



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**SUPPLEMENTARY ORDER PAPER**

**TUESDAY, JULY 22, 2025 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 9 OF 2025)**

The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 15<sup>th</sup> July, 2025)  
(Division)***

9. **\*\*THE EQUALISATION FUND APPROPRIATION BILL (SENATE BILLS NO. 7 OF 2025)**

(The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 16<sup>th</sup> July, 2025 –  
Afternoon Sitting)  
(Division)***

10. **MOTION – CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

(Co-Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the Gambling Control Bill (National Assembly Bills No. 70 of 2025), laid on the table of the Senate on Wednesday, 16<sup>th</sup> July, 2025; and that, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

...../Bills

*(Resumption of debate interrupted on Thursday, 17<sup>th</sup> July, 2025)  
(Division)*

11. **COMMITTEE OF THE WHOLE**

**THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

*(Consideration of His Excellency the President's recommendations)*

*(Resumption of debate interrupted on Thursday 10<sup>th</sup> July, 2025)  
(Division)*

12. **COMMITTEE OF THE WHOLE**

**\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 9 OF 2025)**

The Chairperson, Standing Committee on Finance and Budget)

13. **COMMITTEE OF THE WHOLE**

**\*\*THE EQUALISATION FUND APPROPRIATION BILL (SENATE BILLS NO. 7 OF 2025)**

(The Chairperson, Standing Committee on Finance and Budget)

14. **COMMITTEE OF THE WHOLE**

**\*THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

(Sen. Eddy Oketch, MP)

15. **\*\*THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (NO. 2) BILL (SENATE BILLS NO. 8 OF 2025)**

The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

*(Resumption of debate interrupted on Thursday, 17<sup>th</sup> July, 2025)*

16. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

**THAT**, the National Assembly amendments to the Start-Up Bill (Senate Bills No. 14 of 2022) be now considered.

17. **MOTION - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON ITS CONSIDERATION OF A PETITION TO THE SENATE BY MR. BAKARI HALIFAN MUNGE AND THREE (3) OTHER RESIDENTS OF KWALE COUNTY REGARDING THE IMPLEMENTATION OF AN AWARD BY THE ENVIRONMENT AND LAND COURT FOR COMPENSATION TO AND RESETTLEMENT OF THE OWNERS OF RAMISI PHASE 1 BLOCK 5056 IN KWALE COUNTY**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

...../Motions

**THAT**, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Bakari Halifan Munge and three (3) other residents of Kwale County regarding the implementation of an Award by the Environment and Land Court for compensation to and resettlement of the owners of Ramisi Phase 1 Block 5056 in Kwale County, laid on the Table of the Senate on Wednesday, 28<sup>th</sup> May, 2025.

18. **MOTION - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON ITS CONSIDERATION OF A PETITION TO THE SENATE BY MR. LABAN OMUSUNDI REGARDING THE INTRODUCTION OF A FRAMEWORK FOR RECALLING NOMINATED MEMBERS OF THE COUNTY ASSEMBLIES (MCAs)**  
(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**THAT**, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Laban Omusundi regarding the introduction of a framework for recalling Nominated Members of the County Assemblies (MCAs), laid on the Table of the Senate on Wednesday, 28<sup>th</sup> May, 2025.

19. **MOTION - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON A PETITION TO THE SENATE BY MS. CHRISTINE NJOKI MWERU REGARDING INCOMPLETE INVESTIGATIONS AND FAILURE TO ARREST AND PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MR. JOSHUA GICHUKI MWANGI**  
(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**THAT**, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Ms. Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi, laid on the Table of the Senate on Thursday, 5<sup>th</sup> June, 2025.

20. **MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON A PETITION TO THE SENATE BY MR. LAWRENCE NDUTU ON BEHALF OF ONE HUNDRED AND TWENTY-FIVE (125) OTHER FORMER EMPLOYEES OF KENYA BREWERIES LIMITED CONCERNING FAILURE BY THE KENYA BREWERIES LIMITED, KAPLAN & STRATTON ADVOCATES AND HARRISON KINYANJUI ADVOCATES TO PAY COMPENSATION AWARDED TO THE PETITIONERS**  
(The Chairperson, Standing Committee on Labour and Social Welfare)

**THAT**, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Mr. Lawrence Ndutu on behalf of one hundred and twenty-five (125) other former employees of Kenya Breweries Limited concerning failure by the Kenya Breweries Limited, Kaplan & Stratton Advocates and Harrison Kinyanjui Advocates to pay compensation awarded to the Petitioners, laid on the Table of the Senate on Wednesday, 9<sup>th</sup> July, 2025.

...../Motions

21. **MOTION - REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON ITS CONSIDERATION OF THE SESSIONAL PAPER NO. 3 OF 2023 ON THE KENYA POLICY ON PUBLIC PARTICIPATION**  
(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**THAT**, the Senate **adopts** the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Sessional Paper No. 3 of 2023 on the Kenya Policy on Public Participation, laid on the table of the Senate on Wednesday, 14<sup>th</sup> May, 2025 and **approves** Sessional Paper No. 3 of 2023 on the Kenya Policy on Public Participation.

22. **MOTION - REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF GOVERNANCE IN THE COUNTY GOVERNMENT OF GARISSA ARISING FROM A STATEMENT SOUGHT BY SEN. HAJI ABDUL MOHAMMED, MP**  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

**THAT**, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of governance in the County Government of Garissa arising from a Statement sought by Sen. Abdul Haji, MP, laid on the Table of the Senate on Wednesday, 28<sup>th</sup> May, 2025.

23. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS TO TAITA TAVETA, MOMBASA AND KWALE COUNTIES**  
(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Report of the Standing Committee on Health on the County Oversight and Networking Engagements to Taita Taveta, Mombasa and Kwale Counties, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

24. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE INSPECTION TOUR OF HEALTH FACILITIES IN WEST POKOT, TRANS NZOIA AND TURKANA COUNTIES.**  
(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Report of the Standing Committee on Health on the inspection tour of health facilities in West Pokot, Trans Nzoia and Turkana Counties, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

25. **\*\*\*THE TECHNOLIS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2024)**  
(The Senate Majority Leader)

*(Second Reading)*

26. **\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**  
(Sen. Miraj Abdillahi Abdulrahman, MP)

*(Second Reading)*

27. **\*THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**  
(Sen. Johnes Mwaruma, MP)

*(Second Reading)*

28. **\*THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**  
(Sen. Lenku Ole Kanar Seki, MP)

*(Second Reading)*

29. **\*THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**  
(Sen. Kathuri Murungi, MP)

*(Second Reading)*

30. **\*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**  
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

*(Second Reading)*

31. **\*THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 20 OF 2024)**  
(Sen. Karungo Thangwa, MP and Sen. Godfrey Osotsi, MP)

*(Second Reading)*

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**KEY**

**\*\*\*\*- Denotes a Majority /Minority Party Bill**

**\*\*\*- Denotes a National Assembly Bill**

**\*\* - Denotes a Committee Bill**

**\*- Denotes any other Bill**

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...../Notice of Amendments

**NOTICE OF AMENDMENTS**

**A. \*\*THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

***(Consideration of His Excellency the President's Memorandum)***

His Excellency the President's recommendations

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence—

“family” means—

- (a) the spouse, dependent child or parent of a public officer;
- (b) a dependent child of the spouse of a public officer; or
- (c) a parent of the spouse of a public officer;

“relative” means a person who is related to a public officer by birth, marriage, adoption or affinity;

“undeclared asset” means any asset that is not disclosed in the prescribed manner in any declaration year.

