

SPECIAL ISSUE

Kenya Gazette Supplement No. 52

833

2nd April, 2025

(Legislative Supplement No. 32)

LEGAL NOTICE No. 71

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION ACT

(Cap. 387)

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (STRATEGIC AND INTEGRATED
ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL
AUDITS) (NO. 2) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation.

PART I—PRELIMINARY PROVISIONS

- 1—Citation.
- 2—Interpretation.
- 3—Application.

PART II—ENVIRONMENTAL ASSESSMENT

- 4—Environmental assessment licences.
- 5—Strategic environmental assessments.
- 6—Technical advisory committee on environmental assessment.

PART III—REGISTRATION OF EXPERTS

- 7—Registration of environmental assessment experts.
- 8—Declaration of conflict of interest.
- 9—Environmental assessment practicing licence.
- 10—Register of environmental assessment experts.

PART IV—SUMMARY PROJECT REPORTS

- 11—Preparation of summary project reports.
- 12—Submission and consideration of summary project reports.

PART V—COMPREHENSIVE PROJECT REPORTS

- 13—Preparation of comprehensive project reports.
- 14—Proponent to submit printed and electronic copies of comprehensive reports.
- 15—Comments on comprehensive project reports.
- 16—Decision on comprehensive project reports.

PART VI—ENVIRONMENTAL ASSESSMENT STUDIES

- 17—Scoping of proposed projects for environmental assessment studies.
- 18—Approval of terms of reference.
- 19—Teams of experts to undertake environmental assessment studies.
- 20—Environmental assessment study reports.
- 21—Public participation.
- 22—Contents of environmental assessment study reports.
- 23—Invitation for comments by the public.
- 24—Invitation for comments from lead agencies.
- 25—Public notice on environmental assessment report.
- 26—Written comments on environmental assessment reports.
- 27—Decision of the Authority on environmental assessment report.
- 28—Environmental assessment licence.
- 29—Monitoring compliance of integrated environmental assessment licences.
- 30—Variation of licences.
- 31—Transfer of licences.
- 32—Surrender of licences.
- 33—Revocation, suspension or cancellation of integrated environmental assessment licences.

PART VII—ENVIRONMENTAL AUDITS AND MONITORING

- 34—Environmental audits.
- 35—Conducting environmental audits.
- 36—Environmental audit reports.
- 37—Control environmental audits.
- 38—Post-audit orders.
- 39—Inspections.

PART VIII—STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENTS

- 40—Strategic environmental assessments.
- 41—Policy, plan and programme briefs.
- 42—Submission and approval of scoping reports.
- 43—Strategic environmental assessment reports.
- 44—Public participation.

- 45—Draft strategic environmental assessment reports.
- 46—Invitation of comments on draft strategic environmental assessment reports.
- 47—Incorporation of comments on strategic environmental assessment reports.
- 48—Submission of final strategic environmental assessment reports.
- 49—Decision of the Authority on a strategic environmental assessment report.
- 50—Monitoring and evaluation of policies, plans and programmes.

PART IX—MISCELLANEOUS PROVISIONS

- 51—Access to information.
- 52—Protection of proprietary information.
- 53—Offences.
- 54—Appeals.
- 55—Revocation.

SCHEDULES

First Schedule – Forms

Second Schedule – Criteria for registration of environmental assessment experts

Third Schedule – Code of Practice and Professional Ethics for Environmental Assessment Experts

Fourth Schedule – Fees

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION ACT

(Cap. 387)

IN EXERCISE of the powers conferred by section 147 of the Environmental Management and Co-ordination Act, the Cabinet Secretary for Environment, Climate Change and Forestry, upon consultation with the relevant lead agencies, makes the following Regulations—

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (STRATEGIC AND INTEGRATED
ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL
AUDITS) (NO. 2) REGULATIONS, 2025

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No. 2) Regulations, 2025. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.
“alternative” means different means of meeting the general purpose and requirements of an activity, including alternatives to—

- (a) property on which or location where the activity is proposed to be undertaken;
- (b) type of activity to be undertaken;
- (c) design or layout of the activity;
- (d) technology to be used in the activity;
- (e) operational aspects of the activity;
- (f) materials to be used in the activity; or
- (g) no project;

“environmental assessment expert” means an individual expert or firm of experts registered under regulation 7 and includes a lead expert and an associate expert;

“environmental assessment study report” means the report produced at the end of the environmental assessment study process under the Act and regulation 20;

“environmental management plan” means all details of project activities, impacts, mitigation measures, time schedule, costs, responsibilities and commitments proposed to minimize environmental impacts of activities, including monitoring and environmental audits during implementation and decommissioning phases of a project;

“environmental monitoring” means the continuous or periodic determination of actual and potential effects of any activity or phenomenon of the environment whether short-term or long-term;

“mitigation measures” include engineering works, technological improvements, management and ways and means of minimizing negative aspects, which may include socio-economic and cultural losses suffered by communities and individuals, whilst enhancing positive aspects of the project;

“no-project option” means the alternative of not implementing the project or activity;

“operator” means a person who manages a working enterprise, system or industrial establishment;

“plan” means a purposeful, forward-looking strategy and or design often with co-ordinated priorities, options and measures that elaborate and implement policy;

“policy” means a broad statement of intent that reflects and focuses the political agenda of government and initiate a decision cycle, a general cause of action or proposed overall direction that a government is or will pursue; a policy guides ongoing decision making;

“programme” means a coherent, organized agenda or schedule of commitments, proposals, instruments, or activities that elaborate and implement policy;

“project” means site specific activity or undertaking, including those arising from policies, plans and programmes which may have an impact on the environment;

“project report” means a summary statement of the likely environmental effects of a proposed development referred to in the Act and these Regulations;

“proponent” means a person proposing or executing a project, programme or an undertaking specified in the Second Schedule of the Act;

“screening” means the first stage of the environmental assessment process, and is used to determine which projects, policies, plans or programmes need to be subjected to environmental assessment as well as the level of environmental scrutiny that is required;

“scoping” means the process of defining the extent and detail of an environmental assessment including the identification of the significant issues that must be considered;

“social analysis” means assessing or estimating in advance the social consequences from specific policy actions or project development including social justice and equity, social uncertainty, social cohesion, social networks and interactions, social status and gender desegregation;

“trans-boundary impacts” means impacts beyond the Kenyan borders; and

“waste” includes any matter prescribed to be waste and any matter whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume composition or manner likely to cause an alteration of the environment.

3. These Regulations shall apply to policies, plans, programmes, projects and activities specified in the Act. Application.

PART II—ENVIRONMENTAL ASSESSMENT

4. (1) No proponent shall implement a project— Environmental assessment licences.

(a) likely to have a negative environmental impact; or

(b) for which an integrated environmental assessment is required under the Act or these Regulations,

unless that proponent has undertaken or caused to be undertaken an integrated environmental assessment and the Authority has granted the proponent with an integrated environmental assessment licence.

5. (1) No ministry, county, department, agency, institution, or private entity shall implement any policy, plan or programme without undertaking a strategic environmental assessment. Strategic environmental assessments.

(2) Every ministry, county, department, agency, institution or private entity shall submit a policy, plan or programme brief to the Authority for review.

(3) The Authority shall review the policy, plan or programme brief to determine if a strategic environmental assessment for the policy, plan or programme is required.

(4) Where the Authority notifies the ministry, county, department, agency, institution or private entity that a strategic environmental assessment is required for the policy, plan or programme submitted for review under sub-regulation (2), the ministry, county, department, agency, institution or private entity shall apply to the Authority for approval of the policy, plan or programme.

(5) The application made under sub-regulation (4) shall be accompanied by the fee prescribed in the Fourth Schedule.

6. (1) Pursuant to section 61 of the Act, the Authority may constitute technical advisory committees to advise it on integrated environmental assessments and strategic environmental assessment reports. Technical advisory committee on environmental assessment.

(2) A technical advisory committee constituted under sub-regulation (1) shall consist of not less than five and not more than nine multi-disciplinary specialists.

(3) The terms of reference and rules of procedure of a technical advisory committee shall be determined by the Authority in accordance with the Act.

PART III—REGISTRATION OF EXPERTS

7. (1) A person or firm intending to conduct strategic environmental assessment, integrated environmental assessment and environmental audits shall apply to the Authority for registration in Form 1 as set out in the First Schedule and pay the fee prescribed in the Fourth Schedule. Registration of environmental assessment experts.

(2) A person or firm is eligible to be registered under sub-regulation (1) if that person or firm satisfies the criteria set out in the Second Schedule.

(3) Where an application under sub-regulation (1) has been approved, the Authority shall—

- (a) register the applicant; and
- (b) issue the applicant with a certificate of registration in Form 2 as set out in the First Schedule within thirty days from the date of the application.

(4) The certificate of registration of an environmental assessment expert shall indicate the category and field of expertise under which the expert is registered.

(5) A person registered under sub-regulation (3)(a) shall be required to become a member of a professional body of environmental assessment experts recognised by the Authority.

(6) The Authority may revoke the registration of a person registered under sub-regulation (3)(a) if that person contravenes any provision of the code of practice set out in the Third Schedule.

8. (1) Notwithstanding the provisions of these Regulations, each environmental assessment expert registered under regulation (7)(3)(b) shall declare any conflict of interest in respect of any undertaking under these Regulations.

Declaration of conflict of interest.

(2) A declaration under sub-regulation (1) shall be made in the declaration page of any report prepared by the environmental assessment expert and the expert shall append his or her signature to the declaration.

9. (1) A registered environmental assessment expert may apply to the Authority for an annual environmental assessment practicing licence in Form 3 as set out in the First Schedule which shall be accompanied by the prescribed fees set out in the Fourth Schedule.

Environmental assessment practicing licence.

(2) Where the Authority approves an application under sub-regulation (1), it shall issue an annual environmental assessment practicing licence as set out in Form 4 of the First Schedule and within fourteen days from the date of application.

10. (1) The Authority shall keep and maintain a register of environmental assessment experts holding a current environmental assessment practicing licence and shall publish it on the Authority's website.

Register of environmental assessment experts.

(2) The register kept under sub-regulation (1) shall contain the following information—

- (a) the name and contact information of each registered expert;
- (b) the registration number assigned to the expert;
- (c) the licence number of the expert's licence;

- (d) the nationality of the expert;
- (e) the academic qualifications of the expert; and
- (f) the expert's field of expertise.

PART IV—SUMMARY PROJECT REPORTS

11. (1) Each proponent undertaking a low-risk project specified in the Second Schedule to the Act, shall submit to the Authority a summary project report.

Preparation of summary project reports.

