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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

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CONTENT

Bill for Introduction into the National Assembly —	PAGE
The Films and Stage Plays (Amendment) Bill, 2026	1159



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REPUBLIC OF KENYA

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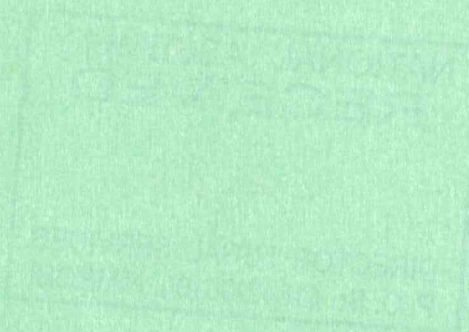
NATIONAL ASSEMBLY BILL NO. 1

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1963

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**THE FILMS AND STAGE PLAYS (AMENDMENT) BILL,
2026**

A Bill for

**AN ACT of Parliament to amend the Films and Stage Plays
Act**

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|--|--------------------------------------|
| 1. The Act may be cited as the Films and Stage Plays (Amendment) Act, 2026. | Short title. |
| 2. Section 2 of the Films and Stage Plays Act, hereinafter referred to as the “principal Act” is amended— | Amendment of section 2 of Cap. 222. |
| (a) by deleting the definition of the word “Board”; and | |
| (b) by inserting the following new definition in its proper alphabetical sequence— | |
| “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to films and stage plays;” | |
| 3. Section 3 of the principal Act is amended by deleting the word “person” and substituting therefor the words “a public officer from the Ministry”. | Amendment of section 2 of Cap. 222. |
| 4. The principal Act is amended by repealing section 11. | Repeal of section 11 of Cap. 222. |
| 5. The principal Act is amended by repealing section 11A. | Repeal of section 11A of Cap. 222. |
| 6. The principal Act is amended by repealing section 11B. | Repeal of section 11B of Cap. 222. |
| 7. The principal Act is amended by repealing section 11C. | Repeal of section 11C of Cap. 222. |
| 8. The principal Act is amended by repealing section 11D. | Repeal of section 11D of Cap. 222. |
| 9. Section 12 of the principal Act is amended— | Amendment of section 12 of Cap. 222. |
| (a) in subsection (1) by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”; | |

- (b) in subsection (2) by deleting the words “the Board” and substituting therefor the words “a licensing officer”.

10. Section 13 of the principal Act is amended—

Amendment of
section 13 of Cap.
222.

- (a) in subsection (1) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;
- (b) in subsection (2) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;

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- (c) in subsection (4) by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”.

11. Section 14 of the principal Act is amended—

Amendment of
section 14 of Cap.
222.

- (a) in subsection (1) by deleting the word “Board” wherever it appears and substituting therefor the words “Cabinet Secretary”;
- (b) in subsection (1) by deleting the word “Board” wherever it appears and substituting therefor the words “Cabinet Secretary”.

12. Section 15 of the principal Act is amended—

Amendment of
section 15 of Cap.
222.

- (a) by deleting the marginal note and substituting therefor the following marginal note—
“Role of the Cabinet Secretary”;
- (b) in subsection (1) by deleting the words “functions of the Board” and substituting therefor the words “role of the Cabinet Secretary”; and
- (c) in subsection (2) by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”.

13. Section 16 of the principal Act is amended—

Amendment of
section 16 of Cap.
222.

- (a) in subsection (1) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;
- (b) in subsection (2) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;
- (c) by deleting subsection (3) and substituting therefor the following new subsection —
 “(3) If a licensing officer approves a film subject to excisions therefrom, the licensing officer may make the excisions and retain in their position the excised parts.”
- (d) in subsection (4) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;
- (e) in subsection (5) by deleting the words “the Board” and substituting therefor the words “a licensing officer”;
- (f) in subsection (6) by deleting the words “the Board” wherever it appears and substituting therefor the words “a licensing officer”.

14. Section 17 of the principal Act is amended—

Amendment of
section 17 of Cap.
222.

- (a) by deleting the opening sentence in subsection (1) and substituting therefor the following new subsection —
 “(1) if a licensing officer considers that any cinematograph film is unsuitable for general exhibition, the licensing officer shall record its ruling in one of the following forms —”
- (b) by deleting subsection (2) and substituting therefor the following new subsection —
 “(2) Where a licensing officer records the ruling in the form “for adults only” the licensing officer shall issue a certificate of approval subject to the condition that no child shall be admitted to the exhibition.”

(c) in subsection (3) by deleting the words “the Board” and substituting therefor the words “a licensing officer”.

15. Section 18 of the principal Act is amended by deleting the words “the Board” wherever it appears and substituting therefor the words “a licensing officer”.

Amendment of section 18 of Cap. 222.

