday

The Minister may at any time if he thinks fit, by notice in the *Gazette*, declare any day to be a public holiday either in addition to the days mentioned in the Schedule or in substitution for any of those days and either throughout Kenya or in any district, area or part thereof, and thereupon any day so appointed shall be a public holiday in all respects as if it were a day mentioned in the Schedule, in Kenya or the locality specified in the notice; and where, in any year, any day is so declared to be a public holiday in substitution for any of the days mentioned in the Schedule such latter day shall in such year cease to be a public holiday in Kenya or the locality specified in the notice.

The Firearms Act (Cap. 114)

Section 2 which is intended to amend—

"approved carrier" means a carrier approved by the Commissioner of Police;

Section 27 which is intended to amend—

27. Importation and exportation of firearms

(8) For the purposes of this section, "authorized officer" means a police officer or customs officer authorized by the Commissioner of Police in writing to grant import and export permits under this section or a licensing officer appointed under section 3.

Section 29 which is intended to be amended—

29. Removal and transportation of firearms and ammunition within Kenya

(3) No removal permit shall be issued under this section authorizing the removal or transport of firearms or ammunition by road from one area to another, save with the general or specific authority of the Commissioner of Police.

Section 38 which it is intended to amend—

38. Disposal of firearms, etc.

(1) Where any firearm or ammunition has been held for a period exceeding three months in a firearms store maintained by the Kenya Police Force, the Commissioner of Police may order the destruction or other disposal of that firearm or ammunition together with any case, holster, strap, lanyard, cleaning equipment, spare part or other accessory packed, carried or stored with the firearm or ammunition.

(2) Before destruction or disposal under subsection (1) the Commissioner of Police shall take such steps as he deems possible and appropriate to give notice to the owner of the firearm or ammunition (if known) of his intention so to act, and subject thereto shall allow the owner a period of not less than two months within which to make arrangements to the satisfaction of the Commissioner of Police for the disposal of the firearm or ammunition.

(3) In the event of a firearm or ammunition being sold by the Commissioner of Police or any person or body on his behalf, the proceeds of the sale, after deduction of the expenses of and incidental to the sale, shall be paid over to the owner or, if the owner cannot by the exercise of reasonable diligence be traced, shall be held on deposit for a period of three months and shall then be paid into the Consolidated Fund.

(4) Where the firearm or ammunition has been sold in bulk together with other firearms or ammunition in circumstances which prevent the actual proceeds and expenses from being separately identified, the proportions of the bulk proceeds and expenses attributable to the owner shall be assessed and determined by or under the directions of the Commissioner of Police.

Section 39 which is intended to amend—

39. Appeals in connection with disposal of firearms, etc.

(1) Any owner aggrieved by any act or omission done or made under section 38 may, within fourteen days of the receipt of notice, whether written or oral, of the act or omission or, in the absence of notice, within thirty days of the act or omission, appeal to the Minister, whose decision thereon shall be final.

The Official Secrets Act (Cap. 187)

Section 2 which it is intended to amend—

"court" means a subordinate court of the first class;

"telegraph apparatus" has the same meaning as in the Kenya Posts and Telecommunications Corporations Act (Cap. 411) (repealed) of the Community.

Section 6 which it is intended to amend—

6. Production of telegrams

(1) Where it appears to the Minister that it is expedient in the public interest to do so, he may, by warrant under his hand, require any person who owns or controls any telegraph apparatus used for the sending or receipt of telegrams to or from any place outside Kenya, to produce to him, or to any person named in the warrant, the originals and transcripts of all telegrams or of telegrams of any specified class or description or of telegrams sent from or addressed to any specified person or place, sent to or received from any place outside Kenya by means of any such telegraph apparatus and all other papers relating to any such telegram as aforesaid.

(2) Any person who, having been required under subsection (1) of this section to produce the originals and transcripts of telegrams, refuses or neglects to comply with such requirement, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

Section 10 which it is intended to amend—

10. Consent to prosecution

(1) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General.