(2) The summary project report submitted under sub-regulation (1) shall state the likely environmental effects of the project and contain the following information—

- (a) the nature of the project and, where relevant, supported by designs and plans drawn to scale and signed by a practicing architect or an engineer;
- (b) the location of the project;
- (c) proof of land ownership where the project is intended to be undertaken;
- (d) description of the surrounding environment;
- (e) availability of supportive environmental protection infrastructure;
- (f) whether the project conforms to existing land use or zonation framework;
- (g) identification and analysis of potential environmental and social impacts of each project phase including planning, construction, operation and decommissioning;
- (h) mitigation measures for potential adverse environmental and social impacts;
- (i) environmental management plan for the project lifecycle; and
- (j) evidence of public consultation with persons likely to be affected by the project and key stakeholders consisting of—
 - (i) duly filled and signed questionnaires;
 - (ii) key informant interviews; and
 - (iii) minutes of consultation meetings with signed attendance lists.

12. (1) A summary project report shall be prepared by an environmental assessment expert on behalf of the proponent.

Submission and consideration of summary project reports.

(2) The environmental assessment expert shall submit the summary project report prepared under sub-regulation (1) to the Authority together with an application for an integrated environmental assessment licence in Form 5 as set out in the First Schedule and the fee prescribed in the Fourth Schedule.

(3) Upon receipt of the summary project report under sub-regulation (1), the Authority shall, within five days, undertake screening and assessment thereof for completeness and—

- (a) where the Authority is satisfied that the summary project report is adequate, issue the proponent with an integrated environmental assessment license in Form 6 as set out in the First Schedule;
- (b) where the Authority considers that the proposed project—
 - (i) may have significant adverse environmental and social impacts;
 - (ii) is located in an environmentally sensitive area;
 - (iii) is out of character with the existing land use and zoning framework; or
 - (iv) raises uncertainties that need in-depth assessment and wider public consultation,

the Authority shall direct the proponent to prepare and submit a comprehensive project report.

(4) In this regulation, “environmentally sensitive area” means an area that is vulnerable to negative environmental impacts and which needs special environmental protection because of its landscape, fragile ecosystem, resources and historical, cultural and scientific values, and includes all areas that are vulnerable to negative environmental impacts as a result of human induced activities and natural occurrences.

PART V—COMPREHENSIVE PROJECT REPORTS

13. (1) Every proponent undertaking a medium-risk project specified in the Second Schedule to the Act shall submit to the Authority a comprehensive project report accompanied by the prescribed fee set out in the fourth Schedule.

Preparation of comprehensive project reports.

(2) A comprehensive project report shall contain the following information—

- (a) the nature of the project;
- (b) the location of the project including the GPS co-ordinates and the physical area that may be affected by the project's activities;
- (c) proof of land ownership where the project is intended to be undertaken;
- (d) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
- (e) a description of relevant legislative and regulatory frameworks relating to environment and socio-economic matters;
- (f) the preliminary design of the project;

- (g) the materials to be used, products and by-products, including waste, anticipated to be generated by the project and the methods of disposal;
- (h) the potential adverse environmental and social impacts of the project and mitigation measures to be taken during and after implementation of the project;
- (i) analysis of alternatives including project site, design, technologies and processes, and reasons for preferring the proposed site, design, technologies and processes over the alternatives;
- (j) an action plan for the prevention and management of accidents during the project cycle;
- (k) a plan to ensure the health and safety of workers and neighbouring communities;
- (l) the economic and socio-cultural impacts of the project on the local community and the country;
- (m) a plan for the relocation or resettlement of persons affected by the project;
- (n) a communication plan to ensure inclusive participation during assessment containing a summary of the issues discussed at the public participation forums;
- (o) an environmental and social management plan;
- (p) the integration of climate change vulnerability assessment, relevant adaptation and mitigation actions;
- (q) the project cost; and
- (r) any other information the Authority may require.

(3) In preparing a comprehensive project report, the proponent shall hold at least one public meeting with the persons likely to be affected by the project—

- (a) to explain the project, its social, economic and environmental impacts; and
- (b) to receive oral or written comments on the proposed project.

(4) The proponent shall and shall attach evidence of the public meetings held under sub-regulation (3) in the comprehensive project report through signed attendance register, minutes and photographs.

(5) A project proponent shall send a meeting notice, through posters, invitation letters to persons likely to be affected by the project, letters through the local public administration officials or any other relevant channels, at least seven days before the meeting informing them of the date, time, venue and purpose of the meeting.

(6) The proponent shall attach a copy of the notice under sub-regulation (5) to the comprehensive project report.

(7) A comprehensive project report shall be prepared by a registered environmental assessment expert.

14. The proponent shall submit to the Authority as many printed copies of the comprehensive project report as the Authority may require and an electronic copy of the comprehensive project report.

Proponent to submit printed and electronic copies of comprehensive reports.

15. (1) Within five days after receiving a comprehensive project report, the Authority shall, where a comprehensive project report submitted under regulation 13 conforms to the requirements of these Regulations, transmit a copy of the report to—

Comments on comprehensive project reports.

- (a) the county government where the proposed project is located; and
- (b) relevant lead agencies,

for review and written comments which shall be submitted to the Authority within fourteen days from the date of receipt.

(2) On receipt of the comments under sub-regulation (1) or, where no comments have been received by the end of the period stipulated in sub-regulation (1), the Authority shall proceed to issue the proponent with a written decision.

16. (1) The decision by the Authority under regulation 15(2) shall be communicated to the proponent in writing within thirty days after the date the proponent submitted the comprehensive project report.

Decision on comprehensive project reports.

(2) Where the Authority is satisfied that the project will not have a significant impact on the environment or that the comprehensive project report discloses sufficient mitigation measures for any anticipated impacts, the Authority shall issue an integrated environmental assessment licence in Form 6 as set out in the First Schedule.

(3) Where the Authority finds that the project—

- (a) will have a significant irreversible impact on the environment;
- (b) or there is non-conformity or non-compliance with existing policy direction or planning framework or laws; or
- (c) considering the precautionary principle or any other factor,

the Authority shall reject the application and specify its reasons in writing and refuse to issue the proponent with a licence.

(4) The Authority shall notify the proponent of its decision in writing within seven days from the date of the decision and a copy thereof shall immediately be made available for inspection.

(5) Any person who, upon submitting an application, does not receive any communication from the Authority within forty-five days from the date of submission may commence the project.

(6) Any person, who is dissatisfied with the decision of the Authority decision regarding a comprehensive project report may appeal to the Tribunal in accordance with the Act.

(7) In this regulation, “precautionary principle” is the principle that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

PART VI—ENVIRONMENTAL ASSESSMENT STUDIES

17. (1) Any proponent intending to undertake a high-risk project specified in the Second Schedule to the Act shall cause to be undertaken an environmental assessment study.

Scoping of proposed projects for environmental assessment studies.

(2) For the purposes of sub-regulation (1), the proponent shall engage a firm or lead environmental assessment expert to undertake a scoping study and develop terms of reference for approval by the Authority prior to commencement of the environmental assessment study.

(3) A scoping study undertaken under sub-regulation (2) shall address the environmental, social, cultural and economic aspects of the proposed project and, in particular—

- (a) describe the proposed project and its objectives;
- (b) provide a brief description of the environmental characteristics of the project area;
- (c) identify the range of issues to be addressed in the environmental assessment study;
- (d) provide a brief of the relevant policy, legislative and regulatory framework;
- (e) determine the relevance of integration of climate change vulnerability assessment, adaptation and mitigation actions;
- (f) identify anticipated significant impacts and issues that would need detailed study and reasons thereof;
- (g) identify study issues that are not significant or very well understood and justifications thereof;
- (h) describe the scope of the environmental assessment study in terms of geographical extent, baseline environmental and social information;
- (i) outline how the environmental assessment study will be conducted, the disciplines and expertise to be involved together with the evidence of qualifications, and the implementation schedule of the study;
- (j) provide the profile and evidence of experience in similar assignments for the team of experts or the firm of experts;
- (k) provide a communication plan that ensures inclusive participation during the environmental assessment study;
- (l) determine the requirements for the collection of baseline and other relevant information; and

- (m) provide the terms of reference for the environmental assessment study as approved by the Authority.

18. The Authority shall approve the terms of reference for a lead environmental assessment expert within seven days after submission by the proponent.

Approval of terms of reference.

19. (1) A proponent shall, upon approval of the scoping report and the terms of reference, constitute a multi-disciplinary team of environmental assessment experts to undertake the environmental assessment study.

Teams of experts to undertake environmental assessment studies.

(2) Every team of environmental assessment experts shall be supervised by a lead environmental assessment expert registered under these Regulations.

(3) A person undertaking an environmental assessment study shall comply with the code of practice and professional ethics set out in the Third Schedule.

20. An environmental assessment study report prepared under these Regulations shall consider environmental, social, cultural, economic, legal, safety and health considerations and, in particular—

Environmental assessment study reports.

- (a) provide the socio-economic and environmental baseline characteristics of the area likely to be affected by the project;
- (b) identify and predict the anticipated environmental impacts of the project and the scale of the impacts;
- (c) identify and analyse at least three alternatives to the proposed project, which are the proposed project, the no-project option and one other project alternative;
- (d) propose mitigation measures to be taken during and after the implementation of the project; and
- (e) develop an environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental performance.

21. (1) When undertaking an environmental assessment study, the proponent shall seek the views of persons who may be affected by the project by—

Public participation.

- (a) holding at least two public consultation meetings or such additional number of meetings as may be specified in the terms of reference approved by the Authority with the persons likely to be affected by the project at a venue that is convenient and accessible, and held in a language understandable by the stakeholders for the purpose of explaining the project and its impacts and to receive oral or written comments;
- (b) ensuring that appropriate notices indicating the dates, times and venues of public consultation meetings are publicised in communities likely to be affected by the project and any other concerned parties at least seven days before the date of the meetings;

- (c) posting posters in strategic public places and in the vicinity of the site of the proposed project setting out key information about the project; and
- (d) ensuring that evidence of the public consultation meetings is annexed to the environmental assessment study report including duly signed minutes, attendance lists and photographs thereof.

22. (1) A proponent shall submit to the Authority an environmental assessment study report which shall include the following information—

Contents of
environmental
assessment study
reports.

- (a) the nature of the project;
- (b) the methodology of undertaking the environmental assessment study including implementation of a stakeholder engagement plan;
- (c) the proposed location of the project and the GPS co-ordinates thereof;
- (d) where applicable, proof of land ownership where the project is intended to be undertaken;
- (e) a description of the relevant applicable legislative and regulatory frameworks on the environment and socio-economic matters;
- (f) baseline information including environmental and socio-economic data and any other relevant information related to the project;
- (g) the objectives of the project;
- (h) the technology, procedures and processes to be used in the implementation of the project;
- (i) the materials to be used in any construction and implementation of the project;
- (j) the products, by-products and waste anticipated to be generated by the project;
- (k) a description of the environment likely to be affected by the project;
- (l) a summary of the issues discussed at public participation forums with supporting documents;
- (m) the environmental impact analysis of the project including direct, indirect, cumulative, irreversible, short-term and long-term impacts, and social analysis, economic analysis and cultural analysis;
- (n) a description of the integration of climate change vulnerability assessment, adaptation and mitigation actions in the project;
- (o) analysis of alternatives including project site, design, technologies and processes and reasons for preferring the proposed site, design, technologies and processes;

- (p) an environmental management plan for eliminating, minimizing or mitigating adverse impacts on the environment specifying the cost, time frame and responsibility for implementing the plan;
- (q) a description of knowledge gaps and uncertainties were encountered during the conduct of the environmental assessment study;
- (r) a statement on whether or not the project is likely to affect the environment in any other country, available alternatives and mitigation measures; and
- (s) such other information as the Authority may require.
- (2) The environmental assessment study report shall—
 - (a) be accompanied by a non-technical executive summary outlining an overview of the project, the key findings, conclusions and recommendations of the study; and
 - (b) shall be signed by the proponent, the lead environmental assessment expert and the other environmental assessment experts involved in its preparation.