16. Section 29 of the principal Act is amended by deleting the words “licensing authority, or the Board”.

Amendment of section 29 of Cap. 222.

17. The provisions of the Schedule shall, upon the commencement of this Act, have effect with respect to the transfer of the functions, assets liabilities of the Kenya Film Classification Board.

Transition and savings.

SCHEDULE

(s. 17)

1. (1) Any licence, certificate of approval, approval or permission issued or given by the Board under the Act before the commencement of this Act shall be deemed to be issued, given or granted by the Cabinet Secretary under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in accordance with the Act subject to any terms in that regard set out in the licence, certificate of approval, approval or permission.

Licences, certificates of approval, approvals or permission issued or given by the Board.

(2) Any application for a licence, certificate of approval, approval or permission made to the Board under the Act before the commencement of this Act, shall be deemed to have been made to the Cabinet Secretary under the corresponding provisions of this Act and shall be determined by the Cabinet Secretary.

2. (1) The Cabinet Secretary to the National Treasury shall by notice in the *Gazette*, specify the date or dates and the manner in which the assets and liabilities of the Board shall be transferred to and vested in—

Transfer of assets and liabilities of the Board.

- (a) the Cabinet Secretary for the National Treasury; and
- (b) the relevant Ministry.

(2) A notice under subsection (1) shall specify the assets and liabilities of the Board which are to be transferred to the Cabinet Secretary for the National Treasury, or the relevant Ministry, as the case may be.

(3) References in this Schedule to assets and liabilities of the Board shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the Board.

3. All rights, duties, obligations and liabilities of the Kenya Film Classification Board shall be automatically and fully transferred to the Cabinet Secretary and any reference to the Kenya Film Classification Board in any contract or document shall for all purposes be deemed to be a reference to the Cabinet Secretary.

Transfer of rights, duties and obligations.

4. Any legal proceedings pending immediately before the coming into operation of this Act to which the Board was a party shall be continued as if the Cabinet Secretary was a party thereto in lieu of the Board.

Legal proceedings.

5. A person who was, immediately before the commencement of this Act, an employee of the Board and who was serving at the Board shall, upon the commencement of this Act, be redeployed in the public service.

Transfer of Employees.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Films and Stage Plays Act, Cap. 222 to provide for the dissolution of the Kenya Film Classification Board and revert the functions performed by the Board to the relevant Ministry. This is in line with the recommendations of the Cabinet on the restructuring of State Corporations with a view to addressing operational and financial inefficiencies, enhancing service delivery and reducing reliance on the Exchequer.

Clause 1 of the Bill provides for the Short Title.

Clause 2 of the Bill amends section 2 of the Act to remove the definition of the term “Board” as well as to insert the definition of “Cabinet Secretary” which was previously not defined in the Act.

Clause 3 of the Bill amends section 3 of the Act to provide that a licensing officer shall be a public officer from the relevant Ministry appointed by the Cabinet Secretary.

Clause 4 of the Bill repeals section 11 of the Act which provides for the establishment of the Kenya Film Classification Board.

Clause 5 of the Bill repeals section 11A of the Act which provides for the membership of the Board.

Clause 6 of the Bill repeals section 11B of the Act which provides for the co-option of members into the Board.

Clause 7 of the Bill repeals section 11C of the Act which provides for the appointment and duties of the Chief Executive Officer.

Clause 8 of the Bill repeals section 11D of the Act which provides for other staff of the Board.

Clause 9 of the Bill amends section 12 of the Act to provide that exhibition of films shall be done only once registration is done by a licensing officer, and further to provide that the issuing of a certificate of approval shall be done by the Cabinet Secretary.

Clauses 10, 11, 12, 13, 14 and 15 of the Bill amend sections 13, 14, 15, 16, 17 and 18 of the Act respectively to transfer the functions performed by the Board to the Cabinet Secretary and the licensing officer.

Clause 16 of the Bill amends section 29 of the Act to remove the reference to decisions of the Board.

Clause 17 of the Bill provides for the reference to the Schedule.

The **Schedule** to the Bill provides for the transition provisions relating to the assets, liabilities, obligations and staff of the Board.

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

This Bill does not delegate legislative powers and neither does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill concerns county governments in terms of Article 109(5) of the Constitution as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Paragraph 4(d) of Part 2 of the Fourth Schedule to the Constitution provides that public entertainment and public amenities, including cinemas, is a function of the county governments.

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 14th May, 2026.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.

