



THE REPUBLIC OF KENYA

LAWS OF KENYA

PARLIAMENTARY SERVICE ACT

NO. 10 OF 2000

Revised Edition 2016 [2000]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 10 OF 2000

PARLIAMENTARY SERVICE ACT

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NO. 10 OF 2000

PARLIAMENTARY SERVICE ACT

[Date of assent: 29th December, 2000.]

[Date of commencement: 29th December, 2000.]

An Act of Parliament to make provision for the Parliamentary Service and the Parliamentary Service Commission as established under the Constitution and for connected purposes

[Act No. 10 of 2000, Act No. 3 of 2005.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Parliamentary Service Act, 2000.

2. Interpretation

In this Act, unless the context otherwise requires—

“**chairman**” includes the vice-chairman or any other member of the Commission when discharging the functions of the chairman;

“**Clerk**” means the Clerk of the National Assembly appointed under section 45B of the Constitution;

“**Commission**” means the Parliamentary Service Commission established under section 45A of the Constitution;

“**Fund**” means the National Assembly Fund established under section 18;

“**member**” in relation to the Commission, includes the chairman and the vice-chairman of the Commission;

“**Minister**” means the Minister for the time being responsible for matters relating to the National Assembly;

“**office**”, in relation to the Service, means a paid office as an employee of the Service, not being the office of a member of the Commission, or a part-time office, or an office the emoluments of which are payable at an hourly or daily rate;

“**officer**” or “**employee**” means any person who holds or acts in any office of the Service otherwise than as a part-time officer or employee;

“**Parliamentary Service Code of Conduct**” means the code of conduct prescribed under section 5;

“**Parliamentary Service values**” means the values specified in or under section 4;

“**secretary**” includes any other officer when discharging the functions of the secretary;

“**Service**” means the Parliamentary Service established under section 45A of the Constitution;

“**services and facilities**” includes all means by which members of the National Assembly are officially assisted in performing their parliamentary duties;

“**Speaker**” means the Speaker of the National Assembly or, where appropriate, the Deputy Speaker.

PART II – THE PARLIAMENTARY SERVICE

3. Nature of the Parliamentary Service

(1) The Service shall be an institution of exemplary administrative and technical competence.

(2) Subject to section 45B of the Constitution, in the performance of their functions, employees of the Service shall not seek or receive directions from any source external to the Service.

(3) Every member of the National Assembly shall respect the non-partisan and apolitical character of the Service and shall not seek to influence employees of the Service in the discharge of their functions.

4. Parliamentary Services values

The Service shall uphold the following values—

- (a) the promotion of democracy and the rule of law;
- (b) the fostering of patriotism, peace and national unity;
- (c) the provision of non-partisan and impartial advice and services to the National Assembly, its committees and its members;
- (d) the maintenance of the highest ethical standards;
- (e) the maintenance of honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality and fairness, courtesy and discipline;
- (f) the provision of a workplace that is free from discrimination, recognizes the diverse backgrounds of the Service employees and promotes national integration;
- (g) the maintenance of the spirit of co-operation in the workplace based on consultation and communication;
- (h) the provision of a fair, flexible, safe and rewarding workplace;
- (i) the inspiration of public confidence in and respect for the institution of Parliament;
- (j) the fostering of understanding and co-operation among the three organs of State, to wit, the Parliament, the Executive and the Judiciary in the context of their autonomy and complementarity; and
- (k) such other values as the Commission may, from time to time, prescribe.

5. Parliamentary Services Code of Conduct

(1) The Commission may, from time to time, prescribe a Parliamentary Service Code of Conduct.

(2) Without prejudice to the provisions of any Code of Conduct prescribed under subsection (1), every employee of the Service shall, in the course of his employment—

- (a) be patriotic and loyal to Kenya and at all times conduct himself in a manner that promotes the image and interests of the country;

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- (b) conduct himself with honesty and integrity and act with care and diligence;
 - (c) use the resources of the nation conscientiously and combat corruption and misuse or wastage of public property;
 - (d) respect and observe the law of the land and co-operate with all lawful agencies in the maintenance of law and order;
 - (e) treat all persons with respect and courtesy and, in particular, protect persons with disabilities and other vulnerable groups against any form of abuse, harassment or ill-treatment;
 - (f) promote gender equality and respect for the rights and freedoms of others;
 - (g) preserve and protect the environment and national heritage;
 - (h) comply with any lawful and reasonable direction given by any person in the Service having authority to give such direction;
 - (i) maintain appropriate confidentiality about dealings that the employee has with the National Assembly, its committees, its members and its staff (including employees of members, if any);
 - (j) disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with the Service;
 - (k) not provide false or misleading information in response to a request for information that is made for official purposes;
 - (l) not make improper use of—
 - (i) any information obtained through or in connection with the office of such employee and which is not yet made available to the public; or
 - (ii) the employee's duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for himself or for anyone else;
 - (m) conduct himself in a manner that upholds the letter and spirit of the values and the integrity and good reputation of the Service;
 - (n) while on duty overseas, conduct himself in a manner that promotes the good image of Kenya;
 - (o) comply with any other requirements of conduct as may be prescribed by the Commission.

6. Complementarity of values and codes of conduct

The Parliamentary Service values and the Parliamentary Service Code of Conduct provided for in sections 4 and 5 shall be in addition to, and not in derogation from, any others that may be specified by or under any other written law in relation to the citizens of Kenya generally.

PART III – THE PARLIAMENTARY SERVICE COMMISSION

7. Incorporation of the Commission

The Parliamentary Service Commission shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;

- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

8. Qualifications of members of the Commission

(1) In nominating or appointing any person as a member of the Commission, the Parliamentary party or parties concerned and the National Assembly respectively shall have regard to the person's experience or interest in consolidating and advancing the ideals and objectives of Parliamentary democracy.

(2) A member of the Commission shall serve in his personal capacity.

9. Number and type of departments of the Service

(1) There shall be such number and types of departments and such categories and classifications of staff under the Service as the Commission may, from time to time determine.

(2) The Commission may from time to time—

- (a) allocate functions to any department of the Service;
- (b) make such arrangements as appear to the Commission expedient in connexion with the creation, division, amalgamation or abolition of any department of the Service.

10. Parliamentary scheme of service

The Commission shall prescribe a scheme of service setting out the terms and conditions for the appointment of the officers and other staff of the Service which shall provide for—

- (a) the appointment and confirmation of appointment of officers and other staff;
- (b) promotions, resignations and termination of appointments;
- (c) the scales of salaries and allowances; and
- (d) the designation and grades of officers and other staff.

11. Social security scheme

(1) The Commission—

- (a) shall establish a non-contributory pension scheme for all its employees;
- (b) may establish or adopt a contributory optional superannuation, provident or medical fund or other scheme for its employees and may grant pensions, gratuities, retiring allowances or sickness or injury benefits to any employee.

(2) The provisions of this section shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

12. Meetings and procedure of the Commission

(1) The chairman shall convene a meeting of the Commission at least once every fortnight.

(2) The chairman or in his absence the vice-chairman may at any time convene a special meeting of the Commission, and shall do so within seven days of the receipt by him of a written requisition therefor signed by at least three members.

(3) If the chairman fails to convene a special meeting of the Commission pursuant to a requisition under subsection (2), the members making the requisition may convene such meeting which shall be held within seven days after the expiry of the period prescribed in that subsection.

(4) The quorum for a meeting of the Commission shall be four members who shall include one member appointed under subparagraph (i) and one member appointed under subparagraph (ii) of section 45B(1)(e) of the Constitution.

(5) A member of the Commission other than an *ex officio* member may be removed from office by the appointing authority upon the recommendation of the Commission, if such member—

- (a) has been absent from three consecutive meetings of the Commission without the permission of the chairman; or
- (b) is, in the opinion of the Commission, otherwise unable or unfit to discharge the functions of his office.

