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**THE STANDARDS BILL, 2025**

**A Bill for**

**AN ACT of Parliament to give effect to Article 46 (1) of the Constitution; to provide a framework for standardisation, scientific and industrial metrology and conformity assessment in the provision of products and services; to establish the Kenya Bureau of Standards; the Standards Tribunal, and for connected purposes.**

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

**PART I—PRELIMINARY**

Short title.

**1.** This Act may be cited as the Standards Act, 2025.

Interpretation.

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

“Bureau” means the Kenya Bureau of Standards established under section 4;

“business operator” means a distributor, fulfilment service provider, wholesaler, retailer, stockist, exhibitor or any other person who is subject to obligations in relation to making products available on the market;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters related to industrialization;

“calibration” means a set of operations which establishes, by reference to standards, the relationship which exists, under specified conditions, between an indication and a result of a measurement with associated uncertainties;

“certification” means a third-party attestation related to an object of conformity assessment which may include a product, process, service, system, installation, project, data, design, material, claim, person, body or organization, or any combination thereof;

“certification marks” means protected mark, applied or issued under a certification system that indicate conformity of a product, process, practice or service with a Kenya Standard or other specification;

“consolidator” means a person who assembles cargo from various persons into a single consignment at the country of supply which may be declared as a single import at the port of destination and then deconsolidated for delivery to the original consignees;

“conformity assessment” means a demonstration that specified requirements are fulfilled and includes testing, calibration, inspection, validation, verification, certification, and reference material production;

“container” means any box, bag, case, package, pot, sack or other receptacle used for transporting materials and articles and includes covering, wrapping or packing material;

“Council” means the National Standards Council established under section 7;

“Director General” means the Director General of the Bureau appointed under section 15

“industrial metrology” means the application of measurement science within industrial settings to ensure that manufacturing processes and products meet specified standards of accuracy and quality;

“inspector” means an officer of the Bureau designated under section 48;

“Kenya Standard” means a specification or code of practice declared under section 21;

“manufacture” includes production, assembly, alteration, modification, adaptation, conversion, processing, treatment, installation, testing, operation, or integration of Internet of Things (IoT) and Artificial Intelligence (AI) technologies related to works, goods or services;

“manufacturer” means a person engaged in manufacture;

“market” means any venue used for trade and includes physical marketplace and e-commerce platforms;

“measurement” means the process of experimentally obtaining one or more quantity values that can reasonably be attributed to a quantity;

“metrology” means scientific and industrial metrology;

“National Metrology Institute” means the body responsible for establishment, maintenance and dissemination of national measurement standards;

“metrological traceability” is defined as the property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty.

“National Standards Body” means the national body designated for development of standards in a country;

“premises” means any building or structure, and includes aircraft, vehicle or vessel on or offshore, movable or immovable or other place which may be used

for the storage, manufacture, concealment, sale, handling, transport, or other related purposes;

“product” means goods intended for own use, release or sale in the market;

“scientific metrology” means the development and maintenance of measurement standards and methods to ensure accuracy and reliability in measurements across various scientific fields including establishing reference systems that are internationally accepted and traceable to the International System of Units (SI);

“specification” means a description of any product, process, practice or service by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, or other characteristics or to any substance or material of or with which, or the manner in which, any commodity may be manufactured, produced, processed, treated, tested or sampled;

“standards levy” means the levy payable as referred by section 64;

“standard” means a set of rules, guidelines, characteristics, artefacts or materials including measurement standards and reference materials approved by a recognized body for products and services or related processes and production methods for common and consistent use to achieve optimal order;

“standardisation” means the activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context;

“testing” means determination of one or more characteristics of an object of conformity assessment, according to a specified procedure;

“Tribunal” means the Standards Tribunal established under section 53.

Objects of the Act.

**3.** The objects of this Act are to—

- (a) promote standardization in industry and trade;
- (b) promote health, safety and environmental protection within the framework of standardisation, metrology and conformity assessment;
- (c) establish and sustain mechanisms for quality products and services; and
- (d) ensure traceability of measurements to the International System of Units.

**PART II—THE ESTABLISHMENT AND  
FUNCTIONS OF KENYA BUREAU OF  
STANDARDS**

Establishment of  
the Bureau.

4. (1) There is established the Kenya Bureau of Standards.

(2) The Bureau shall be a body corporate with perpetual succession and a common seal, and which shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property for the purposes of this Act;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts necessary for or incidental to the proper performance of its functions under this Act, which may lawfully be done by a body corporate.

(3) The Bureau shall be the successor of the Standards Bureau existing before the commencement of this Act.

(4) The Bureau shall be the National Standards Body of Kenya pursuant to regional and international obligations.

(5) The Bureau shall be the National Metrology Institute of Kenya, responsible for scientific and industrial metrology in Kenya and for the purposes of the Metre Convention and other relevant international agreements.

Functions of the  
Bureau.

5. (1) The Bureau shall—

- (a) develop standards and specifications;
- (b) be the custodian of the national measurement standards and provide scientific and industrial metrology services;
- (c) realise, maintain and provide measurement traceability to the International System of Measurement Units (SI);
- (d) provide scientific and industrial metrology services and conformity assessment services;
- (e) supervise entities that offer scientific and industrial metrology services;
- (f) monitor and enforce standards in respect of products and services offered in the country;



- (g) provide technical support and training in standardization, metrology and conformity assessment;
- (h) regulate the use of certification marks for products and services;
- (i) disseminate the reference time in Kenya;
- (j) advise the Government on any matters relating to standardization, metrology and conformity assessment; and
- (k) perform any other function necessary for the proper and efficient discharge of the functions of the Bureau under this Act.

(2) The Bureau may establish an institution to provide capacity building and training the staff of the Bureau, general public and other jurisdictions.

(3) In the performance of the function under subsection (2) the Bureau may directly or in collaboration with other institutions—

- (a) offer training, awareness and information programs relating to standards, metrology, conformity assessment and quality in general; and
- (b) develop curricula, assess and award qualifications relating to standards, metrology, conformity assessment and quality in general;

Powers of the Bureau.

**6.** The Bureau shall have all the powers necessary for the performance of its functions under this Act including the power to—

- (a) with the approval of the Council, declare Kenya Standards;
- (b) with the approval of the Council, declare mandatory standards; and
- (c) regulate industry practices in respect of standardization, metrology and conformity assessment.

Establishment of the National Standards Council.

