

**INDEPENDENT COMMUNICATIONS COMMISSION OF KENYA  
BILL, 2010**

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**THE INDEPENDENT COMMUNICATIONS COMMISSION OF  
KENYA BILL, 2010**

**A Bill for**

**AN ACT** of Parliament To provide for the establishment of the Independent Communications Commission of Kenya; to provide for the dissolution of the Communications Commission of Kenya; to transfer the functions of the Communications Commission of Kenya to the Independent Communications Commission of Kenya; to amend the Media Act 2007, The Information and Communications Act, 1998 and to provide for matters connected therewith.

**PREAMBLE**

Recognizing that ~~technological advancements has resulted in the~~ convergence in the fields of broadcasting, ~~information technology~~ and telecommunications, ~~are with us due to technological advancements;~~

Acknowledging that the establishment of an independent body to regulate ~~the airwaves and other forms of signal distribution broadcasting and telecommunications~~ is required in compliance with the Constitution of Kenya, 2010.

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**ENACTED** by Parliament of Kenya, as follows —

**PART CHAPTER 1  
INTRODUCTORY PROVISIONS**

**1. Definitions**

1. In this Act, unless the context indicates otherwise, any word or expression defined in the Information and Communications Act, 1998 has the meaning assigned to it in the Act and:

"**Commission**" means the Independent Communications Commission of Kenya established by section 3;

"**effective date**" means the date determined as such by the Minister by notice in the *Gazette*;

"**former Commission**" means the Communications Commission of Kenya established under section 3 of the Information and Communications Act;

"**family member**", in relation to any person, means his or her parent, child or spouse, and includes a person living with that person as if they were married to each other;

"**Minister**" means the Minister for the time being in charge of Information and Communications;

"**Consolidated Fund**" means the Fund referred to in section 213 of the Constitution

"**prescribe**" means prescribe by regulation;

"**President**" means the President of the Republic;

"**Information and Communications Act**" means the Information and Communications Act, 1998 (Act No. 2 of 1998);

"**This Act**" includes any regulation made under the Information and Communications Act;

**2. Object of Act** 2. The object of this Act is to establish an independent Commission which is ~~to~~:-

(a) is independent of control by government, political commercial interests;

(b) reflects the interests of all sections of the society;

(c) sets media standards and regulate and monitor compliance with those standards as required by section 34 of Constitution

(d) regulate telecommunications in the public interest; and

(e) Achieve the objects contemplated in the Act.

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**PART CHAPTER II**

**INDEPENDENT COMMUNICATIONS COMMISSION OF KENYA**

**3. Establishmen** 3. (1) There is hereby established ~~a juristic person to be known as~~ the

t of  
Independent  
Communicati  
ons  
Commission  
of Kenya

Independent Communications Commission of Kenya.

~~(2)~~ The Commission shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of :-

(a) suing and being sued;

(b) acquiring, holding, charging and disposing of movable and immovable property; and

(c) doing or performing all such other things or acts for the proper discharge of its functions under this Act.

~~(2)~~(3) The Commission acts through the Chairman as contemplated in section 5.

~~(3)~~(4) The Commission is independent, and subject only to the Constitution and the law, and must be impartial and must perform its functions without fear, favour or prejudice.

~~(4)~~(5) The Commission must function without any political or commercial interference.

4. Functions of  
Commission

4.(1) The Commission —

(a) must perform the duties imposed upon the former Commission by the Act;

(b) may exercise and continue the exercise of the powers conferred upon the former Commission by or under the Act;

(c) subject to ~~section 2 and~~ CHAPTER 4, Part 2 of the Constitution, must act in a manner that is consistent with the obligations of the Republic under any applicable international agreement.

(2) The Commission is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).