23. A proponent shall submit as many printed copies as the Authority may prescribe and an electronic copy of an integrated environmental assessment study report to the Authority accompanied by the fees set out in the Fourth Schedule.

Invitation for comments by the public.

24. (1) The Authority shall within five days of receipt of the environmental assessment study report, dispatch a copy of the report to—

Invitation for comments from lead agencies.

- (a) each county government where the proposed project is intended to be undertaken; and
- (b) the relevant lead agencies,

(2) Upon receiving the environmental assessment study report, the recipients under sub-regulation (1) shall review the report to determine compliance with the respective institutional requirements and thereafter send their comments on the study report to the Authority within thirty days or such extended period as the Authority may specify.

(3) If the recipients under sub-regulation (1) fail to submit their comments within thirty days or such other extended period, the Authority may proceed with the determination of the application.

25. (1) The Authority shall, within five days after receiving the integrated environmental assessment study report, publish a notice in Form 7 as set out in the First Schedule inviting the public to make written comments on the report.

Public notice on environmental assessment report.

- (2) The Authority shall, at the expense of the proponent—
 - (a) publish the notice under sub-regulation (1) in the *Gazette* and in at least two newspapers with a nationwide circulation; and

- (b) air at least two announcements of the notice through a radio station broadcasting widely in the area where the proposed project is intended to be undertaken.

(3) The notice under sub-regulation (1) shall state—

- (a) the name of the proponent;
- (b) the nature of the project;
- (c) the location of the project;
- (d) any anticipated adverse impacts of the project and proposed mitigation measures;
- (e) the times and places where the report can be inspected; and
- (f) the period within which the Authority shall receive comments.

(4) The Authority may, on application by any person, extend the period required in sub-regulation (3)(e) by not more than fourteen days to afford a reasonable opportunity for that person to submit oral or written comments on the environmental assessment study.

26. (1) Upon receipt of written comments from the public on an environmental assessment study report the Authority may hold a public hearing.

Written comments
on environmental
assessment
reports.

(2) The Authority shall appoint a suitably qualified person to preside over a public hearing held under sub-regulation (1).

(3) The Authority shall publicise the date, time and venue of the public hearing at least seven days before the date of the meeting—

- (a) by notice in at least one daily newspaper with a nationwide circulation;
- (b) by at least two announcements, one of which shall be in the official language and the other in a local language, which shall run in a radio station with wide coverage in the project area; and
- (c) by posting posters of the notice in strategic public places in the vicinity of the site of the proposed project.

(4) The public hearing on an environmental assessment report shall be held at a venue convenient and accessible to people who are likely to be affected by the project.

(5) The proponent shall be given an opportunity to make a presentation and to respond to issues raised at the public hearing.

(6) The person presiding at a public hearing on an environmental assessment report shall, in consultation with the Authority, determine the rules of procedure at the public hearing.

(7) The public hearing shall be conducted in an informal and non-adversarial forum.

(8) On the conclusion of a public hearing, the person presiding at the public hearing shall submit a report of the views presented at the public hearing to the Director-General within seven days from the date of the public hearing.

27. (1) The Authority shall give its decision on an environmental assessment study report in writing, and specify the reasons thereof, within three months after receiving the report.

Decision of the Authority on environmental assessment report.

(2) The decision of the Authority on an environmental assessment study shall take into account—

- (a) whether the report submitted addressed the environmental, economic, social and cultural impacts of the project and adequacy of the prescribed mitigation measures.
- (b) the adequacy of analyses of project alternatives;
- (c) the comments submitted by relevant county governments, lead agencies, the public and other stakeholders;
- (d) the recommendations of a technical advisory committee, where applicable;
- (e) the report of the person presiding at public hearings on the environmental assessment study report and minutes of the public hearing;
- (f) conformity to existing land use, policy and planning frameworks;
- (g) risk assessment; and
- (h) other factors which the Authority may consider relevant in respect of the project.

28. (1) Where the Authority approves an environmental assessment study report, it shall issue the proponent with an integrated environmental assessment licence in Form 6 as set out in the First Schedule.

Environmental assessment licence.

(2) The Authority may impose such conditions as may be necessary in the circumstances on an integrated environmental assessment licence issued under sub-regulation (1).

29. A proponent shall ensure strict adherence and implementation of the environmental management plan specified in the environmental assessment study report, the conditions imposed on the licence issued under regulation 28(1) and undertake continuous monitoring of the environmental compliance and performance indicators and parameters.

Monitoring compliance of integrated environmental assessment licences.

30. (1) Where a proponent wishes to vary the conditions on which an integrated environmental assessment licence was issued by the Authority, the proponent shall apply to the Authority for a variation of the conditions in Form 8 as set out in the First Schedule and which shall be accompanied by the prescribed fees.

Variation of licences.

(2) The Authority may issue a certificate of variation of an integrated environmental assessment licence in Form 9 as set out in the First Schedule.

(3) A certificate of variation under sub-regulation (2) may be issued without the proponent submitting a fresh integrated environmental assessment study report if the Authority is satisfied that the condition on the licence if varied would be consistent with the original conditions imposed on the licence.

(4) Where the Authority is of the opinion that the proposed variation would cause a significant impact to the environment or that the original conditions imposed on the licence would not be adequate, it shall require the proponent to undertake a new integrated environmental assessment before approving the application for variation.

31. (1) The holder of an integrated environmental assessment licence may, upon payment of the prescribed fee, transfer the licence to another person.

Transfer of
licences.

(2) A licence may be transferred under sub-regulation (1) only in respect of the project for which the licence had been issued.

(3) The transferee and transferor of a licence shall be liable for complying with the conditions imposed on the licence at the time of transfer, but the transferor shall not be responsible for any future conditions that may be imposed by the Authority on the licence after the date of the transfer.

(4) Where an integrated environmental assessment licence is to be transferred, the transferee and transferor shall jointly notify the Director-General in writing of the transfer not later than thirty days after the transfer in Form 10 as set out in the First Schedule.

(5) The Authority shall issue a certificate of transfer of an integrated environmental assessment licence in Form 11 as set out in the First Schedule.

32. (1) Where the holder of an integrated environmental assessment licence intends to stop the implementation of a project for which the licence was issued by the Authority, that person shall first surrender the licence to the Authority before stopping the implementation of the project.

Surrender of
licences.

(2) Before surrendering the licence as required under sub-regulation (1), the holder of the licence shall notify the Authority of the intention to surrender the licence at least three months before the surrender in Form 12 as set out in the First Schedule which shall be accompanied by the prescribed fees.

(3) The surrender of the licence under these Regulations shall take effect on the date that the Authority issues a certificate of surrender in respect of that licence in Form 13 as set out in the First Schedule.

(4) A surrender shall be without prejudice to any obligations and liabilities which have accrued on the holder of the licence prior to the date of surrender.

33. (1) The Authority may, at any time after it issues an integrated environmental assessment licence under these Regulations—

Revocation,
suspension or
cancellation of
integrated

environmental
assessment
licences.

- (a) suspend the licence on such conditions as be necessary in the circumstances for a period not exceeding twenty-four months; or
- (b) revoke or cancel the licence.

(2) The Authority may suspend, revoke or cancel a licence under sub-regulation (1) where—

- (a) the holder of the licence contravenes the conditions set out in the licence;
- (b) there is a substantial change or modification in the project or in the manner in which the project is being implemented;
- (c) the project poses an environmental threat which could not be reasonably foreseen before the licence was issued; or
- (d) the Authority establishes that the information or data given by the proponent in support of the application for the licence was false, incorrect or intended to mislead.

PART VII—ENVIRONMENTAL AUDITS AND MONITORING

34. (1) Each relevant proponent shall be required to undertake or cause to be undertaken an environmental audit in respect of—

Environmental
audits.

- (a) existing facilities or entities which are likely to have adverse environmental impacts in the following categories—
 - (i) for facilities or entities listed in paragraph 1 of the Second Schedule to the Act, being low-risk projects, once every three every three years;
 - (ii) for facilities or entities listed in paragraph 2 of the Second Schedule to the Act, being medium-risk projects, once every two years; and
 - (iii) for facilities or entities listed as high-risk projects under the Second Schedule to the Act , once every twelve months:

Provided that the Authority may require a proponent to undertake an audit at an earlier date if the life of the facilities or entities is shorter than the period specified in paragraph (a)(i), (ii) or (iii); or

- (b) all projects for which an integrated environmental assessment licence has been issued by the Authority.

(2) An environmental audit under sub-regulation (1) shall be conducted by an environmental assessment expert registered under these Regulations.

(3) The environmental audit required under sub-regulation (1) shall be based on baseline information and environmental management plan in the integrated environmental assessment report submitted by the proponent to the Authority.

35. (1) The proponent shall conduct or cause to be conducted an environmental audit through questionnaires, site visits, test analysis and any other appropriate method for undertaking an environmental audit.

Conducting environmental audits.

(2) The proponent shall engage the services of an environmental expert to undertake an environmental audit and, in the conduct of the environmental audit, the environmental expert shall—

- (a) describe the facilities or entities and its objectives;
- (b) state the objective, scope and criteria of the audit;
- (c) outline and analyse all relevant laws, regulatory frameworks and any applicable international standards;
- (d) assess the level of compliance by the proponent with the conditions of the environmental management plan and all relevant legislative and regulatory frameworks;
- (e) evaluate the awareness, knowledge, and responsibilities of personnel on the requirements of the applicable legislation;
- (f) examine existing facilities or entities, and documentation related to infrastructural facilities and designs, for effectiveness in mitigating anticipated adverse environmental impacts;
- (g) describe the integration, if any, of climate change vulnerability assessment, adaptation and mitigation actions;
- (h) examine monitoring programs, parameters, standards and procedures in place for control and corrective actions in case of emergencies;
- (i) examine records of incidents and accidents and the likelihood of future occurrence of incidents and accidents;
- (j) inspect buildings, premises and yards in which manufacturing, testing and transportation takes place, whether inside or outside, and areas where goods are stored and disposed of and give a record of all significant environmental risks associated with such activities;
- (k) seek and assess views on environmental, social, safety and health issues from employees, local and other communities likely to be affected by the project; and
- (l) examine records of health and environmental concerns of previous and ongoing activities.

