

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

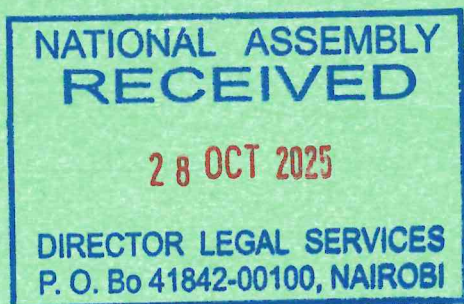
NAIROBI, 1st October, 2025

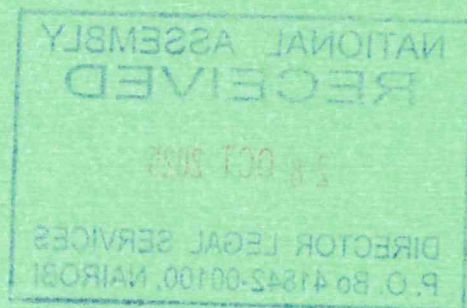
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THE PUBLIC PARTICIPATION BILL, 2025

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, 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 involving 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, 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) in the case of Parliament, the Clerk of the relevant House;
- (b) in the case of the Judiciary, the Chief Registrar of the Judiciary;
- (c) in the case of the Office of the Attorney-General, the Attorney-General;
- (d) in the case of the Office of the Director of Public Prosecutions, the Director of Public Prosecutions;
- (e) in the case of a State Department, the relevant Principal Secretary;
- (f) in the case of a Constitutional Commission or an Independent Office, the Secretary or the Chief Executive Officer;
- (g) in the case of a State corporation, the Chief Executive Officer;
- (h) in the case of a county assembly, the Clerk of the county assembly;
- (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, notify the public of the exercise.

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.

10. The submissions at a public participation exercise may be made—

Submissions during public participation.

- (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.

Reasonable time.

12. (1) A responsible authority shall analyse and take into account the submissions received from the public.

Processing of responses.

(2) A responsible authority shall publish the outcome of the public participation exercise.

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.

Access to public participation processes.

(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 access to the documents relating to the matter under consideration in a public participation exercise.

Access to documents.

15. (1) A person who attends a public participation forum shall be courteous, respectful and civil.

Conduct in a forum of public participation.

(2) A responsible authority shall facilitate the maintenance of order during the conduct 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. 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.

Provided that in the case of Parliament and county assemblies, such guidelines shall be incorporated in the Standing Orders of the respective House of Parliament or county assembly.

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 Defences Forces Act or any other written law.

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

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

Cap. 411C.

20. A responsible authority who, in conducting public participation, wilfully fails to adhere to the principles and guidelines set out under this Act commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand shillings.

General penalty.

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.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of the Bill is to provide a framework for effective public participation. The Bill gives effect to the Constitutional principle of participation of the people enshrined in Articles 1, 10, 35, 69, 118, 174, 184, 196, 201, and 232 of the Constitution. The Bill also provides guiding principles to be adhered to by institutions conducting public participation. The Bill further designates the responsible authorities for purposes of the development of specific guidelines for public participation in each public institution.

Part I contains preliminary provisions and includes the short title, interpretation, object of the Act, application of the Act and principles of public participation.

Part II designates the responsible authorities for the purpose of implementation of the Act.

Part III provides for general guidelines for public participation and includes provisions on considerations in undertaking public participation, notice for public participation, modes of notifying the public, submissions during public participation, reasonable time, processing of responses, access to public participation processes, access to documents and conduct in a forum of public participation.

Part IV provides for specific guidelines for public participation and includes provisions on development of specific guidelines for public participation, publication of the specific public participation guidelines and public participation by Parliament.

Part V contains miscellaneous provisions which provide for certain information not to be disclosed, general penalty and transitional provisions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

The Bill delegates legislative powers to the responsible authority to make specific guidelines for public participation.

The Bill does not limit any of the rights and fundamental freedoms contained in the Bill of Rights in the Constitution.

Statement as to whether the Bill concerns county governments

The Bill seeks to provide a national framework for public participation. Public participation is a constitutional requirement at all levels of government. The Bill therefore concerns county governments in

terms of Articles 110(1) (a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 24th September, 2025

OTIENDE AMOLLO,
Member of Parliament.

SAMUEL CHEPKONGA,
Member of Parliament.

