

THE CONSTITUTION OF KENYA

REFUSAL TO ASSENT TO THE PARLIAMENTARY SERVICE BILL, 2019

MEMORANDUM

By His Excellency the Honourable Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces.

Submitted to the Speaker of the National Assembly.

WHEREAS a Bill entitled “An Act of Parliament to make further provisions as regards the Parliamentary Service Commission and the Parliamentary Service as re-established under the Constitution of Kenya 2010; to repeal the Parliamentary Service Act, 2000 and for connected purposes”, the short title of which is “The Parliamentary Service Bill, 2019” was passed by the National Assembly on the 4th July, 2019;

AND WHEREAS the Parliamentary Service Bill, 2019, was presented to me for assent in accordance

with the provisions of the Constitution, on the 13th August, 2019;

NOW THEREFORE, in exercise of the powers conferred on me by Article 115 (1) (b) of the Constitution, I refuse to assent to the Parliamentary Service Bill, 2019, for the reasons set out hereunder:

CLAUSE 20

Clause 20 of the Bill provides for the facilitation of activities held outside the precincts of Parliament by members and staff of Parliament. Subclause (2) provides that the Commission shall regularly review the domestic and international travel allowances applicable to the members and staff of Parliament. However, subclause (2) does not take into account or make reference to the role of the Salaries and Remuneration Commission under Article 230 (4) of the Constitution with respect to setting and regularly reviewing the remuneration and benefits of all State officers; and advising the national and county governments on the remuneration and benefits of all other public officers.

RECOMMENDATION:

In view of the foregoing, I recommend that clause 20 of the Bill be deleted.

CLAUSE 43

Clause 43 provides for the remuneration of employees of the Commission. Subclause (1) provides that the Commission shall determine the remuneration and allowances of its employees while subclause (2) provides the review cycle of the remuneration and benefits of the Commission's employees. However, clause 43 does not take into account the advisory role of the Salaries and Remuneration as set out in Article 234 (4) with respect to the determination or review of the remuneration of all other public officers.

RECOMMENDATION

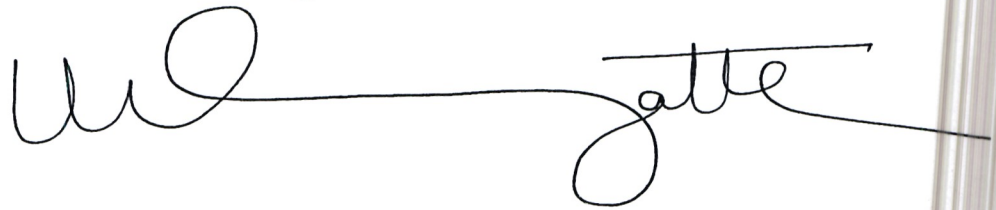
In view of the foregoing, I recommend that clause 43 be amended—

- (a) in subclause (1) by inserting the words “on the advice of the Salaries and Remuneration

Commission” immediately after the words “shall be determined”; and

- (b) in subclause (2) by deleting the words “every three years or within such shorter period” and inserting the words “on the advice of the Salaries and Remuneration Commission” immediately after the word “determine”.

Dated the16th August....., 2019.

A handwritten signature in black ink, appearing to read 'Uhuru Kenyatta', written over a horizontal line.

**UHURU KENYATTA,
President.**