



## ANNUAL REPORT

2023-2024

**KENYA LAW REFORM COMMISSION**

*A dynamic and responsive agency for progressive law reform*

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## TABLE OF CONTENT

LIST OF ACRONYMS.....	v
FOREWARD BY THE CHAIRPERSON .....	vii
PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER .....	viii
<b>CHAPTER ONE: INTRODUCTION .....</b>	<b>1</b>
1.1 Overview.....	1
1.2 Mandate and Functions .....	1
1.3 Leadership and Management .....	2
1.3.1 Composition of the Commission .....	2
1.3.2 The Secretariat.....	3
1.4 Strategic Direction.....	3
1.4.1 Strategic Goals and Key Result Areas .....	3
1.4.2 Vision, Mission and Core Values.....	4
1.4.3 Guiding Principles and Attributes .....	4
<b>CHAPTER TWO: STRATEGIC PRIORITIES AND KEY ACHIEVEMENTS.....</b>	<b>5</b>
2.1 Overview .....	5
2.2 Legislative Reform and Development .....	5
2.2.1 Review of laws to align with the Constitution.....	5
2.2.3 Advice and Technical Assistance to National and County Governments.....	7
2.2.4 Review, reform and development of laws to support Bottom-Up Economic Transformation Agenda and Medium-Term Plan IV of Vision 2030.....	7
2.2.5 Technical Assistance to MDAs to support development of legislative proposals in support of other sectors .....	10
2.2.6 Technical Assistance to County Governments .....	14
2.3 Legal Research.....	14
2.4 Public Education.....	15
2.5 Pre-publication Scrutiny of Legislative Proposals referred from Parliament.....	15
2.6 Stakeholder Collaboration.....	17
2.6.1 Collaboration with other Law Reform Agencies.....	17
2.6.2 Collaboration with Institutions in the Administration of Justice Sector.....	17

2.6.3	Collaboration with Institutions to strengthen Devolution in Kenya.....	18
2.6.4	Collaboration with the Office of the Prime Cabinet Secretary.....	19
2.7	Institutional Strengthening.....	19
2.7.1	Addressing human and other resource constraints.....	19
2.7.2	Performance Management.....	20
<b>CHAPTER THREE:</b>	<b>CHALLENGES AND RECOMMENDATIONS .....</b>	<b>21</b>
3.1	Overview .....	21
3.2	Legal and Policy Challenges.....	21
3.2.1	Absence of a Streamlined Approach to Law Reform.....	21
3.2.2	Thresholds for Public Participation .....	22
3.3	Operational Challenges .....	22
3.3.1	Inadequate Technical Staffing .....	22
3.3.2	Inadequate Funding.....	23
<b>CHAPTER FOUR:</b>	<b>FINANCIAL STATEMENTS .....</b>	<b>25</b>
4.1	Overview .....	25
4.2	Financial Obligations.....	25
4.2.1	Statutory Framework and Standards .....	25
4.2.2	Sustainable Utilization of Allocated Funds .....	25
4.3	Statement of Financial Performance for the Year Ended 30 June 2024.....	26
4.4	Statement of Financial Position as at 30 June 2024.....	28
4.5	Statement of Changes in Net Assets for the Year Ended 30 June 2024 .....	30
4.6	Statement of Cash Flows for the Year Ended 30 June 2024 .....	31
4.7	Statement of Comparison of Budget and Actual amounts for the Year Ended 30 June 2024.....	32
<b>APPENDIXES .....</b>	<b>.....</b>	<b>35</b>
	Appendix I: Profile of the Chairperson and Members of the Commission.....	35
	Appendix II: List of Acts, Bills, Regulations and Policies reviewed or prepared.....	43

## LIST OF ACRONYMS

AG	Attorney-General
BETA	Bottom-Up Economic Transformation Agenda
CAF	County Assemblies Forum
CEO	Chief Executive Officer
COK	Constitution of Kenya
EBS	Elder of the Burning Spear
EGH	Elder of the Golden Heart
FY	Financial Year
GJLO	Governance, Justice, Law and Order Sector
ICT	Information Communication Technology
IDLO	International Development Law Organization
IMO	International Maritime Organization
IPSAS	International Public Sector Accounting Standards
KenTrade	Kenya Trade Network Agency
KPS	Kenya Prisons Service
KICA	Kenya Information and Communications Act
KLRC	Kenya Law Reform Commission
KMA	Kenya Maritime Authority
KTAIB	Kenya Transport Accident Investigation Bureau (KTAIB).
MBS	Moran of the Burning Spear
MSME	Micro, Small and Medium Enterprise
MDAs	Ministries, Departments and Agencies
MPTP IV	The Fourth Medium Term Plan
NYS	National Youth Service
NPS	National Police Service
NESWS	National Electronic Single Window System
NCAJ	National Council on Administration of Justice
NCLR	National Council for Law Reporting

NGLA	National Government`s Legislative Agenda
OAG	Office of the Attorney-General
OGW	Order of Grand Warrior
OPCS	Office of the Prime Cabinet Secretary
PC	Performance Contract
PWPER	Presidential Working Party on Education Reforms
RIA	Regulatory Impact Assessment
RSS	Roadside Stations Regulations
SC	Senior Counsel

## **FOREWARD BY THE CHAIRPERSON**

Published pursuant to section 32 of the KLRC Act, the Report seeks to enhance accountability and transparency on how KLRC conducts its work and utilizes the allocated resources. The Report also seeks to share crucial information and outcomes of the Commission's law reform mandate, fulfilled in accordance with the national values and principles enshrined in the Constitution.

During the reporting period, the Commission commenced the implementation of its Strategic Plan 2023-2028, which defines its strategic direction and mission of providing leadership in law reform through continuous review of the law, ensuring its systematic development and reform in conformity with the Constitution. The Plan aligns the Commission's law reform mandate and strategic priorities over the next five years to national development goals and focuses on four key result areas namely: legislative reform and development; legal research; public education; stakeholder collaboration and engagement and institutional strengthening.

This year's Report highlights the Commission's strategic priorities and programmes, achievements and their expected impacts. We take pride in our contribution to the nation's development through our services in the review of existing legislation and the development of legislative proposals or Bills to reform of law in various critical sectors. Through the continuous review our laws, we contribute to the systematic development of a robust legal framework for Kenya.

We are grateful for the collaboration, partnership and support of our stakeholders and partners with whom we have worked to realize the set targets in the reporting period.

**Christine Agimba**

**Chairperson**

**Kenya Law Reform Commission**

## **PREFACE BY THE SECRETARY /CHIEF EXECUTIVE OFFICER**

We are pleased to publish the Annual Report and Financial Statements for the financial year starting 1<sup>st</sup> of July 2023 and ending 30<sup>th</sup> of June 2024. Preparation of annual reports is both a legal requirement and a good governance obligation. Under section 32 of the KLRC Act, the Commission is required to prepare, publish and disseminate annual reports in the prescribed manner.

This Report highlights the activities of the Commission and includes the financial statements, challenges as well as our recommendations. In the review period, KLRC continued to execute its mandate and discharge its functions towards the realization of set targets in the Commission's annual Performance Contract and Work plan. In addition to targeted law reform initiatives, we received and responded to requests for advice and technical assistance for reform of the law from both national and county governments as well as references from the Parliament and Judiciary.

These achievements were realized despite the staffing constraints, budget cuts and therefore inadequate office facilities, equipment and staff which affect implementation of key programmatic initiatives. For the KLRC to deliver on its mandate in a sustainable manner, we expect to receive the required financial and technical support.

**Joash Dache, MBS**

**Secretary/ Chief Executive Officer**



## CHAPTER ONE: INTRODUCTION

### 1.1 Overview

This chapter sets out the mandate of the Commission and its leadership and management structure, and the strategic direction of the Commission. During the reporting period, law reform activities and programmes were aligned with the Commission’s strategic goals, objectives and key result areas. The Kenya Law Reform Commission (“KLRC” or “the Commission”) has been in existence for more than 40 years, having been initially established under the Law Reform Commission Act of 1982. It is currently established under the Kenya Law Reform Commission Act, 2013 (KLRC Act). The Commission is established as a permanent statutory body which is the standard model for law reform agencies across Commonwealth countries.