**7.** (1) There shall be a board of the Bureau to be known as the National Standards Council.

(2) The Council shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary of the State Department responsible for the National Treasury or a representative designated in writing;

- (c) the Principal Secretary of the State Department responsible for matters relating to industry or a representative designated in writing;
- (d) the Attorney-General or a representative designated in writing;
- (e) seven persons appointed by the Cabinet Secretary who shall possess knowledge of industrial or commercial standards or other matters likely to be of assistance to the Bureau in the performance of its functions under this Act; and
- (f) the Director General of Bureau who shall be an *ex officio* member.

(3) The appointment of the chairperson and members of the Board appointed under subsection (1)(e) shall be by a notice in the *Gazette*.

Qualifications for appointment as Chairperson or member of the Council.

**8.** (1) A person shall qualify for appointment as the Chairperson if such a person—

- (a) holds at least a bachelor's degree from an institution recognised in Kenya;
- (b) has knowledge and at least ten years' experience in leadership and management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member of the Council if such a person—

- (a) holds at least a bachelor's degree from an institution recognised in Kenya;
- (b) has knowledge and at least five years' experience in leadership and management; and
- (c) meets the requirements of Chapter Six of the Constitution.

Tenure of office of the Council.

**9.** The Chairperson and members of the Council shall hold office for a term of three years and may be reappointed for one further term of three years subject to satisfactory performance.

Vacancy of office.

**10.** (1) The Chairperson appointed under section 7(1)(a) and members of the Council appointed under section 7(1)(e) may resign from office at any time by notice in writing to the appointing authority.

(2) The Chairperson appointed under section 7(1)(a) and members of the Council appointed under section 7(1)(e) shall cease to hold office, if the Chairperson or member, as the case may be—

- (a) dies;

- (b) is absent from three consecutive meetings of the Council convened as provided in this Act without just cause;
- (c) is adjudged bankrupt by a court of competent jurisdiction;
- (d) is in breach of Chapter Six of the Constitution;
- (e) is incapacitated by physical or mental illness or is deemed otherwise unfit to discharge his or her duties as a member of the Council; or
- (f) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months.

Functions of the Council.

**11. (1)** The Council shall—

- (a) oversee the proper and effective performance of the functions of the Bureau;
- (b) set and oversee the overall strategy and policy guidance over the administration of the Bureau; and
- (c) perform any other function as may be prescribed under this Act or any other written law

(2) In the performance of its functions under subsection (1), the Council shall have the power to—

- (a) approve and oversee implementation of projects and programs of the Bureau;
- (b) approve the budgets and procurement plans of the Bureau;
- (c) monitor performance and ensure effective utilization of the resources of the Bureau;
- (d) approve the instruments of appointment and terms of service for staff of the Bureau; and
- (e) approve the opening of bank accounts of the Bureau.

Conduct of business and affairs.

**12. (1)** The conduct of business and affairs of the Council shall be as set out in the Schedule.

(2) Except as provided in this Act, the Council may regulate its own procedure.

Committees of the Council.

**13. (1)** The Council may establish such committees as shall be necessary for the discharge of its functions.

(2) The Council may co-opt into the membership of a committee established under subsection (1), any person

whose knowledge and skills are considered necessary for the effective discharge of the functions of the Bureau.

(3) Any person co-opted into a Committee under subsection (2) may attend the meetings of the Committee and participate in its deliberations, but shall not vote at such meeting.

Remuneration.

**14.** The Chairperson and members of the Council shall be paid such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

Director General of the Bureau.

**15.(1)** There shall be a Director General of the Bureau who shall be appointed by the Council through a competitive and transparent process on such terms as the Council may determine.

(2) A person shall be qualified for appointment as the Chief Executive Officer under subsection (1) if the person—

- (a) is a citizen of Kenya;
- (b) has a master's degree from a university recognized in Kenya;
- (c) possess knowledge and experience in a relevant field for a period of not at least fifteen years;
- (d) has leadership and senior management experience of at least ten years; and
- (e) satisfies the requirements of Chapter Six of the Constitution.

(3) The Director General shall be—

- (a) the Chief Executive Officer of the Bureau;
- (b) responsible for the affairs and day-to-day management of the Bureau; and
- (c) the Secretary to the Council.

(4) The Director General shall hold office for a period of three years on such terms and conditions of employment as the Council may determine and shall be eligible for re-appointment for one further term of three years.

Staff of the Bureau.

**16.** The Council may appoint such officers, agents, and other staff as are necessary for the proper and efficient discharge of the functions of the Bureau under this Act and on such terms and conditions of service as the Council may determine.

Common Seal of the Bureau.

**17.** The Common seal of the Bureau shall be kept in the custody of the Director General and used in the manner the Council shall direct.

### **PART III—DEVELOPMENT OF STANDARDS**

Development of standards.

**18.(1)** The Bureau shall develop, modify, review, adopt or withdraw standards and specifications.

(2) In the development, modification, review, adoption or withdrawal of standards and specifications, the Bureau may do so on its own motion or pursuant to a proposal from a government agency or stakeholder.

(3) The Bureau shall, with the approval of the Council, publish standards and specifications developed under this section in the *Gazette* as a Kenya Standard or approved specification.

(4) The Bureau may periodically review the published standards or approved specifications and shall upon review, confirm, amend or withdraw a Kenya Standard or approved specification and shall publish a notice in the *Gazette* of such confirmation, amendment or withdrawal.

Adoption of regional and international standards.

**19.(1)** The Bureau may adopt standards developed at regional and international level.

(2) Prior to the adoption and subject to any treaty considerations, the Bureau shall assess the standard for suitability and for consistency with the requirements of this Act.

(3) The Bureau shall publish the adopted standard as a Kenya Standard.

(4) For purposes of this section, the Bureau may participate in the development of regional and international standards.

Externally proposed standards.

**20.(1)** Any standard proposed by a government agency or any other person to be declared as a Kenya Standard shall be submitted to the Bureau for consideration and approval in accordance with this Act.

(2) Any standards or specifications developed under any other statute shall only be published in the *Gazette* as Kenya Standards in accordance with this Act.

Mandatory standards.

**21.(1)** The Bureau may, by notice in the *Gazette*, specify any Kenya Standard or part of it as having mandatory application and shall specify the date on which that standard or part of that standard shall come into effect.

(2) In determining which standard will have mandatory application, the Bureau shall consider such criteria including the impact on health, safety, environmental protection and prevention of deceptive practices.

(3) A person who manufactures, sells or distributes a commodity, or uses a method or procedure contrary to the

standard declared under subsection (1) commits an offence.

Exemptions.

