

REPUBLIC OF KENYA



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PARLIAMENT

CLERK OF THE SENATE/ SECRETARY TO THE PARLIAMENTARY SERVICE COMMISSION

Parliamentary Service Commission
Parliament Buildings
P. O. Box 41842 -00100
NAIROBI, Kenya

③ Hand, table this
Dis register, case tabling
and referral to relevant
departments
23/7.

DLC/ADM/1/1/JW

17th July, 2019

Clerk of the National Assembly,
Office of the Clerk,
Parliament Buildings,
NAIROBI.



② DLAD
to table.
and
20/7/19

Dear

PUBLIC FINANCE (PARLIAMENTARY CATERING FUND) REGULATIONS, 2019.



Please refer to the above matter.

The Public Finance (Parliamentary Catering Fund) Regulations, 2019 were made by the Parliamentary Service Commission pursuant to the section 36 of the Parliamentary Service Act and section 24(2A) of the Public Finance Management Act, 2012. The Regulations were on 1st July, 2019 published in the Kenya Gazette Supplement No. 101 in accordance with the Statutory Instruments Act.

Accordingly, we transmit the attached published Public Finance (Parliamentary Catering Fund) Regulations, 2019 for tabling in the National Assembly in accordance with the provisions of section 11 of the Statutory Instruments Act, 2013.

Yours

J.M. NYEGENYE, C.B.S.,
CLERK OF SENATE/SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.

Encl.

✓ Cc: The Speaker of the National Assembly/Chairperson, Parliamentary Service Commission



①
NATIONAL ASSEMBLY
SLAID
22 JUL 2019
NA to handle.
22/7/19
[Signature]

 THE NATIONAL ASSEMBLY PAPERS LAID	
SPECIAL ISSUE	DATE: 23 JUL 2019
DAY:	
<i>Kenya Gazette Supplement No. 101</i>	
TABLED BY: (Legislative Supplement No. 32)	MAJORITY WHIP
LEGAL NOTICE NO. 103	
CLERK OF THE TABLE:	

505

1st July, 2019

LEGAL NOTICE NO. 103

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 36 of the Parliamentary Service Act and section 24(2A) of the Public Finance Management Act, 2012, the Parliamentary Service Commission makes the following Regulations —

THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CATERING FUND) REGULATIONS, 2019

1. These Regulations may be cited as the Public Finance (Parliamentary Catering Fund) Regulations, 2019. Citation.
2. In these Regulations, unless the context otherwise requires — Interpretation.
 - “catering facility” means facilities set aside to offer restaurant, bar and incidental services;
 - “Commission” means the Parliamentary Service Commission established under Article 127 of the Constitution;
 - “Committee” means the Catering Fund Management Committee established under regulation 5;
 - “financial year” means the period of twelve months ending on the 30th June in each year;
 - “Fund” means the Parliamentary Catering Fund established under Regulation 3;
 - “officer administering the Fund” means the Clerk of the National Assembly; and
 - “Member” means a Member of Parliament or a former Member of Parliament.
3. There is established a Fund to be known as the Parliamentary Catering Fund which shall vest in and be operated and managed by the Committee. Establishment of the Fund.
4. The object of the Fund shall be to provide for the purchase of catering equipment, management and administration of catering facilities. Object of the Fund.
5. (1) The capital of the Fund shall consist of — Capital of the Fund.
 - (a) monies standing to the credit of the account on the date of coming into operation of these Regulations; and

(b) monies appropriated by Parliament to the Fund;

(2) The Fund shall be administered as a special account in the Parliamentary Fund and shall be operated by the officer administering the Fund.

(3) Monies accruing to the Fund shall, where such monies constitutes a surplus after meeting the requirements of regulation 10 shall be credited to the capital of the Fund

6. (1) There is established a Committee to be known as the Catering Fund Committee, which shall consist of—

Catering Fund Committee.

