

THE NATIONAL SUSTAINABLE WASTE MANAGEMENT BILL, 2018

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impact of the product on health and the environment;

“ministry” means the ministry responsible for environment

“payments for environmental services” also known as payments for ecosystem services means payments to farmers or landowners who have agreed to take certain actions to manage their land or watersheds to provide an ecological service as an incentive to farmers and land owners to encourage the conservation of natural resources;

“polluter-pays principle” means that the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, the cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the pollution is to be paid or borne by the person convicted of pollution under this Act or any other applicable law;

“precautionary principle” means that where there are threats of damage to the environment, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation;

No. 18 of 2013.

“private sector entity” means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organisations Act, 2013;

“recovery” means the controlled extraction of a material or the retrieval of energy from waste to produce a product;

“recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“remanufacturing” means the rebuilding of a product to the specifications of the original manufactured product using a combination of reused, repaired and new parts and it requires the repair or replacement of worn out or obsolete components and modules;

“re-use” means to utilise articles from the waste stream again for a similar or different purpose without changing the form or properties of the articles;

“waste” means—

(a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all wastes as municipal waste, domestic waste, waste from agriculture, horticulture waste, aqua culture waste, forestry waste, biomedical, hazardous, industrial waste, pesticide and toxic substances, but does not include radioactive waste; or

(b) any other substance, material or object that is not mentioned above but may be defined as a waste by the Cabinet Secretary by notice in the *Gazette*;

(c) any waste or portion of waste, referred to in paragraphs (a) and (b) ceases to be a waste—

(i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;

(ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;

(iii) where the Cabinet Secretary has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste;

“waste disposal facility” means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise, reducing, recycling, reusing, storage, conversion into other useful products like energy, manure and disposal of waste;

“waste management activity” means any activity administrative and operational and includes—

(a) the importation and exportation of waste;

- (b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- (c) the accumulation and storage of waste;
- (d) the collection and handling of waste;
- (e) the reduction, re-use, recycling and recovery of waste;
- (f) the trading in waste;
- (g) the transportation of waste;
- (h) the transfer of waste;
- (i) the treatment of waste; and
- (j) the disposal of waste;

“waste minimization or reduction programme” means a programme that is intended to promote the reduced generation and disposal of waste; and

“waste valorisation” means any industrial processing activities aimed at turning waste into useful products including materials, chemicals and sources of energy and also by reusing, recycling, or composting from wastes; and

“zero waste principle” means designing and managing products and processes to reduce the volume and toxicity of waste and materials, and conserve and recover all resources, and not burn or bury them, so that waste is understood as a resource that can be harnessed to create wealth, employment and reduce pollution of the environment.

Preamble.

3) This Act shall be read together with the following related legislation—

a) the National Environmental Policy, 2013;

No 8 of 1999.

b) the Environmental Management and Co-Ordination Act, 1999;

c) Kenya’s Nationally Determined Contribution to the Paris Climate Agreement; and

d) the National Climate Change Action Plan 2018-2022

e) The National Sustainable Waste Management Policy (2018)

f) any other relevant law.

Objectives.

4. The objectives of this Act are—

- (a) promoting sustainable waste management as an income generating venture by improving waste valorisation through the promotion of resource recovery from materials and energy generation, and processing activities aimed at reusing, recycling, or composting waste materials into useful products or sources of energy, with the aim of reducing the amount of waste destined for secure final disposition;
- (b) improving the health of all Kenyans by ensuring a clean and healthy environment;
- (c) improving conditions and health of waste pickers, sorters and handlers;
- (d) reducing air and water pollution;
- (e) reducing land-based pollution to the marine environment;
- (f) promoting and ensuring the effective delivery of waste services.
- (g) creating an enabling environment for green economy jobs in the waste management and recycling and recovery industry especially for youth, women and persons with disability;
- (h)
- (i) establishing environmentally sound infrastructure and systems for waste management;
- (j) promoting sustainable procurement practices;
- (k) mainstreaming resource efficiency principals in sustainable consumption and production practices;
- (l) establishing and achieving, progressively more ambitious waste minimization, reuse, recovery and recycling targets;
- (m) inculcating responsible public behaviour on waste and environment; and
- (n) greenhouse gas abatement or mitigation.

