



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS
(Bill No. 11 of 2014)

**THE ORDER OF PRECEDENCE AND TITLES
BILL, 2014**

(A Bill published in the Kenya Gazette Supplement No. 32 of 21st March, 2014
and passed by the National Assembly, with amendments, on 18th February, 2015)

N.A./B/No.11-2014

THE ORDER OF PRECEDENCE AND TITLES BILL, 2014

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THE ORDER OF PRECEDENCE AND TITLES BILL, 2014

A Bill for

AN ACT of Parliament to provide for the Order of Precedence for officials at diplomatic, official and social state functions within Kenya and abroad; to provide for official titles of designated office holders; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Order of Precedence and Titles Act, 2015. Short title.
2. In this Act unless the context otherwise requires— Interpretation
 - “Cabinet Secretary” means the Cabinet Secretary for the time being in responsible for matters relating to foreign affairs;
 - “Order of Precedence” means a list of officers arranged in their order of seniority or hierarchy in the Republic of Kenya;
 - “public officer” has the meaning assigned to it under Article 260 of the Constitution;
 - “siren” means an electronic device producing a loud, wailing sound as a signal or warning;
 - “state function” means any formal activity, organized by the national or county government, conducted on some solemn or important public or state occasion;
 - “state officer” has the meaning assigned to it under Article 260 of the Constitution.
3. The objects and purposes of this Act are to— Objects and purposes.
 - (a) maintain public order and decorum at national functions and social engagements of the

Government of Kenya;

- (b) promote a national culture of respect, orderliness and discipline for public officials;
- (c) facilitate the good governance of the Republic of Kenya;
- (d) act as a guide for the Salaries and Remuneration Commission in determining the remunerations, salaries and allowances for State Officers in accordance with Article 230 of the Constitution.

PART II- ORDER OF PRECEDENCE AND PROTOCOL

4. (1) There is established an Order of Precedence for the holders of the following State offices and public offices in the following hierarchy-

Order of
Precedence

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) Former Presidents/Prime Ministers;
- (f) Leader of Majority Party;
- (g) Leader of Minority Party;
- (h) Former Vice Presidents/Deputy Presidents
- (i) Members of Parliament/County Governors;
- (j) Justices of the Supreme Court;
- (k) Judges of the Court of Appeal;
- (l) Judges of the High Court;
- (m) Cabinet Secretaries/Attorney-General/Auditor-General;
- (n) Principal Secretaries;
- (o) Chief of the Kenya Defence Forces;
- (p) Inspector General of the National Police Service/ Director General of the National Intelligence Service;
- (q) Chairpersons of constitutional commissions;

The Order of Precedence and Titles Bill, 2014

- (r) Commissioner of Prisons;
- (s) Ambassadors and High Commissioners.

(2) The Order of Precedence shall be used to—

- (a) determine and rank State Officers and public officers;
- (b) develop seating charts, programmes and the order in which government officials deliver addresses at all state functions;
- (c) any other matters of protocol at state and public functions.

(3) The Order of Precedence does not in any way or form impute a succession of duties, or reflect the presidential line of succession or affect the status of the arms or branches of government under the Constitution.

5. (1) The following State officers and persons shall be entitled to use sirens on their motorcades and processions

Use of national flag and sirens.

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) the Chief of the Kenya Defence Forces;
- (f) the Inspector General of the National Police Service;
- (g) Former Presidents/Prime Ministers.

(2) Subject to the provisions of any other written law, a person, other than the State officers listed in subsection (1), who uses a siren on a motor vehicle commits an offence, and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both.

6. (1) For purposes of public address, the following

Use of titles.

titles shall be used to refer to the following persons—

- (a) the President shall be referred to as “His or Her Excellency”;
- (b) the Deputy President shall be referred to as “His or Her Excellency the Deputy President”;
- (c) the Speaker of Parliament shall be referred to as “The Right Honourable Speaker of Parliament”;
- (d) the Chief Justice shall be referred to as “Your Lordship or Ladyship the Chief Justice”;
- (e) Members of Parliament shall be referred to as “Honourable”;
- (f) the Governor of a county shall be referred to as “the Governor”;
- (g) Judge of the Superior Court shall be referred to as “Your Lordship or Ladyship”;
- (h) Chairperson of Commissions shall be referred to as “Commissioner”;
- (i) Spouse of the President shall be referred to as “His Excellency the First Gentleman or Her Excellency the First Lady”;
- (j) Spouse of the Deputy President shall be referred to as “His or Her Excellency”.

(2) Notwithstanding the provisions of any other written law, a person, other than those listed in subsection (1), who uses a title reserved for the persons listed in that subsection commits an offence and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both.

PART III-MISCELLANEOUS

7. (1) If any state or public officer acts in contravention of the provisions of this Act, either through his or her disobedience, disregard, abuse, neglect or negligence, the state or public officer commits an offence and shall be liable on conviction to a fine not less than one million shillings and not more than two million, or to imprisonment for a term not less than twelve months, or both such fine and

Offences and penalties

imprisonment.

(2) Any other person other than a state or public officer who contravenes the provisions of this Act commits an offence and shall be liable conviction to a fine not less than one million shillings and not more than two million, or to imprisonment for a term not exceeding twelve months, or both such fine and imprisonment.

8. The Cabinet Secretary may, with the approval of the ^{Rules.} National Assembly, make rules for the better carrying out of the objects of this Act

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to promote the good image of the country, foster orderliness, discipline and decorum in the processes of governance. It is further aimed at providing a yardstick for determining the proper position of all officer, their seniority and hierarchy for the purpose of state functions.

PART I of the Bill contains preliminary provisions.

PART II of the Bill establishes the Order of Precedence, the President of Kenya being the first in the list. **Clause 3** sets out the objectives of establishing an Order of Precedence as promoting orderliness and decorum as wells as promoting national a culture of respect for public officials. **Clause 4** sets out the circumstances in which the Order of Precedence shall be used and that it does not reflect the line of succession as between the officers set out therein. **Clause 5** specifies the persons entitled to the use of the national flag and sirens on motorcades and during processions while **Clause 6** provides for titles to be used in addressing certain persons and office holders. **Clause 8** provides for offences and penalties.

The Bill is a Bill concerning county governments and is an ordinary Bill.

The enactment of this Bill will not occasion additional expenditure of public funds.

The Order of Precedence and Titles Bill, 2015

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 18th February, 2015.

Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.

Speaker of the National Assembly