



*Approved
SNA
12/3/26*

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT | FIFTH SESSION (2026)

COMMITTEE ON DELEGATED LEGISLATION

**REPORT ON THE DRAFT SALARIES AND REMUNERATION COMMISSION
(REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC
OFFICERS) REGULATIONS, 2025**

MARCH, 2026

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 MAR 2026	DAY: THUR
TABLED BY:	MR SAMUEL OCHENKONG'YMP CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION
CLERK-AT-THE-TABLE:	MERICI CHIMO



The Directorate of Audit, Appropriations & other Select Committees
The National Assembly
Parliament Buildings
NAIROBI

TABLE OF CONTENTS	
ACRONYMS/ABBREVIATIONS	2
CHAIRPERSON'S FOREWORD	3
1.0 PREFACE	6
1.1 <i>Establishment and Mandate of the Committee</i>	6
1.2 <i>Committee Membership</i>	7
1.3 <i>Committee Secretariat</i>	8
2.0 CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2025	9
2.1 <i>Background</i>	9
2.2 <i>Objects and Purpose of the Regulations</i>	11
2.3 <i>Legislative Context and Policy Background</i>	11
2.4 <i>Overview of the Regulations</i>	12
2.5 <i>Scrutiny of the Instrument</i>	14
3.0 COMMITTEE OBSERVATIONS	16
3.1 <i>Statutory Timelines</i>	16
3.2 <i>Consultations/Public Participation</i>	16
3.3 <i>Regulatory Impact Statement</i>	17
4.0 COMMITTEE RECOMMENDATION	18
ANNEXURES.....	19

ACRONYMS/ABBREVIATIONS

COTU	Central Organisation of Trade Unions
FKE	Federation of Kenya Employers
IGRTC	Intergovernmental Relations Technical Committee
JSC	Judicial Service Commission
KANU	Kenya African National Union
KLRC	Kenya Law Reform Commission
LSK	Law Society of Kenya
MDAs	Ministries, Departments and Agencies
ODM	Orange Democratic Movement
PSC	Public Service Commission
RMA	Regulation-Making Authority
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission
UDA	United Democratic Alliance
UDM	United Democratic Movement
UPA	United Progressive Alliance
UPIA	United Party of Independent Alliance
WDM-Kenya	Wiper Democratic Movement – Kenya

CHAIRPERSON'S FOREWORD

The Salaries and Remuneration Commission (SRC), pursuant to section 26 of the Salaries and Remuneration Commission Act (*Cap. 412D*), submitted the ***Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2024*** to the Clerk of the National Assembly on 24th May, 2024. The Draft Regulations were subsequently tabled before the House on 25th June, 2024 and referred to the Committee on Delegated Legislation for scrutiny in accordance with the provisions of the Constitution, the Interpretation and General Provisions Act (*Cap. 2*), the Statutory Instruments Act (*Cap. 2A*), and the National Assembly Standing Orders.

The Regulations seek to operationalize SRC's constitutional mandate by setting out the procedure for setting and reviewing remuneration and benefits of State officers; advising on remuneration and benefits of other public officers; and reviewing all matters relating to salaries and remuneration of other public officers. In its initial deliberations, the Committee, in its ***Report on the Consideration of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022***, expressed concern regarding inadequate public participation, particularly with respect to consultation with the Teachers Service Commission (TSC), Parliamentary Service Commission, the Public Service Commission (PSC), and the Judicial Service Commission (JSC). The Committee thus recommended to the House NOT to approve the publication of the Draft SRC (Remuneration and Benefits of State and Other Public Officers) Regulations 2022.

Upon resubmission of the Draft Regulations in 2024, accompanied by a detailed Explanatory Memorandum and relevant stakeholder memoranda, the Committee undertook a fresh scrutiny process. In compliance with section 16 of the Statutory Instruments Act (*Cap. 4A*), the Committee held a pre-publication scrutiny meeting with SRC on 11th April, 2025. During this session and subsequent considerations, the Committee examined the legislative framework, the scope of the proposed regulations, and the extent of stakeholder consultations.

