

Uraia

Kenya's National Civic Education Programme



THE CONSTITUTION OF KENYA 2010

VIS A VIS

THE CONSTITUTION OF KENYA (AMENDMENT) BILL 2020



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(AMENDMENT) BILL 2020**



CHAPTER TWO

THE REPUBLIC



CHAPTER TWO

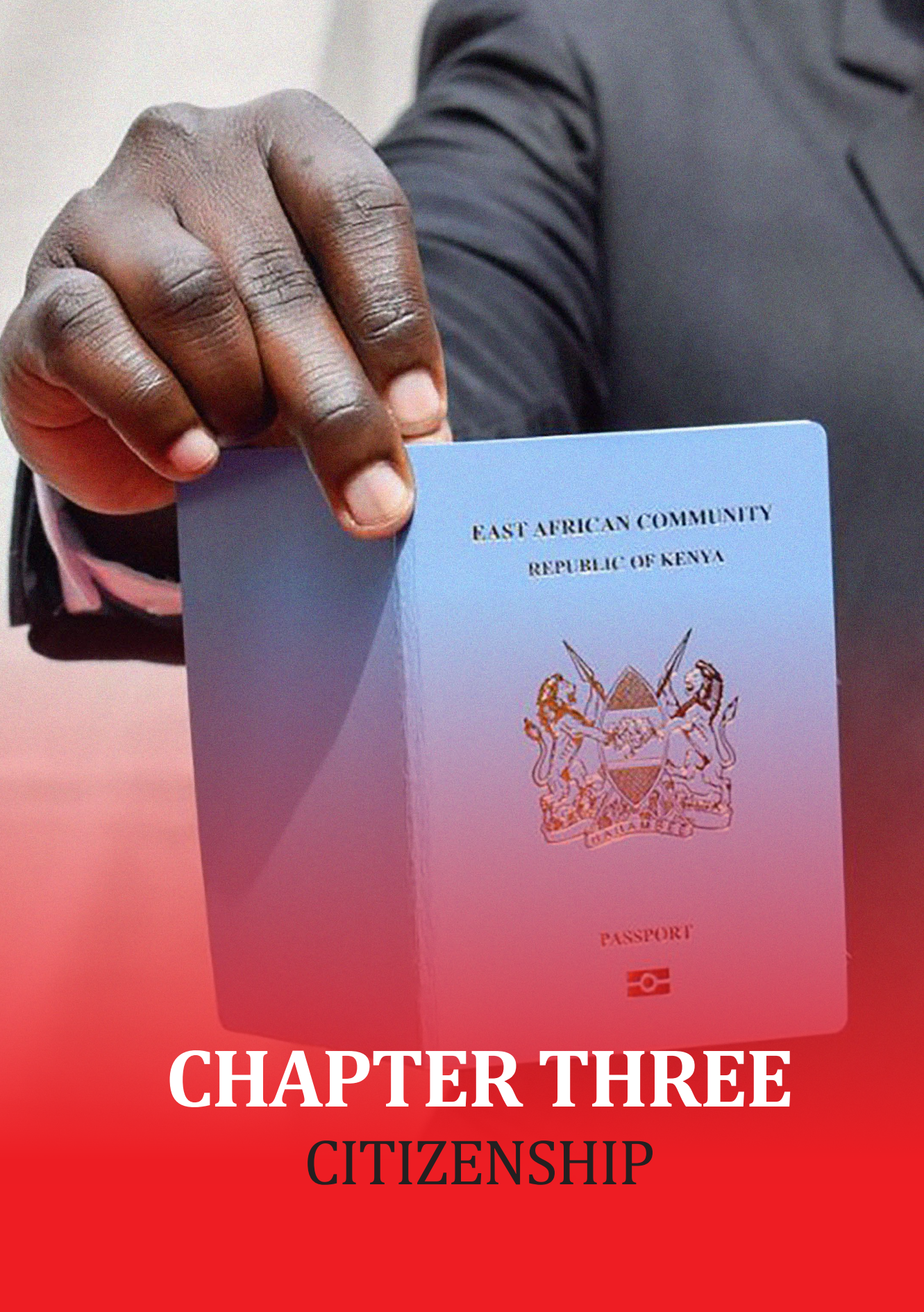
THE REPUBLIC

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>National values and principles of governance Article 10</p> <p>The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—</p> <ul style="list-style-type: none"> (a) applies or interprets this Constitution; (b) enacts, applies or interprets any law; or (c) makes or implements public policy decisions. <p>(2) The national values and principles of governance include:</p> <ul style="list-style-type: none"> (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; (c) good governance, integrity, transparency and accountability; and (d) sustainable development 	<p>Amend article 10 by adding article 10A. Regional integration and cohesion with the following text;</p> <ul style="list-style-type: none"> (1) This Constitution embraces the goals of African Unity and political confederation of the eastern Africa region as integral towards attainment of sustainable development, prosperity for all and stability. (2) The State shall take legislative, policy and other measures to give effect to this Article.



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Culture Article 11.</p> <p>(1) This Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation.</p> <p>(2) The State shall—</p> <p>(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;</p> <p>(b) recognize the role of science and indigenous technologies in the development of the nation; and</p> <p>(c) promote the intellectual property rights of the people of Kenya.</p> <p>(3) Parliament shall enact legislation to—</p> <p>(a) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage; and</p> <p>(b) recognize and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.</p>	<p>Amend article 11 by adding article 11A. Economy and shared prosperity.</p> <p>(1) This Constitution recognizes the need for an economic system that provides equitable opportunities for all the people of Kenya to benefit from economic growth in a comprehensive, fair and sustainable manner.</p> <p>(2) The State shall promote—</p> <p>(a) productivity through protection of intellectual property rights;</p> <p>(b) investment, enterprise and industrialization for sustainable economic development;</p> <p>(c) sustainable agriculture;</p> <p>(d) an economic system that supports small and micro enterprises.</p> <p>(e) an infrastructure that supports the digital economy; and</p> <p>(f) application of science and technology in the production system.</p>

Some of the National Values and Principles of Governance include
patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people



CHAPTER THREE

CITIZENSHIP



CHAPTER THREE

CITIZENSHIP

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Article 12. Entitlement of citizens Article 13. Retention and acquisition of citizenship Article 14. Citizenship by birth Article 15. Citizenship by registration Article 16. Dual citizenship Article 17. Revocation of citizenship Article 18. Legislation on citizenship	Amend by adding 18A. Responsibilities of a citizen. (1) This Constitution recognizes responsibilities of a citizen as key to building a prosperous, fair and secure nation. (2) Every citizen has a responsibility to— (a) cultivate national unity on the basis of respecting Kenya's ethnic, intellectual, economic and cultural diversity; (b) promote and protect the well-being of the family including respect for their parents and elders; (c) practice ethical conduct and combat corruption; (d) fulfil parental responsibilities towards their children; (e) develop one's abilities and skills for the advancement of self, the community and the nation; (f) honestly declare their incomes to lawful agencies and pay prescribed taxes and duties; (g) respect private property and protect public property from waste and misuse; (h) serve in defence of the country; and (i) promote the unity and dignity of Africa and her people. (3) The responsibilities set out in clause (2) apply equally, where appropriate, to non-citizens.



CHAPTER FOUR

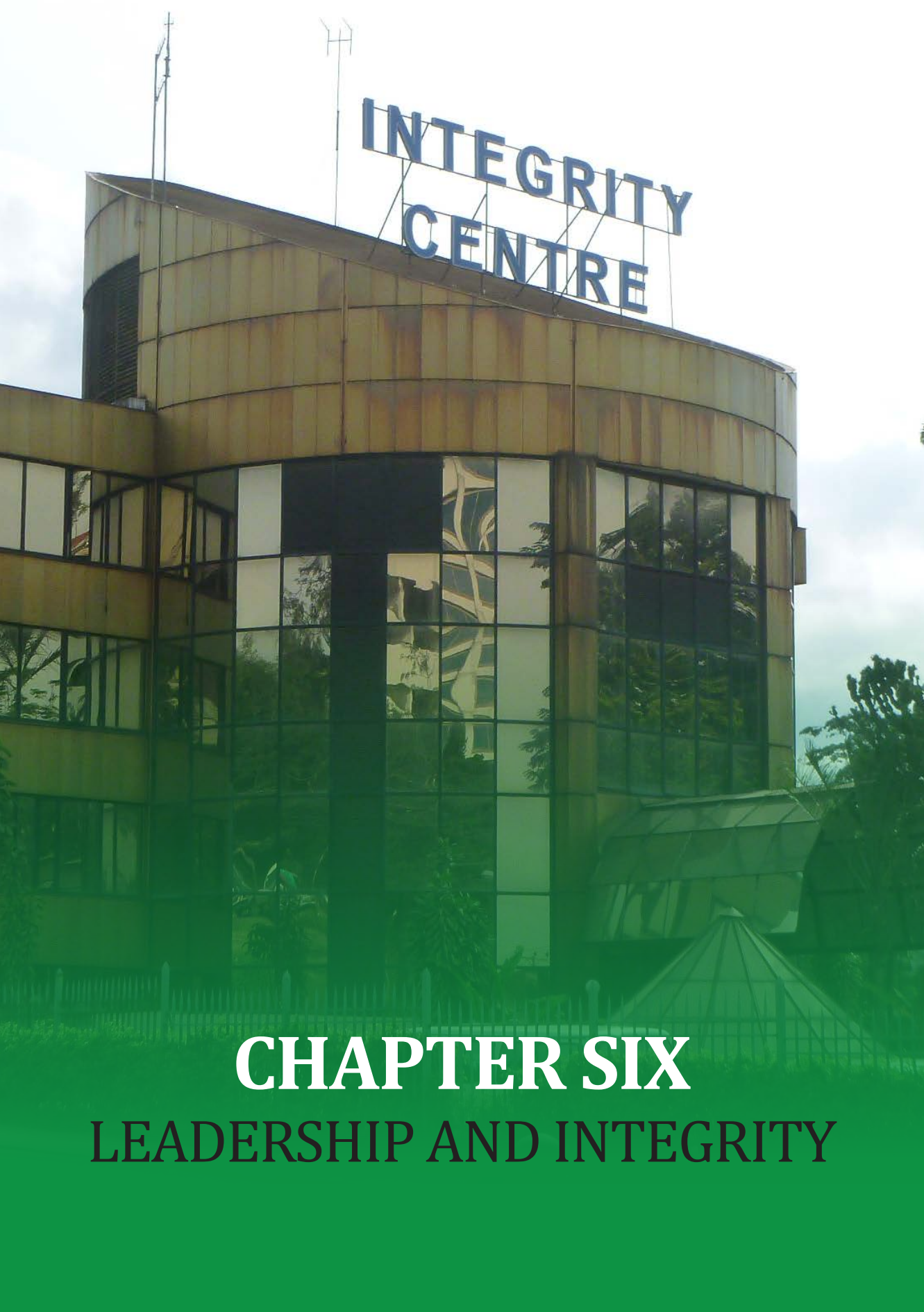
BILL OF RIGHTS



CHAPTER FOUR

BILL OF RIGHTS

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Privacy- Article 31.</p> <p>Every person has the right to privacy, which includes the right not to have—</p> <ul style="list-style-type: none"> (a) their person, home or property searched; (b) their possessions seized; (c) information relating to their family or private affairs unnecessarily required or revealed; or (d) the privacy of their communications infringed. 	<p>Amend Article 31 by adding “(e) their personal data infringed.”</p>



