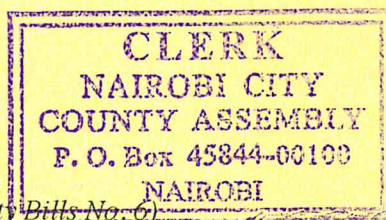


SPECIAL ISSUE



Kenya Gazette Supplement No. 7 (Nairobi City County Bills No. 6)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2021

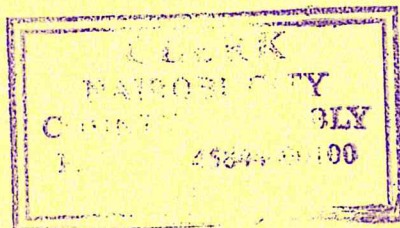
NAIROBI, 3rd May, 2021

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Bill for Introduction into the County Assembly of Nairobi City—

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**THE NAIROBI CITY COUNTY PLASTIC CONTROL
(AMENDMENT) BILL, 2021**

A Bill for

AN ACT of the County Assembly of Nairobi City to amend the Plastic Control Act, 2016.

ENACTED by the County Assembly of Nairobi City, as follows—

Short title and commencement

1. This Act may be cited as the Nairobi City County Plastic Control (Amendment) Act, 2021 and shall come into operation from the date of its publication.

Amendment of Section 2 of No. 5 of 2016.

2. The Plastic Control Act, 2016 (in this Act referred to as the “Principal Act”) is amended in section 2 by adding the following new definitions in their proper alphabetic sequence—

“Authority” means the National Environment Management Authority;

“Carrier bag” means bag constructed with handles and with or without gussets;

“Flat bag” means bag constructed without handles and with or without gussets;

“Gussets” means holes or holding support of bag or the crotch or handle bracket;

“Plastic material” includes plastic drinking bottles, plastic sachets, plastic bags like flat bags and carrier bags, that are composed of polythene.

“Polythene” means a synthetic industrial product with a low density composed of numerous chemical molecules with a chemical formula: (CH₂=CH₂)

Amendment of Part II of No. 5 of 2016

3. Part II of the Principal Act is amended in the heading by deleting the words “Plastic Carry Bags” and replacing with the words “Plastic Material”.

Amendment of Section 5 of No. 5 of 2016

4. Section 5 of the principal Act is amended by—

(a) deleting subsection (1), (2) and (3) and substituting therefor the

following new subsections—

(1) No person shall manufacture, import, export, use or offer for sale plastic carrier bags and plastic flat bags.

(2) Notwithstanding Section 5(1), the Authority may authorize the manufacture, import, export or use of plastic flat bags for industrial packaging only in accordance with the provisions of the Environmental Management and Co-ordination (Plastic Bags Control and Management) Regulations, 2018.

Amendment of Section 6 of No. 5 of 2016

5. The principal Act is amended by repealing Section 6 and substituting therefor the following new section—

6. (1) No person shall package food and food products in any plastic material.

(2) Any person who engages in the packaging of food and food products in any plastic material commits an offence and is liable upon conviction for a term of not less than one (1) year and not more than four (4) years or a fine of not less than KSh. 2 Million and not more than KSh. 4 Million or both.

Amendment of Section 7 of No. 5 of 2016

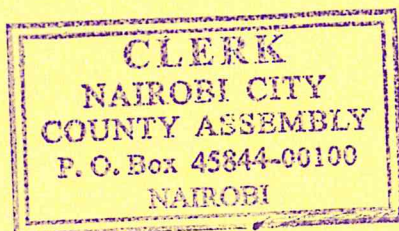
6. The Principal Act is amended by deleting Section 7.

Amendment of Part III of No. 5 of 2016.

7. The Principal Act is amended by deleting Part III.

Amendment of Part IV of No. 5 of 2016

8. The Principal Act is amended in Part IV of the Principal Act by renaming the heading part III and by deleting the words “plastic carry bags” and substituting therefor the words “plastic material”.



MEMORANDUM OF OBJECTS AND REASONS

Pursuant to Standing Order 121, I hereby wish to present the following Statements:

1. Statement of Objects and Reasons

(i) Establish a legal framework

Provide a legal frame work for the total prohibition/ ban of packaging of food in all plastic material by amending the Parent act which had provided partial prohibition of packaging food products in plastic carry bags and containers and to align the Act with the ban on.

(ii) Enhanced penalties

The proposed law provides for enhanced penalties for persons convicted of packaging food in all plastic carry bags and containers.

2. Statement of delegation of legislative powers

The Bill does not limit fundamental rights and freedoms. It is my considered opinion that the delegated powers should go to the member of the County Executive responsible for environmental conservation.

3. Statement of financial implication

After a thorough understanding of the objects. The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 29th April, 2021.

CHARLES THUO WAKARINDI,
Member of County Assembly.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion (United Nations 1999). The number of people aged 65 years and over is expected to increase from 200 million to 400 million (United Nations 1999). The number of people aged 65 years and over is expected to increase from 200 million to 400 million (United Nations 1999).

There are a number of reasons why the number of people aged 65 years and over is expected to increase. One of the main reasons is that people are living longer. The life expectancy at birth in the United Kingdom is 77 years for men and 81 years for women (Office for National Statistics 1999). This is an increase from 71 years for men and 75 years for women in 1950 (Office for National Statistics 1999).

Another reason is that the number of people aged 65 years and over is increasing in all developed countries. In the United Kingdom, the number of people aged 65 years and over was 10 million in 1990 and is expected to reach 15 million by 2010 (Office for National Statistics 1999). This is an increase of 50% in 20 years.

The number of people aged 65 years and over is also increasing in developing countries. In India, the number of people aged 65 years and over was 10 million in 1990 and is expected to reach 20 million by 2010 (United Nations 1999). This is an increase of 100% in 20 years.

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