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended by deleting the words “a reporting authority and” appearing immediately before the words “the Ethics”.

**CLAUSE 6**

**THAT**, Clause 6 of the Bill be amended by inserting the following new paragraph after paragraph (h)—

“(ha) institute proceedings for forfeiture of undeclared or unexplained assets;”

**CLAUSE 8**

**THAT**, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

...../Notice of Amendments

Conflict of  
interest.

8. A public officer is in conflict of interest if—
- (a) the public officer exercises an official power, duty or function to further his or her private interests or the private interests of another person;
  - (b) the private interests of the public officer can reasonably be perceived to impair or influence the public officer's ability to act objectively in the performance of an official duty; or
  - (c) the public officer has private interests that could conflict with the duties of the public officer in future.

## **CLAUSE 12**

**THAT**, Clause 12 of the Bill be amended by deleting subclause (3).

## **CLAUSE 16**

**THAT**, Clause 16 of the Bill be amended by—

- (a) inserting the following new subclause after subclause (3)—

“(3A) Where a public officer has knowledge that a family member or a relative has accepted a gift or favour under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the gift or favour accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

- (b) deleting subclause (4) and substituting therefor the following new subclause— “(4) A person who contravenes this section commits an offence.”

## **CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “public officers” and substituting therefor the words “any person”;
- (b) in paragraph (b) by deleting the words “public officers” and substituting therefor the words “any person”;
- (c) by deleting paragraph (c).

## **CLAUSE 18**

**THAT**, Clause 18 of the Bill be amended by—

- (a) inserting the following new subclause after subclause (2)—

“(2A) Where a public officer has knowledge that a family member or a relative has accepted a complimentary treatment in the exceptional circumstances contemplated under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the complimentary treatment accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

- (b) deleting subclause (3) and substituting therefor the following new subclause— “(3) A person who contravenes this section commits an offence.”

## **CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A public officer shall not acquire an interest in a partnership, private company or any other legal entity that is a party to a contract with any reporting entity under which the partnership, private company or legal entity receives a benefit.”

## **CLAUSE 30**

**THAT**, Clause 30 of the Bill be amended by deleting subclause (2).

## **CLAUSE 31**

**THAT**, Clause 31 of the Bill be amended by inserting the following new subclause after subclause (3)—

“(4) For purposes of this section, “material change” means—

- (a) at least twenty five percent increase or decrease in the value of an income, asset or liability;
- (b) the disposal or acquisition of an asset or liability;
- (c) changes in marital status;
- (d) appointment to or changes in directorships;
- (e) changes in membership in companies or partnerships and other legal entities howsoever established; or
- (f) changes in membership in social associations, societies, clubs, foundations or trusts.”

## **CLAUSE 35**

**THAT**, Clause 35 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) its completeness and correctness.”



**B. \*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 9 OF 2025)**

The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget intends to move the following amendment to the County Allocation of Revenue Bill (Senate Bills No. 9 of 2025) at the Committee Stage—

**SECOND SCHEDULE**

**THAT** the Bill be amended by deleting the Second Schedule and substituting therefor the following new Schedule—

**SECOND SCHEDULE**

**(s. 5)**

<b>County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2025/26 (Figures in Kenya Shillings)</b>					
		<b>County Assembly Ceilings</b>		<b>County Executive Ceilings</b>	
	<b>COUNTY</b>	<b>FY 2024/25</b>	<b>FY 2025/26</b>	<b>FY 2024/25</b>	<b>FY 2025/26</b>
1	Baringo	757,858,506	847,469,122	811,330,131	496,161,163
2	Bomet	677,847,307	755,816,719	675,271,762	468,730,626
3	Bungoma	1,019,575,196	1,074,221,694	794,269,934	562,059,982
4	Busia	804,254,206	859,603,045	740,954,156	514,728,802
5	Elgeyo-Marakwet	642,494,863	682,127,598	682,571,452	445,655,740
6	Embu	612,356,235	653,997,909	599,617,223	445,585,855
7	Garissa	805,632,232	1,010,212,868	693,214,915	510,888,235
8	Homa-bay	865,455,765	901,349,007	807,946,650	538,863,664
9	Isiolo	455,851,471	571,957,767	483,811,987	376,492,992
10	Kajiado	739,100,667	797,493,878	705,785,753	459,200,063
11	Kakamega	1,277,560,747	1,440,150,864	954,360,037	631,900,264
12	Kericho	753,482,865	801,439,308	742,119,652	491,924,215
13	Kiambu	1,122,733,276	1,332,680,576	937,949,817	642,094,266
14	Kilifi	811,428,332	871,651,828	732,390,410	528,153,096
15	Kirinyaga	626,637,101	667,134,062	591,357,406	436,378,706
16	Kisii	994,072,293	1,051,143,180	842,938,395	569,351,784
17	Kisumu	862,083,652	993,261,872	720,990,566	522,102,171
18	Kitui	946,077,555	1,025,218,850	1,034,274,047	556,906,939
19	Kwale	625,406,505	667,152,528	561,039,626	447,387,205
20	Laikipia	477,594,112	511,501,082	543,968,003	406,459,778
21	Lamu	466,864,730	502,735,064	439,219,777	373,334,857
22	Machakos	924,156,126	957,194,136	817,384,477	540,775,483
23	Makueni	780,912,038	964,631,315	772,648,310	494,768,774
24	Mandera	825,043,653	917,936,058	709,410,958	511,948,091
25	Marsabit	666,740,178	741,494,088	620,635,223	458,101,332
26	Meru	991,451,371	1,033,230,263	1,046,885,894	565,023,558
27	Migori	907,920,737	936,954,113	803,308,177	538,507,125
28	Mombasa	700,845,894	862,807,953	550,949,872	497,268,190
29	Murang'a	755,814,834	813,710,947	822,212,796	515,207,988
30	Nairobi City	1,596,625,912	1,603,909,510	924,648,890	775,756,999
31	Nakuru	1,034,293,969	1,121,659,233	949,692,125	622,626,699
32	Nandi	727,658,319	811,140,379	829,614,196	492,132,433
33	Narok	834,927,075	878,624,509	715,936,269	499,621,001
34	Nyamira	650,614,404	689,414,409	584,106,355	444,949,706
35	Nyandarua	706,936,676	758,345,693	683,959,845	469,042,680
36	Nyeri	710,551,514	760,288,009	779,895,747	492,365,209
37	Samburu	557,171,977	569,616,860	611,274,116	400,557,424