General Principles.

5. The general principles of this Act are—

- (a) promoting the constitutional right to a clean and healthy environment;
- (b) the precautionary principle;
- (c) the polluter pays principle;
- (d) payment for ecosystems services;
- (e) access to information on waste management;
- (f) zero waste principle;

- (g) achieving sustainable development goals; and
- (h) poverty alleviation and job creation especially for the youth, women and people with disabilities

**PART II – POLICY, COORDINATION AND
OVERSIGHT OF WASTE MANAGEMENT**

Ministry

6. (1) The ministry shall be responsible for —
- (a) policy development on matters related to waste management in consultation with county governments;
 - (b) development of regulations, standards and guidelines;
 - (c) establishment of funds for waste management infrastructure in consultation with the relevant ministries and county governments;
 - (d) establishment of incentives for modern sustainable waste management; and
 - (e) oversight and coordination of the implementation of this Act.

(2) The Cabinet Secretary shall within one year after the entry into force of this Act establish a Waste Management Directorate.

(3) The Cabinet Secretary shall assign the Waste Management Directorate duties and responsibilities as the Cabinet Secretary deems fit.

(4) Without prejudice to the generality of the foregoing subsection, the Directorate shall perform the following duties and functions—

- (a) provide analytical support on waste management to the various sector ministries, agencies and county governments;
- (b) serve as the national knowledge and information management center for disseminating knowledge and information on waste management;
- (d) in collaboration with other agencies at the national and county government levels—
 - (i) identify sustainable waste reduction, reuse and recycling strategies in relevant sectors;
 - (ii) optimize opportunities to mobilize finance for sustainable waste management;
 - (iii) ensure co-ordination across all national and county government bodies engaged in activities related to sustainable waste management;

- (d) coordinate adherence to the county's international obligations under the waste and chemicals conventions including associated reporting requirements;
- (e) Develop a national strategy to reduce land-based pollution to the marine environment; and
- (f) provide, on recommendation of the Cabinet Secretary, technical assistance based on needs identified by county governments.

National Environment
Management Authority.

7. (1) The Authority shall be responsible for—

- (a) development of regulations, standards and guidelines on waste management;
- (b) generating and disseminating waste information for the public in consultation with county governments;
- (c) compliance and enforcement of waste management legislation in coordination with county governments;
- (d) licensing of waste management activities; and
- g) awareness creation of sustainable waste management activities.

(2) The Authority shall develop an action plan for the implementation of the National Solid Waste Management Strategy within one year after the entry into force of this Act.

County Governments.

8. (1) The County Governments shall be responsible for implementing the devolved function of waste management in accordance with all relevant national and county policies, laws, regulations and standards, and establishing the financial and operational conditions to effectively carry out this mandate.
- (2) The County Governments shall bring their waste management laws into conformity with the national law within a period of one year after the entry into force of this Act.
- (3) The County Governments shall dispose of their waste within their county borders except where there is an agreed framework for inter-county transport of waste.
- (4) For reasons of benefits from economies of scale, counties are encouraged to cluster into metropolises and pool resources for more effective waste management and designate at least twenty acres of land, in one or more lots that will be Gazetted as waste disposal sites.

PART III – MEASURES AND ACTIONS

Policies, regulations and standards formulated by the Government.

9. (1) The Cabinet Secretary shall, in consultation with the relevant lead agencies and the County Governments, make policies, regulations and standards, within a period of thirty-six months from the entry into force of this Act, for the proper management of this Act.