**22.** Notwithstanding the provisions of any declared mandatory standards, the Cabinet Secretary may, on the advice of the Bureau if —

- (a) satisfied that it is temporarily impossible or impractical for a person, industry or trade to comply with the mandatory standards; and
- (b) it is desirable in the public interest that that person, industry or trade should be permitted to manufacture or sell any commodity, method or procedure referred to in the mandatory standards,

exempt that person, industry or trade, either generally or for the purposes of a particular transaction or particular transactions, from compliance with the order for such period and subject to such conditions as the Bureau shall advise.

Precedence of Kenya Standards.

**23.** In case of conflict between a Kenya Standard gazetted under this Act and any other standard or specification, the Kenya Standard or specification shall take precedence.

National Enquiry Point on Technical Barriers to Trade.

**24.** The Bureau shall be the National Enquiry Point on information regarding standards, technical regulations and conformity assessment procedures for the purposes of the World Trade Organization Technical Barriers to Trade Agreement.

Copyright of Kenya Standards.

**25.** (1) The copyright with respect to any Kenya Standards and other publications of the Bureau shall be vested in the Bureau.

(2) A person shall not, without the authorisation of the Bureau, publish, reproduce record or transmit any document or any part of a document in respect of which a copyright vests under subsection (1).

#### **PART IV—LICENSING AND REGISTRATION**

Registration of manufacturers.

**26.** (1) A person shall not operate as a manufacturer unless the person is registered as a manufacturer under this Act.

(2) A person who seeks to be registered as a manufacturer under subsection (1) shall apply to the Bureau for registration.

(3) An application under this section shall be made in the prescribed form.

(4) The Bureau shall, consider the application and—

- (a) if satisfied with the application, register the applicant in the register of manufacturers and

issue a certificate of registration in the prescribed form; or

(b) where the application does not meet the registration requirements under this Act—

(i) notify the applicant of the deficiency in the application;

(ii) require the applicant to meet the requirements within a prescribed period;

(iii) where the conditions in paragraphs (i) and (ii) are not met, the Bureau may reject the application and notify the applicant of the rejection and give reasons thereof.

(5) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding six months, or both.

Licensing of  
calibration service  
providers.

**27.**(1) The Bureau shall license calibration service providers.

(2) Any person who intends to provide calibration services shall apply to the Bureau.

(3) The Bureau upon being satisfied that the applicant can comply with the set criteria, may issue a licence to the applicant.

(4) Where the Bureau declines to grant the licence, the Bureau shall notify the applicant in writing within fourteen days of the decision and provide reasons for the decision.

(5) A licensed calibration services provider shall ensure that its measurement standards are referenced to the national measurement standards maintained by the Bureau.

(6) The Bureau may suspend or withdraw a licence by issuing a seven-day notice if the Bureau determines that the calibration service provider violates the provisions of this Act or the licence.

(7) The Bureau shall maintain a publicly accessible register of all licensed calibration service providers.

Registration of  
cargo  
consolidators.

**28.**(1) The Bureau shall register consolidators of air and sea cargo prior to commencement of offering consolidation services.

(2) An entity shall be qualified to be registered as a cargo consolidator, if the entity —

(a) is registered as a business entity in Kenya

(b) is tax compliant; and

(c) maintains a warehouse in both the country where the goods originate and Kenya.

(3) An entity seeking to be registered as a consolidator shall apply to the Bureau.

(4) A cargo consolidator shall ensure that each consignment is inspected at the country of exportation.

(5) Where a consignment shipped by a cargo consolidator was not inspected at the country of exportation it shall be subjected to inspection at the port of entry.

(6) A person who imports cargo as a consolidator without being registered as required under this section commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year, or to both.

Administrative penalties.

**29.** (1) The Bureau may impose an administrative penalty on any manufacturer, calibration service provider or cargo consolidator who fails to comply with the terms of their registration, licensing or any provisions of this Act.

(2) The penalty imposed under subsection (1) shall not exceed two million shillings in addition to any corrective measures as may be specified in the compliance notice.

(3) If the manufacturer, calibration service provider or cargo consolidator continues to fail to comply with the requirement of this section, the Bureau may impose a further administrative penalty of up to twice the penalty levied under subsection (2) for the default.

## **PART V—CONFORMITY ASSESSMENT**

Conformity assessment activities.

**30.** To ensure compliance with Kenya standards, technical regulations and approved specifications the Bureau shall—

- (a) conduct product and system certification;
- (b) conduct verification and validation of claims related to product compliance;
- (c) carry out imports' inspection;
- (d) perform testing of products;
- (e) undertake market surveillance; and
- (f) take any other measure to ensure compliance.

Certification marks.

**31.** (1) The Bureau may certify products, systems and personnel that comply with this Act.

(2) The Bureau shall develop and establish certification marks for products, processes or systems



which conform to the Kenya Standards or approved specifications.

(3) The Bureau shall, by notice in the *Gazette*, declare a mark developed as a certification mark.

(4) No person shall use a certification mark unless they have been granted a permit for use by the Bureau.

Application for  
product  
certification.

**32.(1)** A manufacturer or importer who intends to introduce a product into the market shall apply to the Bureau in the prescribed manner and pay the prescribed fee.

(2) The Bureau, upon being satisfied that the applicant can comply with the relevant standard or approved specifications, may issue a permit to use the certification mark.

(3) If the Bureau declines to grant the permit, it shall notify the applicant in writing within fourteen days of the decision and provide reasons for the decision.

(4) A permit holder shall comply with the applicable Kenya Standard or specifications, and any condition under which the permit was granted.

(5) The Bureau may, by notice in writing to the permit holder—

- (a) amend or set aside any condition under which the Permit was granted;
- (b) impose any additional condition on the permit.

(6) The Bureau may suspend or withdraw a permit by issuing a notice if —

- (a) the Bureau determines that the permit holder no longer meets the requirements under this Act; or
- (b) the permit holder fails to comply with the conditions of the permit.

Personnel and  
system  
certification.

**33.(1)** A person intending to use a system certification mark or personnel certification mark issued by the Bureau shall apply to the Bureau.

(2) An application under subsection (1) shall be granted upon payment of the prescribed fees and determination that the person or system conforms with the requirements of the relevant standard.

(3) For purposes of this section—

- (a) personnel certification means a third—party attestation that a person has proven competencies that comply with specified qualification requirements;

(b) system certification means a third—party attestation that a person has established processes and systems that comply with specified requirements.

Responsibility for quality.

**34.** A person who has been granted a permit under section 32 and certification under section 33 shall ensure that the products and services offered by that person conform to the relevant standards or specifications in respect to quality and safety.