- (a) the chairperson of the Members' Welfare Committee of the Commission;
- (b) the chairperson of the Staff Welfare Committee of the Commission;
- (c) one member of the Commission not being the chairperson of the Members' Welfare Committee or Chairperson of the Staff Welfare Committee of the Commission;
- (d) the Majority Whip of the National Assembly and in his or her absence, the Deputy Majority Whip;
- (e) the Minority Whip of the National Assembly and in his or her absence, the Deputy Minority Whip;
- (f) the Majority Whip of the Senate and in his or her absence, the Deputy Majority Whip;
- (g) the Minority Whip of the Senate and in his or her absence, the Deputy Minority Whip; and
- (h) the Clerk of the Senate.

(2) The Clerk of the National Assembly shall be the Officer Administering the Fund and the secretary to the Committee.

(3) The meetings of the Committee shall be convened by the chairperson or in the absence of the chairperson, by a member designated by the chairperson and shall be convened at such times as may be necessary for the discharge of the Committee's functions.

(4) The quorum for a meeting of the Committee shall be the chairperson and any three members.

7. The Committee shall administer the Fund and shall—

Functions of the Committee.

- (a) recommend conditions on use of any monies in the Fund;
- (b) ensure that the monies accruing from the catering facility are used in such a manner as it deems fit; and
- (c) advice the Commission on consultancy and outsourcing of the catering facilities.

8. (1) The officer administering the Fund shall subject to the directions of the Committee—

Administration of the Fund.

- (a) supervise and control the administration of the Fund;

- (b) utilize the monies accruing thereto to defray operating expenses, and may impose any reasonable restriction or other requirements concerning such use,
- (c) cause to be kept books of accounts and other books and records in relation to the Fund,
- (d) prepare, sign and transmit to the Auditor General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him or her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Commission may from time to time direct in accordance with the Public Finance Management Act, and
- (e) designate and appoint such staff as may be necessary to assist him or her in the administration of the Fund and may require such staff to carry out such inspections as may be necessary to verify any information submitted under these Regulations.
- (2) Every statement of account prepared under this regulation shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.
- (3) The Committee shall ensure that the monies accruing from catering facilities are used in such a manner as is deemed just and fit
- (4) The officer administering the Fund shall ensure that there is prudence in administration of the Fund.
9. (1) A Member desiring to be a member of the Fund shall apply to the Committee for membership upon payment of a prescribed fee
- (2) The Committee shall prescribe fees payable by a member under paragraph (1)
10. The committee shall ensure that all the expenditure incurred and the monies realized therein shall be used in—
- (a) purchasing goods for supply to the members' catering facility in Parliament,
- (b) purchasing equipment for improvement of the catering facility;
- (c) providing catering staff training in compliance with the hospitality industry practices, and
- (d) providing catering facilities in compliance with the hospitality industry practices; and
- (e) defraying utility bills such as electricity and water bills
- 11 (1) The officer administering the Fund shall establish a catering payment system for the services offered at the catering facility and which shall include card or mobile money payments and monthly deductions but shall not include cash payments
- (2) Where a member chooses a monthly deduction, the prepared of the daily sales to the member shall be summarized on a monthly basis, duly checked by the Catering Manager and forwarded to the officer administering the Fund for final authorization to the payroll department

Membership of
the Fund

Operation of the
Fund

Operation of the
catering facility

(3) Members shall be required to sign their bills promptly to avoid undue delay in effecting payments and unwarranted financial embarrassment.

(4) A pay bill transaction account shall be created for each member and their visitors.

(5) The Committee shall have the discretion to withdraw its services from members until all the bills are paid up

12 (1) For purposes of disbursement of funds under these Regulations, there shall be opened and maintained a bank account in a commercial bank approved by the Commission.