SRC demonstrated that it had undertaken extensive stakeholder engagement between 28th February and 4th March, 2022, and on 10th March, 2022, including sensitization sessions involving MDAs, State Corporations Advisory Committee, Constitutional Commissions and Independent Offices, county governments, the Council of Governors, Intergovernmental Relations Technical Committee (IGRTC), LSK, Association of Professional Societies in East

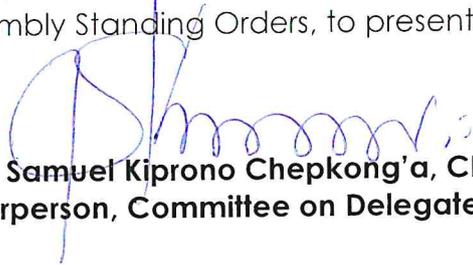
Africa, Office of the Attorney General and Department of Justice, Kenya Law Reform Commission, the Federation of Kenya Employers (FKE), and COTU. Moreover, the Commission published calls for public input through newspaper advertisements and received written submissions from TSC, Parliamentary Service Commission, PSC, and JSC, thereby satisfying the requirements under Article 10 and section 5 of the Statutory Instruments Act.

The Committee also scrutinized the content of the Draft Regulations and provided targeted recommendations aimed at improving legal clarity, coherence, and consistency with the Constitution, the Salaries and Remuneration Commission Act (*Cap. 412D*), the Interpretation and General Provisions Act (*Cap. 2*), the Statutory Instruments Act (*Cap. 2A*), and the National Assembly Standing Orders. These included the need for express definitions of key terms, correction of referencing errors, rationalization of clauses to avoid unlawful delegation of legislative mandate, and the inclusion of enforcement provisions to ensure accountability and compliance. Taking into account the recommendations of the Committee, SRC further resubmitted the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 on 14th July, 2025 to the Clerk of the National Assembly and were subsequently tabled in the House on 16th July, 2025 and referred to the Committee for consideration.

Having considered the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 pursuant to the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instruments Act (*Cap 2A*), the Salaries and Remuneration Commission Act (*Cap 412D*), **the Committee resolved to recommend to the House to APPROVE the publication of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025.**

I extend my sincere gratitude to the Members of the Committee for their commitment and diligence in considering this statutory instrument. I also thank the Office of the Speaker and the Clerk of the National Assembly for the support extended to the Committee in the execution of its mandate.

It is, therefore, my honour and duty, on behalf of the Select Committee on Delegated Legislation and pursuant to Standing Order 210(4) of the National Assembly Standing Orders, to present this Report to the House.



Hon. Samuel Kiprono Chepkong'a, CBS, M.P.
Chairperson, Committee on Delegated Legislation

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to **Standing Order No. 210** of the National Assembly Standing Orders and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.

2. The Committee is mandated to consider in respect of any statutory instrument, whether it –
 - (a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - (b) infringes on fundamental rights and freedoms of the public;
 - (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - (d) contains imposition of taxation;
 - (e) directly or indirectly bars the jurisdiction of the Courts;
 - (f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
 - (g) involves expenditure from the Consolidated Fund or other public revenues;
 - (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
 - (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
 - (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - (m) inappropriately delegates legislative powers;
 - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - (o) appears for any reason to infringe on the rule of law;
 - (p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and

(q) accords to any other reason that the Committee considers fit to examine.

1.2 Committee Membership

3. The Committee membership comprises:

Chairperson

Hon. Chepkong'a Kiprono Samuel, CBS, M.P

Ainabkoi Constituency

UDA

Vice-Chairperson

Hon. Githinji Robert Gichimu, M.P

Gichugu Constituency

UDA

Committee Members

Hon. Mbui Robert, CBS, M.P

Kathiani Constituency

WDM-Kenya

Hon. (Maj) (Rtd) Dekow Barrow

Mohamed, M.P

Garrisa Township Constituency

UDA

Hon. Julius Lekakeny Ole Sunkuli, EGH,

EBS, M.P

Kilgoris Constituency

KANU

Hon. Kamene Joyce, M.P

Machakos County

WDM-Kenya

Hon. Dr. Onchoke, Mamwacha

Charles, M.P

Bonchari Constituency

UPA

Hon Dr. Kimaiyo, Gideon Kipkoech,

M.P

Keiyo South Constituency

UDA

Hon. Waithaka, John Machua, M.P

Kiambu Constituency

UDA

Hon. Chebor, Paul Kibet, M.P

Rongai Constituency

UDA

Hon. Yakub Adow Kuno, M.P

Bura Constituency

UPIA

Hon. (Maj) (Rtd) Abdullahi, Bashir

Sheikh, M.P.