Section 2 of Cap. 222 which is intended to be amended—

2. Interpretation

In this Act, unless the context otherwise requires—

"admitted" means admitted whether on payment or gratuitously;

"Board" means the Kenya Film Classification Board established by section 11;

"certificate of approval" means a certificate issued by the Board under section 16;

"child" means a person who has attained the age of four years but has not attained the age of eighteen years;

"cinema" *deleted by Act No. 5 of 2007, s. 7;*

"exhibit" means give or make, or cause or permit to be given or made, or take part or assist in the giving or making of any exhibition;

"exhibition" means the projection of a film or other optical effect by means of a cinematograph or similar apparatus;

"film" means a cinematographic film, recorded video cassette film, recorded video discs, any recorded audiovisual medium, and includes any commentary (wherever spoken and whether the person speaking appears in the film or not), and any music or other sound effect, associated with the film, and any part of a film;

"licensing authority" *deleted by Act No. 5 of 2007, s. 7;*

"licensing officer" *deleted by Act No. 5 of 2007, s. 7;*

"making of a film" means the acts of photographing, performing or otherwise taking part in or arranging any scenes or episodes for the purpose of the production of a film and includes the recording of a film on a video cassette, video disc or other audiovisual medium;

"poster" means any poster or other advertisement advertising a film or exhibition;

"public exhibition" and "public performance" mean respectively an exhibition and a performance to which the public are admitted, whether on payment or gratuitously;

"stage play" includes tragedy, comedy, farce, opera, burletta, interlude, melodrama, revue, pantomime, dialogue, prologue, epilogue and every other dramatic entertainment, and any part thereof;

"stage plays licensing authority" means a licensing authority appointed under section 19.

Section 3 of Cap. 222 which is intended to be amended—

3. Licensing officer

The Cabinet Secretary shall, by notice in the *Gazette*, appoint a person to be the licensing officer for the purposes of this Part.

Section 11 of Cap. 222 which is intended to be amended—

11. Establishment of the Kenya Film Classification Board

(1) There is established a board to be known as the Kenya Film Classification Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and capable, in its corporate name, of—

- (a) suing and being sued;
- (b) holding and alienating movable and immovable property; and
- (c) doing or performing all such other things or acts for the proper performance of its functions as may be lawfully done by a body corporate.

Section 11A of Cap. 222 which is intended to be amended—

11A. Membership of the Board

The Board shall consist of—

- (a) a Chairperson appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to information and communications;
- (c) the Principal Secretary to the National Treasury;
- (d) the chief executive officer appointed under section 11C; and
- (e) eight other members appointed by the Cabinet Secretary by virtue of their knowledge and experience in matters relating to—
 - (i) psychology;
 - (ii) women's and children's rights;
 - (iii) religion;
 - (iv) cinematography;

- (v) such other field as the Cabinet Secretary may deem appropriate.

Section 11B of Cap. 222 which is intended to be amended—

11B. Co-option of members

The Board may, from time to time, co-opt such number of persons as it may determine, having regard to the number of films requiring examination, to examine and classify films.

Section 11C of Cap. 222 which is intended to be amended—

11C. Appointment and duties of the chief executive officer

(1) There shall be a chief executive officer of the Board who shall be appointed by the Board on such terms and conditions of service as the Cabinet Secretary may approve.

(2) The chief executive officer shall be the accounting officer of the Board and responsible for the day-to-day management of the affairs of the Board, and any other function prescribed under this Act or assigned by the Board.

Section 11D of Cap. 222 which is intended to be amended—

11D. Other staff of the Board

The Board may employ such number of other staff on such terms and conditions of service as the Cabinet Secretary may approve.

Section 12 of Cap. 222 which is intended to be amended—

12. Restriction on exhibitions

(1) No person shall exhibit any film at an exhibition to which the public are admitted or distribute such film unless he is registered as an exhibitor or distributor by the Board and issued with a certificate.

(2) No film or class of film shall be distributed, exhibited or broadcast, either publicly or privately, unless the Board has examined it and issued a certificate of approval in respect thereof:

Provided that this subsection shall not apply in respect of—

(a) educational documentaries which are approved by the Kenya Institute of Education; or

(b) films restricted for use in the medical profession.

(3) Any person who exhibits any film in contravention of the provisions of subsection (1) or subsection (2) shall be guilty of an offence.

Section 13 of Cap. 222 which is intended to be amended—

13. Restriction on display of posters

(1) No person shall display, or cause or permit to be displayed, in a public place, or so as to be visible from a public place, any poster, unless the Board has first approved the poster for public display.

(2) Where, under paragraph (b) of subsection (1) of section 14 of this Act, the Board has directed that a description only of a poster need be furnished, and a poster advertising the film or exhibition is displayed in a public place or so as to be visible in a public place, an authorized person may, if he considers that the poster is objectionable or does not conform to the description furnished under that paragraph (and on production of his authority if so requested), require any person displaying the poster, or causing or permitting it to be displayed, to remove it or to obliterate a specified part thereof.

(3) Any person who contravenes the provisions of subsection (1) of this section, or who fails to comply with any requirement of an authorized person under subsection (2) of this section, shall be guilty of an offence.

