



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - (SECOND SESSION)
THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

_____ (No. 092 of 2023) _____

ON

**CONSIDERATION OF THE NATIONAL GOVERNMENT ADMINISTRATION
LAWS (AMENDMENT) BILL, 2023**

Honourable Members,

- 1.** The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023) was read a First Time yesterday, Wednesday, 6th December 2023, during the morning sitting. Members will note that the Bill seeks to amend the following four (4) statutes—

- (1) The Assumption of Office of the President Act, 2012;
- (2) The National Security Council Act, 2012;
- (3) The Office of the Attorney-General Act, 2012; and
- (4) The National Government Co-ordination Act, 2013.

- 2. Honourable Members,** I note that determining the appropriate Committee of the House to which the Bill should be referred requires a careful examination of the purpose that the Bill seeks to accomplish. From a reading of the Memorandum and Objects and Reasons of the Bill, the proposals in the Bill seek to—

- (1) Include the Secretary to the National Security Council and the principal secretary responsible for Defence as members of the Assumption of Office of the President Committee and increase the

nominees of the President-elect within the Committee from three to six members;

- (2) Introduce a National Security Advisor as the Secretary to the National Security Council and establishing a National Security Council Committee;
- (3) Replace the Attorney-General as the custodian of the public seal with the Head of Public Service; and
- (4) Establish and delineate the functions of the Head of the Public Service and the offices of the Chief Administrative Secretary.

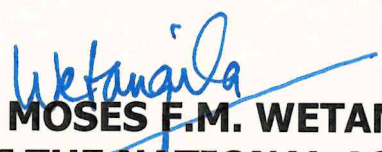
3. Honourable Members, A majority of the amendments in the Bill relate to the administration of government. However, the changes that the Bill ultimately seeks to achieve relate to significant constitutional and legal matters. In seeking to alter the role of governmental bodies and officials, the Bill affects the independence of the bodies and existing checks and balances within the government. Any change proposed to the functions of entities such as the Assumption of the Office of President Committee; the National Security Council; and the Office of the Attorney-General may infringe upon their constitutional and statutory mandates.

4. Hon. Members are aware of the ongoing litigation on the constitutionality of the office of the Chief Administrative Secretaries (CAS). Whereas Parliament may consider a proposal to establish the position of CAS, knowledge of the pending court matter must inform any such consideration.

5. In my considered view, it is imperative for the Committee of the House charged with overseeing constitutional affairs to thoroughly scrutinize the proposed amendments in the Bill and ensure their consonance with the Constitution and the written law.
6. In this regard, and pursuant to the provisions of Standing Order 127(1), **I therefore refer the National Government Administration Laws (Amendment) Bill, 2023 to the Departmental Committee on Justice and Legal Affairs (JLAC).** The Committee is encouraged to facilitate public participation on the Bill in the usual manner during the recess period that is about to commence.
7. Where necessary, the Committee may sit jointly with the Departmental Committee on Administration and Internal Security to address specific matters in the Bill that require the input of their counterpart Committee. In its consideration of the Bill, JLAC should lend particular weight to the underlying legal issues in the proposals made by the Bill.

The House is accordingly guided.

I thank you!


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 7th December, 2023