PART IV – THE CLERK AND OTHER STAFF

13. Status and general functions of the Clerk

(1) The Clerk shall be—

- (a) the chief executive of the Parliamentary Service and secretary to the Commission;
- (b) responsible to the chairman and the Commission for the general working and efficient conduct of the business of the Service.

(2) The Commission may delegate to the Clerk such of its functions as are necessary to carry out the day-to-day management of the Service, and subject to such directions as may be given by the Commission, to direct and supervise the acts of all employees and agents of the Service.

(3) The Clerk may, in consultation with the Commission, assign or delegate the functions under this section to any employee of the Service.

14. Procedural functions of the Clerk

(1) The procedural functions of the Clerk shall include—

- (a) rendering expert, non-partisan and impartial advice to the members of the National Assembly on Parliamentary procedure and practice;
- (b) carrying out such other duties and exercising powers as may be conferred on him by law or by the standing orders and practices of the National Assembly.

(2) In carrying out the functions specified in subsection (1), the Clerk shall be assisted by such other officers of the Service as may be necessary.

(3) Subject to this Act and any other written law, the Clerk shall, in carrying out and exercising the power conferred on him by the standing orders and practices of the National Assembly, be under the direction of the Speaker.

(4) At any time when the office of the Speaker is vacant or the holder of the office is unable for any reason to carry out the duties and exercise the powers and functions of his office, the Clerk shall, during that period and in relation to the

carrying out of the duties and exercise of the powers and functions referred to in this section, be under the direction of the Deputy Speaker.

15. Exercise of functions of the Clerk during vacancy or inability

If the office of Clerk is vacant, or if for any reason the Clerk is unable to exercise the functions of his office, any other person for the time being performing the duties of the Clerk pursuant to the standing orders of the National Assembly or by direction of the Speaker shall have and may exercise all the functions, duties and powers of the Clerk.

16. Suspension or removal of the Clerk

The Clerk may, at any time and in such manner as may be prescribed under this Act, be suspended or removed from office by the Commission for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

17. Retirement and resignation of employees

(1) An employee shall retire from the Service on attaining the age of sixty years:

Provided that the Commission may re-engage him on contract for a single term not exceeding two years.

(2) An employee may—

- (a) after attaining the age of fifty years, elect to retire from the Service at any time; or
- (b) in such manner as may be provided under this Act, resign from the Service at any time.

(3) The Commission may, in such manner and for such reasons as may be prescribed under this Act, require an employee to retire from the Service at any time.

PART V – FINANCIAL PROVISIONS

18. Establishment of National Assembly Fund

(1) There is established a fund to be known as the National Assembly Fund.

(2) There shall be paid into the Fund—

- (a) such moneys as may, from time to time, be provided by Parliament;
- (b) such moneys as may be borrowed by the Commission on such terms and for such purposes as the Commission, in consultation with Minister for the time being responsible for Finance, may determine;
- (c) any moneys accruing to or received by the Commission from any other source.

(3) There shall be paid out of the Fund all payments in respect of any expenses incurred in pursuance of the provisions of this Act.

(4) The Commission may, with the approval of the National Assembly signified by resolution, establish such other funds as it may deem necessary.

19. Bank accounts

The Commission shall open and maintain such bank accounts as are necessary for the exercise of its functions.

20. Estimates of expenditure

(1) At least three months before the commencement of each financial year, the Clerk shall cause to be prepared, estimates of all the expenditure required for the purposes of this Act for that year and shall present such estimates to the Commission for review.

(2) The Commission shall review the estimates forwarded under subsection (1) and may make such alterations thereto as it may deem appropriate and shall thereafter agree upon those estimates.

(3) The chairman of the Commission shall dispatch a copy of the estimates agreed upon by the Commission under subsection (2) to the Minister responsible for matters relating to Finance or information.

(4) The chairman of the Commission or some other member thereof authorized by the Commission in that behalf shall present the estimates agreed by the Commission for consideration and approval by the National Assembly.

(5) Upon the approval of the estimates presented to the National Assembly under subsection (4), all monies from time to time required for the purposes of this Act shall be paid from the Consolidated Fund into the National Assembly Fund.

21. Accounts and audit

(1) The Clerk shall ensure that proper books and records of accounts of the Commission are kept and maintained.

(2) Within three months after the end of each financial year, the Clerk shall submit to the Controller and Auditor-General, the accounts of the Commission for the year.

(3) Notwithstanding the provisions of any other written law, the accounts of the Commission shall be audited and reported upon by the Controller and Auditor-General.

22. Deleted by Act No. 3 of 2005, Fourth Sch.

[Act No. 3 of 2005, Fourth Sch.]

23. Review of terms and conditions of service of members and employees of the Assembly

(1) The Commission shall, from time to time, appoint an independent body of experts to review the terms and conditions of service of members and employees of the National Assembly.

(2) The Commission shall upon receipt of the report of experts appointed under subsection (1), transmit the report together with its comments thereon, if any, to the National Assembly.

24. Remuneration of members of the Commission

Members of the Commission shall receive such allowances as may be determined by Parliament under the National Assembly Remuneration Act (Cap. 5).

PART VI – MISCELLANEOUS PROVISIONS**25. Annual report of operations of the Commission**

Within three months after the end of each calendar year, the Commission shall prepare and lay before the National Assembly, a report of its operations during that year.

26. Designated member may present documents, etc., in the Assembly

A member of the Commission (not being the chairman or a Minister) authorized by the Commission in that behalf may—

- (a) lay before the National Assembly any document or other matter;
- (b) reply to a question relating to the affairs of the Commission.

27. Oath of office for members and staff of the Commission

(1) The members of the Commission shall, on first appointment, take an oath in the form prescribed in the First Schedule.

(2) The secretary and such other officers (including persons engaged, commissioned or appointed in accordance with section 45B(11) of the Constitution) of the Commission as the chairman may require so to do, shall, on first appointment, take an oath in the form prescribed in the Second Schedule to this Act.

(3) Where any person required to take an oath has no religious belief or the taking of such oath is contrary to his religious belief, he may make and subscribe a solemn affirmation in the form of the oath appointed substituting the words “**solemnly and sincerely declare and affirm**” for the word “**swear**” and omitting the words “**So help me God**”.

(4) Every oath or affirmation taken by the chairman shall be administered by the secretary and every oath or affirmation taken by any other member or the secretary shall be administered by the chairman:

Provided that every oath or affirmation taken by any other officer shall be administered by the secretary.

28. Power to order attendance of witnesses

The Commission or any committee thereof may, subject to section 29, order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.

29. Privileges of witnesses

Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Commission or a committee thereof shall be entitled, in respect of that evidence or the disclosure of any communication or the production of any paper, book, record or document to the same right or privilege as before a court of law.

30. Evidence of proceedings in the Commission not to be given without leave

(1) A member or an officer of the Commission or any person employed to take minutes or evidence before the Commission or any committee shall not give evidence elsewhere in respect of the contents of those minutes or evidence or of the contents of any document laid before the Commission or that committee or in respect of any proceedings or examination held before the Commission or that committee without special leave first obtained from the chairman.

(2) The special leave referred to in subsection (1) may be given by the vice-chairman in the absence or other incapacity of the chairman.

31. Protection of members and staff of the Commission

Any act or thing done by any member of the Commission or by any officer or servant of the Commission shall not, if the act or thing was done *bona fide* for the purposes of carrying out this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

32. Communication of Commission privileged

A person shall not in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral which has taken place between the Commission or any member or officer of the Commission, in the exercise of, or in connection with the exercise of, the function of the Commission unless the chairman consents in writing to such production or disclosure.