(2) Without prejudice to the generality of the foregoing, the Cabinet Secretary may, in consultation with County governments, make Regulations prescribing—

- (a) the closure of open dumpsites including policies, goals, targets, timelines and location;
- (b) procedures for waste collection, separation, recycling and secure final disposal and this may include segregation and storage of collected waste, methods of transportation, treatment, recycling, reuse and final disposal of non-recoverable waste;
- (c) the expansion of the market for recycled products and incentives to expand the market for pre and post-consumer recycled products such as plastics, paper and construction

materials through tax incentives, government procurement preferences and other policies;

(d) the promotion of health, safety and environmental standards including—

- (i) labor and health standards especially for waste pickers;
- (ii) quality and certification standards for organic compost;
- (iii) intermediate operational standards for currently operating dumpsites;
- (iv) classification of engineered sanitary landfills;
- (v) formation of waste collection and material recovery and recycling Savings and Credit Cooperative Organizations;
- (vi) facilitation of waste to energy and manure projects; and
- (vii) facilitation of collection of different types of wastes such as medical waste, chemical waste construction waste among others.

(3) The Cabinet Secretary shall, in consultation with the Authority, establish extended producer responsibility for electronic products and products that generate hazardous wastes and a registry of waste generators for hazardous and electronic waste within a period of eighteen months from the entry into force of this Act.

Policies, regulations and standards formulated by the Counties.

10. (1) The County governments shall, in consultation with the relevant government agencies, the public and other relevant stakeholders, promulgate policies, regulations and standards, within a period of two years from the entry into force of this Act.

(2) Without prejudice to the generality of the foregoing, the County governments may make regulations prescribing—

- (a) the establishment of a County Waste Fund which shall be capitalized by waste levies and fees for the sole purpose of investment in waste management programs as determined by the County Environment Committee.
- (b) sufficient county land for secure and sanitary waste management for which the County shall allocate at least twenty acres of land, in one or more lots, for setting up a waste recovery industry and sanitary land fill for safe final disposition of non-recoverable waste; and
- (c) investment opportunities in sustainable waste

management especially in waste collection, separation, treatment, processing, recovery and sanitary final disposal facilities.

PART IV – DUTIES RELATING TO WASTE MANAGEMENT

Duty of National government.

11. (1) The National government, through the national organs and agencies responsible for implementing this Act, shall put in place uniform measures that seek to reduce the amount of waste that is generated and, where waste is generated, to ensure that waste is re-used, recycled and recovered in an environmentally sound manner.

(2) The non-recoverable fraction of waste must be safely treated for final disposal at a secure facility.

(3) In compliance with subsection (1), the National Government shall—

- (a) promulgate regulations, standards and milestone timelines on waste management;
- (b) publish model county Waste Management Acts and regulations;
- (c) monitor compliance and management of this Act;
- (d) through the National Land Commission ensure that every county has set aside or acquire at least twenty acres of land in one or more lots as designated sites for setting up waste recovery and recycling facilities and sanitary landfills for secure final disposal of non-recoverable waste;
- (e) establish a national waste information system for the recording, collection, management and analysis of data and information including—
 - (i) data on the quantity and type or classification of waste generated, stored, transported, treated, transformed, reduced, re-used, recycled, recovered and disposed of; and
 - (ii) a register of waste management, recycling and other related activities that have been licensed;
 - (iii) the status of the generation, collection, reduction, re-use, recycling and recovery, transportation, treatment and disposal of waste;
 - (iv) the impact of waste on health and the environment;

- (v) the levels and extent of waste management services provided by counties;
- (vi) information on compliance with this Act; and
- (vii) any other information that is necessary for the purposes of effective administration of this Act.

Duty of County government.

12. The County governments shall—

- (a) enact county Sustainable Waste Management Act within one year after adoption of this Act and ensure implementation of regulations made thereunder;
- (b) allocate at least twenty acres of land in one or more lots as designated sites for setting up material recovery and recycling facilities and sanitary landfills for secure final disposal of non-recoverable waste;
- (c) incentivize collection and separation of waste at source in neighbourhoods and informal settlements;
- (d) ensure cities plan for landfill construction as part of city expansion; and
- (e) report annually to the Waste Management Directorate and the County Assembly on the implementation of the County Waste Management Act and regulations thereunder.

Duty of private sector entities.

