



ROLE OF A LEGAL FRAMEWORK ON THE DELEGATED LEGISLATION PROCESS IN KENYA

Mariru Patrick Kariuki¹, Prof. Mike Amuhaya Iravo, (PhD)², Dr. Muchelule Yusuf (PhD)³

¹PhD Scholar, Governance & Leadership, Jomo Kenyatta University of Agriculture and Technology, Kenya

²Lecturer, Jomo Kenyatta University of Agriculture and Technology, Kenya

³Lecturer, Jomo Kenyatta University of Agriculture and Technology, Kenya

ABSTRACT

Governance provides a framework for ethical decision-making and managerial action that is based on transparency, accountability, and defined roles. It is the way through which people, organizations, and governments work toward common objectives, make decisions, generate legitimate authority and power, and promote and protect human rights. Within the constitutional architecture of Kenya, it is only Parliament that is mandated to enact laws. However, the same constitution provides that Parliament may delegate or cede limited powers to the executive arm of government to make delegated legislations. This study, therefore, sought to determine the role of legal framework in the delegated legislation process in Kenya. A descriptive survey research design and positivism philosophy were adopted with the target population was 410 from the delegated legislation mandates in three arms of government, legislature, executive, and the judiciary. The study used stratified random sampling, purposive and simple random sampling was used to select the sample population, and the sample size was 202 respondents with the key mandate of delegated legislation determined by using Yamane's (1967) Formula. The primary data was collected by use of questionnaires and analyzed quantitatively using inferential analysis. Based on the multiple linear regression results, it was revealed that legal framework positively and significantly related with delegated legislation process in Kenya. The study thus recommends putting in place strategies, undertake a comprehensive study of the adequacy of the current law- the Statutory Instrument Act, 2013 to deal with these emerging realities with a view to amending it. It is further recommended that in reviewing the current law, comparative study be done with other jurisdiction with a view to finding out how the three arms of government may play their constitutional role (considering the principle of separation of powers) in delegated legislations. Further, it is further recommended that parliament must scrutinize all enabling laws that it enacts and ensure that it does not 'over-delegate' its powers to other arms of government. This could go a long way in ensuring there is improved delegated legislative process in Kenya.

Keywords: Legal Framework, Delegated Legislation Process

INTRODUCTION

Delegated legislation is generally a type of law made by the executive authority as per the powers conferred to them by the primary authority (the Legislature) to execute, implement, and administer the requirements of the primary authority. It is also known as subordinate or

subsidiary legislation in administrative law.

Delegated legislation dates back to many centuries especially in the United Kingdom (Greenberg 2012). Around 1337, the government in the United Kingdom was largely governed through administrative proclamations and actions derived by the Sovereign Council (ibis). These administrative proclamations had no legislative limitations and definitions (Miers 1982). What is generally referred to in the United Kingdom as Henry VIII clauses in 1531 (Institute of Australia) gives a glimpse of the history of delegated legislation. Under that clause, the executive arm of government would have the power to make secondary regulations that would, sometimes, alter the content of primary legislation itself. Originally, the power to make subsidiary legislation was conferred to the Commissioner of Sewer in the United Kingdom in 1531. The commissioner was given the power to make regulations that would have the effect of imposing certain taxes and penalties to the general public. Later in 1539, the King was given the power to make regulations that would have the same effect as an Act of Parliament (ibis).

In the nineteenth century, in England, the supremacy of parliament in enacting laws was continuously affirmed. However, in the same period- paradoxically- the growth of the sphere and scope of delegated legislation was remarkable (The Law in the Making, 1993). The reason for this growth of delegated legislation was attributed to the pressure of parliament in terms of time as well as the flexibility and the need to deal with technical matters in legislation. These needs would only have been met through delegated legislation by the executive arm of government and not parliament itself (The Law in the Making, 1993). Further, during the two-world wars period, there was a need to regulate the political, socio-economic, and cultural spheres of people. This meant a remarkable passage of delegated legislation to match the time and speed (The Law in the making, 1993). Indeed, because of this expansion, there was a public outcry on the place of delegated legislation as opposed to primary legislation by the peoples' representatives (Williams, 2007).

In Kenya, the history of delegated legislation is not succinctly recorded. A well-defined delegated legislation framework was after the enactment of the Statutory Instruments Act, 2013. Before that period, delegated legislation was defined by the Interpretations and General Provisions Act, Cap 2 Laws of Kenya.