Banking
arrangement

(2) The bank account contemplated paragraph (1), shall be separate from that of the Commission

(3) The signatories to the Fund account under paragraph (1), shall be the officer administering the Fund and two other persons authorized by the Commission from amongst the staff of the Commission

13 (1) The officer administering the Fund shall be responsible for the maintenance of proper books of accounts and the preparation of annual financial statements which shall include—

Proper books of
account

(a) an income and expenditure account;

(b) a statement of financial position, and

(c) a statement of cash flows.

(2) The officer administering the Fund shall ensure that the accounts of the Fund and the annual financial statements relating to those accounts comply with the prescribed accounting standards.

(3) The officer administering the Fund shall cause to be prepared quarterly returns and financial statements to be submitted to the Commission

14. (1) The Commission may, if it considers it appropriate and upon advice by the Committee engage such experts or consultants to assist in the discharge of the functions of the Fund upon such terms and conditions as the Committee may determine

Consultancy and
outsourcing of
services

(2) The Commission may outsource catering facilities upon such terms and conditions as the Committee may determine

15 (1) The Public Procurement and Assets Disposal Act, 2015 and regulations shall guide the procurement of goods and services

Procurement of
goods

(2) Subject to paragraph (1), the Commission shall establish a catering management system to aid in the procurement and sale of alcoholic drinks and soft drinks

16 The annual financial statements of the fund shall be subject to audit by the Auditor General in accordance with Articles 226 and 229 of the Constitution of Kenya and the Public Audit Act 2015.

Audit of books of
accounts and
financial
statements

Dated the 24th June, 2019

JUSTIN MUTURI,
*Speaker of the National Assembly,
Chairperson, Parliamentary Service Commission*

LEGAL NOTICE NO. 104

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 24(4) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations Finance and Planning makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT AFFIRMATIVE ACTION FUND) (AMENDMENT) REGULATIONS, 2019

1. These Regulations may be cited as the Public Finance Management (National Government Affirmative Action Fund) (Amendment) Regulations, 2019.

2. The Public Finance Management (National Government Affirmative Action Fund) Regulation, 2016 are amended in regulation 8 (3) — L.N. 52/2016

- (a) by deleting the expression (f) appearing in paragraph (a)
- (b) by inserting the following new paragraph immediately after paragraph (d) —
 - (da) the Principal Secretary in the State Department for the time being responsible for planning;
- (c) by deleting paragraph (e) and substituting the therefor the following new paragraph —
 - (e) one person to represent the youth or persons with disability and appointed by the Cabinet Secretary;
- (d) by deleting paragraph (f) and
- (e) by deleting paragraph (h)

Dated the 17th April, 2019.

HENRY ROTICH,
Cabinet Secretary for the National the Treasury and Planning.

LEGAL NOTICE NO. 105

THE KENYA CITIZENSHIP AND IMMIGRATION ACT

(No. 12 of 2011)

THE KENYA CITIZENSHIP AND IMMIGRATION REGULATIONS, 2012

(L.N. No. 64 of 2012)

EXEMPTION

IN EXERCISE of the powers conferred regulation 54 of the Kenya Citizenship and Immigration Regulations, 2012, the Cabinet Secretary for Interior and Co-ordination of National Government

exempts foreign nationals seeking internship opportunities with United Nations agencies based in Kenya from payment of intern pass fees

Dated the 28th June, 2019

FRED MATIANG'I,
*Cabinet Secretary for Interior and
Co-ordination of National Government*

LEGAL NOTICE NO 106

THE INTERPRETATION AND GENERAL PROVISIONS ACT

(Cap 2)

DELEGATION OF POWER

IN EXERCISE of the powers conferred by section 38 (1) of the Interpretation and General Provisions Act, the Cabinet Secretary for Lands and Physical Planning delegates to the—

Director -Land Administration,
Deputy Director- Land Administration,
Senior Assistant Director- Land Administration,
Assistant Director, Land Administration,
Principal Land Administration Officer, and
Chief Land Administration Officer,

the power to issue leases or licences conferred on the Cabinet Secretary by section 23(2) of the Land Act (No. 6 of 2012)

This Notice shall be deemed to have come into operation on the 18th January, 2019

Dated the 14th June, 2019

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

LEGAL NOTICE NO 107

THE COPYRIGHT ACT

(No 12 of 2001)

JOINT COLLECTION TARIFFS

IN EXERCISE of the powers conferred by section 46A (a) of the Copyright Act, 2001, the Attorney-General approves the Joint Collection Tariffs set out in the Schedule hereto.

