



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 44 of 2025)

THE PUBLIC PARTICIPATION BILL, 2025

(A Bill published in the Kenya Gazette Supplement No. 165 of 2025 and passed by the National Assembly with amendments, on 12th August, 2026)

N.A. /B/No. 44/2025

THE PUBLIC PARTICIPATION BILL, 2025

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THE PUBLIC PARTICIPATION BILL, 2025

A Bill for

AN ACT of Parliament to provide for the conduct of public participation; to give effect to the constitutional principle of participation of the people enshrined in Articles 10 (2), 69 (1) (d), 118, 174(c), 184 (1) (c), 196, 201 (a) and 232 (1) (d) of the Constitution; and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

PART I—PRELIMINARY

1. This Act may be cited as the Public Participation Act, 2025. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
 - “public participation” means the process of engaging the public in making or implementing public policy decisions including the enactment of legislation;
 - “responsible authority” means the person responsible for public participation in the institutions set out under section 6; and
 - “specific guidelines” means the specific public participation guidelines developed by a responsible authority under section 16.
3. The object of this Act is to enhance, promote and facilitate participation of the people in governance as provided for in Articles 10 (2), 69 (1) (d), 118, 174(c), 184 (1) (c), 196, 201 (a) and 232 (1)(d) of the Constitution. Object of the Act.
4. (1) This Act applies to responsible authorities and the public with respect to public participation exercises. Application of the Act
(2) A responsible authority shall facilitate public participation on matters relating to—
 - (a) formulation and implementation of public policies;
 - (b) law making processes; or
 - (c) any other matter as may be required by legislation.
5. A responsible authority undertaking a public participation exercise under this Act shall be guided by the principles that— Principles of public participation.

- (a) public participation may be conducted through written submissions, oral hearings, online forums or any other method deemed appropriate to the context;
- (b) the public shall be afforded a reasonable chance to express their views;
- (c) the scope, depth and duration of a public participation exercise shall be commensurate with the complexity, significance and potential impact of the matter under consideration; and
- (d) public resources shall be used in a prudent and responsible manner.

PART II — RESPONSIBLE AUTHORITIES

6. The responsible authorities for the purposes of this Act shall be —

Responsible
authorities in
public
participation.

- (a) each House of Parliament;
- (b) each county assembly;
- (c) each Commission and Independent Office established under Article 248 of the Constitution;
- (d) in the case of the Judiciary, the courts established under Article 162 of the Constitution;
- (e) in the case of the Office of the Attorney-General, the Attorney-General;
- (f) in the case of the Office of the Director of Public Prosecutions, the Director of Public Prosecutions;
- (g) in the case of a State Department, the responsible Cabinet Secretary;
- (h) in the case of a State corporation, the Board of the corporation;
- (i) in the case of a county executive, the county Governor; and
- (j) in any other case, the person or entity making or implementing a public policy decision.

PART III—GENERAL GUIDELINES FOR PUBLIC PARTICIPATION

7. A responsible authority shall in undertaking public participation, consider—

Considerations in undertaking public participation.

- (a) the nature of the matter under consideration;
- (b) the urgency of the matter under consideration;
- (c) the impact of the matter on the public;
- (d) the need for inclusive and effective representation;
- (e) the number of persons likely to be affected;
- (f) the ability of the members of the public to access the necessary information and the public participation forum;
- (g) the integrity and transparency of the process;
- (h) the financial and human resources available; and
- (i) any other relevant considerations.

8. (1) A responsible authority shall, before undertaking a public participation exercise, give reasonable notice to the public.

Notice for public participation.

(2) A notice under subsection (1) shall include the venue, date, time and mode of the public participation exercise.

9. (1) A responsible authority may notify the public of the public participation exercise through —

Modes of notifying the public.

- (a) electronic media including television, radio stations, internet or mobile phones;
- (b) official websites and social media platforms;
- (c) public meetings;
- (d) public notice boards; or
- (e) print media.