STATEMENT OF THE PROBLEM

The Statutory Instrument Act, 2013 in Kenya provides for the entire framework of making, scrutinizing, publication, and operationalization of delegated legislation in Kenya through consultation by the executive, regulatory impact assessment, parliamentary scrutiny, and eventual operationalization including the phased expiry of the legislation (Statutory Instrument Act, 2013). Although the process of making, scrutinizing, publication, and operationalization of delegated legislation is expressly provided for in the constitution and law there are still governance shortcomings as far as consideration of these instruments is concerned; leading to several delegated legislation being annulled by the National Assembly (National Assembly, 2019). According to the Third Sessional Progress Report (January to December 2019) of the Delegated Legislation Committee, thirty-six pieces of delegated legislation were approved while thirty-nine were annulled including all the 2018 Kenya Civil Aviation Regulations (National Assembly 2019).

The nullification of such a large number of delegated legislations by the National Assembly is based on certain governance aspects – and more the public participation- which are specifically

the core of this study. The Statutory Instrument Act, 2013 (section 5, 5A and schedule of the Act) and Constitution (article 10 and 118) provides for the executive arm of government to conduct public participation before making delegated legislation. There are instances where this has not (or effectively) done- this has led to the National Assembly annulling some of the statutory instruments (National Assembly, 2019). The executive arm of government is obligated in the Statutory Instrument Act, 2013 (section 6) to assess the environmental, economic, and social impact of particular delegated legislation before publishing them. The impact assessment ensures the government is well advised on the most appropriate policy option in addressing the issue in question.

The assessment must expressly detail the cost/benefit analysis of the proposed legislation as well as its costs of implementation (when enacted) (section 7) However, according to the National Assembly, some delegated legislations have been annulled by parliament for want of prior impact assessment (National Assembly, 2019) For example, the National Assembly required that Private Security (General) Regulations, 2019- The Legal Notice Number 108 of 2019- be subjected to impact assessment process before being tabled for consideration (National Assembly, 2019). Legal Notice No 101 of 2019).

Article 9 (6) of the constitution of Kenya expressly provides that delegated legislation must remain within the scope of primary legislation. In Kenya, their instances where delegated legislation has tended to stretch beyond the allowable governance legislative and legal limits. In those instances, those pieces of delegated legislation have fallen (Report on Delegated Legislation, Nov 2019). For example the Air Passenger Service Charge Act (Apportionment) Order, 2018 was annulled by the National Assembly for apportioning Tourism Promotion Fund as one of the beneficiaries of the charges collected under this 2018 order yet this had not been contemplated under section 3(3) of the Air Passenger Service Charge Act, the enabling provision and therefore violated Section 24(2) of the Statutory Instruments Act, 2013 (National Assembly 2019).

In the same measure, delegated legislation that has conflicted with the constitution has also been annulled (Report on Committee on Delegated Legislation, 2018). The Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (Legal Notice 92 of 2019) was annulled by the National Assembly for being against the Constitution of Kenya particularly want of public participation which is expressly required under articles 10 and 118. (National Assembly, 2019). Gisselquist (2012) studied Good governance as a concept and why it matters for the development of Policy, but none of the studies has looked at the role of governance in the delegated legislation process. More specifically no study has delved into the role of governance (particularly governance aspect of public participation) in influencing the entire delegated legislation process in Kenya. This is why this study fills this gap by examining the role of governance aspects on the delegated legislation process in Kenya.

RESEARCH OBJECTIVE

The purpose of the study was to establish the role of delegated framework in the delegated legislation process in Kenya

RESEARCH HYPOTHESIS

H₀: There is no significant role of legal framework in the delegated legislation process in Kenya

LITERATURE REVIEW

Theoretical Review

The regulation theory explains the axis between economic and social relations, and why institutions are established to order their interactions. The theory has largely emerged to replace the public interest theory which portends that the society is self-regulatory and can order its relations (Mitnick, 1980). It proposes the need for the existence of an institution or regulator with the prerequisite tools to guide its operations and safeguard its existence and operations. The regulation, therefore, has become necessary especially after the advent of liberalism characterized by market failure (Posner, 1974).