36. (1) After conducting an environmental audit, the environmental expert shall prepare an environmental audit report indicating the measures that have been put in place by the proponent to comply with the environmental management plan and the extent to which the measures have been complied with.

Environmental audit reports.

(2) Despite the generality of sub-regulation (1), the environmental audit report shall contain—

- (a) a description of the type of activity being audited;
- (b) a non-technical summary outlining key findings, conclusions and recommendations by the environmental expert;
- (c) an indication of inputs used, final products, by-products and waste generated by the project;
- (d) a description of the technical activities, processes and operations of the project;
- (e) a description of the legislative and regulatory frameworks;
- (f) a description of the environment that is likely to be affected by the project;
- (g) a description of public and occupational safety and health, and the biophysical and socio- economic matters, affected by the project;
- (h) how the proponent has integrated climate change vulnerability assessment, adaptation and mitigation actions and other emerging environmental issues in the project and, where applicable, the level of compliance with National Climate Change obligations;
- (i) a prioritization of previous and on-going impacts of the project;
- (j) an assessment on the efficacy and adequacy of the environmental management plan;
- (k) detailed recommendations for corrective activities, their cost, timetable and mechanism for implementation;
- (l) an assessment of views on environmental, social, safety and health issues from the employees, and local and other communities likely to be affected by the project; and
- (m) an annex of proof of compliance with applicable laws, regulations and standards.

(3) The proponent shall submit the environmental audit report to the Authority in printed and electronic form and accompanied by the prescribed fee.

(4) On receipt of the environmental audit report, the Authority shall evaluate the report and where it is satisfied that the proponent has complied with the environmental management plan and no adverse environmental impacts emanate from the proponent's operations, the Authority shall issue a certificate of environmental compliance in Form 14 as set out the First Schedule of these Regulations within forty-five days from the date of receipt of the audit report.

37. (1) The Authority shall conduct a control environmental audit in respect of an existing project whenever it becomes necessary to ascertain that the proponent has complied with the environmental management plan.

Control
environmental
audits.

(2) Any person may, after showing reasonable cause, whether orally or in writing, request the Authority to undertake or cause to be undertaken a control audit on any facility or entity.

(3) A control audit shall be conducted for the purposes of—

- (a) ascertaining that the proponent responsible for the facility or entity has complied with the environmental management plan in respect of the facility or entity; and
- (b) verifying the adequacy of the environmental management plan in mitigating any adverse environment impacts emanating from or caused by the facility or entity.

(4) A control audit shall be conducted by an environmental inspector registered under this Act.

(5) In conducting a control audit an environmental inspector shall—

- (a) describe the facility or entity and its objectives;
- (b) the geographical location of the facility or entity including GPS co-ordinates
- (c) indicate the objective, scope and criteria of the control audit;
- (d) inspect buildings, premises and yards in which manufacturing, testing or transportation take place and areas where goods are stored and disposed of and give a record of any significant environmental risks associated with the activities;
- (e) indicate the extent to which the project proponent has implemented the environmental management plan and the extent to which the plan has achieved its objectives;
- (f) identify any significant sources of air, water or land pollution and any other forms of environmental degradation caused by the facility or entity;
- (g) identify any significant adverse impacts on local communities, wildlife, natural resources, cultural or archaeological resources, or livelihoods;
- (h) assess the impact of the facility or entity on the safety and health of the workers, and communities that live adjacent to the facility or entity; and
- (i) describe the concerns emerging from the control audit with recommendations.

38. (1) Where the Authority is satisfied that a project proponent has not complied with an environmental management plan in respect of a facility or entity that the operations of the facility or entity pose a risk of adverse environmental and health impacts, the Authority may undertake the following enforcement actions—

Post-audit orders.

- (a) issue an improvement notice in Form 19 as set out in the First Schedule;

- (b) issue a restoration order; or
- (c) issue a closure order.

(2) The proponent shall comply with a notice or order issued by the Authority under sub-regulation (1) within a period of thirty days from the date of the receipt by the proponent of the notice or order, such longer period as the notice or order may specify.

(3) The Authority shall, where it determines after an inspection—

- (a) that the proponent has complied with a notice or order issued under sub-regulation (1), issue the proponent with a certificate of environmental compliance in Form 14 as set out in the First Schedule within thirty days from the date of the inspection; or
- (b) the proponent has not complied with the notice or order issued under sub-regulation (1), within seven days from the date of the inspection, take any other enforcement actions authorised under the Act.

39. (1) An environment inspector appointed under the Act may, at all reasonable times, and in accordance with the provisions of the Act, and for the purposes of inspection examine records and make enquiries on a facility or entity operated by the proponent.

Inspections.

(2) A person who refuses to answer questions, refuses to avail documents or refuses to give other information legitimately sought by the environmental inspector commits an offence.

PART VIII—STRATEGIC ENVIRONMENTAL ASSESSMENTS

40. The objectives of a strategic environmental assessment under section 57A of the Act shall be to—

Strategic
environmental
assessments.

- (a) guide policy, programme or plan proposals to ensure they are compatible with sustainable environmental planning and management;
- (b) ensure the full consideration of alternative options including the do-nothing option, at the earliest opportunity during the development of the policy, programme or plan;
- (c) enhance the consistency of a policy, programme or plan across different sectors, and when relevant, make explicit the trade-offs or alignments made between different sectoral objectives;
- (d) recognize and evaluate trans-boundary and regional environmental impacts of multi-sectoral developments over a specified time and broader geographical scales including on ecosystems and landscapes;
- (e) guide investment programs or plans that involve multiple sectoral policies;

- (f) identify environmental impacts and integrate mitigation measures during the policy, plan, programme formulation, process to enhance environmental management;
- (g) ensure the impacts of activities to be undertaken in the implementation of the policy, plan or programme are considered, including any unintended consequences;
- (h) provide a strategic assessment of issues and impacts;
- (i) ensure environmental principles are integrated in the development, appraisal and selection of policy, plan or programme options;
- (j) prioritize environmental considerations in decision making alongside economic and social concerns including trade-offs;
- (k) provide an early opportunity to check whether or not a proposal is consistent with national and international environmental policies and ensure compliance with related legislative obligations;
- (l) contribute to the establishment of contexts and baselines for future development proposals and environmental assessments; and
- (m) provide a transparent and accountable decision-making framework.

41. (1) The policy, plan or programme owner shall submit the policy, plan or programme brief to the Authority for screening to determine the need for strategic environmental assessment.

Policy, plan and programme briefs.

(2) The Authority shall, within seven days after the submission of the brief under sub-regulation (1), communicate the screening results to the policy, plan or programme owner and notify the owner of whether or not a strategic environmental assessment should be undertaken.

42. (1) Where the Authority determines that a strategic environment assessment should be undertaken in respect of a policy, plan or programme under regulation 41, the Authority shall direct the owner of the policy, plan or programme to undertake a scoping study for the purpose of defining the scope of the assessment.

Submission and approval of scoping reports.

(2) The owner of a policy, plan or programme shall select an environmental assessment expert registered under these Regulations to undertake the scoping study and submit a report thereon to the policy, plan or programme owner.

(3) The policy, plan or programme owner shall submit at least three copies of the scoping report to the Authority for approval which shall be accompanied with the prescribed fee as set out in the Fourth Schedule.

(4) The scoping report shall include the following details—

- (a) the level or tier at which the strategic environmental assessment shall take place;

- (b) the definition of the boundaries of any required further assessment in terms of time, space and subject matter;
- (c) the identification of which sectors and any other policy, plan or programme to be assessed;
- (d) description of policy, plan or programme objectives;
- (e) identification of possible impacts of the policy, plan and programme on the environment and human well-being;
- (f) identification of significant issues to be studied including physical, ecological, social, economic, technological, institutional and political issues, based on the objectives of the strategic environmental assessment;
- (g) identification and evaluation of issues for consideration in the detailed strategic environmental assessment study;
- (h) determination of the relevance of climate change vulnerability assessment, impacts, adaptation and mitigation actions;
- (i) justification of the scoping methodology and criteria for the determination of significance;
- (j) a strategic communication plan or stakeholder engagement plan detailing methodologies of identification and engagement of the stakeholders likely to be affected by the policy, plan or programme;
- (k) analysis of the relevant policy and legal framework;
- (l) identification of the analytical methods and data needs;
- (m) identification of possible alternatives to the policy, plan or programme that will be subject to the detailed strategic environmental assessment study;
- (n) proposed monitoring and evaluation plan and the methodology to be used;
- (o) the list of experts to be engaged including their qualifications and contact details; and
- (p) proposed terms of reference of the environmental assessment expert proposed to undertake the strategic environmental assessment study.

(5) The Authority shall make a decision on the adequacy of the scoping report within twenty-one days after the proponent submits the report to the Authority and notifies the policy, plan or programme owner, in writing, of the decision.

43. (1) Where the Authority notifies the policy, plan or programme owner of the approval of the scoping report under regulation 42(5), the environmental assessment expert shall conduct the strategic environmental assessment study and prepare a draft strategic environmental assessment report for the policy, plan or programme owner.

Strategic
environmental
assessment
reports.

(2) A strategic environmental assessment report prepared under sub-regulation (1) shall contain the following information—

- (a) the title of the report;
- (b) a brief non-technical summary of the report describing the study and its outcomes;
- (c) an introduction on the scope and methodology of work;
- (d) a description of the proposed policy, plan or programme focusing on—
 - (i) the objective, purpose and rationale of the proposed policy, plan or programme;
 - (ii) any alternative options and strategies;
 - (iii) the areas and sectors likely to be affected by the proposed policy, plan or programme;
 - (iv) the proposed activities under the policy, plan or programme; and
 - (v) an implementation plan and timescale;
- (e) an environmental analysis including—
 - (i) baseline environmental conditions;
 - (ii) legislative framework;
 - (iii) public or stakeholder engagement activities to be undertaken during the study;
 - (iv) identification and evaluation of possible impacts of the proposed policy, plan or programme;
 - (v) alternatives to the proposed policy, plan or programme and justification for the preferred alternatives; and
 - (vi) any linkages with ongoing policies, plans or programmes;
- (f) how climate change vulnerability assessment, adaptation and mitigation actions have been integrated in the proposed policy, plan or programme;
- (g) relevant appendices such as attendance register and minutes of stakeholders' meetings and topographical maps; and
- (h) an environmental management and monitoring plan outlining the measures and actions to be undertaken during the implementation of the policy, plan or programme.

44. (1) The policy, plan or programme owner shall consult relevant county governments, lead agencies, key stakeholders and members of public during the strategic environmental assessment study n process.

Public participation.

(2) In carrying out consultations under sub-regulation (1), the policy, plan or programme owner shall implement the strategic communication plan contemplated under regulation 42(4)(j).

(3) In carrying out public consultations, the policy, plan or programme owner shall—

- (a) hold at least three public meetings with relevant stakeholders and communities to explain the policy, plan or programme and its impacts, and receive oral and written comments thereon;
- (b) ensure that the first public meeting regarding the policy, plan or programme is held during the scoping stage; and
- (c) ensure that a public notice notifying stakeholders of the public meeting is published at least fourteen days before the date of the public meeting and that the venue, date and time of the meeting is convenient.

