

**THE PUBLIC PARTICIPATION BILL, 2025
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THE PUBLIC PARTICIPATION BILL, 2025

A Bill for

AN ACT of Parliament to give effect to the principles of public participation set out in Articles 10(2), 69(1)(d), 118, 184(1)(c), 196, 201(a), 221(5) and 232(1)(d); and provide for the conduct of public participation; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Public Participation Act, 2025.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to public participation;

“public participation” means the process of involving the public in decision-making processes that affect their lives including in the development and implementation of public policies, legislation, and programmes and projects undertaken by the government; and

Cap. 412A.

“responsible authority” includes a department or agency of the national government or county government, and an authority, body or other entity declared to be a national government entity under section 4(1) of the Public Finance Management Act, and Constitutional Commissions and Independent Offices.

Application.

3. (1) This Act shall apply to all responsible authorities as they undertake public participation exercises and activities.

(2) Each responsible authority shall comply with the provisions of this Act when it—

- (a) formulates or reviews a public policy;
- (b) formulates a legislative proposal;
- (c) formulates a statutory instrument; or

Objects of the Act.

(d) initiates a government programme or project, including a public-private partnership programme or project.

4. The objects of this Act shall be to—

(a) give effect to the principles of public participation as provided for in Articles 10(2), 69(1)(d), 118, 184(1)(c), 196, 201(a) and 232(1)(d) of the Constitution;

(b) promote democracy and participation of the people in accordance with Article 10 of the Constitution;

(c) ensure public access to information in a language and format that is easy to understand;

(d) enhance effective public participation in planning, budgeting and implementation of Government plans and budgets;

(e) ensure effective participation of children, women, youth, persons with disability, older persons, minorities and marginalized groups in governance;

(f) institutionalize responsive, functional and timely feedback, reporting and dispute resolution mechanisms; and

(g) promote civic education among the public with respect to planning, budgeting and implementation of Government plans and budgets;

Principles of public participation.

5. Each responsible authority undertaking a public participation exercise under this Act shall be guided by the following principles—

(a) public participation may be conducted through written submissions, oral hearings, online forums, or any other method deemed appropriate to the context;

(b) the public and stakeholders shall be afforded a reasonable chance to express their views;

- (c) the scope, depth, and duration of a public participation exercise shall be commensurate with the complexity, significance, and potential impact of the matter under consideration;
- (d) documents and information relating to a public participation exercise shall be published in formats that are accessible, easy to understand, and available in languages spoken by affected persons;
- (e) responsible authorities shall promote transparency and accountability in the conduct of public participation exercises;
- (f) responsible authorities shall demonstrate how input from the public was received, considered, and incorporated;
- (g) the public participation exercise shall be a two-way process and shall include the giving of feedback by the affected persons and receiving of feedback by the responsible authority;
- (h) that public participation shall be a continues process incorporating the views of the public at every stage in the development or implementation of public policies, legislation, and programmes and project undertaken by the responsible authority; and
- (i) that decisions arising out of public participation processes shall be of a sustainable nature and shall protect and preserve the needs and interests of the public and the responsible authority.

Principle and objective of civic education.

6. (1) Each responsible authority undertaking a civic education activity as part of a public participation process shall be guided by the principle that the people shall be empowered and enlightened in the development and implementation of public policies, legislation, and programmes and projects undertaken by responsible authorities.

(2) The objective of civic education shall be the sustained public engagement in the development and

implementation of public policies, legislation, and programmes and projects.

PART II—GUIDELINES FOR PUBLIC PARTICIPATION

Considerations when undertaking public participation.

7. A responsible authority shall consider the following when undertaking public participation —

- (a) nature of the matter under consideration;
- (b) urgency of the matter;
- (c) impact of the matter on the public;
- (d) need for inclusive and effective representation;
- (e) number of persons likely to be affected;
- (f) ability of the members of the public to access the necessary information and the public participation forum;
- (g) the need and the nature of civic education to be undertaken; and
- (h) integrity and transparency of the process.

Development of specific guidelines for public participation.

8. (1) A responsible authority shall develop specific guidelines for undertaking public participation.

(2) The specific guidelines on public participation developed by a responsible authority shall adhere to the standards set out in this Act.

(3) Parliament and each county assembly shall incorporate guidelines for undertaking public participation in the Standing Orders and ensure that the Standing Orders are accessible to the public.

(4) Each responsible authority shall keep the guidelines developed under this section under review and revise them whenever it becomes necessary to address emerging issues.

Publication of specific public participation guidelines

9. (1) A responsible authority shall publish the specific guidelines on public participation developed under this Act in the *Gazette*.