CHAPTER SIX

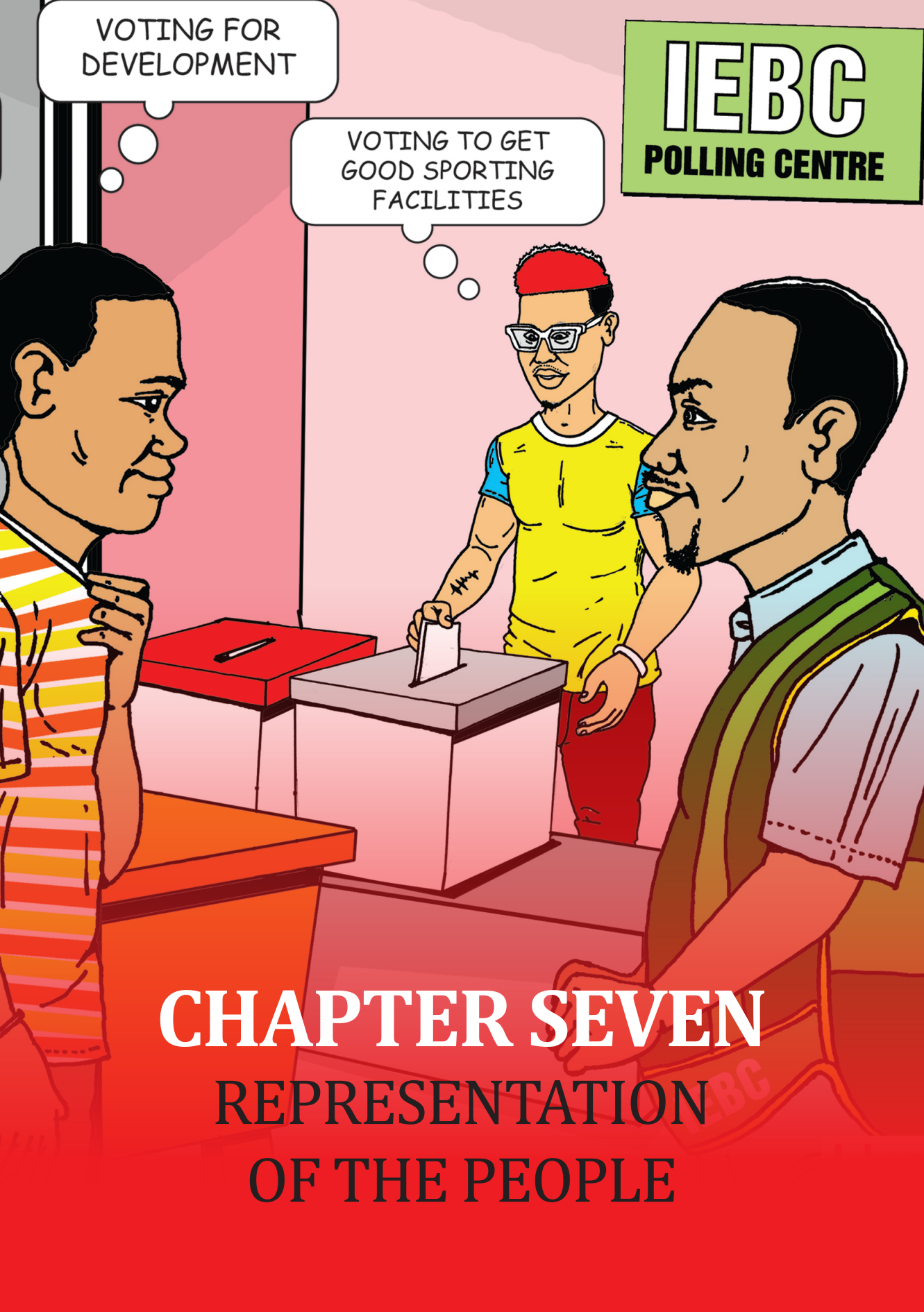
LEADERSHIP AND INTEGRITY



CHAPTER SIX

LEADERSHIP AND INTEGRITY

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Legislation on Leadership Article 80 Parliament shall enact legislation—</p> <ul style="list-style-type: none">(a) establishing procedures and mechanisms for the effective administration of this Chapter;(b) prescribing the penalties, in addition to the penalties referred to in Article 75, that may be imposed for a contravention of this Chapter;(c) providing for the application of this Chapter, with the necessary modifications, to public officers; and(d) making any other provision necessary for ensuring the promotion of the principles of leadership and integrity mentioned in this Chapter, and the enforcement of this Chapter.	<p>Add Art. 80 (aa)</p> <p>for the effective and expeditious investigation, prosecution and trial of cases relating to this Chapter</p>



CHAPTER SEVEN

REPRESENTATION OF THE PEOPLE



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>82. (1) Parliament shall enact legislation to provide for—</p> <ul style="list-style-type: none"> (a) the delimitation by the Independent Electoral and Boundaries Commission of electoral units for election of members of the National Assembly and county assemblies; (b) the nomination of candidates; (c) the continuous registration of citizens as voters; (d) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections; and (e) the progressive registration of citizens residing outside Kenya, and the progressive realisation of their right to vote. 	<p>Article 82 (1) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (e) —</p> <p>“(f) sanctions for a political party that fails to comply with the principle that not more than two-thirds of the party’s candidates are of the same gender.”</p>
<p>Electoral Disputes - Article 87(1)</p> <p>Parliament shall enact legislation to establish mechanisms for timely settling of electoral disputes.</p>	<p>Amend to add at the end of clause 1 “including those arising from nomination of candidates by a political party”</p> <p>The new amended Article 87(1) reads :</p> <p>“Parliament shall enact legislation to establish mechanisms for timely settling of electoral disputes including those arising from nomination of candidates by a political party”</p>
<p>Electoral Disputes- Article 87(3)</p> <p>Service of a petition may be direct or by advertisement in a newspaper with a national circulation.</p>	<p>Amend to add at the end of clause 3 “or through electronic media prescribed by legislation”</p> <p>The new amended Article 87(3) reads:</p> <p>“Service of a petition may be direct or by advertisement in a newspaper with national circulation or through electronic media prescribed by legislation”</p>



CHAPTER SEVEN

REPRESENTATION OF THE PEOPLE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Independent Electoral and Boundaries Commission -Article 88(2)(a) A person is not eligible for appointment as a member of Commission if the person (a) has at any time within the preceding five years, held office, or stood for election as (i) a member of Parliament or of a county assembly	Amend by deleting sub-paragraph (i) and insert "(i) a President, Deputy President, a county governor; a deputy county governor; a member of Parliament or a member of county assembly."
Article 88(4) The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by this Constitution, and any other elections prescribed by an Act of Parliament and, in particular, for (d) the regulation of the process by which parties nominate candidates for elections; (e) the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to declaration of election results;	Amending 88(4) by inserting the words "including ensuring that not more than two-thirds of the party's candidates are of the same gender" at the end of paragraph (d)"; the new amended Article 88(4) (d) will read : "The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by this Constitution, and any other elections prescribed by an Act of Parliament and, in particular, for (d) the regulation of the process by which parties nominate candidates for elections including ensuring that not more than two-thirds of the party's candidates are of the same gender"; and Delete paragraph (e)
89. (1) There shall be two hundred and ninety constituencies for the purposes of the election of the members of the National Assembly provided for in Article 97 (1) (a).	Article 89 (1) of the Constitution is amended by deleting the words "two hundred and ninety" and substituting therefor the words "three hundred and sixty".
Allocation of party list seats - Article 90(1) Elections for the seats in Parliament provided for under Article 97(1) (c) and 98(1) (b), (c) and (d) and for the members of county assemblies under 177(1) (b) and (c), shall be on the basis of proportional representation by use of party lists.	Article 90 of the Constitution is amended— • in clause (1) by deleting the expression "Articles" 97 (1) (c) and 98 (1) (b), (c) and (d), and substituting therefor the expression "Article 97 (1) (b), (c) and (ca)";



CHAPTER SEVEN

REPRESENTATION OF THE PEOPLE

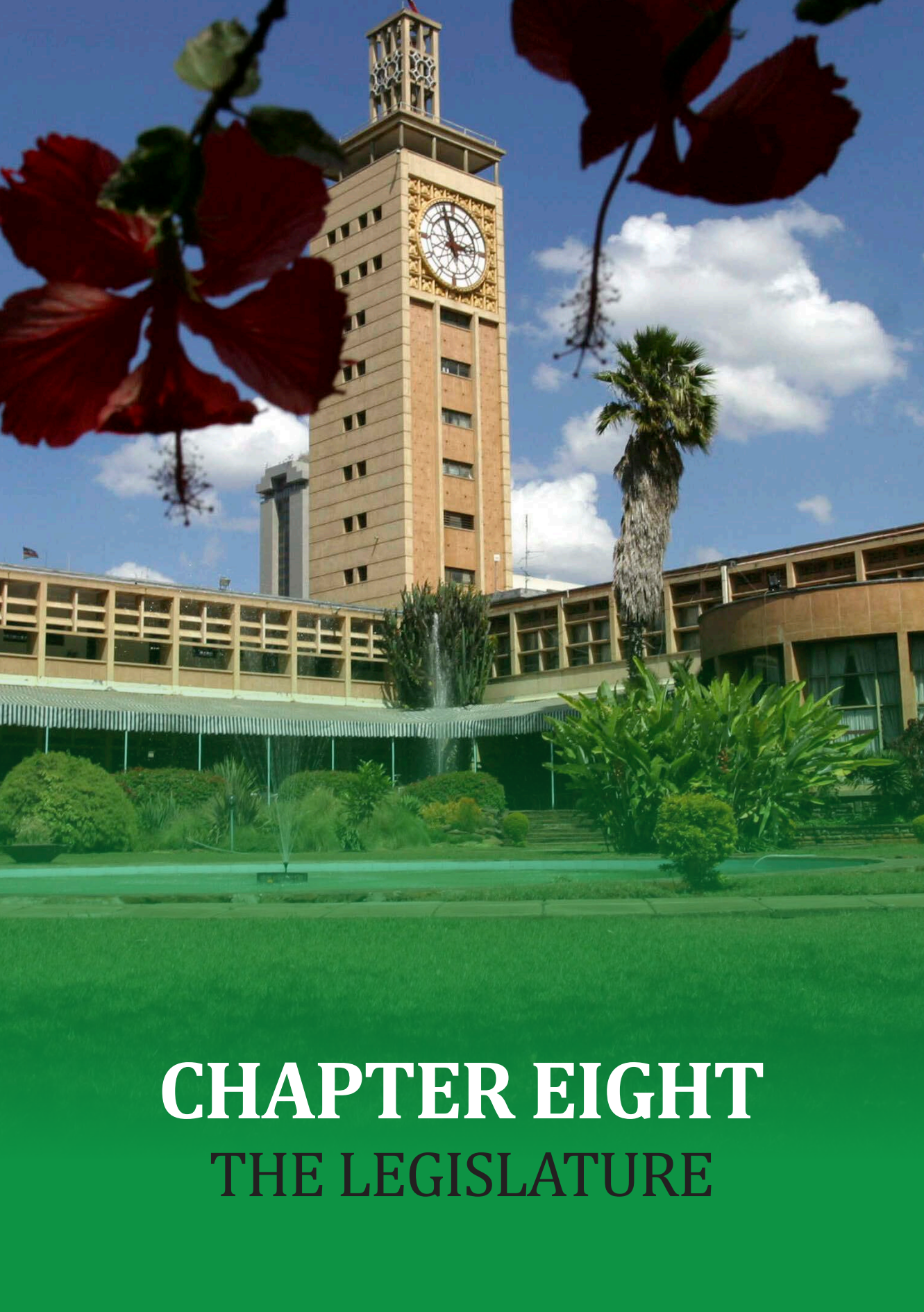
CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
90 (2) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that— b) except in the case of the seats provided for under Article 98 (1) (b), each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed;	Article 90 of the Constitution is amended— • in clause (2) (b) by deleting the expression "except in the case of the seats provided for under Article 98 (1) (b)"; and