13. The private sector entities shall ensure that—

- (a) any person who owns or controls a facility or premises which generates waste shall minimize the waste generated by adopting the following cleaner production principles including but not limited to—
 - (i) improvement of production process through conserving raw materials and energy
 - (ii) eliminating the use of toxic raw materials within such time as may be prescribed by the Authority;
 - (iii) reducing toxic emissions and wastes;
 - (iv) monitoring the product cycle from beginning to end by—
 - (aa) identifying and eliminating potential negative impacts of the product;
 - (bb) enabling the recovery and re-use of

- the product where possible;
- (cc) reclamation and recycling; and
- (dd) incorporating environmental concerns in the design, process and disposal of a product.

- (b) any person whose activities generate waste shall collect, segregate and dispose or cause to be disposed of such waste in the manner provided for under this Act and the regulations thereunder;
- (c) any person whose activities generates waste ensures that such waste is transferred to a person who is licensed to transport and dispose of such waste in a designated waste disposal facility; and
- (d) any person whose activities generate waste, shall segregate such waste by separating hazardous waste from non-hazardous waste and shall dispose of such wastes in such facility as is provided for by the relevant County Government and the Authority.

Duty of citizens.

14. Citizens shall ensure that—

- (a) the waste that they generate is managed properly as provided by this Act;
- (b) they take all reasonable measures to avoid the generation of waste and where such generation cannot be avoided—
 - (i) to minimise the toxicity and amounts of waste that are generated;
 - (ii) reduce, re-use, recycle and recover waste;
- (c) where waste must be disposed of, ensure that the waste is disposed of in an environmentally sound manner; and
- (d) they manage their waste in such a manner that does not endanger their health or the environment or cause a nuisance through noise, odour or visual impacts.

PART V – PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Access to information by the public.

- 15. (1)** The public shall have access to all relevant government information on waste management through all media of communication including government web- pages

managed by the Ministry, Authority, County Government or any other entity dealing with matters related to waste management.

(2) Subject to subsection (1) the Cabinet Secretary shall in consultation with county governments develop a communications strategy on how information will be disseminated to the public.

Public participation.

16. Public consultation and participation under this Act shall be conducted in accordance with the guidelines set out in the Schedule.

PART VI – FINANCIAL PROVISIONS

National Waste Management Fund.

17. (1) There is hereby established the National Waste Management Fund which shall be a financing mechanism for waste management interventions approved by the Cabinet Secretary.

(2) The Fund shall be vested in the Ministry of Environment and Forestry [Directorate].

(3) There shall be paid into the Fund—

- (a) monies received by the Fund in the form of levies, donations, endowments, grants and gifts; and
- (b) monies under an Act payable to the Fund such as for licences, permits and penalties.

(4) The Fund shall be administered by the Directorate and chaired by the Cabinet Secretary.

(5) In administering the Fund, the Directorate shall—

- (a) determine the composition of the Fund;
- (b) set strategic directions for applications of the Fund;
- (c) define eligibility criteria for the Fund to finance waste management interventions
- (d) set out procedures for disbursement, recovery and repayment of loans including interest;
- (e) set out procedures to ensure gender and intergenerational equity in access to monies from the Fund;
- (f) set out procedures, criteria and eligibility for funding innovations on waste management in collaboration with research institutions, private, public, civil society; and

- (g) set out other procedures and requirements for effective and transparent administration of the Fund.

Sustainable financing of waste management activities by County Governments.

18. (1) The agency for the time being responsible for allocating revenue to County Governments shall in collaboration with County Governments set aside funding for undertaking waste management activities.

(2) Counties shall be required to allocate all waste collection and tipping fees or other charges levied on waste received at a waste facility for the improvement of waste management activities and services.

(3) Each county shall create a waste fund to be capitalized by waste levies and fees for the sole purpose of investment in waste management programs as determined by the County Environment Committee.

(4) Each county shall set aside five percent of their allocated revenue from the Commission for Revenue Allocation for sustainable waste management programs, with a view to leveraging additional external finance through support of the national government.

Incentives for improved waste management.

19. (1) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for finance, introduce tax relief on imported sustainable waste management equipment and materials, including equipment for recycling, composting, transporting and waste-compacting, and tax incentives to expand investment in material recovery and recycling facilities.