Inspection of imports.

**35.(1)** The Bureau may inspect any product being imported into Kenya at the port of entry.

(2) The Bureau may make arrangements for the inspection of products intended to be imported into Kenya and such arrangements may include pre-export verification of conformity at the country of exportation.

(3) The Bureau may register, on the written application of an importer, a product intended to be imported into Kenya and where such product has been registered, may not be subject to inspection under this section.

(4) The Bureau shall impose conditions with respect to a product registered under subsection (3) and where the importer fails to comply with those conditions, the imported products shall be subject to inspection at the port of entry.

(6) the Bureau may enter into a mutual recognition agreement with a national conformity assessment body of another country for the purposes of the inspection of products being imported into Kenya.

Testing of products.

**36.(1)** The Bureau shall establish the national reference testing laboratory for purposes of this Act.

(2) The Bureau may establish other laboratories to—

- (a) conduct testing and measurement services;
- (b) produce reference materials;
- (c) develop test methods;
- (d) provide proficiency testing services
- (e) offer chemical metrology services; and
- (f) carry out any other function under this Act.

(3) The Bureau may designate laboratories that have met the criteria specified by the Bureau to provide testing and measurement services.

Market surveillance.

**37. (1)**The Bureau may conduct market surveillance—

- (a) to determine whether a product, conforms to the relevant standard or specification;

- (b) to determine whether premises where products are manufactured, stored or distributed conform the relevant standard or approved specification; or
- (c) any other relevant area including the source of inputs for the products or processed intermediates that may affect the quality of a product.

## **PART VI – METROLOGY**

Calibration services.

**38.** (1) The Bureau may provide calibration services.

(2) The Bureau may, designate laboratories that have met the criteria specified by the Bureau to provide calibration services.

Mandatory calibration.

**39.**(1) All medical and industrial equipment requiring calibration shall not be used unless they are calibrated by the Bureau or a laboratory licensed by the Bureau in that regard.

(2) The Bureau shall specify by notice in the gazette the equipment required to be calibrated under subsection (1) and the frequency of such calibration.

(3) A person who operates any equipment required to be calibrated under subsection (1) without it being calibrated as required under this section commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year, or to both.

National Reference Time.

**40.** (1) The Bureau shall establish, maintain, and disseminate the National Reference Time.

(2) Any person that operates a time-sensitive system or engages in any activity where accurate timekeeping is essential, shall utilize the National Reference Time as that person's primary time source.

(3) A person who operates a time-sensitive system or engages in activities where accurate timekeeping is essential without utilizing the National Reference Time as their primary time source as required under this section commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year, or to both.

## **PART VII– COMPLIANCE PROVISIONS**

Product compliance obligations.

**41.**(1) A person who manufactures, imports, stocks, distributes, sells or exhibits a product shall ensure that—

- (a) the product complies with Kenya standards or specifications;
- (b) the product bears a valid certification mark issued or recognized under this Act;

- (c) they maintain records that uniquely identify the suppliers, immediate customers, products and production at all times for purposes of traceability; and
- (d) the product has not exceeded its declared shelf life or expiry date.

(2) The Bureau may require from any person who manufactures, stocks, distributes, sells or exhibits a product any documentation and information for the purposes of this Act.

(3) A manufacturer, importer or business operator who has reason to believe that a product which has been made available on the market is not in conformity with the requirements of this Act, shall withdraw or recall the product.

Obligations of  
manufacturers.

**42.**(1) A manufacturer shall ensure that every product has been designed and manufactured in accordance with this Act.

(2) A manufacturer shall, in addition to any other obligations under this Act—

- (a) ensure that every product meets the requirements of the relevant Kenya standards or approved specifications;
- (b) carry out sample testing of a product before releasing the product into the market;
- (c) have procedures for ensuring full traceability of a product from the factory to the consumer;
- (d) ensure that the labelling of each product meets the requirements of the relevant standard;
- (e) investigate any complaint related to any product and take appropriate action;
- (f) keep a register of complaints, non-conforming products and product recalls; and
- (g) keep distributors informed of any monitoring activities related to the product.

Obligations of  
importers.

**43.** (1) An importer shall—

- (a) ensure that their products meet the requirements of Kenya standards or approved specifications;
- (b) produce the goods for verification of compliance to standards;
- (c) affix a valid certification mark on applicable imported products;

Obligations of  
business operators.

- (d) ensure that the products with a specified shelf life shall at importation have a remaining shelf life as shall be prescribed; and
- (e) comply with the provisions under this Act or any other written law.

**44.(1)** A business operator shall—

- (a) exercise due care when transporting, warehousing, distributing or selling products;
- (b) keep a register of complaints and product recalls;
- (c) distribute products that are in conformity with the provisions of this Act; and
- (d) ensure proper storage and handling conditions of products in line with the conditions prescribed by the manufacturer.

Mandatory product  
recall.

**45.(1)** The Bureau may issue a notice to any person who manufactures, imports, stocks, distributes, sells or exhibits products, to recall or withdraw any product which does not comply with this Act within the timelines and using the medium indicated in the notice.

(2) A person who receives the notice issued under subsection (1) shall—

- (a) comply with the notice; and
- (b) submit evidence of compliance to the Bureau.

(3) The Bureau may require the manufacturer or importer to issue a public notice informing consumers of the product recall if the product does not comply with the standard

(4) A person who fails to comply with subsection (1) commits an offense and shall be liable upon conviction to fine not exceeding ten million Kenya shillings or imprisonment for a term not exceeding ten years or both.

## **PART VIII– ENFORCEMENT OF STANDARDS**

Enforcement of  
Standards.

**46.(1)** The Bureau shall enforce Kenya Standards and approved specifications.

(2) No person shall manufacture, trade, distribute, sell, supply or import or in any other way deal with a product to which a Kenya Standard or approved specification applies unless the product complies to the requirements of that standard or approved specifications.

(3) In case of non-compliance with subsection (2), the Bureau may—

- (a) suspend or cancel a permit issued to a manufacturer or importer;

- (b) direct an importer to stop importation of a product;
- (c) issue a public notice informing the public of a non-compliant product; and
- (d) take any other action necessary to achieve the objectives of this section.

(4) In addition to any orders under subsection (2), the Bureau may impose an administrative penalty not exceeding fifteen per centum of the estimated market value of non—compliant goods on any person who fails to comply with this section.

(5) The penalty amount imposed under subsection (4) shall be determined by the nature and severity of non-compliance.

Complaints on products.