(2) The provisions of subsection (1) shall not apply to Parliament and county assemblies.

Public participation by Parliament.

10. (1) Pursuant to Article 118(1) of the Constitution, Parliament shall—

- (a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and
- (b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

(2) Where a Committee of a House of Parliament has conducted public participation on a Bill, a Committee of the second House of Parliament may—

- (a) rely on the report tabled by the committee of the originating House; or
- (b) seek additional views on the Bill with respect to substantive amendments made to the Bill during its consideration.

(3) A committee of one House may hold a joint public participation exercise with the corresponding committee of the other House with respect to a Bill originating from the Party forming the National Government.

(4) A committee of the second House of Parliament shall take steps to avoid duplicating public participation conducted by a committee of the originating House.

PART III—INSTITUTIONAL ARRANGEMENTS

Policy directions.

11. The Cabinet Secretary shall—

- (a) provide the general policy direction on public participation; and
- (b) shall publish an annual report on the status of public participation under this Act.

Registrar of Public Participation.

12. (1) There is established the office of the Registrar of Public Participation which shall be an office in the public service.

(2) The Registrar shall be competitively recruited and appointed by the Public Service Commission.

Qualifications of the Registrar and county directors of public participation.

13. A person is qualified to be appointed as the Registrar or a county director of public participation if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognize din Kenya;
- (c) has at least ten years’ experience in public administration, governance, civic engagement, law, or any other relevant field; and
- (d) meets the requirements of Chapter Six of the Constitution.

Tenure.

14. The Registrar and each county director of public participation shall hold office for a term of six years and shall not be eligible for re-appointment.

Removal from office.

15. (1) The Registrar or a county director of public participation may be removed from office on any of the following grounds—

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct or misbehavior;
- (c) physical or mental incapacity to perform the functions of the office;
- (d) incompetence; or
- (e) bankruptcy.

(2) The provisions of the Fair Administrative Action Act shall apply, with the necessary modifications, to any process for the removal of the Registrar from office.

Functions of the Registrar.

16. (1) The Registrar shall—

- (a) receive and review public participation plans of responsible authorities to ensure conformity with the provisions of this Act;
- (b) where required, provide guidance to responsible authorities where public participation plans do not conform to the provisions of this Act;

- (c) maintain a register of—
 - (i) public participation plans;
 - (ii) public participation reports; and
 - (iii) complaints against responsible authorities relating to public participation activities and reports of how the complaints were resolved;
- (d) develop and implement a public participation monitoring, evaluation, assessment and learning framework;
- (e) submit to the Cabinet Secretary reports on the status of public participation;
- (f) maintain a publicly accessible database of public participation reports;
- (g) recommend to responsible authorities measures to be taken to ensure compliance with this Act;
- (h) conduct capacity building for responsible authorities and organisations representing the public in relation to public participation processes; and
- (i) perform such other functions as may be provided for under this Act or any other written legislation.

(2) The Public Service Commission, in consultation with the Cabinet Secretary, shall deploy such public officers or other staff as may be necessary for the proper discharge of functions of the Registrar on such terms of service as the Public Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

Delegation by
the Registrar.

17. (1) The Registrar may, in writing, delegate to an officer or staff deployed under section 13(2) the performance of any function or exercise of any power conferred on the Registrar by this Act or any other written law.

(2) A delegation under subsection (1)—

- (a) shall be subject to any conditions the Registrar may impose;
- (b) shall not relieve the Registrar of responsibility concerning the exercise of the delegated function or exercise of the delegated power; and
- (c) may be withdrawn or varied by the Registrar at any time.

County directors of public participation.

18. (1) There shall be established in each county the office of the County Director of Public Participation which shall be an office in the county public service.

(2) The County Director of Public Participation shall be competitively recruited and appointed by the County Public Service Board.

Functions of the county directors of public participation.

19. A County Director of Public Participation shall perform the following functions—

- (a) ensure the harmonisation, documentation and management of public participation activities by the responsible authorities in the county government;
- (b) establish and maintain a database of public participation plans and public participation reports made by the responsible authorities in the county government;
- (c) facilitate the establishment of public participation frameworks and structures by responsible authorities in the county government; and
- (d) establish dispute resolution mechanisms within responsible authorities to address complaints relating to public participation activities undertaken by responsible authorities in the county government.

PART IV—CONDUCT OF PUBLIC PARTICIPATION

Rights of the public at public meetings.

