

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2022

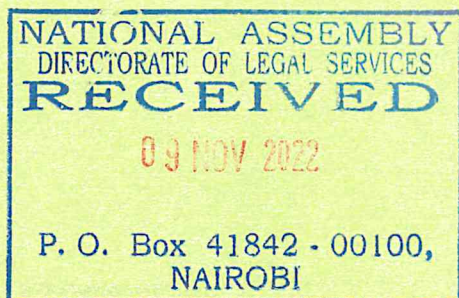
NAIROBI, 28th October, 2022

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THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Public Service (Values and Principles) Act and to provide for connected purposes.

ENACTED by Parliament of the Republic of Kenya as follows—

1. This Act may be cited as the Public Service (Values and Principles) (Amendment) Act, 2022.

Short title.

2. The Public Service (Values and Principles) Act is amended in section 16—

Amendment of section 16 of No.1A of 2015

(a) in sub-clause (3), by inserting the following paragraph immediately after paragraph (d)—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

(b) by inserting the following new subsection immediately after subsection (3)—

(4) An authorised officer who fails to prepare a report under subsection (1) may be subjected to disciplinary action in accordance with the laid out procedures.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The purpose of this Bill is to amend the Public Service (Services and Principles) Act to require all state organs in the national and county governments and state corporations to submit annual reports on details of the human resource in constitutional Commissions, independent offices and County Public Service Boards and County Assembly Service Board. The reports should contain details outlining the total number of employees and highlighting their gender, age, county of birth and county of residence.

This will facilitate the public service values and principles that require the public service to reflect Kenya's diverse communities and afford adequate and equal opportunities for appointment of women and men, members of all ethnic groups and persons with disabilities pursuant to Article 232 of the Constitution. By receiving annual reports, legislatures can discharge the oversight role bestowed upon them as they will be able to analyze and query non-compliant state organs.

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.

Indication on whether the Bill concerns county governments

The Bill concerns county governments in terms of Articles 110(1) (c) of the Constitution in that it contains provisions that affect the functions of the county governments as it requires all county assembly service boards and county public service boards to submit reports outlining details of human resource in their respective services.

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

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

Dated the 26th October, 2022.

ABDUL RAHIM DAWOOD,
Member of Parliament.

Section 16 which it is proposed to be amended—

Reports

16. (1) Once in every year, each service Commission shall prepare a report on the status of the promotion of the values and principles of public service.

(2) Each service Commission shall submit the report prepared under subsection (1) to the President and Parliament, and the Governor and county assembly, where relevant, by 31st December of each year.

(3) The report under this section shall provide information on—

- (a) the measures taken to promote the values and principles of public service;
- (b) the progress achieved in the promotion of values and principles of public service;
- (c) the challenges faced in the promotion of values and principles of public service;
- (d) any recommendations for the progressive realisation of values and principles of public service; and
- (e) any other matter that may be relevant to the realisation of the values and principles of public service.

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