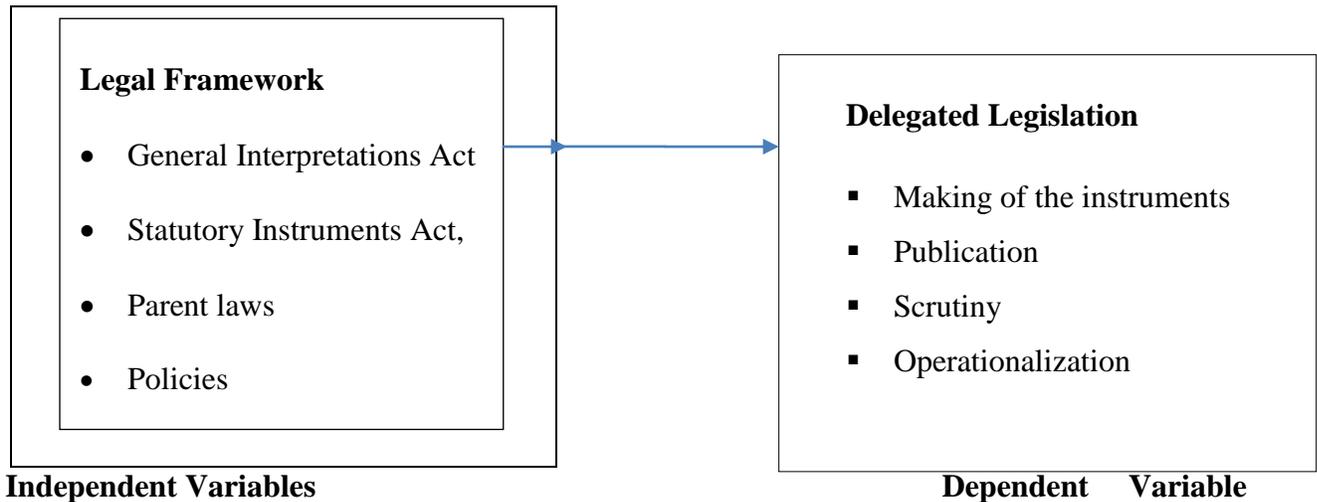
The theory is expected to elicit a scenario of pricing in certain competitive industries and trigger institutions to be internally efficient and offer the best quality of services to citizens under their jurisdiction (Noll, 1985). The theory is characterized by an institutional design that has the structure, scope, and objective which is independent of all the others to attend to a prescribed theme that attends to a given population of people, united by common challenges, needs, or priorities (Horn, 1995). The institutions therefore must embrace some key features unique to their being that prescribe its structure, the rules of engagement and interactions, and at the same time propose how its operations will stand the test of accountability and transparency (Horn, 1995). The regulatory theory contends that the units or institutions thereof derive their authority and objectives from legislative instruments that not only define them but also determine their scope and limitations. This highly relates to the core functions and the role the institution plays in making its own rules for implementation or implementing the rules or procedures of another institution or government (Ogus, 1994).

The theory observes that every entity created ought to have a match between its functions, mandate, authority, and accountability. This is reflected at best by the balance between agency expertise and delegated tasks therein (Baldwin & McCrudden, 1987). For the institutions to thrive, independence should be granted to them and their decision-making process must be cushioned from external interference. Its officials must be recruited on merit and a bi-partisan basis and guarantee the leaders of the agencies some security of tenure to discourage their dismissal except on grounds of misconduct (Horn 1995). The theory appreciates the role of interest groups that maximize their utility and heavily borrows from their experiences in the past, making the regulatory process a culmination of product allocation, governed by a set of laws closely related to the law of supply and demand (Posner, 1974). A characteristic of legal instruments is that individuals or organizations can be compelled by the government to comply with prescribed behavior under penalty of sanctions (Stewart, 1975).

The regulation theory easily captures Kenya's legal framework on the relationship between the executive arm of government and parliament. The theory further notes that the systems away from the center must operate under an environment where independent dynamic, such as an economic or social system which is controlled by a governing mechanism and which seeks to ensure that the system reproduces itself (Hancher & Moran, 1989). The mode of regulation proposed by this theory involves a complex assembly of productive institutions, social and political relations, and regulates the society-wide process of accumulation. The principal contribution of this theory thus lies in the integration of the role of the legal framework on the delegated legislation processes in Kenya and especially the structures, processes, and steps defined by the Constitution, Statutory Instruments Act, and case laws.

Conceptual Model and Hypothesis

A conceptual framework is a concise description of the phenomenon under study accompanied by a graphical or visual description of the major variables of the study (Cooper & Schindler, 2008). Michelle (2017) states that a conceptual framework is a diagrammatical representation that shows the relationship between the dependent variable and independent variables. This study's conceptual framework sought to demonstrate the relationship between legal framework and delegated legislation process in Kenya. The conceptual framework is illustrated in Figure 1.



Empirical Review

Aronson (2011) studied the historical transition of the delegated legislation regime in Australia since the Great Reform Act of 1832. He compared the development of the delegated legislation process in comparative terms in the United Kingdom and the United States of America. According to him, the ensuing delegated legislation must fit, in spirit and letter, to the enabling law- the primary legislation. The delegated legislation would need to speak and be in line with the parent law particularly on technical details and less in substance and policy. Substance and policy would be contained in the parent or enabling law.

Parliamentary control over delegated legislation is hinged on the delegated powers outlined in the parent law (the primary legislation) (Punder 2009). Sabt (2017) did a deep comparative study of delegated legislation particularly in the United States of America and the United Kingdom, in his findings; he notes that the parent law ordinarily will outline how the delegated legislation shall be made, the extent of that power, and other possible limitations. When drafting the delegated legislation, the executive arm of the government must consider and be guided by the provisions of the primary legislation (Sabt 2017).