SCHEDULE

Category	Parameters	Sound recording tariff		Audiovisual tariff
Aircraft	Seating capacity	1 – 50 seats	Sh. 974	Sh. 243
		51 – 100	Sh 650	Sh 162

Category	Parameters	Sound recording tariff		Audiovisual tariff
		More than 100 seats	Sh. 405	Sh. 100
Aired shows – live music performances (music shows aired on radio, television)	Seating capacity and number of episodes per station		Sh. 450	Sh. 112
Amusement arcades/parks and fairgrounds	Size of space/area in sq. ft. per unit of 25 sq. ft.	Indoor	Sh. 1,250	Sh. 312
		Outdoor	Sh. 626	Sh. 156
		Minimum fee	Sh. 5,250	Sh. 1,312
Professional training programmes, dance schools, DJ academies and music schools	Per size of class	1 – 25 students	Sh. 3,000	Sh. 750
		26 – 50 students	Sh. 5,000	Sh. 1,250
		More than 50 students	Sh. 10,000	Sh. 2,500
Choirs and vocal ensembles	Gross annual income per function subject to a minimum annual fee	Maximum	17%	0.04%
		Per function	Sh. 434	Sh. 108
		Minimum annual fee	Sh. 5,250	Sh. 1,313
Cinemas	Percentage of gross annual income	Annual rate	17%	4%
		Minimum fee	Sh. 32,475	Sh. 8,119
Private members' clubs	Sitting capacity	Class A (More than 5,000 members or the equivalent of a hotel rated higher than three stars)		
		1 – 50 members	Sh. 410	Sh. 102
		51 – 75 members	Sh. 326	Sh. 81
		76 – 100 members	Sh. 273	Sh. 68
		More than 100 members	Sh. 218	Sh. 54
		Class B (Fewer than 5,000 members or the equivalent of a hotel rated three stars or lower)		
		1 – 50 members	Sh. 273	Sh. 68
		51 – 75 members	Sh. 218	Sh. 54.50
		76 – 100 members	Sh. 167	Sh. 41.75
		More than 100 members	Sh. 138	Sh. 34.50
New media services	Percentage per nature of service subject to a minimum	Caller ring back tones, ringtones, downloads, streaming, simulcast and webcasting	50%	12%

Category	Parameters	Sound recording tariff		Audiovisual tariff
		Minimum rate	Sh. 400,000	Sh. 100,000
Discotheques and dancehalls	Capacity per day	License fee as percentage of gross income	6%	2%
		Daily rate per unit of 50 persons	375	94
		Minimum annual fee	90,000	22,500
Elevators and lifts	Per carrying capacity	Fee per person	Sh. 425	Sh. 106
		Minimum fee per car	Sh. 4,250	Sh. 1,313
Exhibition of films or videos	Flat rate	Standard	Sh. 8,775	Sh. 2,194
Shops stores/spaces – Halls, gymnasias and fitness centres, hairdressing salons, barber shops, shops, stores, showrooms, banking halls, waiting rooms, offices and similar premises, industrial premises, factories, staff canteens, engineering/woodwork workshops and similar premises	Per square footage subject to a minimum annual fee	1 – 1,000 sq. ft.	Sh. 10	Sh. 3
		1,001 – 2,000 sq. ft.	Sh. 8	Sh. 2
		2,001 – 4,000 sq. ft.	Sh. 7	Sh. 2
		More than 4,000 sq. ft.	Sh. 6	Sh. 2
		Minimum annual fee	Sh. 5,000	Sh. 1,250
Restaurants, bars and similar establishments	Seating capacity	Class A (High class and similar)		
		1 – 50 persons	Sh. 410	Sh. 102
		51 – 75 persons	Sh. 326	Sh. 82
		76 – 100 persons	Sh. 273	Sh. 68
		More than 100 persons	Sh. 218	Sh. 54
		Class B (Middle class and similar)		
		1 – 50 persons	Sh. 273	Sh. 68
		51 – 75 persons	Sh. 218	Sh. 54
		76 – 100 persons	Sh. 167	Sh. 42
		More than 100 persons	Sh. 138	Sh. 34
		Class C (Low class and similar)		
		1 – 50 persons	Sh. 218	Sh. 55
		51 – 75 persons	Sh. 167	Sh. 42
		76 – 100 persons	Sh. 108	Sh. 27
More than 100 persons	Sh. 84	Sh. 21		
		Minimum fees	Sh. 6,825	Sh. 1,706