### 1.2 Mandate and Functions

Section 6 of the KLRC Act sets out the functions of the Commission as follows:

- (a) keep under review all the law and recommend its reform to ensure—
  - (i) that the law conforms to the letter and spirit of the Constitution;
  - (ii) that the law systematically develops in compliance with the values and principles enshrined in the Constitution;
  - (iii) that the law is, among others, consistent, harmonized, just, simple, accessible, modern and cost-effective in application;
  - (iv) the respect for and observance of treaty obligations in relation to international instruments that constitute part of the law of Kenya by virtue of Article 2(5) and (6) of the Constitution;
  - (v) keep the public informed of review or proposed reviews of any laws;  
and
  - (vi) keep an updated database of all laws passed and reviewed by Parliament.

- (b) work with the Attorney-General and the Commission for the Implementation of the Constitution (now defunct) in preparing for tabling, in Parliament, the legislation and administrative procedures required to implement the Constitution;
- (c) provide advice, technical assistance and information to the national and county governments with regard to the reform or amendment of a branch of the law;
- (d) upon request or on its own motion, undertake research and comparative studies relating to law reform;
- (e) formulate and implement programmes, plans and actions for the effective reform of laws and administrative procedures at national and county government levels;
- (f) consult and collaborate with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social, economic and political policies for the time being in force;
- (g) formulate, by means of draft Bills or otherwise, any proposals for reform of national or county government legislation;
- (h) upon request or on its own motion, advise the national or county governments on the review and reform of their legislation;
- (i) undertake public education on matters relating to law reform; and
- (j) perform such other functions as may be prescribed by the Constitution, this Act or any other written law.

### **1.3 Leadership and Management**

#### **1.3.1 Composition of the Commission**

The Commission comprises of the Chairperson and seven members as set out in section 8 of the KLRC Act. The Commission is the governing organ and is responsible for providing policy and strategic direction in the discharge of the Commission’s mandate and functions, as well as oversight in line with good corporate governance practice.

The Chairperson and members during the reporting period were:

- |                              |                         |
|------------------------------|-------------------------|
| 1. Ms. Christine A. Agimba   | Chairperson             |
| 2. Prof. Paul Musili Wambua  | Member/Vice Chairperson |
| 3. Hon. Kiraitu Murungi, EGH | Member                  |

4. Mrs. Dorcas Oduor, OGW, EBS, SC	Member
5. Dr. Mary Gaturu, HSC	Member
6. Mr. Duncan Okello	Member
7. Ms. Linda Murila	Member
8. Ms. Rose Janet Ayugi	Member
9. Mr. Joash Dache, MBS	Secretary/CEO

### **1.3.2 The Secretariat**

The Secretariat is headed by the Secretary to the Commission, who is responsible to the Commission in the performance of the functions and duties of this office. The Secretary also serves as the Chief Executive Officer, is the accounting officer for the Commission and is responsible for carrying into effect the decisions of the Commission, the day-to-day operations and supervision of staff. The Secretariat is comprised of professional, technical, administrative and support staff who carry out duties in the discharge of the Commission`s mandate and functions. The law reform mandate is discharged by the Legislative Services Directorate and Research, Policy and Public Education Directorate, while the Corporate Services Directorate provides support services.

### **1.4 Strategic Direction**

Guided by its primary mandate to keep all law in Kenya under review and make recommendations for its reform, the Commission developed the Strategic Plan for 2023-28, to guide the discharge of its functions and to achieve the Commission`s vision and mission. During the reporting period, law reform activities and programmes were aligned with the following strategic goals and key result areas:

#### **1.4.1 Strategic Goals and Key Result Areas**

The strategic goals are:

- Strategic Goal 1: A robust legal framework that conforms to the constitution;
- Strategic Goal 2: Strengthening evidence-based law reform;

- Strategic Goal 3: Inclusive and sustainable law reform;
- Strategic Goal 4: An informed citizenry on matters relating to law reform; and
- Strategic Goal 5: A model law reform agency.

The Key Result Areas are: Legislative reform and development; Legal Research; Public Education; Stakeholder Collaboration; and Institutional Strengthening.

#### **1.4.2 Vision, Mission and Core Values**

The vision of the Commission is to be *“a dynamic and responsive agency for progressive law reform”*

The Commission’s mission is *“to provide leadership in law reform through the continuous review of the law, ensuring its systematic development and reform in conformity with the Constitution”*

The core values of the Commission are Professionalism, Integrity, Inclusivity, Innovation and Collaboration.

#### **1.4.3 Guiding Principles and Attributes**

In fulfilling its mandate, the Commission acts in accordance with the values and principles set out in the Constitution and Section 3 of the KLRC Act. The Commission is not subject to the direction or control of any person or authority in the performance of its functions, which secures its intellectual independence in discharging its mandate. KLRC continuously strives to achieve these ideals as it executes its mandate.

## CHAPTER TWO: STRATEGIC PRIORITIES AND KEY ACHIEVEMENTS

### 2.1 Overview

This chapter presents the strategic priorities and key achievements of the KLRC during the year under review. The strategic priorities implemented during the reporting period are derived from the Commission's Strategic Plan 2023-28 and are intended to ensure that the KLRC achieves its strategic goals in the agreed Key Result Areas. It describes the activities and key achievements of the Commission consistent with the strategic objectives and strategies of the Commission.

### 2.2 Legislative Reform and Development

Through the continuous review of law, KLRC aims to ensure that all the law is aligned to the Constitution with a view to ensuring systematic development that will result in a robust legal framework that is consistent, harmonized, just, simple, accessible, modern and cost-effective in application.

#### 2.2.1 Review of laws to align with the Constitution

During the reporting period, the Commission undertook the following:

##### *a) Addressing provisions of laws declared unconstitutional by the Courts*

In interpreting law in line with the constitutional provisions, several provisions of laws have been declared unconstitutional by the courts. Aware of the implications of having law that has been found not to be in conformity with the Constitution, the Commission embarked on analysing the court decisions to identify the grounds upon which these laws were declared unconstitutional and to propose legislative reforms to address the concerns.

The initial analysis undertaken revealed that about one hundred provisions of law that had been declared unconstitutional depending on the prayers sought by the petitioners.

The following are some of the grounds cited by the courts as reasons for declaring certain provisions as unconstitutional:

- (a) Violation of fundamental rights such as equality and discrimination, freedom of speech, right to privacy and due process;
- (b) Contradiction of constitutional principles;
- (c) Enhancing the supremacy of the Constitution;
- (d) Lack of clarity, vagueness or ambiguities;
- (e) Violations of the doctrine of separation of powers;
- (f) Procedural lapses, for instance failing to involve the other House in the enactment the law that should have been debated by both Houses;
- (g) Failing to conduct adequate and meaningful public participation; and
- (h) Fostering progressive interpretation and resolving ambiguities in law.

This review is an ongoing exercise, and upon completion the Commission intends to make recommendations for the amendment or repeal of the affected laws to address the issues that have given rise to the laws being declared unconstitutional.

The recommendations will be developed in consultation and collaboration with the Office of the Attorney-General and relevant government ministries and agencies and through stakeholder consultations and public participation.

In addition, KLRC is undertaking an audit of the statute book to identify legal provisions that are obsolete on the basis of being outdated, redundant or irrelevant to the current societal, technological, economic and value context. Identifying and addressing obsolete laws is intended to ensure that Kenya's legal system remains effective and relevant. This law reform initiative will be undertaken over a period of time.

### ***b) Addressing the Two-thirds Gender Constitutional Principle***

Article 27 (8) of the Constitution requires the State to take legislative and other measures to implement the principle that no more than two-thirds of members of the elective and appointive bodies shall be of the same gender.

In 2023, the Cabinet Secretary Ministry of Public Service, Youth and Gender set up the Multi-Sectoral Working Group on the realization of the not more than two-thirds gender principle. KLRC provided technical assistance to the Multi-Sectoral Working Group including support in preparing the Report of the Working Group and the draft *Constitution of Kenya (Amendment) Bill, 2023* containing proposals to address the two-thirds gender principle. The draft Bill was submitted to and included in the final report of the National Dialogue Committee which was adopted by the National Assembly.

### **2.2.3 Advice and Technical Assistance to National and County Governments**

The Commission provides quality advice, technical assistance and information to the national and county governments on the review and subsequent reform or amendment of specific branches of the law. This entails assisting national government ministries, departments and agencies in the review, reform and development of legislative proposals to give effect to the social, economic and political policies of the government. In doing so, KLRC supports the implementation of the Government Legislative Agenda. The KLRC also supports county governments to develop legislation as provided in the County Governments Act.

### **2.2.4 Review, reform and development of laws to support Bottom-Up Economic Transformation Agenda and Medium-Term Plan IV of Vision 2030**

During the reporting period, the Commission provided technical assistance to various Ministries, Departments and Agencies to review existing law and to develop legislative proposals and draft bills to implement BETA and MTP IV across various sectors. This included providing advice and technical assistance to MDAs to assist in general regulatory reform and to carry out Regulatory Impact Assessments as required under section 6 of the Statutory Instruments Act, Cap. 2A. The Act requires that if a proposed statutory instrument is likely to impose significant costs on the community, the regulation making authority should, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument.

