

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2021

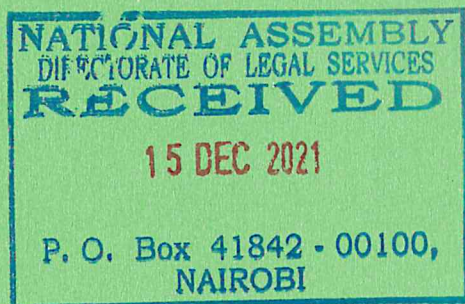
NAIROBI, 19th November, 2021

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KENYA GAZETTE SUPPLEMENT

PROCLAMATION

IN EXERCISE OF THE POWERS

OF THE

GOVERNMENT OF KENYA

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**THE PUBLIC APPOINTMENTS
(PARLIAMENTARY APPROVAL) (AMENDMENT)
BILL, 2021**

A Bill for

**AN ACT of Parliament to amend the Public
Appointments (Parliamentary Approval) Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Public Appointments (Parliamentary Approval) (Amendment) Act, 2021. Short title.

2. Section 5 of the Public Appointments (Parliamentary Approval) Act, (in this Act referred to as the “principal Act”,) is amended by inserting the following new sub section immediately after sub section 4— Amendment of
Section 5 of No.33
of 2011.

“(5) Despite this section, an appointing authority shall reserve the right to recall a nomination any time before the holding of an approval hearing.”

3. The principal Act is amended by deleting section 9 and substituting therefor the following new section— Amendment of
Section 9 of No.33
of 2011.

Failure of Parliament
to act on nomination.

9. If, after expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the Clerk shall direct the appointing authority or the selection panel to issue a fresh notification or recall the notification as may be appropriate.”

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal objective of the Bill is to amend sections 5 and 9 of the Public Appointments (Parliamentary Approval) Act.

Section 5 is amended to introduce a new sub section to allow an appointing authority to rescind his or her decision any time before the approval hearings commence.

Section 9 is amended to provide for when a nomination of a candidate is rejected by Parliament. In this case the Clerk is to direct the Appointing Authority or the selection panel to re-issue a fresh notification or rescind the notification as would be appropriate.

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

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

Statement as to whether the Bill does concerns county governments

The Bill does not affect the functions of the county governments and is therefore not a Bill concerning counties for purposes of the Standing Orders.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill for the purposes of Article 114 of the Constitution as the enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 6th October, 2021.

SHAKEEL SHABBIR,
Member of Parliament.

Section 5 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011, which is proposed to be amended—

5. Notification of nomination

(1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.

(2) A notification under subsection (1) shall be—

(a) in writing;

(b) be lodged with the Clerk of the relevant House of Parliament.

(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.

(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).

Section 9 of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, which is proposed to be amended—

9. Failure of Parliament to act on nomination

If, after expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.