(4) In this section, "an authorized person" means a person who is in writing authorised by the Board for the purposes of this Part.

Section 14 of Cap. 222 which is intended to be amended—

14. Application for certificate of approval

(1) Every application for a certificate of approval shall be made to the Board and shall be accompanied by—

(a) the entire film to which the application relates;

(b) a copy of every poster intended to be publicly displayed in connexion with the film or its exhibition, or else, where the Board in any particular case so directs, a full description thereof and of the visual and verbal contents thereof.

(2) If application is made for a certificate of approval in respect of a film, or for the approval of a poster, containing writing or speech in a language other than English, the Board may require a translation thereof into English, certified to the satisfaction of the Board, or may submit the film or poster for the examination and report of such persons as the Board may appoint for the purpose.

Section 15 of Cap. 222 which is intended to be amended—

15. Functions of the Board

(1) The functions of the Board shall be to—

- (a) regulate the creation, broadcasting, possession, distribution and exhibition of films by—
 - (i) examining every film and every poster submitted under this Act for purposes of classification;
 - (ii) imposing age restriction on viewership;
 - (iii) giving consumer advice, having due regard to the protection of women and children against sexual exploitation or degradation in cinematograph films and on the internet;
 - (b) license and issue certificate to distributors and exhibitors of films.
- (2) The Board may from time to time prescribe—
- (a) the procedure for application for licensing as a distributor or exhibitor of films; and
 - (b) guidelines to be applied in the classification of films.

Section 16 of Cap. 222 which is intended to be amended—

16. Certificate of approval

(1) Subject to the provisions of section 17 of this Act, on completion of the examination of a film, the Board may—

- (a) approve it for exhibition to the public; or
- (b) approve it for exhibition to the public subject to such excisions as it thinks proper; or
- (c) refuse to approve it for exhibition to the public; or
- (d) *deleted by Act No. 6 of 2009, Sch.*

(2) On completion of the examination of a poster, the Board may—

- (a) approve it for public display; or
- (b) approve it for public display subject to such deletions or alterations as it thinks proper; or
- (c) refuse to approve it for public display.

(3) If the Board approves a film subject to excisions therefrom, the Board may itself make the excisions and retain in its possession the excised parts.

(4) The Board shall not approve any film or poster which in its opinion tends to prejudice the maintenance of public order or offend decency, or the public exhibition or display of which would in its opinion for any other reason be undesirable in the public interest.

(5) Where the Board approves a film or poster it shall give to the applicant a certificate of approval thereof in the prescribed form.

(6) Where the Board approves a film or poster as approved subject to excisions, deletions or alterations, any person who—

(a) exhibits the film, from which the parts which the Board directed to be excised, deleted or altered have not been excised, deleted or altered in accordance with the Board's direction; or

(b) displays or causes or permits to be displayed in a public place, or so as to be visible from a public place, the poster, from or on which the parts which the Board directed to be excised, deleted or altered have not been excised, deleted or altered in accordance with the Board's direction, shall be guilty of an offence.

Section 17 of Cap. 222 which is intended to be amended—

17. Films unsuitable for children

(1) If it considers that any cinematograph film is unsuitable for general exhibition, the Board shall record its ruling in one of the following forms—

(a) for adults only;

(b) unsuitable for children under the age of sixteen years;

(c) unsuitable for children under the age of ten years.

(2) Where the Board records its ruling in the form "for adults only" it shall issue a certificate of approval subject to the condition that no child shall be admitted to the exhibition thereof.

(3) The ruling of the Board under subsection (1) of this section shall be mentioned in all advertisements and on all posters of the film concerned, and announced on the cinema screen immediately before the film is exhibited.

(4) Any person who exhibits any film, at an exhibition to which the public are admitted, in contravention of any condition imposed under subsection (2), or who displays or permits to be displayed in a public place or so as to be visible from a public place, any poster, or who publishes any advertisement or causes or permits to be published any advertisement, which contravenes, or who otherwise fails to comply with, the provisions of subsection (3), shall be guilty of an offence.

Section 2 of Cap. 222 which is intended to be amended—

18. Effect of adding matter after approval

If any matter other than the certificate of approval and the prohibition or ruling of the Board is added to a film after it has been approved by the Board, the film shall be deemed, for the purposes of this Act, to be a film in respect of which a certificate of approval has not been given.

Section 29 of Cap. 222 which is intended to be amended—

29. Appeals

Any person who is aggrieved by a decision of a licensing officer, licensing authority, or the Board may appeal to the Cabinet Secretary, and the Cabinet Secretary may, subject to this Act, confirm, vary or reverse that decision, and in so doing the Cabinet Secretary may give such directions in the matter as may be necessary to give effect to his decision and any decision of the Cabinet Secretary under this section shall be final.

