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NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 22nd March, 2024

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NATIONAL ASSEMBLY
DEPARTMENT OF LEGAL SERVICES
RECEIVED
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P.O. Box 41842 - 00100,
NAIROBI

**THE SALARIES AND REMUNERATION
COMMISSION (AMENDMENT) BILL, 2024**

A Bill for

**AN ACT of Parliament to amend the Salaries and
Remuneration Commission Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Salaries and
Remuneration Commission (Amendment) Act, 2024.

Short title.

2. Section 4 of the Salaries and Remuneration
Commission Act is amended in by deleting subsection (3)
and substituting therefor the following new subsections—

Amendment of
section 4 of Cap.
412D.

“(3) The chairperson and members appointed
under Article 230 (2) (a), (b) and (c) shall serve on
a part-time basis for a non-renewable term of six
years.

(4) The members appointed under Article 230
(2) (d) and (e) shall serve on a part-time basis.”

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Salaries and Remuneration Commission Act to provide that the chairperson and members of the Commission appointed under Article 230(2) (a), (b) and (c) of the Constitution shall serve on a part time basis for a non-renewable term of six years whereas those appointed under Article 230 (2) (d) and (e) of the Constitution shall serve on a part time basis. Currently, the provision provides for service on a full-time basis for the chairperson and members appointed under Article 230(2) (a), (b) and (c) of the Constitution and service on a part time basis for members appointed under Article 230 (2) (d) and (e) of the Constitution.

Since the functions of the Commission are periodic, the chairperson and members of the Commission are not required to perform their duties on a full-term basis. Further, the Commission's functions on setting and reviewing the remuneration and benefits of all State officers and advising the national and county governments on the remuneration and benefits of all other public officers are done occasionally. Therefore, the Bill seeks to reduce the operational costs of the Commission associated with the full-term running of the Commission.

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 concerns county governments

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders. Article 230(4) of the Constitution provides for the functions of the Salaries and Remuneration Commission which affects the functions of the county governments.

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

The Bill is a money Bill for the purposes of Article 114 of the Constitution.

Dated the 20th March, 2024.

DIDMUS BARASA,
Member of Parliament.

Section 4 of Cap. 412D which it is proposed to amend –

4. Appointment of chairperson and members

(1) The chairperson and other members of the Commission shall be appointed in accordance with the provisions of Article 230 of the Constitution and this Act.

(2) The member of the Commission under Article 230 (2)(c)(iii) of the Constitution shall be nominated by a joint forum of professional bodies represented by the Association of Professional Societies of East Africa.

(3) The chairperson and members other than those appointed under Article 230 (2)(d) shall serve on a full time basis for a non-renewable term of six years.