45. (1) The policy, plan or programme owner shall submit to the Authority a printed and electronic copy of the draft strategic environmental assessment report in Form 15 as set out in the First Schedule.

Draft strategic environmental assessment reports.

(2) The Authority shall, within fourteen days from the date of submission of the draft report, conduct a review of the report to determine the report's adequacy.

46. (1) Where the Authority determines that a draft strategic assessment report is adequate, the Authority shall, within seven days of such determination, provide copies to relevant county governments, lead agencies and stakeholders for comments and, at the cost of the policy, plan or programme owner's cost—

Invitation of comments on draft strategic environmental assessment reports.

- (a) publish a public notice in Form 16 as set out in the First Schedule inviting submission of written comments on the draft strategic environmental assessment report in two newspapers of nationwide circulation and in the *Gazette*; and
- (b) make at least two announcements of the notice over a radio broadcasting nationwide.

(2) Upon receiving the draft strategic environmental assessment report under sub-regulation (1), the county governments, lead agencies and stakeholders shall submit their comments to the Authority within thirty days.

(3) The Authority may, on its own motion or written application by any person, extend the period specified in sub-regulation (2) for good cause.

(4) The Authority shall publish a copy of the draft strategic environmental assessment report in the Authority's website for the duration of the period specified in sub-regulation (2) or such additional period as may be extended under sub-regulation (3).

(5) The public may submit their comments to the Authority within thirty days from the date of the public notice published under sub-regulation (1)(a).

47. (1) The Authority shall—

Incorporation of comments on strategic environmental assessment reports.

- (a) analyse the comments received from county governments, lead agencies, stakeholders and the public and, where necessary, incorporate the comments in making its decision on the draft strategic environmental assessment report; and
- (b) request the policy, plan or programme owner to consider the comments received from county governments, lead agencies, stakeholders and the public and incorporate the comments in a revised draft strategic environmental assessment report.

(2) The policy, plan or programme owner shall consider and, where possible, incorporate the comments received from county governments, lead agencies, stakeholders and the public within sixty days from the date of request by the Authority and submit to the Authority one printed and an electronic copy of the revised draft strategic environmental assessment report for verification.

(3) Upon verification of the revised strategic environmental assessment report by the Authority the policy, plan or programme owner in consultation with the Authority shall within thirty days hold a validation workshop with the stakeholders and the public to validate the revised strategic environmental assessment report.

(4) The policy, plan or programme owner shall incorporate the comments arising from the validation workshop and submit the final strategic environmental assessment report to the Authority in Form 17 as set out in the First Schedule within thirty days after the date of the validation workshop held under sub-regulation (3).

48. The policy, plan or programme owner shall submit the final strategic environmental assessment report of the policy, plan or programme in printed and electronic form to the Authority.

Submission of final strategic environmental assessment reports.
Decision of the Authority on a strategic environmental assessment report.

49. (1) The Authority shall, upon review of the final strategic environmental assessment report submitted under regulation 48, notify the policy, plan or project owner of its decision within thirty days after the submission of the report.

(2) Where Authority approves the final strategic environmental assessment report, it shall notify the policy, plan or programme owner of the approval in Form 18 as set out in the Schedule and the Authority may impose such conditions as may be necessary in the circumstances on the approval.

(3) Where the Authority rejects the final strategic environmental assessment report, the Authority shall notify the policy, plan or programme owner in writing of the rejection, specifying the reasons for the rejection therein, and where possible, make recommendations to the policy, plan or programme owner in respect of the rejection.

50. (1) The policy, plan or programme owner shall be responsible for the monitoring and evaluation of the policy, plan or programme and submit reports to the Authority on the implementation of the policy, plan or programme at least once in every six months.

Monitoring and evaluation of policies, plans and programmes.

(2) The Authority shall undertake an evaluation of the reports submitted by the policy, plan or programme owner under sub-regulation (1) within three years after the first report is submitted based on the parameters and monitoring indicators specified in the environmental management and monitoring plan.

PART IX—MISCELLANEOUS PROVISIONS

51. (1) Information or documents submitted to the Authority by any person in connection with these Regulations, the Authority's decisions and reasons thereof may be accessed by any person in accordance with the written law on access to information.

Access to information.

(2) Any person who wishes to access information in accordance with sub-regulation (1), may apply to the Authority in Form 20 as set out in the First Schedule.

52. (1) Any person who has submitted information to the Authority may apply to the Authority in Form 21 as set out in the First Schedule to exclude the information or parts thereof from being made available to the public on the basis of commercial confidentiality or in the interest of national security.

Protection of proprietary information.

(2) If the Authority grants the request under sub-regulation (1), the information specified thereof shall be excluded from public access, and an entry shall be made in the register maintained by the Authority indicating in general the nature of the information and the reason for which it is excluded from public access.

(3) If the Authority rejects the application under sub-regulation (1), it shall notify the applicant in writing of the decision within fourteen days after the decision.

(4) The Authority may review its decision under sub-regulation (2) to determine whether the reasons for exclusion remain valid and whether the exclusion should continue and, if the Authority revises its decision, it shall notify the applicant in writing of its decision at least fourteen days before allowing public access to the information.

(5) A person who is aggrieved by the decision of the Authority under this regulation may appeal to the Tribunal against that decision.

(6) In this regulation, "proprietary information" means information relating to any manufacturing process, trade secret, trade mark, copyright, patent or formula protected by any law in Kenya or by any international treaty to which Kenya is a party.

53. (1) Notwithstanding any licence, permit or approval granted or offences under any written law, any person who commences, proceeds with, executes or conducts or causes to commence, proceed with, execute or conduct any project without approval required under

Offences.

these Regulations commits an offence and on conviction is liable, on conviction, to the penalty prescribed under section 144 of the Act.

(2) Any person who, contrary to these Regulations—

- (a) fails to prepare and submit a project report to the Authority when required to;
- (b) fails to prepare and submit an integrated environmental assessment study report when required to;
- (c) fails to prepare and submit an environmental audit report when required to;
- (d) contravenes any condition of any licence or certificate issued under these Regulations;
- (e) fraudulently makes a false statement in a project report or integrated environmental assessment study report;
- (f) fraudulently alters a project report or an integrated environmental assessment study report;
- (g) fraudulently makes a false statement in an environmental audit;
- (h) fails to inform the Authority of a transfer of an environmental assessment licence when required to;
- (i) after submitting an audit report, fails to implement any mitigation measures when directed to do so by the Authority; or
- (j) fails to prepare and submit a strategic environmental assessment study report when required to,

commits an offence and on conviction shall be liable, on conviction, to the penalty prescribed under section 144 the Act.

54. (1) Any person who is aggrieved by—

Appeals.

- (a) a refusal to grant a licence or a refusal to transfer a licence under these Regulations;
- (b) the imposition of any condition, limitation or restriction on a licence;
- (c) the revocation, suspension or variation of a licence issued under these Regulations;
- (d) the imposition of any environmental restoration order or environmental improvement order on the project by the Authority; or
- (e) the approval or reinstatement by the Authority of an environmental impact assessment licence;
- (f) A refusal to grant an approval for a plan or programme or the imposition of any condition, limitation or restriction on an approval,

may within sixty days after the date of the decision appeal to the Tribunal;

(2) A person aggrieved by a decision or order of the Tribunal, may within thirty days of such a decision or order, appeal against such decision or order to the Environment and Lands Court.

(3) The fact that an approval has been given by the Authority under these Regulations shall not be a defence to any civil action or to a criminal prosecution under any other written law.

55. (1) The Environmental (Impact Assessment and Audit) Regulations are revoked.

Revocation.
Sub. Leg.

(2) The Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessments and Environmental Audits) Regulations, 2025, are revoked.

L.N. 52/2025.

FIRST SCHEDULE

FORM 1

(r. 7(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

APPLICATION FOR REGISTRATION AS AN ENVIRONMENTAL ASSESSMENT
EXPERT OR AUTHORIZATION OF FIRM OF EXPERTS

Part A: Details of the applicant

1. Name of applicant (Individual or Firm):
2. Nationality:
3. PIN No.:
4. Firm: Local Foreign
5. Business/Company registration No. (where applicable):
6. Postal and physical Address:
.....
7. Telephone No.:
8. E-mail Address:
9. Applicant's academic/professional qualifications
Area of expertise
10. List of professionals, their academic/professional qualifications and their
nationalities (Table format and attach where applicable):
.....
.....
.....
11. Experience, training undertaken and summary of environmental work done in
Integrated environmental assessment related activities (Table format):
.....
.....
.....
12. Application for registration/ Authorization as:
Lead Expert:
Associate Expert:
Firm of Experts:
13. Previous registration Number and date of registration (if applicable):
.....

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

Date _____

.....

Apply online at www.nema.go.ke (licensing portal)

FORM 2

(r. 7(3)(b))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025CERTIFICATE OF REGISTRATION AS AN ENVIRONMENTAL ASSESSMENT
EXPERT

This is to certify that M/S
of..... (address) has been registered as an environmental assessment
expert in accordance with the provisions of the Environment Management and Co-
ordination Act and is authorized to practice in the capacity of a Lead Expert/Associate
Expert (Category)
.....

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL,
National Environment Management Authority.

FORM 3

(r. 9(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Reference No.:

(For official use only)

APPLICATION FOR LICENCE TO PRACTICE AS AN ENVIRONMENTAL
ASSESSMENT EXPERT

Part A: Details of the applicant

1. Name of applicant (Individual or Firm):
2. Nationality:
3. PIN No:
4. If Firm: Local Foreign
5. Business/company Registration No. (where applicable)
6. Postal Address:
7. Telephone No.:
8. E-mail:
9. Applicant's academic/professional qualifications:
.....
.....
10. List of professionals, their academic/professional qualifications and their nationalities (where applicable):
.....
.....
11. Field of Expertise
12. Experience in Environmental Impact Assessment related activities (Table):
.....
.....
.....
13. Environmental Professional body membership no.
14. Application for licence to practice as (Tick where applicable):
15. Lead Expert Associate Expert..... Firm

Part B: Declaration by the applicant

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....		
Name (in block letters)	Signature	Position
On behalf of		
Firm name and seal		Date

Part C: For Official Use

Approved Not approved

Comments

.....

.....

.....

.....

Officer's name

Designation Signature Date

Note:

Apply online at www.nema.go.ke (licensing portal)

FORM 4

(r. 9(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Licence No.:

Application Reference No.

ENVIRONMENTAL ASSESSMENT PRACTICING LICENCE

M/S (Individual or firm) of Postal Address
..... is licenced to practice in the capacity of a (Lead
Expert/Associate Expert/Firm of Experts).....

Registration No.:in accordance
with the provisions of the Environmental Management and Co-ordination Act.

Dated the..... 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL,

National Environment Management Authority.

This licence shall expire on the 31st December, 20.....