- (2) The incentives under sub section (1) shall apply to—
 - (a) importers of sustainable waste management equipment, air pollution control equipment, recycling and composting equipment;
 - (b) investors to expand investment in waste recycling and enhance circular economy; and
 - (c) operators of certain classes of waste management equipment, including equipment for recycling and composting;

(3) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for finance, prescribe incentives and make regulations for preferential use of recovered or recycled materials over newly manufactured materials with no recycled content, such as government procurement policy on

stationery from registered producers utilizing a minimum percentage of recovered or recycled feedstock.

(4) The national government may condition transfers of funds or preferential access to finance and grants to the counties on the adoption of a sustainable county waste management regime in conformity with this Act.

(5) Each county shall establish an award scheme for citizens who credibly bring to the authority cases of illegal dumping and littering.

(6) In compliance with subsection (5) above the county may create a website for the photos and toll-free hotline shall be established in each county within 1 year of entry into force of this Act.

(7) The Cabinet Secretary may establish an award scheme for recognition of owners or operators of waste collection, separation, recycling and composting facilities whose innovation, efficiency or compliance status has been exemplary.

(8) The Cabinet Secretary in consultation with County Governments shall establish mechanisms and incentives to facilitate the establishment of associations for youth, women and disabled people to engage in waste collection, sorting and recycling activities.

(9) The Cabinet Secretary may establish a waste management portfolio for different types of initiatives such as youth waste collection initiatives, Uwezo revolving fund for youth, youth cooperatives to facilitate collection and separation in resource scarce neighbourhoods and informal settlements among others.

PART VII – MONITORING AND COMPLIANCE

Monitoring and evaluation.

20. (1) The Authority, in collaboration with county governments, shall regularly monitor and review the performance of private entities and counties in carrying out their duties under this Act.

(2) The Authority shall develop regulations governing the nature and procedure for reporting on performance by private entities,

(3) Notwithstanding other provisions in this Act, the Authority may, by notice in the Gazette—

(a) require a private entity that is subject to waste

management obligations to, at any time, prepare reports on the status of its performance of the waste management duties and prescribe the period for reporting; and

(b) require any private entity that fails to comply with its waste management obligations to prepare a report within a specified time, on the actions it has taken, is taking or intends to take to secure future performance with those duties.

Compliance and Enforcement

- 21.** (1) The Authority shall –
- (a) monitor, investigate and report on whether public and private entities are in compliance with the assigned waste management duties;
 - (b) monitor and enforce compliance with this Act and any regulations adopted thereunder.
- (2) In the performance of this function, the Authority shall—
- (a) have all powers necessary for purposes of monitoring and investigation including the power to enter premises of any private entity and make an enquiry; and
 - (b) at a reasonable hour, for the purposes of monitoring and investigation, enter any private land or premises to make an inspection or other task related to this function.
- (3) A person commits an offence if the person—
- (a) fails to give or refuses to give access to the Authority or County Government or their authorised staff who has requested access to any land;
 - (b) hinders the execution by the Authority of the duties under this Act or any other law;
 - (c) fails or refuses to give information that the person may lawfully be required to give to the Authority; or
 - (d) gives false or misleading information to the Authority.
- (4) A person who commits an offence under subsection (3) is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a period not exceeding five years, or to both.

Complaints by citizens.

- 22.** (1) The Authority shall create a complaints and redress mechanism to include a public website where citizens can forward their complaints on matters related to waste management.
- (2) A person making a complaint or follow up may submit evidence to the complaints mechanism

including uploading photographic evidence of any violation related to this Act, to the website.

Partnership programme.

23. (1) The Authority, in consultation with county governments shall establish a partnership program with waste generating industries and sectors for continuous education on waste management to enable compliance.

(2) The Authority shall disseminate policies, laws, regulations, standards and other materials on sustainable waste management especially on reduction, reuse, recycling and recovery of waste to encourage compliance.

PART VIII—OFFENCES AND PENALTIES

Compliance with the Act.

24. A person or entity shall not manage solid waste except under and in accordance with the provisions of this Act and any regulations made hereunder.

Penalties for counties.

25. Where a county fails to implement its waste management responsibilities within one year of the entry into force of the Act the national government may withhold all or part of the national allocation for waste management to that county until that county conforms with the provisions of this Act and undertake to manage the waste under the polluter pays principle.