5. Constitution of  
and appointment  
of Commissioners  
to  
Commission

5. (1) The Commission consists of seven Commissioners appointed by the President on the recommendation of the Public Service Commission ~~National Assembly~~ according to the following principles; namely —

(a) The Minister in consultation with the Public Service Commission s

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~~within seven days of the commencement of this Act, by notice in the Gazette declare vacancies in the Commission and request applications.~~

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~~(b) An application under subsection (a) shall be forwarded to the Public Service Commission within fourteen days of the notice and may be made by any –~~

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~~(i) a qualified person; or~~

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~~(ii) a person, organization or group of persons proposing nomination of any qualified person;~~

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~~(c) The Public Service Commission shall consider the application, interview and shortlist at least two persons qualified for appointment as chairperson and nine persons who qualify for appointment as members.~~

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~~(d) The President shall, within seven days, by notice in the Gazette, appoint the chairperson and members approved and forwarded by the Public Service Commission, participation by the public in the nomination process;~~

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~~(e) transparency and openness; and~~

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~~(f) the publication of a shortlist of candidates for appointment, with regard to subsection (3) and section 6.~~

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~~a. (a) The President must appoint one of the Commissioners as chairperson of the Commission.~~

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~~(2) In the absence of the chairperson, the remaining Commissioners from their number elect an acting chairperson, who, while he or she acts, may perform all the functions of the chairperson.~~

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~~b. (3) Persons appointed to the Commission must be persons who—~~

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~~(a) are committed to fairness, freedom of expression, openness and accountability on the part of those entrusted with governance of a public service; and~~

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~~(b) when viewed collectively—~~

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~~(i) are representative of a broad cross section of the population of the Republic; and~~

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~~b.(ii)~~ possess suitable qualifications, expertise and experience in the fields of, amongst others, broadcasting telecommunications ~~policy, engineering, technology, frequency spectrum band planning, law, marketing, journalism, media, entertainment, education, and economics, business practice and finance~~ or any other related expertise or qualifications.

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(4) A Commissioner appointed under this section ~~shall~~ **must**, before he or she begins to perform his or her functions, take an oath or affirm that he or she—

~~1.(a)~~ is committed to fairness, freedom of expression, openness and accountability; and

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~~2.(b)~~ will uphold and protect the Constitution and laws of the Republic, including this and other Acts.

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#### 6. Disqualification

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6. (1) A person may not be appointed as a Commissioner if he or she—

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(a) is not a citizen of the Republic;

(b) is a public servant or the holder of any other remunerated position under the State;

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(c) is a member of Parliament, any ~~provincial county~~ legislative ~~local authority~~ or any ~~municipal Commission~~ **state official**;

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(d) is an office-bearer or employee of any party, movement or organization of a party political nature;

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(e) or his or her family member has a direct or indirect financial interest in the ~~telecommunications or broadcast industry~~ **sector**;

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(f) or his or her business partner or associate holds an office or with, or is employed by, any person or body, whether corporate or unincorporated, which has an interest contemplated in paragraph (f);

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(g) is an un-discharged bankrupt;

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(h) has been declared by a court to be mentally ill or disordered;

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- (i) has at any time been convicted, whether in the Republic or elsewhere, of—
- (j) theft, fraud, forgery or uttering a forged document, perjury, or any other offence involving dishonesty, or an offence in terms of the Anti-Corruption and Economic Crimes Act, 2003 (Act No. 94 of 2003), or any other offence involving dishonesty; or
- (k) an offence under this Act or the underlying statutes;
- (l) has been sentenced to a period of imprisonment of not less than one year without the option of a fine; or
- (m) has at any time been removed from an office of trust or confidence on account of misconduct.

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- (2) A person who is subject to a disqualification contemplated in subsection (1) (b) to (i) may be nominated for appointment as a Commissioner but may only be appointed if at the time of such appointment he or she is no longer subject to that disqualification

#### **7. Terms of office**

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- 7. (1) The chairperson holds office for a period of five years as from the date of his or her appointment
- (2) the other Commissioners hold office for a period of four years as from the date of their appointment
- (3) A Commissioner may at any time, upon written notice tendered to the President, resign from office.
- (4) Despite subsections (1) and (2), the Commissioner remain in office until the expiry of their term of office until the commencement of the term of office of their successors, but the extended term of office may not exceed 45 days
- (5) A Commissioner may at the end of his or her term of office be reappointed in terms of section 5 for one additional term.
- (6) Every Commissioner serves in a full-time capacity to the exclusion of any other remunerative employment, occupation or office which is liable to—

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(a) interfere with the exercise by any such Commissioner of his or her functions in terms of this Act or other law; or

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(b) create a conflict of interests between such employment, occupation or office and his or her office as Commissioner

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8. Removal from office

8. (1) Subject to subsection (2), a Commissioner may be removed from office on account of—

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(a) a serious violation of the Constitution or any other law including a contravention of Chapter Six of the Constitution

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(b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise inability to perform the duties of his or her office efficiently;

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(c) absence from three consecutive meetings of the Commission without the permission of the Commission, except on good cause shown;

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(d) physical or mental incapacity to perform the functions of his or her office;

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(e) incompetence; or

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(f) Bankruptcy

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(g) a contravention of section 7(6);

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(h) failure to disclose an interest in terms of section 12(2) (a) voting or attendance at, or participation in, proceedings of the Commission while having an interest contemplated in section 12(1); or

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(i) his or her becoming disqualified as contemplated in section 6(1).