FORM 5

(r. 12(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

APPLICATION FOR INTEGRATED ENVIRONMENTAL ASSESSMENT LICENCE

Part A: Details of the Proponent

1. Name of proponent (Person or Firm):
2. PIN No
3. Postal Address:
4. Name of contact person:
5. Telephone No.:
6. E-mail Address:

Part B: Details of the project Report

1. Title of the proposed project:
2. Objectives and the scope of the project:

.....

 Brief description of the activities:

3. Location of the proposed project (L.R. No., area, County and GPS Co-ordinates)

Part C: Declaration by the Proponent/Representative of the Proponent

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

..... Name (in block letters)	 Signature	 Position
On behalf of	 Firm name and seal	 Date

Part D: Details of Environmental Impact Assessment Experts

Declaration of Interest (Employee or Relationship, where applicable)

.....

Name (individual /firm):

Certificate of registration No
environmental assessment Practicing Licence No.:
Postal Address:
Tel: Email address:
Position: Signature: Date:

Part E: For Official Use

Approved Not Approved

Name:

Designation

Signature: Date:

Note:

1. If the Project Report does not contain sufficient information required under the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) Regulations 2025, the applicant may be requested to give further information concerning the project or be notified of any defects in the application and may be required to provide the additional information.
2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence under these Regulations
3. Please submit the following:
 - (a) Three duly filled copies of this form;
 - (b) 5 copies of the Environmental Impact Assessment report;
 - (c) An electronic copy of the report

To:

The Director-General,
National Environment Management Authority,
Popo Road, South C,
P.O. Box 67839-00200,
NAIROBI.
Tel. 254-020-2183718/2101370
or 0724 533 398/0723 363 010/0735 013046
E-mail: dgnema@nema.go.ke
Website: www.nema.go.ke

FORM 6

(rr. 12(3)(a), 16(2), 28(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Licence No.:

Application Ref. No.:

ENVIRONMENTAL ASSESSMENT LICENCE

This is to certify that the Integrated environmental assessment Summary
Project/comprehensive Project/Study Report
received from (name of individual/firm) of
..... (Address) submitted to the National Environment
Management Authority in accordance with the Environmental Management and Co-
ordination (Strategic and Integrated Environmental Assessment and Environmental
Audits) Regulations 2025 regarding.....
(Title of project) whose objective is to carry on
.....
.....(briefly describe purpose) located at
.....
(locality and County) has been reviewed and a licence is hereby issued for
implementation of the project, subject to the attached conditions.

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL

National Environment Management Authority

Conditions of licence:

1.

2.

3.

4.

...

(r. 25(1))

NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON AN INTEGRATED
ENVIRONMENTAL ASSESSMENT REPORT

.....(brief description of project).....at
..... (locality) of County.

(describe anticipated impacts and proposed mitigation measures).

The full report of the proposed project may be inspected during working hours at:

- (a) Ministry Responsible for Environment;
- (b) The NEMA Headquarters;
- (c) NEMA County offices and sub county offices, where applicable;
- (d) NEMA website: www.nema.go.ke.

NEMA invites members of the public to submit written comments within 30 days of the date of publication of this notice to the:

- (a) Director-General, NEMA
(b) Relevant County Director of Environment

Dated the, 20....

Signature.....

(Seal)

DIRECTOR-GENERAL
National Environment Management Authority.

FORM 8

(r. 30(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.:

EIA Licence No.:

APPLICATION FOR VARIATION OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

Part A: Previous applications

1. Have there been there previous applications for variation of an integrated environmental assessment licence.

YES

NO

2. If yes indicate the application number (attach copy)

Part B: Details of applicant

1. Name (Individual or Firm):
2. Business / Company Registration No.:
3. Postal Address:
4. Name of contact person:
5. Position of contact person:
6. Postal Address of contact person:
7. Telephone No:
8. E-mail:

Part C: Details of current Integrated environmental assessment Licence

1. Name of the current integrated environmental assessment licence holder:
.....
2. Application No. of the current Integrated environmental assessment Licence:
.....
3. Date of issue of the current Integrated environmental assessment Licence:
.....

Part D: Proposed variations to the conditions in current Integrated environmental assessment Licence

1. Conditions in the current Integrated environmental assessment licence:
.....
.....
.....
2. Proposed variation(s):
.....
.....

3. Reason for variation(s):
.....
4. Describe the environmental changes arising from the proposed variations:
.....
.....
.....
5. Describe how the environment and the community might be affected by the proposed variations:
.....
.....
.....
6. Describe how and to what extent the environmental performance requirements set out in the Integrated Environmental Impact Assessment Report previously approved or project profile previously submitted for this project may be affected
.....
.....
.....
7. Describe any additional measures proposed to eliminate, reduce or control any adverse environmental impacts arising from the proposed variation(s) Process
.....
.....

Part E: Declaration by the applicant

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the environmental impact assessment licence may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete.

.....
Name Position Signature

.....
Date

Part F: For Official Use

Approved Not Approved

Name:

Designation

Signature: Date:

Important Note: Please submit- your application online on www.nema.go.ke (licensing portal)

FORM 9

(r. 30(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025CERTIFICATE OF VARIATION OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

This is to certify that the Integrated environmental assessment Licence No.:
issued on..... (date) To

.....
(name of individual/firm)

of
(postal address)

regarding
(title of project)

whose objective is to:

.....
(briefly describe purpose)

located at

(Title No. Locality and County)

has been has been varied to

.....
(nature of variation)

with effect from the, 2025, in accordance with the provisions of the
Environmental Management and Co-ordination Act.

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL
National Environment Management Authority

FORM 10

(r. 31(4))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.:

Licence No.:

NOTIFICATION OF TRANSFER OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

Part A: Details of the current Integrated environmental assessment Licence

1. Name of the current integrated environmental assessment licence holder:
.....
2. PIN No.:
3. Postal Address:
4. Tel:
5. E-mail:
6. Current integrated environmental assessment licence Number:
7. Date of issue of current Integrated environmental assessment licence:

Part B: Details of the transferee

1. Name (Individual/Firm):
2. PIN No.:
3. Address:
4. Tel:
5. E-mail address:
6. Name of contact person
7. B7: Capacity of transferee to run the project (financial, technological, manpower):
.....

Part C: Reasons for the transfer of licence

.....
.....

Part D: Declaration by transferor and transferee

It is hereby notified that (Transferor)of (Postal Address).....has on this.....day of.....20.....transferred integrated environmental assessment licence No.....to (Transferee).....of (Postal Address)who will assume his responsibility for all liability under this project.

Transferor	Transferee.....
Name	Name
Postal address	Postal address
Signed	Signed
Date	Date

Part E: For Official Use

Approved Not Approved

Name:

Designation

Signature: Date:

Important Note: Please submit- your application online on www.nema.go.ke (licensing portal)

FORM 11

(r. 31(5))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.:

Certificate No.:

CERTIFICATE OF TRANSFER OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

This is to certify that the Integrated environmental assessment Licence No.
..... issued on (date) to

(name of previous holder) of

(Postal address) regarding (title of
project) whose objective is to
.....

..... (briefly describe purpose)
located at (Land Registration No., Locality and County) has
been transferred to
.....

(name of new holder) of (Postal address) with effect from
..... (date of transfer) in accordance with the provisions of the Act.

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL
National Environment Management Authority

FORM 12

(r. 32(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

Licence No.

NOTIFICATION OF SURRENDER OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

Part A: Details of the proponent

1. Name: (Individual or Firm):
2. Postal Address:
3. Name of contact person:
4. Position of contact person:
5. Tel:
6. E- mail address:

Part B: Details of the current Integrated environmental assessment Licence

1. Integrated environmental assessment Licence No.:
.....
2. Title of project under the current Integrated environmental assessment licence:
.....
.....

Part C: Reasons for surrender

.....
.....
.....
.....

Part D: Declaration by proponent

I hereby certify that the particulars given above are correct and true to the best of my
knowledge and belief.

Name of applicant

Signature

Position

Date:

On behalf of

.....
Company name and seal

Part E: For Official Use

Approved

Not Approved

Name:

Designation

Signature: Date:

Important Note: Please submit- your application online on www.nema.go.ke (licensing portal)

FORM 13

(r. 32(3))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

Licence No.

CERTIFICATE OF SURRENDER OF INTEGRATED ENVIRONMENTAL
ASSESSMENT LICENCE

This is to certify that the integrated environmental assessment Licence No
.....issued on
(date)

to
(name of individual/firm) of

.....
(Postal address)

regarding
(title of project)

whose objective is to
(briefly describe purpose)

located at
(L.R. No., Locality and County)

has been has been surrendered to the National Environment Management Authority with
effect from
(date)

in accordance with the provisions of the Environmental Management and Co-ordination
Act.

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL
National Environment Management Authority

FORM 14

(rr. 36(4), 37(3)(a))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

Certificate No.

CERTIFICATE OF ENVIRONMENTAL COMPLIANCE

Application File Ref. No.

Date

Address:

Proponent (operator):

The Authority has reviewed the report and found it to have complied with the requirements of the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) Regulations 2025, and hereby issues you with a Certificate of Environmental Compliance for a period of commencing from to

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL

*National Environment Management Authority**Conditions of the Certificate*

- 1 Ensure compliance with the Environmental Management Plan as proposed in the Audit Report.
- 2 The Authority retains the power to revoke or cancel this Certificate in the event of non- compliance with any requirements under the Environmental Management and Co-ordination Act and its Regulations.
- 3
- 4
- 5

FORM 15

(r. 45(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

For Official Use

SUBMISSION FORM FOR DRAFT STRATEGIC ENVIRONMENTAL
ASSESSMENT REPORT

Part A: Details of policy, plan or programme owner

- 1 Name of Policy/Plan/Programme Owner:
- 2 PIN No.....
- 3 Address:
- 4 Name of Contact Person:
- 5 Telephone:
- 6 E-mail:

Part B: Details of the strategic environmental assessment Report

1. Title of the Proposed Policy/Plan/Programme:
.....
2. Objectives and Scope of the SEA:
.....
.....
.....
3. Brief Description of the Policy/Plan/Programme:
.....
.....
.....
4. Location of the proposed Policy/Plan/Programme:
.....
5. Sectors and areas affected:
.....

Part C: Details of the strategic environmental assessment team

Name of Experts/firm

.....
.....
.....

Contacts of Lead Expert

Postal Address

Code

Tel No.

Email Address

Part D: Declaration by policy, plan or programme owner

Declaration of Interest (Employee or Relationship, where applicable)

.....

.....

.....