20. Where a person interested in or likely to be affected by a proposal elects to attend a public meeting

at which the proposal is considered, that person shall have the right to—

- (a) make submissions orally or in writing to the relevant responsible authority;
- (b) be accorded adequate time to make his or her submissions; and
- (c) make submissions without interruption, intimidation, coercion or undue influence by—
- (d) an officer of the responsible authority; or
- (e) any other person attending the public meeting; and
- (f) be protected from retaliation when raising concerns or reporting mismanagement at a public meeting.

Public participation methods.

21. Subject to the provisions of this Act, a responsible authority may employ any or a combination of the following methods when conducting a public participation exercise—

- (a) stakeholder engagement;
- (b) mass public participation; and
- (c) special interest public participation.

Public participation plans.

22. (1) Where a responsible authority proposes a public participation exercise, the accounting officer of that responsible authority shall submit a public participation plan to the Registrar and in the case of a county government, submit a copy of the plan to the County Director of Public Participation.

(2) The public participation plan submitted under subsection (1) shall, in the case of a legislative proposal, statutory instrument, policy, programme or project, include—

- (a) the objective of the public participation exercise and the expected outcome of the exercise;
- (b) the stages of the public participation exercise and the duration of each stage;
- (c) a copy of the proposal;

- (d) a summary of the information contained in the proposal;
- (e) a stakeholder analysis of the persons likely to be interested or affected by the proposal;
- (f) proof of availability of funds and other resources for the public participation exercise;
- (g) the public participation method or methods that the responsible authority proposes to use during the public participation exercise; and
- (h) a notice of the public participation exercise which shall specify —
 - (i) the objects of the proposal;
 - (ii) a description of how the responsible authority shall provide interested or affected persons with an opportunity to present views;
 - (iii) the period within which views on the proposal may be submitted, which shall be at least twenty-one days from the date of the commencement of the public participation exercise; and
 - (iv) information on where and how the proposal may be accessed by the public.

(3) The notice under subsection (2)(h) shall be in the form set out in the Schedule.

Use of media and forms during public participation exercise.

23. (1) Each responsible authority shall, when undertaking a public participation exercise, employ the most appropriate media and forms for the public participation exercise including—

- (a) notices in the print media, electronic media and the *Gazette*;
- (b) notices placed in public buildings and other public places;
- (c) broadcasts about the public participation exercise on radio or television;
- (d) official websites, social media platforms and e-mail;

- (e) mobile short messaging services and mobile applications; and
- (f) community notice boards and public address systems.

(2) During a public participation exercise at which submissions have been invited by a responsible authority, submissions may be made in the following ways—

- (a) in writing including by way of memoranda and letters;
- (b) in person at public hearings including townhall meetings and public barazas;
- (c) during focus group discussions between the responsible authority and the public;
- (d) through online forums including webinars;
- (e) through referenda;
- (f) through civic rallies; and
- (g) at workshops, seminars and similar activities.

Selection of public participation methods.

24. When selecting public participation methods, each responsible authority shall take into account the following—

- (a) the complexity and potential effects of the matter under consultation;
- (b) the demographic profile, prevalent language and geographic distribution of the affected persons; and
- (c) the necessity to reach marginalised and special interest groups including persons with disability, youth and women.

Outreach and mobilization.

25. During the conduct of a public participation exercise, a responsible authority shall—

- (a) employ in-person, mobile and digital outreach strategies or a combination of any of them; and
- (b) engage community mobilisers, civil society organisations, local leaders and media outlets to facilitate notification and encourage

participation, particularly among under-represented groups.

Publication of proposals and notices and, receipt of public views.

26. The accounting officer of a responsible authority shall—

- (a) ensure that each proposal and summary of information submitted under section 19 are publicly available in a format that can be easily accessed;
- (b) publicise the notice in a newspaper with nationwide circulation, on the responsible authority's website, and in any other accessible electronic or print medium;
- (c) provide a mechanism for receiving submissions in respect of the proposals from the public; and
- (d) use media and venues that are accessible to persons living with disabilities where public meetings are held in respect of the proposals.

Public participation reports.

27. (1) Within thirty days after the completion of a public participation exercise, the accounting officer of a responsible authority shall prepare and submit to the Registrar a report of the exercise.