(2) A person charged with an offence under this Act may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

Section 19 which it is intended to amend—

19. Duty to give information as to commission of certain offences

(1) Where the Attorney-General is satisfied that there is reasonable ground for suspecting that an offence under this Act has been, or is about to be, committed and for believing that some person is able to furnish information with regard thereto, he may authorize a gazetted police officer to require that person to give any information in his power relating to the offence or suspected offence and, if so required and on tender of his

reasonable expenses, to attend at such reasonable time and place as may be specified by the gazetted police officer.

The Kenya Roads Board Act, 1999 (No. 7 of 1999)

Paragraph 3 of the Second Schedule to No. 7 of 1999 which it is proposed to amend—

Meetings of the Board

(1) The Board shall meet at such place or places in Kenya and at such time or times as the chairman may determine and shall meet at least once in every month.

(2) An ordinary meeting of the Board shall be convened by at least fourteen days' written notice to the members by the Director to the Board.

(3) The chairman may, in his discretion, and shall at the written request of at least half of the members of the Board and within seven days of such request, cause an extraordinary meeting of the Board to be summoned at such place and time as he may appoint.

(4) The quorum of any meeting of the Board shall be one half of the membership of the Board.

(5) Where there is no quorum at a meeting of the Board, or for the continuation of a meeting of the Board by reason of the exclusion of a member on account of the provisions governing disclosure of interest, the members present shall postpone consideration of the matter in question until there is a quorum.

(6) The Board may make standing orders for the regulation of its proceedings and business or the proceedings and business of any of its committees and shall inform the Minister in writing of all such standing orders.

(7) The minutes of each meeting of the Board or of a committee of the Board shall be kept by the executive secretary to the Board and shall be confirmed by the Board or the committee at the succeeding ordinary meeting and be duly signed by the chairman or the person presiding.

(8) (a) The chairman shall preside over all meetings of the Board and in his absence, the members of the Board forming a quorum shall appoint one of their number to chair the meeting.

(b) A person appointed to chair a meeting of the Board under this subsection shall at that meeting exercise all the powers of the chairman.

(9) At any meeting of the Board, the decision of the Board on any matter shall be that of the majority of members present and voting and the

chairman or the person presiding shall have in the event of an equality of votes, a casting vote in addition to his deliberative vote.

The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)

Section 62 of No. 3 of 2003 which it is proposed to amend—

Suspension, if charged with corruption or economic crime

62. (1) A public officer or state officer who is charged with corruption or economic crime shall be suspended, at half pay, with effect from the date of the charge until the conclusion of the case:

Provided that the case shall be determined within twenty-four months.

(2) A suspended public officer who is on half pay shall continue to receive the full amount of any allowances.

(3) The public officer ceases to be suspended if the proceedings against him are discontinued or if he is acquitted.

(4) This section does not derogate from any power or requirement under any law under which the public officer may be suspended without pay or dismissed.

(5) The following shall apply with respect to a charge in proceedings instituted otherwise than by or under the direction of the Attorney-General—

(a) this section does not apply to the charge unless permission is given by the court or the Attorney-General to prosecute or the proceedings are taken over by the Attorney-General; and

(b) if permission is given or the proceedings are taken over, the date of the charge shall be deemed, for the purposes of this section, to be the date when the permission is given or the proceedings are taken over.

(6) This section does not apply with respect to an office if the Constitution limits or provides for the grounds upon which a holder of the office may be removed or the circumstances in which the office must be vacated.

(7) This section does not apply with respect to a charge laid before this Act came into operation.

The Public Officer Ethics Act (No. 4 of 2003)

Section 3 which it is intended to amend—

Determination of responsible Commission

3. (1) This section determines what body is the responsible Commission for a public officer for the purposes of this Act.

(2) The committee of the National Assembly responsible for the ethics of members is the responsible Commission for—

(a) members of the National Assembly including, for greater certainty, the President, the Speaker and the Attorney-General;

(b) members of the Electoral Commission and the Public Service Commission; and

(c) the Controller and Auditor-General;

(d) Directors and Assistant Directors of the Kenya Anti-Corruption Commission.