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~~A Commissioner may be removed from office only on—~~

~~a finding to that effect by the National Assembly; and~~

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~~the adoption by the National Assembly of a resolution~~

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calling for that Commissioner's removal from office:

~~— The President —~~

~~— may suspend a Commissioner from office at any time after start of the proceedings of the National Assembly for removal of that Commissioner;~~

~~— A person desiring the removal of a member of the Commission on ground specified in clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.~~

~~— The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under clause (1), shall send the petition to the President.~~

~~— On receiving a petition under clause (3), the President —~~

~~— may suspend the member or office holder pending the outcome of the complaint; and~~

~~— shall appoint a tribunal in accordance with clause (5).~~

~~— The tribunal shall consist of —~~

~~— a person who holds or has held office as a judge of a superior court, who shall be the chairperson;~~

~~— at least two persons who are qualified to be appointed Supreme Court judges; and~~

~~— one other member who is qualified to assess the facts in respect of the particular ground for removal.~~

~~— The tribunal shall investigate the matter expeditiously, report on facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within thirty days.~~

~~— A person suspended under this Article is entitled to continue to receive one half of the remuneration and benefits of the office while suspended.~~

9. Vacancies

9. (1) A vacancy in the Commission occurs if a Commissioner —

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- (a) becomes subject to a disqualification referred to in section 6;
  - (b) tenders his or her resignation as contemplated in section 7(3) the resignation takes effect;
  - (c) is removed from office in terms of section 8;
  - (d) dies; or
  - (e) becomes permanently incapable of doing his or her work.
- (2) (a) Where a vacancy has arisen as contemplated in subsection (1), procedure contemplated in section 5 applies.

~~Any Commissioner appointed under this subsection holds office the rest of the period of the predecessor's term of office, unless National Assembly directs that such Commissioner holds office a longer period which may not exceed four years.~~

#### 10. Remuneration

10. The Chairperson and other Commissioners ~~must shall~~ be paid remuneration and allowances and be entitled to such benefits as the Minister may determine with the concurrence of the Minister of Finance, subject to any applicable national legislation envisaged by section 230 of the Constitution.

#### 11. Meetings of Commission

11. (1) (a) Meetings of the Commission ~~must shall~~ be held at such times and places as the Commission may determine.

- (b) However, the first meeting must be held at such time and place as the Chairperson determines.
- (2) (a) The Chairperson may at any time convene a special meeting of the Commission, which must be held at such time and place as the Chairperson determines.
- (b) If at least three Commissioners request a special meeting in writing to the chairperson ~~must shall~~ convene such a meeting within seven days after receiving the request.
  - (c) If the Chairperson fails to convene a special meeting within seven days after receiving the request, the Chairperson shall be deemed to have convened a special meeting at such time and place as the Chairperson determines.

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days after receiving the request, the Commissioners concerned may convene a special meeting

- (3) The quorum for any meeting of the Commission is a majority of Commissioners in office at the time. **Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
- (4) (a) Subject to subsection (3), a decision of the Commission ~~is taken~~ resolution agreed to by the majority of Commissioners ~~ers~~ ~~ors~~ at meeting of the Commission. **Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
- (b) In the event of an equality of votes regarding any matter chairperson has a casting vote in addition to his or her deliberated vote. **Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 2 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**12. Conflicting  
Conflict of  
interests**

- 12. (1) (a) ~~(a)~~ A Commissioner ~~er~~ ~~lor~~ may not vote at, attend or in any other manner participate in, any meeting or hearing of the Commission, nor be present at the place where the meeting is held if— **Formatted:** Font: 9 pt

(b) in relation to an application relating to a licence, he or she or his or her family member is a director, member or business partner, associate of or has an interest in the business of the applicant or of any person who made representations in relation to the application; or **Formatted:** Indent: Left: 0.45", No bullets or numbering