Before enactment of the Statutory Instruments Act, 2013, the Interpretations and General Provisions Act, Cap 2 Laws of Kenya was the guiding legal framework in the entire delegated legislation process. This provided for when delegated legislation would come to effect (section 27), scrutiny procedure by parliament (section 34). The provisions of this Act related to the delegated legislation process had certain limitations. The Act had not provided for an elaborate public participation process in the processing of delegated legislation, among other limitations. However, there is no study done on the making, scrutinizing, publication, and operationalization

of delegated legislation pre- 2013 when the Statutory Instrument Act was enacted. This study will consider – to some extent- that dispensation.

According to the statutory Instruments Act, 2013, the law defines elaborately the making, scrutinizing, publication, and operationalization of delegated legislations. The Act (section 5) provides for public consultation when a proposed delegated legislation would restrict competition or have a substantial effect on business. Targeted consultation should also be done with experts in the subject areas as well as those likely to be affected by the proposed legislation (section 5 (2)). The Act further provides for the procedure which guides parliamentary scrutiny and control of delegated legislation. This procedure includes laying (section 11), referral to the Committee on Delegated Legislation (section 12), parameters and standards of consideration by the Committee (section 13) as well as consideration by the plenary of parliament (sections 14-19). There has been no specific study on the practical interplay between the Statutory Instruments Act, 2013, and the delegated legislation process in Kenya. The study sought to bridge that gap.

RESEARCH METHODOLOGY

This study adopted a positivist research paradigm. Cooper and Schindler (2017) assert that the positivism research paradigm takes the quantitative approach and is based on real facts, objectivity, neutrality, measurement, and validity of results. The study adopted a descriptive research design to obtain the correct information on the role of public participation in delegated legislation systems in Kenya. This study focused on three arms of government and legal institutions responsible for or involved in delegated legislation functions. This involved key respondents in the legislative (Parliament & Senate), executive, judiciary and specific legal institutions totaling 410 key respondents mandated with governance and delegated legislation functions. Yamane's (1967) formula was used to calculate the sample size of the study since it is simple and the population is less than 10,000. The formula is as follows:

$$n = \frac{N}{1 + N(e)^2}$$

Where:

n = Desired sample size for the population of less than 10,000.

e = sampling error at 95% confidence level assumed to be 0.05.

Therefore, sample size is arrived at as follows:

$$\begin{aligned} n &= \frac{410}{1 + 410(0.05)^2} \\ &= 202 \end{aligned}$$

Therefore, the sample size was 202 key staff with the governance of delegated legislative mandate in the three arms of government (executive, legislative, and judiciary) and specific legal institutions who were selected through simple random sampling. Further analysis was done to test the significance of the model by the use of Analysis of variance (ANOVA) and R^2 was used to measure the extent of the goodness of fit of the regression model. The statistical significance of the hypothesized relationship was interpreted based on F and t-test values at a 95% confidence level.

RESULTS AND DISCUSSION

Regression analysis was conducted to determine the proportion of delegated legislation process (dependent variable) which could be predicted by public participation (independent variable). A univariate analysis was conducted to establish the role of legal framework in the delegated

legislation process in Kenya. The null hypothesis stated:

H₀₁: There is no significant role of legal framework in the delegated legislation process in Kenya

Therefore, to test this hypothesis, the model $Y = \beta_0 + \beta_1 X_1 + \varepsilon$ was fitted. Where y is delegated legislation process and X₁ is Legal Framework

The R-Squared tends to depict the variation in the dependent variable that can be explained by the independent variables: the greater the value of R-squared the greater the effect of independent variable. The R Squared can range from 0.000 to 1.000, with 1.000 showing a perfect fit that indicates that each point is on the line. As indicated in Table 1, the R-squared for the relationship between legal framework and delegated legislation process in Kenya was 0.451; this is an indication that at 95% confidence interval, 45.10% variation in delegated legislation process in Kenya can be attributed to changes in legal framework. This means that the remaining 54.90% are other factors associated with delegated legislation process in Kenya which were not explained by the model. The correlation coefficient of 0.672 indicates legal framework had a positive correlation with delegated legislation process in Kenya. Therefore legal framework was an important factor that could be considered in the delegated legislation process in Kenya.

