SPECIAL ISSUE

Kenya Gazette Supplement No. 190 (National Assembly Bills No. 50)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 12th November, 2025

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Sexual Offences (Amendment) Bill, 2025 1213

NATIONAL ASSEMBLY
RECEIVED
02 DEC 2025
DIRECTOR LEGAL SERVICES
P. O. Bo 41842-00100, NAIROBI

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
DIRECTOR LEGAL SERVICES
P. O. Box 41842-00100 NAIROBI

THE SEXUAL OFFENCES (AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the Sexual Offences Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Sexual Offences (Amendment) Act, 2025.

Insertion of a new section 40A into Cap. 63A.

2. The Sexual Offences Act, is amended by inserting the following new section immediately after section 40—

Traditional dispute resolution mechanisms not to apply to sexual offences.

"**40A.** (1) Notwithstanding any other written law, the offences specified under this Act shall be prosecuted exclusively through the judicial system.

(2) Any agreement, settlement, or process purporting to dispose of offences under this Act outside the formal judicial process shall be void and of no legal effect."

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the Sexual Offences Act (*Cap. 63A)* to strengthen the legal framework governing the prosecution of sexual offences in Kenya. The Bill seeks to ensure that offences specified under the Sexual Offences Act are adjudicated exclusively through formal judicial processes.

In line with Article 159(3) of the Constitution, this amendment is proposed to safeguard the rights of victims from processes that are repugnant to Justice and morality, and ensure that justice is administered in a manner consistent with the Constitution.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not contain any provisions limiting any fundamental rights or freedoms.

Indication of whether the Bill concerns County Governments

Paragraph 7b of Part 1 of the Fourth Schedule to the Constitution provides that criminal law is a function of the National government. In view of this, the Bill does not concern the County Governments in terms of Article 110 (1)(a) of the Constitution as it does not affect the functions and powers of County Governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

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

Dated the 15th October, 2025.

UDGOON SIYAD KUNO,
Member of Parliament.

Section 40 of Cap. 63A, which it is proposed to amend—

Director of Public Prosecutions to decide whether police investigations should be discontinued

40. The decision as to whether the prosecution or investigation by any police officer of a complaint that a sexual offence has been committed should be discontinued shall rest with the Director of Public Prosecutions.