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>90 (3) The seats mentioned in clause (1) shall be allocated to political parties in proportion to the total number of seats won by candidates of the political party at the general election.</p> <p>Article 97(1) (c)</p> <p>(1) The National Assembly consists of—</p> <p>(c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers; and</p> <p>98(1) (b), (c) and (d)</p> <p>1) The Senate consists of—</p> <p>(b) sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90;</p> <p>(c) two members, being one man and one woman, representing the youth;</p> <p>d) two members, being one man and one woman, representing persons with disabilities; and</p> <p>177(1) (b) and (c),</p> <p>(1) A county assembly consists of—</p> <p>(b) the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender;</p> <p>(c) the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament; and</p>	<p>Article 90 of the Constitution is amended—</p> <ul style="list-style-type: none"> in clause (3) by deleting the words “seats won by candidates of the political party at the general election” and substituting therefor the expression “votes received by a political party participating in a general election under Articles 97(1) (a) and 177 (1) (a)”. <p>The new amended Article 90(3) will read:</p> <p>“The seats mentioned in clause (1) shall be allocated to political parties in proportion to the total number of votes received by a political party participating in a general election under Articles 97(1) (a) and 177 (1) (a)”.</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>96 (3) The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.</p>	<p>Article 96 (3) of the Constitution is amended by deleting the words “national revenue allocated to the county governments” and substituting therefor the words “revenue allocated to, raised by, or otherwise received by county governments and their expenditure”.</p> <p>The new Article 96(3) will read:</p> <p>The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over revenue allocated to, raised by, or otherwise received by county governments and their expenditure .</p>



CHAPTER EIGHT

THE LEGISLATURE



CHAPTER EIGHT

THE LEGISLATURE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Membership of the National Assembly - Article 97 (1) The National Assembly consists of— (a) two hundred and ninety members, each elected by the registered voters of single member constituencies;	Amend article 97(1) by— (a) (i) deleting the words “two hundred and ninety” and substituting therefor the words “three hundred and sixty” in paragraph (a).
Membership of the National Assembly - Article 97 (1) (b) forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency;	Amend article 97(1) by deleting paragraph (b) and substituting therefor the following new paragraph— “(b) four members, being two women and two men, representing persons with disabilities
Membership of the National Assembly - Article 97 (1) (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers; and	Amend article 97(1) by deleting paragraph (c) and substituting therefor the following new paragraphs— “(c) two members, being one woman and one man, representing the youth; (ca) the number of special seats members necessary to ensure that no more than two-thirds of the membership of Parliament are of the same gender;”
Membership of the National Assembly - Article 97 (1) (d) the Speaker, who is an <i>ex officio</i> member.	Insert a new paragraph immediately after paragraph (d) “(e) the Leader of Official Opposition (f) the Attorney-General, who is an <i>ex officio</i> member; and (g) the Cabinet Ministers, who are not members of Parliament, who are <i>ex officio</i> members.”



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Membership of the National Assembly - Article 97	Amend by inserting the following new clauses immediately after clause (3)— “(3) The members referred to in clause (1) (b), (c) and (ca) shall be elected in accordance with Article 90 (4) The filling of special seats under clause (1) (ca) shall— (a) be determined after declaration of elected members from each constituency; and (b) comprise of candidates who stood for election under clause (1) (a) with precedence being given to those who received the greatest number of votes. (5) Clauses (1) (ca) and (4) lapse after the next three general elections from the commencement date.”
Membership of the Senate - Article 98 (1) The Senate consists of— (a)) forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency; (b) two members, being one man and one woman, representing the youth; (c) two members, being one man and one woman, representing persons with disabilities; and (d) the Speaker, who shall be an ex officio member. (2) The members referred to in clause (1) (c) and (d) shall be elected in accordance with Article 90. (3) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1) (a).	Article 98 is amended by deleting paragraph (a) and substituting with the following new paragraph— “Ninety-four members, being one woman and one man from each county, elected by the registered voters of the counties.” deleting paragraph (b); deleting paragraph (c); and deleting paragraph (d). by deleting clause (2).



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Qualifications and disqualifications for election as member of Parliament Article 99 (2) A person is disqualified from being elected a member of Parliament if the person— (a) is a State officer or other public officer, other than a member of Parliament; (b) has, at any time within the five years immediately preceding the date of election, held office as a member of the Independent Electoral and Boundaries Commission; (c) has not been a citizen of Kenya for at least the ten years immediately preceding the date of election; (d) is a member of a county assembly; (e) is of unsound mind; (f) is an undischarged bankrupt; (g) is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election; or (h) is found, in accordance with any law, to have misused or abused a State office or public office or in any way to have contravened Chapter Six.	Article 99 (2) of the Constitution is amended by— (a) inserting the words “or a county assembly” at the end of paragraph (a); and deleting paragraph (d)



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Presiding in Parliament Article 107 (1) At any sitting of a House of Parliament—</p> <ol style="list-style-type: none"> the Speaker presides; in the absence of the Speaker, the Deputy Speaker presides; and in the absence of the Speaker and the Deputy Speaker, another member of the House elected by the House presides. <p>(2) At a joint sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.</p>	<p>Amending the Constitution by Inserting a new article immediately after Article 107 – Article 107A. Leader of Official Opposition.</p> <p>3 (1) There shall be a Leader of Official Opposition in the National Assembly.</p> <p>4 (2) The Leader of Official Opposition shall be the person—</p> <ol style="list-style-type: none"> who received the second greatest number of votes in a presidential election; and whose political party or coalition of parties has at least twenty-five percent of all the members of the National Assembly. <p>(3) Where the person under clause (2) is unable to assume office, or the office becomes vacant under Article 103, the political party or coalition of parties not forming government to which the person was a member shall nominate another person to be the Leader of Official Opposition.</p> <p>(4) A person shall not assume the office of the Leader of the Official Opposition if the Prime Minister is appointed from the person's political party or coalition of parties.</p>



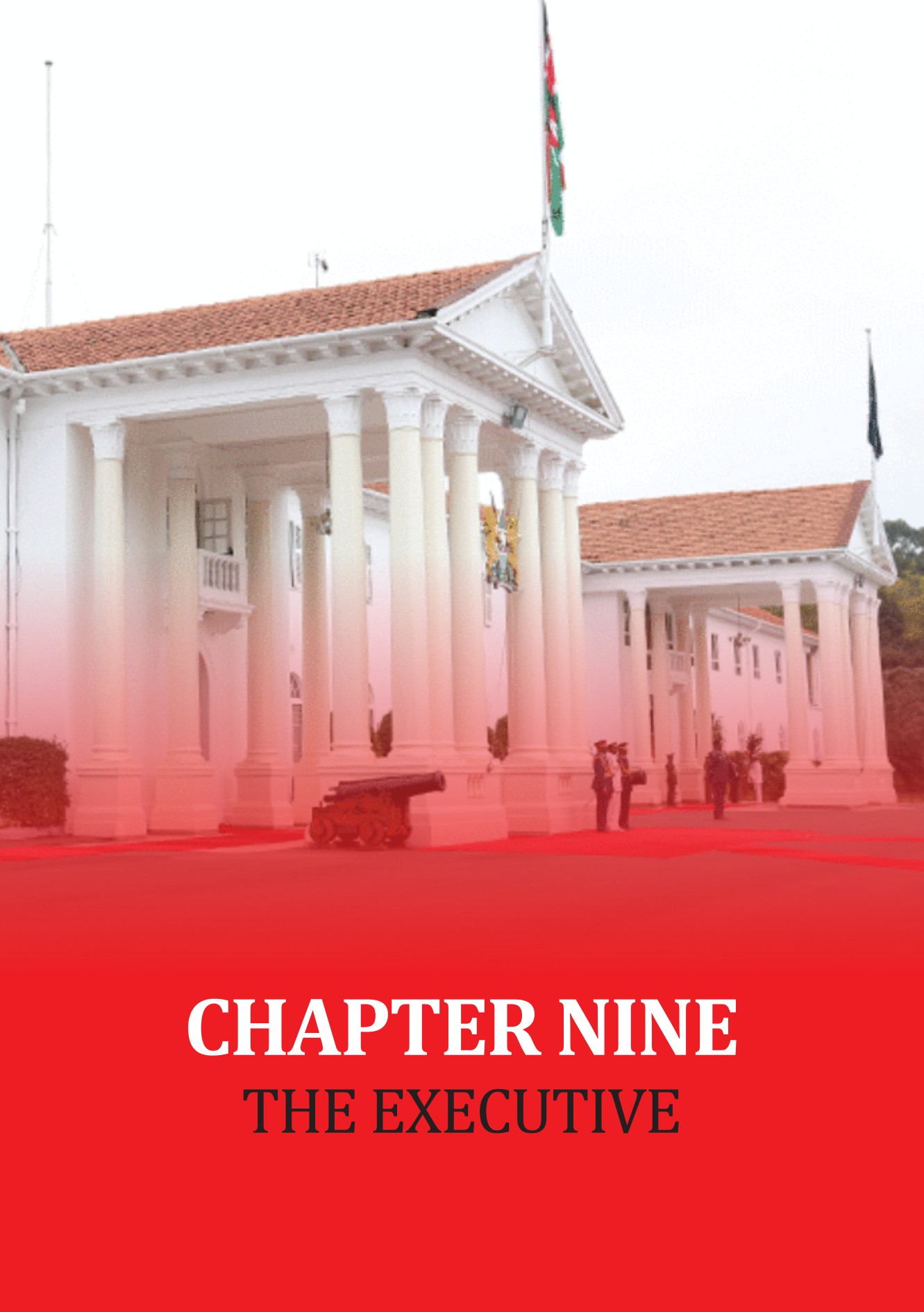
CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Article 108 – Party Leaders</p> <ol style="list-style-type: none"> There shall be a leader of the majority party and a leader of the minority party. The leader of the majority party shall be the person who is the leader in the National Assembly of the largest party or coalition of parties. The leader of the minority party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties. The following order of precedence shall be observed in the National Assembly— <ol style="list-style-type: none"> the Speaker of the National Assembly; the leader of the majority party; and the leader of the minority party. 	<p>2. The Constitution is amended by repealing Article 108 and replacing it with the following new Article—</p> <p>108. Order of Precedence in the National Assembly.</p> <p>The following order of precedence shall be observed in the National Assembly—</p> <ol style="list-style-type: none"> the Speaker of the National Assembly; the Prime Minister; and the Leader of Official Opposition.
	<p>The Constitution is amended by inserting the following new Article immediately after Article 108—</p> <p>108A. Party Leaders in the Senate</p> <ol style="list-style-type: none"> There shall be a leader of the majority party and a leader of the minority party in the Senate. The leader of the majority party shall be the person who is the leader in the Senate of the largest party or coalition of parties. The leader of the minority party shall be the person who is the leader in the Senate of the second largest party or coalition of parties. The following order of precedence shall be observed in in the Senate — <ol style="list-style-type: none"> the Speaker of the Senate; the leader of the majority party; and the leader of the minority party.