(c) in relation to any matter before the Commission, he or she or his or her family member has any interest which may preclude him or her from performing his or her functions as a Commissioner in a fair, unbiased and proper manner **Formatted:** Indent: Left: 0.45", No bullets or numbering

- (2) (a) If, during the course of any proceedings before the Commission there is reason to believe that a Commissioner ~~er~~ ~~lor~~ has any interest contemplated in subsection (1), that Commissioner must immediately disclose the nature of his or her interest and leave the meeting or hearing in question so as to enable the remaining Commissioners to discuss the matter and determine whether or not that Commissioner should be allowed to participate in the proceedings. **Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"

- (b) The disclosure, and the decision taken by the remaining Commissioners, must be recorded in the minutes of the proceedings in question. **Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 2 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

- (3) If any Commissioner ~~er~~ ~~lor~~ fails to disclose any interest as required **Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"

subsection (2) or, subject to that subsection, if he or she is present at the place where a meeting of the Commission is held or in any manner participates in the proceedings of the Commission, the relevant proceedings of the Commission shall be null and void.

(4) A Commissioner is guilty of an offence and liable on conviction to a fine not exceeding ~~Kshs24,000,000~~~~R250,000~~ or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment if he or she—

(a) contravenes subsection (1); or

(b) fails to disclose any interest or fails to leave the meeting hearing as required by subsection (2).

**13. Validity of proceedings**

13. Subject to section 12, a decision taken by the Commission or an act performed under that decision is not invalid merely by reason of—

(a) any irregularity in the appointment of a Commissioner;

(b) a vacancy in the Commission; or

(c) the fact that any person not entitled to sit as a Commissioner was as such at the time when the decision was taken provided that the decision was taken by a majority of the Commissioners present at the time and entitled so to sit, and those Commissioners present at the time constituted a quorum.

**14. Staff to the Commission**

14. (1) The Commission ~~must~~~~shall~~ establish its own administration to assist the Commission in the performance of its functions and to this end the Commission ~~must~~~~shall~~ appoint—

(a) a suitably qualified and experienced person designated ~~Secretary~~~~the Director-General~~ to the Commission ~~or other~~ as the chief executive officer of the Commission for the purpose of assisting the Commission—, subject to the Commission's direction and control, in the performance of all financial, administrative and clerical functions and work arising from the administration of this Act; and

(b) such other staff as the Commission may deem necessary to assist the Commission with all such work as may arise through

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the performance of its functions.

- (2) The Commission ~~shall~~must, in the appointment of its staff—
- (a) provide for the advancement of persons disadvantaged by unfair discrimination, with the aim that its staff, when viewed collectively represents a broad cross-section of the population of the Republic
- (b) subject to paragraph (a), apply equal opportunity employment practices.
- (3) The Commission may pay to the persons in its employment remuneration and allowances and provide them with such pension and other employment benefits as the ~~Minister~~Commission may determine ~~with the concurrence of the Minister of Finance, and~~ subject to any applicable national legislation envisaged by section 230 of the Constitution.

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15. Financing of and accounting by Commission

15. (1) The ~~funds of the Commission shall be as envisaged in Section 14 of the Information and Communications Act, No. 2 of 1998~~Commission is financed from money appropriated by Parliament.

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(2) The chief executive officer contemplated in section 14(1)(a) in accordance with section 36 of the Public Finance Management Act 1999 (Act No. 1 of 1999), the accounting officer of the Commission and charged with the responsibilities referred to in that Act which include, amongst others, responsibilities regarding auditing, financial control, budgetary control and reporting

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~~All revenue received by the Commission in a manner other than in accordance with subsection (1) must be paid into the Consolidated Fund within 30 days after receipt of such revenue.~~

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16. Annual report

16. (1) The Commission ~~shall~~must—

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(a) supply the Minister with ~~an annual report of the operation of the Commission for the immediately preceding year or~~information and particulars as he or she may in writing require in connection with the activities of the Commission; and

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(b) as soon as may be reasonably practicable after the end of the financial year but in any event within three months of the end of the financial year, supply the Minister with a copy of—

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the annual report of the Commission ;

