



## RECENT LEGISLATION

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### 1. COMPETITION (AMENDMENT) BILL 2016

This Bill went through the first reading in Parliament on 19<sup>th</sup> July 2016. It was submitted by the Cabinet Secretary for National Treasury in line with the proposals announced in the Budget for 2016/2017.

#### WHY THE BILL?

Main objective is to amend the Competition Act 2010 to enhance consumer protection from unfair and misleading market conduct and also proposes to align the Competition Act with Article 176 of the Constitution which recognises county governments and the principle of decentralisation of services.

#### KEY PROPOSALS IN THE BILL

##### Definition of Undertaking

If passed the proposed amendment will capture shelf companies that do not undertake any activity for gain or reward however will eventually be used for gain or reward. This would mean that when a shelf company is transferred a notification would need to be made to the Competition Authority, especially because there are currently no automatic exclusions in relation to mergers.

##### Obligation To Provide Information

There is proposed change to section 18 of the Competition Act which will require that every person, undertaking, trade association or body shall be under an obligation to provide information requested by the Authority in fulfilment of its statutory mandate for conducting an inquiry or sectoral study regulated by this section.

### 2. THE PUBLIC PRIVATE PARTNERSHIP (AMENDMENT) BILL 2016

The Bill went through first reading in Parliament on 19<sup>th</sup> July 2016 and was submitted by the Cabinet Secretary for National Treasury in line with the proposals announced in the Budget for 2016/2017.

#### OBJECTIVES OF THE BILL

Is to amend the Public Private Partnerships Act, 2013, to recognise county governments as distinct contracting authorities for public-private partnerships projects. It also makes further provisions for guidelines to be made by the Cabinet Secretary to facilitate the manner in which county governments may deal with public-private partnerships arrangements.

### 3. VALUE ADDED TAX (AMENDMENT) BILL 2016

The Bill has been passed and is awaiting presidential assent. It seeks to amend the Value Added Tax Act, 2013 (No. 35 of 2013) to exempt sugarcane farmers from paying value added tax (VAT) on transportation of sugarcane from the farms to the milling factories. The Value Added Tax Act provides for the levying of value added tax on sugarcane transportation, and transporters are required to collect and remit the tax to the Kenya Revenue Authority.

### 4. PRIVATIZATION (AMENDMENT) BILL 2016

The Bill went through first reading in Parliament on 19<sup>th</sup> July 2016. It seeks to amend the Privatization Act, 2005 to address the reappointment of serving members of the Commission upon the expiry of their first term of office, and the challenge of delay in the presentation of privatisation proposals to Parliament following approval by Cabinet.



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### **5. INSURANCE (AMENDMENT) BILL 2016**

This Bill also went through first reading in Parliament on 19th July 2016. However; a copy of the Bill is not yet available.