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Mediation Committees Article 113 (1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.</p> <p>(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.</p> <p>(3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.</p> <p>(4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.</p>	<p>Article 113 (3) of the Constitution is amended by deleting the words “the National Assembly shall refer the Bill to the President within seven” and substituting with “the originating House shall refer the Bill to the President within fourteen”.</p> <p>The new Article 113(34) will read :</p> <p>(3) “If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the originating House shall refer the Bill to the President within fourteen days for assent”.</p>
<p>Article 115 : Presidential assent and referral.</p> <p>(4) Parliament, after considering the President’s reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President’s reservations, by a vote supported—</p> <p>(b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate.</p>	<p>Article 115 (4) (b) of the Constitution is amended by deleting the words “the delegations in” and substituting therefor the words “members of”.</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Decisions of Senate Article 123.</p> <p>(1) On election, all the members of the Senate who were registered as voters in a particular county shall collectively constitute a single delegation for purposes of clause (4) and the member elected under Article 98 (1) (a) shall be the head of the delegation.</p> <p>(2) When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.</p> <p>(3) When the Senate votes on a matter that does not affect counties, each senator has one vote.</p> <p>(4) Except as provided otherwise in this Constitution, in any matter in the Senate affecting counties—</p> <p>(a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;</p> <p>(b) the person who votes on behalf of a delegation shall determine whether or not to vote in support of, or against, the matter, after consulting the other members of the delegation; and</p> <p>(c) the matter is carried only if it is supported by a majority of all the delegations.</p>	<p>Repealing of Article 123</p>



CHAPTER NINE

THE EXECUTIVE



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
THE NATIONAL EXECUTIVE	
Article 130 (1) The national executive of the Republic comprises the President, the Deputy President and the rest of the Cabinet.	Amended by inserting “the Prime Minister, the Deputy Prime Ministers’ immediately after the words “the Deputy President.”
Article 131(1)(b) exercises the executive authority of the Republic, with the assistance of the Deputy President and Cabinet Secretaries;	Amended by— (a) inserting the words “the Prime Minister, the Deputy Prime Ministers” immediately after the words “the Deputy President”; and (b) deleting the words “Cabinet Secretaries” and substituting therefor the words “Cabinet Ministers”.
Article 132(1) The President shall— President. (a) address the opening of each newly elected Parliament; (b) address a special sitting of Parliament once every year and may address Parliament at any other time; and (c) once every year— (i) report, in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in Article 10; (ii) publish in the Gazette the details of the measures and progress under sub-paragraph (i); and (iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic	Article 132 of the Constitution is amended— • in clause (1) by inserting the word “and economic and social rights referred to in Article 43” at the end of paragraph (c) (i)



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Article 132 -The President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss—</p> <p>(2) (a) the Cabinet Secretaries, in accordance with Article 152;</p> <p>(5) The President shall ensure that the international obligations of the Republic are fulfilled through the actions of the relevant Cabinet Secretaries.</p>	<p>Article 132 of the Constitution is amended— in clause (2) by inserting the words “where applicable” immediately after the words “National Assembly” in the introductory phrase;</p> <p>The clause will now read: “The President shall nominate and, with the approval of the National Assembly, where applicable , appoint, and may dismiss—</p> <p>Deleting the words in Article 132(2)(a) and clause (5) “Cabinet Secretaries” and substituting with “Cabinet Ministers”</p>
<p>Exercise of presidential powers during temporary incumbency Article 134(2)(c)</p> <p>134. (1) A person who holds the office of President or who is authorized in terms of this Constitution to exercise the powers of the President —</p> <p>(2) The powers referred to in clause (1) are—</p> <p>(a) the nomination or appointment or dismissal of Cabinet Secretaries and other State or Public officers;</p>	<p>Deleting the words “Cabinet Secretaries” in Article 134(2) clause (2) and (5) and substituting with “Cabinet Ministers”</p>
<p>Procedure at presidential election: Article 138(8)</p> <p>(a) Presidential election shall be cancelled, and a new election held if—</p> <p>(b) a candidate for election as a President or Deputy President dies on or before the scheduled election date; or</p>	<p>Article 138(8)(b) amended by deleting “Deputy President”</p> <p>Article 138(8)(b) will now read: Procedure at presidential election A Presidential election shall be cancelled, and a new election held if- a candidate for election as a President dies on or before the scheduled election date; or</p>
<p>Questions as to validity of presidential election Article 140 (2)</p> <p>Within fourteen days after the filing of a petition under clause (1), the Supreme Court shall hear and determine the petition and its decision shall be final.</p>	<p>Article 140(2) amended by deleting “fourteen” and substituting with “thirty”</p>



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Part 2 – The President and Deputy President</p> <p>Authority of the President</p> <p>Functions of the President</p> <p>Power of mercy</p> <p>Exercise of presidential powers during temporary incumbency</p> <p>Decisions of the President</p> <p>Election of the President</p> <p>Qualifications and disqualifications for election as President</p> <p>Procedure at presidential election</p> <p>Death before assuming office</p> <p>Questions as to validity of presidential election</p> <p>Assumption of office of President</p> <p>Term of office of President</p> <p>Protection from legal proceedings</p> <p>Removal of President on grounds of incapacity</p> <p>Removal of President by impeachment</p> <p>Vacancy in the Office of President</p> <p>Functions of the Deputy President</p> <p>Election and swearing in of Deputy President</p> <p>Vacancy in the Office of Deputy President</p> <p>Removal of Deputy President</p> <p>Remuneration and benefits of President and Deputy President</p>	<p>The Constitution is amended by inserting the following new Part immediately after Article 151—</p> <p>Part 2A</p> <p>Article 151A. Office of the Prime Minister.</p> <p>(1) There shall be a Prime Minister appointed by the President in accordance with Article 151B.</p> <p>(2) The Prime Minister shall—</p> <p>(a) be the leader of government business in the National Assembly;</p> <p>(b) oversee the legislative agenda in the National Assembly on behalf of government;</p> <p>(c) supervise the execution of the functions of ministries and government departments;</p> <p>(d) chair cabinet committee meetings as assigned by the President;</p> <p>(e) assign any of the functions of the Office to the Deputy Prime Ministers; and</p> <p>(f) perform any other duty assigned by the President or conferred by legislation.</p>



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
	<p>151B. Appointment of the Prime Minister.</p> <p>(1) Within seven days of the President being sworn in after a general election or following an occurrence of a vacancy in the office of the Prime Minister, the President shall nominate a Prime Minister in accordance with this Article.</p> <p>(2) A person is eligible to be nominated as the Prime Minister if the person is an elected member of the National Assembly who is the leader in the National Assembly of the largest party or coalition of parties.</p> <p>(3) Within seven days of the Speaker receiving a nomination from the President, the Speaker shall call a vote in the National Assembly to confirm the appointment of the person proposed by the President.</p> <p>(4) A vote under clause (3) passes if it is supported by more than half of all the members of the National Assembly.</p> <p>(5) Where the National Assembly fails to confirm the appointment of a person nominated by the President, the largest party or coalition of parties shall within seven days of rejection of a nominee, designate another member to be the party leader in the National Assembly and clauses (1), (2) and (3) shall apply.</p> <p>(6) If the National Assembly fails to confirm the appointment of the person proposed under clause (5), the President shall appoint a member who, in the President's opinion, is able to command the confidence of the National Assembly.</p>



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
	<p>151C. Vacancy in the Office of the Prime Minister.</p> <p>The office of the Prime Minister becomes vacant if the holder of the office —</p> <ul style="list-style-type: none"> (a) is dismissed by the President; (b) ceases to be a member of the National Assembly in accordance with Article 103; (c) resigns from office in writing addressed to the President; or (d) is impeached from office in accordance with this Article. <p>(2) A member of the National Assembly supported by at least one-quarter of all members may propose a motion of no confidence in the Prime Minister.</p> <p>(3) If the National Assembly, by a resolution supported by more than half of all members pass the motion of no confidence in the Prime Minister, the Prime Minister ceases to hold office.</p>
	<p>151D. The Deputy Prime Ministers</p> <p>(1) There shall be two Deputy Prime Ministers appointed by the President from among the Cabinet Ministers.</p> <p>(2) A Deputy Prime Minister shall, in addition to their functions as a Cabinet Minister —</p> <ul style="list-style-type: none"> (a) deputise for the Prime Minister in the execution of the Prime Minister's functions; and (b) perform any other function the Prime Minister may assign. <p>(2) The office of a Deputy Prime Minister becomes vacant if the person —</p> <ul style="list-style-type: none"> (a) is dismissed by the President; (b) ceases to be a member of Parliament under Article 103; (c) ceases to be a Cabinet Minister; or (d) resigns in writing addressed to the President.



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
PART 3 – The Cabinet 152. (1) The Cabinet consists of— (a) the President; (b) the Deputy President;	Article 152 (1) is amended by adding: “(ba) the Prime Minister; and (bb) the Deputy Prime Ministers’ after paragraph (b) • by deleting the words “Cabinet Secretary” and “Cabinet Secretaries” wherever the words appear in the Article and respectively substituting the words “Cabinet Minister” or “Cabinet Ministers”;
Article 152 (2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries.	Article 152 (2) is amended by deleting “nominate and, with the approval of the National Assembly”
Article 152 (3) A Cabinet Secretary shall not be a Member of Parliament.	Article 152 (3) is amended by deleting the existing article 152 (3) and substituting it with a new clause” (3) that states “The Cabinet Ministers may be appointed from among the members of the National Assembly.” And ; by inserting the following new clause immediately after clause (10) — “(11) When an election of Parliament is held, the Cabinet shall remain in office until the President-elect assumes office.”
Article 153(1) A decision by the Cabinet shall be in writing. (2) Cabinet Secretaries are accountable individually, and collectively, to the President for the exercise of their powers and the performance of their functions. (3) A Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible. (4) Cabinet Secretaries shall— (a) act in accordance with this Constitution; and (b) provide Parliament with full and regular reports concerning matters under their control.	Article 153 (2) is amended ” in clause 2) by inserting the words “and the National Assembly” immediately after the words “the President”; and (b) by deleting the words “Cabinet Secretary” wherever they appear in the Article and substituting therefor the words “Cabinet Minister.”;



CHAPTER NINE

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	The Constitution is amended by inserting the following new Article immediately after Article 153— 153A. Deputy Ministers (1) The President may appoint not fewer than fourteen and not more than twenty-two Deputy Ministers. (2) A Deputy Minister— (a) may be appointed from among the members of the National Assembly; (b) shall deputise for the Cabinet Minister in the execution of the Cabinet Minister’s functions; and (c) is accountable to the President and to the National Assembly for the exercise of their powers and performance of their functions. (3) The President may re-assign or dismiss a Deputy Minister
Article 154 (2) The Secretary to the Cabinet shall— (a) be nominated and, with the approval of the National Assembly, appointed by the President; and	Article 154(2)(a) amended by deleting “nominated and, with the approval of the National Assembly” The new Article 154(2) will read: The Secretary to the Cabinet shall— a) be, appointed by the President; and
Article 155(3) The President shall— (a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and (b) with the approval of the National Assembly, appoint Principal Secretaries.	Article 155 to be amended by deleting clause (3) and substituting it with “(3) The President shall appoint Principal Secretaries from among persons recommended by the Public Service Commission”



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Attorney General Article 156(4)(c) The Attorney General – (c) shall perform any other functions conferred on the office by an Act of Parliament or by the President.	Article 156(4)(c) of the Constitution is amended by inserting the words “functions of a Cabinet Minister and” after the words “shall perform”. The new Article 156(4)(c) will now read; The Attorney General – (c) shall perform functions of a Cabinet Minister any other functions conferred on the office by an Act of Parliament or by the President.
Director of Public Prosecutions Article 157(3) The qualifications for appointment as Director of Public Prosecutions are the same for the appointment as a judge of the High Court .	Article 157(3) to be amended by deleting the words “High Court” and substituting the words “Court of Appeal”.



CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Article 158 Removal and resignation of Director of Public Prosecutions (1) The Director of Public Prosecutions may be removed from office only on the grounds of— (a) inability to perform the functions of office arising from mental or physical incapacity; (b) non-compliance with Chapter Six; (c) bankruptcy; (d) incompetence; or (e) gross misconduct or misbehaviour. (2) A person desiring the removal of the Director of Public Prosecutions may present a petition to the Public Service Commission which, shall be in writing, setting out the alleged facts constituting the grounds for the removal of the Director. (3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under clause (1), it shall send the petition to the President. (4) On receipt and examination of the petition, the President shall, within fourteen days, suspend the Director of Public Prosecutions from office pending action by the President in accordance with clause (5) and shall, acting in accordance with the advice of the Public Service Commission, appoint a tribunal consisting of—	The repealing of Article 158.