(2) The report submitted under subsection (1) shall set out—

- (a) the persons who are interested in or are likely to be affected by the proposal;
- (b) in any case where public meetings were held in respect of the proposal, names of the persons who attended the meetings and signed attendance registers containing any such information;
- (c) a description of the mechanism for receiving submissions in respect of the proposal from the public including the language of communication;
- (d) the time allocated for the public to make submissions in respect of the proposal;

- (e) an explanation that of how the responsible authority considered the socioeconomic circumstances, religious beliefs, ethnicity and knowledge levels of the persons interested in or likely to be affected by the proposal;
- (f) the manner by which the responsible authority considered the submissions of the persons interested in or likely to be affected by the proposal; and
- (g) the manner by which the responsible authority ensured inclusivity including demonstrating access and understanding of the public participation exercise by persons with disability.

(3) Where the Registrar is satisfied that the public participation exercise was conducted in accordance with this Act, the Registrar shall issue a certificate of compliance.

Feedback mechanisms.

28. (1) Each responsible authority shall establish and maintain, for the conduct of public participation exercises, a feedback mechanism—

- (a) for acknowledging receipt of submissions by the public;
- (b) for recording and evaluating submissions by the public;
- (c) for communicating with persons who made submissions on the outcome of the submissions; and
- (d) for providing explanations on how submissions from the public have been treated by the responsible authority.

(2) Each responsible authority shall, to the conclusion of a public participation exercise, publish a public participation output report setting out—

- (a) the number and demographic profile of persons who participated in the exercise;
- (b) a summary of views, submissions and key issues raised by the public; and

- (c) the decisions taken by the responsible authority including reasons for accepting or rejecting proposals from the public.

PART V—MISCELLANEOUS PROVISIONS

Accessibility.

29. (1) Each responsible authority shall publish all documents required for the purposes of a public participation exercise under this Act in an accessible format including Braille.

(2) Each responsible authority shall, when conducting public participation exercises at which presentations and submissions are made in person, facilitate the provision of language translation and sign language interpretation services.

(3) Each responsible authority shall give access any recordings of a public participation activity in an accessible and easily downloadable format.

Certain information not to be disclosed. Cap. 7M. Cap. 199. Cap. 411C.

30. The provisions of the Access to Information Act, Kenya Defence Forces Act and Data Protection Act relating to the protection of the right to privacy under Article 31 of the Constitution and limitation of the right of access to information under Article 35 shall apply to a responsible authority undertaking public participation under this Act.

Dispute resolution.

31. (1) Where a person interested in or likely to be affected by a proposal claims that the provisions of this Act have been contravened by an officer of the responsible authority or any other person in respect of the consideration of a proposal, that person may lodge a complaint with the Registrar.

(2) A complaint lodged under subsection (1) may be made in writing or orally but any complaint made orally shall be reduced into writing by the Registrar or a person authorized in that regard by the Registrar as soon as practicable.

(3) A complaint lodged under subsection (1) shall—

- (a) be in writing;
- (b) be in English or Kiswahili;
- (c) set out the key facts relating to the complaint and, where known, the identity of the person

against whom the complaint is made and where the identity is unknown, the responsible authority;

- (d) be addressed to the Registrar;
- (e) indicate whether any effort has been made to have the matter addressed by the responsible authority and whether there has been any response from that responsible authority or whether the response has been unsatisfactory;
- (f) indicate whether the issue in respect of which the complaint has been made is pending before any court of law or other constitutional or legal body;
- (g) conclude with a clear prayer in regard to the matter to which the complaint relates;
- (h) contain the name, address, identification number, signature or a thumb impression of the person making the complaint or every person, where there is more than one person;
- (i) be signed by the person or, if the person is unable to sign, by a witness in whose presence the person shall make his or her mark on the complaint.

(4) Notwithstanding subsection (3)(h), a person may lodge a complaint anonymously.

(5) The Registrar shall, within seven days after receipt of the complaint, review the complaint to ascertain whether it complies with the requirements of this Act.

(6) Where the Registrar determines that the complaint does not comply with the requirements of this Act, the Registrar shall give such directions as may be necessary to ensure that the complaint is revised or amended to comply with the requirements of this Act.

(7) The Registrar shall, if satisfied that the complaint meets the requirements of this Act, and is within the mandate of the Registrar, liaise with the responsible authority to ensure that the issues set out in the complaint are resolved.

(8) The Registrar shall notify in writing the complainant of the decision in respect of the complaint.

(9) The Registrar shall keep and maintain a register in which shall be recorded all complaints, supporting documents, and decisions thereto.

(10) The register of complaints under subsection (9) shall be accessible to the public during normal working hours.

(11) A person who is dissatisfied with the outcome of the process of resolving a complaint under this section may lodge appeal to the High Court against that outcome.

Days when public forums may be held.

32. Where a responsible authority holds or conducts a public participation forum at which the public has been invited to participate, the forum shall not be held during a public holiday, Saturday or Sunday.