33. Offences and penalties under the Act

Any person who—

- (a) in connexion with an application by himself or any other person for employment, appointment or promotion in the Service, or in connection with any matter on which it is the duty of the Commission to require information or evidence, or into which it is the duty of the Commission to inquire, wilfully gives to the Commission or to any member thereof any information which is false or misleading in any material particular; or
- (b) without the consent in writing of the chairman, publishes or discloses to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under this Act, and any person who knowingly acts in contravention of this paragraph; or
- (c) having possession of any information which to his knowledge has been published or disclosed in contravention of paragraph (b) of this section, publishes or communicates to any other person otherwise than for the purpose of any prosecution under this Act or in the course of his duty any such information; or
- (d) otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or of any member thereof; or
- (e) disobeys any order made by the Commission or a committee for attendance or for production of papers, books documents or records; or
- (f) refuses to be examined before, or to answer any lawful and relevant question put by, the Commission or a committee,

commits an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both:

Provided that nothing in paragraph (d) of this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for the Service or supplying any information or assistance upon formal request made by the Commission.

34. Examination and other boards

(1) The Commission may, in such manner as it deems fit, make provision for examinations and appoint such selection, promotion or other boards as it deems necessary for the proper discharge of its functions.

(2) A board appointed under subsection (1) may wholly or in part consist of persons who are not members of the Commission.

35. Saving of existing rights and liabilities

Without prejudice to the rights of any person, on the coming into operation of this Act, all movable and immovable property and all the rights and liabilities of the former National Assembly Department and all the property movable or immovable held by any person on behalf of the Department shall be deemed to vest in the Commission.

36. Regulations by the Commission

(1) The Commission may make regulations for prescribing anything required by this Act to be prescribed and generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under this Act may provide for—

- (a) the conduct of the business of the Commission;
- (b) the administration and management of the services and facilities;
- (c) the terms and conditions of service, pension and other retirement benefits of employees;
- (d) the measures for the discipline of employees;
- (e) the financial procedures of the Commission;
- (f) the orientation and training of members of the National Assembly and employees;
- (g) the security of members of the National Assembly.

(3) All regulations made under this section shall be laid before the National Assembly with reasonable despatch and, if a resolution is passed by the Assembly within twenty days on which it next sits after the regulation is laid before it that the regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new regulation.

Parliamentary Service

FIRST SCHEDULE

[Section 27(1).]

OATH/AFFIRMATION OF MEMBER OF THE COMMISSION

I..... having been appointed as Chairman/Vice Chairman/Member of the Parliamentary Service Commission do swear/solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill-will discharge the functions of the office of Chairman/Vice-Chairman/Member of the Parliamentary Service Commission, and that I will not directly or indirectly reveal any matters relating to such function to unauthorised persons or otherwise than in the course of my duty. SO HELP ME GOD

Sworn/Declared by the said

before me this Day of

.....

Chairman/Secretary

Parliamentary Service Commission

SECOND SCHEDULE

[Section 27(2).]

OATH/AFFIRMATION OF OFFICER OF THE COMMISSION

I..... being called upon to exercise the functions of secretary Officer/[other] of the Parliamentary Service Commission, do swear/solemnly and sincerely declare and affirm that I will not, directly or indirectly reveal to any unauthorised persons or otherwise than in the course of duty the contents of any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as an officer of the Commission. SO HELP ME GOD

Sworn/Declared by the said

before me this Day of

.....

Chairman/Secretary

Parliamentary Service Commission

NO. 10 OF 2000

PARLIAMENTARY SERVICE ACT

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**PARLIAMENTARY SERVICE COMMISSION
(FINANCIAL PROCEDURES) REGULATIONS, 2005**

[L.N. 76/2005.]

[Repealed by L.N. 29/2014, r. 26.]

PARLIAMENTARY SERVICE (CONSTITUENCY OFFICES) REGULATIONS, 2005

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**PARLIAMENTARY SERVICE (CONSTITUENCY
OFFICES) REGULATIONS, 2005**

[L.N. 77/2005, L.N. 116/2005, L.N. 13/2012.]

PART I – GENERAL PROVISIONS**1. Citation and commencement**

These Regulations may be cited as the Parliamentary Service (Constituency Offices) Regulations, 2005 and shall be deemed to have come into operation on the 2nd June, 2005.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“authority to incur expenditure” means a delegated responsibility by the Clerk to the constituency office Manager to enable the manager authorize expenditure;

“bank account” means an account opened at a commercial bank for the purpose of running a constituency office;

“Clerk” means the Clerk of the National Assembly appointed under section 45A(2) of the Constitution of Kenya or the Clerk of the Senate appointed under article 128 of the Constitution;

“Commission” means the Parliamentary Service Commission established under section 45B of the Constitution or Article 127 of the Constitution;

“Constituency” means one of the constituencies into which Kenya is divided under section 42 of the former constitution or a single member constituency established under Article 89 or Article 98 of the Constitution;

“Constituency Development Fund” means the Fund established under the Constituency Development Fund Act (No. 10 of 2003);

“constituency office” means an office set up by a Member within the constituency he represents in accordance with these Regulations;

“constituency office assistant” means a staff employed by a Member to perform duties specified under regulation 30 of these Regulations;

“constituency office manager” means a staff employed by a Member to perform duties specified under regulation 30 of these Regulations;

“copy typist” means a secretary employed by a Member to perform duties specified under regulation 30 of these Regulations;

“direct financial interest” means a case where a Member is part of or co-owner of a building where the constituency office is located;

“landlord” for purposes of these Regulations includes landlady;

“Member” means an elected or nominated Member of Parliament;

“Member’s home” means any place, house, building or shelter which is ordinarily used by a Member within the constituency as his home;

“Permanent Secretary” means a public officer appointed by the President pursuant to section 22 of the Constitution;

“Speaker” means the Speaker of the National Assembly elected pursuant to section 37 of the Constitution;

“staff” means an employee or employees of a Member working for the member in the constituency office; and

“the House” means the National Assembly.

[L.N. 13/2012, r. 2 & 3.]

PART II – OFFICE RENTAL/CONSTRUCTION

3. Initiating opening of an office

Upon the gazettelement of an elected or nominated Member of Parliament, the Clerk shall, for the purpose of facilitating the opening of an office for the member, write to the Permanent Secretaries responsible for the Ministries of health, public works and lands respectively, to—

- (a) inspect and verify that an office identified by a member is fit for human habitation and meets basic public health standards and requirements;
- (b) confirm that the office building is structurally sound; and
- (c) assess the value of the office through a qualified property valuer to confirm the market renting price for such an office.

[L.N. 13/2012, r. 4.]

4. Custody of lease agreement

A Member shall, subject to the fulfillment of the provisions of regulation 3, forward a lease agreement together with the relevant letters from Ministries of Public Works, Health and Lands to the Clerk for custody.

5. Restriction on where to open an office

Renting of offices shall not be permitted where the proposed office is—

- (a) in a building owned by a Member or his close relative;
- (b) in a building where the Member has direct financial interest; and
- (c) in the Member's home.

6. The signage

The signage for a constituency office shall indicate the name of the constituency first then followed by the name of the Member.

7. Maximum office space

The rented office space for a constituency shall not exceed 210 square metres.

8. Signing the lease agreement

The constituency office manager, where necessary, shall sign a lease agreement with the landlord or agent before occupying the office and shall be responsible for the accuracy of all the information contained in the lease agreement.

9. Ensuring security

The constituency office manager shall ensure there is sufficient security for the office premises and, at most, two guards may be employed for that purpose where and when it is necessary to do so.

10. Reporting complaints on misuse of office

(1) Any complaint regarding the misuse of a constituency office shall be reported to the Member in writing, and the general public may also direct such complaints in writing to the Commission.

(2) Upon receipt of any complaint pursuant to subregulation (1), the Commission shall investigate the complaints and take action as it deems appropriate.

11. Construction of a constituency office

In the construction of a constituency office, the Member shall ensure that—

- (a) the office is built on public land; and

[Subsidiary]

- (b) the process of procurement of goods and services for the construction of the office is in line with Government procurement procedures and financial regulations.

11A. Offices for nominated Members

The Commission shall open and furnish a suitable office within the precincts of Parliament in Nairobi for every nominated Member of Parliament.

[L.N. 13/2012, r. 5.]