The following are instances of support to MDAs to implement the five priority BETA priority areas namely: Agricultural Transformation; Micro, Small and Medium Enterprise (MSME) Economy; Healthcare; Housing and Settlement; and Digital Superhighway and Creative Industry.

***a) Agricultural Transformation and Inclusive Growth***

During the period under review, KLRC provided technical assistance to the Kenya Trade Network Agency (KenTrade), a state agency under the National Treasury that facilitates international trade and manages the Kenya National Electronic Single Window System (Kenya Trade Net System) in the development of the National Electronic Single Window System (General) Regulations, and a Regulatory Impact Assessment. *The National Electronic Single Window System (General) Regulations, 2024* were published in March 2024 and are now operational.

***b) Micro, Small and Medium Enterprise (MSME) Economy***

Following the prioritization on the Micro, Small and Medium enterprises by the national government, the Commission undertook an evaluation of the Micro and Small Enterprises Act. The evaluation of the Act focused on assessing whether the Act in its current form, adequately addresses challenges facing small enterprises, encourages innovation and ensures fair competition while supporting business development, simplifying the regulatory processes and promoting financial accessibility.

Analysis of the Sessional Paper on Kenya Micro Small Enterprises Policy, 2020 revealed that the challenges facing micro enterprises in Kenya include low skills and the need for capacity development, access to domestic and export markets, access to a diversified and affordable range of financial products and services; access to decent and affordable infrastructure, and facilitation of start-ups. Consequently, KLRC has begun preparing legislative proposals to address these challenges, which recommendations will be shared with the relevant MDAs for their consideration.



### ***c) Housing and Settlement***

KLRC provided technical assistance to the State Department of Housing and Urban Development in the preparation of the *Slum Upgrading and Prevention Bill, 2024*. The Bill is intended to give effect to Article 43 (1) (b) of the Constitution on the right to accessible and adequate housing and reasonable standards of sanitation and to provide for a national institutional framework for slum upgrading and prevention and social housing. This initiative is expected to provide the required legal framework to facilitate social housing in Kenya.

KLRC supported the State Department of Housing and Urban Development to prepare and conduct public education and consultations on *Urban Areas and Cities Regulations, 2024*. The Regulations aim at promoting urbanization in Kenya by prescribing and designing a model City Charter, ensuring that all urban areas and cities have officially gazetted boundaries, facilitating delegation of functions from county governments to urban areas and cities and enhancing service delivery and the participation of citizens in governance. This initiative provides the legal framework for accelerating urbanization in Kenya.

KLRC further provided technical assistance to the National Construction Authority in the preparation of the *National Building Code (National Building Regulations, 2024)* and RIA. The Code is a transformative framework aimed at enhancing the safety, sustainability, and inclusivity of the Kenyan construction sector. The National Building Code 2024 was published as Legal Notice No. 47 on 20th February, 2024 under the National Construction Authority Act. It replaces the outdated Local Government (Adoptive By-Laws) (Building) Order of 1968.

### ***d) Healthcare Reforms***

KLRC was part of technical working group that provided technical assistance to the Ministry of Health to formulate legislative proposals for the accelerated realization of the

Universal Health Coverage in Kenya and the right to healthcare as envisaged in Article 43 (1) (a) of the Constitution. Some of the Bills that were prepared (*since enacted into law*) include the *Facility Improvement Financing Bill, 2023*, the *Primary Healthcare Bill, 2023*, the *Digital Health Bill, 2023* and the *Social Health Insurance Bill, 2023*. In addition to the Bills, KLRC supported in the development of the attendant Regulations namely the *Social Health Insurance (General) Regulations, 2024* and the *Social Health Insurance (Tribunal Procedure) Rules, 2024*.

#### ***e) Digital Superhighway and Creative Economy***

KLRC provided technical assistance to the Ministry of Information, Communication and the Digital Economy in the development of the *Public Relations and Communications Management Bill, 2024* and the *Kenya Creative Economy Bill, 2024*, Draft *Kenya Film Bill and Policy*, *National Access to Information Policy* and the *Film Policy for Kenya*. KLRC also provided technical assistance to the Communications Authority of Kenya to develop and review statutory instruments to give full effect to the provisions of the KICA Act, including the following sets of Regulations: *Broadcasting; Interconnection; Infrastructure Sharing; Registration of Subscribers; Compliance Monitoring Inspections and Enforcement); Numbering; Universal Access and Service; Dispute Resolution; Consumer Protection; Importation, Type Approval and Distribution of Communications Equipment; Licensing and Quality of Service; Radio Communication and Frequency Spectrum; Electronic Certification and Domain Name Administration; Fair Competition and Equality of Treatment; and Postal and Courier Services*.

#### **2.2.5 Technical Assistance to MDAs to support development of legislative proposals in support of other sectors**

The KLRC also advised and assisted national government ministries, state departments and agencies with the review and reform of legal and regulatory frameworks towards realization of Kenya's Vision 2030. KLRC received and acted on numerous technical assistance requests from MDAs in this regard.

### ***a) Air Transport Infrastructure***

KLRC together with the Office of the Attorney-General and technical officers from the Kenya Airports Authority constituted a working group to review 40 sets of Regulations under the Civil Aviation Act. The objective of the review was to incorporate new standards practices prescribed under international instruments including the International Civil Aviation Organization (ICAO), the Standards and Recommended Practices (SARPs), ICAO's Safety Standards, Security Regulations, Environmental Standards, Operational Standards and Procedures, Personnel licensing, Airworthiness Standards, Accident investigation and Protocols, International Cooperation and Passenger rights and Accessibility. The Regulations set safety, security and efficiency standards for protection of passengers, crew and cargo, preventing unlawful interference including hijacking, terrorism and smuggling by establishing rigorous airport security measures. They set standards for airworthiness including design and certification, maintenance and inspection, modifications and repairs. They establish a framework to mitigate environmental impact of aviation including noise, pollution, emission of greenhouse gases and air quality. They establish standardized procedures technologies across borders to reduce delays and optimize airspace management. The Regulations also cover pilot training, licensing, ongoing proficiency and regulatory compliance and safety standards.

### ***b) Sea Transport***

KLRC provided technical assistance to the Kenya Maritime Authority in the adoption of International Maritime Organization Instruments related to maritime safety, security and management into national legislation. This is intended to modernize Kenya's Merchant Shipping Act by incorporating international standards in line with international practices.

### ***c) Road Transport Infrastructure***

KLRC provided technical assistance to the Kenya National Highways Authority in developing the *Roadside Stations Regulations, 2023* and undertaking *Regulatory Impact Analysis* of Roadside Stations along major roads.

KLRC also assisted KeNHA review the existing Regulations and develop the *Kenya Roads (Kenya National Highways Authority) Regulations, 2023* with the aim of leasing out unused road reserves and other road facilities for internal revenues.

***d) Road Transport Safety***

KLRC provided technical assistance to the Ministry of Roads and Transport in the development of a draft *Kenya Transport Accident Investigation Bureau Bill, 2023* to establish the Kenya Transport Accident Investigation Bureau, as an independent agency to conduct transport-related investigations and make safety recommendations in line with international best practices.

***e) Labour and Employment***

KLRC supported the preparation of *the Employment (Amendment) Bill, 2024* and *the Occupational Safety and Health (Amendment) Bill, 2024*. KLRC also reviewed *the Statute Law (Miscellaneous Amendments) Bill, 2023*. The review of the Employment Act by KLRC is intended to assess conformity of the Act with the Constitution and the ILO conventions. Among the proposed amendments include clearer interpretation of terms, flexible working time to include night-time and over-time work. The proposals also sought to provide for education, paternity and adoptive leave.

***f) Social Protection Reforms***

As a member of the Inter-ministerial working group under the Ministry of Labour, KLRC assisted in the review the Social Assistance Act (Cap 285A) and the development of *the Social Assistance Bill, 2024* to repeal the existing Act.