38	Siaya	710,085,117	759,893,500	701,924,604	491,970,700
39	Taita-Taveta	635,498,816	706,797,720	567,140,475	450,325,811
40	Tana-River	605,987,033	710,218,891	558,967,389	422,272,274
41	Tharaka-Nithi	485,355,131	508,533,605	561,403,884	404,731,372
42	Trans-Nzoia	636,754,015	664,759,854	557,198,937	474,454,626
43	Turkana	770,739,999	863,842,883	704,903,707	510,888,235
44	Uasin-Gishu	727,164,370	887,273,308	623,694,943	498,842,007
45	Vihiga	659,816,891	703,918,304	628,658,777	467,917,374
46	Wajir	784,444,072	992,853,943	791,932,190	502,524,835
47	West-Pokot	637,364,488	699,024,354	743,044,332	447,670,353
	<b>Total</b>	<b>36,369,242,225</b>	<b>39,936,392,660</b>	<b>33,756,814,187</b>	<b>23,414,610,682</b>

**C. \*\*THE EQUALISATION FUND APPROPRIATION BILL (SENATE BILLS NO. 7 OF 2025)**

(The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget intends to move the following amendments to the Equalisation Fund Appropriation Bill (Senate Bills No. 7 of 2025) at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting the expression “204(1)” appearing immediately after the words “services under Article” and substituting therefor the expression “204(2)”.

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in column 2 of item 13 with respect to KITUI COUNTY by deleting the word “Kisumu” appearing immediately after the expression “30<sup>th</sup> June, 2026 in” and substituting therefor the word “Kitui”.

...../Notice of Amendments

**D. \*THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

(Sen. Eddy Oketch, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialisation intends to move the following amendments to the Creative Economy Support Bill, 2024 (Senate Bills No. 30 of 2024) at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended—

- (a) in the introductory clause by deleting the words “and each county government” appearing immediately after the words “National Government”;
- (b) in the marginal note by inserting the word, “national” immediately after the words “Obligations of”.
- (c) by inserting the following new clause immediately after clause 3 —

Obligations of **3A.** A county government shall—  
county  
governments.

- (a) include the development of the creative industry in the County Integrated Development Plans for purposes of planning and resource allocation;
- (b) undertake regular consultation with the creative community in the county on areas of mutual cooperation; and
- (c) introduce monitoring and evaluation frameworks to assess the effectiveness of county level initiatives in supporting the creative sector.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by—

- (a) deleting the words “ persons in the creative industry may publish” appearing immediately after the words “online platform” and substituting therefor the words “information on incentives, opportunities,”;
- (b) inserting the words “shall be published” immediately after the words “affairs in the creative industry”; and
- (c) inserting the following new clause immediately after clause 4 –

...../Notice of Amendments

Data Protection.  Cap. 411C.	<b>4A.</b> The Cabinet Secretary shall ensure that the provisions of the Data Protection Act are observed in the processing and handling of sensitive personal data of creatives on the online platform.
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**CLAUSE 6****THAT** clause 6 of the Bill be amended —

- (a) by deleting the word “Guild” appearing immediately after the words “Creative Industry” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Creative Industry” and substituting therefor the word “Council”.

**CLAUSE 7****THAT** clause 7 of the Bill be amended —

- (a) in the introductory clause by deleting the word “Guild” appearing immediately after the word “The” and substituting therefor the word “Council”;
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “of the” and substituting therefor the word “Council”;
- (c) by inserting the following new paragraph immediately after paragraph (f) —
  - (fa) develop and publish industry standards on royalty computation, royalty collection and royalty distribution.
- (d) in paragraph (l) by deleting the word “guild” appearing immediately after the words “members of the” and substituting therefor the word “Council”.

**CLAUSE 8****THAT** clause 8 of the Bill be amended by deleting subclause 1 and substituting therefor the following subclause—

Board of the Council	8.(1) The Council shall be governed by an incorporated Advisory Board which shall consist of— <ul style="list-style-type: none"> <li>(a) the Principal Secretary for matters relating to trade and industrialisation or a representative designated in writing;</li> </ul>
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...../Notice of Amendments

- (b) the Principal Secretary for matters relating to the creative economy or a representative designated in writing by the Principal Secretary;
- (c) the Principal Secretary for matters relating to information and technology or a representative designated in writing by the Principal Secretary;
- (d) one person representing industry players in the film industry including resellers, distributors, vendors and manufacturers of filming and photography equipment
- (e) one person representing industry players in the music and dance industry;
- (f) one person representing industry players in the fashion industry;
- (g) one person representing industry players in the literary and visual arts industry;
- (h) an Advocate of the High Court of Kenya nominated by the Law Society of Kenya; and
- (i) one person being a public officer nominated by the Cabinet Secretary who shall be Secretary to the Board.

#### **CLAUSE 11**

**THAT** clause 11 of the Bill be amended in paragraph (d) by deleting the word “Guild” appearing immediately after the words “meetings of the” and substituting therefor the word “Council”.

#### **CLAUSE 14**

**THAT** clause 14 of the Bill be amended in paragraph (h) by deleting the words “a data base” appearing immediately after the words “maintain” and substituting therefor the words “a manual and digital database”.

#### **CLAUSE 15**

**THAT** clause 15 of the Bill be amended by deleting the word “Guild” appearing immediately after the words “Membership to the” and substituting therefor the word “Council”.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended –

- (a) in subclause (1) by deleting the word “Guild” appearing immediately after the words “member of the” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Application to the” and substituting therefor the word “Council”.

**CLAUSE 17**

**THAT** clause 17 be amended in the marginal note by deleting the word “the Guild” appearing immediately after the words “Roll of ” and substituting therefor the word “Roll of creatives”.