Penalty for private entities.

26. Public and private entities that do not manage their waste in accordance with the provisions of this Act shall be required to clean up and restore the site the entity was using to its natural state and pay a fine of not less 5% of their net income registered in the previous tax year, or Ksh five million, whichever is higher, alternatively the Chief Executive Officer of the illegally polluting company shall upon conviction be subject to a term of up to four years in jail, or to both.

General Penalty.

27. A person who commits an offence under this Act or regulations made thereunder for which no other penalty is specifically provided shall be liable, upon conviction, to imprisonment for a term of not less than one year but not more than four years, or to a fine of not less than two million shillings but not more than four million shillings, or to both such fine and imprisonment.

PART VIII – MISCELLANEOUS PROVISIONS

Public Engagement Strategy.

28. The Ministry, in consultation with the Authority and County Governments, shall develop a public engagement

strategy to advance sustainable waste management within one year of the entry into force of this Act.

Integrating waste management into school curricula.

29. The Ministry, in consultation with the Authority and County Governments, shall develop a module on sustainable waste management to be included in educational reform or school curriculum at all levels within one year of entry into force of this Act.

Transitional Provisions.

30. (1) The Cabinet Secretary shall, in consultation with the counties, develop a timetable for the counties to adopt the Waste Management Act and implementing regulations.

(2) The Authority shall publish a model county waste management act and implementing regulations on such date as the Cabinet Secretary may appoint.

Regulations.

31. (1) The Cabinet Secretary shall, in consultation with the directorate, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under this Act may provide for—

- (a) anything required by this Act to be prescribed;
- (b) the conduct of the business of the Directorate;
- (c) the delegation of the Directorate's functions or powers; and

(d) any other matter required under the Constitution, this Act or any other written law.

(3) For the purposes of Article 94(6) of the Constitution—

(a) the purpose and objective of the delegation under this section is to enable the Directorate to make regulations and give directions for the orderly conduct of business of the Directorate;

(b) the regulations made and directions given under this section shall be of such nature, scope and within the limits as specified under this section;

(c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

SCHEDULE

PROVISIONS ON PUBLIC CONSULTATION

1. Where this Act imposes a requirement for public consultation in matters relating to sustainable waste management policy, regulation, plans or action, the respective national or county government body or private entity shall publish a notice—

- (a) in the Gazette;
- (b) in at least two newspapers with national circulation;
- (c) in at least one newspaper circulating in the locality to which the waste management policy, regulation, plan or action relates; and
- (d) in at least one Kenyan radio station broadcasting in that locality.

(2) The notice shall in each case—

- (a) set out a summary of the policy, regulation, plan or action;
- (b) state the premises at which the details of the policy, regulation, plan or action may be inspected;
- (c) invite written comments on or objections to the policy, regulation, plan or action;
- (d) specify the person or body to which the comments are to be submitted; and
- (e) specify a date by which the comments or objections are required to be received.

2. The respective national or county government body or private entity shall make arrangements for the public to obtain copies, at a reasonable cost, of documents relating to policy, regulation, plans or action which are in the possession of the respective entities.

3. The respective national or county government body or private entity shall consider the—

- (a) written comments or objections received on or before the date specified under paragraph 1(2)(e); and
- (b) comments, whether in writing or not, received at a public meeting held in relation to the policy, strategy,

programme, plan or action at which the Directorate or respective public or private entity was represented, or by any other invitation, to comment.

4. The respective national or county government body or private entity shall publish, in accordance with paragraph 1 of this Schedule, notice of the fact that a copy of the written decision of the Council or the respective public or private entity relating to the policy, regulation, plans or action, and the reasons thereof, is available for public inspection at the same premises as were notified under paragraph 1(2)(b).

5. Where regulations made under this Act so require, the respective national or county government body or private entity shall cause a public meeting relating to a policy, strategy, programme, plan or action to be held before the Council or the respective public or private entity makes its decision on the policy, strategy, programme, plan or action.

Made the....., 2018.

KERIAKO TOBIKO,
Cabinet Secretary,
Ministry of Environment and Forestry.