

**PARLIAMENT OF KENYA**

**THE SENATE**

**SENATE BILLS DIGEST**

**THE ENERGY (AMENDMENT) BILL, (SENATE BILLS NO. 11 OF 2025)**

|                               |                                  |      |
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| <b>Sponsor:</b>               | Senate Energy Committee          |      |
| <b>Date of Publication:</b>   | 16 <sup>th</sup> July, 2025      |      |
| <b>Date of First Reading:</b> | 23 <sup>rd</sup> September, 2025 |      |
| <b>Committee referred to:</b> | Standing Committee on Energy     |      |
| <b>Type of Bill:</b>          | Ordinary                         | Bill |

**1. PURPOSE OF THE BILL**

The principal object of this Bill is to amend section 223 of the Energy Act, to exempt county governments, from the group of public bodies that need to seek consent from the Cabinet Secretary in charge of Energy and Petroleum, before levying charges on wayleaves.

**2. BACKGROUND OF THE BILL**

As it is, counties are required by law, to seek and acquire consent from the Cabinet Secretary in charge of Energy before charging levies on the wayleaves the public energy sector lays in the counties. In most instances, counties are not granted the consent as the Ministry feels that charging them levies will be expensive, leaving counties with the burden of covering and generally maintaining those roads and spaces. By allowing counties to charge levies for wayleaves, counties are able to use the monies collected from the wayleaves to repair and generally maintain county roads, in addition to raising their revenues. This Bill will therefore, help the counties increase avenues to raise their revenue in exercise of their powers under Article 209 (3) of the Constitution.

**Current Law**

*Section 223 of the Energy Act, Cap 314*, provides that, no public body shall charge levies on public energy infrastructure without the consent of the Cabinet Secretary in writing. This means that, all public bodies, including counties, must first get the consent of the

Cabinet Secretary in charge of energy, before levying fees on public energy infrastructure like wayleaves.

### ***The rationale for the Bill***

The Bill therefore, seeks to replace this provision of the current law, that is the Energy Act, with one that exempts counties from the category of public bodies that must seek consent before charging levies. This will in turn allow counties the freedom to charge levies on wayleaves and subsequently increase their avenues for raising own source revenues.

### **3. CONSEQUENCES OF THE BILL**

The Bill will provide counties with the freedom to charge levies on all public energy infrastructure that are laid within the counties without seeking consent from the Cabinet Secretary in charge of Energy. This freedom will automatically remove counties from the list of other public entities that must be granted consent before they charge levies. This will leave the rest of the public bodies to seek consent.

### **4. WAY FORWARD**

#### ***What next?***

Pursuant to standing order 145 of the Senate Standing Orders, the Standing Committee on Energy shall facilitate public participation and shall take into account the views and recommendations of the public when the committee submits its report to the Senate.

#### ***What is expected of the members of public?***

The members of the public are expected to present their views to the Standing Committee on Energy for its consideration.

#### ***Next step***

The Bill was Read a First Time in the Senate on 23<sup>rd</sup> September, 2025. Pursuant to standing order 148 of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by 24<sup>th</sup> September, 2025.

**Note:**

1. This Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill made after its publication.
2. The Digest does not have any official legal status.