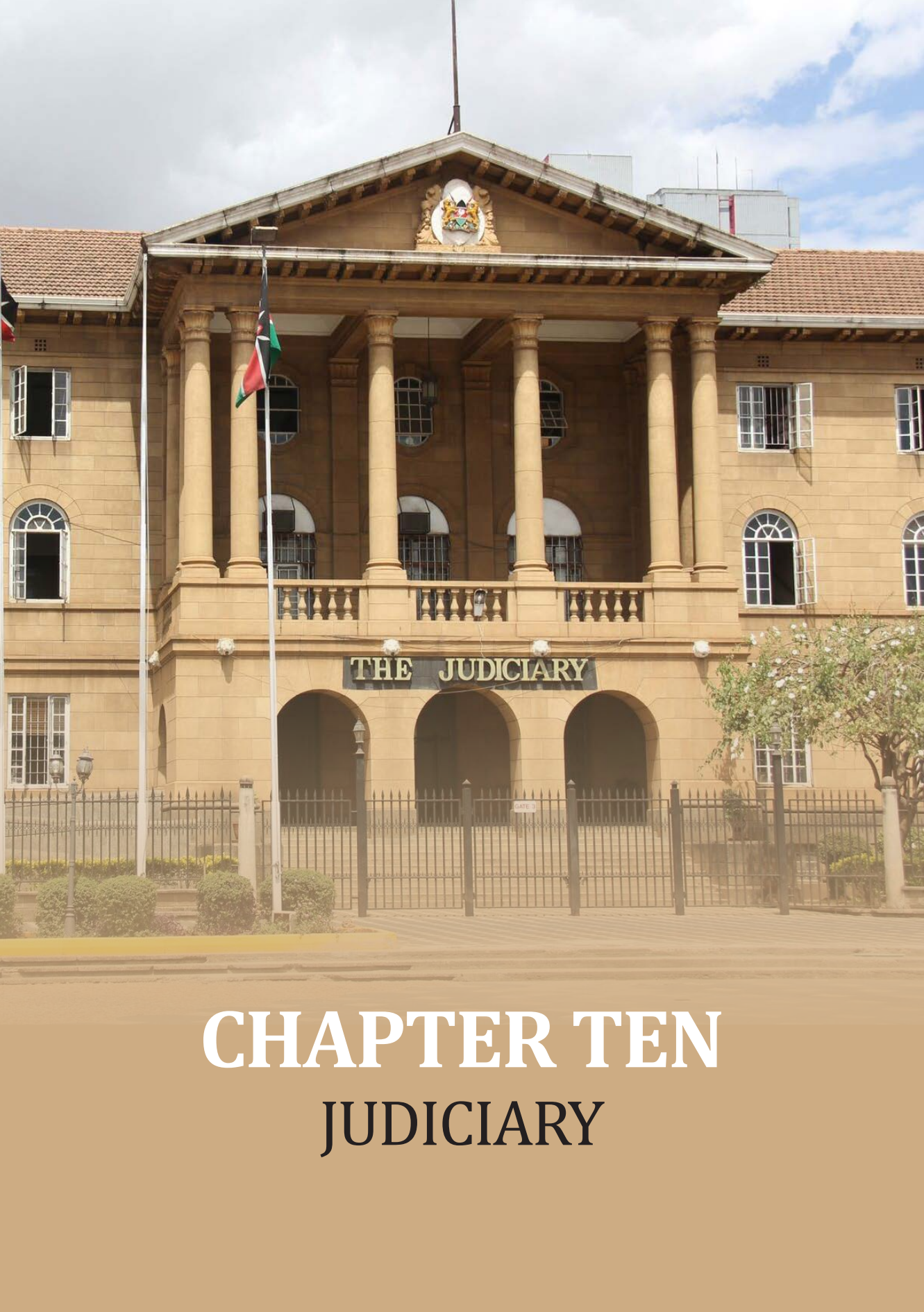


CHAPTER NINE

THE EXECUTIVE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>(a) four members from among persons who hold or have held office as a judge of a superior court, or who are qualified to be appointed as such;</p> <p>(b) one advocate of at least fifteen years' standing nominated by the statutory body responsible for the professional regulation of advocates; and</p> <p>(c) two other persons with experience in public affairs.</p> <p>(5) The tribunal shall inquire into the matter expeditiously and report on the facts and make recommendations to the President, who shall act in accordance with the recommendations of the tribunal.</p> <p>(6) A Director of Public Prosecutions who is suspended from office under clause (4) shall be entitled to half of their remuneration until removed from, or reinstated in, office.</p> <p>(7) A tribunal appointed under clause (4) shall elect a chairperson from among its members.</p> <p>(8) A tribunal appointed under clause (4) shall be responsible for the regulation of its proceedings.</p> <p>(9) The Director of Public Prosecutions may resign from office by giving notice, in writing, to the President.</p>	

THE NATIONAL EXECUTIVE
Amended by inserting “the Prime Minister, the Deputy Prime Ministers’ immediately after the words “the Deputy President.”



CHAPTER TEN

JUDICIARY

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Court of Appeal Article 164 (1) There is established the Court of Appeal, which—</p> <ul style="list-style-type: none"> (a) shall consist of the number of judges, being not fewer than twelve, as may be prescribed by an Act of Parliament; and (b) shall be organised and administered in the manner prescribed by an Act of Parliament. <p>(2) There shall be a president of the Court of Appeal who shall be elected by the judges of the Court of Appeal from among themselves.</p> <p>(3) The Court of Appeal has jurisdiction to hear appeals from—</p> <ul style="list-style-type: none"> (a) the High Court; and (b) any other court or tribunal as prescribed by an Act of Parliament. 	<p>Article 164 to be amended by:</p> <ul style="list-style-type: none"> a) inserting “and shall hold office for a single term of five years” at the end of clause (2); and (b) inserting after clause (3) “(4) Despite Article 163(4), a determination by the Court of Appeal on an appeal relating to a petition concerning an election, is final.”
<p>Article 165(2) There shall be a Principal Judge of the High Court, who shall be elected by the judges of the High Court from among themselves.</p>	<p>Article 165(2) amended by inserting “and shall hold office for a single term of five years” at the end of the clause.</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Appointment of Chief Justice, Deputy Chief Justice and other judges -Article 166(3) The Chief Justice and other judges of the Supreme Court shall be appointed from among persons who have—</p> <ul style="list-style-type: none"> (a) at least fifteen years' experience as a superior court judge; or (b) at least fifteen years' experience as a distinguished academic, judicial officer, legal practitioner or such experience in other relevant legal field; or (c) held the qualifications mentioned in paragraphs (a) and (b) for a period amounting, in the aggregate, to fifteen years; <p>(4) Each judge of the Court of Appeal shall be appointed from among persons who have—</p> <ul style="list-style-type: none"> (a) at least ten years' experience as superior court judge; or (b) at least ten years' experience as a distinguished academic or legal practitioner or such experience in other related legal field; or (c) held the qualifications mentioned in paragraphs (a) and (b) for a period amounting in the aggregate, to ten years. 	<p>Article 166 of the Constitution is amended—</p> <ul style="list-style-type: none"> (a) in clause (3) by deleting the word "fifteen" wherever it appears in paragraphs (a) (b) and (c) and substituting therefor the word "twenty"; and (b) in clause (4) by deleting the word "ten" wherever it appears in paragraphs (a) (b) and (c) and substituting therefor the word "fifteen".

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Tenure of office of the Chief Justice and other judges - Article 167</p> <ul style="list-style-type: none"> (1) A judge shall retire from office on attaining the age of seventy years, but may elect to retire at any time after attaining the age of sixty-five years. (2) The Chief Justice shall hold office for a maximum of ten years or until retiring under clause (1), whichever is the earlier. (3) If the Chief Justice's term of office expires before the Chief Justice retires under clause (1), the Chief Justice may continue in office as a judge of the Supreme Court. (4) If, on the expiry of the term of office of a Chief Justice, the Chief Justice opts to remain on the Supreme Court under clause (3), the next person appointed as Chief Justice may be selected in accordance with Article 166 (1), even though that appointment may result in there being more than the maximum permitted number of Supreme Court judges holding office. (5) The Chief Justice and any other judge may resign from office by giving notice, in writing, to the President. 	<p>Article 167 is amended by inserting clause" (6) The provisions of clauses (2), (3) and (4) relating to the tenure of office of the Chief Justice shall apply to the office of the Deputy Chief Justice.</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Establishment of the Judicial Service Commission Article 171 (1) There is established the Judicial Service Commission.</p> <p>(2) The Commission shall consist of—</p> <ul style="list-style-type: none"> (a) the Chief Justice, who shall be the chairperson of the Commission; (b) one Supreme Court judge elected by the judges of the Supreme Court; (c) one Court of Appeal judge elected by the judges of the Court of Appeal; (d) one High Court judge and one magistrate, one a woman and one a man, elected by the members of the association of judges and magistrates; (e) the Attorney-General; <ul style="list-style-type: none"> (a) two advocates, one a woman and one a man, each of whom has at least fifteen years' experience, elected by the members of the statutory body responsible for the professional regulation of advocates; (b) one person nominated by the Public Service Commission; and (c) one woman and one man to represent the public, not being lawyers, appointed by the President with the approval of the National Assembly. <p>(3) The Chief Registrar of the Judiciary shall be the Secretary to the Commission.</p> <p>(4) Members of the Commission, apart from the Chief Justice and the Attorney-General, shall hold office, provided that they remain qualified, for a term of five years and shall be eligible to be nominated for one further term of five years.</p>	<p>Article 171 is amended in clause (2) by adding a new paragraph after (h) "(i) the Judiciary Ombudsman who is an <i>ex officio</i> member"" and Deleting " and shall be eligible to be nominated for one further term of five years" in Clause (4) and inserting a new clause (5) after clause (4) "(5) The member of the Commission elected under clause (2) (f) shall not practice in courts and tribunals during their period of service with the Commission."</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Functions of the Judicial Service Commission Article 172</p> <p>(1) The Judicial Service Commission shall promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice and shall—</p> <ul style="list-style-type: none"> (a) recommend to the President persons for appointment as judges; (b) review and make recommendations on the conditions of service of— <ul style="list-style-type: none"> (i) judges and judicial officers other than their remuneration; and (ii) the staff of the Judiciary; (c) appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary, in the manner prescribed by an Act of Parliament; (d) prepare and implement programmes for the continuing education and training of judges and judicial officers; and (e) advise the national government on improving the efficiency of the administration of justice. <p>(2) In the performance of its functions, the Commission shall be guided by the following—</p> <ul style="list-style-type: none"> (a) competitiveness and transparent processes of appointment of judicial officers and other staff of the judiciary; and (b) the promotion of gender equality. 	<p>Amend Article 172 (10 by insert a new paragraph after paragraph (c) "(ca) receive complaints against judges, investigate and discipline judges by warning, reprimanding or suspending a judge"</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
	<p>Insert a new Article 172 A after article 172 The Office of the Judiciary Ombudsman.</p> <p>(1) There is established the Office of the Judiciary Ombudsman.</p> <p>(2) The President shall nominate and, with the approval of the Senate, appoint the Judiciary Ombudsman.</p> <p>(3) The Judiciary Ombudsman shall—</p> <ul style="list-style-type: none"> (a) receive and conduct inquiries into complaints against judges, registrars, magistrates, and other judicial officers and other staff of the judiciary; (b) sensitise and promote engagement with the public on the role and performance of the Judiciary; and (c) improve transparency and accountability of the Judiciary. <p>(4) The Judiciary Ombudsman shall prepare regular reports to the Judicial Service Commission on any complaint under clause (3), which shall state—</p> <ul style="list-style-type: none"> (a) the findings of the Judiciary Ombudsman; and (b) recommendations on the action to be taken by the Judicial Service Commission. <p>(5) The qualifications for appointment as the Judiciary Ombudsman are the same as for the appointment as a judge of the Supreme Court.</p> <p>(6) The Judiciary Ombudsman shall not investigate any matter pending before any court or tribunal or reopen a court or tribunal case or review a judge's decision.</p> <p>(7) The Judiciary Ombudsman shall hold office for a single term of five years and is not eligible for re-appointment.</p> <p>(8) Parliament shall—</p> <ul style="list-style-type: none"> (a) allocate adequate funds to enable the office of the Judiciary Ombudsman to perform its functions; and (b) enact legislation to give full effect to this Article.