PART III – FINANCIAL PROVISIONS**12. Procurement procedures**

The constituency office manager shall purchase office equipment as may be necessary to effectively run the constituency office.

13. Budget allocation

On the 31st March of each year before the commencement of the ensuing financial year, the Member shall forward to the Commission the budget estimates for the purchase of office furniture, equipment, consumables and personnel emoluments for staff at the constituency office but such budget shall not exceed KSh. 3.36 million in each financial year or such amount as may be set by the Commission.

[L.N. 13/2012, r. 6.]

14. Source of finance

At the commencement of every financial year, the constituency office Manager shall be issued with an Authority to Incur Expenditure by the Clerk for the approved budget in respect of that constituency for that financial year and an initial amount shall be credited to the account of the constituency opened as specified in regulation 18.

15. Prudence in procurement and expenditure

The constituency office manager shall ensure that the money available to the constituency pursuant to regulation 14 is spent in conformity with existing Government financial regulations to facilitate quick, efficient and effective delivery of services.

16. Reimbursement

At regular intervals, supporting documents for expenditure incurred shall be lodged with the Clerk for reimbursement.

17. Accounting for funds

No reimbursement pursuant to regulation 16 shall be effected before the constituency properly accounts for the expenditure incurred on the disbursed funds.

18. Opening a bank account

An account approved by the Commission shall be opened for every constituency with a reputable commercial bank at the nearest location from the constituency office.

19. Signatories of cheques

The signatories to the account opened pursuant to regulation 18 shall be—

- (a) the constituency office Manager whose signature shall be mandatory;
- (b) two signatories appointed by the member for that purpose.

[L.N. 116/2005, r. 2.]

20. Bank statements

Copies of bank statements and any other financial records from every constituency shall be availed to the Clerk at the end of every month.

PART IV – STAFFING OF CONSTITUENCY OFFICES

21. Constituency office staff

A member shall employ a constituency office manager and other staff as the member shall require subject to the ceiling of staff salaries approved by the Commission.

[L.N. 116/2005, r. 2.]

21A. Staff for nominated Members

Despite regulation 21, a nominated Member of Parliament shall employ a personal assistant, a driver and a secretary subject to the ceiling of staff salaries approved by the Commission.

[L.N. 13/2012, r. 7.]

22. Recruitment of staff

(1) Members shall initiate recruitment of all the constituency office staff and determine their terms of employment and salary scales.

(2) The staff recruited pursuant to this regulation shall not hold any post in a political party.

(3) Notwithstanding the provisions of paragraph (1), the staff recruited shall not be paid house allowance, overtime allowance or any honorarium.

[L.N. 116/2005, r. 2.]

23. Terms of service

(1) Subject to regulation 22(3), the terms of service for constituency staff employees shall be a maximum of five years contract and upon termination of such contract a member of staff shall be eligible for payment of contract gratuity at the rate of 31% of his or her basic salary.

(2) On earlier termination of any contract for the constituency staff, the contract gratuity shall be determined on a *pro rata* basis.

[L.N. 13/2012, r. 8.]

24. Custody of contract document

Each staff shall sign a contract in three counterparts with the Member retaining one, the staff the other and the last one being submitted to the Clerk.

25. Expiry of contract

(1) At the expiry of a contract, three month's salary in lieu of notice shall be paid to the staff.

(2) A staff may at any time give one month's notice before vacating his employment, or surrender one month's salary in lieu of notice.

26. Leave entitlement

(1) Each staff shall be entitled to twenty-one working days as annual leave and shall in that respect be entitled to a leave allowance to be determined by the Commission.

(2) The official working days and hours for the constituency staff shall conform to those of officers working in the public service in the local jurisdiction.

27. Severance procedures

When a member ceases to be the representative of a constituency either after an election, or in any other manner, the contract signed between the member and the staff at the constituency office shall become void.

[Subsidiary]**28. Qualification**

The constituency office Manager shall possess a post-secondary school training, preferably a university degree or its equivalent in addition to having a good understanding of Government procedures and local problems.

[L.N. 116/2005, r. 2.]

29. Duties or responsibilities of constituency staff

(1) It shall be the responsibility of the constituency office Manager to—

- (a) provide administrative and institutional support to a member;
- (b) keep the Member well informed about the transactions of the constituency bank account established under regulation 18;
- (c) conduct official correspondence;
- (d) prioritize incoming mail and enquiries;
- (e) undertake general office management; and
- (f) maintain a member's diary at the constituency office by recording all major constituency events that require the Member's attention.

(2) The Secretary and other staff shall perform such duties as shall be assigned to them by the constituency office Manager from time to time.

PART V – HANDING OVER OFFICES

30. Transit period between sitting members

When the office of a Member falls vacant, the constituency office Manager shall be responsible for running the constituency office until a new Member is elected.

31. Period of vacating office

Any outgoing Member shall vacate the constituency office within seven working days after the gazettelement of the new member.

32. Removing personal effects from the office

The cost for transporting personal papers and effects of a Member who has ceased to be the representative of a particular constituency shall be the responsibility of the outgoing Member.

33. Assistance during transition

(1) The Commission shall pay all expenses including rent, telephone, power and lighting, water and other incidental costs relating to a constituency office for one (1) month after a Member vacates his seat.

(2) If a Member resigns, all the payments to the constituency office shall cease with effect from the date the Speaker receives the letter of resignation from the member.

(3) Photocopying and postal privileges including use of franking stamp in respect of a constituency office shall continue for one month after the election day.

34. Accounting for Commission property

It shall be the responsibility of the outgoing Member and his or her constituency staff to fully account for Commission property in the constituency office, including the bank account transactions within one month of the gazettelement of a new Member.

35. Signing the handing over report

The returns specified in regulation 34 shall be signed by the constituency office manager and handed over to the Clerk or his appointed representative within 30 days of the swearing in of Members of Parliament.

[L.N. 13/2012, r. 9.]

36. Finalising handing over

The Clerk shall satisfy himself that all the handing over procedures have been fully complied with before making last payments of salaries and allowances, if any, to the outgoing constituency office Manager and other staff.

**PARLIAMENTARY SERVICE (CENTRE FOR PARLIAMENTARY
STUDIES AND TRAINING) REGULATIONS, 2011**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE CENTRE

3. Establishment of the Centre.
4. Functions and objects of the Centre.

PART III – ADMINISTRATION OF THE CENTRE

5. Board of the Centre.
 6. The Director.
 7. Powers of the Board.
 8. Signing of documents.
 9. Bank account.
 10. Accounts and audit.
 11. Staff of the Centre.
 12. Quorum.
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[Subsidiary]

PARLIAMENTARY SERVICE (CENTRE FOR PARLIAMENTARY STUDIES AND TRAINING) REGULATIONS, 2011

[L.N 95/2011, L.N. 134/2012, L.N. 20/2016.]

PART I – PRELIMINARY**1. Citation and commencement**

These Regulations may be cited as the Parliamentary Service (Centre for Parliamentary Studies and Training) Regulations, 2011, and shall be deemed to have come into force on the 1st July, 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Parliamentary Service Act, 2000;

“**Board**” means the Board of the Centre constituted in accordance with regulation 5;

“**Centre**” means the Centre for Parliamentary Studies and Training established under regulation 3;

“**Commission**” means the Parliamentary Service Commission;

“**Director**” means the Director of the Centre; and

“**financial year**” means a period of twelve months ending on the thirtieth June in each year.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE CENTRE**3. Establishment of the Centre**

(1) There is established a centre to be known as the Centre for Parliamentary Studies and Training.

(2) The offices of the Centre shall be offices in the parliamentary service.

