



REPUBLIC OF KENYA

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**KENYA ACCREDITATION SERVICE (AMENDMENT) BILL, 2025**

*A Legislative Proposal by*

*The Cabinet Secretary, Ministry of Investments, Trade and Industry*

**THE KENYA ACCREDITATION SERVICE (AMENDMENT) BILL, 2025****A Bill for—**

**AN ACT of Parliament to amend the Kenya Accreditation Service Act, CAP 496A and for connected purposes.**

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

Short title.                   **1.**       This Act may be cited as the Kenya Accreditation Service (Amendment) Act, 2025.

Amendment of  
sec. 1 of CAP  
496A.                         **2.**       Section 1 of the Kenya Accreditation Service Act (hereinafter referred to as the principal Act), is amended by deleting the words “Kenya Accreditation Service” and substituting therefor the word “Accreditation”.

Amendment  
of sec. 2 of  
CAP 496A.                   **3.**       Section 2 of the principal Act is amended—

(a)     by deleting the definition of “accreditation” and substituting therefor the following new definition--

“accreditation” means an attestation by the Service that a conformity assessment body has demonstrated competence, impartiality and consistent performance in carrying out specific conformity assessment activities;

(b)     in the definition of the words “accredited body” by inserting the words “or by a signatory body to a Mutual Recognition Agreement or Multilateral Recognition Arrangement” immediately after the word “service”;

(c)     by deleting the definition of the words “accreditation mark”.

(d)     in the definition of “conformity assessment body” by deleting the word “compliance” and substituting therefor the word “conformity”.

(e)     in the definition of the words “scope of accreditation” by inserting the words “is sought or” immediately after the word “accreditation”.

Insertion of a new section in of CAP 496A.

**4.** The principal Act is amended by inserting the following new section immediately after section 6—

Powers of Service.

**6A.** (1) The Service shall have powers to—

(a) issue a written notice of non-compliance to a conformity assessment body that contravenes the Act;

(b) direct a conformity assessment body to undertake specific corrective or preventive measures within a specified period;

(c) impose an administrative sanction, including fines for failure to comply with any lawful directive of the Service;

(d) suspend, reduce, or revoke the scope of an accreditation where an accredited body fails to comply with this Act;

(e) enter and examine the premises, records, equipment, and systems of a conformity assessment body to monitor and verify compliance with the Act; and

(f) enter into association with other bodies or organisations within and outside Kenya in furtherance of the object of this Act.

Repeal of Section 9 of CAP 496A

**5.** The principal Act is amended by repealing section 9.

Insertion of a new section in of CAP 496A.

**6.** The principal Act is amended by inserting the following new section immediately after section 10A—

Registration of Conformity Assessment Bodies.

**10B.** (1) A person intending to operate as a conformity assessment body shall register with the Service prior to applying for accreditation.

(2) An application for registration shall be made in the prescribed form and shall be accompanied by—

(a) details of the scope of intended conformity assessment activities;

(b) the applicable registration fee; and

(c) any other information as may be required.

(3) A registered conformity assessment body shall—

(a) comply with any conditions issued by the Service relating to registration;

(b) submit an application for accreditation;

(c) not issue any conformity assessment results, certificates, or reports claiming accreditation.

(4) The Service may remove a registered conformity Assessment Body from the register if the body—

(a) fails to apply for accreditation within the period specified by the Service without justifiable cause;

(b) is found to have provided false or misleading information during registration; or

(c) contravenes any condition of registration.

(5) A conformity assessment body removed from the register of conformity assessment bodies shall cease operations.

Insertion of a new section in of CAP 496A.

**7.** The principal Act is amended by inserting the following new section immediately after section 15—

Imposition of an administrative fine.

**15A** (1) The Service may impose an administrative fine against any person who—

(a) fails to comply with a lawful directive or decision of the Service;

(b) provides false, misleading, or fraudulent information in connection with an application for accreditation or registration; or

(c) otherwise engages in conduct that undermines the integrity of the accreditation system.

(2) An administrative fine imposed under this section shall—

- (a) be proportionate to the nature and gravity of the contravention;
- (b) not exceed one million shillings for each contravention; and
- (c) be imposed only after giving the affected party an opportunity to be heard.

(3) The Service shall issue written notice to the affected person specifying—

- (a) the nature of the alleged contravention;
- (b) the amount of the proposed fine;
- (c) the period within which representations may be made; and
- (d) the procedure for payment or review.

Repeal of  
Section 16 of  
CAP 496A

**8.** The principal Act is amended by repealing Section 16.

Repeal of  
Section 17 of  
CAP 496A

**9.** The principal Act is amended by repealing section 17.

Repeal of  
Section 18 of  
CAP 496A

**10.** The principal Act is amended by repealing section 18.

Repeal of  
Section 19 of  
CAP 496A

**11.** The principal Act is amended by repealing section 19.

Repeal of  
Section 20 of  
CAP 496A

**12.** The principal Act is amended by repealing section 20.

Amendment  
of sec. 22 of  
CAP 496A.

**13.** Section 22 of the principal Act is amended—

- (a) in subsection (2) by deleting the words “holds a degree in law from a university recognized in Kenya and”
- (b) in subsection (3) (c) by deleting the word “Board” and substituting therefor the word “Service”

**14.** Section 24(1) of the principal Act is amended by deleting the words an “Accreditation Advisory Committee or the Accreditation Appeals Tribunal.”

Amendment  
of sec. 27 of  
CAP 496A.

**15.** Section 27 of the principal Act is amended by deleting the words “and the members of the Accreditation Appeals Tribunal.”

Insertion of a  
new section in  
of CAP 496A.

**16.** The principal Act is amended by inserting the following new section immediately after section 28—

Accreditation levy. **28A** (1) Every accredited conformity assessment body shall pay into an account of the Service an accreditation levy.