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended –

- (a) by deleting the words “The Guild” appearing at the beginning of the clause and substituting therefor the words “The Council”; and
- (b) in the marginal note by deleting the word “Guild” appearing immediately after the words “Decentralization of the” and substituting therefor the word “Council”.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended—

- (a) in the introductory clause by—
  - (i) deleting the words “The Guild shall,” appearing at the beginning of the clause and substituting therefor the words “The Council shall”
  - (ii) deleting the words “and shall, for this purpose” appearing immediately after the words “the creative industry” and substituting therefor the words “which shall include”;
- (b) in paragraph (d), by inserting the following words, “that are aligned with county-specific needs and opportunities, ensuring that creatives across all counties can access support” after the words “and development activities”;
- (c) by inserting the following new clause immediately after clause 19—

Incentives for persons with disabilities. **19A.** (a) The Council shall in collaboration with county governments ensure equitable access to incentives for creatives for persons with disabilities.

**CLAUSE 21**

**THAT** clause 21 be amended by deleting subclause (3) and substituting therefor the following new subclause—

(3) The Regulations developed under subsection (1) shall—

- (a) ensure that a person is eligible for a grant from the fund if that person has not benefitted from any other financial support scheme by the National or county government;
- (b) prescribe the nature of financial support in paragraph (a) that will preclude a person from benefitting from the fund; and
- (c) provide for a criteria for disclosure and due diligence in establishing that a person has not benefitted from any other financial support by the National or county governments.

**CLAUSE 22**

**THAT** clause 22 be amended in subclause (3)—

(a) by inserting the following new paragraph immediately after paragraph (b).

(ba) collaborate with county governments to ensure that creatives in all counties have equitable access to financial support;

(b) by deleting the words “mechanism for” appearing at the beginning of paragraph

(d) and substituting therefor the words “mechanisms for”.



**CLAUSE 23**

**THAT** clause 23 of the Bill be amended –

- (a) by deleting the words “The Guild” appearing at the beginning of the clause and substituting therefor the words “The Council”; and
- (b) in paragraph by (h) deleting the word “Guild” appearing immediately after the words “information as the” and substituting therefor the word “Council”.

**CLAUSE 24**

**THAT** clause 24 be amended by deleting the entire clause and substituting it therefor the following clause—

- Application for grant or revocation of patents.      **24.** The Council shall provide technical support to creative artists which shall include –
- (a) application for registration, grant, revocation and institution of legal action for infringement of intellectual property rights; and
  - (b) filing and registration of intellectual property pursuant to international instruments.

**CLAUSE 26**

**THAT** the Bill be amended by deleting clause 26 and substituting therefor the following clause—

- Scope of incentives.      **26.** (1) The incentives and benefits under this Part shall only be made available to members of the Council whose names have been entered into the roll of creatives.
- (2) The Council shall in collaboration with county governments ensure that creative artists in remote and underserved areas whose names have been entered into the roll of creatives access the incentives.

...../Notice of Amendments

**CLAUSE 27**

**THAT** clause 27 be amended in subclause (2) by –

- (a) deleting the word “Guild” appearing immediately after the words “from the” and substituting therefor the word “Council” in paragraph (j);
- (b) deleting the word “and” appearing immediately after the words “measures of creatives” in paragraph (l); and
- (c) inserting the following new paragraphs immediately after paragraph (l) —
  - (la) on industrial standards in the sub-sectors represented in section 8;
  - (lb) on industrial standards for royalty computation, collection and distribution;
  - (lc) on intellectual property protection of creative work from institutions and communities;
  - (ld) on the procedure and criteria for nomination of industry representatives in the board of the council.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by—

- (a) deleting the word “Guild” in the definition of the word “Board” and substituting therefor the word “Council”
- (b) deleting the definition of the word “Guild” and substituting therefor the following new definition -
  - “Council” means the Creative Industry Council established under section 6;

**E. \*THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(Sen. Crystal Asige, MP)

**NATIONAL ASSEMBLY AMENDMENTS**

**NOTICE** is given that the National Assembly made the following amendments to the Start-Up Bill (Senate Bills No. 14 of 2022).

**LONG TITLE**

**THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title—

**“AN ACT of Parliament to provide a framework to support growth and sustainable technological development and transfer, innovative entrepreneurial culture; to create an environment for innovation; to attract talent and capital from Kenya; to recognise and to support startups, incubators, accelerators; and for connected purposes”**

**CLAUSE 2**

**THAT**, clause 2 of the Bill be amended by —

(a) inserting the following definitions in proper alphabetical sequence—

“accelerator” means a company, partnership, an establishment within an institution of higher learning or a formal or informal sector business association whose principal object is to offer short, time bound, and cohort-based programmes, to support the development of startups, innovation, and other activities related to the transfer of skills, research, development, and innovation processes and has been labelled as such under this Act;

“commercialization phase” means a startup process which includes production, marketing, financing and scaling up;

“conception phase” includes idea generation, evaluation, requirement analysis, project planning, prototyping, testing, piloting and proof of concept;

Cap.  
486.

“Estate” means the Kenya Industrial Estates established under the Companies Act;

“incubation programme” means the provision of systematic support to applicants such as access to training, mentorship, and other support services such as the establishment and transformation of enterprises that may be developed by either public or private institutions and executed by an accelerator or incubator;

“investor” means any individual or entity that contributes its resources or technical know-how to the development of startups for a reasonable return;

“label” means a certificate issued by the Agency to a startup, incubator, or accelerator upon the fulfilment of the labelling requirements under this Act;

“labelling” means the assigning of a tiered designation to startups, and the classification of incubators and accelerators in accordance with this Act;

“startup” means a registered enterprise legally recognized under the laws of Kenya, which has been in existence for a period of not more than ten years with a strong growth potential, incremental innovation or disruptive business model; “startup ecosystem players” means any entity that plays a role in —

- (a) the conceptual phase that includes generation and evaluation of ideas, the process of analysing requirements, planning of projects, prototyping, testing, piloting a proof of concept; and
- (b) the commercialization phase that includes production, marketing, financing and scaling up of ideas and proofs of concept;

“startup maturity framework” means a model developed by the Agency to assess the technology readiness levels of startups, and to assign them tiers for purposes of labelling, financing and graduation;

- (b) deleting definition of “Cabinet Secretary” and substituting therefor the following definition-

“Cabinet Secretary” means the Cabinet secretary for the time being responsible for matters relating to micro, small and medium enterprises development; business innovation and incubation; and startups;

- (c) deleting the definition of “County Executive Committee Member”;
- (d) deleting the definition of “incubator” and substituting therefor the following definition —

“incubator” means a company, partnership, non-governmental organization, an establishment within an institution of higher learning or a formal or informal sector business association whose principal object is to support the birthing and development of Startups, innovation, and other activities related to the transfer of skills, research, development, and innovation processes, through the offer of dedicated physical or virtual spaces and advisory services and has been labelled as such under this Act;

- (e) deleting the definition of “startup incubator”.

