

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

NAIROBI, 8th April, 2026

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILL NO. 10

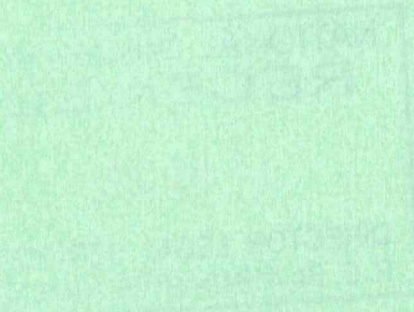
NATIONAL BILL NO. 10

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PRINTED BY THE GOVERNMENT OF KENYA

THE PENSIONS (AMENDMENT) BILL, 2024**A Bill for****AN ACT of Parliament to amend the Pensions Act, Cap 189 and for connected purposes****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Pensions (Amendment) Act, 2024.

Short title.

2. The Pensions Act is amended in section 5 by deleting subsection (2).

Amendment of section 5 of Cap 189.

3. The Public Service Commission Act is amended in section 68 by deleting subsection (4).

Consequential amendments to section 68(4) of Cap 185.

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

The principal objective of this Bill is to amend the Pensions Act, Cap 189, to make the right to pension an absolute right for every officer.

This will ensure that dismissed public officers are eligible for pension thereby promoting fair labour practices as envisioned under Article 41 (1).

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 on whether the Bill concerns County Governments

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 12th March, 2026.

OMBOKO MILEMBA,
Member of Parliament.

Section 5 of Cap 189 which it is proposed to amend –

5. Pensions as of right

(1) Every officer shall have an absolute right to pension and gratuity.

(2) The right conferred under subsection (1) shall not apply in respect of compensation for past services, nor shall anything in this Act affect the right of the Government to dismiss any officer at any time and without compensation.

(3) Where an officer has completed ten years of pensionable service, the benefits accruing to the officer under this Act shall vest in that officer and shall become payable in such manner and at such times as may be determined under this Act.

Section 68 of Cap 185 which it is proposed to amend –

68. Types of penalties

(1) Subject to any other Act of Parliament, the penalties which may be imposed on a public officer as a result of disciplinary proceedings include—

- (a) recovery of the cost or part of the cost for any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
- (b) reprimand;
- (c) deferment of increment in salary;
- (d) deferment of a promotion: Provided that where deferment of a promotion is imposed, the imposition shall not persist for a period exceeding twelve months and the deferred promotion shall take effect on the date the deferment lapsed;
- (e) dismissal; and
- (f) reduction in rank or seniority.

(2) Nothing in this section shall limit the powers conferred on the Commission or any other lawful authority discharging a disciplinary function to, instead of imposing a penalty, require a public officer to retire from public service on any of the grounds of retirement prescribed under this Act.

(3) For purposes of this section, retirement on any ground may be allowed instead of a penalty if the prescribed conditions and procedures for such retirement as prescribed under this Act have been satisfied and

the Commission or any other lawful authority discharging a disciplinary function considers upon proof of the misconduct that —

- (a) the public officer has nevertheless raised a mitigating factor which renders imposition of a penalty too harsh in view of the circumstances of the case;
 - (b) the length of service, benefits accrued and previous good record of the public officer justifies the retirement;
 - (c) imposing a penalty against the public service officer is likely to adversely affect the reputation of the public body concerned or the public service generally: Provided that the Commission or other lawful authority shall cause the relevant procedure for the intended retirement to be adhered to in view of the circumstances of the case.
- (4) Subject to any law or such agreement as may be in force, a public officer who is dismissed shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any rights or claims that the public officer enjoys in regard to leave or passages at the public expense.