**47.** (1) Any person may file a complaint or any other information with the Bureau regarding any product suspected to fail to conform with the relevant Kenya standards or approved specifications or comply with the relevant mandatory standard.

(2) The Bureau shall establish procedures for the submission of complaints and intelligence.

(3) Where the Bureau determines that the product does not conform with the relevant Kenya standards or approved specifications or comply with the relevant mandatory standard the Bureau shall take appropriate action under this Act.

Designation of inspectors.

**48.**(1) The Council shall, by notice in the *Gazette*, designate suitably qualified staff of the Bureau as inspectors.

(2) The Director General shall issue a Certificate of Authority to the person designated as an inspector under subsection (1).

(3) A person designated under subsection (1) may cease to be an inspector if that person ceases to be a member of staff of the Bureau or if the Council revokes the designation.

Powers of inspectors.

**49.**(1) For the purposes of carrying out their duties, an inspector shall have power to—

- (a) direct the manufacturer to stop production of a product;
- (b) direct the manufacturer to close the production premises;
- (c) direct a manufacturer, importer or business operator to stop distribution or sale of the product;
- (d) seize and detain the product;

- (e) direct the manufacturer, importer or business operator to recall the product from the market;
- (f) direct the removal of content referring to the non-compliant products from the market including from online interface or platforms accessible in Kenya;
- (g) direct the importer to reship the product to the country of exportation at the importers expense;
- (h) direct the manufacturer, importer or business operator to undertake correction or corrective action;
- (i) direct the manufacturer, importer or business operator to undertake to rework or recycle the product;
- (j) instruct an arrest of the persons involved in the production or sale of non-complying products;
- (k) direct the manufacturer, importer or business operator to destroy the non-complying product at the expense of the importer, manufacturer, or business operator;
- (l) enter any premises at which there is, or is suspected to be a commodity in relation to which any Kenya standard exists;
- (m) cause any container within which there is or is suspected to be a quantity of any such commodity, material or substance, to be opened;
- (n) take samples of any commodity or any material or substance used, or likely to be used in the manufacture of a product;
- (o) direct correction or corrective action on any process or product;
- (p) inspect and retain a copy of any document and seek explanation for any entry;
- (q) summon a person to give such information as may be necessary under this Act;
- (r) seize and detain, for the purpose of testing, any goods in respect of which he has reasonable cause to believe that an offence has been committed; and
- (s) seize and detain any goods or documents reasonably required as evidence in any proceedings under this Act.

(2) An inspector entering any premises for inspection shall present to the person apparently in-charge of the premises an identification document signifying their appointment.

(3) Where—

- (a) premises are unoccupied;
- (b) the owner, occupier or person in charge thereof is temporarily absent; or
- (c) entry thereon is refused or obstructed,

an inspector may use such force as is reasonably necessary to effect entry and may use such equipment or other person as may be necessary to conduct inspection.

(4) Before carrying out an inspection, an inspector shall take reasonable steps prior to entry by the Inspector to find the owner, occupier or person in charge of the premises to be entered.

(5) The inspector who seizes goods from any premises may affix seals on the premises to secure the goods.

(6) A seal affixed by an inspector under subsection (5) shall not be tampered with and may only be broken in the presence and on the instruction of the inspector.

(7) An inspector shall have power to record statements and admissions and collect evidence in the course of their duties

(8) A person who tampers with the seal affixed by an inspector commits an offence.

(9) Any person aggrieved by any decision under this Section may request for a review by the Director General within seven days of receipt of the decision.

(10) Any person aggrieved by any decision of the Director General in subsection (9) above this Section may, within fourteen days, appeal to the Tribunal.

Destruction of  
products.

**50.(1)** An inspector may condemn products for destruction if—

- (a) an inspection or testing indicates that the products do not meet the relevant Kenya Standard or approved specifications; or
- (b) it is reasonably necessary to destroy the products because the products are in a dangerous state or likely to be injurious to the health of human beings, animals or plants.

(2) A manufacturer, importer, or their agent shall meet the cost of the destruction of substandard goods including the costs of transporting and storing the goods before destruction.

(3) The Bureau shall inform the manufacturer, importer, or business operator of an order issued under subsection (1) by a notice of at least fourteen days either



by giving a written notice or by publishing the notice in the *Gazette*.

(4) Where the products are of a perishable nature, the notice period under subsection (3) shall be seven days or as soon as it is practicable.

(5) A manufacturer, importer, or business operator issued with a destruction notice under this section may, in writing, request the Bureau to extend the days indicated in the notice.

(6) Any person who is aggrieved by an order for destruction may appeal in writing to the Tribunal within the notice period specified under subsection (3) and (4).

Reshipment in lieu of destruction.

**51.** Where the owner of imported products condemned for destruction gives an undertaking to reship the goods to the country of origin in lieu of destruction, the owner shall apply to the Director General in writing, to request for the undertaking to reship the goods within ninety days of the order of destruction issued under section 50.

Conditional release of imported products.

**52.(1)** An inspector may authorize conditional release of products for storage to an importer or their agent's appointed premises pending the testing of the samples of products to determine whether they comply with the relevant Kenya Standard or approved specifications.

(2) Where the products are conditionally released, the Inspector shall ensure that the samples are tested within reasonable time and the results thereof released to the importer or his agent.

(3) Where products are conditionally released, they shall not be removed, sold, used, disposed off, re-exported, damaged, wasted, destroyed or in any manner dealt with contrary to conditions of release.

(4) Where the products are found to comply with the relevant Kenya Standard or approved specifications, they shall be released to the importer, or his agent forthwith.

(5) Where the products fail to comply with the relevant Kenya standard or approved specifications, the Bureau may order destruction, reshipment or corrective action.

(6) Any person who contravenes the provisions of this section commits an offence.

(7) For purposes of this section—

“conditional release” means removal of goods from a port of entry to the provisional custody of their importer for storage pending conformity assessment.

## **PART IX – THE STANDARDS TRIBUNAL**

Establishment of  
the Standards  
Tribunal.

**53.(1)** There is established a tribunal known as the Standards Tribunal.

(2) The Tribunal shall consist of—

- (a) a Chairperson who shall be a person who is qualified to be appointed as a Judge of the High Court;
- (b) a member who shall have knowledge and seven years' experience in law;
- (c) two members with knowledge and seven years' experience in standardisation, metrology, conformity assessment or consumer protection;
- (d) a person with knowledge and seven years' experience in financial management.

(3) The Judicial Service Commission shall appoint members of the Tribunal through a transparent and competitive process.

