



## **REPUBLIC OF KENYA**

### **THIRTEENTH PARLIAMENT – (SECOND SESSION) THE NATIONAL ASSEMBLY**

#### **COMMUNICATIONS FROM THE CHAIR**

\_\_\_\_\_ (No.72 of 2023) \_\_\_\_\_

#### **WITHDRAWAL OF SPECIFIC PROVISIONS CONTAINED IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

**Honourable Members,**

1. As you may be aware, the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 60 of 2022) was published *vide Kenya Gazette Supplement* No. 199 of 22<sup>nd</sup> November 2022, to effect various amendments to fifty-eight (58) Statutes. The Bill, which is sponsored by the Leader of the Majority Party, was read a First Time on 8<sup>th</sup> December 2022.
2. The Bill was thereafter referred to various Departmental Committees for consideration in accordance with their respective mandates, with the lead Committee being the Departmental Committee on Justice and Legal Affairs, as indicated in my Communication of 8<sup>th</sup> December 2022. The Committees have since laid the Report on the Bill on 11<sup>th</sup> April 2023.

**3. Honourable Members,** I wish to notify the House that I have received a request from the Leader of the Majority Party dated 28<sup>th</sup> September 2023 seeking my consent for the **withdrawal** of various proposed amendments contained in the Bill.

**4. Honourable Members,** in the letter, the Leader of the Majority Party is seeking the withdrawal of the proposed amendments to the:

- (1) *The Housing Act (Cap. 117);***
- (2) *The Water Act, 2016;***
- (3) *The Energy Act, 2019;***
- (4) *The Copyright Act, 2001;***
- (5) *The Scrap Metal Act, 2015; and***
- (6) *The Excise Duty Act, 2015.***

**5. Honourable Members,** in his request, the Leader of the Majority Party indicates that, following consultations, he wishes to withdraw the proposed amendments relating to the said Statutes for the following reasons :-

- (a)** That, the proposed amendments to the **Copyright Act, 2001 and the Energy Act, 2019**, contain provisions that may affect the functions and powers of county governments as set out in Part 2 of the Fourth Schedule to the Constitution;
- (b)** That, the proposed amendments to the **Housing Act (Cap.117) and the Excise Duty Act, 2015** are similar to those passed in the Finance Bill, 2023, which was assented to. In which case they should not arise, as this would be contrary to Standing Order 49;



(c) That, the proposed amendments to the **Water Act, 2016** relate to similar provisions contained in the Water (Amendment) Bill, 2023 that was passed by the House and is currently under consideration by the Senate. In this regard, any proposals, that were not considered may either be forwarded to the Senate for consideration or may be published in an appropriate Bill, and;

(d) Finally, that the proposed amendments to the **Scrap Metal Act, 2015** are not properly placed in the Bill and may need to be redrafted.

**6. Honourable Members,** having examined the reasons for the withdrawal of the proposed amendments vis-à-vis the provisions of Article 110(1)(a) of the Constitution as read together with the Fourth Schedule to the Constitution, I have acceded to the request of the Leader of the Majority Party, which implies that the Bill will now proceed as though the withdrawn sections were not part of it. The import of this is that the Bill will now proceed to Second Reading and other stages without making reference to the withdrawn provisions.

The House is accordingly guided.

**I Thank you!**

  
**THE RT. HON. (Dr.) MOSES F. M. WETANG'ULA, E.G.H, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

28<sup>th</sup> September 2023.

