MEMORANDUM OF REASONS AND OBJECTS

1. PURPOSE AND CONTEXT OF THE BILL

The Standards Bill, 2025, is proposed to modernize and strengthen the legal framework for standardization, metrology, and conformity assessment in Kenya. It seeks to replace the outdated Standards Act, Cap 496 which was enacted in 1974. The Bill addresses contemporary challenges in ensuring quality products and services, enhancing consumer protection, and promoting Kenya's competitiveness in global markets. Its key objectives are to:

(a) to give effect to Article 46 (1) of the Constitution, which guarantees consumers the right to goods and services of reasonable quality, protection from hazardous products, and access to adequate information;

(b) establish a comprehensive framework for standardization, scientific and industrial metrology, and conformity assessment to ensure high quality products and services;

(c) clarify the roles and functions the Kenya Bureau of Standards (KEBS) as the National Standards Body and the Standards Tribunal in developing, enforcing, and adjudicating matters related to standards; and

(d) modernize Kenya's quality infrastructure to meet the evolving needs of industrial and trade sectors, promote consumer protection, facilitate fair trade, and ensure environmental and public health safety; and

(e) align with Kenya's obligations under international treaties, such as the Metre Convention, and support regional and international trade through the adoption of global standards where applicable.

The Standards Act, Cap 496, is no longer sufficient to address modern challenges due to advancements in technology, trade, and industry. The Standards Bill, 2025, introduces a robust legal framework to enhance compliance, protect consumers, and foster economic growth.

The proposed is expected to enhance access to international markets through robust standardization and conformity assessment, reduce compliance costs for Micro, Small, and Medium Enterprises (MSMEs) with streamlined processes, and promote greater adherence to standards, minimizing litigation risks and fostering ethical business practices. It will improve access to quality infrastructure, lowering operational costs for businesses, while driving economic growth through increased foreign earnings and tax revenue from a thriving industrial sector. Additionally, the Bill will create employment opportunities through expanded KEBS operations and industry growth, and support MSME development by simplifying compliance and enhancing access to quality infrastructure.

2. SUMMARY OF THE PROVISIONS

Part I (Preliminary) defines key terms, outlines guiding principles (consumer rights, collaboration, and fair trade), and specifies the objects of the Act, including promoting standardization, ensuring consumer safety, and facilitating trade.

Part II (Establishment and Functions of the Kenya Bureau of Standards) provides for the establishment of KEBS as a body corporate with powers to sue, acquire property, and perform functions such as developing standards, providing metrology services, enforcing compliance, and issuing certification marks.

Part III (Development and Training on Standards) provides for the designation of KEBS as the National Standards Body, outlines the purpose of standards (e.g., consumer safety, environmental protection, trade facilitation), and provides for the development, adoption, and review of standards.

Part IV (Licensing and Registration) provides for the registration of manufacturers and cargo consolidators, licensing of calibration service providers, and imposes administrative penalties for non-compliance.

Part V (Conformity Assessment) provides for the procedures for product and system certification, import inspections, testing, and market surveillance to ensure compliance with standards.

Part VI (Metrology) provides for the establishment of KEBS as the National Metrology Institute, mandates calibration services, and regulates the National Reference Time.

Part VIII (Compliance Provisions) provides for obligations for manufacturers, importers, and business operators to ensure product compliance, including mandatory recalls and liability for defective products.

Part IX (Enforcement of Standards) provides for KEBS enforcement powers, including inspections, seizures, and product destruction, and designates inspectors to carry out these duties.

Part X (Standards Tribunal) provides for the establishment a tribunal to hear appeals and disputes related to KEBS decisions, with provisions for its composition, jurisdiction, and procedures.

Part XI (Financial provisions) Provides for KEBS funding through appropriations, standards levy, and other sources, with requirements for annual estimates and audits.

Part XII (Offences and Penalties) Specifies offences such as non-compliance with standards, obstruction of inspectors, and illegal use of certification marks, with penalties including fines and imprisonment.

Part XIII (Miscellaneous) includes provisions for confidentiality, protection from liability for KEBS and its officers, and regulatory powers of the Cabinet Secretary.

Part XIV (Transition, Repeal, and Savings) provides for the Repeals of the Standards Act, Cap 496, and provides for the transfer of assets, liabilities, and functions to the new KEBS, ensuring continuity.

3. CONSTITUTIONAL STATEMENTS

Statement on the Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

The Bill delegates legislative powers to the Cabinet Secretary responsible for matters to make regulations necessary to operationalize its provisions. The Bill does not limit any fundamental rights or freedoms as enshrined in the Constitution.

Statement as to Whether the Bill is a Money Bill within the Meaning of Article 114 of the Constitution

This Bill qualifies as a Money Bill within the meaning of Article 114 of the Constitution. The enactment of the Bill will occasion additional expenditure of public funds as it requires the appropriation of monies by National Assembly to support the operations and functions of the Bureau.

Statement as to Whether the Bill Concerns County Governments

This Bill does not concern county governments within the meaning of Article 110(1)(a) of the Constitution. It does not affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

Dated……………………………………………………………………., 2025.

Legislative Proposal by

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