***g) Education and Training***

As a member of the team on the Implementation of the Report of the Presidential Working Party on Education Reforms, KLRC provided technical assistance to the Ministry of Education in the preparation of the following Bills:

- (i) *Basic Education Bill, 2024;*
- (ii) *Basic Education Scholarship and Bursaries Bill, 2024;*
- (iii) *Education Appeals Tribunal Bill, 2024;*
- (iv) *Kenya Institute of Curriculum Development (Amendment) Bill, 2024;*
- (v) *Kenya Literature Bureau (Amendment) Bill, 2024;*
- (vi) *Kenya National Qualifications Framework (Amendment) Bill, 2024;*
- (vii) *Science Technology and Innovation (Amendment) Bill, 2024;*
- (viii) *Technical, Vocational Education and Training Bill, 2024;*
- (ix) *Tertiary Education Placement and Funding Bill, 2024; and*
- (x) *Universities Bill, 2024.*

By the end of the reporting period, the Bills had been subjected to public participation and feedback from the public was collated.

#### ***h) Governance, Justice, Law and Order Sector***

During the report period, KLRC was a member of the Presidential Task Force on Police, Prisons and National Youth Service Reforms set up to identify the legal, policy, administrative, institutional, and operational constraints on effective service delivery by the Services, and to review the welfare and the terms and conditions of service.

#### ***i) Electoral Laws***

KLRC provided technical assistance in the development of a number of election related laws: *Election Campaign Financing (Amendment Bill), 2023, Referendum Bill, 2023, IEBC (Amendment) Bill, 2024* (now enacted into law), *Political Parties (Amendment) Bill, 2023 and the Elections (Amendment) Bill, 2023*. The purpose of these reviews was to incorporate lessons learnt from the last general elections and prepare for the next cycle of elections.

## 2.2.6 Technical Assistance to County Governments

Pursuant to section 6 of the KLRC Act, the Commission provides advice and technical assistance to county governments, by means of draft Bills or proposals for reform of legislation. This mandate is buttressed by section 5(3) of the County Governments Act, 2012 which provides that KLRC may upon request provide technical assistance to county governments in the development or reform of county legislation. Under this arrangement, KLRC receives and processes requests from county governments on a continuous basis.

During the reporting period, KLRC supported the review and development of legislative proposals such as the Mombasa County Waste Management Bill, 2023, Marsabit County Community Health Services Bill, 2023, Nyamira County Persons with Disabilities Bill, 2023 and Management Bill for Turkana County. KLRC also reviewed Regulations from the counties such as the Public Finance Management (Kitui County Emergency Fund) Regulations, 2023, among others.

## 2.3 Legal Research

Research plays a critical component of the work of a law reform agency as it is the basis upon which informed existing law and policy is reviewed and recommendations for reform are drawn. KLRC undertakes law reform research involves comparative analysis, policy analysis, inter-disciplinary research, stakeholder consultations, regulatory impact assessment and post-enactment evaluations. This leads to clear identification of areas of law that require reform, informed policy advisories and well-crafted legislative proposals. KLRC seeks to strengthen its capacity to undertake legal and policy research and to collaborate with stakeholders to promote evidence-based law reform.

During the reporting period, KLRC partnered with both UN Women and IDLO to officially launch a Report titled "*Strengthening Gender Equality in Law: Mapping Discriminatory Laws Against Women and Girls in Kenya*" in April, 2024, which identifies and analyses discriminatory provisions in Kenyan laws affecting women and girls, along

with gaps that lead to discrimination and the challenges hindering the effective implementation of existing laws that guarantee equality for women and girls. Recognizing that the report provides a useful baseline of the discriminatory laws identified during the assessment, KLRC is partnering with UN Women and IDLO to disseminate the findings of the Report to key stakeholders, including the Judiciary, relevant MDAs and non-state actors, with a view to proposing reforms to strengthen the legal framework, in collaboration with key stakeholders.

## **2.4 Public Education**

KLRC's strategic goal on informed citizenry and public education aims to discharge the Commission's statutory mandate of keeping the public informed on matters related to law reform, while at the same time, giving effect to the constitutional principle of participation of the people in law making. During the report period, the Commission finalized the review of the *Guide to the Legislative Process in Kenya*, through a consultative process with key stakeholders. This is a publication of the KLRC which is intended to inform the public and guide key stakeholders about the legislative process in Kenya.

## **2.5 Pre-publication Scrutiny of Legislative Proposals referred from Parliament**

Pre-publication scrutiny is the detailed examination of a legislative proposal by a relevant committee of the House before it is formally approved for publication, to determine whether it is in line with the Constitution and to ensure that it does not contravene other existing laws or national policy. Pre-publication scrutiny is also intended to determine the impact, effect, outcome and consequence of the legislative proposal. During the pre-publication scrutiny, Parliament invites the Commission, the Attorney-General and the line MDA to submit their comments on the legislative proposals. During the reporting period, KLRC scrutinized about 100 legislative proposals at the request of various Committees from both the National Assembly and the Senate.

Some of the issues raised by KLRC during the scrutiny of the legislative proposals were intended to ensure conformity with the Constitution, enhance harmony within the statute book, and simplify the proposals, among other considerations:

1. *Independent Electoral and Boundaries Commission (Amendment) Bill, 2024:* KLRC proposed deletion and substitution of obsolete provisions, namely, section 36 on delimitation of electoral boundaries and First Schedule on appointment of Chairperson and members of the IEBC. These proposals were taken and passed by Parliament in *the Independent Electoral and Boundaries Commission (Amendment) Act, 2024*;
2. *National Government Coordination (Amendment) Bill, 2024:* KLRC proposed inclusion of constitutional values to promote consultation and cooperation as the basis of mutual relations between national and county governments in exercise coordination of government MDAs. KLRC further advised that establishment of national government administrative units should align with the devolved system of governance as set out under the Constitution.
3. *Land (Amendment) Bill, 2024:* The Bill sought to regulate ‘land dealers’ by registering and licensing them. KLRC proposed that the Bill be expanded to include transitional provisions to cater for existing dealers in land, provide for criteria of eligibility for registration and licensing of land dealing entities, and disclosure requirements in dealing with land including any encumbrances and environmental hazards.
4. *Irrigation (Amendment) Bill, 2024 and Water (Amendment) Bill, 2024.* The Bills proposed doing away with fees or levies for extraction of borehole water or drawing water from any water body. KLRC advised that proposed amendment to prohibit charging of levies likely interfere with the regulatory mandate accorded to the Water Services Regulatory Board and the Water Resources Authority and create disharmony with other provisions.



## **2.6 Stakeholder Collaboration**

In line with its statutory mandate, KLRC consults and collaborates with State and non-State organs, departments or agencies in the formulation of legislation to give effect to the social economic and political policies. KLRC took deliberate steps to forge working partnerships with key stakeholders in the legislative development process including MDAs, County Governments and devolved institutions responsible for implementing devolution, Judiciary, professional bodies, civil society and development partners.

### **2.6.1 Collaboration with other Law Reform Agencies**

KLRC collaborates with other law reform agencies through membership of regional and international organisations law reform agencies such as the Association of Law Reform Agencies of Eastern and Southern Africa, the Commonwealth Association of Law Reform Agencies and the Commonwealth Association of Legislative Counsel. These organizations bring together law reform agencies and provide useful platforms for sharing experiences and best practices in law reform. KLRC officers attended the CALC Africa Conference held in Mombasa in October, 2023, on the *Future of Legislative Drafting in Africa*, and the Chairperson presented a paper on *“The Confluence between Law Reform, Legislative Drafting and Legislative Development: Milestones and Challenges for Law Reform Institutions”*.

The Commission also collaborates with law reform agencies in the East African Community in the harmonization and approximation of the laws of Partner States in the East African Community.

### **2.6.2 Collaboration with Institutions in the Administration of Justice Sector**

KLRC is a co-opted member in the National Council on the Administration of Justice (NCAJ) which is a high-level policymaking, implementation and oversight coordinating mechanism which brings together State and non-State Actors in the justice sector.

Chaired by the Chief Justice, the mandate of the NCAJ is to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system.

As a member of various working committees appointed by the Chief Justice, KLRC participates in the review of and formulation of laws and policies to address identified legal, institutional, administrative and financial barriers that impede the efficient administration of justice. KLRC participated in the review of and proposed key criminal law reforms through development of the draft *Prisons (Amendment) Bill 2023*, the draft *Penal Code (Amendment) Bill, 2023* and the draft *Criminal Procedure (Amendment) Bill, 2023*.

At the 27th NCAJ Council Meeting held in Mombasa in February 2024, the Commission Chairperson made presentation on *Legal Reforms for efficient and effective Administration and Access to justice*. The presentation reflected on law reform principles, parameters, processes and best practices for fast-tracking legal reforms. Collaboration through the NCAJ ensures well-structured and comprehensive law reform and legislative development approaches that will strengthen efficient administration of justice.