Mandera North Constituency

UDM

Hon. Mwirigi John Paul, M.P

Igembe South Constituency

UDA

Hon. Odoyo, Jared Okello, M.P

Nyando Constituency

ODM

Hon. Chepkorir Linet, M.P.

Bomet County

UDA

Hon. Munyoro Joseph Kamau, M.P

Kigumo Constituency

UDA

Hon. Oluoch, Anthony Tom, M.P

Hon. Lenguris Pauline, M.P

Mathare Constituency

ODM

9. **Hon. Omondi, Moses Okoth M.P.**

Ugunja Constituency

ODM

Hon. Mugabe Innocent Maino, M.P

Lukuyani Constituency

ODM

Samburu County

UDA

Hon Mnyazi Amina Laura, MP

Malindi Constituency

ODM

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises:

Ms. Wanjiru Mwaura

Principal Clerk Assistant (Team Leader)

Mr. Dima Dima Wilson

Deputy Director-DLS

Mr. Brian Langwech

Clerk Assistant III

Ms. Grace Odedere

Clerk Assistant III

Ms. Elsy Jerop

Legal Counsel II

Ms. Angela Musau

Legal Counsel II

Mr. Peter Barasa

Legal Counsel II

Mr. Daniel Psirmoi

Media Relations Officer

Mr. Noah Chemweno

Serjeant at Arms

2.0 CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2025

2.1 Background

5. The SRC, in exercise of the powers conferred under section 26 of the Salaries and Remuneration Commission Act (Cap. 412D), prepared the ***Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022***. In line with Articles 10 and 47, and the Salaries and Remuneration Commission Act, SRC called for memoranda and invited views from stakeholders and the general public on the Draft Regulations. It also conducted stakeholder sensitization sessions from 28th February to 4th March, 2022, and on 10th March, 2022.
6. Thereafter, the Draft Regulations were submitted to the Clerk of the National Assembly on 6th June, 2022, and laid before the House on 7th June, 2022. The Committee convened a meeting with the SRC, JSC, PSC, TSC and the Parliamentary Service Commission to deliberate on the Draft Regulations. Upon consideration, the Committee, in its ***Report on the Consideration of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022***, observed that the SRC had not engaged the PSC, TSC, Parliamentary Service Commission, or the JSC in the public participation and consultation process, contrary to the direction issued by the Committee during the meeting of 7th June, 2022. The Committee resolved to recommend to the House not to approve the publication of the Draft Regulations.
7. Subsequently, the SRC, through ***Letter Ref. SRC/ADM/35 Vol. IV (4)*** dated 19th June, 2024, resubmitted the Draft Regulations for prepublication scrutiny and approval. In its resubmission, the SRC provided clarifications and justifications that –
 - (a) SRC undertook extensive stakeholder engagement and public participation, consistent with the requirements of the Constitution and the Statutory Instruments Act;
 - (b) PSC, TSC, and the Parliamentary Service Commission duly submitted their views on the Draft Regulations;
 - (c) SRC engaged the PSC, TSC, JSC, and the Parliamentary Service Commission prior to tabling the Draft Regulations and took their views into account in the finalization of the document;