Table 1: Model Summary for the Legal Framework on Delegated Legislation

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	0.672 ^a	0.451	0.488	0.15325

a. Predictors: (Constant), Legal Framework

The ANOVA results in Table 2 shows that (F (1,185) = 152.846, p <0.05). This shows that the overall model is significant. The findings imply that legal framework was statistically significant in explaining delegated legislation process in Kenya. Therefore, at p <0.05 level of significance, null hypothesis” *H₀: There is no significant role of legal framework in the delegated legislation process in Kenya*” is not supported thus rejected and the alternative hypothesis (H_a) which states that “There is a significant relationship between legal framework and delegated legislation process in Kenya” is accepted implying that legal framework played a significant role in delegated legislation process in Kenya.

Table 2: Analysis of Variance for Legal Framework on Delegated Legislation

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	5.961	1	5.961	152.846	0.000 ^b
	Residual	7.256	185	0.039		
	Total	13.217	186			

Based on the regression coefficients as established in Table 3, the regression equation revealed that holding legal framework to a constant zero, delegated legislation process in Kenya would be at a constant value of 4.786. Therefore, the regression of coefficients results in Table 3 shows that there is a significant and positive relationship between legal framework and delegated legislation process in Kenya as supported by a p<0.05 and a beta coefficient of 0.689. This implies that a unit increase in legal framework would increase the delegated legislation process in Kenya by 0.689 units. This was supported by the t values whereby $t_{cal} = 8.721 > t_{critical} = 1.96$ at a 95 percent confidence level which depicts that we reject the null hypothesis and accept the alternate

hypothesis. Further, this confirms the positive effect of legal framework in delegated legislation process in Kenya. The fitted equation is as shown below: $Y = 4.786 + 0.689X_2$, that is, Delegated Legislation Process = 4.786 + 0.689 Legal framework. The study findings are in tandem with the findings by Aronson (2011) studied the historical transition of the delegated legislation regime in Australia since the Great Reform Act of 1832. The delegated legislation would need to speak and be in line with the parent law particularly on technical details and less in substance and policy. Substance and policy would be contained in the parent or enabling law. Parliamentary control over delegated legislation is hinged on the delegated powers outlined in the parent law (the primary legislation) (Punder 2009). Sabt (2017) in his findings; he notes that the parent law ordinarily will outline how the delegated legislation shall be made, the extent of that power, and other possible limitations. Therefore, when drafting the delegated legislation, the executive arm of the government must consider and be guided by the provisions of the primary legislation.

Table 3: Beta Coefficients for Legal Framework on Delegated Legislation

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	4.786	0.267		17.925	0.000
1 Legal Framework	0.689	0.079	.672	8.721	0.000

CONCLUSION AND RECOMMENDATIONS

The study results revealed that that legal framework is statistically significant in explaining delegated legislation process in Kenya. Legal framework positively related with delegated legislation process. The study thus recommends putting in place strategies that will ensure the executive arm of government does not make laws, under the guise of delegated legislation and at the expense of the legislature. In the circumstances, it is recommended that parliament should undertake a comprehensive study of the adequacy of the current law- the Statutory Instrument Act, 2013 to deal with these emerging realities with a view to amending it. It is further recommended that parliament must scrutinize all enabling laws that it enacts and ensure that it does not 'over-delegate' its powers to other arms of government. The clauses in the enabling or parent laws that give a widow for other arms of government to make delegated legislations must be very clear and limited and not be construed as ever allowing other arms of government to make laws. Making laws must remain the purview of parliament.

REFERENCES

- Abe, T., & Monisola, O. J. (2014). Citizen Participation and Service Delivery at the Local Government Level: A Case of Ise/Orun Local Government in Ekiti State, Nigeria. *Journal of Law, Policy and Globalization*, 27, 102-110.
- Anthony, M., & Sena, G. (2010). *How Poor Project Governance Causes Delays Paper presented at the Society of Construction Law at a meeting in London on 2nd February 2010.*
- Appleby G, Howe J (2015) Scrutinizing parliament's scrutiny of delegated legislative power, *Oxford University Commonwealth Law Journal*, 2015, 15(1).
- Aulich, C. (2009). From citizen participation to participatory governance in Australia Local Government. *Commonwealth Journal of Local Governance. Issue 2.*
- Caroll, P. (2010). Does regulatory impact assessment lead to better policy? *Policy and Society*, 29(2), 113e122