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended —

- (a) in paragraph (c) by inserting the words “incubators, accelerators and investors” immediately after the word “startups”;
- (b) in paragraph (e), by deleting the word “and” appearing immediately after the word “startups;”
- (c) by inserting the following new paragraphs immediately after paragraph (f)—
  - “(fa) for recognition of startups;
  - (fb) for establishment, development, financial support and growth of startups;
  - (fc) for catalysing the growth of the startup ecosystem through infrastructural enhancement, innovation and talent development, entrepreneurial culture growth and ecosystem coordination;
  - (fd) for enhancement of private sector investments in startups and Kenya’s positioning in the global innovation and startup economy; and”

### **CLAUSE 4**

**THAT**, the Bill be amended by deleting clause 4 and substituting therefor the following new clause—

- |   |   |
|---|---|
| Role of the<br>Agency and the<br>Estate in<br>implementation<br>of the Act. | <b>4.</b> (1) The Agency and the Estate, shall develop a framework for collaboration among the startup ecosystem players including the county governments.<br><br>(2) The Agency shall— |
|---|---|

- (a) formulate a national policy framework for the development of the business incubation and acceleration sector and startup system;
- (b) promote innovation;
- (c) facilitate the transfer of technology innovation;
- (d) create and develop a sustainable, globally competitive technology innovation sector that contributes towards the accelerated growth of the economy;
- (e) promote the linkages between universities and research institutions and the business community.
- (f) enter into partnerships with local and international business incubators and accelerators in order to promote the establishment and growth of startups in Kenya;
- (g) establish programmes for the certification and admission of incubators and accelerators into the incubation programmes;
- (h) setup mechanisms that promote the development of business incubation programmes and create an enabling environment for the promotion of business incubators including fiscal and non-fiscal incentives to incubators and startups;
- (i) establish online and other platforms for access to information including the establishment and development of startups, existing incubation programmes, access to fiscal and non-fiscal support and for this purpose, keep and maintain a directory of startups and incubator;
- (j) support any research and development activities undertaken by startups;
- (k) establish mechanisms for pre-incubation of entities and for this purpose, provide training and capacity building programmes to startups registered under this Act;
- (l) establish mechanisms to enable access to entities from marginalized groups through the use of quotas or mechanisms that match them to unused capacity in existing programmes; and
- (m) establish structures that ensure the protection of the innovations of startups at the national and international level.

(3) The Estate shall —

- (a) develop a framework setting out modalities on funding for commercialization of startups;
- (b) support startups through partnerships/collaboration with relevant startup ecosystem players for commercialization of startups;
- (c) enter into partnerships to promote the startup ecosystem based on the startup maturity framework;
- (d) create an enabling environment for micro, small and medium enterprises to be innovative;
- (e) design and implement training and capacity building programs for startups, incubators, and accelerators in accordance with this Act;
- (f) ensure all persons irrespective of their sex, disability or ethnicity is afforded an equal opportunity to establish and benefit from their innovation;
- (g) promote the creation of employment and wealth creation;
- (h) establish a database of all commercialized startups; and
- (i) undertake any other function, which is incidental to the performance of any of the foregoing functions.

#### **NEW CLAUSE 4A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Establishment  
and  
composition of  
the Startup  
Committee.

**4A.** (1) The Cabinet Secretary shall establish a multi-agency startup committee that shall comprise of technical persons from—

- (a) Kenya National Innovations Agency;
- (b) Kenya Industrial Research and Development Institute;
- (c) Micro Small Enterprises Authority;
- (d) Kenya Industrial Estates;
- (e) Kenya Bureau of Standards;

...../Notice of Amendments

- (f) Kenya Industrial Property Institute;
- (g) Institutions of Higher Learning, Technical, Vocation and Education Training Institutions; and
- (h) any other institution or person that the Cabinet Secretary may deem necessary for the implementation of this Act.

(2) The committee established under subsection (1) shall—

- (a) develop standards and guidelines to regulate the relationship between an incubator and a startup under this Act;
- (b) prescribe a criteria for the evaluation of entities, programmes and structures set up for the purposes of implementing this Act.
- (c) receive, assess, and issue labels to startups;
- (d) receive, assess, and certify incubators and accelerators;
- (e) create guidelines for incubation programmes run by public agencies;
- (f) issue a framework for the establishment, revamping and operation of accelerators and incubation hubs in every county;
- (g) accredit startups; and
- (h) advise the Cabinet Secretary on offering of fiscal and non-fiscal incentives.

## CLAUSE 5

**THAT**, the Bill be amended by deleting clause 5.

## PART III

**THAT**, the title to **PART III** of the Bill be amended by deleting the words “REGISTRAR OF STARTUPS AND ADMISSION INTO INCUBATION PROGRAMME” and substituting therefor the words “LABELLING OF STARTUPS”.

## CLAUSE 6

**THAT**, the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

- Eligibility criteria.      **6.** (1) An entity is eligible for labelling as a startup if the entity—
- (a) is registered in Kenya as a —

Cap.486.  
Cap.490.

...../Notice of Amendments



- (i) private limited company under the Companies Act;
  - (ii) co-operative society registered under Co-operative Societies Act;
  - (iii) sole-proprietorship; or
  - (iv) partnership firm;
  - (b) is newly registered or has been in existence for a period of not more than ten years from the date of its incorporation or registration;
  - (c) has as its objects the innovation, development, production or improvement and commercialization of innovative products, processes or services or if it is a scalable business model;
  - (d) has human resources, total assets, and annual turnover number that does not exceed an amount prescribed by the Cabinet Secretary;
  - (e) has its headquarters in Kenya;
  - (f) does not distribute profits;
  - (g) is fully owned by a citizen of Kenya or majority ownership by citizen or citizens of Kenya;
  - (h) falls within the tiered structures as prescribed by the startup maturity framework; and
  - (i) has at least fifteen percent of the expenses of the entity spent on activities that relate to research and development.
- (2) This Act shall not apply to an entity that is —
- (a) established or formed as a result of the split, reconstruction, merger or reconstitution of an existing business; or
  - (b) a holding company or subsidiary of an existing entity which is not labelled as a startup.
- (3) A startup labelled under this Act shall be granted access to the incentives provided under this Act.

## CLAUSE 7

**THAT**, the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Registration of labelled startup. **7.** (1) A person may apply to the committee to register a labelled startup under this Act in the prescribed form.

