



Commonwealth Association
of Law Reform Agencies

IMPLEMENTATION OF LAW REFORM RECOMMENDATIONS: WORKING WITH LEGISLATIVE COUNSEL

Christine Agimba
Chairperson, Kenya Law Reform Commission

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OUTLINE

- **KLRC's approach to law reform**
- **KLRC's engagement with legislative counsel**
- **Reflections**

KLRC MANDATE

- **Keep under review all the law and recommend its reform**
- **Provide technical assistance, advice and information** national governments, county governments and agencies with regard to reform of the law
- **undertake research and comparative studies** relating to law reform
- **Consult and collaborate** with state and non state actors in formulation of legislation
- **Formulate, by means of draft Bills** or otherwise, any proposals for reform of national or county government legislation
- **Undertake public education** on law reform matters

Kenya Law Reform Commission Act

APPROACH TO LAW REFORM

- KLRC's approach to law reform **transcends** identification of deficiencies in the law to development of legislative solutions to address identified challenges.
- Effective law reform requires both the wisdom to identify what must change and the skill to **recommend and design what should replace it**.
- Preparing legislative proposals is the **bridge** between reform ideas and legal transformation.
- KLRC **works with legislative counsel** across multiple government institutions to achieve the mutual goal of development of **quality legislation**.

WORKING WITH LEGISLATIVE COUNSEL (OFFICE OF THE ATTORNEY GENERAL)

Parliamentary Counsel (State Counsel, Legislative Drafting Division)

- Provide **legal advice** on legislative matters to Government
- **Review legislative proposals** submitted by Ministries for onward transmission to the Cabinet for consideration.
- **Draft Bills** on behalf of the Executive for submission to Parliament by the Attorney- General.
- **Quality assurance role** - ensure Bills are in line with constitutional and technical parameters.
- Assist preparation of vellum copies, for assent.

WORKING WITH LEGISLATIVE COUNSEL (COUNTY GOVERNMENTS)

Kenya has **Two Levels of Governments:**

- National Government and 47 County Governments

County Attorneys/Legal Officers

- Designated in the County Executive and County Assemblies
- Support County Assemblies to legislate on matters affecting county governments.
- Draft legislative instruments on behalf of the County Executive/Assemblies
- Advise County Governments on legislative matters.

WORKING WITH LEGISLATIVE COUNSEL (COUNTY GOVERNMENTS)

KLRC provides technical assistance to County Governments and supports County legislative counsel in drafting and reviewing county legislation.

- **prepare legislative proposals** for consideration by County Executives, ensuring that county laws are consistent, coherent, and responsive to county functions.
- prepare and propose use of **Model Laws** to guide County Governments in preparation of county legislation use of Model laws.
- enhance the **capacity** of County Governments to develop effective legislative frameworks.

Collaboration between KLRC and County Legislative Counsel helps **strengthen the quality of legislation** to implement devolved governance.

WORKING WITH LEGISLATIVE COUNSEL IN PARLIAMENT

Legal Officers designated in the National Assembly and Senate

- Draft legislation for Parliament
- Advise Members of Parliament on legislative matters
- Receive and review the draft Bills with legislative proposals from the Executive, through the Leader of Majority and prepare for publication.
- Draft legislative proposals sponsored by a Private Member
- Invite KLRC & Office of Attorney General to make submissions during Pre-publication scrutiny of legislative proposals sponsored by a Private Member
- Invite KLRC to submit its views on the legislative proposals at Committee Stage

WORKING WITH LEGISLATIVE COUNSEL IN PARLIAMENT

KLRC collaborates with Legislative Counsel in Parliament to review proposed legislation before publication:

- Pre-publication scrutiny allows technical, constitutional, and policy issues to be identified before a Bill is formally published.
- Reviews the proposals in line with law reform parameters
- This strengthens efficiency within the legislative process and promotes better law-making outcomes.

CLOSING REFLECTIONS

Successful law reform requires more than technical analysis of legal issues; it also requires **capacity to design actionable legislative solutions.**

- Both legislative/drafting counsel and law reform counsel share a concern for the **development of quality law and improving the quality of existing law.**

Law reform reports are **respected, cited, and very often archived**; how many translate into **legislation that transforms lives?**

- Is a law reform agency's legacy measured by the reports it produces, or by the laws it helps improve or create.

CLOSING REFLECTIONS

Effective implementation of law reform recommendations, systematic legislative development requires **institutional partnerships and cooperation**, mutual respect among actors.

- Law reform requires a **shared understanding** amongst all actors of the objectives of law reform for effective implementation of law reform recommendations.
- Legislative Counsel **refine legislative proposals for Cabinet and Parliamentary approval** to ensure alignment to Government objectives, legal precision, clarity, and legislative procedural compliance.
- Law reform is achieved through **collective action**, not individual institutions.
- **Collaboration** strengthens legislative outcomes.

QUESTIONS & DISCUSSION



Thank you for your kind attention