Category	Parameters	Sound recording tariff		Audiovisual tariff	
Hotels and multi-room/accommodation establishments	Per square foot	Class A (High class or similar)			
		Tier 1 (1 – 1,000 sq. ft.)	Sh. 13	Sh. 3	
		Tier 2 (1,001 to 2,000 sq. ft.)	Sh. 11	Sh. 2	
		Tier 3 (2,001 – 4,000 sq. ft.)	Sh. 9.50	Sh. 2	
		Tier 4 (More than 4,000 sq. ft.)	Sh. 8.50	Sh. 2	
		Class B (Middle class and similar)			
		Tier 1 (1 – 1,000 sq. ft.)	Sh. 11	Sh. 2	
		Tier 2 (1,001 to 2,000 sq. ft.)	Sh. 9.50	Sh. 2	
		Tier 3 (2,001 – 4,000 sq. ft.)	Sh. 9.50	Sh. 2	
		Tier 4 (More than 4,000 sq. ft.)	Sh. 6.50	Sh. 2	
		Class C (Low class and similar)			
		Tier 1 (1 – 1,000 sq. ft.)	Sh. 9.20	Sh. 2	
		Tier 2 (1,001 to 2,000 sq. ft.)	Sh. 7.50	Sh. 2	
		Tier 3 (2,001 – 4,000 sq. ft.)	Sh. 5.50	Sh. 2	
		Tier 4 (More than 4,000 sq. ft.)	Sh. 4.50	Sh. 1	
				Minimum fees	Sh. 5,000
Supermarkets and large shopping areas	Per square footage, audiovisual in non-exempt areas subject to a minimum of Sh. 5,000	1 – 5000 sq. ft.	Sh. 8	25% of the music/sound recording tariff	
		5001 – 10000 sq. ft.	Sh. 6		
		10001 to 20000 sq. ft.	Sh. 5		
		More than 20000 sq. ft.	Sh. 4		
Jukeboxes	Per annum per machine	Sh. 8,750		Sh. 2,183	
Mobile disc jockeys	Flat rate	Per disc jockey	Sh. 32,400	Sh. 8,100	
Motor vehicles – all commercial vehicles, TSVs, PSVs, taxis, car hire, etc.	Per seating capacity	Trucks and similar commercial vehicles	Sh. 4,500	Sh. 1,313	
		1 – 5 passengers	Sh. 4,500		
		6 – 9 passengers	Sh. 5,250	Sh. 1,313	
		10 – 14 passengers	Sh. 5,950	Sh. 1,481	
		15 – 29 passengers	Sh. 12,300	Sh. 3,075	
		30 – 33 passengers	Sh. 14,000	Sh. 3,506	
		34 – 38 passengers	Sh. 15,750	Sh. 3,938	