### **2.6.3 Collaboration with Institutions to strengthen Devolution in Kenya**

During the reporting period, KLRC collaborated with other institutions such as the Council of Governors, Intergovernmental Relations Technical Committee, State Department of Devolution, the County Assemblies Forum by participating in shared forums aimed at strengthening devolution.

KLRC and County Assemblies Forum met and agreed on areas of cooperation and the two institutions have agreed to develop a Memorandum of Understanding to support and build capacity in the county legislative process.

## **2.6.4 Collaboration with the Office of the Prime Cabinet Secretary**

KLRC collaborates with the Office of the Prime Cabinet Secretary whose mandate, under Executive Order No. 1 of 2023, is to coordinate the National Government Legislative Agenda across all Ministries, State Departments, and Agencies. KLRC supported the OPCS during the roundtable meetings held with MDAs to identify priority policy and legislative requirements and the subsequent development of a draft Government Legislative Agenda Schedule identifying priority policy and legislative initiatives.

In addition, at the request of the Office of the Prime Cabinet Secretary, KLRC provided technical assistance in developing draft proposals for the following priority Bills identified by OPCS under the national legislative agenda:

- (i) Public Participation Bill, 2023;*
- (ii) Transition of Executive Authority Bill, 2023;*
- (iii) Public Service Performance Management Bill, 2023; and*
- (iv) Nairobi Centre for International Commercial Arbitration Bill, 2023.*

## **2.7 Institutional Strengthening**

To position itself to best deliver on its mandate, KLRC intends to transform itself into a centre of excellence through institutional strengthening. This entails strengthening its corporate governance, continuous human resource and infrastructural capacity building, internal process re-engineering, leveraging on ICT, resource mobilization, increasing its visibility and enhancing its collaborative frameworks to gain synergies.

### **2.7.1 Addressing human and other resource constraints**

KLRC has inadequate professional and technical capacity to undertake its law reform mandate, a situation that was exacerbated in the reporting period as staff retired or resigned. The Commission recruited four law reform counsel to replace the exiting staff during the reporting period. KLRC also acquired computers and software and forty-five additional research materials to augment the existing publications for its grossly under-resourced library and resource centre.

## 2.7.2 Performance Management

KLRC's has embraced a performance management framework, which includes the signing of a performance contract with performance targets set by the Commission which is then cascaded the various departments and individual staff. Through the documentation, periodic monitoring and reporting on PC targets, the Commission tracks the implementation of targets for accountability.

In the FY 2022/23 the KLRC registered a rating of 2.9949 representing an improvement of 0.0901 from the 2021/2022 score. At the time of this report the FY 2023/24 evaluation of the PC had not been done. On its National Values and Principles of Governance and Science Technology and Innovation Reports, KLRC scored 100% as graded by the Directorate of National Cohesion and Values and the National Commission for Science, Technology & Innovation respectively.

## **CHAPTER THREE: CHALLENGES AND RECOMMENDATIONS**

### **3.1 Overview**

This chapter presents a summary of challenges that the law reform and legislative processes face and recommendations to address these challenges.

### **3.2 Legal and Policy Challenges**

During the reporting period, KLRC identified the following policy and legal challenges.

#### **3.2.1 Absence of a Streamlined Approach to Law Reform**

Whereas the Commission is responsible for keeping law under review and making recommendations for its reform and is the primary agency in Kenya which supports both national and county governments in matters of law reform, not all law reform initiatives in Kenya are undertaken with the expertise of KLRC. Some critical law reform initiatives are handled through ministerial taskforces set up to address gaps in policy or legislation or challenges in implementing the law, or to align laws to the government's development agenda. The effective implementation of the government's national legislative agenda is sometimes delayed by the absence of a streamlined approach, especially when MDAs undertake the review and development of legislation without involvement of KLRC.

#### **Recommendation:**

A streamlined and well-coordinated evidence-based and consultative approach to all law reform initiatives will result in the progressive review and development of the law in Kenya. It is recommended that national and county governments involve KLRC in law reform matters to ensure the responsive and robust development of the law in Kenya. Measures to strengthen the capacity of KLRC to undertake law reform initiatives should be well resourced.

### **3.2.2 Thresholds for Public Participation**

The issue of whether public participation had been conducted in relation to existing legislation or proposed legislation in accordance with constitutional requirements and what constitutes sufficient public participation, and whether failure to undertake adequate public invalidates the legislative process or the legislation passed has been the subject of litigation.

In the decision of the High Court in Constitutional Petition No. 473 of 2023, the Court annulled three Acts of Parliament largely on account of insufficient public participation. In its judgment, the Court set the thresholds required for legislative proposals which include, inter alia, sensitization, reasonable notice, sufficient time and meaningful feedback.

#### **Recommendation:**

Consistent with the Commission's statutory mandate of keeping the public informed on matters related to law reform, KLRC embraces the principle of public participation in the law reform and legislative development processes. To bring clarity and certainty to the value and principle of public participation, the Parliament should set appropriate parameters and thresholds, with regard to public sensitization, inclusivity and transparency in policy and law making, through a law on public participation.

### **3.3 Operational Challenges**

During the reporting period, the following institutional and administrative issues were encountered.

#### **3.3.1 Inadequate Technical Staffing**

Despite an authorized establishment of nearly ninety legal officers, there are less than twenty lawyers at the Commission with expertise to discharge its core mandate. The Commission must enhance the number of law reform officers to provide specialised law reform expertise to undertake the review of legislation, provide advice, technical

assistance and information to both national and county governments on law reform related matters, including the development of law reform proposals and draft bills to the reform or amend a branch of the law, legal research, stakeholder consultations and public education on law reform related matters.

The existing capacity constraints in KLRC have been noted by the Auditor General and the Parliamentary Investment Committee as a risk, which if not mitigated, is likely to affect the Commission's ability to ensure the timely review of law and development of quality laws.

**Recommendations:**

- (i) Recruitment of additional Law Reform Counsel for KLRC to implement a new organizational structure adopted to ; and
- (ii) Additional funding to KLRC to attract and retain its staff through the establishment of Staff and Car Loan and Mortgage facilities, which are available to other public officers, but which the KLRC staff do not currently enjoy.

**3.3.2 Inadequate Funding**

Over the last six years, the level of funding from the exchequer to KLRC has been declining, leaving the Commission only able to pay salaries and undertake basic operational costs. Operational initiatives and activities such as revamping ICT infrastructure, office, library and research facilities and staff training could not be carried out owing to inadequate funds.

The lack of adequate funding to KLRC impedes its ability to discharge its primary mandate of keeping all law under review and make recommendations for its reform to ensure conformity with the Constitution. This situation also limits the provision of technical advice and assistance to the national government MDAs and County Governments in law reform matters and the development of legislative proposals and Bills to amend law. While the MDAs receive budgetary allocations for the review and reform of legislation, they do not have the technical capacity and rely on the KLRC to provide advice and technical assistance on law reform matters.

The table below shows the declining funding levels to the Commission over the last six years.

<b>6-YEAR BUDGET BREAKDOWN</b>	
<b>FINANCIAL YEAR</b>	<b>APPROVED BUDGET ESTIMATES</b>
2017/2018	330,700, 000
2018/2019	305, 460,000
2019/2020	298,400,000
2020/2021	272,100,000
2021/2022	266.660,000
2022/2023	266.660,000
2023/2024	306,750,000
2024/2025	237,850,000

**Recommendations:**

- (i) Parliament is requested to consider increasing the funding to KLRC to enable it meet the resource gap; and
- (ii) KLRC will develop and implement a resource mobilization strategy.



## **CHAPTER FOUR: FINANCIAL STATEMENTS**

### **4.1 Overview**

This chapter presents the unaudited financial statements of the Commission in the reporting period. It captures: the Financial Obligations, Statement of Financial Performance, Statement of Financial Position, Statement of Changes in Net Assets and Statement of Cash Flows for the year ended 30 June 2023.

### **4.2 Financial Obligations**

#### **4.2.1 Statutory Framework and Standards**

Section 81 of the Public Finance Management Act, 2012 and section 14 of the State Corporations Act, requires the Commission to prepare annual financial statements in respect of KLRC, which give a true and fair view of the state of affairs as at the end of the financial year and the operating results of the Commission for that year. The Commission is also required to keep proper accounting records which disclose with reasonable accuracy the financial position of the Commission. The financial statements have been prepared using the International Public Sector Accounting Standards accrual basis which is an accounting method where revenue or expenses are recognized when a transaction occurs and not necessarily when they are paid for. The standard also allows the use of estimates and assumptions and requires management to exercise judgment in the process of applying the accounting policies.