4. Functions and objects of the Centre

The functions and objects for which the Centre is established are to—

- (a) conduct courses for the exposition and enhancement of the knowledge, skills and experience of members and staff of Parliament and the county assemblies;
- (b) conduct courses on parliamentary matters to other persons as may be approved by the Board;
- (c) provide directly, or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training;
- (d) participate in the preservation and transmission of parliamentary knowledge in Kenya;
- (e) conduct examinations for, and grant, academic awards as may be necessary;
- (f) contribute to the effective and efficient execution by Parliament of its roles and functions in democratic governance;
- (g) prepare modules of training on legislation, representation and the oversight roles of Parliament, in collaboration with the National Assembly and the Senate, other national or supranational Parliaments, and other centres or institutes executing similar mandates;
- (h) undertake any other business which is incidental to the performance of any of the foregoing functions.

[L.N. 20/2016, r. 2.]

PART III – ADMINISTRATION OF THE CENTRE

5. Board of the Centre

(1) The management of the Centre shall vest in a Board which shall consist of the following members—

- (a) six members of the Commission, one of whom shall be the chairperson;
- (b) the Clerk of the National Assembly;
- (c) the Clerk of the Senate;
- (ca) a lecturer at a recognized university who is at the level of senior lecturer or above and who possesses knowledge and experience in capacity building, training or research;
- (d) the Director.

(2) The Board shall be responsible for the policy direction of the Centre.

(3) The Commission shall appoint the member of the Board provided for under paragraph (ca) of sub-regulation (1) through a transparent and competitive process.

(4) A person appointed under paragraph (ca) of sub-regulation (1) shall serve for a term of five years which shall, subject to the approval of the Commission, be renewable for one further term of five years.

(5) The Board may, with the approval of the Commission, co-opt a person who has knowledge, skills and experience in public or parliamentary affairs, research, capacity building or training to the membership of the Board.

(6) A person co-opted to the membership of the Board under sub-regulation (5) shall serve for such period as the Board shall, with the approval of the Commission, determine and shall not have the right to vote.

(7) A member of the Board shall be paid such allowance as the Commission shall determine.

[L.N. 134/2012, r. 2, L.N. 20/2016, r. 3.]

6. The Director

(1) There shall be a Director of the Centre who shall be responsible for the day-to-day management of the affairs and business of the Centre.

(2) The Director shall be—

- (a) an employee of the parliamentary service;
- (b) the Secretary to the Board, but shall have no right to vote at any meeting of the Board; and
- (c) responsible to the Commission through the Board.

7. Powers of the Board

Subject to the powers of the Commission under the Constitution and the Act, the Board shall have power to—

- (a) administer the property and funds of the Centre in such manner and for such purposes as shall promote the best interests of the Centre and Parliament;
- (b) receive, on behalf of the Centre or the Parliament, gifts, donations, or grants meant for the Centre;
- (c) do such other thing as the Commission may from time to time direct.

[L.N. 20/2016, r. 4.]

8. Signing of documents

All documents, other than those required by law to be under seal, made on behalf of the Centre, and all decisions of the Centre, shall be signified by the hand of the Director.

[Subsidiary]

9. Bank account

The Board may, with prior approval of the Commission, open one or more bank accounts in the name of the Centre.

10. Accounts and audit

(1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Centre.

(2) Within a period of three months after the end of each financial year, the Board shall cause to be prepared—

- (a) a statement of the income and expenditure of the Centre during that year; and
- (b) a balance sheet of the Centre on the last day of that year.

(3) The accounts of the Centre shall be audited and reported upon in accordance with the Public Audit Act, 2003 (No. 12 of 2003).

(4) The Director, and two other members of the Board designated by the Commission, shall be signatories to such bank account or accounts as may be opened by the Board in accordance with regulation 9.

11. Staff of the Centre

The Commission may deploy to the Centre such number of staff as may be required for the efficient discharge of the functions of the Centre under these Regulations.

12. Quorum

(1) The quorum for the conduct of the business of the Board shall be three members, at least one of whom shall be a member of the Commission, including the chairperson or the person presiding.

(2) Except as provided for in the paragraph (1), the Board may regulate its own procedure.

**PARLIAMENTARY SERVICE (OFFICES OF
MEMBERS OF PARLIAMENT) REGULATIONS, 2013**

ARRANGEMENT OF REGULATIONS

PART I – GENERAL PROVISIONS

Regulation

1. Citation.
2. Interpretation.

PART II – PROVISION OF OFFICES TO MEMBERS OF PARLIAMENT

3. Provision of offices within the precincts of Parliament.
4. Where an office is not available in the precincts of Parliament.
5. Member not entitled to lease office while office available in precincts of Parliament.

PART III – OFFICE RENTAL

6. Initiating opening of an office.
 7. Restriction on where to open an office.
 8. Maximum office space.
 9. Approval and processing of lease agreement.
 10. Signing the lease agreement.
 11. Payment of rent.
 12. Signage.
 13. Reporting complaints on use of office.
 14. Procurement procedures.
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**PARLIAMENTARY SERVICE (OFFICES OF
MEMBERS OF PARLIAMENT) REGULATIONS, 2013**

[L.N. 65/2013, L.N. 3/2014.]

PART I – GENERAL PROVISIONS**1. Citation**

These Regulations may be cited as the Parliamentary Service (Offices of Members of Parliament) Regulations, 2013 and shall come into operation on the 28th day of March, 2013.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Clerk” means the Clerk of the National Assembly or the Clerk of the Senate appointed under Article 128 of the Constitution;

“Commission” means the Parliamentary Service Commission established under Article 127 of the Constitution;

“landlord” for purposes of these Regulations includes landlady;

“Member” means an elected or nominated Member of Parliament;

“Member’s home” means any place, house, building or shelter which is ordinarily used by a Member anywhere in the Republic of Kenya as his home; and

“Principal Secretary” means an officer appointed by the President pursuant to Article 155 of the Constitution.

PART II – PROVISION OF OFFICES TO MEMBERS OF PARLIAMENT**3. Provision of offices within the precincts of Parliament**

Following the swearing-in of a Member of Parliament, the Clerk of the respective House shall provide an office within the precincts of Parliament for the use of the Member.

4. Where an office is not available in the precincts of Parliament

Where the Clerk certifies that an office is not available for a Member of Parliament within the precincts of Parliament, the Clerk shall authorize the Member of Parliament to identify for leasing an office within the County of Nairobi for temporary use by the Member until such time as an office is available for the Member within the precincts of Parliament.

5. Member not entitled to lease office while office available in precincts of Parliament

A Member of Parliament shall not be entitled to use leased office premises under these Regulations if an office has been made available for the use of the Member within the precincts of Parliament.

PART III – OFFICE RENTAL**6. Initiating opening of an office**

Upon the identification of an office by a Member of Parliament, the Clerk shall—

- (a) inspect and verify that the office identified by the Member is fit for human habitation and meets the basic public health standards and requirements;
- (b) confirm that the office building is structurally sound; and
- (c) assess the value of the office through a qualified property valuer to confirm the market renting price for such an office.

7. Restriction on where to open an office

Renting of offices shall not be permitted where the proposed office is—

- (a) in a building owned by a Member of Parliament or the Member's close relative;
- (b) in a building where the Member has direct financial interest; or
- (c) in the Member's home.

8. Maximum office space

The area of the rented office space for an office of a Member of Parliament leased under these Regulations shall not exceed 210 square feet.

9. Approval and processing of lease agreement

A Member of Parliament shall, subject to the fulfilment of the provisions of regulation 6, forward a draft lease agreement to the Clerk for approval and processing.

10. Signing the lease agreement

Upon approval of a draft lease, the Member of Parliament shall sign the lease agreement with the landlord or agent before occupying the office and shall be responsible for the accuracy of all the information contained in the lease agreement.

11. Payment of rent

The Clerk shall make available the monthly sum required for the payment of rent under a lease agreement entered into under these Regulations which shall not exceed the sum of seventy-five thousand shillings, exclusive of service charge.

[L.N. 3/2014, r. 2.]

12. Signage

The signage for an office of a Member of Parliament shall indicate the words 'Member of the National Assembly' or 'Senator' and, where relevant, the county or constituency that the Member represents.