- (d) the provisions of the Draft Regulations are within the framework of the Salaries and Remuneration Commission Act and are intended to give effect to its objectives and functions;
 - (e) the National Assembly to reconsider its position, taking into account the broad-based public participation conducted, the consideration of the views submitted by key stakeholders, and the consistency of the Draft Regulations with the Constitution and the Salaries and Regulation Commission Act;
 - (f) the Regulations are instrumental in establishing a clear, coherent, and transparent framework for the exercise of SRC's constitutional and statutory functions;
 - (g) the Draft Regulations are designed to promote fairness, accountability, and fiscal prudence in the administration of the public wage bill;
 - (h) the Regulations seek to harmonize and streamline the processes for job evaluation, salary structuring, and performance-based remuneration, thereby promoting consistency and equity across public service institutions; and
 - (i) the National Assembly to review the revised Draft Regulations and approve them for publication to enable the SRC to effectively discharge its constitutional mandate and ensure that remuneration and benefits for State and public officers are managed in accordance with the principles of good governance, fiscal sustainability, and the public interest.
8. The Committee scrutinized the content of the Draft Regulations and provided targeted recommendations aimed at improving legal clarity, coherence, and consistency with the Constitution, the Salaries and Remuneration Commission Act (*Cap. 412D*), the Interpretation and General Provisions Act (*Cap. 2*), the Statutory Instruments Act (*Cap. 2A*), and the National Assembly Standing Orders. These included the need for express definitions of key terms, correction of referencing errors, rationalization of clauses to avoid unlawful delegation of legislative mandate, and the inclusion of enforcement provisions to ensure accountability and compliance. Taking into account the recommendations of the Committee, SRC further resubmitted the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 on 14th July, 2025 to the Clerk of the National Assembly and were subsequently tabled in the House on 16th July, 2025 and referred to the Committee for consideration.

2.2 Objects and Purpose of the Regulations

9. The general purpose of the Regulations is to facilitate the discharge of the mandate of the Commission. The Regulations are specifically intended to provide for the procedure to –
 - (a) set and review remuneration and benefits for State officers;
 - (b) advise on remuneration and benefits for other public officers; and
 - (c) Keep under review all matters relating to salaries and remuneration of other public officers.

2.3 Legislative Context and Policy Background

10. Article 230(4) of the Constitution mandates the SRC to set and regularly review the remuneration and benefits of all State Officers and advise the National and County Governments on the remuneration and benefits of all other Public Officers.
11. In discharging its functions, SRC is guided by the principles set out in Article 230(5) of the Constitution and section 12(1) of the Salaries and Remuneration Commission Act (Cap 412D). The principles include –
 - (a) the need to ensure that the total public compensation bill is fiscally sustainable;
 - (b) the need to ensure that the public services are able to attract and retain the skills required to execute their functions;
 - (c) the need to recognize productivity and performance;
 - (d) transparency and fairness; and
 - (e) equal remuneration to persons for work of equal value.
12. Further, section 11 of the SRC Act provides for additional powers and functions for SRC, including, inter alia –
 - (a) inquire into and advise on the salaries and remuneration to be paid out of public funds;
 - (b) keep under review all matters relating to the salaries and remuneration of public officers; and
 - (c) determine the cycle of salaries and remuneration review upon which Parliament may allocate adequate funds for implementation.
13. Prior to the establishment of SRC, wage awards were granted to sub-sectors of the public service without regard to their implications on the other sectors of the public service, macro-economic stability and external competitiveness, effectiveness and service delivery and affordability of such award. To address these challenges and ensure fair and transparent harmonization of public service salaries and value for money, the constitution established the SRC, with the intention of upholding the

principles of public finance and fiscal responsibility, the budgetary process and the complexity of salaries and benefits determination for public officers.

14. The Draft Regulations seek to facilitate the achievement of fiscally sustainable, transparent and fair, and harmonized pay in the public service by:
 - (a) aligning the cycle of determination and review of salaries and remuneration for State and other public officers to the national budgeting and planning cycles;
 - (b) setting out the principles and factors to be considered during setting, review and advise on remuneration and benefits for State and other public officers;
 - (c) setting out procedures for conduct of job evaluation for purposes of determining the comparable and relative worth of jobs;
 - (d) setting out the factors to be considered in rewarding productivity and performance in the public service; and
 - (e) setting out the procedure for obtaining the advice of SRC on the remunerative and benefit items payable out of public funds in collective bargaining negotiation.
15. The policy objective of the SRC Act is to make further provision as to the functions and powers of the SRC, the qualifications and procedures for the appointment of the chairperson and members of the Commission. The Constitution of Kenya, 2010 and the SRC Act provide, inter alia, for the powers and functions of the SRC.