- (2) For purposes of this section, the annual report referred to in subsection (1)(b)(i) must include, amongst others—
- (a) information regarding licences granted, renewed, amended, transferred, suspended or revoked; and
  - (b) such other information in connection with the activities of the Commission as the Minister may in writing require.
- (3) The Minister ~~must~~ shall table a copy of the annual report in Parliament within 30 days after it has been received by him or her if Parliament is then sitting and, if Parliament is not in sitting, within 14 days after the next ensuing sitting of Parliament,

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### **PART CHAPTER III**

#### **COMMITTEES**

17. Standing and special committees

17. (1) The Commission may establish standing committees or special committees for such purposes as the Commission may deem necessary in a view to assisting it in the effective exercise and performance of its powers and duties.
- (2) Each committee established in terms of this section must consist of—
- (a) one or more Commissioners designated by the Commission ; and
  - (b) such additional members as the Commission may determine.
- (3) The additional members referred to in subsection (2)(b) must be persons who—
- (a) are not subject to any disqualification contemplated in sections 6(1)(d) to (i); and
  - (b) on account of their expertise, qualifications and experience are best suited to serve on the relevant committee.

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- (4) The Commission ~~must~~ shall appoint the chairperson of each committee from the Commissioners designated in terms of subsection (2)(a).
- (5) A committee ~~must~~ shall perform such functions as may be delegated assigned to it.
- (6) The meetings of a committee (including any special meetings) ~~must~~ be convened by the chairperson, who determines the procedure at meeting.
- (7) Section 11 is applicable, with the necessary changes, as regards meetings of any committee.
- (8) The members of any committee, who are not Commissioners or members of the staff of the Commission ~~must~~ shall be paid remuneration and allowances as the Commission ~~may~~ determines.

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#### **PART CHAPTER IV**

#### **TRANSITIONAL PROVISIONS**

18. Dissolution of CCK and first meeting of the Commission

18. (1) The CCK is hereby dissolved with effect from the effective date.

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(2) (a) The ~~Commissioners~~ ~~Directors Board~~ of the ~~former~~ Commission referred to in section 3 (2) of the Information and Communications Act, 1998 remain in office until immediately before the commencement of the first meeting of the Commission .

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~~(c) If the agreement does not contain any such terms and conditions, that person's position must be considered by the Minister in concurrence with the Minister of Finance in the light of all relevant circumstances, including —~~

~~— the legitimate expectations of the Commission;~~

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~~— any financial constraints on expenditure by the Commission;~~

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~~the prospect of further employment of that person.~~

~~If the Commission is not satisfied with any offer made by the Minister, the matter must be referred to arbitration in terms of Arbitration Act, 1995~~

(3) The first meeting of the first Commission constituted in terms of section 5 must be held within three months of the effective date.

19. Transfer of staff

19. (1) (a) Every person appointed under section 14 of the Information Communications Act, 1998 who is in the service of the CCK immediately before the ~~effective establishment~~ date, is, as from that date, hereby transferred to the service of the Commission

(b) Every person so transferred must be regarded as having been appointed in terms of section 14.

(2) The remuneration and other terms and conditions of service of a person transferred as contemplated in subsection (1) may not be more favourable than the remuneration terms and conditions applicable to that person immediately before the effective date, and he or she remains entitled to all rights, benefits and privileges to which he or she was entitled immediately before that date, including, where applicable -

- (a) membership of a pension fund;
- (b) membership of a medical aid scheme;
- (c) employer contributions in connection with the members contemplated in paragraphs (a) and (b);
- (d) accrued pensionable service;
- (e) accrued leave benefits; and
- (f) retirement at a specific age.

(3) Any person transferred to the service of the Commission as contemplated in subsection (1), who immediately before such transfer was a member of a pension fund of the former Commission, remains a member of that pension fund upon such transfer despite any provision to the contrary in any law or in the rules of that pension fund and the

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Commission must contribute to the pension fund in respect of that person to the same extent as an employer is required in terms of the laws and rules regulating that pension fund to contribute in respect of an employee who is a member of that fund.

~~20. Transfer of rights, liabilities, obligations~~

20. (1) All assets, rights, liabilities and obligations which, immediately before the effective date, vest in the former Commission pass to the Commission on that date.

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(2) The registrar of deeds must make the necessary entries or endorsements for the transfer of any property in terms of subsection (1), and no transfer fee, office fee or other charge is payable in respect of that entry or endorsement.