THE JUDICIARY

Article 165(2) amended by inserting “and shall hold office for a single term of five years” at the end of the clause.

COUNTY ASSEMBLY OF TRANS NZOIA

CHAPTER ELEVEN DEVOLVED GOVERNMENT

CONSTITUTION OF KENYA, 2010

- Membership of county assembly Article 177
(1) – A county assembly consist of –
- members elected by the registered voters of the wards, each ward constituting a single member constituency, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year;
 - the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender;
 - the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament; and
 - the Speaker, who is an ex officio member.
- (2) The members contemplated in clause (1) (b) and (c) shall, in each case, **be nominated by political parties in proportion to the seats received** in that election in that county by each political party under paragraph (a) in accordance with Article 90.
- (3) The filing of special seats under clause (1) (b) shall be determined after declaration of elected members from each ward.
- (4) A county assembly is elected for a term of five years.**

CONSTITUTION OF KENYA AMENDMENT BILL, 2020

- Article 177(2) is amended by deleting “be nominated by political parties in proportion to the seats received” and substituting it with “be elected through the party lists by political parties in proportion to the votes received”
- Article 177(3) is amended by inserting the words “comprise of candidates who stood for election under clause (1) (a) with precedence being given to those who received the greatest number of votes” at the end of the clause;
- Article 177(4) is deleted and replaced with “(4) The term of a county assembly expired on the date of the next general election.”
- Inserting a new clause after clause (4) “(5) A member of a county assembly may be recalled, before the end of the term of the assembly, by –
 - a) the electorate, for members elected under Article 177(1)(a); and
 - b) the nominating political party, for members elected under Articles 177(1)(b) and (c).
- Inserting clause (6) which states ‘Clauses (1) (b) and (3) lapse after the next two general elections from the commencement date.’



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Article (179)County Executive Committee</p> <p>(2) The county executive committee consists of—</p> <p>(a) the county governor and the deputy county governor; and</p> <p>(b) members appointed by the county governor, with the approval of the assembly, from among persons who are not members of the assembly.</p> <p>(3) The number of members appointed under clause (2) (b) shall not exceed—</p> <p>a) one-third of the number of members of the county assembly, if the assembly has less than thirty members; or</p> <p>(b) ten, if the assembly has thirty or more members.</p> <p>(4) The county governor and the deputy county governor are the chief executive and deputy chief executive of the county, respectively.</p> <p>County executive committees – Article 179 (7) If a vacancy arises in the office of the county governor, the members of the county executive committee appointed under clause (b) cease to hold office.</p>	<p>Article 179 of the Constitution is amended—</p> <p>(a) in clause (2) (b) by deleting the words “from among persons who are not members of the assembly”;</p> <p>(b) by inserting the words “and of whom, not more than half may be appointed from the members of the assembly” at the end of the clause (3)(b);</p> <p>(c) in clause (4) by inserting the words “and shall be accountable to a respective county assembly” at the end of the clause</p> <p>Amend Article 179 by deleting clause (7) and replacing it with “(7) The county governor may re-assign or dismiss a member of the county executive committee.”</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Election of county governor and deputy county governor – Article 180 1) The county governor shall be directly elected by the voters registered in the county, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year.</p> <p>(2) To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly.</p> <p>(3) If only one candidate for county governor is nominated, that candidate shall be declared elected.</p> <p>(4) If two or more candidates are nominated, an election shall be held in the county and the candidate who receives the greatest number of votes shall be declared elected.</p> <p>(5) Each candidate for election as county governor shall nominate a person who is qualified for nomination for election as county governor as a candidate for deputy governor.</p> <p>(6) The Independent Electoral and Boundaries Commission shall not conduct a separate election for the deputy governor but shall declare the candidate nominated by the person who is elected county governor to have been elected as the deputy governor.</p> <p>(7) A person shall not hold office--</p> <p>(a) as a county governor for more than two terms; or</p> <p>(a) as a deputy county governor for more than two terms.</p> <p>(8) For the purposes of clause (7), a person who has assumed the office of county governor shall be deemed to have served a full term, subject only to Article 182 (3) (b).</p>	<p>Amend Article 180 by including a new clause after clause 5 “(5A) in making the nomination under clause (5), a candidate for election as a governor shall consider a person of the opposite gender.”</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Boundaries of counties.</p> <p>188. (1) The boundaries of a county may be altered only by a resolution--</p> <p>(a) recommended by an independent commission set up for that purpose by Parliament; and</p> <p>(b) passed by--</p> <p>(i) the National Assembly, with the support of at least two-thirds of all of the members of the Assembly; and</p> <p>(ii) the Senate, with the support of at least two-thirds of all of the county delegations.</p>	<p>Article 188 (1) (b) (ii) of the Constitution is amended by deleting the words “county delegations” and substituting therefor the words “members of the Senate”.</p>

DEVOLVED GOVERNMENT

Article 177(4) is deleted and replaced with “(4) The term of a county assembly expired on the date of the next general election.”



CHAPTER TWELVE PUBLIC FINANCE



CHAPTER TWELVE PUBLIC FINANCE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Equitable sharing of national revenue Article 202 (1) Revenue raised nationally shall be shared equitably among the national and county governments.</p> <p>(2) County governments may be given additional allocations from the national government's share of the revenue, either conditionally or unconditionally.</p>	<p>Amend article 202 by inserting a new clause after clause (2) "(3) where revenue sharing in this Constitution is based on the approval of the most recent audited accounts by the National Assembly and the Assembly has not approved the accounts, the most recent audited accounts of revenue submitted by the Auditor General shall be taken as the accounts of revenue for that purpose."</p>
<p>Equitable share and other financial laws Article 203</p> <p>(1) The following criteria shall be taken into account in determining the equitable shares provided for under Article 202 and in all national legislation concerning county government enacted in terms of this Chapter—</p> <ol style="list-style-type: none">the national interest;any provision that must be made in respect of the public debt and other national obligations;the needs of the national government, determined by objective criteria;the need to ensure that county governments are able to perform the functions allocated to them;the fiscal capacity and efficiency of county governments;developmental and other needs of counties;economic disparities within and among counties and the need to remedy them;the need for affirmative action in respect of disadvantaged areas and groups;the need for economic optimisation of each county and to provide incentives for each county to optimise its capacity to raise revenue;	<p>Amend Article 203 in clause (1) by inserting the following new paragraphs immediately after paragraph (k)—</p> <p>"(l) the need to eradicate corrupt practices and wastage of public resources;</p> <p>(m) the need to ensure the attainment of the economic and social rights guaranteed under Article 43; and</p> <p>(n) the need to ensure that the average amount of money allocated per person to a county with the highest allocation does not exceed three times the average amount per person allocated to a county with the lowest allocation"</p>

CHAPTER TWELVE

PUBLIC FINANCE

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>j. the desirability of stable and predictable allocations of revenue; and</p> <p>k. the need for flexibility in responding to emergencies and other temporary needs, based on similar objective criteria.</p>	
<p>Article 203 (2) For every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall be not less than fifteen per cent of all revenue collected by the national government.</p>	<p>Amend clause (2) by deleting the word “fifteen” and replacing it with “thirty-five”.</p> <p>The new Article 203(2) will read:</p> <p>“For every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall be not less than thirty-five per cent of all revenue collected by the national government”.</p>
<p>Revenue Funds for county governments –</p>	<p>Insertion of a new article 206A. Constituencies Development Fund</p> <p>(1) There is established a Constituencies Development Fund.</p> <p>(2) The Fund shall be used to facilitate the performance and implementation of national government development priorities set out in the national budget within the constituencies.</p> <p>(3) An Act of Parliament shall provide for the management of the Fund including public participation by residents in a constituency</p>
<p>Amendment of Article 207 of the Constitution.</p> <p>Article 207(4)</p> <p>(4) An Act of Parliament may—</p> <p>(a) make further provision for the withdrawal of funds from a county Revenue Fund; and</p> <p>(b) provide for the establishment of other funds by counties and the management of those funds.</p>	<p>Article 207 (4) (b) of the Constitution is amended by inserting the words “a county assembly fund and” immediately after the words the “establishment of”.</p> <p>The new Article 207(4)(b) will read:</p> <p>“Provide for the establishment of a county assembly fund and other funds by counties and the management of those funds”.</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Revenue Funds for county governments – Article 207</p> <p>206. (1) There shall be established a Revenue Fund for each county government, into which shall be paid all money raised or received by or on behalf of the county government, except money reasonably excluded by an Act of Parliament.</p> <p>(2) Money may be withdrawn from the Revenue Fund of a county government only—</p> <p>(a) as a charge against the Revenue Fund that is provided for by an Act of Parliament or by legislation of the county; or</p> <p>(b) as authorised by an appropriation by legislation of the county.</p> <p>(3) Money shall not be withdrawn from a Revenue Fund unless the Controller of Budget has approved the withdrawal.</p> <p>(4) An Act of Parliament may—</p> <p>(a) make further provision for the withdrawal of funds from a county Revenue Fund; and</p> <p>(b) provide for the establishment of other funds by counties and the management of those funds.</p>	<p>Amending article 207 by inserting article 207A Ward Development Fund</p> <p>(1) There is established a Ward Development Fund for each county into which shall be paid in each financial year at least five percent of all the county government’s revenue in each financial year.</p> <p>(2) The Fund shall be used only for development expenditure—</p> <p>(a) falling within the functions of the county government within the county wards; and</p> <p>(b) to facilitate actualisation of the rights guaranteed under Article 43 within the county wards.</p> <p>(3) Parliament shall enact legislation to provide for—</p> <p>(a) the management of the Fund;</p> <p>(b) criteria for disbursement of the funds to each ward in the county;</p> <p>(c) public participation and identification of the development projects by residents of the ward; and</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Commission on Revenue Allocation – Article 215 (2) The Commission shall consist of the following persons appointed by the President—</p> <ul style="list-style-type: none"> (a) a chairperson, who shall be nominated by the President and approved by the National Assembly; (b) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly; (c) five persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate; and (d) the Principal Secretary in the Ministry responsible for finance. 	<p>Amend ARTICLE 215(2)(C) by deleting the word “five” and replacing it with “two” and by inserting a new paragraph after (c) “(ca) two persons, one woman and one man, nominated by the county governors; and (cb) one person, nominated by the members of the statutory body responsible for the professional regulation of accountants.”</p>
<p>Annual Division and Allocation of Revenue Bills Article 218</p> <ul style="list-style-type: none"> (2) Each Bill required by clause (1) shall be accompanied by a memorandum setting out— (b) an explanation of revenue allocation as proposed by the Bill; (c) an evaluation of the Bill in relation to the criteria mentioned in Article 203 (1); and (d) a summary of any significant deviation from the Commission on Revenue Allocation’s recommendations, with an explanation for each such deviation. 	<p>Article 218 of the Constitution is amended by inserting the following new clause immediately after clause (2)—</p> <p>“(3) If the County Allocation of Revenue Act for a financial year has not been passed by Parliament before the beginning of that financial year, the Controller of Budget may—</p> <ul style="list-style-type: none"> (a) authorise the withdrawal from the Consolidated Fund of up to fifty per cent of the minimum amount of equitable share guaranteed to county governments under Article 203(2) based on the criteria contained in the Division of Revenue Act of the immediately preceding financial year; and (b) disburse to the respective Revenue Funds of the counties the amount under paragraph (a) based on the criteria contained in the County Allocation of Revenue Act of the immediately preceding financial year.”