2.4 Overview of the Regulations

16. **Part I** of the Regulations provides for the citation and interpretation of the various terms used in the Regulations. This part also provides the objectives of the Regulations including to facilitate the discharge of the mandate of the Commission, specifically to provide for the procedure to set and review remuneration and benefits for State officers; advise on remuneration and benefits for other public officers; and keep under review all matters relating to salaries and remuneration of other public officers.
17. **Part II** of the Regulations provides for the following:
 - (a) The timeline, procedure, requirements and considerations to be used in the review of remuneration and benefits as well as the communication and implementation of the reviewed remuneration and benefits.

- (b) The setting of pension or gratuity due to a state officer, advising on pension or gratuity due to other public officers, and undertaking periodic reviews and making recommendations on pensions payable to eligible persons.
- (c) The undertaking of job evaluation covering jobs in public bodies in order to determine comparable and relative worth of jobs in public bodies, determine equal pay for work of equal value, and ensure fairness and transparency in pay. The undertaking of job evaluation where jobs in a public body have not been evaluated by SRC, a public body is established, a public office is established, a new job has been established, and a change arises in the job content of a role in public body. SRC to sensitize public bodies before undertaking a job evaluation, engage the respective public bodies on job evaluation results, and communicate the job evaluation results to the respective public bodies in writing.
- (d) SRC to develop and set salary structures for state officers, and advise on the salary structures for other public officers, after conducting surveys on labour markets and trends in remuneration and subject to the outcome of the comparative surveys on labour markets and trends in remuneration. The salary structures shall remain in place until reviewed by SRC.
- (e) A public body may establish a financial reward and cash award scheme on productivity and performance management framework or incentive schemes established by the public body. In recognizing productivity and performance, SRC shall be guided by achievement of productivity and performance targets as set by the public body, capacity of a public body to afford the cost of proposed reward, the ability of a public body to sustain payment of the reward, and government policies and guidelines.
- (f) SRC shall advise public bodies on the remunerative and benefit items payable out of public funds in collective bargaining negotiation. Collective bargaining negotiation between a public body and a trade union shall cover a four-year cycle. A public body with a recognition agreement with a trade union shall seek the advice of SRC on remuneration and benefits items payable out of public funds before the commencement of collective bargaining negotiation. A public body to provide any trade union proposals and management recommendations, its financial performance, the budget allocation, and approved salary structure and staff establishment, for provision of advice on collective bargaining negotiation.

18. **Part III** provides the obligations placed on public bodies; powers of the Salaries and Remuneration Commission such as to request for the relevant information, monitor and evaluate the reviewed remuneration and benefits and the Salaries and Remuneration Commission's obligation to conduct stakeholder consultation and to sensitize public bodies on the implementation of the reviewed remuneration and benefits.

2.5 Scrutiny of the Instrument

19. Pursuant to section 16 of the Statutory Instruments Act, Cap 2A, the Committee invited the SRC to a pre-publication scrutiny meeting on Friday, 11th April, 2025, to consider the ***Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025***.

20. Following the deliberations, the Committee made the following recommendations for amendment, clarification, and improvement of the Draft Regulations:

(a) the terms “remuneration”, “benefits”, “public body”, and “cost of living” be defined within the Regulations.

(b) The term “advice”, as used in clause 3, should be aligned with the judicial interpretation to eliminate ambiguity. Clause 3 should be reviewed to ensure it reflects the functions of the Commission and consistency with Article 230 of the Constitution.

(c) Clause 4(3) and 4(5) incorrectly refer to a paragraph instead of a sub-clause or sub-regulation. Clause 4(2) requires redrafting to separate and clarify the elements of review and advice.

(d) Clauses 5(2)(b), 12(2)(f), 13(h), and 24(2)(e) inappropriately delegates legislative powers in contravention of section 13(m) of the Statutory Instruments Act.

(e) Clauses 13(1) and 13(2)(b) are repetitive and should be harmonized for clarity and coherence.

(f) Clause 6(2), which refers to relevant stakeholders, should specify the categories or identity of these stakeholders to guide meaningful consultation. Clause 6 addresses pensions but does not set out the methodology for determining such benefits, a gap that should be addressed with clear guidance.

(g) Clause 12(2)(g) relating to job evaluation requires clarification on the form and framework in which evaluations are to be conducted.

(h) Clauses 15 and 25 relate to the process for requests to the Commission. The forms referenced in these clauses should be annexed to the regulations for ease of application and uniform procedure. Further,

applications for engagement with the Commission under in clauses should be supported by prescribed Schedules.