(2) A person who applies under subsection (1) shall submit a statement setting out—

- (a) the name of the entity;
  - (b) the general nature of the proposed business of the entity;
  - (c) a declaration form stating whether an entity has complied with data protection laws; and
  - (d) the proposed registered office of the entity;
- (3) The committee shall put in place mechanisms to ensure that the admission process is simple, efficient, accurate and transparent.
- (4) The committee shall establish an online platform for the submission of the documents and information specified under subsection (2).
- (5) The committee shall register and issues a label to a person who complies with the requirements specified in the regulations made under this Act.

### **CLAUSE 8**

**THAT**, the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

Obligations  
of labelled  
startups.

- 8. (1)** A startup labelled under this Act, shall—
- (a) provide information to the committee annually on its annual turnover;
  - (b) maintain proper books of accounts;
  - (c) provide an annual report on monies received to support their activities;
  - (d) comply with any other obligations set out by the Committee after issuance of the label; and
  - (e) provide any other information that may be required during the period.

### **CLAUSE 9**

**THAT**, the Bill be amended by deleting clause 9.

### **CLAUSE 10**

**THAT**, the Bill be amended by deleting clause 10.

### **CLAUSE 11**

**THAT**, the Bill be amended by deleting clause 11.

### **CLAUSE 12**

**THAT**, the Bill be amended by deleting clause 12.

**CLAUSE 13**

**THAT**, the Bill be amended by deleting clause 13.

**CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Grounds for cancellation.      **14.** The startup committee may cancel a startup labelled under this Act where —

- (a) there is reasonable cause to believe that the startup has among its objects the pursuit of an unlawful cause or purpose prejudicial to public interest;
- (b) the startup fails to comply with any directive issued by the startup committee to ensure compliance with the provisions of this Act;
- (c) the members of the startup fail to comply with the provisions of their constitution or rules or the provisions of this Act;
- (d) the startup fails to submit any information required under this Act or requested by the startup committee in order to ensure compliance with this Act; or
- (e) the startup submitted false information or statements at the time of labelling of the startup.

**CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15 and substituting therefor the following new clause—

Notice of non-compliance.      **15.** (1) The Startup Committee shall, before cancelling a startup under section 14, issue to the entity a compliance notice in the prescribed form.

(2) A compliance notice issued under subsection (1) shall—

- (a) be in writing;
- (b) notify the startup of the noncompliance and the steps it is required to take in order to ensure compliance; and
- (c) inform the entity of the period within which it is required to comply with the notice.

(3) The Startup Committee may, upon request by the startup and where there are sufficient grounds shown by the startup, extend the period of compliance for such period as the startup committee may consider necessary to ensure compliance.

...../Notice of Amendments

**Clause 16**

**THAT**, the Bill be amended by deleting clause 16 and substituting therefor the following new clause—

- Cancellation.      **16.**      (1) Where a startup which receives a notice under section 15 fails to comply with such notice, the Startup Committee shall cancel that startup by—
- (a) cancelling its certificate of labelling;
  - (b) notifying the startup in writing of—
    - (i) the cancellation and the reasons for it; and
    - (ii) the date on which the certificate of labelling was cancelled; and
  - (c) amend the register accordingly.
- (2) Where a startup is cancelled under subsection (1), all the rights and benefits that accrue to the startup by virtue of being registered shall cease to accrue to the startup.
- (3) For purposes of this Act, cancellation of a startup under this section takes effect on the date on which the certificate of registration is cancelled by the Startup Committee.

**CLAUSE 17**

**THAT**, the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

- Application from an order of refusal or de-registration.      **17.**(1) A person who is aggrieved by the decision of the Startup Committee under this Part may, within thirty days of being notified of the decision, apply to the Cabinet Secretary for a review of the decision.
- (2) An application for review shall be in such form as the Cabinet Secretary shall prescribe.
- (3) The Cabinet Secretary shall determine an application under subsection (1) within sixty days of receipt of the application under subsection (1) and may confirm, vary or reverse the decision under review.

**CLAUSE 18**

**THAT**, the Bill be amended by deleting clause 18 and substituting therefor the following new clause—

- Register of startups.      **18.**(1) The Startup Committee shall keep and maintain a register of —
- (a) all startups registered under this Act specifying —

- (i) the name of the startup;
- (ii) the members of the startup;
- (iii) the address of the startup;
- (iv) such other particulars as the Startup Committee may from time to time determine;
- (b) all cancelled startups; and
- (c) all startups which have voluntarily cancelled under this Act.

(2) Any person may inspect the register and obtain a copy of, or an extract from the Startup Committee upon payment of such fee as the Startup Committee shall determine.

#### **CLAUSE 19**

**THAT**, the Bill be amended by deleting clause 19 and substituting therefor the following new clause—

Alteration of register.      **19.** (1) The Startup Committee, as the case may be, may, from time to time, make changes or corrections in the register relating to any entry.

(2) Any change or correction in relation to an entry made pursuant to a notice issued by a startup shall be made to the Startup Committee as soon as it is practicable after receipt of an authenticated notification thereof.

#### **CLAUSE 21**

**THAT**, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Change of particulars.      **21.**(1) A startup that makes a change to any of its particulars shall, within thirty days of such change submit to the Startup Committee information regarding the change.

(2) Upon receipt of the information under subsection (1) and where the Startup Committee is satisfied that the change does not affect its status of registration as a startup, enter the changes in the register kept by the Startup Committee under this Act.

#### **PART IV**

**THAT**, the title to **PART IV** of the Bill be amended by inserting the words “AND ACCELERATORS” immediately after the word “INCUBATORS”.

**CLAUSE 24**

**THAT**, clause 24 of the Bill be amended in subclause (1):

- (a) by deleting the words “registrar; and” appearing in paragraph (a) and substituting therefor the words “startup committee” and
- (b) by deleting paragraph (b).

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended—

- (a) in subclause (1) by deleting the words “, in consultation with the county executive committee members, ”
- (b) in subclause (2) by deleting the words “ or a county executive committee member may, ”

**PART V**

**THAT**, the title to **PART V** of the Bill be amended by inserting the words “, INCUBATORS AND ACCELARATORS” immediately after the word “STARTUPS”

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new sub-clause—  
 “(1) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for finance, put in place measures for the granting of fiscal and non-fiscal incentives including tax incentives as shall be considered necessary for the development of startups.”
- (b) by deleting subclause (2).