Sanctions.

33. Where the Registrar determines that an accounting officer has contravened the provisions of this Act, the Registrar may recommend the initiation of disciplinary proceedings against that accounting officer including surcharge where public funds have been wasted.

General penalty.

34. A person who, in conducting public participation, fails to adhere to the principles and obligations set out under this Act commits an offence and shall be liable upon conviction—

(a) in the case of a natural person, to a fine not exceeding three hundred thousand shillings; and

(b) in the case of a juristic person, to a fine not exceeding five hundred thousand shillings.

Regulations.

35. The Cabinet Secretary, in consultation with the Registrar, may make Regulations for the better carrying out of the provisions of this Act.

Transitional provision.

36. A public participation exercise in progress at the commencement of this Act shall proceed so far as possible in accordance with this Act.

SCHEDULE

[s. 19(3)]

PUBLIC NOTICE

**PUBLIC PARTICIPATION AND REQUEST FOR COMMENTS
ON THE (NAME OF LEGISLATIVE PROPOSAL, PROPOSED
STATUTORY INSTRUMENT, PROPOSED POLICY OR
PROPOSED PROGRAMME OR PROPOSED PROJECT)**

PURSUANT to section 19 of the Public Participation Act, the (Responsible Authority) hereby notifies the general public that the (Responsible Authority) has developed the (a legislative proposal, proposed statutory instrument, proposed policy or proposed programme or proposed project (hereinafter referred to as “Proposed *****”).

The main objective of the proposed ***** is to *****.
Specifically, the proposed ***** seeks to:

- (a)
- (b)
- (c)
- (d)
- (e)

This is to request the public and all persons likely to be interested or affected by the proposed ***** to submit written comments on the proposed ***** so as to reach the undersigned not later than twenty-one (21) days from the date of publication of this notice.

The proposed ***** are available on the responsible authority’s website: (www.) The proposed ***** are also available on request at the responsible authority offices at ***** , during working hours.

Any person with comments on the proposed ***** is welcome to make their comments by way of email to the responsible authority email address or submission of a written memorandum within the specified period to the nearest responsible authority offices.

Due to the prevailing global health concerns, we are encouraging members of the public to submit their comments through the above email address or through written submissions or memorandum.

Any stakeholder who would prefer a virtual interaction on the subject matter should notify the responsible authority through email in order for the responsible authority to prepare for such meetings. The virtual meetings will be scheduled as a public forum between ... and 20**

The Public Participation Bill, 2025

starting from 9.00 a.m. to 5.00 p.m. to discuss the proposed
***** and comments received.

Please send your written comments to:

The Principal Secretary
Responsible Authority
NAIROBI

or
Chief Executive Officer
Responsible Authority

Accounting Officer
(Signed)
RESPONSIBLE AUTHORITY

MEMORANDUM OF OBJECTS AND REASONS

Part I of the Bill (clauses 1 to 6) consists of preliminary provisions including the short title, the definitions of key terms used in the Act, the scope of the application of the Act, the objects of the Act, the principles of the Act and the applicable principle and objective of civic education.

Part II of the Bill (clauses 7 to 10) deals with guidelines for public participation including the considerations that a responsible authority must take when undertaking public participation; the development and publication in the Gazette of specific guidelines by responsible authorities for public participation; and the role of Parliament in public participation.

Part III of the Bill (clauses 11 to 19) deals with the institutional arrangements proposed therein including the policy role of the Cabinet Secretary; the establishment, qualifications, tenure and removal from office and functions of the Registrar of Public Participation and County Directors of Public Participation; and the power of the Registrar to delegate the performance of functions or exercise of powers conferred by the Act.

Part IV of the Bill (clauses 20 to 28) deals with the conduct of public participation including the rights of the public at public meetings; the applicable methods of public participation and the criteria for their selection by responsible authorities; the preparation, submission and approval of public participation plans; the use of media during public participation exercises and activities; the publication of public participation reports; and the establishment and maintenance of feedback mechanism by responsible authorities.

Part V of the Bill (clauses 29 to 36) deals with miscellaneous matters including the manner of promoting accessibility to public participation processes to persons with disabilities, and the provision of translation and Sign Language interpretation services; the information that may not be disclosed during public participation processes; procedures for dispute resolution; the days on which public participation forms may be conducted or held by responsible authorities; sanctions for contravention of the provisions of the Act by a public officer; the making of regulations under the Act; and transitional matters.

Dated the, 2025.

DORCAS A. ODUOR SC, OGW, EBS,
Attorney-General