- (i) Clause 25 should be redrafted to read “The Commission shall, at any time, upon request of a public body, in writing” to convey mandatory compliance. Clause 26(3) should be revised to state that the Commission may review its advice based on clearly outlined factors.
- (j) Clause 27 should be redrafted to specify what constitutes relevant information when rendering determinations.
- (k) The structure of clause 28 should be reorganized for logical sequencing, beginning with clause 28(2), followed by clause 28(1), and the overall sequencing of clause 28 should be harmonized. Clause 28(3), as currently drafted, is unclear and lacks relevance, and should either be deleted or redrafted to specify its intended objective. Timelines for filing and resolving reviews should be reconsidered for practicality, and a provision should be included to clarify the process in the event of missed deadlines, which the current draft fails to address.
- (l) The Draft Regulations lack enforcement mechanisms and specific provisions should be included detailing offences and penalties for non-compliance or breach of the regulations.
- (m) Clause 30 lacks a clear objective and should be redrafted to specify its purpose.

21. SRC further resubmitted the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 on 14th July, 2025 to the Clerk of the National Assembly and were subsequently tabled in the House on 16th July, 2025 and referred to the Committee for consideration. During its sitting held on Tuesday, 5th August, 2025, the Committee considered the Draft Regulations and satisfied itself that the SRC had incorporated its recommendations as proposed during an earlier meeting held on 11th April, 2025.

22. The Committee at its sitting on 12th March 2026 resolved to recommend to the house to approve the draft regulations in accordance with section 26 of the Salaries and Remuneration Act with the proposals to amend the regulations by:---

(a) deleting regulation 3(1)(iii) which seeks to accord the Salaries and Remuneration Commission the mandate of keeping under review all matters relating to salaries and remuneration of other public officers. This is ultra vires to the Act in as far as the functions of the commissions provides.

(b) amending regulation 10(1)(a) which seeks to mandate the commission to undertake job evaluation where jobs in public

body have not been evaluated , to provide that an evaluation may be done upon the request of the public body.

(c)Deleting regulation 21(2) as this is regulated under other relevant applicable statutes and is not in the purview of the Commission.

3.0 COMMITTEE OBSERVATIONS

23. Having examined the Draft Regulations against the Constitution, the interpretation and General Provisions Act (Cap 2) the Statutory Instruments Act (No. 23 of 2013) and the Salaries and Remuneration Commission Act (No. 10 of 2011), the Committee observed THAT—

3.1 Statutory Timelines

24. Unlike Regulations made under other Statutes, section 26(2) of the Salaries and Remuneration Commission Act, (No. 10 of 2011) requires that the Regulations made by the Commission under the Act (*due to their very nature*) MUST be laid before the National Assembly and approved by the House before they are published in the *gazette*.

25. The Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 were properly laid before the House in Draft form as contemplated under section 26(2) of the Salaries and Remuneration Commission Act, 2011.

3.2 Consultations/Public Participation

26. Articles 10 and 118 of the Constitution and section 5 of the Statutory Instruments Act require that the regulation-making authority conducts public participation and sufficient consultation with the stakeholders and persons likely to be affected by the regulations.

27. In its ***Explanatory Memorandum*** accompanying the ***Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025***, SRC indicated that it undertook a broad and inclusive stakeholder engagement process. This engagement was undertaken between 28th February, and 4th March, 2022, and on 10th March, 2022, through a series of sensitization sessions. The sessions brought together a diverse range of stakeholders, including MDAs, the State Corporations Advisory Committee, Constitutional Commissions and Independent Offices, county governments, the Council of Governors, IGRTC, LSK, the Association of Professional Societies in East Africa, the Office of the Attorney General and Department of Justice, KLRC, FKE, and

COTU. In addition to the sensitization forums, the Commission extended an invitation for written submissions to both stakeholders and the general public, as advertised in the **Daily Nation** and **Standard newspapers** on 22nd February, 2022.

