



# Legislative UPDATE

Dear Esteemed Member,

*This Bulletin summarizes some of the key Bills and Motions were set for debate and consideration before Parliament in the week ending 8<sup>th</sup> March 2019.*

## THE NATIONAL ASSEMBLY



### 1. PASSAGE OF BILLS FROM THE SENATE

*The Speaker informed the House that he had received the following Bills passed by the Senate among others.*

- i. *The Petroleum Bill (National Assembly Bill No. 48 of 2017); **(Signed into law on 12<sup>th</sup> March 2019)***
- ii. *The Energy Bill (National Assembly Bill No. 50 of 2017); **(Signed into law on 12<sup>th</sup> March 2019)***
- iii. *The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017); **(Signed into law on 12<sup>th</sup> March 2019)***
- iv. *The Irrigation Bill (National Assembly Bill No. 46 of 2017);*
- v. *The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017);*

*The Irrigation Bill, 2017 and the Public Private Partnerships (Amendment) Bill 2017 had been passed by the Senate with amendments, they were thus committed to their respective Departmental Committees for consideration.*



## 2. STATUS OF IMPLEMENTATION OF SECTION 33(C) OF THE BANKING ACT

*The Departmental Committee on Finance and National Planning reported back to the House on the status of implementation of Section 33(c) of the Banking Act that requires the Central Bank of Kenya to prescribe regulations, conditions on deposits or withdrawal by customers in banks and other financial institutions.*

*The Governor had informed the committee that:*

- *That, a petition had been filed in court challenging the implementation of Section 33(c) of the Banking Act;*
- *The CBK had sought the Attorney-General's opinion on the implementation of Section 33(c) of the Banking Act, but before they could get his response, a civil rights group known as Ajibika Society had filed a petition in court to which the Attorney-General and the National Assembly were sued as the first and second respondents respectively;*
- *The provisions of Section 33(c) are not implementable because there are variety of requirements in the Banking Act and other laws on deposits and withdrawals, which needed to be wrapped up into proposed regulation.*

*It was also reported that there were concerns on the following issues:*

- *That if Section 33(c) is implemented, it will be in conflict with the United Nations Security Council resolutions that relate to anti-money laundering and counter-financing of terrorism.*
- *The effect of enacting Section 33(c) is to override other requirements on deposits and withdrawals that may be set by banks for their customers in terms and conditions.*
- *The amendment will conflict with the Proceeds of Crime and Anti-money Laundering Act, 2009.*

*The Governor was invited to appear before the committee this week.*



Your comments will be most appreciated – please send to [kepsappd@kepsa.or.ke](mailto:kepsappd@kepsa.or.ke)

Best regards,



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