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name:

Position:

Date:

On behalf of

(Name of Policy/Plan/Programme Owner)

Part E: For Official Use

Approved Not Approved

Name:

Designation

Signature: Date:

Important Notes: Please submit the following:

1. Three duly filled copies of this form
2. Ten Number of copies of the SEA report
3. An electronic copy of the SEA report
4. The prescribed fees payable to:

Director-General
National Environment Management Authority
Popo Road, South C
P.O. Box 67839-00200
NAIROBI
Tel. 254 20 2183718/2101370
Cell Phone: 0724 253 398, 0723 363 010 / 0735 013 046
Email: dgnema@nema.go.ke; Website: www.nema.go.ke

FORM 16

(r. 46(1)(a))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON A DRAFT STRATEGIC
ENVIRONMENTAL ASSESSMENT REPORT

Pursuant to Regulation 48 of the Environmental Management and Co-ordination
(Strategic and Integrated Environmental Assessment and Environmental Audits)
Regulations 2025, the National Environment Management Authority has received a draft
strategic environmental assessment Report for the implementation of the proposed
Policy/Plan/ Programme

(brief description of Policy/Plan/Programme)at
.....(location) of County.

The said Policy/Plan/Programme anticipates the following impacts:

(describe anticipated impacts and proposed mitigation measures).

The full report of the proposed Policy/Plan/Programme may be inspected during working
hours at:

- (a) Ministry Responsible for Environment
- (b) NEMA Headquarters
- (c) Relevant NEMA County offices
- (d) NEMA website: www.nema.go.ke.

NEMA invites members of the public to submit written comments within forty-five (45)
days of the date of publication of this notice to:

Director-General
National Environment Management Authority
Popo Road, South C
P.O. Box 67839-00200
NAIROBI
Tel. 254 20 2183718/2101370
Cell Phone: 0724 253 398, 0723 363 010 / 0735 013 046
Email: dgnema@nema.go.ke; Website: www.nema.go.ke

Dated the.....20.....

Signature.....
DIRECTOR-GENERAL

National Environment Management Authority

FORM 17

(r. 47(4))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

For Official Use

SUBMISSION OF FINAL STRATEGIC ENVIRONMENTAL ASSESSMENT
REPORT

Part A: Details of policy, plan or programme owner

- 1 Name of Policy/Plan/Programme Owner:
- 2 PIN No.....
- 3 Address:
- 4 Name of Contact Person:
- 5 Telephone:
- 6 E-mail:

Part B: Details of the strategic environmental assessment Report

1. Title of the Proposed Policy/Plan/Programme:
2. Objectives and Scope of the SEA:
3. Brief Description of the Policy/Plan/Programme:
.....
.....
.....
4. Location of the proposed Policy/Plan/Programme:
.....
5. Sectors and areas affected:
.....

Part C: Details of the strategic environmental assessment team

Name of Experts/firm

.....
.....
.....

Contacts of Lead Expert

Postal Address

Code

Tel No.

Email Address

Part D: Declaration by policy, plan or programme owner

Declaration of Interest (Employee or Relationship, where applicable)

.....

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name:

Position:

Date:

On behalf of

(Name of Policy/Plan/Programme Owner)

Part E: For Official Use

Approved Not Approved

Name:

Designation

Signature: Date:

Important Notes: Please submit the following:

1. Three duly filled copies of this form
2. Five Number of copies of the SEA report
3. An electronic copy of the SEA report
4. The prescribed fees payable to:

Director-General
 National Environment Management Authority
 Popo Road, South C
 P.O. Box 67839-00200
NAIROBI
 Tel. 254 20 2183718/2101370
 Cell Phone: 0724 253 398, 0723 363 010 / 0735 013 046
 Email: dgnema@nema.go.ke; Website: www.nema.go.ke

FORM 18

(r. 49(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

For Official Use

APPROVAL OF STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT

Application File Reference Number:

Date:

Address (Plan/Programme Owner):

The National Environment Management Authority having reviewed your final strategic environmental assessment Report in accordance with the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) Regulations 2025, hereby issues you with an approval of the Plan/Programme (Description of the Plan/Programme)

.....

.....

.....

.....

.....

subject to the following conditions:

General conditions:

1.....

2.....

3.....

4.....

5.....

Implementation Phase conditions:

1.....

2.....

3.....

4.....

5.....

Notification conditions

1.....

2.....

3.....

4.....

5.....

These conditions will ensure environmentally sustainable development and must be complied with.

Dated the, 20.....

Signature.....

(Seal)

DIRECTOR-GENERAL

National Environment Management Authority

FORM 19

(r. 38(1)(a))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

Application Ref. No.

For Official Use

IMPROVEMENT NOTICE

Date:

Address:

Facility Owner (operator):

The National Environment Management Authority has received your environmental audit
report Reference Number prepared by
..... and submitted to the Authority on

You are hereby issued with an improvement notice to address the following issues that
have arisen during the review.

- 1.
- 2.
- 3.
- 4.
- 5.

Please liaise with your environmental assessment expert to ensure that the issues are
addressed and submit the information to the Director-General, NEMA, within thirty days
from the date of this Notice.

Dated the, 20.....

Signature.....

DIRECTOR-GENERAL

National Environment Management Authority

FORM 20

(r. 51(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

APPLICATION FOR ACCESS TO INFORMATION

Part A: Details of the Applicant

Name:

Postal Address:

Telephone:

Email address:

Profession:

Date:

Part B: Employer's details (if applicable)

Postal/Physical Address

.....

Telephone:

E-mail address

Contact person:

Part C: Information details

1. Type of information required (tick as appropriate)

- ☐ environmental assessment Project Report.
- ☐ Integrated environmental assessment study Report.
- ☐ environmental audit Report
- ☐ strategic environmental assessment Report.
- ☐ Environmental Monitoring Report
- ☐ Record of Decision (ROD) for environmental assessment Approvals.
- ☐ Licences for Project Reports.
- ☐ Licences for environmental assessment.
- ☐ environmental assessment experts (Individuals).
- ☐ environmental assessment experts (Firms).
- ☐ Any other information related to this Regulations

2. Document details

Title of the document:

Author:

Date:

-
3. How the information is extracted
 - Reading
 - Inspection/viewing
 - Electronic
 - Photocopying
 4. Purpose for requiring the information
 - Educational
 - Affected party
 - Research
 - Interested party
 - Others (specify)

FORM 21

(r. 52(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (STRATEGIC
AND INTEGRATED ENVIRONMENTAL ASSESSMENTS AND
ENVIRONMENTAL AUDITS) REGULATIONS, 2025

APPLICATION TO EXCLUDE PROPRIETARY/CONFIDENTIAL INFORMATION

Part A: Details of applicant

1. Name of applicant (Person or Firm):
2. Postal and Physical Address:
.....
3. Name of contact person:
4. Telephone No.:
5. E-mail Address:

Part B: Type of information to be excluded from disclosure

Provide a brief overview of the materials information (including reports, annexes, and schematics) to be excluded from disclosure.

.....
.....
.....

Specify the details of the information

	<i>Type of proprietary/confidential information</i>	<i>Page number/Annex</i>	<i>Justification for non- disclosure</i>
1	Safety and security		
2	Trade secrets		
3	Trademark		
4	Copyright information		
5	Patent or formula of trade secrets		
6	Infrastructure and information technology systems		
7	Manufacturing process		
8	Others		

Part C: Declaration by applicant

I hereby certify that the particulars given above are correct and true to the best of my knowledge

Name: Position

Signature:

On behalf of:

Date:

(Firm name and seal)

Part D: For Official Use

Name of Evaluating Officer:

Designation

Signature: Date:

Recommendations

.....

.....

.....

Name of approving Officer

Designation

Signature..... Date

SECOND SCHEDULE

(rr. 7(2), 11(1), 13(1), 17(1), 34(1)(a))

Criteria for registration of environmental assessment experts

A. LEAD EXPERT

A Lead Expert must have attained the following qualifications:

A Doctorate Degree or equivalent in any relevant field as set out in Section D plus training in strategic environmental assessment, integrated environmental assessment or environmental audit from an accredited institution in accordance with requirements set out in Section E and F, with three years practical experience in environmental assessment related activities including work experience, consultancy, training and research.

OR

A Masters Degree or equivalent in any relevant field as set out in Section D plus training in Strategic Environmental and Social Assessment, integrated environmental assessment or environmental audit from an accredited institution in accordance with requirements set out in Section E and F, with five years practical experience in environmental assessment related activities including work experience, consultancy, training and research.

OR

A Bachelors Degree or equivalent in any relevant field as set out in Section D plus training in strategic environmental assessment, integrated environmental assessment or environmental audit from an accredited institution in accordance with requirements set out in Section E and F, with eight (8) years practical experience in environmental assessment related activities including work experience, consultancy, training and research.

B. ASSOCIATE EXPERT

An Associate Expert must have attained the following qualifications:

A Bachelors Degree or equivalent in any relevant field as set out in Section D or a diploma in any relevant field as set out in section D in addition to approved training in integrated environmental assessment/ audit from an accredited institution as set out in Section E and F.

C. FIRM OF EXPERTS

A firm of experts must meet the following conditions:

- (a) Must be registered in Kenya to offer environmental assessment expertise.
- (b) Must submit to the Authority a firm profile indicating capacity of its directors, partners and associates to undertake environmental assessment and audit studies.
- (c) A Lead Expert who must be registered by the Authority and must have a current practicing licence.
- (d) Foreign firms must demonstrate the contribution of local expertise.

D. RELEVANT FIELD OF EXPERTISE

Environmental Studies, Biological Sciences, Chemistry, Engineering (Civil, Agricultural, Water, Process/Chemical), Geography, Earth Sciences, Biophysical Sciences, Natural Sciences, Environmental Socio-Cultural Studies, or any other field approved by the Authority on the recommendation of a Professional Body or the Environmental Expert Advisory Committee.

E. TRAINING REQUIREMENTS

- (a) Training for at least three weeks full time equivalent by an accredited institution.
- (b) Training must be demonstrated by an exam passed and certificate issued.
- (c) Training must comply with the required contact hours as may be determined by the Authority from time to time

F. VETTING

Upon application, the applicant may be invited in person for an interview and vetting by the Registration Panel.

THIRD SCHEDULE

(rr. 7(6), 19(3))

Code of practice and professional ethics for environmental assessment experts

Citation

1. This code of practice and professional ethics may be cited as the Code of Practice and Professional Ethics for Environmental Assessment Experts.

Definitions

2. In this code of practice and professional ethics, unless the context otherwise requires:

“Committee” means the Environmental Experts Advisory Committee established within this Code of Practice.

Objective of the Code of Practice

3. The object of this code of practice and professional ethics is to:

- (a) Provide a system of nurturing competence, knowledge, professional conduct, consistency, integrity and ethics in the carrying out of environmental assessments and environmental audits;
- (b) Ensure that the preparation of environmental assessments and environmental audits is carried out in an independent, professional, objective and impartial manner;
- (c) Provide for the discipline and control of environmental assessment experts.

Application of the Code of Practice

4. (1) environmental assessment experts certified and registered in accordance with the provision of relevant Regulations, may establish professional association to complement and implement the objectives of the code of practice and professional ethics.

(2) An environmental assessment experts shall act professionally, accurately, fairly and in an unbiased manner in undertaking his work.

5. (1) This code of practice and professional ethics shall apply to:

- (a) all registered and certified individual environmental assessment experts; and
- (b) firms of experts registered and certified by the authority under these regulations.