28. As to whether TSC, Parliamentary Service Commission, PSC, and JSC were not adequately engaged as indicated in the Committee's **Report on the Consideration of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2022**, – SRC submitted information to affirm that the said institutions were indeed consulted., particularly that –
- (a) TSC submitted its memorandum through a forwarding letter **Ref. No. CS/TSC/46/VOL.VII** dated 16th March, 2022;
 - (b) the Parliamentary Service Commission provided its input via correspondence **Ref. DLC/ADM/1/19(63)** dated 9th March, 2022, titled Request for Written Submissions on the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations 2022.
 - (c) PSC submitted its memorandum as forwarded by letter **Ref. PSC/LEG/019/14/185 IV (16)** dated 1st March, 2022.
29. Based on the foregoing, the Committee observed that SRC made appropriate consultations with persons who are likely to be affected by the Draft Regulations before making the Draft Regulations in line with Article 10 of the Constitution and section 5 of the Statutory Instruments Act (Cap. 2A).

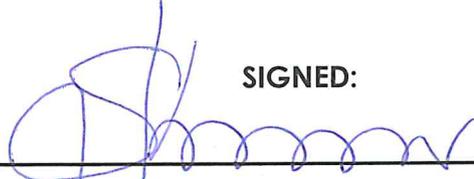
3.3 Regulatory Impact Statement

30. The Draft Regulations do not require a regulatory Impact Assessment within the meaning of sections 6, 7 and 8 of the Statutory Instruments Act, as they do not impose costs on any community or part of the community.

4.0 COMMITTEE RECOMMENDATION

31. Having considered the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulation, 2025 pursuant to the Constitution, the Interpretation and General Provisions Act (Cap 2), the Statutory Instruments Act (Cap 2A), the Salaries and Remuneration Commission Act (Cap 412D), **the Committee resolved to recommend to the House to APPROVE, with amendments, the publication of the draft Salaries and Remuneration Commission (Remuneration and Benefits of State and Other Public Officers) Regulations, 2025**

SIGNED:



HON. CHEPKONGA KIPRONO SAMUEL CBS, M.P
CHAIRPERSON

DATE:

10/03/2026

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 MAR 2026	DAY: THUR
TABLED BY:	DP Deputy Leader of the Majority Party HON. DIKEN BAYAMP
CLERK AT THE TABLE:	MERRI AHUMO

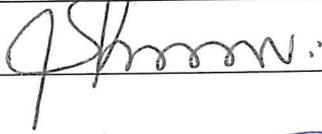
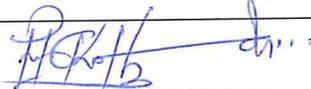
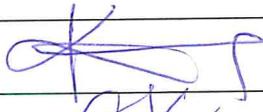
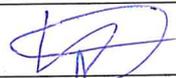
ANNEXURES

1. Minutes
2. Draft Regulations
3. Correspondences
4. Memoranda on the Draft Regulations (volume II)

COMMITTEE ON DELEGATED LEGISLATION ADOPTION LIST

DATE: 5/3/2028 VENUE: Committee Room 21
5th Floor
Bunge Tower STARTING TIME: 10:00 AM
 ENDING TIME:

AGENDA: Consideration of the Draft Salaries and remuneration Commission
(Remuneration and benefits of State and other public Officers) Regulations 2028

	NAME	SIGNATURE
1.	The Hon. Chepkong'a Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichumi, M.P. Vice-Chairperson	
3.	The Hon. Mbui, Robert, CBS, M.P.	
4.	The Hon. Sunkuli Julius Lekakeny, EGH, EBS, MP	
5.	The Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, M.P.	
6.	The Hon. Mwirigi, John Paul, M.P.	
7.	The Hon. Kamene, Joyce, M.P.	
8.	The Hon. Omondi, Moses Okoth M.P.	
9.	The Hon. Odoyo, Jared Okello, M.P.	
10.	The Hon. Anthony, Oluoch, M.P.	
11.	The Hon. Maj. (Rtd.) Dekow Barrow Mohamed, M.P.	
12.	The Hon. Munyoro, Joseph Kamau, M.P.	
13.	The Hon. (Dr.) Kimaiyo, Gideon Kipkoech, M.P.	
14.	The Hon. Waitthaka, John Machua, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. (Dr.) Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	

21.	The Hon. Mugabe, Innocent Maino, M.P.	
-----	---------------------------------------	--