(2) A public participation notice under sub-section (1) shall state—

- (a) the subject matter of the public participation;
- (b) the duration of the public participation exercise; and
- (c) whether submissions may be made orally, in writing or both.

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10. The submissions at a public participation exercise may be made—
- (a) in writing by way of memoranda or letters;
 - (b) orally;
 - (c) through online platforms; or
 - (d) at public hearings, workshops, seminars and conferences.
11. A responsible authority shall allow reasonable time for the public to make submissions during a public participation process.
12. (1) A responsible authority shall analyse and take into account the submissions received from the public.
- (2) A responsible authority shall, as soon as is practicable after the conclusion of a public participation exercise, prepare a report.
13. (1) A responsible authority shall ensure that the public has access to the public participation process and the opportunity to give views on the matter under consideration.
- (2) Where a responsible authority holds a public hearing and the participants are not conversant with English or Kiswahili language, the responsible authority shall take measures to conduct the exercise in a language that the participants understand.
14. A responsible authority shall facilitate the public with prior access to the documents relating to the matter under consideration in a public participation exercise and may include simplified versions of the documents, where appropriate.
15. (1) A person who attends or conducts a public participation forum shall be courteous, respectful and civil.
- (2) A responsible authority shall facilitate—
- (a) the enjoyment of the freedom of expression of all persons who attend their public participation forum; and
 - (b) the maintenance of order during the forum.
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Submissions during public participation.

Reasonable time.

Processing of responses.

Access to public participation processes.

Access to documents.

Conduct in a forum of public participation.

PART IV—SPECIFIC GUIDELINES FOR PUBLIC PARTICIPATION

16. (1) A responsible authority may develop specific guidelines for the conduct of public participation by the respective institution.

Development of specific guidelines for public participation.

(2) The specific guidelines on public participation developed by a responsible authority shall comply with the general guidelines set out in Part III of this Act.

17. (1) A responsible authority shall publish in the *Gazette*, the specific guidelines on public participation developed pursuant to section 16.

Publication of specific public participation guidelines.

(2) Despite subsection (1), a House of Parliament or county assembly shall incorporate its specific guidelines on public participation in its Standing Orders.

18. (1) Pursuant to Article 118(1) of the Constitution, Parliament shall—

Public participation by Parliament.

(a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and

(b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

(2) Where a Committee of one House of Parliament has conducted public participation on a Bill, a Committee of the other House of Parliament may—

(a) rely on the report tabled by the Committee of the originating House; or

(b) seek additional views on the Bill with respect to substantive amendments made to the Bill during its consideration.

(3) A committee of the originating House may hold a joint public participation exercise with the corresponding committee of the other House with respect to a Bill originating from the Party forming the National Government.

(4) A committee of a House of Parliament may take measures to avoid duplicating public participation conducted by a committee of the originating House.

PART V—MISCELLANEOUS PROVISIONS

19. (1) A responsible authority undertaking public participation under this Act shall not disclose information protected under section 6 of the Access to Information Act, sections 48 and 49 of the Kenya Defence Forces Act or any other written law.

Certain
information not to
be disclosed.
Cap. 7M.
Cap. 199.

Cap. 411C.

(2) A responsible authority processing personal data under this Act shall comply with the Data Protection Act.

20. The High Court may void a public participation exercise conducted in wilful violation of the provisions of this Act after considering representations from a responsible authority.

Court may void
exercise.

21. A public participation exercise in progress at the commencement of this Act shall proceed so far as possible in accordance with this Act.

Transitional
provision.

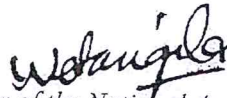
The Public Participation Bill, 2025

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on Wednesday, 12th August, 2026.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly.



Speaker of the National Assembly

PRINTED BY THE CLERK OF THE NATIONAL ASSEMBLY