(3) The Public Service Commission is the responsible Commission for the public officers in respect of which it exercises disciplinary control and for the public officers described in paragraphs (d) and (e) of section 107(4) of the Constitution and for public officers who are officers, employees or members of state corporations that are public bodies.

(4) The Judicial Service Commission is the responsible Commission for judges, magistrates and the public officers in respect of which it exercises disciplinary control.

(5) The Parliamentary Service Commission is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(6) The Electoral Commission is the responsible Commission for councillors of local authorities.

(7) The Teachers Service Commission established under the Teachers Service Commission Act (Cap. 212) is the responsible Commission for teachers registered under that Act.

(8) The Defence Council established under the Armed Forces Act (Cap. 199) is the responsible Commission for members of the armed forces, within the meaning of that Act.

(9) The National Security Intelligence Council established under the National Security Intelligence Service Act, 1998 (No. 11 of 1998) is the responsible Commission for members of the National Security Intelligence Service established under that Act.

(9A) The Witness Protection Advisory Board established under the Witness Protection Act, 2003 shall be the responsible commission for the members of the Witness Protection Agency established under that Act.

(10) The responsible Commission for a public officer for which no responsible Commission is otherwise specified under this section is the commission, committee or other body prescribed by regulation.

(11) A body that is the responsible Commission for a public officer by virtue of exercising disciplinary control over that public officer remains the responsible Commission notwithstanding the delegation of any disciplinary powers with respect to that public officer.

The Statistics Act (No. 4 of 2006)

Section 23 which it is intended to amend—

23. Director-General may give information

(1) The Director-General may at the request of any person or agency and upon payment of such fee, if any, as may be prescribed by the Board, provide to that person or agency, any special information or report concerning, or carry out for that person or agency any special investigation into, any of the matters specified in the First Schedule:

Provided that the person requesting for information shall undertake in writing, to the satisfaction of the Director-General—

(a) to use the information so obtained only for research purposes; and

(b) not to release such information to any other person except with the prior written consent of the Director-General.

(2) The Director-General may, with the approval of the Board, cause statistical data collected by the Bureau to be disseminated to the public after ascertaining its accuracy and safeguarding the confidentiality with respect to the information.

(3) Upon request by the Board, the Cabinet Secretary may with the approval of the Cabinet, cause any official statistical data collected, analyzed and disseminated by the Bureau to be cancelled, revised or adjusted after ascertaining that the data is not accurate.

(4) The Cabinet Secretary shall within fourteen days of approval by the Cabinet, publish the official data that has been cancelled, revised or adjusted under sub-section (3), in the *Gazette*.

The Employment Act (No. 11 of 2007)

Section 3 which it is intended to amend—

3. Application

(2) This Act shall not apply to—

(a) the armed forces or the reserve as respectively defined in the Armed Forces Act (Cap. 199);

(b) the Kenya Police, the Kenya Prisons Service or the Administration Police Force;

(c) the National Youth Service; and

(d) an employer and the employer's dependants where the dependants are the only employees in a family undertaking.

The Accountants Act (No. 15 of 2008)

Section 17 which it is intended to amend—

17. Functions of the Examinations Board

(2A) The Examinations Board shall, prior to registering a person to undertake an examination in accounting, require that the person be registered as a member of the Institute.

The Judicial Service Act (No. 1 of 2011)

Section 7 which it is intended to amend—

7. Legal researchers

Every Judge shall have a legal researcher who shall be an advocate of the High Court with at least two years post-qualification experience.

The Political Parties Act (No. 11 of 2011)

Section 24 which it is intended to amend—

24. Sources of moneys in the Fund

(1) The sources of the Fund are—

(a) such funds not being less than zero point three per cent of the revenue collected by the national government as may be provided by Parliament; and

(b) contributions and donations to the Fund from any other lawful source.