Category	Parameters	Sound recording tariff		Audiovisual tariff
		39 – 46 passengers	Sh. 19,500	Sh. 4,875
		47 – 51 passengers	Sh. 21,700	Sh. 5,419
		52 to 61 passengers	Sh. 25,500	Sh. 6,375
		More than 62 passengers	Sh. 28,500	Sh. 7,125
		Tuk tuks	Sh. 900	—
		Motorcycles	Sh. 600	—
Live music performances	Venue capacity per performance	Fee per day per unit of 50 persons	Sh. 222	Sh. 56
Concerts	Income per event subject to minimum deposit before event	Rate per event	5%	2%
		Minimum deposit	Sh. 50,000	Sh. 12,500
Music on hold	Fee per line subject to a minimum	5 – 10 lines	Sh. 1,275	—
		21 – 50 lines	Sh. 975	
		51 – 100 lines	Sh. 488	
		More than 100 lines	Sh. 251	
		Minimum fees	Sh. 4,875	
Roadshows	Daily rate	Corporate	Sh. 39,975	Sh. 9,994
		Small and medium enterprises	Sh. 20,025	Sh. 5,000
		Individual	Sh. 9,000	Sh. 2,250
	Annual rate	Corporate	Sh. 450,000	Sh. 112,500
		Small and medium enterprises	Sh. 300,000	Sh. 75,000
		Individual	Sh. 99,000	Sh. 24,750
Other promotional activities	Entity per day but not inclusive of audiovisual	Corporate	Sh. 39,975	Sh. 9,995
		Small and medium enterprises	Sh. 20,025	Sh. 5,000
		Individual	Sh. 9,000	Sh. 2,250
Broadcasting (Radio)	Percentage of gross revenue per copyrighted music content subject to minimum annual fees per category	1 % – 29.9% content	2%	
		20% – 69.9% content	4%	
		More than 70% content	6%	
	Minimum annual fees	Commercial broadcasters		
		Multiple regional	Sh. 1,296,000	
		Regional	Sh. 480,000	
		Non-commercial broadcasters		
Multiple regional	Sh. 480,000			

Category	Parameters	Sound recording tariff		Audiovisual tariff	
		Regional	Sh. 360,000		
		Institutional/educational	Sh. 120,000		
		Community	Sh. 120,000		
Broadcasting (Television)	Percentage of gross revenue per copyrighted music content subject to minimum annual fees per category	1% – 29.9% content	0.6%		
		20% – 69.9% content	1.3%		
		More than 70% content	2%		
	Minimum annual fees	Commercial broadcasters			
		Multiple regional	Sh. 432,000		
		Regional	Sh. 160,000		
		Non-commercial broadcasters			
		Multiple regional	Sh. 160,000		
		Regional	Sh. 120,000		
	Institutional/educational	Sh. 40,000			
	Community	Sh. 40,000			
Reproduction	For adaptation, the charge is applicable per song	Flat rate	Sh. 300,000	Sh. 75,000	
Synchronization	Per 30 seconds per slot by number of stations (Duration of movie, programme or documentary)	Radio	Sh. 1,125		
		Television		Sh. 1,400	
		Movies, films and TV programmes		Sh. 2,800	
		Documentaries		Sh. 2,800	

GENERAL RULES

1. The licenses shall be payable annually (calendar year) with joint invoices being payable within one month of issue.
2. The penalty for non-compliance shall be 5% of the tariff compounded for the period it remains unpaid.
3. Businesses starting within the license term shall pay amounts due on a *pro rata* basis for the remainder of the calendar year.
4. The tariff shall be subject to annual increment pegged on the prevailing rate of inflation.
5. The rates shall not include taxes or other levies.

6. There shall be levy for supermarkets for sections that display visuals without music or for electronics testing.

7. In the case of disc jockeys, the primary liability to pay shall belong to the organization that causes the public performance of music. The tariff shall only include disc jockeys in unlicensed premises and exclude resident disc jockeys, teaching disc jockeys and disc jockeys at church events.

8. The audiovisual tariff shall include actors.

9. Charity and fundraising events shall be exempted from this license.

Dated the 17th June, 2019.

P. K. KARIUKI,
Attorney-General.