(4) A member of the Council or employee of the Bureau shall not be eligible to be appointed as a member of the Tribunal.

Tenure of office.

**54.** The Chairperson and members of the Tribunal shall serve for a term of five years and shall be eligible for re-appointment for one final term, provided that the terms of the members shall not expire at the same time.

Discipline and  
removal of  
members.

**55.** The Chairperson and members of the Tribunal shall be disciplined or removed from office on grounds and in accordance with the provisions of the Third Schedule to the Judicial Service Act.

Cap. 8A

Procedures of the  
Tribunal.

**56.** The Chief Justice may in consultation with the Chairperson of the Tribunal, and by notice in the *Gazette*, make rules governing the practice and procedure of the Tribunal having regard to the objectives of this Act.

Personal liability.

**57.** The Chairperson and members of the Tribunal are not liable for any action or suit in respect of anything done or omitted to be done in good faith in the lawful performance of their duties.

Powers of the  
Tribunal.

**58.** In the exercise of its powers under this Act, the Tribunal may confirm, set aside or vary the decision or act in question and may make such other orders as the Tribunal considers appropriate, including an order with respect to the payment of costs.

Remuneration of  
members of the  
Tribunal.

**59.** The Chairperson and members of the Tribunal shall be paid such remuneration and benefits as shall be advised by Judicial Service Commission.

Jurisdiction of the  
Tribunal.

**60.** The Tribunal shall have jurisdiction to—

- (a) hear or determine any appeal lodged to it arising out of registration, licensing, issuance, withdrawal and cancellation of permits, enforcement, and all other decisions under this Act; and
- (b) perform such other functions as may be conferred upon it by this Act or any other written law.

Appeals from the Tribunal.

**61.** Any party to the proceedings before the Tribunal who is aggrieved by an order of the Tribunal may, within thirty days of the decision lodge an appeal to the High Court.

Staff of the Tribunal.

**62.** The Judicial Service Commission shall appoint the Secretary and such other staff of the Tribunal as are necessary for the performance of the functions of the Tribunal.

Protection of officers of the Tribunal.

**63.** No officer of the Tribunal or other person bound to execute the lawful warrants, orders or other processes of the Tribunal shall be liable to be sued in any court for the execution of a warrant, order or process which he would have been bound to execute if within the jurisdiction of the Tribunal issuing it.

#### **PART X– THE STANDARDS LEVY**

Standards levy.

**64.** (1) Each manufacturer shall pay a levy to be known as the Standards Levy.

(2) The levy shall be payable at the rate of zero point two per cent of the manufacturer's annual turnover on sales less the annual value added tax and excise duty paid by the manufacturer and any discounts offered by the manufacturer.

Standards Levy Fund.

**65.** (1) There is established a fund to be known as the Standards Levy Fund into which the proceeds of the levy shall be paid.

(2) The administrator of the Fund shall be the Director-General.

Purpose of the Fund.

**66.** The Fund shall be used for the development of quality infrastructure required by the Bureau for the purposes of this Act.

Administration of the Fund.  
Cap. 412A.

**67.** (1) The Fund shall be administered in accordance with the Public Finance Management Act.

(2) The Fund shall be audited and reported upon in accordance with the Public Audit Act.

(3) The administrative expenses of the Fund shall not exceed three per cent of the disbursements made therefrom.

Levy recovery.

**68.** Where any person liable to pay levy defaults on the payment, the outstanding levy shall be recoverable as

Cap. 42. a summary debt pursuant to the Debt (Summary Recovery) Act.

Annual work plan. **69.** (1) The Director-General shall prepare and submit to the Council for approval an annual work plan in respect of the Fund.

(2) No disbursements shall be made from the Fund save in accordance with the approved work plan.

Regulations. **70.** (1) The Cabinet Secretary may make regulations for the better carrying out of the purposes for which the Fund has been established.

(2) Despite subsection (1), the regulations may provide for—

- (a) the payment of the levy;
- (b) disbursements from the Fund;
- (c) the work plans of the Fund; and
- (d) any other relevant matter relating to the administration of the Fund.

#### **PART XI – FINANCIAL PROVISIONS**

Funds of Bureau. **71.** The funds of the Bureau shall consist of—

- (a) such monies as may be appropriated by the National Assembly;
- (b) the standards levy;
- (c) such moneys or assets as may accrue to or vest in the Bureau in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (d) any grants, gifts, donations or other endowments as may be given to the Bureau; and
- (e) monies from any other source provided or lent to the Bureau.

Annual estimates. **72.**(1) The Council shall cause to be prepared estimates of the revenue and expenditure of the Bureau for that year at least three months before the commencement of each financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Bureau for the financial year concerned and in particular, shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Bureau;
- (b) the payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Bureau;

- (c) the maintenance of the buildings and grounds of the Bureau;
- (d) the creation of such funds to meet future or contingent liabilities in respect of, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Council may consider necessary;
- (e) all expenses related to the working and management of the Bureau and its projects and other properties including proper provision for depreciation, wear and tear or renewal of assets, insurance and other matters as the Council may consider necessary;
- (f) such sums including compensation as may be payable by the Bureau;
- (g) taxes, rates and levies payable by the Bureau under any law; and
- (h) the funding of the activities of the Bureau in respect of any financial year.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval.

Accounts and  
audit.

**73.**(1) The Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Bureau.

(2) Within a period of three months after the end of each financial year, the Bureau shall submit its accounts in respect of that year to the Auditor-General together with a—

- (a) statement of the income and expenditure of the Bureau as at the end of that financial year; and
- (b) statement of the assets and liabilities of the Bureau as at the end of that financial year.

Cap. 412B.

(3) The annual accounts of the Bureau shall be prepared, audited and reported upon in accordance with the provisions of the Constitution and the Public Audit Act.

(4) The Council shall submit to the Cabinet Secretary an annual report detailing the affairs of the Bureau for every year.

## **PART XII –OFFENCES AND PENALTIES**

Non-compliance  
with Standards.

**74.** Any person who manufactures, trades, distributes, sells, exhibits, supplies or imports a product

that does not comply with the requirements of Kenya Standard commits an offence and shall be liable, on conviction, to a fine not exceeding ten million shillings or imprisonment for a term not exceeding ten years or to both.

Obstruction of inspectors.

**75.** Any person who—

- (a) wilfully prevents, hinders or obstructs an inspector designated as such under this Act;
- (b) fails without reasonable cause to produce any document when required to or give information to an inspector;
- (c) knowingly gives false or incomplete information to an inspector;
- (d) fails to appear at the premises or Bureau as required to under this Act,

commits an offence and shall be liable, on conviction, to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both.