(2) The balance of the Fund at the end of the financial year shall be retained for the purposes for which the Fund is established, subject to any law relating to public finance.

The National Police Service Commission Act (No. 30 of 2011)

Section 10 which it is intended to amend—

(2) Subject to the provisions of the Constitution or any written law, the Commission may delegate to the concerned Inspector-General the recruitment, appointment and promotion of police officers under the rank of superintendent:

Provided that the Inspector-General shall, during such recruitment, appointment or promotion, take into account gender, county and ethnic balancing.

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

Section 8 which it is intended to amend—

8. Period for consideration and report

(1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

(2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.

Leadership and Integrity Act, 2012 (No. 19 of 2012)

Section 12A of No. 19 of 2012 which it is proposed to amend—

Self-declaration

12A. Any person intending to be appointed to a State office shall submit to the Commission a self-declaration form in the form set out in the First Schedule.

Section 19 of No. 19 of 2012 which it is proposed to amend—

Bank accounts outside Kenya

19. (1) Subject to Article 76(2) of the Constitution or any other written law, a State officer shall not open or continue to operate a bank account outside Kenya without the approval of the Commission.

(2) A State officer who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the Commission for approval to open or operate a bank account.

(3) A State officer who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the Commission and shall authorize the Commission to verify the statements and any other relevant information from the foreign financial institution in which the account is held.

(4) Subject to subsections (1) and (2), upon the commencement of this Act, a serving State officer who operates a bank account outside

Kenya shall close the account within six months or such other period as the Commission may, by notice in the *Gazette*, prescribe.

(5) This section shall apply to—

(a) a State officer; and

(b) a Public officer.

(6) Without prejudice to the foregoing provisions of this section, a State officer who fails to declare operation or control of a bank account outside Kenya commits an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding five years, or a fine not exceeding five million shillings, or both.

Section 40 of No. 19 of 2012 which it is proposed to amend—

State officer to sign Specific Leadership and Integrity Code

40. Upon appointment or election, a State officer shall sign and commit to the specific Leadership and Integrity Code issued by the relevant public entity at the time of taking the oath of office or within seven days of assuming a State office.

Kenya School of Law Act (No. 26 of 2012)

Section 16 which it is intended to amend—

16. Admission requirements

A person shall not qualify for admission to a course of study at the School, unless that person has met the admission requirements, set out in the Second Schedule for that course.

The Second Schedule which it is intended to amend—

The Admission requirements will be as follows—

(a) Admission Requirements into the Advocates Training Programme

(1) A person shall be admitted to the School if—

(a) having passed the relevant examination of any recognized university in Kenya holds, or has become eligible for the conferment of the Bachelor of Laws Degree (LLB) of that university; or

(b) having passed the relevant examinations of a university, university college or other institutions prescribed by the Council of Legal Education, holds or has become eligible for the conferment of the Bachelor of Laws Degree (LLB) in the grant of that university, university college or other institution—

(i) attained a minimum entry requirement for admission to a university in Kenya; and

(ii) obtained a minimum grade B (plain) in English Language or Kiswahili and a mean grade of C (plus) in the Kenya Certificate of Secondary Education or its equivalent; and

2. has sat and passed the Pre-Bar examination set by the School.

(b) Admission Requirements in the Para-Legal Programme

(1) Must have a mean grade of C (C plain) in the Kenya Certificate of Secondary Education (KCSE) (or equivalent examination) and a minimum grade C+ (C plus) in English.

(2) At least one principal pass at the Kenya Advanced Certificate of Education (KACE) examinations.

(3) A distinction or credit pass in the Certificate in Law course conducted at the Kenya School of Law (2000 – 2003) or any other Certificate or Diploma in a relevant field.

The Universities Act, 2012 (No. 42 of 2012)

Section 24 of No. 42 of 2012 which it is proposed to amend—

Establishment of specialized degree awarding institutions

(1) The President, on the recommendation of the Commission through Cabinet Secretary, and with the approval of Parliament may by award of Charter, establish—

(a) specialized degree-awarding or research institutions whose mandate shall be of strategic national importance; and

(b) a national Open University as a specialized university under this section, to offer university programmes through distance and e-learning mode.