**NEW CLAUSE 27A**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 27—

- |  |  |
|--|--|
| Incentives<br>for labelled<br>incubators<br>and<br>accelerators. | <b>27A.)</b> The Agency shall put in place measures to support incubators and accelerators and shall, for this purpose—<br>(a) negotiate for tax concessions on the machinery or any other unique equipment to be used by incubators or accelerators; and<br>(b) offer grants and aid for research, development, training, and expansion of projects taking place in the incubators or accelerators. |
|--|--|

Incentives for  
investors.

**27B.** (1) The Cabinet Secretary, in consultation with the Cabinet Secretary responsible for finance, may put in place measures to provide incentives to investors, including—

- (a) providing tax relief on investment and from capital gains tax;
- (b) providing tax relief in the event of loss of investment;
- (c) providing tax relief for organizations or companies who have made equity investments in startups;
- (d) providing tax relief for investors who invest in startups that have three-quarters of their staff as local employees; or
- (e) providing creation of a special visa for foreign direct investment.

General  
requirements  
on  
exemptions  
and  
deductions.

**27C.** A person is eligible for an exemption or a deduction provided for under this Act, where —

- (a) the exemption or deduction has been recommended by the Agency and approved by the appropriate government authority;
- (b) complies with conditions prescribed in this Act and the Regulations; and
- (c) public resources have been allocated to accommodate the exemption or deduction.

## **CLAUSE 30**

**THAT**, clause 30 of the Bill be amended by deleting subclause (2).

## **NEW CLAUSE 30A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 30—

Intellectual  
Property.

**30A.** (1) The Agency shall collaborate with Kenya Industrial Property Institute to—

- (a) maintain an online platform to facilitate intellectual property registrations, which shall contain relevant information on process, categories of registrable intellectual property and registration requirements;
- (b) provide training in intellectual property requirements to labelled startups;

- (c) simplify registration processes and facilitate assistance for the registration of patents and trademarks at both national and international levels;
- (d) make reasonable efforts to expedite intellectual property registration procedures, particularly for patents and trademarks which require several components;
- (e) design a financial support mechanism for labelled startups to support registration of intellectual property at the national and international level,;
- (f) develop model contracts for startups to use in their contractual relations with employees and contractors that detail intellectual property rights and ownership, including for code and application development, and provide access to expert consultations with experienced examiners to ensure compliance with administrative requirements and assist with instituting legal actions for IP infringements and ensure speedy resolution of all intellectual property disputes;
- (g) review domestic copyright laws to clarify that copyright protects source code and algorithms; and
- (h) cooperate with other relevant authorities to integrate prohibitions of forced technology transfer in bilateral investment and trade agreements with third parties.

**CLAUSE 31**

**THAT**, the Bill be amended by deleting clause 31.

**NEW PART VA**

**THAT**, the Bill be amended by inserting the following new PART immediately after clause 32—

**PART VA- ESTABLISHMENT OF THE STARTUP FUND**

Establishment  
of the Startup  
Fund

**32A.** (1) There is established a fund known as the Startup Fund, in accordance with the Regulations prescribed by the Cabinet Secretary.

(2) The Cabinet Secretary shall make regulations to operationalize this section.



Sources of the Funds.

**32B.** The source of the Fund shall consist of—

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Fund;
- (b) such monies as may accrue to the Authority in the performance of its functions under this Act determined in regulations from the National Research Fund;
- (c) any grants, gifts, donations or other endowments given to Kenya National Innovation Agency, Kenya Industrial Estates and other startup ecosystem players including county governments;
- (d) such funds as may vest in or accrue to Kenya National Innovation Agency and Kenya Industrial Estates and other startup ecosystem players including county governments in the performance of its functions under this Act; and
- (e) any funds donated or lent to, or gift made to Kenya National Innovation Agency and Kenya Industrial Estates shall be disclosed to the National Assembly and made public before use.

#### **CLAUSE 34**

**THAT**, the Bill be amended by deleting clause 34 and substituting therefor the following new clause—

Data protection. **34.** The personal data concerning a startup, incubator or accelerator, shall be processed only in accordance with the provisions of the Data Protection Act.  
Cap.411C.

#### **NEW CLAUSE 35**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 34—

General penalty. **35.** (1) A person who commits an offence under this Act for which no specific penalty is provided or who otherwise contravenes this Act shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or to both.

(2) In addition to any penalty referred to in subsection (1), the Court may order or prohibit the doing of any act to stop a continuing contravention.

APPENDIX**1. PAPERS**

- i) Performance Report of the Office of the Registrar of Political Parties for the period August, 2018 to June, 2025.
- ii) The Auditor General's Summary Report on County Governments Receiver of Revenue Funds for the period 2023 – 2024.
- iii) Report of the Auditor General on financial statements of Machakos County Climate Change Fund for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

- iv) Report of the 67<sup>th</sup> Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia on 3<sup>rd</sup> to 8<sup>th</sup> November, 2024.

*(Sen. Jackson Mandago, MP)*

**2. NOTICES OF MOTION**

- i) **APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN BUSIA COUNTY**

*(The Senate Majority Leader)*

**THAT, AWARE** that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

**FURTHER AWARE** of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

**ACKNOWLEDGING** the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui and Turkana Counties in September, 2018, 2019 and 2023, respectively;

**FURTHER ACKNOWLEDGING** the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13<sup>th</sup> Parliament; and the subsequent resolution of the Senate made on 8<sup>th</sup> March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4<sup>th</sup> Senate, except during an election year with the objective to: -

**...../Appendix**

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

**NOW, THEREFORE**, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Busia County, from 6<sup>th</sup> to 10<sup>th</sup> October 2025.

- ii) **REPORT OF THE 67<sup>TH</sup> COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) CONFERENCE HELD IN SYDNEY, AUSTRALIA ON 3<sup>RD</sup> TO 8<sup>TH</sup> NOVEMBER, 2024**  
(Sen. Jackson Mandago, MP)

**THAT**, the Senate notes the Report of the 67<sup>th</sup> Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia on 3<sup>rd</sup> to 8<sup>th</sup> November, 2024, laid on the Table of the Senate on Tuesday, 22<sup>nd</sup> July, 2025.

### **3. QUESTIONS AND STATEMENTS**

#### **a) Statements pursuant to Standing Order 52 (1)**

- i) The Senator for Mombasa County (Sen. Mohammed Faki, MP) to make a Statement regarding the celebration of World Snake Day.
- ii) Nominated Senator (Sen. Esther Okenyuri, MP) to make a Statement concerning the demise and enduring legacy of the Late Hon. Catherine Nyamato, MP.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to make a Statement regarding the Kaptagat Integrated Conservation Programme.

#### **b) Requests for Statements pursuant to Standing Order 53 (1)**

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding disappearance of Mr. Edward Kipchumba Terer and Mr. Mark Lomuke in Sambalat, Elgeyo Marakwet County.

