

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2014**

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**NAIROBI, 2nd July, 2014**

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**THE NATIONAL POLICE SERVICE  
(AMENDMENT) BILL, 2014**

**A Bill for**

**AN ACT of Parliament to amend the National  
Police Service Act**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the National Police Service (Amendment) Act, 2014.

Short title.

**2.** Section 110 of the National Police Service Act, in this Act referred to as “the principal Act”, is amended—

Amendment of  
section 110 of No.  
11A of 2011.

(a) in sub-section (1) by deleting all the words appearing immediately after the words “eighteen years” and substituting therefor the following new words—

“who are vetted and enrolled as Reserve police officers by the Commission”.

(b) by inserting the following new sub-section immediately after sub-section (2)—

(2A) The Commission shall provide the Reserve police officers with—

(a) such training as may be necessary on enrollment of the officer and such regular training as may be required during the period of service; and

(b) such uniform, firearms and other facilities as may be necessary for the execution of the mandate of the Reserve Police Officers.

(c) in sub-section (3) by inserting the following new paragraph immediately after paragraph (b)—

(ba) securing of the country’s borders;

(d) in sub-section (7) by deleting the word “may” appearing immediately after the words “the Commission” and substituting therefor the word “shall”.

**3.** Section 115 of the principal Act is amended by deleting all the words appearing immediately after the

Amendment of  
Section 115 of  
No. 11A of 2011.

words “police officer shall” and substituting therefor the following new words-

“receive such pay and allowances as may be prescribed by the Commission”.

**4.** The principal Act is amended by inserting the following new sections immediately after section 117-

Amendment of  
section 117 of No.  
11A of 2011

Monies for  
implementat  
ion of  
sections 110  
and 115

**117A.** (1) Any expenses that may be occasioned in the implementation of sections 110 and 115 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

**117B.** For the avoidance of doubt, nothing in section 117A 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 of the Bill**

This National Police Service (Amendment) Bill, 2014, proposes to amend the National Police Service Act, No.11A of 2011 which is an Act of Parliament that seeks to give effect to the provisions of Articles 238, 239, 243, 247 and 244 of the Constitution. The Bill, in recognition of the critical role of reserve police officers in the maintenance of security, proposes to amend sections 110 and 115 of the National Police Service Act in order to strengthen the framework for the engagement, training and remuneration of police reservists.

### **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 Part 2 of the Fourth Schedule to the Constitution, county governments are mandated to execute various functions including agriculture, county health services, cultural activities, county transport and implementation of specific national government policies on natural resources and environmental conservation. It is clear that these county governments' functions are performed better in an environment of enhanced security. In this respect, the Bill provides for improved facilitation and compensation for police reservists.

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 set out in the Fourth Schedule.

### **Statement as to whether the Bill is 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.*

**Sections of the Act that the Bill proposes to amend—****110. Composition of the Reserve**

(1) The National Police Reserve (hereinafter referred to as “the Reserve”) shall consist of such persons resident in Kenya (other than serving members of the Kenya disciplined services) as, having attained the age of eighteen years, volunteer for service and are enrolled as reserve police officers.

(2) The Commission shall determine the maximum number Reserve police officers.

(3) The Reserve may be deployed in Kenya to assist the Kenya Police Service or the

Administration Police Service in their respective mandates including in the—

- (a) maintenance of law and order;
- (b) preservation of peace;
- (c) protection of life and property;
- (d) prevention and detection of crime;
- (e) apprehension of offenders; and
- (f) enforcement of all laws and regulations with which the Service is charged.

(4) A person serving as a Reserve police officer shall be bound by the same requirements as a police officer and shall be supervised by the Service.

(5) The Commission shall keep, maintain and update a database of all the officers of the Reserve police officers.

(6) The Commission shall upon the commencement of this Act, vet all existing Reserve police officers to assess their suitability and competence, and any such officer who fails the vetting shall not continue to serve the Service.

(7) After the commencement of this Act the Commission may undertake the training of existing Reserve police Officers to ensure that the existing officers are conversant with and conform to the Constitution and this Act.

**115. Pay and allowances**

(1) Subject to subsection (2), a Reserve police officer shall serve voluntarily and shall not be entitled to claim any remuneration for his services save for such allowances as may be prescribed.

(2) When mobilized pursuant to section 113(2), a Reserve police officer shall receive such pay and allowances as may be prescribed for a police officer of corresponding rank and seniority in such rank.

**117. Funds of the Service**

(1) The funds of the Service shall consist of-

- (a) monies allocated by the National Assembly for the purposes of the Service; and
- (b) such monies as may be lawfully granted, donated or lent to the Service from any other source, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for finance.

(2) All funds given to the Service under subsection (1)(b) shall be made public.