



**REPUBLIC OF KENYA  
THIRTEENTH PARLIAMENT– (SECOND SESSION)**

**THE NATIONAL ASSEMBLY  
COMMUNICATION FROM THE CHAIR**

\_\_\_\_\_ (No. 091 of 2023) \_\_\_\_\_

**ON WITHDRAWAL OF CERTAIN CLAUSES OF THE GAMBLING  
CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2023)**

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**Honourable Members,**

1. As you may be aware, the Gambling Control Bill (National Assembly Bill No. 70 of 2023) was published *vide Kenya Gazette Supplement* No. 212 of 31<sup>st</sup> October 2023 to, *inter alia*, **provide for the regulation of betting, casinos and other forms of gambling; the authorization of prize competition and public lotteries; and the imposition of tax on betting and other forms of gambling.**
2. **Honourable Members,** the Bill, which is sponsored by the Leader of the Majority Party, was read a First time on Wednesday, 8<sup>th</sup> November 2023 and was thereupon referred to the Departmental Committee on Sports & Culture for consideration in accordance with Article 118 of the Constitution and Standing Order 127 of the National Assembly Standing Orders. Further, I did refer the clauses in the Bill relating to taxation, which included clauses 45 and 46, to the Departmental Committee on Finance and National Planning for consideration.

The Bill was subsequently considered by the House and passed at Second Reading on Wednesday, 29<sup>th</sup> November 2023, thereby committing it to a Committee of the whole House. Indeed, the Bill is scheduled for consideration in Committee today under Order Number 17.

**3. Honourable Members,** before proceeding for consideration of the Bill in Committee of the whole, I wish to inform the House that I have since received a letter from the Leader of the Majority Party, dated 5<sup>th</sup> December 2023 requesting my consent for **withdrawal of clauses 45 and 46** of the Gambling Control Bill, 2023. In his request, the Leader of the Majority Party indicates that the Gambling Control Bill, 2023 is a Bill concerning county government in the terms of Article 110 of the Constitution. In this regard, the Bill is to be processed by both Houses in accordance with Article 109(4) of the Constitution. The request therefore notes that the two clauses ought not be considered in a bicameral manner as they provide for matters not contemplated under Article 110 of the Constitution.


**4. Honourable Members,** the Leader of the Majority Party further avers that Clauses 45 and 46 of the Bill specifically relate to taxation. Noting the provisions of Article 114 of the Constitution which restrict the consideration of money Bills only in the National Assembly, the Leader of the Majority Party is of the view that bicameral consideration of the Bill may not be tenable. Therefore, the taxation measures contained in the two clauses ought to be considered in a taxation law as per practice. Additionally, the request notes that the House recently resolved on various taxation measures through the Finance Bill, 2023.



5. In this regard and in keeping with the provisions of Standing Order 49, the consideration of further taxation measures is limited at the moment. Further, the Departmental Committee on Finance & National Planning is currently undertaking comprehensive stakeholder engagements with a view to proposing taxation measures for consideration by the House.
6. **Honourable Members**, having considered the request, I have acceded to the request by the Leader of the Majority Party to withdraw Clauses 45 and 46 of the Gambling Control Bill, 2023. This is premised on the understanding that the appropriate transitional clauses will be included to allow for the current taxation regime in the gambling sector to continue, in the interim, until another law is introduced. Indeed, I wish to draw the attention of Members to today's Order Paper, which contains amendments of the Departmental Committee on Finance and National Planning relating to transition matters on taxation in gambling.
7. With this withdrawal, **Honourable Members**, the Bill will be considered in Committee of the whole House without making reference to the withdrawn clauses and will proceed as though the withdrawn Clauses were not part of the Bill as published.

**The House is accordingly guided.**

I thank you.

  
**THE RT. HON. (DR.) MOSES F.M. WETANGULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Wednesday, 6<sup>th</sup> December 2023