- Coad & Berny (2008). Critical success factors for different project objectives. *Journal of construction engineering and management*, 17 (6) pp 337-42.
- Cohen, L., & Arato, A. (1994). *Civil Society and Political Theory*. Cambridge, MA:MIT Press.
- Crammer, D., & Howitt, P. S. (2004). *The sage dictionary of statistics*.
- Creswell, J. W., (2014). *Research design: qualitative, quantitative, and mixed methods approach*. Los Angeles, Calif, SAGE.
- Godda, H. G. (2014). Decentralization of Secondary School Management in Tanzania: Strengths and Prospects. *Journal of Education and Practice*, 5(37), 116-124.
- Government of Kenya (2013) *The Statutory Instruments Act*
- Ghai, Y., P. (2008) "Devolution: Restructuring the Kenyan state," Vol No.2 *Journal of Eastern African Studies Vol No.2 of 2008, Routledge Publishers*.
- Ghai, Yash and Guido Galli (2006), *Constitution Building Processes and Democratization*, Stockholm: IDEA.
- Gupta, S. P., Gupta, M. P. (2009). *Business Statistics*. New Delhi: Sultan Chand & Sons Educational Publishers.
- Halsbury (2011). *Laws of England*, 4th Ed., Vol. 44, p. 981-984.
- Hamer D, *Can Responsible Government Survive In Australia?* Department of the Senate, 2004.
- Hancher, L. & Moran, M. (1989). *Organizing Regulatory Space*", in L. Hancher and M. Moran (eds.), *Capitalism, Culture, and Economic Regulation*, Oxford: Oxford University Press.
- Hartman, E. (1996). *Organizational Ethics & Good Life*. New York: Oxford UP.
- Heidi Burgess & Cate Malek, 'Public Participation' (September 2005). At https://www.beyondintractability.org/essay/public_participation/. Accessed on 12th May 2020
- Herian, H., Hamm, J., Tomkins, A., & Pytlik, Z. (2012). "Public Participation, Procedural fairness, and Evaluation of Local Governance". *A Journal of Public Administration Research and Theory*.
- Horn, J.(1995). *The Political Economy of Public Administration: Institutional Choice in the Public Sector*. Cambridge, UK: Cambridge University Press
- Johnson, J., Daily, C.M., & Ellstrand, A.E. (1996). Board of directors: *A review and research agenda*, *Journal of Management*, 22 (3), 409 -438.
- Johnson, N.J., and Svara. J.H. (2011). *Justice for All: Promoting Social Equity in Public Administration*, Armonk NY: M.E. Sharpe.
- Joshi, A. (2013). *Do They Work? Assessing the Impact of Transparency and Accountability Initiatives in Service Delivery*. *Development Policy Review*, 31(S1), s29-s48.
- I.P.Massey (2017). *Administrative Law* by I.P. Massey, Eastern Book Company, 9th Edition
- Karthik, M., & Sundararaman., V. (2011). Teacher Performance Pay: Experimental Evidence from India. Muralidharan. Karthik and Venkatesh Sundararam *Journal of Political Economy*, 119(1), 39-77.
- Kanyane, M. H., & Sausi, K. (2015). Reviewing state-owned entities' governance landscape in South Africa. *African Journal of Business Ethics*, 9, 28-42.
- Kenya Law (2019), *The Kenya Gazette, Republic of Kenya, Nairobi*, Vol CXXI, No 176, 27th December 2019.
- Keli Vakil Darshan, 2011. *Procedural Deviance of Delegated Legislation from the Parent Act*. Available at SSRN: <https://ssrn.com/abstract=1877247>. Accessed on 15th May 2020
- Kelly, J., (1990). *Utilitarianism and Distributive Justice*. Oxford: Oxford University Press.
- Kelly, N. (2009). *The Politics of Income Inequality in the United States*. Cambridge, UK: Cambridge University Press
- Keraro, V. N. (2014). *Role of Governance in the Strategic Management of Counties in Kenya*. Unpublished Ph.D. Thesis, Juja: Jomo Kenyatta University of Agriculture and Technology.