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Form, content and timings of budgets Article 220</p> <ul style="list-style-type: none"> (1) Budgets of the national and county governments shall contain— <ul style="list-style-type: none"> (a) estimates of revenue and expenditure, differentiating between recurrent and development expenditure; (b) proposals for financing any anticipated deficit for the period to which they apply; and (c) proposals regarding borrowing and other forms of public liability that will increase public debt during the following year. (2) National legislation shall prescribe— <ul style="list-style-type: none"> (a) the structure of the development plans and budgets of counties; (b) when the plans and budgets of the counties shall be tabled in the county assemblies; and (c) the form and manner of consultation between the national government and county governments in the process of preparing plans and budgets. 	<ul style="list-style-type: none"> 1. Article 220 (1) to be amended by inserting the following new paragraph immediately after paragraph (c)— “(d) an explanation of previous, current and proposed budgetary measures taken to give effect to Article 21(2)”; 2. Article 220(2) (a) to be amended by deleting the words “counties” and substituting it with “the national government and counties” at the end of the clause.
<p>County appropriation Bills Article 224</p> <p>On the basis of the Division of Revenue Bill passed by Parliament under Article 218, each county government shall prepare and adopt its own annual budget and appropriation Bill in the form, and according to the procedure, prescribed in an Act of Parliament.</p>	<ul style="list-style-type: none"> 2. Article 224 to be amended by deleting the words “On the basis of the Division of Revenue Bill passed by Parliament under Article 218”. <p>The new Article 224 will read</p> <p>Each county government shall prepare and adopt its own annual budget and appropriation Bill in the form, and according to the procedure, prescribed in an Act of Parliament.</p>

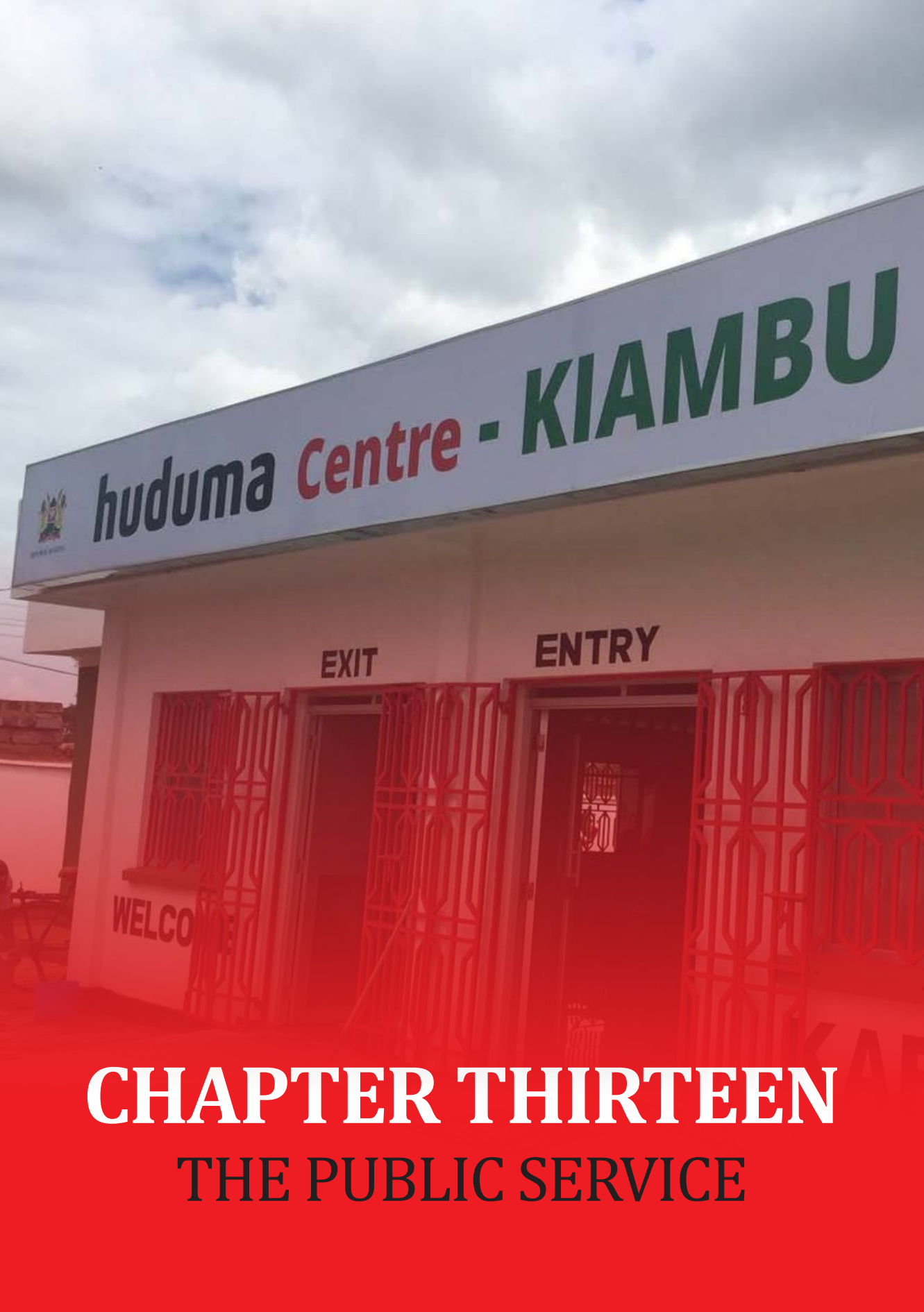
CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Financial control – Article 225</p> <p>(1) An Act of Parliament shall provide for the establishment, functions and responsibilities of the national Treasury.</p> <p>(2) Parliament shall enact legislation to ensure both expenditure control and transparency in all governments and establish mechanisms to ensure their implementation.</p> <p>(3) Legislation under clause (2) may authorise the Cabinet Secretary responsible for finance to stop the transfer of funds to a State organ or any other public entity—</p> <p>(a) only for a serious material breach or persistent material breaches of the measures established under that legislation; and</p> <p>(b)) subject to the requirements of clauses (4) to (7).</p>	<p>Amending Article 225 clause (3) by—</p> <p>(i) deleting the expression “Legislation under clause (2) may authorise the Cabinet Secretary responsible for finance to” appearing in the introductory phrase and substituting therefor the words “The Cabinet Minister responsible for finance shall”;</p> <p>(ii) in paragraph (a) by deleting the words “that legislation” and substituting therefor the words “by legislation under clause (2)”.</p> <p>(b) by inserting the following new clauses immediately after clause (3)—</p> <p>“(3A) Where the Cabinet Minister stops a transfer of funds under clause (3), the Cabinet Minister shall within thirty days table the matter—</p> <p>(a) in the case of a transfer to a State organ or other public entity, in the National Assembly; and</p> <p>(b) in the case of a transfer to a county government, in the Senate”.</p>
<p>Controller of Budget</p> <p>228. (1) There shall be a Controller of Budget who shall be nominated by the President and, with the approval of the National Assembly, appointed by the President.</p>	<p>Article 228 (1) of the Constitution is amended by deleting the word “National Assembly” and substituting with the word “Senate”.</p> <p>The new Article 228(1) will read as follows:</p> <p>“There shall be a Controller of Budget who shall be nominated by the President and, with the approval of the Senate , appointed by the President”.</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Salaries and Remuneration Commission Article 230</p> <p>(2) The Salaries and Remuneration Commission consists of the following persons appointed by the President—</p> <p>(a) a chairperson;</p> <p>(b) one person each nominated by the following bodies from among persons who are not members or employees of those bodies—</p> <p>(i) the Parliamentary Service Commission;</p> <p>(ii) the Public Service Commission;</p> <p>(iii) the Judicial Service Commission;</p> <p>(iv) the Teachers Service Commission;</p> <p>(v) the National Police Service Commission;</p> <p>(vi) the Defence Council; and</p> <p>(vii) the Senate, on behalf of the county governments;</p> <p>(c) one person each nominated by—</p> <p>(i) an umbrella body representing trade unions;</p> <p>(ii) an umbrella body representing employers; and</p> <p>(iii) a joint forum of professional bodies as provided by legislation;</p> <p>(d)) one person each nominated by—</p> <p>(i) the Cabinet Secretary responsible for finance; and</p> <p>(ii) the Attorney-General; and</p> <p>(e) one person who has experience in the management of human resources in the public service, nominated by the Cabinet Secretary responsible for public service.</p>	<p>1. Amend Article 230 by deleting clause (2) and substituting therefor the following new clause—</p> <p>“(2) The Salaries and Remuneration Commission consists of a chairperson and six other members who have extensive experience in matters relating to the management of human resources and wages, appointed by the President.”</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
(3) The Commissioners under clause (1) (d) and (e) shall have no vote.	Article 230 of the Constitution is amended .by deleting clause (3);
(4) The powers and functions of the Salaries and remuneration Commission shall be to— (a) set and regularly review the remuneration and benefits of all State officers; and (b) advise the national and county governments on the remuneration and benefits of all other public officers.	Article 230 of the Constitution is amended; (a) in clause (4) by inserting the following new paragraph immediately after paragraph (b)— “(c) determine and harmonise the rates paid by national and county governments to professional consultants for services rendered.”
(5) In performing its functions, the Commission shall take the following principles into account— (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 recognise productivity and performance; and (d) transparency and fairness.	Article 230 of the Constitution is amended; (b) in clause (5) by inserting the following new paragraph immediately after paragraph (c)— “(ca) the need to rationalize and harmonise remuneration and benefits paid to all State Officers and public officers.”

PUBLIC FINANCE

The new Article 203(2) will read:
“For every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall be not less than thirty-five per cent of all revenue collected by the national government”.



CHAPTER THIRTEEN

THE PUBLIC SERVICE



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Functions and powers of the Public Service Commission Article 234(1) The functions and powers of the Commission are as set out in this Article.</p> <p>(3) Clauses (1) and (2) shall not apply to any of the following offices in the public service—</p> <ul style="list-style-type: none"> (a) State offices; (b) an office of high commissioner, ambassador or other diplomatic or consular representative of the Republic; (c) an office or position subject to— <ul style="list-style-type: none"> (i) the Parliamentary Service Commission; (ii) the Judicial Service Commission; (iii) the Teachers Service Commission; (iv) the National Police Service Commission; or (b) an office in the service of a county government, except as contemplated in clause (2) (i). 	<p>Amend Article 234 (3) (c) by deleting sub-paragraph (iv) and substituting therefor the following new sub-paragraph—</p> <p>“(iv) the national security organs referred to in Article 239 (1).”</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
PART 3 – TEACHERS SERVICE COMMISSION Article 237 – Teachers Service Commission	<p>The Constitution is amended by inserting a new Article immediately after Article 237—</p> <p>237A. The Youth Commission.</p> <p>(1) There is established the Youth Commission.</p> <p>(2) The Commission shall consist of the following persons appointed by the President, with the approval of the National Assembly—</p> <p>(a) a chairperson; and</p> <p>(b) six members, with equal representation of both genders, at least four of whom shall be youth.</p> <p>(3) The members of the Commission shall—</p> <p>(a) include persons with experience in youth affairs and governance; and</p> <p>(b) hold office for a single term of four years.</p> <p>(4) The functions of the Commission are to—</p> <p>(a) advance the participation of the youth in all spheres of public and private life;</p> <p>(b) ensure the mainstreaming of the youth perspectives in planning and decision making;</p> <p>(c) advise the national and county governments on the design, implementation and evaluation of policies and programs to secure sustainable livelihoods for the youth;</p> <p>(d) facilitate generational mentorship and integration of African traditional values with contemporary youth lifestyles;</p> <p>(e) promote the preservation and dissemination of African morals, traditions and cultures among the young people; and</p> <p>(f) propose legislative, policy and other measures for the attainment of this Article.</p> <p>(5) Parliament shall enact legislation to give effect to this Article.</p>

THE PUBLIC SERVICE

The Constitution is amended
by inserting a new Article
immediately after Article 237—