(2) The institutions established under this section shall be prioritized by the Commission with respect to accreditation and the development of the governing instruments.

The Basic Education Act, 2013 (No. 14 of 2013)

Section 20 which it is intended to amend—

20. Composition of the County Education Boards

(1) Every County Education Board shall consist of a Chairperson, and twelve other members appointed by the Cabinet Secretary through an open and competitive process and shall include—

(a) an educationist of at least five years standing, based in the county;

(b) the County Director of Education or his or her representative who shall be the Secretary to the County Education Board;

(c) a representative of the county executive in charge of education;

(d) a representative of the Teachers Service Commission;

(e) where applicable, one person each representing—

(i) jointly, the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;

(ii) the Kenya Episcopal Conference; and

(iii) the Muslims Education Council;

(f) a representative of the association of private schools;

(g) two representatives of a trade union representing the interest of teachers;

(h) two representatives of parents teachers association; and

(i) a representative of persons with disability;

(j) two members nominated by the following bodies—

(i) the Primary School Head Teachers' Association; and

(ii) the Secondary School Principals Association;

(k) a representative of a child rights organization.

(2) In appointing persons as Chairperson and members of the County Education Board, the Cabinet Secretary shall observe the principle of gender equity, regional, ethnic and religious balance, transparency, openness and competitiveness and shall have due regard to the principle of equal opportunities for persons with disabilities.

(3) All members of the County Education Board shall have a minimum qualification of secondary education certificate.

Section 56 which it is intended to amend—

56. Composition of Board of Management

(1) The Board of Management established under section 55 shall consist of the following members appointed by the County Education Board—

(a) six persons elected to represent parents of the pupils in the school or local community in the case of county secondary schools;

(b) one person nominated by the County Education Board;

(c) one representative of the teaching staff in the school elected by the teachers;

(d) three representatives of the sponsors of the school;

(e) one person to represent special interest groups in the community; and

(f) one person to represent persons with special needs;

(g) a representative of the students' council who shall be an *ex officio* member.

(2) The Board of Management may from time to time co-opt into its membership such persons as it is satisfied possess skills and experience to assist in the discharge of the Board's functions.

(3) The number of members of the Board of Management co-opted under subsection (2) shall not exceed three at any particular time and such members do not have a right to vote at the meetings of the Board.

(4) The members of the Board of Management shall elect their chairperson from amongst themselves provided that the member to be so elected shall not be a person who was appointed under subsection (1)(c).

(5) For public schools sponsored by faith-based organisations, the Chairperson of the Board of Management shall be appointed by the County Education Board in consultation with the sponsor.

(6) For a public school, the chairperson of the Board of Management shall be elected by the members in their first meeting.

(7) Despite subsection (5), a faith-based sponsor who does not make a significant contribution and impact to a school or institution as contemplated under section 2 of the Act shall not be consulted in the appointment of the chairperson of the Board of Management of that school or institution.

(8) The conduct and affairs of the Board of Management shall be as set out in the Fourth Schedule.

(9) The provisions of sections 54 to 57 shall apply *mutatis mutandis* to a board of management of any public—

(a) primary school;

(b) secondary school;

(c) adult and continuing education centre; and

(d) multipurpose development training institute.

Section 93 which it is intended to amend—

93. The Education Appeals Tribunal

(1) There is established an Education Appeals Tribunal.

(2) Any person aggrieved by the decisions of the County Education Board may appeal to the Education Appeals Tribunal.

(3) The Cabinet Secretary in consultation with the National Education Board and relevant stakeholders shall prescribe regulations on the operation and structure of the Education Appeals Tribunal.