- Kimutai, G.K. & Aluvi, P. Amisi (2018). Good Governance and Service Delivery: A Study of Citizen Participation in Kisumu County, *Universal Journal of Management* 6(2), 59-69.
- Kinuthia, J., 2015. *Parliament and National Treasury: How are They Playing Their Roles in Kenya's New Budget Process?* Nairobi. IBP Kenya
- Kirkpatrick & Parker, 2004. *Regulatory Impact Assessment and Regulatory Governance in Developing Countries*. Public Administration & Development 24 (4)
- Kobia, S. (2003). *The Reconstruction and Development Programme (RDP) The role of the Church, civil society, and NGOs*. EFSA: Cape Town
- Kombo, D., & Tromp, D. (2009). *Proposal and Thesis Writing An Introduction*. Nairobi, Kenya.:Pauline Publications Africa
- Konyango, Tobias Otieno. 2019. *Influence of Governance on Public Policy Implementation in Kenya*. JKUAT. Ph.D. Thesis
- Kostopolours (2011). *Project management*. Achieving project bottom-line success, McGraw Hill, New York
- Kothari, C.R. & Garg, G. (2014). *Research Methodology, 3rd Edition*, New Age International Publishers, New Delhi.
- Kouzes and Posner (2002), *the leadership challenges (3rd ed)*. San Francisco, CA. Jossey Bass.
- Kumar, R., (2014). *Research methodology: a step-by-step guide for beginners*. Los Angeles, SAGE.
- Knight, C. (2008). A Pluralistic Approach to Global Poverty". *Review of International Studies*, 34 (4), 713-733.
- Knight, C. (2009). *Luck Egalitarianism: Equality, Responsibility, and Justice*. Edinburgh: Edinburgh University Press.
- Knight, C. (2014). In Defense of Global Egalitarianism". *Journal of Global Ethics*, 8(1), 107.
- Kymlicka, W. (2002). *Contemporary Political Philosophy: An Introduction, 2nd edition*. Oxford: Oxford University Press.
- Kristensen and Jens Kromann 2019. PEFA, *Financial Management, and Good Governance*. World Bank
- Lammers, F. (1988). *Popular participation in planning for Basic needs*. Hants: Gower.
- Lancaster, G. A., Dodd, S., & Williamson, P. R. (2010). Design and analysis of pilot studies: recommendations for good practice, *Journal of Evaluation in Clinical Practice*, 10(2), 307- 312.
- Law, J., & Martin, E. (Eds.). (2009) (7th ed.). Oxford: Oxford University Press.
- Lipietz, A. (1987). *Mirages and Miracles. The Crises of Global Fordism*. Thetford Press. Norfolk.
- Lodiaga, M. (2012). Contextual Constraints Affecting Women Participation in Local Governance. *The Kenyan case study. ASSRJ*, 4(8).
- Lukensmeyer, C. J. (2009). The Next Challenge for Citizen Engagement: Institutionalization in OECD Focus on Citizens: *Public Engagement for Better Policy and Services*. Paris: OECD.
- Macharia, P. K., Wambua, L., & Mwangulu, J. (2014). A Study to Assess The Influence Of Citizen Participation On Decentralized Service Delivery, A Case Study Of Kipipiri Constituency, Nyandarua County. *International Journal of Social Sciences Management and Entrepreneurship*, 1(2), 85-105.
- Mangu A. M., B. (2005) *Legal framework, independence of the Judiciary, and Good Governance in African Union Members States*. University of South Africa
- Mapavu J. (2015). The controversies of devolution in Zimbabwe, *Inter. J. Polit. Sci. Development* 3(5): 183-192
- Maria, d. R. B. (2014). Performance Indicators for enhancing Governance of Projects Paper presented at the 27th IPMA World Congress, Dubrovnik, Croatia.
- Mattes, R.(2008). *South Africans" participation in local politics and government*.

- Maeve Cooke, 'Five Arguments for Deliberative Democracy' (2000) 48 Political Studies 947.
- M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford University Press, 1967)
- Melouney, C. (2017, July). Why good governance is important in the public sector. Retrieved from Australian Institute of company directors: <https://acid.compamydirectors.com.au>
- Mesfin Negussie, 2015, Administrative agencies power in Ethiopia with particular reference to administrative rulemaking. A contemporary study. Masters of Law Thesis. Unpublished.
- Michels, A. & de Graaf, L. (2010). Examining Citizen Participation: Local Participatory Policy Making and Democracy. *Local Government Studies*, 36(4), 477-491.
- Michele, A. (2012). Citizen Participation in Local Policy Making: Design and Democracy. *International Journal of Public Administration*,
- Miers DR and Page AC, *Legislation*, London Sweet and Maxwell (1982).
- Mimicopoulos, M.G. (2006), Department of Economic and Social Affairs, United Nations, Presentation to the United Nations World Tourism Organization Knowledge Management International Seminar on Global issues in Local Government: *Tourism Policy Approaches, Madrid*
- Mitnick, M. (1980). *The Political Economy of Regulation*. New York: Columbia University Press.
- Montesquieu (1748) *L' Esprit des Lois* (1748). Edition published in Parid in 1877, 11.6. The title of the chapter is 'De la constitution d' Angleterre'.
- Moseti, Y. (2010). "Public participation for sustainable development in local cities *Public Participation for Sustainable Development in Local Cities*", paper presented during the International Society of City and Regional Planners Congress, 4th October 2010, Nairobi, Kenya Municipality
- Muchelule, Y. (2018). *Influence of Monitoring Practices on Projects Completion of Kenya State Corporations*. Ph.D. thesis of Jomo Kenyatta University, Kenya.
- Muchelule, Y., Mbawi G., & Achayo, M., S. (2017). Influence of Monitoring and Evaluation on completion of Constituency Development Fund Projects in Kajiado East Sub-County, Kenya. *The International Journal of Management Science and Information Technology* 23(4):12 -26.
- Mugambi, M. K. (2013). Effects of E-government strategy on service delivery in the Government ministries in Kenya. MBA Thesis, University of Nairobi.
- Mugenda & Mugenda (2008). *Research Methods, Quantitative and Qualitative Approaches* Acts Press Nairobi
- Müller, R., Geraldi, J., & Turner, J. R. (2012). *Relationships between Leadership and Success in Different Types of Project Complexity*-. *IEEE Transactions on Engineering Management*, 59(1), 77-90
- Muller, R. (2009). *Project governance*. London: Gower.
- Murati& Baker (2011) How can construction projects be measured for success. *International journal for project management* 16(1) spring 2011
- Nagavarapu Sriniketh and Sheetal Sekhri. 2013. "Informal Monitoring Mechanisms in Public Service Delivery: Evidence from the Public Distribution System in India." *IGC working paper*
- Narayanasamy, N. (2009). *Participatory rural appraisal: Principles, methods and application*, SAGE Publications, India
- National Assembly- Committee on Delegated Legislation -. 2019. *Report on the Consideration of the Land Registration (Electronic Land Transactions) Regulations 2019*. Legal Notice No 101 of 2019.
- National Assembly- Committee on Delegated Legislation. 2018. *Report on Public Finance Management (Senate Monitoring and Evaluation) Regulation 2018*
- National Assembly- Committee on Delegated Legislation. 2019, Report on the Consideration of the Private Security (General) Regulations 2019. Legal Notice No 18 of 2019.