- ii) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding human resource irregularities and payroll management concerns in Elgeyo Marakwet County Public Service Board (CPSB).
- iii) The Senator for Wajir County (Sen. Abass Sheikh Mohammed, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding neglect of small-scale farmers in Wajir County by the County Government of Wajir.
- iv) The Senator for Wajir County (Sen. Abass Sheikh Mohammed, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the rising cases of abductions and disappearances across the country, and specifically, the disappearance of Mr. Hussein Abdirahman Mohamed, Huduma Centre Manager for Wajir County.
- v) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding cases of human-wildlife conflict in Kwale County.
- vi) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the inclusion of the creative economy and innovation in Kenya's national and county development plans.
- vii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the protection of consumers from exploitative practices and data misuse by digital lending platforms in Kenya.
- viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the state of preparedness for digital-era public participation.
- ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of implementation of the Climate Change Act, 2016.
- x) The Senator for Kajiado County (Sen. Kanar Seki, MP) to seek a Statement from the Standing Committee on Education regarding discrepancies and irregularities in the funding of public schools in Kenya.

- xi) Nominated Senator (Sen. Catherine Mumma, MP) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the rising trend of unchecked inflammatory utterances by influential public figures and political leaders.
- xii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a Statement from the Standing Committee on Health regarding requirement by the Social Health Authority (SHA) for a one-year contribution before accessing medical care.
- xiii) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a Statement from the Standing Committee on Education regarding the state of Early Childhood Development Education (ECDE) in the County Government of Kirinyaga.

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**NOTICE PAPER I****Tentative Business for Wednesday, July 23, 2025***(Published pursuant to Standing Order 43 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, July 23, 2025 (Morning Sitting).

**A. QUESTIONS**

<b>QUESTION NO.</b>	<b>SENATOR</b>	<b>SUBJECT</b>	<b>MINISTRY</b>
084	Sen. (Prof.) Margaret Kamar, EGH, MP	The Moi University Savings and Credit Society (MUSCO) liquidation process	Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development
039	Sen. Daniel Maanzo, EBS, MP	Delay in the completion of the construction of Wote Stadium in Makueni County	Youth Affairs, Creative Economy and Sports
067	Sen. Joyce Korir, CBS, MP	Government programmes and initiatives in place to promote mental health and overall well-being of young people in Kenya	Youth Affairs, Creative Economy and Sports
086	Sen. Joe Nyutu, MP	Illegal waste dumping in Murang'a County	Environment, Climate Change and Forestry
091	Sen. Mohamed Chute, MP	Eradication of the invasive <i>Prosopis Juliflora</i> (also known as <i>Mathenge</i> weed) countrywide	Environment, Climate Change and Forestry

**B. MOTIONS**

- i) REPORT OF THE LIAISON COMMITTEE ON THE ACTIVITIES AND OPERATIONS OF SELECT COMMITTEES DURING THE THIRD SESSION (2024)  
(The Chairperson, Liaison Committee)
- ii) REPORT OF THE PARLIAMENTARY DELEGATION TO THE 2024 JOINT UNITED NATIONS – INTER-PARLIAMENTARY UNION PARLIAMENTARY HEARING HELD AT THE UNITED NATIONS HEADQUARTERS IN NEW YORK, UNITED STATES OF AMERICA FROM 8<sup>TH</sup> TO 9<sup>TH</sup> FEBRUARY, 2024  
(Sen. Veronica Maina, MP)
- iii) REPORT OF THE PROCEEDINGS OF THE PARLIAMENTARIANS’ DIALOGUE AT THE AFRICA CLIMATE SUMMIT, 2023 HELD IN THE NATIONAL ASSEMBLY CHAMBER, PARLIAMENT BUILDINGS, NAIROBI ON 3<sup>RD</sup> – 6<sup>TH</sup> SEPTEMBER, 2023  
(Sen. Moses Kajwang’, MP)
- iv) REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 2025 HEARING OF THE INTER-PARLIAMENTARY UNION (IPU) HELD AT THE UNITED NATIONS (UN) IN NEW YORK, UNITED STATES OF AMERICA (USA) ON 13<sup>TH</sup> – 14<sup>TH</sup> FEBRUARY, 2025  
(Sen. Catherine Mumma, MP)
- v) REPORT OF THE 67<sup>TH</sup> COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) CONFERENCE HELD IN SYDNEY, AUSTRALIA ON 3<sup>RD</sup> TO 8<sup>TH</sup> NOVEMBER, 2024  
(Sen. Jackson Mandago, MP)

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## **NOTICE PAPER II**

### **Tentative Business for Wednesday, July 23, 2025**

*(Published pursuant to Standing Order 43 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, July 23, 2025 (Afternoon Sitting)

#### **A. BILLS AT THE SECOND READING STAGE**

- i) \*THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)  
(Sen. Karungo Thang'wa, MP)
- ii) \*THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)  
(Sen. Catherine Mumma, MP)
- iii) \*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2024)  
(Sen. George Mbugua, MP)
- iv) \*THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL (SENATE BILLS NO. 43 OF 2024)  
(Sen. Fatuma Dullo, MP)

#### **B. BILLS AT COMMITTEE OF THE WHOLE STAGE**

- i.) \*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)  
(Sen. Eddy Oketch, MP)
- ii.) \*\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)  
(The Chairperson, Standing Committee on Energy)
- iii.) \*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)  
(Sen. Esther Anyieni Okenyuri, MP)
- iv.) \*THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)  
(Sen. Joyce Korir, MP)
- v.) \*THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL (SENATE BILLS NO. 42 OF 2024)  
(Sen. Tabitha Mutinda, MP)



- vi.) \*THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)  
(Sen. Edwin Sifuna, MP)
- vii.) \*\*\*\*THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)  
(The Senate Majority Leader)
- viii.) \*\*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)  
(The Chairperson, Standing Committee on Labour and Social Welfare)
- ix.) \*THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)  
(Sen. Abdul Haji, MP)
- x.) \*\*\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)  
(The Senate Majority Leader and the Senate Minority Leader)
- xi.) \*THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)  
(Sen. Crystal Asige, MP)
- xii.) \*THE SPORTS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 45 OF 2024)  
(Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP)

**C. MOTIONS**

- i.) REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM A STATEMENT SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)
- ii.) PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON AN INQUIRY INTO THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA  
(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)
- iii.) REPORT OF THE STANDING COMMITTEE ON ENERGY ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN WAJIR COUNTY  
(The Chairperson, Standing Committee on Energy)