



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE NATURAL RESOURCES (CLASSES OF
TRANSACTIONS SUBJECT TO RATIFICATION) ACT**

NO. 41 OF 2016

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TRANSACTIONS SUBJECT TO RATIFICATION) ACT**

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CLASSES OF TRANSACTIONS SUBJECT
TO RATIFICATION

NO. 41 OF 2016

**NATURAL RESOURCES (CLASSES OF
TRANSACTIONS SUBJECT TO RATIFICATION) ACT**

[Date of assent: 13th September, 2016.]

[Date of commencement: 4th October, 2016.]

**AN ACT of Parliament to give effect to Article 71 of the Constitution of Kenya,
2010 and for connected purposes**

[Act No. 41 of 2016.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Natural Resources (Classes of Transactions Subject to Ratification) Act, 2016.

2. Interpretation

In this Act, unless the context otherwise requires—

"concession" means the right to exploit a natural resource pursuant to an agreement between the grantor and the beneficiary or a permit issued under national or county legislation;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to environment;

"days" means calendar days;

"effective date" has the meaning assigned to it in Article 260 of the Constitution;

"exploitation" means an activity that confers or is aimed at conferring a benefit on the beneficiary of the grant of the concession or right but does not include an activity that is exploratory in nature;

"grantor" means the person who or which under an agreement relating to natural resources has granted to another the concession or right to exploit a natural resource of Kenya;

"natural resources" has the meaning assigned to it in Article 260 of the Constitution;

"permit" includes a licence or other authorization validly issued under national or county legislation;

"state organ" has the meaning assigned to it in Article 260 of the Constitution; and

"transaction" means an arrangement or other dealing between a grantor and a beneficiary under which the beneficiary lawfully acquires a concession or a right to exploit a natural resource of Kenya.

3. Application

(1) This Act applies to any transaction entered into on or after the effective date which, under Article 71 of the Constitution, is subject to ratification by Parliament on account of the fact that the transaction—