13. Reporting complaints on use of office

(1) An office leased under these Regulations shall be a public office and any complaint regarding the use of such office may be reported to the Member or to the Commission in writing.

(2) Upon receipt of a complaint pursuant to sub-regulation (1), the Member or the Commission, as the case may be, shall investigate the complaints and take action as it deems appropriate.

14. Procurement procedures

The Parliamentary Service Commission may provide such furniture, services and equipment as it may consider necessary for the Member's office.

**PARLIAMENTARY SERVICE (PARLIAMENTARY FUND)
REGULATIONS, 2014**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation.
 3. Application and enforcement.
 4. Use of the Fund.
 5. Preparation of the budget.
 6. Approval of budget and authorization of expenditure.
 7. Authority to incur obligation.
 8. Authority to incur expenditure.
 9. Availability of appropriation.
 10. Obligations to the Fund.
 11. Budgetary appropriations and report.
 12. Procurement.
 13. Duties of officers.
 14. Loss of cash or property.
 15. Loss of stores.
 16. Waiver of liability.
 17. Loss of Parliament's assets.
 18. Bank accounts.
 19. Receipts of moneys.
 20. Deposit of receipts in bank.
 21. Petty cash fund.
 22. Cash advances.
 23. Payments from the Fund.
 24. Payment of salaries.
 25. Salary advances.
 26. Repeal of L.N. 76 of 2005.
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**PARLIAMENTARY SERVICE (PARLIAMENTARY
FUND) REGULATIONS, 2014**

[L.N. 29/2014.]

1. Citation

These Regulations may be cited as the Parliamentary Service (Parliamentary Fund) Regulations, 2014.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Accounting Officer**” means the Clerk of Senate;

“**Commission**” means the Parliamentary Service Commission established under Article 127 of the Constitution.

“**Fund**” means the Parliamentary Fund established under section 24(1) of the Public Finance Management Act, 2012 (No. 18 of 2012).

3. Application and enforcement

(1) These Regulations shall apply to all matters relating to the financial management of the Fund.

(2) The administration of these Regulations is vested in the Accounting Officer subject to the right of any person aggrieved by any decision of the Accounting Officer to refer the matter to the Commission for re-consideration.

(3) The Accounting Officer may delegate his or her powers conferred by these Regulations to the Heads of Services or to any other officer of the Commission, as he or she may deem fit.

4. Use of the Fund

The moneys of the Fund shall be—

- (a) utilized in accordance with the provisions of the yearly Finance Act;
- (b) spent in conformity with the decisions of the Commission;
- (c) exclusively and prudently used for the expenditures of Parliament in accordance with the appropriations made in its budget.

5. Preparation of the budget

(1) For each financial year, the Accounting Officer shall prepare a budget of Parliament which shall—

- (a) cover all incomes, expenditures and activities of Parliament for the financial year;
- (b) be divided into vote, sub-vote, heads and items according to their nature and affinity;
- (c) be accompanied by any annexes, explanatory notes and any relevant statements; and
- (d) juxtapose the allocations for the preceding financial year with the estimates for the current year together with projected allocations for the next financial year.

(2) The Accounting Officer shall prepare and submit to the Commission the budget referred to in paragraph (1) on or before the 31st March of each financial year.

(3) The Chairman of the Commission shall submit the budget referred to in paragraph (1) to the National Assembly at least one day before the national budget is presented to the National Assembly.

(4) Upon approval by the National Assembly, the expenditure of the Parliamentary Service Commission shall be a charge on the Consolidated Fund and the funds shall be paid directly into the Parliamentary Fund.

(5) All money received from any other source shall be paid directly into the fund.

6. Approval of budget and authorization of expenditure

The budget of Parliament shall be approved by the National Assembly before any moneys from the Fund are expended. The appropriations approved by the National Assembly shall constitute the required authorization for the Accounting Officer to incur obligations and expenditures for the purposes for which the appropriations have been approved and for the amounts so voted.

7. Authority to incur obligation

The Accounting Officer shall have authority to incur obligations and expenditures chargeable to the Fund, but such authority shall be exercised in accordance with the general directions of the Commission.

8. Authority to incur expenditure

The Accounting Officer shall administratively issue an authority to incur expenditure to any officer of the Commission but the authority so issued shall be accompanied by guidelines stipulating how the authority to incur expenditure shall be utilized.

9. Availability of appropriation

(1) All appropriations approved by the National Assembly shall—

- (a) be available for meeting obligations of Parliament for the financial year to which they relate;
- (b) remain available for a period of three months following the end of the financial year to which they relate if they are required to discharge pending obligations in respect of goods supplied and services rendered for that ended financial year.

(2) Any funds not utilized after the expiry of three months after the end of the financial year shall be deposited in the Fund.

10. Obligations to the Fund

The Fund shall not incur any financial obligation unless such obligation—

- (a) is based on contract, purchase order, local service order, agreement or other form of understanding entered into between Parliament and another body;
- (b) is incurred after appropriations have been approved by the National Assembly;
- (c) has been transferred from the previous financial year in which it had remained unliquidated.

11. Budgetary appropriations and report

The Accounting Officer shall—

- (a) be responsible to the Commission for ensuring that budgetary allocations are not exceeded and are only utilized for the purposes for which they were approved and may, on adequate grounds, disallow any proposal for unjustifiable expenditure;
- (b) submit to the Commission a semi-annual budget performance report indicating the budgetary appropriations, actual expenditures, commitments and explanations for over-expenditure or under-expenditure of funds for the period to which the report relates and may at any time demand quarterly budget performance reports from officers of the Commission charged with financial responsibility.

[Subsidiary]**12. Procurement**

Subject to these Regulations, procurement by Parliament shall be done in accordance with the Public Procurement and Disposal Act (Cap. 412C), the Public Procurement and Disposal Regulations (L.N. 174/2006) or any other written law on procurement.

13. Duties of officers

It shall be the duty of the Head of Finance, the Chief Accountant, the Chief Procurement Officer and the Auditor-in-charge to submit to the Accounting Officer all appropriate documents, explanations or justifications in support of expenditures and proposed obligations.

14. Loss of cash or property

Loss of cash or any property of Parliament shall immediately be reported to the Accounting Officer, who shall initiate investigation thereon and where necessary, contact the Police for assistance.

15. Loss of stores

If loss of any cash, stores, assets or equipment of Parliament is reported—

- (a) the Accounting Officer shall launch an investigation into the loss and that investigation may lay responsibility of the loss to an officer of Parliament;
- (b) an officer held responsible for any such loss may be required to reimburse the loss either in full or partially and may be disciplined if the loss arose out of misappropriation on the part of the officer;
- (c) the Accounting Officer may recommend the writing-off of an asset where nobody has been held responsible for such loss;
- (d) the Commission, after full investigation of each case, may authorize the writing-off of losses or such other adjustments to Parliament's records as may be necessary to bring the stock balances to be in conformity with the actual quantities;
- (e) any investigations and remedy adopted pursuant thereto shall be executed within the financial year in which the loss is incurred and in any event not later than three months after the expiration of that financial year.

16. Waiver of liability

No amount of money due to Parliament may be waived except with the prior authorization by the Commission in which case the Commission shall indicate the name of the persons or organizations benefiting from the waiver and the circumstances that justified the waiver.

17. Loss of Parliament's assets

All equipment and other property of Parliament issued on loan to any person shall be recorded in a log book maintained by the Accounts Controller which log book shall show the date the loan was made, the terms and conditions of the loan and the name and signature of the borrower.

18. Bank accounts

(1) The Commission shall open and maintain, in Nairobi, such bank accounts as may be necessary for the exercise of its functions.

(2) The bank accounts referred to in sub-regulation (1) shall be closed only with the approval of the Commission.

(3) Separate ledger accounts shall be maintained for each bank account held by the Commission.

(4) The Chief Accountant shall demand from the banks monthly bank statements, which shall, where applicable, be accompanied by withdrawal instructions and debit and credit advice.