#### **4.2.2 Sustainable Utilization of Allocated Funds**

During the reporting period (2023/24), KLRC effectively utilized its allocation of Kshs. 306,850,000 and a supplementary allocation of Kshs. 23,000,000 in programs and projects for which they were appropriated and planned. Amid the budget austerity measures, some crucial financial obligations were met. KLRC also adhered to the Public Finance Management Act, related Regulations and Circulars from the National Treasury.

### 4.3 Statement of Financial Performance for the Year Ended 30 June 2024

	2023 2024	2022 2023
	Kshs	Kshs
<b>Revenue from non-exchange transactions</b>		
Transfers from State Law Office	306,750,000	292,660,000
Public contributions and donations- UNDP	3,240,000	-
	<b>309,990,000</b>	<b>292,660,000</b>
<b>Revenue from exchange transactions</b>		
Other income	1,991,836	1,149,540
<b>Total revenue</b>	<b>311,981,836</b>	<b>293,809,540</b>
<b>Expenses</b>		
Use of goods and services	111,160,106	112,012,194
Employee costs	167,290,269	159,306,890
Commission Expenses	28,894,049	20,675,017
Depreciation and amortization expense	6,359,284	9,325,017
Repairs and maintenance	3,412,953	3,047,128
<b>Total expenses</b>	<b>317,116,661</b>	<b>304,366,246</b>
<b>Other losses</b>		
Impairment loss on Inventory	-	(534,880)
<b>Surplus before tax</b>		

	2023 2024	2022 2023
	Kshs	Kshs
Taxation	-	-
Surplus before tax	(5,134,824)	(11,091,586)
Remission to National Treasury	-	-
Net Surplus for the year	(5,134,824)	(11,091,586)

..... Mr. Joash Dache, MBs  Accounting Officer  26/09/ 2024	..... CPA Margaret Githae  Head of Accounts ICPAK Member No:13051 26/09/ 2024	..... Christine A. Agimba Chairperson of the Commission 26/09/ 2024
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#### 4.4 Statement of Financial Position as at 30 June 2024

	2023 2024	2022 2023
	Kshs	Kshs
<b>Assets</b>		
<b>Current Assets</b>		
Cash and Cash equivalents	1,219,630	24,323,210
Receivables from Non-Exchange Transactions	11,737,420	12,095,900
Inventories	1,758,255	2,892,385
<b>Total Current Assets</b>	<b>14,715,305</b>	<b>39,311,495</b>
<b>Non-Current Assets</b>		
Property, Plant and Equipment	40,944,953	17,132,450
Intangible Assets	-	-
<b>Total Non- Current Assets</b>	<b>40,944,953</b>	<b>17,132,450</b>
<b>Total Assets (A)</b>	<b>55,660,259</b>	<b>56,443,945</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Current Provision for Gratuity	5,732,197	5,272,004
Remission to National Treasury	1,937,836	3,117,189
<b>Total Current Liabilities</b>	<b>7,670,033</b>	<b>8,389,193</b>
<b>Non-Current Liabilities</b>		
Non-Current Provisions- Service Gratuity	5,070,298	-

	2023 2024	2022 2023
	Kshs	Kshs
Total Non- Current Liabilities	5,070,298	-
Total Liabilities (B)	12,740,331	8,389,193
Net Assets (A-B)	42,919,928	48,054,752
Represented by:		
Accumulated Surplus	(3,890,463)	25,056,868
Capital Fund	46,810,391	22,997,884
Net Assets	42,919,928	48,054,752

.....	.....	.....
Mr. Joash Dache, MBS	CPA Margaret Githae	Christine A. Agimba
Accounting Officer	Head of Accounts	Chairperson of the Commission
	ICPAK Member No:13051	
26/09/ 2024	26/09/ 2024	26/09/ 2024

#### 4.5 Statement of Changes in Net Assets for the Year Ended 30 June 2024

Description	Retained earnings	Capital Fund	Total
	Kshs	Kshs	Kshs
<b>As at July 1,2023</b>	29,940,627	32,322,900	62,263,527
Remission to National Treasury	(3,117,189)	-	(3,117,189)
Surplus for the year	(11,091,586)	-	(11,091,586)
Transfer of depreciation from capital fund to retained earnings	9,325,017	(9,325,017)	-
<b>As at June 30th 2023</b>	<b>25,056,869</b>	<b>22,997,883</b>	<b>48,054,752</b>
<b>As at July 1, 2023</b>	<b>25,056,869</b>	<b>22,997,883</b>	<b>48,054,752</b>
Surplus for the year	(5,134,824)	-	(5,134,824)
Capital grants received during the year	(7,171,792)	7,171,792	-
Transfer of depreciation from capital fund to retained earnings	6,359,284	(6,359,284)	-
Adjustment; Transfer to capital fund	(23,000,000)	23,000,000	-

Description	Retained earnings	Capital Fund	Total
As at June 30, 2024	(3,890,463)	46,810,391	42,919,928

#### 4.6 Statement of Cash Flows for the Year Ended 30 June 2024

	2023 2024	2022 2023
	Kshs	Kshs
<b>Cash flows from operating activities</b>		
<b>Receipts</b>		
Transfers from State Law Office	329,750,000	292,660,000
Other income	566,168	510,964
<b>Total receipts</b>	<b>330,316,168</b>	<b>293,170,964</b>
<b>Payments</b>		
Use of goods and services	107,009,987	110,677,091
Employee costs	160,930,967	157,595,729
Commission Expenses	28,894,049	20,675,017
Repairs and maintenance	3,412,953	3,047,128
<b>Total payments</b>	<b>300,247,956</b>	<b>291,994,965</b>
<b>Net cash flows from operating activities</b>	<b>30,068,212</b>	<b>1,175,999</b>
<b>Cash flows from investing activities</b>		

	2023 2024	2022 2023
	Kshs	Kshs
Purchase of PPE and Intangible assets	(30,171,792)	(658,185)
Net cashflows from/(used in)investing activities	(30,171,792)	(658,185)
<b>Cashflows from financing activities</b>		
Remission of surplus to National Treasury	(23,000,000)	-
Net cash flows from financing Activities	(23,000,000)	-
Net increase/(decrease)in cash & Cash equivalents	(23,103,580)	517,814
Cash and cash equivalents at 1 July	24,323,210	23,805,396
Cashandcashequivalentsat30 June	1,219,630	24,323,210

#### 4.7 Statement of Comparison of Budget and Actual amounts for the Year Ended 30 June 2024

	Original budget	Adjustments	Final budget	Actual on comparable basis	Performance difference	% of utilization
	Kshs	Kshs	Kshs	Kshs	Kshs	
	A	b	C=(a+b)	d	e=(c-d)	$f=d/c*100$
<b>Revenue</b>						
Transfers from State Law Office	306,750,000	23,000,000	329,750,000	329,750,000	-	100



	Original budget	Adjustments	Final budget	Actual on comparable basis	Performance difference	% of utilization
	Kshs	Kshs	Kshs	Kshs	Kshs	
	A	b	C=(a+b)	d	e=(c-d)	f=d/c*100
Other Income	100,000	-	54,000	1,937,836	1,883,836	-
<b>Total Income</b>	<b>306,850,000</b>	<b>23,000,000</b>	<b>329,804,000</b>	<b>331,741,836</b>	<b>1,937,836</b>	<b>101</b>
<b>Expenses</b>						
Use of Goods and Services	106,453,018	-	106,453,018	107,009,987	(556,969)	101
Employee costs	160,423,448	-	160,423,448	161,589,441	(1,165,994)	101
Commission Expenses	29,491,531	-	29,491,531	29,073,049	418,482	99
Repairs and Maintenance	3,199,411	-	3,199,411	3,387,953	(188,542)	106
<b>Total Expenditure</b>	<b>299,567,408</b>	<b>-</b>	<b>299,567,408</b>	<b>301,060,430</b>	<b>444,814</b>	<b>100</b>

	Original budget	Adjustments	Final budget	Actual on comparable basis	Performance difference	% of utilization
	Kshs	Kshs	Kshs	Kshs	Kshs	
	A	b	C=(a+b)	d	e=(c-d)	$f=d/c*100$
Capital Expenditure						
Purchase of PPE	30,282,592		30,282,592	30,017,792	264,800	99
Net Surplus for the period					709,614	

## APPENDIXES

### Appendix I: Profile of the Chairperson and Members of the Commission



*Christine Agimba*  
*Chairperson*

Ms. Christine Agimba is a seasoned lawyer and Advocate of the High Court of Kenya with more than thirty years` experience having served in diverse strategic leadership and senior management roles, in the public service and in private legal practice. She holds a Master`s degree in Law in Development from the University of Warwick, England and a Bachelor of Laws (LL. B) degree from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law. She is a Certified Public Secretary, Kenya (CPS-K) and a member of the Chartered Institute of Arbitrators, (Kenya Chapter).