(3) All licences issued, rights granted and undertakings given by the former Commission by or under the underlying statutes ~~shall be deemed to must be regarded to~~ have been issued, granted or given by the Commission.

~~21. Legal proceedings~~

21. (1) Any application, proceedings or similar matter pending before the former Commission at the effective date must be dealt with by the Commission under the relevant law.

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(2) Any order, ruling or direction made or given by the former Commission immediately before the ~~effective establishment~~ date must be regarded as having been made or given by the Commission.

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~~22. Legality of acts~~

22. (1) Anything done before the commencement of this Act under or in terms of a provision repealed or amended by this Act must be regarded, unless clearly inappropriate, to have been done under or in terms of the corresponding provision of this Act.

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(2) Any reference to the former Commission in any law must be regarded, unless clearly inappropriate, to be a reference to the Commission.

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(3) The Commission is the legal successor of the former Commission in the event of any conflict between the provisions of this Act and any other prior law relating to the regulation of broadcasting and telecommunications, the provisions of this Act prevail.

~~23. Amendments~~

23. The Several written laws specified in the First Column of the ~~sixth~~ First Schedule are amended, in the provisions thereof specified in the Second

to Statute column, in the manner respectively specified in the Third Column.  
Law

FIRST SCHEDULE

LAWS AMENDED OR REPEALED

First Column	Second Column Year of law and Number	Third Column Extent of Amendment or Repeal	
	1998, Act Number 2	(1) The amendment of section 1 by the substitution for the definitions of the following definitions, respectively:	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
		(a) " Commission" means the Independent Communications Commission of Kenya established by section 3 of the Independent Communications Commission of Kenya Act, 2010;"	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
		(b) " chairperson' means the chairperson appointed under section 5(12) of this Independent Communications Act Authority of South Africa Act, 2000;"	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
		(c) Substitution of the word " Board" with "Commission"	<b>Formatted:</b> Left, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers
		(d) " Commissioner" means any Commissioner appointed under section 5(1) of this Independent Communications Commission of Kenya Act, 2010;"	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"
		(2) The repeal of section 3(1)	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Right + Aligned at: 0.2" + Tab after: 0.25" + Indent at: 0.25"
		(3) The repeal of section 6.	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Right + Aligned at: 0.2" + Tab after: 0.25" + Indent at: 0.25"
		(4) The repeal of section 8.	<b>Formatted:</b> Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Right + Aligned at: 0.2" + Tab after: 0.25" + Indent at: 0.25"

- (5) The repeal of section 9.
- (6) The repeal of section 10.
- (7) The repeal of section 11.
- (8) The repeal of section 12.
- (9) The repeal of section 13.
- (10) The repeal of section .....
- (11) The repeal of section .....
- (12) The repeal of section .....
- (13) The repeal of section 46S
- (14) The First Schedule
- (15) The Repeal

Media Act, 2007

### MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to provide for the establishment of an Independent Communication Commission to carry out the functions under the Information and Communications Act, 1998 and in keeping with the requirements of the Constitution of Kenya.

The Bill is borne of the realization that any law that is inconsistent with the Constitution is null and void to the extent of the inconsistency

**Part I** of the Bill contains preliminary provisions.

**Part II** contains provisions on the establishment of the Independent Communications Commission of Kenya and appointment of Commissioners, their disqualification, Terms of office, Removal from offices, Vacancies and Remuneration

The part further provides for Meetings of the Commission, resolution of sittings at meetings in case of Conflicting interests, Validity of proceedings

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The Independent Communications Commission of Kenya Bill, 2010

It also provides for the Staff and Financing of and accounting by Commission including reporting mechanisms in the Annual report

**Part III** contains provisions on the setting up of standing and other ~~Committees~~Committees of the Commission.

**Part IV** contains provisions on transitional issues in relation to staff, ~~assets, assets,~~ liabilities, proceedings, licences amongst others in relation to the Commission and the former Commission.

**Part V** contains powers and remedies of the Commission in relation to violation of data protection principles and provides for damages that may be awarded.

~~**Part VI** contains miscellaneous provisions that include the various offences and penalties and empowers the Minister to make regulations for the better carrying into effect the provisions of the Act.~~

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the ....., 2010.

**SAMUEL POGHISIO,**  
**Minister of Information and Communications.**