(4) The Education Appeals Tribunal shall comprise of—

(a) the chairperson of the National Education Board;

(b) the Director-General;

(c) the Secretary to the Teachers Service Commission;

(d) a representative of the Education Standards and Quality Assurance Council;

(e) a representative of the Kenya Private Sector Alliance;

(f) a representative of the Attorney-General; and

(g) the Chief Executive Officer of the National Council for Nomadic Education in Kenya.

The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)

Section 8 which it is intended to amend—

8. Composition of the Commission

(1) The Commission shall consist of—

(a) a chairperson appointed by the President through an open and competitive process;

(b) two members appointed by the Cabinet Secretary through an open and competitive process;

(c) one member, being an Advocate of the High Court of Kenya, nominated by the Law Society of Kenya and appointed by the Attorney-General;

(ca) one member, being an officer in the Office of the Attorney-General, appointed by the Attorney-General;

(d) a representative of the Director of Public Prosecution appointed in writing; and

(e) a representative of the Chief Justice appointed in writing.

(f) a person of the rank professor and who teaches law in a public university, appointed by the Attorney-General;

(g) a person nominated by the Council of Governors and appointed by the Attorney-General.

(2) The chairperson and members of the Commission specified under paragraph (1) (b) shall be appointed in accordance with section 11.

(3) The representatives of the Attorney-General and the Cabinet Secretary shall be *ex officio* members of the Commission.

Section 9 which it is intended to amend—

9. Qualifications for appointment as chairperson or member

(1) A person shall be qualified for appointment as the chairperson of the Commission if that person—

(a) holds a postgraduate degree in law from a university recognized in Kenya;

(b) is an Advocate of the High Court of Kenya of not less than fifteen years standing and has at least seven years experience in management level;

(c) has had a distinguished career in their respective field; and

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

(2) A person shall be qualified for appointment as a member of the Commission if that person—

(a) holds a postgraduate degree from a University recognized in Kenya;

(b) has knowledge and experience of not less than ten years in any of the following fields—

(i) law;

(ii) economics;

(iv) social sciences; or

(v) research and development;

(c) has had a distinguished career in his or her respective field; and

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

Section 12 which it is intended to amend—

12. Term of office

(1) The chairperson shall be appointed for a single term of six years and is not eligible for re-appointment.

(2) A member of the Commission shall be appointed for a single term of five years and is not eligible for re-appointment.

(3) The Chairperson and the Members appointed under subsection 8(1) (b) shall serve on a full-time basis while the Members appointed under subsections 8(1) (c), (d), (e), (f) and (g) shall serve on a part-time basis.

The Scrap Metal Act, 2015 (No. 1 of 2015)

Section 30 which it is intended to amend—

30. Power of entry

(1) An inspector may at any reasonable time, with or without a search warrant—

(a) enter upon and inspect any place, premises or vehicle at, on or in which goods that are reasonably suspected of being stolen scrap metal or vandalized infrastructure are to be found and make a record as provided in the prescribed form;

(b) take the steps that may be reasonably necessary to terminate the deal or transaction on vandalized or stolen scrap metal at, on or in such place, premises or vehicle, and to prevent the recurrence of any such act in future:

Provided that the actions set out herein shall not include the destruction or alienation of the relevant scrap metal unless authorized by an order issued by a court of competent jurisdiction;

(c) seize, detain, and, where applicable, remove for detention, all the scrap metal found at, on or in such place, premises or vehicle or other modes of conveyance;

(d) seize detain, and, where applicable, remove for detention, any tools which may be used in processing such scrap metal;

(e) if the inspector suspects that a person at, on or in such place, premises or vehicle may furnish any information with respect to any dealing in vandalized or stolen scrap metal—

(i) question that person and take down a statement from that person;

(ii) demand from that person any book, document, article, item or object which in any way may assist in identifying the

location, source or destination of the scrap metal, or the identity and address of any person who may be involved in dealing as a supplier, miller, distributor, exporter or clearing and forwarding agent of the scrap metal.

(2) Nothing in this section shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him or her.