Ms. Agimba previously served as a Deputy Solicitor-General at the Office of the Attorney-General and Department of Justice. As Project Manager and Legal Sector Specialist of the Financial and Legal Sector Technical Assistance Project under the Ministry of Finance, she led a multi-disciplinary team to support legal, regulatory and institutional reforms in the financial and legal/judicial sectors. Ms. Agimba has served as a member of the boards in various government agencies, including: the Council of Legal Education, the Anti-money Laundering Advisory Board and the National Council of Law Reporting. She was a member of the Presidential Taskforce on Parastatal Reforms and the subsequent Parastatal Reforms Implementation Committee that prepared the Mwongozo Code of Governance for State Corporations. Ms. Agimba was an associate and then a partner in the firm Hamilton, Harrison & Mathews, Advocates.



***Prof. Paul Musili Wambua***  
***Vice Chairperson***

Prof. Musili Wambua is an accomplished Advocate of the High Court of Kenya with over 37 years standing during which he has served in diverse strategic leadership roles in the legal profession and academia. He holds a Doctor of Laws (LL. D) in Maritime Law and Law of the Sea from Ghent University, Belgium, a Master of Laws degree from the University of London, UK, a Master of Business Administration (MBA -Magna cum Laude) from the United States International University (USIU)-Africa and a Bachelor of Laws (LL.B) degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law.

He is currently a Professor of Law, at the University of Nairobi, School of Law and teaches maritime law, the law of the sea, and insurance law with a special research interest in maritime security and corporate governance. He has previously served as the first Chancellor of the University of Embu, Associate Dean at the University of Nairobi School of Law and Dean at Kabarak University School of Law. He has also held numerous distinguished positions in the public sector including serving as a Commissioner in the Constitution of Kenya Review Commission (CKRC) and Chairman of the Betting Control and Licensing Board.



***Dr. Mary Wangechi Gaturu, HSC***  
***Member***

Dr. Mary Gaturu, HSC, is an exemplary and distinguished scholar with over 35 years' experience in the education, public administration and governance sectors. She holds a Doctor of Philosophy in Education Administration (Kenyatta University), Masters of Education in Administration (Kenyatta University), and a Bachelor of Education – Science (Kenyatta University). She has also been trained in various professional,

leadership and governance programmes locally and internationally among them: Strategic Leadership Development Programme (KSG), Senior Management Course (KSG), Mwongozo (SCAC) and Advanced Program Management, Monitoring and Evaluation (ESAMI).

Dr. Gaturu has served in various capacities among them as: Regional Director of Education Rift Valley Region, a Director of Quality Assurance and Standards in the State Department of Early Learning and Basic Education, District Education Officer, County Director of Education in various counties and a graduate teacher. She has also been a Council/Board member in various state corporations and universities namely: Kenya National Examination Council, Kenya Institute of Curriculum Development, Kenya National Qualification Authority, University of Kabianga, Laikipia University, Kenyatta University and Mount Kenya University.



*Rose Janet Ayugi*

*Member*

Ms. Rose Ayugi is an astute Advocate of the High Court of Kenya with vast experience having served in the public, academia and Non-Governmental Organization (NGO) sectors. She holds a Master of Laws (LLM) and a Bachelor of Laws (LL. B) degrees, both from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law (KSL).

Ms. Ayugi is currently a Senior Lecturer at School of Law, Moi University. She has previously served as a researcher at the Law Reform Commission and as a Programme Officer at the Public Law Institute, Climate Network Africa (NGO). She also previously worked with the University of Nairobi (School of Law), Kenyatta



***Dorcas Agik Oduor, OGW, EBS, SC  
Member***

*Currently Attorney General of the  
Republic of Kenya*

University (Environment), Strathmore University Business School and Saint Lawrence University, New York (Kenya Chapter). She has served as: the Chairperson Seeds and Plant Varieties Tribunal, member in Rules Board (Labour), a board member of Chepserei TVET Elgeyo Marakwet and Secretary to Task Force on Law of the Child.

Ms. Dorcas Oduor, OGW, EBS, SC is an astute Advocate of the High Court of Kenya with extensive understanding and vast experience of the criminal justice system in Kenya. She holds a Masters of Arts in International Conflict Management and a Bachelor of Laws (LL. B) degrees both from the University of Nairobi. She also holds a Post- Graduate Diploma in Law from Kenya School of Law.

Ms. Oduor currently serves as Secretary, Public Prosecution at the Office of the Director of Public Prosecution (DPP). She has previously served in various capacities among them: Deputy Director Public Prosecutions (ODPP), Head of Economic, International and Emerging Crimes Department) (ODPP), Deputy Chief State Counsel and as a State Counsel (Department of Public Prosecution) at the then Office of the Attorney-General. She has been a member in various agencies/commissions including Chairperson, Board of Review on Mentally Insane (Criminal Psychiatric), Assisting Counsel, Akiwumi Commission on Land Clashes, Assisting Counsel, Bosire Commission on the Goldenberg Affair, Assisting Counsel, Kiruki Commission on Artur Brothers, Joint Secretary, Police Reform Commission, (Ransley Commission), Chairperson, Board on Criminal Psychiatric (on behalf of the Attorney-

General), member of the National Task Force on Money Laundering and Terrorist Financing among others.



***Duncan Okello***  
***Member***

Duncan Okello is a political scientist, lawyer, and an international relations specialist. He holds a Masters of Arts degree in International Relations from the University of Kent, at Canterbury, United Kingdom, where he studied as a Chevening Scholar. He also holds a Bachelors of Arts degree in Political Science and a Bachelor of Laws degree (LL.B), both from the University of Nairobi.

He has previously served as Chief of Staff in the Office of the Chief Justice & President of the Supreme Court of Kenya, the founding Executive Director of the National Council on the Administration of Justice (NCAJ), Deputy Executive Director and Director of Programs at the Institute of Economic Affairs (IEA) and as Regional Director, Society for International Development (SID), Eastern Africa Office. He was appointed as the Chairperson of the *Judiciary Inauguration and Swearing-in Committee for the President and Governors (2017)*, and as *Advisor to the Committee in 2022*. He was also part of the team that designed the Ministry of Justice's *Interim Governance, Justice, Law and Order Sector Program (GJLOS)* and the *GJLOS Policy Framework Paper* in 2010. He has undertaken several consultancy assignments for the Government of Kenya, UN agencies, and other multilateral and bilateral organizations including the State University of New York and USAID, Kenya.

In the last two decades, he has researched, written, and worked extensively on policy, legal, political, and development processes, with a focus on governance and institutional reform in the Executive, Parliament, Judiciary and civil society. His policy and research interests revolve around questions of democratization and institution-building for societies in transition, and how the law and institutions interface to mediate and influence state and citizen relations in Africa. He has authored, edited, and published several books and book-chapters in his areas of interest.



*Ms. Linda Murila, HSC  
Member*

Ms. Linda Musilivi Murila, HSC is an Advocate of the High Court of Kenya with vast experience in legislative drafting and constitutional reform. She holds a Bachelor of Laws (LL. B) degree from the University of Nairobi. She also holds a Post-Graduate Diploma in Law from the Kenya School of Law and an Advanced Diploma in Legislative Drafting from the University of West Indies, Barbados.

Ms. Murila is currently serving as Chief State Counsel and Ag. Head of the Legislative Drafting Department in the Office of the Attorney-General and Department of Justice. She is the representative of the Attorney-General on the National Council for Law Reporting and is a member of the Committee of Constitutional Experts to Draft the Constitution for the East African Community Political Confederation. Ms. Murila has served as a drafting expert in various initiatives to reform the Constitution of Kenya, various task forces and technical committees to review legal instruments and as a member of the drafting team to review various East African



Community legal instruments. She is a member of the Commonwealth Association of Legislative Counsel (CALC).



***H.E. Hon. Kiraitu Murungi, EGH  
Member***

Hon. Kiraitu Murungi, EGH is an experienced Advocate of the High Court of Kenya and State Officer with vast experience in: policy and legal reforms, public service administration and leadership. He holds Masters' degrees in Law from the University of Nairobi and Harvard University, USA and a Bachelor of Laws degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law.