CHAPTER FOURTEEN

NATIONAL SECURITY



CHAPTER FOURTEEN

NATIONAL SECURITY

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Establishment of the National Security Council Article 240(2) The Council consists of—</p> <ul style="list-style-type: none">(a) the President;(b) the Deputy President;(c) the Cabinet Secretary responsible for defence;(d) the Cabinet Secretary responsible for foreign affairs;(e) the Cabinet Secretary responsible for internal security;(f) the Attorney-General;(g) the Chief of Kenya Defence Forces;(h) the Director-General of the National Intelligence Service; and(i) the Inspector-General of the National Police Service.	<p>Amend Article 240 (2) by inserting the following new paragraph immediately after paragraph (b)—</p> <p>“(ba) the Prime Minister”.</p>
<p>Establishment of the National Police Service Article 243 (2)</p> <p>(2) The National Police Service consists of—</p> <ul style="list-style-type: none">(a) the Kenya Police Service; and(b) the Administration Police Service.	<p>Article 243 (2) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (b)—</p> <p>“(c) the Directorate of Criminal Investigations</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Command of the National Police Service Article 245(2)</p> <p>(2) The Inspector-General--</p> <p>(a) is appointed by the President with the approval of Parliament; and</p> <p>(b) shall exercise independent command over the National Police Service, and perform any other functions prescribed by national legislation.</p> <p>(3) The Kenya Police Service and the Administration Police Service shall each be headed by a Deputy Inspector-General appointed by the President in accordance with the recommendation of the National Police Service Commission.</p> <p>(4) The Cabinet secretary responsible for police services may lawfully give a direction to the Inspector-General with respect to any matter of policy for the National Police Service, but no person may give a direction to the Inspector-General with respect to—</p> <p>(a) the investigation of any particular offence or offences;</p> <p>(b) the enforcement of the law against any particular person or persons; or</p> <p>(c) the employment, assignment, promotion, suspension or dismissal of any member of the National Police Service.</p> <p>(5) Any direction given to the Inspector-General by the Cabinet secretary responsible for police services under clause (4), or any direction given to the Inspector-General by the Director of Public Prosecutions under Article 157(4), shall be in writing.</p>	<p>1. Article 254(2) is amended by deleting clause (2)(b) and substituting it with “(b) shall—</p> <p>(i) exercise independent command over the Service;</p> <p>(ii) determine promotions and transfers within the Service;</p> <p>(iii) exercise disciplinary control through suspension of officers in the Service; and</p> <p>(iv) perform any other functions prescribed by legislation.”</p> <p>(b) in clause (3) by deleting the words “and the Administration Police Service” and substituting therefor the words “the Administration Police Service, and the Directorate of Criminal Investigations”; and</p> <p>3. by deleting the word “Cabinet Secretary” appearing in clauses (4) and (5) and substituting therefor the words “Cabinet Minister”.</p>



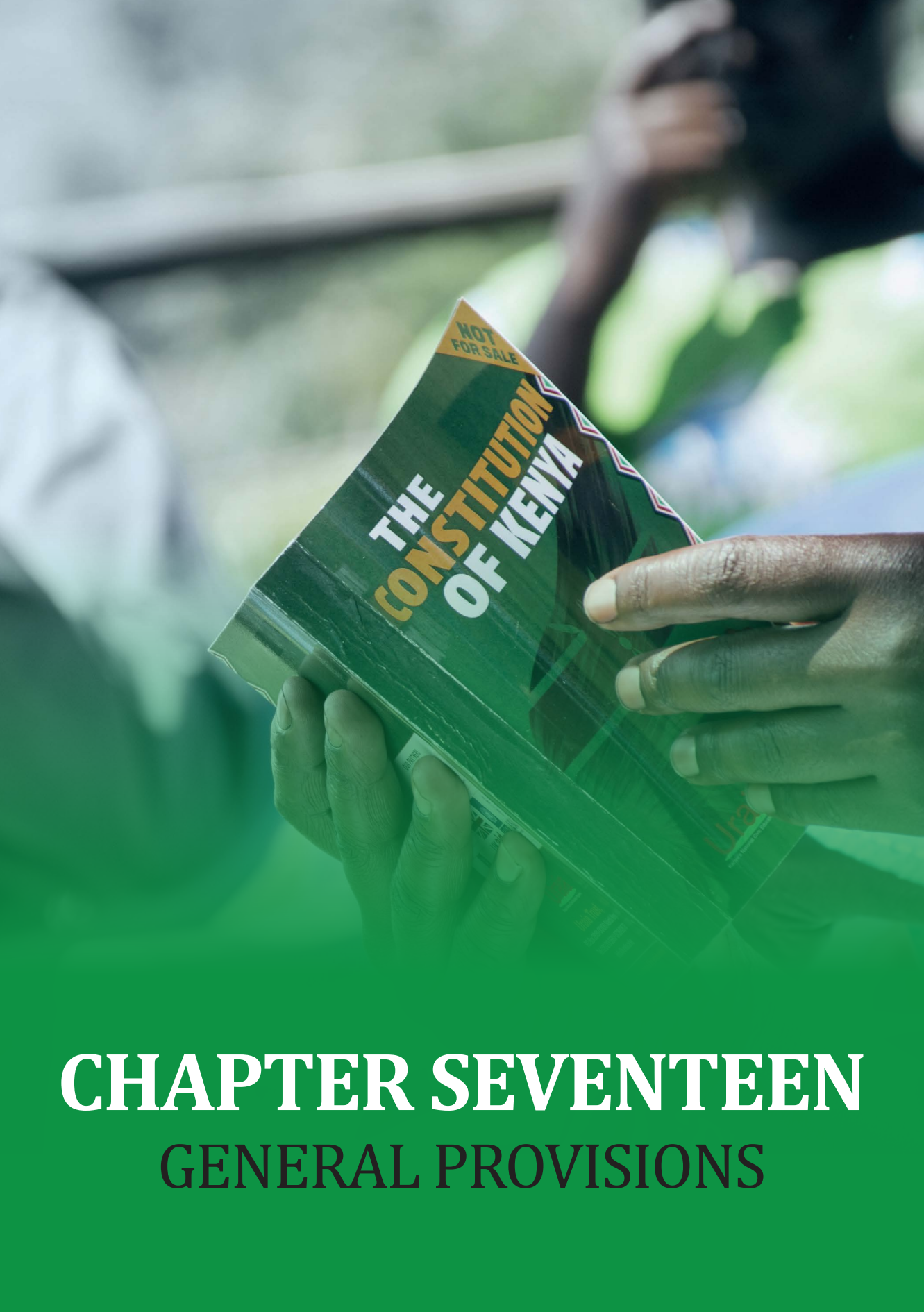
CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>National Police Service Commission -Article 246</p> <p>(1) There is established the National Police Service Commission.</p> <p>(2) The Commission consists of—</p> <p>(a)) the following persons, each appointed by the President—</p> <p>(i) a person who is qualified to be appointed as a High Court Judge;</p> <p>(ii) two retired senior police officers; and</p> <p>(iii) three persons of integrity who have served the public with distinction;</p> <p>(b)) the Inspector-General of the National Police Service; and</p> <p>(c) both Deputy Inspectors-General of the National Police Service.</p> <p>(3) The Commission shall—</p> <p>(a) recruit and appoint persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service;</p> <p>(b) observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the Service; and</p> <p>(c) perform any other functions prescribed by national legislation.</p> <p>(4) The composition of the National Police Service shall reflect the regional and ethnic diversity of the people of Kenya.</p>	<p>Article 246 is amended</p> <p>in clause (2) (c) by deleting the word “both” and substituting therefor the word “the”;</p> <p>(b) in clause (3) by—</p> <p>(i) deleting the words “confirm appointments, and determine promotions and transfers” and substituting therefor the words “and confirm appointments” in paragraph</p> <p>(a)” and</p> <p>(ii) deleting paragraph (b) and substituting therefor the following new paragraph—</p> <p>“(b) set and regularly review the conditions of service and code of conduct within the Service”; and</p> <p>(c) inserting the following new clause immediately after clause (4)—</p> <p>“(5) The Commission may delegate, in writing, with or without conditions, any of its functions and powers under this Article to any officer, body or authority in the National Police Service.</p>



CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
Article 248 (3) The independent offices are— (a) the Auditor-General; and (b) the Controller of Budget.	Article 248 (3) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (b)— “(c) the Director of Public Prosecutions
Composition, appointment and terms of office. 250. (1) Each commission shall consist of at least three, but not more than nine, members	Article 250 (1) of the Constitution is amended by deleting the word “nine” and substituting therefor the word “seven” It will read as follows: Each commission shall consist of at least three, but not more than seven, members

CHAPTER FIFTEEN

COMMISSIONS AND
INDEPENDENT OFFICES



CHAPTER SEVENTEEN

GENERAL PROVISIONS

CHAPTER SEVENTEEN

GENERAL PROVISIONS

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Construing this Constitution Article 259 (11)</p> <p>If a function or power conferred on a person under this Constitution is exercisable by the person only on the advice or recommendation, with the approval or consent of, or on consultation with, another person, the function may be performed or the power exercised only on that advice, recommendation, with that approval or consent, or after that consultation, except to the extent that this Constitution provides otherwise.</p>	<p>Amend Article 259 by inserting the following new clause immediately after clause (11)—</p> <p>“(12) Where an appointive office with tenure under this Constitution is due to fall vacant, the process of replacing the holder of that office shall commence at least six months before the lapse of the term of the office holder and conclude before the lapse of the term of the office holder.”</p>

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>Interpretation Article 260 – State office “State office” means any of the following offices—</p> <ul style="list-style-type: none"> (a) President; (b) Deputy President; (c) Cabinet Secretary; (d) Member of Parliament; (e) Judges and Magistrates; (f) member of a commission to which Chapter Fifteen applies; (g) holder of an independent office to which Chapter Fifteen applies; (h) member of a county assembly, governor or deputy governor of a county, or other member of the executive committee of a county government; (i) Attorney-General; (j) Director of Public Prosecutions; (k) Secretary to the Cabinet; (l) Principal Secretary; (m) Chief of the Kenya Defence Forces; (n) commander of a service of the Kenya Defence Forces; (o) Director-General of the National Intelligence Service; (p) Inspector-General, and the Deputy Inspectors-General, of the National Police Service; or (q) an office established and designated as a State office by national legislation; 	<p>Amend Article 260 in the definition of the words “state office” by inserting the following new items in their proper chronological order—</p> <ul style="list-style-type: none"> “(ba) Prime Minister; (bb) Deputy Prime Minister; (ea) Judiciary Ombudsman;” (ca) Deputy Minister; (ea) Judiciary Ombudsman;”

CONSTITUTION OF KENYA, 2010	CONSTITUTION OF KENYA AMENDMENT BILL, 2020
<p>THIRD SCHEDULE: NATIONAL OATHS AND AFFIRMATIONS</p>	<p>Amend the Third Schedule by (a) inserting the words “Prime Minister/Deputy Prime Minister” immediately before the words “Cabinet Secretary” wherever the words appear in the prescription of the “OATH OF SOLEMN AFFIRMATION OF DUE EXECUTION FOR THE CABINET SECRETARY”; and</p> <p>(b) inserting the words “Deputy Chief Justice” immediately after the words “President of the Supreme Court” wherever the words appear in the prescription of the “OATHS FOR THE CHIEF JUSTICE/PRESIDENT OF THE SUPREME COURT, JUDGES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEAL, AND JUDGES OF THE HIGH COURT”.</p>
<p>CONSEQUENTIAL LEGISLATION.</p>	<p>(1) Parliament shall enact any legislation required by this Act to be enacted to govern a particular matter within the period recommended in the First Schedule.</p> <p>(2) For purposes of clause (1), the Attorney General and the Kenya Law Reform Commission shall prepare the relevant Bills for tabling before Parliament as soon as is reasonably practicable to enable Parliament to enact the legislation within the recommended period in the First Schedule commencing on the date this Act comes into force. The transitions and consequential provisions set out in the second schedule shall take effect on the date this Act comes into force.</p>
<p>TRANSITION AND CONSEQUENTIAL PROVISIONS.</p>	<p>The transitions and consequential provisions set out in the second schedule shall take effect on the date this Act comes into force.</p>

NOTES

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