(5) The Chief Accountant shall reconcile each bank account monthly and give the two Clerks of Parliament and the Head of the joint services detailed information on the reconciled accounts.

19. Receipts of moneys

All monies due to Parliament shall only be received by the Chief Accountant or their designated alternates and official receipts shall be issued for all such moneys received.

20. Deposit of receipts in bank

(1) The Chief Accountant shall record in the books of account all receipts on the day the remittance is received and deposit such receipts in the bank not later than the close of the next working day.

(2) All monies not deposited in a bank account as required in sub-regulation (1) shall be kept in an official safe installed at the cash office for that purpose.

21. Petty cash fund

(1) The Accounting Officer may establish a petty cash fund whose total float shall not exceed one million shillings a month.

(2) The fund established under sub-regulation (1) shall—

- (a) be maintained by the cashiers on the imprest system and shall be kept in safe custody;
- (b) be fixed and its total cash float shall not be varied without the prior approval of the Accounting Officer.

(3) All petty cash requests shall be approved by the Accounting Officer or his or her designated officer.

(4) The internal auditor shall regularly spot-check the petty cash, document his or her findings and report any anomalies in the petty cash float to the Accounting Officer.

(5) No officer shall be advanced more than one hundred thousand shillings from the petty cash fund per request.

22. Cash advances

(1) All salary and other cash advances to members and staff of the Commission shall be authorized by the Accounting Officer.

(2) No contract or purchase order shall be made on behalf of the Commission requiring payment in advance of delivery of goods or performance of services except with the prior permission of the Accounting Officer and the reasons for accepting the advance payment shall be reported to the Commission.

(3) No officer of the Commission shall advance, lend or exchange any sum of which he is answerable to the Accounting Officer except with the prior permission of the Accounting Officer.

23. Payments from the Fund

(1) Every obligation or proposal to incur expenditure from the Fund or any other special fund of the Commission, shall require prior approval by the Accounting Officer before the expenditure is so incurred.

(2) Payment from the Fund shall only be made—

- (a) on the basis of duly certified supporting vouchers and other documents indicating that the goods or services in respect of which the payment is made have been received in accordance with the documents establishing the obligations; and
- (b) after the Chief Accountant has ensured that the payment has not previously been made and that he has no knowledge of any information that would bar the making of the payment.

[Subsidiary]

(3) The Accounting Officer in consultation with the head of Accounting Unit shall designate signatories to the bank accounts of the Commission.

(4) The Chief Accountant shall be responsible for registering cheques and ensuring safe custody of the cheques and counterfoils as evidence of payment.

(5) The Accounting Officer shall approve all payments before they are made.

(6) All cheque payments against invoices shall be made by a crossed cheque worded "Account Payee only".

(7) All cheques shall be endorsed by at least three signatories.

(8) Any alteration on a cheque shall be counter-signed by at least one signatory provided that no alteration shall be permitted in the name of the payee in which case the cheque must be cancelled and a replacement cheque issued thereof.

(9) No cheque shall be issued against a duplicate voucher or invoice but the Accounting Officer may dispense with this requirement in any case where he finds it necessary in which case duly certified copies of the voucher or invoice and a letter of indemnity by the supplier shall suffice.

24. Payment of salaries

(1) The staff of Parliament shall only be engaged under the written authority of the Commission based on approved positions and approved appropriations in the budget.

(2) Salaries shall be paid at least five days to the end of the month.

(3) The salaries paid shall be based on the Commission scales and other conditions of service as determined by the Commission.

(4) All posts in the Parliamentary Service shall be classified by title and salary scale in accordance with the duties and responsibilities under each post as established by the Commission.

(5) The first appointment to all posts in the Parliamentary Service shall be at the first step of the appropriate salary scale.

(6) All statutory deductions made by the Commission on the salaries of staff shall be promptly remitted to the relevant authorities and schemes.

25. Salary advances

(1) Salary in advance may be granted to cover a period of approved local or official travel if the staff member is scheduled to be away from the duty station on the payday.

(2) The Accounting Officer may, in exceptional cases and upon a proper written application, authorize the payment to a staff member of a salary advance of one month's basic salary excluding all allowances.

(3) Any salary advance granted to a staff member under sub-regulation (2) shall be deducted from the staff member's salary commencing the second month following the day on which the advance was given and the deduction shall be spread equally over a period not exceeding twelve months.

(4) Any outstanding salary advances at the time of resignation, retirement, termination, dismissal or death shall be recovered from any salary or pension or other benefits due to the member of staff or his beneficiaries as the case may be.

26. Repeal of L.N. 76 of 2005

The Parliamentary Service (Financial Procedures) Regulations, 2005, are repealed.

**PARLIAMENTARY SERVICE (SENATE MONITORING AND EVALUATION)
(PROCEDURES FOR MANAGEMENT OF FUNDS) REGULATIONS, 2016**

[L.N. 177/2016.]

PART I — PRELIMINARY**1. Citation**

These Regulations may be cited as the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"accounting officer" means the Clerk of Senate;

"bank account" means an account opened at a commercial bank for the purpose of monitoring and evaluation under these Regulations;

"Clerk" means the Clerk of the Senate appointed under Article 128 of the Constitution;

"Commission" means the Parliamentary Service Commission established under Article 127 of the Constitution;

"Committee" means Senate Monitoring and Evaluation Committee established by Regulation 13;

"county office" means an office set up by a Senator in accordance with the Parliamentary Service (Constituency Office) Regulations, 2005;

"county" has the meaning assigned to it under Article 6(1) of the Constitution;

"funds" means the sum allocated to Senators for purposes of carrying out monitoring and evaluation under the Commission budget;

"House" means the Senate;

"recipient" means a nominated or elected Senator;

"returns" means documentation indicating expenditure incurred during the monitoring and evaluation exercise;

"Speaker" means the Speaker of the Senate; and

"staff" means an employee or employees of a Senator under these Regulations.

3. Purpose

The purpose of the Regulations is to guide the Senate Sessional Committee on Monitoring and Evaluation in the administration, disbursement and management of the fund to ensure efficiency and effectiveness.

4. Application

(1) These Regulations shall apply to recipients of funds, the Committee established under Regulation 13, employees of the Commission and any other staff or officer employed by the Senator to be involved in the management and administration of the funds.

(2) The application of these regulations shall be guided by Article 96 (1) of the Constitution which mandates the Senate to represent the counties and serve to protect the interests of the counties and their governments.

PART II — GENERAL PROVISIONS**5. Monitoring and evaluation funds**

(1) The funds to be utilized by the Senators for monitoring and evaluation shall be monies allocated by the commission for the purpose.

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(2) The funds shall be utilized to carry out monitoring and evaluation activities in exercise of the Senate's oversight function over county governments.

6. Sources of the funds

The funds shall consist of the following—

- (a) monies appropriated under the Commission's Budget for monitoring, evaluation and impact assessment;
- (b) grants and donations received through the Commission; and
- (c) any other lawful sources.

7. Objects of the Regulations

(1) The object of the Regulations is to provide monies to Senators to carry out monitoring and evaluation activities in exercise of the Senate's oversight role over county governments in accordance with Article 96 of the Constitution.

(2) Without prejudice to sub regulation (1), the fund shall be utilized in—

- (a) carrying out county expenditure tracking surveys;
- (b) facilitating consultation forums on issues affecting the counties;
- (c) assessing public perception on service delivery in the counties;
- (d) research, studies and surveys on various thematic areas affecting counties;
- (e) social auditing of development projects being undertaken in the counties;
- (f) tracking of revenues being collected by county governments;
- (g) tracking and monitoring development activities in the counties; and
- (h) any other monitoring and evaluation activity relevant to the mandate of the Senate.

(3) The nominated Senators shall, for the purpose of carrying out the monitoring and evaluation activities specified in paragraph (1) conduct activities in counties in respect of the interest that they represent in the Senate.