(3) The inspector shall make in duplicate and in the prescribed form, an inventory of all the scrap metal that has been detained and the inventory shall be signed by the inspector and licensee and each shall retain a copy.

(4) An inspector may, with or without a warrant, arrest any person whom the inspector suspects upon reasonable grounds of having committed an offence under this Act and may search and detain such a person for a maximum of twenty four hours at the nearest Police Station.

(5) Before acting under this section, an inspector shall, if required to do so, produce documentary evidence of his or her appointment.

(6) Any person who obstructs or hinders an inspector in the exercise of the inspector's powers under this section, or who fails to furnish any information required by the inspector commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding one year or to both.

The Court of Appeal (Organization and Administration) Act, 2015 (No. 28 of 2015)

Section 26 which it is intended to amend—

26. Court recess

(1) The Court shall go on recess annually as follows—

(a) from the Wednesday before Good Friday to the Wednesday after Easter Monday, inclusive;

(b) from 1st August to 15th August, inclusive; and

(c) from 21st December to 12th January, inclusive.

(2) The President of the Court shall, in consultation with the Chief Justice, determine the conduct of the business of the Court during the Court recess.

The Procurement and Asset Disposal Act, 2015 (No. 33 of 2015)

Section 82 which it is proposed to repeal—

82. No correction of errors

The tender sum as submitted and read out during the tender opening shall be absolute and final and shall not be the subject of correction, adjustment or amendment in any way by any person or entity.

Section 86 which it is proposed to amend—

86. Successful tender

(1) The successful tender shall be the one who meets any one of the following as specified in the tender document—

(a) the tender with the lowest evaluated price;

(b) the responsive proposal with the highest score determined by the procuring entity by combining, for each proposal, in accordance with the procedures and criteria set out in the request for proposals, the scores assigned to the technical and financial proposals where Request for Proposals method is used;

(c) the tender with the lowest evaluated total cost of ownership; or

(d) the tender with the highest technical score, where a tender is to be evaluated based on procedures regulated by an Act of Parliament which provides guidelines for arriving at applicable professional charges.

(2) For the avoidance of doubt, citizen contractors, or those entities in which Kenyan citizens own at least fifty-one per cent shares, shall be entitled to twenty percent of their total score in the evaluation, provided the entities or contractors have attained the minimum technical score.

Section 141 which it is proposed to repeal—

141. Framework Contracting

Subject to any prescribed restrictions an accounting officer of a procuring entity may apply framework contracting arrangements by making awards of indefinite-delivery contracts and multiple awards of indefinite-quantity contracts for procurements under this Act.

The Witness Protection Act, 2016 (No. 16 of 2016)

Section 3J which it is intended to amend—

3J. Estimates of expenditure

(1) The financial year of the Agency shall be the period of twelve months ending on the thirtieth day of June in each year.

(2) The Agency shall in accordance with the law relating to the public finance management prepare annual estimates of the expenditure of the Agency and the Board for that financial year.

(3) The annual estimates shall make provision for all estimated expenditure of the Agency and the Board for the financial year to which they relate, including a reserve fund to provide for contingency in the event of an unforeseen increase in expenditure and other emergencies not contemplated at the time of making the estimates.

(4) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the National Treasury for approval.

(5) Expenditure shall not be incurred by the Agency except in accordance with the annual estimates provided under subsection (2) or in pursuance of an authorization of the advisory Board given with prior written approval of the Cabinet Secretary responsible for finance.

Section 3K which it is intended to amend—

3K. Accounts and audit

(1) The Agency shall keep books, and other proper records of accounts of the expenditure, assets and liabilities of the Agency, which shall be classified in accordance with the information security policy of the Agency and shall be preserved or disposed of in accordance with that policy.

(2) The annual accounts of the Agency shall be prepared, audited and reported upon in accordance with the Public Audit Act, 2003, without prejudicing the integrity or security of the Agency's operations.

(3) The legislative and regulatory provisions on the auditing of national security organs shall apply *mutatis mutandis* to the Agency.