Illegal use of the certification marks.

**76.** Any person who—

- (a) applies a certification mark prescribed under this Act on any product, without a permit granted by the Bureau;
- (b) in the use of a certification mark contravenes any conditions of the permit; or
- (c) uses a mark of quality which conveys, or is likely to convey the impression that a product, process or practice conforms to a Kenya Standard, as the case may be, when it does not do so,

commits an offence and shall be liable, on conviction, to a fine not exceeding shillings five million or to imprisonment for a term not exceeding five year or to both.

Impersonation of staff of the Bureau.

**77.** If Any person who is not a staff of the Bureau purports to act as such, commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding five years or a fine not exceeding five million shillings or to both.

False claims or misleading advertising.

**78.** Any person who—

- (a) for the purpose of effecting or promoting the sale of any product within the scope of Kenya Standards, publishes or causes to be published an advertisement which is false or misleading,
- (b) makes any statement or representation, whether in writing or otherwise, and is likely to convey the

impression that a Product, process or practice conforms to a Kenya standard, as the case may be, when it does not do so; or

- (c) makes a statement whether in writing or otherwise that is intended to mislead, defraud or deceive any person in connection with a Kenya Standard,

commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding shillings three million or to both.

Failure to pay  
Standard Levy.

**79.** Any person who fails to pay the standards levy or comply with any provisions of the standard levy order commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding shillings three million or both.

Offence to dispose  
products subject of  
conditional  
release.

**80.** Any person who removes, sells, uses, disposes off, re-exports, damages, wastes, destroys or in any manner deals with the goods, contrary to conditions of release specified in section 52 before the release of the results commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding ten years or to a fine not exceeding twenty million shillings or to both.

Victimization.

**81.** (1) No person shall be victimized on account of any Act done or omitted to be done or any information given whether to Bureau, to the Council or to an inspector pursuant to the provisions of this Act.

(2) No employer shall dismiss any person employed by him or reduce the rate or remuneration of that person or otherwise alter the conditions of his employment to conditions less favourable to him or alter his position to his disadvantage relative to other persons employed by that employer by reason of the fact that he believes or suspects, whether or not the belief for suspicion is justified or correct, that that person has given any information which he could be required under this Act to give to an inspector or has complied with any lawful requirement of an inspector or has given evidence in any proceedings under this Act.

(3) An employer who contravenes any of the provisions above, shall be guilty of an offence, and the court convicting an employer of any such contravention may in addition to any sentence which it imposes, order the employer—

- (a) to restore a rate of remuneration, or conditions of employment, or the position of an employee, to that which existed immediately before, and with effect from the

date of the reduction or alteration which gives rise to the conviction;

- (b) to pay to any employee whose dismissal is the subject of the conviction a sum estimated by the court to be equal to his total remuneration for any period not exceeding twelve months calculated according to the rate at which he was being remunerated at the time of his dismissal.

General penalty.

**82.(1)** Any person convicted of an offence under this act for which no penalty is specifically provided shall—

- (a) in the case of a first offence, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one million shillings or both;
- (b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding three years or to a fine not exceeding three million or both; and
- (c) where an offence is of a continuing nature, the person shall, in addition, be liable to a fine not exceeding fifty thousand shillings for each day or part thereof during which the offence continues.

(2) On the conviction of any person for an offence under this Act the court may, in addition to any other penalty which may be imposed, make an order—

- (a) confiscating all or any part of any goods in respect of which the offence was committed, and the destruction of such goods at the cost of the offender;
- (b) prohibiting the manufacture or sale of that product unless it complies with the relevant Kenya Standard or approved specification and the court may order that any goods which are the subject of an order under paragraph (a) shall be disposed of in such manner as it may direct.

(3) Where a complaint is or has been made in respect of an offence provided for under this Act the court may, on application *ex parte* by an inspector, and on receiving evidence that the product, method or procedure complained of, or its manufacture or sale, fails to comply with the relevant Kenya Standard, make an interim order prohibiting, either absolutely or subject to conditions, the manufacture or sale of that product, method or procedure until the earliest opportunity for hearing and determining the complaint.



**PART XIII—MISCELLANEOUS**

Protection of  
Government,  
Bureau, Council  
members and  
employees.

**83.** The fact that any product complies or is alleged to comply with a Kenya Standard, or has been or is alleged to have been manufactured in accordance with any such specification, or that a certification mark is used in connection with any product, shall not give rise to any claim against the Government, the Council, or Bureau, or any employee thereof.

Trade secrets and  
confidentiality.

**84.** (1) Except for the purposes of this Act or any other Act or when required by the Tribunal or any court, no person shall disclose information in relation to any product, process or practice which he has acquired in the exercise of his function under this Act.

(2) The disclosure of any information for purposes connected with the administration of this Act shall not prejudice any application made subsequently for registration of a patent under any written law.

(3) Notwithstanding anything in this Act or any other Act or in an undertaking in respect of disclosure of information, a worker shall not be liable to any penalty for disclosure of information to an Inspector or any person when required to do so under section 33 and the employer of that employee shall not do anything to the prejudice of the worker on the ground of such disclosure.

Regulations.

**85.**(1) The Cabinet Secretary, on advice of the Council, may make regulations generally for the better carrying out of the provisions and purposes of this Act.

(2) Without prejudice to the generality of sub—section (1), regulations may—

- (a) make provision for all matters in respect of which fees shall be payable under this Act;
- (b) prescribe procedures for issuing exemptions;
- (c) prescribe procedures inspection of imports;
- (d) make provision for requiring persons to supply information relevant to the provisions of this Act and the regulations;
- (e) issuance and admissibility of test certificates as evidence in Tribunal or court proceedings;
- (f) make provision for the development, approval and review of Kenya Standards and
- (g) prescribe anything under this Act that is to be prescribed, and in particular the procedure to be followed by the Bureau in the performance of any of its functions under this Act.

**PART XIV –TRANSITION, REPEAL AND SAVINGS**

Repeal.  
Cap 496.  
Interpretation:  
Part XIV.

**86.** The Standards Act is repealed.

**87.** In this Part —

“former Bureau” means the Kenya Bureau of Standards established under the repealed Act;

“former Tribunal” means the Standards Tribunal established under the repealed Act.

Transfer of  
assets and  
liabilities of  
former Bureau.

**88.** (1) On the commencement of this Act, the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Bureau shall, by virtue of this section vest in the Bureau.