(2) The Authority in consultation with the Professional Association and relevant stakeholders may from time to time, issue guidelines for the proper conduct of registered environmental assessment experts.

Receiving Instructions

6. No environmental assessment expert shall act for any proponent or policy, plan and programme owner unless he has received written instructions from such project proponent, policy, plan and programme owner or his authorised agent.

Carrying-out of Instructions

7. (1) An environmental assessment expert shall not unreasonably delay the carrying out of instructions received from the proponent, policy, plan and programme owner or his authorized agent.

(2) An environmental assessment expert shall discharge his responsibilities to the proponent or policy, plan and programme owner with due diligence and integrity and in accordance to this code of practice.

Withdrawal of Instructions

8. (1) An environmental assessment expert may withdraw from the conduct of an environmental assessment or environmental audit where:

- (a) the proponent or policy, plan and programme owner withdraws instructions in writing from the environmental assessment expert;
- (b) the proponent or policy, plan and programme owner instructs the environmental assessment expert to undertake an Environmental assessment or environmental audit in a manner contrary to the Expert's professional ethics and the laws of Kenya;
- (c) the proponent or policy, plan and programme owner disregards or breaches an agreement or obligation as to the environmental assessment expert's fees.

(2) An environmental assessment expert or proponent or policy, plan and programme owner intending to withdraw instructions or services for carrying out an environmental assessment or environmental audit, shall issue a seven-day notice to the other party of their intention to withdraw outlining the reasons for the withdrawal thereof.

(3) Where the terms of a contract between the environmental assessment expert and the proponent or policy, plan and programme owner stipulate the termination notice period, the environmental assessment expert must comply with the notice.

(4) An environmental assessment expert who withdraws his or her services under sub-regulation (2) and (3) and who has received advance fees from the proponent or the , Plan and Programme owner shall refund such fees that have not been earned.

(5) An environmental assessment expert who withdraws his/ her services for the reasons stipulated in regulation 8(1) (b) and (c) shall return the proponent or, plan and programme owner documents only upon being paid full accrued professional fees.

Collection of Data

9. (1) An environmental assessment expert shall take all due care and diligence to collect and assess the relevant data to address the significant environmental issues in the various stages of the assessment or environmental audit process.

(2) An environmental assessment expert shall not include in his report without acknowledgement of the source of any data that is not the result of the expert's findings.

Consultations and Guidelines

10. (1) In adhering with this Act, Regulations and guidelines on the preparation of environmental assessments and environmental audits, an environmental assessment expert shall consult widely with all relevant agencies, stakeholders, interested parties and the general public on all matters that are likely to affect them.

(2) An environmental assessment expert shall follow relevant Regulations or guidelines and written directives issued by the Authority.

Contents of Reports and References

11. (1) An environmental assessment or environmental audit Report shall be based on the Terms of Reference of the assignment and shall be in compliance with these Regulations and must be guided by professional standards and judgments.

(2) An environmental assessment expert shall, in undertaking an environmental assessment or environmental audit, bear in mind any previous environmental assessment or environmental audit of a similar project made under the relevant Regulation but shall not copy the previous documents wholesale.

(3) An environmental assessment expert in making reference to other environmental assessment or environmental audit shall acknowledge the sources.

Responsibility of Lead Experts

12. (1) A Lead Expert shall be responsible for the output and documents prepared by him on behalf of the proponent or the Plan and Programme owner.

(2) A lead expert shall endorse the environment assessment or environmental audit report together with the proponent or, Plan and Programme owner.

(3) A Lead Expert shall devote sufficient time and take responsibility for the conduct of any environmental assessment or environmental audit report.

(4) An environmental assessment expert shall guide the proponent or the Plan and Programme owner throughout the preparation of the environmental assessment and/or environmental audit, and/or during implementation of the environmental management plan.

(5) An environmental assessment expert shall disclose to the proponent or the Plan and Programme owner any relationships of conflicting or competing interests that may influence his judgment prior to the carrying out any work.

(6) A lead expert shall oversee the construction, operational and decommissioning phases of the environmental management plan.

Misconduct of environmental assessment experts

13. (1) An environmental assessment expert who contravenes a provision of the Code of Practice and Professional Ethics commits professional misconduct and shall be subject to disciplinary action by the Authority as appropriate.

(2) A registered environmental assessment expert shall be guilty of misconduct and shall be disciplined in accordance with the provisions of the code of practice and professional ethics, if:

- (a) knowingly accepts any work which involves the giving or receiving of bribes or inducements;
- (b) knowingly accepts to complete work partly done by another environmental assessment expert while the latter has not been paid in accordance with the contractual obligations or his contract of engagement has not been terminated, or the matter has not been determined by the Committee;
- (c) undertakes specialist work without sufficient knowledge or experience of the subject or expert assistance;

- (d) conducts himself in a manner which the Authority deems, after due inquiry, incompetent, or grossly negligent in connection with the work performed by him;
 - (e) gives expert evidence in any court, tribunal or other judicial body where he or she has personal or vested interest and without disclosing the nature of the interest when expressing his or her opinion;
 - (f) releases or misuses information marked as confidential by the proponent or the policy, plan or programme owner;
 - (g) abandons work already started without giving a satisfactory explanation and a seven-day notice to the proponent or the policy, plan or programme owner;
 - (h) knowingly acts for two parties with declared conflicting or competing interests solely for his own benefit;
 - (i) withholds reports, information and other materials connected to a project or policy, plan and programme from a proponent or the policy, plan and programme owner who has paid all his/her contractual dues for an assignment;
 - (j) claims as his own another Expert's ideas, designs and concepts without acknowledging such concepts, designs or ideas;
 - (k) found guilty of professional misconduct by another professional body to which that environmental assessment expert is also a member.
 - (l) Fails to meet contractual obligations to other environmental assessment Assessments.
 - (m) exploits the lack of understanding and experience, illiteracy or other lack of technical knowledge in environmental matters of a proponent, policy, plan and programme owner or the public for personal gain.
 - (n) Found guilty of any criminal offence that carries an imprisonment term of more than six (6) months or declared bankrupt by a court of law or a judicial body.
- (3) An Environment Assessment Expert person is deemed to have committed an offence and shall be disciplined in accordance with provisions of the Act and the Regulations:
- (a) practices or carries out any activity relating to the conduct of an environmental Assessment or environmental audit without a valid certification of registration or licence;
 - (b) falsely uses the title "Lead or Associate Expert" without authorisation;
 - (c) makes a false statement or presents a false document with the intention of obtaining a practicing certificate of registration or licence;
 - (d) makes a false statement regarding the conduct of an environmental impact assessment or environmental audit;
 - (e) signs an environmental assessment report or environmental audit without having prepared it;
 - (f) knowingly makes any statement which is factually false or misleading;
 - (g) Issues statements that malign other professional Experts' character.

Environmental Experts Advisory Committee

14. (1) The Director-General shall establish a Committee to be known as the Environmental Experts Advisory Committee.

(2) The Committee shall consist of the following members:

- (a) the Director Legal Services of the Authority, who shall be the Chairperson;
- (b) Two environmental assessment experts being a Lead Expert and an Associate Expert nominated by an environmental Professional body recognized by the Authority.
- (c) Two environmental assessment experts appointed by the Director-General with one representing training institutions
- (d) a representative from the ministry responsible for environment matters;
- (e) the Director, Compliance and Enforcement of the Authority;
- (f) a representative of the Attorney General;
- (g) a representative of the business community recognized by the Authority.

(3) The Secretary to the Committee shall be appointed by the Director-General.

(4) The members of the Committee appointed in sub-clause (b), (c), and (g) above, shall hold office for a period of three years and may be eligible for reappointment for one additional term only.

Functions of the Committee

15. The functions of the Committee shall be to:

- (a) advise the Authority on matters regarding registration, certification, practice and conduct of environmental impact assessment and environmental audit experts;
- (b) advise the Authority on matters regarding establishment, maintenance and monitoring of professional standards for environmental assessment practice;
- (c) review complaints raised against environmental assessment experts and advise the Authority on matters regarding inquiry, investigation and disciplinary action as is necessary for ensuring the maintenance of professional standards, ethics and integrity;
- (d) advise the Authority on any other relevant and incidental issue necessary for ensuring the maintenance of professional standards, ethics and integrity.

Disciplinary Proceedings

16. (1) Any person, lead agency, proponent, or plan, policy and programme owner, or any person or institution aggrieved by the conduct of an environmental assessment expert in the carrying out of his work in accordance with the provisions of the Act or the relevant Regulations there under, may lodge a complaint in writing with the Director-General.

(2) The Director-General as may be advised by the Committee after giving the reasons thereof may institute disciplinary proceedings against any environmental assessment expert *suo motto* or upon investigation of the complaint raised under clause 16(1).

Investigation of complaints

17. Investigating Complaints and Charging of an Expert shall be done in accordance with rules of procedures as set out in annex I attached to this Schedule.

Continuing Professional Development

18. Every environmental assessment expert shall each year attend at least one relevant seminar organized by the recognized Environmental Professional Association in consultation with the Authority for the purposes of improving the professional expertise of its members.

Interpretation

19. In the event of any conflict in the interpretation of the provisions of this Code of Practice the Environmental Experts' Advisory Committee shall issue an interpretation of the provisions thereof.

FOURTH SCHEDULE

(rr. 5(5), 7(1), 9(1), 12(2), 13(1), 23, 42(3))

Fees

<i>S/No.</i>	<i>Category</i>	<i>Fees (Kshs.)</i>
1.	Strategic environmental assessment Fees	1,000,000
2.	Integrated environmental assessment fees	
	(a) Low-risk projects	0.1% of project cost to a minimum of Kshs. 20,000
	(b) Medium-risk projects	0.1% of project cost to a minimum of Kshs. 50,000
	(c) High-Risk projects	0.1% of project cost to minimum Kshs. 100,000
3.	Surrender, transfer or variation of integrated environmental assessment license fees	10,000
4.	Application for environmental assessment experts Registration fees	
	(a) Associate expert (Citizen)	10,000
	(b) Associate expert (Foreign)	20,000
	(c) Lead expert (Citizen)	20,000
	(d) Lead expert (Foreign)	40,000
	(e) Firm of experts (Citizens)	50,000
	(f) Firm of experts (Foreign)	100,000
5.	Annual environmental assessment experts practicing license fees	
	(a) Associate expert (Citizen)	10,000
	(b) Associate expert (Foreign)	20,000
	(c) Lead expert (Citizen)	30,000
	(d) Lead expert (Foreign)	50,000
	(e) Firm of experts (Citizens)	50,000

	(f) Firm of experts (Foreign)	100,000
6.	Annual Fees for Environmental Compliance Audits	
	(a) Low-risk projects	10,000
	(b) Medium-risk projects	50,000
	(c) High-risk projects	100,000

Made on the 20th March, 2025.

ADEN DUALE,
*Cabinet Secretary for Environment,
Climate Change and Forestry.*