Hon. Murungi is currently the Chairperson of the National Oil Corporation and has previously served as the Governor and Senator of Meru County. He has also served as a Member of Parliament for Imenti South Constituency in Meru County. During his tenure as the Cabinet Secretary in the Ministry of Justice and Constitutional Affairs, he was instrumental in supporting legal, regulatory and institutional reforms in the legal sector. He has also served as Minister in the Ministry of Energy. Hon. Kiraitu has been awarded the prestigious Presidential Award, Elder of the Golden Heart (EGH) and the Jubilee Golden Award for Distinguished Public Service.



***Mr. JoashDache, MBS***  
***Secretary/Chief Executive Officer***

Mr. Joash Dache, MBS is a distinguished Advocate of the High Court of Kenya with vast experience in Constitutional Development and Law Reform, Legislative Drafting, Legal and Policy Research and Programme Coordination. He holds a Master of Laws (LL.M) degree from Monash University (Australia) and a Bachelor of Laws (LL. B) degree from the University of Nairobi. He also holds a Post-Graduate Diploma in Law from the Kenya School of Law and is a Certified Public Secretary CPS (K). He has undergone other professional trainings including Legislative Drafting (University of London) and Strategic Leadership and Development Programme (SLDP), Kenya School of Government. He is a member of the Law Society of Kenya, Commonwealth Association of Legislative Counsel (CALC), Commonwealth Association of Law Reform Agencies (CALRAs) and the Association of Law Reform Agencies in Eastern and Southern Africa (ALRAESA).

## Appendix II: List of Acts, Bills, Regulations and Policies reviewed or prepared

<b>A, TECHNICAL SUPPORT TO NATIONAL GOVERNMENT</b>	
<b>(i) Acts of Parliament reviewed upon request by MDAs</b>	
1.	Investment Promotion Act, Cap. 485
2.	Export Processing Zones Act, Cap. 517
3.	Civil Aviation Act, Cap. 394
4.	Social Assistance Act, Cap 285A
<b>(ii) Bills prepared under the technical support programme</b>	
5.	Employment (Amendment) Bill, 2024
6.	Occupational Safety and Health (Amendment) Bill, 2024
7.	Employment Act under the Statute Law (Miscellaneous Amendments) Bill, 2023
8.	Public Participation Bill, 2023
9.	Transition of Executive Authority Bill, 2023
10.	Public Service Performance Management Bill, 2023
11.	Nairobi Centre for International Commercial Arbitration Bill, 2023
12.	Draft Micro and Small Enterprises (Amendment) Bill, 2024
13.	Draft Constitution of Kenya (Amendment) Bill, 2023
14.	Export Processing Zones (Amendment) Bill, 2023
15.	Urban Areas and Cities Regulations, 2023
16.	Civil Aviation (Amendment) Bill, 2023
17.	Kenya Transport Accident Investigation Bureau Bill, 2023
18.	Slum Upgrading and Prevention Bill, 2024
19.	Social Protection Bill, 2024
20.	Basic Education Scholarship and Bursaries Bill, 2024
21.	Education Appeals Tribunal Bill, 2024
22.	Kenya Institute of Curriculum Development (Amendment) Bill, 2024
23.	Kenya Literature Bureau (Amendment) Bill, 2024
24.	Kenya National Qualifications Framework (Amendment) Bill 2024

25.	Science Technology and Innovation (Amendment) Bill, 2024
26.	Technical, Vocational Education and Training Bill, 2024
27.	Tertiary Education Placement and Funding Bill, 2024
28.	Election Campaign Financing (Amendment Bill), 2023
29.	Referendum Bill, 2023
30.	IEBC (Amendment) Bill, 2024 (enacted into law)
31.	Political Parties (Amendment) Bill, 2023
32.	Elections (Amendment) Bill, 2023
33.	Basic Education Bill, 2024
34.	National Government Administration Laws (Amendment) Bill, No. 73 of 2023
35.	Kenya Roads (Amendment) Bill, 2023
36.	Advocates (Amendment) Bill, 2023
37.	Tribunals Bill, No. 45 of 2023
38.	Salaries and Remuneration Commission (Amendment) Bill, 2023
39.	Sexual Offences (Amendment) Bill, 2023
40.	Fire Brigade Professional Bill, 2023
41.	Higher Education Loans Board (Amendment) Bill, 2023
42.	Carbon Credit Trading and Benefit Sharing Bill, 2023
43.	Wildlife Conservation and Management (Amendment) Bill, 2023
44.	Teachers Service Commission (Amendment) Bill, 2023
45.	Disaster Risk Management Bill, 2023
46.	Treaty Making and Ratification (Amendment) Bill, 2023
47.	Teachers Service Commission (Amendment) Bill, 2023
48.	Health (Amendment) Bill, 2023
<b>(iii) Subsidiary Legislation/ Regulations prepared upon request by MDAs</b>	
49.	Public Rights of Way (Compensation) Regulations, 2023 and development of RIA
50.	Regulations and Regulatory Impact Assessment (RIA) for the National

	Electronic Single Window System (NESWS)
51.	Kenya Airports Authority Regulations, 2023
52.	Civil Aviation Regulations, 2023
53.	Merchant Shipping (Restriction on Trade) Regulations, 2023
54.	Verified Gross Mass Regulations, 2023
55.	Roadside Stations Regulations, the Kenya Roads (Kenya National Highways Authority) Regulations, 2023 and Regulatory Impact Statements
56.	National Building Regulations, 2023 ( <i>Building Code</i> )
57.	Draft Industrial Training (Levy Administration) Regulations, 2023
58.	Mining (License and Permit) Regulations, 2023
59.	Mining (Mine Support Services) Regulations, 2023
60.	Mining (Royalty Sharing) Regulations, 2023
61.	Mining (Royalty Collections and Management) Regulations, 2023
62.	Mining (Dealings in Minerals) Regulations, 2023
63.	Kenya Information and Communications (Broadcasting) Regulations, 2023
64.	Kenya Information and Communications (Interconnection) Regulations, 2023
65.	Kenya Information and Communications (Infrastructure sharing) Regulations, 2023
66.	Kenya Information and Communications (Registration of subscribers) Regulations, 2023
67.	Kenya Information and Communications (Compliance Monitoring Inspections and Enforcement) Regulations, 2010
68.	Kenya Information and Communications (Numbering) Regulations, 2010
69.	Kenya Information and Communications (Universal Access and Service) Regulations, 2010

70.	Kenya Information and Communications (Dispute Resolution) Regulations, 2010
71.	Kenya Information and Communications (Consumer Protection) Regulations, 2010
72.	Kenya Information and Communications (Importation, Type Approval and Distribution of Communications Equipment) Regulations, 2010
73.	Kenya Information and Communications (Licensing and Quality of Service) Regulations, 2010
74.	Kenya Information and Communications (Radio Communication and Frequency Spectrum) Regulations, 2010
75.	Kenya Information and Communications (Electronic Certification and Domain Name Administration) Regulations, 2010
76.	Kenya Information and Communications (Fair Competition and Equality of Treatment) Regulations, 2010
77.	Kenya Information and Communications (Tariff) Regulations, 2010
78.	Kenya Information and Communications (Postal and Courier Services) Regulations, 2010
<b>(iv) Technical assistance in formulation of Policies</b>	
79.	Review of Sessional Paper No. 3 of 2009 on National Land Policy
80.	Kenya Film Bill and Policy
81.	National Devolution Policy
82.	County policy wildlife sector
83.	Draft Disaster Risk Management Policy (Turkana)
84.	Development of a county policy and legislative agenda (Machakos, Laikipia)
85.	National Access to Information Policy
<b>B. TECHNICAL SUPPORT TO COUNTY GOVERNMENTS</b>	
<b>(i) County Bills/Acts prepared on request by county governments</b>	

86.	Marsabit County Community Health Services Bill, 2023
87.	Nyamira County Persons with Disabilities Bill, 2019
88.	Turkana County Disaster Risk Management Act, 2023
89.	Mombasa County Waste Management Bill, 2023
90.	Wajir County Persons with Disability Bill, 2024
91.	Turkana County Persons with Disability Bill, 2024
92.	Garissa County Social Protection Bill, 2024
<b>(ii) County Regulations reviewed upon request</b>	
93.	PFM (Wajir County PWD Fund) Regulations, 2024
94.	Public Finance Management (Kitui County Emergency Fund) Regulations, 2023
95.	PFM (Turkana County PWD Fund) Regulations, 2024
96.	PFM (Garissa County Social Inclusion Fund) Regulations, 2024
<b>(iii) Other Technical Support to Counties</b>	
97.	Advisory opinion on County Waste Management issued to the county government of Mombasa
98.	Formulation of Kilifi County Statutory Instruments