(2) All rights, powers and liabilities, which immediately before the commencement of this Act were vested in, imposed on or enforceable against the former Bureau shall, by virtue of this section, be vested in, imposed on or enforceable against the Bureau.

(3) Where the transfer of any property transferred to or vested in Bureau under subsection (1) above is required by any written law to be registered, the Bureau shall within three months from the commencement of this Act or within such other period as the written law may prescribe, apply to the appropriate registering authority for registration of the transfer and thereupon the registering authority shall at no cost to the Bureau or any person by way of registration fees, stamps or other duties—

- (a) make such entries in the appropriate register as shall give effect to the transfer;
- (b) where appropriate, issue to the Bureau a certificate of title or other statutory evidence of ownership of property or make such amendments on such certificates or on the appropriate register as may be necessary; and
- (c) make any necessary endorsements on such deeds or other documents as may be presented to such registering authority relating to the title, right or obligation concerned.

Reference to  
former Bureau.

**89.** Any reference in any written law or in any document or instrument to former Bureau shall, after the commencement of this Act, be construed to be a reference to the Bureau

Proceedings of  
former Bureau.

**90.** (1) Any proceedings pending immediately before the commencement of this Act to which the former

Bureau was a party shall be continued as if the Bureau was a party thereto in *lieu* of the former Bureau.

(2) Any orders, notices, certificates or directive issued by the former Bureau shall be deemed to have been issued under this Act.

(3) Any function, transaction, agreement, inspection or conformity assessment carried out by or on behalf of former Bureau and any civil proceedings or other legal processes in respect of nay matter carried out by former Bureau under the Repealed Act shall be deemed to have been carried out under the Act.

Agreements,  
deeds, etc., of  
former Bureau.

**91.** Every agreement, deed, bond or other instrument to which the former Bureau was a party or which affected the former Bureau and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Bureau were a party thereto or affected thereby instead of the former Bureau, and as if for every reference therein to the former Bureau they shall be substituted in respect of anything to be done on or after the commencement of this Act.

Administrative  
decisions of  
former Bureau.

**92.** The administrative decisions made by the former Bureau or by the Cabinet Secretary, as the case may be, which were in force immediately before the commencement of this Act shall, on or after such commencement, have force as if they were directions made by the Bureau or the Cabinet Secretary under this Act.

Members of the  
former Council.

**93.** Any person who was the Chairperson or a member of the former Council immediately before the commencement of this Act shall remain in office for the unexpired period of that person's tenure.

Staff.

**94.** (1) The Director of the former Bureau shall assume the duties of the Director-General in an acting capacity for a period not exceeding twelve months or until the position is filled in accordance with section 15.

(2) Any member of staff or officer of the former Bureau immediately before the commencement of this Act shall, on the commencement of this Act become a member of staff or officer of the Bureau on the same terms and conditions of service.

(3) The pension scheme established under the former Bureau shall be deemed to be the pension scheme of the Bureau under this Act.

Former Tribunal.

**95.** (1) Any person who was a member of the former Tribunal immediately before the commencement of this Act shall remain in office for the unexpired period of that person's tenure.

(2) Any legal proceedings by or against the former Tribunal subsisting immediately before the

commencement of this Act shall, on the commencement of this Act, be deemed to be legal proceedings by or against the Tribunal.

**SCHEDULE** *(s.12(1))*

**CONDUCT OF BUSINESS AND AFFAIRS OF  
THE COUNCIL**

1. The Council shall hold not less than four meetings in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
2. The Chairperson may at any time, and shall upon written request by a majority of the members, call a special meeting of the Council.
3. The Chairperson shall preside at every meeting of the Council at which he or she is present, but in the absence of the Chairperson the members present may elect one from among their number to preside.
4. The quorum for a meeting of the Council shall be two-thirds of the members.
5. Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the members present, and in the case of an equality of votes the Chairperson or person presiding shall have a casting vote.
6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Council shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
7. The Council shall cause the minutes of all proceedings of its meetings to be recorded and kept and shall be signed by the Chairperson or the person presiding at the meeting.

## **MEMORANDUM OF OBJECTS AND REASONS**

The object of this Bill is to provide a framework for standardization, scientific and industrial metrology and conformity assessment in the provision of products and services, the establishment, powers and functions of the Standards Bureau, the National Standards Council and the declaration of Kenya Standards and specifications and to provide for the repeal of the Standard Act (Cap. 496).

**Part I (Clauses 1-3)** provides for preliminary matters including interpretation of terms, objects of the Act and application of the Act.

**Part II (Clauses 4-17)** provides for the establishment of the Bureau, its composition, functions and powers and the establishment of the Council, qualifications of the Chairperson and members of the Council, conduct of business and affairs of the Council, committees of the Council, the Director-General and staff of the Bureau among others.

**Part III (Clauses 18-25)** provides for the development and declaration of Kenya Standards and designates the Bureau as the National Enquiry Point on Technical Barriers to Trade.

**Part IV (Clauses 26-29)** provides for the registration and licensing of manufacturers, cargo consolidators and calibration service providers.

**Part V (Clauses 30-37)** provides for conformity assessment including, testing of products, inspection of imports and market surveillance activities.

**Part VI (Clauses 38-40)** provides for metrology and mandates the Bureau to designate laboratories that have met the set criteria to provide calibration services. Section 40 also mandates the Bureau to establish, maintain, and disseminate the National Reference Time.

**Part VII (Clauses 41-45)** provides for compliance provisions and sets out the obligations of manufacturers, importers, business operators. The part also sets out the procedure for product recall.

**Part VIII (Clauses 46-52)** provides for the enforcement of standards and mandates the Bureau to designate inspectors for purposes of ensuring compliance with the provisions of the Act. Section 50 provides for destruction of goods that do not conform to the approved standards or specifications.

**Part IX (Clauses 53-63)** provides for the establishment, composition, powers and procedure for the Standards Tribunal.

**Part X (Clauses 64-70)** provides for the collection of the standards levy and the establishment of the Standards Levy Fund and the administration of the Fund.

**Part XI (Clauses 71-73)** sets of the financial provisions including the funds of the Bureau and audit of accounts,

**Part XII (Clauses 74-82)** sets out the offences and penalties under the Act.

**Part XIII (Clauses 83-85)** sets out the miscellaneous provisions including the power of the Cabinet Secretary to make Regulations

**Part XIV (Clauses 86-95)** sets out the transitional provisions in relation to repeal of the Standards Act (Cap. 496)

Dated ..... 2025.

**LEE KINYANJUI,**  
*Cabinet Secretary for Investments, Trade and Industry.*