8. Initial allocation

The initial amount to be allocated by the Commission shall be one billion shillings provided under the Commission's 2016/17 budget provided that the allocation may be reviewed from time to time.

9. Distribution of the funds

The funds shall be distributed as follows—

- (a) a one per cent administration fee shall be charged on the total fund allocated and shall be retained by the Commission for purposes of facilitating administrative functions for the fund;
- (b) one per cent of the total fund allocation shall be set aside for capacity building;
- (c) six per cent of the total fund allocated shall be set aside for the nominated Senators and this amount shall be divided equally among the nominated Senators; and
- (d) the balance shall be shared among the elected Senators according to the formula set out in the First Schedule.

10. Disbursement of funds

The funds shall be disbursed in accordance with conditions set out in the Second Schedule.

PART III — ADMINISTRATION OF THE FUND

11. Administration of the funds

(1) The funds shall be administered through the Senate Monitoring and Evaluation Office established by the Commission.

(2) The accounting officer shall in writing, designate an employee of the Commission to administer the funds.

12. Functions of the administrator

(1) The administrator of the funds shall—

- (a) consult and regularly update with the accounting officer and the Committee on matters relating to the administration of the funds;
- (b) cause to be kept proper books of accounts and other books and records in relation to the fund, of all activities and undertakings financed by the funds;
- (c) consolidate the required reports under these regulations and submit them to the Committee; and
- (d) carry out any other duties assigned by the accounting officer.

(2) The accounting officer shall ensure that the Senate Monitoring and Evaluation Office is resourced with requisite personnel for purposes of the day to day operations and handling of matters related to the management of the fund.

(3) The accounting officer shall open, maintain and manage a separate account with a reputable bank where the monies due for Senate monitoring and evaluation shall be kept.

(4) The disbursement of monies to the recipients shall be bi-annual.

(5) The accounting officer shall with the approval of the Committee established under part IV of these regulations, introduce additional administrative measures from time to time for effective operation of the funds.

PART IV — ESTABLISHMENT OF A COMMITTEE

13. Establishment of the Senate Monitoring and Evaluation Committee

The Senate shall in accordance with its Standing Orders, establish a Committee to be known as the Senate Monitoring and Evaluation Committee consisting of a chairperson and not more than eight other members to oversight the monies allocated.

14. Functions of the Committee

(1) The Committee shall—

- (a) consider the bi-annual disbursements of the funds;
- (b) receive reports on the performance of the funds from the administrator;
- (c) examine the monitoring programmes being undertaken by the recipients of the funds;
- (d) prepare and submit an annual report on the operations and performance of the funds to the Senate; and
- (e) perform any other function as the Senate may approve.

(2) The business and affairs of the Committee shall be conducted in accordance with the Senate Standing Orders.

PART V — FINANCIAL PROCEDURES

15. Receipts and earnings to be retained

The balances of the funds at the close of each financial year shall be retained for use for the purpose of monitoring and evaluation

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16. Accounts and records

The accounting officer shall cause to be kept all proper books and records of the accounts of the income, expenditure and liabilities associated with the funds.

17. Financial statements

Within three months after the end of each financial year, the accounting officer shall submit to the Commission the accounts of the fund showing—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the funds as at the last day of the financial year.

18. Report on operation

(1) The administrator of the fund shall, within three months after the end of each financial year, prepare and submit to the accounting officer a report of the operations for the immediately preceding year.

(2) The accounting officer shall submit the said report to the committee for consideration.

19. Annual report

The accounting officer shall lay the annual report before the Commission within three months from the day the Commission next sits after the report is presented to him.

20. Procurement services

The procurement of all works and services relating to activities under these regulations shall be governed by the Public Procurement and Asset Disposal Act, No. 33 of 2015 and shall be processed through the Commission's procurement unit.

21. Opening of bank account

An account approved by the Commission shall be opened for every Senator's monitoring and evaluation activities, with a reputable commercial bank at the nearest location from the county headquarters.

22. Authority to Incur Expenditure

At the commencement of every financial year, the county office manager shall be issued with an Authority to Incur Expenditure by the Clerk for that financial year.

23. Equipment

The county office manager shall purchase office equipment as may be necessary to effectively enable monitoring and evaluation.

24. Conformity with Government financial regulations

The county office manager shall ensure that the money available is spent in conformity with existing Government financial regulations to facilitate quick, efficient and effective delivery of services.

25. Signatories

The signatories to the account opened pursuant to regulation 22 shall be—

- (a) The county office manager whose signature shall be mandatory; and
- (b) two signatories appointed by the Senator for that purpose.

26. Bank statements

Copies of bank statements and any other financial records from every Senator's allocation shall be availed to the Clerk at the end of every month.

PART VI — OFFICES AND STAFFING FOR
PURPOSES OF MONITORING AND EVALUATION

27. Monitoring and evaluation staff

(1) Senator may set up an office at the county headquarter, for purposes of administrative activities in undertaking monitoring and evaluation.

(2) A Senator who opts to utilize the staff appointed under the Parliamentary Service (Constituency Offices) Regulations, 2005, shall vary the terms of the contracts of appointment of the staff to take into account the new responsibilities.

(3) Despite paragraph (1), a Senator may engage such additional staff as may be necessary to ensure effective monitoring and evaluation, subject to the ceiling of staff salaries approved by the Commission.

(4) The provisions of the Parliamentary Service (Constituency Offices) Regulations, 2005 with necessary modifications, apply to any office established under paragraph (3).

28. County office manager

The County office manager appointed by a Senator under the Parliamentary Service (Constituency Offices) Regulations, 2005, shall—

- (a) be the officer incharge of management of the finances allocated for monitoring and evaluation; and
- (b) keep the Senator well informed about the transactions of the monitoring and evaluation bank account established under these Regulations.

PART VII — MISCELLANEOUS PROVISIONS

29. Cash balances

(1) Any cash balances from the funds shall be transferred to the Commission.

(2) All assets and liabilities accrued by the fund shall be transferred to the Commission.

31. Handing over

Part V of the Parliamentary Service (Constituency Offices) Regulations, 2005, shall, with necessary modifications, apply to handing over of offices, records and other property by a Senator who ceases to hold office.

Parliamentary Service

[Subsidiary]

FIRST SCHEDULE

[Regulation 9.]

FORMULA FOR ALLOCATING MONIES AMONG THE ELECTED SENATORS

PARAMETER	.	WEIGHT (%)
Equal Share	q	47
Population	s	45
Size of County	r	8

$$CA = ((q \text{ (BES)})/47) + ((r \text{ (SC)})/TS) + ((s \text{ (CP)})/TP)$$

Where:

CA - Allocation due to Individual Elected Senator

ES - Equal Share

CP - County population

TP - Total Population

SC - Size of the County

TS - Total Size

q, r, s - parameter weights where: $q+r+s=1$ or 100%

SECOND SCHEDULE

[Regulation 10.]

CONDITIONS FOR DISBURSEMENT

1. All disbursements to the respective recipients shall be approved and minuted by the committee.
2. All disbursements from the fund's main account shall be made through the recipient bank accounts maintained for every recipient by the fund administrator.
3. The record of the amounts received by each recipient shall be submitted to the committee within thirty days after the close of the financial year and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received.
4. The committee shall set out general conditions and requirements for release of monies to ensure efficient and effective management of the funds released.
5. The committee may impose reasonable requirements including restrictions on a particular recipient and such restrictions or requirements shall be reported together with the monthly returns to be submitted to the Senate.
6. Returns from the first disbursement made to a recipient in any financial year must be filed with the administrator by a recipient or the staff two months before any subsequent disbursement.
7. Returns from the second disbursement made to a recipient in any financial year must be filed with the administrator of the fund by individual recipients or their staff two months after the close of the financial year.

8. No disbursement to any recipient shall be processed and approved until the administrator is satisfied that the required returns have been filed in such manner as, shall be required by the administrator, filed within the timelines set.

9. The administrator shall develop a schedule showing documentation to be submitted when recipients or their staff are filing the returns.
