

**THE NATIONAL GOVERNMENT CO-
ORDINATION (AMENDMENT) BILL, 2014**

A Bill for

**AN ACT of Parliament to amend the National
Government Co-ordination Act.**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Government Co-ordination (Amendment) Act, 2014.

Short title

2. Section 15 of the National Government Co-ordination Act, 2014, in this Act referred to as the “principal Act”, is amended in sub-section (2)-

Amendment of
sec. 15 of No. 1 of
2013

(a) by deleting the word “and” appearing at the end of paragraph (e);

(b) by inserting the following new paragraph immediately after paragraph (e)-

(c) a village elder in respect of every village unit; and

3. The principal Act is amended by inserting the following new sections immediately after section 15-

Insertion of new
clauses 15A and
15B in No. 1 of
2013

Monies for
implementation
of section 15 (2)
(ea)

15A. (1) Any expenses that may be occasioned in the implementation of section 15 (2) (ea) of this Act shall be provided from—

(a) such gifts, grants or donations as may be given;

(b) such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Act; and

(c) such other monies that may

lawfully accrue in the discharge of the functions under this Act, not being monies accruing pursuant to Article 114 of the Constitution.

(2) There may be established a fund which shall consist of the monies specified under subsection (1).

Non-money Bill
status

15B. For the avoidance of doubt, nothing in section 15A is intended to or may be construed as providing for or dealing with-

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of those matters.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the National Government Co-ordination Act, No. 1 of 2013, so as to recognize and provide for the role of village elders formally in the execution of national government and county governments functions.

It is noted that village elders continue to play a critical role particularly in matters of security. The elders work closely with the chiefs and sub-chiefs and they have become integral to the functioning of the national government at the village level. It is proposed in the Bill that the village elders shall be recruited and appointed by the Public Service Commission as envisaged under section 15 of the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Under paragraph 14 of Part 2 of the Fourth Schedule to the Constitution, the co-ordination and development of the capacity of the local communities to participate in administrative duties and governance is a function of the county governments. In this respect, the Bill provides for the recognition and formalization of the role of village elders in the execution of national government and county governments functions.

The Bill therefore concerns county governments in terms of Article 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 5th June, 2014

JOHN LONYANGAPUO,
Senator.

Section 15 of No.1 of 2013 which it is proposed to amend—

Recruitment and
appointment of
the national
government
administrative
officers.

15. (1) In accordance with the national government functions under the Constitution, this Act or any other written law, the Public Service Commission shall, in consultation with the Cabinet Secretary, recruit and appoint national government administrative officers to coordinate national government functions and to perform such other functions as may be assigned to them under this Act or any other law.

(2) Pursuant to subsection (1), the Public Service Commission shall appoint—

- (a) a county commissioner in respect of every county;
- (b) a deputy county commissioner in respect of every sub-county;
- (c) an assistant county commissioner in respect of every ward;
- (d) a chief in respect of every location;
- (e) an assistant chief in respect of every sub-location; and
- (f) any other national government administrative officer in respect of a service delivery unit established under section 14.