The Bribery Act, 2016 (No. 47 of 2016)

Section 14 which it is proposed to amend—

Duty to report

14. (1) Every state officer, public officer or any other person holding a position of authority in a public or private entity shall report to the Commission within a period of twenty-four hours any knowledge or suspicion of instances of bribery.

(2) A State officer, a public officer or any other person who, despite being aware of or suspicious of the commission of an offence under this Act, fails to report the act to the Commission within the specified period commits an offence.

The Kenya Coast Guard Service Act, 2018 (No. 11 of 2018)

Section 6 which it is intended to amend—

6. Composition of the service

(1) The Service shall be composed of —

(a) the disciplined and uniformed component; and

(b) the civilian component.

(2) The disciplined and uniformed component shall comprise of —

(a) members who shall be seconded to the Service from national security organs; and

(b) members who shall be recruited into the Service from among persons who may have retired early from or otherwise honourably left the service of national security organs.

(3) The civilian component shall comprise of —

(a) members who shall be seconded to the Service from the public service:

Provided that the members seconded to the Service shall not be seconded by national security organs; and

(b) members who shall be recruited into the Service.

(4) Each member of the Service shall execute all lawful orders of the Director-General or any other member of the Service surpassing such member in rank or qualification.

Section 7 which it is intended to amend—

7. Determination of the strength of the Service.

(1) The National Security Council shall determine and review the maximum number of members of the Service.

(2) The disciplined and uniformed component of the Service shall consist of officers and ratings of the ranks specified in the First Schedule.

(3) The officers and ratings of the disciplined and uniformed component shall have seniority according to the ranks specified in the First Schedule.

(4) The Service shall establish such operational units, support units and formations as the Council may determine.

Section 13 which it is intended to amend—

13. Establishment of the Technical Committee of the Kenya Coast Guard Service

(1) There is established the Technical Committee of the Service.

(2) The Technical Committee shall consist of —

(a) the Principal Secretary in the ministry responsible for matters relating to internal security who shall be its chairperson;

(b) the Principal Secretary in the ministry responsible for matters relating to finance;

(c) the Principal Secretary in the ministry responsible for matters relating to defence;

(d) the Principal Secretary in the ministry responsible for matters relating to transport;

(e) the Principal Secretary in the ministry responsible for matters relating to fisheries;

(f) the Principal Secretary in the ministry responsible for matters relating to the environment;

(g) the Chief of the Kenya Defence Forces;

(h) the Inspector-General of the National Police Service;

(i) the Director-General of the National Intelligence Service;

(j) the Solicitor-General;

(k) the Director-General of the Kenya Maritime Authority;

(l) the Managing Director of the Kenya Ports Authority;

(m) the Director-General of the Kenya Wildlife Service; and

(n) the Director-General, who shall be the secretary to the Technical Committee.

Section 14 which it is intended to amend—

14. Functions of the Technical Committee

(1) The Technical Committee shall —

(a) advise the Council on policy and financial matters relating to the Service;

(b) oversee the management and administration of the Service;

(c) receive and act on the reports of the Director- General;

(d) on reference to it by the Director-General, advise the Director-General on any matter;

(e) make recommendations to the Council on any matter relating to the functions the Service; and

(f) perform any other function conferred on it by this Act or any other written law.

(2) Subject to the provisions of this Act, the Technical Committee shall regulate its own procedure.

The First Schedule which it is intended to amend—

FIRST SCHEDULE

[Section 7.]

Ranking Structure in the Service

Part I—Officers

(1) Director-General

(2) Commodore

(3) Captain

(4) Commander

(5) Lieutenant Commander

(6) Lieutenant

(7) Sub-Lieutenant

(8) Cadet

Part II — Ratings

(1) Chief Warrant Officer Grade I

(2) Chief Warrant Officer Grade II

(3) Senior Warrant Officer

(4) Leading Seaman

(5) Able Seaman —

(a) Able Seaman I

(b) Able Seaman II

(c) Ordinary Seaman

(6) Seaman Recruit