- National Assembly- Committee on Delegated Legislation. 2019. Reports on Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (*Legal Notice No. 88 of 2019*); and The Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (*Legal Notice No. 92 of 2019*);
- National Assembly, 2018. Report of the Committee on Delegated Legislations ‘Report on the consideration of the Public Finance Management (Tourism Promotion Fund) Regulations 2018. Legal Notice No. 140 of 2018
- NAZ. (2017). Public financial management handbook for members of parliament and staff. Retrieved from: http://www.parliament.gov.zm/sites/default/files/publications/Tenth_version_of_National_Assembly_Public_Financial_Management_Handbook.pdf. On 13th May 2020.
- Neshkova, M., & Hai, G. (2011). Public participation and organizational performance: Evidence from state agencies. *Journal of Public Administration Research and Theory*.
- Omollo, A. (2011; 2013). *Policy proposals on citizen participation in devolved governance in Kenya. Nairobi: The Institute for Social Accountability*.
- Parliament of Kenya, (2019) Report of the Affairs of the National Assembly during the second session of the 12th Parliament, February- December 2018.
- Pearce, D, Argument, S, Delegated Legislation in Australia, 5th ed, 2017.
- Punder Hermann (2009) Democratic Legitimization of Delegated Legislation- A Comparative View of the American, British and German Law, Cambridge University Press Liberalism. New York: Columbia University Press.
- Sabt, S. 2017. Conceptual analysis of sub Delegation: An overview. *International Journal* Volume 3; Issue 3; May 2017; Page No. 75-79
- Saito, F. (2001). *Decentralization Theories Revisited: Lessons from Uganda*, Japan: Ryukoku University.
- Sahu, P.K. (2013). *Research Methodology: A Guide for Researchers In Agricultural Science, Social Science, and Other Related Fields*. New Delhi: Tata McGraw Hill
- Sekaran, U., & Bougies, R. (2010). *Research Methods for Business: A skill-building Approach* (5th ed.). West Sussex, UK: John Wiley & Sons Ltd.
- Stewart, B. (1975). “*The Reformation of American Administrative Law.*” *Harvard Law Review* 88 (8): 1667.
- Stewart, B. (1998). *Regulation and the Crisis of Legalization in the United States*” in T.Daintith (ed.), *Law as an Instrument of Economic Policy*. Berlin.
- Sujarwoto, S. (2012). Political decentralization and local public services performance in Indonesia. *Journal of Public Administration and Governance*, 2(3).
- Tufte, T., and Mefalopulos, P. (2009). *Participatory Communication. A Practical Guide, World Bank Working Paper No. 170*, The World Bank, Washington D.C.
- Tshabalala, E.L. & Lombard, A. (2009). Community participation in the integrated development plan: a case study of the Govan Mbeki Municipality. *Journal of Public Administration*.
- Vorhölter, J. (2009). *Towards a culture of participation? The influence of organizational culture on participation and empowerment of beneficiaries*, a case study of a social organization in Pretoria.
- Walumbwa (2010). Gender and instructional outcomes. The mediating role of leadership styles. *The journal of management development*, 23, 124-140. Retrieved March 4, 2004 from *Pro-Quest educational journals*
- World Bank, (2013). Six Case Studies of Local Participation in Kenya: Lessons from Local Authority Service Delivery Action Plan (LASDAP), the Constituency Development Fund (CDF),