(2) The levy shall be as prescribed by the Cabinet Secretary and may vary having regard to—

- (a) the type, scale, or scope of the accredited activities;
- (b) the risk profile of the sector in which the conformity assessment body operates; and
- (c) principles of fairness, sustainability, and proportionality.

(3) The proceeds of the accreditation levy shall be applied to—

- (a) technical oversight, surveillance, and capacity building of accredited bodies;

(b) promotion of awareness and uptake of accreditation services;

(c) enhancement of quality systems, infrastructure, and innovation in accreditation; and

(d) any other purpose connected with the objects of this Act as may be approved by the Cabinet Secretary.

(4) A person who fails to pay the accreditation levy within the prescribed time commits an offence and is liable, on conviction, to the general penalty provided under section 33.

Amendment  
of sec. 22 of  
CAP 496A.

**17.** The principal Act is amended by deleting the second schedule.

Amendment  
of sec. 22 of  
CAP 496A.

**18.** The principal Act is amended by deleting the third schedule.

## **MEMORANDUM OF REASONS AND OBJECTS**

### **Statement of the Objects and Reasons**

The Kenya Accreditation Service (Amendment) Bill, 2025 (the Bill) seeks to amend the Kenya Accreditation Service Act (Cap. 496A) in order to strengthen the regulatory, enforcement, institutional and financial framework of the Kenya Accreditation Service (KENAS). The amendments are informed by five years of implementation experience, extensive stakeholder consultations and benchmarking against regional and international best practice. The Bill will to strengthen Kenya's accreditation framework, enhance regulatory oversight over conformity assessment bodies, and align the accreditation system with international best practices, including requirements arising from Mutual Recognition Arrangements (MRAs) and Multilateral Recognition Arrangements (MLAs).

## **Overview of Clauses**

**Clause 1** of the Bill provides the short title.

**Clause 2** amends the short title of the principal Act by deleting references to “Kenya Accreditation Service” so that the Act will henceforth be cited simply as the Accreditation Act, thereby aligning with the expanded purpose and scope of the Act.

**Clause 3** of the Bill amends section 2 of the principal Act by:

- (a) replacing the definition of “accreditation” with the current internationally accepted definition emphasizing on “competence, impartiality, and consistent performance” in conformity assessment activities
- (b) expanding the definition of “accredited body” to recognise accreditation by signatories to Mutual or Multilateral Recognition Arrangements;
- (c) deleting the obsolete definition of “accreditation mark” for being redundant having not been used;
- (d) replacing the word “compliance” with “conformity” in the definition of “conformity assessment body” to reflect correct technical terminology in quality infrastructure practice; and
- (e) clarifying the definition of “scope of accreditation” to indicate the scope applies both where accreditation is sought and where it is granted..

**Clause 4** inserts a new section 6A into the principal Act to strengthen the enforcement and supervisory powers of the Service. The clause empowers the Service to issue notices of non-compliance, direct corrective actions, impose administrative sanctions, suspend or revoke accreditation scopes, conduct entry and inspection of premises, and enter into associations with national or international bodies. These powers are essential for ensuring compliance and safeguarding the integrity of the national accreditation system.

**Clause 5** repeals section 9 of the principal Act. The section is obsolete and no longer aligned with the governance structure or operational requirements of the enhanced Service.

**Clause 6** inserts a new section 10B requiring every person intending to operate as a conformity assessment body to register with the Service before applying for accreditation, thereby preventing unregistered entities from issuing certificates or reports that falsely imply accreditation status. This clause introduces a critical regulatory gateway to ensure only

legitimate, traceable, and compliant bodies participate in the accreditation ecosystem, and further fill in the existing regulatory vacuum in registration of conformity assessment bodies.

**Clause 7** inserts a new section 15A establishing an administrative fines regime. The clause allows the Service to impose proportionate administrative fines for non-compliance with its directives, provision of false or misleading information, or conduct undermining accreditation integrity. It prescribes procedural fairness requirements, including notice, an opportunity to be heard, and clear specification of contraventions. This clause provides a modern, flexible enforcement mechanism consistent with international regulatory practice.

**Clauses 8 to 12** repeal sections 16, 17, 18, 19 and 20 of the principal Act, which provided for an Accreditation Advisory Committee and an Accreditation Appeals Tribunal that have never been constituted and are no longer required.

**Clause 13** amends section 22 of the principal Act by removing the unnecessary requirement that the Corporation Secretary appointed to the Board must hold a law degree in recognition that secretarial profession is distinct and regulated by its own law, and by further correcting references from “Board” to “Service”.

**Clause 14** amends section 24(1) by deleting references to the repealed Advisory Committee and Appeals Tribunal, whose functions have been abolished.

**Clause 15** amends section 27 by deleting references to members of the repealed Appeals Tribunal. This is consequential to the repeal of provisions establishing the Tribunal.

**Clause 16** inserts a new section 28A establishing an accreditation levy payable by all accredited conformity assessment bodies. The levy, whose rate and modalities will be prescribed by the Cabinet Secretary, will be applied exclusively to technical oversight, surveillance, capacity building and promotion of accreditation services, thereby enhancing the financial sustainability of the Service.

**Clauses 17 and 18** delete the Second and Third Schedules relating to the repealed Advisory Committee and Appeals Tribunal. These schedules relate to institutional structures that have been repealed or are no longer required under the amended framework.

**Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The Bill is a money Bill with the meaning of Article 114(3) of the Constitution.

**Statement on how the Bill concerns county governments.**

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution in that it does not contain provisions that affect the functions.

**HON. LEE KINYANJUI,**

*Cabinet Secretary,*

*Ministry of Investments, Trade and Industry.*